

Approved: 3-20-08

Date

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on March 13, 2008 in Room 527-S of the Capitol.

All members were present.

Committee staff present:

Hank Avila, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Mike Corrigan, Revisor of Statutes
Mary Jane Brueck, Committee Assistant

Conferees appearing before the committee:

Rep. Ted Powers
Charles Yunker, American Legion
Duane Simpson, Chief Operating officer and Vice President of Kansas Grain and Feed Association
Leslie Kaufman, Kansas Cooperative Council

Others attending:

See attached list.

Chairman Donovan opened the hearing on **HB 2708--Designating K-53 highway as the patriot guard highway.**

Proponents:

Rep. Ted Powers presented a map showing this highway would run from Highway 81, east through Mulvane, to a point about two blocks from the founding point of the Patriot Guard. (Attachment 1) He presented a poem explaining what the Guard does. (Attachment 2)

Charles Yunker, American Legion, explained the Patriot Guard is a group independent from the American Legion. Their primary purpose is to honor those who have served this nation. (Attachment 3)

Seeing no others who wanted to speak to the bill, Chairman Donovan closed the hearing on **HB 2708** and opened the hearing on **HB 2659--Designating a portion of U.S. 400 highway as the atomic veteran's memorial highway.**

Proponent:

Rep. Kenneth Trimmer sent written testimony explaining who the atomic veterans are and why they deserve to be honored by having part of US Highway 400 named for them. (Attachment 4)

Chairman Donovan closed the hearing on **HB 2659** and opened the hearing on **HB 2824--Railroad leasing act, track leases.**

Proponents:

Duane Simpson, Chief Operating officer and Vice President of Kansas Grain and Feed Association explained recent events that have brought about the need for this bill. (Attachment 5)

Kansas Department of Transportation sent written testimony in favor of adoption of this bill. (Attachment 6)

Chairman Donovan asked if anyone else wanted to speak to the bill. Leslie Kaufman, executive Director for the Kansas Cooperative Council, came forward to give the Council's support to this bill. (Attachment 7)

Seeing no others to speak to **HB 2824**, Chairman Donovan closed the hearing, and reopened hearing on **SB 4-- Driver improvement clinics, fees, disposition thereof.**

CONTINUATION SHEET

MINUTES OF THE Senate Transportation Committee at 8:30 A.M. on March 13, 2008 in Room 527-S of the Capitol.

Proponent:

Sen. Phil Journey recapped the previous two hearings on this bill and the amendments that have been made to it. (Attachment 8)

Sen. Palmer said her notes said this bill would be effective January, 2009. She did not see that in the amendment. Sen. Journey explained the wording was "may", which would make it possible for the bill to not go into effect until January, 2009.

Sen. Schmidt said she thought we should have a specific date and requested an amendment to state that.

Mike Corrigan, Revisor of Statutes, said he would add the effective date change to the present balloon amendment. Sen. Journey moved the effective date be included in the amendment. Sen. Palmer seconded the motion. Motion passed.

Chairman Donovan asked if all were comfortable with the changes in the bill and the amendment. There were no questions. Sen. Journey moved adoption of the balloon amendment. Sen. Wilson seconded the motion. The motion passed.

Sen. Journey moved that the bill be moved out of committee favorably as amended. Sen. Gilstrap seconded the motion. Motion passed. Sen. Journey will carry the bill.

What are your wishes on the other three bills. Sen. Wilson moved pass **HB2659** favorably and put on Consent Calendar since it is not a bill of any controversy. The motion was seconded by Sen. Petersen. Motion passed.

Sen. Schmidt moved we pass **HB 2708** out of committee favorably. Seconded by Sen. Petersen. Motion carried.

HB 2824 came to committee from the Consent Calendar in the House. Sen. Wilson moved **HB 2824** be moved out of committee favorably and be put on the Consent Calendar. Sen. Petersen seconded the motion. Motion passed.

Chairman Donovan asked for motion to approve the minutes of the March 6 meeting. Sen. Schmidt moved adoption of the minutes. Sen. Apple seconded the motion. Motion passed.

