

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on March 21, 2006 in Room 527-S of the Capitol.

All members were present except:

Peggy Palmer- excused
Anthony Hensley- excused

Committee staff present:

Bruce Kinzie, Revisors of Statutes
Maggie Breen, Committee Secretary

Conferees appearing before the committee:

Marcy Ralston, Chief, Driver Control Board
Larry Baer, League of Kansas Municipalities
Ward Cook, Support Our Troops

Others attending:

See attached list.

Chairman Donovan opened the hearing on **Sub for H 2513 - Traffic violations, court notifying the division electronically.**

Marcy Ralston, Chief, Driver Control Board, testified that for quite some time the Division of Motor Vehicles has offered the district and municipal courts the option to submit convictions in an electronic format. A few years ago the Office of Judicial Administration (OJA) brought on-line 103 county courts. While appreciated, this only represents about one-third of the total convictions received by the Division. The main drive behind the bill is the need to be in compliance with the federal Motor Carrier Safety Improvement Act by the end of 2008. It deals with the notification of convictions for commercial licensed drivers or for offenses committed in a commercial motor vehicle within 10 days from conviction date. Failure to do so will result in the loss of federal highway funds to the State. The Division knows it's scary for some of the courts and has offered to work with them in any way they can to help them submit the reports electronically. This includes the development of a web page application for their use. An amendment to the bill was requested that changes the effective date to July 1, 2007. The Division and the courts both need the extra time. (Attachment 1)

Senator Donovan asked what the current time requirement was for the notifications. Marcy said it is supposed to be 30 days from conviction date. Right now the majority of conviction notifications is by paper and it's running about 45 days.

Senator Journey noted that Johnson and Shawnee Counties were not using electronic notification. Marcy said these counties are using their own software programs and not using the OJA program. Shawnee County is now submitting electronically. Johnson County hasn't yet but they are planning to bring in their vendor in rather than use the OJA software.

Senator Wilson asked what would happen if we aren't in compliance by 2008. Marcy said we start losing a percentage of \$200 million interstate highway funds. The first year we're not in compliance, we lose 5%, and the second year it's 10%. Marcy added that with electronic submission they hope to enhance some services to the courts that they have requested, such as electronic certified driving records.

Larry Baer, League of Kansas Municipalities, many of the small courts have staffing or technological limitations. When the bill first came out, he visited with Carmen who assured him that they would be willing to work with the courts having difficulties. He just wants to voice his concerns to the committee. He thinks the extension of the effective date helps a lot. (Attachment 2)

Chairman Donovan said this is the last day the committee would meet and asked them what they wanted to do regarding the bill.

Senator Apple said that last year he came before the committee with a bill that would require strobe lights on

CONTINUATION SHEET

MINUTES OF THE Senate Transportation Committee at 8:30 A.M. on March 21, 2006 in Room 527-S of the Capitol.

school buses. It passed out of committee and the full Senate and it's been sitting in the House Transportation Committee. If it's alright with the committee, he'd like to amend it into the bill.

Chairman Donovan asked Bruce Kinzie if there would be a problem with the two subjects fitting together. Bruce said no. Chairman Donovan asked Senator Apple to explain the bill further.

Senator Apple said there's a problem with current law in that white strobe lights are not allowed. They aren't disallowed, it's just that when the school buses install white strobe lights they really aren't following Kansas law. The bill is to clean up the laws and also to provide some protection to students that may be traveling in adverse weather. The white strobe light stands out and people know it's a school bus. They're not required to retrofit existing school buses but, after a certain date, new school buses will be required to have them. After so many years they will be required on all buses. They aren't required to run them but can if they so desire.

Senator Apple made a motion to amend **Sub for HB 2513** with the new effective date of July 1, 2007 requested by Marcy Ralston and to amend the strobe light bill, with proper adjustments to the dates within it, into the bill. Senator Journey seconded the motion. The motion carried.

Senator Apple made a motion to move **Sub for HB 2513** out favorably as amended. Senator Peterson seconded the motion. The motion carried.

Chairman Donovan closed the hearing on **Sub for HB 2513** and opened the hearing on:

HB 2746 - Support our troops license plate.

