

Present: Lowman, F. Young, Howard, Ashworth, Prince  
and Valentine

Excused: Kean

Chairman Lowman convened the meeting of the Transportation Committee with representatives of various companies and organizations present to testify on bills S.B. 327, A.B. 539, 693, 730, 734 and 768 at 10:40 a.m. in Room 240.

S.B. 327 - Regulates outdoor advertising adjacent to interstate and primary highway systems.

Chairman Lowman called for proponents of S.B. 327.

John Bawden, Richard Edwards, William Raymond, Alonzo J. Clayton, Calvin C. Berge and Rudy M. Subia were present.

John Bawden spoke about the Federal-Aid Highway Act of 1970 and presented a letter to Governor O'Callaghan from John A. Volpe, U.S. Secretary of Transportation, along with FHWA Notice dated February 17, 1971. (See attached.) Because of these, he said, it has become necessary to propose legislation so the Department of Highways can comply and enter into an agreement with the Secretary of Transportation regarding the federal billboard act.

Valentine asked how many states were complying.

Bawden advised him that there were 21 states to date.

Howard asked if there was a time limit.

Bawden said that they don't want to start anything with state funds if they do not have the federal funds to supplement them. The federal funds involve approximately \$20-25 million. He did not know how much would be available to the State of Nevada.

Wayne Tetrault, Department of Motor Vehicles, said that the Department supported and urged passage of S.B. 327. He said that the billboards could become hazardous. It would benefit the motoring public and help cut down accident rates if they are removed.

Chairman Lowman then called for opponents of S.B. 327.

Larry Braddock, Braddock Outdoor Advertising, Bill Morris, Counsel, Ron Reiger, Jim Walsh, Paul Woodell, Jack Cobb, Ed Southerland, Jerry Smith and Larry Palmer were present.

Braddock said he was representing the Nevada State Sign Association. He said that the gross volume of this Association was \$18-20 million annually and that he believed \$14-16 million of this is in serious

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jeopardy with this bill. He said that there will be a loss of \$14 million of which \$3 million would be the State's responsibility and the rest the Federal Government's responsibility. They do, however, believe in reasonable controls.

Morris read a letter from Congressman John C. Kluczynski, N.C. (See attached.) He then discussed the Highway Beautification Commission, the 10% penalty in federal highway funds for states not complying and the states complying with the Act of Congress. The Secretary of State decides if a state is in compliance. He further stated that the 10% monies that would be utilized by the Government is \$6,230,000 for the entire United States to acquire these signs. Three-fourths of \$13-14 million will be paid by the Federal Government. The rest will be paid from the state. The State of Nevada does not know what figure will be apportioned to the State. He said that the Federal Government could not give them any assurance nor did the State have \$3.4 million to acquire these signs. He felt two things were needed, the establishment of criteria to go into the agreement and, until the Federal Government can assure the State of Nevada that they can fund the taking down of these signs, then that legislation should not be made effective. He advised that the Secretary has had the authority to impose the 10% penalty since January 1, 1968, but has not done so. He submitted a proposed amendment to this bill. (See attached.) He felt that this bill will have meaning only when the Federal Government gives it meaning.

Valentine asked about the number of states that have entered into agreements. He was advised that 14 states had entered into agreements instead of 21 states as previously mentioned. This was also in the letter from Kluczynski of March 3, 1971.

Valentine wanted Mr. Morris' opinion on Sub-Section 2, Page 5, lines 29-33.

Discussion then resulted.

Bawden said he had received a letter from Mr. Turner, Washington, D.C., that stated 21 states have entered into agreement with the Federal Government. The other states haven't complied because of the lack of federal funds. He said that the estimate of \$13 million for removing signs is not true. He said that this is being taken care of by the Federal Government on federally-owned lands. Their estimate was about \$3-4 million to remove signs.

Morris said he stood corrected on these estimates. He then read Title 43 - Public Lands: Interior regulations pertaining to issuance of special land permits. He said that this applies to 85% of public land domain. He advised that a billboard cannot be located within 660 feet of the highway. (See attached.) He asked why we should pass restrictive legislation until the Federal Government has complied and given us restrictions that we can live by.

Carl Berge, Federal Highway Administration, said that he endorsed what the Highway Department said. The proposed bill is acceptable with the Federal Highway Administration as drafted. The penalty would be for the states that have not complied with the act. He said that they have to be met six months before the year they are apportioned. They have to be met by January 1, 1973. Apportionment in December 1972. This is for the fiscal year 1974. This is the need to get enabling legislation.

Prince left at this point.

Jerry Smith, Sun Outdoor Advertising, discussed the 10% penalty and the amount of money it is going to cost the state to remove boards if they start assisting now. There is a period between 1965-1968 that the state has to pick up entirely. He said to keep in mind the money to implement the bill.

John Romero, Advertising Manager for the Sahara Hotel in Las Vegas, advised that Nevada is a tourist state. One way to attract the tourist is by outdoor advertising. He said he thought this is a very important part of the state's economy and was against any legislation that would cut this.

Ken O'Connell, from the Las Vegas Chamber of Commerce, spoke in the same vein.

Morris submitted a copy of the Federal Act and referred to the last page regarding the time schedule, the 10% penalty, the 60-day notice of a hearing and the 45 days from that hearing in which the state has a right to a court hearing.

Prince returned and Ashworth arrived. Howard left at this point.

A.B. 730 - Requires installation and annual inspection of fire extinguishers in all motor vehicles, mobile homes, motorboats, houses, and other dwelling units.

Chairman Lowman called for proponents of the bill.

