

## MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on March 14, 2006 in Room 519-S of the Capitol.

All members were present except:

Representative Jerry Henry- excused  
Representative Kay Wolf - excused

Committee staff present:

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

Conferees appearing before the committee:

Bob Alderson, representing Mid-States Port Authority and Kyle Railroad Company  
Don McNeely, President, KS Automobile Dealers Association  
Kathy Olsen, KS Bankers Association  
Bill Henry, Director of Governmental and Regulatory Affairs for the KS Credit Union Ass'n.

Others attending:

See attached list.

Chairman Hayzlett opened the meeting with a hearing on **HB 2854**.

**HB 2854 - Conveyance of railroad right of way by a railroad company**

The only proponent for **HB 2854** was Bob Alderson, representing Mid-States Port Authority and Kyle Railroad Company. (Attachment #1) According to Mr. Alderson, they support **HB 2854** because its enactment will clarify the circumstances under which railroad right-of-way may be conveyed and to whom it may be sold. The bill amends KSA 2005 Supp. 66-525, which deals, generally, with the disposition of railroad right-of-way upon its abandonment. He said this statute defines when right-of-way is to be considered abandoned, and it provides a procedure for restoring sole ownership and possession of abandoned railroad right-of-way to the owner of the servient estate.

There were no other proponents and no opponents. After questions were answered Chairman Hayzlett closed the hearing on **HB 2854** and opened **HB 2918**.

**HB 2918 - Work-site vehicles, regulation of**

The Chairman recognized Bob Alderson, appearing on behalf of SouthWestern Association, as a proponent for **HB 2918**. (Attachment #2) According to Mr. Alderson, the purpose of **HB 2918** is to distinguish between work-site/utility vehicles and ATV's and to permit sales of these vehicles to be exempt from sales tax when they are to be used only in farming or ranching operations.

There were no other proponents and no opponents. The Chairman closed the hearing on **HB 2918** after all questions were answered. Chairman Hayzlett opened hearings on **SB 558**.

**SB 558 - Lien release on vehicles, penalties for failure to**

Don McNeely, President of the KS Automobile Dealers Association was the first proponent of **SB 558**. (Attachment #3) According to Mr. McNeely, **SB 558** would expand the Division of Motor Vehicles current authority within KSA 8-135 and provide the Division with the authority to enforce the timely release of a motor vehicle lien or encumbrance through the implementation of a civil administrative penalty process, which includes notice, hearing, and assessment of financial penalties against the violating lienholders.

There were no other proponents.

CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on March 14, 2006 in Room 519-S of the Capitol.

Chairman Hayzlett recognized Bill Henry, Director of Governmental and Regulatory Affairs, as an opponent to **SB 558**. (Attachment #4) Mr. Henry said their main objection is that this bill imposes civil penalties that border on the draconian i.e. a lien holder who is found in violation of this section “at the discretion of the director” may have civil administrative penalties assessed for a first violation of not less than \$100 but not more than \$500. The civil penalty for a second violation would go up from there.

There were no other opponents.

Kathleen Taylor Olsen, Kansas Bankers Association, was listed as being neutral toward **SB 558**. (Attachment #5) Ms. Olsen thanked the Kansas Automobile Dealers Association for working with them toward revoking the current provisions found in KSA 8-135 regarding lien release procedures, and putting new procedures and penalties for releasing liens on vehicles in place.

There were no other conferees. After questions were answered, the Chairman closed the hearing on **SB 558**.

It was the Chairman’s desire to work **HB 2781** which he opened up to the Committee. Representative Olson made a motion to remove the contents from HB 2781, remove the contents from SB 35, and insert the contents of HB 2781 into SB 35 creating Substitute SB 35. This motion was seconded by Representative Long and the motion carried.

Representative Olson made a motion to favorably pass Sub. SB 35 out of Committee, seconded by Representative Long and the motion carried.

Chairman Hayzlett opened up **HB 2918** to the Committee to work. Representative Olson made a motion to remove the contents of HB 2918, remove the contents of SB 76, and insert the contents of HB 2918 into SB 76 creating Substitute SB 76. Representative Long seconded the motion and the motion carried.

The Chairman opened **SB 347** to the Committee to work. Representative O’Malley made a motion to amend SB 347 by adding “New Section 2. (a) The secretary of transportation shall jointly determine with the board of education of any school district having or school located adjacent to a rural school zone the appropriate maximum speed limit in and the appropriate signage for any such rural school zone. (b) Any maximum speed limit and signage established for a rural school zone under subsection (a), shall be approved by the secretary of transportation and such board of education. (c) As used in this section, “rural school zone” means that portion of highway located outside of any city which provides entrances and exits to any school located adjacent to such highway.” Representative Peck seconded the motion to amend, the motion carried.

The Committee worked **SB 347, as amended**. Representative Peck made a motion to favorably pass **SB 347, as amended**, out of Committee, the motion was seconded by Representative O’Malley, the motion failed.

The Committee worked **SB 374**. Representative Olson made a motion to amend SB 374 by striking the words “safe and stable”. Representative Humerickhouse seconded the motion and the motion carried.

Representative Olson made a motion to pass SB 374, as amended, Representative George seconded the motion and the motion carried.

Chairman Hayzlett drew the Committee’s attention to Minutes of the Committee Meetings on March 2<sup>nd</sup> and 13<sup>th</sup>, 2006. Representative Ruiz made a motion to approve the Minutes as submitted, Representative Humerickhouse seconded the motion and the motion carried.

There being no further business before the Committee, the Chairman adjourned the meeting. The next meeting will be on March 15, 2006, at 1:30 p.m. in Room 519-S.