

## MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 8:37 a.m. on February 12, 2009, in Room 136-N of the Capitol.

All members were present except:

Senator Les Donovan- excused  
Senator Vicki Schmidt- excused

Committee staff present:

Mike Corrigan, Office of the Revisor of Statutes  
Hank Avila, Kansas Legislative Research Department  
Jill Shelley, Kansas Legislative Research Department  
Cindy Shepard, Committee Assistant

Conferees appearing before the committee:

Mike Hoeme, Director of Transportation, Kansas Corporation Commission  
Tom Whitaker, Executive Director, Kansas Motor Carriers Association  
Craig Lundgren, Senior Patrolman, Olathe Police Department  
Gary Donnell, Senior Patrolman, Olathe Police Department  
Eric Stafford, Director of Governmental Affairs, Associated General Contractors of Kansas, Inc.  
Bill Miller, American Subcontractors Association  
Kevin Gregg, Director of Industry Relations, Kansas Motor Carriers Association

Others attending:

See attached list.

Chairman Umbarger opened the hearing on **SB 152 - Regulation of certain motor carriers by the corporation commission**.

Mike Hoeme, Director of Transportation for the Kansas Corporation Commission (KCC), testified on behalf of the KCC staff in support of **SB 152**. Director Hoeme indicated that the bill amends KCC transportation safety statute K.S.A. 66-1,129, striking three exemptions. Currently, commercial motor carriers with a Gross Vehicle Weight Rating (GVWR) of 10,001 to 26,000 pounds are exempt from safety regulations including maintaining driver qualification files, recording hours of service, and keeping maintenance records. In addition, these exempt motor carriers, do not fall under applicable safety regulations such as load securement and roadside inspections (Attachment 1).

Tom Whitaker, Executive Director of the Kansas Motor Carriers Association (KMAC), representing the Kansas trucking industry, appeared as a proponent of **SB 152**. He stated that the bill removes the exemption for motor vehicles with a GVWR of 26,000 pounds or less from the safety rules and regulations, when carrying tools, property or material belonging to the owner of the vehicle, commonly known as the "tools of trade" exemption. KMAC supports legislation that subjects all "commercial vehicles" to the safety rules and regulations of the KCC. These vehicles are already subject to the federal motor carrier safety rules and regulations if such vehicle crosses state lines (Attachment 2).

Craig Lundgren, and Gary Donnell, Senior Patrolmen for the Olathe Police Department, spoke in support of **SB 152**. As Level I Motor Carrier Inspectors, they estimate over half of the serious violations found on inspections conducted in the past eight years, were on construction related vehicles. It is time to make safety the priority in decisions made regarding truck traffic in Kansas (Attachment 3).

Eric Stafford, Director of Governmental Affairs for the Associated General Contractors of Kansas, Inc. (AGC), testified in opposition to **SB 152**. He stated that the AGC feels removing the exemptions is a broad approach that would not address the real problem of load securement. It would be the recommendation of the AGC to focus on strengthening enforcement of load securement and tie down requirements, verses a blanket approach that would subject our members to unnecessary regulations and exposure to litigation. Private citizens or companies operating less than 10,001 pounds would still pose the same risk as they do under current law (Attachment 4).

Bill Miller, representing American Subcontractors Association, spoke in opposition of **SB 152**. Mr. Miller

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indicated that this bill would place small businesses under the jurisdiction of the KCC and subject them to heavy-handed enforcement (Attachment 5).

Written testimony in opposition of **SB 152** was submitted by:

Martha Neu Smith, Executive Director, Kansas Manufactured Housing Association (Attachment 6)

Phil Perry, representing Home Builders Association of Greater Kansas City (Attachment 7)

There being no further conferees, the hearing on **SB 152** was closed.

The hearing on **SB 153 - Regulation of certain motor vehicles and motor carriers by the corporation commission** was opened.

Mike Hoeme, appeared on behalf of the KCC, in support, indicating **SB 153** is a cleanup bill that will amend two KCC Transportation statutes (Attachment 8).

Kevin Gregg, Director of Industry Relations for the Kansas Motor Carriers Association, testified as a proponent of the bill. He stated the technical changes in **SB 153** will remove redundancies in statutes and clarify definitions in K.S.A. 66-1, 108-109 (Attachment 9).

Bill Miller, American Subcontractors Association, spoke in opposition of **SB 153**. His argument with the bill is the same as with **SB 152**, and if the committee chooses to work the bill, Mr. Miller would offer an amendment to correct deficiencies within the bill (Attachment 10).

Written testimony in support of **SB 153** was submitted by:

Leslie Kaufman, Executive Director, Kansas Cooperative Council (Attachment 11)

There being no further conferees, the hearing on **SB 153** was closed.

The Chairman turned the committee's attention to final action on **SB 60 - Redevelopment districts within a federal enclave; sale of real property**.

Staff reviewed the bill heard on February 6 and indicated there were no proposed amendments. Senator Hensley moved, Senator Petersen seconded, to recommend SB 60 favorably for passage. Motion carried.

The meeting was adjourned at 9:27 a.m. The next meeting is scheduled for February 13, 2009.