

*As Amended by Senate Committee*

Session of 2005

**SENATE BILL No. 87**

By Committee on Ways and Means

1-24

10 AN ACT relating to the Kansas department of wildlife and parks; pro-  
11 viding for the funding thereof; amending K.S.A. 32-901 and K.S.A.  
12 2004 Supp. 8-145 and repealing the existing sections.  
13

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

15 New Section 1. ~~(a)~~ In addition to the annual registration fees pre-  
16 scribed by K.S.A. 8-143, and amendments thereto, any applicant for ve-  
17 hicle registration or renewal thereof for any motorcycle, motorized bi-  
18 cycle, passenger vehicle, recreational vehicle, as defined in K.S.A.  
19 79-5118, and amendments thereto, or regular truck registered for a gross  
20 weight of 16,000 pounds or less, shall pay, at the time of such registration  
21 or renewal, an outdoor recreation registration fee in the amount of ~~\$5~~ \$4  
22 for each such registration or renewal of registration.

23 ~~(b) Any applicant who has paid the \$5 outdoor recreation registration~~  
24 ~~fee required by subsection (a) may file with the secretary of revenue a~~  
25 ~~claim for refund on a form furnished by the secretary of revenue. Such~~  
26 ~~claim for refund shall be filed within a refund period established by rules~~  
27 ~~and regulations adopted by the secretary of revenue. Every application~~  
28 ~~for refund if made by an individual shall be signed by the claimant and~~  
29 ~~if the claimant is a corporation or association it shall be signed by one of~~  
30 ~~the principal officers of the corporation or association and in the case of~~  
31 ~~a partnership, by one of the partners. Upon receipt of a claim for refund~~  
32 ~~by the secretary, the secretary shall make a determination that such re-~~  
33 ~~fund is due.~~

34 ~~—(c) On July 1, 2007, and each July 1 thereafter, the secretary of rev-~~  
35 ~~enue shall certify to the director of accounts and reports the names and~~  
36 ~~addresses of the claimants and the amounts of the refunds due for the~~  
37 ~~previous calendar year, and within 10 days thereafter the director of ac-~~  
38 ~~counts and reports shall draw warrants so certified on the state treasurer~~  
39 ~~and against the wildlife and parks outdoor recreation registration fee re-~~  
40 ~~fund fund to the claimants of such refunds.~~

41 New Sec. 2. There is hereby created in the state treasury the local  
42 government outdoor recreation grant program fund. Moneys credited to  
43 such fund shall be used for the purpose of implementing the provisions

1 of K.S.A. 32-1201 through 32-1203, and amendments thereto. All ex-  
2 penditures from the local government outdoor recreation grant program  
3 fund shall be made in accordance with appropriation acts, upon warrants  
4 of the director of accounts and reports issued pursuant to vouchers ap-  
5 proved by the secretary of wildlife and parks.

6 Sec. 3. K.S.A. 2004 Supp. 8-145 is hereby amended to read as fol-  
7 lows: 8-145. (a) All registration and certificates of title fees shall be paid  
8 to the county treasurer of the county in which the applicant for registra-  
9 tion resides or has an office or principal place of business within this state,  
10 and the county treasurer shall issue a receipt in triplicate, on blanks fur-  
11 nished by the division of vehicles, one copy of which shall be filed in the  
12 county treasurer's office, one copy shall be delivered to the applicant and  
13 the original copy shall be forwarded to the director of vehicles.

14 (b) The county treasurer shall deposit \$.75 of each license applica-  
15 tion, \$.75 out of each application for transfer of license plate and \$2 out  
16 of each application for a certificate of title, collected by such treasurer  
17 under this act, in a special fund, which fund is hereby appropriated for  
18 the use of the county treasurer in paying for necessary help and expenses  
19 incidental to the administration of duties in accordance with the provi-  
20 sions of this law and extra compensation to the county treasurer for the  
21 services performed in administering the provisions of this act, which com-  
22 pensation shall be in addition to any other compensation provided by any  
23 other law, except that the county treasurer shall receive as additional  
24 compensation for administering the motor vehicle title and registration  
25 laws and fees, a sum computed as follows: The county treasurer, during  
26 the month of December, shall determine the amount to be retained for  
27 extra compensation not to exceed the following amounts each year for  
28 calendar year 1990 or any calendar year thereafter: The sum of \$60 per  
29 hundred registrations for the first 5,000 registrations; the sum of \$45 per  
30 hundred registrations for the next 5,000 registrations; and the sum of \$2  
31 per hundred registrations for all registrations thereafter. In no event,  
32 however, shall any county treasurer be entitled to receive more than  
33 \$9,800 additional annual compensation.

34 If more than one person shall hold the office of county treasurer during  
35 any one calendar year, such compensation shall be prorated among such  
36 persons in proportion to the number of weeks served. The total amount  
37 of compensation paid the treasurer together with the amounts expended  
38 in paying for other necessary help and expenses incidental to the admin-  
39 istration of the duties of the county treasurer in accordance with the  
40 provisions of this act, shall not exceed the amount deposited in such spe-  
41 cial fund. Any balance remaining in such fund at the close of any calendar  
42 year shall be withdrawn and credited to the general fund of the county  
43 prior to June 1 of the following calendar year.

