

Approved: 3/22/94
Date

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 March 21, 1994 in Room 254-E of the Capitol.

All members were present except:

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:

Rosalie Thornburgh - Department of Transportation
Betty McBride - Kansas Department of Revenue
Gene Johnson - Kansas Community Alcohol Safety Action Project Coordinators
Association
Sgt. Terry Maple - Kansas Highway Patrol
Tom Day - Kansas Corporation Commission

Others attending: See attached list

HCR 5024 - Federal Mandate: Suspension of driving privileges of convicted drug offenders

Rosalie Thornburgh discussed this bill which expresses legislative opposition to the federal mandate which requires the enactment and enforcement of a law relating to the revocation, suspension, issuance and reinstatement of the driver's licenses of convicted drug offenders. She stated that it does meet the compliance requirements of Section 159 and would bring Kansas into compliance with the Act. (Attachment 1)

Betty McBride addressed the bill stating that failure to adopt this resolution has resulted in the federal government withholding \$7.7 million in highway funds for FY '94. If this resolution is adopted this year those funds will be restored. (Attachment 2)

Testimony was also distributed from:

Tom Whitaker - Kansas Motor Carriers Association (Attachment 3)
Bob Totten - Kansas Contractors Association, Inc. (Attachment 4)
Patrick Hurley - Economic Lifelines (Attachment 5)

HB 2644 - Concerning crimes and punishments; revocation of a person's driving privileges for conviction of certain drug offenses

Rosalie Thornburgh also explained to the Committee that this bill which requires the revocation of a person's driving privileges for six months for drug-related convictions does not meet the compliance requirements of Section 159 of 23 U.S.C. and would not bring Kansas into compliance with the Act. (Attachment 6)

Betty McBride explained that this bill will not satisfy the requirements of the federal mandate regarding drug convictions. (Attachment 7)

Gene Johnson addressed the offering a diversion for the first offense if the individual underwent an evaluation by the community alcohol safety action projects and completed a treatment program. (Attachment 8)

Other testimony was distributed but not read from:

Bob Corkins - Kansas Chamber of Commerce and Industry (Attachment 9)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES, Room 254E-Statehouse, at 9:00 a.m. on March 21, 1994.

A motion was made by Senator Jones to recommend **HCR 5024** favorably. Senator Emert seconded this. Motion carried.

HB 2922 - Concerning duty to provide accident report

Sgt. Maple explained that this bill would establish an exception to the immediate reporting requirement if the reporting would place the driver in "imminent danger" by other individuals involved in the accident. The Patrol supports the concept and will work to address the issue. (Attachment^{no})

There was some discussion and Senator Papay made a motion to move the bill out of Committee. This was seconded by Senator Tiahrt. Motion failed.

HB 2714 - Natural gas pipeline safety

Tom Day addressed this bill requesting that the KCC be able to increase the maximum penalty from \$10,000 to \$25,000 per violation of the KCC's natural gas pipeline safety rules and regulations. (Attachment^{no})

Senator Rock made a motion to move this bill out. Senator Papay seconded this. Motion carried.

The meeting was then adjourned by the Chairman.

The next meeting is scheduled for March 22, 1994.

GUEST LIST

SENATE TRANSPORTATION COMMITTEE

DATE: MARCH 21, 1994

[illegible]



Michael L. Johnston
Secretary of Transportation

KANSAS DEPARTMENT OF TRANSPORTATION

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Joan Finney
Governor of Kansas

TESTIMONY BEFORE
SENATE TRANSPORTATION AND UTILITIES COMMITTEE

REGARDING HOUSE CONCURRENT RESOLUTION 5024
DRUG OFFENDER'S DRIVER'S LICENSE SUSPENSION

March 21, 1994

Mr. Chairman and Committee Members:

Mr. Chairman and members of the committee, I am Rosalie Thornburgh, Administrator of the Office of Traffic Safety. On behalf of the Department of Transportation, I am here today to provide testimony regarding the proposed concurrent resolution and the federal requirement for driver's license sanctions against drug offenders.

