

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on February 20, 2007 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes Office
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Dale Bunn, City of Ft. Scott
Jeff Sweetser, Chamber of Commerce
Michael Meadors, Johnson County Parks and Rec
Jim Loach, National Park Service

Others attending:

See attached list.

Senator Brungardt, requested a bill introduction that concerns the state certified and licensed real property appraisers. (Attachment 1)

Senator Barnett moved that this request should be introduced as a committee bill. Senator Gilstrap seconded the motion. The motion carried.

SB 321 - Fort Scott/Bourbon county riverfront authority act.

Chairman Brungardt opened the hearing on **SB 321**.

Dale Bunn, Director Economic Development, Ft. Scott and Jeff Sweetser, Ft. Scott Chamber of Commerce, both spoke in favor of the bill. (Attachment 2) The bill would encourage capital investment, to create recreational, retail, entertainment, economic development, and housing within the riverfront. The operating capital would be provided from revenue or income derived from the riverfront authority or from grants. This bill is almost verbatim to **SB 575** from 2006. There are two technical changes to the bill: On line 26, page 1 to include Metropolitan area includes the area with the corporate limits of the city of Fort Scott and within 5 miles from the corporate limits along the Marmaton River. This enables the project to include the trails and other features both up and down stream from the park area. The second change relates to Sec. 2 (j) to change Kansas River to Marmaton River. Also included in the packet was a Fiscal Note and two resolutions from the City of Ft. Scott and Bourbon County in support of the bill.

Chairman Brungardt closed the hearing on **SB 321**.

SB 332 - Concerning bonds issued by the Johnson county park and recreation district

Chairman Brungardt opened the hearing on **SB 332**.

Michael Meadors, Director, Johnson County Parks and Recreation, presented testimony in favor of the bill. (Attachment 3) In the perception of public process the Johnson County Board of County Commissioners and Johnson County Government have had the opportunity to respond to this proposed bill. They have had a joint meeting scheduled for next Wednesday, February 28, 2007, and this topic, not this bill, originally was all ready to be discussed and respectfully asks the committee in delaying or tabling any action until at least those two bodies have met; we are a quasi governing agency and in 52 years had a history with the State of Kansas and believe this is a local issue and should be directed there appropriately.

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on February 20, 2007 in Room 231-N of the Capitol.

The bill makes two significant changes; the first would require the Johnson County Board of County Commissioners (BOCC) to formally authorize the issuance of bonds by the Park District; secondly, it would require stating the amount of the bonds and “the estimated total cost of the repayment of the bonds over the term proposed” or interest costs within the ballot language.

The committee suggested that when the bill is worked, to insert instead of using the school district to identify the area, that maybe quadrant of the county be used, i.e. the Northeast quadrant of the county.

Bud Burke, City of Olathe, supported the bill in concept, but was not prepared to submit written testimony.

David Lindstrom, Johnson County Commissioner, provided written testimony in support of the bill. (Attachment 4)

Chairman Brungardt closed the hearing on **SB 332**.

SB 356 - Ceding concurrent jurisdiction over crimes in national parks

Chairman Brungardt opened the hearing on **SB 356**.

James Loach, Associate Regional Director for Operations National Park Service, appeared in support of the bill. (Attachment 5) The bill seeks to amend KSA 27-120 in order to add three parks which have come into the National Park System in the State of Kansas since the enactment of the original legislation in 1985, and would add Brown vs Board of Education National Historic Site, the Nicodemus National Historic Site and the Tallgrass Prairie National Preserve to the list of properties eligible for concurrent jurisdiction with the State of Kansas and the Federal Government. The term “concurrent legislative jurisdiction” is intended herein as vesting in the State and the United States all the rights accorded sovereignty with the broad qualification that such authority is held concurrently over matters including but not limited to, criminal laws and police powers.

Chairman Brungardt closed the hearing on **SB 356**

The Revisor offered a technical amendment to change Tallgrass to one word in line 23 page 1.

Senator Reitz moved to adopt the amendment and to pass SB 356 out favorably as amended. Senator Ostmeyer seconded the motion. The motion carried.

Final Action:

SB 319 - Counties; foreclosure and sale of real estate

Dale Goter, City of Wichita, explained the balloon. (Attachment 6)

Senator Vratil will offer another amendment and asked that the bill be held in committee until the amendment is drafted.

The chairman agreed to hold the bill until the amendment is drafted.

The meeting was adjourned at 11:40 am. The next scheduled meeting is February 21, 2007.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE 2-20-07

NAME	REPRESENTING
Ashley Shevard	Lenexa Chamber
Michael Meadows	660 Park Lane District
JEFF SWEETSER	FT SCOTT RIVERFRONT
Dale Bunn	City of Fort Scott, Bourbon County
Karen Bunn	Ft. Scott citizen; Riverside
Hannah Smith	KIDZIA
Dale Dale	City of Wichita
Star Jones	John Peterson
Stuart Little	Johnson County

SENATE BILL NO. _____

By Committee on Federal and State Affairs

AN ACT concerning the state certified and licensed real property appraisers act; amending K.S.A. 58-4105, 58-4107, 58-4112 and 58-4119 and repealing the existing sections.

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

New Section 1. (a) Except as provided by subsection (f), the holder of a certificate or license may request that such certificate or license be placed on inactive status for a period not to exceed two years. Such request shall be submitted to the board on an application form prescribed by the board.

(b) The holder of a certificate or license that has been placed on inactive status shall pay the renewal fee required by K.S.A. 58-4107, and amendments thereto, while such certificate or license is on inactive status.

(c) The holder of a certificate or license which has been placed on inactive status shall not:

(1) Assume or use any title designation or abbreviation likely to create the impression that such person holds an active certificate or license issued by the board;

(2) describe or refer to any appraisal or evaluation of real estate by the term state certified or state licensed or words of substantially similar meaning; or

(3) prepare real estate appraisals for federally related transactions which, under title XI of the financial institutions reform, recovery and enforcement act of 1989 require the services of a state certified or licensed appraiser.

(d) The holder of a certificate or license that has been placed on inactive status may request that such certificate or license be reinstated to active status. The request shall be submitted to the board on an application form prescribed by the board and shall be accompanied by the reinstatement

fee required by K.S.A. 58-4107, and amendments thereto, and the federal registry fee. An applicant for reinstatement shall provide evidence of completion of continuing education hours required by the board.

(e) The holder of any certificate or license which has been placed on inactive status for more than two years shall be required to meet all the requirements for original issuance of a certificate or license.

(f) A certificate or license issued to a person as trainee appraiser shall not be eligible to be placed on inactive status.

Sec. 2. K.S.A. 58-4105 is hereby amended to read as follows: 58-4105. (a) The board may adopt such rules and regulations as necessary to implement, administer and enforce the provisions of this act.

