

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Public comment will be taken for each regular agenda item as each item is discussed. Individuals will be limited to one comment per agenda item. Individuals are asked to come to the microphone, sign in, and state their name. Speakers are asked to sign in so that the spelling of names is correct in the minutes of the meeting. Speakers should address all comments/questions to the Commission.

WEDNESDAY, JULY 31, 2019

Amended 07/26/19

5:30 p.m. BUSINESS MEETING

-Proclamation to recognize the "Community Health Facility's 20th Anniversary." (Cynthia Lewis, Dan Partridge and Patrick Schmitz)

-Proclamation for "Farmer's Market Week" in Douglas County. (Jasmin Moore)

CONSENT AGENDA

(1) (a) Consider approval of Commission Orders;

(b) Consider approval of Notice to Township Board for Cereal Malt Beverage License for White Tail Run Winery LLC located at 2327 N 400 Road, Edgerton, KS (Clerk's Office);

(c) Accounts payable.

REGULAR AGENDA

(2) Executive session with the County Counselor to discuss personnel matters of non-elected personnel.

(3) General Public Comment

General Public Comment will be at the end of each meeting with a limit of one comment per person and keep their comments brief. Individuals may not give unused time to other speakers. As a general practice, the Commission will not discuss/debate these items, nor will the Commission make decisions on items presented during this time, rather they will refer the items to staff for follow up, if necessary.

(4) Committee Reports

(5) Commissioner and/or Administrator Miscellaneous

(6) Adjourn

WEDNESDAY, AUGUST 7, 2019 - cancelled

WEDNESDAY, AUGUST 14, 2019

5:30 p.m.

-LDCFM Accreditation

WEDNESDAY, AUGUST 21, 2019

WEDNESDAY, AUGUST 28, 2019

-Proclamation for "First Responders Appreciation Month"

WEDNESDAY, OCTOBER 2, 2019- cancelled

***Note:** The Douglas County Commission meets regularly on Wednesdays at 5:30 p.m., and at 4:00 p.m. for Work Sessions as needed. Meetings are held at the Douglas County Courthouse (2nd Floor) at 1100 Massachusetts Street, Lawrence, KS 66044. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.*



Office of the County Commission

P R O C L A M A T I O N

Recognition of Community Health Facility's 20th anniversary

WHEREAS, citizens of Lawrence and Douglas County have benefited from a combined two hundred and sixty-four years of service from Bert Nash Community Mental Health Center, Lawrence-Douglas County Health Department, and the Douglas County Visiting Nurses Association, occupants of the Community Health Facility; and,

WHEREAS, on November 8, 1994, the citizens of Lawrence and Douglas County voted to approve a one-cent sales tax in part to support the construction of the Community Health Facility; and

WHEREAS, on November 13, 1999, the Community Health Facility opened its doors to the public; and

WHEREAS, over the past twenty years through the Bert Nash Community Mental Health Center, Lawrence-Douglas County Health Department, and the Douglas County Visiting Nurses Association, at least 780,000 people have been directly served by this facility;

WHEREAS, in recognition of the twentieth anniversary of the Community Health Facility, an open house, entitled, "Building 20 Years of Community Service" will be held on August 8 from 4 to 6 p.m.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Douglas County, Kansas, hereby extend our deepest appreciation to the community for its public support of community health services as expressed by the willingness to build the Community Health Facility.

ADOPTED this 31st day of July 2019

**BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS**

Michelle Derusseau, Chairman

Patrick Kelly, Vice Chair

Nancy Thellman, Member



Office of the County Commission

PROCLAMATION

FARMER'S MARKET WEEK

AUGUST 4-10, 2019

WHEREAS, farmers markets are important outlets for agricultural producers nationwide, providing them with increased opportunities to meet consumer demand for a variety of fresh, affordable, convenient, and healthful products sold directly from the farm; and

WHEREAS, Douglas County is proud to be home to the longest-operating farmers market in the State of Kansas; and

WHEREAS, the Farmers Markets of Kaw Valley play a key role in economic development and building strong local and regional food systems—a community priority highlighted in our new Douglas County Food System Plan—by supporting the viability family farms and agricultural lands, rural entrepreneurship, and providing opportunities for farmers and consumers to interact; and

WHEREAS, Douglas County farmers markets have led the region in expanding access to healthy, local foods by using electronic benefits transfer technology to welcome low-income Supplemental Nutritional Assistance Program recipients to redeem their benefits and support SNAP matching through Double Up Food Bucks; and

WHEREAS, Douglas County recognizes the myriad benefits of farmers markets for producers and consumers, and is fully committed to supporting our farmers markets' continued success;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, do hereby proclaim the week of August 4-10, 2019 as “**FARMER'S MARKET WEEK**” in Douglas County in coordination with National Farmers Market Week and encourage the people of Douglas County to celebrate farmers markets.

