

ROADS AND HIGHWAYS COMMITTEE MEETING -- MARCH 16, 1971

The Roads and Highways Committee met in room 535 at 2:45 P. M. on March 16, 1971. Chairman Dierdorff called the meeting to order and all members were present.

Conferee: Representative William Mulich on House Bill No. 1294.

HOUSE BILL 1294 - AN ACT relating to the operation of passenger motor vehicles upon streets and highways; prohibiting the certain suspensions of the bodies of vehicles; and providing penalties for violations thereof.

Mr. Mulich explained that he introduced the bill because of a particular problem they have in Kansas City. The front end of some cars are suspended so high that the driver cannot see and he had been hit three different times.

The Chairman asked that action be delayed until he checked with the Safety Department of the Motor Vehicle Department.

Mr. Wilson made a motion, second by Dr. Hughes, that House Bill 1424 be reported unfavorably.

Mr. Dempsey made a substitute motion, second by Mr. Nowlin, that House Bill 1424 be left in committee. Motion lost.

The original motion that House Bill 1424 be reported unfavorably carried.

Mr. Davis made a motion, second by Mr. Wilson, that House Bill 1462 be reported unfavorably. Motion carried.

Mr. Davis made a motion, second by Mr. Gray, that House Bill 1475 be reported unfavorably. Motion carried.

Mr. Ratner made a motion, second by Mr. Hayes, that House

Bill 1560 be held over for work during the interim. Motion carried.

Chairman Dierdorff told the committee he had written a letter (copy attached) to the Director of Highways and that he had the attached reply regarding House Bill 1600.

Mr. Ratner made a motion, second by Mr. Hayes, that House Bill 1600 be held in committee. Motion carried.

John Morse said that the people in his office had been working on amendments to this bill. See attached letter and proposed amendments. He feels there is still work to be done on the bill.

Mr. Dempsey made a motion, second by Mr. Nowlin, that House Bill 1602 be held in committee. Motion carried.

The meeting was adjourned.

Fran Stafford, Recording Secretary

APPROVED:


ARDEN DIERDORFF, CHAIRMAN

March 17, 1971

March 12, 1971

Mr. John Montgomery
Director of Highways
State Highway Department
State Office Building
Topeka, Kansas 66612

Re: House Bill 1600

Dear John:

The Roads and Highways Committee of the House is concerned about the proposed changes as outlined in House Bill 1600 relative to outdoor advertising.

We would hope that your department would write to Mr. Volpe, send him a copy of the bill, and see if these changes that have been proposed would bring us into conformity with the federal law.

Sincerely,

ARDEN DIERDORFF, Chairman
Roads and Highways Committee

AD:fs

ROBERT B. DOCKING, Governor

State Highway Commission of Kansas



JOHN D. MONTGOMERY, Director of Highways
R. L. PEYTON, Assistant State Highway Director
JOHN D. McNEAL, State Highway Engineer

ROBERT P. HAGEN
Lawrence, Kansas
BOB KENT
Salina, Kansas
HENRY SCHWALLER
Hays, Kansas
KARL A. BRUECK
Paola, Kansas
GALE MOSS
El Dorado, Kansas
LOUIS KAMPSCHROEDER
Garden City, Kansas

STATE OFFICE BUILDING
TOPEKA, KANSAS 66612

March 15, 1971

Representative Arden Dierdorff, Chairman
Roads and Highways Committee
House of Representatives
Statehouse
Topeka, Kansas 66612

Dear Arden:

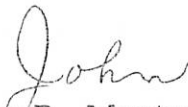
Reference: House Bill 1600

Thank you for your letter, suggesting that we submit a copy of House Bill 1600 to the Federal Highway Administration with a request for an opinion from that Administration as to whether the proposed Kansas legislation will bring this state into conformity with the Federal law.

I am pleased to advise you that the Commission's Legal Department is submitting this House Bill 1600 to the Chief Legal Counsel of the Federal Highway Administration. It was thought that by submitting it to the Legal Counsel of FHWA it might be possible to get a faster reaction than by going to the Office of the Secretary.

I am asking the Commission's Legal Department to keep you advised of any response that may be received from the FHWA's Legal Counsel.

Sincerely,


John D. Montgomery
Director of Highways

CC: Legal Department
Attention, Mr. John H. Morse

March 16, 1971

Mr. David E. Wells
Chief Counsel
Federal Highway Administration
Washington D.C., 20591

Re: Outdoor Advertising Control

Dear Mr. Wells:

The Committee on Roads and Highways of the Kansas House of Representatives has requested that we submit to you for your comment the enclosed House Bill No. 1600, by that committee, which would make certain amendments to the Kansas Highway Advertising Control Act of 1968, copy of which is also enclosed.

As you will notice, the present language of the law is printed in the bill in regular type, including words lined out as being stricken or deleted by way of amendment; and new language to be inserted is printed in italics.

After reviewing the Secretary's letter of February 8, 1971 to Governor Docking, with the Highway Commission and with the Legislative Council Research Department, we collaborated with the Roads and Highways Committee and with the bill drafting department of the office of Revisor of Statutes in preparation of this bill. It was our thought, of course, to propose amendments which would meet the objections enumerated in the letter of February 27, 1969, to the undersigned from Fletcher Krause, FHWA Assistant Chief Counsel for Land Use and Acquisition.

Mr. David E. Wells

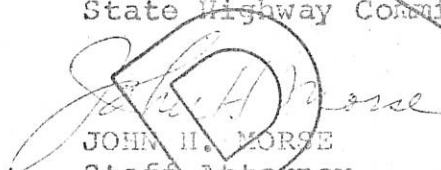
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The committee wished to know generally whether the proposed amendments to our state law would meet the criticisms previously made by the Department of Transportation, and whether, if this bill were enacted, there would be anything in our state statute which would appear to you to be an absolute impediment to the consummation of an agreement with the Secretary, based upon the provisions of the Kansas law as so amended.

