

106TH CONGRESS
2D SESSION

H. R. 4700

AN ACT

To grant the consent of the Congress to the Kansas
and Missouri Metropolitan Culture District Com-
pact.

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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,*

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

2 The Congress consents to the Kansas and Missouri
3 Metropolitan Culture District Compact entered into be-
4 tween the State of Kansas and the State of Missouri. The
5 compact reads substantially as follows:

6 “KANSAS AND MISSOURI METROPOLITAN
7 CULTURE DISTRICT COMPACT

8 “ARTICLE I. AGREEMENT AND PLEDGE

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

15 “ARTICLE II. POLICY AND PURPOSE

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

1 means to implementation of the policy herein declared
2 with the most beneficial and economical use of human and
3 material resources.

4 “ARTICLE III. DEFINITIONS

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

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

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

16 “(c) ‘Cultural activities’ means sports or activities
17 which contribute to or enhance the aesthetic, artistic, his-
18 torical, intellectual or social development or appreciation
19 of members of the general public.

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

1 “(e) ‘Cultural facilities’ means facilities operated or
2 used for sports or participation or engagement in cultural
3 activities 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 of counties) for the support of cultural facilities and orga-
 2 nizations 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 author-
 14 izing 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 “(3) Any question for the levy of a tax submitted
 22 after July 1, 2000, may be submitted to the electors of
 23 the county at the primary or general election next fol-
 24 lowing the date of the request filed with the county elec-
 25 tion officer; at a special election called and held as other-
 26 wise provided by law; at an election called and held on

1 the first Tuesday after the first Monday in February, ex-
2 cept in Presidential election years; at an election called
3 and held on the first Tuesday after the first Monday in
4 March, June, August, or November; or at an election
5 called and held on the first Tuesday in April, except that
6 no question for a tax levy may be submitted to the electors
7 prior to January 1, 2002.

8 “(4) No question shall be submitted to the electors
9 authorizing the levy of a tax the proceeds of which will
10 be exclusively dedicated to sports or sports facilities.

11 “(e) Any of the counties composing the metropolitan
12 culture district may withdraw from the district by adop-
13 tion of a resolution and approval of the resolution by a
14 majority of the qualified electors of the county, all in the
15 same manner provided in this Article IV for creating or
16 becoming a part of the metropolitan culture district. The
17 governing body of a withdrawing county shall provide for
18 the sending of formal written notice of withdrawal from
19 the district to the governing body of the other county or
20 each of the other counties comprising the district. Actual
21 withdrawal shall not take effect until 90 days after notice
22 has been sent. A withdrawing county shall not be relieved
23 from any obligation which such county may have assumed
24 or incurred by reason of being a part of the district, in-

1 cluding, but not limited to, the retirement of any out-
2 standing bonded indebtedness of the district.

3 “ARTICLE V. THE COMMISSION

4 “(a) The metropolitan culture district shall be gov-
5 erned by the metropolitan culture commission which shall
6 be a body corporate and politic and which shall be com-
7 posed of resident electors of the states of Kansas and Mis-
8 souri, respectively, as follows:

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

12 “(2) A member of the governing body of each
13 city, with a population according to the most recent
14 federal census of at least 50,000, located in whole or
15 in part within each county which is a part of the dis-
16 trict, who shall be appointed by majority vote of
17 such governing body;

18 “(3) Two members of the governing body of a
19 county with a consolidated or unified county govern-
20 ment and city of the first class which is a part of
21 the district, who shall be appointed by majority vote
22 of such governing body;

23 “(4) A member of the arts commission of Kan-
24 sas or the Kansas commission for the humanities,

1 who shall be appointed by the governor of Kansas;
2 and

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

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

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

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

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

22 “(d) The commission shall fix the time and place at
23 which its meetings shall be held. Meetings shall be held
24 within the district and shall be open to the public. Public
25 notice shall be given of all meetings.

