

SENATE BILL No. 87

By Committee on Assessment and Taxation

1-27

1 AN ACT concerning sales taxation; relating to countywide retailers' sales
2 tax; discontinuing apportionment of *an Atchison countywide retailers'*
3 *sales tax; allowing counties to decide whether to apportion* revenue
4 received for general purposes between the county and cities located
5 therein; amending K.S.A. 2020 Supp. *12-187 and* 12-192 and repealing
6 the existing section *sections*.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 *Section 1. K.S.A. 2020 Supp. 12-187 is hereby amended to read as*
10 *follows: 12-187. (a) No city shall impose a retailers' sales tax under the*
11 *provisions of this act without the governing body of such city having first*
12 *submitted such proposition to and having received the approval of a*
13 *majority of the electors of the city voting thereon at an election called*
14 *and held therefor. The governing body of any city may submit the*
15 *question of imposing a retailers' sales tax and the governing body shall*
16 *be required to submit the question upon submission of a petition signed*
17 *by electors of such city equal in number to not less than 10% of the*
18 *electors of such city.*

19 *(b) (1) The board of county commissioners of any county may*
20 *submit the question of imposing a countywide retailers' sales tax to the*
21 *electors at an election called and held thereon, and any such board shall*
22 *be required to submit the question upon submission of a petition signed*
23 *by electors of such county equal in number to not less than 10% of the*
24 *electors of such county who voted at the last preceding general election*
25 *for the office of secretary of state, or upon receiving resolutions*
26 *requesting such an election passed by not less than $\frac{2}{3}$ of the membership*
27 *of the governing body of each of one or more cities within such county*
28 *that contains a population of not less than 25% of the entire population*
29 *of the county, or upon receiving resolutions requesting such an election*
30 *passed by $\frac{2}{3}$ of the membership of the governing body of each of one or*
31 *more taxing subdivisions within such county that levy not less than 25%*
32 *of the property taxes levied by all taxing subdivisions within the county.*

33 *(2) The board of county commissioners of Anderson, Atchison,*
34 *Barton, Brown, Butler, Chase, Cowley, Cherokee, Crawford, Ford,*
35 *Franklin, Jefferson, Linn, Lyon, Marion, Miami, Montgomery, Neosho,*
36 *Osage, Ottawa, Reno, Riley, Saline, Seward, Sumner, Thomas,*

1 *Wabaunsee, Wilson and Wyandotte counties may submit the question of*
2 *imposing a countywide retailers' sales tax and pledging the revenue*
3 *received therefrom for the purpose of financing the construction or*
4 *remodeling of a courthouse, jail, law enforcement center facility or other*
5 *county administrative facility, to the electors at an election called and*
6 *held thereon. The tax imposed pursuant to this paragraph shall expire*
7 *when sales tax sufficient to pay all of the costs incurred in the financing*
8 *of such facility has been collected by retailers as determined by the*
9 *secretary of revenue. Nothing in this paragraph shall be construed to*
10 *allow the rate of tax imposed by Butler, Chase, Cowley, Lyon,*
11 *Montgomery, Neosho, Riley, Sumner or Wilson county pursuant to this*
12 *paragraph to exceed or be imposed at any rate other than the rates*
13 *prescribed in K.S.A. 12-189, and amendments thereto.*

14 (3) (A) *Except as otherwise provided in this paragraph, the result of*
15 *the election held on November 8, 1988, on the question submitted by the*
16 *board of county commissioners of Jackson county for the purpose of*
17 *increasing its countywide retailers' sales tax by 1% is hereby declared*
18 *valid, and the revenue received therefrom by the county shall be*
19 *expended solely for the purpose of financing the Banner Creek reservoir*
20 *project. The tax imposed pursuant to this paragraph shall take effect on*
21 *the effective date of this act and shall expire not later than five years*
22 *after such date.*

23 (B) *The result of the election held on November 8, 1994, on the*
24 *question submitted by the board of county commissioners of Ottawa*
25 *county for the purpose of increasing its countywide retailers' sales tax by*
26 *1% is hereby declared valid, and the revenue received therefrom by the*
27 *county shall be expended solely for the purpose of financing the*
28 *erection, construction and furnishing of a law enforcement center and*
29 *jail facility.*

