

## HOUSE BILL No. 2016

By Committee on Taxation

6-24

9 AN ACT concerning sales taxation; relating to county taxing authority;  
10 economic development; amending K.S.A. 2004 Supp. 12-187, as  
11 amended by section 2 of 2005 House Bill No. 2537, 12-189, as  
12 amended by section 4 of 2005 House Bill No. 2537, and 12-192, as  
13 amended by section 5 of 2005 House Bill No. 2537 and repealing the  
14 existing sections.  
15

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

17 Section 1. K.S.A. 2004 Supp. 12-187, as amended by section 2 of  
18 2005 House Bill No. 2537, is hereby amended to read as follows: 12-187.

19 (a) (1) No city shall impose a retailers' sales tax under the provisions of  
20 this act without the governing body of such city having first submitted  
21 such proposition to and having received the approval of a majority of the  
22 electors of the city voting thereon at an election called and held therefor.  
23 The governing body of any city may submit the question of imposing a  
24 retailers' sales tax and the governing body shall be required to submit the  
25 question upon submission of a petition signed by electors of such city  
26 equal in number to not less than 10% of the electors of such city.

27 (2) The governing body of any class B city located in any county which  
28 does not impose a countywide retailers' sales tax pursuant to paragraph  
29 (5) of subsection (b) may submit the question of imposing a retailers' sales  
30 tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue re-  
31 ceived therefrom for the purpose of financing the provision of health care  
32 services, as enumerated in the question, to the electors at an election  
33 called and held thereon. The tax imposed pursuant to this paragraph shall  
34 be deemed to be in addition to the rate limitations prescribed in K.S.A.  
35 12-189, and amendments thereto. As used in this paragraph, health care  
36 services shall include but not be limited to the following: Local health  
37 departments, city, county or district hospitals, city or county nursing  
38 homes, preventive health care services including immunizations, prenatal  
39 care and the postponement of entry into nursing homes by home health  
40 care services, mental health services, indigent health care, physician or  
41 health care worker recruitment, health education, emergency medical  
42 services, rural health clinics, integration of health care services, home  
43 health services and rural health networks.

1 (b) (1) The board of county commissioners of any county may submit  
2 the question of imposing a countywide retailers' sales tax to the electors  
3 at an election called and held thereon, and any such board shall be re-  
4 quired to submit the question upon submission of a petition signed by  
5 electors of such county equal in number to not less than 10% of the  
6 electors of such county who voted at the last preceding general election  
7 for the office of secretary of state, or upon receiving resolutions request-  
8 ing such an election passed by not less than  $\frac{2}{3}$  of the membership of the  
9 governing body of each of one or more cities within such county which  
10 contains a population of not less than 25% of the entire population of the  
11 county, or upon receiving resolutions requesting such an election passed  
12 by  $\frac{2}{3}$  of the membership of the governing body of each of one or more  
13 taxing subdivisions within such county which levy not less than 25% of  
14 the property taxes levied by all taxing subdivisions within the county.

15 (2) The board of county commissioners of Anderson, Atchison, Bar-  
16 ton, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Jefferson, Lyon,  
17 Montgomery, Neosho, Osage, Ottawa, Riley, Saline, Seward, Sumner,  
18 Wabaunsee, Wilson and Wyandotte counties may submit the question of  
19 imposing a countywide retailers' sales tax and pledging the revenue re-  
20 ceived therefrom for the purpose of financing the construction or re-  
21 modeling of a courthouse, jail, law enforcement center facility or other  
22 county administrative facility, to the electors at an election called and  
23 held thereon. The tax imposed pursuant to this paragraph shall expire  
24 when sales tax sufficient to pay all of the costs incurred in the financing  
25 of such facility has been collected by retailers as determined by the sec-  
26 retary of revenue. Nothing in this paragraph shall be construed to allow  
27 the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery,  
28 Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to  
29 exceed or be imposed at any rate other than the rates prescribed in K.S.A.  
30 12-189, and amendments thereto.

31 (3) (A) Except as otherwise provided in this paragraph, the result of  
32 the election held on November 8, 1988, on the question submitted by  
33 the board of county commissioners of Jackson county for the purpose of  
34 increasing its countywide retailers' sales tax by 1% is hereby declared  
35 valid, and the revenue received therefrom by the county shall be ex-  
36 pended solely for the purpose of financing the Banner Creek reservoir  
37 project. The tax imposed pursuant to this paragraph shall take effect on  
38 the effective date of this act and shall expire not later than five years after  
39 such date.

