

Approved: January 31, 1994
Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Chairperson Ben Vidricksen at 9:00 a.m. on January 27, 1994 in Room 254-E of the Capitol.

All members were present except: Senator Rock - Excused

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:

Brian Moline - Kansas Corporation Commission
Don Schnacke - Kansas Independent Oil and Gas Association

Others attending: See attached list

SB 495 - Public Utilities; Concerning the disposition of certain penalty amounts;

The staff briefed the Committee on the bill explaining that its purpose was to direct where the funds are to be deposited.

Brian Moline discussed the background of the bill and pointed out that in some instances the KCC has to fine and invoke sanctions against a motor carrier. These fines are now remitted to the county treasurer and the counties may use the funds as they deem appropriate. This has caused some confusion among the County Treasurers so a change is proposed to have the fines remitted to the State Treasurer who would credit the money to the public service regulation fund or the motor carrier license fee fund. (Attachment 1)

A Fiscal Note on the bill was distributed. (Attachment 2)

Don Schnacke inquired about a similar provision for the oil and gas association. Brian Moline said he would look into it and the Chairman stated that he would hold the bill.

The Chairman called for a motion to kill **SB 1, SB 115** and **SB 164**. A motion was made by Senator Brady to report SB 1, SB 115 and SB 164 adversely. A second was made by Senator Harris. Motion carried.

A motion to approve the minutes of the January 25 and January 26 meetings was made by Senator Emert and seconded by Senator Tiahrt. Motion carried.

The meeting was then adjourned by the Chairman.

The next meeting is scheduled for January 31, 1994.

GUEST LIST

SENATE TRANSPORTATION COMMITTEE

DATE: JANUARY 27, 1994

[illegible]

STATEMENT OF THE
STATE CORPORATION COMMISSION

Presented to the Senate Committee on Transportation and Utilities
January 27, 1994

Senate Bill No. 495

Mr. Chairman and Members of the Committee:


My name is Brian Moline and I am the General Counsel for the State Corporation Commission. The Commission requested and supports this bill.

Background

The Corporation Commission pursuant to K.S.A. 66-1,111 et al regulates motor carriers operating on Kansas highways with reference to authority and public safety.

From time to time the Commission will initiate investigations which results in show-cause hearings against a motor carrier for violations of laws and regulations. These investigations can be time consuming involving the Commission and Kansas Highway Patrol staff. In many instances the Commission has ultimately fined and invoked sanctions against the motor carrier. The fines have ranged from \$100 to \$22,500 and are remitted to the county treasurer pursuant to the present law. The counties may use these funds as they deem appropriate. Often County Treasurers will call the KCC for an explanation of these remittances.

With the proposed change the fines would be remitted to the state treasurer who would credit the money to the public service regulation fund or the motor carrier license fee fund. Pursuant to K.S.A. 66-1,142 the state treasurer transfers to the state

ATTACHMENT 

SEN. TRAVS. 1/27/94

A-1

highway fund all unencumbered balances in excess of \$400,000 biannually.

Since the fines are for violations committed upon the state highways, it would seem logical that those dollars should be conserved for state use and allocated to implement state policies such as maintaining a safe highway system for the public.

CONCLUSION

At a time when state institutions, even fee funded agencies, face decreasing resources and increasing expectations, it would seem that state agencies have a responsibility to locate and highlight policies and programs that divert state funds to non-state activities and that policy makers seriously review the justification and continuation of such policies.

STATE OF KANSAS



DIVISION OF THE BUDGET

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Joan Finney
Governor

Gloria M. Timmer
Director

January 24, 1994

The Honorable Ben Vidricksen, Chairperson
Senate Committee on Transportation and Utilities
Statehouse, Room 143-N
Topeka, Kansas 66612

Dear Senator Vidricksen:

SUBJECT: Fiscal Note for SB 495 by Senate Committee on
Energy and Natural Resources

In accordance with KSA 75-3715a, the following fiscal note
concerning SB 495 is respectfully submitted to your committee.

SB 495 would direct revenues from fines levied against public
utilities, common carriers, or motor carriers to the state treasury
for deposit in the appropriate Kansas Corporation Commission fee
fund. Under current law, the revenues from these fines are
deposited in the treasury of the county where the violation
occurred or where the utility or carrier is located.

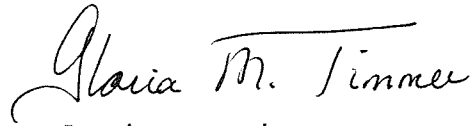
Estimated State Fiscal Impact				
	FY 1994 SGF	FY 1994 All Funds	FY 1995 SGF	FY 1995 All Funds
Revenue	--	--	--	\$14,333
Expenditure	--	--	--	--
FTE Pos.	--	--	--	--

The Kansas Corporation Commission estimates that it would see
an increase in revenues of between \$10,000 and \$40,000 annually if
SB 495 is passed. County governments collectively would experience
a corresponding reduction in revenue. The Commission reports that
fines generated approximately \$2,000 in revenue for the counties

The Honorable Ben Vidricksen, Chairperson
January 24, 1994
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during 1991, \$16,000 during 1992, and \$25,000 in 1993. The average of these three years is \$14,333.

Sincerely,

A handwritten signature in cursive script that reads "Gloria M. Timmer". The signature is written in dark ink and is positioned above the printed name and title.

Gloria M. Timmer
Director of the Budget

cc: Tom Day - Corporation Commission