

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANSThe meeting was called to order by Senator Paul Hess at _____
Chairperson2:00 a.m./p.m. on April 26, 1984 in room 123-S of the Capitol.

All members were present except:

Senators Werts, Steineger and Francisco

Committee staff present:

Research Department: Lynne Holt
Revisor's Office: Norman Furse
Committee Office: Doris Fager

Conferees appearing before the committee:

Charles Hamm, Kansas Department of Health and Environment
Representative Bill Reinhardt
Mike Johnson, Kansas State University
Ron Smith, Kansas Legal Services
Roger McAllister, Kansas Legal Services
Arden Ensley, Revisor of StatutesHB 2778 - Health and environment fees, water and soil pollution, etc.

Mr. Hamm explained the bill to the committee. He said that if the department follows the mandate to make this a user program, HB 2778 is necessary. He said further that there may be constitutional problems because of a recent Supreme Court decision. He said the Rules and Regulations Committee decided to place a cap of the fees, but to raise the cap higher than current fees. He said there is no intention of raising fees to the maximum the next fiscal year.

There were several questions from committee members. No action was taken on the bill.

SB 887 - SRS lawsuit settlement

There was a brief discussion concerning this measure, but no action was taken.

HB 2832 - School Districts, summer programs for remediation

Representative Reinhardt explained that HB 2832 gives authority to school districts to set up a summer school program for remedial help for children coming out of the first four grades. He reminded the committee that there is a problem with high school students not being able to read, and it is important to help them before they get to high school. Rep. Reinhardt said he would like to get the bill passed this year without funding. This would give the Board of Education a chance to look at the program and determine if it needs appropriation next year. There were questions from committee members and a discussion of the problem.

No action was taken on the bill.

Kansas State University Barn in Southeast Kansas

Senator Hess called on Dr. Johnson to give the committee some information on a request by Kansas State University for a \$51,000 appropriation to replace a barn which had burned. Dr. Johnson said this barn is tenth on Kansas State University's priority list, but the Board of Regents did not approve it. He said the original loss was estimated at \$110,000 and it has been pared to \$51,000. He said the House recommended to fund it in

Kansas State University - Continued

the omnibus appropriations bill, but to fund it out of the Special Maintenance Fund. He stressed that if it isn't funded from the State General Fund the university would prefer it not be funded at all. He explained that this is a research barn for cattle feeding purposes. He concluded by reiterating that the university does not want to fund the barn through Special Maintenance.

The Chairman thanked Dr. Johnson, and informed the committee that this was for information only, and could not be acted upon at this time.

APPROVAL OF MINUTES

Motion was made by Senator Talkington and seconded by Senator Harder to approve committee minutes from March 1, 1984 through April 5, 1984. The motion carried by voice vote.

HB 3027 - Legal services for agriculture-related businesses

Mr. Smith distributed Attachment A, and explained the bill to the committee. The committee members were given opportunity to ask questions.

Mr. McAllister said a lot of farmers had come to them asking for assistance in dealing with a foreclosure problem. We could not represent them because funding sources would not approve it by reason of farmers' asset structure. They knew there is need, and developed the concept in HB 3027. Mr. McAllister said the assets on the books for farmers are not always available for purposes of hiring attorneys, etc. There was extended discussion on the subject. The Chairman indicated the hearing had been held as a courtesy to the two gentlemen, but that no action could be taken because the bill had not been referred to this committee at this time.

INTRODUCTION OF BILLS

Mr. Ensley distributed three bills (Attachments B, C and D) and explained that all were necessary as cleanup for measures passed earlier in the 1984 session of the Legislature.

Motion was made by Senator Doyen and seconded by Senator Gaines to introduce the three measures and request that they be referred to Committee of the Whole. The motion carried by roll call vote.

The meeting was adjourned by the Chairman.

SUMMARY OF HOUSE BILL 3027

The Farm Crisis

It is no secret that agriculture in Kansas is in a crisis at the present time. In hearings before a joint meeting of the House Agriculture and Livestock Committee and the Senate Agriculture and Small Business Committee, conducted on March 22, 1984, several experts on agriculture and agriculturally-related business testified concerning this crisis.

Mr. Wilbur Levering, Senior Vice-President of the Merchants National Bank of Topeka, stated that he believed this "to be the most serious economic time for agriculture since the mid-1930's." John White from the Farmers and Drovers Bank in Council Grove, Kansas stated that he saw an increasing trend in liquidations. He stated that there was an increase in Federal Land Bank foreclosures, non-replacement of machinery and equipment, inability to pay interest, and a decline in the value of real estate resulting in an inability to restructure debt.

Also striking was testimony by Dr. Don Pretzer, Department of Economics at K.S.U. Dr. Pretzer agreed that the current situation was the worst in twenty-five years. He also reported, "[T]he worst situation of another drought will spell disaster for up to 25% of the farms which will have large impacts on agri-business including agri-lenders." Dr. Pretzer also testified that large farms are more likely to make it than are small farms.

Available Federal Programs to Assist Farmers

A major source of assistance available to farmers in these difficult times are the various federal programs which are designed to assist agriculture. The Farmers Home Administration has many farm programs which are designed to help the small farmer. Federal Land Banks and Production Credit Associations also have special obligations to assist young, beginning, and small farmers. There are other federal programs which are designed to assist farmers through the Commodity Credit Corporation and the Small Business Administration.