40 (B) The result of the election held on November 8, 1994, on the  
41 question submitted by the board of county commissioners of Ottawa  
42 county for the purpose of increasing its countywide retailers' sales tax by  
43 1% is hereby declared valid, and the revenue received therefrom by the

1 county shall be expended solely for the purpose of financing the erection,  
2 construction and furnishing of a law enforcement center and jail facility.  
3 (C) Except as otherwise provided in this paragraph, the result of the  
4 election held on November 2, 2004, on the question submitted by the  
5 board of county commissioners of Sedgwick county for the purpose of  
6 increasing its countywide retailers' sales tax by 1% is hereby declared  
7 valid, and the revenue received therefrom by the county shall be used  
8 only to pay the costs of: (i) Acquisition of a site and constructing and  
9 equipping thereon a new regional events center, associated parking and  
10 infrastructure improvements and related appurtenances thereto, to be  
11 located in the downtown area of the city of Wichita, Kansas, (the "down-  
12 town arena"); (ii) design for the Kansas coliseum complex and construc-  
13 tion of improvements to the pavilions; and (iii) establishing an operating  
14 and maintenance reserve for the downtown arena and the Kansas coli-  
15 seum complex. The tax imposed pursuant to this paragraph shall com-  
16 mence on July 1, 2005, and shall terminate not later than 30 months after  
17 the commencement thereof.

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

41 (5) The board of county commissioners of any county may submit the  
42 question of imposing a retailers' sales tax at the rate of .25%, .5%, .75%  
43 or 1% and pledging the revenue received therefrom for the purpose of

1 financing the provision of health care services, as enumerated in the ques-  
2 tion, to the electors at an election called and held thereon. Whenever any  
3 county imposes a tax pursuant to this paragraph, any tax imposed pursuant  
4 to paragraph (2) of subsection (a) by any city located in such county shall  
5 expire upon the effective date of the imposition of the countywide tax,  
6 and thereafter the state treasurer shall remit to each such city that portion  
7 of the countywide tax revenue collected by retailers within such city as  
8 certified by the director of taxation. The tax imposed pursuant to this  
9 paragraph shall be deemed to be in addition to the rate limitations pre-  
10 scribed in K.S.A. 12-189, and amendments thereto. As used in this par-  
11 agraph, health care services shall include but not be limited to the follow-  
12 ing: Local health departments, city or county hospitals, city or county  
13 nursing homes, preventive health care services including immunizations,  
14 prenatal care and the postponement of entry into nursing homes by home  
15 care services, mental health services, indigent health care, physician or  
16 health care worker recruitment, health education, emergency medical  
17 services, rural health clinics, integration of health care services, home  
18 health services and rural health networks.

19 (6) The board of county commissioners of Allen county may submit  
20 the question of imposing a countywide retailers' sales tax at the rate of  
21 .5% and pledging the revenue received therefrom for the purpose of  
22 financing the costs of operation and construction of a solid waste disposal  
23 area or the modification of an existing landfill to comply with federal  
24 regulations to the electors at an election called and held thereon. The tax  
25 imposed pursuant to this paragraph shall expire upon the payment of all  
26 costs incurred in the financing of the project undertaken. Nothing in this  
27 paragraph shall be construed to allow the rate of tax imposed by Allen  
28 county pursuant to this paragraph to exceed or be imposed at any rate  
29 other than the rates prescribed in K.S.A. 12-189 and amendments  
30 thereto.

31 (7) The board of county commissioners of Clay, Dickinson and Miami  
32 county may submit the question of imposing a countywide retailers' sales  
33 tax at the rate of .50% in the case of Clay and Dickinson county and at a  
34 rate of up to 1% in the case of Miami county, and pledging the revenue  
35 received therefrom for the purpose of financing the costs of roadway  
36 construction and improvement to the electors at an election called and  
37 held thereon. Except as otherwise provided, the tax imposed pursuant to  
38 this paragraph shall expire after five years from the date such tax is first  
39 collected. The result of the election held on November 2, 2004, on the  
40 question submitted by the board of county commissioners of Miami  
41 county for the purpose of extending for an additional five-year period the  
42 countywide retailers' sales tax imposed pursuant to this subsection in Mi-  
43 ami county is hereby declared valid. The countywide retailers' sales tax

1 imposed pursuant to this subsection in Clay and Miami county may be  
2 extended or reenacted for additional five-year periods upon the board of  
3 county commissioners of Clay and Miami county submitting such ques-  
4 tion to the electors at an election called and held thereon for each addi-  
5 tional five-year period as provided by law.

