

HOUSE BILL No. 2130

By Committee on Taxation

1-25

1 AN ACT concerning property tax; relating to cities and counties; approval
2 of budgets, transportation construction projects; election; exception;
3 amending K.S.A. 79-2925c and repealing the existing section.
4

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

6 Section 1. K.S.A. 79-2925c is hereby amended to read as follows: 79-
7 2925c. (a) (1) ~~On and after January 1, 2017,~~ The governing body of any
8 city or county shall not approve any appropriation or budget ~~which that~~
9 provides for funding by property tax revenues in an amount exceeding that
10 of the next preceding year as adjusted to reflect the average changes in the
11 consumer price index for all urban consumers as published by the United
12 States department of labor for the preceding five calendar years, which
13 shall not be less than zero, unless the city or county approves the
14 appropriation or budget with the adoption of a resolution and such
15 resolution has been submitted to and approved by a majority of the
16 qualified electors of the city or county voting at an election called and held
17 thereon, except as otherwise provided.

18 (2) The election shall be called and held in the manner provided by
19 K.S.A. 10-120, and amendments thereto, and may be:

20 (A) Held at the next regularly scheduled election to be held in August
21 or November;

22 (B) may be a mail ballot election, conducted in accordance with
23 K.S.A. 25-431 et seq., and amendments thereto; or

24 (C) may be a special election called by the city or county. Nothing in
25 this subsection shall prevent any city or county from holding more than
26 one election in any year. The city or county requesting the election shall be
27 responsible for paying all costs associated with conducting the election.

28 (b) A resolution by the governing body of a city or county otherwise
29 required by the provisions of this section shall not be required to be
30 approved by an election required by subsection (a) under the following
31 circumstances:

32 (1) Increased property tax revenues that, in the current year, are
33 produced and attributable to the taxation of:

34 (A) The construction of any new structures or improvements or the
35 remodeling or renovation of any existing structures or improvements on
36 real property, which shall not include any ordinary maintenance or repair

- 1 of any existing structures or improvements on the property;
- 2 (B) increased personal property valuation;
- 3 (C) real property located within added jurisdictional territory;
- 4 (D) real property which has changed in use;
- 5 (E) expiration of any abatement of property from property tax; or
- 6 (F) expiration of a tax increment financing district, rural housing
- 7 incentive district, neighborhood revitalization area or any other similar
- 8 property tax rebate or redirection program.
- 9 (2) Increased property tax revenues that will be spent on:
 - 10 (A) Bond, temporary notes, no fund warrants, state infrastructure
 - 11 loans and interest payments not exceeding the amount of ad valorem
 - 12 property taxes levied in support of such payments, and payments made to a
 - 13 public building commission and lease payments but only to the extent such
 - 14 payments were obligations that existed prior to July 1, 2016;
 - 15 (B) payment of special assessments not exceeding the amount of ad
 - 16 valorem property taxes levied in support of such payments;
 - 17 (C) court judgments or settlements of legal actions against the city or
 - 18 county and legal costs directly related to such judgments or settlements;
 - 19 (D) expenditures of city or county funds that are specifically
 - 20 mandated by federal or state law with such mandates becoming effective
 - 21 on or after July 1, 2015, and loss of funds from federal sources after
 - 22 January 1, 2017, where the city or county is contractually obligated to
 - 23 provide a service;
 - 24 (E) expenses relating to a federal, state or local disaster or federal,
 - 25 state or local emergency, including, but not limited to, a financial
 - 26 emergency, declared by a federal or state official. The board of county
 - 27 commissioners may request the governor to declare such disaster or
 - 28 emergency;~~or~~
 - 29 (F) increased costs above the consumer price index for law
 - 30 enforcement, fire protection or emergency medical services; *or*
 - 31 *(G) expenses related to transportation construction projects.*
- 32 (3) Any increased property tax revenues generated for law
- 33 enforcement, fire protection or emergency medical services shall be
- 34 expended exclusively for these purposes but shall not be used for the
- 35 construction or remodeling of buildings.
- 36 (4) The property tax revenues levied by the city or county have
- 37 declined:
 - 38 (A) In one or more of the next preceding three calendar years and the
 - 39 increase in the amount of funding for the budget or appropriation from
 - 40 revenue produced from property taxes does not exceed the average amount
 - 41 of funding from such revenue of the next preceding three calendar years,
 - 42 adjusted to reflect changes in the consumer price index for all urban
 - 43 consumers as published by the United States department of labor for the

1 preceding calendar year; or

2 (B) the increase in the amount of ad valorem tax to be levied is less
3 than the change in the consumer price index plus the loss of assessed
4 property valuation that has occurred as the result of legislative action,
5 judicial action or a ruling by the board of tax appeals.

6 (5) Whenever a city or county is required by law to levy taxes for the
7 financing of the budget of any political or governmental subdivision of this
8 state that is not authorized by law to levy taxes on its own behalf, and the
9 governing body of such city or county is not authorized or empowered to
10 modify or reduce the amount of taxes levied therefore, the tax levies of the
11 political or governmental subdivision shall not be included in or
12 considered in computing the aggregate limitation upon the property tax
13 levies of the city or county.

14 (6) Any tax levy increase as a result of another taxing entity being
15 dissolved and all powers, responsibilities, duties and liabilities of the
16 taxing entity have been transferred to a city located in the county in which
17 the taxing entity is located, or to the county in which the taxing entity is
18 located, to carry on the function and responsibilities of the dissolved
19 taxing entity, so long as the levy increase does not exceed the levy of the
20 dissolved taxing entity.

21 Sec. 2. K.S.A. 79-2925c is hereby repealed.

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