Mrs. Gail Perry, home owner and taxpayer from Washoe County, said that if this bill is passed the Fire Marshal could come into her home and tell her what she needed in the way of fire extinguishers or fire equipment. She was very much against this. She thought it should be left up to the kind of protection by each individual. She also stated that there would have to be a training program for the use of the extinguishers.

Dick Bast, State Fire Marshal, said that it's an impossible bill from the public standpoint and from his standpoint. This is a selling promotion on safety prevention devices.

Valentine advised that it would cost approximately \$4 1/2 million.

just to place fire extinguishers in automobiles in the State of Nevada.

Bill Fitzpatrick, Department of Motor Vehicles, said that they take no stand. They have no objection.

A.B. 693 - Revises definitions relating to vehicles licensing and registration and to traffic laws.

Richard Herz, Chief, Registration Division, said this bill was primarily to add to and change certain definitions in regard to motor vehicle registration that was passed with A.B. 629.

A.B. 730:

Assemblyman Darrell Dreyer explained the bill.

Young moved to indefinitely postpone, Valentine seconded and it was unanimously agreed.

Leonard Winkelman, Internal Auditor for the Department of Motor Vehicles, said there was a definition of husbandry in A.B. 693 and he cannot find it in A.B. 629. On Page 3, line 19, and in Chapter 484 defining it and making it consistent. Page 2, line 2, we are defining highway and trying to make it consistent with other chapters that we are involved in. In A.B. 693, line 11, "motor vehicle" is trying to make things consistent in the other chapters.

Valentine asked about "truck" on the bottom of Page 1.

Winkelman said it should be "motortruck" instead of "truck".

Bob Guinn, Nevada Automobile Dealers Association, referred to the language on Page 2. He read Chapter 482. He said it is one thing to have a highway where you are talking about traffic, but it may be another in requirements on registration. Definition starting on line 14 should be conformed and on 19 regarding husbandry. (Chapter 484 involves lights and brakes.) He said he would like to work with the Department to clean this up.

Valentine was assigned to help.

A.B. 539 - Revises definitions of "street" and "highway" in law governing drivers' licenses and schools.

Assemblyman Hal Smith said someone from the Highway Department or the Department of Motor Vehicles had a lot of BDR's and was asking someone to put them in.

Howard Hill, Director, Department of Motor Vehicles, said it wasn't their bill.

No other comments were made.

Ashworth returned.

A.B. 734 - Permits cooperative agreements for improvement of rural roads.

Assemblyman Tim Hafen said this resulted because he had had some discussions with the Highway Department and his board of county commissioners. He then described the bill. He submitted a proposal to amend sub-section 2 of Section 2 which reads: "which are in the state highway system". It is an enabling thing. Roads applied to federal-aid system. You cannot justify bringing it up to federal standards in that area and this concept would be that the state could participate with the state or county to get some things done on rural roads. It would improve a lot of roads at a low cost. It would do away with a lot of maintenance for county roads. It could be done at a minimal cost comparatively speaking.

Young asked if we didn't have the authority to do this now.

Bawden said they have entered into cooperative agreements with counties. He didn't know if they had the right or not. He supports the bill. No objections.

Valentine moved to do pass as amended, Prince seconded and it was unanimously agreed.

A.B. 734 - Young moved to do pass, Ashworth seconded and it was unanimously passed.

A.B. 768 - Removes deposit requirement in mileage licensing of motor carriers. Chairman Lowman called for proponents of the bill.

Winston Richards, Motor Carrier Division, and Walter Scott, Tax Administrator of the Motor Carrier Division, Department of Motor Vehicles, were present.

Richards gave his testimony and statements. (See attached.)

Chairman Lowman called for opponents of the bill.

Robert Guinn, Nevada Transport Association, advised that they were opposed to make this change. He then demonstrated on the blackboard and discussed history in regard to the matter. He advised that prior to 1955 they had in the State of Nevada a dual fixed fee system on commercial vehicles and that on a truck or trailer there was a fee of 50¢ per 100 lbs. of weight plus a second fixed fee running to several hundred dollars per vehicle. This involved private carrier as well as for hire carriers. They required two fees from everyone. They collected the flat fee from all other vehicles. On a tractor trailer vehicle it would

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run up to \$650. He said that all fixed annual fees should be prorated by the percentage of fleet miles traveled throughout the state. This came out of the Gearheart Oregon Meeting regarding reciprocity. He said that California was going to cancel reciprocity with us. So, they went to the Transportation Committees of the Senate and Assembly and met with a similar committee in California and came up with a Reciprocity Compact. This means that a vehicle can be based in Nevada and get by with just prorating in other states. He also stated that no carrier should pay on no more or no less than 100% of his operation. The carrier would have to pay his prorata share in all the states. He explained that because of the requirement for the down payment, no carrier paid less than 100%. Also, that some carriers did not use up their initial deposit and as a result, there was a substantial balance each year. He thought that there was an excess of \$45,000 on the books last year.

Richards said this was erroneous and that \$13,000 was probably the most excess monies they have ever had on the books. After a two-year period, this would be reduced to zero.

Guinn also stated his concern that if the down payment requirement were eliminated there would be a loss of revenue.

Richards said that if the other operators do not pay, they would not be able to keep up with other administrative costs. When they don't get the money, a tax increase would be needed to make up for this.

Ashworth felt it is an accounting problem.

Guinn described the accounting fees - the optional mileage tax, registration fee, privilege tax, service charge, highway patrol service charge, etc. He felt that there were several ways this could be done. He did not feel that the card had to be mailed out every month.

Ashworth said that they have to tell Richards the number of miles traveled.