The Need for Legal Assistance

These federal programs operate in a complex environment of laws and regulations which are difficult to understand for the average person in agri-business. Some provide an appeals process for those denied assistance. The difficult task in analyzing a particular farmer's situation from the point of view of these regulatory requirements and obtaining necessary assistance where appropriate is often beyond the capacity of the average, non-legally trained person. Also, the appellate process, where it exists, requires legal expertise.

The purpose of the proposed program is to build a bridge between the farmer and the agricultural programs of the federal

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government through the use of specialized lawyers. It is hoped that with legal advice and representation, federal programs designed to help the small-family farmer can be more fully utilized in Kansas.

HB 3027: Legal Services for Low-income Farmers with Federal Credit Problems

Specifically, the bill is designed to enable the Attorney General to contract with a legal services provider, which provides legal services in the state under the Legal Services Act, 42 U.S.C. 2996, et seq., to represent and advise small-family farmers who cannot otherwise afford legal assistance. The bill also provides for the legal services provider to conduct community-based seminars throughout the state. The bill specifically prohibits representation and advice respecting problems involving private Kansas banks, credit unions, and savings and loans. The bill assures that the program will be carefully regulated through the Attorney General's office.

Fiscal Note

The fiscal note on the bill is \$135,000. With these funds, it is anticipated that 100 - 140 farmers would be represented and that another 375 would receive legal advice and counseling. It is also anticipated that about 2,000 persons would attend the planned seminars. In implementing this program, the legal services provider will be required to work with the K.S.U. Cooperative Extension Service so that these resources can be utilized where appropriate and feasible. The Cooperative Extension Service has already indicated that this is a needed program, and that they will cooperate to the fullest in providing management counseling and advice in connection with Legal Services to the beneficiaries of this program.



Cooperative Extension Service

Office of the Director
Umberger Hall
Manhattan, Kansas 66506
913-532-5820

February 24, 1984

COPY

Mr. Roger L. McCollister
Executive Director
Kansas Legal Services, Inc.
Columbian Building, Room 202
112 West Sixth Street
Topeka, KS 66603

Dear Mr. McCollister:

I thoroughly enjoyed visiting with you and Mr. Metcalf yesterday afternoon. As you know, I was not aware until earlier this week that House Bill No. 3027 had been introduced by the Committee on Judiciary.

Certainly, these are very difficult economic times for agriculture. Many farmers need very intensive counseling to help them make the best management decisions on their farms, and to prepare good documented information to work with credit agencies to obtain credit or refinance their existing loan structure. I am sure there are many instances where these individuals need legal assistance and counseling which cannot be provided by the Cooperative Extension Service. As you know, the Cooperative Extension Service has been providing educational programs for 70 years to the people of Kansas who are engaged in agriculture and agricultural-related activities. Farmers have been seeking advice from us on all aspects of farming. We work with them, providing information and advice from specialists and county agents.

For services in which we don't have expertise, we refer farmers to those agencies that can provide the appropriate help. Certainly, if House Bill No. 3027 is passed to expand the efforts of Kansas Legal Services, Inc., we would be very pleased to cooperate with you in directing the appropriate clientele to you and continue to provide economic and farm management counseling and educational services to all eligible persons who request them within the existing scope of our work and personnel. The additional services as proposed in the legislation could provide very valuable legal assistance to qualified clientele. This type of service could be of substantial benefit to many farmers.

Sincerely,

Fred D. Sobering
Director of Extension

cc: President Duane Acker, Dean John Dunbar

ADDITIONAL INFORMATION - H.B. 3027

THE AGRICULTURAL CRISIS AND KANSAS AGRICULTURAL BUSINESS

It is obvious that when farmers suffer difficult economic times, their suppliers suffer as well. An indication of the magnitude of the problem in Kansas was given by Richard Parker, President of Krause Plow Corporation in Hutchinson, before the Joint Agriculture Committees of the Kansas Legislature on March 22, 1984. In his report, Mr. Parker indicated that in a survey he took among major farm equipment manufacturers and suppliers in Kansas, it was indicated that there was a decrease of over 2700 jobs, 46% of the total work force between 1979 and March, 1984, for these companies. He further stated that none of the companies surveyed saw "any significant improvement in sight." Specific results of the survey are indicated in the following table:

KANSAS MANUFACTURERS AND SUPPLIERS FOR AG-INDUSTRY

NUMBER OF EMPLOYEES

	<u>YEAR 1979</u>	<u>MARCH 1984</u>	<u>DIFFERENCE</u>
AMERICAN PRODUCTS	175	80	Down 54%
CESSNA HYDRAULIC DIVISION	2,300	1,125	Down 51%
CROSS MANUFACTURING	700	230	Down 67%
FLEX-KING	100	80	Down 20%
HAVEN STEEL PRODUCTS	85	60	Down 29%
HESSTON CORPORATION	1,787	1,133	Down 37%
KENT MANUFACTURING	105	30	Down 71%
KRAUSE PLOW CORPORATION	360	245	Down 32%
LANDOLL MANUFACTURING	135	75	Down 44%
SUNFLOWER MANUFACTURING	130	90	Down 31%
TOTALS	5,877	3,148	Down 46%

H.B. 3027 hopes to keep more farmers on the land by helping them understand and utilize legally-complex federal programs. Clearly, this will help agricultural suppliers and manufacturers as well.

