

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 8:35 a.m. on January 26, 2010, in Room 152-S of the Capitol.

All members were present.

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Julian Efird, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Cindy Shepard, Committee Assistant

Conferees appearing before the Committee:

Lindsay Douglas, Legislative Liaison, Kansas Department of Transportation
Dick Kelsey, Senator, State of Kansas
Judith Dietz, Chairwoman, Kansas Goldstar Family Committee
Antoinette V. Ortiz-Colon, Co-Chairwoman, Kansas Goldstar Family Committee
Carmen Alldritt, Director of Vehicles, Kansas Department of Revenue

Others attending:

See attached list.

Bill Introductions

Lindsay Douglas, Legislative Liaison, Kansas Department of Transportation (KDOT), requested the introduction of a bill that would clarify liability and allow KDOT to be reimbursed for direct and consequential damages to a highway or bridge structure. Senator Kultala moved, Senator Huntington seconded, to introduce the bill. Motion carried.

The Chairman opened the hearing on **SB 361 - Gold star family license plates.**

Dick Kelsey, Senator, State of Kansas, appeared as a proponent of **SB 361**. He stated that this is a family plate not restricted to just mothers, and the money required to develop this plate would come from donor funds, not state funds (Attachment 1).

Judith Dietz, Chairwoman of the Kansas Goldstar Family Committee, testified in favor of the bill. She indicated that the family members of those who died in service to our country deserve to be remembered. The Gold Star Family license plates would remind those that see them, there are human costs to war and freedom is not free. Passage of **SB 361** would be a way to honor them (Attachment 2).

Antoinette V. Ortiz-Colon, Co-Chairwoman, Kansas Goldstar Family Committee presented testimony in support of **SB 361**. The Gold Star Family license tag would enable us to display our heritage and honor the family member killed in action (Attachment 3).

Written testimony in support of **SB 361** was submitted by:

Jackline B. Wilson, TSgt (ret), USAF (Attachment 4)
Ron Zink, President, Kansas State Council of Vietnam Veterans of America (Attachment 5)
Kent Hillhouse, Major General (ret), U.S. Army (Attachment 6)

Carmen Alldritt, Director of Vehicles, Kansas Department of Revenue, spoke in opposition to **SB 361**. She stated the department is currently overhauling its computer system and does not have the ability to accommodate new plate designs at this time. She requests that this bill be delayed until the new software system is up and running. The anticipated completion of the vehicle portion is July 5, 2011.

Written testimony in opposition of **SB 361** was submitted by:

Diana Pitts, Gold Star Mother (Attachment 7)

CONTINUATION SHEET

Minutes of the Senate Transportation Committee at 8:35 a.m. on January 26, 2010, in Room 152-S of the Capitol.

Chairman Umbarger had requested information from legislative research regarding fees that apply to specialized license plates, to be discussed at this hearing. Jill Shelley, Kansas Legislative Research Department provided a table that lists each of the authorized distinctive license plates and includes additional information about fees and when the plate was first authorized (Attachment 8).

Discussion followed over concerns on regulations for criteria of a gold star family plate, eligibility, and the current bill's interpretation by the Division of Vehicles would mean 14 different plates for each theater of war. It was suggested that decals be developed to cover the different theaters.

The Chairman requested that the Division of Vehicles return to give an overview of military plates and the license plate process.

There being no further conferees, the hearing on **SB 361** was closed.

The meeting was adjourned at 9:35 a.m. The next meeting is scheduled for January 27, 2010.

STATE OF KANSAS

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TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS
COMMERCE
FINANCIAL INSTITUTIONS AND INSURANCE
PUBLIC HEALTH AND WELFARE

Testimony before Senate Transportation Committee concerning Gold Star Family License Plates

From: Senator Dick Kelsey

January 26, 2010

Committee: Thank you for hearing this bill. I am proud to assist the folks in our state who are trying to get this license plate to honor those who have died in the service of our country. This is a family plate not restricted just to mothers.

Because of the tight budget situation the state faces this year, I am taking the leadership to assure that the \$10,000 required to develop a new plate is paid for from donor funds and not state funds. We will be seeking 100 people to donate one hundred dollars for this plate. My wife and I are starting the fund off.

