

Approved: April 28, 1994  
Date

## MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Chairman Lana Oleen at 3:50 p.m. on April 1, 1994 in Room 254-E of the Capitol.

All members were present except:  
Sens. Hensley, Praeger and Walker were excused

Committee staff present: Mary Galligan, Legislative Research Department  
Jeanne Eudaley, Committee Secretary

Conferees appearing before the committee:  
See attached agenda

Others attending: See attached list

Sen. Oleen referred to SB 631, concerning alcoholic beverages, relating to offenses by minors, and explained the bill had problems in the House due to House amendments, and it was reported unfavorably. She referred to HB 2824, relating to reciprocal agreements between class A and B clubs and asked Mary Galligan to brief the committee on the bill. Sen. Oleen clarified a question Sen. Gooch had and stated the clubs would have to file an agreement with the Alcoholic Beverage Control to be able to be reciprocal with another club. After discussion, Sen. Parkinson made a motion SB 631, as amended, be amended into HB 2824, and the motion was seconded by Sen. Ramirez; the motion passed. Sen. Vidricksen made a motion the bill be passed favorably, and it was seconded by Sen. Jones; the motion passed.

Sen. Oleen asked the committee to look at HB 2676, relating to public access to meeting, and called attention to a letter (Attachment 1) from Rep. Doug Lawrence, sponsor of the bill. After discussion of the bill and request for interim study by its sponsor, Sen. Parkinson made a motion that HB 2676 be referred for interim study. The motion was seconded by Sen. Vidricksen, and the motion passed

Sen. Oleen referred to HCR 5031, requesting the Attorney General to commence action to obtain information about Kansas POW/MIAs, and referred to letters (Attachment 2) containing information regarding legislation in other states. Sen. Oleen referred to the hearing for this Resolution and stated testimony indicated the State of Michigan would take the lead, then dropped out; but that other states have passed legislation containing a qualifier requiring participation by two-thirds of the states, or 33 states. She stated the Resolution would have to be amended, if the committee wished to add the qualifier; she also stated that would eliminate the substantial fiscal note accompanying the Resolution. Sen. Ramirez asked if the Resolution could be considered during the Veto session, which would allow more time to gather information from other states. Sen. Oleen answered that is possible, since this is an exempt committee. She requested committee members look over information on the Resolution, which has been distributed to them today.

Sen. Oleen announced Ron Hein has requested a proposal (Attachment 3), relating to alternative fuels, for interim study only. Mr. Hein explained the proposal to the committee. Sen. Vidricksen made a motion the committee introduce the proposal for interim study, and it was seconded by Sen. Parkinson; the motion passed.

Sen. Oleen announced Sen. Praeger also has a proposal relating to an interim study for alcohol legislation, but she is in a conference committee and would make the request for action at a later date.

Sen. Oleen referred to Minutes for the following meetings:

February 18, 25 and 28  
March 2, 8 and 9

Sen. Ramirez made a motion to approve the Minutes, and the motion was seconded by Sen. Papay; the Minutes were approved.

Sen. Oleen stated the House has concurred on the parimutuel bills approved by this committee; also, HB 3055, relating to emergency preparedness, is in conference committee. She stated SB 509, relating to confirmations, disappeared in the House, and stated the hope is to amend it into another bill.

Meeting adjourned at 4:10.

## GUEST LIST

COMMITTEE: Senate Federal & State Affairs

DATE: April 1, 1994

[illegible]

Attach. 1

MAR 22 1994

STATE OF KANSAS

**Doug Lawrence**  
STATE REPRESENTATIVE  
902 MIAMI  
BURLINGTON, KS 66839



TOPEKA  
HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER: AGRICULTURE AND SMALL BUSINESS  
ENERGY AND NATURAL  
RESOURCES  
TRANSPORTATION

Tuesday, March 22, 1994

Lana Oleen  
State Senator  
State Capitol  
Topeka, Ks 66601

Dear Senator Oleen:

Thank you for your interest in HB 2676. I am pleased the bill was referred to your committee for consideration. At this time, I would ask you to defer hearings and action on this bill for this session. Embodied in this bill are significant changes in the State's Open Meetings Law. I support those changes, but realize that there may be questions about which organizations would be affected by the modifications. In addition, there has been considerable discussion about the general application of the law.

