

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairman Rex Crowell at 1:30 p.m. on February 23, 1994 in Room 519-S of the Capitol.

All members were present except: Rep. Lloyd, 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: Galen Weiland
Steve Roberts
Rep. Mays
Butch Felker, Mayor of Topeka
Rep. Nichols
Rod Fogo, KTA
Rep. Rutledge
Rick McKee, KLA
Tom Whitaker, KMCA

Others attending: See attached list

Chairman Crowell announced that the hearing on HB 2922 would be rescheduled for the following day because the conferee could not appear.

The Chairman opened the hearing on HB 2838 regarding the designation of a part of U.S. Highway 75 as the Danny J. Petersen Memorial Highway.

Rep. Weiland was recognized by the Chairman as the author of the bill and to testify as a proponent. See Attachment 1.

Chairman Crowell recognized Steve Roberts as a proponent of the bill. He testified in regard to Danny J. Petersen's bravery while serving in the Viet Nam War. See Attachment 2.

The Chairman closed the hearing on HB 2838.

The hearing on HB 2964 prohibiting the charging and collecting of tolls on certain portions of the Kansas Turnpike was opened by Chairman Crowell.

Rep. Mays was recognized by the Chairman as a co-sponsor of the bill. He testified that SE Topeka would benefit from this bill's passage. He did not feel there would be that much loss of revenue if this section of the Kansas Turnpike between the East and West toll booths around Topeka were free.

Chairman Crowell recognized Mayor Butch Felker as a proponent of the bill. He testified he supports the concept of making a free loop around the city. He stated that the City of Topeka has everything in place right now to make this a working plan and asked for favorable consideration of the bill.

The Chairman recognized Rep. Nichols as a co-author of the bill. He testified that the free access around Topeka would stimulate growth in the southern portion of Topeka. See Attachment 3.

Rod Fogo was recognized by the Chairman as an opponent of the bill. He testified that permitting free travel on the highway between the East and West toll booths in Topeka would require the KTA to call in all outstanding debt. See Attachment 4.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION, Room 519-S Statehouse, at 1:30 p.m. on February 23, 1994.

Chairman Crowell recognized Rep. Rutledge as a proponent of the bill. He testified that passage of this bill would provide a wonderful "instant infrastructure" for Wichita. See Attachment 5.

The Chairman informed the Committee that Rep. Bradley submitted written testimony which was provided to the Committee members. See Attachment 6.

Chairman Crowell closed the hearing on HB 2964.

The Chairman opened the public hearing on HB 3046 concerning the definition of implement of husbandry.

Rich McKee was recognized by the Chairman as a proponent of the bill. He testified that this bill clarifies that the mixer-feed trucks are specially designed pieces of equipment used to feed livestock and that they are "implements of husbandry" for purposes of vehicle registration requirements. See Attachment 7.

Chairman Crowell recognized Tom Whitaker as the next conferee. He testified that the mixer-feed trucks would be classified as an "implement of husbandry" when used exclusively for dispensing feed to livestock, regardless of ownership. He said KMCA believes there should be a better solution. See Attachment 8.

The public hearing on HB 3046 was closed by the Chairman.

The meeting was adjourned at 3:20 p.m. by Chairman Crowell with the next meeting scheduled for February 24, 1994, at 1:30 p.m. in Room 519-S of the Capitol.

