		
MINUTES OF THE HOUSE COMMITTEE ON	LOCAL GOVERNMENT	
The meeting was called to order byREPRESENTATI	VE ROBERT D. MILLER at	_
	Chairperson	
2:10 a/m/p.m. on MARCH 27	, 1990 in room $521-S$ of the Capitol.	

Approved ___

April 25, 1990

Committee staff present:

Mike Heim, Legislative Research Dept. Theresa Kiernan, Revisor of Statutes' Office Connie Smith, Committee Secretary

Conferees appearing before the committee:

Chairman Miller turned the Committee's attention to SB 727.

SB 727 - Act concerning municipalities; relating to lease-purchase agreements.

Chairman Miller recognized Mike Heim, staff, who explained the amendments drafted for \underline{SB} 727. (Attachment I)

Representative Bowden moved to adopt the above amendments and include on line 21, twice, and on line 30 anyplace where the word lease appears add "or lease-purchase agreement"; seconded by Representative Graeber. The motion carried.

Representative Reinhardt moved to pass SB 727 favorably; seconded by Representative Lane. Motion carried.

The Chairman turned the Committee's attention to SB 533.

SB 533 - Act concerning water supply and distribution districts; relating to the governing body thereof;

Chairman Miller stated this bill changes the governing body from 5 to 7. Chairman asked for discussion.

Representative Williams moved to pass SB 533 favorably and place it on the consent calendar; seconded by Representative Turnbaugh. The motion carried.

Chairman Miller turned the Committee's attention to SB 579.

SB 579 - Act concerning cities and counties; relating to the issuance of revenue bonds; Senator Petty.

Chairman Miller asked staff to give an overview of \underline{SB} 579. Staff stated that Senator Petty and an attorney from Topeka had requested the bill seeking clarification of the law. Staff presented proposed amendments to \underline{SB} 579 to Committee. (Attachment II) Discussion followed. Staff felt that cities and counties have the authority to do what this bill suggests.

Representative Williams moved to table SB 579; seconded by Representative Patrick. Motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,
room 521-S Statehouse, at 2:10 2.10, no. march 27, 1990

Chairman Miller turned the Committee's attention to SB 649.

SB 649 - Act concerning fire protection; relating to the issuance of bonds and no-fund warrants.

A motion was made by Representative Williams to offer an amendment on line 22 after the word "once" inserting "a week for two consecutive weeks"; seconded by Representative Johnson. Motion carried.

Representative Bowden moved to pass out favorably SB 649 as amended; seconded by Representative Williams. The motion carried.

The Chairman turned the Committee's attention to SB 186.

 $\underline{\rm SB}$ 186 - Act entering into the KS & MO metropolitan culture and recreation district compact.

Chairman Miller recognized Representative Lane who stated this bill was requested by the Mid-America Regional Council (MARC) of which Johnson, Wyandotte, and Leavenworth county are members.

Representative Lane moved to amend SB 186 to incorporate the language that staff has drawn up in regard to those counties who are eligible; seconded by Representative Reinhardt. (Attachment III) Discussion followed.

Vice-chairman Brown expressed concern on having more counties in Missouri than in Kansas and an inbalance of membership on that committee. Representative Lane stated there are 5 member counties in Missouri and three in Kansas that belong to MARC. For anything to be constructed in Missouri, the project must be approved by the majority of the total commission. It has to be approved by the majority of the commissioners from the state in which the project is not going to be funded this creating a check and balance system. Representative Lane stated that he wouldn't have a problem limiting it to MARC counties.

Representative Graeber expressed concern to staff if Leavenworth was eliminated in the new insertion added on line 62 of Lane's amendment. Theresa Kiernan, staff, stated they were included if 1% of the people in that county voting at the last gubernatorial election petition to join or if the governing body, Leavenworth co. commissioners, adopt a resolution requesting to be included in the district, Leavenworth county may also get into the district.

Representative Lane moved to withdraw his amendment to have it redrafted. The second withdrew also.