I do not believe we should make substantive changes in the law without a full and complete opportunity for discussion and consideration. I believe the process by which we change the Kansas Open Meetings law should be a model for open government in general. There should be full discussion of all aspects of the law. Because the major amendments included in this bill were added as floor amendments on a related bill, some could say that the opportunity for full discussion may have been bypassed in the House. In addition, in an effort to make the language easier to understand and support on the floor, I proposed language which was somewhat weaker than I really believe should be considered. I think this issues deserves more time than it will get at this late hour in the legislative session.

After hearing of Senate President Bud Burke's suggestion that an interim study would be an appropriate method of dealing with this issue, I must say, I agree. I have spoken with both Senator Burke, and House Speaker Miller regarding this matter and find both agree that an interim would be appropriate. I will be formally requesting such an interim study.

In light of that approach, I have started an effort to further define the Open Meetings Law in Kansas. This week, I am submitting formal Attorney General's Opinion requests regarding several quasi public bodies which enter into the fuzzy area of the existing law. I believe these opinion requests will help in the interim study to outline which organizations must comply with the law, and which do not.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doug Lawrence", with a long, sweeping underline.

*Senate Fed + State*  
*April 1, 1994*  
*Attachment 1*



DEPARTMENT OF KANSAS  
VETERANS OF FOREIGN WARS  
OF THE UNITED STATES  
POW/MIA COMMITTEE



Senator Lana Olean, Chairman  
Committee on Federal & State Affairs  
Room 136-N, State Capitol  
Topeka, KS 66612

9109 Nieman Rd., #4  
Overland Park, KS 66214  
March 29, 1994

Dear Senator Olean and members of the Committee,

Thank you again for your concern and courage on behalf of Kansas servicemen who are yet unaccounted for as a result of their wars, as Prisoners-of-War, or Missing-In-Action. The resolution you are now considering, HCR.5031, is not only an aggressive statement by the Kansas legislature to keep the heart of the POW/MIA issue in public view, but also reflects the commitment of the citizens you represent that the only way to finally resolve this issue is to attain the truth. The truth has always been elusive; it is now in danger of being lost.

We realize that your main concern is the anticipated cost of implementing HCR.5031. The Kansas Attorney General speculates that a few million dollars may be necessary for this purpose. However, we, along with others who are instrumental in preparing this resolution, believe this not to be the case. Aside from basic administrative costs, Kansas will not be required to expend funds for many of the items mentioned by the Atty. Gen. Much of the apparatus necessary for research, expert testimony, and legal representation is already in place, and has been for years. The experts are the POW/MIA Families, who have been operating out-of-pocket and are (unfortunately) accustomed to doing so. The Veterans organizations who will be involved will gladly do so with their own budgets, at no cost to the state. On-going research will not be a burden to the state; for example, Mr. Roger Hall, a professional archivist, is currently donating his time and great effort to this cause. Former government officials and intelligence personnel, whose only goal is to come forward and uncover the truth, have been actively involved at their own expense or with the backing of family organizations such as the National Alliance of POW/MIA Families. There are many legal experts who for years have worked within the POW/MIA community at their own expense, either donated or out-of-pocket, and are prepared to vigorously pursue this action. The State of Kansas need not be overly concerned about providing these aspects, except for the avenue for implementation in passing HCR.5031.

Any costs incurred in the above matters will be minimal, and in any event will be shared by the number of states involved. We have recommended that your Committee revise the resolution to indicate that at least 25 states, including Kansas, pass this resolution before Kansas takes an active role: we believe this is a fair and realistic stance on HCR.5031. On the other hand, the moral cost of abandoning this opportunity cannot be measured.