Richards said they have to keep track of it by computer.

Ashworth asked if they keep a record of this every day, if they could notify people or companies when their monies are gone, and then send them another card.

Richards advised that each supplemental figure had to be done.

Guinn felt that they could mail twelve cards early in the year showing previous total miles this month, then the person could make out his tax returns, etc. It could also show the advanced deposits this month, etc. Instead of balancing every month, Guinn suggested balancing this in the month of December. Or,

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submit it in December instead of twelve months a year. Further, he suggested a place to show what has been paid during the year, etc. He said that there are about 2,500-3,000 accounts costing approximately 25¢ a copy each month. He said this meant thousands of dollars in clerical help and postage. It was suggested that there be a minimum for each account at the beginning of the year and then this amount reduced each month by 1/12 on an initial amount that is non-refundable. In addition, this would pick up some money. One problem with Nevada Central Lines, charter bus service, is that it is a small bus line and would be hurt if this bill is passed.

Ashworth asked about internal problems.

Guinn felt that there should be changes in procedure rather than in the law. He felt that \$120 at the start of the year might be a good figure to start with.

Ashworth was assigned to work with Guinn and Richards and the Fiscal Analyst, if needed, on this bill.

The hearing was adjourned at 12:45 p.m.

A.B. 665 - was indefinitely postponed earlier. Valentine said that they were going to have a new bill drawn up but the bill drafter felt it would be better if this could be amended by the committee.

Valentine moved to rescind the action previously taken, Young seconded and it was unanimously agreed.

Valentine moved to amend and do pass, Young seconded and it was unanimously agreed.

Discussion took place on A.B. 389 and amendments presented by the Chairman.

Ashworth moved to make the percentages 13% and 87%, Howard seconded and it was unanimously agreed. It was also agreed to make it effective on passage and approval. Valentine moved to amend and do pass, Ashworth seconded and it was unanimously passed as amended.

S. A.B. 327 - Valentine moved do pass. Discussion then took place. Young said we are faced with it; it is only a matter of when. We should at least be sure that any signs erected from this time on should not be paid for by these funds. Valentine said that this act should serve as a notice on the people that this is what is going to happen. This shows that the people are required if they put them up they have to someday take them down. Section 12 is effective. We only take them down when the money is available. Ashworth-use their language but make effective upon passage and approval. Discussion then took place. Young-it will prevent

anyone's building a sign? Valentine-I can't assure you of that. They will have to tear it down and bill them for the costs. Valentine moved to do pass without amendment, Young seconded and it was unanimously passed without the amendment by 4-2 with Lowman and Ashworth voting no and announcing a minority report.

The meeting was adjourned at 1:00 p.m.

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ASSEMBLY

AGENDA FOR COMMITTEE ON TRANSPORTATION

Date MARCH 25, 1971 Time 10:00 a.m. Room 280

240

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
S.B. 327	REGULATES OUTDOOR ADVERTISING ADJACENT TO INTERSTATE AND PRIMARY HIGHWAY SYSTEMS.	
A.B. 539	REVISES DEFINITIONS OF "STREET" AND "HIGHWAY" IN LAW GOVERNING DRIVERS' LICENSES AND SCHOOLS.	
A.B. 693	REVISES DEFINITIONS RELATING TO VEHICLES LICENSING AND REGISTRATION AND TO TRAFFIC LAWS.	
A.B. 730	REQUIRES INSTALLATION AND ANNUAL INSPECTION OF FIRE EXTINGUISHERS IN ALL MOTOR VEHICLES, MOBIL HOMES, MOTORBOATS, HOUSES, AND OTHER DWELL- ING UNITS.	
A.B. 734	PERMITS COOPERATIVE AGREEMENTS FOR IMPROVEMENT OF RURAL ROADS.	
A.B. 762	REMOVES DEPOSIT REQUIREMENT IN MILEAGE LICENSING OF MOTOR CARRIERS.	

\*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date \_\_\_\_\_ Time \_\_\_\_\_ Room \_\_\_\_\_  
Subject \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_ Room \_\_\_\_\_  
Subject \_\_\_\_\_

\*SUPERSEDES PREVIOUS AGENDA FOR 3/25/71.

February 4, 1971

Honorable D. N. O'Callaghan  
Governor of Nevada  
Carson City, Nevada 89701

Dear Governor O'Callaghan:

As you may already know, the Federal-Aid Highway Act of 1970, signed by the President on December 31, resumes authorizations for Fiscal Years 1971, 1972, and 1973 to implement the Highway Beautification Act of 1965, particularly in the areas of billboard control and junkyard control. The 1965 Act requires, as a condition precedent to participation in the program, an agreement between the State and the Federal government which will establish the terms of controlling the size, spacing, and lighting of roadside billboards. Lacking such an agreement, the statute requires me to reduce the regular Federal-aid highway apportionment to your State by 10 percent. The imposition of such a penalty has been temporarily deferred by me and my predecessor (acting in accord with provisions of the statute) pending the necessary Congressional authorization of monies by which the Federal government could carry out its part of the agreement. The 1970 Act authorizes the required funding in limited amounts and therefore -- in accordance with the Act -- I am lifting the moratorium which has been in effect for about 3 years.

In a number of States, legislative action is necessary for the State to qualify itself to execute the agreement referred to above. I call this to your attention now in order that you may arrange for passage during the current legislative session if such is needed in your case.

I intend to take a strong and personal interest in the Highway Beautification Program, particularly as it relates to billboards. I urge you to move forward with me in making this program not only a success of itself, but also a model of Federal-State cooperation.

