

Union Calendar No. 442

103^D CONGRESS
2^D SESSION

H. R. 4896

[Report No. 103-774]

A BILL

To grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

OCTOBER 3, 1994

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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To grant the consent of the Congress to the Kansas and Missouri
Metropolitan Culture District Compact.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 1994

Mr. WHEAT (for himself and Mrs. MEYERS of Kansas) introduced the
following bill; which was referred to the Committee on the Judiciary

OCTOBER 3, 1994

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To grant the consent of the Congress to the Kansas and
Missouri Metropolitan Culture District Compact.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CONSENT TO COMPACT.**

4 The Congress consents to the Kansas and Missouri
5 Metropolitan Culture District Compact entered into be-

1 tween the State of Kansas and the State of Missouri. The
2 compact reads substantially as follows:

3 “KANSAS AND MISSOURI METROPOLITAN
4 CULTURE DISTRICT COMPACT

5 “ARTICLE I. AGREEMENT AND PLEDGE

6 “The states of Kansas and Missouri agree to and
7 pledge, each to the other, faithful cooperation in the future
8 planning and development of the metropolitan culture dis-
9 trict, holding in high trust for the benefit of this people
10 and of the nation, the special blessings and natural advan-
11 tages thereof.

12 “ARTICLE II. POLICY AND PURPOSE

13 “The party states, desiring by common action to fully
14 utilize and improve their cultural facilities, coordinate the
15 services of their cultural organizations, enhance the cul-
16 tural activities of their citizens, and achieve solid financial
17 support for such cultural facilities, organizations and ac-
18 tivities, declare that it is the policy of each state to realize
19 such desires on a basis of cooperation with one another,
20 thereby serving the best interests of their citizenry and
21 effecting economies in capital expenditures and oper-
22 ational costs. The purpose of this compact is to provide
23 for the creation of a metropolitan culture district as the
24 means to implementation of the policy herein declared

1 with the most beneficial and economical use of human and
2 material resources.

3 “ARTICLE III. DEFINITIONS

4 “As used in this compact, unless the context clearly
5 requires otherwise:

6 “(a) ‘Metropolitan culture district’ means a political
7 subdivision of the states of Kansas and Missouri which
8 is created under and pursuant to the provisions of this
9 compact and which is composed of the counties in the
10 states of Kansas and Missouri which act to create or to
11 become a part of the district in accordance with the provi-
12 sions of Article IV.

13 “(b) ‘Commission’ means the governing body of the
14 metropolitan culture district.

15 “(c) ‘Cultural activities’ means activities which con-
16 tribute to or enhance the aesthetic, artistic, historical, in-
17 tellectual or social development or appreciation of mem-
18 bers of the general public.

19 “(d) ‘Cultural organizations’ means nonprofit and tax
20 exempt social, civic or community organizations and asso-
21 ciations which are dedicated to the development, provision,
22 operation, supervision, promotion or support of cultural
23 activities in which members of the general public may en-
24 gage or participate.

1 “(e) ‘Cultural facilities’ means facilities operated or
2 used for participation or engagement in cultural activities
3 by members of the general public.

4 “ARTICLE IV. THE DISTRICT

5 “(a) The counties in Kansas and Missouri eligible to
6 create and initially compose the metropolitan culture dis-
7 trict shall be those counties which meet one or more of
8 the following criteria:

9 “(1) The county has a population in excess of
10 300,000, and is adjacent to the state line;

11 “(2) The county contains a part of a city with
12 a population according to the most recent federal
13 census of at least 400,000; or

14 “(3) The county is contiguous to any county de-
15 scribed in provisions (1) or (2) of this subpart (a).
16 The counties of Johnson in Kansas and Jackson in
17 Missouri shall be sine qua non to the creation and
18 initial composition of the district. Additional coun-
19 ties in Kansas and Missouri shall be eligible to be-
20 come a part of the metropolitan culture district if
21 such counties are contiguous to any one or more of
22 the counties which compose the district and within
23 60 miles of the counties that are required by this ar-
24 ticle to establish the district;

1 “(b)(1) Whenever the governing body of any county
2 which is eligible to create or become a part of the metro-
3 politan culture district shall determine that creation of or
4 participation in the district is in the best interests of the
5 citizens of the county and that the levy of a tax to provide
6 on a cooperative basis with another county or other coun-
7 ties for financial support of the district would be economi-
8 cally practical and cost beneficial to the citizens of the
9 county, the governing body may adopt by majority vote
10 a resolution authorizing the same.

