

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairman Rex Crowell at 1:30 p.m. on March 17, 1993 in Room 519-S of the Capitol.

All members were present except: Rep. Jim Garner, 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: Bill Watts, Department of Transportation  
Betty McBride, Department of Revenue

Others attending: See attached list

Chairman Crowell opened the hearing on SCR 1611 regarding the Legislature's opposition to federal legislation requiring revocation or suspension of drivers' licenses for any drug related offense. Chairman Crowell requested Hank Avila summarize the resolution for the committee.

Bill Watts, Department of Transportation, was recognized by Chairman Crowell. He testified as a proponent of the resolution. See Attachment 1.

The Chairman recognized Betty McBride, Department of Revenue, to testify as a proponent of the resolution. See Attachment 2 for her written testimony.

Chairman Crowell closed the hearing for SCR 1611.

The Chairman brought the committee's attention to SB 114 regarding the increase of the age limit to receive a driver's license.

Rep. Reinhardt made a motion to amend the bill making the higher driving age applicable in certain cities in urban counties. It was seconded by Rep. McClure.

Rep. King made a substitute motion to table the bill and asked the Chairman to request an interim study. It was seconded by Rep. Smith. The motion carried.

Chairman Crowell called the committee's attention to SB 129 relating to vision standards to obtain a driver's license and that an optometrist or ophthalmologist is not subject to civil action because of furnishing the State information regarding a person's vision.

Rep. King made a motion to pass the bill favorably out of committee. It was seconded by Rep. Reinhardt. The motion carried.

The Chairman brought the committee's attention to SB 135 regarding the approval of motor vehicle accident prevention courses by the highway patrol. Rep. Pauls made a motion to amend page 1, line 39 and also adding a subsection (g) after page 2 on line 9. It was seconded by Rep. Smith.

Rep. King made a substitute motion to pass the bill out of committee favorably. There was no second to his motion.

Rep. Shallenburger made a substitute motion to pass the bill out of committee adversely. It was seconded by Rep. King. The motion failed.

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION, Room 519-S Statehouse, at 1:30 p.m. on March 17, 1993.

Rep. McKinney requested the amendment be divided. The page 1, line 39 amendment failed by 9 for and 9 against. A motion was made by Rep. Dawson to table the bill. It was seconded by Rep. Haulmark. The motion carried.

Chairman Crowell adjourned the meeting at 2:10 p.m. with the next meeting scheduled for March 18, 1993, at 1:30 p.m. in Room 519-S of the Capitol.

## HOUSE TRANSPORTATION COMMITTEE

Name

## Representing

KDOT

ABATE OF KS.

ABATE of KS Dist. 4

KDO R

KDOIR

# KADRA

# Campus High

VS MOTOR CARRIAGES ASSN

## Ks optometric assn

Clay Center Community H.S.

11

11

11

115. Motor Carriers Assn

Michael L. Johnston  
Secretary of Transportation

KANSAS DEPARTMENT OF TRANSPORTATION

Docking State Office Building  
Topeka 66612-1568  
(913) 296-3566  
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Joan Finney  
Governor of Kansas

TESTIMONY BEFORE  
HOUSE TRANSPORTATION COMMITTEE  
REGARDING SENATE CONCURRENT RESOLUTION 1611

March 17, 1993

Mr. Chairman and Committee Members:

Senate Concurrent Resolution 1611 is one of two possible responses to a recent federal mandate. Section 333 of the U.S. Department of Transportation and Related Agencies Appropriations Act for 1991 was enacted October 28, 1991. As amended, Section 333 requires the withholding of certain federal-aid highway funds from states that do not either: (1) enact and enforce legislation requiring the revocation or suspension of an individual's driver's license upon conviction for any violation of the Controlled Substances Act (Public Law 91-513) or any drug offense; or (2) submit to the Secretary of Transportation a written certification stating that the Governor is opposed to the enactment or enforcement of such a law and the legislature has adopted a resolution expressing its opposition to such a law.

