

Approved 2-10-87

Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Sen. Bill Morris at  
Chairperson

9:00 a.m./~~pm~~ on February 4, 1987 in room 254-E of the Capitol.

All members were present ~~except~~ ~~xxxx~~:

Committee staff present:

Hank Avila, Legislative Research Department  
Ben Barrett, Legislative Research Department  
Bruce Kinzie, Revisor  
Louise Cunningham, Committee Secretary

Conferees appearing before the committee:

John Kemp, Kansas Department of Transportation outgoing-Secretary.  
Horace Edwards, Secretary, Department of Transportation  
Sen. Roy Ehrlich  
Willie Martin, Intergovernmental Coordinator, Sedgwick County  
Bev Bradley, Legislative Coordinator, Kansas Association of Counties  
Marla Howard, Public Affairs Office, City of Wichita  
Richard Funk, Assistant Executive Director, Kansas Association of School  
Boards

John Kemp introduced Horace Edwards, the new Secretary of the Department of Transportation. Secretary Edwards said he was pleased to have the opportunity to serve as Secretary of Transportation in the state of Kansas. He would like to continue the progress that has been made in the state.

Chairman Morris said the Committee looked forward to working with him and extended a welcome to him and his staff to visit the meetings at any time.

HEARING ON S.B. 29 - Concerning registration of city and county vehicles  
Re Proposal No. 32.

Sen. Ehrlich said he had received a request from a Barton County engineer for this bill. After looking at Proposal No. 32 the engineer was very satisfied with the recommendations of the proposal. It would cut down on paperwork and save money for cities and counties and they would be very pleased with this bill.

Willie Martin, Sedgwick County, spoke in favor of the bill and said the savings of time and paperwork involved in processing yearly tags for municipally owned vehicles will benefit all local units of government. A copy of her statement is attached. (Attachment 1).

Bev Bradley, Kansas Association of Counties, also spoke in favor of the bill. She said at their annual conference in November, it was unanimously voted to include this concept in their legislative policy statement. A copy of her statement is attached. (Attachment 2).

Marla Howard, City of Wichita, spoke in favor of the bill. A copy of her statement is attached. (Attachment 3).

Richard Funk, Assistant Executive Director, Kansas Association of School Boards, said they had no vested interest in the bill other than to make sure school buses are exempt from registration. He felt the words "agency or instrumentality" could be misconstrued as pertaining to Kansas unified school districts. Bruce Kinzie said they are already exempt under KSA 8-128 and this should be no problem. A copy of Mr. Funk's statement is attached. (Attachment 4).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,  
room 254-E, Statehouse, at 9:00 a.m. ~~p.m.~~ on February 4, 1987.

A motion was made by Sen. Francisco and was seconded by Sen. Hayden to recommend S.B. 29 favorable for passage. Motion carried.

Meeting was adjourned at 9:40 a.m.

DATE: 2-4

GUEST REGISTER  
SENATE  
TRANSPORTATION AND UTILITIES COMMITTEE

NAME	ORGANIZATION	ADDRESS
Shelley Sutton	K.S. Engineering Society	Topeka
Mike Reecht	AT&T	Topeka
Sen. Roy M. Charles	St. Senate	Haven, Mo.
Barbara Butts	Munc. Acclng.	Topeka
Marla Howard	City of Wichita	Wichita
Wm. E. O'Brien	Johnson County Treasurer	OLATHE
MIKE BILLINGER	ELLIS COUNTY	HAYS, KS
Dev Bradley	KS Assoc of Counties	Topeka, KS
John Kemp	KDOT	"
Horace Edwards	"	"
CLAUDE S. SWEED	STRAWNEE COUNTY	TOPEKA
Willie Masten	Seelye Co.	Wichita



SEDGWICK COUNTY, KANSAS

INTERGOVERNMENTAL COORDINATOR

WILLIE MARTIN

COUNTY COURTHOUSE • SUITE 315 • WICHITA, KANSAS 67203-3759 • TELEPHONE (316) 268-7552

February 4, 1987

Senate Committee on Transportation and Utilities

Ref: Interim Proposal No. 32

Permanent Registration of County & City Owned Vehicles

Testimony of Willie Martin  
Sedgwick County

Mr. Chairman and Members of the Committee;

Sedgwick County would like to express their support for S.B. <sup>2192</sup> which provides for permanent registration of municipally owned vehicles. The savings of time and the paper work involved in processing yearly tags for municipally owned vehicles will be of benefit to all local units of government.

