

January 31, 1973

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

At the meeting of the Roads and Highways Subcommittee on January 31, 1973, the following action was taken:

Representative Sellers made a motion, second by Representative Dempsey, that House Bill 1174 be amended: On line 5, after the word "handlebars" by adding the words "reaching a horizontal plane".

The motion carried.

Mr. McMaster made a motion, second by Representative R. Miller, that House Bill 1174, 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

Leg. Sec.

The Roads and Highways Subcommittee met in room 528 at 1:15 P. M. on January 31, 1973. Chairman Dierdorff called the meeting to order. All members were present except Representative Maag.

A roster of those who registered their attendance is attached.

Conferees were: On House Bill 1174 - Representative Ted Templar, Howard Pellegrino of the State Highway Department; House Bill 1171 - Representative Loyd Andrews, Harold Pellegrino; House Bill 1160 - Representative Josephine Younkin, Hayes Beck and Keith Devinney of Junction City, John McNeal of the State Highway Department, Representative John Burwell.

House Bill 1174 - AN ACT concerning motorcycles; regulating handlebar height;.....

Mr. Templar said the reason for introducing the bill is to clear up the difficulty in interpreting sub-section (b).

Mr. Pellegrino feels it is a better bill because it gives something to measure by.

Representative Sellers made a motion, second by Representative Dempsey, that House Bill 1174 be amended: On line 5, after the word "handlebars" by adding the words "reaching a horizontal plane". The motion carried.

Representative McMaster made a motion, second by Representative R. Miller, that House Bill 1174, as amended, be passed out of this committee with the recommendation that it be reported favorably by the Transportation and Utilities Committee. The motion carried.

House Bill 1171 - AN ACT concerning traffic on highways; providing restrictions on lighted lamps or illuminating devices;.....

Mr. Andrews explained that this bill was introduced at the request

of the radio and news media. It is their responsibility to keep the public informed of news, and this would be a service to make it easier to reach the scene of an emergency.

There was much discussion as to the advisability of more flashing vehicles on the highways.

Mr. Reeves said he has been with law enforcement for many years. He feels there are enough emergency lights on the roads now, and this would only confuse people.

Mr. Pellegrino, with the Safety Department of the State Highway Department, told the committee the present Uniform Code does not recognize blue lights, and red lights are for emergency vehicles. He feels there are enough lights at the present time and more will add confusion. They are not in favor of this bill in any way.

In reply to Representatives Reeves' question as to what the law is regarding yellow lights, Mr. Pellegrino replied that the law is silent.

House Bill 1160 - AN ACT relating to certain county line roads; providing for the maintenance, care and improvement thereof;....

Mrs. Younkin explained that this bill was introduced because of a dispute over maintaining and improving a county line road. Part of the road is on county township and the other part the county unit system. This dispute has been going on for a long time. The interested parties have worked for over a year trying to get something done, but efforts have been in vain. Two hearings were held during the summer with an interim Transportation Committee. Last Saturday there was a meeting with the County Engineers, and still they cannot settle the dispute.

Hayes Beck, Commissioner from Geary County, reported that the

problem is that the State Highway Engineer cannot arbitrate unless all the parties agree to the arbitration. In this case, Geary County does and Dickinson County does not.

Mr. Dempsey pointed out that in his district, there were three townships involved on a road. They got the County Commissioners and the Board Members of the three townships together, and all agreed to pay one township to pave the road. When they changed commissioners, the new ones said it was not binding. Mr. Dempsey feels that unless you get the Highway Engineer in on this agreement where you will have authority from the state, there could be a problem.

Keith Devinney said a contract was made with the Corps of Engineers in 1964. When you deal with the state or federal government, you have an option of building a road yourself or you put it out for contract. The county built the road with a contract - money - like the state does on secondary roads. Now the talk is that Geary County got \$35,000. Mr. Devinney left records with the Chairman showing that the money was spent, and more. They made no money on the project at all.

He feels a law is definitely needed.

Representative McMaster asked if anyone contacted their County Attorney, and does the attorney say they can get relief in court?

Mr. Devinney replied that the people living on the road would need to take it to court, and he does not feel they should have to spend the money.

Mr. McMaster suggested that it would be easier than trying to tailor legislation to give the court the discretion to settle this. He feels there is no reason it couldn't be handled.