Your prompt consideration of this matter will be greatly appreciated.

Very truly yours,

JOSEPH J. POIZNER, Chief Attorney
State Highway Commission


JOHN H. MORSE
Staff Attorney

JHM:fw
Encls.

cc: Representative Arden Dierdorff
Chairman, Committee on Roads & Highways

Mr. John D. Montgomery
Director of Highways

3-17-71

HB 1602

ROBERT B. DOCKING, Governor

State Highway Commission of Kansas



ROBERT P. HAGEN
Lawrence, Kansas
BOB KENT
Salina, Kansas
HENRY SCHWALLER
Hays, Kansas
KARL A. BRUECK
Paola, Kansas
GALE MOSS
El Dorado, Kansas
LOUIS KAMPSCHROEDER
Garden City, Kansas

JOHN D. MONTGOMERY, Director of Highways
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JOHN D. McNEAL, State Highway Engineer

STATE OFFICE BUILDING
TOPEKA, KANSAS 66612

March 16, 1971

Representative Arden Dierdorff
Chairman, Committee on Roads & Highways
House of Representatives
State House

Dear Representative Dierdorff:

Enclosed are proposed amendments to House Bill No. 1602 which have been drafted by our legal staff. I am afraid they may not be in precise form for a committee report, particularly since the proposed new Section 1, amending Section 74-2019, is not set out to show the existing language as well as the proposed changes. It would bring our definitions more in line with the requirements of the Federal act.

Proposed New Sec. 6, excluding payments under this act from Kansas Income Tax Act, is probably not necessary to meet the requirements of the Federal-aid law, but simply is suggested for consideration since the Federal act exempts payments from Federal income tax. It is not a matter on which the Highway Commission has any particular recommendation.

We will be glad to discuss any of these items with you or your committee.

Very truly yours,

JOSEPH J. POIZNER, Chief Attorney
State Highway Commission

Handwritten signature of John H. Morse in cursive script.
JOHN H. MORSE
Staff Attorney

JHM:fw
Enc.

That House Bill No. 1602 be amended as follows so as to bring it in compliance with the Federal Uniform Relocation Assistance and Land Acquisition Policies Act of 1970, Public Law 91-646, 91st Congress, S. 1, approved January 2, 1971 - 84 Stat. 1894.

1. That the following be inserted ahead of the present section 1 of the bill, and present Section 1, New Sec. 2 and New Sec. 3 be renumbered 2, 3 and 4.

Section 1. K.S.A. 1970 Supp. 74-2019 is hereby amended to read as follows:

K.S.A. 74-2019 As used in this act:

(a) "Commission" means the state highway commission.

(b) "Eligible person" or "displaced person" means any individual, family, business concern, including the operation of a farm, or non-profit organization, who on or after the effective date of this act, moves from real property as the result of the acquisition of such real property, in whole or in part, or as the result of the written order of the commission, or its agent, to vacate real property, for a program or project undertaken by the commission; and solely for the purposes of payment of moving expenses, as the result of the acquisition of or as the result of the written order of the commission, or its agent, to vacate other real property on which such person conducts a business or farm operation, for such program or project.

(c) The term "business" means any lawful activity, excepting a farm operation, conducted primarily -

(1) for the purpose of sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) for the sale of services to the public;

(3) by a nonprofit organization; or

(4) for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(5) for the practice of a profession.

(d) The term "farm operation" means any activity conducted solely or primarily for the production of one or more agriculture products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(e) The term "mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of this state, together with the credit instruments, if any, secured thereby.

(f) "Relocation payment" means payment of or reimbursement for reasonable and necessary moving expenses, including payment of fixed or predetermined amounts of reasonable and necessary moving expenses; or payments in lieu of moving expenses as hereinafter provided.

(g) "Moving expenses" means:

(1) The actual reasonable expenses in moving an individual, his family, business, farm operation, or other personal property of a displaced person or business to a new location.

(2) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed the reasonable expenses that would have been required to relocate such property, as determined by the commission or its authorized agent.

(3) Actual and reasonable expenses in searching for a replacement business or farm.

(h) The term "Federal agency" means any department, agency or instrumentality in the executive branch of the United States Government, and any corporation wholly owned by the United States Government, and the Federal Reserve banks and branches thereof.

(i) The term "State agency" means any department, agency, or instrumentality of this state or of a political subdivision of this state.

2. That Section 1(b), page 1, lines 8 to 12 both inclusive, be eliminated from the bill, and subsequent subsections be renumbered.

3. That the following be inserted on page 2 between lines 15 and 16:

"or during such period as the Commission determines to be more equitable for establishing such earnings,"

4. On page 4, delete all of subsection (e)(5), lines 7 through 13, inclusive.

5. Add at end of page 6:

"New Section 5: In order to prevent unnecessary expenses and duplication of functions and to promote uniform and effective administration of the relocation assistance program for displaced persons under this act, the commission may enter into contracts with any individual, firm, association, or corporation for services in connection with such programs, or may carry out its functions under this act through any federal or state governmental agency having an established organization for conducting relocation assistance programs, and whenever practicable, utilize the services of state or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities."

"New Section 6: No payment received under this act shall be considered income for the purposes of the State Income Tax Act."

6. Renumber present Sections 4 and 5, on page 7, Sections 7 and 8.

7. That page 7, line 1, be amended to read: "K.S.A. 1970 Supp. 74-2019 and 74-2020 are hereby repealed."