GUEST LIST

HOUSE TRANSPORTATION COMMITTEE

23
February 22, 1994

Name	Address	Representing
Lisa Callahan	Wichita	KTA
John Cillessen	Wichita	KTA
R.D. Fogo	Wichita	KTA
Rich McKee	Topeka	KS Livestock Assn.
Jim McBride	Topeka	KS Observer
HARRY FELKER	TOPEKA	CITY OF TOPEKA
John W. Smith	Topeka	KDOR
RICK SCHEIBE	Topeka	KDOR
Beth McBride	Topeka	KDOR
Marty Vanier	Manhattan	Kansas Ag Alliance
Jamie Clover Adams	Topeka	KS Fertilizer & Chemical Assn
Cristina Janney	Manhattan	AP
Edward Moses	Topeka	KAPP
Spencer Butler	Topeka	KGRA
Tom Whitaker	TOPEKA	KS Motor Carriers Assn.
DON LINDSEY	OSAWATOMIE	UTU
STEVE ROBERTS	TOPEKA	TOPEKA HIGH
PAT ROBERTS	TOPEKA	SOIF
Beta Clayton	Winchester	3111 8 & 38
Michelle Hatten	Winchester	"
Joanne Pomeroy	Topeka	observer
David Fulton	Topeka	observer
Shannon Dinnitt	Syracuse	"
Bob Totten	Topeka	KCA

GALEN WEILAND
REPRESENTATIVE, FORTY-NINTH DISTRICT
DONIPHAN AND BROWN COUNTY
P.O. BOX 146
BENDENA, KS 66008



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER:
FINANCIAL INSTITUTIONS AND
INSURANCE
MEMBER: AGRICULTURE
PUBLIC HEALTH AND WELFARE
JOINT COMMITTEE ON GAMING COMPACTS

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE

With reference to HB 2838, I appear before you today in memory of a young man from northeast Kansas who lost his life in Vietnam 24 years ago. Danny J. Petersen was born in Horton, attended junior high in Topeka and high school in Troy. Today he is buried in Netawaka. In 1974, then vice president Gerald Ford, presented Danny Petersen's family with the Congressional Medal of Honor in the garden at Blair House. Of the millions that served in the Vietnam conflict, only 238 were awarded the country's highest award for heroism. Danny Petersen is the only Medal of Honor recipient that is buried in northeast Kansas. His mother, Flora Petersen, of Horton, is my constituent.

Specialist Fourth Class Danny J. Petersen, U. S. Army, Company B, 4th Battalion, 23d Infantry, 25th Infantry Division was born March 11, 1949 at Horton, Kansas and was killed on the 9th day of January, 1970 at Tay Ninh Province, Republic of Vietnam. He entered the service in Kansas City, Missouri.

Sp4c Petersen distinguished himself while serving as an armored personnel carrier commander with Company B during a combat operation against a North Vietnamese Army Force estimated to be of battalion size. During the initial contact with the enemy, an armored personnel carrier was disabled and the crewmen were pinned down by the heavy onslaught of enemy small arms, automatic weapons and rocket-propelled grenade fire. Sp4c Petersen immediately maneuvered his armored personnel carrier to a position between the disabled vehicle and the enemy. He placed suppressive fire on the enemy's well-fortified position, thereby enabling the crewmembers of the disabled personnel carrier to repair their vehicle. He then maneuvered his vehicle, while still under heavy hostile fire to within 10 feet of the enemy's defensive emplacement. After a period of intense fighting, his vehicle received a direct hit and the driver was wounded. With extraordinary courage and selfless disregard for his own safety, Sp4c Petersen carried his wounded comrade 45 meters across the bullet swept field to a secure area. He then voluntarily returned to his disabled armored personnel carrier to provide covering fire for both the other vehicles and the dismounted personnel of his platoon as they withdrew. Despite heavy fire from 3 sides, he remained with his disabled vehicle, alone and completely exposed. Sp4c Petersen was standing on top of his vehicle, firing his weapon, when he was mortally wounded. His

heroic and selfless actions prevented further loss of life in his platoon. Sp4c Petersen's conspicuous gallantry and extraordinary heroism are in the highest traditions of the service and reflect great credit on him, his unit, and the U. S. Army.

This act designates a part of U. S. Highway 75 from Holton, Kansas to Netawaka, Kansas, the site of his burial, as Danny J. Petersen Memorial Highway. Markers shall be placed along the right-of-way at proper intervals to indicate that the highway is the Danny J. Petersen Memorial Highway.