I want to allow others who have been working on this project for some time to have the bulk of the time for testimony. I will take questions if anyone on the committee has one.

Sincerely,

Dick Kelsey

Senate Transportation
1-26-10
Attachment 1

Testimony before House Transportation Committee - January 26, 2010

Good morning! My name is Judith Dietz and I am Chairwoman of the Kansas Gold Star Family Committee. I was nine years old when my Dad was killed in Vietnam (PSGT. Glenn E. Nicholson on May 5, 1968). My Mom (Emilie Nicholson) was left with eight children, ranging in age from 16 years old to 13 months. I remember the day so clearly – Mom was plugging in the coffee pot when she looked out the kitchen window, only to see the Staff car pull up to the house. We then heard her scream—she opened the door to speak with the Casualty Officers and then yelled, “No, no, no —Oh my God no!” At that point all of us kids knew what it was about I can remember us kids yelling and screaming “No, no, no”. We all started crying and my two oldest brothers wanted to go get “Charlie”, since they were the ones that killed our Dad. How hard this all must have been for Mom to see eight little faces crying so hard, children ranging in age from 16 years old to 13 months. These memories NEVER leave us as I know the affects of war never leaves those who made it home.

Are there any Veterans on the Committee? (Thank you for your service to our country).

The Kansas Gold Star Family Committee was started when I seen a picture on the front cover of “Thunder Run” a quarterly magazine for the 11th Armored Cavalry Regiment members (my dad was with this unit in Vietnam), a gentleman by the name of Mr. Richards Stobbs, Chairman of the Ohio Gold Star Family Committee and former BMV Registrar Mike Rankin. They were holding the “Ohio Gold Star Family” license plate. I had shown this article to my Mom before she passed away on November 30, 2008. I had told my Mom, “I want to do this for our Gold Star families here in Kansas”. I carried this article with me for the longest time and then after Mom passed away I got up the courage to contact Mr. Stobbs from the e-mail address that was listed in the Thunder Run article which was on January 5, 2009 and since then I have started the Kansas Gold Star Family Committee here in Kansas.

Our Committee is made up of Gold Star families, Veterans and we welcome anyone who would like to support our efforts. We are proud to say that we now have “Operation Never Forgotten” as a link on our National website and they are to do the same for us on their website. The Gold Star Family Committee’s mission is to get “Fifty plates in Fifty States”.

I would like to thank the following people for their continued support and for being there when it was just me in the beginning getting this Committee off the ground and still continue to support our efforts:

Senator Dick Kelsey, my mentor Richard Stobbs, National Chairman of the GSFC, the late Jo Ann Stobbs and the Ohio GSF Committee members,, Jim Griffiths, Editor at “Thunder Run”, Allan Hathaway, President of “Thunder Run” Gene Johnson, Editor at Blackhorse Newsletter, retired General John Sherman Crow, President of the Blackhorse Newsletter, Rik Pierson at AWON (American War Orphan Network), Rick Babinger (Commander of American Legion Post#136) the Legion Riders and members, Doug Lehman (AL Post Director), Terry Houck (KS Patriot Guard) Chief Deputy Richard Powell of the Sedgwick County Sheriff’s Department, Ron Zink-President of the Vietnam Veterans of America State Council and all their members, Senator Bob Dole (ret), Phil Niekro (HOF ’97), LTC Basso and the KU

Army ROTC Jayhawk Battalion, the KGSFC members and a special thank you to Colonel Tom Moe, ret. MG Kent Hillhouse and former Capt. Lou Reymann (my Dad's Commanders in Vietnam, who flew from both coast to honor him at KU in Sept.)

My Mom (Emilie Nicholson) told us that before Dad left to Vietnam, he told her , "Honey, if I get killed-to the American people all I am is another dead G.". I DO NOT want this to be his legacy or any other families fallen soldiers legacy. Our family members "DESERVE" to be remembered and we should be able to have a way to honor them. The Gold Star Family license plates would remind those that see them , there is a "HUMAN COST TO WAR" and "FREEDOM IS NOT FREE". Thank you Chairman and members of the Transportation Committee for letting us testify here today.

