

Approved: 3/13/96
Date

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairperson Kenneth King at 1:30 p.m. on March 13, 1996 in Room 526-S of the Capitol.

All members were present except:

Representative Delbert Crabb, excused
Representative Joe Humerickhouse, excused

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:

John Reinhart, Kansas Press Association
Carter Zerbe, Publisher, Augusta Daily Gazette
Lynne Frazier, Wichita Eagle
Kurt Kessinger, Publisher, Osage County Chronicle
Mary Turkington, Kansas Motor Carriers
Dr. Steve Abrams
Brilla Scott, United School Administrators
Betty McBride, Kansas Department of Revenue

Others attending: See attached list

HB 3057 - motor carriers, regulation thereof

Hearings opened. The Chair called on staff to review the bill which would exempt the transportation of newspapers from regulation by the Kansas Corporation Commission.

The Chair called on John Reinhart as the first proponent. He emphasized that the exemption the industry is seeking exempts only the commodity of newspapers from KCC regulation and does not exempt a carrier who also transports other commodities. He asked for favorable passage of this bill. (Attachment 1)

Carter Zerbe stated the regulation by the Kansas Corporation Commission is unnecessary and was never intended for a commodity such as newspapers. He concluded the favorable passage of **HB 3057** eliminates unnecessary government regulation of private industry. (Attachment 2)

The next proponent was Lynne Frazier. She acknowledged the state of Kansas has a responsibility to regulate the transportation of materials within its own boundaries, however, it was her feeling, the state statute that requires a motor carrier to have a license for hauling goods was not designed to be applied to the delivery of newspapers. She asked favorable passage of **HB 3057**. (Attachment 3)

Kurt Kessinger stated implementation of **HB 3057** would serve to put at ease those publishers, forced to print outside of the KCC boundaries, to operate freely without fear of some obscure violation. He asked support for this bill. (Attachment 4)

Mary Turkington stated the Kansas Motor Carriers Association supports **HB 3057**. She stated while being required to obtain a private permit from KCC to transport their local papers back to the appropriate communities would not be an overly burdensome problem, it would seem prudent to exempt this limited category from KCC regulation. She concluded their industry does not object to this limited revision as reflected in the bill. (Attachment 5)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION, Room 526-S Statehouse, at 1:30 p.m. on March 13, 1996.

The conferees stood for questions from the committee after which the Chair closed hearings on **HB 3057**.

In response to committee request, the Chair called for discussion and final action on **HB 3057**.

Representative Shore made a motion to pass **HB 3057** favorably and place on the Consent Calendar, seconded by Representative Pottorff and the motion carried.

SB 3065 - school completion or attendance required for driver's license privilege

Hearing opened. The staff gave a briefing of this bill referring to new Section 1 which outlines the requirements and conditions of licensing.

Steve Abrams told the committee removing a driver's permit or license would be a very effective method of encouraging student attendance. He concluded being at school does not guarantee that learning will go on, but it is difficult for a student to learn if they are not at school. He urged passage of **HB 3065**. (Attachment 6)

Karen Lowery stated while not an opponent of the bill, the Kansas Association of School Boards did have several areas of concern. She listed the concerns and discussed each fully. She emphasized that while the Association did have concerns, they were not opposed to the outcomes it was trying to achieve. (Attachment 7)

Brilla Scott told the committee keeping young people in school is an overall goal of every educator in the state and is the foundation of the Kansas Quality Performance Accreditation. However, this bill is an attempt to find a simple solution for a complicated problem. She continued through the QPA process the schools are focusing on a reduction in the dropout rate and continue to create more opportunities for academic success for all students while raising performance expectations. On behalf of the principals and assistant principals, she asked for support for the school improvement plans, designed to reduce dropouts, rather than adding another layer of bureaucracy. (Attachment 8)

Betty McBride, Division of Vehicles, shared some of the concerns of her department with **HB 3065**. She cited the requirement to suspend a driver license within ten days of being notified that a student had dropped out of school could present administrative problems with students who go through a cycle of being suspended and reinstated within a short period of time. This would create a "yo-yo" effect of requiring the department to suspend and reinstate on a continuous basis. According to the Kansas Department of Education, the drop out rate last year was 5%. This would have required an initial mailing of 6,580 suspension letters for the 1994-1995 school year. She concluded an additional FTE would be needed in the Driver Control Bureau at a cost of \$20,961 annually to handle these additional documents as well as a significant increase in postage for the mailing of these notices. She urged the committee to seriously consider these concerns before passage of this bill. (Attachment 9)

Written testimony was presented by Jacque Oakes, Schools for Quality Education, in opposition to **HB 3065**. (Attachment 10)

There being no other conferees the Chair closed hearings on **HB 3065**.

