

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Gary Hayzlett at 1:30 p.m. on February 20, 2003 in Room 519-S of the Capitol.

All members were present except:

Representative Mary Kauffman, excused
Representative Roger Toelkes, excused

Committee staff present:

Bruce Kinzie, Revisor
Hank Avila, Legislative Research Dept.
Mary Galligan, Legislative Research Dept.
Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Gary Rosewicz, Marshall County Engineer
Randall Allen, Executive Director, KS Ass'n. of Counties
Evan Ice, Douglas County Counselor
Keith Browning, Douglas County Engineer
Sheila Walker, Director, Motor Vehicle Division
Chuck Henry, Treasurer, Wyandotte Unified Government
Martha Neu Smith, KS Manufactured House Association
Mark Beck, Director, Property Valuation Division

Others attending:

See attached list

Hearing on HB 2135 - Roads and highways, county roads

Chairman Hayzlett opened the hearing on **HB 2135** by introducing Gary Rosewicz, Marshall County Engineer, who explained the bill. (Attachment 1) According to Mr. Rosewicz this bill would update the name of the board of highway commissioners (a term no longer in use) to the township board. The bill would also prohibit the board of county commissioners or board of township trustees from renting or hiring county or township machinery for any private purposes. Existing law allows such practice for road clearing purposes only.

The next proponent was Randall Allen, Executive Director with the Kansas Association of Counties. (Attachment 2) Mr. Allen said a committee comprised of county highway officials and Larry Emig, KDOT Director of the Bureau of Local Projects, have met numerous times for the purpose of identifying 1) statutes which duplicate other statutes 2) obsolete statutes and 3) statutes that contain language no longer relevant in the modern era. Mr. Allen concluded by saying **HB 2135** is the work product of that effort. He also asked the Committee to make a technical correction in Section 3 of the bill which indicated certain sections of KSA 68-124 should be repealed when in fact these sections should be amended.

There being no other proponents and no opponents, following discussion the Chairman closed hearings on **HB 2135**.

HB 2150 - Township roads; traffic-control devices

The Chairman introduced Evan Ice, Douglas County Counselor, who said the purpose of this bill is to harmonize conflicting statutory provisions relating to traffic signs along township roads. (Attachment 3) He said **HB 2150** will codify what they believe is the general approach in Kansas and will resolve the ambiguities. Townships will have the responsibility and authority to post and maintain traffic control devices along township roads. Regulatory signs, however, must comply with resolutions of the board of county commissioners.

The next proponent was Keith Browning, Douglas County Engineer. He said his purpose in being there

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was to urge support of **HB 2150** concerning the authority and responsibility of townships to install and maintain traffic control signs on township-maintained roads in counties not operating under the county road unit system. The proposed legislation clarifies the Kansas Statutes regarding the authority of townships to install and maintain signs. Currently, the statutes are confusing in that different statutes seem to conflict with each other. The proposed legislation (with suggested revisions) clarifies the lines of authority regarding the placement of signs on township roads.

The last proponent was Randall Allen, Executive Director, KAC. According to Mr. Allen, the Kansas Association of Counties was there to express support for **HB 2150** which clarifies that in counties that have not adopted the county unit road system, townships have the responsibility and authority to place and maintain traffic control devices (including guidance and warning signs, and regulatory signs) on township roads under the jurisdiction of the township. This position was adopted by the Association's full membership at their annual conference last November and reflects their desire to clarify the township board's role and the county's role, within their respective capacity to fulfill those roles.

There were no additional proponents and no opponents so the Chairman closed the hearing on **HB 2150** following discussion.

HB 2189 - Renewal of registration of certain vehicles

Chairman Hayzlett introduced Representative John Ballou who said the sole purpose of this bill is making certain license plate expiration dates and renewal dates be changed so that the owners of these vehicles will actually have a chance to renew their plates before they expire. He explained that the problem was the renewal sticker for these plates are not available until Jan. 2nd. He concluded by saying the 16m vehicles plates would now need to be renewed by March 1 and stickers for renewal would be available on Jan. 2, giving owners two months to renew.

