

Non-Budgeted Funds - Cities

K.S.A. 12-110d. Special ambulance or emergency medical service equipment fund. (a)

The governing body of the municipality is hereby authorized and empowered to transfer annually . . . by resolution, any funds received from a tax levy specifically authorized to be made for ambulance or emergency medical service . . . which in the opinion of the governing body will not be needed for general operating expenses of the ambulance or emergency medical service in such year, to **a special fund to be established for replacement of ambulance or emergency medical service equipment.** . . .

(b) All moneys credited to such special fund shall be used by such governing body for the replacement of ambulance or emergency medical service equipment and such fund **shall not be subject to K.S.A. 79-2925 to 79-2936** In making the budget of such governing body, the amounts credited to, and the amount on hand in, such special fund and the amounts expended therefrom shall be shown for the information of the taxpayers of the municipality.

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K.S.A. 12-1,117. Equipment reserve fund. (a) The governing body of any city may provide . . . for **a municipal equipment reserve fund** to finance the acquisition of equipment. Moneys may be budgeted and transferred to such fund from any source which may be lawfully utilized for such purposes

(b) Moneys credited to such fund from annually budgeted transfers **shall not thereafter be subject to the provisions of K.S.A. 79-2925 to 79-2937** In making the budgets of such city, the amounts credited to, and the amount on hand in, such equipment reserve fund and the amount expended therefrom shall be shown thereon for the information of the taxpayers of such city. . . .

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K.S.A. 12-1,118. Capital improvement fund. (a) The governing body of any city, which has formally approved a multi-year capital improvement plan setting forth the public improvement and infrastructure needs of the city on a prioritized basis, may establish . . . **a capital improvements fund.** The ordinance establishing such fund . . . may provide for the budgeted transfer of moneys from other city funds lawfully available for improvement purposes to the capital improvements fund, including moneys in the city's federal general revenue sharing fund and general fund. Any general property tax specifically levied for the use of such fund shall be authorized by ordinance adopted under the provisions of section 5 of article 12 of the Kansas constitution.

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(c) Except for such reimbursed expenses, no moneys shall be credited to such special fund except as may be budgeted annually, or transferred by the annual budget from other funds. Such fund **shall not thereafter be subject to the provisions of K.S.A. 79-2925 to 79-2937** In making the budgets of such cities, the amounts credited to, and the amount on hand in, such special fund and the amount expended therefrom shall be shown thereon for the information of the taxpayers of such cities. . . .

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K.S.A. 12-631p. Sewerage system reserve fund. Moneys credited to [sewerage system] **reserve funds** may be used by the municipality for the construction, reconstruction, expansion, operation and maintenance of such sewerage system, or for the making of payments to the federal government under the provisions of P.L. 92-500, **and such fund shall not be subject to the provisions of K.S.A. 79-2925 to 79-2937** . . . except that in making the budgets of such municipality, the amounts credited to and the amount on hand in such reserve funds, and the amount expended therefrom, shall be included in the budgets for the information of the residents of such municipality. . . .

K.S.A. 12-6a13. Special improvement funds. Any city proposing to make any [special] improvements under the authority of the act may by ordinance establish a "**special improvement fund**" in the city treasury, and levy an annual tax on the assessed taxable tangible property of the city for the purposes of such fund and to pay a portion of the principal and interest on bonds issued by such city under the authority of K.S.A. 12-1774 Such fund may be used to pay the cost of planning any improvement hereunder and for preparing preliminary plans, studies and engineering reports preparatory to the consideration of the feasibility of any improvement and to pay the initial cost of such improvements when ordered by the governing body and until temporary notes or improvement bonds shall have been issued and sold, except that such fund shall be reimbursed from the proceeds of such improvement bond funds. The special improvement fund shall not exceed one percent (1%) of the total assessed tangible valuation of the city for the preceding year or one hundred thousand dollars (\$100,000), whichever amount is less. **Such fund need not be budgeted for expenditure during any year** but the amount thereof shall be stated in the published budget of expenditures. . . .

K.S.A. 12-6a16. Separate special improvement funds. A **separate [special improvement] fund** shall be created in the city treasury for each improvement or combination of improvements and such fund shall be identified by a suitable title. The proceeds from the sale of bonds and temporary notes and any other moneys appropriated thereto by the governing body shall be credited to such fund. Such fund shall be used solely to pay the costs incurred in the making of the improvement, and upon the completion of the improvement, the balance thereof (if any) shall be transferred and credited to the city bond and interest fund.