11 “(2) Wherever a petition, signed by not less than the
12 number of qualified electors of an eligible county equal to
13 5% of the number of ballots cast and counted at the last
14 preceding gubernatorial election held in the county and re-
15 questing adoption of a resolution authorizing creation of
16 or participation in the metropolitan culture district and
17 the levy of a tax for the purpose of contributing to the
18 financial support of the district, is filed with the governing
19 body of the county, the governing body shall adopt such
20 a resolution.

21 “(3) Implementation of a resolution adopted under
22 this subpart (b) shall be conditioned upon approval of the
23 resolution by a majority of the qualified electors of the
24 county voting at an election conducted for such purpose.

1 “(c)(1) Upon adoption of a resolution pursuant to
2 subpart (b)(1) or subpart (b)(2), the governing body of
3 the county shall request, within 36 months after adoption
4 of the resolution, the county election officer to submit to
5 the qualified electors of the county the question of whether
6 the governing body shall be authorized to implement the
7 resolution. The resolution shall be printed on the ballot
8 and in the notice of election. The question shall be submit-
9 ted to the electors of the county at the primary or general
10 election next following the date of the request filed with
11 the county election officer. If a majority of the qualified
12 electors are opposed to implementation of the resolution
13 authorizing creation of, or participation in, the district
14 and the levy of a tax for financial support thereof, the
15 same shall not be implemented. The governing body of the
16 county may review procedures for authorization to create
17 or become a part of the district and to levy a tax for finan-
18 cial support thereof at any time following rejection of the
19 question.

20 “(2) The ballot for the proposition in any county shall
21 be in substantially the following form:

22 “Shall a retail sales tax of _____ (insert
23 amount, not to exceed $\frac{1}{4}$ cent) be levied and collected in
24 Kansas and Missouri metropolitan culture district consist-
25 ing of the county(ies) of _____ (insert name of

1 counties) for the support of cultural facilities and organi-
2 zations within the district?

3

YES

NO

4 The governing body of the county may place additional
5 language on the ballot to describe the use or allocation
6 of the funds.

7 “(d)(1) the metropolitan culture district shall be cre-
8 ated when implementation of a resolution authorizing the
9 creation of the district and the levy of a tax for contribu-
10 tion to the financial support thereof is approved by respec-
11 tive majorities of the qualified electors of at least Johnson
12 County, Kansas, and Jackson County, Missouri.

13 “(2) When implementation of a resolution authoriz-
14 ing participation in the metropolitan culture district and
15 the levy of a tax for contribution to the financial support
16 thereof is approved by a majority of the qualified electors
17 of any county eligible to become a part of the district, the
18 governing body of the county shall proceed with the per-
19 formance of all things necessary and incidental to partici-
20 pation in the district.

21 “(e) Any of the counties composing the metropolitan
22 culture district may withdraw from the district by adop-
23 tion of a resolution and approval of the resolution by a
24 majority of the qualified electors of the county, all in the
25 same manner provided in this Article IV for creating or
26 becoming a part of the metropolitan culture district. The

1 governing body of a withdrawing county shall provide for
2 the sending of formal written notice of withdrawal from
3 the district to the governing body of the other county or
4 each of the other counties comprising the district. Actual
5 withdrawal shall not take effect until 90 days after notice
6 has been sent. A withdrawing county shall not be relieved
7 from any obligation which such county may have assumed
8 or incurred by reason of being a part of the district, in-
9 cluding, but not limited to, the retirement of any outstand-
10 ing bonded indebtedness of the district.