House Concurrent Resolution 5024 expresses legislative opposition to the federal mandate which requires the enactment and enforcement of a law relating to the revocation, suspension, issuance and reinstatement of the driver's licenses of convicted drug offenders (set forth in 23 U.S.C. 159). House Concurrent Resolution 5024 does meet the compliance requirements of Section 159 and would bring Kansas into compliance with the Act.

In previous testimony before this committee, detailed information was presented regarding the penalty provisions of Section 159, and the necessary legislative actions needed to comply.

Section 159 provides for compliance with the act if the legislature adopts a resolution expressing its opposition to such a law and the Governor submits a written certification to the U.S. Secretary of Transportation that she is opposed to the enactment or enforcement of such a law.

Several categories of funds are currently being withheld because the 1993 Kansas legislature did not pass either the resolution or the law. Based on federal apportionments for FFY94, a total of \$7.5 million will be withheld from Kansas this year. If a complying resolution or law is not passed during the 1994 Legislative Session, an additional \$7.9 million will be withheld on October 1, 1994. The total loss through calendar year 2000 is estimated to be around \$100 million.

Senate Transportation and Utilities Committee
Drug Offender's Driver's License Suspension
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March 21, 1994

In summary, if the Kansas legislature acts to pass this complying resolution during this session, the FFY94 highway construction funds currently withheld will be returned to the State of Kansas and no subsequent loss of funds will occur. We ask your support for passage of this concurrent resolution during the 1994 legislative session.

This concludes my testimony, but I would be happy to answer any questions you may have.

STATE OF KANSAS

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Department of Revenue
Division of Vehicles

To: The Honorable Ben Vidricksen, Chairman
Senate Committee on Transportation and Utilities

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

Date: March 19, 1994

Subject: House Concurrent Resolution 5024

Mr. Chairman, members of the committee,

My name is Betty McBride, and I am the Director of the Division of Vehicles. I appear before you on behalf of the Kansas Department of Revenue regarding House Concurrent Resolution 5024.

House Concurrent Resolution 5024 is a resolution which would exempt the State of Kansas from complying with a federal mandate requiring the the suspension of driving privileges for any drug related offense not involving motor vehicles.

Failure to adopt this resolution has resulted in the federal government withholding \$7.7 million in highway funds for FY '94. If Concurrent Resolution 5024 is adopted this year those funds will be restored.

As proposed, this mandate 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 additional personnel be allotted for the Driver Control Bureau.

Thank you for allowing me to appear before this committee. I stand for your questions.

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Supporting action to protect
highway construction funds.

Presented to the Senate Transportation &
Utilities Committee, Sen. Ben Vidricksen,
Chairman; Statehouse, Topeka, Monday,
March 21, 1994.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Tom Whitaker, Governmental Relations Director of the Kansas Motor Carriers Association. I appear here today on behalf of our members and the highway transportation industry.

We strongly support the need for this Committee and the Kansas Legislature to take positive action in the 1994 Legislative Session to protect the current funding streams for the state's highway program -- including action to prevent withholding of federal highway funds for failure to take certain actions relating to revocation or suspension of drivers licenses for persons convicted of drug related offenses.

We support adoption of HCR 5024 certifying legislative opposition to the federal mandate pertaining to the revocation or suspension of driving privileges of convicted drug offenders, and requesting that the Governor of the state join in certifying her opposition to the federal mandate. We understand the Governor is willing to write such a letter.

Our industry further supports enactment of a mandatory motorcycle helmet law. Disregarding the emotional issues of helmet comfort and federal government direction in matters some prefer to handle as a personal choice, let me remind you that an estimated \$3.1 million of construction funds will be diverted in federal fiscal year 1996 (beginning October 1, 1995), unless the Legislature adopts such legislation prior to October 1, 1994. Another \$3.1 million will be diverted from construction funds if such a law still is not enacted prior to October 1, 1995.

