

SENATE BILL No. 95

By Senator Haley

1-28

1 AN ACT concerning economic development; providing that the city or
2 county creation of port authorities may be approved by the legislature
3 through the enactment of a bill; authorizing the governing body of the
4 unified government of Wyandotte county and Kansas City, Kansas, to
5 create a port authority; amending K.S.A. 12-3402 and repealing the
6 existing section.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. In accordance with the provisions of K.S.A. 12-3402,
10 and amendments thereto, the legislature approves the creation of a port
11 authority by the governing body of the unified government of Wyandotte
12 county and Kansas City, Kansas, with all the powers, duties, limitations
13 and obligations provided for in article 34 of chapter 12 of the Kansas
14 Statutes Annotated, and amendments thereto, as the governing body of the
15 unified government of Wyandotte county and Kansas City, Kansas, may
16 create by appropriate resolutions or ordinances.

17 Sec. 2. K.S.A. 12-3402 is hereby amended to read as follows: 12-
18 3402. (a) *(1)* It is the purpose of this act to promote, stimulate and develop
19 the general welfare, economic development and prosperity of the state of
20 Kansas by *authorizing port authorities to be established in each city and*
21 *in each county of the state that shall achieve such purpose through:*

22 (A) Fostering the growth of intrastate and interstate commerce within
23 the state; ~~to promote;~~

24 (B) *promoting* the advancement and retention of ports within the
25 state; ~~to encourage and assist~~

26 (C) ~~in the location of~~ *assisting and encouraging* new business and
27 industry in this state and the expansion, relocation or retention of existing
28 business and industry when so doing will help maintain existing levels of
29 commerce within the state or increase the movement of commodities,
30 goods and products produced, manufactured or grown within or without
31 the state through existing ports within the state or lead to the development
32 of new ports within the state; ~~and to promote~~

33 (D) *promoting* the economic stability of the state by maintaining and
34 providing employment opportunities, thus promoting the general welfare
35 of the citizens of this state, ~~by authorizing port authorities to be established~~
36 ~~in each city and in each county of the state.~~

1 (2) A port authority shall be a public body corporate and politic which
2 if established shall be known as the "port authority" of the city or of the
3 county. Joint port authorities may be created under authority of this act by
4 cooperative agreement executed by the governing bodies of any city or
5 county or cities or counties. Such joint authorities formed by such
6 cooperative agreement shall have all the powers and jurisdiction
7 enumerated in this act. Such creation shall be by ordinance or resolution.
8 Except for port authorities created prior to April 1, 1981, no port authority
9 shall be created without approval of the legislature by concurrent
10 resolution *or by an enacted bill*. The authority shall not transact any
11 business or exercise powers ~~hereunder~~ *pursuant to this section* until the
12 passage of a concurrent resolution *or the enactment of a bill* by the
13 legislature ~~as hereinbefore provided~~.

14 (3) No port authority located in Cowley county shall modify, amend
15 or extend the port authority's official plan as originally adopted by the port
16 authority to change the purpose for which it was created or alter the
17 character of the work to be undertaken, as provided by K.S.A. 12-3406,
18 and amendments thereto, without approval of the legislature by concurrent
19 resolution *or the enactment of a bill*. The port authority shall not transact
20 any business or exercise powers ~~hereunder~~ *pursuant to this section*
21 concerning any business or actions related to such modification,
22 amendment or extension of the original plan.

23 (4) A cooperative agreement creating a joint port authority may be
24 amended by the governing bodies of the cities and counties ~~which that~~
25 comprise such port authority. Any amendment to such a cooperative
26 agreement, including amendments ~~which that~~ allow other cities located
27 within counties ~~which that~~ are parties to the original agreement to join in
28 such agreement, shall not require approval by the legislature.

29 (5) No member of the authority shall ~~serve as such who owns own~~
30 land, other than a residence, or ~~represents~~ *represent* in a fiduciary capacity
31 or as agent any person who owns land surveyed or examined for port
32 locations, except that this prohibition shall not prevent a user of a port
33 facility from serving as a member of the authority.

34 (6) A port authority may sue and be sued, plead and be impleaded,
35 subject to the limitations and other provisions of the Kansas tort claims
36 act. The exercise by such port authority of the powers conferred upon it
37 shall be deemed to be essential governmental functions of the creating city
38 or county.

39 (b) Any city or county creating or participating in the creation of a
40 port authority, before any taxes are levied shall submit the question of
41 whether an annual tax levy may be made on the assessed taxable tangible
42 property of such city, county, or a combination thereof, and the amount
43 thereof to the electors of such city or county comprising such authority. If

1 a majority of those voting on the question vote in favor of such tax levy,
2 the ~~same tax~~ may be ~~made levied~~ for such purpose and to pay a portion of
3 the principal and interest on bonds issued under the authority of K.S.A. 12-
4 1774, and amendments thereto, by cities located in the county, ~~and~~
5 ~~otherwise such tax levy shall not be made.~~ *If a majority of those voting on*
6 *the question vote against such tax levy, the tax shall not be levied, unless*
7 *approved by the majority of the electors at a subsequent election on a*
8 *question of whether such a tax should be levied for such purpose.* If such
9 tax levy is approved, the authority may expend funds not otherwise
10 appropriated to defray the expense of surveys and examinations incidental
11 to the purposes of the port authority and may expend funds for any of the
12 purposes as set forth in K.S.A. 12-3406, and amendments thereto.

13 (c) Subject to making due provisions for payment and performance of
14 its obligations, a port authority may be dissolved by the city or county, or
15 combination thereof, comprising ~~it the port authority~~. If the port authority
16 is dissolved, the properties of the port authority shall be transferred to the
17 subdivision comprising ~~it the port authority~~, or, if comprised by more than
18 one city or county, to the city or county comprising ~~it the port authority~~ in
19 such manner as may be agreed upon by them. Obligations of the authority
20 shall not be obligations of the state of Kansas, nor of any city or county
21 which creates the authority, unless the obligations are specifically
22 approved by a majority vote of the electors of such city or county voting
23 on the issue. Notice of such election shall be published in a newspaper of
24 general circulation in the county or counties once each week for two
25 consecutive weeks. The first publication shall be not less than 21 days
26 prior to such election. Such notice shall set forth the time and place of
27 holding the election and the issue which the vote is to determine.

28 Sec. 3. K.S.A. 12-3402 is hereby repealed.

29 Sec. 4. This act shall take effect and be in force from and after its
30 publication in the statute book.