

1 *As Amended by Senate Committee*

2
3 **[As Amended by House Committee of the Whole]**

4
5 **As Amended by House Committee**

6 *Session of 2001*

7
8 **HOUSE BILL No. 2408**

9
10 By Committee on Taxation

11
12 2-7

13
14 AN ACT concerning recreational districts; relating to the Blue Valley
15 recreation system established by the Blue Valley unified school district
16 No. 229; amending K.S.A. 2000 Supp. 12-1927; **and** 12-1928 ~~and 12-~~
17 ~~1935~~ and repealing the existing sections; **also repealing K.S.A. 2000**
18 **Supp. 12-1935.**

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

20 Section 1. K.S.A. 2000 Supp. 12-1927 is hereby amended to read as
21 follows: 12-1927. (a) ~~Except as provided by subsection (b)~~ **Except**
22 **as provided by subsection (b), the** recreation commission shall prepare
23 an annual budget for the operation of the recreation system. Prior to the
24 certification of its budget to the city or school district, the recreation
25 commission shall meet for the purpose of answering and hearing objec-
26 tions of taxpayers relating to the proposed budget and for the purpose of
27 considering amendments to such proposed budget. The recreation com-
28 mission shall give at least 10 days' notice of the time and place of the
29 meeting by publication in a weekly or daily newspaper having a general
30 circulation in the taxing district. Such notice shall include the proposed
31 budget and shall set out all essential items in the budget except such
32 groupings as designated by the director of accounts and reports on a
33 special publication form prescribed by the director of accounts and re-
34 ports and furnished with the regular budget form. The public hearing
35 required to be held herein shall be held not less than 10 days prior to the
36 date on which the recreation commission is required to certify its budget
37 to the city or school district. After such hearing the budget shall be
38 adopted or amended and adopted by the recreation commission. In order
39 to provide funds to carry out the provisions of this act and to pay a portion
40 of the principal and interest on bonds issued pursuant to K.S.A. 12-1774,
41 and amendments thereto, the recreation commission shall annually, not
42 later than August 1 of any year, certify its budget to such city or school
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1 district which shall levy a tax sufficient to raise the amount required by
2 such budget on all the taxable tangible property within the taxing district.
3 Each year a copy of the budget adopted by the recreation commission
4 shall be filed with the city clerk in the case of a city-established recreation
5 system or with the clerk of the school district in the case of a school
6 district-established recreation system or with the clerk of the taxing dis-
7 trict in the case of a jointly established recreation system. A copy of such
8 budget also shall be filed with the county clerk of the county in which
9 the recreation system is located. If the recreation system is located in
10 more than one county, a copy of the budget shall be filed with the clerk
11 of the county in which the greater portion of the assessed valuation of
12 the recreation system is located. The city or school district shall not be
13 required to levy a tax in excess of the maximum tax levy set by the city
14 or school district by current resolution. In the case of a new recreation
15 commission established under the provisions of this act, such levy shall
16 not be required to exceed one mill. Whenever the recreation commission
17 determines that the tax currently being levied for the commission, as
18 previously established by the city or school district, is insufficient to op-
19 erate the recreation system and the commission desires to increase the
20 mill levy above the current levy, the commission shall request that the
21 city or school district authorize an increase by adopting a resolution de-
22 claring it necessary to increase the annual levy. The city or school district
23 may authorize the increase by resolution, but such increase shall not ex-
24 ceed one mill per year. The maximum annual mill levy for the recreation
25 commission general fund shall not exceed a total of four mills.