Representative Patrick presented the Committee with a balloon of his proposed amendments. (Attachment IV) Representative Patrick made a motion to adopt the balloon version of his amendment; seconded by Representative Johnson. Discussion followed. The motion carried.

Representative Lane asked staff to present to Committee the language on his amendment. Staff stated the amendment on line 62 after Kansas, any county which is contiguous to the Missouri counties, Johnson co. or Wyandotte county in Kansas or any contiguous county located in Kansas which is a member of the Mid-America Regional Council. Representative Lane moved to adopt the amendment; seconded by Representative Graeber. Representative Holmes asked if on lines 73 and 74 if that didn't broaden it even more. Staff stated those lines should be stricken.

Vice-chairman Brown opposed the amendment because it would narrow it to three counties in Kansas allowing 5 counties in Missouri. Mike Heim, staff, stated the bill is patterned after the Missouri law.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT, room 521-S, Statehouse, at 2:10 a.m./p.m. on MARCH 27

Representative Graeber asked if it would make sense to eliminate the line which states a member of the Mid-America Council, contiguous counties to Johnson or Wyandotte county could come in and not be required to be a member of MARC.

Chairman Miller asked Representative Lane if he would like to withdraw his motion and restate the motion. Representative Lane withdrew his motion; second agreed. Chairman Miller asked staff to restate the motion without MARC included. Staff stated any county which is contiguous to such Missouri county, Johnson or Wyandotte co, Kansas or any contiguous county located in Kansas thereto; seconded by Representative Graeber.

Vice-chairman Brown wanted the Committee to know that if they drafted this amendment and inserted it on line 62 that they have opened up the commission to anybody that passes a resolution and is contiguous to one of the counties.

Representative Patrick moved to make a substitute motion. After the word Kansas, on line 62 by inserting "which are Johnson and Wyandotte county who shall file 5% petitions" and leave all the other language that is currently stricken and leave Line 64 "one or more counties within 60 miles of any county which is contiguous to such county," on lines 70 and 74 restore stricken language; seconded by Representative Williams.

Representative Reinhardt asked Representative Patrick if his intent is to restore the bill back to its original form. Representative Patrick stated that this part of the bill will be back in its original form. No further discussion. Chairman Miller called for the vote. Motion carried.

Representative Lane moved that SB 186 be passed favorably as amended; seconded by Representative Mollenkamp.

Representative Johnson made a substitute motion that SB 186 be in an interim committee; seconded by Representative Watson. Discussion followed. Representative Williams called for the question. Motion carried to recommend the bill for interim study. Representative Lane asked for a division. The motion carried. (10 to 6)

Representatives Brown, Patrick and Lane recorded as voting "no".

Meeting adjourned at 3:28 p.m.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

DATE March 27, 1990

NAME	ADDRESS	REPRESENTING
NORM WILES	TURKA	Ko Assoc up Seyear Binn
Linton Bartlet	KCK	City of Kansus City
W. Martin	Michela	Sider. Co.
Jessey Lay	Olathe	Johnson G Con
Bel Beabley	Topers	KS Assoc of Coun
Masker	Tenela	Leave a A Lille
		-
•		
		i

3

5

6

9

10

11

12

13 14

15 16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

2-27-96 4+79Ch. 1

is filed with the appropriate county election officer, no such agreement shall take effect unless and until the same is approved by a majority of the qualified electors voters of such municipality voting at an election thereon. Any such election shall be called and held in accordance with the provisions of K.S.A. 10-120, and amendments thereto, or in accordance with the provisions of the mail ballot election act.

(c) If the proposed agreement is for a term exceeding the current fiscal year of the municipality, the agreement shall specify the following: (1) The amount or capital cost required to purchase the item if paid for by cash, (2)the annual average effective interest cost, and (3) the amount included in the payments for service, maintenance, insurance or other charges exclusive of the capital cost and interest cost.

