

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Vice-Chairman Kenneth King at 1:30 p.m. on February 22, 1993 in Room 519-S of the Capitol.

All members were present except: Chairman Crowell, Excused
Rep. Douglass Lawrence, Excused
Rep. Steve Lloyd, Excused
Rep. Shallenburger, Excused

Committee staff present: Tom Severn, Legislative Research Department
Hank Avila, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Donna Luttjohann, Committee Secretary

Conferees appearing before the committee: Rep. Kathleen Sebelius
Merle Hill
Lt. Sam Grant, Kansas Highway Patrol
Tom Whitaker, KMCA
Jack Tierce, KCC
Bob Badenoch, Property Valuation, Department of Revenue

Others attending: See attached list

Vice-Chairman King opened the hearing on HB 2417 which would enable widows of POW's to retain their POW license tags. The Vice-Chairman recognized Rep. Sebelius, author of the bill to testify. See Attachment 1 for her written testimony.

The Vice-Chairman closed the hearing on HB 2417.

Vice-Chairman King opened the hearings on HB 2425 regarding recipients of the Purple Heart Medal to obtain a distinctive license tag in that regard.

Merle Hill spoke in favor of making this license tag available to the Purple Heart Medal recipients. He testified that he was a three time recipient of the medal and that he hoped for favorable passage of the bill.

Vice-Chairman King closed the hearing on HB 2425.

The Vice-Chairman opened the hearing on HB 2452 concerning safe tires on towed vehicles.

Lt. Sam Grant, Kansas Highway Patrol, testified in favor of the bill. See Attachment 2.

Tom Whitaker, KMCA, favored the bill contingent upon its being amended to exclude vehicles being transported by a wrecker or tow truck. See Attachment 3.

The Vice-Chairman then closed the hearing on HB 2452.

Vice-Chairman King opened the hearing on HB 2453 relating to offenses for which appearance bonds may be required.

Lt. Sam Grant, Kansas Highway Patrol, was recognized and testified as a proponent of HB 2453. He answered questions from the committee. See Attachment 4.

Vice-Chairman King closed the hearing on HB 2453.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION, Room 519-S Statehouse, at 1:30 p.m. on February 22, 1993.

The Vice-Chairman opened hearings on HB 2461 regarding base state registration of motor carriers.

The first proponent of the bill was Jack Tierce of the KCC. He suggested an amendment be made correcting the language in page 5, line 9 of the bill. See Attachment 5.

The Vice-Chairman recognized Tom Whitaker of the KMCA. He testified as a proponent of the bill. See Attachment 6 for his written testimony.

A representative from Property Valuation, Department of Revenue, submitted written testimony suggesting another amendment be made in order to assure the Division of Property Valuation continues to have the authority to impose the property tax on nonresident carriers. Bob Badenoch, a representative from the department, was available for questions. See Attachment 7.

Vice-Chairman King brought the committee's attention to the minutes of February 9, 1993. Rep. Dillon made the motion to approve the minutes. It was seconded by Rep. Smith. The motion carried. The minutes stand approved with no deletions, additions or corrections made.

The meeting was adjourned at 2:15 p.m. by the Vice-Chairman with the next meeting scheduled for February 23, 1993, at 1:30 p.m. in Room 519-S of the Capitol.

GUEST LIST

HOUSE TRANSPORTATION COMMITTEE

FEBRUARY 22, 1993

Name	Address	Representing
Rick Scheibe	Topeka	KDOR
KEN MENDALL	PERAY	ADVISOR OF KS
Robert M. Barlowe	Docking	Dart Row. PVD
Bill Waters	Topeka	KDOR - PVD
Nancy Pesilka	Glenn	
Lucy Pagan	DSOB	KDOT - Agency Budget
JACK TIERCE	Topeka	KCC
Tom Day	Topeka	KCC
Tammy Baker	Great Bend	
Genevieve Lamb	Great Bend	
Larry Straub	" "	
Brian Harrison	Great Bend	
Tom B. Lindquist	" "	Leadership Great Bend
Ron Straub	" "	
Russell Griffin	St. Paul, Mo	Leadership Y.B.
Arthur Thomas	" " "	" "
James M. Velt	" " "	" "
Pat Wiechman	Topeka	K.A.D.R.A.
Nancy Kemmerer	Wichita	K.A.D.R.A.
DALE LEHNING	WICHITA	KADRA
Judy A. Hodley	K.C.	Rep Kinney Inter.
BRADY GROSS	G.B.	Leadership G.B.
Nancy Pagan	Great Bend	
Charles E. Ruppberg	Great Bend	Leadership St. Paul
Betty McElli	Topeka	KDOR

