

Approved March 19, 1990
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE ROBERT D. MILLER at
Chairperson

1:48 a./m./p.m. on MARCH 12, 1990 in room 521-S of the Capitol.

All members were present ~~except~~

Committee staff present:

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

Conferees appearing before the committee:

Representative George Teagarden
Senator Audrey Langworthy
Dorothy Ilgen, Executive Director, Kansas Arts Commission
Representative Joann Flower

Chairman Miller called for hearings on HB 3077.

HB 3077 - Act concerning counties; relating to planning and zoning.

Chairman Miller recognized Representative George Teagarden, who stated HB 3077 is a request by the planning commission in Miami County. The bill changes the members of the planning board for the county from 11 to 15. Chairman Miller asked Representative Teagarden if there would be a problem amending the bill to 21 members. Representative Teagarden stated there was no problem. Discussion followed. Representative Teagarden stated the sole purpose of the bill is to have uniform equal representation throughout the county.

Chairman Miller closed the hearing on HB 3077.

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

SB 186 - Act entering into the Kansas and Missouri metropolitan culture and recreation district compact.

Chairman Miller asked Vice-chairman Brown to explain the balloon version of the bill and offer the amendments. The Chairman explained to the Committee that the amendments will be offered first and then have Committee discussion on the bill.

Chairman Miller recognized Senator Langworthy, one of the sponsors of SB 186, who stated this was an important bill. Senator Langworthy stated there had been a lot of community support for this bill in the metropolitan community and she feels that an issue like this is up to the voters to make the big and final decision on whether they feel this is something they want to address. Committee discussion.

Vice-chairman Brown asked Senator Langworthy if she wanted to offer the amendments. Senator Langworthy stated that she preferred Representative Brown to offer and explain the balloon version of the bill.

Chairman Miller recognized Vice-chairman Brown.

Vice-chairman Brown presented the balloon version of the bill to the Committee. (Attachment I)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

room 521-S, Statehouse, at 1:48 a.m./p.m. on MARCH 12, 1990

Discussion followed.

Vice-chairman Brown moved to accept the proposed amendment except on page 7, section (d) by striking "and reviewed by". Chairman Miller asked Vice-chairman Brown about the lease purchase agreement. Vice-chairman Brown stated she would like to see that as a separate amendment. Motion seconded by Representative Lane. Vice-chairman Brown called for the question. Motion carried.

Representative Patrick moved to amend by striking out on page 6 subsection 11, 12, 13; and on page 11 strike Articles 12, 13, & 15; seconded by Representative Williams. Representative Patrick stated that this prohibits quasi-municipalities from accruing debt. Representative Patrick called for the question. Motion carried.

Chairman Miller recognized Dorothy Ilgen, who testified in support of SB 186, and provided written testimony. (Attachment II) Ms Ilgen answered questions from the Committee.

Chairman Miller recognized Representative Flower as an opponent to SB 186 and provided written testimony. (Attachment III)

Chairman Miller closed the hearing on SB 186.

Representative Mollenkamp moved to approve the minutes of March 2, 1990; seconded by Vice-chairman Brown. Motion carried.

Meeting adjourned at 3:20 p.m.

2/23/90

Revised

2/27/'90

BY
3-12-90
ATTACH F

As Amended by Senate Committee

Session of 1889

SENATE BILL No. 186

By Senators Langworthy and Steineger

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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.

Gaming and gambling shall not be a cultural or recreational activity for the purposes of this act

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

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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.

[Such

(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:

[countywide retailers'

"Shall a [retail] sales tax of _____
(insert amount, not to exceed 1/4 cent) be levied and collected in the _____
(insert district name) Culture and Recreation District, consisting of the county(ies) of _____
(insert name of county(ies)) of cultural and recreational facilities and organizations within the district?

[] Yes

[] No"

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

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

ARTICLE V.

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

(g) If a county fails to contribute its share of the cost of the financing of cultural and recreational facilities and organizations, such county shall be ineligible to receive any money from the commission.

