

ROADS AND HIGHWAYS SUBCOMMITTEE

The Roads and Highways Subcommittee met in room 528 at 1:15 P. M. on January 29, 1973. Chairman Dierdorff called the meeting to order and all members were present except Representative Harris.

A roster of those who registered their attendance is attached.

Conferees were: On House Bill 1178 - Representative Ambrose Dempsey, Senator Ed Reilly, H. J. Ulrich and John McNeal of the State Highway Commission; Senate Bill 38 - Harold Stones, Kansas Bankers Association; State Treasurer Tom Van Sickle; H. J. Ulrich and James DeCoursey of the State Highway Commission; House Bill 1099 - Representative Wendell Lady, H. J. Ulrich and John McNeal.

House Bill 1178 - AN ACT designating the portion of state highway 7 which runs in conjunction with U. S. highway 73 between the cities of Bonner Springs and Leavenworth as the international airport expressway; directing the state highway commission and Kansas turnpike authority to erect directional signs thereto.

Mr. Dempsey explained the bill -- said that the purpose of introducing the legislation was for the welfare of people who were trying to get to the Kansas City International without going through Kansas City, Missouri. Many reports have shown that the shortest route from the west is through Leavenworth. It only takes about eighteen to twenty minutes from Leavenworth to the airport.

Mr. Sellers asked if this is a controlled access road now, and Mr. Dempsey replied that it is a real good road.

Mr. Ulrich said that he would like for Mr. McNeal to speak on the position of the highway department on this.

Mr. McNeal said there are difficulties with the proposal. To accomplish what Mr. Dempsey proposes would be in violation of the

Uniform Traffic Control Manual, which is both federal and state law. That specifically prohibits, until the legislature has named a highway, from marking with anything except plaques at bridges or in rest areas. We cannot sign a numbered route as a memorial highway. There are a number that are signed. When we ever go back to those routes for federal aid, the signs will have to come down. That would be true on this route. They might have to come down before then. It is Mr. McNeal's opinion that the Division Engineer of the Federal Highway Administration will find it convenient to turn his head on the existing signs, but he probably would not on signs in the future. This is the way it comes under the 10% penalty provisions of the Federal Highway Safety Act.

Beyond that, there is difficulty in designating in Kansas and not in Missouri. That is basically why there have not been markings put up to the airport already. This was discussed a week ago last Wednesday with a delegation from Leavenworth County. The Maintenance Department contacted the officials in Missouri. Mr. McNeal wrote a letter to the Chief Engineer of Missouri asking what their plans are for signing, and suggested that they put up guide signs at two junctions. If Missouri agrees to put up signs at those two points, the State Highway Department of Kansas would be able to put up KCI signs at four locations, which Mr. McNeal feels would help. So far, while the Turnpike Authority is under the same law, the federal bureau has not threatened them for signing on the turnpike.

The State Highway Department could not sign between the turnpike and the city of Leavenworth, but they could put a sign where 92 comes in to 70-73, probably an arrow showing KCI Airport. They could put one near

the city limits on the south; they could put one up just before 73 turns near the bridge; they could also put one up from the north on 70-73 directing traffic to the airport. They can do all of that providing Missouri will put up the signs at the two suggested junctions. It is Mr. McNeal's guess that they will do it, but they have not had a reply from Missouri yet. They could not sign 24, even if the legislature designates this one, with the type of signing that would direct people. With recent decisions regarding Kansas, they are very sensitive to the directions in the manual from the standpoint of liability.

There is another point of concern - he might be speculating, but they do have 435, which might be a long time in the future, but it has to be approved for letting by June 30, 1975. Controversial routes are to be eliminated from the interstate system by that time, and if they were in a ticklish position by designating this route as the expressway instead of 435, which was approved primarily because it would serve people going to the International Airport, it might be damaging.

