

Approved: April 7, 1994

Date

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairman Rex Crowell at 1:30 p.m. on February 15, 1994 in Room 519-S of the Capitol.

All members were present except: Rep. Shallenburger, Excused
Rep. Hendrix, Excused
Rep. Long, Excused
Rep. Correll, Excused
Rep. Lawrence, Excused

Committee staff present: Tom Severn, Legislative Research Department
Hank Avila, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Donna Luttjohann, Committee Secretary

Conferees appearing before the committee: Rep. Marvin Smith
Rep. Greg Packer
Marty Bloomquist, Shawnee County Financial Administrator
Mike Sease, Shawnee County
Ernest Mosher, City of Topeka

Others attending: See attached list

Chairman Crowell opened the hearing on HB 2814 concerning the allocation of special city and county highway funds in Shawnee County.

Marty Bloomquist was recognized by the Chairman as an opponent of the bill. She testified that the county's share of the motor vehicle registration funds would drop about \$630,136 if this legislation is enacted. She informed the Committee of Shawnee County's options should the bill pass. See Attachment 1.

Rep. Smith was recognized by the Chairman as the primary sponsor of the bill. He testified in regard to the townships need for additional funds. See Attachment 2.

The Chairman recognized Rep. Packer as a co-sponsor of the bill. He testified that townships do a better job taking care of roads. He stated that the counties see a lot of the money where townships don't. He testified that the townships need the increased funding.

Chairman Crowell recognized Mike Sease as the next conferee to testify as an opponent of the bill. He testified that Shawnee County had already cut back eight staff positions and would need to cut back on road maintenance if the bill passed.

Chairman Crowell recognized Ernest Mosher as the next conferee and he gave testimony in opposition to the bill. He testified that the property taxes in the City of Topeka might go up due to the decrease of revenue available to Shawnee County if this bill is passed. See Attachment 3.

The Chairman closed the hearing on HB 2814.

The minutes of the November 25 and 26th Transportation Interim Committee and the January 14, 1994, Standing Transportation Committee were brought to the attention of the Committee. There were no corrections, deletions or additions to the minutes and they stand approved by the Committee as written.

Chairman Crowell made announcements and the meeting was adjourned at 1:58 p.m. with the next meeting scheduled for February 16, 1994, at 1:30 p.m. in Room 519-S of the Capitol.

HOUSE TRANSPORTATION COMMITTEE

Name

Address

Representing

Marty Bloomquist Shawnee County, Crt. house Shawnee County

DAN COOPER Shawnee Co. Ctise. Shawnee County

Mike Sease Shawnee Co. Courthouse Shawnee County

Grinnell Terrestrial Science Co.

James Markos Tojoka City of Tojoka
JIMKEELE PAOLA BKE

JIM KEENE

PO
TAKA

BKE

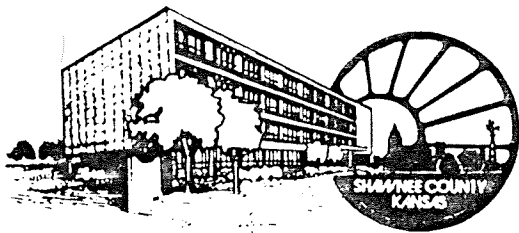
Ham Somerville, TOPEKA KS Auto Dir's Assn

Betty McBride Topeka KIDOR

Rick Scheibe Topel4 KDoR

Bill Watts Topoka KDOL

Javier Hernandez Torreses PL 30000



Shawnee County Audit - Finance Office

Suite 201 Courthouse
Topeka, Kansas 66603-3903
291-4305

To: House Transportation Committee
From: Marty Bloomquist, Shawnee County Financial Administrator *Marty*
Date: February 15, 1994
Re: Testimony - H.B. 2814 - An Act Relating to the Allocation of Special
City and County Highway funds in Shawnee County

Thank you for the opportunity to appear before the Committee.

This testimony is in opposition of the above captioned bill. H.B. 2814 would reduce the amount of Motor Vehicle registration funds currently available by state statute to Shawnee County for the maintenance of county roads. For example, in 1994 the county's share of these monies is estimated at \$1,510,786. If H.B. 2814 is enacted, the county's share will drop to \$880,650, or a reduction of \$630,136.

If this bill passes, Shawnee County has two options:

1. to reduce services throughout the entire county for roads and bridges
2. raise taxes for all Shawnee County taxpayers to maintain the current level of services

If the County chooses option #2, the attached sheet shows the approximate mill increase that would need to be levied to Shawnee County taxpayers to fund the short fall (Hot lined in yellow).

The attached sheet also shows that if taxes were increased, Shawnee County would be pushing closely against the statutory tax lid (Hot lined in pink).

Once again thank you for the opportunity to appear before the
Committee.

MAB\sh

HOUSE TRANSPORTATION
February 15, 1994
Attachment 1-1

HB 2814

November 1993 Assessed Value - Shawnee County

760,451,786

1994 Estimated City/County Highway Tax Co. share
1994 Estimated City/County Highway Tax Co. share
(under HB2814)

1,510,786 @85% = 1.987 mill

880,650 @25% = 1.158 mill
630,136 (.829)mill

CY 1994 Current Mill Levy

Road & Bridge Fund: 3.514 mills
General Fund: 25.852 mills
29.366 mills

If H.B. 2814 Passes New Mill Levy

4.343 mills
25.852 mills
30.195 mills

Maximum Mill Levy
Allowed Under Tax
Lid.

31.587

31.587

Difference in Mills
between Actual and
Lid.

2.221

1.392

Tax dollars Not
levied under the
Lid.