(b) The board shall:

(1) Approve courses of instruction to meet requirements of this act and monitor approved courses;

(2) adopt rules and regulations prescribing policies and procedures for obtaining board approval of courses, monitoring approved courses and withdrawing board approval of courses;

(3) administer, or designate a testing service to administer, examinations required by this act;

(4) receive and approve or disapprove applications for certification and licensure and renewal of certificates and licenses and issue certificates and licenses after approval of application;

(5) receive and approve or disapprove applications to place certificates or licenses on inactive status;

(6) receive and approve or disapprove applications for reinstatement of active status of

certificates or licenses:

~~(5)~~ (7) maintain a registry of the names and addresses of persons certified and licensed under this act and transmit the registry to the appraisal subcommittee of the federal financial institutions examination council on an annual basis in accordance with federal law;

~~(6)~~ (8) maintain all records submitted to the board;

~~(7)~~ (9) collect fees prescribed pursuant to K.S.A. 58-4107, and amendments thereto;

~~(8)~~ (10) review from time to time the standards for the development and communication of real estate appraisals provided for in this act and to adopt rules and regulations explaining and interpreting the standards; and

~~(9)~~ (11) perform such other functions and duties as necessary to carry out the provisions of this act.

(c) The board shall maintain an office in the city of Topeka. The board shall employ a director, who shall keep a record of all proceedings, hearings, meetings, communications and official acts of the board and perform such other duties as the board requires. The director shall be in the unclassified service under the Kansas civil service act and shall receive compensation fixed by the board. The board may employ such other employees as necessary, who shall be in the classified service under the Kansas civil service act. The board may make such other expenditures as necessary to properly carry out the provisions of this act. The board may enter into such contracts for the services of attorneys and appraisers as necessary to administer and enforce the provisions of this act.

(d) (1) In connection with any investigation, based upon a written complaint or other reasonably reliable written information received by the board, the board or its duly authorized agents

or employees may issue subpoenas compelling the attendance and testimony of witnesses or the production for examination or copying of documents or any other physical evidence if such evidence relates to practices which may be grounds for disciplinary action.

(2) Within five days after the service of the subpoena on any person requiring the production of any evidence in the person's possession or under the person's control, such person may petition the board to revoke, limit or modify the subpoena. The board shall revoke, limit or modify such subpoena if in its opinion the evidence required does not relate to practices which may be grounds for disciplinary action, is not relevant to the charge which is the subject matter of the proceeding or investigation or does not describe with sufficient particularity the physical evidence which is required to be produced.

(3) The district court, upon application by the board or by the person subpoenaed, shall have jurisdiction to issue an order:

(A) Requiring such person to appear before the board or its duly authorized agent to produce evidence relating to the matter under investigation; or

(B) revoking, limiting or modifying the subpoena if, in the court's opinion, the evidence demanded does not relate to practices which may be grounds for disciplinary action, is not relevant to the charge which is the subject matter of the hearing or investigation or does not describe with sufficient particularity the evidence which is required to be produced.

Sec. 3. K.S.A. 58-4107 is hereby amended to read as follows: 58-4107. (a) The board shall adopt rules and regulations prescribing the fees provided for by this act in amounts necessary to administer and enforce this act, subject to the following:

(1) For application for certification or licensure, a fee not to exceed \$50.

(2) For any examination required for certification or licensure, a fee in an amount equal to the actual cost of the examination and administration thereof.

(3) For original or renewal certification or licensure, a fee not to exceed \$300.

(4) For late renewal of a certificate or license, a late fee not to exceed \$50.

(5) For certification to another jurisdiction that an individual is certified or licensed, an amount not exceeding \$25.

(6) For approval of a course of instruction approved pursuant to K.S.A. 58-4105, and amendments thereto, an amount not to exceed \$100.

(7) For renewal of a course of instruction approved pursuant to K.S.A. 58-4105, and amendments thereto, an amount not to exceed \$25.

(8) For reinstatement of active status of a certificate or license, a fee not to exceed \$50.

If a certificate or license is issued or renewed for a period other than one year, the fee shall be prorated to the nearest whole month.

~~(b) In addition to the certificate or license issued pursuant to this act, the board may offer to provide a wall certificate, which shall bear no expiration date, and may charge a fee not exceeding \$50 to each appraiser requesting the issuance of a wall certificate.~~

~~—~~ (e) (b) The board may prescribe a fee not to exceed \$50 for registration of an appraiser pursuant to subsection (b) of K.S.A. 58-4103, and amendments thereto.

~~(d)~~ (c) The board may establish different classes of courses of instruction for the purpose of establishing fees pursuant to subsections (a)(6) and (7) and may establish a different fee for each such class.

~~(e)~~ (d) In addition to the fees prescribed above, the board shall collect any registry fee

required pursuant to federal law. Such registry fees shall be transmitted by the board to the appraisal subcommittee of the federal financial institutions examination council in accordance with federal law.

(f) (e) Except as provided in subsection (g) (f), the board shall collect all fees provided for by this act. No original or renewed certificate or license shall be issued unless all appropriate fees, including any federal registry fee, have been paid.

(g) (f) If a testing service has been designated by the board to administer the examination, each applicant shall pay the examination fee to the testing service.

(h) (g) The director of the board shall remit all moneys, received pursuant to this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Twenty percent of each such deposit, other than amounts collected for federal registry fees or for civil fines imposed pursuant to K.S.A. 58-4118, and amendments thereto, shall be credited to the state general fund and the balance shall be credited to the appraiser fee fund, which is hereby created in the state treasury. All expenditures from such fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the board or by a person or persons designated by the chairperson.

(i) (h) All amounts collected for federal registry fees shall be credited totally to the federal registry clearing fund, which is hereby created in the state treasury. All disbursements from the federal registry clearing fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the board or by a person or persons designated by the chairperson. Amounts credited to the federal registry clearing fund under this

section shall not be subject to any limitations imposed by any appropriations act of the legislature.

Sec. 4. K.S.A. 58-4112 is hereby amended to read as follows: 58-4112. (a) To obtain renewal of a certificate or license, the holder of a current, valid certificate or license shall make application for renewal on a form provided by the board and pay the fee prescribed pursuant to K.S.A. 58-4107, and amendments thereto, to the board not earlier than 120 days nor later than 30 days prior to the expiration date of the certificate or license then held. With the application for renewal, ~~except for the first renewal period following licensure or certification,~~ the applicant shall present evidence in the form prescribed by the board of having completed the continuing education requirements for renewal specified in this act.

(b) If a person fails to apply for renewal prior to the date provided by subsection (a), the person may obtain renewal of a certificate or license if the person, not later than three months after expiration of the certificate or license, satisfies all of the requirements for renewal and pays the renewal and late fees prescribed pursuant to K.S.A. 58-4107, and amendments thereto.

Sec. 5. K.S.A. 58-4119 is hereby amended to read as follows: 58-4119. (a) The costs of any hearing before the board incurred by the board in conducting any proceeding under the Kansas administrative procedure act may be assessed against the appraiser or applicant if the order of the board is adverse to the appraiser or applicant in such proportion as the board determines upon consideration of all relevant circumstances including the nature of the proceeding and the level of participation by the parties. The board may reduce any such assessment to judgment by filing a petition in the district court of Shawnee county. No certificate or license shall be reinstated, renewed or issued if an assessment for costs has not been paid by the applicant or appraiser. ~~Costs shall include:~~ If the board is the unsuccessful party, the costs shall be paid from the real estate appraisal

board fee fund.

~~(a) Statutory fees and mileage of witnesses attending a hearing or for the taking of depositions used as evidence;~~

~~— (b) reporter's or stenographic charges for the taking of depositions used as evidence or for transcripts of the hearing; and~~

~~— (c) such other charges authorized to be taxed as costs, as specified in K.S.A. 60-2003 and amendments thereto.~~

(b) For purposes of this section "costs" means the fees and expenses of the presiding officer, costs of making and preparing the record, witness fees and expenses, mileage, travel allowances and subsistence expenses of board employees and fees and expenses of agents of the board who provide services to the board. "Costs" shall not mean fees and expenses or costs of making and preparing the record unless the board has designated or retained the services of the office of administrative hearings to perform such functions.

