As Amended by House Committee

Session of 2018

HOUSE BILL No. 2749

By Committee on Taxation

AN ACT concerning sales and compensating use tax; relating to
countywide retailers' sales tax; rates, Jackson county, Dickinson
county; amending K.S.A. 2017 Supp. 12-187 and repealing the
existing section.

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

Section 1. K.S.A. 2017 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 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 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, Reno, Riley, Saline, Seward, Sumner, Thomas,
Wabaunsee, Wilson and Wyandotte counties may submit the question of
imposing a countywide retailers' sales tax and pledging the revenue
received therefrom for the purpose of financing the construction or
remodeling of a courthouse, jail, law enforcement center facility or other county administrative 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 expended 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 "downtown arena"); (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown arena and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence 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
purposes 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 0.75% 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 pursuant
to this paragraph in the financing of such project.

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

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

(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 0.25% 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 K.S.A. 68-2314(b)(5), 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 pursuant 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 paragraph 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 0.25%, 0.5%, 
0.75% or 1% and pledging the revenue received therefrom for the purpose 
of financing the provision of health care services, as enumerated in the 
question, to the electors at an election called and held thereon. Whenever 
any county imposes a tax pursuant to this paragraph, any tax imposed 
pursuant to subsection (a)(2) 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 prescribed in 
K.S.A. 12-189, and amendments thereto. As used in this paragraph, health 
care services shall include, but not be limited to, the following: Local 
health departments, city 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 
0.5% 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) (A) 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 0.50% 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
Miami 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.

(B) The board of county commissioners of Dickinson county may
submit the question of imposing a countywide retailers' sales tax at the
rate of 0.50% 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 10
years from the date such tax is first collected.

(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 0.5% in the case of Crawford, Russell and
Woodson county and at a rate of up to 0.25%, 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 0.25% 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 0.25% and pledging the revenue received therefrom for the purposes of conservation, access and management of open space; preservation of cultural heritage; and economic development projects and activities.

(12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% 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 the rate of 0.4% and pledging the revenue received therefrom as follows: 50% of such revenues for the purpose of financing 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. The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of 0.4%, which such tax shall take effect after the expiration of the tax imposed pursuant to this paragraph prior to the effective date of this act, and pledging the revenue received therefrom for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. Such tax 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 0.5% 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 0.5% 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 0.25% 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 0.5% 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 improvement 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.
(21) The board of county commissioners of Johnson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the construction and operation costs of public safety projects, including, but not limited to, a jail, detention center, sheriff's resource center, crime lab or other county administrative or operational facility dedicated to public safety, 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. The countywide retailers' sales tax imposed pursuant to this subsection may be extended or reenacted 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 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 roadway construction and improvements to federal 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 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom 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 submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway and bridge construction and improvement 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 submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% 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 0.5% and pledging the revenue received therefrom for the
purpose of financing the costs of construction or remodeling of a
courthouse, jail, law enforcement center facility or other county
administrative facility, or public infrastructure improvements, 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 project or projects.

(27) The board of county commissioners of Kingman county may
submit the question of imposing a countywide retailers' sales tax at the rate
of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received
therefrom for the purpose of financing the costs of constructing and
furnishing a law enforcement center and jail facility and the costs of
roadway and bridge improvements to the electors at an election called and
held thereon. The tax imposed pursuant to this paragraph shall expire not
later than 20 years from the date such tax is first collected.

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

(29) The board of county commissioners of Rooks county may
submit the question of imposing a countywide retailers' sales tax at the rate
of 0.5% and pledging the revenue therefrom for the purpose of financing
the costs of constructing or remodeling and furnishing a jail facility 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 authorized in
financing such project or projects.

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

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

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

(c) The boards of county commissioners of any two or more
contiguous 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 subdivisions
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 0.5% 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
testing 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. 2017 Supp. 12-187 is hereby repealed.
Sec. 3. This act shall take effect and be in force from and after its
publication in the statute book.