

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 8:30 a.m. on February 13, 2009 in Room 136-N of the Capitol.

All members were present except:

Senator Les Donovan- excused

Committee staff present:

Mike Corrigan, Office of the Revisor of Statutes
Hank Avila, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Cindy Shepard, Committee Assistant

Others attending:

See attached list.

The Chairman called for final action on **SB 46 - Procedures for sale of certain property by port authorities.**

Hank Avila reviewed **SB 46** and distributed copies of the agreement between Mid-States Port Authority (MSPA) and Kyle Railroad that includes the requirement of Kyle to honor all term extensions of leases that had been made known to Kyle as per the listing provided by MSPA (Attachment 1). The Chairman indicated there would be no need for the amendment requested at the February 5 hearing since all interested parties had reached an agreement.

Senator Hensley moved, Senator Kultala seconded, to recommend **SB 46** favorably for passage. Motion carried.

Final action on **SB 59 - Primary seat belt law, penalty.**

The Chairman called attention to amendments requested during testimony on January 29. Kansas Department of Transportation (KDOT) requested changing the effective date to state from and after its publication in the Kansas register. The law has to be in effect by June 30, 2009 in order to receive the \$11.2 million federal incentive money. The next amendment was requested by Kathy Porter from the Office of Judicial Administration, adding the statutory docket fee for safety belt violations.

Senator Peterson had requested a maximum warning period and that the fine include the docket fee. Terry Heidner, KDOT, clarified the grace period allowance. The bill has to be in affect by June 30 but warning tickets can be issued until September 29, 2009. Discussion followed and the Chairman indicated to wait for action on this warning period amendment until exact language is drafted.

Senator Umbarger turned attention to the issue of the docket fee. After questions and discussion, Senator Brownlee proposed \$25 fine plus the docket fee of \$75. Senator Kultala moved, Senator Brownlee seconded, to amend **SB 59** as indicated. Motion carried.

The Chairman called for continued action on **SB 37 -Regarding traffic, concerning golf carts .**

Mike Corrigan continued review of the substitute bill draft and the slow moving vehicle emblem amendment (Attachment 2). Discussion followed and the committee indicated concern that the original bill was not included in the substitute bill. Senator Petersen moved, Senator Apple seconded, to adopt the slow moving vehicle emblem amendment into the original **SB 37** language. Motion carried.

Senator Schmidt moved, Senator Brownlee seconded, to merge the original amended **SB 37** into the substitute bill draft. Motion carried.

The Chairman indicated the committee would consider final action after review of the new bill language.

The meeting was adjourned at 09:27 a.m. The next meeting is scheduled for February 17, 2009.

SENATE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2/13/09

NAME	REPRESENTING
Kathy Purser	Medical Branch
A. Wrayfield	KTSRO
Rachael Proffman	KTSRO
Jim Horni	AAAKansas
BILL Brady	Capital Sdelegus
Tom Palace	PMCA OF KS
Bill Sneed	State Farm
Pat Hahnel	Kyle RR
BOB Andersen	MSPA
Terry Heidner	KDOT
Pete Bodyk	KDOT
MARK BRUCE	KHP
J. De Simone	Intern-D. Schmidt
Leslie Kaufman	Ks Coop Council
KEVIN GREGG	KMCA

AGREEMENT

THIS AGREEMENT is effective as of the 12th day of February, 2009, by and between MID-STATES PORT AUTHORITY, a quasi-municipal Kansas entity ("MSPA") and KYLE RAILROAD COMPANY, a Kansas corporation ("Kyle").