(c) The board shall make any assessment of costs incurred as part of the final order rendered in the proceeding. Such order shall include findings and conclusions in support of the assessment of costs.

Sec. 6. K.S.A. 58-4105, 58-4107, 58-4112 and 58-4119 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

February 20, 2007

The Honorable Pete Brungardt, Chairperson
Senate Committee on Federal and State Affairs
Statehouse, Room 522-S
Topeka, Kansas 66612

Dear Senator Brungardt:

SUBJECT: OUTLINE OF POINTS FOR DISCUSSION FOR SENATE BILL 321

BACKGROUND

In February 2006, citizens of Fort Scott met in connection with the development of a vision for Fort Scott and as a result created five goals for the community. One of the goals was to "Develop the River as an Asset". Currently the Marmaton River, which runs along the west and north sides of Fort Scott, is overgrown with vegetation, has little to no water flow, and is inaccessible to the general public. We believe that this area can be developed into an asset for Fort Scott.

Fort Scott City Council and Bourbon County Commissioners have unanimously voted to request that the State Legislature create a Riverfront Authority to assist in the completion of this project.

Our goal is to create:

1. A park between National Avenue and U S Highway 69 on both sides of the river. The park will include a lake between the Marmaton River and Mill Creek.
2. Hiking and biking trails along with a parallel equestrian trail which will eventually extend along the river from the park up stream to Gunn Park and down stream to the Old Military Bridge at 240th Street in the county.
3. The park and trails will have historical panels reflecting the history of our area. We will also have wildlife and nature panels and plant identification programs that will add interest to the experience of visiting the park or using the trails.
4. A weir (low water dam) on the Marmaton in order to maintain a constant level of water that will enable recreational use of the river.
5. An arboretum and botanical garden that will be part of a plan for the park.
6. Funding for the project that will come from grants and donations from state and federal programs as well as from private and public foundations and individuals.

Senate Bill 321 is almost verbatim to Senate Bill 575 that created the Topeka/Shawnee County Riverfront Authority last year. We do have two minor changes to Senate Bill 321 that is before the committee. On line 26 of page 1, we would like to insert at the end of the sentence “and within 5 miles of the corporate limits along the Marmaton River.” Accordingly, Sec. 2. (i) would read “Metropolitan area” includes the area within the corporate limits of the City of Fort Scott and within 5 miles form the corporate limits along the Marmaton River. This change from Senate Bill 321 and last year’s Senate Bill 575 will enable the project to include the trails and other features both up and down stream from the park area.

The second change relates to Sec.2. (j). Please change “Kansas” river to Marmaton river. A request for Technical Correction is attached.

PURPOSE

SB 321 will create the Fort Scott/Bourbon County Riverfront Authority. The purpose of the Authority would be to encourage capital investment, to create recreational, retail, entertainment, economic development, and housing within the riverfront. During the first three years of its existence, the Authority will engage in the planning and design of the riverfront. The Authority could acquire by purchase, lease, gift, or other means any real property or the rights to real property within the defined riverfront area. The Authority could acquire other types of property, riparian rights, dams and docks, recreational equipment, and public improvements and could execute agreements, leases, and equipment trust certificates. Operating capital would be provided from revenue or income derived from the riverfront authority or from grants. The bill would give the Authority the other powers necessary to accomplish the purposed of this act.

GOVERNANCE AND ADMINISTRATION

The Riverfront Board of Directors will be the governing and administrative body and will consist of six members. No member will be an elected official. The members will not be paid a salary, but would be reimbursed for actual expenses incurred in the performance of their duties. The members will be citizens of Kansas. Three of the members will be appointed by the Mayor of Fort Scott, with the approval of the Fort Scott City Council, and three members would be appointed by the Bourbon County Commission. Of the first appointees, the Mayor and City Council will designate one member to a one-year term, one member to a two-year term, and one member to a three-year term. The Bourbon County Commission will designate its appointees’ terms in the same manner. All successor member of the Board would be appointed to terms that last until three years from the date of appointment.

The Board could appoint a general manager and such other persons necessary to make the Authority succeed.

BUDGET AND EXPENDITURES

The Board would establish a fiscal year and approve annual budgets. No expenditures in excess of the budget would be made without the affirmative vote of at least four of the six Board members. The bill would require that a damage reserve fund be established and capitalize this fund to a level that it feels is sufficient through withdrawals from gross receipts and charges to operating expenditures. The Board would have the power to create other special revenue funds as necessary.

SB 321 would make provision for payment of expenses through a private bank. It would allow the Authority to receive and make use of federal, state, and private grant funds and individual donations, and it would authorize the investment of idle funds. No other provision is made for financing the Authority.

OTHER MATTERS

We are prepared to submit herewith a Fiscal Note for SB321 in accordance with KSA 75-3715a, at the request of the Chairman.

Sincerely,



Jeff Sweetser

Member, Develop the River as an Asset Committee

February 20, 2007

The Honorable Pete Brungardt, Chairperson
Senate Committee on Federal and State Affairs
Statehouse, Room 522-S
Topeka, Kansas 66612

Dear Senator Brungardt:

SUBJECT: Fiscal Note for SB 321 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 321 is respectfully submitted to your committee.

SB 321 will create the Fort Scott/Bourbon County Riverfront Authority. The purpose of the Authority will be to encourage capital investment, to create recreational, retail, entertainment, economic development, and housing within the riverfront. During the first three years of its existence, the Authority will engage in the planning and design of the riverfront. The Authority could acquire by purchase, lease, gift, or other means any real property or the rights to real property within the defined riverfront area. The Authority could acquire other types of property, riparian rights, dams and docks, recreational equipment, and public improvements and could execute agreements, leases, and equipment trust certificates. Operating capital will be provided from revenue or income derived from the riverfront authority or from grants. The bill will give the Authority the other powers necessary to accomplish the purposed of this act.

The Riverfront Board of Directors will be the governing and administrative body and will consist of six members. No member will be an elected official. The members will not be paid a salary, but would be reimbursed for actual expenses incurred in the performance of their duties. The members will be citizens of Kansas. Three of the members will be appointed by the Mayor of Fort Scott, with the approval of the Fort Scott City Council, and three members would be appointed by the Bourbon County Commission. Of the first appointees, the Mayor and City Council will designate one member to a one-year term, one member to a two-year term, and one member to a three-year term. The Bourbon County Commission will designate its appointees' terms in the same manner. All successor member of the Board would be appointed to terms that last until three years from the date of appointment.

The Board could appoint a general manager and such other persons necessary to make the Authority succeed.

The Board will establish a fiscal year and approve annual budgets. No expenditures in excess of the budget would be made without the affirmative vote of at least four of the six Board members. The bill will require that a damage reserve fund be established and outlines the types of expenditures that would be made from such fund. The Board will capitalize this fund to a

level that it feels is sufficient through withdrawals from gross receipts and charges to operating expenditures. The Board will have the power to create other special revenue funds as necessary.

SB 321 will make provision for the preparation payment of expenses through a private bank. It will allow the Authority to receive and make use of federal, state, and private grant funds, and it will authorize the investment of idle funds. No other provision is made for financing the Authority.