I would like to introduce to you Mrs. Flora Petersen, Danny Peterson's mother, who is here with us today. She will show the Congressional Medal of Honor awarded for her son's heroism.

Steve Roberts
Assistant Principal
Topeka High School

February 23, 1994

Re: H.B. #2838 **DANNY J. PETERSEN MEMORIAL HIGHWAY**

Mr. Chairman, members of the committee, I'm here to testify on behalf of House Bill #2838, which is being sponsored by Rep. Galen Weiland. This bill would designate a section of Highway 75, north of Holton, as the **DANNY J. PETERSEN MEMORIAL HIGHWAY**. This young Kansan earned the nation's highest award for bravery in the Viet Nam War. I am including a copy of his Medal of Honor citation for you to read at your convenience.

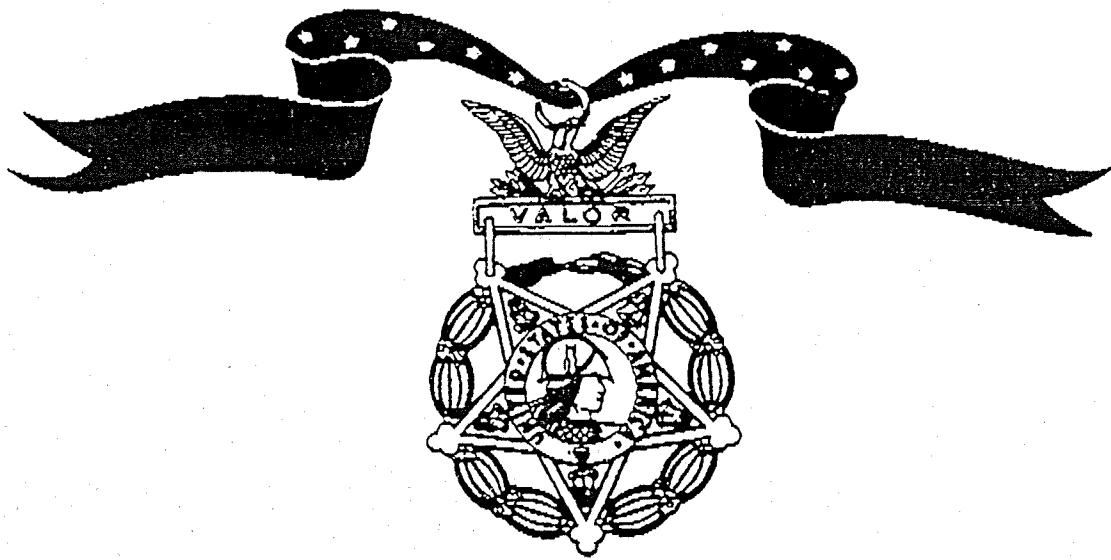
Danny Petersen was 20 years old when he was killed in Tay Ninh Province, Republic of Viet Nam, on January 9, 1970. Today, he is buried in Netawaka, Kansas, about one half of a mile from Highway 75. In July of 1974, then vice president, Gerald Ford, presented Danny Petersen's family with the Congressional Medal of Honor, in the garden at Blair House. Of the millions of Americans that served in the Viet Nam conflict, only 238 were awarded the nations highest decoration for heroism. Among those so honored, 150 were posthumous awards - - - including that of Danny Petersen. This young man is the only Medal of Honor winner to be buried in northeast Kansas.

I first became interested in this project when I read a story in the Topeka newspaper, about a Memorial Day ceremony being held at the Netawaka gravesite by a local veterans group. A year or so later, I travelled to the gravesite and was struck by it's proximity to the highway and by the way that cars passed by the hundreds, unaware that one of our nation's most honored soldiers was laid to rest nearby. I was saddened by the fact that the selfless courage and ultimate sacrifice of Danny Petersen was being forgotten by the people of his home State. The **DANNY J. PETERSEN MEMORIAL HIGHWAY** would be a testimony to all of the Kansans that fought in Viet Nam, that none of them will be forgotten - especially, those that did not return to their homes.