Mr. McNeal discussed Statutes that might apply - 68-507 and 68-528. He feels that in 68-528 the Engineer would make estimate of cost

but not decide who is to pay. There is no official opinion of the Attorney General.

He suggested that in this proposal, in lines 8 & 9, it should be broadened where there is a sharing of cost. The county unit systems are better equipped in most cases. The logical solution would be for them to maintain the road and share the cost between the two commissions. Also, the State Highway Engineer might be called in on that. The origin of this law was 1919.

Another point, he feels the legislature would put any state highway engineer in a real difficult position, and it might result in the dismissal of elected officials. He feels they would be asked to replace the court in making decisions where the penalty is that severe.

Mr. Beck stated that they have tried to settle this dispute. They are very reluctant to go to court. In a letter dated October 24, 1972, Geary County gave three alternatives to the Board of County Commissioners in Dickinson and the Township Board.

1. Geary would trade miles with the township. They would maintain the South mile and let them take the North mile to maintain. They would rebuild the road at their expense.

2. They would work in cooperation with the Township and County and rebuild the South mile on a cooperative basis, and the Township would assume maintenance on the South mile. Geary would continue maintenance on the North mile, just as they are now.

3. If both proposals above were not acceptable, Dickinson County would assume half of maintenance on North mile, either with a physical base or a cost base. Geary County would either maintain mile and bill Dickinson County for 50% of the cost, or Dickinson County would maintain mile and bill Geary County for 50% of the cost.

They have rejected all three of these proposals. Mr. Beck does not feel the tax payers should have to be out the expense of taking this to court.

Representative Burwell said he would like to see the matter settled. He does not feel that the provision of this bill regarding dismissal of members of the Board is the answer.

Representative McMaster suggested that if there is no statute by which the courts have jurisdiction, that he thinks we should ask for a substitute bill that could apply state-wide. If a statute exists right now, it has not been touched upon.

The Chairman requested Representative McMaster to research this and report back to the committee.

The meeting was adjourned.

Fran Stafford, Recording Secretary

APPROVED:


ARDEN DIERDORFF, CHAIRMAN

ROADS AND HIGHWAYS SUBCOMMITTEE

GUESTS

NAME	ADDRESS	FIRM OR CORPORATION REPRESENTED
Eyes B. Beck	Junction City, Mo.	Geary Co. Commissioner
Keith F. Manning	" " "	Geary Co. Commissioner
John B. Gehr	Topeka	Highway
Harold Pellagius	"	"
John D. McNeal	Topeka	State Highway

80
S. 10. 911
1. 29. 72

"AN Act relating to the state system of modern express highways and freeways; concerning investment of moneys in the state freeway fund and state freeway construction fund; amending K.S.A. 68-2311, and repealing the existing section."

Be amended by striking the first period in line 1, page 2, and inserting thereafter a "," and the words:

"and, any money so invested in interest-bearing deposits in any commercial bank or trust company located in Kansas shall be invested solely on the basis of sealed bids. The commission shall publish a notice of such offer one time in the official state paper. Such notice shall be published not less than ten (10) days nor more than thirty (30) days before such offering and shall contain the following information:

(a) The date, time and place at which written sealed bids will be received, opened and considered;

(b) The amount of money offered either totally or by lot, and the time for which it is offered;

(c) A statement that a good faith deposit in the form of a certified or cashier's check in the amount of two percent (2%) of the total amount of money bid for shall accompany each bid.

In case any commercial bank or trust company whose bid is accepted, shall fail to carry out its contract, the said deposit shall be forfeited to the freeway fund. Sealed bids shall be opened publicly and only at the time and place specified in the notice.

No contract for the investment of money in interest-bearing time deposits shall be made except on bids submitted as herein provided."

and that the bill be passed as amended. .

Ed. II
1-29-73

THE FIRST NATIONAL BANK OF TOPEKA
TOPEKA, KANSAS

TRUST DEPARTMENT

SUMMARY OF ANALYSIS OF INVESTMENTS

ACCOUNT NO. 4-3300-31

ACCOUNT NAME KS. ST. FREEWAY CONST. FUND

AS OF 12-31-72

DESCRIPTION	CARRYING VALUE	% OF TOTAL	MARKET VALUE	% OF TOTAL	ESTIMATED ANNUAL INCOME	% YIELD ON CARRYING VALUE	% YIELD ON MARKET VALUE
U.S. GOVT. BONDS	59,948,114.70	75.11	59,559,450.32	74.99	3343,941.25	5.58	5.61
CASH EQUIVALENT	19,860,344.71	24.89	19,860,344.71	25.01	1119,506.82	5.64	5.64
TOTAL ALL PROPERTIES	79,808,459.41		79,419,795.03		4463,448.07	5.59	5.62
CASH	1,655.89		1,655.89				
GRAND TOTAL	79,810,115.30		79,421,450.92				