Lee Eisenhauer Topeka

Propane Mkt Assoc of KS

Cory Mork

Lawrence

Parthubbell & Assoc.

Michael Huster

GREAT BEND

G.B. LEADERSHIP

Bill Anderson

Mission

Water Dist #1 of SoCo

Tom Whitaker

TOPEKA

Ks Motor Carriers Assoc

Jessie Clark

Lawrence

Kansas University

Jennifer Davis

Lawrence

KU

Anne Smith

Topeka

Ks. Assoc. of Counties

HOUSE OF REPRESENTATIVES

KATHLEEN SEBELIUS
 REPRESENTATIVE, FIFTY-SIXTH DISTRICT
 HOME ADDRESS: 224 GREENWOOD
 TOPEKA, KANSAS 66606
 (913) 233-6535
 OFFICE: SUITE 302-S STATEHOUSE
 TOPEKA, KANSAS 66612-1504
 (913) 296-7683



OFFICE OF THE MINORITY WHIP

COMMITTEE ASSIGNMENTS
 RANKING MINORITY MEMBER: FEDERAL & STATE
 AFFAIRS COMMITTEE
 MEMBER: JOINT COMMITTEE ON CHILDREN &
 FAMILIES
 KANSAS FILM COMMISSION
 KANSAS SENTENCING COMMISSION

TESTIMONY

Before House Transportation Committee
 House Bill 2417
 Monday February 22, 1993

In January 1984, pursuant to K.S.A. 1984 8-177c, the state began to issue automobile license tags specifically for Kansans who had been held as prisoners of war while fighting under the flag of the United States.

Since that time, representatives of the POW community have expressed that the widows of former POW's in Kansas should be permitted to retain the license plates issued to their late husbands until the time of their remarriage or death. Two pieces of legislation were proposed to procure these rights for the POW widows.

In 1986, Senate Bill 460 did not make it out of the Senate Transportation and Utility Committee.

In 1987, the same measure was proposed in the House. HB 2101 unanimously passed the House 118-0 but again died in the Senate Transportation and Utility Committee. In subsequent years, the House has overwhelmingly approved this measure each year, as an amendment to a transportation bill. The measure was never favorably considered in the Senate, due to the strong opposition from the former chair of the Senate Transportation Committee.

I have attached a copy of the fiscal note which accompanied HB 2101. In it you will find that this bill requires no additional funding by the state and any losses of revenue incurred by the State highway Fund would be minimal.

For these reasons I urge you to support this legislation.

HOUSE TRANSPORTATION
 Attachment 1-1
 2/22/93

32	2101
Fiscal Note	Bill No.
1987 Session	
February 12, 1987	

The Honorable Rex Crowell, Chairperson
Committee on Transportation
House of Representatives
Third Floor, Statehouse

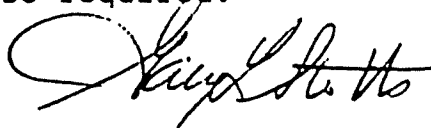
Dear Representative Crowell:

SUBJECT: Fiscal Note for House Bill No. 2101 by Committee
on Transportation

In accordance with K.S.A. 75-3715a, the following fiscal note concerning House Bill No. 2101 is respectfully submitted to your committee.

House Bill No. 2101 provides for the issuance of a "prisoner of war" license plate to the surviving spouse of a prisoner of war if the deceased prisoner had been issued a plate prior to death. The surviving spouse's right to such a plate shall be terminated upon remarriage.

