

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on February 1, 2006 in Room 519-S of the Capitol.

All members were present.

Committee staff present:

Hank Avila, Kansas Legislative Research
Bruce Kinzie, Revisor of Statutes Office
Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Representative Peggy Mast
Wanda Kinney, President, KS Agri Women's Association.
Carlene Fuller
Tom Whitaker, Executive Director, KS Motor Carrier Association
Representative David Huff
Janette Fennell with Kids and Cars
Cindy Samuelson with Safe Kids Kansas
Dennis Cooley, MD, with American Association for Pediatrics
Lt. John Eichkorn, KS Highway Patrol
Lori Haskett, KS Dept Health and Environment
Laura Kaiser, President, KS PTA, Overland Park, KS

Others attending:

See attached list.

Chairman Hayzlett opened the committee meeting and asked for introduction of bills. Representative Peck requested a bill on border tax on motor vehicle fuel. Representative Peck made a motion to accept this bill, seconded by Representative Henry and the motion carried.

Chairman Hayzlett recognized Bob Alderson with Southwestern Association (farm implement dealers). Mr. Alderson asked to introduce a bill concerning defining worksite vehicles, commonly known as bobcats, gators, etc. presently Department of Revenue lumps them in with all-terrain vehicles which they are not.

Also Mr. Alderson, representing Mid-State Port Authority, requested introduction of a bill relating to conveyance of railroad right-of-way by a railroad company. A motion was made by Representative Yonally to accept both bills presented by Mr. Alderson, the motion was seconded by Representative Humerickhouse and the motion carried.

There being no other bills to introduce the Chairman opened the first hearing.

HB 2035 - Farm trucks, allowable uses of

Chairman Hayzlett introduced the first proponent of this bill, Representative Peggy Mast. According to Representative Mast (Attachment #1) a constituent of hers had received a heavy fine for using his farm truck to haul old metal to Topeka to be recycled. This constituent and the other farmers in Kansas have no desire to be lawbreakers, they just want to keep their property cleaned up and want to be able to use their own equipment to do so.

The next proponent was Wanda Kinney, President of Kansas Agri-Women. Ms. Kinney said that farmers and ranchers want and intend to be law abiding citizen and recognize the difference between the commercially licensed trucking industry and private business use of their farm trucks. (Attachment #2) She reasoned that if it is acceptable to haul building material, etc. to the farm then it should not be unacceptable for trucks going the other direction to haul off the scrap salvage to town.

The third proponent was Carlene Fuller of Emporia. According to Ms. Fuller (Attachment #3) they do not feel the law is right because if they did not haul the junk off it would pile up and cause a rodent problem

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which would cause additional problems. Ms. Fuller said they were arrested when they used their truck with a farm tag to haul off some junk. They feel the law is unfair and should be changed.

There were no other proponents so Chairman Hayzlett called for opponents to **HB 2035**.

The Chairman recognized Tom Whitaker, Executive Director, Kansas Motor Carriers Association. According to Mr. Whitaker, the Association is extremely concerned about any expansion of the special privilege the agricultural industry has when using the farm vehicle registration. (Attachment #4) He said **HB 2035** would not prohibit a farmer from establishing a trash or recycling business on their farm as long as the trash and metal products are delivered to the owner's farm. The Association sees this as a commercial business and the use of the farm vehicle registration should not be allowed. He said the farm vehicle registration is a privilege and that there are significant differences between a commercial vehicle registration and a farm vehicle registration. The benefits of registering a vehicle under the farm registration are dramatic. Mr. Whitaker stated that if the Committee moved forward with **HB 2035**, the Motor Carriers Association asks the Committee to prohibit the use of the farm vehicle registration from being used to establish a trash or recycling business.

There being no other opponents the Chairman closed the hearing on **HB 2035**. Chairman Hayzlett suggested that Representative Mast talk to Tom Whitaker to see if they could work out their differences and come up with some language that would be agreeable to both and the Committee would work the bill at that time.

Chairman Hayzlett opened the hearing on **HB 2732**.

HB 2732 - Enacting unattended and unsupervised children in motor vehicle safety act

Chairman Hayzlett introduced Representative David Huff as the first proponent. Representative Huff said this bill deals with the adults who leave children unattended while shopping. (Attachment #5) He said there are no harsh penalties in this bill for this unclassified misdemeanor and he believes that there will be federal funds available for public education on this subject.

