

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Senator Les Donovan at 8:30 a.m. on March 21, 2002 in Room 245-N of the Capitol.

All members were present except:

Committee staff present: Hank Avila, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Marian F. Holeman, Committee Secretary

Conferees appearing before the committee: Brian Cox, Legal Dept., KDOR
Eileen King, Riley Co. Treasurer
Judy Moler, Ks. Association of Counties
Terri Roberts, Ks. State Nurses Association
Dean Carlson, Secretary, KDOT

Others attending: See attached list

HB 2662: Re accessible parking; certain fees

Brian Cox, attorney, Kansas Department of Revenue, Legal Services Bureau, explained the purpose of this bill is to eliminate statutory requirement for the County "service fee" charged to applicants for disabled parking placards and ID cards. These are issued in accordance with ADA implementing regulations which generally prohibit charging disabled persons for implementation of such non-discriminatory treatment. Suits have been filed in several states and such fees have generally been held illegal. Kansas, since 1996, has been a defendant in a case in federal court. In response to this case, one portion of the fee has already been removed and this bill would repeal the second portion. Some states have had to pay reimbursement for fees previously collected. The Kansas case is now before the US Supreme Court. Repeal of the subject statute would effectively end the contest. While repeal will not stop a second lawsuit seeking reimbursement, it will be a good faith sign that such costs will no longer be imposed. Mr. Cox included a balloon amendment to deal with technical clean up of the bill (attachment 1).

Eileen King, Riley County Treasurer and Representative for the Kansas County Treasurer's Association, clarified that the \$3.00 State charge was an administrative fee imposed by Rules and Regulations, which the Joint Committee could rescind. However, the \$3.00 "County fee" is imposed by statute and this legislation is needed to effect the change (attachment 2). She also provided examples of problems created at the county level by this situation. Judy Moler, Kansas Association of Counties, advised that the Association adopted language within their 2002 platform that supports repeal of this statute (attachment 3). Terri Roberts, Executive Director, Kansas State Nurses Association, asked for support of the provision adding Advanced Registered Nurse Practitioners and Physician Assistants to the list of healthcare providers authorized to certify a person with a disability (attachment 4).

Senator Salmans moved to adopt the proposed amendment. Senator Harrington seconded the motion. Motion carried. Senator Salmans moved the bill as amended favorable for passage. Senator Schodorf seconded the motion. Motion carried.

Final action

Chairman Donovan directed members attention to **SB 646**, which the committee heard on March 19, 2002. Dean Carlson, Secretary, Kansas Department of Transportation, reported that concerned parties had met and negotiated a compromise. They compromised on one demonstration project per year rather than two. The demonstration project program will be limited to the life of the current Comprehensive Transportation Program. Seven years remain in

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the Program. That means authorizing seven such projects out of the 4,200 planned for the next seven years. Construction can begin on only one demonstration project per year. If a year goes by without beginning such a project, that one is lost. The Department asked for a limit of 20 miles per project. The Contractors wanted it limited to 10 miles per project. The compromise was on 15 miles per project. Staff Revisor had prepared an amendment containing these changes. Members reviewed the proposed amendment. Senator Schodorf moved to adopt the amendment. Senator Goodwin seconded the motion. Motion carried. Senator Harrington moved to recommend **SB 646** as amended favorable for passage. Senator Gooch seconded the motion. Motion carried. Senator Lyon wished to be recorded as abstaining from the discussion and voting on **SB 646**.

Members returned to consideration of **HB 2699** which deals with prohibiting the covering of license plates, adding new language to current law. It spells out prohibited coverings and fines for violations. Discussion focused on the perceived lack of real need for this legislation. Senator Harrington moved to table the bill. Senator Jackson seconded the motion. Motion carried.

Approval of minutes

Senator Salmans moved to approve minutes of the March 19, 2002 meeting. Senator Harrington seconded the motion. Motion carried.

The meeting adjourned at 9:15 a.m.

The next meeting is scheduled for March 26, 2002.