

HOUSE BILL No. 2732

By Committee on Taxation

3-8

1 AN ACT concerning economic development; enacting the Gage park
2 improvement authority act; providing for the creation of the Gage park
3 improvement authority; permitting a sales tax within the boundaries of
4 Shawnee county for the purpose of benefiting Gage park, the Topeka
5 zoo and the Kansas children's discovery center thereof; requiring
6 approval by the electors of the county to establish the sales tax and
7 authority.
8

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

10 Section 1. (a) Sections 1 through 8, and amendments thereto, shall be
11 known and may be cited as the Gage park improvement authority act.

12 (b) The powers conferred by this act are for public uses, public
13 recreation and economic development purposes or purposes for which
14 public moneys may be expended.

15 (c) The powers granted pursuant to this act shall be in addition to any
16 other powers provided by law.

17 Sec. 2. As used in sections 1 through 8, and amendments thereto:

18 (a) "Act" means the Gage park improvement authority act, sections 1
19 through 8, and amendments thereto.

20 (b) "Authority" means the Gage park improvement authority
21 established by this act.

22 (c) "Board," "county clerk" and "county treasurer" mean,
23 respectively, the board of county commissioners, the county clerk and the
24 county treasurer of Shawnee county.

25 (d) "County" means Shawnee county.

26 (e) "Eligible recreational facilities" means:

27 (1) Gage park and all existing and future Gage park facilities,
28 including, but not limited to, the mini train, carousel and Blaisdell aquatic
29 center;

30 (2) the Topeka zoo and conservation center and all existing and future
31 Topeka zoo facilities; and

32 (3) the Kansas children's discovery center and all existing and future
33 Kansas children's discovery center facilities.

34 (f) "Gage park" means Gage park in the city of Topeka in Shawnee
35 county.

36 (g) "Gage park improvement authority sales tax" means the sales tax

1 majority of the electors of the county.

2 (c) (1) If, at the conclusion of a public hearing, the board of county
3 commissioners adopts a resolution as provided by subsection (a), or the
4 board is presented with a petition as provided by subsection (b), the board
5 shall direct the county clerk to submit a proposition to create the Gage
6 park improvement authority and impose the sales tax as described by
7 subsection (a)(1) to the qualified electors within the county. Such election
8 shall be held in an even-numbered year. Notice of such election shall be
9 published on the county website and at least once per week for two
10 consecutive weeks in the official county newspaper. The second notice
11 shall be published at least seven days prior to the date of the election. Any
12 such election shall be called and held at any general election, as defined in
13 K.S.A. 25-2502, and amendments thereto, or at a special election called
14 for such purpose. In lieu thereof, such election may be called and held in
15 the manner provided by K.S.A. 25-431 et seq., and amendments thereto.

16 (2) The proposition presented to the electors shall be in substantially
17 the following form:

18 "Shall a Gage Park Improvement Authority be created and supported
19 through the levy of a _____ (insert rate, not to be less than 0.2% or more
20 than 0.5%) countywide sales tax to benefit Gage Park, the Topeka Zoo and
21 Kansas Children's Discovery Center?"

22 The county board of commissioners may place additional language on
23 the ballot to describe the use or allocation of the funds in a manner
24 consistent with this act.

25 (d) If the proposition is approved by a majority of the voters of the
26 county voting at such election, the Gage park improvement authority shall
27 be created and the sales tax as described in subsection (a)(1) shall be
28 imposed by the board of county commissioners at the rate approved by the
29 electors. The sales tax shall be collected and distributed as provided by
30 section 4, and amendments thereto. The sales tax shall be in effect as of the
31 first day of the year following the election. The board shall proceed with
32 the performance of all things necessary and incidental to the establishment
33 of the authority. The members shall be appointed and the authority shall
34 hold the first meeting before the first day of the year following the
35 election, as provided in section 6, and amendments thereto.

36 (e) If the majority of the electors of the county reject the proposition,
37 any subsequent resolution by the board of county commissioners adopted
38 pursuant to subsection (a) or a petition presented to the board pursuant to
39 subsection (b) may be resubmitted to the electors after one year from the
40 date of the last election on any such proposition.

41 Sec. 4. (a) If an election is held and the proposition is approved by a
42 majority of the voters of the county voting at such election as provided in
43 section 3 or 5, and amendments thereto, the board of county

(f) The sales tax, or portion thereof, levied pursuant to the Gage park improvement authority act shall continue in effect according to law unless repealed in the manner provided herein for the adoption and approval of such tax.

1 members shall serve terms of three years. The terms of the director of
 2 Shawnee county parks, the director of the Topeka zoo and the director of
 3 the Kansas children's discovery center shall not expire but shall transfer
 4 automatically to the successor officers of the respective organizations. The
 5 appointed members of the authority shall continue in such position until
 6 and unless removed by the appointing authority or a successor is appointed
 7 and qualified. Appointed members shall be eligible for reappointment.
 8 Whenever a vacancy occurs in the appointed members of the authority, a
 9 successor shall be selected to fill such vacancy in the same manner that the
 10 vacated member was appointed and for the remainder of such vacated
 11 member's unexpired term. A vacancy of a member who is not an appointed
 12 member may be filled by a representative of the member's respective
 13 organization. Any member of the authority may be removed at any time by
 14 the member's respective appointing authority or organization, and a new
 15 member may then be selected by the member's respective appointing
 16 authority or organization.

17 (c) The authority shall select annually from its membership a
 18 chairperson, vice chairperson and secretary.

19 (d) The authority shall determine the time and place for its meetings.
 20 Meetings shall be held at least quarterly within Shawnee county for the
 21 purposes of reviewing, discussing and voting on the allocation of sales tax
 22 revenue. The county shall provide a suitable meeting place upon request of
 23 the authority. The authority shall be subject to the provisions of the Kansas
 24 open meetings act and the Kansas open records act.

25 (e) A majority of the authority shall constitute a quorum. No action of
 26 the authority shall be binding unless taken at a meeting in which at least a
 27 quorum is present and unless a majority of the members present at such
 28 meeting vote in favor of such action.

29 Sec. 7. (a) The Gage park improvement authority shall have the
 30 following powers and duties:

31 (1) (A) To receive, hold, administer, distribute and expend the
 32 proceeds from the countywide sales tax imposed pursuant to this act and
 33 any other moneys obtained by the authority; to acquire, construct,
 34 improve, operate, equip, support, maintain and develop eligible
 35 recreational facilities within Gage park; and to distribute sales tax
 36 revenues to such eligible recreational facilities for such purposes, as
 37 provided by subparagraph (B);

38 (B) sales tax revenue received by the Gage park improvement
 39 authority from the first 0.2% of the rate levied shall be allocated and
 40 distributed by the authority as follows:

41 (i) 22% shall be distributed to Shawnee county to be used for the
 42 ~~from the portion of a rate~~ benefit of Gage Park as provided by this act;

43 (ii) 58% shall be distributed to the Topeka zoo and shall be directed to

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