26 (b) ~~Prior to adopting the budget pursuant to subsection (a), the Blue~~
27 ~~Valley recreation commission appointed by the Blue Valley unified school~~
28 ~~district No. 229 shall submit its proposed budget to the board of education~~
29 ~~of such school district. The school board either shall approve, or modify~~
30 ~~and approve, the proposed budget. The recreation commission shall~~
31 ~~adopt such budget as approved, or modified and approved, by the board.~~
32 **Prior to adopting the budget pursuant to subsection (a), the Blue**
33 **Valley recreation commission appointed by the Blue Valley unified**
34 **school district No. 229 shall submit its proposed budget to the**
35 **board of education of such school district. The school board shall**
36 **either shall approve, or modify and approve, the proposed budget.**
37 **The recreation commission shall adopt such budget as approved,**
38 **or modified and approved, by the board.**

39 (c) Any resolution adopted under subsection (a) shall state the
40 total amount of the tax to be levied for the recreation system and shall
41 be published once each week for two consecutive weeks in the official
42 newspaper of the taxing district. Whereupon, such annual levy in an
43 amount not to exceed the amount stated in the resolution may be made

1 for the ensuing budget year and each successive budget year unless a
2 petition requesting an election upon the proposition to increase the tax
3 levy in excess of the current tax levy, signed by at least 5% of the qualified
4 voters of the taxing district, is filed with the county election officer within
5 30 days following the date of the last publication of the resolution. In the
6 event a valid petition is filed, no such increased levy shall be made without
7 such proposition having been submitted to and having been approved by
8 a majority of the voters of the taxing district voting at an election called
9 and held thereon. All such elections shall be called and held in the manner
10 provided by the general bond law, and the cost of the election shall be
11 borne by the recreation commission. Such taxes shall be levied and col-
12 lected in like manner as other taxes, which levy the city or school district
13 shall certify, on or before August 25 of each year, to the county clerk who
14 is hereby authorized and required to place the same on the tax roll of the
15 county to be collected by the county treasurer and paid over by the county
16 treasurer to the ex officio treasurer of the recreation commission.

17 ~~(d)~~ ~~(e)~~ **(d)** The tax levy provided in this section shall not be considered
18 a levy of such city or school district under any of the statutes of this state,
19 but shall be in addition to all other levies authorized by law and, with
20 respect to any such levy made for the first time in 1989, shall not be
21 subject to the provisions of K.S.A. 79-5021 *et seq.*, and amendments
22 thereto.

23 ~~(e)~~ ~~(f)~~ **(e)** At any time after the making of the first tax levy pursuant
24 to this act, the amount of such tax levy may be reduced by a majority of
25 the voters of the taxing district voting at an election called pursuant to a
26 petition and conducted in the same manner as that prescribed by sub-
27 section ~~(e)~~ ~~(f)~~ **(c)**. The authority of any recreation commission in existence
28 on the effective date of this act or any recreation commission established
29 under the provisions of this act to operate and conduct its activities, ~~other~~
30 ~~than the recreation commission appointed by the Blue Valley unified~~
31 ~~school district No. 229,~~ may be revoked in any year following the third
32 year of its operation by a majority of the voters of the taxing district voting
33 at an election called pursuant to a petition and conducted in the same
34 manner as that prescribed by subsection ~~(e)~~ ~~(f)~~ **(c)**. If the petition sub-
35 mitted is for the purpose of reducing the mill levy, it shall state the mill
36 levy reduction desired. Upon revocation, all property and money belong-
37 ing to the recreation commission shall become the property of the taxing
38 authority levying the tax for the commission, and the recreation commis-
39 sion shall be dissolved. **[In the event that the recreation commission**
40 **appointed by the Blue Valley unified school district No. 229 is dis-**
41 **solved, the existing mill levy, the revenue received from which is**
42 **used and is to be used for the payment of debt or any other obli-**
43 **gation as authorized by such commission's latest budget, shall con-**

1 **tinue to be in force and effect until such debt or other obligation**
2 **is paid in full.]**

3 ~~(f) (e) (f)~~ All financial records of the recreation commission shall be
4 audited as provided in K.S.A. 75-1122, and amendments thereto, and a
5 copy of such annual audit report shall be filed with the governing body
6 of the city or school district, or both, in the case of a jointly established
7 recreation system. A copy of such audit also shall be filed with the county
8 clerk of the county in which the recreation system is located. If the rec-
9 reation system is located in more than one county, a copy of the budget
10 shall be filed with the clerk of the county in which the greater portion of
11 the assessed valuation of the recreation system is located. The cost of
12 each audit shall be borne by the recreation commission.