Chairman King adjourned the meeting at 2:40 p.m.

The next meeting is scheduled for March 14, 1996.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: March 15, 1996

NAME	REPRESENTING
Tom Whitaker	Ks Motor Carriers Assn
John W. Smith	KDOR DMV
Betty McBride	KDOR DMV
Kurt Kessinger	OSAGE Co. CHRONICLE (KPA)
Alynn Frazier	KPA - The Wichita Eagle
Steve E. Abrams	
Lolita Zurek	Augusta Boyette
Kenneth Huley	USA
Beilla Scott	USA
Mary E. Worthington	Ks Motor Carriers Assn.
Sam Duff	Farm Bureau Capital Experience
Samuel J. Lauer	Farm Bureau Capital Experience - Seward
Berk Duff	F.B. Capital Exp. - Pratt Co.
Marshall Backer	F.B. Capital Exp. - Pratt Co.
Aggy Anra	F.B. Capital Exp. - Pratt.
Regina Blaser	Farm Bureau Capital Experience: Wakarusa
Jim Howell	" "
Lita Schroeder	" " Mitchell Co.
Katie McKenna	" " Marshall Co. → Waterville

Kansas Press Association, Inc.

5423 SW 7th Street, Topeka, KS 66606 Phone 913-271-5304, Fax 913-271-7341

House Transportation Committee

House Bill 3057

3.13.96

Testimony of John Reinhart
Director, Government Relations
Kansas Press Association

Thank you for the opportunity to appear on behalf of House Bill 3057. This bill exempts the transportation of newspapers, which are printed at least once a week, from regulation by the Kansas Corporation Commission.

I have with me today three representatives of the newspaper industry. They will explain why it is important you recommend the favorable passage of House Bill 3057.

I would like to point out to the committee that because this hearing is on a Wednesday most publishers of weekly newspapers are unable to appear. This is an important issue for weekly newspaper publishers. The burden of current law falls most heavily on them. However, today is the day most weeklies go to press.

I would also like to emphasize that the exemption we are seeking exempts ONLY the commodity of newspapers from KCC regulation, it does NOT exempt a carrier who also transports other commodities.

*House Transportation Committee
March 13, 1996
Attachment 1*

AUGUSTA DAILY Gazette

204 E. FIFTH STREET • P.O. BOX 9 • AUGUSTA, KANSAS 67010-0009 • (316) 775-2218

House Transportation Committee

March 13, 1996

Testimony of Carter Zerbe Publisher, Augusta Daily Gazette

Mr. Chairman, Members of the Committee. My name is Carter Zerbe I am the publisher for the Augusta Daily Gazette, a daily newspaper in Butler County with a circulation of 2,805. Thank you for the opportunity to appear before you today in support of House Bill 3057.

This bill exempts newspapers transported beyond a 25-mile radius from their point of publication from regulation by the Kansas Corporation Commission.

This bill is needed because of changes that have occurred within the newspaper industry in the past few years.

Until recently, the Gazette had its own press and was printed in-house. Our distribution was largely within the Augusta city limits. Today, however, the Gazette is printed in El Dorado and transported to Augusta for delivery.

Because of this, under current law, we are now subject to KCC regulation.

The same is true for our company's newspaper in Derby. The Daily Reporter is also printed in El Dorado and then driven to Derby for distribution. Newspapers throughout Kansas are also subject to KCC regulation, especially weeklies, whose small staff and limited resources make compliance particularly burdensome. Some publishers in western Kansas must drive as much as 90 miles just to have their paper printed.

