

## MINUTES OF THE SENATE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Les Donovan at 8:30 a.m. on March 15, 2001 in Room 245-N of the Capitol.

All members were present except: Senator Goodwin  
Senator Pugh

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

Conferees appearing before the committee: Jackie Miller, KCC  
Major Mark Goodloe, KS Highway Patrol  
Tom Whitaker, KS Motor Carriers Association

Others attending: See attached list.

### **HB 2290: Concerning motor carriers; regulation thereof; exemptions**

Jackie Miller, Director, Transportation Division, Kansas Corporation Commission testified as a proponent of this bill which contains five primary revisions to bring Kansas into compliance with federal law and eliminate some current inequities in present law. This bill amends exception to safety rules and regulations for intrastate private motor carriers hauling "tools of the trade" (Attachment 1).

Major Mark Goodloe, Kansas Highway Patrol, appearing on behalf of Patrol Superintendent, Don Brownlee, addressed the reasons why the Patrol strongly supports this bill for reasons of safety and uniformity. He provided background information regarding the need for **HB 2290**, especially regarding intrastate hauling of "tools of the trade" (Attachment 2).

Tom Whitaker, Executive Director, Kansas Motor Carriers Association, also appeared in support of the bill as it provides for uniformity between Kansas and the Federal Motor Carrier Safety acts for those that operate commercial vehicles (Attachment 3).

Members asked for further clarification of "tools of trade" issue. Major Goodloe & Mr. Whitaker both explained that vehicles with a gross vehicle weight rating of 10,000 lbs or less are not subject to these regulations except when transporting hazardous materials.

### **HB 2291: Regulation of Motor Carriers**

Jackie Miller also testified as a proponent of this bill which is a "housekeeping" matter. It deletes references to the Interstate Commerce Commission and updates several U.S. Codes, and clarifies some language (Attachment 4). Major Goodloe advised members the Patrol supports this bill. Tom Whitaker, Kansas Motor Carriers Association informed members they have worked closely with the KCC on this bill and they also support this bill (Attachment 5).

Discussed implication of New Section 3 regarding civil penalties. This Section deals with the collection of penalties. It has been discussed with the Attorney General's office and they have no objection to this minor change in procedure. Generally speaking this is not a frequent event and due process is available to deal with problems. Safety requirements on trailers apply to lights, breaks and frame. All other safety requirements are on the power unit and driver of the vehicle. Senator Schodorf moved to recommend **HB 2290** and **HB 2291** favorable for passage. Senator Gooch seconded the motion. Motion carried.

## CONTINUATION SHEET

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE at 8:30 a.m. on March 15, 2001 in Room 245-N of the Capitol.

### **HB 2369: Cities and counties; paving materials, prohibiting the sale thereof**

The committee has before it four proposed balloon amendments. Staff explained Representative Grant's proposed amendment which basically takes the House position that removes the "otherwise providing" and "or paving services". Then it restructures the stricken language from line 23 to 28. Those things are kept the same and adds the provision to not prohibit interlocal agreements. The Chair asked Randy Allen to explain the two amendments proposed by the Aggregate Producers' Association. Proposed Balloon #1 is very similar to Representative Grant's. However, this one does not strike the words "or otherwise provide." They believe this would remove flexibility for cities and counties to work together. Proposed Balloon #2 is similar to language in **SB 210** under consideration in Local Government. In that Committee they testified against that language and offered language that is more straight forward. Mr. Allen further explained that the language in the Balloon proposed by the Kansas Association of Counties would prohibit cities and counties from providing materials to private entities but would allow cities and counties to provide materials to each other.

Time did not permit further action on this bill in today's meeting. Chairman Donovan announced continued discussion and possible final action on this bill will be held next week.

### **Approval of minutes**

Senator Jackson moved to approve minutes of the March 7 and 8, 2001 meetings. Senator Salmans seconded the motion. Motion carried.

The meeting adjourned at 9:30 a.m.

The next meeting is "on call" for Tuesday, March 20, 2001.