

SENATE BILL No. 390

By Committee on Ways and Means

3-22

9 AN ACT concerning taxation; relating to the creation of the regents
10 county education authority, taxing authority, powers and duties.

11

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

13 Section 1. (a) Sections 1 through 6, and amendments thereto, shall
14 be known and may be cited as the regents county education authority act.

15 (b) The powers conferred by this act are for public uses or purposes
16 for which public money may be expended.

17 (c) Powers granted pursuant to this act shall be in addition to any
18 other power provided by law.

19 (d) As used in sections 1 through 6, and amendments thereto: (1)
20 “Regents county” means Crawford, Douglas, Ellis, Lyon, Riley, Saline,
21 Sedgwick and Wyandotte counties; and

22 (2) “regents’ institution” means Emporia state university, Fort Hays
23 state university, Kansas state university of agriculture and applied science,
24 Kansas state university-Salina, college of technology, Pittsburg state uni-
25 versity, university of Kansas, university of Kansas medical center and
26 Wichita state university.

27 Sec. 2. The board of county commissioners of any county in which a
28 board of regents’ institution is located may determine whether to submit
29 to the electors of such county during a primary, general or special election
30 a proposition to create a regents county education authority and to impose
31 a sales tax pursuant to the provisions of this act in an amount not to exceed
32 .2%, or levy an annual tax at the rate of not more than two mills on the
33 dollar on all real property within such county, or a combination of both
34 with any such combination not to exceed the lesser of the .2% sales tax
35 or the two mills of property tax, for the purpose of supporting the edu-
36 cational or community activities of a regents institution located within
37 such county. Alternatively, such proposition, within two years after the
38 effective date of this act, may be placed before the voters of such county
39 through the county’s established petition process.

40 Sec. 3. (a) If a majority of the electors voting at the election provided
41 in section 2, and amendments thereto, shall approve such proposition to
42 create the regents county education authority and to grant authority to
43 impose a retailers’ sales or levy an annual tax on real property within the

1 county, or combination of both, the authority shall be created and the
2 board of county commissioners shall provide by resolution for the im-
3 position of the sales tax or levy of the annual tax on real property, or
4 combination of both, and pledging the revenues received therefrom for
5 such purposes as specified in this section. With regard to the retailers'
6 sales tax, any county imposing such retailers' sales tax shall utilize the
7 services of the state department of revenue to administer, enforce and
8 collect such tax. The sales tax shall be administered, enforced and col-
9 lected in the same manner and by the same procedure as other county-
10 wide retailers' sales taxes are levied and collected and shall be in addition
11 to any other sales tax authorized by law. Upon receipt of a certified copy
12 of a resolution authorizing the levy of a countywide retailers' sales tax
13 pursuant to this act, the state director of taxation shall cause such tax to
14 be collected within and outside the boundaries of such county at the same
15 time and in the same manner provided for the collection of the state
16 retailers' sales tax and local retailers' sales tax. All retailers' sales tax mon-
17 eys collected by the director of taxation under the provisions of this act
18 shall be remitted to the state treasurer in accordance with the provisions
19 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
20 remittance, the state treasurer shall deposit the entire amount in the state
21 treasury to the credit of the regents county education authority retailers'
22 sales tax fund which fund is hereby established in the state treasury. Any
23 refund due on any retailers' sales tax collected pursuant to this act shall
24 be paid out of the sales tax refund fund and reimbursed by the director
25 of taxation from retailers' sales tax revenue collected pursuant to this act.
26 All retailers' sales tax revenue collected within any county pursuant to
27 this act shall be remitted at least quarterly by the state treasurer, on
28 instruction from the director of taxation, to the treasurer of any county
29 imposing such retailers' sales tax.

30 (b) Any such sales tax imposed or tax levy on real property enacted
31 by the voters of any such county shall be subject to voter recall upon
32 proper petition and submission of the issue to a recall ballot in a general
33 election.