Sec. 3. K.S.A. 72-8225 is hereby amended to read as follows: 72-8225. The board of education of any school district, as lessee or lessor, may enter into written contracts for the use of real or personal property, except that no board of education shall enter into any contract under authority of this section as lessor of any school bus, as defined in K.S.A. 72-8301, and amendments thereto. The term of any such lease may be for not to exceed 10 years. Such lease may provide for annual or other payment of rent or rental fees and may obligate the school district to payment of maintenance or other expenses. Any contract made under authority of this section shall be subject to change or termination at any time by the legislature. Any assignment of rights in any contract made under this section shall contain a citation of this section and a recitation that the contract and assignment thereof are subject to change or termination by the legislature. The provisions of the eash basis and budget laws shall not apply to any lease made under authority of this section in such a manner as to prevent the intention of this section from being made effective. The provisions of this section shall be subject to the provisions of K.S.A. 10-1116b, and amendments thereto.

Sec. 3 4. K.S.A. 10-1116b is and 72-8225 are hereby repealed. Sec. 4 5. This act shall take effect and be in force from and after its publication in the statute book.

add: "or lease purchase agreements as provided in K.S. A. 10-1116(b)"

add: "cash basis"

delete: "and budget laws"

delete

Insert the following:

Sec. ___. K.S.A. 12-1741 is hereby amended to read as follows: 12-1741. Subject to the provisions of K.S.A. 12-1744a and 12-1744b, and amendments thereto, any city shall have power to issue revenue bonds, the proceeds of which shall be used for the purpose of paying all or part of the cost of purchasing, acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, enlarging or remodeling facilities for agricultural, commercial, hospital, industrial, natural resources, recreational development and manufacturing purposes. Any city shall also have power to enter into mortgages, leases or lease-purchase agreements by ordinance with any person, firm or corporation for the facilities. Except as otherwise provided in K.S.A. 12-1741a, and amendments thereto, the facilities may be constructed within the city or its environs without limitation as to distance, providing the governing body of the city declares that the facility, if in being, would promote the welfare of the city.

Sec. ____. K.S.A. 1989 Supp. 12-1741b is hereby amended to read as follows: 12-1741b. (a) Subject to the provisions of K.S.A. 12-1744a and 12-1744b, as amended, any county shall have power to issue revenue bonds, the proceeds of which shall be used for the purpose of paying all or part of the cost of purchasing, acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, enlarging or remodeling of facilities for agricultural, commercial, hospital, industrial, natural resources, recreational development and manufacturing purposes. Any county shall also have the power to enter into mortgages,

Ly 3-27-90 Attach # leases or lease-purchase agreements by resolution with an person, firm or corporation for the facilities. Except as otherwise provided in subsection (b) of this section, the facilities may be constructed within the county or its environs without limitation as to distance, providing the board of county commissioners declares that the facility, if in being, would promote the welfare of the county.

(b) No county shall issue revenue bonds authorized herein to finance facilities located within the corporate limits of a city or within three miles of the corporate limits of a city or within another county without the issuing county having first received approval of the governing body of the city or county in which the facility is to be located. Approval of a city governing body shall not be required to finance the construction of facilities located on real estate, the title to which is in the county issuing the revenue bonds. The use of such real estate shall be subject to all zoning regulations, subdivision regulations and building code regulations of the city.

Session of 1989

SENATE BILL No. 186

By Senators Langworthy and Steineger

2-7

16

10 19

20 21 22

23 24

25 26

27 28 29

32

33

30

34 35 36

37 38

39

40 41

41

/

44

AN ACT entering into the Kansas and Missouri metropolitan culture and recreation district compact.

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

Section 1. The Kansas and Missouri metropolitan culture and recreation district compact is hereby entered into and enacted into law in the form substantially as follows:

ARTICLE I.