WHEREAS, MSPA and Kyle, on April 30, 1984, entered into a certain "Agreement", by the terms of which MSPA agreed to convey certain real property and improvements to Kyle upon the satisfaction of certain conditions; and

WHEREAS, the parties wish to complete the performance of the Agreement as required thereunder; and

WHEREAS, an issue has arisen concerning the effect a 1987 amendment to K.S.A. 12-3412 has on the terms of the conveyance under the Agreement, and legislation has been proposed in the Kansas Legislature ("SB 46") to remove such issue and allow the conveyance to take place pursuant to the Agreement; and

WHEREAS, the parties agree that if SB 46 is adopted in substantially the form currently proposed, they will complete the performance of the Agreement.

NOW, THEREFORE, based on these premises and the mutual covenants contained herein, the parties hereby agree as follows:

1. That in the event that SB 46 is adopted by the Kansas Legislature and signed into law by the Governor of Kansas in substantially the form currently proposed, they waive the right to seek a judicial determination of the validity of the Agreement.

2. In addition to the requirements of the Agreement, at the closing of the aforesaid conveyance, Kyle shall honor all term extensions of leases that have been made known to Kyle, as per the listing attached hereto as Exhibit A, and all rent adjustments and other lease terms made in accordance with the three templates that MSPA used as its standard forms, said templates having been provided by MSPA to Kyle. MSPA confirms that it has not granted any options to purchase to tenants associated with the leases described in Exhibit A.

3. MSPA acknowledges by this agreement that Kyle's purchase option has been exercised pursuant to Section 4 of the Agreement.

IN WITNESS WHEREOF, the parties hereto subscribe their names the date and year first above written.

MSPA:

KYLE:

MID-STATES PORT AUTHORITY

KYLE RAILROAD COMPANY

By: 

By: 

Name: W. ROBERT ALDERSON

Name: DL NOVAK

Title: GENERAL COUNSEL

Title: VP

EXHIBIT A

KANSAS & COLORADO LEASES

<u>LEASE NUMBER</u>	<u>LESSEE</u>	<u>LEASE FORM</u>	<u>END OF CURRENT TERM</u>	<u>RENEWAL TERMS REMAINING</u>
207098	Ag Valley Coop Non-Stock (Norton, KS)	1	8/31/2010	3
207194	Ag Valley Coop Non-Stock (Clayton, KS)	1	8/31/2010	3
207259	Ag Valley Coop Non-Stock (Norton, KS)	1	4/30/2010	3
207005	Almena Agri Services, Inc. (Almena, KS)	1	5/31/2010	3
203016	Archer Daniels Midland Company, Northern Sun Division (Caruso, KS)	1	5/31/2011	1
203107	Archer Daniels Midland Company (Goodland, KS)	2	11/30/2010	3
203240	Archer Daniels Midland Company (Goodland, KS)	1	2/15/2009	2
203241	Archer Daniels Midland Company (Goodland, KS)	1	2/13/2009	2
204106	Archer Daniels Midland Company (Brewster, KS)	2	4/30/2011	3
101153	Arriba Pole, LLC (Arriba, CO)	1	11/14/2013	3
208001	B&B Redimix Phillipsburg (Phillipsburg, KS)	1	3/31/2009	1
13033	Terry Baker Construction Co. (Goodland, KS)	1	8/31/2010	3

J7162	The Bank, Oberlin, Kansas As Agent for and Successor to Brady Grain Inc. (Norton, KS)	2	3/31/2013	2
204126	Bartlett and Company (Levant, KS)	2	4/30/2011	3
203047	Gary Baumfalk (Goodland, KS)	1	5/31/2010	2
203232	Virgil R. Baumfalk d/b/a McB's Motor Co. (Goodland, KS)	1	12/31/2012	1
210066	Neil Becker and Roger Reiter (Montrose, KS)	2	6/30/2010	3
211113	Belleville, City of (Belleville, KS)	1	5/15/2011	1
204261	Big B Little B, LLC (Colby, KS)	1	8/31/2010	3
207219	Bozarth Curtis & Marla (Norton, KS)	AG	12/1/2010	1
102056	City of Burlington, Colorado (Burlington, CO)	1	10/31/2010	3
207071	Calvert Corporation (Calvert, KS)	1	2/28/2011	1
209032	Central Plains Co-Op (Smith Center, KS)	2	6/30/2010	3
209046	Central Plains Co-Op (Athol, KS)	2	5/31/2010	3
209135	Central Plains Co-Op (Smith Center, KS)	2	12/31/2010	3
203202	Dwight Chipperfield (Ruleton, KS)	AG	2/29/2011	0
206242	CHS, Inc. (Dresden, KS)	1	10/6/2009	3
102227	Terry A. Clapper, d/b/a Eastern Colorado Bean Co. (Stratton, CO)	1	5/31/2012	2