6 (8) The board of county commissioners of Sherman county may sub-  
7 mit the question of imposing a countywide retailers' sales tax at the rate  
8 of .25%, .5% or .75% and pledging the revenue therefrom for the purpose  
9 of financing the costs of the county roads 64 and 65 construction and  
10 improvement project. The tax imposed pursuant to this paragraph shall  
11 expire upon payment of all costs authorized pursuant to this paragraph  
12 in the financing of such project.

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

21 (10) The board of county commissioners of Franklin county may sub-  
22 mit the question of imposing a countywide retailers' sales tax at the rate  
23 of .25% and pledging the revenue received therefrom for the purpose of  
24 financing recreational facilities. The tax imposed pursuant to this para-  
25 graph shall expire upon payment of all costs authorized in financing such  
26 facilities.

27 (11) The board of county commissioners of Douglas county may sub-  
28 mit to the question of imposing a countywide retailers' sales tax at the  
29 rate of .25% and pledging the revenue received therefrom for the pur-  
30 poses of preservation, access and management of open space, and for  
31 industrial and business park related economic development.

32 (12) The board of county commissioners of Shawnee county may sub-  
33 mit the question of imposing a countywide retailers' sales tax at the rate  
34 of .25% and pledging the revenue received therefrom to the city of To-  
35 peka for the purpose of financing the costs of rebuilding the Topeka  
36 boulevard bridge and other public infrastructure improvements associ-  
37 ated with such project to the electors at an election called and held  
38 thereon. The tax imposed pursuant to this paragraph shall expire upon  
39 payment of all costs authorized in financing such project.

40 (13) The board of county commissioners of Jackson county may sub-  
41 mit the question of imposing a countywide retailers' sales tax at a rate of  
42 .4% and pledging the revenue received therefrom as follows: 50% of such  
43 revenues for the purpose of financing for economic development initia-

1 tives; and 50% of such revenues for the purpose of financing public in-  
2 frastructure projects to the electors at an election called and held thereon.  
3 The tax imposed pursuant to this paragraph shall expire after seven years  
4 from the date such tax is first collected.

5 (14) The board of county commissioners of Neosho county may sub-  
6 mit the question of imposing a countywide retailers' sales tax at the rate  
7 of .5% and pledging the revenue received therefrom for the purpose of  
8 financing the costs of roadway construction and improvement to the elec-  
9 tors at an election called and held thereon. The tax imposed pursuant to  
10 this paragraph shall expire upon payment of all costs authorized pursuant  
11 to this paragraph in the financing of such project.

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

30 (d) Any city retailers' sales tax in the amount of .5% being levied by  
31 a city on July 1, 1990, shall continue in effect until repealed in the manner  
32 provided herein for the adoption and approval of such tax or until re-  
33 pealed by the adoption of an ordinance so providing. In addition to any  
34 city retailers' sales tax being levied by a city on July 1, 1990, any such city  
35 may adopt an additional city retailers' sales tax in the amount of .25% or  
36 .5%, provided that such additional tax is adopted and approved in the  
37 manner provided for the adoption and approval of a city retailers' sales  
38 tax. Any countywide retailers' sales tax in the amount of .5% or 1% in  
39 effect on July 1, 1990, shall continue in effect until repealed in the manner  
40 provided herein for the adoption and approval of such tax.

41 (e) A class D city shall have the same power to levy and collect a city  
42 retailers' sales tax that a class A city is authorized to levy and collect and  
43 in addition, the governing body of any class D city may submit the ques-

1 tion of imposing an additional city retailers' sales tax in the amount of  
2 .125%, .25%, .5% or .75% and pledging the revenue received therefrom  
3 for economic development initiatives, strategic planning initiatives or for  
4 public infrastructure projects including buildings to the electors at an  
5 election called and held thereon. Any additional sales tax imposed pur-  
6 suant to this paragraph shall expire no later than five years from the date  
7 of imposition thereof, except that any such tax imposed by any class D  
8 city after the effective date of this act shall expire no later than 10 years  
9 from the date of imposition thereof.

