

January 25, 1973

TO: Fred Harris, Chairman -- Transportation and Utilities Committee

At the meeting of the Roads and Highways Subcommittee on January 24, 1973, the following action was taken:

Dr. Hughes made a motion, second by Representative Rosenau, that House Bill #1133 be passed out of this committee with the recommendation that it be reported favorably by the Transportation and Utilities Committee. The motion carried.

Representative Bob Miller made a motion, second by Representative Reeves, that House Bill 1047, as amended by the Roads and Highways Subcommittee, be passed out of this committee with the recommendation that it be reported favorably by the Transportation and Utilities Committee. The motion carried.



ARDEN DIERDORFF, CHAIRMAN
ROADS AND HIGHWAYS SUBCOMMITTEE

ROADS AND HIGHWAYS SUBCOMMITTEE

The Roads and Highways Subcommittee met in room 528 at 1:15 P. M. on January 24, 1973. Chairman Dierdorff called the meeting to order and all members were present except Representative Maag.

Conferees were: Representative Roniger on House Bill 1133; Mrs. Betty Finnell and Representative McMaster on House Bill 1047; John Peterson on House Bill 1070.

House Bill 1133 - AN ACT relating to the tax on motor vehicle fuels, and providing for the payment of certain motor fuel tax refunds.

Representative Roniger explained that this bill is introduced every year. This extends the period for payment to January 1, 1971. The authority to accept claims under this section shall terminate and expire on September 30, 1973. He explained that this is for hardship cases.

Representative Robert Miller said it was his understanding that there was something being done to prevent this from being introduced each year. He feels if we are going to do it that there should be a permanent law. Why don't the late ones go through Claims and Accounts?

Mr. Roniger said it is the policy of Claims and Accounts not to honor them without the law each year.

Mr. Dierdorff explained that there have been many attempts to change the law but it always becomes so complicated that this seems to be the simplest way.

The Chairman told the committee this bill needs to get out of committee and on the floor so the people can get paid.

Dr. Hughes told the committee that he has heard this discussed every year for many years and that no one has come up with a better solution.

Dr. Hughes made a motion, second by Representative Rosenau, that House Bill 1133 be passed out of this committee to the full Transportation and Utilities Committee with the recommendation that it be reported favorably. The motion carried.

Except as otherwise noted, the individual remarks recorded herein have not been transcribed verbatim and this record has not been approved by the committee or by the individuals making such remarks

House Bill 1047 - AN ACT concerning junkyards as therein defined adjacent to the interstate and primary systems as therein defined;

Chairman Dierdorff called on the subcommittee consisting of Representatives McMaster, Sellers and Bob Miller for their report concerning House Bill 1047.

See attached Exhibit I -- Mr. McMaster said he had letters from both James DeCoursey and Robert Morrissey and that recommendations have been used from both of their letters.

In explaining Exhibit I, Mr. McMaster said the subcommittee felt that if the concept is good for primary and interstate roads, it is good for the entire state, thus the change in Section 1.

Mr. Bush observed that this would restore or make all junk yards under the jurisdiction of the Salvage Board.

In Section 2, the federal law says not to strike garbage dumps.

Mr. Reeves asked why sanitary land fills are not included, and Mr. McMaster replied that they are covered under the Board of Health.

The stricken portion in Section 3 was put back to conform with Section 1, the same in sub section (d). Subsection (e) is new proposal for present law and the word "screening" before program on line 19 as recommended by Mr. DeCoursey. The date on line 22 was changed because of the letter from Mr. Morrissey. It cannot be delayed for five years; they felt two years was reasonable. The language at the bottom of page 3 was restored for the same reason as Section 1. The change in Section 5 was recommended by Mr. DeCoursey.

Mr. Bush told the committee that during the interim committee study, the members felt the \$1 per day penalty would force people out of business.

Mr. McMaster replied that the Highway Department has compromised on this. He feels that as soon as all the junk yards are licensed there will be no problem.

Mr. Dierdorff said it was his understanding during the hearing on Monday

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that many of the yards have not been licensed because there is not enough personnel to contact these people and supervise. Are the people running the salvage yards required to come in or do they wait until the Board calls on them?

