

MINUTES

ROADS AND HIGHWAYS COMMITTEE

The Roads and Highways Committee met in Room 535 on February 2, 1970 with 18 members present. Long, Lutz, and Madden were absent. The meeting was called to order by Chairman Dierdorff. Guests were introduced: Mr. and Mrs. Dean Seems, Gaylord; Merritt Buffon, Research Department. Inez Cohoon, Mary Weitzel, Nadine Riggs, and Pearl Coon, Parsons Business and Professional Women. Mrs. Coon also represented the Nursing Home Association.

A proposed bill amending the statutes as to when the department will revoke the license of a chauffeur providing for mandatory revocations by the department in certain cases; amending K.S.A. 8-254 and repealing the existing section was moved by Ratner to be introduced as a bill and referred back to the committee. Hughes seconded the motion. Motion carried.

A proposed bill providing for a general county rural highway system was moved by Dempsey to be introduced as a committee bill and referred back for further study. Mills seconded the motion. Motion carried.

Mills moved that a concurrent resolution authorizing and directing the Kansas State Highway Commission to continue a study to determine the possibility and feasibility of constructing a toll bridge across the Missouri river on U.S. Highway 36 near the city of Elwood, Kansas be entered as a committee resolution. Holmes seconded the motion. Motion carried.

Except as otherwise noted, the individual remarks recorded herein have not been transcribed verbatim and this record has not been approved by the committee or by the individuals making such remarks.

Hayes introduced a proposed bill in regard to free license plates for disabled veterans be amended to add for any disabled veterans with 100% disability. Hayes moved it be introduced as a committee bill and referred back. Ratner seconded the motion. Motion carried.

HOUSE BILL 1398 - AN ACT relating to the sale of used motor vehicles; declaring the sale of such vehicles by registered dealers without safety checks and repairs to be unlawful and prescribing penalties for the violation thereof.

Gray moved that Bill 1398 be recommended adversely. Mr. Davis seconded the motion. Motion carried. Holmes voted "no".

HOUSE BILL 1288 - AN ACT amending the uniform motor 'vehicle operators' and chauffeurs' license act; concerning restricted licenses and persons to whom license not issued; amending K.S.A. 8-237 and repealing the existing section. Ratner moved and Gray seconded that the bill be amended as follows: on page 1, line 4 after comma by inserting "except that the department may issue a license to any person over sixteen (16) years of age who has successfully completed an approved course in driver education conducted by a certified or licensed driver education teacher, and". Those voting Aye were: Davis, Rosenau, Gray, Powell, Hughes, Ratner, Talkington, Holmes, Lady, Nowlin, and Kay. Those voting Nay were Spotts, Jacobs, Dempsey, Mills, Hayes, and Wilcos. The motion carried.

Also on Bill 1288 it was moved by Talkington and seconded by Ratner that on page 2 line 14 to delete after the word "withdrawn" the rest of line 14, line 15, 16, 17 to and including the word

Except as otherwise noted, the individual remarks recorded herein have not been transcribed verbatim and this record has not been approved by the committee or by the individuals making such remarks.

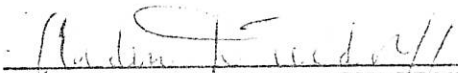
"limit". The word "or" to be inserted in line 13 after the word
"licensee". There was no vote taken

A sub-committee composed of Talkington, Chairman, with Gray and
Nowlin as members, to meet on Bill 1288 and report back to the committee.

The meeting was adjourned to meet on February 3 in Room 529.

Elizabeth Carlson Recording Secretary

APPROVED:



ARDEN DIERDORFF, CHAIRMAN

February 2, 1970

ROBERT B. DOCKING, Governor

State Highway Commission of Kansas

JOHN D. MONTGOMERY, Director of Highways
R. L. PEYTON, Assistant State Highway Director
JOHN D. McNEAL, State Highway Engineer



ROBERT P. HAGEN
Lawrence, Kansas
BOB KENT
Salina, Kansas
HENRY SCHWALLER
Hays, Kansas
KARL A. BRUECK
Paola, Kansas
GALE MOSS
El Dorado, Kansas
LOUIS KAMPSCHROEDER
Garden City, Kansas

STATE OFFICE BUILDING
TOPEKA, KANSAS 66612

January 30, 1970

Representative Jack R. Euler
House of Representatives
Statehouse
Topeka, Kansas

Dear Mr. Euler:

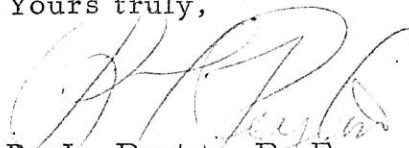
Reference: US-36, Toll Bridge
Over Missouri River

Attached is a draft of a proposed resolution, containing language which we believe will serve to continue activity on the proposed toll bridge project near Elwood, Kansas, across the Missouri River.

