AN ACT concerning motor vehicle fuel taxes; relating to apportionment of
the special city and county highway fund and the county equalization
and adjustment fund; dates of transfers; amending K.S.A. 2012 Supp.
79-3425c and repealing the existing section.

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

Section 1. K.S.A. 2012 Supp. 79-3425c is hereby amended to read as
follows: 79-3425c. (a) On each January 15, April 15, July 15 and October
15 of each year, the director of accounts and reports shall transfer
$625,000 to the county equalization and adjustment fund from the special
city and county highway fund and on within 15 days of such dates the state
treasurer shall apportion and pay to the several counties of the state 57% of
the moneys in the special city and county highway fund, created by K.S.A.
79-3425, and amendments thereto, and shall apportion and pay to the
several cities of the state the remaining 43% of such moneys.

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

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

Second, Of the balance remaining, 44.06% thereof shall be apportioned
and paid to each county on each in January 15 and April 15 of each year in
the proportion that the total amount of money collected in such county
from motor vehicle registration fees for the second preceding calendar
year bears to the total amount of money collected in all counties from
motor vehicle registration fees for the second preceding calendar year, and
on in July 15 and October 15 of each year in the proportion that the total
amount of money collected in such county from motor vehicle registration
fees for the preceding calendar year bears to the total amount of money
collected in all counties from motor vehicle registration fees for the
preceding calendar year;

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

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

*Fifth*, if the total amount of money received by any county pursuant to the foregoing distribution formula during the period from July 15 of any year to April 30 of the next succeeding year is less than the total amount received by such county from the special city and county highway fund and the county equalization and adjustment fund for fiscal year 1999, the state treasurer shall apportion and pay to each such county from the county equalization and adjustment fund on or before April 30 of each year an amount which together with the amount received pursuant to the foregoing distribution formula will equal the total amount received from the two aforementioned funds during such period of time. In the event that there is insufficient funds in the county equalization and adjustment fund to pay each county the amount to which it is entitled, each county shall receive a payment in the proportion that the amount to which such county is entitled bears to the amount to which all such counties are entitled. If there is money remaining in such fund after such distribution, the state treasurer shall distribute the balance to the several counties in the manner provided in the second and third clauses of the foregoing formula for distributing moneys to counties from the special city and county highway fund.

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

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

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

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

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

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

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

(c) The allocation and payment of moneys to the several cities of the
state from the special city and county highway fund shall be in the
proportion that the population of each city bears to the total population of
all cities in the state except that the population of any military reservation
which has been annexed to a city after the date of December 31, 1981,
shall not be included in the population of such city for the purpose of this
allocation. All such payments shall be to the city treasurers of the
respective cities. Upon receipt of same unless a consolidated street and
highway fund is established pursuant to K.S.A. 12-1,119, and amendments
thereto, the city treasurer of each city shall credit the same to a separate
fund to be used for the construction, reconstruction, alteration, repair and
maintenance of the streets and highways of such city and for the payment
of bonds, and interest thereon, issued pursuant to K.S.A. 79-3425g, and
amendments thereto.
(d) For the purposes of this section, the average daily vehicle miles traveled in each county shall be determined by the secretary of transportation, but it shall not include miles traveled on interstate highways, and the population of each city shall be reported in the annual enumeration by the secretary of agriculture for the preceding calendar year.

(e) In order to reduce vehicular traffic and congestion on its streets and highways, the board of county commissioners of any county, the governing body of any city or the township board of any township may use for the purpose of constructing, repairing and maintaining footpaths and bicycle paths not to exceed 10% of the moneys such government receives under K.S.A. 79-3425c, and amendments thereto, except that such limitation shall not apply to moneys received by a county that the county is required to distribute to a city or a township. Such moneys shall not be expended on any recreational trail, as defined in subsection (b) of K.S.A. 58-3211, and amendments thereto.

Sec. 2. K.S.A. 2012 Supp. 79-3425c is hereby repealed.

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