Julia A. Ditz

1-21-10

Testimony before Senate Transportation Committee
January 26, 2010

Kansas Gold Star Family Committee

My name is Antoinette V Ortiz –Colon, On January 17, 1968 I became a casualty of the Vietnam War, when my father SSgt John Ortiz was declared KIA (Killed In Action). There is not a day goes by, that I don't think about him and his sacrifice even more so now, as I read the paper and watch television and I hear about our troops. I know only too well what their families are going through and the feelings of uncertainty, as to whether your loved one will come back home safe. When the uncertainty is answered with a knock at the door and you have the Department of Defense representative staring at you with a telegram from the President of the United States expressing his condolences that your father has died defending his country, your whole life changes that very minute. You have to deal with your anger of why did it happen to your father, and the same time the pride you have for your father defending his country.

As the years (42) have gone by I have lived with the loss of my father but have not been able to put things to rest. On January 13, 2009, I was searching the Wichita Eagle paper for a basketball score. Who would of known that I was going to be hit with the "past" as I read the article about honoring fallen heroes license tag. I cried so hard, all I could think of was my father and my hurt, but most importantly, I felt a connection with Judith in so may ways. Our fathers served together in Vietnam and our moms Helen & Emily were a support team for one another over the years through phone calls and letters.

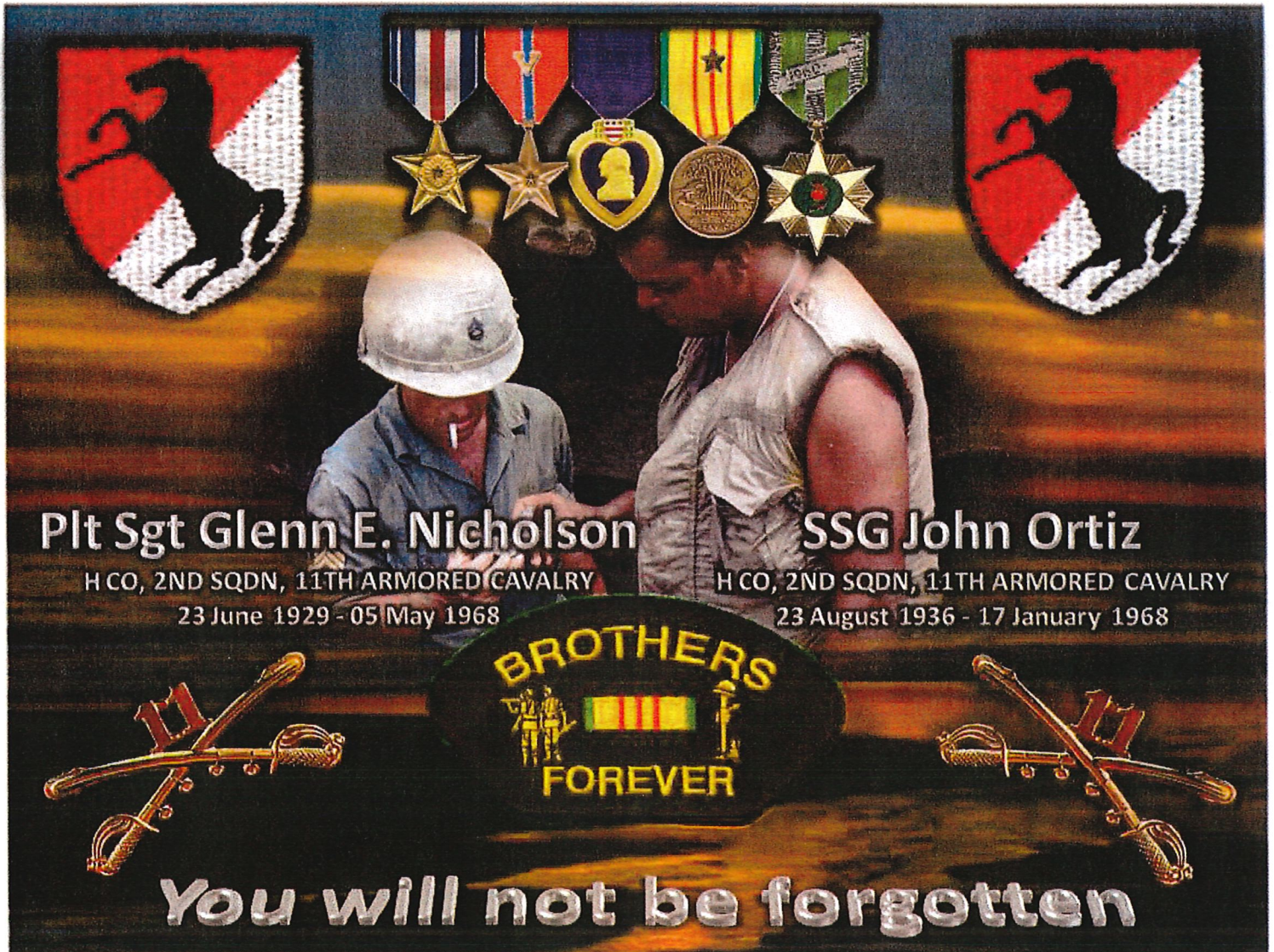
From that moment on, I felt that my father was trying to tell me something and there was a reason that I chose that particular day to look at the Wichita paper. I contacted Judith right away. We knew about each other and the bond our two families shared.