Sheila Walker was the next to speak in favor of **HB 2189**. She said every year between January 1 and February 15 she gets calls from various constituents who have been pulled over by law enforcement officers because of driving on expired tags but their grace period by law carried them over until February 15. This bill will extend the grace period a couple more weeks - to the end of February so that they can give them a February decal to prevent law enforcement from pulling them over. She said they would like to see this on the Consent Calendar because she would like to see this go through without having anyone trying to increase registration fees.

When Chairman Hayzlett asked if there were any more proponents, Chuck Henry, Treasurer Wyandotte Unified Government spoke. He said last week when this was brought up before the county treasurers they were thrilled. The county treasurers support **HB 2189**.

There were no additional proponents and no opponents so the Chairman closed the hearing on **HB 2189**.

The Chairman called for final action on **HB 2135**. Representative Wilk made a motion to pass this bill out with a second by Representative Huff. The motion carried.

The Chairman called for final action on **HB 2150**. Representative Yonally made a motion to amend as follows: on page 1, in line 27, by striking "and guidance and warning signs" and inserting "other than regulatory signs"; in line 30, by striking all following "tion"; in line 31, by striking "county" and inserting "consistent with resolutions of the board of county commissioners of the county in which the township road is located. For this purpose, regulatory sign is a sign setting forth a regulation, the violation of which subjects the operator of the motor vehicle to fine, imprisonment, or both"; in line 35, preceding the period, by inserting "but the board of county commissioners shall have no obligation to do so"; Representative Davis seconded the motion and the motion to amend carried.

Representative Yonally then made a motion to pass **HB 2150** as amended, Representative Humerickhouse seconded the motion and the motion carried.

Chairman Hayzlett then called for final action on **HB 2189**. Representative Vickrey made a motion to pass out favorably and be put on the Consent Calendar. Representative Jack seconded the motion and the

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motion carried.

The Chairman then called for final action on **HB 2157**. The Chairman had asked the proponents and opponents to work together and clear up some points. The first to speak was Chuck Henry, Treasurer of Wyandotte County Unified Government. (Attachment 7) Mr. Henry explained that he and Mike Billinger, Ellis County Treasurer, had met with opponents of the bill and presented some amendments. Mr. Henry said he and Mr. Billinger thought these amendments to the bill might answer some of the questions asked by the Committee and some of the challenges brought up by the opponents to the bill. He stood for questions from the Committee.

Chairman Hayzlett then introduced Martha Neu Smith, Kansas Manufactured Housing Association who said they still have major issues i.e. all taxes have to be paid when the home is moved regardless of whether they are due or not. Also there is no provision in the bill for eviction. If a park owner evicts a home and the taxes have not been paid, that home can not be moved. It does transfer the responsibility of property tax collection from the county to the transporter and, she asked, what other private business has the responsibility to make sure that the property taxes are collected before they do business with the company. She listed several other issues that had not been resolved. She concluded with the fact 75% of their homes are never moved once they are sited and these are just some of their remaining concerns.

Mark Beck, Director of Property Valuation Division, Dept. of Revenue, said there are laws on the books that state the due dates and that any property moving out of Kansas, does not specify mobile homes, the taxes are due and owing immediately. It is not transferring responsibility anywhere, such as to transporters, it is just a responsibility of business that you have certain papers. He said there were other issues such as out-of-state owners not being available. He went on to say that every dollar of tax that is not paid that is due and owing is shifted to someone else. This is just a normal property tax procedure.

Representative Humerickhouse made a motion to table this bill due to the issues still unresolved. The motion was seconded by Representative Ballou and the motion carried.

There being no further business the meeting was adjourned. The next meeting will be Monday, February 24, 2003.