

Approved: 1/25/96
Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES.

The meeting was called to order by Chairman Ben Vidricksen at 9:00 a.m. on January 24, 1996 in Room 254-E of the Capitol

All members were present except:

Committee staff present: Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Martha Ozias, Committee Secretary

Conferees appearing before the committee:
Timothy E. McKee - Kansas Corporation Commission

Others attending: See attached list

Timothy E. McKee appeared before the committee and presented his educational and professional resume and answered questions. (Attachment 1) There was some discussion and the Chairman announced that a decision would be made on this appointment at tomorrow's meeting.

SB 259 - DRIVERS' LICENSES; REQUIREMENTS FOR LICENSURE

Attention was then turned to SB 259 which was heard at the January 18th meeting. The staff briefed the committee on the research that was requested on this subject from statistics obtained from the states of Maryland and Florida. It was reported that over the last 10 years the accident and fatality rate was generally down but that it could not assumed that any one factor was responsible for that.

This was followed by a lengthy discussion and no action was taken.

A motion to approve the minutes of the January 18th and 23rd meetings was made by Senator Papay and seconded by Senator Jones. Motion carried.

The meeting was then adjourned by the Chairman at 10:00 a.m.

The next meeting will be held on January 25, 1996.

TIMOTHY E. McKEE
BORN: DECEMBER 18, 1942
WICHITA, KANSAS

EDUCATIONAL

After attending and graduating from Wichita West High School in 1960, and having played varsity football, he attended and graduated from Wichita State University in 1965.

After returning from the Peace Corps in Brazil in 1967, he attended Washburn University School of Law where he served as the Associate Editor of the Washburn Law Journal and graduated with a Juris Doctor's degree with honors in 1970.

PROFESSIONAL EXPERIENCE

Mr. McKee has been practicing law in the state and federal courts in Kansas and before the Tenth Circuit Court of Appeals since 1970 with primary emphasis on natural resource law since 1976. Mr. McKee's representation of clients in energy matters has included litigation before state and federal court and extensive practice for the Kansas Corporation Commission. Mr. McKee's clients have included a broad spectrum of interests; including land and mineral owners, producers, and natural gas pipelines.

Mr. McKee has served on the oil, gas, and mineral law section of the Kansas Bar Association, and is a member of the Rocky Mountain Mineral Law Foundation. He has attended numerous energy law seminars. He has participated in and has been a presenter at various KBA and Washburn Law School seminars dealing with natural resource and energy law issues, and in 1995-96 serves as the Chairman of the Oil, Gas and Mineral Law Section of the Kansas Bar Association.

Mr. McKee has devoted time to civic service and has served on the Board and as the president of the Board of Rainbows United, Inc., a pre-school for multiple handicapped children, and on the Board and the Board President of the Mental Health Association of South Central Kansas, Inc. After graduation from Wichita State University, he and his wife of 30 years, Barbara (Yoder) McKee served together in the Peace Corps in Brazil for two years from 1965 and 1967. Mr. McKee and his wife have two adult children who both graduated from the University of Kansas and have had foreign exchange students in their home for approximately 10 years from countries in Europe and Latin America. He is a member of the Wichita, Kansas and American Bar Associations and has served as an arbitrator with the American Arbitration Association.

SENATE TRANSPORTATION
DATE: 1/24/96
ATTACHMENT: 1-1

SENATE CONFIRMATION QUESTIONNAIRE
Office of Governor Bill Graves

Please complete and return this form to the Governor's Appointments Office. Attach additional sheets if necessary.

Name: Timothy E. McKee
 Home Address: 1531 Siefkin
 City, State, Zip: Wichita, KS 67208
 Business Address: 151 N. Main, Suite 800
 City, State, Zip: Wichita, KS 67202-1409
 Home Phone: 316-687-4868 Business Phone: 316-265-5700
 Date of Birth: 12-18-42 Place of Birth: Wichita, KS
 Party Affiliation: R KBI Check: NA In Process Complete
 Appointed as: Kansas Corporation Commissioner
 Appointment Date: June 1, 1995 Expiration Date: March 15, 1999
 Term Length: 4 years Statutory Authority: K.S.A. 74-601
 Salary: \$84,739 Predecessor: Rachel Lipman
 Statutory Requirements: see attached

