HOUSE BILL No. 2368

By Committee on Taxation

2-18

AN ACT concerning property taxation; relating to cities and counties; approval of budgets and exception from election for transportation construction projects; amending K.S.A. 2018 Supp. 79-2925c and repealing the existing section.

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

Section 1. K.S.A. 2018 Supp. 79-2925c is hereby amended to read as follows: 79-2925c. (a) (1) On and after January 1, 2017, the governing body of any city or county shall not approve any appropriation or budget which provides for funding by property tax revenues in an amount exceeding that of the next preceding year as adjusted to reflect the average changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding five calendar years, which shall not be less than zero, unless the city or county approves the appropriation or budget with the adoption of a resolution and such resolution has been submitted to and approved by a majority of the qualified electors of the city or county voting at an election called and held thereon, except as otherwise provided.

(2) The election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto, and may be:

(A) Held at the next regularly scheduled election to be held in August or November;

(B) may be a mail ballot election, conducted in accordance with K.S.A. 25-431 et seq., and amendments thereto; or

(C) may be a special election called by the city or county. Nothing in this subsection shall prevent any city or county from holding more than one election in any year. The city or county requesting the election shall be responsible for paying all costs associated with conducting the election.

(b) A resolution by the governing body of a city or county otherwise required by the provisions of this section shall not be required to be approved by an election required by subsection (a) under the following circumstances:

(1) Increased property tax revenues that, in the current year, are produced and attributable to the taxation of:

(A) The construction of any new structures or improvements or the remodeling or renovation of any existing structures or improvements on
real property, which shall not include any ordinary maintenance or repair
of any existing structures or improvements on the property;
(B) increased personal property valuation;
(C) real property located within added jurisdictional territory;
(D) real property which has changed in use;
(E) expiration of any abatement of property from property tax; or
(F) expiration of a tax increment financing district, rural housing
incentive district, neighborhood revitalization area or any other similar
property tax rebate or redirection program.

(2) Increased property tax revenues that will be spent on:
(A) Bond, temporary notes, no fund warrants, state infrastructure
loans and interest payments not exceeding the amount of ad valorem
property taxes levied in support of such payments, and payments made to a
public building commission and lease payments but only to the extent such
payments were obligations that existed prior to July 1, 2016;
(B) payment of special assessments not exceeding the amount of ad
valorem property taxes levied in support of such payments;
(C) court judgments or settlements of legal actions against the city or
county and legal costs directly related to such judgments or settlements;
(D) expenditures of city or county funds that are specifically
mandated by federal or state law with such mandates becoming effective
on or after July 1, 2015, and loss of funds from federal sources after
January 1, 2017, where the city or county is contractually obligated to
provide a service;
(E) expenses relating to a federal, state or local disaster or federal,
state or local emergency, including, but not limited to, a financial
emergency, declared by a federal or state official. The board of county
commissioners may request the governor to declare such disaster or
emergency; or
(F) increased costs above the consumer price index for law
enforcement, fire protection or emergency medical services; or
(G) expenses relating to transportation projects that do not exceed
20% of the appropriation or budget of the next preceding year if the
transportation project is first certified by the secretary of transportation as
a transportation construction project.

(3) Any increased property tax revenues generated for law
enforcement, fire protection or emergency medical services shall be
expended exclusively for these purposes but shall not be used for the
construction or remodeling of buildings.

(4) The property tax revenues levied by the city or county have
declined:
(A) In one or more of the next preceding three calendar years and the
increase in the amount of funding for the budget or appropriation from
revenue produced from property taxes does not exceed the average amount
of funding from such revenue of the next preceding three calendar years,
adjusted to reflect changes in the consumer price index for all urban
consumers as published by the United States department of labor for the
preceding calendar year; or
(B) the increase in the amount of ad valorem tax to be levied is less
than the change in the consumer price index plus the loss of assessed
property valuation that has occurred as the result of legislative action,
judicial action or a ruling by the board of tax appeals.
(5) Whenever a city or county is required by law to levy taxes for the
financing of the budget of any political or governmental subdivision of this
state that is not authorized by law to levy taxes on its own behalf, and the
governing body of such city or county is not authorized or empowered to
modify or reduce the amount of taxes levied therefore, the tax levies of the
political or governmental subdivision shall not be included in or
considered in computing the aggregate limitation upon the property tax
levies of the city or county.
Sec. 2. K.S.A. 2018 Supp. 79-2925c is hereby repealed.
Sec. 3. This act shall take effect and be in force from and after its
publication in the statute book.