ADOPTED this 31st day of July, 2019.

**BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS**

Michelle Derusseau, Chairman

Patrick Kelly, Vice Chair

Nancy Thellman, Member

MEMO

TO: DOUGLAS COUNTY COMMISSION
FROM: JAMIE SHEW, COUNTY CLERK
DATE: July 26, 2019
SUBJECT: CEREAL MALT BEVERAGE REQUEST

Attached is a copy of an application(s) received in this office by **White Tail Run Winery LLC** for a cereal malt beverage license to sell at retail, for consumption on the premises, located at 2327 N. 400 Rd. Edgerton, KS

K.S.A. 41-2702 provides that the County Clerk shall issue a license to any applicant outside an incorporated city as long as the applicant is eligible.

1st Meeting

The County Clerk will request a Township notice from the County Commission to be issued to the Township Clerk. The Township Clerk has 10 days to review and submit any protest.

2nd Meeting

The County Clerk will request a Resolution, and License to be issued to the applicant.

CORPORATE APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES

(This form has been prepared by the Attorney General's Office)

☐ City or ☒ County of Douglas

SECTION 1 - LICENSE TYPE

Check One: ☒ New License ☐ Renew License ☐ Special Event Permit

Check One:
☒ License to sell cereal malt beverages for consumption on the premises.
☐ License to sell cereal malt beverages in original and unopened containers and not for consumption on the licensed premises.

SECTION 2 - APPLICANT INFORMATION

Kansas Sales Tax Registration Number (required): 004-271041130F-01

I have registered as an Alcohol Dealer with the TTB. ☒ Yes (required for new application) # 2019-170A02012

Name of Corporation <u>White Tail Run Winery</u>		Principal Place of Business <u>Same</u>	
Corporation Street Address <u>2327 N 400 Rd</u>	Corporation City <u>Edgerton</u>	State <u>KS</u>	Zip Code <u>66021</u>
Date of Incorporation	Articles of Incorporation are on file with the Secretary of State. ☒ Yes ☐ No		
Resident Agent Name <u>CHRISTY FLYNTZ</u>	Phone No. <u>913-893-4003</u>		
Residence Street Address <u>513 N 400 Rd</u>	City <u>Gardner</u>	State <u>KS</u>	Zip Code <u>66030</u>

SECTION 3 - LICENSED PREMISE

Licensed Premise (Business Location or Location of Special Event)	Mailing Address (If different from business address)
DBA Name <u>White Tail Run Winery LLC</u>	Name
Business Location Address <u>2327 N 400 Rd</u>	Address
City <u>Edgerton</u> State <u>KS</u> Zip <u>66021</u>	City State Zip
Business Phone No. <u>913-893-4003</u>	☒ Applicant owns the proposed business location. ☐ Applicant does not own the proposed business location.
Business Location Owner Name(s) <u>CHRISTY FLYNTZ, DAN FULLER JR.</u>	

SECTION 4 - OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK

List each person and their spouse*, if applicable. Attach additional pages if necessary.

Name	Position	City	State	Date of Birth
<u>Christy Flyntz</u>	<u>Partner</u>	<u>Gardner</u>	<u>KS</u>	<u>3/21/77</u>
Residence Street Address <u>513 N Evergreen St.</u>				Zip Code <u>66030</u>
<u>Thomas Flyntz</u>	<u>X</u>			<u>5/9/77</u>
Residence Street Address <u>Same</u>				Zip Code
<u>Daniel Fuller Jr.</u>	<u>Partner</u>	<u>Gardner</u>	<u>KS</u>	<u>3/15/80</u>
Residence Street Address <u>629 N. Mulberry</u>				Zip Code <u>66030</u>
<u>Jennifer Fuller</u>	<u>X</u>			<u>Age 41</u>
Residence Street Address <u>Same</u>				Zip Code
<u>Daniel Fuller Sr.</u>	<u>Partner</u>	<u>Edgerton</u>	<u>KS</u>	<u>9/29/48</u>
Residence Street Address <u>2327 N 400 Rd</u>				Zip Code <u>66021</u>
<u>Nancy Fuller</u>	<u>X</u>			<u>Age 68</u>
Residence Street Address <u>Same</u>				Zip Code

SECTION 5 – MANAGER OR AGENT INFORMATION

N/A

My place of business or special event will be conducted by a manager or agent.

