

ROADS AND HIGHWAYS SUBCOMMITTEE

The Roads and Highways Subcommittee met in room 528 at 1:15 P. M. on January 22, 1973. Chairman Dierdorff called the meeting to order and all members were present except Representative Reeves.

A roster of those who registered their attendance is attached.

Conferees on House Bill 1047 were: Dick Long, Legislative Research Assistant; Dale M. Sprague, Legal Counsel for the Kansas Automotive Wreckers' Association; Mr. Whitney Warren, Executive Secretary of the Salvage Board; David G. Dehaemers, Chairman, State Salvage Control Board, Olathe; Mel Gray, Counsel for the Division of Environmental Health; Floyd Seidl, Wichita, President of Kansas Auto Wreckers; James DeCoursey, Legal Counsel for the State Highway Department.

House Bill 1047 - AN ACT concerning junkyards as therein defined;

Chairman Dierdorff asked Dick Long to give a resume of the history of this bill and the action that was taken during the interim hearings regarding the salvage law.

Mr. Long told the committee that the impetus for the study came from problems that the law had created. An examination of the operations of the Salvage Board by the Legislative Post Auditor indicated the possibility that substantial fees, around \$1.4 million, probably had been lost for failure to enforce the law. This summer a study committee looked into all aspects of the law and a great deal of testimony was reviewed. The salvage law is a result of the Beautification Act. One of the problems was that it was difficult to decide just what the duties of the salvage board were, but that has been somewhat remedied.

Mr. Long explained the bill as presented by the interim committee.

Mr. McMaster asked the reason for the change of policy in Section 1.

Mr. Long replied that the committee recommends this change because it feels that the financial responsibility imposed upon the state under

the current law of screening or else purchasing junkyards lawfully in existence prior to May 4, 1967, can never be successfully carried out for all of the then existing junkyards. There would be no federal funds.

Mr. McMaster said that in other words, the idea was to create a law to penalize junk yards only as federal funds are available.

Mr. Long said he would not choose to say it that way.

Mr. McMaster noted that according to Section 4, some junk yards have already complied and have been paying. The present law is \$1.00 per day. Would this take those not complying with the law and forgive them but would not do anything for the ones who had paid?

Mr. Long said they would pay according to what the others had been paying. This bill would define who should be paying. It would be wise to make an enforceable law.

Mr. McMaster asked if the Board ever tried to enforce this law, and has anyone ever been taken to court?

Mr. DeCoursey said about ten people have been taken to court. The Court has been reluctant to impose a fine, but some have paid a fine. The business could be terminated if this present law is enforced. The Court has found it difficult to find the failure to comply intentional. No one has been found guilty.

Mr. McMaster asked if they ever made arrangements where a portion of the fees were paid, and Mr. DeCoursey said there have been settlements made.

Mr. Sellers referred to Section 1 - is it anticipated there will be regulations for the counties and cities to come under this?

Mr. Long said cities and counties are encouraged to regulate junkyards in their own jurisdictions.

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Mr. Sprague's remarks are attached, Exhibit I.

Mr. Sprague prefaced his printed remarks by saying that back in 1966 Mrs. Lyndon Johnson brought about the Highway Beautification Act, and it has caused no end of consternation.

The Legislature established the State Salvage Board - this was so the Beautification Act could be imposed on the states. This Act took place May 4, 1967. It created the State Salvage Board, which was given the duty of adopting the rules and regulations necessary to carry out the Act and to employ officers to enforce the law.

This past year there was a Post Audit. It was found that about \$1.4 million was due in back fees, etc. This was brought to the attention of the Legislature, and the interim committee was appointed to make the study.

The Salvage Board has not had proper manpower to do the job as it should be done. There are some five to six hundred junkyards in the state with just one investigator to cover the state. About a five-county area would take up the time of one man. For that reason, many salvage areas were not inspected, and this caused the problem.

Mr. Sprague's comments and suggested changes contained in Exhibit I followed.

Mr. Dierdorff asked why they proposed to change "ten or more" to "two or more".

Mr. Sprague said it is their feeling that if a person allows two or more to accumulate that he is blighting the area if he has not protected it with a screen. Some might be selling parts and acting as a business.

In answer to a question from Mr. Maag as to how this would affect car collectors, Mr. Warren was not sure.

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Mr. Dempsey observed that if it was impossible to enforce under the present act that surely there would be many more places to inspect and enforce the law under the proposed law.

Mr. Sprague said there would be more areas brought into the jurisdiction of the Salvage Board, but it would be up to this committee to define a junk yard.