I believe this regulation is unnecessary and was never intended for a commodity such as newspapers. In most cases we are talking about a small bundle or two of papers thrown into the trunk of someone's car, the back of their van or the bed of a pickup.

We do not pose a safety hazard nor create excessive wear and tear on Kansas highways.

The favorable passage of House Bill 3057 eliminates unnecessary government regulation of private industry.

On behalf of the Gazette, its readers and the newspaper industry, I urge the favorable passage of House Bill 3057.

*House Transportation Committee
March 13, 1996
Attachment 2*

The Wichita Eagle

LYNNE H. FRAZIER, State circulation Manager

House Transportation Committee

March 13, 1996

Testimony of Lynne Frazier State Circulation Manager The Wichita Eagle

Mr. Chairman, members of the committee. My name is Lynne Frazier. I am state circulation manager for the Wichita Eagle, a newspaper with circulation of 103,300 daily and 177,500 on Sunday. Thank you for providing me with the opportunity to speak to you today in support of House Bill 3057.

The free dissemination of news, information and ideas is a cherished right in this country and in this state. Our founding fathers recognized over two centuries ago that a democratic system could not survive - let alone thrive - without this protection. Indeed, they put it at the top of the list of protected rights.

As a corollary to this, legislatures and courts have understood that distribution of news and information has to remain unencumbered. What good is the right of free speech and information if the process of supplying it is a difficult one?

K.S.A. 66-1.109 is a state statute that requires a motor carrier to have a license for hauling goods. I agree that the state of Kansas has a responsibility to regulate the transportation of materials within its own boundaries. I don't believe, however, that the statute was designed to be applied to the delivery of newspapers. The legislature simply forgot to include a specific exemption.

Recently, we changed our haul operation. During this process, we were contacted by the KCC and informed that any one hauling papers had to have a license. To get a license the person would have to sign a contract with the newspaper and then go through the application process. This procedure makes it virtually impossible to guarantee a licensed hauler will be available to deliver our newspapers when a contract is terminated, either by the hauler or the newspaper. Do we then deprive subscribers and purchasers of the newspaper the opportunity to read it because of a transportation regulation? How many communities will be affected if this statute is enforced throughout Kansas?

825 E. Douglas

P.O. Box 820

Wichita, Kansas

67201-0820

(316) 268-6546

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Attachment 3

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House Bill 3057
Lynne Frazier
The Wichita Eagle

Newspaper readership would then depend not on the preference of the citizen but on which newspaper happened to have a licensed contractor at the time. Since many hauling contracts are part-time in nature, we can reasonably expect to face this situation frequently. And what happens in an emergency, when the contractor has a crisis that needs their personal attention? Do we ask newspaper readers to bear with us, that delivery will resume when the crisis passes or when we get a new hauler with the proper KCC license?

There is an easy solution. If an individual is engaged exclusively in the distribution of newspapers, a KCC license is not required. Certainly, the State has every right to make sure that the vehicle used is in compliance with laws governing motor safety. We would not presume to ask for an exemption that was not in the interest of the people of Kansas. Instead, we ask that you not allow an artificial barrier to be constructed that is counter-productive to that interest.

Kansas newspapers have always had a good relationship with the Kansas legislature. While I am sure that some of you may have had a pang or two of doubt when you read an editorial that you took issue with, the public has been well served in a climate where free speech is not only tolerated but encouraged. I am here to ask you to do the right thing, to rectify an oversight. I represent not only the newspapers of Kansas but also its citizens when I ask that you accept Bill 3057 with its changes to section "T". This bill would exclude transporting of newspapers published at least once a week from K.S.A. 66-1.109 and allow newspapers to be freely distributed throughout the state.

Thank you.

House Transportation Committee
March 13, 1996

Testimony Of Kurt Kessinger
Publisher, Osage County Chronicle

Mr. Chairman and Members of the Committee. I am Kurt Kessinger, Publisher of The Osage County Chronicle. First, I want to thank you for allowing me this brief moment to make a few supportive remarks concerning House Bill 3057. Secondly, it gives me a good excuse to escape the Wednesday scramble to print and get the weekly Osage County Chronicle out to the readers.