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160 Kansas and Missouri hereby authorize, upon petition or resolution
161 as provided herein, the creation of metropolitan culture and rec-
162 reation commissions for such metropolitan culture and recreation
163 districts, which shall be bodies corporate and politic and political
164 subdivisions of the states of Kansas and Missouri.

165 (b) Any commission created hereunder shall have the power to:

166 (1) Provide funds to support cultural and recreational facilities
167 within the territory of the district. When determining whether to
168 provide support to a cultural and recreational facility, the commission
169 shall consider:

170 (A) The economic impact upon the district;

171 (B) the educational impact upon individuals residing in and vis-
172 iting the district;

173 (C) the contribution to the quality of life and popular image of
174 the district;

175 (D) the breadth of popular appeal within and without the district;

176 (E) the contribution to the geographic balance of recreational and
177 cultural facilities throughout the district;

178 (F) the uniqueness as compared with other recreational and cul-
179 tural facilities within and without the district; and

180 (G) any other factor deemed appropriate by the commission;

181 (2) ~~levy and collect a retail sales tax or provide funding upon~~
182 ~~approval by popular vote as provided herein; provide funds for~~
183 ~~the construction of cultural and recreational facilities in the district~~
184 ~~and for making grants for developmental support of cultural and~~ ✓
185 ~~recreational organizations in the district;~~ ✓

186 (3) solicit and collect contributions from the general public to be
187 used as grants for developmental support of cultural and recreational
188 organizations in the district;

189 (4) make grants for operational developmental support of cultural
190 and recreational organizations in the district;

191 (5) create and fund endowments for the construction of cultural
192 and recreational facilities within the district and for grants for the
developmental support of cultural and recreational organizations in
the district;

195 (6) receive for its lawful activities any contributions or moneys
196 appropriated by municipalities, counties, or by the federal govern-

operating and

ment or any agency or officer thereof or from any other source,
public or private;

(7) receive tax funds, grants and donations from any other source,
public or private;

(8) lend funds received to cultural and recreational facilities or
organizations within the district;

(9) contract and to be contracted with, and to sue and to be
sued. ~~[No] member of the commission shall be individually liable when
acting in such member's official capacity;~~

(10) disburse funds for its lawful activities;

(11) borrow money for the planning, construction, equipping,
repair, extension or improvement of any cultural and recreational
facility and to issue negotiable notes, bonds or other instruments in
writing of the commission in evidence of the sum or sums to be
borrowed;

(12) issue negotiable refunding notes, bonds or other instruments
in writing for the purpose of refunding, extending or unifying the
whole or any part of its valid indebtedness from time to time out-
standing, whether evidenced by notes, bonds or other instruments
in writing, which refunding notes, bonds or other instruments in
writing shall not exceed in amount the principal of the outstanding
indebtedness to be refunded and the accrued interest thereon to
the date of such refunding;

(13) provide that all negotiable notes, bonds and other instru-
ments in writing issued either pursuant to paragraph (11) or (12) of
this subsection shall be payable, both as to principal and interest,
out of sales tax revenues levied and collected by the commission,
out of the revenues collected for the use of or admission to any
cultural and recreational facility or combination of such facilities, or
out of any other resources of the commission. All notes, bonds or
other instruments in writing issued by the commission shall comply
with all laws of the state containing a county within the district as
to their maturity, rate of interest and sales price in relation to the
par value thereof. The commission shall have the power to prescribe
the details of such notes, bonds or other instruments in writing, and
of the issuance and sale thereof, and shall have the power to enter
into covenants with the holders of such notes, bonds or other in-

Members of the commission who are residents
of the state of Kansas shall be subject
to the Kansas tort claims act and no

34 struments in writing, not inconsistent with the powers herein granted
235 to the commission, without further legislative authority;

236 (14) make all appointments and employ officers, agents and em-
237 ployees of the commission, determine their qualifications and duties
238 and fix their compensation;

239 (15) perform all other necessary and incidental functions; and to
240 exercise such additional powers as shall be conferred on it by the
241 legislature of either state containing a county or counties participating
242 in the district concurred in by the legislature of the other and, as
243 appropriate, by act of Congress.