Sincerely,

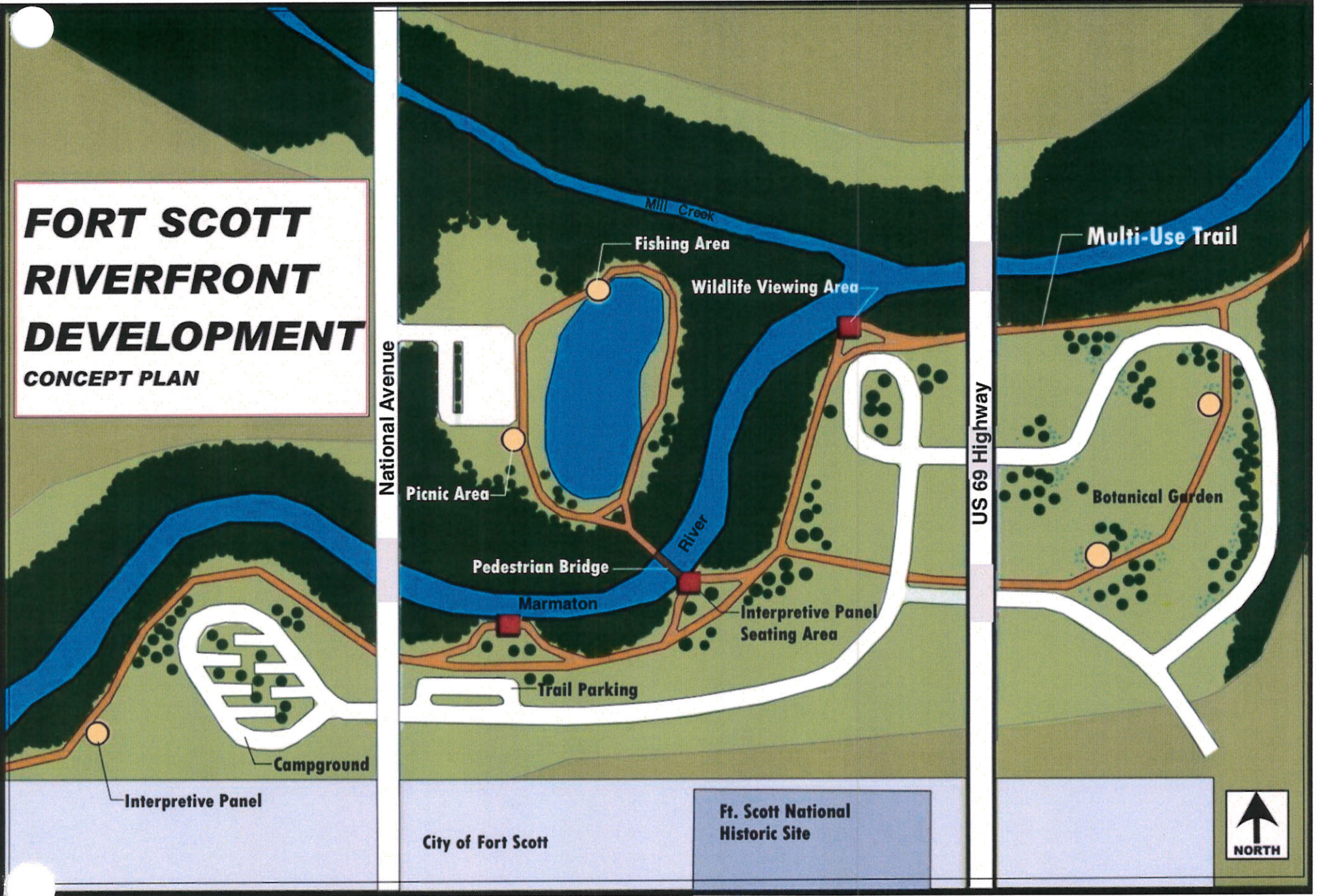


Jeff Sweetser

Member, Develop the River as an Asset Committee

Cc: Judy Moler, Kansas Association of Counties
Kimberly Winn, League of Kansas Municipalities

FORT SCOTT RIVERFRONT DEVELOPMENT CONCEPT PLAN



RESOLUTION NO. 3-2007

A RESOLUTION REQUESTING THE KANSAS STATE LEGISLATURE TO ENACT A BILL TO CREATE THE FORT SCOTT/BOURBON COUNTY RIVERFRONT AUTHORITY

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FORT SCOTT, KANSAS:

SECTION 1: Is requesting that the Kansas State Legislature enact a bill to create the Fort Scott/Bourbon County Riverfront Authority.

SECTION 2: The purpose of the Authority would be to encourage capital investment to create recreational, retail, entertainment, economic development, and housing within the riverfront area. During the first three years of its existence, the authority would engage in planning and design of the riverfront. The Authority could acquire by purchase, lease, gift, or other means any real property or the rights to real property, but would not have the power to acquire property by eminent domain. The Authority could acquire other types of property, riparian rights, dams and docks, recreational equipment, and public improvements and could execute agreements, leases, and equipment trust certificates. Operating capital would be provided from revenue or income derived from the riverfront authority or from grants. The Bill would give the Authority the other powers necessary to accomplish the purposes of this act.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 6th day of February, 2007
By the Fort Scott City Commission.

Garold R. Billionis

Garold R. Billionis, Mayor
Fort Scott City Commission

Diane K. Clay
Diane K. Clay, City Clerk

RESOLUTION 10-07
BOURBON COUNTY, KANSAS

A RESOLUTION REQUESTING THE KANSAS STATE LEGISLATURE TO ENACT A BILL TO CREATE THE FORT SCOTT/BOURBON COUNTY RIVERFRONT AUTHORITY

BE IT ORDAINED BY THE GOVERNING BODY OF THE COUNTY OF BOURBON, KANSAS:

SECTION 1: Is requesting that the Kansas State Legislature enact a bill to create the Fort Scott/Bourbon County Riverfront Authority.

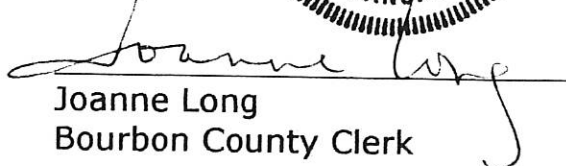
SECTION 2: The purpose of the Authority would be to encourage capital investment to create recreational, retail, entertainment, economic development, and housing within the riverfront area. During the first three years of its existence, the authority would engage in planning and design of the riverfront. The Authority could acquire by purchase, lease, gift, or other means any real property or the rights to real property, but would not have the power to acquire property by eminent domain, within the defined riverfront area. The Authority could acquire other types of property, riparian rights, dams and docks, recreational equipment, and public improvements and could execute agreements, leases, and equipment trust certificates. Operating capital would be provided from revenue or income derived from the riverfront authority or from grants. The Bill would give the Authority the other powers necessary to accomplish the purposes of this act.

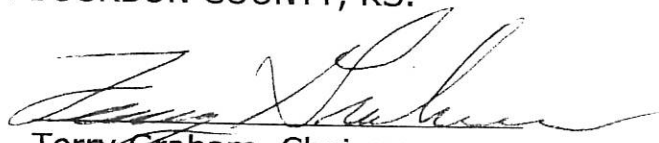
SECTION 3: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 5th day of February, 2007 By the Board of County Commissioners of BOURBON COUNTY, KS.