\$1,688,964

1,058,549

Additional tax dollars to be levied under the proposed plan

\$630,136

MARVIN E. SMITH
REPRESENTATIVE, FIFTIETH DISTRICT
JACKSON AND SHAWNEE COUNTIES
123 N.E. 82ND STREET
TOPEKA, KANSAS 66617-2209
(913) 484-3417
CAPITOL—ROOM 115-S
TOPEKA, KS 66612-1504
(913) 296-7646



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
CHAIRMAN GOVERNMENTAL ORGANIZATION
& ELECTIONS
MEMBER EDUCATION
TRANSPORTATION
JOINT COMMITTEE ON ADMINISTRATIVE
RULES & REGULATIONS

HOUSE TRANSPORTATION COMMITTEE

February 15, 1994

HB 2814

House Bill 2814 is to change the allocation of funding for roads in Shawnee County. Presently the county receives 50% and cities the other 50% of state distribution. The county keeps approximately 85% of the state funding and 15% is apportioned to the townships.

The recommended change in HB 2814 is on page 3 line 29 through 35. This basically would NOT change the state distribution of 50% to Shawnee County and 50% to cities located in Shawnee County. It would change the present county distribution so that the townships would receive 25% of the state funds, the county would receive 25% and the cities 50% of the Special City County Highway Distribution for Shawnee County.

Counties like Shawnee that have increased residential building in the townships have increased needs for road improvement on township roads. The present formula does not provide sufficient funding for township roads.

HB 2814 will provide more equity and uniformity for all the roads in Shawnee County.

HOUSE TRANSPORTATION
February 15, 1994
Attachment 2-1

SPECIAL CITY COUNTY HIGHWAY DISTRIBUTION

	% to District	1-16-93	4-15-93	<i>Equal.</i> 4-15-93	7-15-93	10-15-93	TOTALS
Total from State	100.00000%	949,011.34	696,624.93	144,967.14	888,036.61	849,864.65	3,528,504.6
Less City Share	50.00000%	474,505.67	348,312.47	72,483.57	444,018.30	424,932.33	1,764,252.3
& TWP Total	100.00000%	474,505.67	348,312.46	72,483.57	444,018.31	424,932.33	1,764,252.3
JP Share	14.22322%	67,489.99	49,541.25	10,309.50	63,153.70	60,439.06	250,933.5
Share	85.77678%	407,015.68	298,771.21	62,174.07	380,864.61	364,493.27	1,513,318.8

Township

Turn	9.77310%	6,595.87	4,841.72	1,007.56	6,172.08	5,906.77	24,524.6
Over	6.97402%	4,706.78	3,455.02	718.99	4,404.36	4,215.03	17,500.1
ove	4.01655%	2,710.78	1,989.85	414.09	2,536.61	2,427.57	10,078.9
roken	10.21195%	6,892.04	5,059.14	1,052.80	6,449.22	6,172.01	25,625.2
ission	7.19167%	4,853.66	3,562.84	741.44	4,541.81	4,346.58	18,046.5
mmouth	9.34017%	6,303.68	4,627.24	962.92	5,898.66	5,645.11	23,437.6
ssville	10.33651%	6,976.11	5,120.84	1,065.64	6,527.89	6,247.29	25,937.2
lver Lake	4.48328%	3,025.77	2,221.07	462.20	2,831.36	2,709.65	11,250.6
ldier	19.61262%	13,236.56	9,716.34	2,021.96	12,386.10	11,853.68	49,214.6
cunseh	8.71753%	5,883.46	4,318.77	898.73	5,505.44	5,268.79	21,875.1
peka	2.24281%	1,513.67	1,111.12	231.22	1,416.42	1,355.53	5,627.5
lliamsport	7.09974%	4,791.61	3,517.30	731.95	4,483.75	4,291.02	17,815.6
TOTALS	99.99995%	67,489.99	49,541.25	10,309.50	63,153.70	60,439.03	250,933.5
(dif from 10 above)		ok	ok	ok	ok	0.03	

City
7/90
Population

peka	119,883	461,194.91	338,541.66	70,450.27	431,562.76	413,012.19	1,714,761.2
Turn	908	3,493.11	2,564.13	533.59	3,268.68	3,128.18	12,987.6
illard	110	423.17	310.63	64.64	395.99	378.96	1,573.6
ssville	1,052	4,047.09	2,970.78	618.22	3,787.06	3,624.27	15,047.4
ilver Lake	1,390	5,347.39	3,925.27	816.85	5,003.81	4,788.73	19,882.6
TOTALS	123,343	474,505.67	348,312.47	72,483.57	444,018.30	424,932.33	1,764,252.3
(dif from 8 above)		ok	ok	ok	ok	ok	0.0

TO: <i>Hank Avila</i> <i>Leg Research</i>	FROM: <i>Shirley Kenderfer</i> <i>In Co Audit Finance</i>	DATE: <i>2/11/94</i>
FAX #: <i>296-3824</i>	FAX #: <i>291-4902</i>	PHONE: <i>313-9200 4515 3</i>
PAGES INCLUDING THIS PAGE:		TPS 14850

SPECIAL CITY COUNTY HIGHWAY ESTIMATE

	% to District	1-16-92	<i>Equal</i> 4-15-92	4-15-92	7-15-92	10-15-92	TOTALS
total from State	100.00000%	906,032.76	147,037.32	671,399.26	843,804.67	786,844.55	3,355,118.1
City Share	50.00000%	453,016.38	73,518.66	335,699.63	421,902.34	393,422.28	1,677,559.1
& TNP Total	100.00000%	453,016.38	73,518.66	335,699.63	421,902.34	393,422.28	1,677,559.1
IP Share	14.22322%	64,433.52	10,456.72	47,747.30	60,008.10	55,957.32	238,602.1
Share	85.77678%	388,582.86	63,061.94	287,952.35	361,894.24	337,464.96	1,438,956.1

