

As Amended by House Committee

Session of 2020

HOUSE BILL No. 2441

By Committee on Taxation

1-15

1 AN ACT concerning community historical museums; providing for
2 expanded authority for cities and school districts to operate and finance
3 a museum; amending K.S.A. **12-1684, 12-1688 and 12-1689** and
4 repealing the existing ~~section~~ **sections**.

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

7 Section 1. K.S.A. 12-1689 is hereby amended to read as follows: 12-
8 1689. As used in this act;

9 (a) "School district" means any school district ~~located in whole or in~~
10 ~~part within a city of the third class located in two counties organized under~~
11 *the laws of this state; and*

12 (b) "city" means any city ~~of the third class located in two counties~~
13 *located within the state of Kansas.*

14 **Sec. 2. K.S.A. 12-1684 is hereby amended to read as follows: 12-**
15 **1684. Except as otherwise provided in ~~subsection (b) of K.S.A. 12-~~**
16 **1688(b), and amendments thereto, and before a community historical**
17 **museum may be established and operated as provided by K.S.A. 12-**
18 **1681 and 12-1682, and amendments thereto, a petition signed by at least**
19 **five percent (5%) of the qualified and registered voters of the city or**
20 **school district shall be filed with the clerk thereof, requesting the**
21 **governing body of the city or school district to provide, establish,**
22 **maintain and conduct a community historical museum and to levy an**
23 **annual tax therefor not to exceed one (+) mill, whereupon it shall be**
24 **the duty of the governing body of the city or school district to ~~cause~~**
25 **~~such question to be submitted to the qualified voters thereof to be voted~~**
26 **~~upon at the next regular or special election of the city or school district to~~**
27 **~~be held more than thirty (30) days after the filing of such petition~~ evaluate**
28 ***the sustainability of the proposed museum. Upon a finding that the***
29 ***proposed funding is sufficient to meet the requirements and purpose of***
30 ***K.S.A. 12-1681 through 12-1691, and amendments thereto, and that the***
31 ***proposed museum is in the best interest of the city or school board, the***
32 ***governing body of the city or school board shall cause such question to be***
33 ***submitted to the qualified voters thereof to be voted upon at the next***
34 ***regular or special election of the city or school district to be held more***
35 ***than 30 days after the filing of such petition.***

36 **Sec. 3. K.S.A. 12-1688 is hereby amended to read as follows: 12-**

1 1688. (a) Except as otherwise provided in subsection (b) ~~of this section,~~
2 when the provisions of this act shall have been adopted by an election,
3 the commission shall annually, and not later than 20 days prior to the
4 date for the publishing of the budget of such city or school district,
5 certify its budget to such city or school district, which shall levy a tax
6 sufficient to raise the amount required by such budget, but in no event
7 more than one mill or the amount set out in the petition provided for
8 in K.S.A. 12-1684, *and amendments thereto*, except that, when such
9 petition shall have been submitted to a city and school district jointly
10 such budget shall be certified to the city or school district, whichever
11 shall be the larger in population, and the tax levied by such city or
12 school district. After three years' operation the authority to levy the
13 tax provided for in this section may be revoked by a majority of the
14 electors voting at an election called in the same manner as the election
15 authorizing the same. Upon such revocation all property and money
16 belonging to such commission shall become the property of the city or
17 school district levying the tax under this section.

18 (b) After any city or school district has begun to operate such a
19 museum, it appearing to the satisfaction of the museum commission of
20 a particular school district or city or of a city and school district
21 jointly, that the budget should be increased so as to adequately meet
22 the needs of the city or school district, such museum commission may
23 submit a proposed program with the budget for carrying out the same
24 to the levying authority ~~which~~ *that* may then levy a tax sufficient to
25 raise the amount required by the expanded budget, but not to exceed
26 one mill, which levy shall be in addition to the one mill authorized by
27 subsection (a) ~~of this section~~.

28 (c) No city or school district authorized to increase its levy under
29 subsection (b) ~~of this section~~ shall make such increased levy until the
30 question of making such tax levy is submitted to the qualified electors
31 of the city or school district at the next general election or at a special
32 election called for such purpose. Any special election held under the
33 provisions of subsection (b) ~~of this section~~ shall be called and held in
34 accordance with the provisions of K.S.A. 10-120, and amendments
35 thereto. If a majority of the votes cast and counted on the question
36 submitted at such election are in favor of such tax, ~~the same such tax~~
37 may be ~~made~~; levied, but if a majority of the votes cast and counted on
38 the question submitted at such election are not in favor thereof, such
39 tax may not be levied.

40 (d) (1) *In lieu of forming a new museum, when presented with a*
41 *petition for the formation of a museum pursuant to K.S.A. 12-1681*
42 *through 12-1691, and amendments thereto, the governing body of the city*
43 *or school district may evaluate if there are any local museums that would*

1 *serve the purposed function.*

2 *(2) If there is an existing local museum that would fulfill the purpose*
3 *of K.S.A. 12-1681 through 12-1691, and amendments thereto, and the*
4 *governing body finds it would be in the best interest of the city or school*
5 *district to not form a new museum but rather to cooperate with such*
6 *existing museum, the governing body shall cause such question to be*
7 *submitted to the qualified voters thereof to be voted upon at the next*
8 *regular or special election of the city or school district to be held more*
9 *than 30 days after the filing of such petition.*

10 *(3) If the election question passes, the governing body of the city or*
11 *school district respectively, shall annually audit the use of the funds. If the*
12 *governing body finds that the funds are not being used for such purpose,*
13 *the governing body can immediately terminate the levy for the following*
14 *year upon a majority vote of the governing body. Any museum found to be*
15 *using public funds in bad faith shall be required to reimburse the*
16 *respective city or school district. These funds shall be used by the*
17 *governing body in furtherance of service of the taxpayers.*

18 ~~Sec. 2.~~ **4.** K.S.A. **12-1684, 12-1688** and 12-1689 ~~is~~ **are** hereby
19 repealed.

20 ~~Sec. 3.~~ **5.** This act shall take effect and be in force from and after its
21 publication in the statute book.