11 “ARTICLE V. THE COMMISSION

12 “(a) The metropolitan culture district shall be gov-
13 erned by the metropolitan culture commission which shall
14 be a body corporate and politic and which shall be com-
15 posed of resident electors of the states of Kansas and Mis-
16 souri, respectively, as follows:

17 “(1) A member of the governing body of each
18 county which is a part of the district, who shall be
19 appointed by majority vote of such governing body;

20 “(2) A member of the governing body of each
21 city, with a population according to the most recent
22 federal census of at least 50,000, located in whole or
23 in part within each county which is a part of the dis-
24 trict, who shall be appointed by majority vote of
25 such governing body;

1 “(3) A member of the arts commission of Kan-
2 sas or the Kansas commission for the humanities,
3 who shall be appointed by the governor of Kansas;
4 and

5 “(4) A member of the arts commission of Mis-
6 souri or the Missouri humanities council, who shall
7 be appointed by the governor of Missouri.

8 To the extent possible, the gubernatorial appointees to the
9 commission shall be residents of the district. The term of
10 each commissioner initially appointed by a county govern-
11 ing body shall expire concurrently with such commis-
12 sioner’s tenure as a county officer or three years after the
13 date of appointment as a commissioner, whichever occurs
14 sooner. The term of each commissioner succeeding a com-
15 missioner initially appointed by a county governing body
16 shall expire concurrently with such successor commis-
17 sioner’s tenure as a county officer or four years after the
18 date of appointment as a commissioner, whichever occurs
19 sooner. The term of each commissioner initially appointed
20 by a city governing body shall expire concurrently with
21 such commissioner’s tenure as a city officer or two years
22 after the date of appointment as a commissioner, which-
23 ever occurs sooner. The term of each commissioner suc-
24 ceeding a commissioner initially appointed by a city gov-
25 erning body shall expire concurrently with such successor

1 commissioner's tenure as a city officer or four years after
2 the date of appointment as a commissioner, whichever oc-
3 curs sooner. The term of each commissioner appointed by
4 the governor of Kansas or the governor of Missouri shall
5 expire concurrently with the term of the appointing gov-
6 ernor, the commissioner's tenure as a state officer, or four
7 years after the date of appointment as a commissioner of
8 the district, whichever occurs sooner. Any vacancy occur-
9 ring in a commissioner position for reasons other than ex-
10 piration of terms of office shall be filled for the unexpired
11 term by appointment in the same manner that the original
12 appointment was made. Any commissioner may be re-
13 moved for cause by the appointing authority of the com-
14 missioner.

15 “(b) The commission shall select annually, from its
16 membership, a chairperson, a vice chairperson, and a
17 treasurer. The treasurer shall be bonded in such amounts
18 as the commission may require.

19 “(c) The commission may appoint such officers,
20 agents and employees as it may require for the perform-
21 ance of its duties, and shall determine the qualifications
22 and duties and fix the compensation of such officers,
23 agents and employees.

24 “(d) The commission shall fix the time and place at
25 which its meetings shall be held. Meetings shall be held

1 within the district and shall be open to the public. Public
2 notice shall be given of all meetings.

3 “(e) A majority of the commissioners from each state
4 shall constitute, in the aggregate, a quorum for the trans-
5 action of business. No action of the commission shall be
6 binding unless taken at a meeting at which at least a
7 quorum is present, and unless a majority of the commis-
8 sioners from each state, present at such meeting, shall
9 vote in favor thereof. No action of the commission taken
10 at a meeting thereof shall be binding unless the subject
11 of such action is included in a written agenda for such
12 meeting, the agenda and notice of meeting having been
13 mailed to each commissioner by postage paid first-class
14 mail at least 14 calendar days prior to the meeting.