Chairman Donovan reminded members of the tour of Oldcastle Precast facility at 11:30 today. Anybody who wants to attend is to meet at the east door of the Capitol.

Having no further business to be heard, Chairman Donovan adjourned the meeting at 8:58 a.m. Next meeting is Tuesday, March 18.

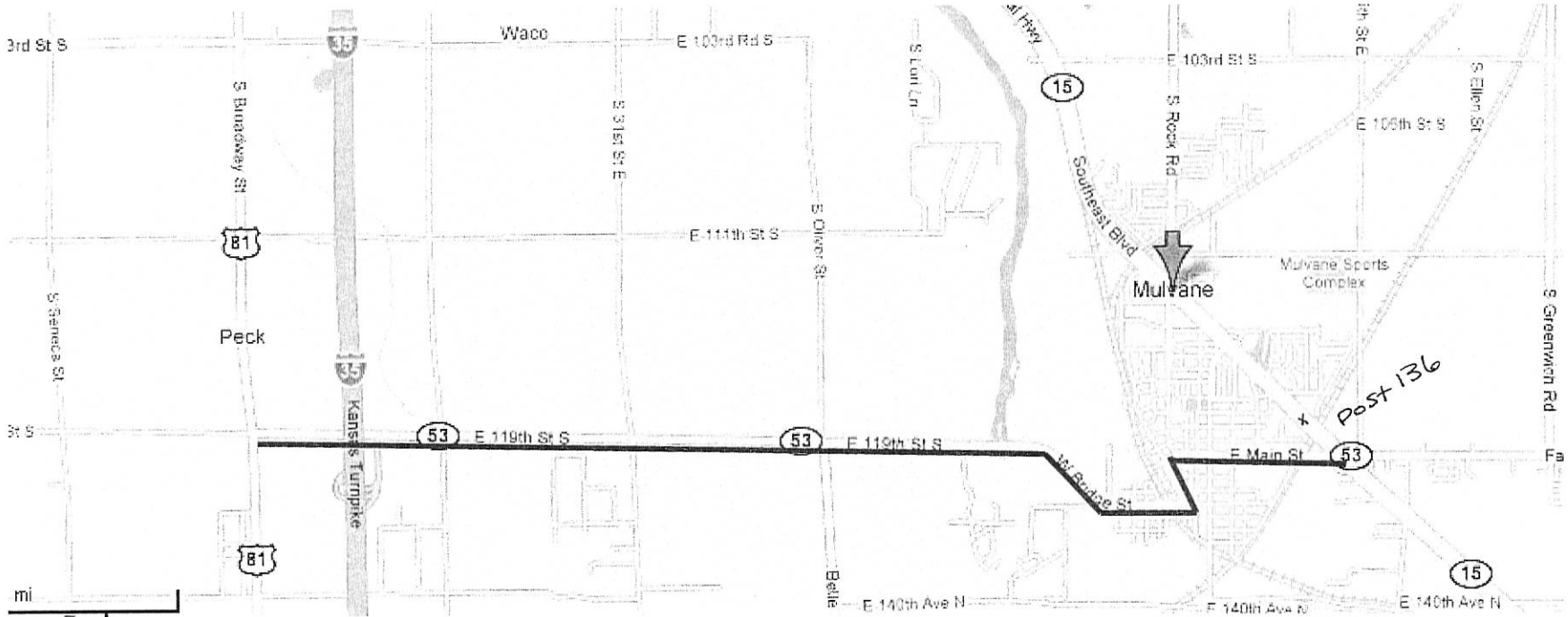
SENATE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 3/13/08

NAME	REPRESENTING
Charles M Yunker	The American Legion
Ted Powers	81st Dist
John Maddox	KDOT
Duane Simpson	KGFA - KARA
Leddie Kaufman	Ks Co-op Council

Rep. Ted Powers
Room 121-W Statehouse
Ph. 785.296.6014

HB 2708 – Naming a stretch of Hwy. 53 - The Patriot Guard Highway



We Are The Patriot Guard

*When a candle flame flickers, and a soldier is lost
We gather as one, we help share the cost.
Our uniform is leather, our weapon the flag.
We ride in all weather, our bikes in parade.*