TOWNSHIP

Aburn	9.77310%	6,297.15	1,021.95	4,666.39	5,864.65	5,468.76	23,318.1
Over	6.97402%	4,493.61	729.25	3,329.91	4,184.98	3,902.47	16,640.1
ove	4.01655%	2,588.00	420.00	1,917.79	2,410.26	2,247.55	9,583.1
oken	10.21195%	6,579.92	1,067.84	4,875.93	6,128.00	5,714.33	24,366.1
ission	7.19167%	4,633.85	752.01	3,433.83	4,315.58	4,024.27	17,159.1
mmouth	9.34017%	6,018.20	976.68	4,459.68	5,604.86	5,226.51	22,285.1
ssville	10.33651%	6,660.18	1,080.86	4,935.40	6,202.74	5,784.03	24,663.1
ilver Lake	4.48328%	2,888.74	468.80	2,140.65	2,690.33	2,508.72	10,697.1
ldier	19.61262%	12,637.10	2,050.84	9,364.50	11,769.16	10,974.70	46,796.1
ecumseh	8.71753%	5,617.01	911.57	4,162.39	5,231.22	4,878.10	20,800.1
peka	2.24281%	1,445.12	234.52	1,070.88	1,345.87	1,255.02	5,351.1
illiamsport	7.09974%	4,574.61	742.40	3,389.93	4,260.42	3,972.82	16,940.1
TOTALS	99.99995%	64,433.49	10,456.71	47,747.28	60,008.07	55,957.29	238,602.1
(dif from 10 above)		0.03	0.00	0.00	0.00	0.00	

City
Population

peka	122,360	438,745.32	71,202.65	325,124.32	408,611.45	381,028.58	1,624,712.1
Aburn	1,220	4,374.54	709.93	3,241.68	4,074.09	3,799.08	16,199.1
illard	130	466.14	75.65	345.42	434.12	404.82	1,726.1
ssville	1,130	4,051.83	657.56	3,002.54	3,773.54	3,518.82	15,004.1
ilver Lake	1,500	5,078.54	872.87	3,985.67	5,009.13	4,670.99	19,917.1
TOTALS	126,340	453,016.37	73,518.66	335,699.63	421,902.33	393,422.29	1,677,559.1
(dif from 8 above)		0.01	0.00	0.00	0.00	0.00	0.1

HOUSE TRANSPORTATION
February 15, 1994
Attachment 2-3

SHAWNEE COUNTY, KANSAS

ACTUAL PAYMENTS TO COUNTIES OF MOTOR FUEL TAX RECEIPTS
(K.S.A. 79-3425C)

	% to District	1-15-91	4-15-91	Equal. 4-15-91	7-15-91	10-15-91	TOTAL 1991
otal from State	100.00000%	821,373.82	597,497.42	142,155.63	820,904.90	757,582.00	3,139,513.77
Less City Share	50.00000%	410,686.91	298,748.71	71,077.82	410,452.45	378,791.00	1,569,756.89
Co & TWP Total	100.00000%	410,686.91	298,748.71	71,077.81	410,452.45	378,791.00	1,569,756.88
TWP Share	14.22322%	58,412.90	42,491.69	10,109.55	58,379.55	53,876.28	223,269.97
Co Share	85.77678%	352,274.01	256,257.02	60,968.26	352,072.90	324,914.72	1,346,486.91

Township

Aburn	9.77310%	5,708.75	4,152.76	988.02	5,705.49	5,265.38	21,820.40
Dover	6.97402%	4,073.73	2,963.38	705.04	4,071.40	3,757.34	15,570.89
Grove	4.01655%	2,346.18	1,706.70	406.06	2,344.84	2,163.97	8,967.75
Menoken	10.21195%	5,965.10	4,339.23	1,032.38	5,961.69	5,501.82	22,800.22
Mission	7.19167%	4,200.86	3,055.86	727.05	4,198.46	3,874.60	16,056.83
Monmouth	9.34017%	5,455.86	3,968.80	944.25	5,452.75	5,032.14	20,853.80
Rossville	10.33651%	6,037.86	4,392.16	1,044.97	6,034.41	5,568.93	23,078.33
Silver Lake	4.48328%	2,618.81	1,905.02	453.24	2,617.32	2,415.42	10,009.81
Soldier	19.61262%	11,456.30	8,333.73	1,982.75	11,449.76	10,566.55	43,789.09
Tecumseh	8.71753%	5,092.16	3,704.23	881.30	5,089.25	4,686.68	19,463.62
Topeka	2.24281%	1,310.09	953.01	226.74	1,309.34	1,208.34	5,007.52
Williamsport	7.09974%	4,147.16	3,016.80	717.75	4,144.80	3,825.08	15,851.59
TOTALS	99.99995%	58,412.86	42,491.68	10,109.55	58,379.51	53,876.25	223,269.85
(dif from 10 above)		0.04	0.01	ok	0.04	0.03	0.12

City	7/88 Population	1-15-91	4-15-91	Equal. 4-15-91	7-15-91	10-15-91	TOTAL 1991
Topeka	118,580	399,097.39	289,590.63	68,898.94	397,870.12	367,179.24	1,521,636.32
Auburn	1,090	3,659.35	2,661.95	633.33	3,657.26	3,375.15	13,987.04
Willard	120	402.86	293.06	69.72	402.63	371.58	1,539.85
Rossville	1,100	3,692.93	2,686.37	639.14	3,690.82	3,406.12	14,115.38
Silver Lake	1,440	4,834.38	3,516.70	836.69	4,831.62	4,458.91	18,478.30
TOTALS	122,330	410,686.91	298,748.71	71,077.82	410,452.45	378,791.00	1,569,756.89
(dif from 8 above)		ok	ok	ok	ok	ok	ok

75-1107 STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES

75-1107.