It came as a surprise to me the other day to find that for years I had been in violation of a KCC ruling involving the printing and transportation of my newspaper. In 1977 when I purchased the Chronicle I employed a printing firm in Topeka to print my newspaper. Topeka was the closest, and the trip was 64 miles round trip. Through the purchase of other newspapers in the area and mergers I still printed in Topeka until I was able to centralize a printing plant within my own county. Never once did I give thought to a KCC violation. It was a three hour stint each week I had to go through to assure the dissemination and delivery of the newspaper.

Today, due to poor delivery service from the post office, we have been forced into delivery to our serving area the newspapers to the Burlingame Post Office (2 blocks), Osage City Post Office (8 miles), Lyndon (17 miles), Overbrook (17 miles), Carbondale (12 miles) and Scranton (6 miles). The entire trip dog-legging and all, is about 64 miles and around 2 1/2 hours.

We are fortunate to have such a close radial operation providing faster service to our readers. In fact, it's a cost increase to our operation to by-pass the post office since we still pay the postage for all papers even though we deliver the newspaper direct to an outlying distribution point.

Consolidation and cost saving measures are imperative to the survival of those newspapers who in many cases travel over 75 to 90 miles to just print. Faced with escalating costs of production these small newspapers are constantly looking to provide better service to its readers with local news.

House Transportation Committee
March 13, 1996
Attachment 4

Implementation of House Bill 3057 would serve to put at ease those publishers, forced to print outside of the KCC boundaries, enabling them to operate freely without fear of some obscure violation.

Speaking for all of those small newspapers throughout the state, faced with having to travel excessive distances to print and stay in business, support for House Bill 3057 is herewith given to you.

Thank you for your time.

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Supporting House Bill 3057 relating
to the exemption from KCC regulation
of the transportation of newspapers.

Presented to the House Transportation
Committee, Rep. Kenneth R. King, Chairman;
Statehouse, Topeka, Wednesday, March 13,
1996.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mary E. Turkington, Executive Director of the Kansas Motor Carriers Association with offices in Topeka. I appear here today along with Tom Whitaker, our Governmental Relations Director; representing our member-firms and the highway transportation industry.

We support House Bill 3057 which would exempt the transportation of newspapers from regulation by the Kansas Corporation Commission.

Publication of Kansas newspapers has changed from the time that chapter 66 of our Kansas statutes was adopted.

In the beginning, most newspapers served only the local community in which such newspapers were published. The newspaper was printed in the local newspaper "shop" and transportation primarily involved getting the paper to the post office or to local readers who lived in that same town.

*House Transportation Committee
March 13, 1996
Attachment 5*

Under those conditions, transportation did not exceed the local, 25-mile radius exemption for those who hauled the products they owned, and there was no necessity to even obtain a private carrier permit from the KCC.

Today, as we understand it, publishers may own several "local" newspapers serving several communities. Those local newspapers are edited and printed in one central publishing location and then are transported to the local communities which the newspaper serves. In many instances those communities would be well beyond the 25-mile radius which surrounds the actual publishing community. Therein lies the problem. A private permit would be required by the KCC for those newspaper owners to transport their local papers back to the appropriate communities.

While such a requirement is not an overly burdensome problem, many local publishers would be confronted with this requirement for the first time. It would seem prudent to exempt this limited category from KCC regulation.

I'm certain Kansas newspaper publishers and editors will appreciate your favorable consideration of this bill. Our industry does not object to this limited revision as reflected in the bill before you.

If you have questions or comments, I would be pleased to respond to you at this time.

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TESTIMONY BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION

by Steve E. Abrams

March 13, 1996

Mr. Chairman and Members of the Committee,

I appreciate the opportunity to support HB 3065.

Virtually everyone agrees that education is important. At the same time, virtually everyone agrees that it is difficult for a student for a student to learn anything at school if they are not at school. Now, being at school does not guarantee that learning will go on, but it certainly helps.

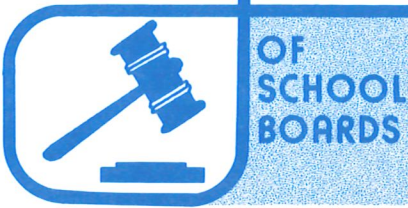
Even though I am a member of the Kansas State Board of Education, I am not representing the KSBE with this testimony. But, in my capacity as a member of the KSBE, I have talked to police officers, educators and other people interested in the education of Kansas youth, many of them have indicated what we already know. The desire to have a driver's license is very intense.