BACKGROUND

1. List high school, college, or other education institution attended along with the date attended and degree conferred.

Education Institution	Dates	Degree
<u>Wichita West High School</u>	<u>1960</u>	
<u>Wichita State University</u>	<u>1965</u>	<u>B.A.</u>
<u>Washburn Law School</u>	<u>1970</u>	<u>J.D.</u>

2. List memberships in business, trade and professional organizations for the past 10 years.

Organization	Dates
<u>American Bar Association</u>	<u>1970</u>
<u>Kansas Bar Association</u>	<u>1970</u>
<u>Wichita Bar Association</u>	<u>1970</u>

3. List any public offices you have been elected or appointed to, along with the dates of service.

Office Held	Dates
<u>N/A</u>	

4. List any positions held with a foreign, federal or local government entity along with the dates of service.

Position	Government Entity	Dates
N/A		

5. List any lobbying activities you have been involved in during the past five years. This includes activities as a registered lobbyist or lobbying activities for which you were compensated.

Group	Compensation (yes/no)	Dates
N/A		

6. List experience or interests which qualify you for the position to which you have been appointed. Approximately 24 years practice of law.
Specialization of natural resources and energy law
for approximately 20 years.

7. Summarize business and professional experience. See attached

8. List any service in the United States military. Include dates of service, branch, date and type of discharge.

Branch	Discharge	Dates
N/A		

9. Provide details of any arrest, charge or questioning by a federal, state or other law enforcement authority for violation of any federal, state, county or municipal law, regulation or ordinance (excluding traffic violations for which a fine of \$100 or less was imposed).
N/A

10. List and provide details of any interests that may present a conflict of interest for this position. I have one matter currently pending before the KCC, Docket No. 191,919-C (C-27,588).
I will recuse myself in this matter. Although I have represented many clients before the Commission, I do not feel I will have any conflicts but will recuse myself if one should appear.

I, Timothy E. McKee, declare that this questionnaire is true, correct and complete to the best of my knowledge.

Timothy E. McKee
Signature

T. E. McKee
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ch. 309, § 1; L. 1973, ch. 175, § 61; L. 1974, ch. 361, § 63; L. 1975, ch. 398, § 1; L. 1976, ch. 380, § 10; L. 1978, ch. 308, § 53; L. 1978, ch. 350, § 3; L. 1982, ch. 347, § 30; L. 1984, ch. 318, § 12; L. 1992, ch. 116, § 33; July 1.

Source or prior law:

L. 1911, ch. 238, § 5; L. 1921, ch. 260, § 1; R.S. 1923, 74-601; L. 1925, ch. 258, § 1; L. 1929, ch. 259, § 1.

Research and Practice Aids:

Public Utilities ⇐ 142.

C.J.S. Public Utilities §§ 63, 64.

Law Review and Bar Journal References:

Impact of conservation orders upon oil and gas leases, W. F. Shell, 34 J.B.A.K. 181 (1965).

CASE ANNOTATIONS

1. Telephone rates fixed by utilities commission confiscatory and void. *City of Hutchinson v. Bell Telephone Co.*, 109 K. 545, 547, 200 P. 301.

2. Right of telephone company to promulgate rates of its own. *City of Hutchinson v. Bell Telephone Co.*, 109 K. 545, 550, 200 P. 301.

3. Injunction denied; plaintiff had adequate remedy before utilities commission. *City of Hutchinson v. Bell Telephone Co.*, 109 K. 545, 552, 200 P. 301.

4. Temporary injunction against order of utilities commission fixing rates upheld. *Telephone Co. v. Utilities Commission*, 111 K. 452, 454, 207 P. 763.

5. Court of industrial relations had power to modify natural gas rates. *City of Winfield v. Court of Industrial Relations*, 111 K. 580, 587, 207 P. 813.

6. Recess appointee may hold office for full term, subject to nonconcurrence or rejection of senate. *Barrett v. Duff*, 114 K. 220, 224, 242, 217 P. 918.

7. Powers of public utilities commission passed on to public service commission. *Wichita Water Co. v. Public Service Commission*, 126 K. 381, 268 P. 89.

8. Corporation commission has jurisdiction of all matters pending before public service commission. *State, ex rel. v. Capital Gas & Elec. Co.*, 139 K. 870, 884, 33 P.2d 731.

9. Cited in holding appointment to state board of regent valid. *Driscoll v. Hershberger*, 172 K. 145, 152, 238 P.2d 493.

10. Mentioned; procedure for hearings before commission and appeals therefrom fixed by statute. *City of McPherson v. State Corporation Commission*, 174 K. 407, 257 P.2d 123.

74-601a. Public service commission abolished. The public service commission as created by chapter 259 of the Laws of 1929, being sections 74-601, 74-602, 74-603, 74-605a, 74-605b, 74-605c, 74-606 and 74-608 of the 1931 Supplement to the Revised Statutes is hereby abolished.

History: L. 1933, ch. 275, § 2; March 18.

Source or prior law:

L. 1929, ch. 259, § 3.

74-601b. Powers, duties, authority and jurisdiction of bank commissioner and charter board under 17-1223 to 17-1251 conferred upon commission. All the powers, duties, au-

thority and jurisdiction now exercised by and imposed by law upon the bank commissioner and upon the charter board relating to speculative securities, and all powers, duties, authority and jurisdiction imposed upon the bank commissioner or the charter board under chapter 140 [17-1223 to 17-1251] of the Laws of 1929, the same being article 12 of chapter 17 of the 1931 Supplement to the Revised Statutes of Kansas for 1923, are hereby transferred to and imposed and conferred upon the state corporation commission herein created, and said state corporation commission is hereby empowered and directed to do all things necessary and convenient for the proper exercise of all such powers, duties, authority and jurisdiction.

History: L. 1933, ch. 275, § 4; March 18.

Research and Practice Aids:

Public Service Commissions ⇐ 6.

C.J.S. Public Utilities § 38 et seq.

CASE ANNOTATIONS

1. Amendment to 17-1229, passed in 1933, prevails over 74-601b. *State, ex rel., v. State Corporation Comm.*, 138 K. 159, 160, 23 P.2d 606.

2. Securities deposited with bank commissioner passed to corporation commission. *In re Bankers Mortg. Co. of Topeka, Kan.*, 83 F.2d 50, 54.

74-601c. Powers, duties, authority and jurisdiction under 55-601 to 55-609 conferred. All of the powers, duties, authority and jurisdiction heretofore vested in the public service commission under and by virtue of sections 55-601 to 55-609, 1931 Supplement to the Revised Statutes of Kansas, 1923, and chapter 214 of the Session Laws of 1933, be and are hereby vested in the state corporation commission.

History: L. 1933, ch. 79, § 1 (Special Session); Nov. 9.

74-602. Powers, duties, authority and jurisdiction conferred upon commission. All of the powers, duties, authority and jurisdiction now exercised by and imposed by law upon the public service commission relating to public utilities, common carriers and motor carriers, and all the powers, duties, authority and jurisdiction imposed upon the public utilities commission by chapter 238 of the Laws of 1911, as amended (now sections 66-101 to 66-195, inclusive, Revised Statutes of 1923, and 1931 Supplement thereto), and by chapter 239 of the Laws of 1931, the same being Revised Statutes 1931 Supplement, 74-602a to 74-602d [66-1401 to 66-1403, 66-1501], inclusive, and all parts of the laws relating to the duties and liabilities of railroads (now sections 66-201 to 66-1209, inclusive, Revised Statutes of 1923,

and 1931 Supplement thereto), under which the public service commission now exercises jurisdiction over common carriers and motor carriers, are hereby transferred to and imposed and conferred upon the state corporation commission created under the provisions of this act, and the state corporation commission herein created is hereby empowered and directed to do all things necessary and convenient for the proper exercise of all such powers, duties, authority and jurisdiction.

History: L. 1933, ch. 275, § 3; March 18.

Source or prior law:

L. 1921, ch. 260, § 2; R.S. 1923, 74-602; L. 1925, ch. 258, § 2; L. 1929, ch. 259, § 2.

CASE ANNOTATIONS

1. Powers of public utilities commission passed on to public service commission. *Wichita Water Co. v. Public Service Commission*, 126 K. 381, 268 P. 89.

