

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on March 11, 2008 in Room 519-S of the Capitol.

All members were present except:

Representative Barbara Ballard- excused

Committee staff present:

Hank Avila, Kansas Legislative Research

Bruce Kinzie, Revisor of Statutes Office

Mike Corrigan, Revisor of Statutes Office

Betty Boaz, Committee Assistant

Conferees appearing before the committee:

Diane Minear, Litigation Counsel for the Transportation Division, KCC

Tom Whitaker, Executive Director, KS Motor Carriers Association

Others attending:

See attached list.

Chairman Hayzlett opened the meeting. He opened hearings on **SB 462**.

SB 462 - Motor carriers, base state registration

The Chairman recognized Diane Minear, Litigation Counsel for the Transportation Division of the Kansas Corporation Commission, as the first proponent for **SB 462**. (Attachment #1) Ms. Minear explained how the repeal of a Federal Statute and Regulation affected Kansas Statutes and Regulations which govern the registration of motor carriers. According to Ms. Minear, **SB 462** is a clean-up bill that will amend seven KCC Transportation statutes that specifically reference or cite 49 U.S.C. 14504. The new federal statute gives participating states the authority to collect motor carrier registration fees under the new Uniform Carrier Registration System. Ms. Minear said there were no substantive changes in this proposed bill.

Chairman Hayzlett recognized Tom Whitaker as the next proponent for **SB 462**. (Attachment #2) According to Mr. Whitaker, **SB 462** would amend current law regarding fees paid by motor carriers by replacing references to repealed federal statute 49 U.S.C. 14504 (the Single State Registration System.) He said current state law requires that motor carriers operating in Kansas, whether their activities are intrastate or interstate, register with the Kansas Corporation Commission. Federal law requires motor carriers operating in interstate or international commerce to register in their home states and pay fees that are divided among the states. The current federal statute gives states the authority to collect motor carrier registration fees under the Unified Carrier Registration System, which replaced the federal Single State Registration System in 2007.

There were no other proponents and no opponents. After all questions were answered Chairman Hayzlett closed the hearings on **SB 462**.

Chairman Hayzlett opened hearings on **SB 509**.

SB 509 - Authorizing the state corporation commission to sell certain impounded vehicles

The Chairman recognized Diane Minear as the first proponent. According to Ms. Minear, the KCC was given the authority to impound motor carrier's vehicles and this bill is a cleanup with minor changes and will seldom need to be used. The changes in this bill will help the KCC and other entities address how to dispose of a vehicle that is impounded and then abandoned. (Attachment #3). She concluded by saying that any money received from the sale of the vehicle would be used to pay the cost of the impoundment and sale, with the remainder transferred to the State General Fund.

Tom Whitaker with the KS Motor Carriers Association came forward to support passage of **SB 509**.

CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on March 11, 2008 in Room 519-S of the Capitol.

There were no other proponents to this bill and no opponents. After questions from the Committee were answered, the Chairman closed the hearing on **SB 509**.

Vice-Chairman Peck gave a brief report on the progress of the Sub-Committee appointed to review and make recommendations on **SB 294** concerning graduated drivers' licenses.

The next meeting will be the tour of Old Castle Precast, Inc., at 12:30 p.m., on March 12, 2008.

There being no further business the meeting was adjourned.

HOUSE TRANSPORTATION COMMITTEE

DATE 3-11-08

NAME	REPRESENTING
Tom DAY	KCC
Diane MINER	KCC
MIKE HOENE	KCC

HOUSE TRANSPORTATION COMMITTEE

DATE 3-11-08

NAME	REPRESENTING
Deann Williams	KDOR
Cumen Almitt	KDOR
KEVIN GREGG	KMCA
Tom Whitaker	KMCA
MIKE HOEME	KCC
Diane Minear	KCC
JAMES HANNI	AAA
SEAN MILLER	CAPITOL STRATEGIES
Marcie Ferrill	ICDOT



*Kathleen Sebelius, Governor
Thomas E. Wright, Chairman
Michael C. Moffet, Commissioner
Joseph F. Harkins, Commissioner*

March 11, 2008

**TESTIMONY BEFORE THE HOUSE TRANSPORTATION COMMITTEE
SB 462**

Chairperson Hayzlett and Distinguished Members of the Committee:

My name is Diane Minear and I am the Litigation Counsel for the Transportation Division of the Kansas Corporation Commission. Among other things, the Kansas Corporation Commission is charged with responsibility of administering and enforcing the statutes and regulations governing the registration of motor carriers. I am appearing today on behalf of the Kansas Corporation Commission in support of SB 462.

Senate Bill 462 seeks to amend K.S.A. 66-1,139a and K.S.A. 2007 Supp. 44-765, 66-1,115, 66-1,116, 66-1,128, 66-1,139 and 66-1a01. My testimony will explain how the repeal of a Federal Statute and Regulation affects Kansas Statutes and Regulations which govern the registration of motor carriers.

Synopsis: In August, 2005, Congress passed the SAFTEA-LU bill, which established the Unified Carrier Registration System (UCR). This was codified at 49 U.S.C. 14504a. The bill repealed the Single State Registration System (SSRS) as of January 1, 2007, and thus prohibited state collection of motor carrier registration fees, effective that date. Prior to January 1, 2007, Kansas had been registering motor carriers under the SSRS system and collecting fees for the registrations pursuant to authority granted at K.S.A. 66-1,116. With SSRS repealed, states were left to wait for the UCR to become effective. There was discussion at the federal level about the possible re-enactment of SSRS. Consequently Kansas, like several states, was left in limbo when the legislature was last in session. Because of the uncertainty as to which way the federal government would go with the matter, no legislative changes were sought during the 2007 session. By the time the federal government published a final regulation on August 24, 2007, there was no way for the KCC to seek legislative help in changing Kansas statutes for the year 2007.

