

**SENATE BILL No. 307**

By Committee on Assessment and Taxation

1-14

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AN ACT concerning sales taxation; relating to countywide retailers' sales tax in Clay county; amending K.S.A. 2003 Supp. 12-187 and repealing the existing section.

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

Section 1. K.S.A. 2003 Supp. 12-187 is hereby amended to read as follows: 12-187. (a) (1) No city shall impose a retailers' sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers' sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(2) The governing body of any class B city located in any county which does not impose a countywide retailers' sales tax pursuant to paragraph (5) of subsection (b) may submit the question of imposing a retailers' sales tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include but not be limited to the following: Local health departments, city, county or district hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home health care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and any such board shall be re-

1 quired to submit the question upon submission of a petition signed by  
2 electors of such county equal in number to not less than 10% of the  
3 electors of such county who voted at the last preceding general election  
4 for the office of secretary of state, or upon receiving resolutions request-  
5 ing such an election passed by not less than  $\frac{2}{3}$  of the membership of the  
6 governing body of each of one or more cities within such county which  
7 contains a population of not less than 25% of the entire population of the  
8 county, or upon receiving resolutions requesting such an election passed  
9 by  $\frac{2}{3}$  of the membership of the governing body of each of one or more  
10 taxing subdivisions within such county which levy not less than 25% of  
11 the property taxes levied by all taxing subdivisions within the county.

12 (2) The board of county commissioners of Anderson, Atchison, Bar-  
13 ton, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Jefferson, Lyon,  
14 Montgomery, Neosho, Osage, Ottawa, Riley, Saline, Seward, Sumner,  
15 Wabaunsee, Wilson and Wyandotte counties may submit the question of  
16 imposing a countywide retailers' sales tax and pledging the revenue re-  
17 ceived therefrom for the purpose of financing the construction or re-  
18 modeling of a courthouse, jail, law enforcement center facility or other  
19 county administrative facility, to the electors at an election called and  
20 held thereon. The tax imposed pursuant to this paragraph shall expire  
21 when sales tax sufficient to pay all of the costs incurred in the financing  
22 of such facility has been collected by retailers as determined by the sec-  
23 retary of revenue. Nothing in this paragraph shall be construed to allow  
24 the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery,  
25 Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to  
26 exceed or be imposed at any rate other than the rates prescribed in K.S.A.  
27 12-189, and amendments thereto.

28 (3) (A) Except as otherwise provided in this paragraph, the result of  
29 the election held on November 8, 1988, on the question submitted by  
30 the board of county commissioners of Jackson county for the purpose of  
31 increasing its countywide retailers' sales tax by 1% is hereby declared  
32 valid, and the revenue received therefrom by the county shall be ex-  
33 pended solely for the purpose of financing the Banner Creek reservoir  
34 project. The tax imposed pursuant to this paragraph shall take effect on  
35 the effective date of this act and shall expire not later than five years after  
36 such date.

37 (B) The result of the election held on November 8, 1994, on the  
38 question submitted by the board of county commissioners of Ottawa  
39 county for the purpose of increasing its countywide retailers' sales tax by  
40 1% is hereby declared valid, and the revenue received therefrom by the  
41 county shall be expended solely for the purpose of financing the erection,  
42 construction and furnishing of a law enforcement center and jail facility.

43 (4) The board of county commissioners of Finney and Ford counties

1 may submit the question of imposing a countywide retailers' sales tax at  
2 the rate of .25% and pledging the revenue received therefrom for the  
3 purpose of financing all or any portion of the cost to be paid by Finney  
4 or Ford county for construction of highway projects identified as system  
5 enhancements under the provisions of paragraph (5) of subsection (b) of  
6 K.S.A. 68-2314, and amendments thereto, to the electors at an election  
7 called and held thereon. Such election shall be called and held in the  
8 manner provided by the general bond law. The tax imposed pursuant to  
9 this paragraph shall expire upon the payment of all costs authorized pur-  
10 suant to this paragraph in the financing of such highway projects. Nothing  
11 in this paragraph shall be construed to allow the rate of tax imposed by  
12 Finney or Ford county pursuant to this paragraph to exceed the maximum  
13 rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds  
14 remain upon the payment of all costs authorized pursuant to this para-  
15 graph in the financing of such highway projects in Finney county, the  
16 state treasurer shall remit such funds to the treasurer of Finney county  
17 and upon receipt of such moneys shall be deposited to the credit of the  
18 county road and bridge fund. If any funds remain upon the payment of  
19 all costs authorized pursuant to this paragraph in the financing of such  
20 highway projects in Ford county, the state treasurer shall remit such funds  
21 to the treasurer of Ford county and upon receipt of such moneys shall  
22 be deposited to the credit of the county road and bridge fund.

