

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Chairperson Ben Vidricksen at 9:00 a.m. on January 18, 1994 in Room 254-E of the Capitol.

All members were present except:

Senator Brady	- Excused
Senator Harris	- Excused
Senator Tiahrt	- Excused

Committee staff present: Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Martha Ozias, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

A memorandum of the carry over bills was distributed to the Committee and the Research Department reviewed the bills. (Attachment 1)

The Chairman asked for a Sunset Review on **SB 394** and **SB 396** (CURB bills) as he felt there was a duplication there.

Senator Burke made a motion to introduce Sunset legislation on **SB 394** and **SB 396**. A seconded was made by Senator Emmert. The motion carried.

The Chairman and the Committee discussed the remaining bills and a motion was made by Senator Jones for the committee to kill **SB 220, SB 304, SB 329** and **HB 2416**. This was seconded by Senator Rock. Motion carried.

The Chairman expressed a need to draft a different Helmet Bill, **SB 1**. A motion was made to this effect by Senator Papay and seconded by Senator Jones. Motion carried.

Hank Avila presented a review of the interim study on **SB 162 - Regulation of Vehicle Salvage Yards and Vehicle Salvage Pools/Total Loss Vehicles**. (Attachment 2) The Chairman requested the Sub-Committee to study this bill and submit a written report to the Committee in 30 days.

The other bills were reviewed and discussed and it was reported that amendments were being drafted for some of them.

Senator Papay introduced a bill on behalf of the stripper well people to make the operators be responsible for filing data before they could go to the utility company and get their rates reduced, as it was felt that the present rates were too high and would put some of them out of business.

The Chairman requested that a bill to this effect be drafted and introduced.

The meeting was adjourned at 9:56 a.m.

GUEST LIST

SENATE TRANSPORTATION COMMITTEE

DATE: JANUARY 18, 1994

[illegible]

MEMORANDUM

Kansas Legislative Research Department

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June 11, 1993

To: Senate Transportation and Utilities Committee
From: Hank Avila, Research Analyst
Re: Carryover Bills in Committee

Substitute for S.B. 1

Substitute for S.B. 1 relates to motorcycles and motorized bicycles. The bill provides that evidence of failure of any person operating or riding a motorcycle or motorized bicycle to wear a helmet shall be admissible in any action for the purpose of determining comparative negligence or mitigation of damages.

The bill also increases the annual registration fees for motorized bicycles from the current \$10 to \$20 for calendar year 1994, to \$30 in 1995, and then back to \$10 for every year thereafter. The fee for motorcycles is increased from \$15 to \$25 in 1994, to \$35 in 1995, and back to \$15 for every year thereafter. (These increases are intended to partially offset anticipated revenue transfers for failure to enact a motorcycle helmet law.)

S.B. 162

S.B. 162 amends several statutes regarding the licensure of salvage vehicle dealers.

New Section 1 establishes requirements for a salvage yard dealer's place of business. The new requirements would not apply to a dealer in existence prior to July 1, 1993, provided the dealer remains in continuous operation at the same location.

Section 2 provides that a notarized bill of sale and a copy of the vehicle title must be given to a buyer of a major component part as proof of possession.

Section 3 defines several terms relating to salvage vehicle dealers.

Section 4 creates a new dealer license for "salvage vehicle pool" with a license fee of \$50. The option to obtain a combination salvage and used vehicle dealer license has been deleted. The bill lists the information that must be supplied at the time of application for a salvage vehicle dealer's license. The bill establishes the requirements for a salvage vehicle pool's place of business. The new

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Attachment #1

requirements would not apply to a salvage vehicle pool in existence prior to July 1, 1993, provided the business remains in continuous operation at the same location.

Section 5 requires that information regarding the VIN of a major component part which has been sold or disposed of be included in the quarterly report. Titles and transfer certificates for the vehicles listed must accompany the report.

S.B. 164

S.B. 164 deletes the requirement for the Division of Vehicles to send out a renewal notice and written examination 30 days prior to license expiration. A written examination at the time of renewal will be required only for commercial drivers and applicants with a "poor" driving record, as defined in the bill.

S.B. 178

S.B. 178 removes city, county, or township vehicles used for utility purposes from the requirement of purchasing full registrations and would allow those vehicles to qualify for a permanent license plate.

S.B. 214

S.B. 214 transfers responsibility for regulation of driver training schools from the Department of Education to the Department of Revenue.

S.B. 220

S.B. 220 requires a licensee age 75 or older take a driving test upon renewal, in addition to the written and vision tests currently required.

S.B. 294

S.B. 294 mandates suspension of a person's driving privileges for a minimum of six months for conviction of a drug-related offense.

S.B. 303

S.B. 303 relates to the operation of aircraft by persons under the influence of alcohol. The bill prohibits the operation of any aircraft while:

1. the alcohol concentration in the person's blood or breath, at the time or within two hours after the person operated or attempted to operate the aircraft, is .10 or more;

2. under the influence of alcohol;
3. under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely operating an aircraft; or
4. under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely operating an aircraft.