Since the initiation of the POW plates in January, 1984, 636 POW plates have been issued. Assuming no increase in the number of plates issued, that all surviving spouses will choose to keep these plates upon the death of the POW, and that POW registrations are distributed by vehicle weight in the same proportion as general registration, the Department of Revenue reports that the maximum annual loss of receipts to the State Highway Fund would total approximately \$9,600. In addition, various counties would experience minimal annual revenue reductions (approximately \$1,100 statewide) through loss of retained registration fees. Any administrative costs associated with enactment of House Bill No. 2101 would be minimal and additional funding would not be required.



Gary L. Stotts
Acting Director of the Budget

GLS:SKD:sr

HOUSE TRANSPORTATION
Attachment 1-2
2/22/93

SUMMARY OF TESTIMONY

Before the
House Transportation Committee
on
House Bill 2452

February 22, 1993

Presented by the Kansas Highway Patrol
(Lieutenant Sam Grant)

Appeared in Support

Mr. Chairman, members of the committee, I appear before you today on behalf of Colonel Lonnie McCollum in support of House Bill 2452.

This bill, if enacted, would establish the same requirement for safe tires on towed vehicles as currently exists for motor vehicles. Kansas Department of Transportation accident statistics revealed that tire condition was a contributing factor in five fatal accidents in 1991. For traffic safety purposes, the Patrol believes it is as important to have safe tires on trailers as it is on the motor vehicles towing them.

This legislation would not apply to motor carriers registered with the State Corporation Commission, as they must comply with tire safety regulations in K.S.A. 66-1,129 (K.A.R. 82-4-3) and the Federal Code of Regulations, Part 393.75. Additionally, this legislation would not apply to implements of husbandry as defined in K.S.A. 8-1427.

In conjunction with the Kansas Motor Carriers Association, the Patrol supports an amendment to this bill that would specifically exempt vehicles being towed by a wrecker as defined in K.S.A. 66-1329.

HOUSE TRANSPORTATION
Attachment 2
2/22/93

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

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Concerning House Bill No. 2452 relating to
unsafe tires on towed vehicles.

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Presented to the House Transportation
Committee, Rep. Rex Crowell, Chairman;
Statehouse, Topeka, Monday, February
22, 1993.

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MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Tom Whitaker, Governmental Relations Director of the
Kansas Motor Carriers Association and appear here today representing
our member firms and the highway transportation industry.

We understand the purpose of H.B. 2452 is to make certain
law enforcement officers can include trailer equipment in checks
for unsafe tires.

Currently, tires on motor vehicles and trailer equipment
operated in combination with such motor vehicles by motor carriers
subject to safety rules and regulations of the Kansas Corporation
Commission and/or the Federal Highway Administration, are routinely
checked by enforcement officials. Those checks, of course, would
continue to be made.

HOUSE TRANSPORTATION
Attachment 3-1
2/22/93

Our support of H.B. 2452 is contingent upon adoption of the amendment offered by the Highway Patrol with respect to vehicles being transported by a wrecker or tow truck.

We have worked with the Patrol to develop the language in the proposed amendment. We believe this addresses a real concern with respect to abandoned, wrecked or disabled vehicles which obviously could have damaged tires.

Adoption of the proposed amendment, we believe, makes the bill workable and accomplishes the safety enforcement factor sought by the Patrol.

We respectfully ask your favorable consideration of the amendment to H.B. 2452 and ask you recommend the amended bill favorable for passage.

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Summary of Testimony

Before the
House Transportation Committee

February 10, 1993

House Bill 2453

Presented by the Kansas Highway Patrol
(Lieutenant Samuel G. Grant)

Appeared in Support

Mr. Chairman, members of the Committee, I appear before you today on behalf of Colonel Lonnie McCollum in support of House Bill 2453.

This Bill amends (K.S.A. 8-2107) the statute which provides for cash bonds for traffic related offenses. The amendment establishes two additional violations for which a bond may be required. The two additional violations are, **driving while license is canceled, suspended, or revoked and failure to provide proof of financial security** (liability insurance).

During the last legislative session, statutes were amended to permit law enforcement officers to issue a traffic citation to a suspected traffic violator for driving while suspended rather than take them into custody. This Bill would permit the posting of bond for the suspected violation.