Other Medal winners from around the country have been similarly honored. In Chicago, one of the world's busiest airports, O'Hare International, is named for Medal recipient Butch O'Hare (WWII). Alvin York (WWI) stands larger than life, in bronze, on the grounds of the Tennessee State Capitol. In Maine, Loring Air Force Base is named for Korean War recipient, Charles Loring. An oil portrait of Audie Murphy (WWII) hangs in a place of honor in the chambers of the State Senate of Texas.

The Petersens are a solid Kansas family, going back several generations. Danny Petersen was born in Horton, and lived his entire life in northeast Kansas. He was, and he remains, one of our own. I hope that you will see fit to begin the process of honoring him in a way that I believe to be both deserved and appropriate. Thank you for your time and your kind consideration of this legislation.

HOUSE TRANSPORTATION
February 23, 1994
Attachment 2-1



***PETERSEN, DANNY J.**

Rank and organization: Specialist Fourth Class, U.S. Army, Company B, 4th Battalion, 23d Infantry, 25th Infantry Division. *Place and date:* Tay Ninh Province, Republic of Vietnam, 9 January 1970. *Entered service at:* Kansas City, Mo. *Born:* 11 March 1949, Horton, Kans. *Citation:* Sp4c. Petersen distinguished himself while serving as an armored personnel carrier commander with Company B during a combat operation against a North Vietnamese Army Force estimated to be of battalion size. During the initial contact with the enemy, an armored personnel carrier was disabled and the crewmen were pinned down by the heavy onslaught of enemy small arms, automatic weapons and rocket-propelled grenade fire. Sp4c. Petersen immediately maneuvered his armored personnel carrier to a position between the disabled vehicle and the enemy. He placed suppressive fire on the enemy's well-fortified position, thereby enabling the crewmembers of the disabled personnel carrier to repair their vehicle. He then maneuvered his vehicle, while still under heavy hostile fire to within 10 feet of the enemy's defensive emplacement. After a period of intense fighting, his vehicle received a direct hit and the driver was wounded. With extraordinary courage and selfless disregard for his own safety, Sp4c. Petersen carried his wounded comrade 45 meters across the bullet-swept field to a secure area. He then voluntarily returned to his disabled armored personnel carrier to provide covering fire for both the other vehicles and the dismounted personnel of his platoon as they withdrew. Despite heavy fire from 3 sides, he remained with his disabled vehicle, alone and completely exposed. Sp4c. Petersen was standing on top of his vehicle, firing his weapon, when he was mortally wounded. His heroic and selfless actions prevented further loss of life in his platoon. Sp4c. Petersen's conspicuous gallantry and extraordinary heroism are in the highest traditions of the service and reflect great credit on him, his unit, and the U.S. Army.

ROCKY NICHOLS

STATE REPRESENTATIVE
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SHAWNEE COUNTY

HOME

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TOPEKA

HOUSE OF
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COMMITTEE ASSIGNMENTS
MEMBER: LABOR & INDUSTRY
PUBLIC HEALTH & WELFARE
ECONOMIC DEVELOPMENT

OFFICE:

STATEHOUSE—284-W
TOPEKA, KANSAS 66612-1504
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February 23, 1994

Mr. Chairman and members of the Committee:

Thank you for this opportunity to testify in support of House Bill 2964, which would prohibit the Kansas Turnpike Authority (KTA) from collecting tolls from persons who travel between interchanges that service a single city.

