

Session of 2016

HOUSE BILL No. 2719

By Committee on Taxation

3-8

Ballon amendment
House Committee on Taxation
Public Water Supply District

1 AN ACT concerning local government; relating to certain taxing
2 jurisdictions, approval of bonds, tax levies by electors or elected
3 bodies; amending K.S.A. 3-114, 12-1220, 12-1234, 12-1267, 12-1270,
4 12-1276, 12-1688, 13-13a18, 13-13a23, 19-3557, 19-3617, 19-3622,
5 27-322, 27-333, 80-1520 and 80-1548 and K.S.A. 2015 Supp. 12-1288,
6 12-1927, 12-1928, 12-1936, 27-323 and 75-2551 and repealing the
7 existing sections.
8

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

10 New Section 1. (a) The legislature hereby declares that the intent of
11 this act is to empower the citizens of Kansas with a means to control the
12 amount of property taxes levied against real and personal property by
13 requiring any such taxes to be levied or approved by an elected body.

14 (b) Notwithstanding any other provision of law to the contrary, no
15 taxes may be levied against real and personal property and no bonds may
16 be issued unless the governing body of the taxing jurisdiction has been
17 elected or the levy or bond issuance has been approved by a majority of
18 the electors of such taxing jurisdiction or by the governing body which
19 certifies the budget of such taxing jurisdiction. The provisions of this
20 section shall not apply to any taxes levied pursuant to K.S.A. 76-6b01 and
21 76-6b04 and K.S.A. 2015 Supp. 72-6470, and amendments thereto.

22 Sec. 2. K.S.A. 3-114 is hereby amended to read as follows: 3-114. (a)
23 Except as provided in subsection (b), in any city having a population of
24 more than ~~sixty-five thousand (65,000)~~ 65,000 in which a board of park
25 commissioners has been established pursuant to K.S.A. 13-1346, and
26 *amendments thereto*, all powers, jurisdiction and control over municipal
27 airports or municipal fields for aviation purposes otherwise vested in the
28 governing body of such city shall be vested in such board of park
29 commissioners. Such board of park commissioners is hereby authorized to
30 issue, as provided by law, general bonds of the city for the purpose of
31 purchasing, leasing, developing and equipping municipal airports and
32 fields for aviation purposes. Such board of park commissioners ~~is hereby~~
33 ~~further authorized to may~~ levy an annual tax not exceeding ~~one-half (1/2)~~
34 0.5 mill for the support, maintenance and operation of municipal airports
35 or fields for aviation purposes. *Before issuing bonds or levying any such*
36 *tax pursuant to this section, the board shall submit the proposed bond*

1 under subsection (b); (2) the construction, reconstruction, or equipping of
2 new or existing buildings; and (3) for any other capitalized equipment or
3 permanent improvements. Except as provided in subsection (d), such taxes
4 shall be in addition to all taxes which may be levied by the board of
5 regents pursuant to K.S.A. 13-13a18, and amendments thereto, and shall
6 not exceed 3 mills in any one year.

7 (d) The board of regents which has levied a retailers' sales tax under
8 the provisions of this act shall levy no other property tax except as
9 authorized by K.S.A. 13-13a23, and amendments thereto, and K.S.A. 75-
10 6111, and amendments thereto.

11 (e) The proceeds from the tax levy authorized under this section,
12 other than that portion of the proceeds for the sinking fund, may be
13 accumulated from year to year and expended for the construction,
14 reconstruction or equipping of new or existing buildings, permanent
15 improvements or capitalized equipment or for any one or more of such
16 purposes, and shall not be subject to the provisions of the budget laws,
17 except that in making the budget of the municipal university the amount so
18 accumulated and the amount expended thereof shall be shown therein for
19 the information of the taxpayers.

20 (f) *Before issuing bonds or levying any tax authorized by this section,*
21 *the board of regents shall submit the proposed bond issuance or tax levy*
22 *for review and approval as follows:*

23 (1) *For a board whose members have been appointed pursuant to*
24 *K.S.A. 13-13a04(a), and amendments thereto, the proposed bond issuance*
25 *or tax levy shall be submitted to the governing body of the city in which*
26 *the university is located for review and approval thereof; and*

27 (2) *for a board whose members have been appointed pursuant to*
28 *K.S.A. 13-13a04(b), and amendments thereto, the proposed bond issuance*
29 *or tax levy shall be submitted to the governing body of the city and county*
30 *in which the university is located for review and approval thereof. The*
31 *board shall not issue any bonds or levy any tax unless it has obtained the*
32 *approval of the governing body of the city and county.*

33 Sec. 15. K.S.A. 19-3557 is hereby amended to read as follows: 19-
34 3557. (a) The provisions of this section shall apply to public wholesale
35 water supply districts No. 4, No. 11 and No. 12.

36 (b) The governing body of any public wholesale water supply district
37 created pursuant to K.S.A. 19-3545 et seq., and amendments thereto, to
38 which this section applies may issue general obligation bonds of the
39 district to finance the cost of acquisition, construction, reconstruction,
40 alteration, repair, improvement, extension or enlargement of the district.
41 All general obligation bonds of the district shall be authorized, issued,
42 registered and sold in the manner provided by the general bond law and
43 shall bear interest at a rate not to exceed the maximum rate prescribed by

1 K.S.A. 10-1009, and amendments thereto. The authorized and outstanding
2 bonded indebtedness of the district shall not exceed 20% of the assessed
3 value of all taxable tangible property located within the district, as
4 certified to the county clerk on the preceding August 25.

