

HOUSE BILL No. 2325

By Committee on Taxation

2-11

9 AN ACT concerning sales taxation; relating to countywide retailers sales
10 tax; rate limitations; amending K.S.A. 2008 Supp. 12-189 and repealing
11 the existing section.
12

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

14 Section 1. K.S.A. 2008 Supp. 12-189 is hereby amended to read as
15 follows: 12-189. The rate of any city retailers' sales tax shall be fixed in
16 increments of .05% and in an amount not to exceed 2% for general pur-
17 poses and not to exceed 1% for special purposes which shall be deter-
18 mined by the governing body of the city. For any retailers' sales tax im-
19 posed by a city for special purposes, such city shall specify the purposes
20 for which such tax is imposed. All such special purpose retailers' sales
21 taxes imposed by a city shall expire after 10 years from the date such tax
22 is first collected. The rate of any countywide retailers' sales tax shall be
23 fixed in an amount of either ~~.25%, .5%, .75% or 1%~~ not to exceed 1% and
24 shall be fixed in increments of .25%, and which amount shall be deter-
25 mined by the board of county commissioners, except that:

26 (a) The board of county commissioners of Wabaunsee county, for the
27 purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amend-
28 ments thereto, may fix such rate at 1.25%; the board of county commis-
29 sioners of Osage or Reno county, for the purposes of paragraph (2) of
30 subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such
31 rate at 1.25% or 1.5%; the board of county commissioners of Cherokee,
32 Crawford, Ford, Saline, Seward or Wyandotte county, for the purposes
33 of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments
34 thereto, may fix such rate at 1.5%, the board of county commissioners of
35 Atchison county, for the purposes of paragraph (2) of subsection (b) of
36 K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5% or
37 1.75%; the board of county commissioners of Anderson, Barton, Jefferson
38 or Ottawa county, for the purposes of paragraph (2) of subsection (b) of
39 K.S.A. 12-187, and amendments thereto, may fix such rate at 2%; the
40 board of county commissioners of Marion county, for the purposes of
41 paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments
42 thereto, may fix such rate at 2.5%; the board of county commissioners of
43 Franklin, Linn and Miami counties, for the purposes of paragraph (2) of

- 1 subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such
2 rate at a percentage which is equal to the sum of the rate allowed to be
3 imposed by the respective board of county commissioners on July 1, 2007,
4 plus up to 1.0%; and the board of county commissioners of Brown county,
5 for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and
6 amendments thereto, may fix such rate at up to 2%;
- 7 (b) the board of county commissioners of Jackson county, for the
8 purposes of paragraph (3) of subsection (b) of K.S.A. 12-187, and amend-
9 ments thereto, may fix such rate at 2%;
- 10 (c) the boards of county commissioners of Finney and Ford counties,
11 for the purposes of paragraph (4) of subsection (b) of K.S.A. 12-187, and
12 amendments thereto, may fix such rate at .25%;
- 13 (d) the board of county commissioners of any county for the purposes
14 of paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments
15 thereto, may fix such rate at a percentage which is equal to the sum of
16 the rate allowed to be imposed by a board of county commissioners on
17 the effective date of this act plus .25%, .5%, .75% or 1%, as the case
18 requires;
- 19 (e) the board of county commissioners of Dickinson county, for the
20 purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amend-
21 ments thereto, may fix such rate at 1.5%, and the board of county com-
22 missioners of Miami county, for the purposes of paragraph (7) of subsec-
23 tion (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at
24 1.25%, 1.5%, 1.75% or 2%;
- 25 (f) the board of county commissioners of Sherman county, for the
26 purposes of paragraph (8) of subsection (b) of K.S.A. 12-187, and amend-
27 ments thereto, may fix such rate at 2.25%;
- 28 (g) the board of county commissioners of Crawford or Russell county
29 for the purposes of paragraph (9) of subsection (b) of K.S.A. 12-187, and
30 amendments thereto, may fix such rate at 1.5%;
- 31 (h) the board of county commissioners of Franklin county, for the
32 purposes of paragraph (10) of subsection (b) of K.S.A. 12-187, and
33 amendments thereto, may fix such rate at 1.75%;
- 34 (i) the board of county commissioners of Douglas county, for the
35 purposes of paragraph (11) of subsection (b) of K.S.A. 12-187, and
36 amendments thereto, may fix such rate at 1.25%;
- 37 (j) the board of county commissioners of Jackson county, for the pur-
38 poses of subsection (b)(13) of K.S.A. 12-187 and amendments thereto,
39 may fix such rate at 1.4%;
- 40 (k) the board of county commissioners of Sedgwick county, for the
41 purposes of paragraph (3)(C) of subsection (b) of K.S.A. 12-187, and
42 amendments thereto, may fix such rate at 2%;
- 43 (l) the board of county commissioners of Neosho county, for the pur-