When used in this compact, unless the context clearly requires a different construction:

- (a) "Commission" means the governing body of any culture and recreation district created under and pursuant to the provisions of this compact and act;
- (b) "cultural and recreational facilities, activities or organizations" means those facilities, activities or organizations dedicated to enhancing the artistic, aesthetic, intellectual, historical or physical well-being of the general public through nonproprietary or nonprofit means;
- (c) "district" means any body politic and corporate consisting of one or more counties in either the state of Kansas or the state of Missouri, or both, created under and pursuant to the provisions of this compact and act.

ARTICLE II.

The states of Kansas and Missouri agree to and pledge, each to the other, faithful cooperation in the future planning, operation and development of metropolitan culture and recreation districts as provided for herein, holding in high trust for the benefit of its people and of the nation, the special blessings and natural advantages thereof.



5.

ARTICLE III.

In order to achieve solid financial support and effective coordination for cultural and recreational activities, the states of Kansas and Missouri hereby authorize, upon petition or resolution as provided herein, the creation of metropolitan culture and recreation districts, the financing of major cultural and recreational facilities and organizations within the territorial bounds of such districts and the providing of operating and developmental support and coordination for cultural and recreational organizations operating within such districts.

ARTICLE IV.

- (a) A culture and recreation district shall be deemed created whenever:
- (1) Qualified voters representing 1% of the vote cast at the next preceding gubernatorial election of any county which contains a part of a city with a population according to the most recent federal census of at least 400,000 in Missouri or a population of at least 80,000 in Kansas shall file verified petitions for the creation of a culture and recreation district naming and consisting of such county or counties and one or more counties within 60 miles of any county which is contiguous to such county or counties in the same state or an adjacent state; or
- (2) the governing body of any county satisfying the population requirements of paragraph (1) adopts a resolution approved by a majority vote and calls for the creation of such a district naming and consisting of such county or county and one or more counties within 60 miles in the same state or in an adjacent state, each such county satisfying the population requirements of paragraph (1) or counties and any county which is contiguous to such county.
- (b) Except as provided by subsection (f), the governing body of any such county, within 24 months of the filing of a petition or adoption of a resolution pursuant to subsection (a), shall request the election authority of the county to submit a proposition to the voters as to whether or not a retail countywide retailers' sales tax of not more than .25% should be levied and collected for the financing of cultural and recreational facilities and organizations within the district

each

any county which is contiguous to such county or Johnson or Wyandotte county, Kansas, or any county which is a member of the Mid-America Regional Council

described in

if the governing body of such county has adopted a resolution requesting to be included in such district

83

84

85

86

87

88

89

b_

92

93

94

95

96

97

98

99

100

101

102 103

106

107

108

109

110

111

112 113

114

115

, 121

122

described in the petitions or resolutions. The costs of any such election shall be borne and paid for by the county governing body requesting that such an election be held.

- (c) In the event verified petitions or resolutions for the creation of a culture and recreation district complying with the provisions of subsection (a) are filed or passed within the same six-month period in two or more counties adjacent to or within 60 miles of each other in the same state or adjacent states, for the creation of a culture and recreation district naming and consisting of such counties, the governing body of each county in which petitions or resolutions complying with subsection (a) are filed or passed shall notify the governing bodies of all other counties named in the petitions or resolutions of the fact that such petitions have been filed or resolutions passed. The governing body of each county in which petitions or resolutions complying with subsection (a) are filed or passed shall request the election officer of such county to submit a proposition to the voters thereof, as set forth in subsection (a). Such election shall be conducted simultaneously with those of all other counties conducting an election as to whether or not such retail sales tax should be levied and collected. The costs of such election shall be borne and paid for by the governing body of each county requesting that such an election be held.
- (d) The election shall be held at the next primary or general election following the date of the request to the county election officer or, in the event petitions or resolutions are filed or passed in more than one county as provided herein, the date of the last made request. The election officer of any county conducting such an election shall give notice of the election at least 60 days prior to the date of the election in a newspaper of general circulation within the county. The ballot for the proposition in any county shall be in substantially the following form:

Such

On page 13, following line 47, by inserting new article as follows:

