

SESSION OF 2005

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2123

As Amended by Senate Committee on
Transportation

Brief*

HB 2123, as amended, would transfer all powers, duties, and functions of the Kansas Corporation Commission (KCC) relating to the regulation of railroads to the Kansas Department of Transportation (KDOT). All KCC records, memoranda, and other materials relating to railroad regulation would be transferred from KCC to KDOT.

KDOT would be required to review all KCC rules and regulations relating to railroads prior to July 1, 2005, and notify the KCC with respect to those which should be retained.

Background

Proponents, who included the KCC and KDOT, noted that the agencies had been working with one another and the railroads over the past 18 months to draft this legislation. They also said that since the federal government had assumed most of the regulatory authority over railroads, the remaining authority retained by the State of Kansas would be better exercised by KDOT because of that agency's engineering and technical expertise.

The Senate Transportation Committee amendment deleted "express companies" and "sleeping-car companies" from the definition of common carriers. The change was proposed by the Director of the Transportation Division of the KCC who indicated it was not the intent to leave any reference to railroads in the definition of common carriers.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

A fiscal note indicated that the limited fiscal impact of the bill relates only to the disposition of assessments charged to railroads. KCC collected \$22,500 in such assessments in FY 2004 and has thus far collected \$7,500 in FY 2005 assessments. KDOT would be the agency responsible for collecting the assessments beginning in FY 2006.