

{As Amended by House Committee of the Whole}

Session of 2021

House Substitute for SENATE BILL No. 124

By Committee on Commerce, Labor and Economic Development

3-26

1 AN ACT concerning STAR bonds; prohibiting public officials from
2 benefiting from STAR bond projects; relating to the financing of STAR
3 bond projects and rural redevelopment projects; eligible areas; public
4 notice of hearings on city or county website; posting of documents and
5 link to department of commerce database; disclosure of names of
6 developer; major business facility; real estate transfers; plan for
7 tracking the number of visitors; feasibility study requirements;
8 disclosure of state, federal and local tax incentives within STAR bond
9 district; capital investment and annual sales requirements; STAR bond
10 districts; contiguity; project costs; sunset date; amending K.S.A. 2020
11 Supp. 12-17,162, 12-17,165, 12-17,166, 12-17,169, 12-17,171 and 12-
12 17,179 and repealing the existing sections.

13

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

15 New Section 1. (a) No state or local government official shall be
16 employed by a STAR bond project developer or manager.

17 (b) For the purposes of this section:

18 (1) "Employed" means direct employment or work as an independent
19 contractor for the project developer or manager.

20 (2) "State or local government official" means a member of the
21 legislature, an appointed or elected official or officer of any state agency,
22 office, board, commission, authority or institution and an appointed or
23 elected official, officer or member of the government authority of any
24 government subdivision, including any city, county, township, school
25 district, special district, board or commission.

26 (c) This section shall be a part of and supplemental to the STAR
27 bonds financing act.

28 Sec. 2. K.S.A. 2020 Supp. 12-17,162 is hereby amended to read as
29 follows: 12-17,162. As used in the STAR ~~bond~~ bonds financing act, ~~the~~
30 ~~following words and phrases shall have the following meanings unless a~~
31 different meaning clearly appears from the context:

32 (a) "Auto race track facility" means: (1) An auto race track facility
33 and facilities directly related and necessary to the operation of an auto race
34 track facility, including, but not limited to, grandstands, suites and viewing
35 areas, concessions, souvenir facilities, catering facilities, visitor and retail
36 centers, signage and temporary hospitality facilities, but excluding (2)

1 hotels, motels, restaurants and retail facilities, not directly related to or
2 necessary to the operation of such facility.

3 (b) "Commence work" means the manifest commencement of actual
4 operations on the development site, such as, erecting a building,
5 excavating the ground to lay a foundation or a basement or work of like
6 description ~~which a person with reasonable diligence can see and~~
7 ~~recognize as being done~~ according to an approved plan of construction,
8 with the intention and purpose to continue work until the project is
9 completed.

10 (c) "De-minimus minimis" means an amount less than 15% of the
11 land area within a STAR bond project district.

12 (d) "Developer" means any person, firm, corporation, partnership or
13 limited liability company other than a city and other than an agency,
14 political subdivision or instrumentality of the state. "Developer" includes
15 the names of the owners, partners, officers or principals of the developer
16 for purposes of inclusion of the name of the developer into any
17 application, document or report pursuant to this act if such application,
18 document or report is a public record.

19 (e) "Economic impact study" means a study to project the financial
20 benefit of the project to the local, regional and state economies.

21 (f) "Eligible area" means a historic theater, major tourism area, major
22 motorsports complex, auto race track facility, river walk canal facility,
23 major multi-sport athletic complex, major business facility or a major
24 commercial entertainment and tourism area as determined by the secretary.

25 (g) "Feasibility study" means a feasibility study as defined in K.S.A.
26 2020 Supp. 12-17,166(b), and amendments thereto.

27 (h) "Historic theater" means a building constructed prior to 1940
28 ~~which~~ that was constructed for the purpose of staging entertainment,
29 including motion pictures, vaudeville shows or operas, that is operated by
30 a nonprofit corporation and is designated by the state historic preservation
31 officer as eligible to be on the Kansas register of historic places or is a
32 member of the Kansas historic theatre association.