30 (C) *Except as otherwise provided in this paragraph, the result of the*
31 *election held on November 2, 2004, on the question submitted by the*
32 *board of county commissioners of Sedgwick county for the purpose of*
33 *increasing its countywide retailers' sales tax by 1% is hereby declared*
34 *valid, and the revenue received therefrom by the county shall be used*
35 *only to pay the costs of: (i) Acquisition of a site and constructing and*
36 *equipping thereon a new regional events center, associated parking and*
37 *infrastructure improvements and related appurtenances thereto, to be*
38 *located in the downtown area of the city of Wichita, Kansas, (the*
39 *"downtown arena"); (ii) design for the Kansas coliseum complex and*
40 *construction of improvements to the pavilions; and (iii) establishing an*
41 *operating and maintenance reserve for the downtown arena and the*
42 *Kansas coliseum complex. The tax imposed pursuant to this paragraph*
43 *shall commence on July 1, 2005, and shall terminate not later than 30*

1 *months after the commencement thereof.*

2 *(D) Except as otherwise provided in this paragraph, the result of*
3 *the election held on August 5, 2008, on the question submitted by the*
4 *board of county commissioners of Lyon county for the purpose of*
5 *increasing its countywide retailers' sales tax by 1% is hereby declared*
6 *valid, and the revenue received therefrom by the county shall be*
7 *expended for the purposes of ad valorem tax reduction and capital*
8 *outlay. The tax imposed pursuant to this paragraph shall terminate not*
9 *later than five years after the commencement thereof.*

10 *(E) Except as otherwise provided in this paragraph, the result of the*
11 *election held on August 5, 2008, on the question submitted by the board*
12 *of county commissioners of Rawlins county for the purpose of*
13 *increasing its countywide retailers' sales tax by 0.75% is hereby declared*
14 *valid, and the revenue received therefrom by the county shall be*
15 *expended for the purposes of financing the costs of a swimming pool.*
16 *The tax imposed pursuant to this paragraph shall terminate not later*
17 *than 15 years after the commencement thereof or upon payment of all*
18 *costs authorized pursuant to this paragraph in the financing of such*
19 *project.*

20 *(F) The result of the election held on December 1, 2009, on the*
21 *question submitted by the board of county commissioners of*
22 *Chautauqua county for the purpose of increasing its countywide*
23 *retailers' sales tax by 1% is hereby declared valid, and the revenue*
24 *received from such tax by the county shall be expended for the purposes*
25 *of financing the costs of constructing, furnishing and equipping a*
26 *county jail and law enforcement center and necessary improvements*
27 *appurtenant to such jail and law enforcement center. Any tax imposed*
28 *pursuant to authority granted in this paragraph shall terminate upon*
29 *payment of all costs authorized pursuant to this paragraph incurred in*
30 *the financing of the project described in this paragraph.*

31 *(G) The result of the election held on April 7, 2015, on the question*
32 *submitted by the board of county commissioners of Bourbon county for*
33 *the purpose of increasing its retailers' sales tax by 0.4% is hereby*
34 *declared valid, and the revenue received therefrom by the county shall*
35 *be expended solely for the purpose of financing the costs of*
36 *constructing, furnishing and operating a courthouse, law enforcement*
37 *center or jail facility improvements. Any tax imposed pursuant to*
38 *authority granted in this paragraph shall terminate upon payment of all*
39 *costs authorized pursuant to this paragraph incurred in the financing of*
40 *the project described in this paragraph.*

41 *(H) The result of the election held on November 7, 2017, on the*
42 *question submitted by the board of county commissioners of Finney*
43 *county for the purpose of increasing its countywide retailers' sales tax by*

1 *0.3% is hereby declared valid, and the revenues of such tax shall be used*
2 *by Finney county and the city of Garden City, Kansas, as agreed in an*
3 *interlocal cooperation agreement between the city and county, and as*
4 *detailed in the ballot question approved by voters. The tax imposed*
5 *pursuant to this subparagraph shall be levied for a period of 15 years*
6 *from the date it is first levied.*

7 *(4) The board of county commissioners of Finney and Ford*
8 *counties may submit the question of imposing a countywide retailers'*
9 *sales tax at the rate of 0.25% and pledging the revenue received*
10 *therefrom for the purpose of financing all or any portion of the cost to*
11 *be paid by Finney or Ford county for construction of highway projects*
12 *identified as system enhancements under the provisions of K.S.A. 68-*
13 *2314(b)(5), and amendments thereto, to the electors at an election called*
14 *and held thereon. Such election shall be called and held in the manner*
15 *provided by the general bond law. The tax imposed pursuant to this*
16 *paragraph shall expire upon the payment of all costs authorized*
17 *pursuant to this paragraph in the financing of such highway projects.*
18 *Nothing in this paragraph shall be construed to allow the rate of tax*
19 *imposed by Finney or Ford county pursuant to this paragraph to exceed*
20 *the maximum rate prescribed in K.S.A. 12-189, and amendments*
21 *thereto. If any funds remain upon the payment of all costs authorized*
22 *pursuant to this paragraph in the financing of such highway projects in*
23 *Finney county, the state treasurer shall remit such funds to the treasurer*
24 *of Finney county and upon receipt of such moneys shall be deposited to*
25 *the credit of the county road and bridge fund. If any funds remain upon*
26 *the payment of all costs authorized pursuant to this paragraph in the*
27 *financing of such highway projects in Ford county, the state treasurer*
28 *shall remit such funds to the treasurer of Ford county and upon receipt*
29 *of such moneys shall be deposited to the credit of the county road and*
30 *bridge fund.*

