

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 p.m. on March 9, 2010, in Room 783 of the Docking State Office Building.

All members were present except:

Representative Julie Menghini, excused

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes
Jill Shelley, Kansas Legislative Research Department
Betty Boaz, Committee Assistant

Conferees appearing before the Committee:

Major Mark Bruce, Kansas Highway Patrol
Janlyn Nesbett-Tucker, Chief Executive Officer, Topeka Metropolitan Transit Authority
Lisa Koch, Public Transit Manager for KDOT
Karen Hiller, Councilmember, City Council, City of Topeka
R.E. "Tuck" Duncan, Executive Director, Kansas Public Transit Association

Others attending:

See attached list.

Chairman Hayzlett called the meeting to order. He opened hearings on **SB 518**.

SB 518 - VIN inspection fees, increasing

Chairman Hayzlett recognized Major Mark Bruce (Attachment #1) According to Major Bruce this bill is two-fold. One, it would increase VIN inspection fees from \$10 to \$20. Two, it would allow new vehicle dealers to retain a portion of the fees for inspections they conduct as program designees. The purpose of the VIN Inspection Program is to prevent stolen vehicles or assembled vehicles with stolen components from being titled in Kansas. The existence of this program prevents Kansas from becoming a dumping ground for stolen vehicles and their parts. Major Bruce said the fee for a required inspection has remained fixed at \$10 for over 25 years. Since the inception of the program KHP has subsidized the cost of the nine trooper positions dedicated to it from the KHP operating funds.

The Chairman recognized Carmen Alldritt, Director of Motor Vehicles, who came forward in support of **SB 518**.

After all questions were answered the Chairman drew the Committee's attention to written testimony submitted by Ed Klumpp representing the KS Association of Chiefs of Police, the KS Sheriff's Association and the KS Peace Officers Association, in support of **SB 518**. (Attachment #2)

There were no other proponents and no opponents so the Chairman closed the hearing on **SB 518** and opened the hearing on **SB 544**.

SB 544 - Metropolitan transit authority, definition of metropolitan area

Chairman Hayzlett recognized Janlyn Nesbett-Tucker, CEO of the Topeka Metropolitan Transit Authority. (Attachment #3) She said the Topeka Transit is the state's only metropolitan transit authority. They operate 51 fixed-route and para-transit busses. According to Ms. Nesbett-Tucker in 1955 legislation defined a "metropolitan area" as the city limits of any first-class city over 120,000 plus three miles. She said the reason they wanted to expand their service boundary is to have the opportunity to offer transit service when the time is right and demand is there. The other reason according to Ms. Nesbett-Tucker is that expansion of their service boundaries fits with the plans of the Kansas Department of Transportation to fund transit services on a more regional basis - which is part of the T-link recommendations.

CONTINUATION SHEET

Minutes of the House Transportation Committee at 1:30 p.m. on March 9, 2010, in Room 783 of the Docking State Office Building.

The Chairman recognized Lisa Koch, Public Transit Manager for the KS Department of Transportation. (Attachment #4) Ms. Koch said KDOT is supportive of **SB 544** because it will allow the Topeka Metropolitan Transit Authority more flexibility in providing transit services to those who live and work in Topeka.

The next conferee was Karen Hiller, Councilwoman for the Topeka City Council. (Attachment #5) She said it was important that they have a transit available for downtown Topeka. Councilwoman Hiller said the City Council last year challenged the Topeka Metropolitan Transit Authority to offer services that would take advantage of opportunities that could be identified as commuter routes and vanpools. She said the City of Topeka supports extending the service area boundary.

The last conferee was R.E. "Tuck" Duncan, Executive Director, KS Public Transit Association. (Attachment #6) According to Mr. Duncan, enactment of **SB 544** is consistent with the effort to institute a regional approach to transit in Kansas. He said the recent T-LINK Report recommended the creation of a regional transit approach to expand and improve delivery of rural transit service... He concluded with the question and answer, "What saves 4 million gallons of gas daily, provides access to jobs for thousands of Kansans, reduces greenhouse gases, is an option to get to work, school, a doctor's office, revitalizes neighborhoods, enhances growth, and saves you money? Public Transit."

The Chairman drew the Committee's attention to written testimony submitted by James S. Daniel, Vice Chair, Topeka Metropolitan Transit Authority, in support of **SB 544**. (Attachment #7)

There were no other proponents and no opponents so the Chairman closed the hearing on **SB 544**.