ATTEST:


Joanne Long
Bourbon County Clerk


Terry Graham, Chairman
Bourbon County Commissioners

February 20, 2007

The Honorable Pete Brungardt, Chairperson
Senate Committee on Federal and State Affairs
Statehouse, Room 522-S
Topeka, Kansas 66612

Dear Senator Brungardt:

SUBJECT: Fiscal Note for SB 321 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 321 is respectfully submitted to your committee.

SB 321 would create the Fort Scott/Bourbon County Riverfront Authority. The purpose of the Authority would be to encourage capital investment to create recreational, retail, entertainment, economic development, and housing within the riverfront. During the first three years of its existence, the Authority would engage in the planning and design of the riverfront. The Authority could acquire by purchase, lease, gift, or other means any real property or the rights to real property within the defined riverfront area. The Authority could acquire other types of property, riparian rights, dams and docks, recreational equipment, and public improvements and could execute agreements, leases, and equipment trust certificates. Operating capital would be provided from revenue or income derived from the riverfront authority or from grants. The bill would give the Authority the other powers necessary to accomplish the purposes of this act.

The Riverfront Board would be the governing and administrative body and would consist of six members. No member of the Board could be an elected official. The members would not be paid a salary, but would be reimbursed for actual expenses incurred in the performance of their duties. Three of the members would be appointed by the Mayor of Fort Scott, with the approval of the Fort Scott City Council, and three members would be appointed by the Bourbon County Commission. Of the first appointees, the Mayor and City Council would designate one member to a one-year term, one member to a two-year term, and one member to a three-year term. The Bourbon County Commission would designate its appointees' terms in the same manner. All successor members of the Board would be appointed to three-year terms.

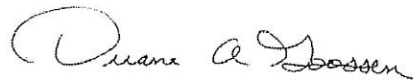
The Board could appoint a general manager and such other persons necessary to make the Authority succeed. The Board would establish a fiscal year and approve annual budgets. No

The Honorable Pete Brungardt, Chairperson
February 20, 2007
Page 2—321

expenditures in excess of the budget could be made without the affirmative vote of at least four of the six Board members. The bill would require that a Damage Reserve Fund be established to pay all legal and related expenses that may arise for damages to property resulting from the construction, maintenance, and operation of the Authority. The Board would have the power to create other special revenue funds as necessary.

SB 321 would require the preparation of a budget and payment of expenses through a private bank. It allows the Authority to receive and make use of federal grant funds, and it authorizes the investment of idle funds. Members of the Authority would serve without a salary but are entitled to be reimbursed for actual expenses incurred in the performance of their duties. 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 321 would be the responsibility of the Fort Scott/Bourbon County Riverfront Authority.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Judy Moler, KS Association of Counties
Larry Baer, LKM
Steve Neske, Revenue

Testimony of Concern for Senate Bill 332

Presented to the
Kansas State Senate
Committee on Federal & State Affairs

By

Michael D. Meadors
Director of Parks and Recreation
Johnson County Park and Recreation District

February 20, 2007

Thank you for this opportunity to present testimony on Senate Bill 332. My name is Michael D. Meadors and I currently serve as Director of Parks and Recreation for the Johnson County Park and Recreation District (Park District).

This past fall a failed soccer park election brought to light the authority of the Park District's Board of Park and Recreation Commissioners (Park District Board) to call for a bond election. The Park District, which celebrated its 50th anniversary in 2005, has had a long successful history related to its public process on capital development but the controversies surrounding the soccer park brought additional scrutiny about the Park District's non-elected board's authority to call for an election, in this case for the issuance of General Obligation Bonds.

As drafted, SB 332 makes two significant changes to the Park District's related statutes. The first would require the Johnson County Board of County Commissioners (BOCC) to formally authorize the issuance of bonds by the Park District and, secondly, it would require stating the amount of the bonds and "the estimated total cost of the repayment of the bonds over the term proposed" or interest costs within the ballot language.

In addressing the first change, I believe it important for the Committee to know that the Park District has a long history of taking before the BOCC issues of this nature, and, in the months leading up to this election, there was no exception to this practice. However, this information did not become a public process. I, too, agree this should not happen again and in the future the Park District Board and staff will secure the BOCC's approval with or without passage of this bill. However, it is clear that the intentions of SB 332 would eliminate any uncertainty of formal approval required by the BOCC before any future ballot question is presented to the voters of Johnson County, so I stand here in support of this proposed language.

The second issue is more complicated and, unless it is the intent of this Committee to require all levels of government including school districts, municipalities and counties to also disclose the full carrying costs of any bond issue in the ballot question, it hardly seems appropriate to single out the Park District to do so. It should be noted the Park District did in fact provide, at the time of its 'Public Notice' publication, the ballot question and a disclosure of the General Obligation Bond Project and all projected interest payments as submitted by our financial

advisor as is currently required by Kansas law. Shouldn't all taxing authorities be treated similarly? I ask you to oppose this provision in the proposed bill.

If the intent of this Committee is to eliminate some of the ambiguity of the Park District's statutes, I believe the requirement of the Park District to list the school district in which real estate is to be acquired in any ballot language leaves the voters confused as to whose referendum it actually is. The Park District's original enabling legislation required an even more detailed description that proved problematic when the description required was so specific it encouraged speculation and increased acquisition costs for the taxpayers. In 2001 the District was successful in eliminating this very detailed description in favor of the aforementioned school district listing. To illustrate the new problem, this past fall the Blue Valley School District had a Local Option Budget provision on the same ballot as our soccer park issue that was to be located within the Blue Valley School District boundaries. I heard from a great many citizens, including the Superintendent of Schools in Blue Valley, that this was very confusing for many voters. Fortunately, their issue did pass, however, not without much concern and confusion. I ask that the Committee consider adding this change to eliminate the school district location requirement to the Park District's related statute.

In closing, I wish to thank each member of the Committee for your interest and thoughtful consideration of this important issue. If I may be of additional assistance please contact me at any of the following contact options: michael.meadors@jocogov.org, 913.894.3310 wk, 913.909.3012 cell, 913.782.6319 home.

NOTICE OF BOND ELECTION

Notice is given to the qualified electors of the Johnson County Park and Recreation District (the "District"), that an election has been classed and will be held on November 7, 2006, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of submitting to the electors of the District the following questions:

Shall the following be adopted?

Shall the Johnson County Park and Recreation District issue general obligation bonds in an amount not to exceed \$75,000,000 to acquire land for park purposes within the boundaries of Unified School District No. 229, Johnson County, State of Kansas (Blue Valley School District), and to develop thereon soccer fields, training and community facilities, concessions, restrooms, general maintenance facilities and all related appurtenances, all pursuant to K.S.A. 19-2862j, K.S.A. 19-2874 and K.S.A. 10-101 *et seq.*?