I don't know what a million dollars means to each of you -- but I know to those in our industry who currently are paying some 40% of the highway user taxes that fund federal highway programs -- it is a lot of hard-earned company dollars that need to be utilized for the improvement of roads and bridges.

Our industry must comply with countless safety rules and regulations. Our cars and trucks are equipped with expensive safety devices of many kinds -- including the seat belts motorists are required to wear. Enactment of a mandatory helmet law seems to most of us a prudent, positive public policy that helps save lives, reduce serious injury -- and keep highway tax dollars working for improved, safely maintained trafficways for ALL citizens.

We ask your help accordingly.

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THE KANSAS CONTRACTORS ASSOCIATION, INC.



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TESTIMONY

BY THE KANSAS CONTRACTORS ASSOCIATION
BEFORE THE SENATE TRANSPORTATION COMMITTEE
REGARDING

HOUSE MEASURES ON SUSPENSION OF DRIVERS LICENSES

Mr. Chairman, and members of the Senate Transportation Committee, I want to thank you for allowing me the opportunity to appear before you this morning on the mandatory driver's license suspension program due to drug offenses.

My name is Bob Totten. I am the Public Affairs Director for the Kansas Contractors Association. Our association represents more than 330 heavy, highway, and municipal utility contractor and associate member firms in the Kansas construction industry.

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I am here today to support House Concurrent Resolution 5024. We believe it was unfortunate our congressional leaders decided in the ISTEA ACT of 1991 to require some type of action on the suspension of drivers licenses, but be that as it may, our association's main effort is to recommend you take some action on these measures so we do not lose federal funding for our highways.

As you have heard, we stand to lose 43 million dollars in federal funds by fiscal year 1997 if the Legislature does not address this matter, and I have been told it will be close to 100 million dollars by the year 2000. Our contractors hate to see this kind of money lost and I believe you will concur, it would be terribly unfortunate for the state's highway program to lose out on these federal highway construction dollars.

My main concern is on the future of federal highway funds for Kansas. According to this legislation, Kansas needs to take some action on this matter before October of 1995. I urge you to support HCR 5024. If you have any questions, please do not hesitate to contact me.

03/18/94

Statement of
Economic Lifelines
Presented by Patrick J. Hurley

To the Senate Transportation Committee
March 21, 1994

Room 254-E - Statehouse
Topeka, Kansas

Mr. Chairman and members of the Committee:

I am Patrick J. Hurley and I appear on behalf of Economic Lifelines. Thank you for the opportunity to testify here today.

As you know, Economic Lifelines is the umbrella organization of numerous trade groups, associations, communities and individuals formed to support the Kansas Comprehensive Highway Program enacted by the legislature in the 1989 session.

Economic Lifelines has continued in existence since the 1989 session in order to defend the highway program against any reduction in highway revenues, federal or state, necessary to adequately finance all the highway improvement projects planned during the life of that program.

As such, we have consistently opposed any actions by the state legislature or the U.S. Congress which would reduce this revenue stream.

We appear today specifically to address one such measure which could cause Kansas to lose federal highway construction funds.

At the last meeting of the Board of Directors of Economic Lifelines on November 17, 1993, a resolution was adopted which is attached to this testimony.

Under the Intermodal Surface Transportation Efficiency Act of 1991, the U.S. Department of Transportation is authorized to withhold a portion of federal highway funds from states which fail to take certain actions relating to revocation or suspension of drivers' licenses for persons convicted of drug related offenses.

Under this act each state is required to certify annually to the U.S. Secretary of Transportation that they are in compliance with this requirement or face potential permanent loss of these revenues.

States which do not meet the requirements by October 1, 1993, were to have five percent of certain federal highway funds withheld for Federal Fiscal Year 1994, and if still not in compliance on October 1, 1994, would have another five percent withheld, and if not in compliance by October 1, 1995, would have ten percent withheld each year thereafter until that state is in compliance.

A state is able to come into compliance with the requirements of this Federal law by either of two methods: the state may enact a law imposing the required penalties for drug related convictions, or in the alternative, the state legislature may adopt a resolution setting forth that state's opposition to enactment or enforcement of such a law and the Governor must then certify annually that the legislature has so expressed its opposition to the enactment of legislation.