☒ Yes ☐ No

If yes, provide the following:

Manager/Agent Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code

Manager or Agent Spousal Information*

Spouse Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code

SECTION 6 – QUALIFICATIONS FOR LICENSURE

Within 2 years immediately preceding the date of this application, have any of the individuals identified in Sections 4 & 5 have been convicted of, released from incarceration for or released from probation or parole for any of the following crimes*:

(1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness; (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law.

☐ Yes ☒ No

Have any of the individuals identified in Sections 4 and 5 been managers, officers, directors or stockholders owning more than 25% of the stock of a corporation which:

(1) had a cereal malt beverage license revoked; or (2) was convicted of violating the Club and Drinking Establishment Act or the CMB laws of Kansas.

☐ Yes ☒ No

All of the individuals identified in Sections 4 & 5 are at least 21 years of age*.

☒ Yes ☐ No**SECTION 7 – DURATION OF SPECIAL EVENT**

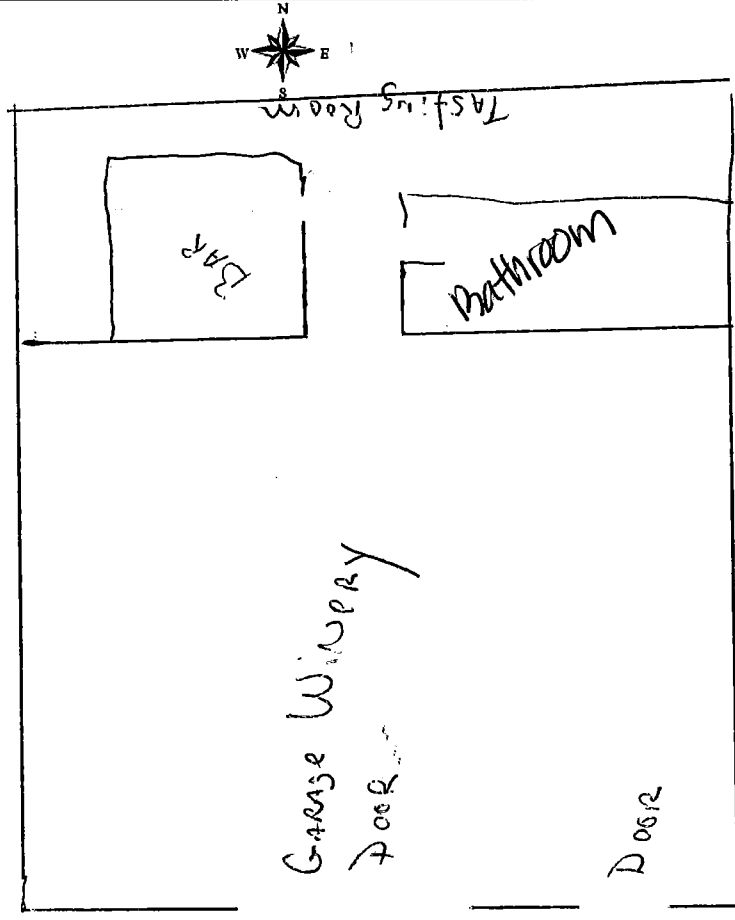
Start Date	Time	☐ AM ☐ PM
End Date	Time	☐ AM ☐ PM

Year round

Proceed to Section 8 on the next page.

SECTION 8 – LICENSED PREMISE

In the space below, draw the area you wish to sell or deliver CMB. Include entrances, exits and storage areas. Do not include areas you do not wish to license. If you wish to attach a drawing, check the box: ☐ 8 1/2" by 11" drawing attached.



I declare under penalty of perjury under the laws of the State of Kansas that the foregoing is true and correct and that I am authorized by the corporation to complete this application. (K.S.A. 53-601)

SIGNATURE

Chris Ely

DATE

4/20/19

FOR CITY/COUNTY OFFICE USE ONLY:

☐ License Fee Received Amount \$ _____ Date _____
(\$25 - \$50 for Off-Premise license or \$25-200 On-Premise license)

☐ \$25 CMB Stamp Fee Received Date _____

☐ Background Investigation ☐ Completed Date _____ ☐ Qualified ☐ Disqualified

☐ Verified applicant has registered with the TTB as an Alcohol Dealer

☐ New License Approved Valid From Date _____ to _____ By: _____

☐ License Renewed Valid From Date _____ to _____ By: _____

☐ Special Event Permit Approved Valid From Date _____ to _____ By: _____

A PHOTOCOPY OF THE COMPLETED FORM, TOGETHER WITH THE STAMP FEE REQUIRED BY K.S.A. 41-2702(e), MUST BE SUBMITTED WITH YOUR MONTHLY REPORT (ABC-307) TO THE ALCOHOLIC BEVERAGE CONTROL, 915 SW HARRISON STREET, TOPEKA, KS 66612.