ARTI	CLE	

- (a) Any county which is a member of a district created pursuant to this compact may withdraw from such district whenever:
- (1) Qualified voters of such county representing 1% of the vote cast at the next preceding gubernatorial election in such county sign a petition requesting the withdrawal from such district; or
- (2) the governing body of any county adopts a resolution approved by a majority vote thereof proposing to withdraw from such district.
- (b) Upon presentation of a sufficient petition or upon adoption of a resolution provided by subsection (a), the question of withdrawing from a district shall be submitted to the qualified voters of the county. Such election shall be called and held in the manner provided by the general bond law. If a majority of voters, voting at the election, vote in favor of withdrawing from such district, the county shall no longer be a member of such district, but such county shall remain liable for any financial obligation agreed to while a member of such district and shall continue to levy a tax to pay such county's proportionate share of all bonds issued by the district and other indebtedness incurred by the district while the county was a member of the district. The county shall not be liable for any indebtedness incurred after the county's withdrawal from the district.

TIRKICA

Session of 1989

SENATE BILL No. 186

By Senators Langworthy and Steineger

2-7

16

10 19

20 21

22 23

> 24 25 26

27 28

29 30

32 33

> 34 35 36

37 38

39

40 41

44

AN ACT entering into the Kansas and Missouri metropolitan culture and recreation district compact.

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

Section 1. The Kansas and Missouri metropolitan culture and recreation district compact is hereby entered into and enacted into law in the form substantially as follows:

ARTICLE I.

When used in this compact, unless the context clearly requires a different construction:

- (a) "Commission" means the governing body of any culture and recreation district created under and pursuant to the provisions of this compact and act;
- (b) "cultural and recreational facilities, activities or organizations" means those facilities, activities or organizations dedicated to enhancing the artistic, aesthetic, intellectual, historical or physical well-being of the general public through nonproprietary or nonprofit means;
- (c) "district" means any body politic and corporate consisting of one or more counties in either the state of Kansas or the state of Missouri, or both, created under and pursuant to the provisions of this compact and act.

ARTICLE II.

The states of Kansas and Missouri agree to and pledge, each to the other, faithful cooperation in the future planning, operation and development of metropolitan culture and recreation districts as provided for herein, holding in high trust for the benefit of its people and of the nation, the special blessings and natural advantages thereof.



bu

73

4-2

ARTICLE III.

In order to achieve solid financial support and effective coordination for cultural and recreational activities, the states of Kansas and Missouri hereby authorize, upon petition or resolution as provided herein, the creation of metropolitan culture and recreation districts, the financing of major cultural and recreational facilities and organizations within the territorial bounds of such districts and the providing of operating and developmental support and coordination for cultural and recreational organizations operating within such districts.

ARTICLE IV.

- (a) A culture and recreation district shall be deemed created whenever:
- (1) Qualified voters representing [1%] of the vote cast at the next preceding gubernatorial election of any county which contains a part of a city with a population according to the most recent federal census of at least 400,000 in Missouri or a population of at least 80,000 in Kansas shall file verified petitions for the creation of a culture and recreation district naming and consisting of such county or counties and one or more counties within 60 miles of any county which is contiguous to such county or counties in the same state or an adjacent state; or
- (2) the governing body of any county satisfying the population requirements of paragraph (1) adopts a resolution approved by a majority vote and calls for the creation of such a district naming and consisting of such county or county and one or more counties within 60 miles in the same state or in an adjacent state, each such county satisfying the population requirements of paragraph (1) or counties and any county which is contiguous to such county.
- (b) Except as provided by subsection (f), the governing body of any such county, within 24 months of the filing of a petition or adoption of a resolution pursuant to subsection (a), shall request the election authority of the county to submit a proposition to the voters as to whether or not a retail countywide retailers' sales tax of not more than 25% should be levied and collected for the financing of cultural and recreational facilities and organizations within the district

5%

.125%

described in the petitions or resolutions. The costs of any such election shall be borne and paid for by the county governing body requesting that such an election be held.