33 (i) "Historic theater sales tax increment" means the amount of state
34 and local sales tax revenue imposed pursuant to K.S.A. 12-187 et seq., 79-
35 3601 et seq. and 79-3701 et seq., and amendments thereto, collected from
36 taxpayers doing business within the historic theater that is in excess of the
37 amount of such taxes collected prior to the designation of the building as a
38 historic theater for purposes of this act.

39 (j) "Major business facility" means a significant business
40 headquarters or office building development designed to draw a
41 substantial number of new visitors to Kansas and that has agreed to
42 provide visitor tracking data to the secretary as requested by the secretary,
43 including, but not limited to, residence zip code information, to be

1 *provided or held by the secretary without personally identifiable*
2 *information. A major business facility shall meet sales tax increment*
3 *revenue requirements that shall be established by the secretary*
4 *independent of any associated retail businesses located in the STAR bond*
5 *project district pursuant to the STAR bond project plan.*

6 (k) "Major commercial entertainment and tourism area" means an
7 area that may include, but not be limited to, a major multi-sport athletic
8 complex.

9 ~~(l)~~ "Major motorsports complex" means a complex in Shawnee
10 county that is utilized for the hosting of competitions involving motor
11 vehicles, including, but not limited to, automobiles, motorcycles or other
12 self-propelled vehicles other than a motorized bicycle or motorized
13 wheelchair. Such project may include racetracks, all facilities directly
14 related and necessary to the operation of a motorsports complex,
15 including, but not limited to, parking lots, grandstands, suites and viewing
16 areas, concessions, souvenir facilities, catering facilities, visitor and retail
17 centers, signage and temporary hospitality facilities, but excluding hotels,
18 motels, restaurants and retail facilities not directly related to or necessary
19 to the operation of such facility.

20 ~~(m)~~ "Major tourism area" means an area for which the secretary has
21 made a finding the capital improvements costing not less than
22 \$100,000,000 will be built in the state to construct an auto race track
23 facility.

24 ~~(n)~~ "Major multi-sport athletic complex" means an athletic
25 complex that is utilized for the training of athletes, the practice of athletic
26 teams, the playing of athletic games or the hosting of events. Such project
27 may include playing fields, parking lots and other developments including
28 grandstands, suites and viewing areas, concessions, souvenir facilities,
29 catering facilities, visitor centers, signage and temporary hospitality
30 facilities, but excluding hotels, motels, restaurants and retail facilities, not
31 directly related to or necessary to the operation of such facility.

32 ~~(o)~~ "Market study" means a study to determine the ability of the
33 project to gain market share locally, regionally and nationally and the
34 ability of the project to gain sufficient market share to:

- 35 (1) Remain profitable past the term of repayment; and
- 36 (2) maintain status as a significant factor for travel decisions.

37 ~~(p)~~ "Market impact study" means a study to measure the impact of
38 the proposed project on similar businesses in the project's market area.

39 ~~(q)~~ "Museum facility" means a separate newly-constructed
40 museum building and facilities directly related and necessary to the
41 operation thereof, including gift shops and restaurant facilities, but
42 excluding hotels, motels, restaurants and retail facilities not directly related
43 to or necessary to the operation of such facility. The museum facility shall

1 be owned by the state, a city, county, other political subdivision of the state
2 or a non-profit corporation, shall be managed by the state, a city, county,
3 other political subdivision of the state or a non-profit corporation and may
4 not be leased to any developer and shall not be located within any retail or
5 commercial building.

6 ~~(q)~~(r) "Project" means a STAR bond project.

7 ~~(t)~~(s) "Project costs" means those costs necessary to implement a
8 STAR bond project plan, including costs incurred for:

9 (1) Acquisition of real property within the STAR bond project area;

10 (2) payment of relocation assistance pursuant to a relocation
11 assistance plan as provided in K.S.A. 2020 Supp. 12-17,173, and
12 amendments thereto;

13 (3) site preparation including utility relocations;

14 (4) sanitary and storm sewers and lift stations;

15 (5) drainage conduits, channels, levees and river walk canal facilities;

16 (6) street grading, paving, graveling, macadamizing, curbing,
17 guttering and surfacing;