I display proudly in my home and in conversations that my father died serving his country. Every day I go to my moms and I see his flag & medals, but after reading the article I felt the need, not only for myself but for others, to have the opportunity to honor their family member KIA (Killed In Action). The Gold Star Family license tag would enable us to display our heritage and express our patronage for loss and our country.



Antoinette V Ortiz-Colon

1/25/10



Plt Sgt Glenn E. Nicholson

H CO, 2ND SQDN, 11TH ARMORED CAVALRY
23 June 1929 - 05 May 1968

SSG John Ortiz

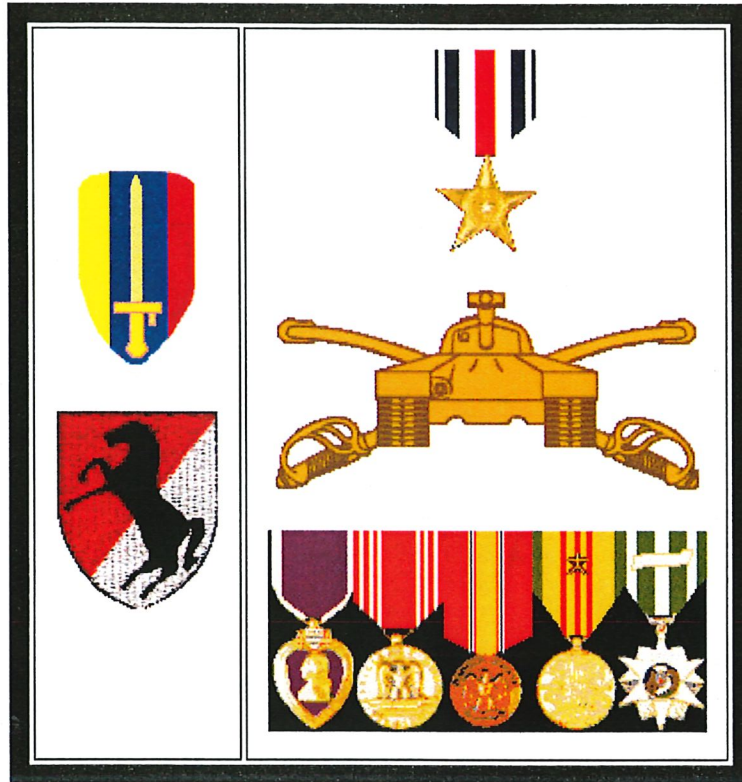
H CO, 2ND SQDN, 11TH ARMORED CAVALRY
23 August 1936 - 17 January 1968