*Where there's need of strength, we help make you
strong
We are brothers and sisters in arms.
Though our numbers are many, our soul is but one.
We are the Patriot Guard!*

*We honor the fallen and protect their loved ones
From the evil that would divide.
Yet we know they can't win, because deep within
The fallen spirit, is our guide.*

*For those that died, so our country can live,
It is right to believe in your heart.
That if God himself walked the earth today,
He would join the Patriot Guard.*

Rick Babinger
American Legion Riders
Post 136-Mulvane, Ks

Senate Transportation
3-13-08
Attachment 2

HOUSE BILL NO. 2708
Senate Transportation Committee
Thursday, March 13, 2008
State Capitol Building
Room 527(S)

Testimony by Charles M. Yunker
Department Adjutant
The American Legion Department of Kansas

Thank you Mr. Chairman and members of the Committee for providing The American Legion this opportunity to voice our organization's support in favor of House Bill 2708.

The American Legion feels it is very fitting that House Bill 2708 has been introduced as a means to honor those thousands of Kansas citizens who have become a part of the Patriot Guard by helping to pay tribute to our fellow citizens who have lost their lives in defense of our nation and its policies. Although many associate the Patriot Guard with The American Legion and the American Legion Riders who founded the Patriot Guard, and while it is true the majority of Patriot Guard members are motorcyclists, membership in The American Legion or The American Legion Riders is not required.

The Patriot Guard is an independent organization. Naturally its members include American Legion Family members, but also the families of our deceased military, and in many ways most importantly, private citizens whose sense of patriotism has been rekindled nationwide. Born in Mulvane, Kansas the purpose and mission of the Patriot Guard spread across America as fast as its message could be transmitted by the internet with similar groups springing up in every state and Puerto Rico.

Despite dozens of requests for appearances in parades, rallies and other events the Patriot Guard has remained true to its only mission, honoring our nation's deceased military veterans during their funeral services. There are no dues to belong to the Patriot Guard; the only requirement is a person's willingness to stand with the Guard as it pays its

respects to a fallen hero. If you do not have a flag to hold, most likely you will be handed one. These patriots' ranks have been joined by a cross section of citizens from law enforcement personnel to politicians to school children; indeed whole schools have been known to turn out to line a street in support of grieving families.

Patriot Guard members do not seek glory or personal honors nor do they make political statements during their missions. They remain true to their mission of honoring those who have served this nation. The American Legion believes designating Highway K-53, a relatively short stretch of pavement connecting Mulvane and the Kansas Turnpike, as the Patriot Guard Highway will be a fitting tribute to the seed of an idea which sprang from the heartland. But like so many seeds it has blossomed into something which has meant so much to so many and will continue to do so in the future.

The American Legion asks for this committee's support of HB 2708 and your continued support in the Kansas ^{SENATE} House of Representatives. Again thank you for providing The American Legion this opportunity today.

Testimony to the Senate Committee on Transportation
In support of House Bill 2659
By State Representatives Ed Trimmer & David Crum

In 1945 the United States began a program of above ground nuclear testing that continued until 1963. During that time approximately 225,000 American personnel from every branch of the service were test site participants and as a result, test subjects. Because of their sacrifice, scientists and policy makers have a substantially, greater knowledge of the effects of ionizing radiation.

Not until 1988 did our government acknowledge that these persons had been constantly exposed to Alfa, Beta, and Gamma radiation and begin to authorize treatment for related health effects. These individuals were sworn to secrecy until 1996. Had they spoken of the events in which they participated they could have received up to twenty-years in federal prison. Because of the classified nature of the tests, these individuals were not given any form of recognition for the dangers they encountered, nor could they seek any recognition.

Today most atomic veterans are no longer with us. Of the original 225,000 only about 23,000 survive. A significantly higher than average number of these individuals have had their lives cut short by or are living with the ravaging effects of numerous forms of radiation induced cancer. They have been fighting a war with an unseen enemy for years and many of them have already lost. George W. Bush in a nationwide statement noted that these individual's exposure to ionizing radiation was as grave as anything suffered by veterans wounded in combat.