I have asked Federal Highway Administrator Francis C. Turner to issue additional instructional information which your State will receive shortly.

Sincerely,

John A. Volpe  
John A. Volpe

cc:  
State Highway Director ✓

## FEDERAL HIGHWAY ADMINISTRATION

SUBJECT Highway Beautification Program	FHWA NOTICE
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February 17, 1971

EV-30

As you know, the Federal-Aid Highway Act of 1970, which was approved by the President on December 31, 1970, contains authorizations for appropriations for the Highway Beautification Program for fiscal years 1971 through 1973. Also, although a number of amendments to the Highway Beautification Act of 1965 were proposed prior to or during Congressional consideration of the 1970 Act, the 1965 Act was left intact.

The Secretary has expressed considerable personal interest in highway beautification. The Secretary's feeling and intentions were recently made known to the governors of the various States in personal letters to them, a copy of which is attached herewith. It should be obvious to all that the Secretary and the Department intend to insist upon a vigorous, effective Highway Beautification Program. In the light of this, the following actions are being taken or will be instituted in the immediate future:

State Legislation

A number of States have not yet enacted the necessary compliance laws relating to Titles I and II of the Highway Beautification Act of 1965. In other States, laws passed in response to the Act have been found to be deficient in one or more respects. We are ready to provide technical assistance in both situations concerning the drafting of appropriate State legislation, either original or amendatory.

Funds

As has been noted, the 1970 Act authorizes substantial appropriations for highway beautification. At the present time, however, we are operating under a limitation on obligations of \$8.5 million. A Notice concerning distribution of this limit was issued on February 2, 1971.

- more -

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DISTRIBUTION: Headquarters  
Regions  
Divisions

Outdoor Advertising Control Agreements

During the restudy of the Highway Beautification Program and consideration of the 1970 Act by the Congress, we put off negotiations leading to additional outdoor advertising control agreements. We are now prepared to resume such negotiations. When negotiations were suspended, 21 States had executed agreements. Copies of each agreement have been distributed. Also, Federal Highway Administration representatives have met with State officials in each State on one or more occasions during which acceptable outdoor advertising control criteria were discussed. Our position on the agreements should be quite clear from these past negotiations and the executed agreements and, for that reason, we feel that completion of this phase of the outdoor advertising control program should proceed without any undue delay.

The 1970 Act provides for a Highway Beautification Commission which will study the Highway Beautification Program with regard to:

1. existing statutes and regulations,
2. policies and practices of State and Federal agencies,
3. existing and future controls necessary,
4. problems relating to on-premise signs and signs essential to the motoring public,
5. financing and funding, and
6. recommending modification or additions to laws, implementation policies and practices or demonstration programs.

The establishment of the Commission should not be considered an indication that any extensive change in the basic Program will be made in the near future. Senator Randolph, in reporting the results of the House-Senate conference on the 1970 Act, said this about the Commission:

"The conferees stress that creation of the Commission should in no way delay the implementation of the existing beautification program. This desire is underlined by the three year authorization in the bill."



F. C. Turner  
Federal Highway Administrator

Attachment

C  
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P  
YCONGRESS OF THE UNITED STATES  
House of Representatives  
Washington, D.C.

March 3, 1971

Honorable Harry Comer  
State Representative  
State House  
Harrisburg, Pennsylvania

Dear Mr. Comer:

With reference to your inquiry to the Committee on Public Works, and in particular my intention concerning certain sections of the 1970 Federal Aid Highway Act, please be advised that in the enactment of this legislation Congress, covering that section dealing with highway beautification, specifically under Section 123 thereof, established a Highway Beautification Commission.

You are familiar with the details of the background of this commission and how it is to operate. It is my understanding that shortly the Chairman of the full committee on the House side will name the House members to the commission, and shortly thereafter I anticipate the Senate will follow suit and the President, in turn, will name his members. This commission will then be an active, operating one and will have a year in which to fully study all the facets of the highway beautification program and report back to the commission.

It is my belief that on the basis of this Committee's recommendation, we in the Congress of the United States, will finally be able to untangle the many facets of the beautification program and enact into legislation a meaningful law that will take care of, not only the beautification program, but the proper operation and continuance of a full scale and necessary outdoor advertising industry.

I will not belabor with you the problems we have faced in the committee over the years since beautification has first been considered by the Congress. But it is interesting to point out that today, some six years after the passage of the original legislation, only 14 states have been able to comply with the law. It is obvious that there is a need for this commission and a need for a full scale investigation of all the facts.

As I have stated above, when this happens then I believe we will move finally to a proper beautification act. I am concerned, as many of us are, with the proper implementation of a beautification program. But I believe the record quite clearly points out the need for the proper functioning and use of this commission.

It is my understanding that the Department of Transportation at the present time is advising the states that if they do not move to conform with the existing highway beautification law, then the ten percent penalty cutting off highway funds which is in the law will be invoked.

The Department of Transportation is surely within its rights in taking this position; however, I believe DOT is ignoring the purpose and intent of Congress in creating the Highway Beautification Commission.

We are extremely serious about this commission and intend to see that it operates. I would therefore hope that in light of the position taken by the Congress, in view of the fact that there is a limitation on the amount of funds that actually can be made available to implement the program at this time, and in view of the fact that when we did fund the program for the fiscal years contained in the Act, we did so for the purpose of protecting the rights of those states which had already decided to conform to the Act, and not to provide for a full scale implementation of the program until the Commission had submitted its report.

In view of the foregoing, I would thus hope that DOT would recognize the immediate situation, support the purposes of the Commission and, working jointly with the Commission, a year from now, all of us -- the Executive, the Congress and the interested parties -- can finally resolve this problem.