History: L. 1917, ch. 309, § 9; R.S. 1923, 75-1107; Repealed, L. 1951, ch. 445, § 1; June 30.

75-1108.

History: L. 1917, ch. 309, § 10; R.S. 1923, 75-1108; Repealed, L. 1953, ch. 375, § 95; July 1.

Revisor's Note:

Later act, see 75-3904.

75-1109.

History: L. 1905, ch. 490, § 11; R.S. 1923, 75-1109; Repealed, L. 1925, ch. 260, § 21; July 1.

75-1110.

History: L. 1905, ch. 490, § 12; R.S. 1923, 75-1110; Repealed, L. 1953, ch. 375, § 95; July 1.

75-1111.

History: L. 1935, ch. 275, § 1; L. 1937, ch. 329, § 16; L. 1943, ch. 274, § 3; L. 1945, ch. 319, § 2; Repealed, L. 1953, ch. 375, § 95; July 1.

75-1112.

History: L. 1935, ch. 275, § 2; Repealed, L. 1951, ch. 445, § 1; June 30.

75-1113.

History: L. 1935, ch. 275, § 3; L. 1943, ch. 277, § 10; L. 1945, ch. 319, § 3; Repealed, L. 1953, ch. 375, § 95; July 1.

75-1114, 75-1115.

History: L. 1935, ch. 275, §§ 4, 5; Repealed, L. 1953, ch. 375, § 95; July 1.

Revisor's Note:

Later act, see 75-3803.

75-1116.

Revisor's Note:

Transferred to 75-3811.

75-1117. Municipality defined. As used in this act, unless the context otherwise requires, "municipality" means any county, township, city, municipal university, unified school district, library district, improvement district, drainage district, cemetery district, industrial district, irrigation district, park and recreation district, conservation district, extension council, airport or building authority, fire district, lighting district, park district, sewer district, watershed district, community junior college, groundwater management district, rural water district, zoning board, municipal en-

ergy agency or intergovernmental or joint agency, including all boards, commissions, committees, bureaus and departments of such municipalities charged with the management or administration of recreation activities, parks, hospitals, libraries, cemeteries, pensions, public improvements or any other public activities maintained or subsidized with public funds and any municipally owned or operated utility, firemen's relief association, or public or quasi-public corporation entitled to receive and hold public moneys pursuant to any provision of state law authorizing such public or quasi-public corporation to collect or receive such public moneys.

History: L. 1935, ch. 275, § 7; L. 1978, ch. 334, § 1; July 1.

Attorney General's Opinions:

Open public records; municipally owned utilities. 81-52.

Municipal accounting board; use of generally accepted accounting principles. 81-231.

75-1118.

History: L. 1935, ch. 275, § 8; L. 1953, ch. 375, § 87; L. 1967, ch. 441, § 1; L. 1974, ch. 364, § 17; L. 1975, ch. 433, § 1; L. 1978, ch. 335, § 1; L. 1982, ch. 349, § 1; Repealed, L. 1988, ch. 301, § 33; July 1.

75-1119. Municipal public accountants; licenses, renewal, revocation, issuance of original prohibited; board of accountancy, rules and regulations, powers; authority of director of accounts and reports. (a) The board of accountancy shall adopt rules and regulations governing the renewal and revocation of licenses of licensed municipal public accountants. Such licenses shall be renewed for a two-year period from July 1 of the year of renewal and may be renewed at the discretion and under the rules and regulations of the board of accountancy. The rules and regulations of the state municipal accounting board governing the renewal and revocation of licenses of licensed municipal public accountants in existence on the effective date of this act shall continue to be effective and shall be deemed to be the rules and regulations of the board of accountancy until revised, amended, repealed or nullified pursuant to law. All other rules and regulations of the state municipal accounting board shall continue in existence until revised, amended, repealed or nullified by the director of accounts and reports pursuant to law.

(b) The chairperson of the board of accountancy is hereby authorized to administer oaths, issue subpoenas and take testimony of

75-1120a STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES

Attorney General's Opinions:

City's ability to exempt itself from certain annual audits.
92-93.

75-1120a.

Attorney General's Opinions:

City's ability to exempt itself from certain annual audits.
92-93.

75-1121.

Attorney General's Opinions:

City's ability to exempt itself from certain annual audits.
92-93.

75-1122. Annual audits of school districts and certain municipalities; township exemption; assistance from division of accounts and reports. (a) The governing body of every unified school district, the governing body of every recreation commission having aggregate annual gross receipts in excess of \$150,000 and the governing body of all other municipalities either having aggregate annual gross receipts in excess of \$275,000 or which has general obligation or revenue bonds outstanding in excess of \$275,000 shall have its accounts examined and audited by a licensed municipal public accountant or accountants or certified public accountant or accountants at least once each year. In the case of school districts, all tax and other funds such as activity funds and accounts shall also be examined and audited.

(b) Any municipality required to have an annual audit for the first time under this section shall be exempt from the requirement if the municipality sends to the division of accounts and reports a written request for assistance in complying with the required accounting procedures of K.S.A. 75-1121, and amendments thereto. The exemption shall continue until the assistance is rendered by the division of accounts and reports.

(c) The governing body of any city of the third class required to have its accounts examined and audited pursuant to the provisions of this section shall annually determine the total cost to be incurred by the city in complying with the requirements of this act and shall identify the same in the budget of the city.