SCR 1611 would express the legislature's opposition to enactment or enforcement of the federally mandated law, as required by option (2) above. SB 294 has also been introduced as an alternative which would enact the suspension requirements.

If the federal requirements are not met by October 1, 1993, five percent of certain federal-aid highway funds will be withheld beginning in federal fiscal year 1994 (October 1, 1993). Five percent will be withheld in FFY 1995 if the state does not meet the mandate by October 1, 1994, and ten percent will be withheld in both FFY 1996 and 1997 if the state continues to be out of compliance. The Department's current estimates for the amounts that would be withheld are \$8 million each year for FFY 1994 and 1995, and \$17 million each year for FFY 1996 and 1997. The total withholding of federal funds would amount to an estimated \$50 million for the four-year period. A synopsis of the specifications of Section 333 is attached which indicates the categories of federal construction funds that would be affected.

The federal statute requires the state to submit documents certifying its intent for FFY 1994 by April 1, 1993.

Kansas Department of Transportation  
February 18, 1993

Section 333 of The Department of Transportation and Related  
Agencies Appropriations Act for FY 1991

Drug Offenders's Driver's License Suspension

Background.

Section 333 of The Department of Transportation and Related Agencies Appropriation Act for FY 1991 was amended under the FY 1992 Appropriations Act under sections 333 and 159, Public Law 102-143.

Section 159 of the Act requires the withholding of certain Federal-aid highway funds from states that do not enact and enforce legislation requiring the revocation or suspension of an individual's driver's license upon conviction for any violation of the Controlled Substances Act (Pub. L. 91-513, as amended) or any drug offense.

States can avoid the withholding of funds by submitting to the Secretary of Transportation written certification stating that the Governor is opposed to the enactment or enforcement of such a law and that the legislature has adopted a resolution expressing its opposition to such a law.

Adoption of Drug Offender's Driver's License Suspension.

A state meets the requirements of this section if: the State has enacted and is enforcing a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception:

- The revocation, or suspension for at least six months, of the driver's license of any individual who is convicted, after the enactment of such law, of

- (A) Any violation of the Controlled Substances Act, or

- (B) Any drug offense, and

- A delay in the issuance or reinstatement of a driver's license to such an individual for at least six months after the individual applies for the issuance or reinstatement of a driver's license if the individual does not have a driver's license, or the driver's license of the individual is suspended, at the time the individual is so convicted,

The Governor of the State must:

- Submit to the Secretary, a written certification stating that she is opposed to the enactment or enforcement in the State of a law described above, and

- Submit to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described above.

# Drug Offender's Driver's License Suspension

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If a State does not meet the statutory requirements by October 1, 1993, five percent of its FY 1994 Federal aid highway apportionment under 23. U.S.C. 104(b)(1), 104(b)(3), 104(b)(5) shall be withheld. Five percent will be withheld also in FY 1995 if the State does not meet the statutory requirements by October 1, 1994. If the State does not meet the statutory requirements by October 1 of any subsequent fiscal year (beginning with FY 1996), ten percent of its Federal-aid highway apportionments under these sections will be withheld.

The programs which would be subject to the withholding are: National Highway System, Surface Transportation Program, and Interstate Maintenance. NOTE: Hold Harmless funds (in FY 1994 and 1995) and Reimbursement funds (in FY 1996 and 1997), which the state is expected to receive, have also been included in these calculations as this funding will be transferred to the state's Surface Transportation Program.

## Apportionments Withheld in Millions

PROGRAM	FY 1994	FY 1995	FY 1996	FY 1997
I.M.	\$39.5	\$39.5	\$39.5	\$39.5
N.H.S.	48.1	48.1	48.2	48.2
S.T.P.	51.5	51.5	51.5	51.5
H.H.	14.5	14.5	0	0
Reim.	<u>0</u>	<u>0</u>	<u>35.0</u>	<u>35.0</u>
Total				
Apportionment	\$153.6	\$153.6	\$174.2	\$174.2
% Reduction	5%	5%	10%	10%
Apportionment				
Withheld	\$ 7.68	\$ 7.68	\$ 17.42	\$ 17.42

Total of Apportionments Withheld = \$50.2 million.

