

HOUSE BILL No. 2515

AN ACT concerning municipalities; relating to convention and tourism committees; concerning franchise agreements between telecommunications providers and municipalities; relating to access by telecommunications providers to public rights-of-ways; amending K.S.A. 12-1695 and 12-16,101 and repealing the existing sections.

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

Section 1. K.S.A. 12-1695 is hereby amended to read as follows: 12-1695. The governing body of any city or county which levies a transient guest tax pursuant to this act ~~shall~~ *may* establish a convention and tourism committee to make recommendations concerning the programs and expenditures for promotion of conventions and tourism. ~~Such~~ *If the governing body decides to appoint a convention and tourism committee, the* governing body shall appoint ~~ten (10)~~ 10 members to such committee, a majority of which shall be representatives of businesses coming within the terms of this act. In appointing such members, the governing body shall attempt to create a representative balance of large and small businesses and businesses from the various geographic areas of such city or county. The governing body shall provide, by resolution, for the ~~appointments and terms of service not to~~ *method of appointment and the length of term of members. The length of term shall not exceed four (4) years for* ~~such members.~~ The governing body ~~adopting~~ *levying* such tax shall have the authority to contract for convention and tourism programs to be implemented.

Sec. 2. K.S.A. 12-16,101 is hereby amended to read as follows: 12-16,101. The governing body of any city or county which levies a transient guest tax pursuant to this act ~~shall~~ *may* establish a convention and tourism committee to make recommendations concerning the programs and expenditures for promotion of conventions and tourism. ~~Such~~ *If the governing body decides to appoint a convention and tourism committee, the* board of county commissioners or city governing body shall appoint ~~ten (10)~~ 10 members to such committee, a majority of which shall be representatives of businesses coming within the terms of this act. In appointing such members, the board of county commissioners or city governing body shall attempt to create a representative balance of large and small businesses and businesses from the various geographic areas of such county. The board of county commissioners or city governing body shall provide, by resolution, for the ~~appointments and terms of service~~ *method of appointment and the length of the term of members. The length of term shall not to exceed four (4) years for such members.* The board of county commissioners or city governing body ~~adopting~~ *levying* such tax shall have the authority to contract for convention and tourism programs to be implemented.

New Sec. 3. Prior to July 1, 2002, all municipalities in the state of Kansas shall refrain from enacting or enforcing any franchise or right-of-way ordinances or agreements pursuant to chapters 12 and 17 of the Kansas Statutes Annotated, home rule powers, or any other authority, that substantially modify the relationship between telecommunications providers and municipalities as those relationships existed on January 1, 2001, except that municipalities may reach franchise or right-of-way ordinances or agreements with new telecommunications providers on terms and conditions consistent with the original provisions of ordinances or agreements between municipalities and other telecommunications providers in existence prior to December 31, 2000. Subsequent to the effective date of this act, representatives of municipalities and telecommunications providers shall confer and shall provide to the joint committee on economic development at least three progress reports of their discussions prior to December 31, 2001.

Sec. 4. K.S.A. 12-1695 and 12-16,101 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE concurred in
SENATE amendments _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.