AN ACT concerning sales taxation; relating to countywide retailers’ sales tax; Pottawatomie county; amending K.S.A. 2009 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections.

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

Section 1. K.S.A. 2009 Supp. 12-187 is hereby amended to read as follows: 12-187. (a) 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.

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

(2) The board of county commissioners of Anderson, Atchison, Barton, Brown, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Franklin, Jefferson, Linn, Lyon, Marion, Miami, Montgomery, Neosho, Osage, Ottawa, Pottawatomie, Reno, Riley, Saline, Seward, Sumner, Wabaunsee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers’ sales tax and pledging the revenue received there-
from for the purpose of financing the construction or remodeling of a
courthouse, jail, law enforcement center facility or other county admin-
istrative facility, to the electors at an election called and held thereon.
The tax imposed pursuant to this paragraph shall expire when sales tax
sufficient to pay all of the costs incurred in the financing of such facility
has been collected by retailers as determined by the secretary of revenue.
Nothing in this paragraph shall be construed to allow the rate of tax
imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley,
Sumner or Wilson county pursuant to this paragraph to exceed or be
imposed at any rate other than the rates prescribed in K.S.A. 12-189, and
amendments thereto.
(3) (A) Except as otherwise provided in this paragraph, the result of
the election held on November 8, 1988, on the question submitted by
the board of county commissioners of Jackson county for the purpose of
increasing its countywide retailers’ sales tax by 1% is hereby declared
valid, and the revenue received therefrom by the county shall be ex-
pended solely for the purpose of financing the Banner Creek reservoir
project. The tax imposed pursuant to this paragraph shall take effect on
the effective date of this act and shall expire not later than five years after
such date.
(B) The result of the election held on November 8, 1994, on the
question submitted by the board of county commissioners of Ottawa
county for the purpose of increasing its countywide retailers’ sales tax by
1% is hereby declared valid, and the revenue received therefrom by the
county shall be expended solely for the purpose of financing the erection,
construction and furnishing of a law enforcement center and jail facility.
(C) Except as otherwise provided in this paragraph, the result of the
election held on November 2, 2004, on the question submitted by the
board of county commissioners of Sedgwick county for the purpose of
increasing its countywide retailers’ sales tax by 1% is hereby declared
valid, and the revenue received therefrom by the county shall be used
only to pay the costs of: (i) Acquisition of a site and constructing and
equipping thereon a new regional events center, associated parking and
infrastructure improvements and related appurtenances thereto, to be
located in the downtown area of the city of Wichita, Kansas, (the “down-
town arena’’); (ii) design for the Kansas coliseum complex and construc-
tion of improvements to the pavilions; and (iii) establishing an operating
and maintenance reserve for the downtown arena and the Kansas colis-
seum complex. The tax imposed pursuant to this paragraph shall com-
mence on July 1, 2005, and shall terminate not later than 30 months after
the commencement thereof.
(D) Except as otherwise provided in this paragraph, the result of the
election held on August 5, 2008, on the question submitted by the board
of county commissioners of Lyon county for the purpose of increasing its
countywide retailers’ sales tax by 1% is hereby declared valid, and the
revenue received therefrom by the county shall be expended for the pur-
poses of ad valorem tax reduction and capital outlay. The tax imposed
pursuant to this paragraph shall terminate not later than five years after
the commencement thereof.

(E) Except as otherwise provided in this paragraph, the result of the
election held on August 5, 2008, on the question submitted by the board
of county commissioners of Rawlins county for the purpose of increasing
its countywide retailers’ sales tax by .75% is hereby declared valid, and
the revenue received therefrom by the county shall be expended for the
purposes of financing the costs of a swimming pool. The tax imposed
pursuant to this paragraph shall terminate not later than 15 years after
the commencement thereof or upon payment of all costs authorized pur-
suant to this paragraph in the financing of such project.

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

(5) The board of county commissioners of any county 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 ques-
tion, to the electors at an election called and held thereon. Whenever any
county imposes a tax pursuant to this paragraph, any tax imposed pursuant
to paragraph (2) of subsection (a) by any city located in such county shall
expire upon the effective date of the imposition of the countywide tax,
and thereafter the state treasurer shall remit to each such city that portion
of the countywide tax revenue collected by retailers within such city as
certified by the director of taxation. The tax imposed pursuant to this
paragraph shall be deemed to be in addition to the rate limitations pre-
scribed in K.S.A. 12-189, and amendments thereto. As used in this par-
agraph, health care services shall include but not be limited to the follow-
ing: Local health departments, city or county hospitals, city or county
nursing homes, preventive health care services including immunizations,
prenatal care and the postponement of entry into nursing homes by home
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.