18 (7) street light fixtures, connection and facilities;

19 (8) underground gas, water, heating and electrical services and
20 connections located within the public right-of-way;

21 (9) sidewalks and pedestrian underpasses or overpasses;

22 (10) drives and driveway approaches located within the public right-
23 of-way;

24 (11) water mains and extensions;

25 (12) plazas and arcades;

26 (13) parking facilities and multilevel parking structures devoted to
27 parking only;

28 (14) landscaping and plantings, fountains, shelters, benches,
29 sculptures, lighting, decorations and similar amenities;

30 (15) auto race track facility;

31 (16) major multi-sport athletic complex;

32 (17) museum facility;

33 (18) major motorsports complex;

34 (19) *rural redevelopment project, including costs incurred in*
35 *connection with the construction or renovation of buildings or other*
36 *structures;*

37 (20) related expenses to redevelop and finance the project, except that
38 for a STAR bond project financed with special obligation bonds payable
39 from the revenues described in K.S.A. 2020 Supp. 12-17,169(a)(1), and
40 amendments thereto, such expenses shall require prior approval by the
41 secretary of commerce; and

42 ~~(20)~~(21) except as specified in paragraphs (1) through ~~(19)~~ (20)
43 above, "project costs ~~shall~~" *does* not include:

- 1 (A) Costs incurred in connection with the construction of buildings or
2 other structures;
- 3 (B) fees and commissions paid to developers, real estate agents,
4 financial advisors or any other consultants who represent the developers or
5 any other businesses considering locating in or located in a STAR bond
6 project district;
- 7 (C) salaries for local government employees;
- 8 (D) moving expenses for employees of the businesses locating within
9 the STAR bond project district;
- 10 (E) property taxes for businesses that locate in the STAR bond project
11 district;
- 12 (F) lobbying costs;
- 13 (G) any bond origination fee charged by the city or county;
- 14 (H) any personal property as defined in K.S.A. 79-102, and
15 amendments thereto; and
- 16 (I) travel, entertainment and hospitality.
- 17 ~~(s)~~(t) "Projected market area" means any area within the state in
18 which the project is projected to have a substantial fiscal or market impact
19 upon businesses in such area.
- 20 ~~(t)~~(u) "River walk canal facilities" means a canal and related water
21 features which flow through a major commercial entertainment and
22 tourism area and facilities related or contiguous thereto, including, but not
23 limited to, pedestrian walkways and promenades, landscaping and parking
24 facilities.
- 25 (v) "*Rural redevelopment project*" means a project that is in an area
26 outside of a ~~city~~ **{metropolitan area}** with a population of more than
27 50,000, that is of regional importance, with capital investment of at least
28 \$3,000,000 and that will enhance the quality of life in the community and
29 region.
- 30 ~~(u)~~(w) "Sales tax and revenue" are those revenues available to finance
31 the issuance of special obligation bonds as identified in K.S.A. 2020 Supp.
32 12-17,168, and amendments thereto.
- 33 ~~(v)~~(x) "STAR bond" means a sales tax and revenue bond.
- 34 ~~(w)~~(y) "STAR bond project" means an approved project to implement
35 a project plan for the development of the established STAR bond project
36 district ~~with that~~:
- 37 (1) (A) Has at least a ~~\$50,000,000~~ \$75,000,000 capital investment
38 and ~~\$50,000,000~~ \$75,000,000 in projected gross annual sales; or
39 (B) for metropolitan areas with a population of between 50,000 and
40 75,000, has at least a \$40,000,000 capital investment and \$40,000,000 in
41 projected gross annual sales, if the project is deemed of high value by the
42 secretary; or
- 43 (2) for areas outside of metropolitan ~~statistical~~ areas, ~~as defined by~~

1 ~~the federal office of management and budget~~ **{with a population of more**
2 **than 50,000}**, the secretary finds *the project*:

3 (A) ~~The project~~ Is an eligible area as defined in subsection (f), ~~and~~
4 ~~amendments thereto~~; and

5 (B) would be of regional or statewide importance; ~~or~~

6 (3) is a major tourism area as defined in subsection ~~(l)~~, ~~and~~
7 ~~amendments thereto~~ (m); ~~or~~

8 (4) is a major motorsports complex, as defined in subsection ~~(k)~~ (l);
9 *or*

10 (5) *is a rural redevelopment project as defined in subsection (v).*

11 ~~(x)~~(z) "STAR bond project area" means the geographic area within
12 the STAR bond project district in which there may be one or more
13 projects.