SENATE BILL NO. _____

By Committee on Ways and Means

AN ACT relating to the secretary of transportation; designation of city connecting links as routes to state-owned natural and scientific preserves; amending K.S.A. 1983 Supp. 68-406, as amended by section 1 of 1984 House Bill No. 3053, and repealing the existing section; also repealing K.S.A. 1983 Supp. 68-406, as amended by section 6 of 1984 Senate Bill No. 479.

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

Section 1. K.S.A. 1983 Supp. 68-406, as amended by section 1 of 1984 House Bill No. 3053, is hereby amended to read as follows: 68-406. (a) The secretary of transportation shall designate, adopt and establish and may lay out, open, relocate, alter, vacate, remove, redesignate and reestablish highways in every county in the state, the total mileage of which shall not exceed 10,000 miles. The total mileage of such highways in each county shall be not less than the sum of the north to south and east to west diameters of the county. The highways so designated shall connect the county seats and principal cities and market centers, and all such highways, including bridges and culverts thereon, shall comprise the state highway system. The secretary of transportation shall make such revisions, classifications or reclassifications in the state highway system as are found on the basis of engineering and traffic study to be necessary, and such revisions, classifications or reclassifications may include, after due public hearing, removal from the system of roads which have little or no statewide significance, and the addition of roads which have statewide importance and will provide relief for traffic congestion on existing routes on the system. All roads which have been placed upon the state highway system shall be a part of the state highway system, but changes may be made in the state highway system when the public safety, convenience,

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economy, classification or reclassification require such change. The total mileage of the state highway system shall not be extended except by act of the legislature. Highways designated under this section shall be state highways, and all other highways outside of the city limits of cities shall be either county roads or township roads as provided for by law. The state highway system thus designated shall be constructed, improved, reconstructed and maintained by the secretary of transportation from funds provided by law.

(b) In addition to highways of the state highway system, the secretary of transportation shall designate in those cities on such system certain streets as city connecting links. "City connecting link" means a routing inside the city limits of a city which: (1) Connects a state highway through a city; (2) connects a state highway to a city connecting link of another state highway; (3) is a state highway which terminates within such city; (4) connects a state highway with a road or highway under the jurisdiction of the Kansas turnpike authority; or (5) begins and ends within a city's limits and is designated as part of the national system of interstate and defense highways.

(c) The secretary of transportation may mark and maintain existing roads as detours, but detour roads shall not be a part of the state highway system, except that such roads shall be marked and maintained by the secretary of transportation only until that portion of the state highway system for which such road is substituted is completed and open for travel.

(d) The secretary of transportation may use moneys appropriated from the state highway fund for the purchase of right-of-way, construction, improvement, reconstruction and maintenance of a highway over the most direct and practicable routes from state highways to a state lake, a federal lake or reservoir established by federal authority, a state park, as defined by subsection (d) of K.S.A. 74-4502, and amendments thereto, national monuments and national historical sites, military reservations, motor carrier inspection stations, approaches and connections within an urban area, as defined by federal highway laws, places of major scenic attractions which

possess unusual historical interest, as defined by subsections (1) and (2) of K.S.A. 76-2018, and amendments thereto, on which the state now holds or may hereafter hold a long-term lease, a state institution, from the city limits of the nearest city to a state institution, a state-owned natural and scientific preserve, as defined by subsection ~~(e)~~ (b) of K.S.A. 74-6603 and amendments thereto, or such road or roads located within the boundaries of a state park, as defined by subsection (d) of K.S.A. 74-4502 and amendments thereto, and not presently maintained by a federal agency, as defined by subsection (c) of K.S.A. 74-4502 and amendments thereto, as shall be designated by the secretary of transportation. Such highways or roads shall not be a part of the state highway system, and the secretary of transportation is not required to plan, design or construct such highways or roads in conformity with the standards applicable to the state highway system.

(e) The secretary of transportation may make reroutings of any portion of the state highway system if such rerouting is required in writing by the United States department of transportation of the federal highway administration before it will permit federal funds to be used thereon. The secretary of transportation shall have control and regulation for purposes of posting speed limits and establishing access and egress facilities on any and all portions of streets and roads which are, or have been, a part of the state highway system, and which have been or may be, placed inside of the limits of an incorporated city by the creation of a new municipality or by the extension of the limits or boundaries of any existing municipality.

(f) Except pursuant to article 21 of chapter 68 of Kansas Statutes Annotated, only the secretary of transportation may authorize temporary closing of any part of the state highway system by any person for any purpose in the interest of the state. Every authorization granted under this subsection shall be granted subject to conditions specified by the secretary to provide for (1) proper detours, signing and markings, (2) timing which will not unreasonably inconvenience the public, and (3)

such additional conditions as are appropriate to avoid unreasonable risk of injury to any person. Such requests shall be made in writing and submitted to the secretary at least five days prior to the closing date. In emergencies, temporary closing may be authorized by the secretary by oral communications. The secretary may waive all or any part of the notice otherwise required by this subsection.

