

Approved: March 18, 2010

Date

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 p.m. on February 11, 2010, in Room 783 of the Docking State Office Building.

All members were present.

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes
Jill Shelley, Kansas Legislative Research Department
Betty Boaz, Committee Assistant

Conferees appearing before the Committee:

Representative Bill Otto
Representative Lisa Benlon
Paul Finney, Humboldt, KS
Kyle Schneweis, Chief of Governmental Affairs for KDOT
Captain Art Wilburn, KHP

Others attending:

See attached list.

Chairman Hayzlett called the meeting to order and opened the hearing on **HB 2122**.

HB 2122 - Highway advertising control act

Chairman Hayzlett recognized Representative Bill Otto. (Attachment #1) According to Representative Otto, this bill would amend the Kansas Highway Advertising Control Act to allow outdoor advertising structures erected by local zoning authorities prior to June 30, 2006, to be grandfathered or otherwise considered legally conforming signs.

The next proponent was Paul Finney of Humboldt. (Attachment #2) Mr. Finney said when Highway 169 went through the center of town and all passenger and freight traffic came through town on the highway or the Santa Fe Railroad, Humboldt had a vibrant downtown. The people passing through town patronized their stores, restaurants, and gas stations. He said today because the town is bypassed by the highway their downtown is economically devastated. He said this bill would allow small town businesses to advertise on the highways that now bypass them. This bill will grandfather all commercial zoning in existence before the passage of **SB 253** in 2006. Mr. Finney said this bill will allow small town businesses to advertise on the highways that now bypass them. He said this bill will grandfather all commercial zoning in existence before the passage of **SB 253** in 2006 and it will produce one billboard project that will benefit the businesses of Iola, Humboldt and Chanute.

There were no other proponents. The proponents stood for questions.

Chairman Hayzlett drew the Committee's attention to Written Testimony from Larry Tucker, City Administrator of Humboldt, in support of **HB 2122**. (Attachment #3).

The Chairman recognized Kyle Schneweis, Chief of Governmental Affairs for the Kansas Department of Transportation. (Attachment #4). According to Mr. Schneweis **HB 2122** would allow all outdoor advertising structures, erected by local zoning authorities prior to July 30, 2006, as a result of "spot zoning," to be considered legal conforming signs. He said this action is not recognized for outdoor advertising control purposes by the Federal Highway Administration. The prohibition against "spot zoning" was incorporated in state statute in 2006 to bring the state into compliance with federal law. Mr. Schneweis concluded his testimony by saying if **HB 2122** was passed, it would contradict federal law and KDOT would be subject to a ten percent reduction in federal funding. He stood for questions.

There were no other opponents so Chairman Hayzlett closed the hearing on **HB 2122** and opened the hearing on **HB 2623**.

CONTINUATION SHEET

Minutes of the House Transportation Committee at 1:30 p.m. on February 11, 2010, in Room 783 of the Docking State Office Building.

HB 2623 - Prohibiting covering license plate with clear or opaque material

Chairman Hayzlett recognized Representative Lisa Benlon (Attachment #5). According to Representative Benlon this bill would make it unlawful for a person to attach or display on any vehicle a license plate that is covered, in whole or in part, with any material, including any clear or opaque material or any other plastic-like material that affects the plate's visibility or reflectivity. This bill would carry a \$60 fine for unlawful display of a license plate. Representative Benlon said the Overland Park Police Department asked that she also mention their support for this legislation.

The Chairman recognized Captain Art Wilburn, Kansas Highway Patrol, as the next proponent. (Attachment #6) Captain Wilburn said the Highway Patrol supports **HB 2623** because license plates which are not clearly visible create a concern for law enforcement officer safety. He said when officers are unable to read license plates due to dirty, clouded, oxidized or colored license plate covers it prohibits officers from initiating computer checks on the license plates to determine if they are current, displayed on the correct vehicle, stolen or wanted in connection with a crime. He said the inability to initiate these checks and have prior knowledge of the vehicle before approaching the vehicle creates an unsafe condition for officers. Captain Wilburn said passage of **HB 2623** would also benefit the public when they witness a crime and want to record the license plate numbers to pass on to law enforcement.

Representative Benlon and Captain Wilburn stood for questions from the Committee.

There were no opponents so Chairman Hayzlett closed the hearing on **HB 2623**.

Chairman Hayzlett opened **HB 2498** to the Committee for discussion, comments and motions. After discussions the Committee decided to take no action on this bill this year.

The Chairman opened **HB 2547** to the Committee for discussion, comments and motions. After some discussions and agreement from parties on both sides of the issue, a balloon amendment was proposed. Representative Wetta made a motion to adopt the proposed amendment (Attachment #7) seconded by Representative Burgess. The motion carried. Representative Ballard made a motion to favorably pass HB 2547, as amended, seconded by Representative Wetta, and the motion carried.

Chairman Hayzlett opened HB 2555 to the Committee for discussion, comments and motions. Representative Maloney made a motion to favorably pass HB 2555, seconded by Representative Kerschen, and the motion carried.

There being no further business before the Committee the meeting was adjourned.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-11-10

NAME	REPRESENTING
Bill Vizony	KDOT
Dennis Miller	KDOT
Terry Heidner	KDOT
MATT ZIELSDORF	LAWER
Joe Mosimann	AACA
Kyle Schaefer	KDOT
Ray Wilk	KDOT - DOTV
Whitney Gann	KADA
Paul Fanning	Self.
Sandy Braden	Alliance
Dan Murray	Federico Casella
Pat Barnes	KADA
Larry R Bass	LKW
Ted Smith	KDOT