

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on January 31, 2006 in Room 527-S of the Capitol.

All members were present.

Committee staff present:

Hank Avila, Kansas Legislative Research Department
Bruce Kinzie, Revisors of Statutes
Maggie Breen, Committee Secretary

Conferees appearing before the committee:

Senator Phil Journey
Jim Edwards, Ks Association of School Boards
David Church, Chief, Bureau of Traffic Engineers

Others attending:

See attached list.

Chairman Donovan opened the hearing on **SB 344** - Traffic regulation, school crossing zones, school crossing guards.

Senator Phil Journey said last year **SB 35** passed in the Senate but not the House. This year he has separated the two components into two bills. **SB 344** has the component that creates the new traffic infraction of disobeying a school crossing guard and grants authority to local school districts to have crossing guards. (Attachment 1)

Jim Edwards, Ks Association of School Boards, said they feel the intent is good and that the bill is drafted well. He said he hopes the committee will pass the bill and that it will become law this year. (Attachment 2)

David Church, Chief, Bureau of Traffic Engineers, said KDOT is not opposed to the bill but he does want to make a distinction between an adult acting as a crossing guard with the authority to stop and control traffic and a student who helps kids across the street. The bill doesn't make a clear distinction between the two. He proposed a modification to clarify that "school crossing guards under 18 should be given the authority to direct and control children, "not traffic" or to remove the reference to students under the age of 18 altogether. He also proposed changing line 28 in Section 3 from "may provide training" to "should provide training." (Attachment 3)

Chairman Donovan closed the hearing on **SB 344** and opened the hearing on **SB 347** - Doubling speeding fines in school zones.

Senator Phil Journey said **SB 347** is the second component from **SB 35** and it simply doubles the fine. There is a precedent for it; modified and doubled fines for speeding in a construction zone. Also, many cities have adopted doubling or tripling city ordinances. He wants to send a value statement. Our children are as important as our construction workers. (Attachment 4)

David Church, Chief, Bureau of Traffic Engineers, said they are in favor of the bill. (Attachment 5)

Chairman Donovan closed the hearing on **SB 347** and opened the hearing on **SB 345** - Traffic regulation, speeding based on conditions, not moving violation.

Senator Phil Journey said unlike the normal speeding violation, where you're charged with going 55 mph in a 45 mph zone, K.S.A. 8-1557 is called the basic speed rule. Simplifying it, it's operation of a motor vehicle in a manner greater than reasonable and prudent for the conditions and circumstances you're driving in. Due to the subjective circumstances of normal prosecution under this statute, **SB 345** proposes that these cases do not count against your driving record for insurance purposes or suspension of licences. (Attachment 6)

Chairman Donovan closed the hearing on **SB 345** and said he would work **SB 413**. He asked Senator Peterson

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if he had an amendment he wanted to request.

Senator Petersen made a motion to amend **SB 413** to require SMV sign. Senator Schmidt seconded the motion. The motion carried.

Senator Petersen made a motion to move the bill out favorably as amended. Senator Wilson seconded the motion. Senator Lee will carry the bill.

Chairman Donovan presented the committee minutes for January 17th and January 19th. Senator Schmidt made a motion to approve the minutes as written. Senator Gilstrap seconded the motion. The motion carried.

The meeting adjourned at 9:06 a.m.

The next meeting is scheduled for February 1, 2006.