The processing of tags for the 550 vehicles owned by Sedgwick County involves the Purchasing Department, Controller's Office, Auto License Department, and the Motor Pool. The county expends approximately \$3500 to \$4000 (not including the cost of tags) and remits to the State \$1650 in registration fees.

We believe the proposed legislation will simplify the process, provide control, and maintain state revenues.

ATT. 1  
T&U 2/4/87

# Kansas Association of Counties

*Serving Kansas Counties*

212 S.W. SEVENTH STREET, TOPEKA, KANSAS 66603      PHONE 913 233-2271

February 4, 1987

To:      Senator Bill Morris, Chairman  
         Members Senate Transportation Committee

From:    Bev Bradley, Legislative Coordinator  
         Kansas Association of Counties

Re:      SB 29, Permanent Registration of City and County  
         owned vehicles

The Kansas Association of Counties supports SB-29 as we have supported one-time registration of governmental vehicles for a long time. Our voting delegates voted unanimously at our annual conference in November, to include this concept in our legislative policy statement.

The main concern is the time involved now in re-registering each vehicle, each year and getting the appropriate number on each motor vehicle, trailer or semitrailer. The testimony this summer indicated that some jurisdictions registered 1000 or more vehicles annually.

We particularly like section (b)-license plates shall be distinctive with no date. The words city or county are fine, but we would not object to something more generic like "local government".

With each county having a computer for VIPS and reappraisal it would be no problem to file the annual report with the state. As a former county commissioner, I can guarantee I knew how many vehicles Douglas County had - not nearly 1000 - and when we paid to replace them.

We support SB-29. Thank you very much for the opportunity to testify.

ATT. 2  
T&U 2/4/87

PUBLIC AFFAIRS OFFICE  
CITY HALL — THIRTEENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4351

February 4, 1987

SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

RE: INTERIM PROPOSAL NO. 32, SENATE BILL NO. 29  
PERMANENT REGISTRATION OF CITY AND COUNTY VEHICLES

TESTIMONY BY MARLA HOWARD, CITY OF WICHITA

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

THE CITY OF WICHITA SUPPORTS THE PROVISIONS OF SENATE BILL 29 WHICH PROVIDES FOR PERMANENT REGISTRATION OF MUNICIPALLY-OWNED VEHICLES.

THE CITY OF WICHITA OWNS APPROXIMATELY 1,000 VEHICLES AT ANY ONE TIME. THE ADMINISTRATIVE TIME AND PAPER WORK NECESSARY TO PURCHASE AND AFFIX TAGS TO EACH OF THESE VEHICLES IS SIGNIFICANT, ESPECIALLY CONSIDERING THAT DAILY CONVENIENCE REQUIRES US TO KEEP THESE VEHICLES IN DIFFERENT LOCATIONS. OUR ANNUAL ADMINISTRATIVE COSTS TO REGISTER THESE VEHICLES RUNS FROM \$7,500 TO \$8,000. IN ADDITION, WE REMIT APPROXIMATELY \$3,000 TO THE STATE EACH YEAR IN REGISTRATION FEES.

THE CITY OF WICHITA SUPPORTS ANY REDUCTION IN THIS RECURRING WORK LOAD AND SUPPORTS THE NECESSARY FEES TO COVER THE STATE'S COST TO PROVIDE PERMANENT REGISTRATION.

THANK YOU.

ATT. 3  
T&U 2/4/87





TESTIMONY ON S.B. 29

by

Richard Funk, Assistant Executive Director  
Kansas Association of School Boards

February 3, 1987

Mr. Chairman and members of the committee, we appreciate the opportunity to testify today on behalf of the 302 members of the Kansas Association of School Boards. KASB does not have a vested interest or position regarding S.B. 29. Our concern centers around an interpretation in a Kansas Supreme Court decision in 1985 that is in error regarding a point of law.

