

SENATE BILL No. 338

By Committee on Ethics, Elections and Local Government

1-29

1 AN ACT concerning municipalities; adoption of budgets; authorizing an
2 alternative procedure; amending K.S.A. 79-2927, 79-2929 and 79-2930
3 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 79-2927 is hereby amended to read as follows: 79-
7 2927. (a) The governing body of each taxing subdivision or municipality
8 shall meet not later than the first day of August of each year, and shall
9 prepare in writing on forms furnished by the director of accounts and
10 reports *either*:

11 (1) A budget itemized and classified by funds and showing amounts
12 to be raised by taxation and from other sources for the ensuing budget
13 year. The budget shall show in parallel columns all amounts and items to
14 be expended for the ensuing budget year and the amounts appropriated for
15 corresponding or other items during the current budget year and amounts
16 expended for corresponding or other items during the preceding budget
17 year. The budget for each fund shall not include any item for sundry or
18 miscellaneous purposes in excess of 10% of the total. Except for school
19 districts, municipal universities and community colleges, the budget for
20 each fund may include a non-appropriated balance of not to exceed 5% of
21 the total of each fund.

22 ~~(b)~~—The budget shall show in parallel columns the amount of revenue
23 actually received from taxation and from other sources, with the amount
24 from each source separately stated for the preceding budget year and the
25 amount actually received and estimated to be received from taxation and
26 from sources other than direct taxation with the amount for each source
27 separately stated for the current budget year and also the amount estimated
28 to be received during the ensuing budget year, with the amount estimated
29 to be received from each source separately stated. Except as provided by
30 K.S.A. 79-2927a, and amendments thereto, the budget of expenditures for
31 each fund shall balance with the budget of revenues for such fund and that
32 portion of the budget of revenues to be derived from ad valorem property
33 taxation shall not exceed the amount of tax which can be raised by any
34 fund limit or aggregate limit placed upon such fund; *or*

35 (2) *Instead of preparing a budget pursuant to subsection (a)(1), the*
36 *governing body may prepare a notice showing only the amounts to be*

1 raised by ad valorem taxation. The notice shall contain an estimated
2 budget classified by funds and show amounts to be raised by taxation. The
3 notice shall show in parallel columns an estimate of expenses for the
4 ensuing budget year and the amounts appropriated for corresponding or
5 other items during the current budget year and amounts expended for
6 corresponding or other items during the preceding budget year. The
7 budget shall show in parallel columns the amount of revenue actually
8 received from taxation and from other sources with the amount from each
9 source separately stated for the preceding budget year and the amount
10 estimated to be received from taxation and from sources other than direct
11 taxation with the amount for each source separately stated for the current
12 budget year and also the amount estimated. Except as provided by K.S.A.
13 79-2927a, and amendments thereto, the budget of expenditures for each
14 fund shall balance with the budget of revenues for such fund, and that
15 portion of the budget of revenues to be derived from ad valorem property
16 taxation shall not exceed the amount of tax that can be raised by any fund
17 limit or aggregate limit placed upon such fund.

18 (b) The governing body of each taxing subdivision or municipality
19 that completed the notice provided in subsection (a)(2) by August 1, shall
20 prepare in writing on forms furnished by the director of accounts and
21 reports by November 30, a final budget itemized and classified by funds
22 and showing amounts to be raised by taxation and from other sources for
23 the ensuing budget year. The budget shall show in parallel columns all
24 amounts and items to be expended for the ensuing budget year and the
25 amounts appropriated for corresponding or other items during the current
26 budget year and amounts expended for corresponding or other items
27 during the preceding budget year. The budget for each fund shall not
28 include any item for sundry or miscellaneous purposes in excess of 10% of
29 the total budget. Except for school districts, municipal universities and
30 community colleges, the budget for each fund may include a non-
31 appropriated balance of not to exceed 5% of the total of each fund. The
32 budget shall show in parallel columns the amount of revenue actually
33 received from taxation and from other sources with the amount from each
34 source separately stated for the preceding budget year and the amount
35 actually received and estimated to be received from taxation and from
36 sources other than direct taxation with the amount for each source
37 separately stated for the current budget year and also the amount
38 estimated to be received during the ensuing budget year; with the amount
39 estimated to be received from each source separately stated. Except as
40 provided by K.S.A. 79-2927a, and amendments thereto, the budget of
41 expenditures for each fund shall balance with the budget of revenues for
42 such fund, and that portion of the budget of revenues to be derived from ad
43 valorem property taxation shall not exceed the amount of tax that can be

1 *raised by any fund limit or aggregate limit placed upon such fund.*

2 Sec. 2. K.S.A. 79-2929 is hereby amended to read as follows: 79-
3 2929. (a) Prior to the filing of the adopted budget *under K.S.A. 79-2927(a)*
4 *(1), and amendments thereto*, with the county clerk, the governing body of
5 each taxing or political subdivision or municipality shall meet for the
6 purpose of answering and hearing objections of taxpayers relating to the
7 proposed budget and for the purpose of considering amendments to such
8 proposed budget. The governing body shall give at least 10 days' notice of
9 the time and place of the meeting by publication in a weekly or daily
10 newspaper of the county having a general circulation therein. Such notice
11 shall include the proposed budget and shall set out all essential items in the
12 budget except such groupings as designated by the director of accounts
13 and reports on a special publication form prescribed by the director of
14 accounts and reports and furnished with the regular budget form. The
15 notice of a governing body of any taxing subdivision or municipality
16 having an annual expenditure of \$500 or less shall specify the time and
17 place of the meeting required by this section but shall not be required to
18 include the proposed budget of such taxing subdivision or municipality.