31 *(5) The board of county commissioners of any county may submit*
32 *the question of imposing a retailers' sales tax at the rate of 0.25%, 0.5%,*
33 *0.75% or 1% and pledging the revenue received therefrom for the*
34 *purpose of financing the provision of health care services, as*
35 *enumerated in the question, to the electors at an election called and held*
36 *thereon. Whenever any county imposes a tax pursuant to this paragraph,*
37 *any tax imposed pursuant to subsection (a)(2) by any city located in such*
38 *county shall expire upon the effective date of the imposition of the*
39 *countywide tax, and thereafter the state treasurer shall remit to each*
40 *such city that portion of the countywide tax revenue collected by*
41 *retailers within such city as certified by the director of taxation. The tax*
42 *imposed pursuant to this paragraph shall be deemed to be in addition to*
43 *the rate limitations prescribed in K.S.A. 12-189, and amendments*

1 *thereto. As used in this paragraph, health care services shall include, but*
2 *not be limited to, the following: Local health departments, city or county*
3 *hospitals, city or county nursing homes, preventive health care services*
4 *including immunizations, prenatal care and the postponement of entry*
5 *into nursing homes by home care services, mental health services,*
6 *indigent health care, physician or health care worker recruitment,*
7 *health education, emergency medical services, rural health clinics,*
8 *integration of health care services, home health services and rural*
9 *health networks.*

10 (6) *The board of county commissioners of Allen county may submit*
11 *the question of imposing a countywide retailers' sales tax at the rate of*
12 *0.5% and pledging the revenue received therefrom for the purpose of*
13 *financing the costs of operation and construction of a solid waste*
14 *disposal area or the modification of an existing landfill to comply with*
15 *federal regulations to the electors at an election called and held thereon.*
16 *The tax imposed pursuant to this paragraph shall expire upon the*
17 *payment of all costs incurred in the financing of the project undertaken.*
18 *Nothing in this paragraph shall be construed to allow the rate of tax*
19 *imposed by Allen county pursuant to this paragraph to exceed or be*
20 *imposed at any rate other than the rates prescribed in K.S.A. 12-189, and*
21 *amendments thereto.*

22 (7) (A) *The board of county commissioners of Clay and Miami*
23 *county may submit the question of imposing a countywide retailers' sales*
24 *tax at the rate of 0.50% in the case of Clay county and at a rate of up to*
25 *1% in the case of Miami county, and pledging the revenue received*
26 *therefrom for the purpose of financing the costs of roadway*
27 *construction and improvement to the electors at an election called and*
28 *held thereon. Except as otherwise provided, the tax imposed pursuant to*
29 *this subparagraph shall expire after five years from the date such tax is*
30 *first collected. The result of the election held on November 2, 2004, on*
31 *the question submitted by the board of county commissioners of Miami*
32 *county for the purpose of extending for an additional five-year period*
33 *the countywide retailers' sales tax imposed pursuant to this subsection in*
34 *Miami county is hereby declared valid. The countywide retailers' sales*
35 *tax imposed pursuant to this subsection in Clay and Miami county may*
36 *be extended or reenacted for additional five-year periods upon the board*
37 *of county commissioners of Clay and Miami county submitting such*
38 *question to the electors at an election called and held thereon for each*
39 *additional five-year period as provided by law.*

40 (B) *The board of county commissioners of Dickinson county may*
41 *submit the question of imposing a countywide retailers' sales tax at the*
42 *rate of 0.5% and pledging the revenue received therefrom for the*
43 *purpose of financing the costs of roadway construction and*

1 *improvement to the electors at an election called and held thereon. The*
2 *tax imposed pursuant to this subparagraph shall expire after 10 years*
3 *from the date such tax is first collected.*

4 (8) *The board of county commissioners of Sherman county may*
5 *submit the question of imposing a countywide retailers' sales tax at the*
6 *rate of 1% and pledging the revenue received therefrom for the purpose*
7 *of financing the costs of street and roadway improvements to the electors*
8 *at an election called and held thereon. The tax imposed pursuant to this*
9 *paragraph shall expire upon payment of all costs authorized pursuant to*
10 *this paragraph in the financing of such project.*