244 ARTICLE VI.

245 (a) Any commission created hereunder shall be composed of:

246 (1) One [person residing and qualified to vote in each county
247 participating in the district and appointed by] the board of county
248 commissioners;

249 (2) one [person residing and qualified to vote in each city with a
250 population according to the most recent federal census of at least
251 80,000 located in whole or part in any county participating in the
252 district and appointed by] the governing body of [the city]; and

253 (3) one person from each state containing one or more counties
254 participating in the district, [such person shall reside in and be qual-
255 ified to vote in any county participating in the district of such state
256 and] appointed by the governor [of the state]

257 [(b) All persons appointed to serve on any commission created
258 hereunder shall be persons from the general population with dem-
259 onstrated interest, expertise, knowledge or experience in cultural
260 and recreational organizations or endeavors.]

261 [(c) Except as otherwise provided by this subsection, all persons
262 serving on any commission created hereunder shall serve terms of
263 four years. Of the commissioners first appointed, the commissioner
264 appointed by the governing body of a city shall serve a term of two
265 years; the commissioner appointed by the board of county commis-
266 sioners shall serve a term of three years and the commissioner ap-
267 pointed by the governor of each state containing participating
268 counties shall serve a term of four years. Any person appointed to

(c) For the purposes of this act a racetrack facility or gaming or gambling facility shall not be a cultural and recreational facility.

(d) The commission shall be subject to the cash-basis and budget laws of the state of Kansas. The budget of the district shall be prepared, adopted and published as provided by the budget laws of the state of Kansas. No budget shall be adopted by the commission until it is submitted to and reviewed by the arts commission of each state and the board of county commissioners of each county participating in the district.

(e) All contracts for the expenditure of district moneys in excess of \$5,000 shall be awarded, on a public letting, to the lowest and best bid.

[member of
of each county participating in the district
member of
each city participating in the district
and
or the Governor's Council on the Arts.
be a member of the state's art commission and
shall be
and shall serve at the pleasure of the governor

[(b)
section

271 *than two complete four-year terms.*

272 [(d)] In the event of a vacancy on any commission created her-
 273 eunder by the resignation, removal or death of a person appointed
 274 to such commission, such vacancy shall be filled for the unexpired
 275 term by appointment in the same manner that the original appoint-
 276 ment was made.

(c)

277 [(e) Any person appointed to serve on any commission cre-
 278 ated hereunder may be removed for cause, following written
 279 notice of the charges, a hearing before the full commission and
 280 an affirmative vote for removal by 2/3 of the commissioners
 281 serving on the commission at the time of the hearing. Any
 282 commissioner may be removed for cause by the person or governing
 283 body which appointed such commissioner.]

(d)

284 [(f)] Any commission created hereunder shall elect from its number
 285 a chairperson and a vice-chairperson and may appoint such officers
 286 and employees as it may require for the performance of its duties
 287 and shall fix and determine their qualifications and duties.

288 **ARTICLE VII.**

289 (a) No action of any commission created hereunder shall be bind-
 290 ing unless taken at a meeting at which at least a quorum is present
 291 and unless approved by a majority vote of those commissioners pres-
 292 ent and voting.

293 (b) If a district is composed of counties in more than one state,
 294 no action of the commission governing such district shall be binding
 295 unless a majority of the commissioners from each state, present at
 296 such meeting, shall vote in favor thereof.

297 (c) No action of any commission created hereunder at a meeting
 298 shall be binding unless included in a written agenda for such meet-
 299 ing, the agenda and meeting notice having first been mailed to each
 300 commissioner by postage paid first-class mail at least 14 calendar
 301 days prior to the meeting at which action is taken.

302 **ARTICLE VIII.**

303 [If any commissioner has a direct or indirect financial interest in
 304 any facility supported by a commission or district created hereunder
 305 or in any other business transaction of such a commission or district,
 306 the commissioner shall disclose such interest in writing to the other

The members of the commission shall be subject to the provisions of the laws of the state of Kansas and Missouri relating to conflict of interests of public officers and employees. (K.S.A. 75-4301 et seq.)

308 relating to such facility or transaction.