Mr. Bush, who served on the interim committee, recalled there was some discussion during the interim that many people having two junk automobiles were not in business, but they were selling parts and are in competition with the dealers. The committee thought this was not fair. That is why the number was changed from ten to two.

Mr. D. Miller observed that the present bill could allow people to have up to ten and it would ruin the looks of a neighborhood.

Mr. McMaster said he would think every farmer in the state would be under this.

Mr. Sprague said that farm vehicles would not be under the jurisdiction of the Board.

Mr. Warren said he did not come to the meeting to take stands. One question he has as he goes over the bill is that it still covers refuse, garbage land fills, etc. Moving to (f) in Section 2, it incorporated municipal corporations. For the past two years the Board of Health has been interested in taking care of that. There are provisions that regulate this. The Board has no objection to the Board of Health taking this over, since there seems to be some overlap in this bill.

Mel Gray, Division of Environmental Health, said he did not think there would be a conflict as far as sanitary land fills, providing he is correct in his interpretation as to buying and selling.

Dumpings are outlawed - there will be no more. Plans must be in by 1974 and operating with valid licesse by 1975. He said if his understanding of this phase is correct, there would not be any conflict with this bill.

Mr. Seidl said the main thing he is interested in is the amount of cars to take care of a legitimate business. This law would cover the interstate system and the primary system. He feels it should take care of all of them regardless of where they are. He has one on the highway and one in the city and feels that both should be regulated. The people in the rural areas should have to pay the license fee also.

As far as the bodies of cars being used to stabilize land fills, he has donated auto bodies for that purpose -- these people are not in the business and it is a cinch that once the bodies are in the water they are not being taken out to get parts.

Mr. Dehaemers spoke in favor of the bill. He told the committee there are several requirements to be in business - a salvage license, a dealer's license and a state sales tax number. It is a known fact that in Kansas City people go to the auctions, after removing parts off of the vehicles, they are taken back to a lot.

Mr. Dehaemers said from the standpoint of money, they only make money off of the part sales. He gives the bodies away.

D. Miller asked how much it would cost the state to enforce this law, and Mr. DeCoursey replied that he did not know as far as dollars are concerned. We need three more investigators and their salary would average \$20,000. per year. The licensing fees average \$26,000.

Mr. Miller pointed out that this law would not pay for itself, and Mr. DeCoursey explained that the reason this was brought about was because the state would not get federal funds without the law.

Mr. DeCoursey told the committee the historical background was the Highway Beautification Act. The Act set up a committee appointed by the President to see these laws were being complied with. This is what has caused part of the problem. They have taken the definitions of the federal law and applied them to Kansas. It is meant to improve the environment. This was one of the reasons for technical problems and why he believes the Board has to have a range to interpret these. The Salvage Board was created to insure we do not lose 10% in federal funds. It consists of three appointed members and the Superintendent of the Motor Vehicle Department and the Director of the Highway Commission.

Mr. DeCoursey suggested the following changes:

On page 2, line 5, by adding "in a calendar year".

On page 3, line 19, by adding the word "screening" before program.

On page 5, line 8, by striking "in injunction"; on line 9 by adding after the word "act" the following: "and if the plaintiff prevails in said action, the court shall, in its discretion, award damage not to exceed \$1,000. and costs"; in line 19, by adding after 1967, "and duly licensed in the subsequent year."; in line 27, by adding after feasible "and if federal funds are available for this purpose."

Mr. DeCoursey said he is also concerned about some of the other language in the bill.

Mr. Dierdorff asked Mr. DeCoursey to bring his other suggestions back on Wednesday of this week. In the meantime, Mr. Dierdorff appointed a subcommittee consisting of McMaster, Sellers and Bob Miller to work on the suggested changes and have them ready Wednesday.

The meeting was adjourned.

Fran Stafford, Recording Secretary

APPROVED:

Arden Dierdorff
ARDEN DIERDORFF, CHAIRMAN

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SUBCOMMITTEE

GUESTS

NAME	ADDRESS	FIRM OR CORPORATION REPRESENTED
Paul A. Deben ^(Deben)	Quathwa, Kansas	I-35 AUTO PARTS COUN. STATE SOLVAGE COUNCIL ETC.
Euch Wagoner	Colby, Kansas	Colby Wrecking Yd
Marjorie Wagoner	Colby, KS	Colby Wrecking Yd.
Doyel Ludd	Wichita, Kansas	Schmid Auto Parts & Pres. Kans Auto Meecher Assn.
Paul M. Swagarc	Topeka	Ks. Auto Wreckers Assn.
Mel Gray	Topeka	Council
Ann H. County	Topeka	Div. of Env. Health Hearing Commission

Whitney ⁵⁰

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