* Applicant's spouse is not required to meet citizenship, residency or age requirements. If renewal application, applicant's spouse is not required to meet the no criminal history requirement. K.S.A. 41-2703(b)(9)

NOTICE TO THE TOWNSHIP BOARD

STATE OF KANSAS DOUGLAS COUNTY, ss

TO THE TOWNSHIP CLERK, CLINTON TOWNSHIP

This is to notify the members of your Township Board that application has been filed with the Douglas County Commission for **White Tail Run Winery LLC** to sell Cereal Malt Beverages at retail for consumption off the premises: **2327 N 400 Rd.**

The Township Board may within (10) days file an advisory recommendation as to the granting of such a license and such advisory recommendation shall be considered by the Board of County Commissioners before such license is issued KSA 41-2702.

Done by the Board of County Commissioners this **31st Day of July, 2019.**

CHAIRMAN

COUNTY CLERK

(SEAL)

The board of county commissions in any county shall not issue a license without giving the clerk of the township board in the township where the applicant desires to locate, written notice by registered mail, of the filing of the application.



DOUGLAS COUNTY ADMINISTRATOR

1100 Massachusetts Street
Lawrence, KS 66044-3064
(785) 832-5328 Fax (785) 832-5148
splinsky@douglascountyks.org

Sarah Plinsky
Interim County Administrator

Memorandum

Date: July 31, 2019

To: Douglas County Board of County Commissioners

From: Sarah Plinsky, Interim County Administrator

Subject: County Administrator's Weekly Report

Schedule Items

- Beth Ankerholz's Retirement Party
 - Thursday, August 1 from 2:00 PM – 4:00 PM in Rooms A & B of the Community Health Facility (2nd floor, 200 Maine Street)

Information Items

- Kansas Department of Revenue - 2019 Legislative Summary and 2020 Interest Rate Memo. The 2019 Legislative Summary highlights several separate bills that will impact the Division of Vehicles and the Division of Property Valuation. The 2020 Interest Rate Memo provides interest rates for counties.

Open Appointments

- Community Corrections Board Advisory Board (Social Services) - (1) position open
- Douglas County Food Policy Council (Local food system/Ag Producer) - (2) positions open
- JAAA Advisory Council - (1) position open
- JAAA Board of Directors - (1) position open
- Lawrence-Douglas County Advocacy Council on Aging - (10) open positions

YOU'RE INVITED!

BETH ANKERHOLZ
RETIREMENT PARTY
COMMUNITY HEALTH FACILITY
200 MAINE ST., 2ND FLOOR

T H U R S D A Y

AUG. 1

2-4 P.M.

ROOMS A & B



Division Of Property Valuation
300 SW 29th Street
PO Box 3506
Topeka, KS 66612-3506



Phone: 785-296-2365
Fax: 785-296-2320
www.ksrevenue.org

Mark Burghart, Secretary

Laura Kelly, Governor

To: All County Appraisers, County Clerks, County Commissioners, County Treasurers and County Registers of Deeds

From: Roger Hamm, Deputy Director, Division of Property Valuation

Date: July 23, 2019

Subject: 2019 Legislative Summary

The 2019 Legislative Summary will highlight several separate bills that will impact both the Division of Vehicles and the Division of Property Valuation. All bills go into effect July 1, 2019, unless otherwise noted. Below are the topics of the 2019 legislative changes, followed by a discussion of each change.

Index of Topics

1. **20 Mill Statewide School Levy** – is reauthorized for school years 2019-2020 and 2020-2021.
2. **\$20,000 Residential School Levy Exemption** – is extended for tax years 2019 and 2020.
3. **White Clay Watershed District Dissolved** – effective January 1, 2020.
4. **Budget Lid Exception Added** – to election requirements for cities or counties.
5. **New Registration Fees for Electric and Hybrid Vehicles** – effective on and after January 1, 2020.
6. **Several Amendments to the “Uniform Act” Regulating Traffic on Highways: a) Lighting for Transportation Network Company Drivers, b) Driver Responsibilities in Railroad Crossings, c) Vehicle Window Sun Screening Material, d) ATV/Work-site Utility Vehicles, e) Electric Scooters**
7. **Registration of Rental Vehicle Fleets** – effective on and after January 1, 2020.
8. **Class M License Required** – for a motorcycle operated with a temporary registration permit.
9. **Commercial Vehicle Markings** – removed from certain commercial truck/truck tractors.
10. **Increasing Certain Permit Fees for Oversized/Overweight Vehicles and Registering Escort Vehicle Companies** – effective on and after January 1, 2020.
11. **Manufacturing Compensation to Vehicle Dealers for Warranty Services**

