SENATE BILL No. 127

By Committee on Assessment and Taxation

AN ACT concerning sales and compensating use tax; relating to city and countywide retailers' sales tax; providing countywide retailers' sales tax authority for Dickinson county; amending K.S.A. 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. 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 that 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 that 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.

(H) The result of the election held on November 7, 2017, on the question submitted by the board of county commissioners of Finney county for the purpose of increasing its countywide retailers' sales tax by 0.3% is hereby declared valid, and the revenues of such tax shall be used by Finney county and the city of Garden City, Kansas, as agreed in an interlocal cooperation agreement between the city and county, and as detailed in the ballot question approved by voters. The tax imposed pursuant to this subparagraph shall be levied for a period of 15 years from the date it is first levied.
(I) The result of the election held on November 3, 2020, on the question submitted by the board of county commissioners of Cherokee county for the purpose of increasing its retailers' sales tax by 0.5% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing: (i) Ambulance services within the county; (ii) renovations and maintenance of county buildings and facilities; or (iii) any other projects within the county deemed necessary by the governing body of Cherokee county. The tax imposed pursuant to this subparagraph shall terminate prior to January 1, 2033.

(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 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 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 subparagraph 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 0.5% 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 subparagraph 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) (A) The board of county commissioners of Cowley, Crawford 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 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 subparagraph shall expire after five years from
the date such tax is first collected.

(B) The board of county commissioners of Russell 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 economic development initiatives or public infrastructure
projects. The tax imposed pursuant to this subparagraph shall expire after
10 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 a rate of 0.4% 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. On and after July 1, 2019, the countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for one additional period not to exceed 15 years upon the board of county
commissioners of Wabaunsee county submitting such question to the electors at an election called and held thereon as provided by law. For any countywide retailers' sales tax that is extended or reenacted pursuant to this paragraph, such tax shall expire not later than 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.

(33) The board of county commissioners of Wilson 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 supporting emergency medical and ambulance services in the county 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 paragraph may be extended or reenacted for additional periods not exceeding 10 years per period upon the board of
county commissioners of Wilson county submitting such question to the
electors at an election called and held thereon for each additional period as
provided by law. This paragraph shall not be construed to cause the
expiration, repeal or termination of any existing city retailers' sales tax for
health care services as defined in paragraph (5).
(34) The board of county commissioners of Atchison county may
submit the question of imposing a countywide retailers' sales tax at the rate
of up to 1% and pledging the revenue received for the purpose of joint law
enforcement communications and solid waste disposal in Atchison county
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.
(35) The board of county commissioners of Dickinson 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 public safety capital projects 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. The countywide retailers' sales tax imposed pursuant to this
paragraph may be extended or reenacted for additional five-year periods
upon the board of county commissioners of Dickinson county submitting
such question to the electors at an election called and held thereon for
each additional five-year period as provided by law.
(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
that 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 that levy not
less than 25% of the property taxes levied by all taxing subdivisions within
each of such counties.
(d) Notwithstanding any provision of law to the contrary, including
subsection (b)(5), 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 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) (1) 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.

(2) In addition to the requirements set forth in paragraph (1), the governing body of the county proposing to levy a countywide retailers' sales tax shall include as a part of the ballot proposition whether:

(A) The apportionment formula provided in K.S.A. 12-192, and amendments thereto, will apply to the revenue;

(B) an interlocal agreement was entered whereby the county will retain either all or part of the revenue; or

(C) pursuant to law, the county retains the revenue in its entirety.

Sec. 2. K.S.A. 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 0.05% 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 not
to exceed 1% and shall be fixed in increments of 0.25%, and 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 K.S.A. 12-187(b)(2), and amendments thereto, may fix such
rate at 1.25%; the board of county commissioners of Osage or Reno
county, for the purposes of K.S.A. 12-187(b)(2), 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 K.S.A. 12-187(b)(2), and amendments thereto, may fix such
rate at 1.5%; the board of county commissioners of Atchison or Thomas
county, for the purposes of K.S.A. 12-187(b)(2), 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 K.S.A.
12-187(b)(2), and amendments thereto, may fix such rate at 2%; the board
of county commissioners of Marion county, for the purposes of K.S.A. 12-
187(b)(2), 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 K.S.A. 12-187(b)(2), and amendments thereto, may fix such
rate at a percentage that 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 K.S.A. 12-187(b)(2), and amendments thereto, may fix
such rate at up to 2%;

