

Approved _____ Date 2-12-92

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Sen. Bill Morris at _____
Chairperson

9:02 a.m./~~p.m.~~ on January 29, 19 92 in room 254-E of the Capitol.

~~All members were present except~~

Members present:

Senators Morris, Brady, Hayden, Kanan, F. Kerr, Martin, Rock, Sallee, Thiessen and Vidricksen.

Committee staff present:

Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Phil Lowe, Committee Secretary

Conferees appearing before the committee:

Betty McBride, Director, Division of Vehicles, Kansas Department of Revenue
Marshall Clark, Kansas Electric Cooperatives, Inc.
Don Schnacke, Kansas Independent Oil and Gas Association
Sen. Gus Bogina
Paul Shelby, Assistant Judicial Administrator
Sen. Don Montgomery
Jackie Oakes, Schools for Quality Education
Ed Moses, Kansas Aggregate Producers' Association
Tom Whitaker, Kansas Motor Carriers Association

Betty McBride, Division of Vehicles, distributed a Memorandum (Attachment 1) concerning a proposed legislative package consisting of three bills. Proposal No. 1 changes the point of collection for special fuel (diesel) tax from the user/retailer to the distributor/wholesaler. Proposal No. 2 enacts new legislation creating a clearing account for interstate motor fuel receipts collected under the International Motor Fuel Tax Agreement. Proposal No. 3 provides a new color scheme for handicapped placards and identification.

Sen. Hayden made a motion to recommend the proposed legislation as committee bills. Motion was seconded by Sen. Sallee. Motion carried.

Hearing on S.B. 435 - Exemption of certain electric cooperatives from corporation commission regulations.

Marshall Clark, Kansas Electric Cooperatives, appeared on behalf of this bill and asked the committee to approve the bill favorably. Mr. Clark stated this is a local option bill which makes deregulation available only if a given cooperative wants it. (Attachment 2).

Don Schnacke, Independent Oil and Gas Association spoke in opposition to SB 435. He said their main concern is that an unregulated cooperative would be able to arbitrarily raise rates on their industry in favor of another class. It was pointed out that perhaps the problem could be addressed with special language. (Attachment 3).

Hearing on SB 461 - Certain division of vehicle records confidential.

Sen. Bogina testified before the committee on behalf of this bill which provides that the name and address of any person contained in or derived from records of the division of vehicles shall be confidential and only to be disclosed under certain conditions. (Attachment 4).

Paul Shelby, Assistant Judicial Administrator, had a concern about the bill and offered a proposed amendment which would provide that district courts continue to receive these lists of licensed drivers residing in the county for the preparation of jury lists. (Attachment 5).

In answer to a question Mr. Shelby said his amendment had no effect on the original intent of the bill.

Tom Whitaker, Kansas Motor Carriers Association, informed the committee that their concern was that the language is so broad that it would prohibit some of their members from obtaining names of vehicles which they must file liens on.

Ed Moses, Kansas Aggregate Producers Association, said they have the same concern the Motor Carriers have.

Hearing on SB 493 - Restrictions on restricted drivers' licenses.

Sen. Montgomery appeared on behalf of the bill and explained the amendment to the bill. He said the amendment would allow the holder of a restricted license to operate the appropriate vehicle on days on which school-sponsored activities are conducted.

The question was raised as to how the school decides whether or not it is a school related activity. Sen. Montgomery stated the school has a list of activities conducted and those lists could be made available to law enforcement people.

Jackie Oakes, speaking for Schools for Quality Education, appeared as a proponent to the bill. Ms. Oakes said that most of the schools they represent have a rural setting that probably dictates students traveling more miles. The amended language would help make it possible for students to legally drive to school-sponsored events. (Attachment 6).

Committee Consideration and Action on Bills

SB 435 - After considerable committee discussion Sen. Martin moved to amend the bill by inserting language which says if the rate is discriminatory they have the right to appeal to the district court. Sen. Rock seconded the motion. Motion carried. Sen. Sallee made a motion to recommend SB 435 as amended favorably for passage. Sen. Thiessen seconded the motion. Motion carried.