Consequently, I believe that removing a driver's permit or license would be a very effective method of encouraging student attendance.

However, I would encourage you with regard to a couple of matters. First, if possible, please try to shorten the notification times. For instance, with a 30 day notification, it is conceivable that the end of the semester would get here prior to the notification that a student license was withdrawn. Second, the statute should recognize the differences between truancy of the 14-16 year old group and withdrawal of the over 16 age group. I believe the license should be withdrawn for both age groups, I just want to remind you of the different terms.

Thank you for your consideration in this matter.

*House Transportation Committee
March 13, 1996
Attachment 6*



**Testimony on H.B. 3065
before the
House Committee on Transportation**

by

**Karen Lowery
Coordinator of Governmental Relations
Kansas Association of School Boards**

March 13, 1996

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before you today regarding H.B. 3065. The Kansas Association of School Boards currently does not have a specific policy dealing with conditional driver's licenses. Therefore, we do not appear as an opponent to this bill. However, we have several areas of concern that we would like to share with you.

The first area of concern is found in New Section 1(a) of the bill. In this section, a student would not be issued an instruction permit or license unless he was making satisfactory progress in school. What does "making satisfactory progress in school" mean? In order for a school to certify that a student is making such progress, the school needs a definition of what is required.

In Section 1(b), line 26, we would suggest additional language. After "Upon request", insert *of the pupil or the pupil's parents*. Under the federal Family Educational Rights and Privacy Act, a school's ability to provide information on individual students is limited. Adding our suggested language will take care of potential conflict with federal law in this section.

The new provisions that require reporting to the division of motor vehicles when a student withdraws from school also are problematic. Again, unless the student's parents consent to such release of the student's records, a school could be violating federal law by releasing this information to the division of motor vehicles.

The definition of "withdraws from school" in this bill could cause some confusion. Under the current truancy laws, if the student is 16 or younger, a student must be reported to SRS or the county attorney after three consecutive days or five cumulative days of unexcused absences. In H.B. 3065, "withdraws from school" is defined as more than 10 consecutive or 15 days total unexcused absences. One suggestion we have in this area, might be to ask SRS, the county attorney or the judge, who may ultimately deal with the truant, to report to the division of motor vehicles rather than the school.

I want to emphasize that while we have concerns about this bill, we are not opposed to the outcomes it is trying to achieve. Thank you again, and I will try to answer any questions the committee might have.

House Transportation Committee
March 13, 1996
Attachment 7



HB 3065: TYING DRIVER'S LICENSE TO SCHOOL ATTENDANCE

Testimony presented before the House Transportation Committee

by

**Brilla Highfill Scott, Associate Executive Director
United School Administrators of Kansas**

March 13, 1996

Mister Chairman and Members of the Committee:

United School Administrators of Kansas appreciates this opportunity to visit with the committee on the issue of tying the Kansas driver's license to school attendance. High school principals and assistant principals, who are particularly interested in this bill, are a strong voice within our association.

Keeping young people in school is an overall goal of every educator in our state and is the foundation of the Kansas Quality Performance Accreditation (QPA) process. However, our members feel this bill is an attempt to find a simple solution for a complicated problem.

Most dropouts cite lack of academic success as their reason for leaving school. But when society looks at the reasons for academic failure, the complexity of the issue is apparent. We know that social, economic, emotional, and intellectual problems play a prominent role in academic failure.

Principals are concerned that yet another bureaucratic process will be created, and schools will once again be asked to do something not directly related to teaching and learning.

Students who do not want to be in school become adept at keeping barely within a range of behavior considered acceptable to a bureaucratic authority; yet the student continues to cause disruptions in the school environment. Educators hold the responsibility for conducting safe and orderly schools.

Principals are also concerned that the "... less than 18 years of age" wording in the bill would affect the compulsory attendance law as it now stands.