(d) Each year the township board of any township required to have an annual audit may adopt a resolution requesting the director of accounts and reports to exempt the township from the requirements of this section. The resolution shall be submitted prior to the end of the fiscal year. Upon receipt of the resolution, the director of accounts and reports shall waive the requirement for an audit for such year.

History: L. 1935, ch. 275, § 12; L. 1967, ch. 442, § 1; L. 1978, ch. 334, § 2; L. 1983, ch. 276, § 1; L. 1990, ch. 66, § 51; L. 1993, ch. 46, § 3; July 1.

Attorney General's Opinions:

City's ability to exempt itself from certain annual audits.
92-93.

Article 12.—ARCHITECTURAL SERVICES

MOBILE HOME AND RECREATIONAL VEHICLE CODE

75-1211.

Research and Practice Aids:

Health and Environment ⇐ 32.

C.J.S. Health and Environment §§ 28 to 36, 52.

75-1221.

Research and Practice Aids:

Consumer Credit ⇐ 9.

C.J.S. Interest and Usury; Consumer Credit § 350.

MOBILE HOME SECURING REQUIREMENTS

75-1226. Definitions. As used in this act, the following words and phrases shall have the meanings respectively ascribed to them herein:

(a) "Tie down" means any device designed for the purpose of anchoring a mobile home to ground anchors;

(b) "Ground anchor" means any device designed to secure a mobile home to the ground;

(c) "Pier" means one of the structural supports required by this act for a mobile home which is not secured to the ground on a permanent foundation;

(d) "Roof protector" means a device designed to prevent over-the-top tie downs from damaging or penetrating the roof material; and

(e) "Mobile home" shall have the meaning ascribed to it by K.S.A. 1993 Supp. 58-4202, and amendments thereto.

(f) "Secretary" means the secretary of administration.

History: L. 1974, ch. 375, § 1; L. 1978, ch. 340, § 1; L. 1978, ch. 336, § 15; L. 1979, ch. 282, § 1; L. 1991, ch. 33, § 36; July 1.

Research and Practice Aids:

Health and Environment ⇐ 32; Landlord and Tenant ⇐ 379.

C.J.S. Health and Environment §§ 28 to 36, 52; Landlord and Tenant §§ 417(1), (2).

CONT

75-1

Research:
States
C.J.S.

75-

75-125

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79-3425a.

History: L. 1949, ch. 484, § 7; L. 1951, ch. 495, § 3; L. 1955, ch. 419, § 2; Repealed, L. 1957, ch. 507, § 1; June 29.

79-3425b.

History: L. 1955, ch. 419, § 3; L. 1959, ch. 396, § 2; L. 1965, ch. 531, § 1; Repealed, L. 1970, ch. 397, § 10; July 1.

79-3425c. Apportionment of special city and county highway fund; apportionment of county equalization and adjustment fund; credit and use. (a) On January 15, April 15, July 15 and October 15 of each year, the director of accounts and reports shall transfer \$625,000 to the county equalization and adjustment fund from the special city and county highway fund and on such dates the state treasurer shall apportion and pay to the several counties of the state 57% of the moneys in the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto, and shall apportion and pay to the several cities of the state the remaining 43% of such moneys.

(b) (1) Except as provided in paragraph (2) of this subsection, the allocation and payment to each county under the provisions of this section shall be made in the following manner:

First, Each county of the state shall receive a payment of \$5,000;

Second, Of the balance remaining, 50% thereof shall be apportioned and paid to each county on January 15 and April 15 of each year in the proportion that the total amount of money collected in such county from motor vehicle registration fees for the second preceding calendar year bears to the total amount of money collected in all counties from motor vehicle registration fees for the second preceding calendar year, and on July 15 and October 15 of each year in the proportion that the total amount of money collected in such county from motor vehicle registration fees for the preceding calendar year bears to the total amount of money collected in all counties from motor vehicle registration fees for the preceding calendar year;

Third, The remaining 50% of such balance shall be apportioned and paid to each county on January 15 and April 15 of each year in the proportion that the average daily vehicle miles traveled in such county for the second preceding calendar year bears to the average daily vehicle miles traveled in all counties of the state for the second preceding calendar year, and on July 15 and October 15 of each year

in the proportion that the average daily vehicle miles traveled in such county for the preceding calendar year bears to the average daily vehicle miles traveled in all counties of the state for the preceding calendar year; and

(2) the allocation and payment to each county of the new revenue provided under the provisions of this act to the special city and county highway fund shall be made in the following manner:

First, 33 1/3% of such revenue shall be apportioned and paid in accordance with the provisions of *Second* of subsection (b)(1);

Second, 33 1/3% of such revenue shall be apportioned and paid in accordance with the provisions of *Third* of subsection (b)(1);

Third, the remaining 33 1/3% of such balance shall be apportioned and paid to each county on January 15 and April 15 of each year in the proportion that the total road miles in such county for the second preceding calendar year bears to the total road miles in all counties of the state for the second preceding calendar year; and on July 15 and October 15 of each year in the proportion that the total road miles in such county for the preceding calendar year bears to the total road miles in all counties of the state for the preceding calendar year.