In addition, the bill prohibits a person from operating or attempting to operate any aircraft if the person is a habitual user of any narcotic, hypnotic, somnifacient, or stimulating drug.

If a person is charged with a violation involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state will not constitute a defense against the charge.

Violation of the above prohibitions is a nonperson misdemeanor punishable:

1. on the first conviction, by imprisonment of not more than one year or a fine of not less than \$100 nor more than \$500, or both; and
2. on the second or a subsequent conviction, by imprisonment for not less than 90 days nor more than one year and, in the court's discretion, a fine not exceeding \$500.

Other provisions include:

1. implied consent by person who operates or attempts to operate an aircraft to submit to alcohol or drug test;
2. procedures to be used by a law enforcement officer who believes a person was operating or attempting to operate an aircraft while under the influence of alcohol;
3. procedures to be used by a law enforcement officer when requesting a person to submit to a blood test;
4. procedures to be used by a law enforcement officer when there are reasonable grounds to believe that there is impairment by a drug which is not subject to detection by the blood or breath test used;
5. a provision which relieves a law enforcement officer from civil or criminal liability when acting in accordance with the above procedures;
6. a requirement that, before a test or tests are administered to a person, that such person be given oral and written notice apprising the person of his or her rights;
7. a provision which gives a person tested a reasonable opportunity to have an additional test by a physician;

8. allowance for the use of evidence of the concentration of alcohol or drugs in the defendant's blood, urine, or breath in cases of criminal prosecution, manslaughter, or any prosecution for violation of a city ordinance when operating or attempting to operate an aircraft under the influence of drugs or alcohol under specific alcohol or drug concentration levels;
9. a grant of immunity from any civil or criminal liability to a law enforcement officer in cases where the officer exercises care and custody of the aircraft that was being operated by the person arrested or in custody; and
10. a requirement that the results of testing, any refusal to submit to testing, and convictions be reported to the Federal Aviation Administration.

S.B. 329

S.B. 329 amends statutes relating to commercial drivers' licenses. The bill permits the issuance -- to a person age 16 -- of a Commercial Class B or C license, solely for the purpose of farm custom harvesting operations.

S.B. 371

S.B. 371 relates to prosecution of juveniles for traffic offenses. This bill prohibits imprisonment of a person under age 18 for a conviction of driving while the person's license is suspended; however, the court is permitted to commit the person to a juvenile detention facility for not more than 90 days.

S.B. 381

S.B. 381 relates to public utilities and parallel generation services. The bill makes the following changes:

1. it mandates that public utilities enter into a contract for parallel generation service with private entities, individuals, business enterprises, and social organizations, (current law limits such contracts to the public utility and customers);
2. it requires parallel generation contracts to include a method for calculating monthly compensation for parallel generation services (the Commission currently uses federal guidelines);
3. it includes language which would require a public utility to pay the price it would be charged if it purchased electricity from another source if that cost is higher than the utilities cost of producing the electricity itself (currently, the Corporation Commission uses federal guidelines to determine the lower costs of acquiring the energy);

4. it requires the utility to maintain accuracy standards of meters and equipment to be used for billing purposes (the current practice of the Commission is to review such matters on a case by case basis);
5. it gives the public utility the right to disconnect the entity's generator from its system until the entity's generator has been restored to industry safety and quality standards, or the utility's system has been restored to normal operating conditions, whichever is applicable (the Commission now takes these matters into account on a case by case basis);
6. it requires the utility to install, own, and maintain a disconnecting device between the utility's system and the electric meter (current law leaves such decision with the utility);
7. it provides that in cases where the entity and the utility cannot agree to terms or conditions not specifically set forth in the act, or cannot agree to compensation to the entity, either party may pursue resolution through the courts; and
8. it provides that recommendations of the Corporation Commission may be requested when the entity and utility cannot agree on issues as set forth in item seven.

S.B. 389

S.B. 389 provides that telecommunications public utilities (local exchange company or LEC) which serve less than 15,000 access lines will not be subject to basic exchange service rate regulation by the State Corporation Commission. The LECs would be able to increase basic exchange service rates, including coin service rates, up to \$2 per access line per month in any one year, unless 15 percent or more of the LEC's subscribers petition against the increase.

An LEC would be brought back under rate regulation if 51 percent or more of the LEC's subscribers petitioned the State Corporation Commission for this action. If this were to happen, the LEC would continue under full Commission regulation until such time as 51 percent or more of the subscribers petition the Commission to exempt the LEC from regulation. The bill also provides that an LEC could avoid being exempted by a vote of the company's board of directors to continue under regulation.

S.B. 389 gives the Commission the ability to initiate an investigation into an LEC's rates within one year of the increase if the Commission believes the increase was unreasonable. After the rate hearing, the Commission could order the LEC to roll back the rate to the prior levels and leave it in effect for at least one year.