11 (9) (A) *The board of county commissioners of Cowley, Crawford*
12 *and Woodson county may submit the question of imposing a countywide*
13 *retailers' sales tax at the rate of 0.5% in the case of Crawford and*
14 *Woodson county and at a rate of up to 0.25%, in the case of Cowley*
15 *county and pledging the revenue received therefrom for the purpose of*
16 *financing economic development initiatives or public infrastructure*
17 *projects. The tax imposed pursuant to this subparagraph shall expire*
18 *after five years from the date such tax is first collected.*

19 (B) *The board of county commissioners of Russell county may*
20 *submit the question of imposing a countywide retailers' sales tax at the*
21 *rate of 0.5% and pledging the revenue received therefrom for the*
22 *purpose of financing economic development initiatives or public*
23 *infrastructure projects. The tax imposed pursuant to this subparagraph*
24 *shall expire after 10 years from the date such tax is first collected.*

25 (10) *The board of county commissioners of Franklin county may*
26 *submit the question of imposing a countywide retailers' sales tax at the*
27 *rate of 0.25% and pledging the revenue received therefrom for the*
28 *purpose of financing recreational facilities. The tax imposed pursuant to*
29 *this paragraph shall expire upon payment of all costs authorized in*
30 *financing such facilities.*

31 (11) *The board of county commissioners of Douglas county may*
32 *submit the question of imposing a countywide retailers' sales tax at the*
33 *rate of 0.25% and pledging the revenue received therefrom for the*
34 *purposes of conservation, access and management of open space;*
35 *preservation of cultural heritage; and economic development projects*
36 *and activities.*

37 (12) *The board of county commissioners of Shawnee county may*
38 *submit the question of imposing a countywide retailers' sales tax at the*
39 *rate of 0.25% and pledging the revenue received therefrom to the city of*
40 *Topeka for the purpose of financing the costs of rebuilding the Topeka*
41 *boulevard bridge and other public infrastructure improvements*
42 *associated with such project to the electors at an election called and held*
43 *thereon. The tax imposed pursuant to this paragraph shall expire upon*

1 *payment of all costs authorized in financing such project.*

2 (13) *The board of county commissioners of Jackson county may*
3 *submit the question of imposing a countywide retailers' sales tax at a*
4 *rate of 0.4% and pledging the revenue received therefrom for the*
5 *purpose of financing public infrastructure projects to the electors at an*
6 *election called and held thereon. Such tax shall expire after seven years*
7 *from the date such tax is first collected.*

8 (14) *The board of county commissioners of Neosho county may*
9 *submit the question of imposing a countywide retailers' sales tax at the*
10 *rate of 0.5% and pledging the revenue received therefrom for the*
11 *purpose of financing the costs of roadway construction and*
12 *improvement to the electors at an election called and held thereon. The*
13 *tax imposed pursuant to this paragraph shall expire upon payment of all*
14 *costs authorized pursuant to this paragraph in the financing of such*
15 *project.*

16 (15) *The board of county commissioners of Saline county may*
17 *submit the question of imposing a countywide retailers' sales tax at the*
18 *rate of up to 0.5% and pledging the revenue received therefrom for the*
19 *purpose of financing the costs of construction and operation of an expo*
20 *center to the electors at an election called and held thereon. The tax*
21 *imposed pursuant to this paragraph shall expire after five years from the*
22 *date such tax is first collected.*

23 (16) *The board of county commissioners of Harvey county may*
24 *submit the question of imposing a countywide retailers' sales tax at the*
25 *rate of 1.0% and pledging the revenue received therefrom for the*
26 *purpose of financing the costs of property tax relief, economic*
27 *development initiatives and public infrastructure improvements to the*
28 *electors at an election called and held thereon.*

29 (17) *The board of county commissioners of Atchison county may*
30 *submit the question of imposing a countywide retailers' sales tax at the*
31 *rate of 0.25% and pledging the revenue received therefrom for the*
32 *purpose of financing the costs of construction and maintenance of*
33 *sports and recreational facilities to the electors at an election called and*
34 *held thereon. The tax imposed pursuant to this paragraph shall expire*
35 *upon payment of all costs authorized in financing such facilities.*

36 (18) *The board of county commissioners of Wabaunsee county may*
37 *submit the question of imposing a countywide retailers' sales tax at the*
38 *rate of 0.5% and pledging the revenue received therefrom for the*
39 *purpose of financing the costs of bridge and roadway construction and*
40 *improvement to the electors at an election called and held thereon. The*
41 *tax imposed pursuant to this paragraph shall expire after 15 years from*
42 *the date such tax is first collected. On and after July 1, 2019, the*
43 *countywide retailers' sales tax imposed pursuant to this paragraph may*