Nationwide, this action was first implemented by the State of Michigan, who now may or may not take the lead in filing the suit. If they do not, then the State of Alabama, who has recently passed their resolution, will do so. New York has also expressed its willingness to assume the lead role. There are at this time at least thirty-six states who have either passed their resolution or are on the verge of doing so. Kansas will not be required to "take the lead", but will be invaluable as a part of the entire movement. The importance of your action regarding HCR.5031 cannot be overstated.

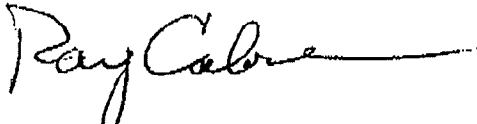
*Senate Fed + State*  
*April 1, 1994*  
*Attachment 2*

X

The accompanying enclosures, along with other information and documents provided to you in recent weeks, will underscore the importance of HCR.5031. The fact is that the information we seek certainly exists in the agencies of the U.S. Government, but has not been made available to the POW/MIA Families or the the American public for reasons that have yet to be disclosed. We as Kansans have a moral responsibility on behalf of our missing servicemen to pursue any avenue available to uncover the truth. To date, HCR. 5031 is our best and most optimistic opportunity.

Thank you for your involvement, and for voting favorable on HCR.5031.

Sincerely,



RAY CALORE  
Chairman

CHARLEY SHOEMAKER, Commander  
Kansas Veterans of Foreign Wars

(913) 492-6131

- ENCLOSURES

X

30 March 1994

Senator Lana Oleen, Chairman  
Committee of Federal & State Affairs  
State Capitol Bldg., Room 136 North  
Topeka, KS 66612

Dear Senator Oleen:

On behalf of the members of Project Quest POW/MIA Association of Wichita, Kansas, I am writing to you regarding House Concurrent Resolution 5031 asking that the Attorney General of Kansas, through the Supreme Court, request information on the Prisoner of war and Missing in action from Southeast Asia.

Senator, this resolution needs to be passed in the state of Kansas for one purpose and one purpose only. The federal government is not taking responsibility for their actions at having left men behind at the end of the Vietnam conflict so it must be a duty of each state to act upon the human rights of it's people...the right to "life, liberty and the pursuit of happiness". Our POWs lost that right when they ended up in enemy hands and much evidence has come out of Washington proving they were not only left behind but that our government knew it. THIS IS NOT A "MONETARY" ISSUE...THIS IS A HUMAN AND MORAL ISSUE! The MIA family members, veterans and POW/MIA activists of Kansas are not asking Kansas to take a lead in providing the majority of the cost above other states. We are asking that the state of Kansas pass this resolution, and stand along side the other states, so that we can get an accounting of those Americans who were "known to be held alive" and to get the truthful answers as to what befell them.

We have let these men be written off as "that's what happens in wars" when, in fact, this has become a policy of the U.S. government. This policy must be stopped before our children and grandchildren suffer the same fate as those in previous wars. Declassified "evidence" has proven that some were still alive as late as 1989 and more and more evidence is leaking out that some still remain in captivity in Vietnam, Laos, Russia, Korea and China. Already we are seeing the results of President Clinton's lifting the embargo on Vietnam. China not only refused to discuss the human rights issue but flaunted it in our faces! North Korea is following in their footsteps.

With the ability of satellite photos, some of which are showing pilot distress codes in rice paddies today, it is

within the power of our government to know that Americans still exist in Southeast Asia. Our government refuses to follow through on live siting reports in areas not listed as crash sites or known prison systems. They continue to keep files classified because of "national security". There is no "national security" problem in these files after 20 years of gathering dust. If we have the capability to use satellite photos to find criminals in murder cases right here in the state of Kansas, and to have used the same in watching Iraq and others, we have the knowledge and capability to know where Americans are being held!