Gary Thornton, who lives in proximity to Highway 400, has taken the lead in seeking recognition for these veterans. He was instrumental in last year's passage of HCR 5018, which requested that the Kansas delegation in Washington, the President, and the Department of Defense work to authorize a service medal in honor of the sacrifice made by atomic veterans. To this date the bill to authorize such a medal is waiting in committee. In regard to medals, as Kansans, we can do no more. We can, however, recognize the efforts of Mr. Thornton and the sacrifices of our atomic veterans by naming a highway in their honor.

For these reasons, Representative we are asking that Kansas Highway 400 from the US 77/54 intersection, east of Augusta, to the eastern boundary of Butler County be designated Atomic Veterans Highway.

Kansas Grain & Feed Association
Kansas Agribusiness Retailers Association

Joint Statement in Support of House Bill 2824

Senate Transportation Committee

Les Donovan, Chairman

March 11, 2008



816 SW Tyler, Suite 100
Topeka, Kansas 66612

(785) 234-0461
Fax (785) 234-2930
www.KansasAg.org

Thank you Mr. Chairman and members of the Committee; I am Duane Simpson, Chief Operating Officer and Vice President for the Kansas Grain and Feed Association (KGFA) and the Kansas Agribusiness Retailers Association (KARA). KGFA is a voluntary state association with a membership encompassing the entire spectrum of the grain receiving, storage, processing and shipping industry in the state of Kansas. KGFA's membership includes approximately 900 Kansas business locations and represents 98% of the commercially licensed grain storage in the state. KARA's membership includes over 700 agribusiness firms that are primarily retail facilities that supply fertilizers, crop protection chemicals, seed, petroleum products and agronomic expertise to Kansas farmers. KARA's membership base also includes ag-chemical and equipment manufacturing firms, distribution firms and various other businesses associated with the retail crop production industry. On behalf of these associations I appear in support of House Bill 2824.

The Railroad Leasing Act was passed in 1998 in response to a shortline railroad that was dramatically raising the leases on our members' property. Our members had the choice of paying the unfair and unjust new lease rates or go out of business. The Legislature responded to the crisis by passing the Railroad Leasing Act to guarantee that railroad leases would be fair and just. The law gives our members the right to negotiate railroad leases in good faith with the railroad. If either party chooses, they can request mediation. If mediation does not lead to a fair and just lease contract, either party can take the case to court. Since passage of the Railroad Leasing Act, not a single case has had to go to court to be resolved.

Late last year, RailAmerica, which owns the Kyle Railroad in Northwest Kansas found what it believed is a loophole in the Railroad Leasing Act. RailAmerica notified our members that they would pay dramatically higher track lease rates effective immediately. Many of our members would see single year increases in their leases of over \$30,000. Not satisfied with the increased rates, they also attempted to charge increased lease rates for the previous 5 years that had already passed. When our members objected and attempted to use the Railroad Leasing Act, they were told by RailAmerica that the act does not specifically include track leases. After reviewing the law, we urged our members to claim their rights under the act and to test it in court if necessary, meanwhile our Board of Directors decided to pursue legislation to make sure the law covers track leases.

RailAmerica has recently begun negotiating the track leases in question. However, many of the leases will expire in only one year. We believe this is an opportunity for the Legislature to make it clear that track leases should be treated in the same manner as other railroad leases.

You will notice that HB 2824 only extends the law to cover track leases for Class II and Class III railroads. The National Grain and Feed Association has a national arbitration agreement with the Class I railroads that covers track leases making it unnecessary to cover them under this statute. Shortline railroads can also sign the agreement and Watco has signed that agreement. In other words, this bill only affects the Kyle Railroad and its unfair business practices or any other shortline railroad that moves into Kansas.

The state of Kansas was heavily involved in saving the Kyle Railroad. The state cannot afford for the Kyle railroad to see its business dry up due to unreasonably high track lease rates. If RailAmerica can successfully demonstrate that traffic has dried up, they could abandon the line and pick up the track. There are not enough commercial truck drivers in Northwest Kansas to handle all of the traffic that would result from abandonment of the line and the cost to the state for additional road repair would be significant. As you can see, this is the time for the state to protect Kansas businesses and Kansas roads by making sure businesses along the Kyle Railroad have fair and just lease rates. I urge this committee to pass HB 2824 and I'll stand for questions at the appropriate time.