1 *be extended or reenacted for one additional period not to exceed 15*
2 *years upon the board of county commissioners of Wabaunsee county*
3 *submitting such question to the electors at an election called and held*
4 *thereon as provided by law. For any countywide retailers' sales tax that*
5 *is extended or reenacted pursuant to this paragraph, such tax shall*
6 *expire not later than 15 years from the date such tax is first collected.*

7 *(19) The board of county commissioners of Jefferson county may*
8 *submit the question of imposing a countywide retailers' sales tax at the*
9 *rate of 1% and pledging the revenue received therefrom for the purpose*
10 *of financing the costs of roadway construction and improvement to the*
11 *electors at an election called and held thereon. The tax imposed*
12 *pursuant to this paragraph shall expire after six years from the date*
13 *such tax is first collected. The countywide retailers' sales tax imposed*
14 *pursuant to this paragraph may be extended or reenacted for additional*
15 *six-year periods upon the board of county commissioners of Jefferson*
16 *county submitting such question to the electors at an election called and*
17 *held thereon for each additional six-year period as provided by law.*

18 *(20) The board of county commissioners of Riley county may*
19 *submit the question of imposing a countywide retailers' sales tax at the*
20 *rate of up to 1% and pledging the revenue received therefrom for the*
21 *purpose of financing the costs of bridge and roadway construction and*
22 *improvement to the electors at an election called and held thereon. The*
23 *tax imposed pursuant to this paragraph shall expire after five years from*
24 *the date such tax is first collected.*

25 *(21) The board of county commissioners of Johnson county may*
26 *submit the question of imposing a countywide retailers' sales tax at the*
27 *rate of 0.25% and pledging the revenue received therefrom for the*
28 *purpose of financing the construction and operation costs of public*
29 *safety projects, including, but not limited to, a jail, detention center,*
30 *sheriff's resource center, crime lab or other county administrative or*
31 *operational facility dedicated to public safety, to the electors at an*
32 *election called and held thereon. The tax imposed pursuant to this*
33 *paragraph shall expire after 10 years from the date such tax is first*
34 *collected. The countywide retailers' sales tax imposed pursuant to this*
35 *subsection may be extended or reenacted for additional periods not*
36 *exceeding 10 years upon the board of county commissioners of Johnson*
37 *county submitting such question to the electors at an election called and*
38 *held thereon for each additional ten-year period as provided by law.*

39 *(22) The board of county commissioners of Wilson county may*
40 *submit the question of imposing a countywide retailers' sales tax at the*
41 *rate of up to 1% and pledging the revenue received therefrom for the*
42 *purpose of financing the costs of roadway construction and*
43 *improvements to federal highways, the development of a new industrial*

1 *park and other public infrastructure improvements to the electors at an*
2 *election called and held thereon. The tax imposed pursuant to this*
3 *paragraph shall expire upon payment of all costs authorized pursuant to*
4 *this paragraph in the financing of such project or projects.*

5 (23) *The board of county commissioners of Butler county may*
6 *submit the question of imposing a countywide retailers' sales tax at the*
7 *rate of either 0.25%, 0.5%, 0.75% or 1% and pledging the revenue*
8 *received therefrom for the purpose of financing the costs of public safety*
9 *capital projects or bridge and roadway construction projects, or both, to*
10 *the electors at an election called and held thereon. The tax imposed*
11 *pursuant to this paragraph shall expire upon payment of all costs*
12 *authorized in financing such projects.*

13 (24) *The board of county commissioners of Barton county may*
14 *submit the question of imposing a countywide retailers' sales tax at the*
15 *rate of up to 0.5% and pledging the revenue received therefrom for the*
16 *purpose of financing the costs of roadway and bridge construction and*
17 *improvement and infrastructure development and improvement to the*
18 *electors at an election called and held thereon. The tax imposed*
19 *pursuant to this paragraph shall expire after 10 years from the date such*
20 *tax is first collected.*

21 (25) *The board of county commissioners of Jefferson county may*
22 *submit the question of imposing a countywide retailers' sales tax at the*
23 *rate of 0.25% and pledging the revenue received therefrom for the*
24 *purpose of financing the costs of the county's obligation as participating*
25 *employer to make employer contributions and other required*
26 *contributions to the Kansas public employees retirement system for*
27 *eligible employees of the county who are members of the Kansas police*
28 *and firemen's retirement system, to the electors at an election called and*
29 *held thereon. The tax imposed pursuant to this paragraph shall expire*
30 *upon payment of all costs authorized in financing such purpose.*