Due to the failure of the Kansas legislature in the 1993 session to approve either such legislation or resolution, Kansas was not in compliance with the federal requirement on October 1, 1993, and a total of \$7.1 million in federal funds was withheld from Kansas.

If no action is taken pursuant to either of these options by the Kansas legislature during the 1994 session, Kansas will remain in noncompliance on October 1, 1994, and an additional \$7.5 million will be withheld from the state. If the Kansas legislature continues to fail to enact either option by October 1, 1995, the amount of federal highway funds withheld will increase to \$13.9 million for that year and each year thereafter until Kansas is in compliance with the federal requirement.

Although these federal highway funds are being withheld from Kansas, it is Economic Lifeline's understanding that the funds remain available for restoration if the Kansas legislature acts by a specified date. However, upon failure to take such timely action, funds that are first withheld can become permanently lost to the state.

It is estimated that if the Kansas legislature fails to take either of these actions indefinitely, a total of almost \$100 million in federal highway funds would be lost by the year 2000.

The Board of Economic Lifelines in adopting the attached resolution does not indicate a preference for the alternative methods of compliance which can be taken by the Kansas legislature. We strongly recommend that you determine the most appropriate method and take the action necessary during the 1994 session to bring Kansas into compliance with the Federal law and thereby protect the integrity of the Kansas Comprehensive Highway Program.

Thank you for your consideration and I would be happy to answer any questions committee members may have.

RESOLUTION OF THE BOARD OF ECONOMIC LIFELINES

WHEREAS, Economic Lifelines is an organization of various associations, businesses and individuals formed to promote and support the Kansas Comprehensive Highway Program enacted by the Legislature in 1989; and

WHEREAS, Economic Lifelines has consistently opposed the transfer, reduction or loss of any of the revenue components of the Kansas Comprehensive Highway Program, including Federal and State revenues; and

WHEREAS, Under the Intermodal Surface Transportation Efficiency Act of 1991, the U.S. Department of Transportation may withhold a portion of the Federal highway funds from states which fail to take certain actions relating to revocation or suspension of drivers' licenses for persons convicted of drug related offenses; and

WHEREAS, Each state is required to certify annually to the U.S. Secretary of Transportation that they are in compliance with this requirement or face potential permanent loss of these revenues; and

WHEREAS, States not meeting the requirements by October 1, 1993 will have five percent of certain Federal highway funds withheld for Federal fiscal year 1994, and if not in compliance on October 1, 1994, will have another five percent withheld, and if not in compliance by October 1, 1995, will have ten percent withheld each year thereafter until the state is in compliance; and

WHEREAS, A state can come into compliance by either of two methods: enactment of a law imposing the required penalties for drug related convictions, or adoption of a resolution setting forth the state's opposition to enactment or enforcement of such a law together with a letter from the Governor certifying such opposition; and

WHEREAS, Due to the failure of the Legislature to give final approval to either a bill or resolution Kansas is not now in compliance with the Federal requirement and on October 1, 1993, a total of \$7.1 million in Federal funds was withheld; and if Kansas continues in noncompliance an estimated \$7.9 million will be withheld on October 1, 1994, and \$13.9 million will be withheld October 1, 1995 and every year thereafter.

Now therefore be it resolved: That the Board and members of Economic Lifelines urges the Kansas Legislature to approve one of the required methods to bring Kansas into compliance with the Federal requirements in the 1994 session of the Kansas Legislature to avoid any further withholding and permanent loss of Federal highway funds to Kansas.

This Resolution adopted by formal action of the Board of Economic Lifelines on November 17, 1993.



