

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2296

By Committee on Federal and State Affairs

2-10

1 AN ACT concerning public building commissions; amending K.S.A. 12-  
2 1761 and 12-1767b and repealing the existing sections; ~~also repealing~~  
3 ~~K.S.A. 12-1767.~~

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 12-1761 is hereby amended to read as follows: 12-  
7 1761. After the negotiation of a lease or leases for the use of public  
8 buildings proposed to be acquired or constructed under the authority of  
9 this act with one or more public body, the public building commission may  
10 issue revenue bonds of the commission to provide funds for the purpose of  
11 acquiring, erecting, equipping, repairing, maintaining and operating  
12 buildings and other facilities and to acquire sites necessary and convenient  
13 therefor and to pay all costs and expenses incident thereto, or to refund its  
14 outstanding bonds through the issuance of refunding bonds in the manner  
15 prescribed by and, except as otherwise herein provided, subject to the  
16 provisions of K.S.A. 10-116a, *and amendments thereto*, ~~except that no~~  
17 ~~such revenue bonds, except bonds issued for the purpose of refunding~~  
18 ~~outstanding bonds, shall be issued by a public building commission~~  
19 ~~created and established in any city having a population of more than one~~  
20 ~~hundred seventy-five thousand (175,000) and not more than two hundred~~  
21 ~~thousand (200,000) or county without the question of the issuance of such~~  
22 ~~bonds having been first submitted to and having been approved by a~~  
23 ~~majority of the electors of such city or county voting at an election called~~  
24 ~~and held thereon. Such election shall be called and held in the manner~~  
25 ~~provided for the calling and holding of elections upon the question of the~~  
26 ~~issuance of bonds under the general bond law. Except as otherwise~~  
27 ~~provided by K.S.A. 10-116a, and amendments thereto, such revenue bonds~~  
28 shall be payable solely from the rents and revenues to be derived from the  
29 operation, management or use of the buildings or other facilities acquired  
30 by the commission. The commission shall have no power to levy taxes,  
31 and bonds issued by the commission shall not constitute a debt of the  
32 commission or of any public body within the meaning of any statutory or  
33 constitutional limitation as to debt.

34 Sec. 2. K.S.A. 12-1767b is hereby amended to read as follows: 12-  
35 1767b. (a) Any revenue bonds proposed to be issued by a public building  
36 commission created by a county shall be issued as provided in K.S.A. 10-

1 1201 et seq., and amendments thereto, except to the extent that such  
2 statutes are in conflict with this act. Before any revenue bonds are  
3 authorized or issued under the provisions of this act, the public building  
4 commission shall adopt a resolution specifying the amount of such bonds  
5 and the purpose of the issuance thereof. ~~The resolution shall provide that if~~  
6 ~~within 30 days after the last date of publication of the resolution a petition~~  
7 ~~in opposition to the resolution, signed by not less than 5% of the electors~~  
8 ~~of the county is filed with the county clerk, the board shall submit the~~  
9 ~~question to the voters at an election called for that purpose or at the next~~  
10 ~~general election. Such resolution shall be published once a week for two~~  
11 ~~consecutive weeks in the official county newspaper. The resolution shall~~  
12 **provide that if within 60 days after the last date of publication of the**  
13 **resolution a petition in opposition to the resolution, signed by electors**  
14 **representing not less than 5% of the electors of the county who voted**  
15 **in the last general election in November is filed with the county clerk,**  
16 **the board shall submit the question to the voters at an election called**  
17 **for that purpose or at the next general election. The resolution shall be**  
18 **published once a week for two consecutive weeks in the official county**  
19 **newspaper.**

20 **(b) Any petition circulated under this section shall conform to the**  
21 **requirements of K.S.A. 25-3601 et seq., and amendments thereto.**

22 ~~(b) (c) No construction contract shall be let or approved by a public~~  
23 ~~building commission until after the expiration of the protest period~~  
24 ~~provided under this section *electorate has approved the issuance of*~~  
25 ~~*revenue bonds as required by K.S.A. 12-1761, and amendments thereto*~~  
26 **expiration of the protest period provided under this section.**

27 Sec. 3. K.S.A. 12-1761, ~~12-1767~~ and 12-1767b are hereby repealed.

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