5 No bonds may be issued under this subsection until the question of
6 issuing such bonds has been submitted to and approved by a majority of
7 the qualified electors of the district voting at an election called thereon.
8 Such election shall be called and held in the manner provided by the
9 general bond law. If a majority of the voters voting on the question vote in
10 favor thereof, the bonds may be issued.

11 (c) The governing body of any public wholesale water supply district
12 to which this section applies may issue, from time to time, general
13 obligation bonds, in the manner prescribed by K.S.A. 10-427 et seq, and
14 amendments thereto, to refund any previous issue or part thereof of its
15 outstanding revenue bonds, including the principal amount thereof and all
16 accrued outstanding interest thereon, if such revenue bonds are callable in
17 accordance with their terms or the holders thereof are willing to surrender
18 them to the district. Such general obligation bonds shall not be issued until
19 a resolution adopted by the governing body of the district stating the
20 purpose for which such bonds are to be issued, the total amount of the
21 bonds proposed to be issued, and the total cost to the district of the
22 refunding project, is published once each week for two consecutive weeks
23 in the official newspaper of such district. After publication, such bonds
24 may be issued unless a petition requesting an election on the proposition,
25 signed by electors equal in number to not less than 5% of the electors of
26 the district who voted for the office of secretary of state at the last
27 preceding general election of such office, is filed with the clerk of such
28 district within 20 days following the last publication of such resolution. If
29 such a petition is filed, the governing body of the district shall submit the
30 proposition to the voters at an election called for such purpose and held
31 within 90 days after the last publication of the resolution and no bonds
32 shall be issued under this subsection unless such proposition shall receive
33 the approval of a majority of the votes cast thereon. Such election shall be
34 called and held in the manner provided by the general bond law.

35 (d) The governing body of any public wholesale water supply district
36 to which this section applies ~~shall have the power to~~ may levy a tax against
37 all taxable, tangible property in the district for the purpose of paying any
38 bonds, and the interest thereon, issued pursuant to this section. Any bonds
39 issued pursuant to this section shall not be included in computing the total
40 bonded indebtedness of any city or county located within such water
41 supply district.

42 (e) Before issuing any bonds under the authority of subsection (c) or
43 levying any tax authorized by this section, the governing body of the

1 *public wholesale water supply district shall submit the proposed levy to*
2 *the governing body of the county in which the district is located for review*
3 *and approval thereof.*

each public water supply district, municipality and publicly
and privately owned distribution company to which the
district provides water at wholesale

4 Sec. 16. K.S.A. 19-3617 is hereby amended to read as follows: 19-
5 3617. (a) The governing body may provide for the furnishing of fire
6 protection services or may contract with any other fire district, city or
7 township or private entity within the vicinity of the fire district, for the
8 purpose of furnishing fire protection service to the residents of such
9 district.

10 (b) Where such fire district does enter into a contract with any other
11 fire district, city or township or private entity within the vicinity of the fire
12 district for furnishing fire protection service to the residents of such
13 district, the fire district governing board ~~shall have the power to~~ may levy
14 a tax not to exceed 8.5 mills upon the dollar of the assessed valuation of all
15 taxable, tangible property in the district, for the purpose of carrying out the
16 provisions of the contract. Such tax levy shall be in addition to all other tax
17 levies authorized or limited by law except that no other levies for fire
18 department purposes shall be made on such property.

19 (c) *Before levying any tax authorized by this section, the board shall*
20 *submit the proposed bond issuance or tax levy to the governing body of the*
21 *county for review and approval thereof.*

22 Sec. 17. K.S.A. 19-3622 is hereby amended to read as follows: 19-

23 3622. (a) The governing body of the fire district shall prepare an annual
24 budget for the operation of the fire district. Prior to the adoption of its
25 budget, the governing body shall meet for the purpose of answering and
26 hearing objections of taxpayers relating to the proposed budget and for the
27 purpose of considering amendments to such proposed budget. The
28 governing body shall give at least 10 days' notice of the time and place of
29 the meeting by publication in a weekly or daily newspaper having a
30 general circulation in the fire district. Such notice shall include the
31 proposed budget and shall set out all essential items in the budget on a
32 publication form prescribed by the director of accounts and reports and
33 furnished with the regular budget form. The public hearing required to be
34 held herein shall be held not less than 10 days prior to the date on which
35 the fire district is required to submit its budget to the board of county
36 commissioners for review and approval thereby. After such hearing a
37 proposed budget shall be adopted or amended and adopted by the fire
38 district. The governing body, not later than August 1 of any year, shall
39 submit its proposed budget to the board of county commissioners for
40 review and approval thereby. The board shall approve or disapprove the
41 budget no later than August 10. After the board of county commissioners
42 approves the budget, the governing body shall submit the budget to the
43 county clerk as provided by K.S.A. 79-2930, and amendments thereto.