Senator Reilly told the committee that he wrote to the manager of the Kansas Turnpike Authority relative to the fact that people were constantly coming to him and saying they did not know how to get to the airport and felt the need of signs to direct them. He indicated that he would be willing and anxious to get signs put on the turnpike so the people going to the International would have directions. He also wrote a letter to Mr. Montgomery in regard to the markings after people leave the turnpike. In essence, this was titled "trail-blazing" and could not be done. That is why this bill was introduced. When 435 becomes a reality, they would not be contrary in Leavenworth about removing the signs - this would be temporary.

Senate Bill 38 - AN ACT relating to the state system of modern expressways and freeways;

Harold Stones, Kansas Bankers Association, spoke in favor of this bill. His remarks, Exhibit I, are attached.

Mr. Stones explained that the amendment on page 2 of his remarks is suggested to make the intent of the bill perfectly clear.

Mr. Ulrich told the committee that the Commission has requested him to submit to the committee that, if as they interpret the bill, this could result in a reduction of funds to the highway fund, that they could not support the bill as it is written. The amendment might change the interpretation for the legal department.

Tom Van Sickle, State Treasurer, proposed the attached amendment, Exhibit II.

Mr. Van Sickle said he thinks this bill is good and he is proposing the amendment to allow this money, if it is invested in the banks and trust companies, to make it a bidding proposition. This is a very common bid proposition that they use with municipal bonds and various other funds that go out.

He has done a small, limited survey in this area, and his conclusion, based on the facts as he has gleaned them in areas where money has been put out on interest, is that the state could expect to receive, on a competitive bid basis, approximately 50 basis points or one-half of one percent more by going to the bid proposition.

On school district 501 on May 11th last year, some of their money went for as much as 4.4, while the Treasury bill rate was 3.6. June 21st, they put out \$1.2 million at 4.4. The Treasury bill rate was 3.8. The Treasury bill rate in January of this year was around 5%. They put out \$4.7 million at rates varying from 5.35 to 5.56

The question is - how much money are we talking about? We have had two issues to date of \$40 million. From that amount the Highway Commission has expended actually no funds. Some funds have been obligated but not expended - \$4,569,000. This amendment, if we are concerned about doing something for the tax payer by providing a better return, would be helpful. It does not change the proposition in regard to capital and surplus; it doesn't address itself to who has the investment authority. Mr. Van Sickle is not as concerned about the investment authority as he is about the return. On this basis we could very easily say that, with this \$80 million for one year's period of time, we are talking about \$400,000.

Mr. DeCoursey told the committee that the bill, the way it is already written, permits the Commission to invest in other things than in Treasury bills. They can invest in things that are carrying 7.5% interest rates - they can invest in Fanny Mae. These are areas where you need a certain amount of expertise, and the Commission has that consultant with them.

A copy of figures requested by Mr. McMaster regarding the investment of funds at the present time was provided by the Highway Commission and is attached, Exhibit III.

Mr. Stones said this is a very difficult situation to be in, regarding the proposed amendment. In practically every other business the selling concept is the way of doing business, but this is not the case in the banking industry. For about three reasons they would oppose this.

First, the sealed bid concept could be used under present language if the State Highway Commission decided that it wanted to. There is nothing in the present language that would prohibit it. The reason

it would not work is that there are 609 banks in Kansas, some good and some bad, but the bank that can least afford it is, generally speaking, that bank that would try to buy totals at any price.

The second reason is that, by and large, you are going to restrict funds to the large urban banks if you put it on sealed bids.

The third reason is that banks are going to have to pledge security to the extent of 100% of that deposit. What are they going to use for security? Either Kansas municipals which have a very low yield or U. S. Treasury bills which we are competing with.

Last, they feel that the sealed bid concept is an extremely dangerous precedent and they would like to take whatever steps that are necessary to see that precedent does not get started.