15 “(f) The commissioners from each state shall be sub-
16 ject to the provisions of the laws of the states of Kansas
17 and Missouri, respectively, which relate to conflicts of in-
18 terest of public officers and employees. If any commis-
19 sioner has a direct or indirect financial interest in any cul-
20 tural facility, organization or activity supported by the dis-
21 trict or commission or in any other business transaction
22 of the district or commission, the commissioner shall dis-
23 close such interest in writing to the other commissioners
24 and shall abstain from voting on any matter relating to

1 such facility, organization or activity or to such business
2 transaction.

3 “(g) If any action at law or equity, or other legal pro-
4 ceeding, shall be brought against any commissioner for
5 any act or omission arising out of the performance of du-
6 ties as a commissioner, the commissioner shall be indem-
7 nified in whole and held harmless by the commission for
8 any judgment or decree entered against the commissioner
9 and, further, shall be defended at the cost and expense
10 of the commission in any such proceeding.

11 “ARTICLE VI. POWERS AND DUTIES OF THE
12 COMMISSION

13 “(a) The commission shall adopt a seal and suitable
14 bylaws governing its management and procedure.

15 “(b) The commission has the power to contract and
16 to be contracted with, and to sue and to be sued.

17 “(c) The commission may receive for any of its pur-
18 poses and functions any contributions or moneys appro-
19 priated by counties or cities and may solicit and receive
20 any and all donations, and grants of money, equipment,
21 supplies, materials and services from any state or the
22 United States or any agency thereof, or from any institu-
23 tion, foundation, organization, person, firm or corporation,
24 and may utilize and dispose of the same.

1 “(d) Upon receipt of recommendations from the advi-
2 sory committee provided in subsection (g), the commission
3 may provide donations, contributions and grants or other
4 support, financial or otherwise, or in aid of cultural orga-
5 nizations, facilities or activities in counties which are part
6 of the district. In determining whether to provide any such
7 support the commission shall consider the following fac-
8 tors:

9 “(1) economic impact upon the district;

10 “(2) cultural benefit to citizens of the district
11 and to the general public;

12 “(3) contribution to the quality of life and pop-
13 ular image of the district;

14 “(4) contribution to the geographical balance of
15 cultural facilities and activities within and outside
16 the district;

17 “(5) the breadth of popular appeal within and
18 outside the district;

19 “(6) the needs of the community as identified
20 in an objective cultural needs assessment study of
21 the metropolitan area; and

22 “(7) any other factor deemed appropriate by
23 the commission.

24 “(e) The commission may own and acquire by gift,
25 purchase, lease or devise cultural facilities within the terri-

1 tory of the district. The commission may plan, construct,
2 operate and maintain and contract for the operation and
3 maintenance of cultural facilities within the territory of
4 the district. The commission may sell, lease, or otherwise
5 dispose of cultural facilities within the territory of the
6 district.

7 “(f) At any time following five years from and after
8 the creation of the metropolitan cultural district as pro-
9 vided in paragraph (1) of subsection (d) of article IV, the
10 commission may borrow moneys for the planning, con-
11 struction, equipping, operation, maintenance, repair, ex-
12 tension, expansion, or improvement of any cultural facility
13 and, in that regard, the commission at such time may:

14 “(1) issue notes, bonds or other instruments in
15 writing of the commission in evidence of the sum or
16 sums to be borrowed. No notes, bonds or other in-
17 struments in writing shall be issued pursuant to this
18 subsection until the issuance of such notes, bonds or
19 instruments has been submitted to and approved by
20 a majority of the qualified electors of the district
21 voting at an election called and held thereon. Such
22 election shall be called and held in the manner pro-
23 vided by law;

24 “(2) issue refunding notes, bonds or other in-
25 struments in writing for the purpose of refunding,

1 extending or unifying the whole or any part of its
2 outstanding indebtedness from time to time whether
3 evidenced by notes, bonds or other instruments in
4 writing. Such refunding notes, bonds or other instru-
5 ments in writing shall not exceed in amount the
6 principal of the outstanding indebtedness to be re-
7 funded and the accrued interest thereon to the date
8 of such refunding;