309 ARTICLE IX.

310 All members of any commission created hereunder shall serve
311 without compensation, but shall be reimbursed by such commission
312 for the actual and necessary expenses incurred in the performance
313 of their duties as provided in K.S.A. 75-3203, and amendments
314 thereto.

ARTICLE X.

316 If any action at law or equity, or other legal proceeding, shall be
317 brought against any member of a commission created hereunder for
318 any act or omission arising out of the performance of duties as a
319 commissioner, the member shall be indemnified in whole and held
320 harmless by such commission for any judgment or decree entered
321 against the member and, further, shall be defended at the cost and
322 expense of such commission in any such proceeding.

323 ARTICLE XI.

324 (a) All sales taxes collected by the director of taxation of
325 each state containing one or more counties participating in any
326 district created hereunder from the tax authorized by the pro-
327 visions of this act on behalf of the district, less 1% for cost of
328 collection which shall be deposited in each respective state's
329 general revenue fund after payment of premiums for required
330 surety bonds, shall be deposited with the state treasurer of
331 each such state in special trust funds, hereby created, to be
332 known as the Kansas metropolitan culture and recreation dis-
333 trict trust fund and the Missouri metropolitan culture and rec-
334 reation district trust fund, as appropriate, together with separate
335 accounts for each district created hereunder. The moneys in
336 the trust funds shall not be deemed to be state funds and shall
337 not be commingled with any other funds of either state. The
338 director of taxation of each state shall keep accurate records of
339 the amount of money in each trust fund and account which
340 was collected in each county imposing a retail sales tax under
341 the provisions of this act. Such records shall be open to the
342 inspection of officers of the appropriate district and the public.
343 Not later than the 10th day of each month, the treasurer of
344 each state shall distribute all moneys deposited in each trust

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The provisions of this article shall be subject to the provisions of the Kansas tort claims act.

345 fund during the preceding month to the appropriate district.

346 (a) Upon receipt of a certified copy of the resolution authorizing
 347 the levy of a countywide retailers' sales tax pursuant to this act, the
 348 state director of taxation shall cause such tax to be collected in the
 349 county at the same time and in the same manner provided for the
 350 collection of the state retailers' sales tax. All moneys collected by
 351 the director of taxation pursuant to this section shall be credited to
 352 a "metropolitan culture and recreation district sales tax fund" which
 353 is hereby established in the state treasury. Any refund due on any
 354 county retailers' sales tax collected pursuant to this act shall be paid
 355 out of the "metropolitan culture and recreation district sales tax
 356 refund fund" which is hereby established in the state treasury and
 357 reimbursed by the director of taxation from collections of the sales
 358 tax authorized by this act. All county retailers' sales tax revenue
 359 collected pursuant to this act shall be apportioned and remitted at
 360 least quarterly by the state treasurer, on instruction from the di-
 361 rector of taxation, to the treasurer of such county. Upon receipt
 362 thereof, the county treasurer shall deposit such revenue in the gen-
 363 eral fund of the metropolitan culture and recreation district.

364 (b) The director of taxation of each state may authorize the state
 365 treasurer of each state, respectively, to make refunds from and cred-
 366 ited to such trust funds and accounts credits to the metropolitan
 367 culture and recreation district fund for erroneous payments and
 368 overpayments made, and may authorize the treasurer to redeem
 369 dishonored checks and drafts deposited to the credit of such funds
 370 fund. If a district abolishes the tax, it shall notify the director of
 371 taxation of each state of the action at least 90 days prior to the
 372 effective date of the abolition and the director of taxation of each
 373 state may order retention in the appropriate trust metropolitan
 374 culture and recreation district fund, for a period of one year, of 2%
 375 of the amount collected after receipt of such notice to cover possible
 376 refunds or overpayment of the tax and to redeem dishonored checks
 377 and drafts deposited to the credit of such account fund. After one
 378 year has elapsed following the effective date of abolition of the tax
 379 in the district, the director of taxation of each state shall authorize
 380 the state treasurer of each state, respectively, to remit the balance
 381 in the account to the district and close the account of the district.

382 The director of taxation of each state shall notify the district of each
383 instance of any amount refunded or any check redeemed from re-
384 cepts due the district.