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

(c) the boards of county commissioners of Finney and Ford counties,
for the purposes of K.S.A. 12-187(b)(4), and amendments thereto, may fix
such rate at 0.25%;

(d) the board of county commissioners of any county, for the
purposes of K.S.A. 12-187(b)(5), and amendments thereto, may fix such
rate at a percentage that 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 0.25%, 0.5%, 0.75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the
purposes of K.S.A. 12-187(b)(7), and amendments thereto, may fix such
rate at 1.5%, and the board of county commissioners of Miami county, for
the purposes of K.S.A. 12-187(b)(7), and amendments thereto, may fix
such rate at 1.25%, 1.5%, 1.75% or 2%;
(f) the board of county commissioners of Sherman county, for the purposes of K.S.A. 12-187(b)(8), 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 K.S.A. 12-187(b)(9), and amendments thereto, may fix such rate at 1.5%;
(h) the board of county commissioners of Franklin county, for the purposes of K.S.A. 12-187(b)(10), and amendments thereto, may fix such rate at 1.75%;
(i) the board of county commissioners of Douglas county, for the purposes of K.S.A. 12-187(b)(11) and (b)(30), and amendments thereto, may fix such rate at 1.75%;
(j) the board of county commissioners of Jackson county, for the purposes of K.S.A. 12-187(b)(13), and amendments thereto, may fix such rate at 1.4%;
(k) the board of county commissioners of Sedgwick county, for the purposes of K.S.A. 12-187(b)(3)(C), and amendments thereto, may fix such rate at 2%;
(l) the board of county commissioners of Neosho county, for the purposes of K.S.A. 12-187(b)(14), 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 K.S.A. 12-187(b)(15), 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 K.S.A. 12-187(b)(16), and amendments thereto, may fix such rate at 2.0%;
(o) the board of county commissioners of Atchison county, for the purpose of K.S.A. 12-187(b)(17), and amendments thereto, may fix such rate at a percentage that 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 0.25%;
(p) the board of county commissioners of Wabaunsee county, for the purpose of K.S.A. 12-187(b)(18), and amendments thereto, may fix such rate at a percentage that 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 0.5%;
(q) the board of county commissioners of Jefferson county, for the purpose of K.S.A. 12-187(b)(19) and (25), and amendments thereto, may fix such rate at 2.25%;
(r) the board of county commissioners of Riley county, for the purpose of K.S.A. 12-187(b)(20), and amendments thereto, may fix such
rate at a percentage that 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 K.S.A. 12-187(b)(21), and amendments thereto, may fix such
rate at a percentage that 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 0.25%;
(t) the board of county commissioners of Wilson county, for the
purposes of K.S.A. 12-187(b)(22), and amendments thereto, may fix such
rate at up to 2%;
(u) the board of county commissioners of Butler county, for the
purposes of K.S.A. 12-187(b)(23), and amendments thereto, may fix such
rate at a percentage that is equal to the sum of the rate otherwise allowed
pursuant to this section, plus 0.25%, 0.5%, 0.75% or 1%;
(v) the board of county commissioners of Barton county, for the
purposes of K.S.A. 12-187(b)(24), 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 K.S.A. 12-187(b)(3)(D), and amendments thereto, may fix
such rate at 1.5%;
(x) the board of county commissioners of Rawlins county, for the
purposes of K.S.A. 12-187(b)(3)(E), and amendments thereto, may fix
such rate at 1.75%;
(y) the board of county commissioners of Chautauqua county, for the
purposes of K.S.A. 12-187(b)(3)(F), and amendments thereto, may fix
such rate at 2.0%;
(z) the board of county commissioners of Pottawatomie county, for
the purposes of K.S.A. 12-187(b)(26), and amendments thereto, may fix
such rate at up to 1.5%;
(aa) the board of county commissioners of Kingman county, for the
purposes of K.S.A. 12-187(b)(27), and amendments thereto, may fix such
rate at a percentage that is equal to the sum of the rate otherwise allowed
pursuant to this section, plus 0.25%, 0.5%, 0.75%, or 1%;
(bb) the board of county commissioners of Edwards county, for the
purposes of K.S.A. 12-187(b)(28), and amendments thereto, may fix such
rate at 1.375%;
(cc) the board of county commissioners of Rooks county, for the
purposes of K.S.A. 12-187(b)(29), and amendments thereto, may fix such
rate at up to 1.5%;
(dd) the board of county commissioners of Bourbon county, for the
purposes of K.S.A. 12-187(b)(3)(G) and (b)(31), and amendments thereto,
may fix such rate at up to 2.0%;
(ee) the board of county commissioners of Marion county, for the purposes of K.S.A. 12-187(b)(32), and amendments thereto, may fix such rate at 2.5%;