2. Corporation commission has jurisdiction of all matters pending before public service commission. *State, ex rel., v. Capital Gas & Elec. Co.*, 139 K. 870, 884, 33 P.2d 731.

74-602a to 74-602c.

Revisor's Note:

Sections transferred to 66-1401 to 66-1403.

74-602d.

Revisor's Note:

Section transferred to 66-1501.

74-603.

History: L. 1929, ch. 259, § 5; Repealed, L. 1933, ch. 275, § 13; March 18.

Source or prior law:

L. 1901, ch. 286, § 3; L. 1907, ch. 268, § 1; L. 1911, ch. 238, § 6; L. 1915, ch. 3, § 5; L. 1919, ch. 284, § 24; L. 1920, ch. 61, § 1; L. 1921, ch. 3, § 1; L. 1921, ch. 260, § 3; R.S. 1923, 74-603; L. 1925, ch. 258, § 5; L. 1927, ch. 33, § 1.

74-604.

History: R.S. 1923, 74-604; Repealed, L. 1925, ch. 258, § 10; March 10.

Source or prior law:

L. 1911, ch. 238, § 7; L. 1919, ch. 284, § 25; Revised, 1923.

CASE ANNOTATIONS

1. Injunction not maintainable by rival company to restrain illegal act. *Telephone Co. v. Telephone Association*, 94 K. 159, 163, 146 P. 324.

2. Illegal assumption of privilege challengeable only by state. *Telephone Co. v. Telephone Association*, 94 K. 159, 163, 146 P. 324.

74-605. Corporation commission; qualifications and oaths of members, secretary and attorney; extra employees. No person owning any bonds, stock or property in any railroad company or other common carrier or public

utility, or who is in the employment of, or who is in any way or manner pecuniarily interested in, any railroad company or other common carrier or public utility, shall be eligible, except as hereinafter provided, to the office of commissioner, attorney or secretary of said commission, nor shall such commissioner, attorney or secretary hold any office of profit or any position under any committee of any political party, or hold any other position of honor, profit or trust under or by virtue of any of the laws of the United States or of the state of Kansas. Said commissioners shall be qualified electors of the state, and shall not while such commissioners engage in any occupation or business inconsistent with their duties as such commissioners.

And if any member of the commission, at the time of his appointment, shall own any bonds, stock or property in any railroad company or other common carrier or public utility, or is in the employment of, or is in any way or manner pecuniarily interested in any railroad company or any common carrier or public utility, such commissioner or other appointee shall within thirty (30) days divest himself of such interest or employment, and upon his failing to do so he shall forfeit his office, and the governor shall remove such commissioner and shall appoint his successor, who shall hold until a successor is appointed and qualified.

Each of said commissioners, attorney and secretary shall be sworn, before entering upon the discharge of the same, to faithfully perform the duties of the respective offices. Said commission is authorized and empowered to employ, subject to the approval of the governor, such extra accountants, engineers, experts and special assistants as in its judgment may be necessary and proper to carry the provisions of this act into effect, and to fix their compensation; and such employees shall hold their office during the pleasure of said commission: *Provided*, That no person related by blood or marriage to any member of such commission shall be appointed or employed by said commission.

History: R.S. 1923, 74-605; L. 1967, ch. 434, § 23; July 1.

Source or prior law:

L. 1911, ch. 238, § 8; Revised, 1923.

Research and Practice Aids:

Public Utilities — 142.

C.J.S. Public Utilities §§ 63, 64.

Attorney General's Opinions:

State corporation commission; qualifications and oaths of members, secretary and attorney. 87-153.



KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

STATEMENT OF SUBSTANTIAL INTERESTS FOR INDIVIDUALS WHOSE

APPOINTMENT TO STATE OFFICE IS SUBJECT TO SENATE CONFIRMATION

INSTRUCTIONS. This statement (pages 1 through 4) must be completed by each person whose appointment to a state position is subject to Senate confirmation (K.S.A. 46-247 and 46-248). Failure to complete and return this statement may result in a fine of \$10 per day for each day it remains unfiled. Also, any individual who intentionally fails to file as required by law, or intentionally files a false statement, is subject to prosecution for a class B misdemeanor.