385 (c) The cost of operating any district shall be from the total funds
386 of the district as may be authorized by its commission.

387 ARTICLE XII.

388 Any district created hereunder by a vote of the qualified voters
389 thereof voting as now or hereafter required by the constitution and
390 laws of the state of Kansas for those counties in the state of Kansas
391 and the constitution and laws of the state of Missouri for those
392 counties in the state of Missouri may incur an indebtedness for the
393 purposes of this act. In any such election, the votes cast in all
394 counties in a district within one state participating in the district
395 shall be considered in the aggregate, not county by county, in de-
396 termining whether the requisite majority for approval has been sat-
397 isfied and, further, in the event there are counties in more than
398 one state participating in the district, requisite majorities must be
399 achieved in both portions of the district as may exist in such states.
400 The total indebtedness authorized separately by the voters for the
401 district shall not exceed the amount or amounts as may be prescribed
402 by law.

403 ARTICLE XIII.

404 (a) Before incurring any indebtedness pursuant to this act, the
405 commission shall provide for the collection of a retail sales tax on
406 all retail sales within the district not to exceed the amount approved
407 by popular vote or shall provide for the payment of its share of the
408 costs as provided for in Article IV to pay the interest and principal
409 of the indebtedness as they fall due and to retire the same within
410 such time as may be prescribed by law.

411 The question shall be submitted in substantially the following form:

412 "Shall the _____ Metropolitan Cul-
413 (insert district name)
414 ture and Recreation District issue general obligation bonds in the amount of
415 _____ dollars for the purpose of _____?
416 [] Yes
417 [] No"

418 (b) Upon the result of such question being certified by the ap-
419 propriate election authorities to the commission and if the proposition
420 to incur or increase such indebtedness is approved as provided in

Such sales tax shall not be abolished as long as there is any outstanding indebtedness of the district.

The question of issuing bonds shall be submitted to and approved by a majority of the voters voting at an election thereon. Such election shall be called and held in the manner provided by the general bond law.

421 Article XII by the voters of the district voting on the question as
422 required by or hereafter may be required by the constitution and
423 laws of the state of Missouri for those counties in the state of Missouri
424 and the constitution and laws of the state of Kansas for those counties
425 in the state of Kansas, the commission, by resolution, may declare
426 the results of the submission of the question and cause the bonds
427 of such district to be issued, payable to the bearer, not exceeding
8 the amount authorized, payable in not more than such years as may
429 be prescribed by law and at a rate not exceeding the highest rate
430 of interest permitted by law, payable semiannually, which bonds
431 shall have interest coupons attached to conform to the face thereof.
432 All such bonds shall be signed by the chairperson of the issuing
433 commission, attested by the signature of the secretary, and each
434 bond shall have impressed thereon the corporate seal of the issuing
435 district. Whenever 1,000 or more bonds are to be executed as of
436 the same date, the resolution pursuant to which such bonds are
437 issued may direct that such bonds be executed by the facsimile
438 signature of the chairperson and secretary of the issuing commission.
439 Such bonds may be negotiated and sold but in no case shall they
440 be sold for less than par.

441 (c) Whenever the owner of any coupon bond, or any bond pay-
2 able to bearer, already issued or hereafter issued by a district, shall
443 present any such bond to the treasurer, or other officer of such
444 district who by law performs the duties of treasurer, with a request
445 for the conversion of such bond into a registered bond, such treas-
446 urer, or such other officer, shall cut off and cancel the coupons of
447 any such coupon bond so presented, and shall stamp, print or write
448 upon such coupon bond, or such other bond payable to bearer, so
449 presented, either upon the back or upon the face thereof, as may
450 be convenient, a statement to the effect that the bond is registered
451 in the name of the owner, and that thereafter the interest and
452 principal of such bond are payable to the registered owner. There-
after, and from time to time, any such bond may be transferred by
such registered owner in person, or by an attorney duly authorized
453 on presentation of such bond to such treasurer, or such other officer,
454 and the bond be again registered as before, a similar statement being
455 stamped, printed or written thereon. Such statement stamped,
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458 printed or written upon any such bond may be in substantially the
 459 following form:
 460

(Date: month, day and year)

461 "This bond is registered pursuant to the statute in such cases made and
 462 provided in the name of _____ (here insert name of owner) and
 463 the interest and principal thereof are hereafter payable to such owner.
 464 _____, Treasurer (or such other officer)."

