

SENATE BILL No. 414

By Committee on Assessment and Taxation

2-12

1 AN ACT concerning community improvement districts; relating to
2 exceptions for inclusion into a district and for assessment of sales
3 taxes; grocery stores; amending K.S.A. 2019 Supp. 12-6a29 and
4 repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2019 Supp. 12-6a29 is hereby amended to read as
8 follows: 12-6a29. (a) In addition to any other power provided by law and
9 as a complete alternative to all other methods provided by law, the
10 governing body of any municipality may create a district as provided by
11 this act for the purpose of financing projects. As an alternative to the
12 requirements and procedures described in K.S.A. 2019 Supp. 12-6a28, and
13 amendments thereto, under this section, a municipality may create a
14 district, or may modify a district previously created under this section,
15 upon receipt of a petition that is signed by the owners of more than 55% of
16 the land area within the proposed district, and signed by owners
17 collectively owning more than 55% by assessed value of the land area
18 within the proposed district. Under this section, the petition may be
19 seeking financing in whole or in part by a proposed community
20 improvement district sales tax authorized by K.S.A. 2019 Supp. 12-6a31,
21 and amendments thereto, or seeking the issuance of full faith and credit
22 bonds authorized by K.S.A. 2019 Supp. 12-6a36, and amendments thereto,
23 or both. The petition shall contain:

- 24 (1) The general nature of the proposed project;
25 (2) the estimated cost of the project;
26 (3) the proposed method of financing the project including, if
27 applicable, the issuance of full faith and credit bonds;
28 (4) the proposed amount and method of assessment, if any;
29 (5) the proposed amount of community improvement district sales
30 tax, if any;
31 (6) a map of the proposed district; and
32 (7) a legal description of the proposed district.
33 (b) Names may not be withdrawn from the petitions by the signers
34 thereof after the governing body commences consideration of the petitions
35 or later than seven days after the filing of such petition with the clerk of
36 the municipality, whichever occurs first. The petition shall contain a notice

1 that: (1) The names of the signers may not be withdrawn after such a
2 period of time; and (2) if applicable, the signers consent to any
3 assessments to the extent described therein without regard to benefits
4 conferred by the project.

5 (c) Upon filing of the petition pursuant to this section, the
6 municipality shall adopt a resolution to give notice of a public hearing on
7 the advisability of creating or modifying the district. Such resolution shall
8 be published at least once each week for two consecutive weeks in the
9 newspaper and shall be sent by certified mail to all owners. The second
10 publication of such resolution shall occur at least seven days prior to the
11 date of hearing and the certified mailed notice shall be sent at least ~~ten~~ 10
12 days prior to the date of hearing. Such resolution shall contain the
13 following information:

- 14 (1) The time and place of the hearing;
- 15 (2) the general nature of the proposed project;
- 16 (3) the estimated cost of the project;
- 17 (4) the proposed method of financing the project including, if
18 applicable, the issuance of full faith and credit bonds;
- 19 (5) the proposed amount of the community improvement district sales
20 tax, if any;
- 21 (6) the proposed amount and method of assessment, if any;
- 22 (7) a map of the proposed district; and
- 23 (8) a legal description of the proposed district.

24 (d) The hearing on the advisability of creating or modifying the
25 district may be adjourned from time to time. Following the hearing or any
26 continuation thereof, the governing body by majority vote may create the
27 district by adoption of an ordinance or resolution. Such ordinance or
28 resolution shall authorize the project, approve the estimated cost of the
29 project, contain the legal description of the district, contain a map of the
30 district, levy the community improvement district sales tax, if applicable,
31 approve the maximum amount and method of assessment, if applicable,
32 and approve the method of financing including, if applicable, the issuance
33 of full faith and credit bonds. Such ordinance or resolution shall become
34 effective upon publication once in the newspaper.

35 (e) The district boundaries and the method of financing for the project
36 shall not require that all property that is benefited by the project, whether
37 the benefited property is within or without the district, be included in the
38 district or be subject to an assessment or the community improvement
39 district sales tax.

40 (f) *No grocery store shall be included within a district created on and*
41 *after July 1, 2020, or within any modification to any district made on and*
42 *after such date. No grocery store that relocates to or begins business on*
43 *and after July 1, 2020, within a district that was created prior to such date*

1 *shall be subject to the community improvement district sales tax. A grocery*
2 *store may be benefited by a project as provided by subsection (e). For*
3 *purposes of this subsection, "grocery store" means an establishment that is*
4 *classified within north American industry classification system code*
5 *445110, including a commissary primarily retailing groceries,*
6 *delicatessen primarily retailing a range of grocery items and meats,*
7 *grocery store or supermarket or other establishment primarily engaged in*
8 *retailing a general line of food, such as canned and frozen foods, fresh*
9 *fruits and vegetables, fresh and prepared meats, fish and poultry.*

10 (g) Following authorization of the project, the ordinance or resolution
11 establishing the district shall be submitted for recording in the office of the
12 register of deeds of the county in which the district is located.

13 Sec. 2. K.S.A. 2019 Supp. 12-6a29 is hereby repealed.

14 Sec. 3. This act shall take effect and be in force from and after its
15 publication in the statute book.