Ward Cook, Support Our Troops, said his organization was formed nationally to be an umbrella group to create more funds for families of troops that has had a loved one die or become severely injured in combat post 9-11. The idea is to try to add as much money in existing funds that these families apply to as possible. They want to try to eliminate any type of overhead. That's why most of their stuff is done either over the internet or by grass roots volunteers. They have a local chapter, Kansas Support Our Troops, that will issue the receipts for the special license plates. The receipts will then be taken to the local division of vehicles to receive their plates. A \$40 initial fee was amended into the bill and the fee is \$35. The basic premise is to have a license plate that can be displayed across Kansas that says we are supporting our troops and we support the families that allow their loved ones to go overseas and fight and sacrifice on our behalf. (Attachment 3)

Senator Wilson asked if Support Our Troops is a national organization. Ward said it was a national organization, formed just this year, that's intention is to look like the USO or the Red Cross but without the overhead. They want to work more efficiently as a go between so more money gets to the troops families. Senator Wilson asked if the group sold things other than license plates. Ward said they sell bumper stickers, pins, magnets, and T-Shirts on the internet. That money goes into a national fund and is distributed to all of the organizations listed on page 3 and 4 of the handout. An example is: Pt. Joe Smith dies in combat and his widow can't afford to send his son to college. So that the funds are there when the son applies for college tuition to one of the organizations, if he's a Kansas resident, the money from this license plate will be designated for him. Senator Wilson said he is concerned that we need to make sure that the money gets back to our state when outside groups are selling things here. He asked how much money has come back to Kansas from other product that have been sold. Ward said he didn't know. Ward said the license plate money will be tagged as Kansas money, where it gets tricky is when Pt. Joe Smith's family is from Kansas and they're stationed in Fort Benning. Senator Wilson questioned if there was enough protection in the bill that says this money will come back to us and stay in Kansas and support our Kansas veterans and their families. Ward said he had spoke to Senator Palmer yesterday about oversight and a yearly report showing where the money was going. He said they have no problem doing that even voluntarily. They are a 501 (c) (3) and registered with the Secretary of State's office so their records are public information. Senator Wilson said he has concerns as the organization has no track record of sending them back anything on the other products, what assurance is there in the bill that the money will come back to the families in need in the state. Ward said it was a valid concern as would be the question of what if more money was raised in Kansas than was needed by Kansas families. For example, if \$80,000 was requested by Kansas families and \$100,000

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was raised. Well, rather than going to waste, that money would maybe go to families in Fort Benning that are from Kansas.

Senator Wilson asked Bruce is there was any protection in the bill that mandates that the money is accounted for. Bruce said the only thing it says is the money that's collected is distributed according to their (Support Our Troops) bylaws.

Ward added that with the \$35 you become a member of Support Our Troops and as a member can request a list of where the funds are going.

Senator Wilson asked Carmen if she had any insight to the bill. Carmen said they asked for a couple of things on the House side. That they pay the personalized plate fee of \$40 and defer the start up date. Support Our Troops requested the word Inc be added to their name. All three amendments were added.

Senator Apple said due to unfamiliarity with the group, he thinks they should have at least a financial statement to know how the money is being spent. He's really concerned about putting a private group into law. He questioned where it would stop. He really supports our troops but is really concerned about going down this road. He said he personally would like more information before the committee went forward with the bill.

Bruce Kinzie said that this is obviously a new organization but the Shriners are very similar to them. They operate nationally and have temples located in Kansas. It's just that Shriners have a longer track record. And Ag in the Classroom is a like organization as well.

Chairman Donovan asked Bruce who would have oversight in the state that would assure that these funds go into the bank and at least 80% comes back to the state. Who's going to track how many people have asked and received, how many have asked and not received, how many have asked and the fund is now dry? Ward said the 80% is separate from the license plates. The 80% would be total funds throughout the country. The money that is collected from the plate will go to Kansas Support Our Troops. Kansas Support Our Troops will then say, we have four families that need \$100,000. They will send them to the national organizations to fund the requests. Pt. Joe Smith applies to the Survivors and Dependents Assistance Program administered by the VA. Kansas Support Our Troops would give the money to the organization and say this money is for Pt. Joe Smith's family's request. The local chapter collects the initial money and submits it to the program. Chairman Donovan questioned what would happen when the program starts off and is two months old and 500 plates have been sold but the requests for money start coming in long before you have much funding in the program. What do they do, wait? Ward said he imagines at that point it would be up to the disbursement board whether they want to keep the money for next years or send it to a Kansas family located in Fort Benning. Chairman Donovan asked how many states they have up and running with the license plates. Ward said none at this time, there are twelve states in which they are in the process of having it done. The idea is to have as many plates on the road as quickly as possible to help these family. The idea is to have plates in all 50 states.

Chairman Donovan said the people on the committee he has talked to regarding the bill have voice concern that the bill came so late in the session. They feel a little rushed. There are still a lot of questions.

Chairman Donovan asked the committee if anyone felt the need to make a motion on the bill. There were no motions.

The meeting adjourned at 9:26 a.m.