465 After any bond shall have been registered, the principal and interest
 466 of such bond shall be payable to the registered owner. Such treas-
 467 urer, or such other officer, shall keep a book or books which shall
 468 show what bonds are registered and in whose names.

469 (d) For the purpose of refunding, extending or unifying the whole
 470 or any part of its valid bonded indebtedness, any district created
 471 hereunder may issue refunding bonds not exceeding the amount of
 472 the principal of the outstanding indebtedness to be refunded and
 473 the accrued interest to the date of such refunding bonds. The com-
 474 mission shall provide for the payment of interest and principal of
 475 such refunding bonds in the same manner as was provided for the
 476 payment of interest and principal of the bonds refunded.

477 ARTICLE XIV.

478 Any commission created hereunder shall have power to apply to
 479 the Congress of the United States for its consent and approval of
 480 this compact and any districts and commissions as may be created
 481 hereunder, but in the absence of such consent of Congress and until
 482 the same shall have been secured, this compact shall be binding
 483 upon the states of Kansas and Missouri in all respects permitted by
 484 law for the two states of Kansas and Missouri, without the consent
 485 of Congress, to cooperate, for the purposes enumerated in the com-
 486 pact and in the manner provided herein.

487 ARTICLE XV.

488 Any notes, bonds or other instruments in writing issued by any
 489 commission created hereunder pursuant to the provisions of this
 490 compact are hereby recognized to be securities in which all state
 491 and municipal officers and bodies, all banks, bankers, trust com-
 492 panies, savings banks, savings associations, building and loan asso-
 493 ciations, investment companies, and all other persons carrying on a
 494 banking business, all insurance companies, insurance associations,
 495 and other persons carrying on an insurance business, and all ad-

496 administrators, executors, guardians, trustees and other fiduciaries and
 497 all other persons whatsoever who are now or who may hereafter be
 498 authorized to invest in bonds or other obligations of the state of
 499 Missouri or the state of Kansas may properly and legally invest any
 500 funds, including capital, belonging to them, or within their control.
 501 Such obligations are hereby recognized as securities which may prop-
 502 erly and legally be deposited with and shall be received by any state
 or municipal officer or agency for any purpose for which the deposit
 of bonds or other obligations of the state of Missouri or the state of
 505 Kansas is now or may hereafter be authorized.

506 ARTICLE XVI.

507 (a) Nothing contained in this compact shall impair the powers of
 508 any county, municipality or other political subdivision to acquire,
 509 own, operate, develop or improve any facility which any commission
 510 created hereunder is given the right and power to finance, develop
 511 or improve.

512 (b) Nothing herein shall impair or invalidate in any way bonded
 513 indebtedness of any state or of any county, city, township or other
 514 political subdivision nor impair the provisions of law regulating the
 515 payment into sinking funds of revenues derived from municipal prop-
 516 erty or dedicating the revenues derived from any municipal property
 to a specific purpose.

518 ARTICLE XVII.

519 Unless and until otherwise provided, any commission created her-
 520 eunder shall ~~make an annual report cause to be prepared annually~~
 521 *an audit and a report on the operations and transactions conducted*
 522 *by it pursuant to this compact and any legislation thereunder. Such*
 523 *audit and report shall be submitted* to the governor of each state
 524 containing counties participating in the district governed by the com-
 525 mission; ~~setting forth in detail the operations and transactions~~
 526 ~~conducted by it pursuant to this compact and any legislation~~
 527 ~~thereunder. . A copy of such audit and report also shall be sent~~
 528 *to the governing body of each city and county which appoints a*
member to the commission pursuant to subsection (a) of Article IV.

ARTICLE XVIII.

531 Within 60 days after the enactment of this compact by either state,
 532 the governor of the state, by and with the advice and consent of

A copy of the audit and report shall be published in the official county newspaper of each county participating in the district.