ACCOUNT NO. 4-3300-3

ACCOUNT NAME KS. ST. FREEWAY CONST. FUND

AS OF 12-31-72

NUMBER SHARES OR PAR VALUE	DESCRIPTION	CARRYING VALUE	UNIT MARKET VALUE	TOTAL MARKET VALUE	EST. DIVIDEND OR % RATE	ESTIMATED ANNUAL INCOME	% YIELD ON CARRYING VALUE	% YIELD ON MARKET VALUE
	U.S. GOVT. BONDS							
150,000	U.S. TREAS. NOTES 7 3/4% DUE 5-15-73	153,937.50	100.811	151,216.88	7.75	11,625.00		7.89
310,000	U.S. TREAS. BONDS 4% DUE 8-15-73	306,996.88	99.093	307,190.63	4.00	12,400.00		4.04
1,500,000	U.S. TREAS. BONDS 4.125% DUE 11-15-73	1,483,125.00	98.781	1,481,718.75	4.125	61,875.00		4.18
500,000	U.S. TREAS. BONDS 4.125% DUE 2-15-74	492,500.00	98.312	491,562.50	4.125	20,625.00		4.20
6,500,000	U.S. TREAS. BONDS 4.25% DUE 5-15-74	6,404,296.88	98.125	6,378,125.00	4.25	276,250.00		4.33
16,000,000	U.S. TREAS. NOTES 5.75% DUE 11-15-74	16,142,187.50	99.593	15,935,000.00	5.75	920,000.00		5.77
10,000,000	U.S. TREAS. NOTES 5.875% DUE 5-15-75	10,079,687.50	99.937	9,993,750.00	5.875	587,500.00		5.89
20,939,000	U.S. TREAS. NOTES 5.875% DUE 8-15-75	20,882,883.44	99.468	20,827,761.56	5.875	1,230,166.25		5.91
1,000,000	GOVT. NATL. MTG. ASSN. 6.45% DUE 4-9-73	1,010,937.50	100.062	1,000,625.00	6.45	64,500.00		6.26
3,000,000	FEDERAL HOME LOAN MTG. CORP. 5.30% DUE 8-26-74	2,991,562.50	99.75	2,992,500.00	5.30	159,000.00		5.53
	TOTAL U.S. GOVT. BONDS	59,948,114.70		59,559,450.32		3,343,941.25		
	CASH EQUIVALENT							
	950M U.S. TREASURY BILLS DUE 2-1-73	933,344.71		933,344.71	4.56	42,560.52		4.56
	20MM U.S. TREASURY BILLS DUE 9-25-73	18,927,000.00		18,927,000.00	5.69	1,076,946.30		5.69
	TOTAL CASH EQUIVALENT	19,860,344.71		19,860,344.71		1,119,506.82		
	TOTAL ALL PROPERTIES	79,808,459.41		79,419,795.03		4,463,448.07		

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TOPEKA, KANSAS

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ANALYSIS OF INVESTMENTS

ACCOUNT NO. 4-3300-3

ACCOUNT NAME KS. ST. FREEWAY CONST. FUND

AS OF 12-31-72

NUMBER SHARES OR PAR VALUE	DESCRIPTION	CARRYING VALUE	UNIT MARKET VALUE	TOTAL MARKET VALUE	EST. DIVIDEND OR % RATE	ESTIMATED ANNUAL INCOME	% YIELD ON CARRYING VALUE	% YIELD ON MARKET VALUE
	CASH	1,655.89						

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your committee on Transportation and Utilities

Recommends that House Bill No. 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 K. S. A. 1972 Supp. 8-530 and repealing the existing section.

Be amended:

On page 2, in line 31, by inserting before the period the following: "Provided, That upon a second conviction of a violation of this section no person shall have said driver's license reissued until such time as he shall satisfactorily complete treatment at an alcoholic treatment clinic or other similar facility.";

And the bill be passed as amended.

Exhibit II
House Bill No. 1070
1-24-73