House Bill 1099 - AN ACT relating to the highway advertising control act of 1972;

Representative Lady told the committee this bill was introduced at the request of Overland Park, and it pertains to the billboard law. He explained the bill and pointed out the proposed changes. The change on page 2 would correct the main difficulty.

Mr. Ulrich told the committee that in his opinion the Highway Commission probably would not oppose this legislation, pending approval from the Federal Highway Administration. They will clear with the federal people first.

The Chairman announced there would be a meeting Tuesday to hear House Bills Nos. 1160, 1171 and 1174.

The meeting was adjourned.

Fran Stafford, Recording Secretary

APPROVED:


ARDEN DIERDORFF, CHAIRMAN

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.

PUBLIC TESTIMONY

ON

SENATE BILL 38

PRESENTED TO THE
HOUSE SUBCOMMITTEE

ON

ROADS AND HIGHWAYS

OF THE

KANSAS LEGISLATURE

PRESENTED BY

KANSAS BANKERS ASSOCIATION

JANUARY 20, 1973

TO: HOUSE SUBCOMMITTEE ON ROADS AND HIGHWAYS
FROM: Harold Stones, Kansas Bankers Association
RE: Senate Bill 38

The new language on page 1, lines 14-19, accomplishes the following changes:

1. Allows proceeds from bond issues credited to the State Freeway Construction Fund to be invested in time deposits in Kansas banks, in addition to the present investment authority which is U. S. Government securities.
2. Investment in any one bank is limited to total capital and surplus.
3. Banks must pledge 100% securities for safety of these funds as they do with any other state deposit. Eligible securities are:
 - a. Direct obligation of the U. S. Government.
 - b. General obligation Kansas municipal bonds.
 - c. Revenue bonds of the State of Kansas - state agency.
 - d. Revenue bonds of a municipality if approved by State Bank Commissioner.
 - e. These securities shall be deposited with the State Treasurer, a Kansas correspondent bank with adequate facilities for safekeeping, or with the Federal Reserve Bank of Kansas City.
 - f. All deposits shall have a joint custody taken with one copy going to the State Treasurer.

Passage of Senate Bill 38 would be in the public interest through helping to alleviate the existing Kansas capital shortage, and stimulating the Kansas economy.

The Kansas Bankers Association respectfully urges the Committee to give favorable consideration to Senate Bill 38.

(more, please)

Amend S.B. 38 as follows:

On Page 2, in line 1, by inserting a colon in lieu of the period, and by inserting after the colon the words "provided, that deposits in such banks or trust companies shall not be subject to the provisions of K.S.A. Ch. 75, Art. 42, and amendments thereto, relating to state bank accounts and interest thereon other than provisions related to such security."

FILED
1-23-73

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
January 18, 1973

The Honorable Fred M. Harris
Chairman of the House of
Transportation and Utilities Committee
Statehouse
Topeka, Kansas 66612

Re: Proposed Legislation

Dear Representative Harris:

I am transmitting to you herewith copies of the following proposed bills for your consideration.

1. A bill relating to the purchase of land and making direct payment to the sellers.
2. A bill relating to the acquisition of right-of-way for city streets.
3. & 4. A bill repealing K.S.A. 68-419 and an alternate bill amending K.S.A. 68-419.
5. A bill amending K.S.A. 1972 Supp. 8-5,116 pertaining to the height and length of vehicles.

The first bill authorizes the State Highway Commission to make direct payment to property owners for land or interest in land acquired by counties or cities and is requested by the Right of Way Department. This bill authorizes the State Highway Commission to make direct payment to the sellers for real estate acquired by counties and cities for highway purposes in cases where the counties or cities are entitled to be reimbursed 100% by the Highway Commission for the cost of the real estate. The object of this bill is to enable the sellers to get their money quicker and not have to wait for the county or city to bill the Highway Commission for the money, and then wait for receipt of the money from the Highway Commission before the county or city can pay the sellers. Also in cases where the county or city may borrow the money and pay interest on the same pending reimbursement by the Highway Commission, the Highway Commission cannot reimburse the county or city for the amount of the interest paid. Also many small cities do not have the proper bookkeeping systems to properly handle the money. This bill would be applicable only in cases in which the real estate or interest therein was acquired by purchase and not by condemnation.