Michael L. Johnston
Secretary of Transportation

KANSAS DEPARTMENT OF TRANSPORTATION

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Joan Finney
Governor of Kansas

TESTIMONY BEFORE
SENATE TRANSPORTATION AND UTILITIES COMMITTEE

REGARDING HOUSE BILL NO. 2644
DRUG OFFENDER'S DRIVER'S LICENSE SUSPENSION

March 21, 1994

Mr. Chairman and Committee Members:

Mr. Chairman and members of the committee, I am Rosalie Thornburgh, Administrator of the Office of Traffic Safety. On behalf of the Department of Transportation, I am here today to provide testimony regarding the proposed legislation and the federal requirement for driver's license sanctions against drug offenders.

House Bill No. 2644 requires the revocation of a person's driving privileges for six months for drug-related convictions involving the use of simulated controlled substances or drug paraphernalia, or for convictions of the Uniform Substances Act, if a motor vehicle was involved in the commission of such criminal offense. House Bill No. 2644 does not meet the compliance requirements of Section 159 of 23 U.S.C. and would not bring Kansas into compliance with the Act.

In previous testimony before this committee, detailed information was presented regarding the penalty provisions of Section 159, and the necessary legislative actions needed to comply.

Section 159 provides for compliance with the Act if the legislature enacts and enforces a law which would impose a six months driver's license suspension for any drug-related offense or for violations of the federal Controlled Substances Act. Alternatively, a state can avoid the withholding of federal funds by submitting to the U.S. Secretary of Transportation a 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.

Testimony on Drug Offender's Drivers License Suspension
Senate Transportation and Utilities Committee
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The House Transportation Committee wished to propose legislation pertaining to motor-vehicle related drug offenses only with the clear intent that House Bill No. 2644 is not designed to meet the requirements of the federal mandate. The House Transportation Committee wanted to run this proposed legislation as a companion bill to House Concurrent Resolution 5024.

Several categories of federal funds are currently being withheld because the 1993 Kansas legislature did not pass either the resolution or the law. Based on federal apportionments for FFY94, a total of \$7.5 million will be withheld from Kansas this year. If a complying resolution or law is not passed during the 1994 Legislative Session, an additional \$7.9 million will be withheld on October 1, 1994. The total loss through calendar year 2000 is estimated to be around \$100 million.

In summary, House Bill No. 2644 does not meet the federal requirements of Section 159, would not bring Kansas into compliance with the Act, nor prevent any further withholding of federal funds. We ask your support for passage of either a qualifying law or resolution during the 1994 legislative session. Passage of qualifying legislation this session would restore the FFY94 highway construction funds currently withheld and would prevent any subsequent losses of funds.

This concludes my testimony. I would be happy to answer any questions you may have.

STATE OF KANSAS



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Department of Revenue
Division of Vehicles

To: The Honorable Ben Vidricksen, Chairman
Senate Committee on Transportation and Utilities

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

Subject: House Bill No. 2644

Mr. Chairman, members of the committee,

My name is Betty McBride, and I am the Director of the Division of Vehicles. I appear before you on behalf of the Kansas Department of Revenue regarding House Bill No. 2644.

As introduced, this bill will require the division of vehicles to suspend for six months, the driver license of anyone convicted of a drug offense involving the use of a motor vehicle.

The division is not opposed to this bill, however it will not satisfy the requirements of the federal mandate regarding drug convictions. In addition to suspension or revocation of a person's license, the federal mandate requires that if the offense occurred before the person had obtained a driver license, upon making application for an original license the person would have to wait an additional six months before a license could be issued.

If the Legislature adopts House Concurrent Resolution 5024, the \$7.7 million in federal money withheld for failing to act by October 1, 1993, would be restored to the FY '94 budget.

Thank you for allowing me to appear before this committee. I stand for your questions.

ATTACHMENT 7

SEN. TRANS. 3/21/94

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Testimony
March 21, 1994

House Bill 2644

To: Senator Ben Vidricksen, Chairman
Senate Transportation and Utilities Committee
The Statehouse
Topeka, KS 66612

Mr. Chairman and Members of the Committee:

I am Gene Johnson and I represent the Kansas Community Alcohol Safety Action Project Coordinators Association, the Kansas Alcohol and Drug Addiction Counselors Association and the Kansas Association of Alcohol and Drug Program Directors.