- (c) In the event verified petitions or resolutions for the creation of a culture and recreation district complying with the provisions of subsection (a) are filed or passed within the same six-month period in two or more counties adjacent to or within 60 miles of each other in the same state or adjacent states, for the creation of a culture and recreation district naming and consisting of such counties, the governing body of each county in which petitions or resolutions complying with subsection (a) are filed or passed shall notify the governing bodies of all other counties named in the petitions or resolutions of the fact that such petitions have been filed or resolutions passed. The governing body of each county in which petitions or resolutions complying with subsection (a) are filed or passed shall request the election officer of such county to submit a proposition to the voters thereof, as set forth in subsection (a). Such election shall be conducted simultaneously with those of all other counties conducting an election as to whether or not such retail sales tax should be levied and collected. The costs of such election shall be borne and paid for by the governing body of each county requesting that such an election be held.
- (d) The election shall be held at the next primary or general election following the date of the request to the county election officer or, in the event petitions or resolutions are filed or passed in more than one county as provided herein, the date of the last made request. The election officer of any county conducting such an election shall give notice of the election at least 60 days prior to the date of the election in a newspaper of general circulation within the county. The ballot for the proposition in any county shall be in substantially the following form:

"Shall a retail sales to	ax of
Ollula w Totali Talica	(insert amount, not to
b	e levied and collected in the
exceed 14 cent)	(insert district name)
Culture and Recreation	n District, consisting of the county(ies) of - cultural and recreational facilities and organization
(insert name of county(ies))	
within the district?	

124

125

126

127

128

129

130

. ~1

133

134

135

136

137

138

140

141

142

143

144

* 45

٠ċ

147

148

149

150

151

152

153

154

155

158

159

[] No"

(e) If a majority of the total votes cast on the proposition in a county are "Yes", a sales tax at the rate authorized by the proposition shall become effective on the first day of the second calendar quarter following the election. The sales tax shall be levied administered and collected in the same manner and by the same procedure as other local countywide retailers' sales taxes are levied and collected upon all sales upon which the retail state retailers' sales tax is levied and collected. This sales tax shall be in addition to any other sales tax authorized by law. If a majority of the votes cast in any one county are opposed to the proposition, no such sales tax shall be levied and collected within such county, but such county shall remain in the district and retain its commissioners appointed in the manner set forth herein who, however, shall be nonvoting commissioners. The proposition may be resubmitted to the voters of such county at any time following rejection of the proposition.

139 (g) (f) In lieu of the countywide retailers' sales tax authorized by this section, the governing body of any such county within 24 months of the filing of a petition or adoption of a resolution pursuant to subsection (a) may agree, by adopting a resolution, to pay its share of the cost of the financing of cultural and recreational facilities and organizations by obligating a specific source of revenue or exercising any other taxing authority granted to it by law. Any such agreement may be entered into for a term not to exceed 20 years. However, the agreement may permit the governing body either to extend or renew the term of such agreement, so long as the county is not bound under the agreement for an extended period or renewal period of more than 20 years. Before exercising any power granted pursuant to this subsection, the proposition shall be submitted to an election in the manner provided by subsection (d). If a majority of the votes cast in any such county are against the proposition, the county shall remain in the district and retain its commissioners appointed in the manner provided herein who, however, shall be nonvoting commissioners. The proposition may be resubmitted to the voters of such county at any time following rejection of the proposition.

ARTICLE V.

(a) In order to provide governance for any district, the states of

Any authority to levy a countywide retailers' sales tax pursuant to this act shall expire four years following the imposition of such tax unless the qualified voters of the county approve the question of continuing to impose such tax at an election called and held thereon. election shall be held at a county general election and shall called in the manner provided by the general election law.

On page 13, following line 476, by inserting a new article as follows:

Except as provided by K.S.A. 74-7246, and amendments thereto, the commission created pursuant to this compact shall be and is hereby abolished on July 1, 1995.