1 (c) The county treasurer shall remit the remainder of all such fees  
2 collected, together with the original copy of all applications, to the sec-  
3 retary of revenue. The secretary of revenue shall remit all such fees re-  
4 mitted to the state treasurer in accordance with the provisions of K.S.A.  
5 75-4215, and amendments thereto. Upon receipt of each such remittance,  
6 the state treasurer shall deposit the entire amount in the state treasury  
7 to the credit of the state highway fund, except as provided in subsection  
8 (d) or (e).

9 (d) (1) Three dollars and fifty cents of each certificate of title fee  
10 collected and remitted to the secretary of revenue, shall be remitted to  
11 the state treasurer who shall credit such \$3.50 to the Kansas highway  
12 patrol motor vehicle fund. Three dollars of each certificate of title fee  
13 collected and remitted to the secretary of revenue, shall be remitted to  
14 the state treasurer who shall credit such \$3 to the VIPS/CAMA technology  
15 hardware fund.

16 (2) For repossessed vehicles, \$3 of each certificate of title fee col-  
17 lected and remitted to the secretary of revenue, shall be remitted to the  
18 state treasurer who shall credit such \$3 to the repossessed certificates of  
19 title fee fund.

20 (3) Three dollars and fifty cents of each reassignment form fee col-  
21 lected and remitted to the secretary of revenue, shall be remitted to the  
22 state treasurer who shall credit such \$3.50 to the Kansas highway patrol  
23 motor vehicle fund. Three dollars of each reassignment form fee collected  
24 and remitted to the secretary of revenue, shall be remitted to the state  
25 treasurer who shall credit such \$3 to the VIPS/CAMA technology hard-  
26 ware fund.

27 (e) (1) ~~Except as provided in paragraph (3), \$4~~ **Three dollars and**  
28 **twenty cents** of each outdoor recreation registration fee required under  
29 section 1, and amendments thereto, collected and remitted to the secretary  
30 of revenue, shall be remitted to the state treasurer who shall credit such  
31 ~~\$4~~ **\$3.20** to the parks fee fund.

32 (2) ~~One dollar~~ **Eighty cents** of each outdoor recreation registration  
33 fee required under section 1, and amendments thereto, collected and re-  
34 mitted to the secretary of revenue, shall be remitted to the state treasurer  
35 who shall credit such ~~\$1~~ **\$.80** to the local government outdoor recreation  
36 grant program fund.

37 (3) ~~A fund designated as the wildlife and parks outdoor recreation~~  
38 ~~registration fee refund fund shall be set apart and maintained by the~~  
39 ~~secretary of revenue from the moneys collected under section 1, and~~  
40 ~~amendments thereto, and held by the state treasurer for the payment of~~  
41 ~~refunds provided under section 1, and amendments thereto. The fund shall~~  
42 ~~be in such amount as the secretary determines is necessary to meet re-~~  
43 ~~funding requirements under section 1, and amendments thereto. In the~~

~~1 event such fund is at any time insufficient to provide for the payment of  
2 refunds due claimants thereof, the secretary shall certify the amount of  
3 additional funds required to the director of accounts and reports, who  
4 shall promptly transfer 80% of the required amount from the parks fee  
5 fund and 20% of the required amount from the local government outdoor  
6 recreation grant program fund to the wildlife and parks outdoor recrea-  
7 tion registration fee refund fund and notify the state treasurer, who shall  
8 make proper entry in the records.~~

9 Sec. 4. K.S.A. 32-901 is hereby amended to read as follows: 32-901.

10 (a) (1) Except as otherwise provided by law or rules and regulations of  
11 the secretary, a valid park and recreation motor vehicle permit is required  
12 to use a motor vehicle *registered in any jurisdiction other than the state*  
13 *of Kansas* in any state park, or any portion thereof, or in any other area  
14 designated by the secretary pursuant to subsection ~~(f)~~ (e), which is posted  
15 in accordance with subsection ~~(g)~~ (f).

16 (2) *Any motor vehicle with a current state of Kansas registration may*  
17 *enter any state park, or portion thereof, or enter any other area designated*  
18 *by the secretary pursuant to subsection (e), which is posted in accordance*  
19 *with subsection (f), without a motor vehicle permit, except during desig-*  
20 *nated special events.*

21 (b) (1) The secretary shall issue annual and temporary park and rec-  
22 reation motor vehicle permits.