(g) In cases of sudden emergency, temporary closing of any part of the state highway system may be authorized by order of a person designated by the board of county commissioners for an area outside of any city or a person designated by the governing body of a city for an area within such city. In such cases of sudden emergency the person authorizing such closing shall inform the secretary of transportation thereof as soon as practicable and obtain the authorization of the secretary for any additional time thereafter for such closing.

Sec. 2. K.S.A. 1983 Supp. 68-406, as amended by section 1 of 1984 House Bill No. 3053 and as amended by section 6 of 1984 Senate Bill No. 479, is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

SENATE BILL NO. _____

By Committee on Ways and Means

AN ACT concerning registration of vehicles; amending K.S.A. 1983 Supp. 8-143, as amended by 1984 House Substitute for Senate Bill No. 176, and repealing the existing section; also repealing K.S.A. 1983 Supp. 8-143, as amended by section 2 of 1984 Senate Bill No. 633.

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

Section 1. K.S.A. 1983 Supp. 8-143, as amended by 1984 House Substitute for Senate Bill No. 176, is hereby amended to read as follows: 8-143. (1) All applications for the registration of motorcycles, motorized bicycles and passenger vehicles other than trucks and truck tractors, except as otherwise provided, shall be accompanied by an annual license fee as follows: For motorized bicycles, \$5; for motorcycles, \$10; for passenger vehicles, other than motorcycles, used solely for the carrying of persons for pleasure or business, and for hearses and ambulances a fee of (i) \$13 for those having a gross weight of 3,000 pounds or less; (ii) \$16.25 for those having a gross weight of more than 3,000 pounds and less than 4,000 pounds; (iii) \$19.50 for those having a gross weight of 4,000 pounds and not more than 4,500 pounds; and (iv) \$26 for those having a gross weight of more than 4,500 pounds; for each electrically propelled motor vehicle, except electrically propelled vehicles intended for the purpose of transporting any commodity, goods, merchandise, produce or freight, or passengers for hire, a fee of \$6.50. The annual registration fee for each motor vehicle, trailer or semitrailer owned by any political or taxing subdivision of this state or by any agency or instrumentality of any one or more political or taxing subdivisions of this state and used exclusively for governmental purposes and not for any private or utility purposes, which is not otherwise exempt from

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registration, shall be \$2.

(2) As used in this subsection, the term "gross weight" shall mean and include the empty weight of truck, or of combination of truck or truck tractor and any type trailer or semitrailer, plus the maximum weight of cargo which will be transported on or with the same, except that when the empty weight of a truck plus the maximum weight of cargo which will be transported thereon is 12,000 pounds or less, "gross weight" shall not include the weight of any travel trailer propelled thereby which is being used for private recreational purposes. The gross weight license fees hereinafter prescribed shall only apply to the truck or truck tractor used as the propelling unit for the cargo and vehicle propelled, either as a single vehicle or combination of vehicles. On application for the registration of a truck or truck tractor, the owner thereof shall declare as a part of such application the maximum gross weight said owner desires to be applicable to such vehicle, which declared gross weight in no event shall be in excess of the limitations described by K.S.A. 8-1908 and 8-1909 and amendments thereto, for such vehicle or combination of vehicles of which it will be a part. All applications for the registration of trucks or truck tractors, except as otherwise provided herein, shall be accompanied by an annual license fee as follows:

For a gross weight of 12,000 lbs. or less	\$25
For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	75
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	100
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	150
For a gross weight of more than 24,000 lbs. and not more than 30,000 lbs.	235
For a gross weight of more than 30,000 lbs. and not more than 36,000 lbs.	285
For a gross weight of more than 36,000 lbs. and not	

more than 42,000 lbs.	360
For a gross weight of more than 42,000 lbs. and not more than 48,000 lbs.	460
For a gross weight of more than 48,000 lbs. and not more than 54,000 lbs.	615
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	765
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	915
For a gross weight of more than 66,000 lbs. and not more than 74,000 lbs.	1,175
For a gross weight of more than 74,000 lbs. and not more than 80,000 lbs.	1,325
For a gross weight of more than 80,000 lbs. and not more than 85,500 lbs.	1,475

If the applicant for registration of any truck or truck tractor for a gross weight of more than 12,000 pounds is the state of Kansas or any political or taxing subdivision or agency of the state, whose truck or truck tractor is not otherwise entitled to the \$2 license fee or otherwise exempt from all fees, said vehicle may be licensed for a fee in accordance with the schedule hereinafter prescribed for local trucks or truck tractors.

