

Approved: 2/22/95
Date

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairperson Kenneth King at 1:30 p.m. on February 15, 1995 in Room 519-S of the Capitol.

All members were present except:
All members present

Committee staff present: Hank Avila, Legislative Research Department
Tom Severn, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:
Representative Rochelle Chronister
Dennis Clark, Woodson County Noxious Weed Supervisor
Helen Stephens, Kansas Peace Officers' Association
Terry Maple, Kansas Highway Patrol
Betty McBride, Director, Division of Motor Vehicles, Department of Revenue

Others attending: See attached list

Chairman King opened the meeting at 1:30 p.m.

The Chair opened the floor for discussion and final action on **HB 2247, designating a portion of K-96 highway as the Bob Brown expressway.** Representative Dillon made a motion to pass **HB 2247** and place on the Consent Calendar, seconded by Representative Pottorff and the motion carried.

Chairman King opened hearings on **HB 2432, concerning all-terrain vehicles; relating to the operation thereof** and asked for an overview of the bill from Bruce Kinzie.

The Chair recognized Representative Chronister who stated she had been contacted by the Woodson County Noxious Weed Supervisor regarding the use of these vehicles on highway right-of-way in order to spray for noxious weeds. This has proven to be a money saving way to spray for weeds, however, state law currently prohibits use of all-terrain vehicles on state or federal highways. She asked for favorable passage of **HB 2432** which would allow delivering a service at a less expensive cost without endangering the public. (Attachment 1)

The next conferee to speak to the committee was Dennis Clark, Woodson County Noxious Weed Supervisor. Mr. Clark told the committee he had contracted with the State to spray approximately 30 miles of right-of-way on both sides of the highway and had been using an all-terrain vehicle for 9 years without incident. However, he recently had been issued a warning by the Highway Patrol and he was asking for a determination by the committee in **HB 2432** which would allow for such usage of the all-terrain vehicle. He concluded this was an economical method of controlling the weeds on the right-of-ways and with this vehicle he was able to take care of areas that would not be accessible with larger vehicles and would have to be sprayed on foot using hoses. Without this legislation, he stated, he would be unable to take the state contract and it would revert back to the responsibility of the State Highway Department and would undoubtedly be more expensive, and less efficient.

Following questions by the committee, the Chair closed hearings on **HB 2432.**

Hearings were next opened on **HB 2446, concerning the division of vehicles records.** Bruce Kinzie gave an overview of this bill.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION, Room 519-S Statehouse, at 1:30 p.m. on February 15, 1995.

Chairman King called on Helen Stephens from the Kansas Peace Officers' Association to give testimony. She was speaking on behalf of Michael C. Gillespie. She stated this bill would promote effective criminal investigation and would give Kansas law enforcement agencies a valuable resource with the availability of photographs and digital images of licensees' filed with the Division of Vehicles. She emphasized that **HB 2446** was not a threat to privacy in that its limitation to criminal investigation purposes prevents inappropriate access and use. (Attachment 2)

Sgt. Terry Maple next spoke in support of **HB 2446**. He stated that many times law enforcement officers do get into criminal investigations when they would benefit greatly from this legislation. He told the committee they were not asking for anything new but only that the existing data base be made available to them. He reminded the committee that the Department of Revenue would be charged with maintaining the integrity of this data base and they would have to follow whatever guidelines the Department set out.

Betty McBride, Director of the Division of Vehicles in the Department of Revenue, was the next proponent. She stated that when the digitalized license bill was passed during the 1994 legislative session it was intended to give another dimension to the information law enforcement already could obtain. However, the way the language was written it took away that right and now they must have a court order to obtain the same information they had always been able to obtain without any problem before.

In answer to a question from the committee regarding confidentiality, she responded Kansas has an open records law and anyone can buy records but not the photos.

Following questions from the committee, the Chair closed hearings on **HB 2446**.

Chairman King adjourned the meeting at 2:15 p.m.

The next meeting is scheduled for February 21, 1995.

ROCHELLE CHRONISTER
REPRESENTATIVE, THIRTEENTH DISTRICT
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TOPEKA

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TESTIMONY ON HB 2432
Before House Transportation Committee
February 15, 1995

Thank you, Mr. Chairman, members of the House Transportation committee.

Last month the Woodson County Noxious Weed Supervisor contacted me in regard to the use of all-terrain vehicles on highway right-of-way in order to spray for noxious weeds. This has proven to be a money saving way to spray for weeds, but state law currently prohibits use of all-terrain vehicles on state or federal highways.

Weed control is an important service for motorists and farmers alike. Any time we can deliver a service at a less expensive cost without endangering the public, I believe we should take it into consideration.

I would ask that you favorably pass HB 2432 from committee.

Thank you for your time.

*House Transportation Committee
February 15, 1995
Attachment 1*

M. DAILY, President
Barton County Sheriff
Great Bend, Kansas 67530

DAVID MAYFIELD, President-Elect
Kansas Highway Patrol
Yates Center, Kansas 66783

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ALVIN THIMMESCH,
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DISTRICT 8

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Testimony of
Michael C. Gillespie

Kansas Peace Officers' Association
Legislative Chairperson
and
Staff Attorney
Kansas Law Enforcement Training Center

House Bill 2446

House Committee on Transportation
February 15, 1995

House Bill 2446 promotes effective criminal investigation. Its proposed amendments to K.S.A. 74-2012(a) would give Kansas law enforcement agencies a valuable resource—the photographs, and digital images, of licensees' filed with the Division of Vehicles. Limited access to these materials will allow state and local personnel to obtain, in appropriate cases, photographs of persons for whom no other photographs are available.

This is critical to Kansas law enforcement. Investigators need, on occasion, photographs of persons, but do not have reasonably current—or any—photos. For example, officers may develop a suspect in a serious felony case, but their ability to confirm—or eliminate—that person as a suspect depends on witness identification. The investigation can be seriously hampered if no photo is available. HB 2446 offers a viable solution to this problem.

HB 2446 is not a threat to privacy. Its express limitation to *criminal investigation* purposes prevents inappropriate access and use.

The Kansas Peace Officers' Association, the largest professional law enforcement organization in Kansas, supports this legislation, and urges its favorable treatment by the Legislature. If passed, HB 2446 will give Kansas officers another valuable crime-fighting tool.

In Unity There Is Strength

*House Transportation Committee
February 15, 1995
Attachment 2*