

Approved: March 29, 2000
Date

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairperson Rep. Gary Hayzlett at 1:40 p.m. on March 20, 2000 in Room 519-S of the Capitol.

All members were present except:

Representative Aday, excused
Representative Phill Kline, excused

Committee Staff present:

Bruce Kinzie, Revisor of Statutes
Hank Avila, Research Department
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

Senator Stan Clark
Ruth Clark, representing Murray Bean
Fred WasseMiller, Monument, Kansas
Sean Morley, Derby, Kansas
Randy Allen, Executive Director, Kansas Association of Counties
Dana Fenton, Intergovernmental Relations Coordinator, Johnson County
Tom Wiggins, Valley Center, Kansas
Joe Krahn, Chief, Bureau of Right-of-Way, Kansas Department of Transportation
Rex Morley, Derby, Kansas

Others attending:

See attached list

SB 478 - junkyard and salvage control act, county and township highways

Chairman Hayzlett opened hearings on **SB 478** and called on Senator Stan Clark as the first conferee. Senator Clark gave a brief background of the Highway Beautification Act passed by Congress in 1965 and the statutes the state adopted in 1967 to be in compliance. However, the state expanded this Act to include county roads, township roads and city streets. **SB 478** would eliminate the enforcement on city streets, county and township roads and leave only those provisions as provided by federal law. (Attachment 1)

Fred WasseMiller, Monument, Kansas, provided testimony in support of **SB 478**. He told the committee he believed that the state should not be more strict than the federal regulations that govern the Beautification Act. He said this was an issue of the ability to own property and use it in a reasonable manner and if problems are reported they should be handled by local control and not by the state. (Attachment 2)

Ruth Clark read testimony provided by Murray Bean. He shared his thoughts and opinions on how many vehicles he could have on his personal property. He said one reason he lived in the country was so his vehicles wouldn't bother his neighbors and current law takes away his freedom by telling him how much personal property he can own and where he can keep it. He asked for passage of **SB 478** which would strike county and township roads. (Attachment 3)

Sean Morley, Derby, Kansas, presented several reasons to the committee for his support of **SB 478**. (Attachment 4)

There were no other proponents listed.

Chairman Hayzlett then called on Randy Allen, Executive Director, Kansas Association of Counties, who spoke in opposition to **SB 478**. He told the committee the Association was concerned that the bill transfers responsibility for enforcing restrictions on junkyard operations within 1,000 feet of the right of way of a county or township road from the Secretary of Transportation to counties. To the Association it was not a matter of local control but of an unfunded mandate. He said to his knowledge there had not been multiple complaints about the current enforcement system and urged the committee to report the bill unfavorably. (Attachment 5)

CONTINUATION SHEET

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE, Room 519-S Statehouse, at 1:40 p.m. on March 20, 2000.

Dana Fenton, Intergovernmental Relations Coordinator for Johnson County, also spoke in opposition of **SB 478**. He said current state law was good because it sets a minimum standard for all 105 counties to follow in establishing their own resolutions and not have a situation where there could exist numerous variations. He also told the committee that many counties do not have the resources to enforce compliance with State law, therefore, the enforcement powers of the State are needed for those counties. (Attachment 6)

Tom Wiggins, Valley Center, Kansas, was listed as a neutral conferee but asked to be listed as a proponent. He said it was his opinion **SB 478** should be passed because it would save the state money. He then listed examples to reinforce this opinion. (Attachment 7)

Joseph Krahn, Chief of the Bureau of Right of Way, Kansas Department of Transportation, provided background information on the responsibility KDOT has in controlling junkyard and salvage sites along the state highway system. (Attachment 8)

Rex Morley, Derby, Kansas, also was listed as a neutral conferee but asked to be listed as a proponent. He listed five reasons which he hoped would allow the committee to make an educated and fair decision when voting on **SB 478**. (Attachment 9)

Following questions from the committee Chairman Hayzlett closed hearings on **SB 478**.

The minutes of the House Transportation Committee for March 14th, 15th and 16th were presented for approval or corrections. Representative Long made a motion to accept the minutes as written, seconded by Representative Dreher and the motion carried.

Chairman Hayzlett adjourned the meeting at 3:30 p.m. The next meeting of the House Transportation Committee will be Tuesday, March 21.