Our experience indicates that a majority persons who drive while their licenses are suspended or without liability insurance don't feel particularly compelled to appear in response to a traffic citation. The posting of a bond may encourage the suspected violators to contact the courts and answer charges. Forfeiture of bond would permit courts to dispose of a cases of this nature rather than leave them pending for extended periods of time.

STATEMENT OF THE
STATE CORPORATION COMMISSION

Presented to the House Transportation Committee
February 22, 1993

HOUSE BILL NO. 2461

Mr. Chairman and Members of the Committee:

My name is Jack Tierce and I am the Deputy Director of the Transportation Division, State Corporation Commission. Congress passed and the President signed into law the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 which significantly amends 49 U.S.C. 11506 - Registration of Motor Carriers by a State. In essence, it eliminates the so-called "bingo card" program for ICC regulated motor carriers.

CURRENT PROGRAM

At the present time motor carriers regulated by the Interstate Commerce Commission (ICC) contact each state in which they operate; register their authority, file proof of insurance, denote a process agent and remit fee payment. The state issues them a stamp for each vehicle registered, which is affixed to the Form D (bingo) card that is purchased from the National Association of Regulatory Utilities Commission. The Kansas Corporation Commission fee is \$10.00 to register their authority and \$10.00 for each vehicle registered. The Commission had 14,589 interstate regulated motor carriers registered and 470,445 motor vehicles registered in 1992.

NEW SINGLE STATE REGISTRATION SYSTEM

Pursuant to the Intermodal Surface Transportation Efficiency Act (ISTEA) OF 1991, the ICC is in the rule making process to implement the Single State Registration System. A motor carrier who has been granted authority by the ICC will register only in their base state. The base state will:

1. maintain files and evidence of the ICC certificate or permit,
2. maintain proof of liability insurance,
3. maintain a list of process agents for each state,
4. issue a receipt for vehicles registered; and
5. distribute fees collected for other states.

The \$10.00 per vehicle registration fee will remain intact; however, the \$10.00 fee to register authority will no longer apply. A state is eligible to participate as a registration base state and to receive fee revenue only if it continuously participates in the registration program beginning January 1, 1994. Motor vehicle registration with the KCC will begin October 1, 1993. If Kansas does not elect to participate in the new registration program, \$3-5 million will be lost annually from the State Highway Fund.

PROPOSED AMENDMENT

On Page 5, Line 9 strike the word and; add or who operate. This change will clarify the language to include all private carriers.

CONCLUSION

In order to participate in the new registration program and continue to collect the \$10.00 per vehicle fee K.S.A. 66-1a01, 66-1,128, 66-1,116, 66-1,139, 66-1,129a, 66-1,115 and 60-305a should be amended. The Commission would request that the committee respond favorably.

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Concerning the registration of motor
carriers with the Kansas Corporation
Commission required pursuant to 49
U.S.C. 11506.

Presented to the House Transportation
Committee, Rep. Rex Crowell, Chairman;
Statehouse, Topeka, Monday, February
22, 1993.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Tom Whitaker, Governmental Relations Director for
the Kansas Motor Carriers Association with offices in Topeka.
I appear here today representing our member-firms and the high-
way transportation industry in support of H.B. 2461.

This legislation is necessary to permit our Kansas Corporation
Commission to continue to register interstate for-hire carriers
who operate in or through Kansas for insurance purposes.

The Intermodal Surface Transportation Efficiency Act of 1991
(ISTEA) eliminated the previous procedure for qualifying such
vehicles with the various states through which a carrier operated.
The so-called "bingo stamps" were secured from each state and
placed on a card required to be carried in affected vehicles.

HOUSE TRANSPORTATION
Attachment 6-1
2/22/93

This system, while complicated for the motor carrier industry, clearly indicated that an interstate vehicle was properly qualified with each jurisdiction through which it operated and that insurance coverages were currently in effect.

Under the ISTEA provision, the Interstate Commerce Commission will adopt new rules governing "base state" registration procedures for interstate carriers and the credentials that states will be required to issue.

The language in H.B. 2461 revises Kansas statutes to accommodate these expected rule changes by authorizing Kansas to be a base state for its resident motor carriers and further continues to require all interstate carriers who operate in or through here to have proof of insurance as a protection to Kansas motorists.