Senate Transportation

3-13-08

Attachment 5

**TESTIMONY BEFORE
SENATE TRANSPORTATION**

**REGARDING HOUSE BILL 2824
Railroad Leasing Act, track leases**

March 13, 2008

Mr. Chairman and Committee Members:

The Kansas Department of Transportation (KDOT) is providing written testimony in support of House Bill 2824, regarding track leases.

The Railroad Leasing Act came into existence when the issue of reasonableness of land leases was raised. This bill would clarify the definition of a "lease" to make it clear that track leases fall under this act.

Prior to 2007, there had been few, if any, lease issues brought to the attention of KDOT. However, a railroad operating in Kansas recently began raising the track leases of lessees on its railroad. If the lessees have no recourse to challenge the reasonableness of the lease rate they are put in a potentially unfavorable economic environment. This amendment gives the track lessees the same access to recourse as land lessees are currently afforded.

KDOT has historically worked with the Midstates Port Authority, all shortline railroads in Kansas and the shippers along those lines to maintain rail service. Maintaining service on these lines is important to the economy of the region and the state as a whole.

Therefore, KDOT supports passage of HB 2824.

If there are any questions, please contact John Maddox, KDOT Freight and Rail Unit at 785-296-3228.



816 SW Tyler St., Ste. 300
Topeka, Kansas 66612
Phone: 785-233-4085
Cell: 785-220-4068
Fax: 785-233-1038
www.kansasco-op.coop

Senate Committee on Transportation

March 13, 2008
Topeka, Kansas

HB 2824 - expanding the Ks RR leasing act to cover track leases.

Chairman Donovan and members of the Senate Committee on Transportation, thank you for the opportunity to appear in support of HB 2824. As you know, this bill will extend the protections offered under the Kansas Railroad Leasing Act to cover track leases.

I am Leslie Kaufman, Executive Director for the Kansas Cooperative Council. The Kansas Cooperative Council represents all forms of cooperative businesses across the state -- agricultural, utility, credit, financial and consumer cooperatives. Approximately half of our members are grain elevator/farm supply cooperatives. We would be hard-pressed to find a facility that is not on a rail line, some on a "short line".

The Kansas Cooperative Council was one of the original proponents of the 1998 Kansas Railroad Leasing Act. It provided our members the opportunity to gain a more level footing in negotiating real property leases with rail operators. In our opinion, the fact that no lease case has gone to court since the inception of the Act illustrates the usefulness of this tool to both shipper (lessee) and railroad (lessor). It further serves as a model for addressing other types of leases, thus the request in HB 2824 to expand the Act to track leases.

Shipping grain is a major component of an ag cooperative's business. Rail transport is often a key to managing inventories. It is not always the easiest system to work within, though. Car availability, short turn around times for loading/unloading, and timely pick-up are reoccurring challenges for grain handlers. Still, rail shipment is critical to our industry. Shortlines are an integral component in the transportation system we rely on. We have been long-time proponents of state-funded incentives to improve shortlines because we believe in the need to maintain and enhance these corridors. This past year, this long-time support was met with unexpected and exorbitant proposed rate increases. Not only were the additional charges being assessed going forward, but RailAmerica was attempting to recoup additional charges for past years.

In our opinion, our members were thrown back into a similar negotiating position that prompted the 1998 Act. We saw the need to clearly extend that level footing under the Act beyond just reality. After all, what good is the land if the track is too expensive to lease? And if the lease goes, the rail traffic will diminish, track miles will be pulled up and rural Kansas will suffer in many ways: increased truck traffic, increased heavy traffic on highways, and diminished competition in the transportation sector. Thus, we are seeking your support for HB 2824 giving shippers the same tools for negotiation track leases that they have come to rely on in realty negotiations. Thank you for your consideration.