The Chairman opened **SB 367** to the Committee for discussion, comments or motions. Chairman Hayzlett asked staff to brief the Committee on **SB 367** and **SB 462**. There was discussion on **SB 367** but no motions were made.

Chairman Hayzlett opened **SB 462** to the Committee for discussion, comments or motions. Staff had a balloon amendment. (Attachment #8) All parties were in support of this amendment. Representative Burgess made a motion to adopt the amendment, seconded by Representative Vickrey and the motion carried. Representative Burgess made a motion to favorably pass SB 462, as amended, seconded by Representative Ballard and the motion carried.

There being no further business before the Committee, the meeting was adjourned.



Mark Parkinson, Governor
Terry L. Maple, Superintendent

www.kansashighwaypatrol.org

**Testimony on Senate Bill 518
House Committee on Transportation**

**Presented by
Major Mark Bruce
Kansas Highway Patrol**

March 9, 2010

Good morning Mr. Chairman and members of the committee. I am Major Mark Bruce and I appreciate the opportunity to appear before you today on behalf of the Kansas Highway Patrol (KHP) regarding Senate Bill 518. This bill would change current law in two ways. First, it would increase VIN inspection fees from \$10 to \$20. Second, it would allow new vehicle dealers to retain a portion of the fees for inspections they conduct as program designees.

The Kansas Vehicle Identification Number (VIN) Inspection Program is authorized pursuant to K.S.A. 8-116a and was established in 1984. The purpose of the program is simple and straightforward; it exists to prevent stolen vehicles or assembled vehicles with stolen components from being titled in Kansas. This program is the envy of many states because it provides the KHP and our designees an opportunity to conduct physical inspections of vehicles prior to a title being issued by the Kansas Department of Revenue. The existence of this program prevents Kansas from becoming a dumping ground for stolen vehicles and their parts.

Since the inception of the program, over twenty-five years ago, the fee for a required inspection has remained fixed at \$10. Clearly, the direct and indirect costs associated with conducting these inspections have increased since that time. Also since the program was created, the KHP has subsidized the cost of the nine, trooper positions dedicated to it from our operating funds. Shifting the funding for these positions to the VIN Inspection Fee Fund is the impetus behind this legislation.

I hope you will agree that this entire program should be funded from fees associated with it and not subsidized from our state general fund budget. Unfortunately, the current \$10 fee will not cover the costs for this to occur.

Again, I appreciate your time today and trust that you will favorably consider the merits of this bill and the benefits they provide to our law enforcement partners, our friends in the automotive industry, the KHP and most importantly, Kansans.

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House Transportation
Date: 3-9-10
Attachment # 1



**Kansas Association of
Chiefs of Police**

PO Box 780603
Wichita, KS 67278
(316)733-7301



**Kansas Sheriffs
Association**

PO Box 1853
Salina, KS 67402
(785)827-2222



**Kansas Peace Officers
Association**

PO Box 2592
Wichita, KS 67201
(316)722-8433

**Testimony to the House Transportation Committee
In Support of SB518 VIN Inspection Fee Increase
March 9, 2010**

Chairman Hayzlett and Committee Members,

The Kansas Association of Chiefs of Police, the Kansas Sheriff's Association, and the Kansas Peace Officers Association support SB518. The VIN Inspection Program, operated by the Highway Patrol, is an important program. The program assures vehicles registered in Kansas have legitimate Vehicle Identification Numbers assigned and verify the vehicle is not stolen or otherwise illegally misrepresented. This proposal will provide much needed funding for this program and will also assist the agencies who participate as a "designee" in the VIN inspection program.

Several law enforcement agencies currently participate as KHP designee inspectors. Our members support this fee increase to assist in covering the cost of the inspections.

We encourage you to recommend this bill favorably to pass.

Ed Klumpp
Kansas Association of Chiefs of Police, Legislative Committee Chair
Kansas Sheriffs Association, Legislative Liaison
Kansas Peace Officers Association, Legislative Liaison
E-mail: eklumpp@cox.net
Phone: (785) 235-5619
Cell: (785) 640-1102

House Transportation
Date: 3-9-10
Attachment # 2



TOPEKA METROPOLITAN TRANSIT AUTHORITY

201 N. Kansas Ave. Topeka, Kansas 66603-3622
Phone (785) 233-2011 Fax (785) 233-3063

Quincy Station (785) 783-7000
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www.TopekaTransit.com

Appearing in support of SB 544 - Metropolitan Transit Authority

Kansas House Transportation Committee
Tuesday, March 9, 2010

- Janlyn Nesbett-Tucker, Chief Executive Officer, Topeka
Metropolitan Transit Authority, Topeka, Kansas

Good morning,

Chairman Hayzlett and House Transportation Committee Members, I am Janlyn Nesbett-Tucker. For almost 6 years I have been the CEO of the Topeka Metropolitan Transit Authority. On behalf of the Transit Authority, I offer my testimony in support of Senate Bill 544.