Minutes were sent around for corrections before considered approved on March 31st. No corrections were made.

**SENATE TRANSPORTATION COMMITTEE
GUEST LIST**

DATE: March 21, 2006

NAME	REPRESENTING
Ward Cook	Support Our Troops, Inc.
LARRY R BAER	CKM
CAROL AUDETT	KDOR
DIANE ALBERT	KDOR
MARCY RALSTON	KDOR
Ken Gudenkent	KDOT



K A N S A S

JOAN WAGNON, SECRETARY

DEPARTMENT OF REVENUE
DIVISION OF VEHICLES

KATHLEEN SEBELIUS, GOVERNOR

TO: Chairman Les Donovan
Members of the Senate Transportation Committee

FROM: Marcy Ralston, Chief, Driver Control Bureau
Division of Vehicles

DATE: March 21, 2006

SUBJECT: House Bill 2513– Electronic Submission

Thank you Mr. Chairman and Committee Members. My name is Marcy Ralston, and I serve as the Chief of the Driver Control Bureau, Division of Vehicles, Department of Revenue. Thank you for the opportunity to speak on behalf of this bill.

For over ten years, The Division of Motor Vehicles has offered the district and municipal courts the option to submit convictions in an electronic format. During this time, only a handful of courts chose to submit their convictions in this manner until a few years ago when the Office of Judicial Administration brought on-line 103 county courts. While we appreciate the additional electronic submissions, this represents about one-third of the total convictions received by the Division. The remaining convictions continue to be submitted by paper and manually processed. Suspensions and reinstatements for persons failing to comply with their traffic citations produce the highest volume of suspensions administered by the Division. In 2001 we made available to the courts the option to submit these actions electronically. As of this date, only three courts submit their suspensions and reinstatements electronically.

This bill is not intended to punish or penalize the courts. For quite some time, the division has actively encouraged the courts to seriously consider electronic submission and to speak with their judges or city councils if needed. The main drive behind this bill is another bill introduced this session, Senate Bill 371, which concerns commercial driver's licenses and will bring Kansas into compliance with the federal Motor Carrier Safety Improvement Act. By the year 2008, Kansas must be in compliance with notification of convictions for commercial licensed drivers or for offenses committed in a commercial motor vehicle, within ten days from conviction date. If we continue with submission of convictions and suspensions/reinstatements by paper, we will not be able to comply with this requirement and it will result in the loss of federal highway funds to the State.

DOCKING STATE OFFICE BUILDING, 915 SW HARRISON ST., TOPEKA, KS 66612-1588
Voice 785-296-3601 Fax 785-291-3755 <http://www.ksreve>

Senate Transportation Committee
March 21, 2006
Attachment 1

The Division of Vehicles considers the courts our partners in administering the state's traffic laws. Many courts only have single clerk to handle all court business and we realize they may not have an IT department or staff to convert their processes from paper to electronic. The Division is more than willing to provide whatever support and assistance we can in their efforts.

In addition, we respectfully request the committee to amend the effective date of the bill to July 1, 2007, to provide the courts with time to comply.

Thank you for your consideration of this bill and I stand for any questions.

MEMORANDUM

To: Mr. Duane Goossen, Director
Division of Budget

From: Kansas Department of Revenue

Date: 03/17/2006

Subject: House Bill 2513
Substitute by House Committee

Brief of Bill

Substitute for House Bill 2513, as introduced, amends K.S.A. 8-2115 and K.S.A. 2005 Supp. 8-2110 relating to traffic cases and requiring municipal and district courts to electronically notify the Division of Vehicles regarding failure to comply with traffic citations and abstracts of conviction. The text of this bill was previously contained in House Bill 2780, introduced earlier this session.

The effective date of this bill would be July 1, 2006.

Fiscal Impact

Passage of this bill would not affect State Highway Fund revenues.

Administrative Impact

The Department's IS bureau estimates that approximately 9 weeks of in-house APA programming time would be required to modify the Kansas Drivers License System (KDLS) in accordance with the provisions of this bill.

Administrative Problems and Comments

This is a KDOR sponsored amendment. The intent of this bill is to get the State of Kansas into compliance with certain federal requirements of the Federal Motor Carrier Safety Administration with regard to commercial drivers licenses (CDLs). Failure to enact this legislation would put in jeopardy a percentage of the \$200 million in Interstate Highway Construction Funds that Kansas gets annually. In the first year of non-compliance, 5% of the \$200 million, or \$10 million could be lost; in the second year of non-compliance the percentage goes up to 10% of the roughly \$200 million or \$20 million.

