

Approved Ivan Sand 3/19/85
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE IVAN SAND at
Chairperson

1:30 ~~xxx~~ p.m. on MARCH 5, 1985 in room 521-S of the Capitol.

All members were present except: All present.

Committee staff present: Mike Heim, Legislative Research Dept.
Mary Hack, Revisor of Statutes Office
Gloria Leonhard, Secretary to the Committee

Conferees appearing before the committee:

Dr. O. L. Plucker, Superintendent, U.S.D. 500, Kansas City, Kansas--HB 2479
Mr. Harry Felker, Chm., Public Bldg. Commission, Topeka, Kansas--HB 2480
Mr. Joe Zima, County Counselor, Shawnee County--HB 2480

Chairman Ivan Sand called for hearings on the following bills:

HB 2479, concerning libraries of certain boards of education; authorizing increases in tax levies.

Mr. Mike Heim, Staff, presented an overview of the bill. (See Attachment I.) Mr. Heim noted that USD 500 is the only school district in the state which operates a public library.

Dr. O. L. Plucker, Superintendent of Schools, USD 500, Kansas City, Kansas, appeared to give background and intent of the bill and urged the Committee to support the bill. Mr. Plucker explained that HB 2479 applies to school districts in cities of the first class that have been operating libraries under authority going back to the early 1800's; that this bill makes the tax rate exactly the same as is in effect by law for other public libraries; that the Chamber of Commerce and Friends of the Library support the need for additional operating funds; that their public library is a separate entity; that the Argentine library is a branch with a new project under construction; that the valuation of the district is \$300 million; that the library fund is a separate fund and separate budget although it comes under the district's budget.

It was verified by staff that the bill is limited to cities of the first class and that a population requirement set out in the statutes would limit application to Kansas City and Topeka.

The hearing on HB 2479 was closed.

HB 2480, amending the Kansas retailers' sales tax act; relating to the definition of political subdivision.

Mr. Mike Heim, Staff, presented an overview of the bill. (See Attachment II.)

Mr. Darold Main, Coordinator, Intergovernmental Cooperation Council, who had requested the bill, introduced Mr. Harry Felker, Chm., Public Building Commission, who testified in support of the bill. (See Attachment III.)

Mr. Main then introduced Mr. Joe Zima, County Counselor, who testified in support of the bill. Mr. Zima referred to a new jail being built pursuant to court order following a lawsuit which was lost and appealed regarding tax exempt status.

One suggestion was to change Lines 133 and 134 to limit to "Topeka building commission."

One Committee member questioned if it would be possible for a water district to be amended into the bill. The hearing on HB 2480 was closed.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,
room 521-S, Statehouse, at 1:30 ~~am~~/p.m. on MARCH 5, 1985

Chairman Sand called for action on HB 2479.

Representative Mary Jane Johnson made a motion that HB 2479 be passed and placed on the Consent Calendar. Representative Clinton C. Acheson seconded the motion. The motion carried.

The minutes of the meetings of February 26, 1985, February 27, 1985, and February 28, 1985 were approved as presented.

The meeting was adjourned.

MEMORANDUM

(ATTACHMENT I)

3/5/85

March 5, 1985

TO: House Local Government Chairman
FROM: Kansas Legislative Research Department
RE: H.B. 2479

H.B. 2479 permits USD 500 in Kansas City which operates a public library to raise the mill levy from four mills to not to exceed six mills. The mill levy increase in any one year cannot be more than 1/4 mill and the increase is subject to a 5 percent protest petition-election procedure.

MH/pk

Attachment 1

MEMORANDUM

(ATTACHMENT II)

3/5/85

March 5, 1985

TO: House Local Government Chairman
FROM: Kansas Legislative Research Department
RE: H.B. 2480

H.B. 2480 adds public building commissions to the definition of "political subdivision" in the Kansas Retailers' Sales Tax Act the effect of which is to qualify all projects of such commissions for a sales tax exemption.