This "toll-free-zone" would only occur when a driver enters and exits from interchanges that serve a single city. Therefore, the KTA would still be able to collect the vast majority of their tolls from those who use the turnpike traveling from one interchange to another, as long as those interchanges do not service a single city. By way of example, a rider could get on the South Topeka interchange, take a KTA ticket, get off at the East Topeka interchange, give the ticket to the KTA toll booth worker, and they would not be charged a fee. Also, this example would also be applicable in Wichita, El Dorado, Lawrence and any other location where two or more interchanges service a single city. With the new "K-Card" system, that the KTA will be soon implementing, the paper cards could be taken out of this equation, allowing toll-free and free-flowing movement along the KTA with in cities.

I believe that this bill could potentially become an incredible economic benefit for the entire state of Kansas, and for the cities along the turnpike that have two or more interchanges. One of the driving forces behind the 1987 comprehensive highway plan was that infrastructure is crucial to the development, particularly economic development, of Kansas. As Kevin Costner was told in the movie *Field of Dreams*: "if you build it, they will come." That same idea holds true for infrastructure development in Kansas. Kansas taxpayers have been required to support the comprehensive highway program. This bill would continue that spirit of promoting increased avenues of infrastructure in Kansas, by freeing up the turnpike within a single city.

The east side of Topeka is a good example as to why this bill is important to economic development in Kansas. I-70 ends at the East Topeka KTA interchange. From that location east to Lawrence there is very little economic development. This bill would help attract new businesses and economic development to East Topeka, as well as

other cities who have two or more KTA interchanges. This development could create jobs and bring in new tax dollars for the entire state, all at no expense to state government.

My final point addresses a concern that the KTA will most likely argue, which is that making the turnpike toll-free within cities violates the private contract between the KTA and its bondholders. If the committee is troubled by these arguments you can amend the HB 2964 one of two ways. I have communicated with the attorney for the City of Topeka, and he has suggested two possible changes:

1. Statutorily require that when the KTA has future bond issuances that part of the indenture agreement state that no toll will be collected in these toll-free-zones.
2. Require the KTA to buy back the current bonds and reissue them with a new indenture that spells out the toll-free-zone. With interest rates on a downward slide the KTA should be able to do this in a fiscally responsible manner and may actually save money in the process.

Regardless, the KTA itself creates the terms and conditions of the bond issuance agreement. The above are two ways to solve the "private contract" problems.

I will stand for any questions.

**REMARKS FOR
HOUSE TRANSPORTATION COMMITTEE**

February 23, 1984

R. D. Fogo, P.E.

**Chief Engineer-Manager
Kansas Turnpike Authority**

Thank you for giving me this opportunity to respond to HB 2964. This Bill would prohibit the Kansas Turnpike Authority from charging and collecting tolls on certain portions of the turnpike. More specifically, it would prohibit the collection and charging of tolls from any person for transit over that portion of the turnpike located between interchanges servicing a single city, if such person enters and exits from such interchanges servicing such single city.

This would affect traffic between East and South Topeka, East and West Lawrence, North and South El Dorado, K-96, East Wichita, K-15 and South Wichita. We are not quite sure whether the new interchange for the Lawrence By-pass would be affected or whether Haysville-Derby would be included or whether Wellington-Southern Terminal traffic would be affected.

One thing is certain. This bill would substantially and negatively impact the net revenues of the Authority and would be an event of default under our present trust indenture with the bondholders. I believe everyone knows the bondholders through the Trustee have a lien

on all Net Revenues and property of the Authority. The Authority has covenanted that "no free vehicular passage will be permitted over the Turnpike except (i) to members, officers and employees of the Authority and those engaged in the performance of duties in connection with the operation of the Turnpike, " and under certain conditions, "such other persons as the Authority, in its discretion, may determine, so long as such free vehicular passage does not materially adversely impact upon the Revenues of the Turnpike...."

In short, this bill would cost millions and it does materially adversely impact upon the revenues of the turnpike. Obviously, if this bill becomes law, all outstanding debt would have to be called back in to avoid an event of default under the terms of the trust indenture. That is not just my opinion, all previous counsels have advised the members of the Authority of this requirement. New bonds would have to be issued under a new indenture which would take into account the changes in operations and reduced revenues contemplated by this bill. Traffic and revenue studies would have to be conducted to determine if enough revenues would be left to support the current outstanding debt and any early repayment penalties and new financing costs associated with a new bond issue.