9 “(3) provide that all notes, bonds and other in-
10 struments in writing issued hereunder shall or may
11 be payable, both as to principal and interest, from
12 sales tax revenues authorized under this compact
13 and disbursed to the district by counties comprising
14 the district, admissions and other revenues collected
15 from the use of any cultural facility or facilities con-
16 structed hereunder, or from any other resources of
17 the commission, and further may be secured by a
18 mortgage or deed of trust upon any property inter-
19 est of the commission; and

20 “(4) prescribe the details of all notes, bonds or
21 other instruments in writing, and of the issuance
22 and sale thereof. The commission shall have the
23 power to enter into covenants with the holders of
24 such notes, bonds or other instruments in writing,

1 not inconsistent with the powers granted herein,
2 without further legislative authority.

3 “(g) The commission shall appoint an advisory com-
4 mittee composed of members of the general public consist-
5 ing of an equal number of persons from both the states
6 of Kansas and Missouri who have demonstrated interest,
7 expertise, knowledge or experience in cultural organiza-
8 tions or activities. The advisory committee shall make rec-
9 ommendations annually to the commission regarding do-
10 nations, contributions and grants or other support, finan-
11 cial or otherwise, for or in aid of cultural organizations,
12 facilities and activities in counties which are part of the
13 district.

14 “(h) The commission may provide for actual and nec-
15 essary expenses of commissioners and advisory committee
16 members incurred in the performance of their official du-
17 ties.

18 “(i) The commission shall cause to be prepared annu-
19 ally a report on the operations and transactions conducted
20 by the commission during the preceding year. The report
21 shall be submitted to the legislatures and governors of the
22 compacting states, to the governing bodies of the counties
23 comprising the district, and to the governing body of each
24 city that appoints a commissioner. The commission shall

1 publish the annual report in the official county newspaper
2 of each of the counties comprising the district.

3 “(j) The commission has the power to apply to the
4 congress of the United States for its consent and approval
5 of the compact. In the absence of the consent of congress
6 and until consent is secured, the compact is binding upon
7 the states of Kansas and Missouri in all respects permitted
8 by law for the two states, without the consent of congress,
9 for the purposes enumerated and in the manner provided
10 in the compact.

11 “(k) The commission has the power to perform all
12 other necessary and incidental functions and duties and
13 to exercise all other necessary and appropriate powers not
14 inconsistent with the constitution or laws of the United
15 States or of either of the states of Kansas or Missouri
16 to effectuate the same.

17 “ARTICLE VII. FINANCE

18 “(a) The moneys necessary to finance the operation
19 of the metropolitan culture district and the execution of
20 the powers, duties and responsibilities of the commission
21 shall be appropriated to the commission by the counties
22 comprising the district. The moneys to be appropriated to
23 the commission shall be raised by the governing bodies of
24 the respective counties by the levy of taxes as authorized
25 by the legislatures of the respective party states.

1 “(b) The commission shall not incur any indebtedness
2 or obligation of any kind; nor shall the commission pledge
3 the credit of either or any of the counties comprising the
4 district or either of the states party to this compact, ex-
5 cept as authorized in article VI. The budget of the district
6 shall be prepared, adopted and published as provided by
7 law for other political subdivisions of the party states. No
8 budget shall be adopted by the commission until it has
9 been submitted to and reviewed by the governing bodies
10 of the counties comprising the district and the governing
11 body of each city represented on the commission.

12 “(c) The commission shall keep accurate accounts of
13 all receipts and disbursements. The receipts and disburse-
14 ments of the commission shall be audited yearly by a cer-
15 tified or licensed public accountant and the report of the
16 audit shall be included in and become a part of the annual
17 report of the commission.

18 “(d) The accounts of the commission shall be open
19 at any reasonable time for inspection by duly authorized
20 representatives of the compacting states, the counties
21 comprising the district, the cities that appoint a commis-
22 sioner, and other persons authorized by the commission.