14 ~~(y)~~(aa) "STAR bond project district" means the specific area declared
15 to be an eligible area as determined by the secretary in which the city or
16 county may develop one or more STAR bond projects. A "STAR bond
17 project district" includes a redevelopment district, as defined in K.S.A. 12-
18 1770a, and amendments thereto, created prior to the effective date of this
19 act for the Wichita Waterwalk project in Wichita, Kansas, provided, the
20 city creating such redevelopment district submits an application for
21 approval for STAR bond financing to the secretary on or before July 31,
22 2007, and receives a final letter of determination from the secretary
23 approving or disapproving the request for STAR bond financing on or
24 before November 1, 2007. No STAR bond project district shall include
25 real property which has been part of another STAR bond project district
26 unless such STAR bond project and STAR bond project district have been
27 approved by the secretary of commerce pursuant to K.S.A. 2020 Supp. 12-
28 17,164 and 12-17,165, and amendments thereto, prior to March 1, 2016. A
29 STAR bond project district ~~in a metropolitan statistical area, as defined by~~
30 ~~the federal office of management and budget~~ **{with a population of more**
31 **than 50,000}**, shall be *a contiguous parcel of real estate and shall be*
32 *limited to those areas being developed by the STAR bond project and any*
33 *area of real property reasonably anticipated to directly benefit from the*
34 *redemption project.*

35 ~~(z)~~(bb) "STAR bond project district plan" means the preliminary plan
36 that identifies all of the proposed STAR bond project areas and identifies
37 in a general manner all of the buildings, facilities and improvements in
38 each that are proposed to be constructed or improved in each STAR bond
39 project area.

40 ~~(aa)~~(cc) "STAR bond project plan" means the plan adopted by a city
41 or county for the development of a STAR bond project or projects in a
42 STAR bond project district.

43 ~~(bb)~~(dd) "Secretary" means the secretary of commerce.

1 ~~(ee)~~(ee) "Substantial change" means, as applicable, a change wherein
2 the proposed plan or plans differ substantially from the intended purpose
3 for which the STAR bond project district plan was approved.

4 ~~(dd)~~(ff) "Tax increment" means that portion of the revenue derived
5 from state and local sales, use and transient guest tax imposed pursuant to
6 K.S.A. 12-187 et seq., 12-1692 et seq., 79-3601 et seq. and 79-3701 et
7 seq., and amendments thereto, collected from taxpayers doing business
8 within that portion of a STAR bond project district occupied by a project
9 that is in excess of the amount of base year revenue. For purposes of this
10 subsection, the base year shall be the 12-month period immediately prior
11 to the month in which the STAR bond project district is established. The
12 department of revenue shall determine base year revenue by reference to
13 the revenue collected during the base year from taxpayers doing business
14 within the specific area in which a STAR bond project district is
15 subsequently established. The base year of a STAR bond project district,
16 following the addition of area to the STAR bond project district, shall be
17 the base year for the original area, and with respect to the additional area,
18 the base year shall be any 12-month period immediately prior to the month
19 in which additional area is added to the STAR bond project district. For
20 purposes of this subsection, revenue collected from taxpayers doing
21 business within a STAR bond project district, or within a specific area in
22 which a STAR bond project district is subsequently established shall not
23 include local sales and use tax revenue that is sourced to jurisdictions other
24 than those in which the project is located. The secretary of revenue and the
25 secretary of commerce shall certify the appropriate amount of base year
26 revenue for taxpayers relocating from within the state into a STAR bond
27 district.