SB 461 - The committee raised concerns about the bill. The Revisor explained that the real question is devising some kind of criteria to try to eliminate the situation where the private individual gets an individual's license number illegitimately. The Revisor stated further that people who have legitimate use for these records don't have authority from the statutes.

The Chairman directed the Revisor to work out some suggested language to the bill and report back to the committee next week.

SB 493 - Sen. Martin made a motion to recommend SB 493 favorably for passage. Sen. Sallee seconded the motion. Motion carried.

A motion was made by Sen. Sallee to approve the Minutes of January 22, 1992. Motion was seconded by Sen. Hayden. Motion carried.

The Chairman announced that the meeting for January 30, 1992, would be cancelled.

Meeting was adjourned at 10:00 a.m. Next meeting will be February 5, 1992.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 1/29/92 Place 254-E Time 9:02

GUEST LIST

NAME

ADDRESS

ORGANIZATION

Dan Haas	Overland Park	KCPK
Al LeDonx	Holton	CKFO
Don Schuack	Topeka	ICIOGA
Butch M. Bude	Topeka	Dept of Revenue
Rich Scheibe	Topeka	KDOR
John M. Smith	Topeka	KDOR
BILL OHLEMEIER	TOPEKA	KANSAS ELECTRIC CO-OPS
MARK BURGHART	"	REVENUE
Colen Cogswell	Topeka	RL Polk & Co.

STATE OF KANSAS



Betty McBride, Director
Robert B. Docking State Office Building
915 S.W. Harrison St.
Topeka, Kansas 66626-0001

(913) 296-3601
FAX (913) 296-3852

Department of Revenue
Division of Vehicles

M E M O R A N D U M

To: The Honorable Bill Morris, Chairman
Senate Committee on Transportation

From: Betty McBride, Director, Division of Vehicles
Kansas Department of Revenue

Date: January 29, 1992

Subject: Proposed Legislation

The Department of Revenue's proposed legislative package consists of three bills. Bill drafts have previously been provided to the Revisor of Statutes Office. We respectfully request that the bills be introduced and given favorable consideration by your committee. A brief synopsis of each of the proposed bills is provided below.

- Proposed Bill No. 1. Amends K.S.A 79-3474 and related statutes to change the point of collection for special fuel (diesel) tax from the user/retailer to the distributor/wholesaler.
- Proposed Bill No. 2. Enact new legislation creating a clearing account for interstate motor fuel receipts collected under the International Motor Fuel Tax Agreement.
- Proposed Bill No. 3. (1) Amend K.S.A. 8-1,125(d) to provide a new color scheme for handicapped placards and identification cards; (2) amend K.S.A. 8-1,125 to authorize the use of temporary disability placard cards for a period of no longer than six months; and (3) amend K.S.A. 8- to subject handicapped placard/ID card applications to the county service fee of \$2.25 per transaction.

I would be happy to respond to any questions you might have.

T&U
Att. 1
1-29-92

KANSAS ELECTRIC COOPERATIVES, INC.

Testimony on S-435

January 29, 1992

Good Morning, Mr. Chairman and Committee members. My name is Marshall Clark, and I represent Kansas Electric Cooperatives, Inc. (KEC), the statewide association for thirty-four rural electric cooperatives in Kansas. The KEC Board unanimously (with one abstention by a cooperative not affected by this bill) voted to pursue this legislation.

Cooperatives, as you all well know, are owned and operated, on a not-for-profit basis, by their customer/members. As a result, they are essentially self-regulating since it's their own service and rates which are affected by their actions. It is for this reason we feel that regulation of rates and rules is unnecessary and redundant.

On the practical side, rate cases are expensive. Legal and consultant fees and Kansas Corporation Commission (KCC) billing for staff time are costly. The several months delay needed in getting rates into effect also costs the cooperative money. And, of course, there is an overall assessment for KCC overhead.