S.B. 394

S.B. 394 allows the Corporation Commission to assess costs to a public utility or common carrier when the Commission intervenes in any proceeding before a federal regulatory body other than the Interstate Commerce Commission. The bill also allows the billing to a public utility or common carrier to be sent by regular U.S. mail, rather than by registered mail, as is now required

by the statute. In addition, the bill would clarify the assessment powers of the Citizens Utility Ratepayer Board (CURB) by codifying the agency's current practices regarding assessments.

S.B. 396

S.B. 396 authorizes CURB to contract for professional services to assist it in carrying out its duties. The bill establishes a negotiating committee to consider all proposals by persons applying to perform contracts and to award the contracts. The negotiating committee would be composed of the Consumer Counsel of CURB (or designee), the Director of the Budget (or designee), the Director of Accounts and Reports (or designee), and the Chairperson of CURB (or designee). The negotiating committee would be convened by the Consumer Counsel of CURB (or designee) when a contract is proposed to be entered into.

This bill exempts CURB from obtaining approval from the Department of Administration with respect to the hiring of a consultant for a rate case. Thus, CURB could issue the request for proposals in rate cases involving utilities.

S.B. 428

S.B. 428 requires certain persons whose drivers' licenses have been suspended or revoked to pay, as a condition of reinstatement of a driver's license, a fee of \$125. The bill applies to commercial licenses suspended because of:

1. a conviction for driving under the influence of alcohol;
2. a conviction for leaving the scene of an accident;
3. a conviction for using a commercial motor vehicle in the commission of a felony;
or
4. refusing or failing a test that determines blood alcohol content.

For other drivers' licenses, the bill applies if the license is suspended based on either the failure of, or refusal to take, a test to determine a person's blood alcohol content.

Of the \$125 fee collected, 91 percent would be credited to the Highway Patrol DUI Fee Fund, 4 percent to the Kansas Bureau of Investigation DUI Fee Fund, and 5 percent to the Department of Health and Environment DUI Fee Fund. These funds would be created by the bill.

H.B. 2416 (As Amended by House Transportation Committee)

H.B. 2416 makes it unlawful for any person to operate a vehicle with a single tire on any hub configured for a dual tire assembly, except in cases of emergency. The bill exempts any truck 20,000 pounds or less from such restriction.

**H.B. 2420 (As Amended by House Committee on Energy
and Natural Resources)**

H.B. 2420 permits, in regard to public utilities, the State Corporation Commission to adopt incentive, revenue replacement, or alternative cost recovery mechanisms in order to promote the cost-effective investment in, or implementation of projects, systems, programs, or measures that reasonably can be expected to produce energy from renewable resources other than nuclear, to cause the conservation of energy, or to bring about the more efficient use of energy. The bill allows the Commission to consider these mechanisms in experimental projects, such as load management devices.

In regard to determining the cost effectiveness of projects, systems, programs, and measures, or of alternative energy supply resources, the bill allows the Commission to consider the avoided environmental impacts and other societal costs of meeting customer needs for energy.

Hank

MEMORANDUM

TO: Ms. Gloria M. Timmer, Director
Division of Budget

DATE: February 10, 1993

FROM: Kansas Department of Revenue

RE: Senate Bill 162,
As Introduced

BRIEF OF BILL:

Senate Bill 162, as introduced, amends several statutes regarding the licensure of salvage vehicle dealers.

New Section 1 establishes requirements for a salvage yard dealer's place of business. The new requirements would not apply to a dealer in existence prior to July 1, 1993, provided the dealer remains in continuous operation at the same location.

Section 2 provides that a notarized bill of sale and a copy of the vehicle title must be given to a buyer of a major component part as proof of possession.

Section 3 defines several terms relating to salvage vehicle dealers.

Section 4 creates a new dealer license for "salvage vehicle pool" with a license fee of \$50. The option to obtain a combination salvage and used vehicle dealer license has been deleted. Subparagraph (v)(1) lists the information that must be supplied at the time of application for a salvage vehicle dealers license. Subparagraph (w)(1) establishes the requirements for a salvage vehicle pool's place of business. The new requirements would not apply to a salvage vehicle pool in existence prior to July 1, 1993, provided the business remains in continuous operation at the same location.

Section 5 requires that information regarding the VIN of a major component part which has been sold or disposed of be included in the quarterly report. Titles and transfer certificates for the vehicles listed must accompany the report.

This bill would take effect on July 1, 1993.

FISCAL IMPACT:

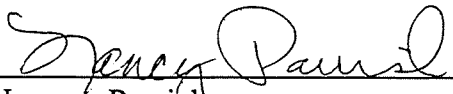
Enactment of this legislation would have a minimal impact on the State Highway Fund in FY 1994.

Collections from the "salvage vehicle pool" license will be minimal. There are less than five salvage vehicle pools in Kansas.

ADMINISTRATIVE IMPACT AND COMMENTS:

There are no administrative costs associated with this bill. This bill is identical to House Bill 2195.

APPROVED BY:



Nancy Parrish
Secretary of Revenue