Please read the "Guide" and "Definition" section provided with this form for additional assistance in completing sections "C" through "G". If you have questions or wish assistance, please contact the Commission office at 109 West 9th, Topeka, KS or call 913-296-4219.

A. IDENTIFICATION: PLEASE TYPE OR PRINT

M c K e e T i m o t h y E.

Last Name First Name HI

M c K e e B a r b a r a A n n e

Spouse's Name

1 5 3 1 S i e f k i n

Number & Street Name, Apartment Number, Rural Route, or P.O. Box Number

W i c h i t a , K a n s a s 6 7 2 0 8

City, State, Zip Code

3 1 6 ** 6 8 7 ** 4 8 6 8

Home Phone Number

3 1 6 ** 2 6 5 ** 5 7 0 0

Business Phone Number

B. APPOINTED POSITION SUBJECT TO SENATE CONFIRMATION:

K a n s a s C o r p o r a t i o n

List Name of Agency, Commission or Board

C o m m i s s i o n e r

Position

* The last four digits of your social security number will aid in identifying you from others with the same name on the computer list. This information is optional.

5 6 6 8

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C. OWNERSHIP INTERESTS: List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income in, which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.
 If you have nothing to report in Section "C", check here ____.

BUSINESS NAME AND ADDRESS	TYPE OF BUSINESS	DESCRIPTION OF INTERESTS HELD	HELD BY WHOM	PERCENT OF OWNERSHIP INTERESTS
1. Triplett, Woolf & Garretson, LLP	Attorney At Law		<input checked="" type="checkbox"/> You	<input type="checkbox"/> Spouse
			<input type="checkbox"/> Jointly	
2. 1536-1538 Garland Wichita, KS	Duplex	Fee Ownership	<input type="checkbox"/> You	<input type="checkbox"/> Spouse
			<input checked="" type="checkbox"/> Jointly	
3. 1421-1423 Jeanette Wichita, KS	Duplex	Fee Ownership	<input type="checkbox"/> You	<input type="checkbox"/> Spouse
			<input checked="" type="checkbox"/> Jointly	
4. Atchison Casting Corp.	500 Shares		<input type="checkbox"/> You	<input type="checkbox"/> Spouse
			<input checked="" type="checkbox"/> Jointly	
5. O'Reilly Automotive, Inc.	200 Shares		<input type="checkbox"/> You	<input type="checkbox"/> Spouse
			<input checked="" type="checkbox"/> Jointly	
6. Syntro Corp.	2,900 Shares		<input type="checkbox"/> You	<input type="checkbox"/> Spouse
			<input checked="" type="checkbox"/> Jointly	
7. Unitog Company	600 Shares		<input type="checkbox"/> You	<input type="checkbox"/> Spouse
			<input checked="" type="checkbox"/> Jointly	

D. GIFTS OR HONORARIA: List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.
 If you have nothing to report in Section "D", check here ____.

NAME OF PERSON OR BUSINESS FROM WHOM GIFT RECEIVED	ADDRESS	RECEIVED BY:
1.		
2.		
3.		

E. RECEIPT OF COMPENSATION: List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered, or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE ____.
If you have nothing to report in Section "E"1, check here ____.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	Triplett, Woolf & Garretson, LLP	151 N. Main, Wichita	Attorney At Law
2.	Ownership of Duplexes		

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.
If you have nothing to report in Section "E"2, check here X.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.			
2.			

F. OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS: List any organization or business in which you or your spouse hold a position of officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section. If you have nothing to report in Section "F", check here ____.

	BUSINESS NAME AND ADDRESS	POSITION HELD	HELD BY WHOM
1.	Mental Health Association of South Central Kansas, Inc. (Charitable 501(c)(3))Corp.	Board Member	You
2.			
3.			
4.			
5.			

G. RECEIPT OF FEES AND COMMISSIONS: List each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. The phrase "client or customer" relates only to businesses or combination of businesses. In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "G", check here ____.

	NAME OF CLIENT / CUSTOMER	ADDRESS	RECEIVED BY
1.	See attached Exhibit "A"		
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			

H. DECLARATION:

I, Timothy E. McKee, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

6/15/95
Date


Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES ____.

Return your completed statement to the Secretary of State, State House, Topeka, Kansas 66612.

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