The bill itself, if adopted into law, would do nothing. It is only when a specific distribution cooperative's membership, using the regular bylaw voting procedure, elects to withdraw from regulation that something happens.

We have tried to cover all bases in proposing this bill to make sure we have not inadvertently impacted unintended areas.

The bill does not touch the territorial issues. And the bill does not apply to KEPCo, Sunflower and Midwest Energy because of their sizes. We have talked with the KCC Commissioners (as has the Governor's office) and they have no problem with the bill. In fact, Chairman Robinson says we really should have this local option available to us.

We have visited with C.U.R.B. (as has the Governor's office) even though C.U.R.B. does not have oversight of the cooperatives. We wanted to make sure there was nothing in the bill to cause them concern. In fact, the 15,000 customer cut-off figures is theirs.

We have visited with the municipals (K.M.U.) and have their agreement on our wording.

Att. 2
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We have provided copies of the bill to the investor-owned utilities who have registered no objections.

We have apprised the Governor and her liaison of our efforts and they support us.

Again, this is a "local option" bill which only makes deregulation available if a given cooperative wants it. Its main function is to save money for the consumer/owner.

We ask for your favorable consideration of S-435. Thank you very much.

S-435 SYNOPSIS

The Bill

At a local cooperative's option (a vote of 2/3 of the members at the meeting), the cooperative may remove itself from KCC regulation for rates and regulation.

The cooperative, to be eligible, must have less than 15,000 customers. This eliminates G&Ts (KEPCo and Sunflower) and Midwest Energy from this option.

The bill does nothing unless the local cooperative wants it to. The bill has no effect on territorial issues.

Reasons

Rate cases are slow, cost money and KCC oversight costs money.

Since cooperatives are owned and operated by their own customers on a not-for-profit basis, this oversight and the related costs are redundant.

Majority of all states that regulate utilities do not regulate cooperatives.

Support

1. The KCC Chairman feels we ought to have this option. So do the other two commissioners and the past chairman.
2. The Governor has been advised as well as her liaison and they have no problem with it.
3. The municipals have signed off on the bill.
4. C.U.R.B. says it will stay neutral (since it currently does not have oversight over cooperatives).
5. The investor-owned utilities have been contacted and signed off.



KANSAS INDEPENDENT OIL & GAS ASSOCIATION

105 SOUTH BROADWAY • SUITE 500 • WICHITA, KANSAS 67202

(316) 263-7297 • FAX (316) 263-3021

1400 MERCHANTS NATIONAL BANK BLDG. • TOPEKA, KANSAS 66612

(913) 232-7772 • FAX (913) 232-0917

January 29, 1992

TO: Senate Committee on Transportation and Utilities

RE: SB 435

We philosophically support less regulation and the accompanying decreases in expenses as regulation is downsized. I suppose there are those in KIOGA who wish they could be relieved of KCC regulation, too!

Our concern, and perhaps this can be addressed with legislative language, is that an unregulated cooperative would be able to arbitrarily raise rates on our industry in favor of another class - such as farm homestead consumers - and we would be without an avenue for appeal. This is particularly difficult for the oil and gas industry in areas where there are no alternative power sources and we are unable to switch to another utility.

Our suspicions arise from a long time relationship with county commissioners who are most likely agriculture oriented. It is not uncommon for decisions to be made where our industry is not fairly treated, because, in the main, our industry represents non-residents who simply have oil and gas interests in the region.

Perhaps there is a legislative language solution to address our concerns.