The second bill relative to acquisition of right-of-way for city streets is an amendment to K.S.A. 68-412a. The present law reads as follows:

"That whenever it becomes necessary for the proper construction, maintenance, or improvement of streets in cities, which streets have been designated as connecting links in the state highway system, to acquire right-of-way for said streets, the state highway commission may assist said cities in paying for said right-of-way and may pay from the state highway fund to said cities for such purposes such part of the amounts necessary for the payment for such right-of-way as may be agreed upon by the state highway commission and the governing bodies of said cities. Upon the request of a city and approval of plans by the city the state highway commission may acquire by condemnation, or purchase right-of-way for construction, reconstruction and maintenance of connecting links in the state highway system in any city, and the state highway commission may construct, reconstruct and maintain such connecting link with or without such city's participation."

The Right of Way Department wants to strike out the portion that provides that "upon the request of a city and approval of plans by the city the state highway commission may acquire by condemnation or purchase right-of-way for construction, reconstruction and maintenance of connecting links in the state highway system in any city", so as to provide that the Highway Commission may upon approval of the plans by the city proceed to acquire the land by condemnation without the city requesting that it do so.

Mr. Harry G. Wiles, Sr., Chief, Right of Way Department is chief proponent for this bill and feels it would be more orderly administration of K.S.A. 68-412a. If this bill is adopted by the Legislature, we probably can get along without the first above mentioned bill.

In our draft for amending K.S.A. 68-412a, we referred to the same as K.S.A. 1972 Supp. 68-412a. This draft of the bill was made prior to the Secretary of State making the K.S.A. 1972 Supplements available, and we assumed that there would be a 1972 Supplement covering Volume 5 of the Kansas Statutes Annotated. However, the 1972 Supplements do not cover Volume 5 and 5a and wherever the term K.S.A. 1972 Supp. 68-412a appears in the bill the same should be changed to K.S.A. 68-412a.

Also enclosed is a bill repealing K.S.A. 68-419 known as the Defective Highway Act. You are probably aware that recently a \$600,000 judgment was obtained in the District Court of Shawnee County, Kansas, on account of injuries arising out of the accident based on what the defendant alleged was a defect in design in the highway. A few years ago in the District Court of Johnson County,

Kansas, a judgment for \$450,000 was obtained based upon injuries claimed to arise from an accident resulting in surface water standing on the highway. This judgment was recently affirmed in the State Supreme Court. The Court in recent cases has greatly extended their meaning of the words defect in the highway to include an addition to what was thought of as defect, defect in design, drainage, and so forth. We also submit an alternate to the repeal of K.S.A. 68-419 amending the law to limit liability to defects in the bridges and culverts on the state highways or in the traveled portion of the state highways which we feel would limit the liabilities to actual defects in the bridges and culverts or the traveled portion of the state highways, and would eliminate cases that are based upon alleged defects in the design of the highway. The bill also limits the amount that any one person may recover in any one accident as not to exceed \$50,000.

In our draft for amending K.S.A. 68-419, we referred to the same as K.S.A. 1972 Supp. 68-419. This draft of the bill was made prior to the Secretary of State making the K.S.A. 1972 Supplements available, and we assumed that there would be a 1972 Supplement covering Volume 5 of the Kansas Statutes Annotated. However, the 1972 Supplements do not cover Volume 5 and 5a and wherever the term K.S.A. 1972 Supp. 68-419 appears in the bill the same should be changed to K.S.A. 68-419.