SENATE BILL No. 4

By Senator Journey

12-8

Senate Transportation
Committee
3-13-08
Attachment 8

9 AN ACT relating to drivers' licenses; concerning driver improvement
10 clinics; providing for the disposition of certain moneys; amending
11 K.S.A. ~~2006~~ Supp. 8-255 and 8-267 and repealing the existing sections.

2007

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 ~~New Section 1. (a) The division of vehicles may, in the interest of~~
15 ~~improving traffic safety, establish driver improvement clinics throughout~~
16 ~~the state. The director of vehicles shall develop the minimum standards~~
17 ~~and criteria to be utilized by such driver improvement clinics. Any person,~~
18 ~~other than a person issued a commercial driver's license, under K.S.A. 8-~~
19 ~~2,125 et seq., and amendments thereto, desiring to attend a driver im-~~
20 ~~provement clinic shall make application to the division and such appli-~~
21 ~~cation shall be accompanied by the required fee of \$350. The division~~
22 ~~shall remove one moving violation from a person's driving record who has~~
23 ~~successfully completed the driver improvement clinic. A person who has~~
24 ~~completed a driver improvement clinic shall not be eligible to attend~~
25 ~~another clinic for a period of two years following completion of the pre-~~
26 ~~vious clinic.~~

27 (b) ~~The secretary of revenue shall adopt such rules and regulations~~
28 ~~deemed necessary for the carrying out of the provisions of this section,~~
29 ~~including the development of standards and criteria to be utilized by the~~
30 ~~driver improvement clinic.~~

New Section 1.

31 ~~New Sec. 2. There is hereby created in the state treasury the com-~~
32 ~~munity corrections special revenue fund. All moneys credited to the com-~~
33 ~~munity corrections special revenue fund shall be used by the department~~
34 ~~of corrections only for the purpose of funding community corrections. All~~
35 ~~expenditures from the community corrections special revenue fund shall~~
36 ~~be made in accordance with appropriation acts, upon warrants of the~~
37 ~~director of accounts and reports issued pursuant to vouchers approved~~
38 ~~by the secretary of corrections.~~

correctional services

And by renumbering the remaining sections accordingly

39 Sec. 3. K.S.A. ~~2006~~ Supp. 8-255 is hereby amended to read as fol-
40 lows: 8-255. (a) The division is authorized to restrict, suspend or revoke
41 a person's driving privileges upon a showing by its records or other suf-
42 ficient evidence the person:

2007

43 (1) Has been convicted with such frequency of serious offenses

8-2

1 against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

4 (2) has been convicted of three or more moving traffic violations committed on separate occasions within a 12-month period;

6 (3) is incompetent to drive a motor vehicle;

7 (4) has been convicted of a moving traffic violation, committed at a time when the person's driving privileges were restricted, suspended or revoked; or

10 (5) is a member of the armed forces of the United States stationed at a military installation located in the state of Kansas, and the authorities of the military establishment certify that such person's on-base driving privileges have been suspended, by action of the proper military authorities, for violating the rules and regulations of the military installation governing the movement of vehicular traffic or for any other reason relating to the person's inability to exercise ordinary and reasonable control in the operation of a motor vehicle.

18 (b) The division shall suspend a person's driving privileges when required by K.S.A. 8-262, 8-1014, 41-727 or K.S.A. ~~2006~~ Supp. 21-3765, and amendments thereto, and shall disqualify a person's privilege to drive commercial motor vehicles when required by K.S.A. 8-2,142, and amendments thereto. The division shall restrict a person's driving privileges when required by K.S.A. ~~2006~~ Supp. 39-7,155, and amendments thereto.

2007

24 (c) When the action by the division restricting, suspending, revoking or disqualifying a person's driving privileges is based upon a report of a conviction or convictions from a convicting court, the person may not request a hearing but, within 30 days after notice of restriction, suspension, revocation or disqualification is mailed, may submit a written request for administrative review and provide evidence to the division to show the person whose driving privileges have been restricted, suspended, revoked or disqualified by the division was not convicted of the offense upon which the restriction, suspension, revocation or disqualification is based. Within 30 days of its receipt of the request for administrative review, the division shall notify the person whether the restriction, suspension, revocation or disqualification has been affirmed or set aside. The request for administrative review shall not stay any action taken by the division.