Analysis of Each Change

1. 20 Mill Statewide School Levy – Senate Bill 16 § 11 amending K.S.A. 75-5142(b)

Section 11 reauthorized the 20-mill statewide school levy for school years 2019-2020 and 2020-2021. Proceeds from this levy are to be remitted by the county treasurer to the state treasurer. The state treasurer will credit the entire amount in the state school district finance fund.

2. \$20,000 Residential School Levy Exemption – Senate Bill 16 § 19 amending K.S.A. 2018 Supp. 79-201x

The exemption from the 20-mill statewide school levy up to the first \$20,000 of a residential appraised value was reauthorized for tax years 2019 and 2020.

3. White Clay Watershed District Dissolved – House Bill 2188 New §§ 1-3

This bill dissolves the White Clay Watershed District #26 on and after January 1, 2020. Upon dissolution of the district, the bill would transfer the following to the city of Atchison:

- All property of the district subject to any valid leases or agreements
- The responsibility of maintenance and repair for all watershed lakes, dams, and projects
- All powers, duties, and functions referred to in previous contracts/documents referring to “watershed district” or words of like effect
- Legal custody of all records, memoranda, writings, entries, prints, representations, electronic data, or combination of any act, transaction, occurrence, or event of the dissolved district

The bill would also authorize the court to allow suits, actions, or other proceedings maintained by or against the successor of the district, or any affected officer, commenced prior to its dissolution to proceed. The bill would specify that any such legal action would not be diminished due to the governmental reorganization under the bill.

4. Budget Lid Exception Added – House Bill 2188 § 4 amending K.S.A. 2018 Supp. 79-2925c

This bill would add an exception for a tax levy increase resulting from the dissolution of one taxing entity, transferring its responsibilities to a city or county from the provisions of the budget lid. Under these circumstances it would not require an approval from a majority of a city or counties qualified electors, provided any such levy increase does not exceed the prior levy of the dissolved entity.

5. New Registration Fees for Electric and Hybrid Vehicles – House Bill 2214 § 1 amending K.S.A. 2018 Supp. 8-143

New registration fees effective January 1, 2020 are for the following vehicles:

- \$50 – for motor vehicles that are “electric hybrid” or “plug-in electric hybrid” vehicles
- \$100 – for motor vehicles that are “all-electric” vehicles

Currently MOVRs does not have a consistently effective way to identify these electric and electric hybrid vehicles, but the Division of Vehicles (DoV) continues to develop a plan by January 1, 2020.

6. **a) Lighting for Transportation Network Company Drivers** - *Senate Bill 63 New § 1, and § 2 amending K.S.A. 2018 Supp. 8-1729*

Transportation network companies, such as Uber and Lyft, will be allowed to have company lights in the front center of vehicles when the driver is connected to the network.

b) Driver Responsibilities in Railroad Crossings – *Senate Bill 63 § 3 amending K.S.A. 2018 Supp. 8-1551*

The statute requiring vehicles to stop at a railroad crossing for railroad trains was amended to include not only trains, but also other on-track equipment.

c) Window Sun Screening Material – *Senate Bill 63 § 4 amending K.S.A. 2018 Supp. 8-1749a*

This provides for the use of specific sun screening material that meets several federal motor vehicle safety standards and other material enhancements necessary to safeguard the health of the driver or occupant of the vehicle. The driver or occupant must have a signed statement from a licensed physician or licensed optometrist stating, in their opinion, why the sun screening material is necessary.

d) ATV/Work-site Utility Vehicles – *Senate Bill 63 § 5 amending K.S.A. 2018 Supp. 8-15,100 and § 6 amending K.S.A. 2018 Supp. 8-15,109*

Two statutes were amended to allow all-terrain vehicles (ATV) and work-site utility vehicles to cross federal or state highways. Additionally, if the operation is for an agricultural purpose, ATVs and work-site utility vehicles may operate on a federal or state highway with certain restrictions. The operator must be a licensed driver, the highway posted speed must be 65 miles per hour or less, and the vehicle must operate as far to the right of the highway as practicable. This bill does not allow the operation of these vehicles within city limits unless authorized by the city.

e) Electric Scooters – *Senate Bill 63 New §§ 7 and 8*

New section 7 defines “electric-assisted scooters” as self-propelled, at least two wheels, electric motor, handlebars, brake and a deck for the operator.