J3243	COG Marketers, Ltd. (Goodland, KS)	1	8/31/2010	2
204134	Cooper Grain, Inc. (Colby, KS)	1	6/30/2013	1
204028	Cornerstone Ag, LLC (Colby, KS)	2	4/30/2011	3
204237	Cornerstone Ag, LLC (Colby, KS)	1	6/7/2010	2
206077	The Decatur Cooperative Association (Jennings, KS)	2	4/30/2013	2
101216	DJ Petroleum Inc (Limon, CO)	1	1/14/2010	1
210172	Esbon Grain & Fertilizer, Inc. (Esbon, KS)	2	6/6/2012	2
207004	F&F Iron & Metal Co. (Norton, KS)	1	7/31/2010	1
102258	Flagler Aerial Spraying, Inc. (Flagler, CO)	1	3/31/2010	3
101109	Flagler Cooperative Association (Arriba, CO)	1	11/27/2011	2
101268	Flagler Cooperative Association (Arriba, CO)	1	6/14/2013	3
102100	Flagler Cooperative Association (Flagler, CO)	1	3/31/2011	3
207215	Kirk Foley (Norton, KS)	AG	11/30/2009	1
203037	Frontier Ag, Inc. (Goodland, KS)	2	2/28/2010	3
203038	Frontier Ag, Inc. (Goodland, KS)	2	2/28/2010	3
203039	Frontier Ag, Inc. (Goodland, KS)	2	2/28/2011	3
203040	Frontier Ag, Inc. (Goodland, KS)	1	2/28/2011	3
203041	Frontier Ag, Inc. (Goodland, KS)	2	2/28/2010	3

3180	Frontier Ag, Inc. (Ruleton, KS)	2	2/29/2012	3
203212	Frontier Ag, Inc. (Goodland, KS)	1	2/29/2012	3
204026	Frontier Ag, Inc. (Rexford, KS)	1	2/28/2009	1
204072	Frontier Ag, Inc. (Brewster, KS)	2	2/28/2011	3
204129	Frontier Ag, Inc. (Rexford, KS)	1	2/28/2013	1
204156	Frontier Ag, Inc. (Rexford, KS)	2	2/28/2011	3
204236	Frontier Ag, Inc. (Rexford, KS)	AG	2/28/2013	1
207125	Garrett Plumbing, Heating & Electric, LLC (Norton, KS)	1	3/31/2011	3
210140	Hansen-Mueller Company (Courtland, KS)	2	8/25/2012	2
211031	Hansen-Mueller Company (Courtland, KS)	2	8/25/2012	2
211178	Hansen-Mueller Company (Belleville, KS)	2	8/25/2012	2
211217	Hansen-Mueller Company (Courtland, KS)	1	8/25/2012	2
211248	Hansen-Mueller Company (Belleville, KS)	1	8/25/2012	2
102168	Dennis Hickman (Seibert, CO)	1	3/31/2011	3
102124	Barry Hinkhouse (Burlington, CO)	1	5/31/2010	0
204078	The Hi-Plains Cooperative Association (Gem, KS)	1	6/15/2009	1
205079	The Hi-Plains Cooperative Association (Selden, KS)	1	6/15/2009	1
206080	The Hi-Plains Cooperative Association (Dresden, KS)	1	6/15/2009	1