If the applicant for registration of any truck or truck tractor for a gross weight of more than 12,000 pounds shall under oath state in writing on a form prescribed and furnished by the director of vehicles, that the applicant does not expect to operate it more than 6,000 miles in the calendar year for which the applicant seeks registration, and that if the applicant shall operate it more than 6,000 miles during such registration year such applicant will pay an additional fee equal to the fee required by the preceding schedule, less the amount of the fee paid at time of registration, said vehicle may be licensed for a fee in accordance with the schedule hereinafter prescribed for local trucks or truck tractors; and whenever the same is

registered on a local truck or truck tractor fee basis a tab or marker shall be issued in connection with the regular license number plate, which tab or marker shall be attached or affixed to and displayed with the regular license number plate and the failure to have the same attached, affixed or displayed shall be subject to the same penalties as provided by law for the failure to display the regular license number plate; and the secretary of revenue may adopt rules and regulations requiring the owners of trucks and truck tractors so registered on a local truck or truck tractor fee basis to keep such records and make such reports of mileage of such vehicles as the secretary of revenue shall deem proper.

A transporter delivering vehicles not said transporter's own by the driveway method where such vehicles are being driven, towed, or transported singly, or by the saddlemount, towbar, or fullmount methods, or by any lawful combination thereof, may apply for license number plates which may be transferred from one such vehicle or combination to another for each delivery without further registration, and the annual license fee for such license number plates shall be as follows:

For the first such set of license plates	\$39
For each additional such set of license plates	13

A truck or truck tractor registered for a gross weight of more than 12,000 pounds, which is operated wholly within the corporate limits of a city or village or within a radius of 25 miles beyond the corporate limits, shall be classified as a local truck except that in no event shall such vehicles operated as contract or common carriers outside a radius of three miles beyond the corporate limits of the city or village in which such vehicles were based when registered and licensed be considered local trucks or truck tractors. The secretary of revenue is hereby authorized and directed to adopt rules and regulations prescribing a procedure for the issuance of permits by the division of vehicles whereby owners of local trucks or truck tractors may operate any such vehicle, empty, beyond the radius

hereinbefore prescribed, when such operation is solely for the purpose of having such vehicle repaired, painted or serviced or for adding additional equipment thereto. The annual license fee for a local truck or truck tractor, except as otherwise provided herein, shall be as follows:

For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	\$47
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	75
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	100
For a gross weight of more than 24,000 lbs. and not more than 30,000 lbs.	135
For a gross weight of more than 30,000 lbs. and not more than 36,000 lbs.	160
For a gross weight of more than 36,000 lbs. and not more than 42,000 lbs.	185
For a gross weight of more than 42,000 lbs. and not more than 48,000 lbs.	235
For a gross weight of more than 48,000 lbs. and not more than 54,000 lbs.	315
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	360
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	440
For a gross weight of more than 66,000 lbs. and not more than 74,000 lbs.	575
For a gross weight of more than 74,000 lbs. and not more than 80,000 lbs.	675
For a gross weight of more than 80,000 lbs. and not more than 85,500 lbs.	775

A truck or truck tractor registered for a gross weight of more than 12,000 pounds, which is owned by a person engaged in farming and which truck or truck tractor is used by such owner to transport agricultural products produced by such owner or

commodities purchased by such owner for use on the farm owned or rented by the owner of such farm truck or truck tractor, shall be classified as a farm truck or truck tractor and the annual license fee for such farm truck shall be as follows:

For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	\$25
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	30
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	42
For a gross weight of more than 24,000 lbs. and not more than 54,000 lbs.	62
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	150
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	300
For a gross weight of more than 66,000 lbs.	500

A vehicle licensed as a farm truck or truck tractor may be used by the owner thereof to transport, for charity and without compensation of any kind, commodities for religious or educational institutions. A truck which is licensed as a farm truck may also be used for the transportation of sand, gravel, slag stone, limestone, crushed stone, cinders, black top, dirt or fill material to a township road maintenance or construction site of the township in which the owner of such truck resides. Any applicant for registration of any farm truck or farm truck tractor used in combination with a trailer or semitrailer shall register the farm truck or farm truck tractor for a gross weight which shall include the empty weight of the truck or truck tractor or of the combination of any truck or truck tractor and any type of trailer or semitrailer, plus the maximum weight of cargo which will be transported on or with the same. The applicant for registration of any farm truck or farm truck tractor used to transport a gross weight of more than 54,000 pounds shall durably letter on the side of the motor vehicle the

words "farm vehicle--not for hire." If an applicant for registration of any farm truck or farm truck tractor operates such vehicle for any use or purpose not authorized for a farm truck or farm truck tractor, such applicant shall pay an additional fee equal to the fee required for the registration of all trucks or truck tractors not registered as local, 6,000-mile or farm truck or farm truck tractor motor vehicles, less the amount of the fee paid at time of registration. Nothing in this or the preceding paragraph shall authorize a gross weight of a vehicle or combination of vehicles on the national system of interstate and defense highways greater than permitted by laws of the United States congress.

Except as hereinafter provided, the annual license fee for each local urban transit bus used in local urban transit operations exempted under the provisions of subsection (a) of K.S.A. 66-1,109 and amendments thereto, shall be based on the passenger seating capacity of the bus and shall be as follows:

8 or more, but less than 31 passengers	\$15
31 or more, but less than 40 passengers	30
More than 39 passengers	60

except that the annual license fee for each local urban transit bus which is owned by a metropolitan transit authority established pursuant to articles 25 and 28 of chapter 12 or pursuant to article 31 of chapter 13 of the Kansas Statutes Annotated shall be \$2.