Topeka Transit is the state's only metropolitan transit authority. We operate 51 fixed-route and paratransit buses. We employ just under 100 people and deliver approximately 6,000 trips a day.

The Metropolitan Transit Authority Act was initially passed 55 years ago by the 1955 legislature. L. 1955, ch. 118. That enactment defined a "metropolitan area" as the city limits of any first-class city over 120,000 plus three miles. In 1955, a service area of the city limits plus three miles made perfect sense. At that time, traveling between Topeka and Kansas City constituted a "trip." Now that same trip has become a daily commute for hundreds if not thousands of people. This is indicative of the modern trend of community public transit needs

In 1984 the Metropolitan Transit Authority Act was changed to define a metropolitan area as the city of Topeka, exclusively, leaving Topeka with the sole metropolitan authority in the State. The reason we wish to expand our service boundary is so that we, like all other Kansas transit providers, have the opportunity to offer transit service when the time is right, demand is there, and funding allows.

House Transportation
Date: 3-9-10
Attachment # 3

SB 544 - Metropolitan Transit Authority Act
Testimony of Janlyn Nesbett-House Transportation Committee
March 9, 2010
Page 2 of 2

One recent example of an extremely successful transit service is the K-10 Connector. Johnson County carries as many people on its K-10 Connector service between Kansas City and Lawrence as it does on all its other routes combined.

Today in our capitol city, public demand for transit service between cities requires us to explore options of providing service to neighboring communities like Lawrence and Manhattan. At this time, however, our service boundary prohibits it.

An expanded service area would enable Topeka Transit to meet federal service benchmarks which would open the door to new, additional sources of funding. As a member of the Kansas Public Transit Association, we have a close relationship with our peer transit agencies and we would engage in interlocal cooperation and teamwork before initiating any new service projects.

Finally, expansion of our service boundaries fits with the desire of the Kansas Department of Transportation to fund transit services on a more regional basis - which is also included in the T-link recommendations as part of the new multi-year state highway plan. The current language limits the ability of our metropolitan transit authority in establishing regional commuter services.

I am eager for Topeka Transit to have the same opportunities as other Kansas transit providers to operate service outside the limits of the city. As you will hear today from other supporters of SB 544, expanding opportunities for service is more vital now than ever before.

I thank you for your time and ask that you report Senate Bill 544 favorably out of committee.

Thank you.

Janlyn Nesbett-Tucker
CEO/General Manager
Topeka Metropolitan Transit Authority
201 North Kansas Avenue
Topeka, Kansas 66603
785/233-2011 X101

**TESTIMONY BEFORE
HOUSE TRANSPORTATION COMMITTEE**

**REGARDING SENATE BILL 544
RELATED TO THE METROPOLITAN TRANSIT AUTHORITY ACT**

March 9, 2010

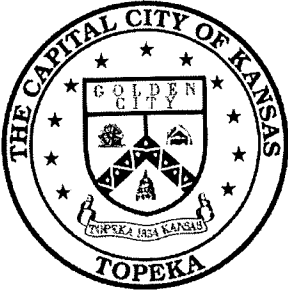
Mr. Chairman and Committee Members:

I am Lisa Koch, Public Transit Manager for the Kansas Department of Transportation (KDOT). My testimony today will describe KDOT's support of Senate Bill 544.

KDOT is supportive of Senate Bill 544 because it will allow the Topeka Metropolitan Transit Authority more flexibility in providing transit services to those who live and work in Topeka. Currently, the Transit Authority Act only allows Topeka Metropolitan Transit Authority buses to service the area within a three mile radius of Topeka. This limitation makes it challenging for the Topeka Metropolitan Transit Authority to meet the commuter needs of those working in Topeka. Extending the radius to 90 miles will allow the Topeka Metropolitan Transit Authority to operate vanpools and other commuter services that could be very successful in the region.