New section 8 allows for these electric scooters, also called e-scooters, to be operated under the same traffic regulations as bicycles and cannot operate on an interstate, federal or state highway but are permitted to cross a federal or state highway. A city or county may adopt an ordinance or resolution that further restricts or prohibits their operation.

7. **Registration of Rental Vehicle Fleets** – *Senate Bill 97 New §§ 1 and 2 and § amending K.S.A. 2018 Supp. 8-145*

Vehicle fleets subject to the rental excise tax (K.S.A. 79-5117) would qualify for permanent license plates if registering more than 250 vehicles. Registrations are required to be submitted electronically to the DoV. After all applicable registration fees are paid, DoV will issue a permanent license plate and registration receipt which shall remain on/with the vehicle as long as the vehicle remains part of the qualifying fleet. This bill also authorizes transfer of a license plate and any unused registration fees to any other vehicle in that qualifying fleet.

8. Class M License Required – Senate Bill 17 § 1 amending K.S.A. 2018 Supp. 8-235

Under prior law, a holder of any class of driver's license could operate a motorcycle with a temporary registration permit, also known as a "temporary tag". This bill removes the previous exception and will now require a class M driver's license when operating a motorcycle registered under a temporary permit.

9. Commercial Vehicle Markings – House Bill 2127 § 1 amending K.S.A. 2018 Supp. 8-143e

House Bill 2127 removes statutory requirement for lettering to be painted or otherwise durably marked on the sides of a truck or truck tractor with a registered weight of more than 12,000 pounds and up to 26,000 pounds to identify the owner or lessee. It also removes requirements for findings by DoV regarding insignia or trademarks on these commercial vehicles and associated permits.

Federal regulations require any commercial motor vehicle used in interstate commerce to be marked with identification. This includes the legal name or single trade name of the motor carrier and the identification number issued by the Federal Motor Carrier Safety Administration. A state rule and regulation includes nearly identical requirements for intrastate motor carrier vehicles weighing at least 26,000 pounds.

10. Increasing Certain Permit Fees for Oversized/Overweight Vehicles and Registering Escort Vehicle Companies – House Bill 2225 New § 1, and § 2 amending K.S.A. 2018 Supp. 8-1911

New section 1 requires each company that operates an escort service in the state to register annually with the Secretary of Transportation on and after January 1, 2020. Each registration application is to be accompanied with specific information detailed in this bill.

This bill also increases the following permit fees as of January 1, 2020:

- a) For each single-trip permit from \$20 to \$40
- b) For each single-trip permit for a large structure from \$30 to \$200
- c) For each single-trip permit for a superload from \$50 to \$200
- d) For each annual permit from \$150 to \$200

11. Manufacturing Compensation to Vehicle Dealers for Warranty Services – Senate Bill 39 § 1 amending K.S.A. 2018 Supp. 8-2415

This bill amends the Vehicle Dealers and Manufacturers Licensing Act regarding compensation of new vehicle dealers for warranty services.

Division Of Property Valuation
300 SW 29th Street
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Mark Burghart, Secretary

Laura Kelly, Governor

MEMORANDUM

To: County Treasurers, County Clerks and County Appraisers
From: Roger Hamm, Deputy Director, Division of Property Valuation
Date: July 23, 2019
Subject: Property Tax Interest Rates for Calendar Year 2020

The interest rates counties pay and collect are tied to an annually updated interest rate prescribed in K.S.A. 79-2968. The interest rate developed in K.S.A. 79-2968 is the fundamental rate on which all other rates are established. The K.S.A. 79-2968 rate for calendar year 2020 remains at six percent (6%). The K.S.A. 79-2968 rate for calendar year 2020 property tax delinquencies or underpayments of \$10,000 or more is 10 percent (10%).

Various statutes provide for percentage point adjustments to the K.S.A. 79-2968 rate for Kansas property tax purposes depending on the type of delinquency or refund.

The 2016 legislature increased the interest rate on delinquent real property taxes by five percent (5%) beginning in tax year 2017 and after. Please carefully review the rates for the 2020 calendar year.