Donald P. Schnacke

DPS:pp

Att. 3
T&U
1-29-92

AUGUST BOGINA, JR., P.E.
SENATOR, TENTH DISTRICT
JOHNSON COUNTY
5747 RICHARDS CIRCLE
SHAWNEE, KS 66216



TOPEKA

SENATE CHAMBER

STATE CAPITOL
TOPEKA, KANSAS 66612

(913) 296-7362

COMMITTEE ASSIGNMENTS
CHAIRMAN: WAYS AND MEANS
CHAIRMAN: LEGISLATIVE POST AUDIT
VICE CHAIR: GOVERNMENTAL ORGANIZATION
MEMBER: FINANCE COUNCIL

TESTIMONY BEFORE SENATE TRANSPORTATION & UTILITIES COMMITTEE

JANUARY 29, 1992

Mr. Chairman and Members of the Committee:

The subject of SB 461 was conveyed to me by a female resident of Johnson County. Obviously, this unpleasant experience could have occurred to anyone and any county in our state. This rather elderly vehicle owner was stopped at a traffic signal when another vehicle pulled along side. The other driver commented about the "mint condition" of the vintage type car and asked if she wished to sell the vehicle. She thanked him for the comment and told him "No, the car was not for sale." To her surprise, the next day she received a telephone call from this individual inquiring again if she wanted to sell the car. She again politely told him no and after she hung up, was curious as to how he had located her phone number and name. A couple of days later, she received a letter from this persistent motor car enthusiast. The lady became quite concerned and inquired as to how he was able to locate her name, address and telephone number. His response was that he went to the courthouse with the license plate number, filled out a form and paid \$4.00 for her name and address. She did not believe that it was possible to obtain this information so she called the County Treasurer's office to inquire if that information was available. She was told that indeed the individual had followed the proper and prescribed rules and could have obtained that information.

The lady contacted me, I too, was a disbeliever that this information was available. To satisfy my curiosity and verify that disturbing information, I contacted the Treasurer's office. I was informed that, indeed, that information was available as described.

In the case that I cited, the individual that was persistent was serious in his effort to purchase that vehicle. But, the results could have been much different if the owner of that information was determined to cause bodily harm or property damage. I believe it is imperative and necessary that the privacy of automobile owners not be jeopardized by the ability to obtain the name and address of the owner of a motor vehicle license plate.

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(142)

The amendments that I have proposed will not cause damage to the basic intent of this statute which stipulates those persons with bonafide reasons to be able to obtain this information. The State should not be a participant nor assist those persons whose desire and intent is to cause harm to our fellow citizens. I believe SB 461 is a reasonable solution to a serious potential problem.

I respectfully request that you act favorably and report SB 461 favorable for passage. Thank you for your consideration.

Respectfully submitted,

Senator August Bogina Jr., P.E.

5

Senate Bill No. 461
Senate Transportation Committee
January 29, 1992

Testimony of Paul Shelby
Assistant Judicial Administrator
Office of Judicial Administration

Mr. Chairman:

I thank you for the opportunity to discuss with you Senate Bill No. 461 which relates to records of the division of vehicles.

This proposal would make the name and address of any person contained in or derived from records of the division of vehicles confidential and only to be disclosed as provided in subsection (b). These provisions are intended to preserve the confidential nature of the division of vehicles records.

However, this statute now overlooks another provision of the statutes, K.S.A. 43-162, which relates to the preparation of jury lists. This statute prescribes access to drivers lists for district courts when preparing jury lists. This law also permits district courts in each county to use voter registration records of the county or enumeration or census records for the purpose of preparing a list of persons to be qualified as jurors.

Each year approximately 60-65 counties order lists of licensed drivers from the Secretary of Revenue and pay production costs for the lists.

This amendment offers you an opportunity to mesh these two statutes in a meaningful way. The uses outlined in this statute are productive uses, and ones for which confidentiality should be preserved. At the same time the use of drivers lists for preparation of jury lists materially improves the jury lists over simply using voter registration lists. The census enumeration lists refer to the old agricultural census which although it still an option to counties has not been exercised for years.

I offer an amendment to SB 461 that would point out that our district courts continue to receive these lists of licensed drivers residing in the county for the preparation of jury lists so as to prevent any misunderstanding about district court access to this information.

I urge the committee to approve our amendment.

Att. 5
T&U
1-29-92

SENATE BILL No. 461

By Senator Bogina

12-17

8 AN ACT relating to records of the division of vehicles; amending
9 K.S.A. 1991 Supp. 74-2012 and repealing the existing section.