**BROTHERS
FOREVER**

You will not be forgotten

John Ortiz

Staff Sergeant
H CO, 2ND SQDN, 11TH ARMORED CAV, USARV
Army of the United States
23 August 1936 - 17 January 1968
Chicago, Illinois
Panel 34E Line 063



DEPARTMENT OF THE ARMY
HEADQUARTERS 9TH INFANTRY DIVISION
APO San Francisco 96370

9 April 1968

GENERAL ORDERS
NUMBER 2280

AWARD OF THE SILVER STAR

1. TC 320. The following AWARD is announced posthumously.

ORTIZ, JOHN RA16460144 STAFF SERGEANT E6
Company H, 2d Squadron, 11th Armored Cavalry Regiment

Awarded: Silver Star

Date
action: 17 January 1968

Theater: Republic of Vietnam

Reason: For gallantry in action involving close combat against an armed hostile force in the Republic of Vietnam. STAFF SERGEANT ORTIZ distinguished himself by exceptionally valorous actions on 17 January 1968, while serving as a Tank Commander with Company H, 2d Squadron, 11th Armored Cavalry Regiment, on a reconnaissance in force mission during Operation Fargo in Loc Ninh Province. Sergeant Ortiz's tank, in the lead position, came under heavy recoilless rifle and automatic weapons fire from a numerically superior Viet Cong force. An anti-tank round struck his vehicle, causing it to burst into flames. Directing his men to abandon the flaming tank, Sergeant Ortiz covered their exit with highly accurate suppressive fire from his .50 caliber machine gun. When his men were safely evacuated, Sergeant Ortiz turned his main gun on the enemy fortification, destroying at least one of the recoilless rifle teams. While still firing devastating rounds into the insurgent positions, Sergeant Ortiz was mortally wounded by an exploding antitank round. Sergeant Ortiz's extraordinary heroism in close combat against a numerically superior Viet Cong force was in keeping with the highest traditions of the military service and reflects great credit upon himself, his unit and the United States Army.

Authority: By direction of the President under the provisions of the Act of Congress, approved 9 July 1918, and USARV message 16695, dated 1 July 1966.

FOR THE COMMANDER:

Chief
of
Staff

OFFICIAL:

Adjutant General



Classification: UNCLASSIFIED

Testimony before Senate Transportation Committee - January 26, 2010

My name is Jackline (Jackie) B. Wilson, USAF TSgt (Ret), proud daughter of P/Sgt. Glenn Edward Nicholson, Killed In Action May 5th, 1968, Bia Dinh, Vietnam. I am now 48 years old, but it feels like it was just yesterday when all hell broke loose and the bottom fell out of our family. I remember the day the Chaplain came to our door and our mother screaming "Oh God no! Not my Glenn!" I'll never forget the look of horror on her face. She was a strong women and it took everything she had to keep it together, because she now was left with eight children to raise alone.

I remember mom waking up our oldest brother Mickey last, because Mickey and Dad were so close. Mickey went crazy! He had model tanks on his dresser and planes and helicopters hanging from the ceiling and he destroyed them all. Mickey had a full head of black hair except for a silver dollar-sized white patch that developed on the back of his head because of the shock of losing Dad. I also remember my brother Grant asking me why I wasn't crying and I said, "Daddy's never died before." Grant, only 13 years old, pulled me to his chest and cried uncontrollably. I remember the rest of us kids sitting in one of the back bedrooms in shock while the Chaplain and neighbors tried to console our mother.

I think of all the brave men and women who answered their country's call and died for their country in an unpopular war. The men and women who stood strong for their country even though their country didn't stand strong for them. My heart sinks every time I hear of another life lost in Afghanistan and Iraq and what their families are going through. I think of the many children, whom like me and my brothers and sisters, will grow up without knowing their mother or father. The empty holidays, birthdays, school events and longing that will never go away.

My sister, Judith Ann Dietz, has my full support. When I heard she decided to introduce a bill for a license plate for Killed In Action (KIA) soldiers for the state of Kansas - I cheered. Our family lived at Schilling Manor Army/Air Force Base in Salina Kansas at the time of our fathers' death. I cannot believe Kansas does not have this license plate to honor the men and women who died and continue to die to keep America free.