Thank you for the opportunity to testify in support of Senate Bill 544. I would be happy to stand for questions at the appropriate time.

House Transportation
Date: 3-9-10
Attachment # 4



CITY OF TOPEKA

CITY COUNCIL
215 SE 7th St, Room 255
Topeka, KS 66603-3914
Tel: (785) 368-3710
Fax: (785) 368-3958
www.topeka.org

TESTIMONY

TO: The Honorable Gary Hayzlett, Chairman
And Members of the House Transportation Committee

FROM: Councilmember Karen Hiller
1st District, City of Topeka

RE: SB 544 – Topeka Metropolitan Transit Authority

DATE: March 9, 2010

Good afternoon Chairman Hayzlett and Members of the House Transportation Committee. I am Karen Hiller, Councilwoman for the City of Topeka, and I appear before you today to offer testimony in support of Senate Bill 544 on behalf of the City of Topeka.

Just last year we challenged the Topeka Metropolitan Transit Authority to think big and offer service to follow.

Part of this challenge includes their ability to take advantage of opportunities that could be identified such as commuter routes and vanpools. We are eager for Topeka Transit to have the same opportunities as other Kansas transit systems to operate service outside the limits of the city.

I speak for the City of Topeka when I say that we as a City support extending the service area boundary. This support for our local transit system has been adopted into our City's Legislative Agenda and we are all in agreement that expanding the opportunities for service are more vital now than ever before.

I ask that you, too, support Senate Bill 544.

Thank you.

Karen Hiller
District 1
Topeka City Council
215 SE 7th Street
Room No. 255
Topeka, Kansas 66603
(785) 368-3710

House Transportation
Date: 3/9/10
Attachment # 5



To: House Committee on Transportation
From: R.E. "Tuck" Duncan, Executive Director
Kansas Public Transit Association
RE: SB 544

March 9, 2010

The Kansas Public Transit Association supports SB 544.

SB 544 would amend the Metropolitan Transit Authority Act. The current definition of a "metropolitan area" includes the area within the corporate limits of the City of Topeka and includes the area having a radius within three miles outside the corporate limits. SB 544 would increase the outer boundary from the corporate limits from three miles to 90 miles. We understand that the Kansas Department of Transportation states passage of SB 544 would have no fiscal effect to agency operations and that The League of Kansas Municipalities indicates the fiscal effect of the bill on cities would be negligible.

Enactment of SB544 is consistent with the effort to institute a regional approach to transit in Kansas. For example: Secretary of Transportation Ray LaHood visited Kansas City last week to announce \$1.5 billion in TIGER (Transportation Investment Generating Economic Recovery) grants, including \$50 million for the Kansas City region. The grants are funded by federal stimulus dollars as part of the American Recovery and Reinvestment Act. **Investments in regional transit corridors** — including the U.S. 24 and U.S. 40 corridors in eastern Jackson County; the North Oak corridor north of the Missouri River; the State Avenue corridor in Kansas City, Kan.; and the Metcalf/Shawnee Mission Parkway corridor in Johnson County. TIGER funds will support transit infrastructure improvements, including additional transit centers, better pedestrian access to transit facilities, bus stop improvements, and traffic signal priority for buses.

The recent T-LINK Report, (Transportation- Leveraging Investments in Kansas), recommended to: "Create a regional transit approach to expand and improve delivery of rural transit service..." T-LINK concluded that aspects of a regional approach could include: "... [T]he development of 10 to 12 transit jurisdictions using a substantial public involvement process. • Each jurisdiction would have a lead agency, funded by the state, which would be required to meet a specific level of service or could use subcontractors... • Lead agencies would be required to use advanced technologies and "One-Call" dispatching, which would enhance scheduling efficiencies and help users find service more easily."

Currently Kansas has contracted with Medical Transportation Management to coordinate Kansas' medical transportation providers and as such provide a comprehensive transportation provider network on a state and regional approach to meet the needs of Medicaid patients. It's a one-call service. SB 544 is consistent with the future regional mobility management approach to public transportation. For additional information see the attached Overview of Public Transit in Kansas. *Thank you for your attention to and consideration of these matters.*