19 (b) *Prior to the filing of the notice of ad valorem tax to be levied*
20 *under K.S.A. 79-2927(a)(2), and amendments thereto, the governing body*
21 *of each taxing or political subdivision shall meet for the purpose of*
22 *hearing objections of taxpayers relating to the proposed ad valorem tax*
23 *levy. The governing body shall give at least 10 days' notice of the time and*
24 *place of the meeting by publication in the official city newspaper if a city*
25 *or the official county newspaper for all other political or taxing*
26 *subdivisions. Such notice shall include the proposed ad valorem tax to be*
27 *levied.*

28 New Sec. 3. Prior to the filing of the adopted budget under K.S.A.
29 79-2927(b), and amendments thereto, with the department of
30 administration, the governing body of each taxing or political subdivision
31 or municipality shall meet for the purpose of answering and hearing
32 objections of taxpayers relating to the proposed budget and for the purpose
33 of considering amendments to such proposed budget. The governing body
34 shall give at least 10 days' notice of the time and place of the meeting by
35 publication in a weekly or daily newspaper of the county having a general
36 circulation. Such notice shall include the proposed budget and shall set out
37 all essential items in the budget, except such groupings as designated by
38 the director of accounts and reports, on a special publication form
39 prescribed by the director of accounts and reports and furnished with the
40 regular budget form. The notice of a governing body of any taxing
41 subdivision or municipality having an annual expenditure of \$500 or less
42 shall specify the time and place of the meeting required by this section but
43 shall not be required to include the proposed budget of such taxing

1 subdivision or municipality.

2 Sec. 4. K.S.A. 79-2930 is hereby amended to read as follows: 79-
3 2930. (a) Two copies of the budget certificate *adopted under K.S.A. 79-
4 2927(a)(1), and amendments thereto*, giving the amount of ad valorem tax
5 to be levied and the total amount of the adopted budget of expenditures by
6 fund, along with itemized budget forms for each and every fund and proof
7 of publication of the notice of budget hearing containing the budget
8 summary *or the certificate of ad valorem taxes to be levied as provided
9 under K.S.A. 79-2927(a)(2), and amendments thereto*, shall be presented to
10 the county clerk within the time prescribed by K.S.A. 79-1801, and
11 amendments thereto. ~~Beginning in 2009~~, All such budget information shall
12 be filed electronically with the county clerk. Where action has been taken
13 under any statute to increase the amount of tax to be levied authorized by
14 law, a statement showing the increased amount or tax levy rate voted, or a
15 copy of the charter resolution or ordinance making the change, shall be
16 attached to the budget each year the change is in effect.

17 (b) The county clerk shall make any reductions to the ad valorem tax
18 to be levied, compute the tax levy rates based on the final equalized
19 assessed valuation, and enter such on the budget certificate before attesting
20 the budget, except that with regard to levies made under K.S.A. 75-2551,
21 and amendments thereto, such levies shall be based upon the certified
22 preliminary abstract of property values submitted to the director of
23 property valuation pursuant to K.S.A. 79-1604, and amendments thereto. A
24 copy of all budgets for taxing subdivisions of the county, properly attested,
25 shall be filed with the director of accounts and reports, along with a copy
26 of the tax levy rate summary required of the county treasurer by K.S.A.
27 79-2002, and amendments thereto. ~~Beginning in 2009~~, all such budget
28 information shall be filed electronically with the director of accounts and
29 reports.

30 (c) Each fund of the adopted budget certified to the county clerk in no
31 event shall exceed the amount of ad valorem tax to be levied and the
32 proposed expenditures of such fund in the proposed budget as originally
33 published. The governing body of each taxing subdivision shall not certify
34 an amount of ad valorem taxes to be levied that is in excess of any tax levy
35 rate or amount limitations or any aggregate tax levy limitations. The
36 governing bodies, in fixing the amount may take into consideration and
37 make allowance for the taxes which may not be paid, such allowance,
38 however, shall not exceed by more than 5% the percentage of delinquency
39 for the preceding tax year.

40 New Sec. 5. If the governing body of any city or county intends to
41 have an election pursuant to K.S.A. 79-2925c, and amendments thereto,
42 the governing body must adopt a budget pursuant to K.S.A. 79-2927(a)(1),
43 and amendments thereto.

1 Sec. 6. K.S.A. 79-2927, 79-2929 and 79-2930 are hereby repealed.

2 Sec. 7. This act shall take effect and be in force from and after its
3 publication in the statute book.