Each year the American people are becoming more and more cynical regarding politicians and those we put into office to uphold our rights and our Constitution. Each year we are seeing more and more of those Constitutional rights being taken away from us by those we have employed to speak for us. Attorney General Bob Steffan has been employed by the people of Kansas to uphold our rights and those rights were taken from the MIA families and their loved ones. The time is now for our state to stand strong on it's convictions and morals and demand that our federal government do the same. It is time we stopped this injustice to our fighting men and women and give them back the confidence that when they go to a foreign land in time of conflict - or as "peacekeepers"...they will come home. NOT FOR A PRICE BUT BECAUSE THEY ARE AMERICANS.

It would be greatly appreciated if you would extend our organizations words on to the others who sit on this committee. This is a "moral" issue and not one of money. The state of Kansas has wasted money in other areas of much lesser value and thought nothing of it. Your committee must sit in judgement of what is "morally" right and get it corrected.

Sincerely,



Brenda G. Kahmeyer  
PROJECT QUEST POW/MIA ASSOC.  
501 Spring Creek Dr.  
Derby, KS 67037

Attach. 3  
3 RS 2579  
R. Hein  
Inteod.

BILL NO. \_\_\_\_\_

By

AN ACT relating to motor vehicle fuels; concerning alternative fuels; establishing certain programs; providing certain tax credits.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) The following percentages of new light duty motor vehicles acquired annually for the state fleet, including agencies thereof, shall be alternative fueled vehicles:

- (1) 10% of the motor vehicles acquired in model year 1996;
- (2) 15% of the motor vehicles acquired in model year 1997;
- (3) 25% of the motor vehicles acquired in model year 1998;
- (4) 50% of the motor vehicles acquired in model year 1999;
- (5) 75% of the motor vehicles acquired in model year 2000.

(b) As used in this section:

(1) "Light duty motor vehicle" means a light duty truck or light duty vehicle, as such terms are defined under section 216(7) of the clean air act (42 U.S.C. 7550(7)), and equal to or less than 8,500 pounds gross vehicle weight rating.

(2) "Fleet" means a group of 20 or more light duty motor vehicles, used primarily in a metropolitan statistical area or consolidated metropolitan statistical area, as established by the bureau of the census, with a 1980 population of more than 120,000, that are centrally fueled or capable of being centrally fueled and are owned, operated, leased or otherwise controlled by a governmental entity or other person who owns, operates, leases, or otherwise controls 50 or more such vehicles, by any person who controls such person, by any person controlled by such person, and by any person under common control with such person, except that such term does not include:

- (A) Law enforcement motor vehicles;
- (B) emergency motor vehicles;

Senate Fed. State  
April 1, 1994  
Attachment 3



(C) nonroad vehicles, including farm and construction motor vehicles; or

(D) motor vehicles which under normal operations are garaged at persons residences at night.

Sec. 2. As used in sections 2 through 5:

(a) "Secretary" means the secretary of the department of administration;

(b) "alternative fuel" means any fuel defined as an alternative fuel by section 301(2) of the energy policy act of 1992;

(c) "alternative fuel vehicle" means a vehicle that operates on an alternative fuel and that meets or exceeds the clean fuel vehicle standards in the federal clean air act amendments of 1990, Title II;

(d) "government agency" means an agency of the state, a county, a city, a school district, or other governmental unit, including a public transit agency;

(e) "government fleet" means a fleet of 10 or more motor vehicles owned and operated by the state, a county, a city, a school district, or other governmental units, including public transit agencies;

(f) "fueling station" means the property which is directly related to the delivery of compressed natural gas, liquified natural gas, liquified petroleum gas, methanol, or "M-85" which is a mixture of methanol and gasoline containing at least 85% methanol into the fuel tank of a motor vehicle propelled by such fuel including the compression equipment and storage vessels for such fuel at the point where such fuel is delivered.

