

SESSION OF 2021

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 26**

As Agreed to April 7, 2021

Brief*

SB 26 would update statutes related to the regulatory authority of the Kansas Corporation Commission (KCC) with regard to motor carriers.

The bill would update provisions related to procedures to be used by the KCC in the following ways:

- Authorize orders and decisions of the KCC to be served on motor carriers by electronic mail (email) if authorized by the motor carrier or by first class mail, rather than only by first class mail, except certain orders related to show-cause proceedings (which, under continuing law, must be served by certified mail). A motor carrier could revoke the authorization to receive orders and decisions via email; the bill would then require the KCC to serve any subsequent orders or decisions by mail (Section 1);
- Remove requirements for the KCC to prescribe a uniform system and class of accounts and require certain reports (Section 5);
- Remove requirements for the KCC to require annual and other reports from private motor carriers of property (Section 6);

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

- Remove requirements for a hearing upon the filing of an application for a certificate of convenience and necessity (Section 8);
- Remove references to a 30-day interim certificate of public service (no longer in current use) and a protest procedure related to a certificate of public service (Section 9);
- Provide an opportunity for a hearing upon denial of a certificate, to be conducted in accordance with the Kansas Administrative Procedure Act (Sections 8 and 9);
- Remove references to requirements for cargo insurance no longer required by the KCC (Sections 8 and 9); and
- Remove authority related to certain vehicles used by motor carriers temporarily within the state (Section 13 [KSA 66-1,140]).

The bill would clarify motor carriers are subject to state regulation to the extent not preempted by federal law (Section 3).

The bill would clarify the KCC shall establish rate-making procedures for all holders of a certificate of convenience and necessity, rather than for all motor common carriers (Section 5).

The bill would remove terms not in current use in the statutes, such as “local cartage carrier” (Section 4), “State Property Valuation Department” (Section 7), “Port of Entry Board” (Section 7), and “state police regulations” (Section 10). It also would remove a definition for “ground water well drilling rigs” (Section 2), which is defined in KAR 82-4-1, and a reference to a statute that would be repealed by the bill (Section 12).

The bill would remove requirements related to types of regulation no longer allowable under federal law, including rate-making for changes in commodity classifications (Section 5), consent of the KCC for a motor carrier to change or discontinue any service or operations (Section 11), assignment or transfer of certain types of certificates (Section 13 [KSA 66-1,118]), operating territories (Section 13 [KSA 66-1,119a]), and contract carriers (Section 13 [KSA 66-1,142d]).

The bill would also make technical changes.

Conference Committee Action

The Conference Committee replaced the contents of SB 26 with the contents of HB 2007 as passed by the House.

Background

The bill includes the provisions of HB 2007 as passed by the House. [*Note:* The previous contents of SB 26, regarding certain memorial highways, are included in HB 2247.]

HB 2007 (KCC Authority)

The bill was introduced by Representative Proehl.

[*Note:* HB 2007 contains provisions similar to those of 2020 HB 2524, as amended by the Senate Committee on Transportation.]

House Committee on Transportation

In the House Committee hearing, the director of the Transportation Division of the KCC provided **proponent** testimony, stating the bill would remove outdated language and requirements and noted the bill resulted from a review of

the statutes by KCC staff and representatives of the Federal Motor Carrier Safety Administration, Kansas Highway Patrol, and Kansas Motor Carriers Association.

No other testimony was provided.

Senate Committee on Transportation

In the Senate Committee hearing, the director of the Transportation Division of the KCC provided **proponent** testimony, stating the bill would clean up the statutes and change no current policies and resulted from review of the statutes. No other testimony was provided.

The Senate Committee amended the bill to change its effective date to upon publication in the *Kansas Register*. [Note: The Conference Committee did not retain this amendment.]

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on HB 2007, as introduced, the KCC indicates enactment of the bill would have no fiscal effect on the agency.

Kansas Corporation Commission; motor carriers; service of orders

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