The fifth bill included is requested by the Safety Department of the Highway Commission amending K.S.A. 1972 Supp. 8-5,116 relative to height and length of vehicles by amending so much of subsection (d) by adding the following:

"Provided Further, That no one vehicle of such combination of vehicles shall exceed the overall length of forty-two and a half (42 1/2) feet."

and by amending so much of subsection (e) as reads as follows:

"The limitations in this section governing maximum length of a truck tractor and semitrailer or other combinations of vehicles coupled together shall not apply to vehicles operating in the daytime when transporting poles, pipe, machinery or other objects of a structural nature which cannot readily be dismembered."

by striking out the words:

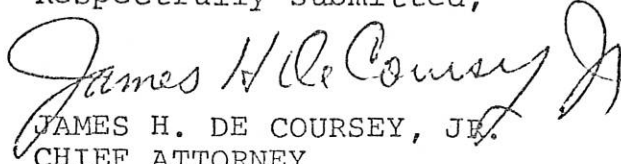
"machinery or other objects of a structural nature which cannot readily be dismembered"

so as to read:

"when transporting poles and pipe"

The Safety Department feels that the statute does not sufficiently define "machinery or other objects of a structural nature" so that proper administration of the law can be made. There is confusion on the parts of both the operator of a truck as well as the enforcement officer as to what articles are exempt from the length law. It is the opinion that deleting the above quoted phrase will not cause any additional hardship on the trucker as K.S.A. 8-5,122 provides for the transporting of such loads.

Respectfully submitted,



JAMES H. DE COURSEY, JR.
CHIEF ATTORNEY
STATE HIGHWAY COMMISSION OF KANSAS

JHD:EH:sv
Att'd.

HOUSE BILL No. 1047

By Messrs. Everett, Howard and Maag

(By request of Special Committee on Revision of Salvage Board
Laws)

Re Proposal No. 81

1-9

AN ACT concerning junkyards as therein defined adjacent to the interstate and primary systems as therein defined; making certain acts unlawful and prescribing penalties for violations; amending K. S. A. 68-2202, 68-2203, 68-2204, 68-2205, 68-2207, 68-2208, 68-2209, 68-2213 and 68-2215, and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

1 Section 1. K. S. A. 68-2202 is hereby amended to read as follows:
2 68-2202. For the purpose of promoting the public safety, health,
3 welfare, convenience and enjoyment of public travel, to protect the
4 public investment in public highways, and to preserve and enhance
5 the scenic beauty of lands bordering public highways, it is hereby
6 declared to be in the public interest, and necessary and appro-
7 priate to regulate and restrict the establishment, operation, and
8 maintenance of junkyards in areas adjacent to highways, roads
9 and streets ~~the interstate and primary systems of highways~~ within
10 this state.

11 Sec. 2. K. S. A. 68-2203 is hereby amended to read as follows:
12 68-2203. (a) The term "junk" shall mean old or scrap copper,
13 brass, rope, rags, batteries, paper, trash, rubber debris, waste, or
14 junked, dismantled, or wrecked automobiles, or parts thereof, iron,
15 steel, and other old or scrap ferrous or nonferrous materials.

highways, roads and streets

1 (b) "Automobile graveyard" shall mean any establishment ~~or~~
2 ~~place of business~~ which is maintained, used, or operated, for
3 storing, keeping, buying, or selling *ten (10) or more* wrecked,
4 scrapped, ruined, dismantled or inoperative motor vehicles ~~or~~
5 ~~motor vehicle parts~~.

6 (c) "Junkyard" shall mean an establishment ~~or place of busi-~~
7 ~~ness~~ which is maintained, operated, or used for storing, keeping,
8 buying, or selling junk, or for the maintenance or operation of an
9 automobile graveyard, ~~and the term shall include garbage~~
10 ~~dumps and sanitary fills~~.

11 (d) "Interstate system" means that portion of the national sys-
12 tem of interstate and defense highways, including city connecting
13 links and portions of the Kansas turnpikes, located within this
14 state, as officially designated, or as may hereafter be so designated,
15 by the commission, and approved by the proper federal authority
16 as provided by law.