Taxpayer/Customer Impact

Legal Impact

Substitute for House Bill 2513 amends K.S.A. 8-2110 and 8-2115 to require courts to communicate electronically with the Division of Vehicles regarding the failure to comply with traffic citations and abstracts of conviction. The amendments are intended to comply with federal requirements and to expedite the handling of those matters. There is no legal impediment to this legislation.

Approved By:

A handwritten signature in black ink that reads "Joan Wagnon". The signature is written in a cursive style with a large, looping initial "J".

Joan Wagnon
Secretary of Revenue



League of Kansas Municipalities

Date: March 21, 2006
To: Senate Transportation Committee
From: Larry R. Baer
Assistant General Counsel
Re: Sub H B 2513 – Neutral with Concerns

Thank you for allowing me to present testimony on behalf of the League of Kansas Municipalities and its member cities. The League appears neutral but with concerns on Sub HB 2513.

Sub HB 2513 would mandate the electronic filing of certain information with the department of vehicles by courts, including municipal courts. The request is made without regard to whether the court has the technological capability to do so and without a phase-in procedure.

There are 627 cities in the State of Kansas. Of those more than 60% have a municipal court. Very many of these, particularly those in smaller cities, have non-lawyer judges. In the small municipal courts the judge may also perform the duties of the court clerk. The League is concerned that Sub HB 2513 would impose reporting requirements upon the small courts that neither the court personnel nor the cities are presently prepared to handle either because of staffing or technological limitations.

The League asks that the committee give consideration to these concerns when it discusses this matter. We would also ask, should Sub HB 2513 become law, that the division of vehicles give consideration to these concerns including a willingness to allow a phase in of the reporting much in the way that the Department of Revenue worked with businesses in the implementing of destination based sourcing for sales tax collection.

Thank you for allowing me to present the concerns of the League of Municipalities on Sub HB 2513.

I will stand for questions should the committee have any.



Support Our Troops, Inc. Testimony
Presented to the Senate Transportation Committee
Tuesday, March 21, 2006

Mr. Chairman, members of the committee, my name is Ward Cook, I am a registered lobbyist for Support Our Troops, Inc. I am going to give you a brief overview of what we are asking you to consider today.

House Bill 2746 would allow for a special license plate to be sold by our local chapter for \$35. The money collected would then be designated as Kansas funds and earmarked for certain families by a local disbursement board which would be made up of representatives of each of our branches of service including the National Guard.

Support Our Troops, Inc., a 501(c) (3), national organization, formed to provide more money for the families of those who have died in combat or been severely injured. Support Our Troops, Inc. would work as a conduit for these funds. These funds will be submitted to existing organizations that these families are familiar with and already apply to for assistance. Our intention is not to create more bureaucracy, but simply another mechanism to raise money for these families that need and deserve our help. Support Our Troops, Inc. has virtually no overhead. Most of the staff is volunteers and much of the fundraising is done over the internet.

Support Our Troops, Inc. also sells other merchandise that nationwide such as t-shirts, bumper stickers, magnets for cars, etc. Our goal is to return 80% of the money raised to the families who need it the most. The 20% would be spent on advertisements and what little overhead we do have. That would be better than the 60% the Red Cross returns or most other national non profit organizations.

SUPPORT OUR TROOPS, INC.

POTENTIAL KANSAS PLATE DESIGNS



4 Pantone colors



4 Pantone colors

They Support Us -- Let's Support Them!



Support Our Troops, Inc.

Disbursement Priorities Policy – 9-20-05

ADOPTED BY BOARD OF DIRECTOR 9-20-2005

Methodology

For a wide variety of reasons it is SOT's preference not to make direct distributions to individual recipients. SOT prefers to function as a revenue-generating organization. SOT plans to distribute money through existing entities which provide assistance to members of the military and their families, coupled with a set of disbursement priorities. This is similar to a grant or scholarship program in which money is disbursed in blocks to qualified entities with certain parameters for further administration and disbursement.

Guiding Principal

SOT is trying to meet the worst needs first based on the Western principal of women and children first.

States

Funds generated from plate sales within a state will as a general rule be allocated first to the needs within that state. Some states periodically have larger proportionate soldier casualties than others and not enough revenue generated from within that state to bolster the families left behind; in such instances money will be shuttled among states to assure that soldier families are properly assisted regardless which state they come from since they are defending us all and they move around. Revenues from other sources (clothing, bumper sticker, fundraisers, concerts, donations, etc.) will generally always follow the soldier's families need regardless of state boundary.

