

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on February 2, 2005 in Room 519-S of the Capitol.

All members were present except:

Representative Jene Vickrey- excused

Committee staff present:

Chris Courtwright, Kansas Legislative Research

Bruce Kinzie, Revisor of Statutes Office

Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Mike Hoeme, Director, Transportation, KCC

Terry Heidner, Director, Div. Of Planning & Development

Doug Wareham, KS Bankers Association

Bill Henry, KS Credit Union Association

Pat Hubbell, Pat Hubbell Associates, Inc.

Others attending:

See attached list.

Chairman Hayzlett opened the Committee meeting by asking for bill introductions. Tom Whitaker, KS Motor Carriers Association asked the Committee to introduce a bill requiring motor carriers to notify the Div. Of Vehicles of CDL holders who test positive for drugs. The purpose is to make information available to future employers. Motion was made by Representative Burgess to introduce this bill, seconded by Representative Olson, motion carried.

The Chairman had a request from a constituent of Representative Sloan concerning the installation of non-deployed or previously deployed (salvaged) airbags. A motion was made by Representative Faber, seconded by Representative Olson and the motion carried.

There being no other bills to introduce, the Chairman opened hearings.

HB 2123 - Transfer power, duties and functions of Kansas Corporation Commission relating to railroads to Kansas Department of Transportation

Chairman Hayzlett recognized Mike Hoeme, Director of the Transportation Division of the Kansas Corporation Commission. According to Mr. Hoeme (Attachment 1) The KCC proposes to transfer its railroad statutes and authority to the Kansas Department of Transportation. Mr. Hoeme said that over the past eighteen months the KCC has worked with KDOT and the railroads on the proposal to rationalize existing state law with current practices and regulatory duties. They had agreed that KDOT was better equipped with the engineering and technical knowledge needed to exercise the residual authority over the railroads that have not been assumed by the federal government. According to Mr. Hoeme this bill will eliminate many duplicate processes between the two agencies and allow for a more efficient and effective process.

The next proponent of the bill was Terry Heidner, Director of the Division of Planning and Development at the Kansas Department of Transportation. According to Mr. Heidner (Attachment 2) **HB 2123** would amend KSA Chapter 66 so that all powers, duties, and functions of the KCC as it relates to the regulation of railroads, would be transferred to KDOT. He said virtually all railroad regulation is done at the federal level through the Federal Railroad Administration. Mr. Heidner said this is primarily a cleanup bill and the KDOT agrees with the KCC's request to take on the few remaining railroad responsibilities from the Commission. According to Mr. Heidner the KDOT will be come the repository for various filings by Class I railroads operating in Kansas and the primary point of contact with the Surface Transportation Board as it relates to railroad filings for abandonment and decisions by the Surface Transportation Board affecting rail transportation in Kansas.

Pat Hubbell was recognized by Chairman Hayzlett. Mr. Hubbell made a few comments about this being the

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end of an era that KCC was founded to regulate the railroad industry. He urged support of **HB 2123**.

There were no other proponents and no opponents.

Chairman Hayzlett closed the hearing on **HB 2123**.

HB 2124 - Certificates of title, security interest in vehicle registered by Indian tribe.

The Chairman introduced Doug Wareham, Vice President-Government Affairs, Kansas Bankers Association as the first proponent of **HB 2124**. Mr. Wareham explained (Attachment 3) that **HB 2124** amends KSA 8-125 by inserting language that recognizes, under Kansas law, a security interest in a vehicle registered by a federally recognized Indian tribe. **HB 2124** will also ensure that a perfected lien under applicable tribal laws is recognized by Kansas law when the lien is noted on the face of the tribal certificate of title. Mr. Wareham said that the adoption of **HB 2124** will ensure lenders that their security interest in vehicles titled under Indian Nation Laws are valid.

Chairman Hayzlett drew the Committee's attention to written testimony submitted by Ron Hein, legislative counsel for Prairie Band Potawatomi Nation, who also supported this bill. (Attachment 4)

The next proponent introduced was Bill Henry, Director of Governmental Affairs for the Kansas Credit Union Association. (Attachment 5). According to Mr. Henry **HB 2124** will allow state recognition of a security interest in a vehicle registered by a federally recognized Indian tribe if the security interest was validly perfected under the applicable tribal law and the lien is noted on the face of the tribal certificate of title.

There were no other proponents and no opponents.

After all questions were answered, Chairman Hayzlett closed the hearing on **HB 2124**.

Chairman Hayzlett called for final action on **HB 2078**. Bruce handed out an amendment to this bill and explained to the Committee that for clarification purposes the language which states that ... (g) Any motor vehicle may be equipped with head lamps which alternately flash from high to low beams will be changed to ...head lamps which alternately flash or simultaneously flash ... in addition to some clean-up language. Representative George made a motion to amend **HB 2078**, seconded by Representative Olson and the motion to amend this bill carried. Representative Henry then made a motion to pass this bill as amended, seconded by Representative Ballard and the motion to pass this bill, as amended, carried.

Chairman Hayzlett called for final action on **HB 2123**. Representative Jack made a motion to pass this bill out favorably, seconded by Representative Yonally and the motion carried.

The Chairman then called for final action on **HB 2124**. Representative Burgess made a motion to pass this bill out favorably, seconded by Representative Jack and the motion carried.

Representative Olson asked to recognize his five pages and asked them to stand.

Representative Ruiz recognized his intern, Leo Cangiani, a student from Washburn University.

Representative George recognized his intern, Chase Schnebel from Kansas University.

The meeting was adjourned. The next meeting will be at 1:30 on February 8, 2005 in Room 519-S.