With warmest regards, I am

Sincerely yours,

/s/ John C. Kluczynski, N.C

JCK/rc

Congress of the United States

House of Representatives

Room 2103, Rayburn House Office Building

Washington, D.C. 20515

Telephone Area Code 202 225-6478

March 3, 1971

WILLIAM H. HARRIS, OHIO  
JAMES W. WINTER, JR., N.Y.  
JAMES C. LEVYLAND, N.M.  
LAWRENCE CLAYTON, CALIF.  
FRANK M. CLARK, PA.  
ED JENNINGS, IOWA  
R. G. (BOB) ANDERSON, N.Y.  
WALTER H. ZION, IND.  
JACK H. McDONALD, MISS.  
JOHN PAUL HAMMER, OHIO  
CLARENCE B. MILLER, OHIO  
WILMER D. MIZELL, N.C.  
JOHN H. FERRY, N.Y.  
CHARLES THOMAS, ALAB.  
SAMAR BAKER, TENN.

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JAMES W. WINTER, JR., N.Y.  
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JOHN H. FERRY, N.Y.  
CHARLES THOMAS, ALAB.  
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State Representative  
State House  
Harrisburg, Pennsylvania

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*3 copies  
sent to  
5/19/71*

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With warmest regards, I am

Sincerely yours,

  
John C. Kluczynski, M.C.

JCK/rc



SECTION 22 is hereby amended by deleting the words "upon passage and approval," and by adding thereto the following: "when the federal government appropriates and apportions sufficient money to carry out the provisions of Section 15 and upon completion of the report of the President's Highway Beautification Commission and the adoption by the Secretary of Transportation of the Commission's recommendation."

**Title 43—PUBLIC LANDS:  
INTERIOR**

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**Chapter II—Bureau of Land Manage-  
ment, Department of the Interior**

**SUBCHAPTER B—LAND RESOURCE  
MANAGEMENT (2000)  
[Circular No. 2280]**

**PART 2920—SPECIAL LAND USE  
PERMITS**

**Subpart 2921—Advertising Displays**

**LIMITATIONS ON CONSTRUCTION AND  
PROCEDURES FOR REMOVAL**

Subpart 2921 of Chapter II of Title 43 of the Code of Federal Regulations is amended as follows:

1. A new § 2921.0-6 is added to read as follows:

**§ 2921.0-6 Policy.**

(a) No permits will be issued for lands within rights-of-way within 660 feet of the edge of the rights-of-way of the National System of Interstate and Defense Highways (Interstate System) and the primary system (title 23, United States Code), or for displays which would be visible from such highways.

(b) Permits for advertising displays on other areas will be issued only for displays advertising activities on or within 50 feet of the property where the display is located.

(c) Natural beauty: Notwithstanding any other provision of this subpart, no permit will be issued for the erection and maintenance of any advertising display which would be inconsistent with national programs for the preservation of natural beauty.

2. Section 2921.2 is amended to read as follows:

**§ 2921.2 Identification of displays.**

Each advertising display erected or maintained under a permit issued pursuant to the regulations of this subpart, must, for convenient identification, have the serial number of such permit marked or painted thereon.

3. New §§ 2921.3 and 2921.4 are added to read as follows:

**§ 2921.3 Removal of advertising displays.**

(a) *Terminated permits.* Within 30 days after the revocation or expiration of any permit for an advertising display, the permittee shall completely remove the display from the property. If the permittee fails to so remove the display, the authorized officer will remove it at the expense of permittee and may dispose of it in any manner deemed appropriate without any obligation whatsoever to the permittee.

(b) *Unauthorized displays.* The authorized officer will remove any advertising display placed on public lands without a permit. In the event that the identity of the person who erected the display is indicated on the display, the authorized officer will give the person 30 days to completely remove the display. If the display is not removed within that time, the authorized officer will remove and dispose of it in any manner deemed appropriate.

**§ 2921.4 Renewal of permits.**

No permit for any advertising display shall be renewed unless the display meets the requirements of the regulations in this part.

WALTER J. HICKEL,  
*Secretary of the Interior.*

NOVEMBER 25, 1970.

[P.R. Doc. 70-16522: Filed, Dec. 8, 1970  
8:47 a.m.]

Published in 35 F.R. 18663, December 9, 1970 - Effective upon publication.

Circular Distribution List

## Public Law 89-285

October 22, 1965  
[S. 2084]

## AN ACT

To provide for scenic development and road beautification of the Federal-aid highway systems.

Highway Beauti-  
fication Act of  
1965.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## TITLE I

72 Stat. 904.

SEC. 101. Section 131 of title 23, United States Code, is revised to read as follows:

## "§ 131. Control of outdoor advertising

"(a) The Congress hereby finds and declares that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

72 Stat. 889.

"(b) Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of outdoor advertising signs, displays, and devices which are within six hundred and sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of the system, shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State shall provide for such effective control. Any amount which is withheld from apportionment to any State hereunder shall be reapportioned to the other States. Whenever he determines it to be in the public interest, the Secretary may suspend, for such periods as he deems necessary, the application of this subsection to a State.

"(c) Effective control means that after January 1, 1968, such signs, displays, and devices shall, pursuant to this section, be limited to (1) directional and other official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning the lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located.

"(d) In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within six hundred and sixty feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary. The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the

purposes of this Act. Nothing in this subsection shall apply to signs, displays, and devices referred to in clauses (2) and (3) of subsection (c) of this section.