Interest Rate Applied when a County Collects Interest

2020 Calendar Year

Taxpayer's late payment of real property taxes:	11%
Taxpayer's late payment of personal property taxes:	6%
Taxpayer's late or underpayment of \$10,000 or more (real):	15%
Taxpayer's late or underpayment of \$10,000 or more (personal):	10%
Taxpayer's late unpaid portion of advanced payments:	6%

Interest Rates Applied when a County Pays Interest on Refunds:

2020 Calendar Year

Payment under protests and "equalization" appeals	4%
Tax grievance/clerical error refunds ordered by BOTAs	4%
Clerical error refunds ordered by the county	8%

The general rule is that the county is not liable for interest on refunds unless some statute expressly so provides. See *In re Protests of Midland Industries, Inc.*, 237 Kan. 867, 703 P.2d 840 (1985). You should also be aware of three Board of Tax Appeals decisions that were issued pertaining to the interest laws:

The Board ruled that when refunds are issued on or after July 1, 1997, as the result of a clerical error, interest should be paid to the taxpayer beginning from the date the applicant paid the taxes. (See, e.g., *In the Matter of the Application of Reynolds, Ernest and Darlene, for Relief from a Tax Grievance in Atchison County, Kansas*, Docket No. 97-3542-TG, Kansas Board of Tax Appeals Docket No. 97-3542-TG, November 6, 1997).

The Board of Tax Appeals held that interest is not paid on refunds ordered as the result of a taxpayer's request to reduce or abate personal property penalties on the basis of excusable neglect. (See, e.g., *In the Matter of the Application of Cross, Jerry/Cross Service for Relief from a Tax Grievance in Barton County, Kansas*, Board of Tax Appeals Docket No. 97-4953-TG, October 15, 1997).

The Board of Tax Appeals found that if there are delinquent taxes for the tax year at issue, then no interest is to be paid on any refund for that year, even though a portion of the tax may have been paid in a timely fashion. (See, e.g., *In the Matter of the Protests of Inspec. USA, Inc. DBA Jayhawk Fine Chemicals Corp. for Taxes Paid for 1999, 2000 and 2001 in Cherokee County, Kansas* and *In the Matter of the Protests of Allco Chemical Corp. for Taxes Paid for 1998, 1999, 2000, and 2001 in Cherokee County, Kansas*, Board of Tax Appeals Docket Nos. 2002-9125-PR thru 2002-9131-PR, June 18, 2003.)

Below is a recapitulation of some commonly asked questions with answers.

1. Question: Must the Board of Tax Appeals or an appellate court specifically order interest before a county is required to pay it on a refund?
Answer: No. Thus, a county must be well versed on when interest should be paid.
2. Question: Is interest paid when a refund of delinquent taxes is made?
Answer: No. The law states that no interest shall be allowed where the tax paid under protest was inclusive of delinquent taxes. (K.S.A. 79-2005(l)(2))
3. Question: Is interest paid on a refund of personal property late filing or failure to file penalties made because the Board of Tax Appeals abated the penalty on the basis of excusable neglect?
Answer: No, see Board of Tax Appeals Docket No. 97-4953-TG, and the summary of the case in this memorandum. K.S.A. 79-1422, K.S.A. 79-1427a and K.S.A. 79-332a do not provide for interest to be paid on a refund of an abated penalty.
4. Question: Is interest paid on a payment under protest when a refund is issued as the result of an informal meeting with the county appraiser?
Answer: Yes, see the language in K.S.A. 79-2005(a).
5. Question: Can interest be reduced or eliminated?
Answer: Yes, if the Board of Tax Appeals or a court of competent jurisdiction orders the interest reduced upon a finding that an unreasonable delay was caused by the taxpayer in a payment under protest or equalization appeal. (K.S.A. 79-2005(l)).
6. Question: Is interest paid when the Kansas Board of Tax Appeals orders a refund on an application for exemption case?
Answer: No. K.S.A. 79-213, the law pertaining to exemption applications, was not amended to provide for the payment of interest. It should be noted that when an application for exemption is filed, the taxes normally due on December 20 and May 10 are not due until (and if) the Board of Tax Appeals issues a final order denying exemption. Then, the taxpayer has 30 days thereafter in which to pay the taxes, and no interest accrues on the year(s) in question. (K.S.A. 79-213(i)).
7. Question: Is interest paid on a Board of Tax Appeals ordered refund of tax paid by a public utility when a proper appeal has been filed pursuant to K.S.A. 74-2438?
Answer: No. K.S.A. 74-2438 does not provide for any interest to be paid on any refunded tax. See Board of Tax Appeals Docket No. 2005-4083-PV *In the Matter of the Appeal of Wheatland Electric Cooperative, Inc. from an Order of the Director of Property Valuation*.