Recipient Classes, Ranked by Priority of Funds

1. Families of soldiers who are killed or injured (to where they cannot provide for their family)
 - a. Families with kids, then
 - b. Spouse where no kids, then
2. Soldiers who are injured, then
3. Families of people serving, not killed or injured, but who need financial help.

Needs to be ranked

- Disbursements for non-economic losses such as pain and suffering are not contemplated or permitted.
- College based on age. Some are 17 years old and need it in a year. Others are only 10.



Support Our Troops, Inc.

Disbursement Methodology Policy

ADOPTED BY BOARD OF DIRECTORS 9-20-2005

Background

For a wide variety of reasons it is SOT's preference not to make direct distributions to individual recipients. SOT prefers to function as a revenue-generating organization. SOT plans to distribute money through existing entities which provide assistance to members of the military and their families, coupled with a set of disbursement priorities. This is similar to a grant or scholarship program in which money is disbursed in blocks to qualified entities with certain parameters for further administration and disbursement.

Guiding Principal

SOT is trying to meet the worst needs first based on the Western principal of women and children first.

Class 1 and 2 Recipients

Class 1 (families of soldiers who are killed or injured (to where they cannot provide for their family) and Class 2 (soldiers who are injured) are covered in this Section.

To date, SOT has identified the following entities through which SOT can make disbursement for further disbursement to ultimate beneficiaries (others will be added over time):

- State National Guard Assistance Funds and Relief Funds
- State National Guard Family Readiness
- HomesForOurTroops.org -- 501c3
- Special Operations Warrior Foundation -- 501c3
- Injured Marine Semper Fi Fund -- 501c3
- Survivors and Dependents Educational Assistance Program -- VA administered
- CIA Officers Memorial Fund -- 501c3
- Marine Corps Scholarship Foundation, Inc. -- 501c3
- Dependents Educational Assistance Program -- VA administered
- National Military Family Association -- 501c3
- Tragedy Assistance Program for Survivors
- Army Emergency Relief -- Official Entity of US Army
- Navy-Marine Relief Society -- Official Entity of US Navy and Marines
- Air Force Aid Society -- Official Entity of US Air Force
- Coast Guard Mutual Assistance -- 501c3
- Intrepid Museum Foundation/Intrepid Family Support Fund -- 501c3

Class 3 Recipients

Class 3 (families and soldiers presently serving, not killed or injured, but who need financial help) are covered in this section. Funds will be made available for Class 3 purposes after the needs of Class 1 and Class 2 (soldiers who are injured) have been met.

Support Our Troops, Inc.

Policy – Disbursement Methodology 9-20-05

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Support Our Troops, Inc.

Disbursement Methodology Policy

ADOPTED BY BOARD OF DIRECTORS 9-20-2005

To date SOT has identified the following entities to which SOT will make block distributions for further distribution to Class 3 individuals:

The Air Force Aid Society (AFAS). The Air Force Aid Society (AFAS) is the official charity of the United States Air Force. Founded in 1942, AFAS is a private non-profit organization whose mission is to help relieve financial distress of Air Force members and their families and assist them in financing their higher education goals. Most AFAS interest-free loans and grants are for short term or one-time emergencies such as food, rent and utilities, car repairs, and emergency travel requirements. Each case, regardless of the request, is treated individually, and the Society will review all requests for assistance and try to help if the local commander recommends help and if the assistance falls within the general thrust of the AFAS charter. The Society is always examining ways to be more responsive to the Air Force community.

The Armed Services YMCA. The Armed Forces YMCA is a separate organization from the civilian YMCA and is dedicated to serving only military personnel. Operating from more than 60 program locations and 24 branches and affiliates at most major military installations in the United States, a service member can benefit from a wide variety of services that range from recreational events and sports teams to family help in housing and educational programs. They take care of young service members away from home for the first time during Christmas and Thanksgiving Holidays. The organization has been helping military members since before the Civil War, volunteers having gone to the battlefield with the U.S. military from the Civil War to the present.

Army Emergency Relief. The Army Emergency Relief is a private nonprofit organization founded in 1942 by the Secretary of War and the Army Chief of Staff to help soldiers and their dependents deal with financial crisis. Funded by contributions and fees from the repayment of loans as well as investments, Army Emergency Relief is well suited to helping soldiers deal with financial needs in critical times regarding rent, utilities, medical expenses, and the like.

Navy-Marine Corps Relief Society. The Society was founded in 1904. There are over 180 offices ashore and afloat to help in time of need. The Society provides assistance with basic living expenses such as food, rent, utilities, assistance with emergency transportation, funerals, medical and dental bills, essential car repair, pay problems, and other emergency needs.

Support Our Troops, Inc.

Policy – Disbursement Methodology 9-20-05

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