This bill has two important components; the first is that it is inclusive, it is a family plate.

The second and the MOST important is that it is for KIA only. KIA is what my gold star lapel pin symbolizes and that is what this plate will symbolize. This is a distinction that separates actual battle field deaths from the rest.

Senate Transportation

1-26-10

Attachment 4

We owe this to all the fallen warriors who's lives were cut short by an enemy bullet, like
or as in our father's case - a rocket that ripped through his side while he was trying to
rescue fellow soldiers - his soldiers'.

Judith has worked diligently as the Chairwoman for the Gold Star Family license plate. She
has overcome so many obstacles including those who tried to thwart her efforts out of
jealousy or to push their own agenda. There was a time when the media would not cover her
efforts. Judith persevered and she has the full support of the print media as well as
television.

I whole heartily support my sister.
I whole heartily support this bill.

Yours Respectfully,

Jackie
JACKLINE B. WILSON
USAF TSgt (Ret)
E-mail: Jackline.Wilson.ctr@northcom.mil
DSN: 692-0582
COM: 719.554.0582
FAX: 692-2340/719-554-2340

PRIVACY ACT - 1974 as amended may apply. This communication may contain personal information
protected IAW DOD 5400.11R For Official Use Only (FOUO).

The Kansas State Council of the Vietnam Veterans of America supports the need for the gold star families receive this recognition of their sacrifice. These family members lives have been changed for ever by the loss of a member of their family in service to their country. The State of Kansas and this country owes these family members a great deal for their sacrifice. This license tag is just a small way we cans thank them.

Ron Zink
Kansas State Council President
Vietnam Veterans of America

My name is Kent H. Hillhouse. PSGT Glenn Nicholson, who was Killed in Action in the Republic of Viet Nam in 1968, was my Platoon Sergeant at the time of his death. I have personal knowledge of the hardship this caused his wife and children who had to survive on his pension. As the war was unpopular at that time, the family also had to endure scorn from some members of the community, classmates, etc.

Now, Judith (Nicholson) Dietz (PSGT Nicholson's daughter) is fighting the battle to make sure this does not happen to families of those who have made the ultimate sacrifice while fighting for our country. The Gold Star should be given to the families of anyone who dies in a combat zone. As a part of this effort Judith has been lobbying for the Gold Star Families and needs all your support in the State Senate.

We all hope you will get behind this effort so that all Gold Star families will be recognized.

Regards,

Kent H. Hillhouse
Major General (ret)
U.S. ARMY



Kent Hillhouse

Senior Vice President/Principal

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Senate Transportation

1-26-10
Attachment 6

Dear Senator Kelsey,

As a Gold Star mother having lost my son in Iraq on 10/17/2006 I cannot support this Gold Star Family Tag as it is being presented (for KIA only). Our Gold Star Mothers tag is all inclusive and several Gold Star Organizations membership requirements require only that your service person served honorably until death, regardless of cause or place. All service members sign the same line and assume the same risk as the next, no one death is more important.

Gold Star (stateside and in theater) family members are entitled to the same benefits/services through the government.

In theater deaths and stateside deaths are allowed the same death gratuity and SGLI payments, why label this tag any differently?

TAPS (Tragedy Assistance Program for Survivors) and several other survivor groups accept family members regardless of cause/location of death.

There are two different gold star pins which symbolize the death of a service member.

One is the Gold Star lapel pin for those killed in theater, purple background with a purple star in the middle surrounded by olive branches (this includes by enemy fire, friendly fire, suicide, rollovers etc while in theater, not just by enemy fire) It also includes stateside if the government determines it is an act of war (i.e., The Pentagon)

There is also the Next of Kin lapel pin (all it is missing is the label, Gold Star) it is solid gold with oak leaves around it and a beautiful gold star in the center, this is for the stateside deaths.

Congress made no specific definitions on importance of either pin when issued.

It is not about status but about awareness of our loved ones having served and served honorably until death.

Thank you for your time.