These changes not only involve procedural changes but also involve revenue. In 1956, our Association supported an annual fee of \$10 to be charged for each power unit any regulated carrier qualified with the KCC to operate in or through our state. These fees initially were established to fund the motor carrier division of the KCC. Revenues have provided for these expenditures and, through Legislative policy direction, now also provide substantial funds for the State Highway Fund.

It is important that this legislation be adopted to position the KCC to continue to collect the \$10 per power unit on interstate carriers who must register with the commission for insurance purposes.

HOUSE TRANSPORTATION
Attachment 6-2
2/22/93

Because the revisions in Chapter 66 eliminate the term "interstate license" for those for-hire interstate carriers who will be required to register their equipment with the KCC pursuant to 49 U.S.C. 11506, it also will be necessary to make this same reference in K.S.A. 79-6a01, governing ad valorem taxation of such out-of-state carriers.

Such for-hire out-of-state carriers currently must report and be assessed ad valorem taxes on over-the-road equipment operated in or through Kansas.

Again, revenue is involved; Kansas needs to make this change to retain jurisdiction over those affected carriers.

We support the technical amendments offered to H.B. 2461. We ask your favorable consideration of this legislation to meet the January 1, 1994 deadline by which the ISTEA changes must be in place.

We appreciate the cooperation and support our industry has received from the Transportation Division of the KCC and from the Property Valuation Department in working through these complex changes. We strongly support H.B. 2461 as it is proposed to be amended. We will be pleased to respond to any questions.

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HOUSE TRANSPORTATION
Attachment 6-3
2/22/93

STATE OF KANSAS

David C. Cunningham, Director
Robert B. Docking State Office Building
915 S.W. Harrison St.
Topeka, Kansas 66612-1585



(913) 296-2365
FAX (913) 296-2320

Department of Revenue
Division of Property Valuation

M E M O R A N D U M

TO: House Transportation Committee
FROM: David C. Cunningham, Director, Division of Property Valuation *DC*
DATE: February 22, 1993
SUBJECT: House Bill 2461

The division of property valuation recommends that the amendment as shown in the attached bill draft be incorporated into HB 2461.

The amendment is required if the effective meaning of the definition of "Motor carrier" is to remain as currently constructed in K.S.A.79-6a01.

The enactment of the Federal Surface Transportation Re-authorization Act of 1991 has changed the meaning of the definition of "Motor carrier" as used in K.S.A. 79-6a01. The definition has been changed by denying the Kansas Corporation Commission the ability to certificate, license or register nonresident interstate carriers. Effective January 1, 1994 the division of property valuation may lose the authority to impose the property tax on nonresident carriers if the amendment is not adopted.

HOUSE TRANSPORTATION
Attachment 7-1
2/22/93

AN ACT relating to property taxation; concerning the filing of motor carrier property tax renditions to insure continued taxation in Kansas; amending K.S.A. 79-6a01 and repealing the existing section.

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

Section 1. K.S.A. 79-6a01 is hereby amended to read as follows:

79-6a01. Over-the-road motor vehicles and rolling equipment of motor carriers; valuation and assessment locally assessed property; definitions.

The director of property valuation shall value and assess annually the over-the-road motor vehicles and rolling equipment of motor carriers described in this act. The local deputy assessor shall value and assess within the taxing district where located all other property, real and personal, belonging to said motor carriers.

As used in this act, "over-the-road motor vehicles and rolling equipment" shall include all motor-driven vehicles, trailers, semitrailers, buses and trucks owned, used or operated in the state of Kansas by such motor carriers in the transportation of persons or property other than motor vehicles and rolling equipment used solely or mainly for local transportation in a particular community or local area, or for local pickup and delivery, or passenger automobiles used for purposes other than transportation of persons or property for hire. "Motor carriers" as used in this act shall include every person, firm or corporation who or which holds a certificate of convenience and necessity, a contract carrier permit, or an interstate license as a common, contract or exempt carrier from the corporation commission of the state of Kansas *or is required to register motor carrier equipment pursuant to 49 U.S.C. § 11506.*