SB 462 is a clean up bill that will amend seven KCC Transportation statutes that specifically reference or cite 49 U.S.C. 14504. The new federal statute gives participating states the authority to collect motor carrier registration fees under the new Uniform Carrier Registration System. The amended statutes in SB 462 will also be referenced in new KCC regulations after this bill is passed. There are no substantive changes in this proposed bill.

Thank you for the opportunity to appear before you today. I am happy to entertain any questions that you may have.

House Transportation
Date: 3-11-08
Attachment # 1



Kansas Motor Carriers Association

Trucking Solutions Since 1936

Legislative Testimony

**Before the House Transportation Committee
Representative Gary Hayzlett, Chairman
Tuesday, March 11, 2008**

In Support of Senate Bill No. 462

Michael Topp
TT&T Salvage & Towing, Inc.
President

Mike Miller
Miller Trucking, LTD
Chairman of the Board

Larry Dinkel
Mitten Trucking, Inc.
First Vice President

Greg Orschem
Midwest Express Corp.
Second Vice President

Jason Hammes
Frito Lay Service &
Distribution
Treasurer

Larry "Doc" Criqui
Kansas Van & Storage
Criqui Corp.
Corporate Secretary

Ken Leicht
Rawhide Trucking, Inc.
ATA State Vice President

Calvin Koehn
Circle K Transport, Inc.
ATA Alternate State VP

Jeff Robertson
JMJ Projects, Inc.
Public Relations Chairman

Mike Ross
Ross Truck Line of Salina, Inc.
ProTruck PAC Chairman

Tony Gaston
Rawhide Trucking
Foundation Chairman

Bill Johnston
Northcutt, Inc.
Allied Industries Chairman

Tom Whitaker
Executive Director

MR. CHAIRMAN AND MEMBERS OF THE HOUSE TRANSPORTATION COMMITTEE:

I am Tom Whitaker, executive director of the Kansas Motor Carriers Association. I appear here this afternoon representing our 1,200 member-firms and the highway transportation industry in support of Senate Bill No. 462.

SB 462 would amend current law regarding fees paid by motor carriers by replacing references to repealed federal statute 49 U.S.C. 14504 (the Single State Registration System) with reference to the current federal statute, 49 U.S.C. 14504a (the Unified Carrier Registration System).

Current state law requires that motor carriers operating in Kansas, whether their activities are intrastate or interstate, to register with the Kansas Corporation Commission (KCC). Federal law requires motor carriers operating in interstate or international commerce to register in their home states and pay fees that are divided among the states. The current federal statute gives states the authority to collect motor carrier registration fees under the Unified Carrier Registration System, which replaced the federal Single State Registration System in 2007, as a result of section 4305(b) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

The Kansas Motor Carriers Association respectfully request that the House Transportation Committee pass favorably Senate Bill No. 462. I thank you for the opportunity to appear before you today, and would be pleased to respond to any questions you may have.

House Transportation
Date: 3-11-08
Attachment # 2

March 11, 2008

TESTIMONY BEFORE THE HOUSE TRANSPORTATION COMMITTEE
SB 509

Chairperson Hayzlett and Distinguished Members of the Committee:

My name is Diane Minear and I am the Litigation Counsel for the Transportation Division of the Kansas Corporation Commission. Among other things, the Kansas Corporation Commission is charged with responsibility of administering and enforcing the statutes and regulations governing the registration of motor carriers. I am appearing today on behalf of the Kansas Corporation Commission in support of SB 509.

The Kansas Corporation Commission was given the authority to impound motor carrier's vehicles pursuant to K.S.A. 2006 Supp. 66-1,129a. We are asking you to support this bill as a cleanup. The changes are minor, and hopefully will seldom need to be used, but in those rare occasions, the changes will help both the KCC and other entities address how to dispose of a vehicle that is impounded and then abandoned.

In most cases, we do not believe there will be the need to sell an impounded vehicle. Most of the commercial motor vehicles that would be subject to impoundment under K.S.A. 2006 Supp. 66-1,129 are of enough value that the vehicle will be recovered by either the owner or lien holder. It is going to be the few occasions where a motor carrier, who has already been in violation of motor carrier safety laws and regulations, abandons the impounded vehicle, rather than pay the fines and impound charges.

Pursuant to K.S.A. 8-1102, when a vehicle is unclaimed, it may be sold if the person in possession of the vehicle is a public agency. Under the current definition, the KCC is not a "public agency" who could dispose of the vehicle. If the KCC is in possession of an impounded vehicle, the KCC does not have the authority to sell the vehicle. Solely for the purpose of selling an unclaimed abandoned vehicle which was impounded by the KCC, the KCC wishes to have the authority to dispose of that vehicle and be considered a "public agency" under K.S.A. 8-1102.

Any money received from the sale of the vehicle would be used to pay the cost of the impoundment and sale, with the remainder transferred to the State General Fund.

Thank you for the opportunity to appear before you today. I am happy to stand for any questions.

House Transportation
Date: 3-11-08
Attachment # 3