For licensing purposes, station wagons with a carrying capacity of less than 10 passengers shall be subject to registration fees based on the weight of the vehicles, as provided in subsection (1). Station wagons with a carrying capacity of 10 or more passengers shall be subject to the truck classifications and license fees therefor shall be as herein provided:

(a) For any trailer, semitrailer, mobile home, travel trailer or pole trailer the annual license fee shall be as follows: For any such vehicle with a gross weight of more than

12,000 pounds the annual fee shall be \$25; any such vehicle grossing more than 8,000 pounds but not over 12,000 pounds, the annual fee shall be \$15; for any such vehicle grossing more than 2,000 pounds but not over 8,000 pounds, the annual fee shall be \$10. Any such vehicle having a gross weight of 2,000 pounds or less may, at the owner's option, be registered and the fee for such registration shall be \$10.

Any trailer, semitrailer, mobile home or travel trailer owned by a nonresident of this state and based in another state, which is properly registered and licensed in the state of residence of the owner or in the state where based, may be operated in this state without being registered or licensed in this state if the truck or truck tractor propelling the same is properly registered and licensed in this state, or is registered and licensed in some other state and is entitled to reciprocal privileges of operation in this state, but this provision shall not apply to any trailer or semitrailer owned by a nonresident of this state when such trailer or semitrailer is owned by a person who has proportionately registered and licensed a fleet of vehicles under the provisions of K.S.A. 8-1,101 to 8-1,123, inclusive, and amendments thereto, or under the terms of any reciprocal or proration agreement made pursuant thereto. A farm trailer used in carrying not more than 6,000 pounds owned by a person engaged in farming, which trailer is used exclusively by the owner to transport agricultural products produced by such owner or commodities purchased by the owner for use on the farm owned or rented by the owner of such trailer, shall not be subject to the registration and registration fees prescribed by this act for trailers, and the weight of any such farm trailer, plus the cargo weight of 6,000 pounds or less, shall not be considered in determining the gross weight for which the truck or truck tractor propelling the same shall be registered. Any nonself-propelled vehicle used and designed for applying fertilizers to the soil or for picking up and transporting hay or forage from a field to a storage area or from a storage area to a

feedlot, which is only incidentally moved or operated upon the highways, shall not be subject to registration and registration fees prescribed by this act for trailers.

(b) Any truck or truck tractor having a gross weight of 4,000 pounds or over, using solid tires, shall pay a license fee of double the amount herein charged. The annual fees herein provided for trucks, truck tractors and trailers not subject to K.S.A. 8-134a and amendments thereto, shall be due January 1 of each year and payable on or before February 15 in each year. If said fee is not paid by said date a penalty of \$1 shall be added to the fee charged herein for each month or fraction thereof and until December 31 of each registration year. The annual registration fee for all passenger vehicles and vehicles subject to K.S.A. 8-134a and amendments thereto, shall be due on or before the last day of the month in which the registration plate expires and shall be due for other vehicles as provided by K.S.A. 8-134 and amendments thereto. If said registration fee is not paid by said date a penalty of \$1 shall be added to the fee charged herein for each month or fraction thereof until such registration fee is paid. Members of the armed forces of the United States shall be permitted to apply for registration at any time and be subject to registration fee, less penalties, applicable at the time the application is made. If any motorcycle, motorized bicycle, trailer, semitrailer, mobile home, travel trailer, or pole trailer is either purchased or acquired after the anniversary or renewal date in any registration year there shall immediately become due and payable a registration fee as follows: If purchased or acquired between the anniversary or renewal date of any registration year and the first six months of such registration year, the annual fee hereinbefore provided; if purchased or acquired during the last six months of any registration year, 50% of such annual fee. If any truck or truck tractor, except trucks subject to K.S.A. 8-134a and amendments thereto, is purchased or acquired prior to April 1 of any year the fee shall be the annual fee hereinbefore provided, but if

such truck or truck tractor is purchased or acquired after the end of March of any year, the license fee for such year shall be reduced $1/12$ for each calendar month which has elapsed since the beginning of the year. If any truck registered for a gross weight of 12,000 pounds or less or passenger vehicle is purchased or acquired and less than 12 months remain in the registration period, the fee shall be $1/12$ of the annual fee for each calendar month remaining in the registration period.

(c) The owner of any motorcycle, motorized bicycle, passenger vehicle, truck, truck tractor, trailer, semitrailer, or electrically propelled vehicle who fails to pay the registration fee or fees herein provided on the date when the same become due and payable shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a penalty in the sum of \$1 for each month or fraction thereof during which such fee has remained unpaid after it became due and payable; and in addition thereto shall be subject to such other punishment as is provided in this act. Upon the transfer of motorcycles, motorized bicycles, passenger vehicles, trailers, semitrailers, trucks or truck tractors, on which registration fees have been paid for the year in which the transfer is made, either (A) to a corporation by one or more persons, solely in exchange for stock or securities in such corporation, or (B) by one corporation to another corporation when all of the assets of such corporation are transferred to the other corporation, then in either case (A) or case (B) the corporation shall be exempt from the payment of registration fees on such vehicles for the year in which such transfer is made. Applications for transfer or registration shall be accompanied by a fee of \$1. When the registration of a vehicle has expired at midnight on the last day of any registration year, and such vehicle is not thereafter operated upon the highways, any application for renewal of registration made subsequent to the anniversary or renewal date of any registration year following the expiration of such registration and for succeeding registration years in which such vehicle has not been registered

shall be accompanied by an affidavit of nonoperation and nonuse, and such application for renewal or registration shall be received by the division of vehicles upon payment of the proper fees for the current registration year and without penalty.