It is our opinion that this will make it possible for representatives of the State Highway Commission to make contacts with people in the State of Missouri and, hopefully, get more responsive answers than our consultants were able to get during the study made in 1969. It is also our opinion that this can be done without any further appropriations of money for these purposes at present.

This is in accord with our conversation with you and Mr. Dierdorff Wednesday. Please feel free to make whatever alterations or deletions you wish to make in this draft. If you have any questions about it, we will be glad to respond to a further inquiry.

Yours truly,


R. L. Peyton, P. E.
Asst. State Highway Director

RLP/us

Att.

CC: Representative Arden Dierdorff

HOUSE CONCURRENT RESOLUTION NO. _____

A CONCURRENT RESOLUTION authorizing and directing the Kansas state highway commission to continue a study to determine the possibility and feasibility of constructing a toll bridge across the Missouri river on U.S. Highway 36 near the city of Elwood, Kansas; authorizing discussions with appropriate officials of the state of Missouri and the city of St. Joseph, Missouri, towards interstate cooperation on engineering and traffic and earnings surveys; requiring a report and recommendations to the 1971 session of the legislature.

WHEREAS, by House Concurrent Resolution No. 1045, Session of 1969, the Kansas state highway commission was authorized and directed to cause a study to be made to determine the possibility and feasibility of constructing a toll bridge across the Missouri river on U.S. Highway 36, near the city of Elwood, Kansas; and

WHEREAS, a feasibility report and recommendations, as authorized and requested, was made to the 1970 session of the legislature of the State of Kansas by the Kansas state highway commission; and

WHEREAS, it is deemed advisable that the Kansas state highway commission make further planning studies as to the feasibility of constructing a toll bridge across the Missouri river on U.S. Highway 36, near the city of Elwood, Kansas, and the possibility of interstate cooperation towards engineering and traffic and earnings surveys: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Kansas state highway commission is hereby authorized and directed to continue a planning study concerning the possibility and feasibility of constructing a toll bridge of four lanes, or of such design and construction to accommodate future traffic needs, across the Missouri river on U.S. Highway 36 near the city of Elwood, Kansas. The Kansas state highway commission is further authorized to enter into preliminary discussions with appropriate officials of the State of Missouri and the city of St. Joseph, Missouri, and other appropriate planning agencies, relative to reaching tentative agreements between the States for engineering and traffic and earnings surveys. A report, together with recommendations thereon, shall be submitted to the 1971 session of the legislature.

Be it further resolved: That the secretary of state be instructed to transmit a copy of this resolution to the director of highways of the Kansas state highway commission.

Feb 2

HOUSE BILL NO. _____

By Committee on Roads and Highways

AN ACT relating to free license plates for disabled veterans;
amending K. S. A. 8-160 and repealing the existing section.

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

Section 1. K. S. A. 8-160 is hereby amended to read as follows: 8-160. As used in this act, the term "disabled veteran" means a person who has served in the armed forces of the United States and who is entitled to compensation for a one hundred percent (100%) disability under laws administered by the veterans administration ~~for the loss, or permanent loss of use, of one or both feet or one or both hands, or for permanent visual impairment of both eyes to a prescribed degree.~~

Sec. 2. K. S. A. 8-160 is hereby repealed.

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

AN ACT concerning drivers' licenses; providing for mandatory revocations by the department in certain cases; amending K. S. A. 8-254 and repealing the existing section.

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

Section 1. K. S. A. 8-254 is hereby amended to read as follows:

8-254. The department shall forthwith revoke the license of any operator or chauffeur upon receiving a record of such operator's or chauffeur's conviction of any of the following offenses when such conviction has become final:

1. Negligent Vehicular homicide resulting from the operation of a-motor-vehicle an automobile, truck, truck tractor or motorcycle;

2. Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle;

3. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

4. Conviction, or forfeiture of bail not vacated, upon three (3) charges of reckless driving committed within a period of twelve (12) months within the state of Kansas;

5. Conviction, or forfeiture of bail not vacated of any felony in the commission of which a motor vehicle is used.

Sec. 2. K. S. A. 8-254 is hereby repealed.

