

SENATE BILL No. 211

By Committee on Elections and Local Government

2-1

AN ACT concerning recreational districts; relating to the Blue Valley recreation system established by the Blue Valley unified school district No. 229; amending K.S.A. 2000 Supp. 12-1927, 12-1928 and 12-1935 and repealing the existing sections.

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

Section 1. K.S.A. 2000 Supp. 12-1927 is hereby amended to read as follows: 12-1927. (a) ~~Except as provided by subsection (b)~~ The recreation commission shall prepare an annual budget for the operation of the recreation system. Prior to the certification of its budget to the city or school district, the recreation commission shall meet for the purpose of answering and hearing objections of taxpayers relating to the proposed budget and for the purpose of considering amendments to such proposed budget. The recreation commission shall give at least 10 days' notice of the time and place of the meeting by publication in a weekly or daily newspaper having a general circulation in the taxing district. Such notice shall include the proposed budget and shall set out all essential items in the budget except such groupings as designated by the director of accounts and reports on a special publication form prescribed by the director of accounts and reports and furnished with the regular budget form. The public hearing required to be held herein shall be held not less than 10 days prior to the date on which the recreation commission is required to certify its budget to the city or school district. After such hearing the budget shall be adopted or amended and adopted by the recreation commission. In order to provide funds to carry out the provisions of this act and to pay a portion of the principal and interest on bonds issued pursuant to K.S.A. 12-1774, and amendments thereto, the recreation commission shall annually, not later than August 1 of any year, certify its budget to such city or school district which shall levy a tax sufficient to raise the amount required by such budget on all the taxable tangible property within the taxing district. Each year a copy of the budget adopted by the recreation commission shall be filed with the city clerk in the case of a city-established recreation system or with the clerk of the school district in the case of a school district-established recreation system or with the clerk of the taxing district in the case of a jointly established recreation system. A copy

1 of such budget also shall be filed with the county clerk of the county in
2 which the recreation system is located. If the recreation system is located
3 in more than one county, a copy of the budget shall be filed with the
4 clerk of the county in which the greater portion of the assessed valuation
5 of the recreation system is located. The city or school district shall not be
6 required to levy a tax in excess of the maximum tax levy set by the city
7 or school district by current resolution. In the case of a new recreation
8 commission established under the provisions of this act, such levy shall
9 not be required to exceed one mill. Whenever the recreation commission
10 determines that the tax currently being levied for the commission, as
11 previously established by the city or school district, is insufficient to op-
12 erate the recreation system and the commission desires to increase the
13 mill levy above the current levy, the commission shall request that the
14 city or school district authorize an increase by adopting a resolution de-
15 claring it necessary to increase the annual levy. The city or school district
16 may authorize the increase by resolution, but such increase shall not ex-
17 ceed one mill per year. The maximum annual mill levy for the recreation
18 commission general fund shall not exceed a total of four mills.

19 (b) ~~Prior to adopting the budget pursuant to subsection (a), the Blue~~
20 ~~Valley recreation commission appointed by the Blue Valley unified school~~
21 ~~district No. 229 shall submit its proposed budget to the board of education~~
22 ~~of such school district. The school board either shall approve, or modify~~
23 ~~and approve, the proposed budget. The recreation commission shall~~
24 ~~adopt such budget as approved, or modified and approved, by the board.~~

25 ~~—(c)~~ Any resolution adopted under subsection (a) shall state the total
26 amount of the tax to be levied for the recreation system and shall be
27 published once each week for two consecutive weeks in the official news-
28 paper of the taxing district. Whereupon, such annual levy in an amount
29 not to exceed the amount stated in the resolution may be made for the
30 ensuing budget year and each successive budget year unless a petition
31 requesting an election upon the proposition to increase the tax levy in
32 excess of the current tax levy, signed by at least 5% of the qualified voters
33 of the taxing district, is filed with the county election officer within 30
34 days following the date of the last publication of the resolution. In the
35 event a valid petition is filed, no such increased levy shall be made without
36 such proposition having been submitted to and having been approved by
37 a majority of the voters of the taxing district voting at an election called
38 and held thereon. All such elections shall be called and held in the manner
39 provided by the general bond law, and the cost of the election shall be
40 borne by the recreation commission. Such taxes shall be levied and col-
41 lected in like manner as other taxes, which levy the city or school district
42 shall certify, on or before August 25 of each year, to the county clerk who
43 is hereby authorized and required to place the same on the tax roll of the

1 county to be collected by the county treasurer and paid over by the county
2 treasurer to the ex officio treasurer of the recreation commission.

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

9 ~~(e)~~ (d) At any time after the making of the first tax levy pursuant to
10 this act, the amount of such tax levy may be reduced by a majority of the
11 voters of the taxing district voting at an election called pursuant to a
12 petition and conducted in the same manner as that prescribed by sub-
13 section ~~(e)~~ (b). The authority of any recreation commission in existence
14 on the effective date of this act or any recreation commission established
15 under the provisions of this act to operate and conduct its activities, ~~other~~
16 ~~than the recreation commission appointed by the Blue Valley unified~~
17 ~~school district No. 220,~~ may be revoked in any year following the third
18 year of its operation by a majority of the voters of the taxing district voting
19 at an election called pursuant to a petition and conducted in the same
20 manner as that prescribed by subsection ~~(e)~~ (b). If the petition submitted
21 is for the purpose of reducing the mill levy, it shall state the mill levy
22 reduction desired. Upon revocation, all property and money belonging to
23 the recreation commission shall become the property of the taxing au-
24 thority levying the tax for the commission, and the recreation commission
25 shall be dissolved.