Sec. 3. (a) There is hereby established the alternative fuels loan program for the purpose of making loans to government agencies who own and operate motor vehicles to assist them to do the following:

(1) Purchase new motor vehicles designed to operate on alternative fuels;

(2) convert existing motor vehicles which operate on

gasoline and diesel fuel to operate on alternative fuels; or

(3) construct motor vehicle fueling facilities to serve alternative fuel vehicles.

(b) The alternative fuels loan program shall be administered by the secretary. The secretary shall administer this program to encourage government agency fleet operators and private sector motor vehicle operators to convert their fleets and vehicles to use alternative fuels. The secretary shall promulgate rules and regulations establishing procedures, criteria and conditions for making loans from these funds and such other rules and regulations as are necessary to operate the alternative fuels loan program.

Sec. 4. (a) There is hereby established the Kansas alternative fuels government fleet loan fund in the state treasury. All moneys in the Kansas alternative fuels government fleet loan fund shall be used for loans in accordance with section 5 and the provisions of appropriations acts. Such fund shall consist of:

(1) Amounts appropriated by the legislature for the purposes of such fund;

(2) amounts of repayments made by government agencies of loans received under sections 2 through 5, together with payments of interest thereon, in accordance with agreements entered into by such government agencies and the secretary; and

(3) amounts contributed or otherwise made available by any public or private entity for use in effectuating the purposes of such fund.

(b) All moneys received as principal and interest payments under loan agreements entered into pursuant to section 5 shall be remitted to the state treasurer at least monthly. Upon the receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the Kansas alternative fuels government fleet loan fund.

(c) All expenditures from the Kansas alternative fuels

government fleet loan fund shall be made in accordance with sections 2 through 5 and the provisions of appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary.

Sec. 5. (a) In accordance with the provisions of this section, the secretary is hereby authorized to enter into loan agreements with government agencies for the purposes stated in section 3 and to loan moneys in the Kansas alternative fuels government fleet loan fund in accordance with such agreements.

(b) Loans made from the Kansas alternative fuels government fleet loan fund may be for the following amounts:

(1) (A) A maximum of \$2,000 per vehicle for vehicles having a gross vehicle weight of 10,000 lbs. or less; (B) a maximum of \$5,000 per vehicle for vehicles having a gross weight of more than 10,000 lbs. but not less than 26,000 lbs.; and (C) a maximum of \$50,000 for vehicles having a gross vehicle weight of 26,000 lbs. or more for the incremental cost of purchasing a new alternative fuel vehicle. "Incremental cost" means the cost that results from subtracting the manufacturer's list price of the vehicle operating on conventional gasoline or diesel fuel from the manufacturer's list price of the same model vehicle designed to operate on an alternate fuel;

(2) (A) a maximum of \$2,000 per vehicle for vehicles having a gross vehicle weight of 10,000 lbs. or less; (B) a maximum of \$5,000 per vehicle for vehicles having a gross weight of more than 10,000 lbs. but not less than 26,000 lbs.; and (C) a maximum of \$50,000 for vehicles having a gross vehicle weight of 26,000 lbs. or more for the conversion of a new or used vehicle designed to operate on conventional gasoline or diesel fuel to operate on an alternative fuel;

(3) a maximum of \$100,000 for the construction of alternative fuel fueling stations;

(4) no government agency shall be entitled to receive more than \$100,000 in loans for new alternative fuel vehicle purchases

or vehicle conversions in any fiscal year, nor shall any government agency be entitled to receive more than \$100,000 in loans for construction of alternative fuel fueling stations in any fiscal year.

(c) Government agencies receiving loans from the Kansas alternative fuels government fleet loan fund shall:

(1) Agree to use the alternative fuel for which any alternative fuel vehicle is purchased or converted using loan proceeds;

(2) agree to notify the secretary in writing if a vehicle converted using loan proceeds becomes inoperable through mechanical failure or accident and to pursue a remedy outlined in rules and regulations;

(3) provide reasonable data requested by the secretary on the performance of alternative fuel vehicles purchased or converted with loan proceeds;

(4) submit alternative fuel vehicles purchased or converted with loan proceeds to reasonable inspections by the secretary as required by rules and regulations; and

(5) make alternative fuel fueling stations constructed with loan proceeds available to other government alternative fuel fleets and, within the capacity of the fueling facility, to public alternative fuel vehicle operators.