(ff) the board of county commissioners of Finney county, for the purposes of K.S.A. 12-187(b)(3)(H), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.3%;

(gg) the board of county commissioners of Cherokee county, for the purposes of K.S.A. 12-187(b)(3)(I), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.5%;

(hh) the board of county commissioners of Wilson county, for the purposes of K.S.A. 12-187(b)(33), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75% or 1%; and

(ii) the board of county commissioners of Atchison county, for the purposes of K.S.A. 12-187(b)(34), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus up to 1%; and

(jj) the board of county commissioners of Dickinson county, for the purposes of K.S.A. 12-187(b)(35), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%.

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 taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. The director of taxation shall confirm that all
provisions of law applicable to the authorization of local sales tax have
been followed prior to causing the collection. If the director of taxation
discovers that a city or county did not comply with any provision of law
applicable to the authorization of a local sales tax after collection has
commenced, the director shall immediately notify the city or county and
cease collection of such sales tax until such noncompliance is remedied.
All moneys collected by the director of taxation under the provisions of
this section shall be credited to a county and city retailers' sales tax fund
which fund is hereby established in the state treasury, except that all
moneys collected by the director of taxation pursuant to the authority
granted in K.S.A. 12-187(b)(22), and amendments thereto, shall be
credited to the Wilson county capital improvements fund. Any refund due
on any county or city retailers' sales tax collected pursuant to this act shall
be paid out of the sales tax refund fund and reimbursed by the director of
taxation from collections of local retailers' sales tax revenue. Except for
local retailers' sales tax revenue required to be deposited in the
redevelopment bond fund established under K.S.A. 74-8927, and
amendments thereto, all local retailers' sales tax revenue collected within
any county or city pursuant to this act shall be apportioned and remitted at
least quarterly by the state treasurer, on instruction from the director of
taxation, to the treasurer of such county or city.

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

The director of taxation shall provide, upon request by a city or county
clerk or treasurer or finance officer of any city or county levying a local
retailers' sales tax, monthly reports identifying each retailer doing business
in such city or county or making taxable sales sourced to such city or
county, setting forth the tax liability and the amount of such tax remitted
by each retailer during the preceding month and identifying each business
location maintained by the retailer and such retailer's sales or use tax
registration or account number. Such report shall be made available to the
clerk or treasurer or finance officer of such city or county within a
reasonable time after it has been requested from the director of taxation.
The director of taxation shall be allowed to assess a reasonable fee for the
issuance of such report. Information received by any city or county
pursuant to this section shall be confidential, and it shall be unlawful for
any officer or employee of such city or county to divulge any such
information in any manner. Any violation of this paragraph by a city or
county officer or employee is a class A misdemeanor, and such officer or
employee shall be dismissed from office. Reports of violations of this
paragraph shall be investigated by the attorney general. The district
attorney or county attorney and the attorney general shall have authority to
prosecute violations of this paragraph.

Sec. 3. K.S.A. 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) $\frac{1}{2}$ 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) $\frac{1}{2}$ 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 0.75%, 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 0.5% rate of tax shall be
apportioned in the manner prescribed by subsection (a); and
(B) the revenue received from the rate of tax exceeding 0.5% shall be
apportioned as follows:
(i) $\frac{1}{4}$ 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;
(ii) $\frac{1}{4}$ 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) $\frac{1}{2}$ 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 K.S.A. 12-187(b)(2), (3)(C), (3)(F), (3)(G), (3)(I), (6), (7), (8), (9), (12), (14), (15), (16), (17), (18), (19), (20), (22), (23), (25), (27), (28), (29), (30), (31), (32), (33), and (34) and (35), 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 K.S.A. 12-187(b)(5), and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to K.S.A. 12-187(b)(5), 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 K.S.A. 12-187(b)(26), 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 K.S.A. 12-187(b)(26), 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. 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.