The election will be held by ballot at the following voting places, such voting places to serve the following voting district or territories:

[to be supplied by County Election Commissioners]

ADDITIONAL INFORMATION

The following information is provided by the Johnson County Park and Recreation District, Johnson County, Kansas (the "District") as required by K.S.A. 10-120a and K.S.A. 12-6,122. This information is derived from estimates and projections made by the District and its advisors and is based on information which the District and its advisors believe is reliable. These estimates and projections may not be accurate as of the date of the issuance of the bonds because of changes in the municipal bond market which may affect interest rates, changes in assessed valuation of the District, changes in the financial status of the District, or other matters which may not be predicted or are unknown to the District at this time. The estimated rates of property taxation shown below are necessary to pay the principal and interest on the bonds are based upon the current assessed valuation of the District and the projected principal repayment schedule and the estimated average interest rate to be paid on the bonds. The estimated interest rate to be paid on the bonds is based on the average interest rates of comparable recent bond issues. Each of the projections and estimates shown below may vary due to factors which the District cannot predict or control. These projections and estimates assume the issuance of \$75,000,000 in a single bond issue. The District expects to spread principal payments on the bonds over approximately 20 years with an expected final maturity in 2027. The estimated average interest rate of 4.50% results in an estimated total interest cost on the bonds of \$43,213,950. Based on these figures, the District projects that the average annual principal and interest payment on the bonds will be \$5,910,698.

Summary of Estimated Total Project Costs and Sources of Payment

<u>Sources of Funds</u>		<u>Uses of Funds</u>	
Total Amount of Bonds	\$ 75,000,000	Park Land Acquisition and Improvements	\$ 70,941,635
Interest Earnings ¹	3,116,351	Professional Fees ²	3,939,215
		Issuance Expenses ³	119,150
		Capitalized Interest or Project Contingency	<u>3,116,351</u>
Total	\$ 78,116,351		\$ 78,116,351

¹ Estimated interest earnings on the investment of bond proceeds during construction. Such earnings are expected to be applied to project costs or to the payment of principal of and interest on the bonds.

² Includes estimated costs of architectural services, engineering, construction administration and related costs.

³ Includes estimated financial advisory fees, legal fees, underwriting expenses, municipal bond insurance, official statement printing, bond rating and related costs.

Estimated Annual Property Tax Mill Levy Rate for Principal and Interest Payments

Total estimated mill levy rate necessary 0.693 mills¹

¹ Represents the estimated mill levy needed to pay the principal of and interest on the bonds from property taxes. This figure is based on bond payment information provided above and the District's estimated 2006 assessed valuation.

The election officer conducting the election will be the election Commissioner of Johnson County, Kansas, whose address is 2101 Kansas City Road, Olathe, Kansas 66061.

Dated August 28, 2006.

/s/ _____
Election Commissioner of Johnson County, Kansas

JOHNSON COUNTY PARK AND RECREATION DISTRICT
BOARD OF PARK AND RECREATION COMMISSIONERS

RESOLUTION NO. 06-05

A RESOLUTION AUTHORIZING THE CALL OF A BOND ELECTION IN THE JOHNSON COUNTY PARK AND RECREATION DISTRICT FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE DISTRICT THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS OF THE DISTRICT AND PROVIDING FOR NOTICE OF THE BOND ELECTION

WHEREAS, K S A. 19-2874 authorizes the Board of Park and Recreation Commissioners of the Johnson County Park and Recreation District (the "District") to issue bonds to acquire real estate and to improve the park system or any part thereof and to issue general obligation bonds of the District to pay such cost; provided that, the question of issuing such general obligation bonds is submitted to the electors of the District and a majority of the electors voting on such proposition authorizes the issuance of the general obligation bonds,

WHEREAS, the Board of Park and Recreation Commissioners of the District has determined it is desirable and necessary to acquire land for park purposes within the boundaries of Unified School District No. 229, Johnson County, State of Kansas (Blue Valley School District), and to develop thereon soccer fields, training and community facilities, concessions, restrooms, general maintenance facilities and all related appurtenances; and

WHEREAS, the Board of Park and Recreation Commissioners finds it advisable to authorize and provide for the calling of a bond election in the District for the purpose of submitting to the qualified electors of the District the question of issuing general obligation bonds of the District to pay the costs of the soccer park,

NOW THEREFORE IT IS RESOLVED BY THE BOARD OF PARK AND RECREATION COMMISSIONERS OF THE JOHNSON COUNTY PARK AND RECREATION DISTRICT:

SECTION 1. It is deemed necessary and advisable to acquire and develop the soccer park, at an estimated total cost of \$75,000,000

SECTION 2. In order to pay the cost of the soccer park, it is necessary to issue general obligation bonds of the District, in an amount not to exceed \$75,000,000, which general obligation bonds shall be issued if a majority of the qualified electors of the District voting on the proposition shall vote in favor thereof at a bond election to be held in the District for that purpose

SECTION 3. It is authorized and directed that a bond election is called to be held in the District on November 7, 2006, at which time there shall be submitted to the qualified electors of the District the following proposition:


Shall the following be adopted?

Shall the Johnson County Park and Recreation District issue general obligation bonds in an amount not to exceed \$75,000,000 to acquire land for park purposes within the boundaries of Unified School District No. 229, Johnson County, State of Kansas (Blue Valley School District), and to develop thereon soccer fields, training and community facilities, concessions, restrooms, general maintenance facilities and all related appurtenances, all pursuant to K.S.A. 19-2862j, K.S.A. 19-2874 and K.S.A. 10-101 *et seq*?

SECTION 4. The vote at the bond election shall be by ballot, and the proposition stated above shall be printed on the ballot, together with voting instructions as provided by law.

SECTION 5. The Director of Parks and Recreation of the District shall provide a certified copy of this Resolution to the County Election Commissioner and shall cause notice of the bond election to be given as provided by law by publishing a notice of a bond election (in substantially the form attached to this Resolution) once each week for 2 consecutive weeks in a newspaper of general circulation in the District, with the first publication to be not less than 21 days prior to the date of the bond election.

ADOPTED by the Board of Park and Recreation Commissioners of the Johnson County Park and Recreation District on August 28, 2006


Paul E. Alvarado, Jr., Chair

ATTEST:


James R. Azeltine, Secretary

4

Testimony in support of
Senate Bill 332

Presented to the
Senate Committee on Federal & State Affairs

by
David A. Lindstrom
County Commissioner, Third District
Johnson County, Kansas

February 20, 2007

Thank you for this opportunity to present testimony in support of Senate Bill 332, a proposal which I personally support, and one upon which I urge your favorable consideration. My name is David A. Lindstrom, and I serve as the County Commissioner of the Third District in Johnson County. It is important to point out that my testimony to this Committee is presented in my individual capacity as an elected official and does not state any position of, nor am I acting on behalf of, the Board of County Commissioners. While I would have preferred to present my testimony personally, my schedule unfortunately prevented me from attending your meeting. However, Chairman Brownlee graciously offered to allow me to submit my testimony in writing.

As drafted, the bill makes two improvements which I believe enhance the overall transparency of local government to Johnson County citizens. The legislation would require that a proposed bond issuance of the Park District be authorized by the Board of County Commissioners and, secondly, it would require a full disclosure of the estimated total cost of the repayment of the bond(s) over the term that is proposed. However, that language should be further refined to ensure that the review and authorization of the Board of County Commissioners is required prior to the proposal being submitted as a ballot question.