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

AN ACT concerning accidents involving motor vehicles; providing for written reports in certain cases and for the amount of security required in certain accidents; amending K. S. A. 8-725 and K. S. A. 1969 Supp. 8-523 and 8-726 and repealing the existing sections.

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

Section 1. K. S. A. 1969 Supp. 8-523 is hereby amended to read as follows: 8-523. (a) The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of one two hundred dollars (~~\$100~~) (\$200) or more shall, within five (5) days after such accident, forward a written report of such accident to the department, the department may suspend the license of any driver failing to file such report within the time provided pending the receipt of such report: Provided, That a written accident report is not required under this section from any person who is physically incapable of making such report during the period of such incapacity.

(b) The department may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the department, and may require witnesses of accidents to render reports to the department.

(c) The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of one two hundred dollars (~~\$100~~) (\$200) or more shall immediately by the quickest means of communication give notice of such accident to the local police department if such accident occurs within a municipality, otherwise to the office of the county sheriff or the nearest office of the state highway patrol. Whenever the driver of such vehicle

is physically incapable of giving an immediate notice of an accident as required herein, and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

(d) Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident of which report must be made as required in this section, either at the time of and at the scene of the accident or thereafter by interviewing the participants or witnesses, shall, within five (5) days after the occurrence of such accident, forward a written report of such accident to the department. If the investigation of such accident has not been completed at the time of the filing of the original report, such officer shall file a supplemental report at the time of the completion of such investigation. Such written reports required to be forwarded by law enforcement officers and the information contained therein shall not be privileged or held confidential.

Sec. 2. K. S. A. 8-725 is hereby amended to read as follows: 8-725. The provisions of ~~sections 4 to 17~~ K. S. A. 8-725 to 8-738, inclusive, and acts amendatory thereof, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of this state which is in any manner involved in an accident within this state, which accident has resulted in bodily injury to, or death of, any person, or damage to the property of any one person in excess of ~~one~~ two hundred dollars ~~(\$100)~~ (\$200).

Sec. 3. K. S. A. 1969 Supp. 8-726 is hereby amended to read as follows: 8-726. (a) The department, upon the expiration of twenty (20) days after the receipt of a report required under the motor vehicle laws of this state, of an accident which has resulted in bodily injury to, or death of, any person, or damage to the property of any one person in excess of ~~one~~ two hundred dollars ~~(\$100)~~ (\$200), shall determine the amount of security which shall be sufficient in its judgment to satisfy any judgment or judgments for damages resulting from such accident as

may be recovered against each driver or owner involved in such accident. Such determination shall not be made with respect to drivers or owners who are exempt under succeeding sections of this act from the requirements as to security and suspension.

(b) The department within fifty (50) days after receipt of report of any accident referred to herein, and upon determining the amount of security to be required of any person involved in such accident or to be required of the owner of any vehicle involved in such accident, shall give written notice by registered or certified mail to every such person of the amount of security required to be deposited by him, and that an order of suspension will be made as hereinafter provided upon the expiration of ten (10) days after the sending of such notice unless within said time security be deposited as required by said notice.

(c) Such security shall be in such form and in such amount as the department may require, but in no case in excess of the limits specified in K. S. A. 1965 1969 Supp. 8-729 in reference to the acceptable limits of a policy or bond. The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made and, at any time while such deposit is in the custody of the department or state treasurer, the person depositing it may, in writing, amend the specification of the person or persons, but any single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident. Any rules or regulations duly adopted by the department concerning the form and amount of such security shall contain a provision for the acceptance of a surety bond, for the required amount, from an insurance company licensed to do business in this state.

Sec. 4. K. S. A. 8-725 and K. S. A. 1969 Supp. 8-523 and 8-726 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

HOUSE BILL NO. _____

By Committee on Roads and Highways

AN ACT relating to the drivers' license act; concerning instruction permits and temporary licenses; amending K. S.A. 8-239 and repealing the existing section.