- 1 poses of paragraph (14) of subsection (b) of K.S.A. 12-187, and amend-
2 ments thereto, may fix such rate at 1.0% or 1.5%;
- 3 (m) the board of county commissioners of Saline county, for the pur-
4 poses of subsection (15) of subsection (b) of K.S.A. 12-187, and amend-
5 ments thereto, may fix such rate at up to 1.5%;
- 6 (n) the board of county commissioners of Harvey county, for the pur-
7 poses of paragraph (16) of subsection (b) of K.S.A. 12-187, and amend-
8 ments thereto, may fix such rate at 2.0%;
- 9 (o) the board of county commissioners of Atchison county, for the
10 purpose of paragraph (17) of subsection (b) of K.S.A. 12-187, and amend-
11 ments thereto, may fix such rate at a percentage which is equal to the
12 sum of the rate allowed to be imposed by the board of county commis-
13 sioners of Atchison county on the effective date of this act plus .25%;
- 14 (p) the board of county commissioners of Wabaunsee county, for the
15 purpose of paragraph (18) of subsection (b) of K.S.A. 12-187, and amend-
16 ments thereto, may fix such rate at a percentage which is equal to the
17 sum of the rate allowed to be imposed by the board of county commis-
18 sioners of Wabaunsee county on July 1, 2007, plus .5%;
- 19 (q) the board of county commissioners of Jefferson county, for the
20 purpose of paragraphs (19) and (25) of subsection (b) of K.S.A. 12-187,
21 and amendments thereto, may fix such rate at 2.25%;
- 22 (r) the board of county commissioners of Riley county, for the pur-
23 pose of paragraph (20) of subsection (b) of K.S.A. 12-187, and amend-
24 ments thereto, may fix such rate at a percentage which is equal to the
25 sum of the rate allowed to be imposed by the board of county commis-
26 sioners of Riley county on July 1, 2007, plus up to 1%;
- 27 (s) the board of county commissioners of Johnson county for the pur-
28 poses of paragraph (21) of subsection (b) of K.S.A. 12-187, and amend-
29 ments thereto, may fix such rate at a percentage which is equal to the
30 sum of the rate allowed to be imposed by the board of county commis-
31 sioners of Johnson county on July 1, 2007, plus .25%;
- 32 (t) the board of county commissioners of Wilson county for the pur-
33 poses of paragraph (22) of subsection (b) of K.S.A. 12-187, and amend-
34 ments thereto, may fix such rate at up to 2%;
- 35 (u) the board of county commissioners of Butler county for the pur-
36 poses of paragraph (23) of subsection (b) of K.S.A. 12-187, and amend-
37 ments thereto, may fix such rate at a percentage which is equal to the
38 sum of the rate otherwise allowed pursuant to this section, plus .25%,
39 .5%, .75% or 1%; and
- 40 (v) the board of county commissioners of Barton county, for the pur-
41 poses of paragraph (24) of subsection (b) of K.S.A. 12-187, and amend-
42 ments thereto, may fix such rate at up to 1.5%.
- 43 Any county or city levying a retailers' sales tax is hereby prohibited

1 from administering or collecting such tax locally, but shall utilize the serv-
2 ices of the state department of revenue to administer, enforce and collect
3 such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and
4 amendments thereto, such tax shall be identical in its application, and
5 exemptions therefrom, to the Kansas retailers' sales tax act and all laws
6 and administrative rules and regulations of the state department of rev-
7 enue relating to the Kansas retailers' sales tax shall apply to such local
8 sales tax insofar as such laws and rules and regulations may be made
9 applicable. The state director of taxation is hereby authorized to admin-
10 ister, enforce and collect such local sales taxes and to adopt such rules
11 and regulations as may be necessary for the efficient and effective ad-
12 ministration and enforcement thereof.

13 Upon receipt of a certified copy of an ordinance or resolution author-
14 izing the levy of a local retailers' sales tax, the director of taxation shall
15 cause such taxes to be collected within or without the boundaries of such
16 taxing subdivision at the same time and in the same manner provided for
17 the collection of the state retailers' sales tax. Such copy shall be submitted
18 to the director of taxation within 30 days after adoption of any such or-
19 dinance or resolution. All moneys collected by the director of taxation
20 under the provisions of this section shall be credited to a county and city
21 retailers' sales tax fund which fund is hereby established in the state treas-
22 ury, except that all moneys collected by the director of taxation pursuant
23 to the authority granted in paragraph (22) of subsection (b) of K.S.A. 12-
24 187, and amendments thereto, shall be credited to the Wilson county
25 capital improvements fund. Any refund due on any county or city retailers'
26 sales tax collected pursuant to this act shall be paid out of the sales tax
27 refund fund and reimbursed by the director of taxation from collections
28 of local retailers' sales tax revenue. Except for local retailers' sales tax
29 revenue required to be deposited in the redevelopment bond fund es-
30 tablished under K.S.A. 74-8927, and amendments thereto, all local re-
31 tailers' sales tax revenue collected within any county or city pursuant to
32 this act shall be apportioned and remitted at least quarterly by the state
33 treasurer, on instruction from the director of taxation, to the treasurer of
34 such county or city.

35 Revenue that is received from the imposition of a local retailers' sales
36 tax which exceeds the amount of revenue required to pay the costs of a
37 special project for which such revenue was pledged shall be credited to
38 the city or county general fund, as the case requires.

39 The director of taxation shall provide, upon request by a city or county
40 clerk or treasurer or finance officer of any city or county levying a local
41 retailers' sales tax, monthly reports identifying each retailer doing busi-
42 ness in such city or county or making taxable sales sourced to such city
43 or county, setting forth the tax liability and the amount of such tax re-

1 mitted by each retailer during the preceding month and identifying each
2 business location maintained by the retailer and such retailer's sales or
3 use tax registration or account number. Such report shall be made avail-
4 able to the clerk or treasurer or finance officer of such city or county
5 within a reasonable time after it has been requested from the director of
6 taxation. The director of taxation shall be allowed to assess a reasonable
7 fee for the issuance of such report. Information received by any city or
8 county pursuant to this section shall be confidential, and it shall be un-
9 lawful for any officer or employee of such city or county to divulge any
10 such information in any manner. Any violation of this paragraph by a city
11 or county officer or employee is a class A misdemeanor, and such officer
12 or employee shall be dismissed from office. Reports of violations of this
13 paragraph shall be investigated by the attorney general. The district at-
14 torney or county attorney and the attorney general shall have authority
15 to prosecute violations of this paragraph.

16 Sec. 2. K.S.A. 2008 Supp. 12-189 is hereby repealed.

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