JOEL RUTLEDGE
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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
COMMITTEES: ECONOMIC DEVELOPMENT
PUBLIC HEALTH AND WELFARE
AGRICULTURE

February 23, 1994

Mr. Chairman, members of the committee:

Thank you for the opportunity to address you.

I am here in support of house bill 2964. This act will provide a wonderful "instant infrastructure" for Wichita, and will help out the citizens of my district, who are largely blue-collar workers. Access to their places of employment, and even to support and entertainment services, will be hastened, improving the quality of life for citizens in the specified areas.

They will be able to more quickly reach the stores where they can spend their dollars, and their jobs where they earn those dollars. The taxes generated through the expenditure of these dollars would be a benefit to the state as a whole, as I believe they will produce more "turns" when access is improved and time is decreased. Our businesses will also thrive as access is increased. This kind of infrastructure is vital to Economic Development, and increased transportation arterials will help attract businesses from out of state. These new businesses will generate new tax revenues and new jobs. I encourage your favorable passage of this bill.

Thank you.

A handwritten signature in black ink that reads "Joel R." with a stylized flourish at the end.

Joel Rutledge
State Representative
JR:sg

TESTIMONY HOUSE BILL 2964

Representative Tom Bradley

All Legislators are committed to the economic development of Kansas. Using the universities as anchors, we must attract the occupations which will stimulate economic growth for the 21st Century. The issue of our existing turnpike is just one piece of the overall, economic puzzle.

The KTA did an excellent job in originally building the turnpike. But over the last ten years, they have missed a golden opportunity of paying off the current turnpike debt and favorably positioning Kansas for the 21st Century. The working people of my district resent that the promise made in 1954 to pay off the debt was broken. The complaints I hear come mostly from the working poor and those on fixed incomes. I have heard countless times: "It should be paid off," or "We should at least be able to go around town free."

Today we are asking for the tolls to be eliminated from the East Exit to the South Exit in Topeka. The road would still be owned and maintained by the KTA.

My interpretation of the transcripts and bond indentures would allow this change. In fact, this change would increase the traffic volumes and tolls on the turnpike due to economic development along the southeast side of Topeka. This would make it an even safer investment for bond holders. We may all have different opinions on the bond covenants. If challenged by bond holders, let the court hear the case and have the final say in the matter.

Testimony -House Bill 2964

Page 2

I have witnessed positive results when states commit to a vision of the future. Austin, Texas exploded with growth when Texas targeted software development. Our neighboring state of Missouri has experienced growth since it focused on tourism. We are the crossroads of America. We have the work ethic and drive to develop a high-tech corridor west of Kansas City and south to Wichita.

What course shall we follow for the future? It is a given that key legislators who, in some cases, have had free passes for decades, will not support major changes in the KTA. A positive step that could be taken is the elimination of tolls along short stretches of the turnpike to foster growth around cities. If we stay focused on progress, not politics, we can achieve economic growth. We must attract more and better paying jobs. We must reduce the stresses on Kansas families. We must move in a positive, progressive manner, as we did in 1954, to once again build a visionary road into the future for Kansas.



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Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

STATEMENT
OF THE
KANSAS LIVESTOCK ASSOCIATION
TO THE
HOUSE COMMITTEE ON TRANSPORTATION
REPRESENTATIVE REX CROWELL, CHAIRMAN
WITH RESPECT TO
MIXER-FEED TRUCKS
HB 3046
Presented by
RICH MCKEE
EXECUTIVE SECRETARY
FEEDLOT DIVISION
Wednesday, February 23, 1994

Mr. Chairman and members of the committee, I am Rich McKee representing the Kansas Livestock Association. As most of you already know, KLA represents a broad range of farmers, ranchers and cattle feeders across Kansas who are involved in literally every phase of red meat production. A number of KLA members operate a specialized piece of equipment commonly known as "mixer-feed trucks". This bill clarifies that these specially designed pieces of equipment, used exclusively in the feeding of livestock, are defined as "implements of husbandry" for purposes of vehicle registration requirements. K.S.A. 8-128 exempts an "implement of husbandry" from registration.