13 ~~[(g) Revenue received from the annual general fund mill levy~~
14 ~~for the Blue Valley recreation commission shall not be used for~~
15 ~~any purpose for which the capital improvement fund of such com-~~
16 ~~mission may be used pursuant to the provisions of K.S.A. 2000~~
17 ~~Supp. 12-1935, and amendments thereto.]~~

18 Sec. 2. K.S.A. 2000 Supp. 12-1928 is hereby amended to read as
19 follows: 12-1928. Every recreation commission appointed pursuant to this
20 act shall have the power to:

21 (a) Make and adopt rules and regulations for the operation of the
22 recreation system;

23 (b) conduct the activities of the recreation system on any property
24 under its custody and management, or, with proper consent, on any other
25 public property and upon private property with the consent of the owners;

26 (c) receive any gift or donation from any source;

27 (d) receive, accept and administer any money appropriated or
28 granted to it by the state or federal government or any agency thereof;

29 (e) purchase insurance. The city or school district to which the rec-
30 reation commission certifies its budget shall levy an annual tax upon all
31 taxable tangible property within the taxing district in an amount necessary
32 to pay for insurance purchased for those purposes authorized by K.S.A.
33 75-6111, and amendments thereto, and to pay a portion of the principal
34 and interest on bonds issued pursuant to K.S.A. 12-1774, and amend-
35 ments thereto, except that no levy shall be made under this subsection
36 which, when coupled with any levy made pursuant to subsection (j), is in
37 excess of one mill without the approval of the city or school district. Taxes
38 levied pursuant to this subsection shall be in addition to all other taxes
39 authorized or limited by K.S.A. 12-1927, and amendments thereto, or any
40 other provisions of law;

41 (f) sue and be sued;

42 (g) enter contracts;

43 (h) enter lease agreements for real and personal property. The term

1 of any such lease shall not exceed 10 years. Any such lease agreement
2 shall be subject to the approval of the city or school district to which the
3 recreation commission certifies its budget;

4 (i) employ a superintendent of recreation and any other employees
5 which may be necessary for proper operation of the recreation system;

6 (j) create and establish employee benefits contribution funds for the
7 purpose of paying the employer's share of any employee benefits, exclu-
8 sive of any salaries, wages or other direct payments to such employees,
9 as may be prescribed in the resolution creating such funds. The recreation
10 commission may receive and place in such funds any moneys from any
11 source whatsoever which may be lawfully utilized for the purposes stated
12 in the resolution creating such funds, including the proceeds of tax levies
13 authorized by law for such purposes. The city or school district to which
14 is certified the budget of any recreation commission which has established
15 employee benefits contribution funds pursuant to this subsection shall
16 levy an annual tax upon all taxable tangible property within the taxing
17 district in an amount determined by the recreation commission to be
18 necessary for the purposes for which such funds were created and to pay
19 a portion of the principal and interest on bonds issued pursuant to K.S.A.
20 12-1774, and amendments thereto, except that no levy shall be made
21 under this subsection which, when coupled with any levy made pursuant
22 to subsection (e), is in excess of one mill without the approval of the city
23 or school district. Taxes levied pursuant to this subsection shall be in
24 addition to all other taxes authorized or limited by K.S.A. 12-1927, and
25 amendments thereto, or any other provisions of law. For the purposes of
26 this subsection, employee benefits shall include social security as provided
27 by subsection (c) of K.S.A. 40-2305, and amendments thereto, workers'
28 compensation as provided by K.S.A. 44-505c, and amendments thereto,
29 unemployment compensation as provided by K.S.A. 44-710a, and amend-
30 ments thereto, health insurance and retirement benefits;