17 (e) "Primary system" means that portion of connected main
18 highways, including city connecting links, as officially designated,
19 or as may hereafter be so designated, by the commission, and
20 approved by the proper federal authority as provided by law.

21 (f) "Person" means any individual, firm, agency, company, asso-
22 ciation, partnership, business trust, joint stock company or corpo-
23 ration, including municipal corporation.

24 (g) "Commission" means the state highway commission.

25 (h) "Board" means state salvage board created by ~~section 12~~
26 ~~of this act~~ K. S. A. 68-2212.

27 Sec. 3. K. S. A. 68-2204 is hereby amended to read as follows:
28 68-2204. No person, ~~firm, corporation, or municipality~~ shall
29 establish, operate, or maintain a junkyard, any portion of which is
30 within one thousand (1,000) feet of the nearest edge of the right-
31 of-way of any street or highway on the interstate system or the

, and the term shall include garbage
dumps

1 primary system, ~~or any portion of which is within one thou-~~
2 ~~sand (1,000) feet of the nearest edge of the right-of-way~~
3 ~~of any other state, county, township highway, road, or city~~
4 ~~street, except the following:~~

5 (a) Those which are screened by natural objects, plantings,
6 fences, or other appropriate means so as not to be visible from the
7 main traveled way of the street or highway, or otherwise removed
8 from sight.

9 (b) Those located within areas which are zoned for industrial
10 use under authority of law.

11 (c) Those located within unzoned industrial areas, which areas
12 shall be determined from actual land uses and defined by rules
13 and regulations to be adopted by the board and approved by the
14 commission.

15 (d) Those which are not visible from the main traveled way of
16 a street or highway on the interstate or the primary systems, ~~or~~
17 ~~any other state, county, township highway, road, or city~~
18 ~~street.~~

19 (e) *Those for which a program has been submitted to and ap-*
20 *proved by the board, under which program compliance under the*
21 *other provisions of this section is contemplated to be achieved on*
22 *or before January 1, 1978.*

23 Sec. 4. K. S. A. 68-2205 is hereby amended to read as follows:
24 68-2205. No person shall establish, operate, or maintain a junk-
25 yard, any portion of which is within one thousand (1,000) feet of
26 the nearest edge of the right-of-way of any street or highway on
27 the interstate or the primary systems, ~~or any other portion of~~
28 ~~which is within one thousand (1,000) feet of the nearest~~
29 ~~edge of the right-of-way of any other state, county, town-~~
30 ~~ship highway, road or city street, without obtaining a license~~
31 ~~from the board which licenses shall be issued only for junkyards~~

, or any portion of which is within one thousand (1,000) feet of the nearest edge of the right of way of any other state, county, township highway, road, or city street

, or any other state, county, township highway, road, or city street

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, or any other portion of which is within one thousand (1,000) feet of the nearest edge of the right of way of any other state, county, township highway, road or city street

1 not prohibited by K. S. A. 1971 Supp. 68-2204, as amended. The
 2 board shall have the sole authority to issue licenses for the estab-
 3 lishment, maintenance, and operation of junkyards within the limits
 4 defined herein and shall charge therefor an annual fee of fifty
 5 dollars (\$50) payable on or before the first day of January. Any-
 6 one establishing a junkyard after July 1 of any year shall pay a fee
 7 of twenty-five dollars (\$25) for the remaining portion of the year:
 8 *Provided, however,* No city or county governing body shall be
 9 required to pay any fees provided for herein. All licenses issued
 10 under this section shall expire on the first day of January following
 11 the date of issue. A license may be renewed from year to year
 12 upon paying to the board the sum of fifty dollars (\$50) in advance
 13 for such renewal.