Mixer-feed trucks are specially designed and adapted to haul, weigh, mix and deliver feed to livestock only short distances from the feed mill. This equipment has an additional power take off (PTO) attached to the transmission which is attached to a series of gears that operate the augers inside the feed box that mix and auger the feed into the feed bunks. Because the rate of travel is important to the amount of feed distributed, these vehicles are outfitted with low gear transmissions. The normal rate of speed would not exceed 5 or 10 mph while placing feed in the bunks and no more than 30 mph when traveling from the pen to the feedmill to get another load of feed. Maximum speed for this equipment is approximately 45 mph. This equipment is not and from a practical standpoint, can not be used for any purpose other than feeding cattle. In addition, these vehicles normally operate exclusively on private property and only incidentally travel on the highways as is necessary to carry feed to nearby livestock pens. To illustrate the unique characteristics of "mixer-feed trucks" we have included photographs. As you can see from the photographs and our description of their use, these vehicles are specifically designed and adapted exclusively for agricultural activities and only incidentally travel on highways which places them in the category of an "implement of husbandry".

HOUSE TRANSPORTATION
February 23, 1994
Attachment 7-1

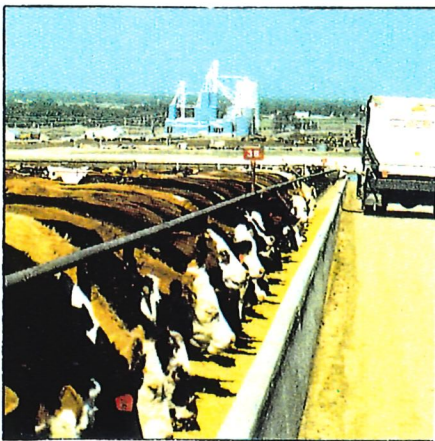
However, what seems clear to us is sometimes confusing to persons not familiar with the use and operations of "mixer-feed trucks". Passage of this bill will clarify that "mixer-feed trucks" are implements of husbandry. KLA respectfully requests your support of HB 3046.



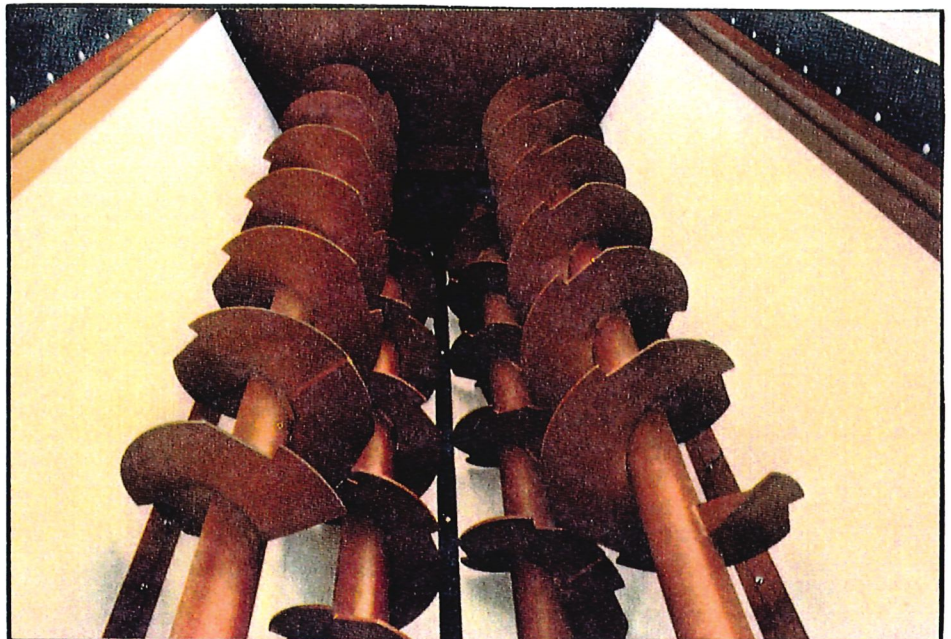
This picture shows how a "mixer-feed truck" delivers feed into the feed bunk.



