

**HOUSE BILL No. 2285**

By Committee on Transportation

2-10

1 AN ACT concerning motor vehicles; relating to cities and counties; seat  
2 belt violations; denial of certain state funds; amending K.S.A. 2010  
3 Supp. 68-416 and 79-3425c and repealing the existing sections.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2010 Supp. 68-416 is hereby amended to read as  
7 follows: 68-416. The state highway fund shall be apportioned as follows:

8 (a) The secretary of transportation annually shall apportion and  
9 distribute quarterly, on the first day of January, April, July and October, to  
10 cities on the state highway system from the state highway fund moneys at  
11 the rate of \$3,000 per year per lane per mile for the maintenance of streets  
12 and highways in cities designated by the secretary as city connecting  
13 links, *except that no cities that have enacted fines or penalties that do not*  
14 *parallel those found under K.S.A. 8-2504, and amendments thereto, shall*  
15 *be eligible for any distribution of moneys under this section.* Unless a  
16 consolidated street and highway fund is established pursuant to K.S.A.  
17 12-1,119, and amendments thereto, all moneys distributed by the  
18 secretary shall be credited to the street and alley funds of such cities. All  
19 moneys so distributed shall be used solely for the maintenance of city  
20 connecting links. Maintenance of such city connecting links shall be as  
21 prescribed in K.S.A. 68-416a, and amendments thereto. As used in this  
22 subsection, "lane" means the portion of the roadway for use of moving  
23 traffic of a standard width prescribed by the secretary. In lieu of such  
24 apportionment, the secretary, by and with the consent of the governing  
25 body of any city within the state of Kansas, may maintain such streets  
26 within the city and pay for such maintenance from the highway fund.

27 (b) All of the remainder of such highway fund shall be used by the  
28 secretary of transportation for:

29 (1) The construction, improvement, reconstruction and maintenance  
30 of the state highway system;

31 (2) improvements in transportation programs to aid elderly persons,  
32 persons with disabilities and the general public;

33 (3) for any purpose specified in K.S.A. 2010 Supp. 68-2314b, and  
34 amendments thereto;

35 (4) the support and maintenance of the department of transportation;

36 (5) the expenses of administering the motor vehicle registration and

1 drivers' license laws; and

2 (6) the payment of losses to department of transportation employees  
3 authorized by K.S.A. 2010 Supp. 75-5062, and amendments thereto.

4 Sec. 2. K.S.A. 2010 Supp. 79-3425c is hereby amended to read as  
5 follows: 79-3425c. (a) On each January 15, April 15, July 15 and October  
6 15 of each year, the director of accounts and reports shall transfer  
7 \$625,000 to the county equalization and adjustment fund from the special  
8 city and county highway fund and on such dates the state treasurer shall  
9 apportion and pay to the several counties of the state 57% of the moneys  
10 in the special city and county highway fund, created by K.S.A. 79-3425,  
11 and amendments thereto, and shall apportion and pay to the several cities  
12 of the state the remaining 43% of such moneys, *except that no city or*  
13 *county that has enacted fines or penalties that do not parallel those found*  
14 *under K.S.A. 8-2504, and amendments thereto, shall be eligible for any*  
15 *distribution of moneys under this section.*

16 (b) The allocation and payment to each county under the provisions  
17 of this section shall be made in the following manner:

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

19 *Second*, Of the balance remaining, 44.06% thereof shall be  
20 apportioned and paid to each county on each January 15 and April 15 of  
21 each year in the proportion that the total amount of money collected in  
22 such county from motor vehicle registration fees for the second preceding  
23 calendar year bears to the total amount of money collected in all counties  
24 from motor vehicle registration fees for the second preceding calendar  
25 year, and on July 15 and October 15 of each year in the proportion that  
26 the total amount of money collected in such county from motor vehicle  
27 registration fees for the preceding calendar year bears to the total amount  
28 of money collected in all counties from motor vehicle registration fees for  
29 the preceding calendar year;