House Transportation
Date: 3-9-10
Attachment # 6



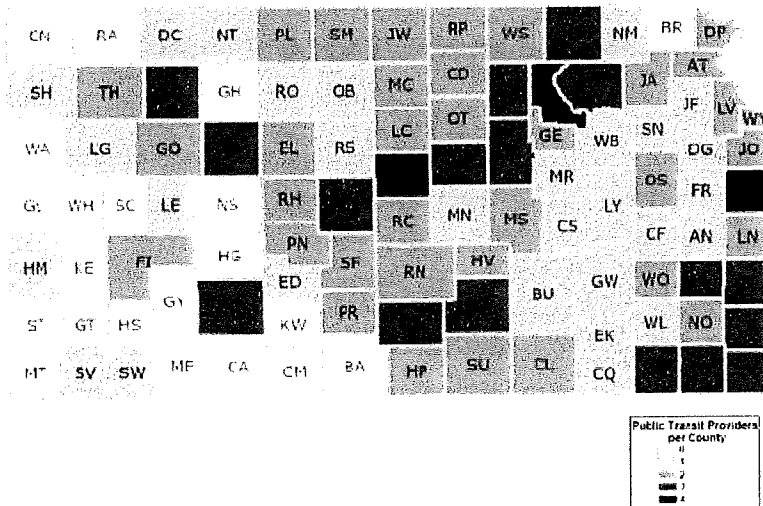
Overview of Public Transit in Kansas For the House Transportation Committee

R.E. "Tuck" Duncan, Executive Director
Kansas Public Transit Association

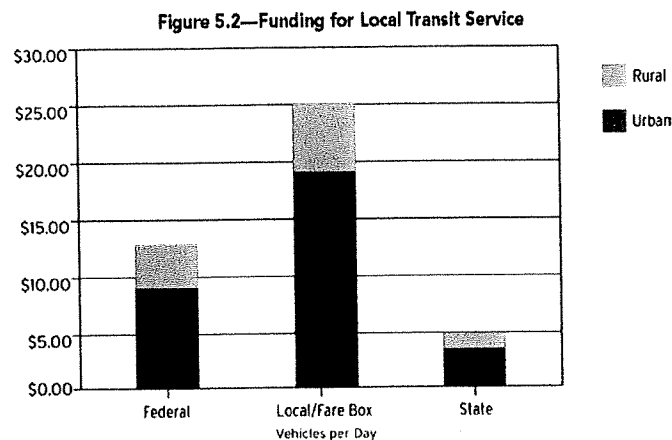
In sparsely populated rural Kansas, about 180 small transit operators provide a patchwork of mostly public on-demand and client-specific transit service spread over a wide geographic area. In more densely populated urban areas of the state, five large transit operators offer scheduled bus service along fixed routes. Transit in Kansas provides important economic, health, and social benefits by giving citizens without regular access to a personal vehicle a way to get to work or to make important personal trips and to maintain their independence. In urban areas of the state, buses help alleviate traffic congestion and reduce air pollutant emissions.

Most rural and urban transit agencies in Kansas are struggling to manage rapidly increasing costs driven by growing ridership, higher fuel costs, need for new vehicles, demand for longer hours of service, wider coverage areas, and demand for shorter waiting times between buses on fixed routes. Increases in federal, state, and local funding for transit have not kept pace with cost increases. Over the last eight years, transit ridership in urban and rural Kansas has grown by 48 percent. Long term trends driving ridership growth include an aging population that is more reliant on transit for basic transportation needs such as access to health care and other necessities and the cost-effectiveness of transit compared to driving.

The following map depicts the number of General Public Transportation providers offering significant public transit services, such as trips with both origins and destinations in a county. Specialized transit providers for the elderly or disabled are not included. Some of the counties that have no significant services on the map might have some service (often destinations) but not enough to show that significant services are offered within the county. Many counties in western Kansas have no significant public transit service. Source: T-LINK Report, January, 2009



For instance, the need to get people to work was cited in southeast Kansas and the need to transport patients to health care was noted in western Kansas. Under the current Comprehensive Transportation Plan, the state provides \$3.5 million per year for urban transit and \$2.5 million per year for rural transit. Additional funding for transit comes from fare box revenue, and federal and local funding sources. (Source: Kansas Department of Transportation, T-LINK)