31 (k) acquire title to personal property by purchase, bequest, gift or
32 other donation and acquire title to real property by devise, gift or other
33 donation. No real property may be purchased ~~or leased, including any~~
34 ~~renewal thereof, for a term exceeding three years~~ by the recreation
35 commission appointed by the Blue Valley unified school district No. 229
36 without first obtaining the approval of the board of education of such
37 school district ~~and following all procedures set forth in K.S.A. 12-1935,~~
38 ~~and amendments thereto providing publication notification thereof~~
39 ~~once each week for three consecutive weeks in one or more news-~~
40 ~~papers of general circulation in the Blue Valley recreation system~~
41 ~~area~~. Whenever property owned by a recreation commission is sold, the
42 proceeds shall be used for recreation purposes; ~~and~~

43 (l) *acquire sites and construct, equip, repair, remodel and re-*

1 ***furnish improvements for recreation system purposes and to pay a***
2 ***portion of the principal and interest on bonds issued under the au-***
3 ***thority of K.S.A. 12-1774, and amendments thereto; and***

4 ~~(l)~~ **(m)** perform any other acts necessary to carry out the provisions
5 of this act.

6 ~~Sec. 3.—K.S.A. 2000 Supp. 12-1935 is hereby amended to read as~~
7 ~~follows: 12-1935. (a) The recreation commission appointed by the Blue~~
8 ~~Valley unified school district No. 229 may petition the board of education~~
9 ~~of such school district to adopt a resolution proposing to make an annual~~
10 ~~levy not to exceed one mill upon all taxable tangible property within the~~
11 ~~taxing district for the purpose of creating a capital improvement fund to~~
12 ~~be used for the acquisition of sites, and for the constructing, equipping,~~
13 ~~repairing, remodeling and furnishing of buildings for recreation system~~
14 ~~purposes and to pay a portion of the principal and interest on bonds issued~~
15 ~~under the authority of K.S.A. 12-1774, and amendments thereto, by cities~~
16 ~~located in the taxing district. Upon receipt of such petition, the board~~
17 ~~shall adopt a resolution imposing such levy. *The resolution shall identify*~~
18 ~~*specifically each capital improvement project and be published once each*~~
19 ~~*week for three consecutive weeks in one or more newspapers of general*~~
20 ~~*circulation in the Blue Valley recreation system established by the Blue*~~
21 ~~*Valley unified school district No. 229. No levy shall be made unless the*~~
22 ~~*proposal to make such levy is submitted to and approved by a majority*~~
23 ~~*of the qualified electors of the taxing district voting at an election thereon.*~~
24 ~~*Such election shall be called and held in the manner provided by the*~~
25 ~~*general bond law. Any levy made pursuant to this section shall be*~~
26 ~~*subject to [coupled with the general fund levy shall not exceed]*~~
27 ~~*the maximum annual mill levy allowable for the general fund pur-*~~
28 ~~*suant to K.S.A. 12-1927, and amendments thereto[, and shall be*~~
29 ~~*the sole source of revenue for the purposes for which such levy is*~~
30 ~~*made].*~~

31 ~~—(b) Any fund created pursuant to this section shall not be sub-~~
32 ~~ject to the provisions of K.S.A. 79-2925 to 79-2937, inclusive, and~~
33 ~~amendments thereto. In making the budget of the recreation sys-~~
34 ~~tem, the amounts credited to, and the amount on hand in, the~~
35 ~~capital improvement fund and the amount expended therefrom~~
36 ~~shall be shown on the budget for the information of the taxpayers~~
37 ~~of the taxing district. Moneys in such fund may be invested in ac-~~
38 ~~cordance with the provisions of K.S.A. 10-131, and amendments~~
39 ~~thereto, with interest thereon credited to such fund.~~

40 ~~Sec. 4. 3.~~ K.S.A. 2000 Supp. 12-1927, 12-1928 and 12-1935 are
41 hereby repealed.

42 ~~Sec. 5. 4.~~ This act shall take effect and be in force from and after its
43 publication in the Kansas register ***statute book***.