34 Sec. 4. If the creation of a regents county education authority is ap-
35 proved as provided by this act, the board of directors of the authority
36 shall consist of seven voting members, who shall be elected officials of
37 such county and who shall be appointed as follows: (a) One member
38 appointed by the governor of the state of Kansas;

39 (b) one member appointed by the board of regents of the state of
40 Kansas;

41 (c) three members appointed upon majority vote of the board of com-
42 missioners of the county which creates such authority; and

43 (d) two members appointed by the chief executive officer of the re-

1 regents institution which is located in the county which creates such
2 authority.

3 Each such member shall have one vote, and shall serve for a maximum
4 of two terms of four years duration each. The board shall select its chair-
5 person by vote of the members. Vacancies shall be filled in the same
6 manner as the original appointment. Employees of any regents institution
7 shall not be eligible for appointment to the board. All members of the
8 board and any employees of the authority shall submit an annual state-
9 ment of substantial interests to the secretary of state. Any appointees to
10 the board who lose or resign the elected office upon which such ap-
11 pointee's appointment is based shall vacate such appointee's positions
12 effective as of the date of departure from such elected office. The chief
13 executive officer of the regents institution located in the county which
14 creates such authority shall serve as an ex officio, non-voting member of
15 the board.

16 Sec. 5. (a) All revenue received by the county treasurer pursuant to
17 this act shall be appropriated by the county to the regents county edu-
18 cation authority. The authority shall remit such funds for expenditure by
19 designated officials for the regents institution located in such county. All
20 such funds shall be spent for building construction, academic and re-
21 search program development and growth, community outreach activities,
22 faculty and staff recruitment and retention, and operations and mainte-
23 nance in support of the regents institution located in such county.

24 (b) All such expenditures shall be in compliance with the purposes
25 of this act and shall be certified as such to the authority and to the Kansas
26 state board of regents by appropriate officials at the regents institution
27 located in such county. Such expenditures shall also comply with the
28 policies of the Kansas state board of regents and applicable state and
29 federal laws.

30 (c) No more than two percent of funds so collected in any fiscal year
31 shall be used for the administrative expenses of the authority or its board
32 of directors.

33 (d) The authority shall have no authority to issue bonds or to exercise
34 the power of eminent domain.

35 (e) The authority shall issue an annual report to the board of regents,
36 the legislature and the board of commissioners of such county.

37 (f) The authority shall be subject to legislative post audit and audit
38 by the board of commissioners of the county internal auditor.

39 (g) Meetings of the board of directors of the authority shall be subject
40 to the Kansas open meetings act and records of the authority and the
41 board shall be subject to the Kansas open records act.

42 (h) Unless state general fund appropriations for the regents institu-
43 tion located in such county are reduced by action of the legislature or the

1 governor, state general fund support of such institutions shall not be re-
2 duced below the level of support in effect on the effective date of this
3 act.

4 (i) The Kansas board of regents shall remain responsible for the gov-
5 ernance of these institutions, including approval of any academic pro-
6 grams and the regulation thereof, and shall be responsible to the authority
7 for institutional compliance with the purposes of this act.

8 Sec. 6. (a) The provisions of sections 1 through 5, and amendments
9 thereto, shall not be subject to the home rule powers granted to counties
10 pursuant to K.S.A. 19-101a, and amendments thereto.

11 (b) Any county granted authority pursuant to the provisions of sec-
12 tions 1 through 5, and amendments thereto, shall be subject to the lim-
13 itations and prohibitions imposed under sections 1 through 5, and amend-
14 ments thereto.

15 (c) Except as specifically authorized by sections 1 through 5, and
16 amendments thereto, counties may not exercise any authority granted
17 pursuant to sections 1 through 5, and amendments thereto, including the
18 imposition or levy of any retailers' sales tax.

19 Sec. 7. This act shall take effect and be in force from and after its
20 publication in the statute book.