23 (2) The annual permit shall be issued to certificate of titleholders for  
24 each calendar year as provided in K.S.A. 32-983, 32-984 and 32-985, and  
25 amendments thereto, and shall not be transferable. ~~An additional vehicle~~  
26 ~~permit may be issued to the owner of an original annual permit. The fee~~  
27 ~~for an annual permit and the fee for an additional vehicle permit shall be~~  
28 ~~fixed by the secretary by rules and regulations adopted in accordance with~~  
29 ~~K.S.A. 32-805, and amendments thereto. The fee for an annual permit~~  
30 ~~for a motor vehicle of any Kansas resident certificate of title holder who~~  
31 ~~is 65 or more years of age or who is a person with a disability and displays~~  
32 ~~a special license plate or placard issued pursuant to K.S.A. 8-1,125 and~~  
33 ~~amendments thereto shall be an amount equal to 1/2 the fee fixed by the~~  
34 ~~secretary for other annual park and recreation motor vehicle permits,~~  
35 ~~except a nonresident regardless of age shall pay the full fee. A duplicate~~  
36 ~~permit may be issued upon proof of loss of the original permit for the~~  
37 ~~remainder of the calendar year for a fee fixed by the secretary by rules~~  
38 ~~and regulations adopted in accordance with K.S.A. 32-805, and amend-~~  
39 ~~ments thereto. If the motor vehicle for which an annual permit has been~~  
40 ~~issued is sold or traded during the calendar year for which the permit~~  
41 ~~was issued and the original permit is surrendered to the department, a~~  
42 ~~new permit effective for the remainder of the calendar year may be issued~~  
43 ~~to the person who sold or traded the motor vehicle for a fee fixed by the~~

1 secretary by rules and regulations adopted in accordance with K.S.A. 32-  
 2 805, and amendments thereto. Before any duplicate or new permit is  
 3 issued, the purchaser thereof must show by evidence that the purchaser  
 4 was issued the original permit and that the purchaser is the holder of a  
 5 valid certificate of title to the motor vehicle for which the duplicate or  
 6 new permit is issued.

7 (3) A temporary permit shall be issued for a day, shall be issued for  
 8 a specific vehicle and shall not be transferable. The fee for such a tem-  
 9 porary permit shall be fixed by the secretary by rules and regulations  
 10 adopted in accordance with K.S.A. 32-805, and amendments thereto. ~~The~~  
 11 ~~fee for a temporary permit for a motor vehicle of any Kansas resident~~  
 12 ~~certificate of title holder who is 65 or more years of age or who is a person~~  
 13 ~~with a disability and displays a special license plate or placard issued~~  
 14 ~~pursuant to K.S.A. 8-1,125 and amendments thereto shall be an amount~~  
 15 ~~equal to ½ the fee fixed by the secretary for other temporary park and~~  
 16 ~~recreation motor vehicle permits, except a nonresident regardless of age~~  
 17 ~~shall pay the full fee.~~

18 (c) The provisions of subsection (a)(1) do not apply to:

19 (1) A motor vehicle used in the operation or maintenance of state  
 20 parks or other areas under the secretary's control, emergency motor ve-  
 21 hicles, state-owned motor vehicles, law enforcement motor vehicles or  
 22 private or government motor vehicles being operated on official business  
 23 for a governmental agency;

24 (2) a motor vehicle of ~~a nonresident~~ *an individual* who secures a  
 25 special fee, license or permit required by rules and regulations adopted  
 26 by the secretary in accordance with K.S.A. 32-805, and amendments  
 27 thereto, relating to the use of the park or other area;

28 (3) a motor vehicle for which a special permit or pass has been issued  
 29 pursuant to subsection (d); *or*

30 (4) ~~a motor vehicle in a state park or other area to which subsection~~  
 31 ~~(d) applies on dates designated pursuant to subsection (c), or~~

32 ~~—(5) a motor vehicle in an area or at a time not designated pursuant~~  
 33 ~~to subsection (f) (e) as an area or time which requires a permit.~~

34 (d) The secretary may issue a special permit or pass for a motor ve-  
 35 hicle used for the purpose of sightseeing, attending a church service,  
 36 attending an approved special event by members of the news media or  
 37 emergency reasons, as provided by rules and regulations adopted by the  
 38 secretary in accordance with K.S.A. 32-805, and amendments thereto.

39 ~~(e) The secretary may designate by resolution two days each calendar~~  
 40 ~~year during which persons may use motor vehicles in state parks and other~~  
 41 ~~areas under the secretary's control without having a valid park and rec-~~  
 42 ~~reation motor vehicle permit.~~

43 ~~—(f) The secretary shall designate the state parks and other areas under~~

1 the secretary's control, or portions thereof, and the time periods in which  
2 motor vehicle permits shall be required hereunder.

3 The secretary shall cause signs to be posted and maintained at the  
4 entrances to all such designated state parks or other areas, or portions  
5 thereof, which signs shall display a legend that a motor vehicle entering  
6 and using the state park or area, or portion thereof, is required to display  
7 on the motor vehicle a permit of the type described in this section.

8 ~~(g)~~ (f) All fees, licenses and other charges, and rules and regulations  
9 relating to the use of and conduct of persons in a state park or other area  
10 under the secretary's control, or any facility therein, shall be posted in a  
11 convenient and conspicuous place in each such park, area or facility. Ex-  
12 cept as otherwise provided in this section, each and every person using  
13 any such park, area or facility shall be charged the same fees, licenses and  
14 every other charge.

15 Sec. 5. K.S.A. 32-901 and K.S.A. 2004 Supp. 8-145 are hereby  
16 repealed.

17 Sec. 6. This act shall take effect and be in force from and after  
18 January 1, 2006, and its publication in the statute book.