(3) Any nonresident of Kansas purchasing a vehicle from a Kansas resident and desiring to secure registration on the vehicle in the state of such person's residence may make application in the office of any county treasurer for a ~~fifteen-day~~ thirty-day temporary registration. The county treasurer upon presentation of evidence of ownership in the applicant and evidence the sales tax has been paid, if due, shall charge and collect a fee of \$2 for each ~~fifteen-day~~ thirty-day temporary license and issue a sticker or paper registration as may be determined by the director of vehicles, and the said registration so issued shall be valid for a period of ~~15~~ 30 days from the date of issuance.

(4) Any owner of any truck or truck tractor where the annual registration fee has been paid and the vehicle is sold, junked, repossessed, foreclosed by a mechanic's lien or title transferred by operation of law, and the registration thereon is not going to be transferred to another vehicle may secure a refund for the registration fee for the remaining portion of the year by making application to the division of vehicles on a form and in the manner prescribed by the director of vehicles, accompanied by all license number plates and attachments issued in connection therewith. If the owner of the registration becomes deceased and the vehicle is not going to be used on the highway, and title is not being currently transferred, the proper representative of the estate shall be entitled to said refund. The refund shall be made only for the period of time remaining in the registration year from the date of completion and filing of the application with and delivery of the license number plates and attachments to the division of vehicles. Where the registration is secured under a quarterly payment annual registration fee, as provided for in K.S.A. 8-143a and amendments

thereto, such refund shall be made on the quarterly fee paid and unused and all remaining quarterly payments shall be canceled. Any truck or truck tractor having the registration fee paid on said quarterly payment basis, all quarterly payments due or a fraction of quarterly payment due shall be paid before said title may be transferred, except that in case of death, the filing of the application and returning of the registration number plates and attachment shall cancel the remaining annual payments due. Whenever said truck or truck tractor, where the registration is secured on a quarterly payment of the annual registration, the one repossessing the truck or truck tractor, or foreclosing by a mechanic's lien, or securing title by court order, the mortgagor or the assigns of the mortgagor, or the one securing title may pay the balance due on date of application for title, but the payments for the remaining portion of the year shall not be canceled unless application is made and the registration number plates and attachments are surrendered. Nothing in this subsection shall apply when registration is secured under the provisions of K.S.A. 8-1,101 to 8-1,123, inclusive, and amendments thereto. Notwithstanding any of the foregoing provisions of this section, no refund shall be made under the provisions of this section where the amount thereof does not exceed \$10. The division of vehicles shall furnish such blank forms as may be required under the provisions of this subsection as it deems necessary to be completed by the applicant. Whenever a registration which has been secured on a quarterly basis shall be canceled as provided in this subsection, the division of vehicles shall notify the county treasurer issuing the original registration of such cancellation so that the county treasurer may, and the county treasurer shall cancel the registration of such vehicle in the county treasurer's office and release any lien issued in connection with such registration.

(5) Every owner of a mobile home or travel trailer designed for or intended to be moved upon any highway in this state shall, before the same is so moved, apply for and obtain the proper

registration thereof as provided in this act, except when such unit is permitted to be moved under the special provisions relating to secured parties, manufacturers, dealers and nonresidents contained in this act. At the time of registering any mobile home or travel trailer for the purpose of moving any such vehicle upon any highway in this state, the owner thereof shall indicate on the registration form whether or not such vehicle is being moved permanently to a location outside of the county in which such vehicle is being registered. No such vehicle which the owner thereof intends to move to a permanent location outside the boundaries of such county shall be registered for movement on the highways of this state until all taxes levied against such vehicle have been paid. A copy of such registration form shall be sent to the county clerk or assessor of the county to which such vehicle is being moved. When such mobile home or travel trailer is used for living quarters and not operated on the highways, the owner shall make application for nonhighway registration and the annual fee in this case shall be \$2; and such owner shall be exempt from the license fees as provided in paragraph (a) of subsection (2) so long as such mobile home or travel trailer is not operated on the highway. If the owner of a mobile home also owns the land where such vehicle is located, or where such vehicle is placed on a permanent foundation, and where such owner has registered such vehicle with the county clerk for real estate tax purposes in the county where located, then no registration under this act shall be required. The director of vehicles shall design such nonhighway registration forms to be used as provided in K.S.A. 8-129 and amendments thereto. The division of vehicles shall furnish a ~~number~~ license plate of a distinctive type to the owner of every mobile home or travel trailer registering the same for nonhighway purposes under the provisions of this act. ~~Said number~~ The license plate shall be displayed in a conspicuous place on each such vehicle in accordance with rules and regulations adopted by the secretary of revenue relating thereto. ~~Said~~ The nonhighway forms shall be an