23 (5) The board of county commissioners of any county may submit the  
24 question of imposing a retailers' sales tax at the rate of .25%, .5%, .75%  
25 or 1% and pledging the revenue received therefrom for the purpose of  
26 financing the provision of health care services, as enumerated in the ques-  
27 tion, to the electors at an election called and held thereon. Whenever any  
28 county imposes a tax pursuant to this paragraph, any tax imposed pursuant  
29 to paragraph (2) of subsection (a) by any city located in such county shall  
30 expire upon the effective date of the imposition of the countywide tax,  
31 and thereafter the state treasurer shall remit to each such city that portion  
32 of the countywide tax revenue collected by retailers within such city as  
33 certified by the director of taxation. The tax imposed pursuant to this  
34 paragraph shall be deemed to be in addition to the rate limitations pre-  
35 scribed in K.S.A. 12-189, and amendments thereto. As used in this par-  
36 agraph, health care services shall include but not be limited to the follow-  
37 ing: Local health departments, city or county hospitals, city or county  
38 nursing homes, preventive health care services including immunizations,  
39 prenatal care and the postponement of entry into nursing homes by home  
40 care services, mental health services, indigent health care, physician or  
41 health care worker recruitment, health education, emergency medical  
42 services, rural health clinics, integration of health care services, home  
43 health services and rural health networks.

1 (6) The board of county commissioners of Allen county may submit  
2 the question of imposing a countywide retailers' sales tax at the rate of  
3 .5% and pledging the revenue received therefrom for the purpose of  
4 financing the costs of operation and construction of a solid waste disposal  
5 area or the modification of an existing landfill to comply with federal  
6 regulations to the electors at an election called and held thereon. The tax  
7 imposed pursuant to this paragraph shall expire upon the payment of all  
8 costs incurred in the financing of the project undertaken. Nothing in this  
9 paragraph shall be construed to allow the rate of tax imposed by Allen  
10 county pursuant to this paragraph to exceed or be imposed at any rate  
11 other than the rates prescribed in K.S.A. 12-189 and amendments  
12 thereto.

13 (7) The board of county commissioners of Clay, Dickinson and Miami  
14 county may submit the question of imposing a countywide retailers' sales  
15 tax at the rate of .50% in the case of Clay and Dickinson county and at a  
16 rate of up to 1% in the case of Miami county, and pledging the revenue  
17 received therefrom for the purpose of financing the costs of roadway  
18 construction and improvement to the electors at an election called and  
19 held thereon. *Except as otherwise provided*, the tax imposed pursuant to  
20 this paragraph shall expire after five years from the date such tax is first  
21 collected. *The countywide retailers' sales tax imposed pursuant to this*  
22 *subsection in Clay county may be extended or reenacted for additional*  
23 *five-year periods upon the board of county commissioners of Clay county*  
24 *submitting such question to the electors at an election called and held*  
25 *thereon for each additional five-year period as provided by law.*

26 (8) The board of county commissioners of Sherman county may sub-  
27 mit the question of imposing a countywide retailers' sales tax at the rate  
28 of .25%, .5% or .75% and pledging the revenue therefrom for the purpose  
29 of financing the costs of the county roads 64 and 65 construction and  
30 improvement project. The tax imposed pursuant to this paragraph shall  
31 expire upon payment of all costs authorized pursuant to this paragraph  
32 in the financing of such project.

33 (9) The board of county commissioners of Cowley, Russell and  
34 Woodson county may submit the question of imposing a countywide re-  
35 tailers' sales tax at the rate of .5% in the case of Russell and Woodson  
36 county and at a rate of up to .25%, in the case of Cowley county and  
37 pledging the revenue received therefrom for the purpose of financing  
38 economic development initiatives or public infrastructure projects. The  
39 tax imposed pursuant to this paragraph shall expire after five years from  
40 the date such tax is first collected.

41 (10) The board of county commissioners of Franklin county may sub-  
42 mit the question of imposing a countywide retailers' sales tax at the rate  
43 of .25% and pledging the revenue received therefrom for the purpose of

1 financing recreational facilities. The tax imposed pursuant to this para-  
2 graph shall expire upon payment of all costs authorized in financing such  
3 facilities.

4 (11) The board of county commissioners of Douglas county may sub-  
5 mit to the question of imposing a countywide retailers' sales tax at the  
6 rate of .25% and pledging the revenue received therefrom for the pur-  
7 poses of preservation, access and management of open space, and for  
8 industrial and business park related economic development.

9 (12) The board of county commissioners of Shawnee county may sub-  
10 mit the question of imposing a countywide retailers' sales tax at the rate  
11 of .25% and pledging the revenue received therefrom to the city of To-  
12 peka for the purpose of financing the costs of rebuilding the Topeka  
13 boulevard bridge and other public infrastructure improvements associ-  
14 ated with such project to the electors at an election called and held  
15 thereon. The tax imposed pursuant to this paragraph shall expire upon  
16 payment of all costs authorized in financing such project.