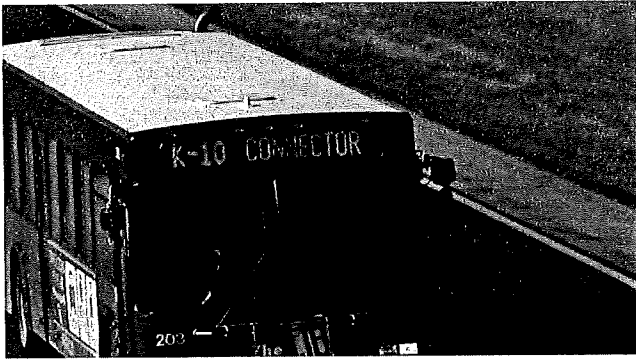
Public transit provides access to job opportunities for millions of Americans as well as transportation options to get to work and school, shop, visit friends or go to a doctors office. In 2008, Americans took over 10.5 billion trips on public transit – the highest ridership levels in 50 years. Every \$1 invested in public transportation projects generates approximately \$6 in local economic activity. Every \$10 million in operating investment in public transportation yields \$32 million in increased business sales. Every \$10 million in capital investment in public transportation yields \$30 million in increased business sales.

Transit is uniquely positioned to provide the United States with the opportunity to support sustainability efforts, through environmental benefits and energy savings. Public transit eases family budgets, supports safe pedestrian and biking alternatives, enables new development, and helps maintain clean air. As transit agencies restore and replace our existing capital equipment, as well as explore innovative technology and projects that will propel us far ahead of competing services, we constantly work to support our local citizens' desire for change and choice. Supporting public transit is not only financially responsible, but will help our state as a whole by addressing the mounting needs of the aging baby-boomers as they approach their golden years. It also will put in place a framework for solving a key and mounting problem our hard working families are facing – dealing with increasing transportation-related costs.

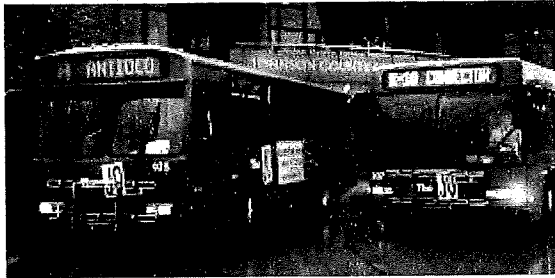
What saves 4 million gallons of gas daily, provides access to jobs for thousands of Kansans, reduces greenhouse gases, is an option to get to work, school, a doctor's office, revitalizes neighborhoods, enhances growth, and saves you money? Public Transit, of course. Public transit fosters a healthy lifestyle. Kansas public transit provides over 10 million rides a year. Whether public transit is a medical lifeline, a means to work or a green alternative, public transit is a lifestyle for thousands of Kansans.

For further information and links to transit related site go to: www.kstransit.org

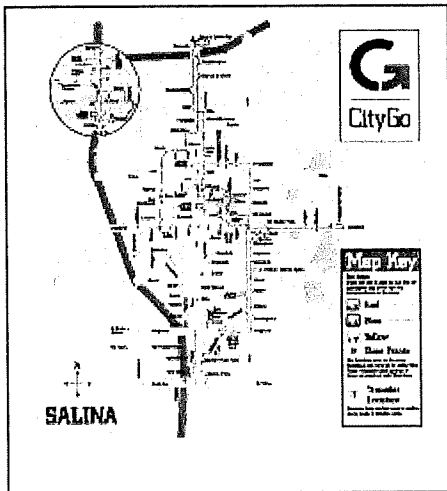
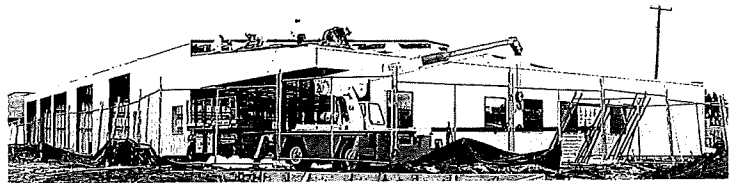
Selected Examples of current Kansas Transit Options



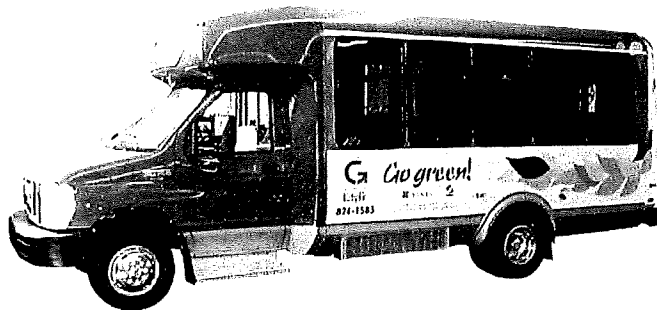
K-10 connector service connects Johnson County (and the JCCC) with Lawrence. (left) JoCo buses below.