If the total amount of money received by any county pursuant to the foregoing distribution formula and by all cities located within such county pursuant to subsection (c) of this section during the period from July 15 of any year to April 15 of the next succeeding year is less than the total amount received by such county and all cities located within such county from the county road and city street fund, the special city and county highway fund, the county and township road fund and the special motor carrier fee county road fund during the period from July 1, 1969, to June 30, 1970, plus the total amount such county and all cities located within such county would have received on July 15, 1970, from the special city and county highway fund based on the formula for distributing such fund in effect on June 30, 1970, then on April 15 of each year, the state treasurer shall apportion and pay to each county from the county equalization and adjustment fund an amount which together with the amount received pursuant to the foregoing distribution formula will equal the total amount received from the four aforementioned funds during such period of time plus the total amount such county and all cities located within such county would have received on July 15, 1970, from the special city and county

highway fund based on the formula for distributing such fund in effect on June 30, 1970. In the event that there is insufficient funds in the county equalization and adjustment fund to pay each county the amount to which it is entitled, each county shall receive a payment in the proportion that the amount to which such county is entitled bears to the amount to which all such counties are entitled. If there is money remaining in such fund after such distribution, the state treasurer shall distribute the balance to the several counties in the manner provided in the second and third clauses of the foregoing formula for distributing moneys to counties from the special city and county highway fund.

All payments shall be made to the county treasurers of the respective counties, and upon receipt of the same:

(1) The county treasurers of Sedgwick and Shawnee counties shall credit 50% of the moneys received to the road and bridge fund of such counties and apportion and pay the remainder of such moneys to the several cities located in such counties;

(2) the county treasurer of Wyandotte county shall credit 10% of the moneys received to the road and bridge fund of such county and apportion and pay the remainder of such moneys to the several cities located in such county;

(3) the county treasurers of Lyon, Cowley, Crawford, Montgomery, Butler, Saline, Leavenworth, Riley, Reno and Douglas counties shall credit 90% of the moneys so received to the road and bridge fund of such counties and apportion and pay the remainder of such moneys to the several cities located in such counties except that no persons residing within the Fort Riley military reservation shall be included or considered in determining the population of any city located within Geary or Riley county; and

(4) the county treasurers of Johnson county and all other counties not listed in paragraphs (1), (2) or (3) shall credit all of the moneys received to the road and bridge fund of such counties.

Not less than 25% of the amount received by each county and credited to the county road and bridge fund under the provisions of this section shall be expended by the county on mail and school bus routes on county roads as defined in K.S.A. 68-101, and amendments thereto. Payments to the cities under the provisions of this subsection shall be in the proportion that the population of each city bears to the total population of all cities located in the same county as such city.

portion that the population of each city bears to the total population of all cities located in the same county as such city.

In counties which have not adopted the county-unit road system, the amount of money retained by such counties after distribution to the cities within such county pursuant to this subsection shall be distributed to each township within such county in not less than the proportion that the amount of money received by each township from the county and township road fund during the period from July 1, 1969, to June 30, 1970, bears to the total amount of money received by such county from the county and township road fund, the county road and city street funds, the special motor carrier fee county road fund and the special city and county highway fund during the period from July 1, 1969, to June 30, 1970, plus the amount such county would have received on July 15, 1970, from the special city and county highway fund based on the formula for distributing such fund in effect on June 30, 1970. All payments to townships hereunder shall be made to the treasurers thereof, and all moneys so received shall be deposited in the general road fund of such township.

(c) The allocation and payment of moneys to the several cities of the state from the special city and county highway fund shall be in the proportion that the population of each city bears to the total population of all cities in the state except that the population of any military reservation which has been annexed to a city after the date of December 31, 1981, shall not be included in the population of such city for the purpose of this allocation. All such payments shall be to the city treasurers of the respective cities. Upon receipt of same unless a consolidated street and highway fund is established pursuant to K.S.A. 1988 Supp. 12-1,119, and amendments thereto, the city treasurer of each city shall credit the same to a separate fund to be used for the construction, reconstruction, alteration, repair and maintenance of the streets and highways of such city and for the payment of bonds, and interest thereon, issued pursuant to K.S.A. 79-3425g, and amendments thereto. In order to reduce vehicular traffic and congestion on its streets and highways, any city located within Johnson county may use not to exceed 10% of the moneys credited to such fund for the purpose of constructing, repairing and maintaining footpaths and bicycle trails within such city.

(d) For the purposes of this section, the average daily vehicle miles traveled in each county shall be determined by the secretary of transportation, but it shall not include miles traveled on interstate highways, and the population of each city shall be reported in the annual enumeration by the state board of agriculture for the preceding calendar year.

History: L. 1969, ch. 462, § 17; L. 1970, ch. 397, § 7; L. 1970, ch. 398, § 4; L. 1972, ch. 376, § 1; L. 1975, ch. 504, § 1; L. 1975, ch. 427, § 250; L. 1976, ch. 427, § 1; L. 1978, ch. 413, § 1; L. 1980, ch. 320, § 1; L. 1982, ch. 414, § 1; L. 1983, ch. 320, § 4; L. 1987, ch. 260, § 3; L. 1989, ch. 209, § 33; Jan. 1, 1990.

Revisor's Note:

Section was amended twice in 1982 session, see also 79-3425h.

Attorney General's Opinions:

Apportionment of motor-fuel taxes; cities and counties. 83-40.

79-3425d. Apportionment of moneys under 79-3425c in the years 1971 to 1975 inclusive. The entitlement of the several counties from and the liabilities of the county equalization and adjustment fund as determined by the state treasurer in the years 1971, 1972, 1973, 1974 and 1975, and the amounts apportioned and paid to such counties as so determined are hereby ratified and approved and shall constitute the legal entitlements, liabilities, apportionment and payments from such fund for such years.

History: L. 1976, ch. 427, § 2; March 30.

79-3425e. Transfer of money from state general fund to special city and county highway fund. On January 15 and July 15 of each year, the director of accounts and reports shall transfer a sum equal to the total taxes collected under the provisions of K.S.A. 79-6a04 and 79-6a10 and amendments thereto and credited to the state general fund during the six months next preceding the date of transfer, from the state general fund to the special city and county highway fund, created by K.S.A. 79-3425 and amendments thereto. All transfers under this section shall be considered to be demand transfers from the state general fund.

