

Approved: 4-8-10
Date

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on March 17, 2010, in Room 144-S of the Capitol.

All members were present.

Committee staff present:

Jason Long, Office of the Revisor of Statutes
Julian Efird, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Connie Burns, Committee Assistant

Conferees appearing before the Committee:

Senator Roger Reitz,
Ed Klumpp, Kansas Association of Chiefs of Police
Major Mark Bruce, Kansas Highway Patrol

Others attending:

See attached list.

Introduction of bills:

Senator Abrams requested a bill introduction concerning property taxation, imposing a payment in lieu of tax on certain qualifying crude oil pipelines.

Senator Abrams moved that this request should be introduced as a committee bill. Senator Ostmeyer seconded the motion. The motion carried.

SB 578 - Cigarette and tobacco products act; licensing of retail dealers; other amendments

Chairman Brungardt opened the hearing on **SB 578**.

Senator Roger Reitz spoke in favor of the bill. (Attachment 1) The bill sets the stage for licensing of wholesalers and retailers including requirements for the display and operation of vending machines, and would subject a retail dealer of tobacco products to the same requirement as a licensed retail dealer selling cigarettes.

Chairman Brungardt closed the hearing on **SB 578**.

SB 579 - Regulating traffic, sun screening devices, exemption

Chairman Brungardt opened the hearing on **SB 579**.

Ed Klumpp, Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association, spoke in favor of the bill. (Attachment 2) The bill would exempt law enforcement to the window tint restrictions in KSA 8-1749a. Non-felony traffic stops result in more officers being killed during the initial approach to the stopped car than any other traffic stop activity. The proposed exemption was to control heat buildup in patrol cars with canines, and include heavier window tinting to conceal a confidential informant's identity, and surveillance vehicles to obscure visibility that such vehicles are occupied. Nearly every state has statutes restricting the use of window tint on vehicles.

The committee requested staff pull language from surrounding states on window tinting for medical exemptions.

Major Mark Bruce, Kansas Highway Patrol, provided comments in support of the bill.

Chairman Brungardt closed the hearing on **SB 579**.

The next meeting is scheduled for March 18, 2010. The meeting was adjourned at 11:30 a.m.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE 3-17-10

NAME	REPRESENTING
Jeff Bottenberg	State Farm
Travis Lowe	Little Govt Relations
Berend Koops	Hein Law Firm
Ted Heupel	CAPITOR STRATEGISTS
Melise Weyermann	KAC
Whitney Jaman	Swisher Intl, Inc
Dany Mays	Cigar Assn. of America
Ed Kump	KALP/KPIA/KSA



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COMMITTEE ASSIGNMENTS

CHAIR: LOCAL GOVERNMENT
VICE CHAIR: FEDERAL AND STATE AFFAIRS
MEMBER: COMMERCE
UTILITIES
ETHICS & ELECTIONS

SB 578 concerns the Kansas Cigarette and Tobacco products act. It has added emphasis on tobacco products, where they are sold and who sells them. It sets the stage for licensing of wholesalers and retailers including requirements for the display and operation of vending machines.

Tobacco products are defined and include cigars , snuff and chewing tobacco and their derivatives.

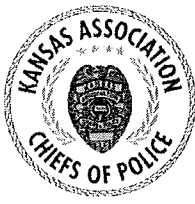
It is unlawful to sell, furnish, or distribute tobacco products to any person under 18 years of age and they cannot purchase them or attempt to possess them. Tobacco products cannot be sold by a vending machine in a place of business open to minors. Identification of the purchasers age must be made by a valid government issued identification. It is also unlawful to buy tobacco products for any person under 18 years of age.

A major provision of this bill finds that a retail dealer of tobacco products must be registered and licensed in the same manor as prescribed for a retail cigarette dealer and he or she can only purchase tobacco products from a Kansas licensed distributor. Itemized invoices of sales shall be kept. The 20th day of each month distributors shall file a return with the Director of Revenue showing quantity sold and sales price of each tobacco product.

Tobacco products are very addicting and for reasons that escape me seem to draw young persons attention. Their use potentiates head and neck cancer with devastating effects on a person's appearance bordering on grotesque before causing death. They have no redeeming value.

Sn Fed & State
Attachment 1

3-17-10



**Kansas Association of
Chiefs of Police**

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**Kansas Sheriffs
Association**

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**Kansas Peace Officers
Association**

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March 17, 2010

**Testimony to the Senate Federal and State Affairs Committee
In Support of SB579**

Chairman Brungardt and Committee Members,

Our associations support SB579 providing for a law enforcement exemption to window tint restrictions found in K.S.A. 8-1749a. We believe the proposal addresses legitimate law enforcement needs.

Before I speak to the specific needs this bill addresses, I would like to provide some history on this statute. The statute was originally enacted in 1977 in response to officer safety concerns on car stops. When an officer approaches a vehicle they have stopped, it is imperative to observe the occupants of the vehicle. Movements of the occupants are key to officer safety and survival. Officers are taught to look in the rear passenger areas of vehicles as they approach to assess any threats from that area of the vehicle as they conduct their business with the driver. As you can imagine, approaching a vehicle where potential assailants can see the officer but the officer cannot see them is a distinct disadvantage to the officer. As I recall, the original proposal came to the 1977 legislature after several incidents involving persons concealed by heavily tinted windows attacking officers during car stops. I believe this was also a period of time where several officers had been shot during car stops. Today car stops remain one of the most dangerous activities officers perform. Non-felony traffic stops result in more felonious officer deaths than any other law enforcement activity. More officers are killed during the initial approach to the stopped car than any other traffic stop activity. Not surprisingly, 90% of those are from gunshot wounds.

As we spoke to our members about this proposed exemption, the number one reason given for the exemption was to control heat buildup in patrol cars with canines. Other uses mentioned include 1) heavier window tinting to conceal a confidential informant's identity as the officers drive them by drug houses for the purposes of positively identifying the location of the illegal drug activity, and 2) surveillance vehicles to obscure visibility that such vehicles are occupied. One thing was clear in the responses from Chiefs and Sheriffs—the use of window tinting will be highly scrutinized and limited by the agencies.

Nearly every state has statutes restricting the use of window tint on vehicles. Several do provide exemptions for law enforcement vehicles. We encourage you to recommend this bill favorably for passage.

Ed Klumpp
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Sn Fed & State
Attachment 2

3-17-10