Representative Huff gave a brief introduction of Janette Fennell, President of KIDS AND CARS. According to Ms. Fennell (Attachment #6) KIDS AND CARS was founded in 1999 to address the often overlooked problem of nontraffic incidents and focuses on dangers encountered by children in and around passenger vehicles. She said they collect data involving children 14 years of age and younger but the majority of cases involve children under the age of five. Ms. Fennell said the Centers for Disease Control and Prevention reported that over 9,100 children were treated in hospital emergency rooms from July 2000 to June 2001, due to nontraffic noncrash events which is a weekly average of 176 injuries per week. Ms. Fennell read two small books to the Committee and showed several Public Service Announcements to make her points. She strongly urged the Committee's support for **HB 2732**.

The next proponent was Cindy Samuelson, Safe Kids Kansas. Ms. Samuelson said one of Safe Kids' public education initiatives is entitled "Never Leave Your Child Alone." (Attachment #7) According to Ms. Samuelson **HB 2732**, in addition to providing for an education program to increase the awareness about the dangers of leaving children unsupervised in motor vehicles, it also provides penalties to drivers who do so. She said **HB 2732** will provide another tool to law enforcement officers when they come upon the scene where a child has been left alone in a vehicle. She concluded by encouraging the Committee to favorably pass **HB 2732**.

Dr. Dennis Cooley was the next proponent for **HB 2732**. Dr. Cooley is a practicing pediatrician in Topeka and was representing the Kansas Chapter of the American Academy of Pediatrics. (Attachment #8) He said a recent study from the CDC found that there were 9160 injuries and 78 deaths due to children left unattended in or around motor vehicles in 2000-2001. Among the dangers are hyperthermia, injuries from accidental engagement of the vehicle, electric window entrapment, and abduction. He said cars are not baby sitters. **HB 2732** has an educational component to make the public aware of the problem along with a law enforcement provision and they feel this two pronged approach is the best way to protect the children of Kansas.

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The next proponent was Lt. John Eichkorn, Kansas Highway Patrol. Lt. Eichkorn said the Patrol, along with other law enforcement agencies and emergency medical personnel too often witness the tragedies of child neglect. (Attachment #9) Lt. Eichkorn did say the Patrol is concerned about the enforcement aspect of the current version of **HB 2732**. According to Lt. Eichkorn the bill currently requires a law enforcement officer to perform a traffic stop to issue a citation to the driver. Under this provision, an officer would have to wait for the responsible party to return to the vehicle and drive away from the scene before initiating the traffic stop and issuing a citation. Lt. Eichkorn said it was their understanding this provision will be amended and with the amendment the Patrol supports **HB 2732**.

Lori Haskett, Director, Injury Prevention, Office of Health Promotion, KDHE, was the next proponent. Ms. Haskett went over the serious dangers associated with leaving a young child alone in a car. (Attachment #10) According to Ms. Haskett, currently in Kansas, the family pet is protected from being left unattended in vehicles by KSA 21-4310, which makes it unlawful to leave an animal in any place without making provisions for its proper care. She said it only seems reasonable to provide the same level of protection to Kansas children.

Laura Kaiser, President of Kansas PTA was the next proponent for **HB 2732**. According to Ms. Kaiser (Attachment #11) their PTA Board of Managers voted to bring a resolution regarding unattended children in cars to our convention delegates for their adoption. The resolution calls for Kansas PTA to support appropriate legislation making it illegal to leave children under the age of 10 unattended in vehicles and calls for Kansas PTA to work with other organizations to address additional issues of child safety in and around vehicles that may be discovered in the future.

Chairman Hayzlett drew the Committee's attention to the written testimony provided by Terri Roberts, Kansas State Nurses Association (Attachment #12), Cindy D'Ercole with Kansas Action for Children (Attachment #13), Children's Mercy Hospital (Attachment #14), and the Kansas Department of Transportation (Attachment #15).

There were no opponents so Chairman Hayzlett closed the hearing on **HB 2732**.

It was the Chairman's desire to work **HB 2732**.

Bruce handed out an amendment to the Committee which was proposed by the Kansas Highway Patrol and was technical in nature.

Representative Yonally made a motion to accept the amendment, it was seconded by Representation Olson and the motion carried.

After some discussion and questions, Representative Huff made a motion to favorably pass **HB 2732**, as amended, it was seconded by Representative Vickrey and the motion carried.

There being no further business before the Committee, the meeting was adjourned. The next meeting will be February 2, 2006, at 1:30 p.m. in Room 519-S.