A typical "mixer-feed truck".



This is another picture of a "mixer-feed truck" delivering feed to a pen of hungry cattle.



The augers shown in this photograph are typical in a "mixer-feed truck". The augers mix corn, hay and other feed ingredients that are placed directly in the "mixer-feed truck". Consequently, there is no top to the "mixer-feed truck".

HOUSE TRANSPORTATION

February 23, 1994

Attachment 7-3

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Outlining implications of H.B. 3046.

Presented to the House Transportation
Committee, Rep. Rex Crowell, Chairman;
Statehouse, Topeka, Wednesday, February
23, 1994.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Tom Whitaker, Governmental Relations Director of the Kansas Motor Carriers Association with offices in Topeka. I appear here today representing our members and the highway transportation industry.

We have some real concerns about the provisions of House Bill 3046.

As we understand the provisions of H.B. 3046, "a mixer-feed truck specially designed and used exclusively for dispensing feed to livestock, regardless of ownership" (emphasis supplied) would be classified as an "Implement of husbandry."

The "Implement of husbandry" definition further would be amended to include "every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots and confined feeding operations, and only incidentally moved or operated on the highways.

Our first question is what kind of operations would be covered under the proposed changes. Feedlots are defined in K.S.A.47-1501. "Confined feeding operations" are defined in K.A.R. 28-18-1 and include the confined feeding of animals for food, fur or pleasure purposes. How broad would the definition of "implements of husbandry" be?

K.S.A. 8-128 exempts an implement of husbandry from the vehicle registration laws of Kansas.

A mixer-feed truck as defined in H.B. 3046 is one specially designed and used exclusively for dispensing feed to livestock, regardless of ownership. (emphasis supplied). Does this mean that anyone -- whether the operator of a "feedlot or a confined feeding operations" could buy a mixer-feed truck, drive it on any road or highway (it would not have to be registered) and use it at whatever location its services could be provided? Remember, almost anyone could qualify under the definition of a "feedlot" or "confined feeding operation."

This problem with the mixer-feed trucks apparently developed because feedlots were not able to qualify as a farming or ranching operation. Commercial feedlots were determined to be a commercial business. Mixer-feed trucks therefore could not be registered as a "farm" vehicle.

Mixer-feed trucks could be registered under the "Regular" fee schedule -- or could be registered under the sharply-reduced fees for a "Local" or "6,000-mile" vehicle. An additional alternative would be to register such trucks for their empty weight which would be legal unless such trucks are operated on the highway under load conditions.

It is our understanding that most of these mixer-feed trucks operated by a feedlot are not registered at all. Obviously, they cannot legally be operated on a public road or highway.

These units are manufactured and sold as a motor truck. They are classified and taxed for property tax purposes as a motor vehicle.

There must be a better solution than the attempt to re-name them as an "implement of husbandry."

Our question to the Committee is -- "where does this kind of creativity stop??" Will other types of farm trucks ask to be re-classified as "implements of husbandry?" Will our custom-cutters feel their trucks should be exempted from registration?

This is a public policy issue which could erode the basic requirements of how trucks are to be registered to operate on Kansas roads and highways. There is much more at stake here than the problem of appropriate registration fees for a mixer-feed truck operated by a feedlot in Kansas. We urge you to look for some other solution.

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HOUSE TRANSPORTATION
February 23, 1994
Attachment 8-3