31 (26) *The board of county commissioners of Pottawatomie county*
32 *may submit the question of imposing a countywide retailers' sales tax at*
33 *the rate of up to 0.5% and pledging the revenue received therefrom for*
34 *the purpose of financing the costs of construction or remodeling of a*
35 *courthouse, jail, law enforcement center facility or other county*
36 *administrative facility, or public infrastructure improvements, or both, to*
37 *the electors at an election called and held thereon. The tax imposed*
38 *pursuant to this paragraph shall expire upon payment of all costs*
39 *authorized in financing such project or projects.*

40 (27) *The board of county commissioners of Kingman county may*
41 *submit the question of imposing a countywide retailers' sales tax at the*
42 *rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received*
43 *therefrom for the purpose of financing the costs of constructing and*

1 *furnishing a law enforcement center and jail facility and the costs of*
2 *roadway and bridge improvements to the electors at an election called*
3 *and held thereon. The tax imposed pursuant to this paragraph shall*
4 *expire not later than 20 years from the date such tax is first collected.*

5 (28) *The board of county commissioners of Edwards county may*
6 *submit the question of imposing a countywide retailers' sales tax at the*
7 *rate of 0.375% and pledging the revenue therefrom for the purpose of*
8 *financing the costs of economic development initiatives to the electors at*
9 *an election called and held thereon.*

10 (29) *The board of county commissioners of Rooks county may*
11 *submit the question of imposing a countywide retailers' sales tax at the*
12 *rate of 0.5% and pledging the revenue therefrom for the purpose of*
13 *financing the costs of constructing or remodeling and furnishing a jail*
14 *facility to the electors at an election called and held thereon. The tax*
15 *imposed pursuant to this paragraph shall expire upon the payment of all*
16 *costs authorized in financing such project or projects.*

17 (30) *The board of county commissioners of Douglas county may*
18 *submit the question of imposing a countywide retailers' sales tax at the*
19 *rate of 0.5% and pledging the revenue received therefrom for the*
20 *purpose of financing the construction or remodeling of a courthouse,*
21 *jail, law enforcement center facility, detention facility or other county*
22 *administrative facility, specifically including mental health and for the*
23 *operation thereof.*

24 (31) *The board of county commissioners of Bourbon county may*
25 *submit the question of imposing a countywide retailers' sales tax at the*
26 *rate of up to 1%, in increments of 0.05%, and pledging the revenue*
27 *received therefrom for the purpose of financing the costs of*
28 *constructing, furnishing and operating a courthouse, law enforcement*
29 *center or jail facility improvements to the electors at an election called*
30 *and held thereon.*

31 (32) *The board of county commissioners of Marion county may*
32 *submit the question of imposing a countywide retailers' sales tax at the*
33 *rate of 0.5% and pledging the revenue received therefrom for the*
34 *purpose of financing the costs of property tax relief, economic*
35 *development initiatives and the construction of public infrastructure*
36 *improvements, including buildings, to the electors at an election called*
37 *and held thereon.*

38 (c) *The boards of county commissioners of any two or more*
39 *contiguous counties, upon adoption of a joint resolution by such boards,*
40 *may submit the question of imposing a retailers' sales tax within such*
41 *counties to the electors of such counties at an election called and held*
42 *thereon and such boards of any two or more contiguous counties shall*
43 *be required to submit such question upon submission of a petition in*

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

13 *(d) Any city retailers' sales tax being levied by a city prior to July 1,*
14 *2006, shall continue in effect until repealed in the manner provided*
15 *herein for the adoption and approval of such tax or until repealed by the*
16 *adoption of an ordinance for such repeal. Any countywide retailers'*
17 *sales tax in the amount of 0.5% or 1% in effect on July 1, 1990, shall*
18 *continue in effect until repealed in the manner provided herein for the*
19 *adoption and approval of such tax.*

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

37 *(f) The sufficiency of the number of signers of any petition filed*
38 *under this section shall be determined by the county election officer.*
39 *Every election held under this act shall be conducted by the county*
40 *election officer.*

41 *(g) The governing body of the city or county proposing to levy any*
42 *retailers' sales tax shall specify the purpose or purposes for which the*
43 *revenue would be used, and a statement generally describing such*

1 ***purpose or purposes shall be included as a part of the ballot proposition.***

2 *(h) The countywide retailers' sales tax levied by the board of county*
3 *commissioners of Atchison county pursuant to the result of the election*
4 *held on August 3, 1993, on the question submitted by the board of county*
5 *commissioners for the purpose of joint law enforcement communications*
6 *and solid waste disposal in Atchison county shall terminate not later than*
7 *June 30, 2023.*