30 *Third*, 44.06% of such balance shall be apportioned and paid to each  
31 county on each January 15 and April 15 of each year in the proportion  
32 that the average daily vehicle miles traveled in such county for the second  
33 preceding calendar year bears to the average daily vehicle miles traveled  
34 in all counties of the state for the second preceding calendar year, and on  
35 July 15 and October 15 of each year in the proportion that the average  
36 daily vehicle miles traveled in such county for the preceding calendar  
37 year bears to the average daily vehicle miles traveled in all counties of the  
38 state for the preceding calendar year; and

39 *Fourth*, the remaining 11.88% of such balance shall be apportioned  
40 and paid to each county on each January 15 and April 15 of each year in  
41 the proportion that the total road miles in such county for the second  
42 preceding calendar year bears to the total road miles in all counties of the  
43 state for the second preceding calendar year; and on July 15 and October

1 15 of each year in the proportion that the total road miles in such county  
2 for the preceding calendar year bears to the total road miles in all counties  
3 of the state for the preceding calendar year.

4 If the total amount of money received by any county pursuant to the  
5 foregoing distribution formula during the period from July 15 of any year  
6 to April 15 of the next succeeding year is less than the total amount  
7 received by such county from the special city and county highway fund  
8 and the county equalization and adjustment fund for fiscal year 1999, the  
9 state treasurer shall apportion and pay to each such county from the  
10 county equalization and adjustment fund an amount which together with  
11 the amount received pursuant to the foregoing distribution formula will  
12 equal the total amount received from the two aforementioned funds  
13 during such period of time. In the event that there is insufficient funds in  
14 the county equalization and adjustment fund to pay each county the  
15 amount to which it is entitled, each county shall receive a payment in the  
16 proportion that the amount to which such county is entitled bears to the  
17 amount to which all such counties are entitled. If there is money  
18 remaining in such fund after such distribution, the state treasurer shall  
19 distribute the balance to the several counties in the manner provided in  
20 the second and third clauses of the foregoing formula for distributing  
21 moneys to counties from the special city and county highway fund.

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

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

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

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

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

43 Not less than 25% of the amount received by each county and credited

1 to the county road and bridge fund under the provisions of this section  
2 shall be expended by the county on mail and school bus routes on county  
3 roads as defined in K.S.A. 68-101, and amendments thereto. Payments to  
4 the cities under the provisions of this subsection shall be in the proportion  
5 that the population of each city bears to the total population of all cities  
6 located in the same county as such city.

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

23 (c) The allocation and payment of moneys to the several cities of the  
24 state from the special city and county highway fund shall be in the  
25 proportion that the population of each city bears to the total population of  
26 all cities in the state except that the population of any military reservation  
27 which has been annexed to a city after the date of December 31, 1981,  
28 shall not be included in the population of such city for the purpose of this  
29 allocation. All such payments shall be to the city treasurers of the  
30 respective cities. Upon receipt of same unless a consolidated street and  
31 highway fund is established pursuant to K.S.A. 12-1,119, and  
32 amendments thereto, the city treasurer of each city shall credit the same  
33 to a separate fund to be used for the construction, reconstruction,  
34 alteration, repair and maintenance of the streets and highways of such city  
35 and for the payment of bonds, and interest thereon, issued pursuant to  
36 K.S.A. 79-3425g, and amendments thereto.

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

43 (e) In order to reduce vehicular traffic and congestion on its streets

1 and highways, the board of county commissioners of any county, the  
2 governing body of any city or the township board of any township may  
3 use for the purpose of constructing, repairing and maintaining footpaths  
4 and bicycle paths not to exceed 10% of the moneys such government  
5 receives under K.S.A. 79-3425c, and amendments thereto, except that  
6 such limitation shall not apply to moneys received by a county that the  
7 county is required to distribute to a city or a township. Such moneys shall  
8 not be expended on any recreational trail, as defined in subsection (b) of  
9 K.S.A. 58-3211, and amendments thereto.

10 Sec. 3. K.S.A. 2010 Supp. 68-416 and 79-3425c are hereby  
11 repealed.

12 Sec. 4. This act shall take effect and be in force from and after its  
13 publication in the Kansas register.

14