23 “ARTICLE VIII. ENTRY INTO FORCE

24 “(a) This compact shall enter into force and become
25 effective and binding upon the states of Kansas and Mis-

1 souri when it has been entered into law by the legislatures
2 of the respective states.

3 “(b) Amendments to the compact shall become effec-
4 tive upon enactment by the legislatures of the respective
5 states.

6 “ARTICLE IX. TERMINATION

7 “This compact shall continue in force and remain
8 binding upon a party state until its legislature shall have
9 enacted a statute repealing the same and providing for
10 the sending of formal written notice of enactment of such
11 statute to the legislature of the other party state. Upon
12 enactment of such a statute by the legislature of either
13 party state, the sending of notice thereof to the other
14 party state, and payment of any obligations which the
15 metropolitan culture district commission may have in-
16 curred prior to the effective date of such statute, includ-
17 ing, but not limited to, the retirement of any outstanding
18 bonded indebtedness of the district, the agreement of the
19 party states embodied in the compact shall be deemed fully
20 executed, the compact shall be null and void and of no
21 further force or effect, the metropolitan culture district
22 shall be dissolved, and the metropolitan culture district
23 commission shall be abolished.

1 tax locally, but shall utilize the services of the state de-
2 partment of revenue to administer, enforce and collect
3 such tax. The sales tax shall be administered, enforced and
4 collected in the same manner and by the same procedure
5 as other countywide retailers' sales taxes are levied and
6 collected and shall be in addition to any other sales tax
7 authorized by law. Upon receipt of a certified copy of a
8 resolution authorizing the levy of a countywide retailers'
9 sales tax pursuant to this section, the state director of tax-
10 ation shall cause such tax to be collected within and out-
11 side the boundaries of such county at the same time and
12 in the same manner provided for the collection of the state
13 retailers' sales tax. All moneys collected by the director
14 of taxation under the provisions of this section shall be
15 credited to the metropolitan culture district retailers' sales
16 tax fund which fund is hereby established in the state
17 treasury. Any refund due on any countywide retailers'
18 sales tax collected pursuant to this section shall be paid
19 out of the sales tax refund fund and reimbursed by the
20 director of taxation from retailers' sales tax revenue col-
21 lected pursuant to this section. All countywide retailers'
22 sales tax revenue collected within any county pursuant to
23 this section shall be remitted at least quarterly by the
24 state treasurer, on instruction from the director of tax-
25 ation, to the treasurer of such county.

1 “(b) All revenue received by any county treasurer
2 from a countywide retailers’ sales tax imposed pursuant
3 to this section shall be appropriated by the county to the
4 metropolitan culture district commission within 60 days
5 of receipt of the funds by the county for expenditure by
6 the commission pursuant to and in accordance with the
7 provisions of the Kansas and Missouri metropolitan cul-
8 ture district compact. If any such revenue remains upon
9 nullification and voidance of the Kansas and Missouri
10 metropolitan culture district compact, the county treas-
11 urer shall deposit such revenue to the credit of the general
12 fund of the county.

13 “(c) Any countywide retailers’ sales tax imposed pur-
14 suant to this section shall expire upon the date of actual
15 withdrawal of the county from the metropolitan culture
16 district or at any time the Kansas and Missouri metropoli-
17 tan culture district compact becomes null and void and
18 of no further force or effect. If any moneys remain in the
19 metropolitan culture district retailers’ sales tax fund upon
20 nullification and voidance of the Kansas and Missouri
21 metropolitan culture district compact, the state treasurer
22 shall transfer such moneys to the county and city retailers’
23 sales tax fund to be apportioned and remitted at the same
24 time and in the same manner as other countywide retail-
25 ers’ sales tax revenues are apportioned and remitted.’’.

1 **SEC. 2. RESERVATION OF RIGHTS.**

2 The Congress expressly deserves the right to alter,
3 amend, or repeal this Act.

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