Mrs. Finnell said the theory of the bill is that once the law goes into effect, the yard was to apply for a license. They were to be screened before being licensed. Apparently some felt that if they did not apply they would not be found. Anyone coming into the salvage industry was to have a screening application before the Board; otherwise they cannot set cars out in a field and say they want a license. They were to be screened first. There were many yards wanting this law, and they have turned in a list to the state. The state should have an adequate list to work from in order to check. There are those who ignore letters from the state. There are 645 yards in the state and all but about 75 are licensed.

Mr. Harris inquired, since there are only ten who have been called before the highway authorities, are they only taking care of violent complaints?

Mr. McMaster said that the state goes the extra mile to try to work out a compromise in settlements. They probably just don't have the manpower. He feels that by next year there will be very few of the violaters.

Mrs. Finnell said they feel more personnel is needed. There is just one inspector for the state. She said she is not a member of the Board and she cannot speak for them, but she feels they need more help and there is no money to hire more.

Mr. McMaster said that is another problem - funding. He does not know if the Salvage Board is covered under the bill that will provide for fees collected for some agencies to go into a trust fund to take care of such things.

Mr. McMaster made a motion, second by Dr. Hughes, that the report of the

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subcommittee on House Bill 1047 be adopted. The motion carried.

Bob Miller made a motion, second by Representative Reeves, that House Bill 1047, as amended, be passed out of this committee to the full committee on Transportation and Utilities, with the recommendation that it be passed. The motion carried.

House Bill 1070 - AN ACT concerning motor vehicles; relating to persons driving while under the influence of intoxicating liquor or drugs; providing penalties; providing for the revocation of operators' or chauffeurs' licenses by the motor vehicle department; amending KSA 1972 Supp. 8-530 and repealing the existing section.

Representative Peterson explained the bill. He said this bill would amend the penalty provision beginning on page 2 regarding the revocation of a license.

In 1971 there were 4,740 DWI, 1,220 led to suspension or revocation. In 1972 there were 5,734 DWI convictions, 1,014 suspensions or revocations. Many or none have had license revoked at all.

Mr. McMaster explained that the reason for the change in the present law was because of a bill lowering the alcohol count. Mr. McMaster said he thinks the present law is working and that it is a good law.

After much discussion, the Chairman asked the committee members if they would like to wait and see the fate of a similar bill that is presently in the Judiciary Committee. It amends the same statute.

Mr. Harris suggested that whatever we might do today might have to be changed.

Representative Dave Miller proposed the attached amendment, Exhibit II.

The committee members agreed the amendment might have merit but that there are too few alcoholic treatment clinics or similar facilities at the present.

Chairman Dierdorff appointed a subcommittee consisting of Representatives Reeves, McMaster and Dave Miller to come up with recommendations, whether on this bill or another one. Mr. Harris asked to be an ex-officio member of the

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committee.

The Chairman announced that the full Transportation and Utilities Committee would meet on Thursday, January 25, 1972 to consider the bills that were recommended out of this subcommittee.

The meeting was adjourned.

Fran Stafford, Recording Secretary

APPROVED:

Arden Dierdorff
ARDEN DIERDORFF, CHAIRMAN
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shall be unlawful for the owner, or any person, to operate the junkyard. Proceeds from such fees shall be deposited with the state treasurer in the state highway fund and be subject to disbursement as provided by law to defray the expenses of administering the provisions of this act.";

Also on page 5, in line 8, by striking "in injunction"; in line 9, by striking all after the period and by striking all of lines 10 to 16, inclusive; in line 19, preceding "and" by inserting "and duly licensed in the subsequent year"; in line 26, preceding the word "and" by inserting the following: "and any junkyard within one thousand (1,000) feet of the nearest edge of the right-of-way and visible from the main traveled way of any other state, county, township highway, road or city street,";

On page 6, in line 2, by striking all after "the" where it last appears in said line and in line 3, by striking all before "will" and inserting in lieu thereof "highway, road or street";

And the bill be passed as amended.

Chairman.