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

Section 1. K. S. A. 8-239 is hereby amended to read as follows:

(a)
8-239. /Any person who is at least fourteen (14) years of age may apply to the department for an instruction permit. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways for a period of sixty (60) days, ~~when accompanied by a licensed operator or chauffeur who has had at least one (1) year of driving experience and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle~~ The department may issue an instruction or restricted instruction permit to any person who is at least fourteen (14) years of age and under the age of sixteen (16) years only upon the written application of a parent or guardian of the minor, and if the minor is a resident of an ordinance city, as provided for in K. S. A. 8-237 (1), a license shall be issued only upon a showing of necessity therefor, and must also have the recommendation of the chief law enforcement officer of the city in which the minor resides. The department shall be satisfied of the necessity for the issuance of the instruction permit. The one having the instruction permit may operate a passenger motor vehicle at any time when accompanied by a parent or guardian who is the holder of a valid operator's or chauffeur's license, who is actually occupying a seat beside the driver, and, if a resident of a nonordinance city, may only operate the motor vehicle when accompanied by an

- 2 -

adult who is actually occupying a seat beside the driver. If the applicant is sixteen (16) years of age or older, he must be accompanied by an adult who is a licensed operator or chauffeur, who has had at least one (1) year of driving experience and who is occupying a seat beside the driver. Any permittee may operate a motorcycle if so provided in the permit. Any such instruction permit may be renewed or a new permit issued for an additional period of ninety (90) days.

(b) The department upon receiving proper application may in its discretion issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is enrolled in a driver-education program which includes practice driving and which is approved by the department even though the applicant has not reached the legal age to be eligible for an operator's license. Such instruction permit shall entitle the permittee when he has such permit in his immediate possession to operate a motor vehicle only on a designated highway or within a designated area but only when an approved instructor is occupying a seat beside the permittee.

(c) The department may, in its discretion, issue a temporary driver's permit to an applicant for an operator's or chauffeur's license permitting him to operate a motor vehicle while the department is completing its investigation and determination of all facts relative to such applicant's right to receive an operator's license. Such permit must be in his immediate possession while operating a motor vehicle, and it shall be invalid on the date specified thereon, which shall not be more than fifteen (15) days after its issuance, or when the applicant's license has been issued or for good cause has been refused.

Sec. 2. K. S. A. 8-239 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the official state paper.

By Committee on Roads and Highways

AN ACT providing for a general country rural highway system; authorizing and providing for the adoption of such system, the operation thereunder and the abandonment thereof; and authorizing the levy of taxes therefor.

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

Section 1. This act shall be known as the general county rural highway system act. Boards of county commissioners may adopt the provisions of this act by resolution at a regular meeting of said board, and in the event of the filing with the county clerk of a petition signed by electors equal in number to not less than ten percent (10%) of the qualified electors of the county residing outside of the corporate limits of any city, the board of county commissioners shall adopt the provisions of this act by resolution at the next regular meeting of said board. All resolutions providing for the adoption of the provisions of this act shall be published in a newspaper of general circulation once each week in the county/for three (3) consecutive weeks and shall take effect ninety (90) days after date of the first publication of such resolution providing for such adoption unless within such time there is filed with the county clerk a petition signed by electors equal in number to not less than ten percent (10%) of the qualified /electors of the county residing outside of the corporate limits of any city and who voted for the office of secretary of state at the last preceding general election, protesting such adoption, in which event the board of county commissioners submit the question of the adoption of the provisions of this act to the electors of the county residing outside of the corporate limits

of any city at an election called and held for such purpose.

Sec. 2. Notwithstanding the provisions of any other act all the highways in any county adopting the provisions of this act shall be classified, constructed and maintained according to the following classifications:

"County primary roads" shall be the roads in the county that are the main traveled highways and shall connect as nearly as possible the cities and principal market centers within each county with each other and with the state highways and with county roads in adjoining counties.

"Secondary road system roads" shall be the roads designated in each county for inclusion in the secondary road system in accordance with the provisions of article 17 of chapter 68 of the Kansas statutes annotated and amendments thereto.

"Local service roads" shall consist of all other regularly laid out public roads not designated as county primary roads or secondary road system roads. Such classification shall be made by the board of county commissioners, with the approval of the county engineer: Provided, That the county engineer and the board of county commissioners may shift road mileage from one road classification to another as continuing study indicates that such changes are needed by reason of changing traffic needs or for other reasons substantiated by engineering analysis, except, that no road mileage may be shifted to or from the secondary road system except as provided in article 17 of chapter 68 of the Kansas statutes annotated and amendments thereto.