Topeka Transit is experiencing significant growth. (right) Finney County Transit offers fixed route service (below). Also Finney County has completed a new transit center (below)



Salina, Kansas initiated its City Go fixed route service in 2008. *Now you can "Go Green."*



Para-transit services offered by Sunflower Diversified Services Great Bend, Kansas (right) and by Developmental Services of NW Kansas in Hays, (far right).





TOPEKA METROPOLITAN TRANSIT AUTHORITY

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Testimony in support of Senate Bill 544
AN ACT concerning the metropolitan transit authority act

Kansas House Transportation Committee
Tuesday, March 9, 2010

Appearing in support of SB 544

– James S. Daniel, Vice Chair, Topeka Metropolitan Transit Authority

Good morning,

Representative Hayzlett, Committee Members, I am Jim Daniel, Vice Chair of the Topeka Metropolitan Transit Authority and I appear in support of SB 544.

I have been a TMTA board member from 1989 -2000 and then again from 2007 to the present. I worked at Topeka Transit from 1975 – 1983 and I have a long-standing understanding of public transportation in Topeka and in Kansas.

The Kansas statutes that created the TMTA were written with a limit of service of three miles beyond the boundary of the city limits. I am unaware of any reason for this other than the 3-mile urbanized limit for metropolitan planning commissions.

The TMTA does not permit regular route service beyond the limits of the city of Topeka, based on the significant property tax support by Topeka residents. We have permitted the demand/response service, that we call the LIFT, to operate outside the limits of the city from time-to-time; however, not beyond the 3-mile limit.

The bill under consideration expands the limits of our service area to permit Topeka Transit to operate regularly scheduled service to other communities in Kansas. This would permit “commuter-type” services to other communities, depending on the demand and the source of revenue.

The TMTA may be called upon in the future by a state agency or another governmental unit to provide service outside the limits defined by the Kansas statutes.

This bill does not contemplate charter or one-time bus service. This bill does not change the federal regulations requiring the TMTA to offer all charter activity to private bus operators.

House Transportation
Date: 3-9-10
Attachment # 7

SB 544 –Metropolitan Transit Authority Act
Testimony of James S. Daniel – House Transportation Committee
March 9, 2010
Page 2 of 2

As a TMTA Board member, I can say it is not my intent to operate regularly scheduled services outside the limits of the city of Topeka, unless there is an overriding public good to be obtained by offering a new service.

In conclusion, I support the legislation your committee has under consideration.

Thank you, and I stand for questions.

Substitute for SENATE BILL No. 462

By Committee on Transportation

2-17

9 AN ACT regulating traffic; concerning liability for damage to highway or
10 structure; amending K.S.A. 8-1913 and repealing the existing section.

11

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

13 Section 1. K.S.A. 8-1913 is hereby amended to read as follows: 8-

14 1913. (a) Any person driving any vehicle, object or contrivance upon any
15 highway or highway structure shall be liable ~~for all damage reasonable~~
16 ~~costs, direct or indirect, associated with the repair of damages which said~~
17 ~~such~~ highway or structure may sustain as a result of any illegal operation,
18 driving or moving of such vehicle, object or contrivance, ~~or as a result of~~
19 ~~operating, driving or moving any vehicle, object or contrivance weighing~~
20 ~~in excess of the maximum weight in this act but authorized by a special~~
21 ~~permit issued as provided in this article regardless of whether a ticket has~~
22 ~~been issued or not. Indirect costs may include, but not be limited to,~~
23 ~~reasonable costs associated with damage assessment, engineering and de-~~
24 ~~sign, mobilization, traffic control and detour costs.~~

25 (b) Whenever such driver is not the owner of such vehicle, object or
26 contrivance, but is so operating, driving or moving the same with the
27 express or implied permission of ~~said the~~ owner, then ~~said the~~ owner and
28 driver shall be jointly and severally liable for any such ~~damage costs~~.

29 (c) Such ~~damage costs~~ may be recovered in a civil action brought by
30 the authorities in control of such highways or highway structure.

31 Sec. 2. K.S.A. 8-1913 is hereby repealed.

32 Sec. 3. This act shall take effect and be in force from and after its
33 publication in the statute book.

, subject to the provisions of K.S.A. 60-258a, and amendments thereto,

proximate