Last year, the Park and Recreation District submitted a ballot question to voters concerning the proposed development of a youth soccer complex in Johnson County. The Park District submitted that question under its existing statutory authority, which did not require official authorization from the Board of County Commissioners. This caused significant concern among our citizens, since the Park District is composed of individuals who are appointed by the Board of County Commissioners and are, therefore, not directly accountable to the electorate. During that campaign, it also came to our attention that the existing state law with respect to the submission and wording of ballot questions did not require the disclosure of all carrying costs, interest, ongoing operational costs, or other financial impacts resulting from such ballot proposals. The law—as it is currently written—simply requires that the principle amount of the bond issuance be disclosed in the language of the ballot question. However, the District did provide, at the time of its Public Notice publication, the ballot question and a disclosure of the General Obligation Bond Project and all projected interest payments as submitted by their financial advisor, and as required by Kansas law. This situation can create confusion for voters, since they may not be aware of the full impact of a particular ballot question.

While that ballot initiative ultimately failed, it left two concerns that should be addressed by the State Legislature. First, the statutory authority of the Park District to issue debt should be checked by an elected body that is directly accountable to the citizenry. I believe that it is appropriate for that review and authorization to be publicly made by the Board of County Commissioners, since the members of the Park District's governing body are appointed by the Board of County Commissioners, and the Board of County Commissioners exercises oversight of the Park District budget, consistent with state law. It is important to note that JC Park District's staff & governing body have an outstanding record of informing the JC Board

of County Commissioners of their intentions and proposals prior to submittal to the JC voters.

Senate Bill 332, as it is currently drafted, does not specify when the Board of County Commissioners must approve the proposal of the Park District. I believe that the new language at the conclusion of the first paragraph should be changed to read as follows:

Before any ballot proposition is submitted to the voters by the park district, it shall be submitted to the board of county commissioners for its review and official authorization. When submitted to the board of county commissioners, the proposal shall include the total estimated debt for the project and the total estimated repayment costs over the term of the proposed bond issuance.

This language clarifies that: (1) the issuance of debt must be tied to a specific project; (2) that the Board of County Commissioners must review the project and authorize the question to be submitted to voters; and (3) that no question will be submitted until after it is considered and acted upon favorably by the Board of County Commissioners. This provides the appropriate level of oversight and fiscal control by a publicly-elected body.

In addition, I fully support the provision that has been added which would require the disclosure of the total estimated costs of any governmental GOB issuance in the actual ballot language.

And, while I understand that this bill is limited to the Johnson County Park and Recreation District, I believe that similar requirements on full financial disclosures should be provided for all ballot propositions relating to the issuance of debt. I believe that requiring full financial disclosure helps to better inform voters about the real and potential impacts of each ballot proposition. You must decide if this new requirement is appropriate for just the Park and recreation District and not a requirement for all governmental agencies as I previously suggested above.

I believe that the legislation before this Committee is in the best interests of the voters in Johnson County and would help promote a better-informed, participative citizenry and would also help enhance the transparency of propositions that are placed on the ballot for consideration by our voters.

Again, thank you for this opportunity to address your honorable Committee, and thank you in advance for your consideration of this proposed legislation. I would ask that this Committee act favorably on the bill and recommend its passage to the Senate.

* * * * *



United States Department of the Interior



NATIONAL PARK SERVICE
MIDWEST REGION
601 Riverfront Drive
Omaha, NE 68102

Testimony on SB 356 regarding Jurisdiction at three National Park Service areas: Brown vs. Board of Education and Nicodemus National Historic Site and Tallgrass Prairie National Preserve

To

The Senate Federal and State Affairs Committee

By James A. Loach

Associate Regional Director for Operations

National Park Service, Omaha, Nebraska

20 February 2007

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before you today with regard to SB 356.

SB 356 seeks to amend K.S.A. 27-120 in order to add three parks which have come into the National Park System in the State of Kansas since the enactment of the original legislation in 1985. The bill would add the Brown vs. Board of Education National Historic Site the Nicodemus National Historic Site and the Tallgrass Prairie National Preserve to the list of properties eligible for concurrent jurisdiction with the State of Kansas and the Federal Government. The provisions of the bill would be effective on publication in the statute book. **The National Park Service supports the provisions contained in SB 356 and requested introduction of the bill.**

The enactment of this bill will allow State and Federal officials to begin the process to establish concurrent legislative jurisdiction between the State of Kansas and the United States in National Park System units in Kansas. This action will allow for more efficient conduct of both State and Federal functions within the sites and also comply with the congressional mandate as expressed in the Act of October 7, 1976, 90 Stat. 1939, 16 U.S.C. section 1a-3, that "insofar as practicable the United States shall exercise concurrent legislative jurisdiction within units of the National Park System."

The term "concurrent legislative jurisdiction" is intended herein as vesting in the State and the United States all the rights accorded a sovereign with the broad qualification that such authority is held concurrently over matters including but not limited to criminal laws and police powers. It is the parallel right of both the State and the Federal Government to legislate with respect to such land and persons present or

residing on it, subject only to the United States and State of Kansas constitutional constraints including but not limited to, the supremacy clause of the United States Constitution. The acquisition by the United States of concurrent jurisdiction will also assist in the enforcement of State criminal laws by the United States under the Act of June 25, 1948 (18 U.S.C. section 13 (1976)).

Concurrent jurisdiction represents a partnership between the United States and a State in the administration and management of a Federal reservation. The following principles generally apply to areas of concurrent jurisdiction.

1. The United States and the State jointly hold and exercise all the rights accorded a sovereign with the broad qualification that such authority is held concurrently. Both State and Federal criminal codes apply to concurrent lands and both State and Federal officials may enforce their respective codes.
2. It is the parallel right of both the State and the Federal Government to legislate with respect to such land and persons residing or present on it.

Concurrent jurisdiction would in no way limit the right of the State to exercise its jurisdiction within any of the National Park Service areas. It would simply allow the National Park Service to enforce additional Federal criminal statutes and also to assimilate State law under Title 18 U.S.C. Section 13, where no appropriate Federal law or regulation exists. The result would allow for more efficient conduct of both State and Federal law enforcement functions within the parks.

Both Ft. Larned and Ft. Scott National Historic Sites have been managed under concurrent jurisdiction since September 9, 1985, without problems or issues.

The National Park Service supports these measures and requests that the amendment to the statute be made and appreciates the support of the Committee in this endeavor.



SENATE BILL No. 319

By Committee on Federal and State Affairs

2-6

9 AN ACT concerning counties; relating to foreclosure and sale of real
10 estate; amending K.S.A. 79-2811 and K.S.A. 2006 Supp. 79-2401a and
11 repealing the existing sections.

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

13 New Section 1. (a) During the period any real estate sold for delin-
14 quent taxes and bid in by the county is held by the county pending re-
15 demption or sale, pursuant to K.S.A. 79-2801, and amendments thereto,
16 the county may make, or may cause or permit any city within the county
17 or any organization described subsection (d) of K.S.A. 12-1750, and
18 amendments thereto, to make such repairs to any structure upon or in-
19 cluded within such real estate as may be needed to bring or maintain
20 such structure in compliance with minimum housing code standards.

21 (b) As a precondition of causing or permitting such repairs, the board
22 of county commissioners shall, at least 30 days prior to the date such
23 repairs are to be made, cause actual notice of the proposed date, descrip-
24 tion and estimated cost of the repairs to be given to all parties having or
25 claiming an interest in such real estate whose addresses are reasonably
26 ascertainable, and also by publication in a newspaper of general circula-
27 tion within the county. The content of the notice shall include a statement
28 of the board's intent to cause or permit the proposed repairs on the date
29 stated in the notice unless an action seeking hearing with respect to any
30 matter related to the proposed repairs has been filed in the district court
31 within the county and served upon the board. If notice has been given as
32 required and no such action has been filed and served upon the board
33 prior to the date of the proposed repairs as stated in the notice, the board
34 may proceed to cause or permit such repairs pursuant to this section on
35 or after the date stated in the notice.