K.S.A. 12-825d. Utility reserve fund. Except as otherwise hereinafter provided, in any city of the first, second or third class owning a waterworks, fuel, power or lighting plant, the revenue derived from the sale and consumption of water, fuel, power or light shall not be paid out or disbursed except for the purpose of operating, renewing or extending the plant or distribution system from which such revenue was derived, the payment of interest on outstanding bonds issued for the construction, extension or purchase thereof, and the payment of the salaries of the employees. . . . When any surplus of either the operating fund or sinking fund is not needed for any of the above stated purposes, said surpluses:

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(c) . . . in whole or in part, may be set aside in a **depreciation reserve fund** of the utility which may be used as hereinabove provided, and which may be invested in investments authorized by K.S.A. 12-1675 . . . in the manner prescribed therein or in United States government bonds or in municipal bonds of any county, township, city or school district in the state of Kansas where the bonded indebtedness thereof does not exceed fifteen percent (15%) of its total assessed valuation as shown by the last assessment preceding such investment.

K.S.A. 12-1663. Federal grants (e.g. FEMA). (a) Where any public agency receives federal aid through any federal agency for any purpose to be used alone or with funds of the public agency, such federal aid may be expended without regard to budget limitations and over, above or outside the budget, and such expenditures shall not be charged against the budget of the current or any other budget year of the public agency. Where a public agency spends from budgeted funds and later is reimbursed by federal aid, such expenditure from budgeted funds shall be a reimbursed expense and if received after the budget year, shall increase the current budget to the same amount unless the budget had anticipated and included the reimbursement as income.

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K.S.A. 12-1674. Special services fund. Any such city [located in a county designated an urban area as authorized by the Kansas constitution] which has or proposes to provide services and to charge costs of the work in connection therewith under the authority of this act may by ordinance establish a "**special services fund**" in the city treasury. Said fund shall be used to pay the initial costs of improvements when ordered by the governing body and shall be reimbursed as hereinafter provided. **Such fund need not be budgeted for expenditures during any year** but the amount thereof shall be stated in the published budget of expenditures. . . .

Said fund shall be used to pay for the costs of all work performed as directed by the city as a result of failure of persons to perform duties prescribed by law or ordinance. All collections from persons for such services, including all collections of special service assessments shall be

placed in such fund and thereafter used to provide the services authorized and provided for in this act.

K.S.A. 12-16,111. State loans and grants. Any money received by a municipality from a state loan or grant may be expended without regard to budget limitations and over, above or outside the budget, and such expenditures shall not be charged against the budget. If a municipality temporarily finances the service or improvement from budgeted funds and later is reimbursed by the state loan or grant, such expenditures shall not be charged against the budget. If a municipality temporarily finances the service or improvement from budgeted funds and later is reimbursed by the state loan or grant, such expenditure from budgeted funds shall be a reimbursed expense, and if received after the budget year, shall increase the current budget to the same amount unless the budget had anticipated and included the reimbursement as income.

K.S.A. 12-17,118. Neighborhood revitalization fund. (a) Following adoption of a [neighborhood revitalization] plan pursuant to K.S.A. 12-17,117 . . . the governing body shall create a **neighborhood revitalization fund** to finance the redevelopment of designated revitalization areas and dilapidated structures and to provide rebates authorized by this section. Moneys may be budgeted and transferred to such fund from any source which may be lawfully utilized for such purposes. Any municipality may expend money from the general fund of such municipality to accomplish the purposes of this act.

(b) Moneys credited to such fund from annually budgeted transfers **shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937** In making the budget of the municipality, the amounts credited to, and the amount on hand in, such neighborhood revitalization fund and the amount expended therefrom shall be shown thereon for the information of taxpayers.

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K.S.A. 12-2615. Risk Management Reserve Fund. (a) The governing body of any city [or] county . . . may pay the costs relating to any uninsured loss. The governing body of a city or county may pay such costs from **the risk management reserve fund** of the city or county. . . . Moneys may be paid into such risk management reserve fund or special reserve fund from any source which may be utilized for such purposes, including transfers from the general fund, from any special liability expense fund established in accordance with the provisions of K.S.A. 75-6110 . . . thereto, or from any other fund or grant program account of the governmental unit in reasonable proportion to the estimated cost of self insuring the risk losses covered by such funds. Such funds **shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937** In making the budget of such city, county or school district, the amounts credited to and the amount on hand in such reserve fund, and the amount expended therefrom, shall be included in the annual budget for the information of the residents. . . .

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K.S.A. 13-10,140. Special improvement fund (commission form of government; population more than 150,000 and less than 200,000). Any city having a commission form of government and a population of more than one hundred fifty thousand (150,000) and less than two hundred thousand (200,000) may . . . establish a **special improvement fund** in the city treasury, of not to exceed five hundred thousand dollars (\$500,000). Such fund shall be used to pay the preliminary cost of any improvement to be financed under a special assessment law or to be financed by general obligation bonds. Such preliminary costs shall include planning, engineering or architect fees and the initial cost of such improvements when ordered by the governing body of the city and until temporary notes, improvement bonds or general obligation bonds have been issued and sold: *Provided*, That such fund shall be reimbursed from the proceeds of such temporary notes, improvement bonds or general obligation bonds.