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

(7) The board of county commissioners of Clay, Dickinson and Miami
county may submit the question of imposing a countywide retailers’ sales
tax at the rate of .50% in the case of Clay and Dickinson county and at a
rate of up to 1% in the case of Miami county, and pledging the revenue
received therefrom for the purpose of financing the costs of roadway
construction and improvement to the electors at an election called and
held thereon. Except as otherwise provided, the tax imposed pursuant to
this paragraph shall expire after five years from the date such tax is first
collected. The result of the election held on November 2, 2004, on the
question submitted by the board of county commissioners of Miami
county for the purpose of extending for an additional five-year period the
countywide retailers’ sales tax imposed pursuant to this subsection in Mi-
ami county is hereby declared valid. The countywide retailers’ sales tax
imposed pursuant to this subsection in Clay and Miami county may be
extended or reenacted for additional five-year periods upon the board of
county commissioners of Clay and Miami county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

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

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

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

(11) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purposes of preservation, access and management of open space, and for industrial and business park related economic development.

(12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka Boulevard bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.

(13) The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of .4% and pledging the revenue received therefrom as follows: 50% of such revenues for the purpose of financing for economic development initiatives; and 50% of such revenues for the purpose of financing public infrastructure projects to the electors at an election called and held thereon.
The tax imposed pursuant to this paragraph shall expire after seven years from the date such tax is first collected.

(14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers’ sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(15) The board of county commissioners of Saline county may submit the question of imposing a countywide retailers’ sales tax at the rate of up to .5% and pledging the revenue received therefrom for the purpose of financing the costs of construction and operation of an expo center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

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

(17) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers’ sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the costs of construction and maintenance of sports and recreational facilities to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(18) The board of county commissioners of Wabaunsee county may submit the question of imposing a countywide retailers’ sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 15 years from the date such tax is first collected.

(19) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers’ sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after six years from the date such tax is first collected. The countywide retailers’ sales tax imposed pursuant to this
paragraph may be extended or reenacted for additional six-year periods
upon the board of county commissioners of Jefferson county submitting
such question to the electors at an election called and held thereon for
each additional six-year period as provided by law.
(20) The board of county commissioners of Riley county may submit
the question of imposing a countywide retailers’ sales tax at the rate of
up to 1% and pledging the revenue received therefrom for the purpose
of financing the costs of bridge and roadway construction and improve-
ment to the electors at an election called and held thereon. The tax im-
posed pursuant to this paragraph shall expire after five years from the
date such tax is first collected. The countywide retailers’
sales tax imposed pursuant to this subsection may be extended or reen-
acted for additional periods not exceeding 10 years upon the board of
county commissioners of Johnson county submitting such question to the
electors at an election called and held thereon for each additional ten-
year period as provided by law.
(22) The board of county commissioners of Wilson county may sub-
mit the question of imposing a countywide retailers’ sales tax at the rate
of up to 1% and pledging the revenue received therefrom for the purpose
of financing the costs of roadway construction and improvements to fed-
eral highways, the development of a new industrial park and other public
infrastructure improvements to the electors at an election called and held
thereon. The tax imposed pursuant to this paragraph shall expire upon
payment of all costs authorized pursuant to this paragraph in the financing
of such project or projects.
(23) The board of county commissioners of Butler county may submit
the question of imposing a countywide retailers’ sales tax at the rate of
either .25%, .5%, .75% or 1% and pledging the revenue received there-
from for the purpose of financing the costs of public safety capital projects
or bridge and roadway construction projects, or both, to the electors at
an election called and held thereon. The tax imposed pursuant to this
paragraph shall expire upon payment of all costs authorized in financing
such projects.
(24) The board of county commissioners of Barton county may sub-
mit the question of imposing a countywide retailers’ sales tax at the rate
of up to .5% and pledging the revenue received therefrom for the purpose
of financing the costs of roadway and bridge construction and improve-
ment and infrastructure development and improvement to the electors
at an election called and held thereon. The tax imposed pursuant to this
paragraph shall expire after 10 years from the date such tax is first
collected.

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

(26) The board of county commissioners of Pottawatomie county may
submit the question of imposing a countywide retailers’ sales tax at the
rate of up to .5% and pledging the revenue received therefrom for the
purpose of financing the costs of public infrastructure improvements to
the electors at an election called and held thereon. The tax imposed pur-
suant to this paragraph shall expire upon payment of all costs authorized
in financing such project or projects.