38 (d) Upon restricting, suspending, revoking or disqualifying the driving privileges of any person as authorized by this act, the division shall immediately notify the person in writing. Except as provided by K.S.A. 8-1002 and 8-2,145, and amendments thereto, and subsections (c) and (g), if the person makes a written request for hearing within 30 days after such notice of restriction, suspension or revocation is mailed, the division

8-2

8-3

1 shall afford the person an opportunity for a hearing as early as practical
 2 not sooner than five days nor more than 30 days after such request is
 3 mailed. If the division has not revoked or suspended the person's driving
 4 privileges or vehicle registration prior to the hearing, the hearing may be
 5 held within not to exceed 45 days. Except as provided by K.S.A. 8-1002
 6 and 8-2,145, and amendments thereto, the hearing shall be held in the
 7 person's county of residence or a county adjacent thereto, unless the
 8 division and the person agree that the hearing may be held in some other
 9 county. Upon the hearing, the director or the director's duly authorized
 10 agent may administer oaths and may issue subpoenas for the attendance
 11 of witnesses and the production of relevant books and papers and may
 12 require an examination or reexamination of the person. When the action
 13 proposed or taken by the division is authorized but not required, the
 14 division, upon the hearing, shall either rescind or affirm its order of re-
 15 striction, suspension or revocation or, good cause appearing therefor, ex-
 16 tend the restriction or suspension of the person's driving privileges, mod-
 17 ify the terms of the restriction or suspension or revoke the person's driving
 18 privileges. When the action proposed or taken by the division is required,
 19 the division, upon the hearing, shall either affirm its order of restriction,
 20 suspension, revocation or disqualification, or, good cause appearing there-
 21 for, dismiss the administrative action. If the person fails to request a
 22 hearing within the time prescribed or if, after a hearing, the order of
 23 restriction, suspension, revocation or disqualification is upheld, the per-
 24 son shall surrender to the division, upon proper demand, any driver's
 25 license in the person's possession.

26 (e) In case of failure on the part of any person to comply with any
 27 subpoena issued in behalf of the division or the refusal of any witness to
 28 testify to any matters regarding which the witness may be lawfully inter-
 29 rogated, the district court of any county, on application of the division,
 30 may compel obedience by proceedings for contempt, as in the case of
 31 disobedience of the requirements of a subpoena issued from the court or
 32 a refusal to testify in the court. Each witness who appears before the
 33 director or the director's duly authorized agent by order or subpoena,
 34 other than an officer or employee of the state or of a political subdivision
 35 of the state, shall receive for the witness' attendance the fees and mileage
 36 provided for witnesses in civil cases in courts of record, which shall be
 37 audited and paid upon the presentation of proper vouchers sworn to by
 38 the witness.

39 ~~(f) The division, in the interest of traffic and safety, may establish~~
 40 ~~driver improvement clinics throughout the state and, upon reviewing the~~
 41 ~~driving record of a person whose driving privileges are subject to suspen-~~
 42 ~~sion under subsection (a)(2), may permit the person to retain such per-~~
 43 ~~son's driving privileges by attending a driver improvement clinic. A person~~

(f) The division, in the interest of traffic and safety, may establish or contract with a private individual, corporation, partnership or association for the services of driver improvement clinics throughout the state and, upon reviewing the driving record of a person whose driving privileges are subject to suspension under subsection (a)(2), may permit the person to retain such person's driving privileges by attending a driver improvement clinic. Any person other than a person issued a commercial driver's license, under K.S.A. 8-2,125 et seq., and amendments thereto, desiring to attend a driver improvement clinic shall make application to the division and such application shall be accompanied by the required fee. The secretary of revenue shall adopt rules and regulations prescribing a driver's improvement clinic fee which shall not exceed \$500 and such rules and regulations deemed necessary for the carrying out of the provisions of this section, including the development of standards and criteria to be utilized by such driver improvement clinics.