(d) Each loan agreement entered into under this section shall fix the terms of repayment and shall provide for interest payable on the loan. Such interest may be at fixed or variable rates. Such terms of repayment shall be fixed to require a loan repayment schedule not to exceed four years. When developing repayment schedules for loans, the secretary shall consider the projected savings to the government agency resulting from the use of an alternative fuel.

(e) The secretary shall develop uniform application forms to be used for all loans.

(f) The secretary shall evaluate the plans developed by the applicant government agency for converting its fleet to operate

on alternative fuels, and shall give preference in making loans to those government agencies which are prepared to make substantial investments of their own funds in converting their fleets to operate on alternative fuels and which are prepared to work cooperatively with the state, other government agencies and private sector persons in developing an alternative fuels fueling infrastructure in the state.

(g) The secretary may utilize the collection procedures provided in K.S.A. 75-6201 et seq., and amendments thereto, to collect delinquent loan payments by deducting the delinquent amount from payments from state agencies to the government agency that is delinquent in its loan repayment.

(h) The secretary is authorized to adopt rules and regulations the secretary deems necessary for the proper administration of sections 2 through 5.

(i) The total amount of state moneys available for such loan program shall not exceed at any time the sum of \$1,000,000.

Sec. 6. (a) Any taxpayer who makes expenditures for qualified alternative fuel motor vehicle property shall be allowed a credit against the income tax imposed by article 32 of chapter 79 of the Kansas Statutes Annotated, as follows:

(1) For qualified alternative fuel motor vehicle property placed in service on January 1, 1994, and before January 1, 1998, an amount equal to 25% of the total amount expended for such qualified alternative fuel motor vehicle property but not to exceed \$750;

(2) for qualified alternative fuel motor vehicle property placed in service on or after January 1, 1998, an amount equal to 20% of the total amount expended for such qualified alternative fuel motor vehicle property, but not to exceed \$600;

(3) in cases where no credit has been claimed pursuant to paragraphs (1) or (2) and in which a motor vehicle is purchased by a taxpayer with qualified alternative fuel motor vehicle property installed by the manufacturer of such motor vehicle and the taxpayer is unable or elects not to determine the exact basis

which is attributable to such property, the taxpayer shall be allowed a credit in an amount not exceeding the lesser of 5% of the cost of the motor vehicle or \$750. The credit under this paragraph shall be allowed only to the first individual to take title to such motor vehicle, other than for resale.

(b) Such tax credit, under subsection (a) shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the third taxable year succeeding the taxable year in which the expenditures are made.

(c) As used in this section:

(1) "Qualified alternative fuel motor vehicle property" means:

(A) Equipment installed to modify a motor vehicle which is propelled by gasoline or diesel so that the vehicle may be propelled by an alternative fuel;

(B) a motor vehicle originally equipped to be propelled only by an alternative fuel, but only to the extent of the portion of the basis of such motor vehicle which is attributable to the storage of such fuel, the delivery to the engine of such motor vehicle of such fuel and the exhaust of gases from combustion of such fuel; or

(C) property which is directly related to the delivery of an alternative fuel into the fuel tank of a motor vehicle propelled by such fuel including compression equipment and storage tanks for such fuel at the point where such fuel is so delivered but only such property is not used to deliver such fuel into any other type of storage tank or receptacle and such fuel is not used for any purpose other than to propel a motor vehicle; and

(2) "alternative fuel" means any fuel defined as an alternative fuel by section 301(2) of the energy policy act of 1992.

(d) The provisions of this act shall apply to all taxable years commencing after December 31, 1993.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.