10 (f) *The board of county commissioners of any county may submit the*  
11 *question of imposing a countywide retailers' sales tax at a rate of up to*  
12 *.5% and pledging the revenue received therefrom for the purpose of ec-*  
13 *onomic development to the electors at an election called and held thereon.*

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

30 ~~(g)~~ (h) The sufficiency of the number of signers of any petition filed  
31 under this section shall be determined by the county election officer.  
32 Every election held under this act shall be conducted by the county elec-  
33 tion officer.

34 ~~(h)~~ (i) The governing body of the city or county proposing to levy any  
35 retailers' sales tax shall specify the purpose or purposes for which the  
36 revenue would be used, and a statement generally describing such pur-  
37 pose or purposes shall be included as a part of the ballot proposition.

38 Sec. 2. K.S.A. 2004 Supp. 12-189, as amended by section 4 of 2005  
39 House Bill No. 2537, is hereby amended to read as follows: 12-189. Ex-  
40 cept as otherwise provided by paragraph (2) of subsection (a) of K.S.A.  
41 12-187, and amendments thereto, the rate of any class A, class B or class  
42 C city retailers' sales tax shall be fixed in the amount of .25%, .5%, .75%  
43 or 1% which amount shall be determined by the governing body of the

- 1 city. Except as otherwise provided by paragraph (2) of subsection (a) of  
2 K.S.A. 12-187, and amendments thereto, the rate of any class D city  
3 retailers' sales tax shall be fixed in the amount of .10%, .25%, .5%, .75%,  
4 1%, 1.125%, 1.25%, 1.5% or 1.75%. The rate of any countywide retailers'  
5 sales tax shall be fixed in an amount of either .25%, .5%, .75% or 1%  
6 which amount shall be determined by the board of county commissioners,  
7 except that:
- 8 (a) The board of county commissioners of Wabaunsee county, for the  
9 purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amend-  
10 ments thereto, may fix such rate at 1.25%; the board of county commis-  
11 sioners of Osage county, for the purposes of paragraph (2) of subsection  
12 (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%  
13 or 1.5%; the board of county commissioners of Cherokee, Crawford,  
14 Ford, Saline, Seward or Wyandotte county, for the purposes of paragraph  
15 (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix  
16 such rate at 1.5%, the board of county commissioners of Atchison county,  
17 for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and  
18 amendments thereto, may fix such rate at 1.5% or 1.75% and the board  
19 of county commissioners of Anderson, Barton, Jefferson or Ottawa  
20 county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-  
21 187, and amendments thereto, may fix such rate at 2%;
- 22 (b) the board of county commissioners of Jackson county, for the  
23 purposes of paragraph (3) of subsection (b) of K.S.A. 12-187, and amend-  
24 ments thereto, may fix such rate at 2%;
- 25 (c) the boards of county commissioners of Finney and Ford counties,  
26 for the purposes of paragraph (4) of subsection (b) of K.S.A. 12-187, and  
27 amendments thereto, may fix such rate at .25%;
- 28 (d) the board of county commissioners of any county for the purposes  
29 of paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments  
30 thereto, may fix such rate at a percentage which is equal to the sum of  
31 the rate allowed to be imposed by a board of county commissioners on  
32 the effective date of this act plus .25%, .5%, .75% or 1%, as the case  
33 requires;
- 34 (e) the board of county commissioners of Dickinson county, for the  
35 purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amend-  
36 ments thereto, may fix such rate at 1.5%, and the board of county com-  
37 missioners of Miami county, for the purposes of paragraph (7) of subsec-  
38 tion (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at  
39 1.25%, 1.5%, 1.75% or 2%;
- 40 (f) the board of county commissioners of Sherman county, for the  
41 purposes of paragraph (8) of subsection (b) of K.S.A. 12-187, and amend-  
42 ments thereto, may fix such rate at 1.5%, 1.75% or 2%;
- 43 (g) the board of county commissioners of Russell county for the pur-



1 poses of paragraph (9) of subsection (b) of K.S.A. 12-187, and amend-  
2 ments thereto, may fix such rate at 1.5%;

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

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

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

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

15 (l) the board of county commissioners of Neosho county, for the pur-  
16 poses of paragraph (14) of subsection (b) of K.S.A. 12-187, and amend-  
17 ments thereto, may fix such rate at 1.0% or 1.5%; *or*

