

SESSION OF 2003

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 178**

As Agreed to April 2, 2003

Brief *

SB 178 amends the city general improvement and assessment law, recodifies the Transportation Development District Act enacted last year, and makes a change to a law dealing with nuisance abatement and notices by cities.

The bill authorizes any one or more municipalities as defined in KSA 12-105a (cities, counties, school districts, etc.), or any persons or entities willing to pay the costs of the proposed improvement to petition the governing body of any city requesting an improvement under the general improvement and assessment law.

The bill recodifies the Transportation Development District Act enacted in 2002 to correct problems pointed out by the Attorney General in Opinion No. 2003-2. The recodification does the following:

- ! Allows for sales, use, transient guest and transportation development district sales tax returns and information to be shared with the bond trustee and requires the bond trustee to keep the information otherwise confidential.
- ! Allows the creation of a transportation development district without notice and hearing if the district will be reliant only upon special assessments for repayment of the bonds issued to fund the projects. The petition for creation of all transportation development districts must be signed by 100 percent of the property owners in the district.
- ! Continues to require notice and a public hearing on the creation of transportation development districts that are to be financed in

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whole or in part with a transportation development district sales tax.

- ! Includes several clean-up provisions, such as adding "economic development" to the list of purposes for which transportation development districts may be created.
- ! Requires that a petition for creation of a transportation development district contain consent by all of the owners of the land in the district to the assessment scheme without regard to benefits conferred by the project.
- ! Continues to state that not all property in the district that is benefitted must be assessed, and clarifies that property outside the district that is benefitted need not be assessed either. This assessment method, as well as any other assessment method, would continue to require the consent of all owners of land in the district.
- ! Requires that the petition creating a transportation development district, containing the consent with respect to the assessment scheme and sales tax, if applicable, be filed with the register of deeds.
- ! Provides that the notice and hearing given with respect to the creation of a transportation development district, if it provides for the levying of a transportation development district sales tax, suffices as the notice and hearing required for the levy of the identical transportation development district sales tax.
- ! Requires that suits to set aside a transportation development district sales tax be brought within 30 days of publication of the notice of intent to levy the tax rather than within 30 days of publication of the ordinance or resolution that actually levies the tax, to be consistent with the protest period for the levying of such a tax.
- ! Provides for "clean-out" of the unspent transportation development district sales tax monies after the bonds are paid off by allowing the municipality to spend the remaining monies for purposes for which general sales taxes may be spent.
- ! Grandfathers transportation development districts created under the existing statutes.

The bill also amends a city nuisance abatement statute dealing with notice to property owners to abate the nuisance. It provides that if the owner or agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice sent during the preceding 24-month period, the governing body of a city may provide notice of the issuance of any further orders to abate or remove a nuisance from the property by (1) registered mail return receipt requested; (2) personal service; (3) door hangers; (4) conspicuously posting notice of the order on the property; (5) personal notification; (6) telephone communication; (7) first class mail; or (8) some other appropriate method. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.

Background

The Conference Committee agreed to all the House amendments and to add the nuisance abatement notice contained in Section 1 of SB 167, to amend the Transportation Development District Act by deleting authorization for a 2 percent fee for collecting the sales tax.