



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
ATTORNEY GENERAL

October 11, 1978

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CONSUMER PROTECTION: 296-3751

ATTORNEY GENERAL OPINION NO. 78-332

Mr. Don Vsetecka
Finney County Attorney
118 West Pine Street
Garden City, Kansas 67846

Re: Counties--Intangibles Tax--Election

Synopsis: When a board of county commissioners elects under K.S.A. 79-3109 to levy no tax upon money, notes and other evidence of indebtedness for the benefit of the county, that election does not affect such taxes levied for the benefit of cities and counties located in said county. County action may affect only the intangibles tax levied for its own benefit, and not intangibles taxes levied for the benefit of other political subdivisions.

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Dear Mr. Vsetecka:

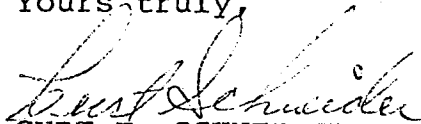
We have your letter of October 9, 1978, inquiring on behalf of the board of county commissioners of Finney County, Kansas, concerning K.S.A. 79-3109. Subsection (a) thereof provides for a tax imposed at a rate equivalent to three percent upon the gross earnings received from "money, notes and other evidence of debt" Subsection (b) authorizes the board of county commissioners to fix by resolution the rate of the tax levied for the benefit of such county upon such intangible property, the rate so fixed to be in the amount of one-fourth of one percent of the total gross earnings or any multiple thereof, not exceeding an amount equal to three-fourths of one percent of the total gross earnings derived from such property. Alternatively, the board of county commissioners may elect that no tax whatever shall be levied for the benefit of the county upon money, notes and other evidence of debt.

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Similar provisions are made for the governing bodies of cities and the township board of any township, to elect either that no intangibles tax shall be levied for the benefit of such city or township, or that an intangibles tax of a specified rate shall be levied therefor.

You ask whether the board of county commissioners may adopt a resolution which will do away with the intangibles tax for the cities and townships located within the county, or whether the board of county commissioners may only reduce or abolish that tax levied upon money, notes and other evidence of indebtedness for the benefit of the county. The board of county commissioners may by resolution fix the rate of the tax which is levied only for the benefit of the county itself. Similarly, if it elects that no such tax shall be levied for the benefit of the county, that election does not affect the tax levied upon money, notes and other indebtedness for the benefit of cities or townships therein. In short, county action may affect only the tax levied for its own benefit, and not taxes levied for the benefit of other subdivisions.

Yours truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj