

Approved: February 14, 2012

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(Date)

## MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairperson Dwayne Umbarger at 8:32 a.m. on Tuesday, February 7, 2012, in Room 152-S of the Capitol.

All members were present:

Committee staff present:

Daniel Yoza, Office of the Revisor of Statutes  
Jill Shelley, Kansas Legislative Research Department  
Laura Jurgensen, Kansas Legislative Research Department  
Jane Wentz, Committee Assistant

Conferees appearing before the Committee:

Senator Pat Apple, District 12, proponent  
Spencer Duncan, Kansas Association of Licensed Investigators, proponent  
Charles Willis, Integrity Investigators, Inc., proponent  
Senator Allen Schmidt, District 36, proponent  
Ed Klumpp, Kansas Association of Chiefs of Police, Kansas Sheriffs Association,  
and Kansas Peace Officers Association, opponent

Others appearing before the Committee:

Lindsey Douglas, Chief of Governmental Affairs, Kansas Department of  
Transportation  
Ashley Jones-Wisner, Local Initiatives Support Corporation

Others in attendance:

See attached list.

Hearing on:

**SB 335–Designating the junction of I-70 and US 183 as the CW2 Bryan J Nichols  
fallen veterans memorial interchange.**

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Senator Allen Schmidt, District 36, spoke in support of **SB 335** (Attachment 1). The Committee commended Senator Schmidt for his tribute to this young man who gave all for each of us. The funds for signage will be provided by private funding sources and the expected cost of this project is \$14,000. The amount will pay for the costs of two wooden signs located on US Highway 183, two metal signs located on I-70 near the interchange of US Highway 183, and fifty percent of the cost for Kansas Department of Transportation's (KDOT) future maintenance. The anticipated completion date is prior to May 20, 2012, as the Patriot Riders will be passing through Kansas on their way to Washington D.C. It was noted that costs for tribute signage are paid by private funding and that KDOT does not fund this type of recognition signage. The Chairperson asked that the Committee work this bill. *A motion was made by Senator Kultala to recommend **SB 335** favorably for passage. The motion was seconded by Senator Donovan, and the motion carried on a voice vote.* The Chairperson also requested Senator Allen Schmidt carry **SB 334** on the Senate floor.

### **SB 343–Window tinting exemption for private detectives**

At the request of the Chairperson, Daniel Yoza, Office of the Revisor of Statutes, provided a brief summary on **SB 343**. The bill would amend a statute regarding vehicle window tinting, to allow licensed private detectives to use vehicles with tinted windows. Senator Huntington inquired as to whether other states have statutes of this type in place. Laura Jurgensen, Kansas Legislative Research Department, stated that Florida, Massachusetts, and Georgia have statutes similar to **SB 343** in place. Additionally, Louisiana's statute on this subject includes a provision that any person may be exempted from the state's window tinting statute if the person can provide valid security reasons to Louisiana's Department of Public Safety and Corrections. The Chairperson recognized Spencer Duncan, Kansas Association of Licensed Investigators (KALI) to address the Committee in support of **SB 343** (Attachment 2). Mr. Duncan stated KALI supports the changes **SB 343** would provide for licensed private detectives as it relates to one-way glass and sun screening, also known as window tinting. Under current statute, all private

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detectives are licensed every two years and receive an extensive background check by the Kansas Bureau of Investigation (KBI). Committee members questioned Mr. Duncan as to how this exemption would be enforced and whether a penalty under this proposal would ultimately lie with officer discretion and could result in inconsistent treatment. Under current law, unauthorized window tinting results in a Class C misdemeanor and could potentially bar the individual from renewing his or her private detective's license. It was suggested that the wording be amended to make the penalty for a violation of the window tinting statute a traffic infraction for all persons instead of a misdemeanor. Charles Willis, Integrity Investigators, Inc. also spoke in support of **SB 343** (Attachment 3).

Ed Klumpp, Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association, spoke in opposition to this bill (Attachment 4). Mr. Klumpp stated his concerns regarding this proposal are: how will law enforcement know whether the driver of a vehicle is except from the window tinting statute without a traffic stop and how effective this exemption would ultimately be. It was stated that a Class C misdemeanor carries a different sentencing structure as a judge determines the outcome, whereas a traffic violation results in a predetermined fine being assessed for the applicable violation. After additional discussion, the Chairperson closed the hearing on **SB 343**.

Final action on:

**SR 1805–Roads and highways; livable streets**

Upon the request of the Chairperson, Jill Shelley, Kansas Legislative Research Department, provided the Committee with an update on concerns by the Kansas Society of Professional Engineers (Attachment 5) and how its stated issues relate to the resolution. (Ron Gaches, representing the Kansas Society of Professional Engineers, delivered a copy of the society's opposition to **SR 1805** to each member of the Committee on Monday, February 6, 2012). Senator Petersen stated that page 1, lines 31 to 34 seem to be the area of concern, specifically the word "required" on page 1, line 32 of the

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resolution. Senator Hensley suggested that the Committee consider replacing the word "required" with the word "encouraged". At the request of the Chairperson, Lindsey Douglas, Chief of Governmental Affairs, (KDOT), stated KDOT has a process in place to work with municipalities to create safe and secure areas for the needs of all users, i.e. safe routes to school, as well as routes for disabled persons, drivers, commercial drivers, bicyclists, and others. The Chairperson recognized Ashley Jones-Wisner, Local Initiatives Support Corporation. Ms. Jones-Wisner stated the intent was to bring awareness to citizens and communities.

Senator Reitz made a motion to change the word "required" to the word "encouraged" on page 1, line 32 of the resolution. Senator Donovan seconded the motion and the motion carried on a voice vote. The Chairperson recognized Mr. Yoza and asked that he present the balloon amendment that includes scooters and wheel chairs for disabled persons. Senator Schmidt made a motion to accept the balloon amendment as written. Senator Donovan seconded the motion, and the motion carried on a voice vote. The Chairperson asked for a motion to pass **SB 343**, as amended, out of committee. Senator Donovan made a motion to recommend **SB 343** favorably for passage as amended. Senator Reitz seconded the motion, and the motion carried on a voice vote with one voice vote against.

The meeting was adjourned at 9:23 a.m. The next meeting is scheduled for February 8, 2012.