8 ~~Section 1.~~ **Sec. 2.** K.S.A. 2020 Supp. 12-192 is hereby amended to
9 read as follows: 12-192. (a) Except as otherwise provided by subsection
10 (b), (d)-~~ff~~, (h) *or* (i), all revenue received by the director of taxation from a
11 countywide retailers' sales tax shall be apportioned among the county and
12 each city located in such county in the following manner: (1) One-half of
13 all revenue received by the director of taxation shall be apportioned among
14 the county and each city located in such county in the proportion that the
15 total tangible property tax levies made in such county in the preceding
16 year for all funds of each such governmental unit bear to the total of all
17 such levies made in the preceding year; and (2) one-half of all revenue
18 received by the director of taxation from such countywide retailers' sales
19 tax shall be apportioned among the county and each city located in such
20 county, first to the county that portion of the revenue equal to the
21 proportion that the population of the county residing in the unincorporated
22 area of the county bears to the total population of the county, and second to
23 the cities in the proportion that the population of each city bears to the
24 total population of the county, except that no persons residing within the
25 Fort Riley military reservation shall be included in the determination of the
26 population of any city located within Riley county. All revenue
27 apportioned to a county shall be paid to its county treasurer and shall be
28 credited to the general fund of the county.

29 (b) (1) In lieu of the apportionment formula provided in subsection
30 (a), all revenue received by the director of taxation from a countywide
31 retailers' sales tax imposed within Johnson county at the rate of 0.75%, 1%
32 or 1.25% after July 1, 2007, shall be apportioned among the county and
33 each city located in such county in the following manner: (A) The revenue
34 received from the first 0.5% rate of tax shall be apportioned in the manner
35 prescribed by subsection (a); and (B) the revenue received from the rate of
36 tax exceeding 0.5% shall be apportioned as follows: (i) One-fourth shall be
37 apportioned among the county and each city located in such county in the
38 proportion that the total tangible property tax levies made in such county
39 in the preceding year for all funds of each such governmental unit bear to
40 the total of all such levies made in the preceding year; (ii) one-fourth shall
41 be apportioned among the county and each city located in such county,
42 first to the county that portion of the revenue equal to the proportion that
43 the population of the county residing in the unincorporated area of the

1 county bears to the total population of the county, and second to the cities
2 in the proportion that the population of each city bears to the total
3 population of the county; and (iii) one-half shall be retained by the county
4 for its sole use and benefit.

5 (2) In lieu of the apportionment formula provided in subsection (a),
6 all money received by the director of taxation from a countywide sales tax
7 imposed within Montgomery county pursuant to the election held on
8 November 8, 1994, shall be remitted to and shall be retained by the county
9 and expended only for the purpose for which the revenue received from
10 the tax was pledged. All revenue apportioned and paid from the imposition
11 of such tax to the treasurer of any city prior to the effective date of this act
12 shall be remitted to the county treasurer and expended only for the purpose
13 for which the revenue received from the tax was pledged.

14 (3) In lieu of the apportionment formula provided in subsection (a),
15 on and after the effective date of this act, all moneys received by the
16 director of taxation from a countywide retailers' sales tax imposed within
17 Phillips county pursuant to the election held on September 20, 2005, shall
18 be remitted to and shall be retained by the county and expended only for
19 the purpose for which the revenue received from the tax was pledged.

20 (c) (1) Except as otherwise provided by paragraph (2) ~~of this~~
21 ~~subsection~~, for purposes of subsections (a) and (b), the term "total tangible
22 property tax levies" means the aggregate dollar amount of tax revenue
23 derived from ad valorem tax levies applicable to all tangible property
24 located within each such city or county. The ad valorem property tax levy
25 of any county or city district entity or subdivision shall be included within
26 this term if the levy of any such district entity or subdivision is applicable
27 to all tangible property located within each such city or county.

28 (2) For the purposes of subsections (a) and (b), any ad valorem
29 property tax levied on property located in a city in Johnson county for the
30 purpose of providing fire protection service in such city shall be included
31 within the term "total tangible property tax levies" for such city regardless
32 of its applicability to all tangible property located within each such city. If
33 the tax is levied by a district which extends across city boundaries, for
34 purposes of this computation, the amount of such levy shall be apportioned
35 among each city in which such district extends in the proportion that such
36 tax levied within each city bears to the total tax levied by the district.

37 (d) (1) All revenue received from a countywide retailers' sales tax
38 imposed pursuant to K.S.A. 12-187(b)(2), (3)(C), (3)(F), (3)(G), (6), (7),
39 (8), (9), (12), (14), (15), (16), (17), (18), (19), (20), (22), (23), (25), (27),
40 (28), (29), (30), (31) and (32), and amendments thereto, shall be remitted
41 to and shall be retained by the county and expended only for the purpose
42 for which the revenue received from the tax was pledged.