History: L. 1979, ch. 325, § 4; L. 1988, ch. 380, § 5; July 1.

79-3425f. Special city and county highway fund; revenue for public transportation.

(a) The board of county commissioners of any county may use for the purpose of public trans-

portation not to exceed 10% of the moneys such county receives under K.S.A. 79-3425c, and amendments thereto, except that such limitation shall not apply to moneys received by a county that the county is required to distribute to a city or a township.

(b) The governing body of any city may use for the purpose of public transportation not to exceed 10% of the moneys such city receives under K.S.A. 79-3425c, and amendments thereto.

(c) The township board of any township may use for the purpose of public transportation not to exceed 10% of the moneys such township receives under K.S.A. 79-3425c, and amendments thereto.

(d) This section shall be supplemental to K.S.A. 79-3425c, and amendments thereto.

History: L. 1982, ch. 387, § 1; July 1.

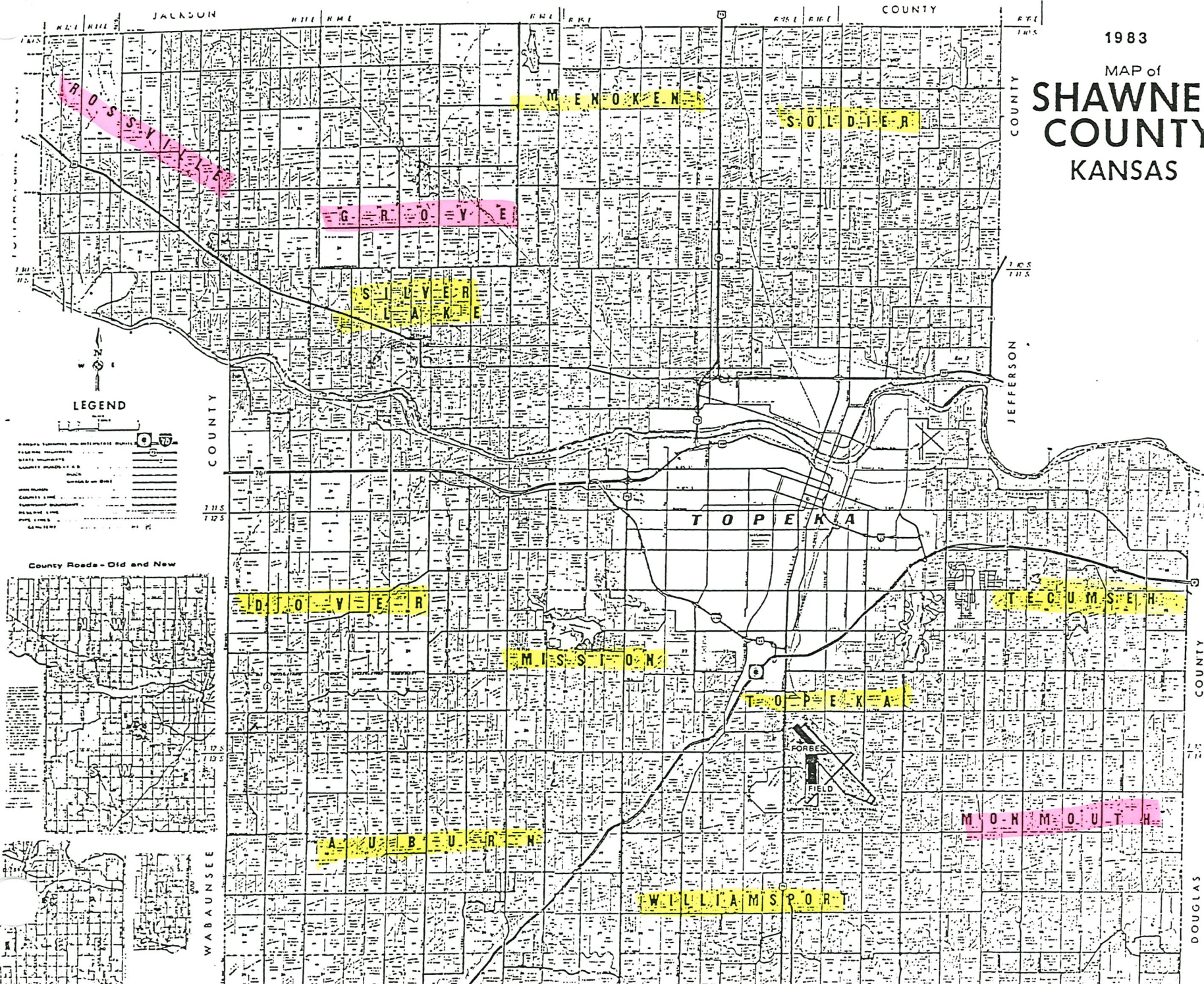
79-3425g. Same; street and highway construction, reconstruction, alteration, repair and maintenance; revenue bonds payable from revenues allocated from fund. The governing body of any city is hereby authorized to issue revenue bonds to finance the cost of construction, reconstruction, alteration, repair and maintenance of the streets and highways of such city. Such bonds shall be payable solely from the revenue allocated to the city from the special city and county highway fund pursuant to K.S.A. 79-3425c and amendments thereto. Such bonds shall not constitute a general obligation of the city and shall not be subject to any debt limitations of the city. Such bonds shall be negotiable instruments and shall be registered, executed and subject to all other terms as provided by ordinance of the city and shall bear interest at a rate not to exceed the maximum rate prescribed by K.S.A. 10-1009. The provisions of K.S.A. 10-113 shall not apply to any bonds issued pursuant to this section.