14 Any person who shall willfully or intentionally refuse to
 15 make an original application or renewal application, or to
 16 pay the annual license fee, as prescribed in this act, shall
 17 be deemed delinquent on and after February 16 of any
 18 year, or in cases where business is established after the
 19 first of the year he shall be deemed delinquent on and after
 20 forty-five (45) days after establishment of the business
 21 and shall be assessed a penalty fee by the board of one
 22 dollar (\$1) per day for each day he continues to do busi-
 23 ness thereafter until the application is made and the fees
 24 have been paid. After such time it shall be unlawful for
 25 the owner, or any person, to operate the junkyard. Pro-
 26 ceeds from such fees shall be deposited with the state trea-
 27 surer in the state highway fund and be subject to dis-
 28 bursement as provided by law to defray the expenses of
 29 administering the provisions of this act. Any person who
 30 shall violate any provision of this section shall be guilty
 31 of a misdemeanor, and on conviction, shall be fined not

(The language in this paragraph is restored.)

1 more than five hundred dollars (\$500), or be sentenced to
 2 the county jail for a period of not more than ninety (90)
 3 days' or both such fine and imprisonment. Whenever any
 4 person required to be licensed under this act, and who shall fail
 5 fails to make application with the board, or to pay the license fee
 6 when due, or, who shall ~~continue~~ continues to do business when
 7 the board has denied, suspended or revoked such application or
 8 license, the board may file an action in injunction enjoining any
 9 to enjoin such person from operating in violation of this act. When
 10 ever it is determined by the board that a junkyard has been in
 11 existence one or more years since May 4, 1967, and application for
 12 license for such junkyard is made after July 1, 1973, the board shall
 13 issue a license for such junkyard only upon payment of fifty dollars
 14 (\$50) for each unlicensed year of existence of such junkyard since
 15 May 4, 1967, in addition to the initial fee otherwise required by
 16 this section.

17 Sec. 5. K. S. A. 68-2207 is hereby amended to read as follows:
 18 68-2207. Any junkyard which was lawfully in existence on the
 19 effective date of this act May 4, 1967, and which is within one
 20 thousand (1,000) feet of the nearest edge of the right-of-way and
 21 visible from the main traveled way of any street or highway now
 22 on the interstate or the primary systems, and any junkyard
 23 within one thousand (1,000) feet of the nearest edge of the
 24 right-of-way and visible from the main traveled way of any
 25 other state, county, township highway, road or city street,
 26 and which is not located as specified in subsection (b) or (c) of
 27 K. S. A. 68-2204, as amended, shall be screened, if feasible, by the
 28 commission at locations on the highway right-of-way or in areas
 29 acquired for such purposes outside the right-of-way so as not to be
 30 visible from the main traveled way of such highways.

31 Sec. 6. K. S. A. 68-2208 is hereby amended to read as follows:

more than five hundred dollars (\$500), or be sentenced to the county jail for a period of not more than ninety (90) days or both such fine and imprisonment.

Violation of this section is a Class C misdemeanor.

and duly licensed in the subsequent year

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,

1 68-2208. When the commission determines that the topography
2 of the land adjoining the highway, road or street or highway of
3 the interstate or primary systems will not permit adequate screen-
4 ing of any such junkyards *junkyard* lawfully in existence at the
5 effective date of the act, or the screening of such junkyards
6 a *junkyard* would not be economically feasible, the commission
7 shall have the authority to acquire by gift, purchase, exchange, or
8 condemnation, such interests in lands as may be necessary to secure
9 the relocation, removal or disposal of the junkyards; and to pay
10 for the costs of relocation, removal, or disposal, thereof. When
11 the commission determines that it is in the best interest of the
12 state it may acquire such lands, or interests in lands, as may be
13 necessary to provide adequate screening of such junkyards.