Such fund **need not be budgeted for expenditures during any year**, but the amount thereof shall be stated in the public budget of expenditures. . . .

K.S.A. 13-14b12. Hospital special improvement fund. Upon and after the creation of a board of trustees to manage and control a hospital, the governing body of the city shall levy annually . . . a tax on all tangible taxable property within the limits of said city, for the purpose of equipping, operating, maintaining and improving such hospital and to pay a portion of the principal and interest on bonds issued by such city under the authority of K.S.A. 12-1774

The board may transfer annually such amounts as it deems advisable to a **special improvement fund** to be used for the purpose of purchasing major items of equipment and making capital improvements to the hospital. The amount on hand in such fund shall at no time exceed two hundred fifty thousand dollars (\$250,000) and such fund **shall not be subject to the provisions of K.S.A. 79-2925 and 79-2937** . . . except that in making the budget of the city the amounts credited to, and the amount on hand in such special fund and the amount expended therefrom shall be shown for the information of the taxpayers of the city.

K.S.A. 14-2004. Park land acquisition fund (commission-manager cities). Any city of the second class operating under the commission-manager form of government is hereby authorized to establish a **park land acquisition fund** to be used for purchasing or otherwise acquiring land for park purposes. The governing body of such city may transfer not to exceed five thousand dollars (\$5,000) a year from its general operating fund to the park land acquisition fund and use any money in said fund from time to time to acquire land for park purposes. Not more than twenty-five thousand dollars (\$25,000) shall be accumulated in said fund at any time. **Any money in said fund may be expended during any budget year even though the same was not included in the budget of expenditures for such year.**

K.S.A. 44-505f. Worker's compensation reserve fund. (a) The governing body of any city may act as a self-insurer under the workmen's compensation act. If the governing body elects to act as a self-insurer, it shall . . . create a separate fund in the budget and accounts of such city

which shall be a **reserve fund for the payment of workmen's compensation claims, judgments and expenses.** Payments to such reserve fund may be made from moneys available to the city under the provisions of K.S.A. 44-505c . . . and by the transfer of moneys from any other funds or accounts of the city in reasonable proportion to the estimated cost of providing workmen's compensation benefits to the employees of the city compensated from such funds. . . . Such fund **shall not be subject to the provisions of K.S.A. 79-2925 to 79-2937** . . . except that in making the budget of such city, the amounts credited to and the amount on hand in such reserve fund, and the amount expended therefrom, shall be included in the annual budget for the information of the residents. . . .

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K.S.A. 60-4117. Special prosecutor's trust fund. Except as provided in K.S.A. 65-7014, and amendments thereto: (a) When property is forfeited under this act, the law enforcement agency may:

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(3) sell property which is not required by law to be destroyed and which is not harmful to the public

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(A) Such fees shall be deposited in the county or city treasury and credited to **the special prosecutor's trust fund.** Moneys in such fund shall not be considered a source of revenue to meet normal operating expenditures, including salary enhancement. Such fund shall be expended by the county or district attorney, or other governmental agency's attorney through the normal county or city appropriation system and shall be used for such additional law enforcement and prosecutorial purposes as the county or district attorney or other governmental agency's attorney deems appropriate, including educational purposes. . . . Neither future forfeitures nor the proceeds therefrom shall be used in planning or adopting a county or district attorney's budget;

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K.S.A. 68-141g. Special road, bridge or street building machinery, equipment and bridge building fund. The governing body of any municipality ["Municipality" means any city or county and any township which is not located in a county operating under the county road unit system"] . . . is hereby authorized and empowered to transfer, annually, from the road, bridge or street fund of such municipality not to exceed twenty-five percent (25%) of the amount of money credited to any such fund, and subject to legal expenditure, in such year to a **special road, bridge or street building machinery, equipment and bridge building fund.**

. . . . All moneys credited to such special fund shall be used by such municipalities for the purpose of purchasing road, bridge or street building machinery or equipment or the building of bridges and such fund **shall not be subject to the provisions of K.S.A. 79-2925 to 79-2937** . . . except that in making the budgets of such municipalities the amounts credited to, and the amount on hand in, such special fund and the amount expended therefrom shall be shown thereon for the information of the taxpayers of such municipalities.