PUBLIC BUILDING COMMISSION

12-1757. Public building commission authorized; municipal corporation. There is hereby authorized to be created in any city of the state, a public building commission. Such public building commission shall be a municipal corporation and shall be created only under the conditions hereinafter set forth in this act and authorized to exercise the powers hereinafter provided.

History: L. 1965, ch. 122, § 1; L. 1968, ch. 163, § 1; July 1.

12-1758. Same; creation by ordinance; purposes. Any such city may, by ordinance, create a public building commission for the purposes of acquiring a site or sites for and constructing, reconstructing, equipping and furnishing a building or buildings or other facilities of a revenue producing character, including parking facilities, or for purchasing or otherwise acquiring such building or buildings or facilities and such building or buildings or facilities shall be maintained and operated for a county courthouse, and the housing and accommodation of county offices or county business or for city offices or such other purposes as are commonly carried on in connection with such facilities or in county courthouses and general city buildings, including administrative offices for school districts and housing, accommodations and parking facilities for offices of state and federal agencies. In addition to the above, public building commissions may acquire land and facilities adjacent to or near any state university, construct, reconstruct, equip, and furnish such facilities on such land and lease said land and facilities to any board of trustees of said university or to the official governing body of said university; and such a lease entered into shall pledge the net revenue from such land and facilities and may also pledge such funds as may be necessary from those which are provided to be paid over to such board of trustees from the annual tax levy by any city as provided by K.S.A. 76-3a07, and the governing body of such city is hereby autho-

rized to designate any surplus from such tax levy as may be necessary to guarantee the rentals under any such lease, and any such city is hereby exempted from the provisions of K.S.A. 10-1101 to 10-1122, and amendments thereto, and K.S.A. 1982 Supp. 79-2925 to the extent necessary to enable such city to make a covenant to effect such guarantee.

History: L. 1965, ch. 122, § 2; L. 1967, ch. 93, § 1; L. 1968, ch. 288, § 1; L. 1969, ch. 86, § 1; July 1.

12-1759. Same; ordinance specifications. Such ordinance shall specify the purposes and functions of such public building commission and shall specify the number of members for the governing body of such commission, which shall not be fewer than three (3) nor more than nine (9), except that where such commission will provide for a building which will house offices or agencies of the state, county or a school district, the secretary of administration and the governing bodies of such county and school district shall be represented by not less than one (1) on such commission.

History: L. 1965, ch. 122, § 3; L. 1968, ch. 176, § 1; L. 1978, ch. 330, § 5; July 1.

12-1760. Same; powers of commission. A public building commission authorized under this act shall have power to do all things necessary or incidental to the purpose of constructing or acquiring or enlarging, furnishing and equipping and operating and maintaining buildings to be made available for use by governmental agencies.

History: L. 1965, ch. 122, § 4; June 30.

12-1761. Same; issuance of revenue bonds, purpose; refunding bonds; election required in certain cities. After the negotiation of a lease or leases for the use of public buildings proposed to be acquired or constructed under the authority of this act with one or more public body, the public building commission may issue revenue bonds of the commission to provide funds for the purpose of acquiring, erecting, equipping, repairing, maintaining and operating buildings and other facilities and to acquire sites necessary and convenient therefor and to pay all costs and expenses incident thereto, or to refund its outstanding bonds through the issuance of refunding bonds in the manner prescribed by and, except as other-

wise herein provided, subject to the provisions of K.S.A. 10-116a, except that no such revenue bonds, except bonds issued for the purpose of refunding outstanding bonds, shall be issued by a public building commission created and established in any city having a population of more than one hundred seventy-five thousand (175,000) and not more than two hundred thousand (200,000) without the question of the issuance of such bonds having been first submitted to and having been approved by a majority of the electors of such city voting at an election called and held thereon. Such election shall be called and held in the manner provided for the calling and holding of elections upon the question of the issuance of bonds under the general bond law. Except as otherwise provided by K.S.A. 10-116a, such revenue bonds shall be payable solely from the rents and revenues to be derived from the operation, management or use of the buildings or other facilities acquired by the commission. The commission shall have no power to levy taxes, and bonds issued by the commission shall not constitute a debt of the commission or of any public body within the meaning of any statutory or constitutional limitation as to debt.