08161	The Hi-Plains Cooperative Association (Stuttgart, KS)	2	3/31/2013	2
210150	Lloyd C. Johnson d/b/a Lloyd's Sinclair Service (Mankato, KS)	1	4/30/2011	3
203014	Kanorado Cooperative Association (Kanorado, KS)	1	5/31/2010	3
203108	Kanorado Cooperative Association (Kanorado, KS)	2	5/14/2009	3
203155	Kanorado Cooperative Association (Kanorado, KS)	1	4/14/2013	0
208251	Stanley Kats (Prairie View, KS)	1	11/30/2011	2
208146	Norman Kellerman d/b/a Stuttgart Oil (Stuttgart, KS)	1	3/31/2011	3
209206	Lang Diesel Inc. (Smith Center, KS)	1	12/31/2011	0
208075	Samuel Leydig (Prairie View, KS)	AG	10/31/2009	0
102221	Thomas McCauley (Burlington, CO)	1	2/28/2011	1
211127	C.D. Makalous (Belleville, KS)	1	11/30/2010	3
209030	Midway Co-Op Association (Lebanon, KS)	2	11/14/2010	3
209170	Midway Co-Op Association (Lebanon, KS)	2	5/31/2012	2
209171	Midway Co-Op Association (Bellaire, KS)	2	9/12/2011	2
209249	Midway Co-Op Association (Lebanon, KS)	2	9/14/2011	2
210029	Midway Co-Op Association (Mankato, KS)	2	12/31/2010	3
102166	Mulch Farms (Peconic, CO)	1	4/30/2011	3
210200	Jerry Murray (Montrose, KS)	AG	3/31/2009	1

7211	Nelson Bros Construction Inc. (Norton, KS)	1	11/30/2013	0
203220	NFG, L.L.C. (Goodland, KS)	2	9/30/2010	3
101073	N.F.G., LLC (Limon, CO)	1	2/28/2011	3
208208	Rod Nonamaker (Phillipsburg, KS)	AG	6/30/2012	0
207218	Norton County Road Department (Norton, KS)	1	8/31/2010	1
207165	Norton Propane Service (Norton, KS)	1	6/30/2011	3
207093	Pestinger Beverage Co., Inc. (Norton, KS)	1	11/30/2013	3
210058	Mike Peters (Formoso, KS)	AG	8/31/2009	0
208138	Pro-Ag Marketing Association (Agra, KS)	2	3/31/2011	3
209137	Pro-Ag Marketing Association (Kensington, KS)	2	11/30/2010	3
208091	Rangeland Cooperatives, Inc. (Gretna, KS)	2	1/31/2011	3
208121	Rangeland Cooperatives, Inc. (Phillipsburg, KS)	2	11/30/2010	3
208050	Rangeland Cooperatives, Inc. (Prairie View, KS)	2	4/30/2011	3
209239	Reliable Pest Control Service (Norton, KS)	1	12/31/2013	1
203264	The Scoular Company (Goodland, KS)	1	9/30/2011	3
102055	Seibert Equity Cooperative Association (Seibert, CO)	1	2/28/2011	3
203102	Service Oil Company (Goodland, KS)	1	3/31/2011	3
203145	Service Oil Co. (Goodland, KS)	1	6/30/2011	2