36 (c) The cost of such repairs shall become part of the payment re-
37 quired for the exercise of any redemption right prior to the date of any
38 sale under K.S.A. 79-2803, and amendments thereto, and after the date
39 of any such sale, shall be treated as a cost incident to the sale under
40 subsection (a) of K.S.A. 79-2805, and amendments thereto, and shall, in
41 all cases, be repaid after the date of redemption or sale to the county,
42 city or organization that made the repairs.
43

} unoccupied, residential

1 Sec. 2. K.S.A. 79-2811 is hereby amended to read as follows: 79-
 2 2811. (a) If real estate has been or shall be sold and bid by the county,
 3 and the redemption period has expired, the board may sell such real estate
 4 to provide affordable low-income housing or for community development
 5 or economic development purposes which are hereby declared to be pub-
 6 lic purposes. Any such sale shall not be subject to the provisions of K.S.A.
 7 79-2801 et seq., and amendments thereto. *However, at least 30 days prior*
 8 *to the proposed date of sale, the board shall cause actual notice of the date*
 9 *and terms of the proposed sale to be given to all parties having or claiming*
 10 *an interest in such real estate whose addresses are reasonably ascertain-*
 11 *able, and also by publication in a newspaper of general circulation within*
 12 *the county. The content of the notice shall include a statement of the*
 13 *board's intent to proceed with the proposed sale on the date stated in the*
 14 *notice unless an action seeking hearing with respect to any matter related*
 15 *to the sale has been filed in the district court within the county and served*
 16 *upon the board. If notice has been given as required and no such action*
 17 *has been filed and served upon the board prior to the date of the proposed*
 18 *sale as stated in the notice, the board may proceed with such sale pursuant*
 19 *to this section on or after the date stated in the notice.*

20 (b) The board of county commissioners may abate any delinquent ad
 21 valorem property taxes, special assessments or other special taxes on any
 22 property sold pursuant to subsection (a). If such taxes or assessments are
 23 not abated, any moneys received from the sale of such property shall be
 24 apportioned in the manner provided by K.S.A. 79-2805, and amendments
 25 thereto.

26 Sec. 3. K.S.A. 2006 Supp. 79-2401a is hereby amended to read as
 27 follows: 79-2401a. (a) (1) Except as provided by paragraph (2) and sub-
 28 section (b), real estate bid off by the county for both delinquent taxes and
 29 special assessments, as defined by subsection (c), shall be held by the
 30 county until the expiration of two years from the date of the sale, subject
 31 only to the right of redemption as provided by this section. Any owner or
 32 holder of the record title, the owner's or holder's heirs, devisees, execu-
 33 tors, administrators, assigns or any mortgagee or the owner's or holder's
 34 assigns may redeem the real estate sold in the sale at any time within two
 35 years after the sale by paying to the county treasurer the amount for which
 36 the real estate was sold plus the interest accrued, all delinquent taxes and
 37 special assessments and interest thereon that have accrued after the date
 38 of such sale which remain unpaid as of the date of redemption and costs
 39 and expenses of the sale and redemption, including but not limited to,
 40 abstracting costs incurred in anticipation of a tax sale.

41 (2) Any abandoned building or structure and the land accommodat-
 42 ing such building or structure bid off by the county for ~~both~~ *either* delin-
 43 ~~quent taxes and~~ or special assessments, as defined by subsection (c), shall

or both,

1 be held by the county until the expiration of one year from the date of
 2 the sale, subject only to the right of redemption as provided by this sec-
 3 tion. Any owner or holder of the record title, the owner's or holder's heirs,
 4 devisees, executors, administrators, assigns or any mortgagee or the
 5 owner's or holder's assigns may redeem the real estate sold in the sale at
 6 any time within one year after the sale by paying to the county treasurer
 7 the amount for which the real estate was sold plus the interest accrued,
 8 all delinquent taxes and special assessments and interest thereon that have
 9 accrued after the date of such sale which remain unpaid as of the date of
 10 redemption and costs and expenses of the sale and redemption, including
 11 but not limited to abstracting costs incurred in anticipation of a tax sale.

12 When used in this subsection "abandoned building or structure and
 13 the land accommodating such building or structure" shall mean a building
 14 or structure which, for a period of at least one year, has been unoccupied
 15 and which there has been a failure to perform reasonable maintenance
 16 of such building or structure and the land accommodating such building
 17 or structure.

18 (b) (1) Except as provided by paragraph (2), real estate which is a
 19 homestead under section 9 of article 15 of the Kansas Constitution and
 20 all real estate not described in subsection (a) shall be held by the county
 21 until the expiration of three years from the date of the sale and may be
 22 redeemed partially by paying to the county treasurer the amount of taxes
 23 for which the real estate was sold for one or more years, beginning with
 24 the first year for which the real estate was carried on the tax-sale book of
 25 the county plus interest at the rate prescribed by K.S.A. 79-2004, and
 26 amendments thereto, on the amount from the date the same was carried
 27 on the sale book. Upon payment and partial redemption, the time when
 28 a tax foreclosure sale may be commenced shall be extended by the num-
 29 ber of years paid in the partial redemption.

30 (2) In Johnson county, real estate which is a homestead under section
 31 9 of article 15 of the Kansas constitution and all real estate not described
 32 in subsection (a) shall be held by the county until the expiration of three
 33 years from the date of the sale and may be redeemed partially by paying
 34 to the county treasurer the amount of taxes for which the real estate was
 35 sold for one or more years, beginning with the most recent year for which
 36 the real estate was carried on the tax-sale book of the county plus interest
 37 at the rate prescribed by K.S.A. 79-2004, and amendments thereto, on
 38 the amount from the date the same was carried on the sale book.

39 (c) For the purpose of this act, the ~~term terms~~ "real estate bid off by
 40 the county for both delinquent taxes and special assessments" and "real
 41 estate bid off by the county for either delinquent taxes or special assess-
 42 ments" shall include only real estate on which there are delinquent taxes
 43 of a general ad valorem property tax nature and delinquent special as-

or both,
 or

} or both,

1 assessments or other special taxes levied by a city, county or other munic-
 2 ipality in response to a petition or request of the landowners. Upon pub-
 3 lication of the listing of real estate subject to sale under the provisions of
 4 K.S.A. 79-2302, and amendments thereto, the clerk of any city, county
 5 or other municipality which has levied special assessments during the past
 6 10 years shall certify to the county treasurer those listed parcels of real
 7 estate which are located within a special assessment district, but no parcel
 8 shall be so certified unless the public improvement was constructed pur-
 9 suant to a petition or request of one or more landowners sufficient to
 10 authorize the improvement under the applicable statutory special assess-
 11 ment procedure used by the city, county or other municipality.

12 (d) If at the expiration of the redemption period, the real estate has
 13 not been redeemed, the real estate shall be disposed of by foreclosure
 14 and sale in the manner provided by K.S.A. 79-2801 et seq., and amend-
 15 ments thereto.

16 Sec. 4. K.S.A. 79-2811 and K.S.A. 2006 Supp. 79-2401a are hereby
 17 repealed.

18 Sec. 5. This act shall take effect and be in force from and after its
 19 publication in the statute book.

6-4