

SESSION OF 2008

SUPPLEMENTAL NOTE ON SENATE BILL NO. 518

As Recommended by Senate Committee on
Elections and Local Government

Brief*

SB 518 would create the DeSoto/Johnson County Riverfront Authority (Authority), the purpose of which is to encourage private capital investment by fostering the creation of recreational, retail, entertainment, economic development and housing within the riverfront. The bill would:

- Require the Authority to engage in planning and design for the first three years.
- Permit the Authority to:
 - Acquire, construct, own, operate and maintain for public service a riverfront system in the metropolitan area.
 - Acquire property and property rights, water rights and riparian rights by purchase, lease, gift or otherwise.
 - Purchase equipment, make public improvements, construct dams and docks, and execute agreements, leases and equipment trust certificates. Payment by the Authority for the agreements, leases and certificates must come from revenue or income derived from the Authority and from grants. Payment for equipment, including rentals, may be made in installments. Additional requirements and powers related to purchase agreements and leases are delineated.
 - Apply for and accept grants from any public or private

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

entity, and enter into any agreement with any such entity related to the grant, provided the agreement does not conflict with the provisions of any trust agreement securing bond or certificate payment.

- Invest and reinvest any funds held in reserve or sinking funds not required for immediate disbursement. The funds may be invested or reinvested in investments authorized for governmental subdivisions in another section of Kansas law.
 - Procure and contract for insurance.
 - Sue and be sued and adopt a common seal.
 - Have other powers necessary or convenient to accomplish the bill's purposes.
- Prohibit the Authority from taking property by eminent domain.
 - Establish a six-member board as the governing and administrative body of the Authority, and set parameters and requirements for the board's operation. The board would be:
 - Permitted to appoint a general manager and other staff.
 - Required to make all necessary rules and regulations and establish a fiscal operating year.
 - Required to prepare and print for distribution a report and financial statement of its operation, assets and liabilities.
 - Required to set aside money deemed sufficient to provide for legal actions that may arise. Loss and liability insurance costs are to be paid from this money.

- Deem the Authority a municipality as defined by the Kansas Tort Claims Act, thereby entitling the Authority to avail itself of the Act's protections. The bill would set a deadline, for commencing a civil action against the Authority related to personal injury, of two years from the date the injury was received or the cause of action accrued.

Background

Senator Julia Lynn and the Mayor of the City of DeSoto testified in favor of the bill. No opponents testified.

The fiscal note indicates the Authority is to be financed by grant funds and the investment of such funds. No other provision is made for financing the Authority. However, it is presumed that any expenses or revenue that is generated as a result of SB 518 would be the responsibility of the Desoto/Johnson County Riverfront Authority.