17 (13) The board of county commissioners of Jackson county may sub-  
18 mit the question of imposing a countywide retailers' sales tax at a rate of  
19 .4% and pledging the revenue received therefrom as follows: 50% of such  
20 revenues for the purpose of financing for economic development initia-  
21 tives; and 50% of such revenues for the purpose of financing public in-  
22 frastructure projects to the electors at an election called and held thereon.  
23 The tax imposed pursuant to this paragraph shall expire after seven years  
24 from the date such tax is first collected.

25 (c) The boards of county commissioners of any two or more contigu-  
26 ous counties, upon adoption of a joint resolution by such boards, may  
27 submit the question of imposing a retailers' sales tax within such counties  
28 to the electors of such counties at an election called and held thereon  
29 and such boards of any two or more contiguous counties shall be required  
30 to submit such question upon submission of a petition in each of such  
31 counties, signed by a number of electors of each of such counties where  
32 submitted equal in number to not less than 10% of the electors of each  
33 of such counties who voted at the last preceding general election for the  
34 office of secretary of state, or upon receiving resolutions requesting such  
35 an election passed by not less than  $\frac{2}{3}$  of the membership of the governing  
36 body of each of one or more cities within each of such counties which  
37 contains a population of not less than 25% of the entire population of  
38 each of such counties, or upon receiving resolutions requesting such an  
39 election passed by  $\frac{2}{3}$  of the membership of the governing body of each  
40 of one or more taxing subdivisions within each of such counties which  
41 levy not less than 25% of the property taxes levied by all taxing subdivi-  
42 sions within each of such counties.

43 (d) Any city retailers' sales tax in the amount of .5% being levied by

1 a city on July 1, 1990, shall continue in effect until repealed in the manner  
2 provided herein for the adoption and approval of such tax or until re-  
3 pealed by the adoption of an ordinance so providing. In addition to any  
4 city retailers' sales tax being levied by a city on July 1, 1990, any such city  
5 may adopt an additional city retailers' sales tax in the amount of .25% or  
6 .5%, provided that such additional tax is adopted and approved in the  
7 manner provided for the adoption and approval of a city retailers' sales  
8 tax. Any countywide retailers' sales tax in the amount of .5% or 1% in  
9 effect on July 1, 1990, shall continue in effect until repealed in the manner  
10 provided herein for the adoption and approval of such tax.

11 (e) A class D city shall have the same power to levy and collect a city  
12 retailers' sales tax that a class A city is authorized to levy and collect and  
13 in addition, the governing body of any class D city may submit the ques-  
14 tion of imposing an additional city retailers' sales tax in the amount of  
15 .125%, .25%, .5% or .75% and pledging the revenue received therefrom  
16 for economic development initiatives, strategic planning initiatives or for  
17 public infrastructure projects including buildings to the electors at an  
18 election called and held thereon. Any additional sales tax imposed pur-  
19 suant to this paragraph shall expire no later than five years from the date  
20 of imposition thereof, except that any such tax imposed by any class D  
21 city after the effective date of this act shall expire no later than 10 years  
22 from the date of imposition thereof.

23 (f) Any city or county proposing to adopt a retailers' sales tax shall  
24 give notice of its intention to submit such proposition for approval by the  
25 electors in the manner required by K.S.A. 10-120, and amendments  
26 thereto. The notices shall state the time of the election and the rate and  
27 effective date of the proposed tax. If a majority of the electors voting  
28 thereon at such election fail to approve the proposition, such proposition  
29 may be resubmitted under the conditions and in the manner provided in  
30 this act for submission of the proposition. If a majority of the electors  
31 voting thereon at such election shall approve the levying of such tax, the  
32 governing body of any such city or county shall provide by ordinance or  
33 resolution, as the case may be, for the levy of the tax. Any repeal of such  
34 tax or any reduction or increase in the rate thereof, within the limits  
35 prescribed by K.S.A. 12-189, and amendments thereto, shall be accom-  
36 plished in the manner provided herein for the adoption and approval of  
37 such tax except that the repeal of any such city retailers' sales tax may be  
38 accomplished by the adoption of an ordinance so providing.

39 (g) The sufficiency of the number of signers of any petition filed  
40 under this section shall be determined by the county election officer.  
41 Every election held under this act shall be conducted by the county elec-  
42 tion officer.

43 (h) The governing body of the city or county proposing to levy any

1 retailers' sales tax shall specify the purpose or purposes for which the  
2 revenue would be used, and a statement generally describing such pur-  
3 pose or purposes shall be included as a part of the ballot proposition.

4 Sec. 2. K.S.A. 2003 Supp. 12-187 is hereby repealed.

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

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