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

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

1 support, financial or otherwise, or in aid of cultural orga-
2 nizations, facilities or activities in counties which are part
3 of the district. In determining whether to provide any such
4 support the commission shall consider the following fac-
5 tors:

6 “(1) economic impact upon the district;

7 “(2) cultural benefit to citizens of the district
8 and to the general public;

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

11 “(4) contribution to the geographical balance of
12 cultural facilities and activities within and outside
13 the district;

14 “(5) the breadth of popular appeal within and
15 outside the district;

16 “(6) the needs of the community as identified
17 in an objective cultural needs assessment study of
18 the metropolitan area; and

19 “(7) any other factor deemed appropriate by
20 the commission.

21 “(e) The commission may own and acquire by gift,
22 purchase, lease or devise cultural facilities within the terri-
23 tory of the district. The commission may plan, construct,
24 operate and maintain and contract for the operation and
25 maintenance of cultural facilities within the territory of

1 the district. The commission may sell, lease, or otherwise
2 dispose of cultural facilities within the territory of the dis-
3 trict.

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

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

21 “(2) issue refunding notes, bonds or other in-
22 struments in writing for the purpose of refunding,
23 extending or unifying the whole or any part of its
24 outstanding indebtedness from time to time whether
25 evidenced by notes, bonds or other instruments in

1 writing. Such refunding notes, bonds or other instru-
2 ments in writing shall not exceed in amount the
3 principal of the outstanding indebtedness to be re-
4 funded and the accrued interest thereon to the date
5 of such refunding;

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

17 “(4) prescribe the details of all notes, bonds or
18 other instruments in writing, and of the issuance
19 and sale thereof. The commission shall have the
20 power to enter into covenants with the holders of
21 such notes, bonds or other instruments in writing,
22 not inconsistent with the powers granted herein,
23 without further legislative authority.

24 “(g) The commission shall appoint an advisory com-
25 mittee composed of members of the general public con-

1 sisting of an equal number of persons from both the states
2 of Kansas and Missouri who have demonstrated interest,
3 expertise, knowledge or experience in cultural organiza-
4 tions or activities. The advisory committee shall make rec-
5 ommendations annually to the commission regarding do-
6 nations, contributions and grants or other support, finan-
7 cial or otherwise, for or in aid of cultural organizations,
8 facilities and activities in counties which are part of the
9 district.

10 “(h) The commission may provide for actual and nec-
11 essary expenses of commissioners and advisory committee
12 members incurred in the performance of their official du-
13 ties.

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

23 “(j) The commission has the power to apply to the
24 congress of the United States for its consent and approval
25 of the compact. In the absence of the consent of congress

1 and until consent is secured, the compact is binding upon
2 the states of Kansas and Missouri in all respects permitted
3 by law for the two states, without the consent of congress,
4 for the purposes enumerated and in the manner provided
5 in the compact.

6 “(k) The commission has the power to perform all
7 other necessary and incidental functions and duties and
8 to exercise all other necessary and appropriate powers not
9 inconsistent with the constitution or laws of the United
10 States or of either of the states of Kansas or Missouri
11 to effectuate the same.

12 “ARTICLE VII. FINANCE

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

21 “(b) The commission shall not incur any indebtedness
22 or obligation of any kind; nor shall the commission pledge
23 the credit of either or any of the counties comprising the
24 district or either of the states party to this compact, ex-
25 cept as authorized in article VI. The budget of the district

1 shall be prepared, adopted and published as provided by
2 law for other political subdivisions of the party states. No
3 budget shall be adopted by the commission until it has
4 been submitted to and reviewed by the governing bodies
5 of the counties comprising the district and the governing
6 body of each city represented on the commission.

7 “(c) The commission shall keep accurate accounts of
8 all receipts and disbursements. The receipts and disburse-
9 ments of the commission shall be audited yearly by a cer-
10 tified or licensed public accountant and the report of the
11 audit shall be included in and become a part of the annual
12 report of the commission.