534 the state's senate, shall appoint three individuals to enter into the
535 compact as set forth herein on behalf of the state. If either senate
536 is not in session at the time of making any appointment, the governor
537 of the state in question shall make temporary appointments as in
538 case of a vacancy. Any two of the individuals so appointed, together
539 with the attorney general of such state, may act to enter into the
compact as aforesaid.

540 ARTICLE XIX.

541 The compact, when signed by the signatories of each state, shall
542 become binding upon the state of Kansas and upon the state of
543 Missouri and shall be filed in the office of the secretary of state of
544 Kansas and the office of the secretary of state of Missouri.

545 ARTICLE XX.

546 Any commission created hereunder is authorized and directed to
547 proceed to carry out its duties, functions and powers in accordance
548 with the articles of this compact as rapidly as may be economically
549 practicable and is vested with all necessary and appropriate powers
550 not inconsistent with the constitution or the laws of the United
551 States, or of either state, to effectuate the same.

552 Sec. 2. This act shall take effect and be in force from and after
553 its publication in the statute book.
554

51-1

JOANN FLOWER
 REPRESENTATIVE, 47TH DISTRICT
 JEFFERSON AND LEAVENWORTH
 COUNTY AREA
 RT. 2, BOX 5
 OSKALOOSA, KANSAS 66066
 (913) 863-2918



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER AGRICULTURE AND SMALL
 BUSINESS
 INSURANCE
 PUBLIC HEALTH AND WELFARE

HOUSE LOCAL GOVERNMENT COMMITTEE

MARCH 12, 1990

Thank you for letting me appear before you opposing Senate Bill 186. My name is Joann Flower, and I represent the 47th District which includes the townships of Alexandria, Sherman, Easton, Reno and rural Tonganoxie. My constituents in these rural areas, including the towns of Easton and Linwood, have expressed their concern about SB 186. They do not want to be taxed to establish a cultural and recreation facility that will be in Metropolitan Kansas City. If a county election were held, and the City of Leavenworth, due to its population, supports the bill, then the rural towns would lose. My rural constituents feel it would be unfair taxation for a facility or events that would not benefit them and over which they have no control.

I also have several questions - Where does the money go? What counties, organizations, or events benefit from the money and who makes the decisions? How long does the tax stay on?

In the interest of these rural residents, I ask you to defeat this bill.

Thank you.

LD
 3-12-90
 Attach II

Testimony Before the House Local Government

Committee on Senate Bill 186

by Dorothy L. Ilgen, Executive Director
Kansas Arts Commission

Thank you, Mr. Chairman, for the opportunity to address the Committee on behalf of Senate Bill 186.

The Kansas Arts Commission is a state agency which allocates approximately \$1.3 million to communities located throughout the state. For our current fiscal year, the agency experienced a 33% increase in requests for KAC funding from arts organizations and other agencies in all parts of the state. The total KAC budget, both administrative and program, increased by less than 9% for FY 90. The Commission's ability to meet the increasing needs of arts organizations is very limited.

For the current year, the Kansas Arts Commission has awarded \$109,776 in state and federal funds to 40 grants in Johnson and Wyandotte counties (19 grants in Johnson and 21 in Wyandotte). The average size of these grants is just over \$2700, which is nearly the average for all KAC grants. While increased state appropriations would assist the Kansas Arts Commission to increase the size and number of grants to local communities, these grants must also be matched dollar for dollar at the local level. The local community's ability to provide adequate funding is a critical component in the development of local cultural resources.

Johnson and Wyandotte counties are in an excellent position to develop further existing and to create new arts experiences for their citizens. These counties are home to ethnically and racially diverse populations which can provide audiences for culturally diverse arts events. Senate Bill 186 offers an opportunity for each county to develop its own resources to meet the unique needs of its citizens.

Senate Bill 186 provides a portion of Eastern Kansas with a mechanism to dedicate a significant pool of revenue to develop its cultural institutions; it can also serve as a model for other jurisdictions within Kansas to develop similar revenue sources.

The Kansas Arts Commission supports the creation of a Kansas-Missouri Metropolitan and Recreation District Compact and the potential for significant local support for the arts.

LL
3-12-90
Attach. III