Thank you,
Diana Pitts
Gold Star Mother of Cpl David M Unger
KIA IRAQ 10/17/2006

Senate Transportation
1-26-10
Attachment 7

To: Senator Umbarger

From: Jill Shelley, Principal Analyst

Re: Distinctive License Plates

You requested information regarding fees that apply to specialized license plates.

In general, the fee does not apply to specialized plates issued to active duty members of the military or to veterans, including specific groups of veterans such as Purple Heart recipients. It also does not apply to those issued for educational institutions, such as Pittsburg State University. KSA 8-1,141, enacted in 1994, applies the fee to any distinctive license plate authorized for issuance after July 1, 1994, but it includes several exceptions:

- Gold Star Mothers
- Children's Trust Fund
- Helping Schools
- Breast Cancer Research and Outreach
- Support Kansas Arts

The types of license plates for which the fee must be paid include the following:

- personalized plates (those with unique combinations of letters and numbers)
- Kansas Foundation for Agriculture in the Classroom
- Shriners
- Firefighters
- Emergency Medical Services
- In God We Trust

Attached please find a table that lists each of the authorized distinctive license plates and includes additional information about fees and when the plate was first authorized.

In 2009, KSA 8-1,161 was amended to increase the limit on the amount the Division of Vehicles is allowed to require any person or organization sponsoring a distinctive license plate to submit before a distinctive license plate is manufactured, to defray the Division's costs to develop the distinctive license plate. That statute also was amended to exempt "In God We Trust" license plates from the requirement for up-front development moneys, but it did require the Division to delay the manufacture of those plates until it had received 1,000 paid orders.

Please let me know if you have additional questions.

KSA	Description of distinctive license plate	\$40 fee applies?	Additional information on fees	Year this plate was first authorized	Requires payment to sponsoring organization?
8-132	personalized license plates (unique combination of letters and numbers)	yes		1974	
8-161	disabled veteran	no		1951	
8-162	call letters for licensed amateur radio station	no	fee is \$1 (unchanged since 1953)	1953	
8-172	antique auto (with or without model year on the license plate)	yes (2)		1955	
8-177a	National Guard	no		1979	
8-177c	Prisoner of War	no		1983	
8-177d	Gold Star Mother	no	exempted under 8-1,141(c)	2008	
8-195	special interest vehicle or street rod	no	\$26 annual fee includes plate	1973	
8-1,139	Pearl Harbor Survivor	no		1991	
8-1,140	Purple Heart recipient	no		1994	
8-1,142	Educational institution	no	\$5 plus presentation of an annual emblem use authorization statement Alumni associations of these universities currently have such plates: Emporia State University Fort Hays State University Kansas State University Kansas University Pittsburg State University Washburn University Wichita State University	1994	yes, \$25-\$100
8-1,141, enacted in 1994 and most recently amended in 2009, makes any distinctive license plate authorized after 1994 subject to the personalized license plate fee but contains exemptions, as noted below.					
8-1,145	Congressional Medal of Honor recipient	no	exempted under 8-1,141(c)	1997	
8-1,146	active or retired military	no	exempted under 8-1,141(d); a fee of \$2 shall be paid for each decal (which indicates military branch)	1997	
8-1,148	Children's Trust Fund	no	exempted under 8-1,141(d)	1999	yes, \$25-\$100
8-1,150	Kansas Foundation for Agriculture in the Classroom	yes		2000	yes, \$25-\$100
8-1,151	Shriners	yes		2001	yes, \$25-\$100
8-1,153	Helping Schools	no	exempted under 8-1,141(d)	2004	yes, \$40
8-1,155	Firefighter	yes		2004	
8-1,158	Breast cancer research and outreach	no	exempted under 8-1,141(d)	2006	yes, \$25-\$100
8-1,159	Emergency medical services	yes		2007	
8-1,160	In God We Trust	yes		2008	
8-1,161	Support Kansas Arts	no	exempted under 8-1,141(d); 2010 HB 2437 would remove this exemption	2009	yes, \$25-\$100
The personalized license plate fee has been \$40 since 1983.					
(1) No answer in this column means no logo fee is charged. Royalty amounts are set in statute.					
(2) For antique vehicles, this is called a "special combination fee."					