“(e) Any sign, display, or device lawfully in existence along the Interstate System or the Federal-aid primary system on September 1, 1965, which does not conform to this section shall not be required to be removed until July 1, 1970. Any other sign, display, or device lawfully erected which does not conform to this section shall not be required to be removed until the end of the fifth year after it becomes nonconforming.

“(f) The Secretary shall, in consultation with the States, provide within the rights-of-way for areas at appropriate distances from interchanges on the Interstate System, on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standards to be promulgated by the Secretary.

“(g) Just compensation shall be paid upon the removal of the following outdoor advertising signs, displays, and devices—

“(1) those lawfully in existence on the date of enactment of this subsection,

“(2) those lawfully on any highway made a part of the interstate or primary system on or after the date of enactment of this subsection and before January 1, 1968, and

“(3) those lawfully erected on or after January 1, 1968.

The Federal share of such compensation shall be 75 per centum. Such compensation shall be paid for the following:

“(A) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

“(B) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

“(h) All public lands or reservations of the United States which are adjacent to any portion of the Interstate System and the primary system shall be controlled in accordance with the provisions of this section and the national standards promulgated by the Secretary.

“(i) In order to provide information in the specific interest of the traveling public, the State highway departments are authorized to maintain maps and to permit informational directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas for the purpose of informing the public of places of interest within the State and providing such other information as a State may consider desirable.

“(j) Any State highway department which has, under this section as in effect on June 30, 1965, entered into an agreement with the Secretary to control the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System shall be entitled to receive the bonus payments as set forth in the agreement, but no such State highway department shall be entitled to such payments unless the State maintains the control required under such agreement or the control required by this section, whichever control is stricter. Such payments shall be paid only from appropriations made to carry out this section. The provisions of this subsection shall not be construed to exempt any State from controlling outdoor advertising as otherwise provided in this section.

“(k) Nothing in this section shall prohibit a State from establishing standards imposing stricter limitations with respect to signs, displays, and devices on the Federal-aid highway systems than those established under this section.

Information centers.

Bonus payments.

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Notice of final determination.

"(l) Not less than sixty days before making a final determination to withhold funds from a State under subsection (b) of this section, or to do so under subsection (b) of section 136, or with respect to failing to agree as to the size, lighting, and spacing of signs, displays, and devices or as to unzoned commercial or industrial areas in which signs, displays, and devices may be erected and maintained under subsection (d) of this section, or with respect to failure to approve under subsection (g) of section 136, the Secretary shall give written notice to the State of his proposed determination and a statement of the reasons therefor, and during such period shall give the State an opportunity for a hearing on such determination. Following such hearing the Secretary shall issue a written order setting forth his final determination and shall furnish a copy of such order to the State. Within forty-five days of receipt of such order, the State may appeal such order to any United States district court for such State, and upon the filing of such appeal such order shall be stayed until final judgment has been entered on such appeal. Summons may be served at any place in the United States. The court shall have jurisdiction to affirm the determination of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the United States court of appeals for the circuit in which the State is located and to the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254. If any part of an apportionment to a State is withheld by the Secretary under subsection (b) of this section or subsection (b) of section 136, the amount so withheld shall not be reapportioned to the other States as long as a suit brought by such State under this subsection is pending. Such amount shall remain available for apportionment in accordance with the final judgment and this subsection. Funds withheld from apportionment and subsequently apportioned or reapportioned under this section shall be available for expenditure for three full fiscal years after the date of such apportionment or reapportionment as the case may be.

62 Stat. 928.

Appropriation.

"(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed \$20,000,000 for the fiscal year ending June 30, 1966, and not to exceed \$20,000,000 for the fiscal year ending June 30, 1967. No part of the Highway Trust Fund shall be available to carry out this section."

70 Stat. 397.  
23 USC 120 note.

SEC. 102. The table of sections of chapter 1 of title 23 of the United States Code is amended by striking out

"131. Areas adjacent to the Interstate System."

and inserting in lieu thereof

"131. Control of outdoor advertising."

TITLE II

23 USC 101 et seq.

SEC. 201. Chapter 1 of title 23, United States Code, is amended to add at the end thereof the following new section:

"§ 136. Control of junkyards

"(a) The Congress hereby finds and declares that the establishment and use and maintenance of junkyards in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

"(b) Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made pro-

Apportioned funds, withholding.

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**SPECIAL (USE) FUEL AND MILEAGE TAX RETURN**

SEND REMITTANCE AND ONE COPY OF TAX RETURN

To: **DEPT. OF MOTOR VEHICLES  
MOTOR CARRIER DIVISION  
555 WRIGHT WAY  
CARSON CITY, NV. 89701**

SEE REVERSE SIDE FOR INSTRUCTIONS

PREPARED BY : \_\_\_\_\_

CONTROL NUMBER	
----------------	--

TAX RETURN FOR \_\_\_\_\_  
DUE IN MAIL BY \_\_\_\_\_

<b>MILEAGE TAX</b>	
1. ACCUMULATED MILES	\$ _____ 3. ADVANCE DEPOSIT
2. THIS MONTHS MILES	\$ _____ 4. MILEAGE TAX
	\$ _____ 5. BALANCE
<b>SPECIAL (USE) FUEL TAX</b>	
6. THIS MONTHS MILES	\$ _____ 9. SPECIAL FUEL TAX
7. AVERAGE M.P.G.	\$ _____ 10. CREDITS
8. TAXABLE GALLONS	\$ _____ 11. PAY 'DR' OR TAKE 'CR'
	\$ _____ 12. SPECIAL FUEL TAX DUE
<b>ACTUAL TAX REMITTANCE</b>	
	\$ _____ 13. MILEAGE TAX
	\$ _____ 14. SPECIAL FUEL TAX
	\$ _____ 15. PENALTY
	\$ _____ 16. INTEREST
	\$ _____ 17. TOTAL DUE

**IMPORTANT**

**FOLLOW INSTRUCTIONS CAREFULLY**

**IMPORTANT**

**GENERAL INFORMATION**

The Mileage Tax Section is to be filled in only by those operators licensed for Mileage Tax, and does NOT apply to those who have purchased Annual Unladen Weight Licenses or One Trip Licenses.