As you are aware, Kansas statutes and court cases have regarded Kansas Unified School Districts as taxing subdivisions of the state. As you can see in the handout provided that Kansas Supreme Court case No. 57,633 (Unified School District No. 490, Butler County, Kansas vs. Board of County Commissioners of Butler County, Kansas) refers to Kansas Unified School districts as taxing subdivisions of the county. This is not correct.

Our concern in S.B. 29 occurs in lines 022 and 023. There are the words "agency or instrumentality" that can be misconstrued as pertaining to Kansas unified school districts if one also takes into account the language in Case No. 57,633.

We would ask this committee to delete those two words or to specify that Kansas Unified School Districts are not included in this bill. Kansas school buses are exempt from registration under the provisions of K.S.A. 8-128 \_ \_

By amending this bill you have an opportunity to avoid confusion or misinterpretation resulting from an oversight by the supreme court.

Thank you for your consideration of our request.

U.S.D. # 490, Butler Co. vs Board of county commrs, Butler Co.

interest on back taxes does not change because a taxpayer who is delinquent files a suit to determine the validity of the taxes. In *Atchison, T. & S. F. Ry. Co. v. Lennen*, 531 F.Supp. 220 (1981), the court deemed the amount in controversy to be delinquent 1980 taxes noting that even though litigation was instituted, the taxes were still delinquent.

*Amicus* Kansas Association of Counties further argues K.S.A. 1984 Supp. 12-1678a(d) and K.S.A. 79-2004(b) specifically allow counties to enter into agreements providing for the distribution of interest earnings. Hence, Association of Counties argues if it were not the legislature's intent that the interest belong to the counties, it would not be necessary to grant counties the authority to enter into agreements for the distribution of interest to the taxing subdivisions.

An examination of K.S.A. 1984 Supp. 12-1678a, and K.S.A. 79-2004 and -2004a disclose the legislative scheme for managing interest earned on undistributed tax funds and interest on delinquent taxes. In each, the legislature authorized the county to keep the interest. We find there are logical reasons for such a legislative decision. The county is the local taxing unit. Cities, townships, school districts, hospital districts, cemetery districts, and all other local units of government are taxing subdivisions of the county. Each of the subdivisions prepares its budget, then calculates the levy needed to produce the budgeted amount on the assessed values provided them by the county.

After the subdivision budgets are submitted to the county, they are all compiled into one budget by the county and the final total levy determined by the county. The county is charged with the responsibility for collecting the taxes, banking

KSA 72-8204e - Every school district shall be a municipality for purposes of K.S.A. 79-2925-2968 inclusive

9  
K.S.A. 79-2925 - This Act shall apply to all taxing subdivisions or municipalities of the state . . .



**SENATE BILL No. 29**

By Special Committee on Transportation

Re Proposal No. 32

12-16

0017 AN ACT relating to motor vehicles; concerning the registration  
0018 of city and county vehicles; amending K.S.A. 1986 Supp. 8-143  
0019 and repealing the existing section.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 New Section 1. (a) Each motor vehicle, trailer or semitrailer

DELETE

0022 owned by any city or county of this state ~~or by any agency or~~  
0023 ~~instrumentality of any such city or county~~ and used exclusively

0024 for governmental purposes and not for any private or utility  
0025 purposes, which is not otherwise exempt from registration, shall  
0026 be registered for a fee established by rules and regulations  
0027 adopted by the secretary of revenue, except that such fee shall  
0028 not exceed the actual cost of such registration. Such registration  
0029 shall be permanent in nature and designed in such a manner as  
0030 to remain with a vehicle for the duration of the life span of the  
0031 vehicle or until the title is transferred to an owner who is not a  
0032 city or county.

0033 (b) License plates issued for city or county vehicles shall be  
0034 distinctive and shall contain the words "city" and "county" and  
0035 there shall be no year date thereon.

0036 (c) Each city or county shall file an annual report with the  
0037 division of vehicles identifying such vehicle registered under  
0038 this section.

0039 (d) The secretary of revenue shall adopt rules and regulations  
0040 necessary to carry out the provisions of this act.

0041 Sec. 2. K.S.A. 1986 Supp. 8-143 is hereby amended to read as  
0042 follows: 8-143. (1) All applications for the registration of motor-  
0043 cycles, motorized bicycles and passenger vehicles other than  
0044 trucks and truck tractors, except as otherwise provided, shall be