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 1991 Supp. 74-2012 is hereby amended to read
13 as follows: 74-2012. (a) All records of the division of vehicles relating
14 to the physical or mental condition of any person or to expungement
15 shall be confidential. Records of the division relating to diversion
16 agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-2908,
17 and amendments thereto, shall be confidential and shall be disclosed
18 by direct computer access only to: (1) A city, county or district
19 attorney, for the purpose of determining a person's eligibility for
20 diversion; (2) a municipal or district court, for the purpose of using
21 the record in connection with any matter before the court; (3) a law
22 enforcement agency, for the purpose of supplying the record to a
23 person authorized to obtain it under (1) or (2); or (4) an employer
24 when a person is required to retain a commercial driver's license
25 due to the nature of such person's employment. *The name and*
26 *address of any person contained in or derived from records of the*
27 *division of vehicles shall be confidential and shall be disclosed only*
28 *as provided in subsection (b).*

29 All other records of the division of vehicles shall be subject to the
30 provisions of the open records act except as otherwise provided by
31 this section.

32 (b) Lists of persons' names and addresses contained in or derived
33 from records of the division of vehicles shall not be sold, given or
34 received for the purposes prohibited by K.S.A. 21-3914, and amend-
35 ments thereto, except that:

36 (1) The director of vehicles may provide to a requesting party,
37 and a requesting party may receive, such a list and accompanying
38 information from public records of the division upon written certi-
39 fication that the requesting party shall use the list solely for the
40 purpose of: (A) Assisting manufacturers of motor vehicles in compiling
41 statistical reports or in notifying owners of vehicles believed to: (i)
42 Have safety-related defects, (ii) fail to comply with emission standards
43 or (iii) have any defect to be remedied at the expense of the man-

or in accordance with the provisions of K.S.A.
43-155, et seq.

(2 of 3)

1 ufacturer; or (B) assisting an insurer authorized to do business in
2 this state, or the insurer's authorized agent, in processing an ap-
3 plication for, or renewal or cancellation of, a motor vehicle liability
4 insurance policy.

5 (2) Any law enforcement agency of this state which has access
6 to public records of the division may furnish to a requesting party,
7 and a requesting party may receive, such a list and accompanying
8 information from such records upon written certification that the
9 requesting party shall use the list solely for the purpose of assisting
10 an insurer authorized to do business in this state, or the insurer's
11 authorized agent, in processing an application for, or renewal or
12 cancellation of, a motor vehicle liability insurance policy.

3 (c) If a law enforcement agency of this state furnishes information
14 to a requesting party pursuant to subsection (b)(2), the law enforce-
15 ment agency shall charge the fee prescribed by the secretary of
16 revenue and approved by the director of accounts and reports pur-
17 suant to subsection (c)(5) of K.S.A. 45-219, and amendments thereto,
18 for any copies furnished and may charge an additional fee to be
19 retained by the law enforcement agency to cover its cost of providing
20 such copies. The fee prescribed pursuant to subsection (c)(5) of
21 K.S.A. 45-219, and amendments thereto, shall be paid monthly to
22 the secretary of revenue.

23 (d) The secretary of revenue, the secretary's agents or employees,
24 the director of vehicles or the director's agents or employees shall
25 not be liable for damages caused by any negligent or wrongful act
26 or omission of a law enforcement agency in furnishing any information
27 obtained from records of the division of vehicles.

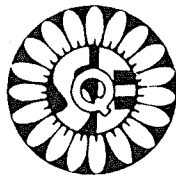
28 (e) A fee in an amount fixed by the secretary of revenue and
29 approved by the director of accounts and reports pursuant to sub-
30 section (c)(5) of K.S.A. 45-219, and amendments thereto, of not less
31 than \$2 for each request for information in the public records of the
32 division concerning any vehicle or licensed driver shall be charged
33 by the division, except that the director may charge a lesser fee
34 pursuant to a contract between the secretary of revenue and any
35 person to whom the director is authorized to furnish information
36 under subsection (b), and such fee shall not be less than the minimum
37 fee established under this subsection and shall not be less than the
38 cost of production or reproduction of any information requested. Of
39 the amount charged for each such fee, \$1 shall be credited to the
40 highway patrol training center fund.