Through the QPA process, we are focusing on a reduction in the dropout rate. We continue to create more opportunities for academic success for all students while raising performance expectations.

Our principals and assistant principals ask that you support the school improvement plans – designed to reduce dropouts – rather than adding another layer of bureaucracy.

House Transportation Committee

March 13, 1996

(l.drvr.lic)

Attachment 8

Betty McBride, Director of Vehicles
Kansas Department of Revenue
915 SW Harrison St.
Topeka, KS 66626-0001



(913) 296-3601
FAX (913) 296-3852
Hearing Impaired TTY (913) 296-3909

Division of Vehicles

To: The Honorable Kenneth King, Chairman
House Transportation Committee

From: Betty McBride, Director
Division of Vehicles

Date: March 13, 1996

Mr. Chairman, Members of the Committee:

I am Betty McBride, Director of the Division of Vehicles. I appreciate the opportunity to testify today on behalf of the Kansas Department of Revenue regarding House Bill 3065.

If passed, this bill would require every individual applying for a driver's license or instruction permit, who is less than 18 years of age, to provide documentation that the individual holds a diploma or another certificate of graduation, a GED certificate from a state approved institution, or that the person is enrolled in, attending, and making satisfactory progress in school, or is excused from such requirement due to circumstances beyond such person's control.

The department has serious reservations regarding the administration of the provisions of this bill. For example, the requirement to suspend a driver license within ten days of being notified that a student has dropped out of school, could present administrative problems with students who go through a cycle of being suspended and reinstated within a short period of time. This would create a "yo-yo" effect of requiring the department to suspend and reinstate on a continuous basis. Notification that unless compliance is met, the license will be suspended, would have to be sent to applicants who fall within this category. Suspension letters would need to be sent to all who don't provide the proper documentation and certification. Suspension letters would have to be sent to students who have dropped out of school for the last several years but who are not yet eighteen years of age and would fall under this law.

According to the Kansas Department of Education, the drop out rate for Kansas high school students averages between 4.6% and 5.2% each year. Last year the drop out rate was 5%. This would have required an initial mailing of 6,580 suspension letters for the '94-'95 school year.

Another concern is that everyone under the age of 18 would be subject to this law; however, Kansas requires school attendance only until the age of 16.

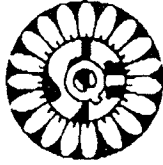
Additional consideration would need to be given to the types of form(s) schools would use to report a student in non-compliance to the Division of Vehicles. Varying types and styles of forms lend themselves to forgery and problems related to use by persons not authorized for use.

House Transportation Committee
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Attachment 9

The Department has a concern that passage of this law would greatly affect the level of customer service provided at the Driver License stations. Additional time will be needed to explain the need for proper documentation to verify the applicants privilege to obtain a license. This could result in longer lines at driver license offices. Many applicants would not be able to furnish these documents on the first visit, and would have to return with the needed documents to process their application. If school is not in session, or if an applicant is coming from out of state where would applicants go to acquire the needed documentation.

An additional FTE will be needed in the Driver Control Bureau at a cost of \$20,961 annually to handle these additional documents. A significant increase in postage would be required for the mailing of necessary information, suspension orders, and reinstatement notices.

Mr. Chairman, members of the committee, we ask your serious consideration of the concerns indicated, before considering passage of this bill. I would stand for questions at this time.



Schools for Quality Education

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

March 13, 1996

TO: House Transportation Committee

Subject: HB 3065 -- School completion or attendance required for driver's
 license privilege.

From: Schools for Quality Education

Mr. Chairman and Members of the Committee:

I am Jacque Oakes representing Schools for Quality Education, an organization of 105 small school districts.

We are submitting written testimony in opposition to HB 3065 which would require school completion or attendance for driver's license privileges.

There is significant concern in the handling of the whole license question. In the area of license cancellation and notification between the school district, the State Board of Education, and the Division of Vehicles, a great deal of confusion would be a constant problem. Students could certainly "float" their ability to hold onto their license.

We believe that it would be poor policy to tie school attendance to the power of driving a car.

Thank you for your time and consideration of HB 3065.

"Rural is Quality"

*House Transportation Committee
March 13, 1996
Attachment 10*