History: L. 1965, ch. 122, § 5; L. 1973, ch. 66, § 1; L. 1977, ch. 58, § 6; May 18.

12-1762. Same; fixing of rates and charges. The public building commission authorized to be created under this act shall be authorized to establish and fix rates, rentals, fees and charges, for the use of any and all buildings or space therein or other facilities owned and operated by the commission, sufficient at all times to pay maintenance and operation costs of such buildings or facilities, the principal of and the interest on the bonds issued by the commission as the same shall become due and payable, and to make all payments to any accounts created by any bond resolution.

History: L. 1965, ch. 122, § 6; June 30.

12-1763. Same; rental of building space and other facilities; exception. The public building commission shall have the authority to rent all or any part of its buildings or other facilities to any federal, state or county governmental agency, or any municipal corporation, quasi-municipal corporation, political subdivision or body politic, or agency hereof, doing business, maintaining an of-

fice or rendering a public service in the county seat or county in which the commission was organized and to rent any space as may not be needed by such governmental agencies for such service facilities as such public building commission may determine will primarily serve the comfort and convenience of the occupants of its buildings or other facilities: *Provided*, In any city having a population of more than fifty thousand (50,000) which is located in a county which is designated as an urban area, no more than fifty percent (50%) of the floor space of any such building shall be used for city facilities.

History: L. 1965, ch. 122, § 7; June 30.

12-1764. Same; acquisition of property; title. The public building commission established under this act shall have the power to acquire the fee simple title to real property, including easements and reversionary interests in the streets, alleys and other public places and personal property required for its purposes, by purchase, gift, devise, or by the exercise of the power of eminent domain of the state and title thereto shall be taken in the corporate name of the commission.

History: L. 1965, ch. 122, § 8; June 30.

12-1765. Same; leases by political subdivisions and state departments within county. The governing bodies of all school districts, cities, agencies and departments of the state of Kansas, and all boards of county commissioners now located or which may hereafter be located within the county where such public building commission has been created are hereby authorized and empowered to enter into leases without the necessity of any election and without regard to K.S.A. 10-1001 to 10-1122, inclusive, and amendments thereto or to K.S.A. 1982 Supp. 79-2925 for any period of time not to exceed fifty (50) years.

History: L. 1965, ch. 122, § 9; June 30.

12-1766. Same; use of certain building levy to prepay rent. If any city or school district has heretofore established a building fund levy such city or school district may use all or any part of such building fund levy to prepay rent under any lease to be made with any such public building commission.

History: L. 1965, ch. 122, § 10; June 30.

12-1767. Same; revenue bond issues,

laws applicable; resolution, protest petition, election. Any revenue bonds authorized by this act shall be issued as provided in K.S.A. 10-1201 *et seq.* and amendments thereto, except to the extent that such statutes are in conflict with this act. Before any revenue bonds are authorized or issued under the provisions of this act, the public building commission shall adopt a resolution specifying the amount of such bonds and the purpose of the issuance thereof. The resolution shall provide that if within 30 days after the last date of publication of the resolution a petition in opposition to the resolution, signed by not less than 5% of the electors of the city, is filed with the county clerk, the board shall submit the question to the voters at an election called for that purpose or at the next general election. Such resolution shall be published once a week for two consecutive weeks in the official city newspaper.

History: L. 1965, ch. 122, § 11; L. 1968, ch. 163, § 2; L. 1981, ch. 173, § 25; July 1.

Law Review and Bar Journal References:

Discussion of prior law and 1968 statutory changes.
Robert F. Bennett, 37 J.B.A.K. 159, 206 (1968).

12-1768. Same; invalidity of part. If any part or application of this act is held invalid, the remainder of this act or its application to other situations or persons shall not be affected.

History: L. 1965, ch. 122, § 12; June 30.