

SESSION OF 2006

SUPPLEMENTAL NOTE ON SENATE BILL NO. 575

As Amended by Senate Committee on
Federal and State Affairs

Brief*

SB 575, as amended, would create the Topeka/Shawnee County Riverfront Authority Act.

The bill would create the Topeka/Shawnee County Riverfront Authority which would consist of a six-member governing and administrative Riverfront Board whose members are Kansas residents, non-elected officials, and serve a three-year term. Three members would be appointed by the Mayor of Topeka, with approval of the Topeka City Council, and three would be appointed by the Shawnee County Commission. Members would be reimbursed expenses for performance of their duties.

The purpose of the Authority would be to promote the general welfare and encourage capitol investment by fostering the creation of recreational, retail, entertainment, economic development and housing within the riverfront of the metropolitan area of the City of Topeka. The Authority would engage in planning, designing, acquiring, constructing, owning, operating and maintaining, for public use, a riverfront system.

The Authority would have the power to acquire by purchase, lease, gift, real property or rights in property, but would not have the power to acquire property by eminent domain. The Authority would be authorized to acquire riparian rights, dams and docks, recreational equipment, and public improvements and, in addition, could execute agreements, leases, and equipment trust certificates. Operating capital would have to be generated solely from income or revenue derived by the Riverfront Authority and from grants. In addition, the Authority would have the authority to apply for, and accept, grants from the federal, state or local government or any agency and from any other public or private entity.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The Authority would have the authority to invest any funds held in reserve or sinking funds or in bonds or certificates. Also, the Authority would have the power to procure and enter into insurance contracts and indemnity against loss or damage to property.

The Riverfront Board would be required to take action by resolution and the resolution would have to be approved by the Chairperson of the Board. All resolutions and proceedings would be open to the public. The Board may appoint a general manager who would manage the properties and business of the Authority and would direct the enforcement of rules and regulations, created by the Board, necessary to govern the operation of the riverfront and its property and facilities.

The Board would be required to establish a fiscal operating year and approve annual budgets. In addition, the Board would be required to prepare and print a detailed report and financial statement of its operation and of its assets and liabilities. The reports would have to be available to the public and copies would have to be filed with the City and County clerks. The Board would be required to withdraw, from the gross receipts of the Authority, moneys to be deposited in a Damage Reserve Fund to pay for expenses and costs arising from the adjustment, defense, and satisfaction of all suits, claims, demands, rights and causes of action and payment of all judgements against the Authority. The Authority would be a municipality as defined by the Torts Claim Act and entitled to avail itself of the protections afforded by the Act.

Background

Conferees who testified in support of the bill were: the Mayor of Topeka; the Assistant City of Topeka Attorney; the Acting Manager of the City of Topeka; and the Vice President of Governmental Relations, Greater Topeka Chamber of Commerce.

The Committee amended the bill to prohibit the Authority from having the power to take property by eminent domain. In addition, the Committee provided that the Authority would be able to apply for, and accept grants from state or local governments, or any agency or from any public or private entity.

The fiscal note indicates that expenses for the operation of the Authority would not come from state revenues.