### Definition:

Drug offense means:

(1) The possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance the possession of which is prohibited under the Controlled Substances Act, or

(2) The operation of a motor vehicle under the influence of such a substance.

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Certification requirements.

Each State shall certify to the Secretary of Transportation by April 1, 1993 and by January 1 of each subsequent year that it meets the requirements of 23 U.S.C. Section 159.

If the state believes it meets the requirements of Section 159 on the basis that it has enacted and is enforcing a law, the certification shall contain:

(1) A statement by the Governor, or an official designated, that the State has enacted and is enforcing a Drug Offender's Driver's License Law.

Until a state has been determined to be in compliance, the certification shall also include:

(1) A copy of the state law, regulation, or binding policy directive implementing or interpreting such law or regulation, and  
(2) A statement describing the steps the state is taking to enforce its law with regard to within state convictions, out-of-state convictions, federal convictions and juvenile adjudications.

If the state believes it meets the requirements of Section 159 on the basis that it opposes a law that requires that requires driver's license suspension or revocation, the certification shall contain:

(1) A statement by the Governor of the State, or an official designated by the Governor, that he or she is opposed to the enactment or enforcement of such a law and that the state legislature has adopted a resolution expressing its opposition to such a law.

Until a state has been determined to be in compliance, the certification shall include also a copy of the resolution.

The certification shall be submitted to the local FHWA Division Administrator who will forward copies to the Regional Administrator of FHWA and NHTSA. The Regional Offices will forward a copy to the respective Washington headquarters.

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Period of availability of withheld funds.

Funds withheld from apportionment to any state on or before September 1995 will remain available for apportionment as follows:

- (1) If the funds would have been apportioned under 23 U.S.C. 104(b)(5)(A), the funds will remain available until the end of the fiscal year for which the funds are authorized to be appropriated.
- (2) If the funds would have been apportioned under 23 U.S.C. 104(b)(5)(B), the funds will remain available until the end of the second fiscal year following the fiscal year for which the funds are authorized to be appropriated.
- (3) If the funds would have been apportioned under 23 U.S.C. 104(b)(1), or 104(b)(3), the funds will remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

Funds withheld from apportionment to any state after September 30, 1995 will not be available for apportionment to the state.

HOUSE TRANSPORTATION  
Attachment 1-5  
3/17/93

Rosalie Thornburgh  
Office of Traffic Safety



STATE OF KANSAS

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Department of Revenue  
*Division of Vehicles*

To: Honorable Rex Crowell, Chairman  
Members of the House Transportation Committee

From: Betty McBride, Director, Division of Vehicles  
Kansas Department of Revenue

Date: March 17, 1993

My name is Betty McBride. I am the Director of Vehicles, and I appear before you on behalf of the Kansas Department of Revenue in support of Senate Concurrent Resolution No. 1611.

Senate Concurrent Resolution No. 1611 is a resolution which allows the Legislature, with the Governor's concurrence, to adopt a resolution that exempts the state from compliance with the federal mandate requiring states to suspend for six months the driver license of anyone convicted of a drug related offense, without the loss of federal highway funds.

Failure to adopt this resolution will require the enactment of Senate Bill 294, which requires the suspension of driving privileges for six months of anyone convicted of drug related offense. The Federal Government has mandated that this measure be implemented no later than October 1, 1993, or states will lose 10% of their federal highway funds. Senate Bill 294, if adopted, will increase suspensions in the Driver Control Bureau by approximately 10,000 a year. In order to process an increase in the workload of this magnitude, I am asking that addition personnel be allocated to the Driver Control Bureau

However, if Senate Concurrent Resolution 1611 is adopted, no further action is needed.

Thank you for allowing me to appear before this committee.

I would stand for your questions.

HOUSE TRANSPORTATION  
Attachment 2  
3/17/93