

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on March 15, 2006 in Room 519-S of the Capitol.

All members were present except:

Representative Barbara Ballard- excused

Committee staff present:

Hank Avila, Kansas Legislative Research

Bruce Kinzie, Revisor of Statutes Office

Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Sally Howard, Chief Counsel, KDOT

John Lay, President, John Lay Signs, Inc., Wichita, KS

Kenlon Johannes, KS Soybean Association

Brad Harrelson, State Policy Director, KS Farm Bureau

Bob Totten, KS Contractors Association

Patrick Hurley, representing Economic Lifeline

Ethan Erickson, Budget Manager, KDOT

Representative John Edmonds

Kevin Lockwood, Military Vehicle Preservation Association, Great Bend, KS

Jon Snapp, Citizen, Washington, KS

Travis Bartholomew, Citizen

Tim Reed, Citizen, Olathe, KS

Stu Entz, Member of Military Vehicle Preservation Association

Carmen Alldritt, Director, Motor Vehicles Div., KS Department of Revenue

Lt. John Eichkorn, Kansas Highway Patrol

Others attending:

See attached list.

Chairman Hayzlett opened the meeting with a hearing on **Substitute SB 253**.

Sub. SB 253 - Highway advertising control act of 1972

Representative Hayzlett recognized Sally Howard, Chief Counsel for the KS Department of Transportation. (Attachment #1) According to Ms. Howard, the federal Highway Beautification Act of 1965 was enacted to control the placement of billboards along the nation's highways. The Act recognizes that outdoor advertising is a legitimate, commercial use of private property adjacent to the highway, but that the erection and maintenance of advertising signs along the highways should be regulated. The new legislation requires a permit and then requires a license for each structure that is erected.

The next proponent was John Lay, President of George Lay Signs Inc. and Vice President of the KS State Sign Association. (Attachment #2) Mr. Lay said he was here to express his support for this bill which began in the Senate in January of last year. He said last year the bill as presented would have been very damaging to their businesses but now they have worked out compromises with KDOT that will keep them in business and retain opportunities to grow while keeping Kansas in compliance with Federal mandates.

There were no other proponents and no opponents to this bill. After questions were answered the Chairman closed the hearing on **Substitute SB 253** and opened the hearing on **SB 388**.

SB 388 - Establishing Kansas qualified biodiesel fuel

The first proponent for this bill was Kenlon Johannes, CEO, KS Soybean Association. (Attachment #3) According to Mr. Johannes, the KS Soybean Association has been actively involved in the promotion of the use of biodiesel in Kansas making this effort their number one market development priority. He said the use of biodiesel has increased steadily over the past few years and is on the verge of a rapid increase in use. All

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of the soybased or other biodiesel sold in Kansas is imported from nearby states which ultimately increases the cost of biodiesel to Kansans and limits sales of product and the use of Kansas's agriculture feed stocks in its production.

The next proponent was Jeff Swearingen, a board member of Northeast Kansas Bioenergy. (Attachment #4) Mr. Swearingen said **SB 388** would be a big boost in helping Kansas catch up in biodiesel production. He said it would result in money directly invested in the Kansas economy, more jobs for Kansans, and hopefully an adequate supply of biodiesel for Kansas consumers who wish to use it as a lubricity agent once EPA's Ultra Low Sulfur Diesel requirements take full effect in 2007.

Brad Harrelson, State Policy Director, Governmental Relations for Kansas Farm Bureau was the next proponent for **SB 388**. (Attachment #5) He said biodiesel has a tremendous upside not only for ag producers, but also fuel consumers. He said consumption of biodiesel fuel reduces our dependence on foreign oil and enhances market demand for soybeans and other crops, which is good for Kansas agriculture, and the rural Kansas economy.

There were no other proponents so after questions the Chairman called for Opponents to **SB 388**. Chairman Hayzlett recognized Bob Totten (Attachment #6) who said their main concern was the Comprehensive Transportation Program which needs all the funding available to finish all the projects proposed in 1999. Mr. Totten said their association endorses the concept of both the biodiesel measure and the shortline railroad measure but suggest that the funding of either one of these programs be taken over by the EDIF fund or the State general fund.

There being no other opponents, Chairman Hayzlett recognized Patrick J. Hurley, representing Economic Lifelines as being neutral to this bill. (Attachment #7) According to Mr. Hurley, Economic Lifeline has no opposition to the Biodiesel Fuel Producer Incentive Fund, however, it appears that the purpose of such a fund is clearly for the economic development and expansion of this industry in the State and therefore constitutes an economic development program. He said they recommended an amendment to delete reference to the transfer being from the State Highway Fund and insert that the transfer be from the Economic Development Initiatives Fund.

Ethan Erickson, Budget Manager for the Kansas Department of Transportation, was the next to speak. (Attachment #8) Mr. Erickson said KDOT supports the use of biodiesel products and continue to increase use of them in their operations. However, he said, this bill would reduce revenues to the State Highway Fund by \$3.5 million annually and any erosion of dollars will be a detriment to completing the Comprehensive Transportation Program.

Chairman Hayzlett asked if anyone else wanted to testify on **SB 388**. After questions were answered he closed the hearing on **SB 388** and opened hearings on **HB 2882**.