43 (2) Except as otherwise provided in K.S.A. 12-187(b)(5), and

1 amendments thereto, all revenues received from a countywide retailers'
2 sales tax imposed pursuant to K.S.A. 12-187(b)(5), and amendments
3 thereto, shall be remitted to and shall be retained by the county and
4 expended only for the purpose for which the revenue received from the tax
5 was pledged.

6 (3) All revenue received from a countywide retailers' sales tax
7 imposed pursuant to K.S.A. 12-187(b)(26), and amendments thereto, shall
8 be remitted to and shall be retained by the county and expended only for
9 the purpose for which the revenue received from the tax was pledged
10 unless the question of imposing a countywide retailers' sales tax authorized
11 by K.S.A. 12-187(b)(26), and amendments thereto, includes the
12 apportionment of revenue prescribed in subsection (a).

13 (e) All revenue apportioned to the several cities of the county shall be
14 paid to the respective treasurers thereof and deposited in the general fund
15 of the city. Whenever the territory of any city is located in two or more
16 counties and any one or more of such counties do not levy a countywide
17 retailers' sales tax, or whenever such counties do not levy countywide
18 retailers' sales taxes at a uniform rate, the revenue received by such city
19 from the proceeds of the countywide retailers' sales tax, as an alternative to
20 depositing the same in the general fund, may be used for the purpose of
21 reducing the tax levies of such city upon the taxable tangible property
22 located within the county levying such countywide retailers' sales tax.

23 (f) Prior to March 1 of each year, the secretary of revenue shall advise
24 each county treasurer of the revenue collected in such county from the
25 state retailers' sales tax for the preceding calendar year.

26 (g) Prior to December 31 of each year, the clerk of every county
27 imposing a countywide retailers' sales tax shall provide such information
28 deemed necessary by the secretary of revenue to apportion and remit
29 revenue to the counties and cities pursuant to this section.

30 (h) The provisions of subsections (a) and (b) for the apportionment of
31 countywide retailers' sales tax shall not apply to any revenues received
32 pursuant to a county or countywide retailers' sales tax levied or collected
33 under K.S.A. 74-8929, and amendments thereto. All such revenue
34 collected under K.S.A. 74-8929, and amendments thereto, shall be
35 deposited into the redevelopment bond fund established by K.S.A. 74-
36 8927, and amendments thereto, for the period of time set forth in K.S.A.
37 74-8927, and amendments thereto.

38 ~~(i) On and after July 1, 2021, the provisions of subsection (a) for the~~
39 ~~apportionment of countywide retailers' sales tax shall not apply to any~~
40 ~~revenue received pursuant to a countywide retailers' sales tax imposed for~~
41 ~~general purposes that was approved by a majority of the electors voting~~
42 ~~thereon. All revenue received by the director of taxation from such~~
43 ~~countywide retailers' sales tax levied by the board of county~~

1 ~~commissioners for general purposes pursuant to K.S.A. 12-187 et seq.,~~
2 ~~and amendments thereto, shall be remitted to the county. The provisions of~~
3 ~~this paragraph shall not prevent a board of county commissioners from~~
4 ~~entering into interlocal agreements to share a portion of the revenue~~
5 ~~received pursuant to a countywide retailers' sales tax for general purposes~~
6 ~~with any city located in such county as otherwise allowed by law. This~~
7 ~~paragraph shall not apply to tax increment revenues pledged prior to July~~
8 ~~1, 2021, to the repayment of special obligation bonds for STAR bond~~
9 ~~projects pursuant to K.S.A. 2020 Supp. 12-17,169, and amendments~~
10 ~~thereto.~~ **In lieu of the apportionment formula provided in subsection (a),**
11 **all moneys received by the director of taxation from a countywide**
12 **retailers' sales tax imposed pursuant to an election held on or after July**
13 **1, 2021, shall be remitted to and retained by the county and expended**
14 **only for the purpose for which the revenue received from the tax was**
15 **pledged, if the board of county commissioners decides at least 60 days**
16 **prior to such election, by resolution, that the apportionment formula**
17 **provided in subsection (a) shall not be applicable to the proposed sales**
18 **tax. On and after July 1, 2021, all ballot propositions shall include a**
19 **statement explaining whether the apportionment formula of subsection**
20 **(a) shall apply to the proposed countywide retailers' sales tax.**

21 ~~Sec.-2.~~ **3.** K.S.A. 2020 Supp. ~~12-187 and 12-192~~ ~~is~~ **are** hereby
22 repealed.

23 ~~Sec.-3.~~ **4.** This act shall take effect and be in force from and after its
24 publication in the statute book.