

## SENATE BILL No. 36

By Committee on Commerce

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9 AN ACT concerning cities and counties; relating to the transportation  
10 development district act; special assessments; amending K.S.A. 2008  
11 Supp. 12-17,143, 12-17,145 and 12-17,148 and repealing the existing  
12 sections.  
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14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2008 Supp. 12-17,143 is hereby amended to read  
16 as follows: 12-17,143. (a) In addition to any other power provided by law  
17 and as a complete alternative to all other methods provided by law, the  
18 governing body may make, or cause to be made, projects identified in the  
19 petition submitted pursuant to K.S.A. 2008 Supp. 12-17,142 or 12-17,144,  
20 and amendments thereto, and may levy and collect special assessments  
21 upon property in the district and provide for the payment of all or any  
22 part of the cost of the project out of the proceeds of such special assess-  
23 ments. If special assessments ~~will~~ *shall* be levied to finance all or a portion  
24 of the cost of a project, the municipality shall follow the assessment pro-  
25 cedures in K.S.A. 12-6a01 et seq., and amendments thereto, except that:  
26 (1) No assessments may be levied against the municipality at large ~~and~~;  
27 (2) no full faith and credit notes or bonds may be issued by the munic-  
28 ipality to finance a project under this act; *and* (3) *annual installments of*  
29 *the assessments may be levied as provided in subsection (b).*

30 (b) *If the method of financing for the project includes payment from*  
31 *the sources described in subsection (c) or (d) of K.S.A. 2008 Supp. 12-*  
32 *17,147, and amendments thereto, the ordinance or resolution of the mu-*  
33 *nicipality that authorizes the levy of special assessments may provide that*  
34 *the annual installments of such assessment for any year may be reduced*  
35 *or eliminated to the extent that, prior to the date the municipality certifies*  
36 *the tax levy of the municipality to the county clerk pursuant to K.S.A. 79-*  
37 *1801, and amendments thereto, the municipality has received sufficient*  
38 *funds from the sources described in subsections (c) and (d) of K.S.A. 2008*  
39 *Supp. 12-17,147, and amendments thereto, to pay the debt service on any*  
40 *bonds issued under the provisions of K.S.A. 2008 Supp. 12-17,140 et seq.,*  
41 *and amendments thereto, for the project which would have been paid by*  
42 *such annual installment. The municipality is not required to refund any*  
43 *prepayment of assessments after such prepayment is made to the munic-*

1 *ipality, and any prepayment of assessments under this section shall be in*  
2 *compliance with the provisions of K.S.A. 10-115, and amendments*  
3 *thereto.*

4 Sec. 2. K.S.A. 2008 Supp. 12-17,145 is hereby amended to read as  
5 follows: 12-17,145. (a) In addition to and notwithstanding any limitations  
6 on the aggregate amount of the retailers' sales tax contained in K.S.A. 12-  
7 187 through 12-197, and amendments thereto, any municipality may im-  
8 pose a transportation development district sales tax on the selling of tan-  
9 gible personal property at retail or rendering or furnishing services taxable  
10 pursuant to the provisions of the Kansas retailers' sales tax act, and  
11 amendments thereto, within a transportation development district for  
12 purposes of financing a project in such district in any increment of .10%  
13 or .25% not to exceed 1% and pledging the revenue received therefrom  
14 to pay *for the project or* the bonds issued for the project. Any transpor-  
15 tation development district sales tax imposed pursuant to this section shall  
16 expire *after sufficient transportation development sales tax has been re-*  
17 *ceived by the municipality to pay for the project or* no later than the date  
18 the bonds issued to finance such project or refunding bonds issued there-  
19 fore shall mature. Except as otherwise provided by the provisions of  
20 K.S.A. 2008 Supp. 12-17,141 et seq., and amendments thereto, the tax  
21 authorized by this section shall be administered, collected and subject to  
22 the provisions of K.S.A. 12-187 to 12-197, inclusive, and amendments  
23 thereto.

24 (b) Upon receipt of a certified copy of the resolution or ordinance  
25 authorizing the levy of the transportation development district sales tax  
26 pursuant to this section, the state director of taxation shall cause such tax  
27 to be collected in the district at the same time and in the same manner  
28 provided for the collection of the state retailers' sales tax. All of the taxes  
29 collected under the provisions of this act shall be remitted by the secretary  
30 of revenue to the state treasurer in accordance with the provisions of  
31 K.S.A 75-4215, and amendments thereto. Upon receipt of each such re-  
32 mittance, the state treasurer shall deposit the entire amount in the state  
33 treasury. ~~The remainder of such taxes shall be credited to the credit of~~  
34 ~~the transportation development district sales tax fund, which fund is~~  
35 ~~hereby established in the state treasury. All moneys in the transportation~~  
36 ~~development district sales tax fund shall be remitted at least quarterly by~~  
37 ~~the state treasurer, on instruction from the secretary of revenue, to the~~  
38 ~~treasurers of those municipalities which are qualified to receive disburse-~~  
39 ~~ments from such fund the amount collected within such municipality.~~  
40 Any refund due on any transportation development district sales tax col-  
41 lected pursuant to this section shall be paid out of the transportation  
42 development district sales tax refund fund which is hereby established in  
43 the state treasury and reimbursed by the director of taxation from collec-

1 tions of the transportation development district sales tax authorized by  
2 this section. Transportation development district sales tax received by a  
3 municipality pursuant to this section shall be deposited in the transpor-  
4 tation development district sales tax fund created pursuant to K.S.A. 2008  
5 Supp. 12-17,148, and amendments thereto.

6 Sec. 3. K.S.A. 2008 Supp. 12-17,148 is hereby amended to read as  
7 follows: 12-17,148. A separate fund shall be created for each district and  
8 each project and such fund shall be identified by a suitable title. The  
9 proceeds from the sale of bonds, *amounts of special assessments collected,*  
10 *moneys remitted from the state treasurer pursuant to K.S.A. 2008 Supp.*  
11 *12-17,145, and amendments thereto,* and any other moneys appropriated  
12 by the governing body for such purpose shall be credited to such fund.  
13 Such fund shall be used solely to pay the costs of the project. Upon  
14 payment of the principal and interest on the bonds, if any, the munici-  
15 pality shall have the authority to spend any moneys remaining in the fund  
16 for the purposes for which local sales tax receipts may be spent.

17 Sec. 4. K.S.A. 2008 Supp. 12-17,143, 12-17,145 and 12-17,148 are  
18 hereby repealed.

19 Sec. 5. This act shall take effect and be in force from and after its  
20 publication in the statute book.