HB 2882 - Historic military vehicles registration of, regulation of

The first proponent was Representative John Edmunds (Attachment #9). According to Representative Edmunds, **HB 2882** clarifies the registration status of antique military vehicles by making it clear that such vehicles are a sub-type of antique motor vehicle, subject to the same rules and restrictions as would be true of any other motor vehicle greater than thirty-five years of age. Representative Edmunds had a balloon amendment he wanted to have included which, if adopted, would make it clear the fully tracked vehicles are not to be included in the definition of antique motor vehicle.

The next proponent was Kevin Lockwood who is a member of a Military Vehicle Preservation Association. (Attachment #10) Mr. Lockwood said the surplus outdated vehicles have been used in almost every imaginable task including farming, ranching, logging, etc. Additionally, he said, no vehicle has ever been released to civilian use without first passing a review by the US State Department of Defense and Bureau of Alcohol, Tobacco, Firearms, & Explosives. Lastly, the common factor of everyone there in support of this bill is an unfailing devotion to our servicemen and women, active or honorably discharged.

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Jon Snapp was the next proponent for **HB 2882**. (Attachment #11) He urged support for favorable passage of **HB 2882**. He responded to concerns from the Kansas Highway Patrol on V.I.N. Inspection and safety issues.

The next proponent was Travis Bartholomew. (Attachment #12) Mr. Bartholomew said he was before the Committee to discuss the security and military/public relations aspects of having military vehicles on the roadways of Kansas. He gave examples of some destructive activities, some involved military vehicles and some did not. Mr. Bartholomew said it just shows that it is the person and their resolve, not the vehicle used, that are the primary factors in attacks. He said another aspect of this issue is the effect these vehicles have on military/public relations and recruiting.

Tim Reed was the next proponent. (Attachment #13) Mr. Reed felt the Manager of Titles and Registrations Bureau, KS Department of Revenue, overstepped his authority with regard to the acceptance of applications for vehicle registration pertaining to the antique military vehicles. Mr. Reed also belongs to the Military Vehicle Preservation Association. He encouraged the Committee's support for **HB 2882**.

The last proponent was Stu Entz on behalf of the Board of Directors and members of the Military Vehicle Preservation Association. (Attachment #14) According to Mr. Entz, members of this association strive to represent their military vehicles historically correct and have provided vehicles and information for several *History Channel* productions as well as for some major motion pictures. Members fulfill a variety of requests from providing a tank for M-TV to vehicles for Veterans Day parades to helping the *Corgi Scale Model Company* produce a series of accurate WWII Military vehicles.

There were no other proponents and no opponents.

Chairman Hayzlett recognized Carmen Alldritt, Director, Motor Vehicle Division of the Department of Revenue, who was listed as being neutral to **HB 2882**. (Attachment #15) According to Director Alldritt last fall an individual went to an inspection station with an Indiana title, declaring the vehicle as a passenger vehicle. The vehicle was a ferret scout. Revenue Policy 06-01, dated November 18, 2005, denies applications for registration on privately owned, armored military combat vehicles. She said that passage of **HB 2882**, as written, would grant armored military vehicles, the same roadway privileges as the vehicles currently registered as Kansas antiques.

Lt. John Eichkorn was the next neutral conferee to present testimony on **HB 2882**. (Attachment #16) According to Lt. Eichkorn, this bill adds the definition of an "Antique Military Vehicle" to the current definition of an "Antique" vehicle. This would include any vehicle, regardless of the vehicle's size or weight, which was manufactured for use in any country's military forces and is maintained to represent its military design. As antique vehicles, these military vehicles would be required to be more than 35 years old, propelled by a motor using petroleum fuel, steam or electricity or any combination thereof. In addition to complications in the inspection process, their concerns include traffic safety and homeland security. He concluded by saying the Kansas Highway Patrol strongly urges the Committee to give his bill careful consideration.

The Chairman drew the Committee's attention to written testimony provided by Buck Causey, Sheriff of Barton County. (Attachment #17)

After questions were answered the Chairman closed the hearing on **HB 2882**.

It was the Chairman's desire to work **SB 558** so he opened it up to the Committee. Bruce Kinzie, from the Revisor's Office refreshed the Committee on this bill. Representative Vickrey made a motion to pass this bill favorably to the Consent Calendar. The motion was seconded by Representative Humerickhouse and the motion carried.

SB 411 was also worked by the Committee. Representative Olson made a motion to amend SB 411, (balloon amendment attached) this motion was seconded by Representative Yonally and the motion carried.

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Representative Peck made a motion to amend the fee amount in **SB 411, as amended**, this motion to amend was seconded by Representative Beamer and the motion carried.

Representative Olson made a motion to favorably pass **SB 411, as amended**. Representative Treaster seconded the motion and the motion carried.

The Chairman opened **Substitute for SB 253** to the Committee to work. Representative Humerickhouse made a motion to favorably pass this bill from Committee, seconded by Representative Olson and the motion carried.

There being no further business before the Committee the meeting was adjourned. The next meeting will be March 17, 2006, at 1:30 p.m. in Room 519-S.