additional copy of the registration receipt and the owner of ~~said~~ the mobile home or travel trailer shall retain one copy of the registration receipt in ~~said~~ the vehicle at all times. The receipt shall contain the same information as the director of vehicles deemed necessary for purpose of registration and shall be validated by the county treasurer at the time of application. The issuance of such nonhighway registration shall be subject to the provisions of K.S.A. 8-173 and amendments thereto, and other sections of this act providing for the titling and registering of all vehicles; and when the owner of a mobile home or travel trailer, registered for nonhighway use, disposes of ~~said~~ the unit and acquires another mobile home or travel trailer, and the owner does not intend to operate it on the public highways, ~~said~~ the owner shall transfer the nonhighway registration to the newly acquired vehicle in the same manner provided in K.S.A. 8-135 and amendments thereto. The provisions of K.S.A. 8-153 and amendments thereto shall be deemed to include all vehicles as defined in K.S.A. 8-126 and amendments thereto.

Sec. 2. K.S.A. 1983 Supp. 8-143, as amended by House Substitute for Senate Bill No. 176 and as amended by section 2 of 1984 Senate Bill No. 633, is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after January 1, 1985, and its publication in the statute book.

SENATE BILL NO. _____

By Committee on Ways and Means

AN ACT concerning vehicles; definitions; amending K.S.A. 8-126, as amended by section 1 of 1984 Senate Bill No. 700, and repealing the existing section; also repealing K.S.A. 8-126, as amended by section 1 of 1984 House Bill No. 2663.

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

Section 1. K.S.A. 8-126, as amended by section 1 of 1984 Senate Bill No. 700, is hereby amended to read as follows: 8-126. The following words and phrases when used in this act shall have the meanings respectively ascribed to them herein:

(a) "Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "Motor vehicle." Every vehicle, other than a motorized bicycle, which is self-propelled.

(c) "Truck." A motor vehicle which is used for the transportation or delivery of freight and merchandise or more than 10 passengers.

(d) "Motorcycle." Every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined.

(e) "Truck tractor." Every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn.

(f) "Farm tractor." Every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements in any manner consistent with the

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structural design of such power unit.

(g) "Road tractor." Every motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon independently, or any part of the weight of a vehicle or load so drawn.

(h) "Trailer." Every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(i) "Semitrailer." Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(j) "Pole trailer." Any two-wheel vehicle used as a trailer with bolsters that support the load, and do not have a rack or body extending to the tractor drawing the load.

(k) "Specially constructed vehicle." Any vehicle which shall not have been originally constructed under a distinctive name, make, model or type, or which, if originally otherwise constructed shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(l) "Foreign vehicle." Every motor vehicle, trailer or semitrailer which shall be brought into this state otherwise than in ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

(m) "Person." Every natural person, firm, partnership, association or corporation.

(n) "Owner." A person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of 30 days or more with an immediate right of possession vested in the lessee; or in

the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this act.

(o) "Nonresident." Every person who is not a resident of this state.

(p) "Manufacturer." Every person engaged in the business of manufacturing motor vehicles, trailers or semitrailers.

(q) "New vehicle dealer." Every person actively engaged in the business of buying, selling or exchanging new motor vehicles, mobile homes, travel trailers, trailers or vehicles and who holds a dealer's contract therefor from a manufacturer or distributor and who has an established place of business in this state.

(r) "Used vehicle dealer." Every person actively engaged in the business of buying, selling or exchanging used vehicles, and having an established place of business in this state and who does not hold a dealer's contract for the sale of new motor vehicles, mobile homes, travel trailers, trailers or vehicles.

(s) "Highway." Every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions.

(t) "Department" or "motor vehicle department" or "vehicle department." The division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents.

(u) "Commission" or "state highway commission." The director of vehicles of the department of revenue.

(v) "Manufactured home." means A structure, transportable in one or more sections which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to

the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. When the term mobile home is used in article 1 of chapter 8 of Kansas Statutes Annotated it shall be synonymous with and means the same as manufactured home.

(w) "Travel trailer." Every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes and measuring eight feet or less in width.

(x) "Passenger vehicle." Every motor vehicle, as herein defined, which is designed primarily to carry 10 or fewer passengers, and which is not used as a truck.

(y) "Self-propelled farm implement." Every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design.

(z) "Farm trailer." Every trailer as defined in subsection (h) of this section and every semitrailer as defined in subsection (i) of this section, designed and used primarily as a farm vehicle.

(aa) "Motorized bicycle." Every device having two tandem wheels which may be propelled by either human power or helper motor, or by both, and which has: A motor which produces not more than 3.5 brake horsepower; a cylinder capacity of not more than 50 cubic centimeters; an automatic transmission; and the capability of a maximum design speed of no more than 30 miles per hour.

(bb) "All-terrain vehicle." Any motorized off-highway vehicle 45 inches or less in width, having a dry weight of 500 pounds or less, traveling on three or more low-pressure tires, and having a seat designed to be straddled by the operator. As used in this subsection, low-pressure tire means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 12 inches or less, and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

Sec. 2. K.S.A. 8-126, as amended by section 1 of 1984

Senate Bill No. 700 and as amended by section 1 of 1984 House Bill No. 2663, is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.