8. Question: Is interest also refunded on a payment under protest appeal or equalization appeal where a refund is due in a case where the taxpayer paid interest because the tax at issue was paid late?
- Answer: Yes. If a refund is ultimately due as the result of an appeal pursuant to K.S.A. 79-2005 or K.S.A. 79-1609, the interest paid by the taxpayer on the tax amount to be refunded is also refunded with the tax refund. (Example: Taxpayer pays \$1000 tax bill late with \$10 interest for a total payment of \$1010. The Board orders a reduction in value which lowers the tax to \$900. Taxpayer should be refunded the \$100 plus the \$1 in interest he or she paid on the \$100.) This is distinguishable from the issue of when interest is paid on a refund. As indicated in Question 2, no interest is paid by the county in any case where the tax paid was inclusive of delinquent taxes. (Example: Taxpayer is refunded \$101 in the above example, but the county does not pay interest on the \$101 because the tax refunded was inclusive of delinquent taxes.) (K.S.A. 79-2005(l))

Delinquent Real Property Tax Interest

K.S.A. 79-2004 (real property): The county collects interest when the taxpayer fails to pay their property taxes by the December 20th and May 10th deadlines. For 2017 and after, this rate is developed by using the prescribed interest rate in K.S.A. 79-2968 plus five percentage points.

Year	Interest Rate
2012	7%
2013	6%
2014	6%
2015	4%
2016	4%
2017	10%
2018	10%
2019	11%
2020	11%

Delinquent Personal Property Tax Interest

K.S.A. 79-2004a (personal property): The county collects interest when the taxpayer fails to pay their property taxes by the December 20th and May 10th deadlines. This rate is developed by using the prescribed interest rate in K.S.A. 79-2968.

Year	Interest Rate
2012	7%
2013	6%
2014	6%
2015	4%
2016	4%
2017	5%
2018	5%
2019	6%
2020	6%

Delinquent Real Property Tax Interest for \$10,000 or more

K.S.A. 79-2004 (real property): The county collects interest when the taxpayer fails to pay their property taxes by the December 20th and May 10th deadlines. This rate applies to taxpayers paying late or underpaid of \$10,000 or more. For 2017 and after, this rate is developed by using the prescribed interest rate in K.S.A. 79-2968 plus five percentage points for delinquencies of \$10,000 or more.

Year	Interest Rate
2012	12%
2013	12%
2014	12%
2015	10%
2016	10%
2017	15%
2018	15%
2019	15%
2020	15%

Delinquent Personal Property Tax Interest for \$10,000 or more

K.S.A. 79-2004a (personal property): The county collects interest when the taxpayer fails to pay their property taxes by the December 20th and May 10th deadlines. This rate applies to taxpayers paying late or underpaid of \$10,000 or more. This rate is developed by using the prescribed interest rate in K.S.A. 79-2968 for delinquencies of \$10,000 or more.

Year	Interest Rate
2012	12%
2013	12%
2014	12%
2015	10%
2016	10%
2017	10%
2018	10%
2019	10%
2020	10%

Delinquent Tax Interest for Advanced Payments

K.S.A. 19-1207: The county collects interest on the unpaid portion remaining unpaid after December 20th using the interest rate prescribed in K.S.A. 79-2968.

Year	Interest Rate
2012	5%
2013	4%
2014	4%
2015	4%
2016	4%
2017	5%
2018	5%
2019	6%
2020	6%

Payment Under Protest and Equalization Appeals

K.S.A. 79-2005: Interest on refunds for protested and equalization appeals. Applies only for those appeals filed on July 1, 1997 and after. Note: No interest is paid by the county on refunds on delinquent protested tax. This rate is developed by using the prescribed interest rate in K.S.A. 79-2968 minus two percentage points.

Year	Interest Rate
2012	3%
2013	2%
2014	2%
2015	2%
2016	2%
2017	3%
2018	3%
2019	4%
2020	4%

Tax Grievance / Clerical Error Refunds ordered by BOTB

K.S.A. 79-1702: The Board of Tax Appeals does not specifically order interest to be paid on an ordered refund, therefore, the county must know when interest should be paid. This rate is developed by using the prescribed interest rate in K.S.A. 79-2968 minus two percentage points.

Year	Interest Rate
2012	3%
2013	2%
2014	2%
2015	2%
2016	2%
2017	3%
2018	3%
2019	4%
2020	4%

Clerical Error Refunds ordered by the County Commissioners

K.S.A. 79-1701a: When the County Commissioners direct a clerical error refund the amount of the overpayment will include interest at the rate prescribed by K.S.A. 79-2968 plus two percentage points from the date of payment and from tax moneys collected during the current year.

Year	Interest Rate
2012	7%
2013	6%
2014	6%
2015	6%
2016	6%
2017	7%
2018	7%
2019	8%
2020	8%