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

(d) Any city retailers’ sales tax being levied by a city prior to July 1,
2006, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance for such repeal. Any countywide retailers’ sales tax in the amount of .5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

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

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

(g) The governing body of the city or county proposing to levy any retailers’ sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

Sec. 2. K.S.A. 2009 Supp. 12-189 is hereby amended to read as follows: 12-189. The rate of any city retailers’ sales tax shall be fixed in increments of .05% and in an amount not to exceed 2% for general purposes and not to exceed 1% for special purposes which shall be determined by the governing body of the city. For any retailers’ sales tax imposed by a city for special purposes, such city shall specify the purposes for which such tax is imposed. All such special purpose retailers’ sales taxes imposed by a city shall expire after 10 years from the date such tax is first collected. The rate of any countywide retailers’ sales tax shall be fixed in an amount of either .25%, .5%, .75% or 1% which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of Wabaunsee county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amend-
ments thereto, may fix such rate at 1.25%; the board of county commis-
ioners of Osage or Reno county, for the purposes of paragraph (2) of
subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such
rate at 1.25% or 1.5%; the board of county commissioners of Cherokee,
Crawford, Ford, Saline, Seward or Wyandotte county, for the purposes
of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments
thereto, may fix such rate at 1.5%, the board of county commissioners of
Atchison county, for the purposes of paragraph (2) of subsection (b) of
K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5% or
1.75%; the board of county commissioners of Anderson, Barton, Jefferson
or Ottawa county, for the purposes of paragraph (2) of subsection (b) of
K.S.A. 12-187, and amendments thereto, may fix such rate at 2%; the
board of county commissioners of Marion county, for the purposes of
paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments
thereto, may fix such rate at 2.5%; the board of county commissioners of
Franklin, Linn and Miami counties, for the purposes of paragraph (2) of
subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such
rate at a percentage which is equal to the sum of the rate allowed to be
imposed by the respective board of county commissioners on July 1, 2007,
plus up to 1.0%; and the board of county commissioners of Brown county,
for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and
amendments thereto, may fix such rate at up to 2%; and the board of
county commissioners of Pottawatomie county, for the purposes of para-
graph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto,
may fix such rate at up to 1.5%;
(b) the board of county commissioners of Jackson county, for the
purposes of paragraph (3) of subsection (b) of K.S.A. 12-187, and amend-
ments thereto, may fix such rate at 2%;
(c) the boards of county commissioners of Finney and Ford counties,
for the purposes of paragraph (4) of subsection (b) of K.S.A. 12-187, and
amendments thereto, may fix such rate at .25%;
(d) the board of county commissioners of any county for the purposes
of paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments
thereto, may fix such rate at a percentage which is equal to the sum of
the rate allowed to be imposed by a board of county commissioners on
the effective date of this act plus .25%, .5%, .75% or 1%, as the case
requires;
(e) the board of county commissioners of Dickinson county, for the
purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amend-
ments thereto, may fix such rate at 1.5%, and the board of county com-
missons of Miami county, for the purposes of paragraph (7) of subsec-
tion (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at
1.25%, 1.5%, 1.75% or 2%;
the board of county commissioners of Sherman county, for the purposes of paragraph (8) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.25%;

(g) the board of county commissioners of Crawford or Russell county for the purposes of paragraph (9) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%;

(h) the board of county commissioners of Franklin county, for the purposes of paragraph (10) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%;

(i) the board of county commissioners of Douglas county, for the purposes of paragraph (11) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%;

(j) the board of county commissioners of Jackson county, for the purposes of subsection (b)(13) of K.S.A. 12-187 and amendments thereto, may fix such rate at 1.4%;

(k) the board of county commissioners of Sedgwick county, for the purposes of paragraph (3)(C) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(l) the board of county commissioners of Neosho county, for the purposes of paragraph (14) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.0% or 1.5%;

(m) the board of county commissioners of Saline county, for the purposes of subsection (15) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%;

(n) the board of county commissioners of Harvey county, for the purposes of paragraph (16) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.0%;

(o) the board of county commissioners of Atchison county, for the purpose of paragraph (17) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Atchison county on the effective date of this act plus .25%;

(p) the board of county commissioners of Wabaunsee county, for the purpose of paragraph (18) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Wabaunsee county on July 1, 2007, plus .5%;

(q) the board of county commissioners of Jefferson county, for the purpose of paragraphs (19) and (25) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.25%;

(r) the board of county commissioners of Riley county, for the purpose of paragraph (20) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the
sum of the rate allowed to be imposed by the board of county commissioners of Riley county on July 1, 2007, plus up to 1%;

(s) the board of county commissioners of Johnson county for the purposes of paragraph (21) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Johnson county on July 1, 2007, plus .25%;

(t) the board of county commissioners of Wilson county for the purposes of paragraph (22) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 2%;

(u) the board of county commissioners of Butler county for the purposes of paragraph (23) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate otherwise allowed pursuant to this section, plus .25%, .5%, .75% or 1%;

(v) the board of county commissioners of Barton county, for the purposes of paragraph (24) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%;

(w) the board of county commissioners of Lyon county, for the purposes of paragraph (3)(D) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%; and

(x) the board of county commissioners of Rawlins county, for the purposes of paragraph (3)(E) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%; and

(y) the board of county commissioners of Pottawatomie county, for the purposes of subsection (26) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%.