All bonds issued pursuant to this section and all income or interest therefrom shall be exempt from all state taxes except inheritance taxes.

History: L. 1982, ch. 414, § 2; April 22.

79-3425h.

History: L. 1969, ch. 462, § 17; L. 1970, ch. 397, § 7; L. 1970, ch. 398, § 4; L. 1972, ch. 376, § 1; L. 1975, ch. 504, § 1; L. 1975, ch. 427, § 250; L. 1976, ch. 427, § 1; L. 1978, ch. 413, § 1; L. 1980, ch. 320, § 1; L. 1982, ch. 65, § 4; Repealed, L. 1983, ch. 320, § 25; May 12.



1983

MAP of
SHAWNEE COUNTY
KANSAS

HOUSE TRANSPORTATION
February 15, 1994
Attachment 2-10

REPORT DATE: FEBRUARY 14, 1994

SPECIAL CITY COUNTY HIGHWAY ESTIMATE

		CURRENT DISTRIBUT	ALL TOWNSHIPS	HB2814	AMOUNT DISTRIBUTED
		POLICY	EQUAL SHARE	ALLOCATION	TO REMAINING TWPS
	% to	1994 ESTIMATE			
	District				
Total from State	100.00000%	3,522,600.00	3,522,600.00	100.00000%	
Less City Share	50.00000%	1,761,300.00	1,761,300.00	50.00000%	
Co & TWP Total	100.00000%	1,761,300.00	1,761,300.00	100.00000%	
TWP Share	14.22322%	250,513.57	880,650.00	50.00000%	821,295.63
Co Share	85.77678%	1,510,786.43	880,650.00	50.00000%	

Township

Auburn	9.77310%	24,482.94	86,066.81	105,188.65
Dover	6.97402%	17,470.87	61,416.71	75,061.93
GROVE	4.01655%	10,062.00	35,371.75	10,062.00
Menoken	10.21195%	25,582.32	89,931.54	109,912.03
Mission	7.19167%	18,016.11	63,333.44	77,404.51
MONMOUTH	9.34017%	23,398.39	82,254.21	23,398.39
ROSSVILLE	10.33651%	25,894.36	91,028.48	25,894.36
Silver Lake	4.48328%	11,231.22	39,482.01	48,253.90
Soldier	19.61262%	49,132.27	172,718.54	211,092.18
Tecumseh	8.71753%	21,838.60	76,770.93	93,827.47
Topeka	2.24281%	5,618.54	19,751.31	24,139.54
Williamsport	7.09974%	17,785.81	62,523.86	76,415.06
TOTALS	99.99995%	250,513.43	880,649.59	880,650.03
(dif from 10 above)		0.14		

7/91

City	Population	1994 ESTIMATE	
Topeka	119,883	1,711,892.27	1,711,892.27
Auburn	908	12,965.96	12,965.96
Willard	110	1,570.77	1,570.77
Rossville	1,052	15,022.24	15,022.24
Silver Lake	1,390	19,848.77	19,848.77
TOTALS	123,343	1,761,300.01	1,761,300.01
(dif from 8 above)		-0.01	

THE THREE HIGHLIGHTED TOWNSHIPS WOULD REMAIN AT THE CURRENT LEVEL OF FUNDING.

Prepared by S. Roudybush
Shawnee County Audit Finance

HOUSE TRANSPORTATION
February 15, 1994
Attachment 2-11

MEMORANDUM

TO: House Committee on Transportation
FROM: Ernest A. Mosher, Lobbyist, City of Topeka
DATE: February 15, 1994
RE: HB 2814 -- Shawnee County Highway Aid

My name is Ernest A. Mosher, appearing in opposition to HB 2814 at the request of Harry L. Felker, Mayor of the City of Topeka. While this bill affects directly only the County of Shawnee and its townships, we believe it will have a serious, long-term adverse financial impact on property taxpayers within the City of Topeka.

Under present state law (K.S.A. 79-3425c), 50% of the special city and county highway fund (from gas taxes) received annually by Sedgwick and Shawnee counties is paid to the county's road and bridge fund and 50% is paid to cities therein on a population basis. Under HB 2814, applicable only to Shawnee County, the highway aid money received by the county treasurer would be distributed as follows:

- (a) 25% to the county road and bridge fund;
- (b) 25% to the 9 of 12 township boards maintaining highways; and
- (c) 50% to cities therein.

During 1993, the share of money retained by the Shawnee County road and bridge fund under the existing law was \$1,764,252. Had HB 2814 been in effect in 1993, the county amount would have been cut by 50%, a loss of \$882,126.

While the bill does not directly effect the City of Topeka, it will reduce the amount available for the maintenance of roads on the county highway system. Any increase in countywide property taxes to replace the lost revenue would include taxes on property within the city. In 1993, 70.8% of the county's assessed valuation was within the city. Thus a potential of \$624,545 would have been shifted to Topeka taxpayers in 1994 if the loss of highway aid was made up by increased county property taxes.

It should be noted that taxable property in the City of Topeka now contributes significantly to Shawnee County's road and bridge fund. Taxes levied on property within Topeka for 1994 road and bridge fund purposes totaled about \$1,892,000 -- a significant contribution. This does not include the potential \$624,000 increase under HB 2814.

Finally, I would note that under K.S.A. 68-572, Shawnee County may now voluntarily enter into agreements with its townships, as well as with its cities, for the maintenance of highways, roads and streets. Thus HB 2814 is a state mandate on a matter that could be dealt with locally. Since HB 2814 may increase taxes on property within Topeka, on top of the \$1.9 million present total, we oppose this state mandate and urge the bill be killed.

EAM:kk

HOUSE TRANSPORTATION
February 15, 1994
Attachment 3