This Committee is aware that we supported Senate Bill 294 which had hearings on November 1, 1993. I am attaching that testimony to this statement. We support House Bill 2644 as an intervention measure to reduce the incidents of drug abuse in the State of Kansas. However, we would suggest to this Committee that on first offense upon the prosecution's request, a diversion could be offered, such as we recommended in Senate Bill 294. The individual could be eligible for diversion if they underwent an evaluation by the community alcohol safety action projects in the judicial district. In addition, the offender would be ordered to either complete the minimum of eight hours of alcohol and drug education or complete a treatment program for alcohol and drug abuse.

We also feel that if the court chooses to grant a restricted license to the drug offender after a conviction, that person should undergo an evaluation as provided for under KSA 8-1567 to determine whether education is appropriate for the offender or whether further he should have further professional assistance.

Our Associations feel that we have done an excellent job with DUI offenders in the State of Kansas by reducing alcohol related crashes and also fatalities by at least 40% over the last ten years. We hope evaluations under the direction of the prosecutor or the court would reduce the number of drug offenses over a period of years, throughout the State of Kansas.

ATTACHMENT 8

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Testimony
Senate Bill 2644
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We would expect the offender to be responsible for the the costs, including the evaluation fee as set forth in the DUI Statute, any costs of education or treatment.

Respectfully submitted,



Gene Johnson

Legislative Liaison

Kansas Alcoholism and Drug Addiction Counselors Association

Kansas Association of Alcohol and Drug Program Directors

Kansas Community Alcohol Safety Action Project Coordinators Association

Testimony
Senate Bill 294
November 1, 1993

To: Senator Ben Vidricksen, Chairman
Senate Transportation and Utilities Committee
The Statehouse
Topeka, KS 66612

Mr. Chairman and Members of the Committee:

I am Gene Johnson and I represent the Kansas Community Alcohol Safety Action Project Coordinators Association. In addition I represent the Kansas Alcohol and Drug Addiction Counselors Association and the Kansas Association of Alcohol and Drug Program Directors.

The Kansas Community Alcohol Safety Action Project Coordinators Association are those individuals who do the evaluation and monitoring of DUI offenders for the purpose of diversion and sentencing thru our Court systems throughout the State of Kansas. This DUI system presently in place and has been in operation for the past thirteen years.

We would recommend if this committee should pursue Senate Bill 294 in the upcoming legislative session as suggested by the Federal mandate, that the legislation be drafted very similar to the present DUI legislation. For the first time offender or the first caught offender, we would suggest that he/she be offered a diversion from his/her drug offense with the understanding that he/she would undergo an evaluation by a qualified alcohol safety action project. Keep in mind these projects are presently certified by the administrative judge with the approval of all the judges in that judicial district, or by the Alcohol and Drug Section of Social Rehabilitation Services. In most cases the alcohol safety action project carries a dual certification from the administrative judge and the Social and Rehabilitation Services.

The evaluation would offer the prosecutor some background information on the individual and where he or she stands with their alcohol/drug problem. In order to satisfactorily complete a diversion program, the offender would have to undergo an educational process of no less than eight

hours by a certified alcohol safety action project, or complete a treatment program for alcohol and drug abuse. Should that offender fail to complete the diversion requirements, they would be brought back to the court for the purpose of entering a plea to the charge of the drug offense.

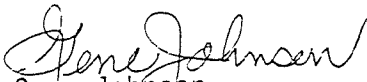
By offering a solution such as this, the person who is not eligible for diversion, would already have completed an alcohol/drug evaluation by an alcohol safety action program, in order to give the sentencing court a better background of the individual and possibility of education or rehabilitation.

We are not in favor of any illegal drug usage and we do not support the term, "recreational drug." There is no recreation in using any drug that alters one's state of mind, which causes one's judgement to be impaired.

