

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on January 25, 2007 in Room 527-S of the Capitol.

All members were present.

Committee staff present:

Hank Avila, Kansas Legislative Research Department
Mike Corrigan, Revisor of Statutes
Maggie Breen, Committee Assistant

Conferees appearing before the committee:

Senator Dennis Pyle
Lamar Shoemaker, Sheriff of Brown County
Senator Phil Journey
Ken Gudenkauf, KDOT
Steve Kearney, Kearney and Associates
Tom Whitaker, Kansas Motor Carriers Association

Others attending:

See attached list.

Chairman Donovan opened the hearing on **SB 108--Designating part of U.S. highway 73 as the Deputy Todd Widman memorial highway.**

Proponents:

Senator Dennis Pyle said the bill designates a portion of US highway 73 as the Deputy Todd Widman memorial highway as requested by several constituents and members of Todd's family. Members of the family were present. An article attached to his testimony gave many of the details of the events surrounding Todd's death. He asked that the bill be passed and placed on the consent calendar. He said the fiscal note covers 2 signs and there is a willingness to raise funds for 4 signs if the department would consider that. (Attachment 1)

Ken Gudenkauf, KDOT, said they normally have a sign on each end or at rest areas. That is KDOT's fiscal policy. He said he wasn't sure of the department's stand on the request for 4 signs but would guess that they would prefer to have 2 signs.

Lamar Shoemaker, Sheriff of Brown County said he wanted to make a short note of Todd's history. He grew up in Hiawatha, lived in Hiawatha, graduated in Hiawatha, and basically wanted to be a deputy all along. He was a ride along reserve officer before he was a deputy. His life dream was cut short. He was very well known throughout the town. He believes this would be a very fitting honor to Todd. (Attachment 2)

Chairman Donovan recognized Bill and Linda Nonnast who were present at the hearing. Bill had worked with Todd.

Chairman Donovan closed the hearing on **SB 108 and opened the hearing on SB 3--Highway safety memorial markers.**

Proponent:

Senator Phil Journey said **SB 3** is a simple piece of legislation which deals with family members or friends erecting their own personal shrines when a loved one is killed in a car wreck. These signs are potentially dangerous to those traversing the highways of the state. He advocated more uniform signs and provided picture copies of memorial markers taken in the state of Florida. He pointed out that they are on a standard post which would be much safer than many of the ones presently being placed. He noted the names on the Florida markers were too small. He said that he was surprised that the fiscal note covered the costs of a much bigger sign than those he was presenting. He said the names on the markers from Florida were too small. He would have no objection to amending the bill allowing for the cost, including a 150% cost factor similar to highway designation memorial signs, to be borne by those requesting the signs. (Attachment 3)

Hank Avila, Legislative Research covered a handout that told what some of the other states are doing. He noted that the two driving issues are safety and whether the putting up of cross memorials violates the separation of church and state. He said the American Atheist Association protested the crosses in Utah and a Jewish community protested the crosses in Florida. The one in Utah involved a lawsuit, the one in Florida didn't. Some states required

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fees and others didn't. (Attachment 4) Hank also provided copies of KDOT's present policy. (Attachment 5)

Ken Gudenkauf, Legislative Liaison, KDOT, said the department chose not to testify on the bill. He said when the signs started popping up on their right-of-ways they started to go around taking them out and decided that was a no-win situation. They basically developed the policy that they would work with the families so signs will be placed in a safe way. Some of the early ones were right on the shoulder of the roads. It's really a safety issue and that is what their policy addresses. He said he was concerned that the bill says KDOT has to remove the other ones that are out there. Once they are there, it's very upsetting to people if they are removed.

Chairman Donovan closed the hearing on **SB 3** and opened the floor for introduction of bills.

Steve Kearney, Kearney and Associates, said he was before the committee in a couple of capacities to ask for 3 bill introductions.

The first request is the result of a post audit done on insurance auto auctions. There's no branding that travels along with the vehicle in a sufficient fashion. It's unregulated and provides a ripe opportunity for fraud. Anyone one can go in and purchase one of these vehicles, get the VIN, steal a car, and put the VIN on the stolen car. Post Audit had several recommendations. He asked the committee to introduce the bill.

Senator Wilson made a motion to introduce the bill. Senator Gilstrap seconded the motion. The motion carried. Chairman Donovan shared a personal experience where he got stuck with one of these vehicles as a trade in. He emphasized that the bill is badly needed.

Steve's second request was on behalf of the County Treasurer's Association. It needs to be made clear in the statutes that they're acting as an agent of the State of Kansas when they're acting on behalf of the state or the Division of Motor Vehicles.

Senator Wilson made a motion to introduce the bill. Senator Gilstrap seconded the motion. The motion carried. Steve's last request was on behalf of Kansas Action for Children and the Kansas State Trooper's Association. They are requesting a bill that would make a primary seat belt violation for 17 year olds and younger. It would be much like the helmet law.

Senator Schmidt made a motion to introduce the bill. Senator Hensley seconded the motion. The motion carried.

Chairman Donovan directed the committee's attention to 2 balloons that were passed out for **SB 9--Regulating traffic, video or television-type equipment, operation thereof.**

Tom Whitaker, Kansas Motor Carriers Association, explained his amendment. Tom said the industry is about to get electronic onboard recording devices for hours of service. It's a display unit plus they have procom with messages on dispatch and everything else that they are now using. He said when he saw Senator Journey's bill he realized it needs to be taken care of, because that's where technology is going. He asked for one change in the balloon. He said item (c) (2) that defines commercial vehicles is not a uniform part of the definition. It was put in the KCC regulations, many years ago, by the United Transportation Union that dealt with transportation of railroad employee. He asked that item (2) be deleted and (3) and (4) be renumbered. (Attachment 4)

Senator Wilson made a motion to adopt the amendment. Senator Apple seconded the motion. The motion carried.

Chairman Donovan said the second amendment covered the utility service vehicles for the same reasons that Tom had just explained. (Attachment 5)

Senator Schmidt made a motion to adopt the amendment. Senator Wilson seconded the motion. The motion carried.

Senator Schmidt made a motion to pass SB 9 out favorably as amended. Senator Wilson seconded the motion. The motion carried.

Senator Wilson thanked Senator Journey for initiating this bill. He has helped many commercial businesses stay out of trouble.

The meeting adjourned at 9:17 a.m. The next meeting is scheduled for Tuesday, January 30, 2007.