Sec. 3. Upon the adoption of the provisions of this act by any county, the township board of all townships in such county shall forthwith pay over to the county treasurer of such county any and all unused money or funds or surplus funds in the hands of such

township board which have been received or acquired by such township from any source for road purposes or for the purchase of machinery or equipment for the construction and maintenance of roads. Upon receipt of said funds and moneys, the county treasurer shall credit the same to a special fund for each such township and the board of county commissioners shall expend said special fund for the construction and maintenance of roads in the township from which it was received, which expenditure shall be in addition to funds expended by the county in such township from the regular county road and bridge fund or funds received from levies made under the provisions of this act.

The county treasurer shall likewise credit and transfer to said special fund of each township all tax moneys in his hands on the date the provisions of this act are adopted which were received by him in payment of taxes levied by such township for road purposes and all such taxes thereafter collected by him, and he shall likewise credit and transfer all other moneys in his hands on the date of adoption of the provisions of this act which were received by him for the use of such township for road purposes.

Sec. 4. Upon the adoption of the provisions of this act by any county, the township boards of all townships in such county shall forthwith turn over and deliver to the board of county commissioners of such county any and all road machinery and equipment which such township has acquired for the purpose of constructing and maintaining township roads.

Sec. 5. If the township board of any township which is located in a county operating under the provisions of this act and which township shall not have made an ad valorem tax levy for its general fund for one (1) or more years immediately preceding shall determine, by resolution, there is a surplus in the general fund of such

township, then said township board may direct the treasurer of such township to pay a stated amount of such surplus out of the general fund of such township to the county treasurer, and upon receipt of said payment the county treasurer shall credit the same to a special fund and the board of county commissioners shall expend such special fund for the construction and maintenance of roads in the township from which such payment was received, which expenditure shall be in addition to funds expended by the county in such township from the regular county road and bridge fund or from levies made under the provisions of this act.

Sec. 6. The board of county commissioners of any county adopting the provisions of this act is hereby authorized to make an annual tax levy of not to exceed five (5) mills on all the taxable tangible property in the county outside of incorporated cities for the construction, reconstruction, improvement, repair and maintenance of "local service roads" and bridges and culverts located thereon within the county and for the purchase of tools, machinery and equipment to be used upon such roads. Such levy shall be in addition to all other levies now or hereafter authorized by law for road purposes and only one (1) mill of such levy shall be subject to the aggregate tax levy limitation prescribed by article 19 of chapter 79 of the Kansas statutes annotated and amendments thereto.

The board of county commissioners of any county adopting the provisions of this act may upon resolution adopted by a majority of the board, submit to the qualified electors of the county residing outside of the corporate limits of any city, at any general election or special election called for that purpose as provided by law for bond elections, the question of levying a special tax of not to exceed five (5) mills for not to exceed

two (2) years for the purpose of raising funds for which to improve "local service roads." At such election the question on the ballot shall be stated in substantially the following form: Shall the county levy a tax of _____ mills for _____ years to raise funds for the purpose of improving "local service roads"? The judges of the election shall have the power to determine the residence qualifications of the voters under this act. If a majority of those voting on such questions shall vote in favor thereof, the county board shall levy the tax as authorized on all the taxable tangible property in such county which has a tax situs outside the corporate limits of any city. Such levy shall be in addition to all other taxes authorized or limited by law. The proceeds from such levy must first be used on mail routes and school bus routes.

Sec. 7. Any county in this state which has heretofore adopted or may hereafter adopt the provisions of this act may at any general election after two (2) years from the date of such adoption abandon such system and return to the original county and township road system prevailing in the county before the adoption of the same: Provided, That every outstanding contract made by such county while operating under the provisions of this act fully satisfied and complied with.

Sec. 8. The election provided in section 7 of this act shall be called by the board of county commissioners upon the presentation of a petition signed by electors equal in number to at least twenty percent (20%) of the qualified electors of the county residing outside of the corporate limits of any city, which shall be filed with the county clerk. At any such election the votes shall be taken for and against the general county rural highway system and if the majority of the votes cast at such election be against such

system, then the county shall be restored to the original county and township road system.

Sec. 9. The provisions of this act shall apply only in counties having a population of more than thirty-eight thousand (38,000) and less than forty-eight thousand (48,000) in which there is located an active military establishment.

Sec. 10. This act shall take effect and be in force from and after its publication in the statute book.