

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairman Senator Janice Hardenburger at 1:30 p.m. on February 8, 2000, in Room 529-S of the Capitol.

All members were present:

Committee staff present: Dennis Hodgins, Legislative Research Department
Mike Heim, Legislative Research Department
Ken Wilke, Revisor of Statutes
Graceanna Wood, Committee Secretary

Conferees appearing before the committee: Senator Stan Clark
Fred Wasse Miller, Monument, Kansas
Ruth Clark (presented testimony for Murray Bean)
Judy Moler, Kansas Association of Counties
Dave Yearout, Kansas Association County Planning & Zoning Officials
Joe Krahn, Chief of the Bureau of Right-of-way for KDOT

Chairman Hardenburger opened hearing on **SB 478 amending the junkyard and salvage control act; relating to county and township highways and repealing the existing sections.**

Senator Stan Clark, testified in favor of the bill informing the Committee that **SB 478** would eliminate the enforcement by KDOT for the operation of a junkyard within 1000 feet county and township road. (Attachment #1) Senator Clark submitted a series of photographs to the Committee representing the area in question. (These photographs may be reviewed in the office of Senator Clark)

The Committee discussed if cities were included in the bill. Senator Clark testified that the bill only applied to county and township roads.

Mr. Fred Wasse Miller of Monument, Kansas, also testified in favor of the bill. He informed the Committee that he feels his right to own property is at stake, since the state is applying the restriction of 1000 feet off the edge of county and township roads to vehicles parked on his property. (Attachment #2)

Ruth Clark presented testimony to the Committee from Murray Bean, owner of property referred to in photographs submitted to the Committee. His testimony was in favor of the bill and stated that the current law would take away his freedom of keeping automobiles on his property. (Attachment #3)

Judy Moler, Legislative Services Director/General Counsel, Kansas Association of Counties, presented testimony in opposition of **SB 478**. She informed the Committee that the bill would remove the ability of the county and township to require junkyards be sited more than 1,000 feet of the nearest edge of the right-of-way. (Attachment #4)

Dave Yearout, Kansas Association County Planning & Zoning Officials, an opponent of the bill, advised the Committee that he works closely with counties to establish local rules in regard to auto salvages. He informed the Committee that local individuals are conscientious and go out of their way to find solutions to the problem, rather than threaten lawsuits. Mr. Yearout feels that this is not an amendment that is going to resolve the problems for all the collectors and hobbyists. He advised that the law has been on the books since 1967 to address this situation. (No written testimony)

The Committee discussed home rule powers, also the difference between an automobile grave yard and a salvage yard.

Joe Krahn, Chief of the Bureau of right-of-way for KDOT, presented testimony informing the Committee that the law requires salvage yards to be screened from view from the roadway unless the location is in an industrial area. He advised that KDOT, over the years, has responded to numerous requests from legislators, local officials, law enforcement, and citizens concerned with salvage storage locations that

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have developed in their communities along county or township roads. He said they have had an excellent working relationship with the Department of Revenue's Division of Motor Vehicles, the Department of Health and Environment, state and local law enforcement personnel, and the federal Environment Protection Agency. (Attachment #5)

The Committee discussed this being a local issue, and if the 1967 law should be rescinded.

Chairman Hardenburger closed the hearing on **SB 478** and opened further discussion on **SB 462 concerning campaign finance; relating to contributions and repealing the existing section**. She advised the Committee that the bill relates to contributions during the session through the party committees that exist in the Senate and the House, and to the leadership committees that exist in the Senate and the House. Currently, legislatures and candidates for the legislature and state officers and candidates for state offices and candidate committees for those individuals cannot receive contributions from January 1st through sine die. This ban would extend it to the nine PAC's that exist presently.

Carol Williams, Executive Director of Governmental Ethics Commission, submitted a breakdown of contributions received during the 1999 session by the recognized party committees. (Attachment #6)

Senator Lawrence moved that SB 462 be moved out favorably.

Senator Huelskamp asked if this would include PAC's outside of the group listed in Ms. Williams breakdown. The Committee was informed by Ms. Williams that it would not.

Senator Praeger seconded the motion.

Chairman Hardenburger informed the Committee that the purpose of the bill was to prevent influence upon legislators during the session. Currently, legislators cannot receive direct contributions during the ban period. However, a loophole in the statutes allows party committees to receive PAC contributions that could influence legislation indirectly.

Motion failed.

Senator Huelskamp proposed an amendment to the bill to have the effective date of the bill to be upon publication in the Kansas Register, seconded by Senator Vidricksen. Motion carried.

Senator Vidricksen moved that the bill be passed out as amended, seconded by Senator Huelskamp. Motion carried.

Meeting was adjourned at 2:30 p.m. Next meeting is scheduled for February 9, 2000.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