18 (m) *the board of any county, for the purposes of subsection (f) of*  
19 *K.S.A. 12-187, and amendments thereto, may fix such rate at up to .5%*  
20 *above the rate at which such county is authorized pursuant to this section*  
21 *or as otherwise provided by law.*

22 Any county or city levying a retailers' sales tax is hereby prohibited  
23 from administering or collecting such tax locally, but shall utilize the serv-  
24 ices of the state department of revenue to administer, enforce and collect  
25 such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and  
26 amendments thereto, such tax shall be identical in its application, and  
27 exemptions therefrom, to the Kansas retailers' sales tax act and all laws  
28 and administrative rules and regulations of the state department of rev-  
29 enue relating to the Kansas retailers' sales tax shall apply to such local  
30 sales tax insofar as such laws and rules and regulations may be made  
31 applicable. The state director of taxation is hereby authorized to admin-  
32 ister, enforce and collect such local sales taxes and to adopt such rules  
33 and regulations as may be necessary for the efficient and effective ad-  
34 ministration and enforcement thereof.

35 Upon receipt of a certified copy of an ordinance or resolution author-  
36 izing the levy of a local retailers' sales tax, the director of taxation shall  
37 cause such taxes to be collected within or without the boundaries of such  
38 taxing subdivision at the same time and in the same manner provided for  
39 the collection of the state retailers' sales tax. Such copy shall be submitted  
40 to the director of taxation within 30 days after adoption of any such or-  
41 dinance or resolution. All moneys collected by the director of taxation  
42 under the provisions of this section shall be credited to a county and city  
43 retailers' sales tax fund which fund is hereby established in the state treas-

1 ury. Any refund due on any county or city retailers' sales tax collected  
2 pursuant to this act shall be paid out of the sales tax refund fund and  
3 reimbursed by the director of taxation from collections of local retailers'  
4 sales tax revenue. Except for local retailers' sales tax revenue required to  
5 be deposited in the redevelopment bond fund established under K.S.A.  
6 74-8927, and amendments thereto, all local retailers' sales tax revenue  
7 collected within any county or city pursuant to this act shall be appor-  
8 tioned and remitted at least quarterly by the state treasurer, on instruction  
9 from the director of taxation, to the treasurer of such county or city.

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

14 The director of taxation shall provide, upon request by a city or county  
15 clerk or treasurer or finance officer of any city or county levying a local  
16 retailers' sales tax, monthly reports identifying each retailer doing busi-  
17 ness in such city or county or making taxable sales sourced to such city  
18 or county, setting forth the tax liability and the amount of such tax re-  
19 mitted by each retailer during the preceding month and identifying each  
20 business location maintained by the retailer and such retailer's sales or  
21 use tax registration or account number. Such report shall be made avail-  
22 able to the clerk or treasurer or finance officer of such city or county  
23 within a reasonable time after it has been requested from the director of  
24 taxation. The director of taxation shall be allowed to assess a reasonable  
25 fee for the issuance of such report. Information received by any city or  
26 county pursuant to this section shall be confidential, and it shall be un-  
27 lawful for any officer or employee of such city or county to divulge any  
28 such information in any manner. Any violation of this paragraph by a city  
29 or county officer or employee is a class A misdemeanor, and such officer  
30 or employee shall be dismissed from office. Reports of violations of this  
31 paragraph shall be investigated by the attorney general. The district at-  
32 torney or county attorney and the attorney general shall have authority  
33 to prosecute violations of this paragraph.

34 Sec. 3. K.S.A. 2004 Supp. 12-192, as amended by section 5 of 2005  
35 House Bill No. 2537, is hereby amended to read as follows: 12-192. (a)  
36 Except as otherwise provided by subsection (b), (d) or (h), all revenue  
37 received by the director of taxation from a countywide retailers' sales tax  
38 shall be apportioned among the county and each city located in such  
39 county in the following manner: (1) One-half of all revenue received by  
40 the director of taxation shall be apportioned among the county and each  
41 city located in such county in the proportion that the total tangible prop-  
42 erty tax levies made in such county in the preceding year for all funds of  
43 each such governmental unit bear to the total of all such levies made in

1 the preceding year, and  $(2)^{1/2}$  of all revenue received by the director of  
2 taxation from such countywide retailers' sales tax shall be apportioned  
3 among the county and each city located in such county, first to the county  
4 that portion of the revenue equal to the proportion that the population  
5 of the county residing in the unincorporated area of the county bears to  
6 the total population of the county, and second to the cities in the pro-  
7 portion that the population of each city bears to the total population of  
8 the county, except that no persons residing within the Fort Riley military  
9 reservation shall be included in the determination of the population of  
10 any city located within Riley county. All revenue apportioned to a county  
11 shall be paid to its county treasurer and shall be credited to the general  
12 fund of the county.