The Special Fuel Tax Section applies to ALL vehicles operated or propelled by Special Fuel (diesel, butane, propane).

Listing of individual trips is not required; however, detailed records of your trucking business must be kept for examination by a departmental auditor.

Upon discontinuance of operations, return your carrier plates and/or cab cards and mark the last tax return 'FINAL'.

DR=DEBIT: additional amount due.

CR=CREDIT: deduct from amount due.

**MILEAGE TAX (Items 1-5):**

**1. DO NOT FILL IN.**

2. Nevada miles, for mileage tax, for month of this tax return.

**3. DO NOT FILL IN.**

4. Mileage Tax based on following schedule:

For the first 75,000 POWER unit miles of travel	_____	\$.025 per mile
For the next 175,000 POWER unit miles of travel	_____	.02 per mile
For the next 750,000 POWER unit miles of travel	_____	.015 per mile
For the next 1,000,000 POWER unit miles of travel	_____	.0125 per mile
For all POWER unit miles in excess of 2,000,000	_____	.01 per mile

5. Subtract Mileage Tax (Item 4) from Adv. Deposit (Item 3) and show as balance (Item 5).

MILEAGE TAX CREDITS NOT APPLICABLE TO SPECIAL FUEL TAX.

**SPECIAL (USE) FUEL TAX (Items 6-12):**

6. Special Fuel Miles for month of this tax return.

7. Average miles-per-gallon (to 3 decimal places).

8. Net taxable gallons (to nearest gallon). Item 6 divided by Item 7.

9. Special fuel tax. Gallons (Item 8) X .06 cents.

10. Enter charges or credits. Attach copies or photostats of sales invoices or statements to support credit claimed.

11. **DO NOT FILL IN.**

12. Enter Special Fuel Tax resulting from combining Items 9, 10, & 11.

SPECIAL FUEL TAX CREDITS NOT APPLICABLE TO MILEAGE TAX.

**ACTUAL TAX REMITTANCE (Items 13-17):**

13. Mileage Tax from Item 5 if due and payable.

14. Special Fuel Tax from Item 12 if due and payable.

15. { Penalty and interest for the previous month's tax return that was post-marked later than the due date.

& PENALTY-10% of Fuel Tax.

16. { INTEREST-1% of Fuel Tax for each month late.

17. Total due. Items 13 + 14 + 15 + 16.

Transportation  
March 25, 1971  
A. B. 768

The Department of Motor Vehicles is in favor of a do-pass of Assembly Bill 768 regarding the elimination of the advance mileage deposit for commercial motor carriers licensing on a mileage license method.

Proponents --

Winston W. Richards, Chief, Motor Carrier Division, Department of Motor Vehicles.

Walter P. Scott, Tax Administrator, Motor Carrier Division, Department of Motor Vehicles.

1. Richards presented a monthly unladen weight fee table indicating the amount of advance deposit on vehicles with 1% and 10% and it also indicated the number of miles necessary to be operated at 2½¢ in order to deplete the advance deposit.
2. An audit report for the fiscal year ended June 30, 1966 by the Legislative Counsel Bureau, Robert E. Bruce, Acting Fiscal Analyst.
3. A chart of total number and percentage of carriers operating on mileage licensing.

- a. Total mileage tax collected and miles operated for the year 1970:

\$1,956,694.00

107,252,541 miles

- b. A special (use) fuel and mileage tax return for which the advance deposit is recorded.

Each of the above was discussed in part.

The Motor Carrier Division, at present time, has eight (8) auditors, which spend a portion of their time over a two-year period in an attempt to deplete any possible advance deposit for which mileage miles were incorrectly reported or computed and also extensive time field auditing Nevada mileage percentages which are meaningless.

The department feels there would be no loss of revenue if the mileage advance deposit were eliminated.

The minimum advance deposit, at present time, is 2¢ per vehicle. The maximum possible being \$450.00 (Nevada resident operating 99.9% of miles in the State of Nevada).



It was pointed out to the committee that there are a total of 1,936 carriers licensed on mileage. 1,494 of which are less than 10% mileage percentage operating in the State of Nevada.

Thousands of supplemental applications are processed over the year. Each supplemental generates an additional advance deposit, many of which are less than a \$1.00 requiring auditing and key punching in order to be carried to the tax return.

The department requires a faithful performance bond which is sufficient to guard against losses--maximum \$5,000.00.

The Motor Carrier Division could give the motor carrier tax payers much better service regarding the monthly reporting requirements for mileage tax and special fuel if the advance deposit was eliminated.

There are no agreements with other states with respect to third structure (mileage tax) motor carrier licensing. The only agreements are in regard to prorate registration.

The advance mileage deposit is nothing more than an accounting night mare.