(f) The secretary of revenue may adopt such rules and regulations
2 as are necessary to implement the provisions of this section.

43 Sec. 2. K.S.A. 1991 Supp. 74-2012 is hereby repealed.

1 Sec. 3. This act shall take effect and be in force from and afte
2 its publication in the statute book.

(3 of 3)



Schools for Quality Education

Bluemont Hall Manhattan, KS 66506 (913) 532-5886

January 29, 1992

TO: SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

SUBJECT: SB 493--RESTRICTIONS ON RESTRICTED DRIVERS' LICENSES

FROM: JACQUE OAKES, PUBLIC RELATIONS REPRESENTATIVE
SCHOOLS FOR QUALITY EDUCATION

Mr. Chairman and Members of the Committee:

I am Jacque Oakes, Public Relations Representative for Schools For Quality Education, representing 96 small schools.

We are appearing as a proponent for SB 493 which adds the language to the restricted drivers' license of students being able to drive to school-sponsored activities other than on days that school is in session.

Most of our schools have a rural setting that probably dictates students traveling more miles. This language would help make it possible for our kids to legally drive to their school-sponsored events.

Thank you for your positive consideration of SB 493.

Att. 6
T&U
1-29-92

"Rural is Quality"

(1 of 2)



MEMBERSHIP ROSTER*



NORTHWEST REGION

103 Bird City
212 Northern Valley
241 Sharon Springs
242 Weskan
274 Oakley
275 Triplains-Winona
280 West Graham-Morland
281 East Graham County
291 Grinnell
292 Grainfield
293 Quinter
301 Utica
302 Smoky Hill-Ransom
304 Bazine
314 Brewster
316 Golden Plains
468 Healy

SOUTH CENTRAL REGION

254 Barber County
255 Klowa
300 Comanche County
327 Ellsworth
332 Cunningham
354 Claflin
355 Ellinwood
358 Oxford
359 Argonia
376 Sterling
411 Goessel
424 Mullinville
438 Skyline
444 Little River
474 Haviland
496 Pawnee Heights-Rozel
502 Lewis
509 South Haven
511 Attica

NORTH CENTRAL REGION

104 White Rock-Esbon
239 Minneapolis
269 Palco
270 Plainville
271 Stockton
273 Beloit
278 Mankato
306 Southeast of Saline
307 Ell-Saline
324 Eastern Heights
326 Logan
334 Southern Cloud
395 LaCrosse
399 Paradise-Natoma
403 Otis-Bison
432 Victoria

SOUTHWEST REGION

209 Moscow
210 Hugoton
214 Ulysses
216 Deerfield
217 Rolla
218 Elkhart
219 Minneola
220 Ashland
225 Fowler
228 Hanston
363 Holcomb
371 Montezuma
452 Stanton
476 Copeland
477 Ingalls
494 Syracuse

*Current as of January 6, 1992.

For more information contact: Schools for Quality Education, 124 Bluemont Hall, Kansas State University, Manhattan, KS 66506 (913)532-5886.

NORTHEAST REGION

221 North Central-Haddam
222 Washington
223 Barnes
321 Kaw Valley
323 Pottawatomie West
329 Mill Creek Valley-Alma
378 Riley County
380 Vermillion
384 Blue Valley

SOUTHEAST REGION

244 Burlington
245 LeRoy-Gridley
251 North Lyon County
252 South Lyon Co.-Hartford
256 Marmaton Valley
258 Humboldt
283 Elk Valley-Longton
285 Cedar Vale
286 Chautauqua Co.-Sedan
287 West Franklin
366 Yates Center
386 Madison-Virgil
387 Altoona-Midway
390 Hamilton
397 Centre
398 Peabody-Burns
462 Burden
479 Crest-Kincaid
508 Baxter Springs