By offering diversion on first time offenders, we create the possibility of an intervention process, which may halt the addiction cycle of that offender. Also, we would expect that the \$110 Evaluation Fee that is set forth in the DUI Statute, to be inserted in this proposed legislation and the cost of that evaluation and education or treatment be solely borne by the defendant and not by the taxpayers of the State of Kansas.

Thank you. I will attempt to answer any questions you may have.

Respectfully submitted,



Gene Johnson

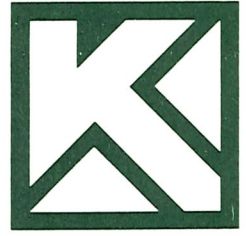
Legislative Liaison

Kansas Alcoholism and Drug Addiction Counselors Association

Kansas Association of Alcohol and Drug Program Directors

Kansas Community Alcohol Safety Action Project Coordinators Association

LEGISLATIVE TESTIMONY



Kansas Chamber of Commerce and Industry

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HCR 5024 & HB 2644

March 21, 1994

KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the
Senate Transportation & Utilities Committee

by

Bob Corkins
Director of Taxation

Mr. Chairman and members of the Committee:

My name is Bob Corkins, director of taxation for the Kansas Chamber of Commerce and Industry. I appreciate the chance to express our members' support today for both transportation safety and steadfast financial support of Kansas' 1989 comprehensive highway program.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses which includes 200 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 55% of KCCI's members having less than 25 employees, and 86% having less than 100 employees. KCCI receives no government funding.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

ATTACHMENT 9

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For over 20 years, KCCI has affirmed its formal policy statement advocating stringent penalties for the operation of motor vehicles under the influence of intoxicating drugs. This objective need not conflict in any way with adequate funding for our state's highways.

KCCI believes that HCR 5024 would not undermine the peaceful coexistence of these two laudable objectives. That formal resolution merely articulates the state's objection to being *coerced* into enacting a specific drug offense penalty. It would also prevent the loss of millions of dollars in federal support for the Kansas comprehensive highway program.

We therefore support HCR 5024, but we also support a stringent penalty for intoxicated driving *which may or may not* conform precisely with federally mandated content. We believe that HB 2644 would be a meaningful positive step that is consistent with the spirit of the federal mandate. The two legislative measures are not mutually exclusive.

Again, thank you for this opportunity. We urge your favorable consideration of these two proposals.

SUMMARY OF TESTIMONY

Kansas Highway Patrol
Before the
Senate Transportation Committee
Regarding

HOUSE BILL # 2922

Presented by
Sergeant Terry Maple

March 21, 1994

House Bill 2922 would amend K.S.A. 8-1606 regarding the duty to report certain property damage accidents (involving an apparent damage of \$500 or more).

Currently, the law requires these accidents to be "immediately" reported, "by the quickest means of communication", to the nearest authorized police authority.

This bill, in new subsection (c), establishes an exception to the immediate reporting requirement. If reporting the accident would place the driver in "imminent danger of bodily injury" by other individuals causing or involved in the accident, such driver could delay reporting the accident until the imminent danger has passed.

The Patrol sympathizes with drivers who are placed in the kind of compromising positions that this bill is trying to alleviate. However, the potential for abuse exists, i.e. an intoxicated driver using this exception to avoid reporting involvement in an accident until he/she has sobered up.

In conclusion, the Patrol supports the concept of this bill and is willing to work with the Committee in any way possible to address the issue.

BEFORE THE SENATE
TRANSPORTATION AND UTILITIES COMMITTEE

PRESENTATION OF THE
KANSAS CORPORATION COMMISSION ON
H.B. 2714

This bill, requested by the Commission, simply amends the current statute dealing with penalties for violation of the KCC's natural gas pipeline safety rules and regulations to correspond to the federal law dealing with the same subject. The KCC is an agent of the United States Department of Transportation for enforcement of federal pipeline safety regulations and receives funds for such purpose, currently around \$200,000 annually. In order to continue to qualify as an agent and receive funds, the KCC must be able to impose penalties comparable to the federal law, which was amended last year to increase the maximum penalty from \$10,000 to \$25,000 per violation.