

MINUTES OF THE _____ HOUSE _____ COMMITTEE ON _____ FEDERAL AND STATE AFFAIRS _____

Held in Room 510-S, at the Statehouse at 2:45 a. ~~ny~~/p. m., on March 3, 1975.

All members were present ~~except~~

The next meeting of the Committee will be held at 2:45 ~~xxx~~/p. m., on March 4, 1975.

These minutes of the meeting held on _____, 19____ were considered, corrected and approved.



Chairman

The conferees appearing before the Committee were:

The meeting was called to order by the Chairman who stated that discussion would be had and action taken on bills previously heard. He called for discussion on HB 2444. It was moved by Mr. Marshall and seconded by Mr. Feleciano that the bill be reported adversely. Motion carried without dissent.

Mr. Morris distributed proposed amendments to HB 2425, explaining that this creates a more restrictive approach with regard to building standards for the handicapped. He moved that the amendment be adopted. Motion was seconded by Mr. Cooper and carried without dissent. Mr. Hayes stated he believes this is worthwhile, but believes it should be published in the state paper instead of being effective upon publication in the statute books. After considerable discussion, the Chairman stated that the amendment strikes out reference to construction or re-construction and the language in the large paragraph of the proposed amendment is a replacement for the language presently contained in Section 1, so it applies to the act in general; that they are not really concerned with construction or re-construction except as it is defined in the law as a whole. Mr. Hayes moved that the bill be published in the official state paper, which motion was seconded by Mr. Feleciano, and carried without dissent. It was then moved by Mr. Morris and seconded by Mr. Cooper that HB 2425 as amended be recommended favorably. Motion carried without dissent.

The Chairman called attention to the fact that the Committee had previously adopted an amendment to HB 2367. It was then moved by Mr. D. Miller and seconded by Mr. Reeves that HB 2367 as amended, be recommended favorably. Motion carried.

It was moved by Mr. D. Miller and seconded by Mr. Marshall that HB 2472 be reported adversely. Motion lost 7 to 8. Thereupon, it was moved by Mr. Cooper and seconded by Mr. Reeves that the bill be recommended favorably. Motion carried 10 to 7, with the following of record in opposition: Rep. D. Miller, Rep. Rodrock, Rep. Gastl, Rep. Hayes, Rep. Marshall and Rep. Matlack.

The Chairman called for discussion on HB 2352, and it was moved by Mr. D. Miller and seconded by Mr. Sellers that it be reported adversely. The Chairman explained that Mr. Glover had asked that it lay over, but that he had been advised action would probably be taken. Motion carried by a majority.

The Chairman called for discussion on HB 2365. Mr. R. Miller explained that before these meetings were scheduled the Speaker had asked him to go back to Washington to a seminar on this very subject. He stated that the Oregon type bill has been before the Legislature before; that it had once passed out of committee and had once had an interim study, with a recommendation by that committee for the introduction of a bill. He stated there are three ways to handle the littler problem: Prohibit the sale of the containers; provide financial incentives or tax. He referred to a study which was left by Mr. Hubbell, concerning the Oregon situation, and stated that while it was a \$50,000 study, it was industry oriented or that there was industry bias in the report. He stated that Connecticut had appropriated \$20,000 for a study by a state university; that the report would be ready for distribution at an early date and he would like to have it available before action is taken. He moved that HB 2365 be carried over. Motion was seconded by Mr. Ward.

Mr. Morris¹¹ suggested there is a fourth alternative--enforce the law which is already available. He stated that a few arrests would soon show an effect. Mr. Lindahl stated that Mr. Morris has a good point, but that he doesn't know about the activities insofar as arrests and fines are concerned. He cited a newspaper article he had read recently which quoted a highway employee concerning the large amount of trash and empty containers which he picked up. The employee expressed the opinion that the legislature needed to do something.

Mr. Sellers stated that to his surprise he was going to vote for the motion as a matter of economy to the state, because he knew it would simply be introduced against next year. Motion carried by a majority.

It was moved by Mr. D. Miller that HB 2496 be reported adversely. Motion was seconded by Mr. Mikesic. Mr. R. Miller stated he believed Roberts Rules of Order stated those making motions should first be recognized by the Chair. The Chairman ruled this was correct, and Mr. R. Miller moved that the bill be held over, which motion was seconded by Mr. Ward. The Chairman called attention to some amendments which had been offered by Mr. Duncan, which would insure that the same product would not be taxed more than once. Mr. D. Miller made a substitute motion that the bill be reported adversely. Motion was seconded by Mr. Mikesic. Motion lost. Vote was called for on the original motion, which carried by a majority vote.

The Chairman displayed a proposed bill, which was prepared at the direction of the Governmental Re-organization Committee dealing with Executive Order #11. He explained that Orders can be approved by Resolution or rejected by Resolution, or amended by a bill, and that since Federal and State Affairs is one of the two committees still allowed to introduce bills, this has come to the committee. Mr. Miller explained that this bill will require the appointment of a minority member by both the Speaker and the President of the Senate. He also stated this meets with the Governor's approval. It was moved by Mr. Miller to introduce the bill and refer it to the Committee of the Whole. Motion was seconded by Mr. Hayes and carried by a majority vote.

The Chairman displayed three bills which were prepared in connection with the Committee's rejection of certain of the Fire Marshall's Rules and Regulations. It was moved by Mr. D. Miller and seconded by Mr. Ungerer that the three bills be introduced and referred to the Committee of the Whole. Motion carried without dissent.

Mr. Feleciano inquired when the Executive Orders are brought up, and the Chairman explained that they are considered under a special rule of the House under special orders of business, and a specific time is set for the orders plus any bills which accompany them. Mr. R. Miller stated he had asked the Speaker for an interim study to get this smoothed out.

It was moved by Mr. Ward and seconded by Mr. Cooper that the minutes of February 27th be approved. Motion carried.

Proposed Amendment to House Bill No. 2425

In line 1, by striking all after the period; by striking all of lines 2 to 7, inclusive, and inserting in lieu thereof the following:

"The attorney general, any county or district attorney or any agency or governing body responsible for the enforcement of K. S. A. 1974 Supp. 58-1301 to 58-1305, inclusive, may apply in the name of the state of Kansas to the district court for a temporary or permanent injunction restraining any individual, corporation or partnership from violating the standards established by K. S. A. 1974 Supp. 59-1301. Such court shall have jurisdiction upon hearing and for cause shown to grant such injunction.";

In the title, in line 2, by striking "penalties" and inserting in lieu thereof "civil remedies".