8-3

1 who is required to attend a driver improvement clinic shall pay a fee of
2 \$15. Amounts received under this subsection shall be remitted to the state
3 treasurer in accordance with the provisions of K.S.A. 75-4215, and
4 amendments thereto. Upon receipt of each such remittance, the state
5 treasurer shall deposit the same in the state treasury to the credit of the
6 division of vehicles operating fund.

7 (g) ~~(f)~~ When the action by the division restricting a person's driving
8 privileges is based upon certification by the secretary of social and reha-
9 bilitation services pursuant to K.S.A. 2006, Supp. 39-7,155, and amend-
10 ments thereto, the person may not request a hearing but, within 30 days
11 after notice of suspension is mailed, may submit a written request for
12 administrative review and provide evidence to the division to show the
13 person whose driving privileges have been restricted by the division is not
14 the person certified by the secretary of social and rehabilitation services,
15 did not receive timely notice of the proposed restriction from the secre-
16 tary of social and rehabilitation services or has been decertified by the
17 secretary of social and rehabilitation services. Within 30 days of its receipt
18 of the request for administrative review, the division shall notify the per-
19 son whether the restriction has been affirmed or set aside. The request
20 for administrative review shall not stay any action taken by the division.

21 Sec. 4. K.S.A. 2006, Supp. 8-267 is hereby amended to read as fol-
22 lows: 8-267. All moneys received under this act shall be remitted by the
23 secretary of revenue to the state treasurer in accordance with the provi-
24 sions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each
25 such remittance, the state treasurer shall deposit the entire amount in the
26 state treasury and shall:

27 (a) Credit 37.5% of all moneys so received from class C driver's li-
28 censes and 20% of all moneys so received from class M driver's licenses
29 and 20% of all moneys so received from class A or B driver's licenses and
30 20% of all moneys so received from all commercial driver licensee classes
31 remaining after the \$2 credit provided in subsection (c) to a special fund,
32 which is hereby created and shall be known as the state safety fund;

33 (b) credit 20% of all moneys so received from class M driver's licenses
34 to a special fund which is hereby created and shall be known as the
35 motorcycle safety fund;

36 (c) credit \$2 from each commercial driver's license fee to a special
37 fund which is hereby created and shall be known as the truck driver
38 training fund;

39 (d) credit all photo fees collected under K.S.A. 8-243, and amend-
40 ments thereto, to the photo fee fund; and

41 (e) credit all hazardous materials endorsement fees collected under
42 K.S.A. 2006, Supp. 8-2,151, and amendments thereto, to the hazmat fee
43 fund; and

Amounts received under this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the same in the state treasury as prescribed by subsection (f) of K.S.A. 8-267, and amendments thereto.
(g)

8-7

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restriction

2007

8-7

8-5

1 (f) credit the driver improvement clinic fees collected under ~~section~~
2 ~~1~~ and amendments thereto, as follows:

K.S.A. 8-255,

3 (1) Credit ~~\$150~~ of each such fee to the division of vehicles operating
4 fund; and

50%

5 (2) credit ~~\$200~~ of each such fee to the ~~community corrections~~ special
6 revenue fund.

50%

7 Moneys in the state safety fund and in the motorcycle safety fund shall
8 be distributed to provide funds for driver training courses in the schools
9 in Kansas and for the administration of this act, as the legislature shall
10 provide. In addition, moneys in the motorcycle safety fund shall be dis-
11 tributed to provide funds for courses in motorcycle safety in community
12 colleges in Kansas. Moneys in the truck driver training fund shall be
13 distributed to provide funds for courses in truck driver training in com-
14 munity colleges, area vocational schools and area vocational-technical
15 schools in Kansas. Except as otherwise provided by K.S.A. 8-241, and
16 amendments thereto, the state treasurer shall credit the balance of all
17 moneys received under this act, including all moneys received from com-
18 mercial driver's license endorsements to the state highway fund.

correctional services

2007

19 Sec. 5. K.S.A. ~~2006~~ Supp. 8-255 and 8-267 are hereby repealed.

20 Sec. 6. This act shall take effect and be in force from and after its
21 publication in the statute book.