14 Sec. 7. K. S. A. 68-2209 is hereby amended to read as follows:

15 68-2209. Any junkyard which comes into existence after the
16 effective date of this act, or was being maintained in viola-
17 tion of law on the effective date of this act, or after said
18 date is altered, changed or enlarged so as not to conform
19 to this act, and which is not made to conform to the act by
20 the owner or operator thereof is operated or maintained in
21 violation of this act is declared to be a public and private nuisance
22 and may be removed, obliterated or abated by the com-
23 mission or its representative. Notice by certified or regis-
24 tered mail shall be given said owner or operator at least
25 thirty (30) days before any such removal, obliteration or
26 abatement: *Provided*, If the whereabouts of said owner or
27 operator is unknown, such notice shall be posted in a con-
28 spicuous place at such junkyard at least sixty (60) days
29 before such removal, obliteration or abatement. The com-
30 mission may collect the cost of such removal, obliteration

31

highway, road or

1 or abatement from the person owning or operating such
2 junkyard.

3 Sec. 8. K. S. A. 68-2213 is hereby amended to read as follows:
4 68-2213. The board may deny the application of any person for a
5 license under this act and may suspend or revoke a license issued
6 or refuse to issue a renewal thereof. Upon any such denial, sus-
7 pension, revocation or refusal, the board shall immediately notify
8 such person in writing, and upon his request shall afford him an
9 opportunity for a hearing. The board, subject to the approval of
10 the commission, shall promulgate such rules and regulations con-
11 cerning the notice and hearing as are deemed necessary. Any
12 applicant or licensee deeming himself aggrieved by any decision
13 of the board may, within thirty (30) days after notice or
14 receipt of a copy of the order of the board, appeal to the
15 district court of the county in which the premises are licensed or
16 sought to be licensed are located. Notice of said appeal shall
17 be served upon the chairman or secretary of the board.
18 Whereupon the board shall file with the clerk of the dis-
19 trict court a certified copy of the transcript including the
20 records of the board and all evidence introduced in the
21 proceedings. At the time of filing the appeal, the party
22 appealing shall give a bond for costs conditioned that he
23 shall prosecute the appeal without delay and pay all costs
24 assessed against him. The district court shall have juris-
25 diction to hear and determine such appeals. Such an ap-
26 peal shall be heard as an equity proceeding. Trial may be
27 had on any order made in term or vacation. The tran-
28 script of the proceedings had at the hearing before the
29 board shall be admissible in evidence. Appeals may be
30 taken from the district court to the supreme court by the
31 applicant, licensee or by the board as in civil cases, except

1 that the board shall not be required to give a bond on
2 appeal. In hearing and considering any appeal, the court
3 shall not enforce or give effect to any rule or regulation
4 which it shall find is unreasonable, arbitrary or capricious,
5 and the court shall affirm the order or decision of the board
6 if it is found to be valid and free from prejudicial error to
7 the appellant as provided in K. S. A. 60-2101.

8 Sec. 9. K. S. A. 68-2215 is hereby amended to read as follows:
9 68-2215. Any person who shall violate any provision of
10 K. S. A. 1967 Supp. 68-2201 to 68-2214, inclusive, the same
11 being the junkyard salvage control act, shall be guilty of a
12 misdemeanor and on conviction, unless otherwise specifi-
13 cally provided, shall be fined not more than five hundred
14 dollars (\$500) or be sentenced to the county jail for not
15 more than ninety (90) days, or both such fine and imprison-
16 ment. *Unlawful junkyard maintenance is intentional operation*
17 *or maintenance of a junkyard in violation of article 22 of chapter*
18 *68 of Kansas Statutes Annotated, and amendments thereto.*

19 *Unlawful junkyard maintenance is a class C misdemeanor.*

20 Sec. 10. K. S. A. 68-2202, 68-2203, 68-2204, 68-2205, 68-2207, 68-
21 2208, 68-2209, 68-2213 and 68-2215 are hereby repealed.

22 Sec. 11. This act shall take effect and be in force from and after
23 July 1, 1973, and its publication in the statute book.

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