13 (b) (1) As an alternative and in lieu of the apportionment formula  
14 provided in subsection (a), all revenue received by the director of taxation  
15 from a countywide retailers' sales tax imposed within Johnson county at  
16 the rate of .75% or 1% after the effective date of this act may be appor-  
17 tioned among the county and each city located in such county in the  
18 following manner: (A) The revenue received from the first .5% rate of  
19 tax shall be apportioned in the manner prescribed by subsection (a) and  
20 (B) the revenue received from the rate of tax exceeding .5% shall be  
21 apportioned as follows: (i) One-fourth shall be apportioned among the  
22 county and each city located in such county in the proportion that the  
23 total tangible property tax levies made in such county in the preceding  
24 year for all funds of each such governmental unit bear to the total of all  
25 such levies made in the preceding year and (ii) one-fourth shall be ap-  
26 portioned among the county and each city located in such county, first to  
27 the county that portion of the revenue equal to the proportion that the  
28 population of the county residing in the unincorporated area of the county  
29 bears to the total population of the county, and second to the cities in the  
30 proportion that the population of each city bears to the total population  
31 of the county and (iii) one-half shall be retained by the county for its sole  
32 use and benefit.

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

43 (c) (1) Except as otherwise provided by paragraph (2) of this subsec-

1 tion, for purposes of subsections (a) and (b), the term “total tangible  
2 property tax levies” means the aggregate dollar amount of tax revenue  
3 derived from ad valorem tax levies applicable to all tangible property  
4 located within each such city or county. The ad valorem property tax levy  
5 of any county or city district entity or subdivision shall be included within  
6 this term if the levy of any such district entity or subdivision is applicable  
7 to all tangible property located within each such city or county.

8 (2) For the purposes of subsections (a) and (b), any ad valorem prop-  
9 erty tax levied on property located in a city in Johnson county for the  
10 purpose of providing fire protection service in such city shall be included  
11 within the term “total tangible property tax levies” for such city regardless  
12 of its applicability to all tangible property located within each such city.  
13 If the tax is levied by a district which extends across city boundaries, for  
14 purposes of this computation, the amount of such levy shall be appor-  
15 tioned among each city in which such district extends in the proportion  
16 that such tax levied within each city bears to the total tax levied by the  
17 district.

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

24 (2) Except as otherwise provided in paragraph (5) of subsection (b)  
25 of K.S.A. 12-187, and amendments thereto, all revenues received from a  
26 countywide retailers’ sales tax imposed pursuant to paragraph (5) of sub-  
27 section (b) of K.S.A. 12-187, and amendments thereto, shall be remitted  
28 to and shall be retained by the county and expended only for the purpose  
29 for which the revenue received from the tax was pledged.

30 (e) All revenue apportioned to the several cities of the county shall  
31 be paid to the respective treasurers thereof and deposited in the general  
32 fund of the city. Whenever the territory of any city is located in two or  
33 more counties and any one or more of such counties do not levy a coun-  
34 tywide retailers’ sales tax, or whenever such counties do not levy coun-  
35 tywide retailers’ sales taxes at a uniform rate, the revenue received by  
36 such city from the proceeds of the countywide retailers’ sales tax, as an  
37 alternative to depositing the same in the general fund, may be used for  
38 the purpose of reducing the tax levies of such city upon the taxable tan-  
39 gible property located within the county levying such countywide retail-  
40 ers’ sales tax.

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

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

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

13 Sec. 4. K.S.A. 2004 Supp. 12-187, as amended by section 2 of 2005  
14 House Bill No. 2537, 12-189, as amended by section 4 of 2005 House  
15 Bill No. 2537, and 12-192, as amended by section 5 of 2005 House Bill  
16 No. 2537 are hereby repealed.

17 Sec. 5. This act shall take effect and be in force from and after its  
18 publication in the Kansas register.