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K.S.A. 68-590. Special highway improvement fund. For the purpose of permitting municipalities [“‘Municipality’ means any city or county”] to finance specified improvement projects involving the construction or reconstruction of highways, bridges, roads and streets and incidental facilities thereto, the cost of which will exceed the money annually available from current revenues, the governing body of any municipality is hereby authorized . . . to transfer each year from the fund or division thereof budgeted for roads, bridges, highways or streets of such municipality an amount of money not to exceed twenty-five percent (25%) of such fund or division thereof as determined by such body and subject to legal expenditure, to a **special highway improvement fund**.

. . . . All moneys credited to such special fund shall be used by such municipality for the purpose of the construction or reconstruction of highways, bridges, roads and streets and necessary incidental facilities and such fund **shall not be subject to the provisions of K.S.A. 79-2925 to 79-2937** . . . except that in making the budgets of such municipalities the amounts credited to, and the amount on hand in, such special fund and the amount expended therefrom shall be shown thereon for the information of the taxpayers of such municipalities.

K.S.A. 75-6110. Special liability expense fund. (a) . . . [P]ayments by municipalities [“‘Municipality’ means any county, township, city, school district or other political or taxing subdivision of the state, or any agency, authority, institution or other instrumentality thereof”] for the cost of providing for its defense and the defense of employees pursuant to this act and for the payment of claims and other direct and indirect costs resulting from the implementation of this act may be paid from the general or other existing fund of such municipality or from a **special liability expense fund** established for such purpose pursuant to subsection (b). . . .

(b) Whenever the governing body of any municipality shall determine that it is advisable to establish a special fund for the payment of such costs and to establish a reserve therefor, in lieu of paying the same out of the general or other existing fund of the municipality, such governing body may create and establish a special liability expense fund for the payment of such costs and may place therein any moneys received by the municipality from any source whatsoever which may be lawfully utilized for such purpose including the proceeds of tax levies hereinafter authorized and provided. Such fund **shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937** In making the budget . . . the amounts credited to and the amount on hand in such special fund, and the amount expended therefrom, shall be included in the annual budget for the information of the residents of such municipality.

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K.S.A. 79-1808. Special assessment fund. Whenever any taxing subdivision or municipality . . . is the owner of real estate against which special assessments are levied by any other taxing subdivision or municipality . . . the governing body or officer authorized to levy taxes for the taxing subdivision or municipality owning such real estate shall have authority to make such levies as may be necessary to provide funds to pay such special assessments against its property . . . and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774 . . . by cities located in the county and the proceeds thereof shall be placed in a **special assessment fund**. . . .

Such special assessment fund **shall not be subject to the provisions of K.S.A. 79-2925 to 79-2936** . . . except that in making the budgets of such taxing subdivisions or municipalities the amounts credited to and the amount on hand in, such special assessment fund and the amount expended therefrom shall be shown thereon for the information of the taxpayers of such taxing subdivisions or municipalities.

K.S.A. 79-1950b. Special improvement fund (cities of more than 200,000). Any city of the first class having a population of more than two hundred thousand (200,000) proposing to make any improvement the cost of which will be paid by the issuance of temporary notes or improvement bonds may by ordinance establish a "**special improvement fund**" in the city treasury and levy annually not to exceed one-tenth (1/10) mill on the assessed taxable tangible property of the city for the purposes of such fund. . . . Such fund may be used to pay the preliminary costs of preparing plans, studies, engineering reports, publication costs and other miscellaneous costs of such improvements when ordered by the governing body and until temporary notes or improvement bonds shall have been issued and sold: *Provided*, That such fund shall be reimbursed from the proceeds of such improvement bond funds or temporary notes: *Provided further*, The special improvement fund shall not exceed an amount equal to that which may be raised by such levy during a period of two (2) years. Such fund **need not be budgeted for expenditure during the year** but the amount thereof shall be stated in the published budget of expenditure.

K.S.A. 79-2925. Budgets exempt from the state budget law. (a) [The state budget law] shall [not] apply to [the following]:

- (1) Townships in counties having the county road unit system which have an annual expenditure of less than two hundred dollars;
- (2) any money received by such taxing subdivision or municipality as a gift or bequest;
- (3) any revolving fund set up for the operation of a municipal airport. Any city, board of park commissioners, or other agency designated and authorized to operate a municipal airport is

hereby authorized to set up a revolving fund for use as an operating fund, either out of the budget or out of the receipts from the operation of such airport, in an amount as may be reasonable and necessary as an operating fund for the efficient and business-like operation of such airport. . . . ;

(4) any special recreation facilities reserve set up by the board of park commissioners in any city for the repair, replacement, or addition to the recreation facilities of such city. . . . ; and

(5) any special recreation facilities fund set up by the board of county commissioners for the operation of a county coliseum. . . .

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