

SESSION OF 2007

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 321**

As Amended by House Committee on  
Elections and Governmental Organization

**Brief\***

SB 321, as amended, would create the Fort Scott/Bourbon County Riverfront Authority Act.

The bill would create the Fort Scott/Bourbon County Riverfront Authority which would consist of a six-member governing and administrative Riverfront Board whose members are Kansas residents, are non-elected officials, and serve a three-year term. Three members would be appointed by the Mayor of Fort Scott, with approval of the Fort Scott City Council, and three would be appointed by the Bourbon 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 capital investment by fostering the creation of recreational, retail, entertainment, economic development and housing within the riverfront of the metropolitan area of the City of Fort Scott. 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 purchase equipment and recreational equipment, make public improvements, construct dams and docks, and execute agreements, leases, and equipment trust certificates.

---

\*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>

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.

The Authority would have the power 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. The Authority may sue and be sued in its corporate name.

## **Background**

Conferees who testified in support of the bill were Senator Barone, and representatives of the City of Fort Scott and Bourbon County. No opponents testified on the bill.

The Senate Committee on Federal and State Affairs amended the bill to expand the definition of the metropolitan area to include “within five miles from the corporate limits along the Marmaton River.” The Committee also amended the bill to allow the Authority to sue and be sued in its corporate name.

The House Committee on Elections and Governmental Organization adopted an amendment to clarify the Authority’s powers.

The fiscal note on the original bill indicates that expenses for the operation of the Authority would make use of federal, state, and private grant funds which would finance the Authority.