MONTHLY UNLADEN WEIGHT FEE TABLE

WINSTON RICHARDS

48 HOUR TEMPORARY LICENSE COST

UNLADENED WEIGHT	48 HOUR TEM LIC	JAN 12/12	FEB 11/12	MAR 10/12	APR 9/12	MAY 8/12	JUNE 7/12	JULY 6/12	AUG 5/12	SEPT 4/12	OCT 3/12	NOV 2/12	DEC 1/12
Up to 5,000	\$ 6.00	\$15.00	\$13.75	\$12.50	\$11.25	\$10.00	\$ 8.75	\$ 7.50	\$ 6.25	\$ 5.00	\$ 3.75	\$ 2.50	\$ 1.25
5,001 - 6,000	6.00	45.00	41.25	37.50	33.75	30.00	26.25	22.50	18.75	15.00	11.25	7.50	3.75
6,001 - 7,000	6.00	72.00	66.00	60.00	54.00	48.00	42.00	36.00	30.00	24.00	18.00	12.00	6.00
7,001 - 8,000	6.00	99.00	90.75	82.50	74.25	66.00	57.75	49.50	41.25	33.00	24.75	16.50	8.25
8,001 - 9,000	6.00	126.00	115.50	105.00	94.50	84.00	73.50	63.00	52.50	42.00	31.50	21.00	10.50
9,001 -10,000	8.00	153.00	140.25	127.50	114.75	102.00	89.25	76.50	63.75	51.00	38.25	25.50	12.75
10,001 -11,000	9.00	180.00	165.00	150.00	135.00	120.00	105.00	90.00	75.00	60.00	45.00	30.00	15.00
11,001 -12,000	10.00	207.00	189.75	172.50	155.25	138.00	120.75	103.50	86.25	69.00	51.75	34.50	17.25
12,001 -13,000	12.00	234.00	214.50	195.00	175.50	156.00	136.50	117.00	97.50	78.00	58.50	39.00	19.50
13,001 -14,000	13.00	261.00	239.25	217.50	195.75	174.00	152.25	130.50	108.75	87.00	65.25	43.50	21.75
14,001 -15,000	14.00	288.00	264.00	240.00	216.00	192.00	168.00	144.00	120.00	96.00	72.00	43.00	24.00
15,001 -16,000	16.00	315.00	288.75	262.50	236.25	210.00	183.75	157.50	131.25	105.00	78.75	52.50	26.25
16,001 -17,000	17.00	342.00	313.50	285.00	256.50	228.00	199.50	171.00	142.50	114.00	85.50	57.00	28.50
17,001 -18,000	18.00	369.00	338.25	307.50	276.75	246.00	215.25	184.50	153.75	123.00	92.25	61.50	30.75
18,001 -19,000	20.00	396.00	363.00	330.00	297.00	264.00	231.00	198.00	165.00	132.00	99.00	66.00	33.00
19,001 -20,000	21.00	423.00	387.75	352.50	317.25	282.00	246.75	211.50	176.25	141.00	105.75	70.50	35.25
20,001 & over	23.00	450.00	412.50	375.00	337.50	300.00	262.50	225.00	187.50	150.00	112.50	75.00	37.50

ADD \$3 PSC INSPECTION FEE ON POWER UNITS

CARRIERS OPERATING ON MILEAGE TAX

Under 1%	1%	2%	3-5%	6-10%	11-20%	21-30%	31-40%	41-50%	51-100%	TOTAL
446	279	181	337	251	217	87	51	30	57	1936
23.03%	14.41%	9.34%	17.40%	12.96%	11.20%	4.49%	2.63%	1.54%	2.94%	100%

MILEAGE TAX FOR 1970 CONSISTED OF:

107,252,541 MILES &

\$ 1,956,694.00

STATE OF NEVADA  
DEPARTMENT OF MOTOR VEHICLES

AUDIT REPORT  
FOR THE FISCAL YEAR ENDED JUNE 30, 1966

LEGISLATIVE COUNSEL BUREAU  
ROBERT E. BRUCE, ACTING FISCAL ANALYST  
Carson City, Nevada

## 7. Advance Deposit Required for Mileage License

In order to qualify for a mileage license under the provisions of NRS 706.550, subsection 2, paragraph (b), an operator must annually make an advance deposit. The deposit is applied against the monthly fee due and is not refundable if not entirely used up during the year. The advance deposit causes a number of problems in the administration of this chapter.

(a) In calculating the annual fees due for licensing, most of the operators make errors and the largest percentage of these are attributable to the advance deposit. This necessitates advising the licensee of the proper fees due and either billing an additional amount or issuing a refund application.

(b) A marginal operator or a licensee that has lost a portion of his previous year's deposit will be reluctant to put up a deposit to properly relicense. This could result in a loss of revenue besides causing enforcement problems.

(c) The biggest problem with the advance deposit arises with the monthly tax returns. The amount of remaining deposit must be shown on the monthly returns so that the licensee knows when his deposit is exhausted and he must start paying the fees due. Timely returns are received as of the 30th of the month and the department has to deposit the funds received, check the returns for accuracy,

determine which returns have not been received, prepare new returns showing the new advance deposit balances and error corrections, and then mail the returns to the licensees, all within as few as six work days. Since the returns are mailed two weeks or less before they are due back, most returns arrive at the same time. All of this causes about two weeks of peak workload and a two-week slack period.

It is recommended that the Legislature consider repealing the advance deposit requirement for the following reasons:

(a) The department requires a faithful performance bond which is sufficient to guard against ordinary losses.

(b) It would reduce the number of errors made on annual license applications with a resultant decrease in employee efforts during this busy period.

(c) It could induce more operators to become legally licensed, thereby reducing problems in field enforcement.

(d) Monthly returns could be mailed about the 1st of each month and would come back more evenly distributed throughout the the month, decreasing the peak work period.

(e) Records of hundreds of advance deposits would not have to be maintained.