

MINUTES OF THE SENATE TRANSPORTATION & TOURISM COMMITTEE.

The meeting was called to order by Chairperson Senator Ben Vidricksen at 9:10 a.m. on March 21, 2000 in Room 245-N of the Capitol.

All members were present except:

Committee staff present: Hank Avila, Legislative Research Department  
Bruce Kinzie, Revisor of Statutes  
Marian F. Holeman, Secretary

Conferees appearing before the committee: Tom Palace, Exec.Dir. PMCA of KS  
Matthew L. Serrano, Olathe, KS  
Rep. Ted Powers  
Gary Long, Cycle Works, Lawrence, KS

Others attending: See attached list

**HB 2768: Re KCC - Regulation of Motor Carriers**

Members returned to consideration of this bill which had been heard on March 16, 2000. At that time questions were raised which concerned parties have now resolved. They advised there was no need for further amendments to the bill. On March 16 the committee had passed a technical amendment to the bill. Senator Jordan moved to recommend amended HB 2768 favorable for passage. Senator Salmans seconded the motion. Motion carried. Senator Vidricksen will carry the bill.

**HB 2883: Re crimes - theft of motor fuels**

Tom Palace, Executive Director, Petroleum Marketers and Convenience Store Association of Kansas (PMCA of Kansas), requested this anti-crime law. Presently petroleum retailers have no legal avenue to prosecute motor fuel thefts. Statewide losses are approximately \$5,961,555.00 (Attachment 1).

Matthew L. Serrano, Serrano Petroleum & Convenience Co., Inc of Olathe, Kansas, speaking in support of this bill provided background information on the problem; the lack of prevention/enforcement tools, etc. (Attachment 2). The attachment also includes a copy of a decal which they are recommending be affixed to all pumps.

In discussing this bill Senator Tyson expressed concern regarding the wording in New Sec.1.(b), on page 1, line 26. Oftentimes failure to replace or reattach the nozzle and hose is not an intentional act, rather a mistake, or oversight on the part of the customer. It was felt that this language, in combination with New Section 1.(a), would not be a problem. Senator Stephens recommended the bill favorable for passage. Senator Goodwin seconded the motion. Motion carried. Senator Jordan will carry the bill.

**HB 2884: Re motorized bicycles; defining electric assisted bicycles**

Representative Ted Powers presented testimony in support of this bill which would repeal the definition of "low power cycle" and replace it with "electric-assisted bicycle. It would also change the current cylinder capacity, increasing it to not more than 130 ccs. The House amended **HB 2921** into **HB 2884**. Therefore, this bill would further allow persons who have had their driving privileges suspended to be issued a motorized bicycle license only. (No written testimony.)

Gary Long, Cycle Works, Lawrence, Kansas, described the "Whizzer Motor Bike" as a "part of our history." As the bike is now being made, it is an "electric bicycle" and other states have no problem with the power or speed. However, "electric bicycles" are not defined in present Kansas law. He provided materials which further describe these bicycles and the need for this law (Attachment 3).

Members discussed the bill. Senator Harrington moved to amend SB-369 as passed by the Senate into

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**HB 2884.** Senator Goodwin seconded the motion. Motion carried. Senator Harrington moved to recommend HB 2884, as amended, favorable for passage. Senator Goodwin seconded the motion. Motion carried. Senator Harrington will carry the bill.

**HB 2883: Re crimes - theft of motor fuel**

After having an opportunity to take a deeper look at the language in this bill, staff pointed out that in order to meet the stated intention of this committee, it did indeed need clarification of the language on page 1, line 26. Insertion of the word “intentionally” failing..... should correct the matter.

Senator Jordan moved to reconsider HB 2883. Senator Harrington seconded the motion. Motion carried. Senator Tyson moved to amend HB 2883 to include the appropriate language on page 1, line 26. Senator Goodwin seconded the motion. Motion carried. Senator Goodwin moved to recommend HB 2883, as amended, favorable for passage. Senator Tyson seconded the motion. Motion carried. Senator Jordan will carry the bill.

**Approval of minutes**

Senator Harrington moved to approve the minutes of March 15, 2000 and March 16, 2000 meetings. Senator Stephens seconded the motion. Motion carried.

The meeting adjourned at 10:05 a.m.

The next meeting is scheduled for Wednesday, March 22, 2000