J3214	Service Oil Company (Goodland, KS)	1	11/30/2009	1
204159	Service Oil Company (Colby, KS)	1	1/31/2011	3
204160	Service Oil Company (Colby, KS)	1	12/31/2010	3
209136	Shaw-Davis-Shaw Concrete (Smith Center, KS)	1	12/31/2010	3
102042	Stratton Equity Cooperative (Stratton, CO)	1	10/14/2010	3
102167	Stratton Equity Cooperative Company (Burlington, CO)	1	10/31/2010	1
102175	Stratton Equity Cooperative Company (Flagler, CO)	1	12/22/2010	3
102184	Stratton Equity Cooperative Company (Stratton, CO)	1	2/28/2011	0
203226	Sunrich Acquisition, Inc. (Edson, KS)	2	10/31/2013	2
102021	Tempel Grain & Elevator, L.L.P. (Vona, CO)	1	5/31/2010	3
102090	Tempel Grain & Elevator, L.L.P. (Bethune, CO)	1	3/14/2011	3
102203	Tempel Grain & Elevator, L.L.P. (Bethune, CO)	1	11/30/2011	3
208198	The Trustee of the Tabor Family Trust (Prairie View, KS)	1	9/30/2010	0
210116	United Grain, Inc. (Formoso, KS)	1	5/31/2013	0
208207	Burton Van Eaton (Agra, KS)	AG	6/30/2009	0
209263	Darryl Vohs (Smith Center, KS)	1	8/31/2011	3
102115	Wagners, LLC (Flagler, CO)	1	12/31/2010	3
204229	Woofter Construction & Irrigation, Inc. (Colby, KS)	1	6/15/2012	1

J4235	Michael Woofter (Colby, KS)	AG	4/30/09	1
203231	Mike Yarger (Goodland, KS)	1	12/31/2012	1
203254	Mike Yarger (Goodland, KS)	1	7/31/2013	2
203025	Trevor J. Yarger (Edson, KS)	1	6/19/2013	0
209081	Raymond Yenne, d/b/a Yenne Fertilizer (Smith Center, KS)	2	12/31/2010	3
101230	Y.E.S. Systems, Inc. (Limon, CO)	1	12/31/2012	1

SENATE BILL No. 37

By Senator Lee

1-15

Proposed Amendment
For Consideration by
Senate Committee on Transportation

Senate Transportation
2-13-09
Attachment 2

9 AN ACT regulating traffic; concerning golf carts; amending K.S.A. 2008
10 Supp. 8-126, 8-128, 8-1486 and 8-2118 and repealing the existing
11 sections.
12

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

14 New Section 1. "Golf cart" means a motor vehicle that has not less
15 than three wheels in contact with the ground, an unladen weight of not
16 more than 1,800 pounds, is designed to be and is operated at not more
17 than 25 miles per hour and is designed to carry not more than four per-
18 sons including the driver.

19 New Sec. 2. (a) It shall be unlawful for any person to operate a golf
20 cart: (1) On any interstate highway, federal highway or state highway; (2)
21 on any public highway or street within the corporate limits of any city
22 unless authorized by such city; or (3) on any street or highway with a
23 posted speed limit greater than 30 miles per hour.

24 (b) The provisions of subsection (a) shall not prohibit a golf cart from
25 crossing a federal or state highway or a street or highway with a posted
26 speed limit in excess of 30 miles per hour.

27 (c) A golf cart operated on any public street or highway shall be
28 equipped with efficient brakes, brake lights, reliable steering apparatus,
29 rearview mirror, red reflectorized warning devices in both the front and
30 rear and turn signal equipment.

31 (d) A golf cart shall be operated on any public street or highway only
32 during the hours between sunrise and sunset.

33 (e) This section shall be part of and supplemental to the uniform act
34 regulating traffic on highways.

35 Sec. 3. K.S.A. 2008 Supp. 8-126 is hereby amended to read as fol-
36 lows: 8-126. The following words and phrases when used in this act shall
37 have the meanings respectively ascribed to them herein:

38 (a) "Vehicle" means every device in, upon or by which any person or
39 property is or may be transported or drawn upon a public highway, ex-
40 cepting electric personal assistive mobility devices or devices moved by
41 human power or used exclusively upon stationary rails or tracks.

42 (b) "Motor vehicle" means every vehicle, other than a motorized bi-
43 cycle or a motorized wheelchair, which is self-propelled.

, a slow moving vehicle emblem, as defined in K.S.A.
8-1717, and amendments thereto,