13 “(d) The accounts of the commission shall be open
14 at any reasonable time for inspection by duly authorized
15 representatives of the compacting states, the counties
16 comprising the district, the cities that appoint a commis-
17 sioner, and other persons authorized by the commission.

18 “ARTICLE VIII. ENTRY INTO FORCE

19 “(a) This compact shall enter into force and become
20 effective and binding upon the states of Kansas and Mis-
21 souri when it has been entered into law by the legislatures
22 of the respective states.

23 “(b) Amendments to the compact shall become effec-
24 tive upon enactment by the legislatures of the respective
25 states.

1 “ARTICLE IX. TERMINATION

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

19 “ARTICLE X. CONSTRUCTION AND
20 SEVERABILITY

21 “The provisions of this compact shall be liberally con-
22 strued and shall be severable. If any phrase, clause, sen-
23 tence or provision of this compact is declared to be con-
24 trary to the constitution of either of the party states or
25 of the United States or the applicability thereof to any

1 government, agency, person or circumstance is held in-
2 valid, the validity of the remainder of this compact and
3 the applicability thereof to any government, agency, per-
4 son or circumstance shall not be affected thereby. If this
5 compact shall be held contrary to the constitution of either
6 of the states party thereto, the compact shall thereby be
7 nullified and voided and of no further force or effect.

8 “(a) The board of county commissioners of any coun-
9 ty which has been authorized by a majority of the electors
10 of the county to create or to become a part of the metro-
11 politan culture district and to levy and collect a tax for
12 the purpose of contributing to the financial support of the
13 district shall adopt a resolution imposing a countywide re-
14 tailers’ sales tax and pledging the revenues received there-
15 from for such purpose. The rate of such tax shall be fixed
16 in an amount of not more than .25%. Any county levying
17 a retailers’ sales tax under authority of this section is
18 hereby prohibited from administering or collecting such
19 tax locally, but shall utilize the services of the state de-
20 partment of revenue to administer, enforce and collect
21 such tax. The sales tax shall be administered, enforced and
22 collected in the same manner and by the same procedure
23 as other countywide retailers’ sales taxes are levied and
24 collected and shall be in addition to any other sales tax
25 authorized by law. Upon receipt of a certified copy of a

1 resolution authorizing the levy of a countywide retailers’
2 sales tax pursuant to this section, the state director of tax-
3 ation shall cause such tax to be collected within and out-
4 side the boundaries of such county at the same time and
5 in the same manner provided for the collection of the state
6 retailers’ sales tax. All moneys collected by the director
7 of taxation under the provisions of this section shall be
8 credited to the metropolitan culture district retailers’ sales
9 tax fund which fund is hereby established in the state
10 treasury. Any refund due on any countywide retailers’
11 sales tax collected pursuant to this section shall be paid
12 out of the sales tax refund fund and reimbursed by the
13 director of taxation from retailers’ sales tax revenue col-
14 lected pursuant to this section. All countywide retailers’
15 sales tax revenue collected within any county pursuant to
16 this section shall be remitted at least quarterly by the
17 state treasurer, on instruction from the director of tax-
18 ation, to the treasurer of such county.

19 “(b) All revenue received by any county treasurer
20 from a countywide retailers’ sales tax imposed pursuant
21 to this section shall be appropriated by the county to the
22 metropolitan culture district commission within 60 days
23 of receipt of the funds by the county for expenditure by
24 the commission pursuant to and in accordance with the
25 provisions of the Kansas and Missouri metropolitan cul-

1 ture district compact. If any such revenue remains upon
2 nullification and avoidance of the Kansas and Missouri
3 metropolitan culture district compact, the county treas-
4 urer shall deposit such revenue to the credit of the general
5 fund of the county.

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

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

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

Passed the House of Representatives July 24, 2000.

Attest:

Clerk.