Any county or city levying a retailers’ sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers’ sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers’ sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers’ sales tax, the director of taxation shall cause such taxes to be collected within or without the boundaries of such
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1 taxing subdivision at the same time and in the same manner provided for
2 the collection of the state retailers' sales tax. Such copy shall be submitted
3 to the director of taxation within 30 days after adoption of any such or-
4 dinance or resolution. All moneys collected by the director of taxation
5 under the provisions of this section shall be credited to a county and city
6 retailers' sales tax fund which fund is hereby established in the state trea-
7 sury, except that all moneys collected by the director of taxation pursuant
8 to the authority granted in paragraph (22) of subsection (b) of K.S.A. 12-
9 187, and amendments thereto, shall be credited to the Wilson county
10 capital improvements fund. Any refund due on any county or city retailers'
11 sales tax collected pursuant to this act shall be paid out of the sales tax
12 refund fund and reimbursed by the director of taxation from collections
13 of local retailers' sales tax revenue. Except for local retailers' sales tax
14 revenue required to be deposited in the redevelopment bond fund es-
15 tablished under K.S.A. 74-5927, and amendments thereto, all local re-
16 tailers' sales tax revenue collected within any county or city pursuant to
17 this act shall be apportioned and remitted at least quarterly by the state
18 treasurer, on instruction from the director of taxation, to the treasurer of
19 such county or city.

20 Revenue that is received from the imposition of a local retailers' sales
21 tax which exceeds the amount of revenue required to pay the costs of a
22 special project for which such revenue was pledged shall be credited to
23 the city or county general fund, as the case requires.

24 The director of taxation shall provide, upon request by a city or county
25 clerk or treasurer or finance officer of any city or county levying a local
26 retailers' sales tax, monthly reports identifying each retailer doing busi-
27 ness in such city or county or making taxable sales sourced to such city
28 or county, setting forth the tax liability and the amount of such tax re-
29 mitted by each retailer during the preceding month and identifying each
30 business location maintained by the retailer and such retailer's sales or
31 use tax registration or account number. Such report shall be made avail-
32 able to the clerk or treasurer or finance officer of such city or county
33 within a reasonable time after it has been requested from the director of
34 taxation. The director of taxation shall be allowed to assess a reasonable
35 fee for the issuance of such report. Information received by any city or
36 county pursuant to this section shall be confidential, and it shall be un-
37 lawful for any officer or employee of such city or county to divulge any
38 such information in any manner. Any violation of this paragraph by a city
39 or county officer or employee is a class A misdemeanor, and such officer
40 or employee shall be dismissed from office. Reports of violations of this
41 paragraph shall be investigated by the attorney general. The district at-
42 torney or county attorney and the attorney general shall have authority
43 to prosecute violations of this paragraph.
Sec. 3. K.S.A. 2009 Supp. 12-192 is hereby amended to read as follows: 12-192. (a) Except as otherwise provided by subsection (b), (d) or (h), all revenue received by the director of taxation from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner: (1) One-half of all revenue received by the director of taxation shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year, and (2) one-half of all revenue received by the director of taxation from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county. All revenue apportioned to a county shall be paid to its county treasurer and shall be credited to the general fund of the county.

(b) (1) In lieu of the apportionment formula provided in subsection (a), all revenue received by the director of taxation from a countywide retailers' sales tax imposed within Johnson county at the rate of .75%, 1% or 1.25% after July 1, 2007, shall be apportioned among the county and each city located in such county in the following manner: (A) The revenue received from the first .5% rate of tax shall be apportioned in the manner prescribed by subsection (a) and (B) the revenue received from the rate of tax exceeding .5% shall be apportioned as follows: (i) One-fourth shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year and (ii) one-fourth shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county and (iii) one-half shall be retained by the county for its sole use and benefit.

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

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

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

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

(d) (1) All revenue received from a countywide retailers' sales tax imposed pursuant to paragraphs (2), (3)(C), (6), (7), (8), (9), (12), (14), (15), (16), (17), (18), (19), (20), (22), (23) and (25) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(2) Except as otherwise provided in paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.
(3) All revenue received from a countywide retailers’ sales tax imposed pursuant to paragraph (26) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged unless the question of imposing a countywide retailers’ sales tax authorized by paragraph (26) of subsection (b) of K.S.A. 12-187, and amendments thereto, includes the apportionment of revenue prescribed in subsection (a).

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

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

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

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

Sec. 4. K.S.A. 2009 Supp. 12-187, 12-189 and 12-192 are hereby repealed.

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