26 ~~(f)~~ (e) All financial records of the recreation commission shall be au-
27 dited as provided in K.S.A. 75-1122, and amendments thereto, and a copy
28 of such annual audit report shall be filed with the governing body of the
29 city or school district, or both, in the case of a jointly established recre-
30 ation system. A copy of such audit also shall be filed with the county clerk
31 of the county in which the recreation system is located. If the recreation
32 system is located in more than one county, a copy of the budget shall be
33 filed with the clerk of the county in which the greater portion of the
34 assessed valuation of the recreation system is located. The cost of each
35 audit shall be borne by the recreation commission.

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

39 (a) Make and adopt rules and regulations for the operation of the
40 recreation system;

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

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

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

4 (e) purchase insurance. The city or school district to which the rec-
5 reation commission certifies its budget shall levy an annual tax upon all
6 taxable tangible property within the taxing district in an amount necessary
7 to pay for insurance purchased for those purposes authorized by K.S.A.
8 75-6111, and amendments thereto, and to pay a portion of the principal
9 and interest on bonds issued pursuant to K.S.A. 12-1774, and amend-
10 ments thereto, except that no levy shall be made under this subsection
11 which, when coupled with any levy made pursuant to subsection (j), is in
12 excess of one mill without the approval of the city or school district. Taxes
13 levied pursuant to this subsection shall be in addition to all other taxes
14 authorized or limited by K.S.A. 12-1927, and amendments thereto, or any
15 other provisions of law;

16 (f) sue and be sued;

17 (g) enter contracts;

18 (h) enter lease agreements for real and personal property. The term
19 of any such lease shall not exceed 10 years. Any such lease agreement
20 shall be subject to the approval of the city or school district to which the
21 recreation commission certifies its budget;

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

24 (j) create and establish employee benefits contribution funds for the
25 purpose of paying the employer's share of any employee benefits, exclu-
26 sive of any salaries, wages or other direct payments to such employees,
27 as may be prescribed in the resolution creating such funds. The recreation
28 commission may receive and place in such funds any moneys from any
29 source whatsoever which may be lawfully utilized for the purposes stated
30 in the resolution creating such funds, including the proceeds of tax levies
31 authorized by law for such purposes. The city or school district to which
32 is certified the budget of any recreation commission which has established
33 employee benefits contribution funds pursuant to this subsection shall
34 levy an annual tax upon all taxable tangible property within the taxing
35 district in an amount determined by the recreation commission to be
36 necessary for the purposes for which such funds were created and to pay
37 a portion of the principal and interest on bonds issued pursuant to K.S.A.
38 12-1774, and amendments thereto, except that no levy shall be made
39 under this subsection which, when coupled with any levy made pursuant
40 to subsection (e), is in excess of one mill without the approval of the city
41 or school district. Taxes levied pursuant to this subsection shall be in
42 addition to all other taxes authorized or limited by K.S.A. 12-1927, and
43 amendments thereto, or any other provisions of law. For the purposes of

1 this subsection, employee benefits shall include social security as provided
2 by subsection (c) of K.S.A. 40-2305, and amendments thereto, workers'
3 compensation as provided by K.S.A. 44-505c, and amendments thereto,
4 unemployment compensation as provided by K.S.A. 44-710a, and amend-
5 ments thereto, health insurance and retirement benefits;

6 (k) acquire title to personal property by purchase, bequest, gift or
7 other donation and acquire title to real property by devise, gift or other
8 donation. No real property may be purchased by the recreation commis-
9 sion appointed by the Blue Valley unified school district No. 229 without
10 first obtaining the approval of the board of education of such school dis-
11 trict *and following all procedures set forth in K.S.A. 12-1935, and amend-*
12 *ments thereto.* Whenever property owned by a recreation commission is
13 sold, the proceeds shall be used for recreation purposes; and

14 (l) perform any other acts necessary to carry out the provisions of this
15 act.

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

36 (b) Any fund created pursuant to this section shall not be subject to
37 the provisions of K.S.A. 79-2925 to 79-2937, inclusive, and amendments
38 thereto. In making the budget of the recreation system, the amounts
39 credited to, and the amount on hand in, the capital improvement fund
40 and the amount expended therefrom shall be shown on the budget for
41 the information of the taxpayers of the taxing district. Moneys in such
42 fund may be invested in accordance with the provisions of K.S.A. 10-131,
43 and amendments thereto, with interest thereon credited to such fund.

1 Sec. 4. K.S.A. 2000 Supp. 12-1927, 12-1928 and 12-1935 are hereby
2 repealed.

3 Sec. 5. This act shall take effect and be in force from and after its
4 publication in the Kansas register.

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