28 ~~(ee)~~(gg) "Taxpayer" means a person, corporation, limited liability
29 company, S corporation, partnership, registered limited liability
30 partnership, foundation, association, nonprofit entity, sole proprietorship,
31 business trust, group or other entity that is subject to the Kansas income
32 tax act, K.S.A. 79-3201 et seq., and amendments thereto.

33 Sec. 3. K.S.A. 2020 Supp. 12-17,165 is hereby amended to read as
34 follows: 12-17,165. (a) When a city or county proposes to establish a
35 STAR bond project district, within an eligible area, the city or county shall
36 adopt a resolution stating that the city or county is considering the
37 establishment of a STAR bond project district. Such resolution shall:

38 (1) Give notice that a public hearing will be held to consider the
39 establishment of a STAR bond project district and fix the date, hour and
40 place of such public hearing;

41 (2) describe the proposed boundaries of the STAR bond project
42 district;

43 (3) describe the STAR bond project district plan;

1 (4) state that a description and map of the proposed STAR bond
2 project district are available for inspection at a time and place designated;

3 (5) *provide a description of all state, federal and local tax incentives*
4 *that apply or, pursuant to the STAR bond project district plan, are*
5 *anticipated to apply within the STAR bond district or that apply to any*
6 *business located in or, as provided in the public STAR bond project district*
7 *plan or in any other public document, that will locate in the district; and*

8 ~~(5)~~(6) state that the governing body will consider findings necessary
9 for the establishment of a STAR bond project district.

10 Notice shall be given as prescribed in K.S.A. 2020 Supp. 12-17,166(f)
11 (2), and amendments thereto, *and, if the county or city has a website,*
12 *notice shall be conspicuously provided at a prominent location on the first*
13 *page of the website of the county or city. Such notice shall include the*
14 *items described in subsections (a)(2), (a)(3), (a)(4) and (a)(5) and any*
15 *other document or information required to be set forth in the resolution or*
16 *a link to such items.*

17 (b) The city or county shall submit the proposed STAR bond project
18 district to the secretary for a determination that the district is an eligible
19 area as defined in K.S.A. 2020 Supp. 12-17,162, and amendments thereto.

20 (c) Upon the conclusion of the public hearing, and a finding by the
21 secretary that the proposed project district is an eligible area, the
22 governing body of the municipality shall pass an ordinance or resolution.
23 *The ordinance or resolution, including the STAR bond project district*
24 *plan, the legal description of the STAR bond project district and any other*
25 *public documents considered at the public hearing, shall be conspicuously*
26 *posted or linked to a prominent location on the first page of the city or*
27 *county's website, if the city or county has a website.*

28 (1) An ordinance or resolution for a STAR bond project district shall:

29 (A) Make findings that the STAR bond project district proposed to be
30 developed is an historic theater, or a STAR bond project as defined in
31 K.S.A. 2020 Supp. 12-17,162, and amendments thereto;

32 (B) contain a STAR bond project district plan that identifies all of the
33 proposed STAR bond project areas and identifies in a general manner all
34 of the buildings and facilities that are proposed to be constructed or
35 improved in each STAR bond project area. The boundaries of such STAR
36 bond project district shall not include any area not designated in the notice
37 required by subsection (a);

38 (C) *provide a description of all state, federal and local tax incentives*
39 *that apply or, pursuant to the STAR bond project district plan, are*
40 *anticipated to apply within the STAR bond district or that apply to any*
41 *business located in or, as provided in the public STAR bond project district*
42 *plan or in any other public document, that will locate in the district; and*

43 ~~(C)~~(D) contain the legal description of the STAR bond project district

1 and may establish the STAR bond project district.

2 (2) If no ordinance or resolution is passed by the city or county within
3 30 days from the conclusion of the public hearing, then such STAR bond
4 project district shall not be established.

5 (d) The governing body of a city or county may establish a STAR
6 bond project district within that city or such city may establish a district
7 inclusive of land outside the boundaries of the city or wholly outside the
8 boundaries of such city upon written consent of the board of county
9 commissioners. Prior to providing written consent, the board of county
10 commissioners must provide notice and hold a hearing as is required of a
11 city pursuant to subsection (a) for the establishment of a STAR bond
12 project district.

13 The governing body of a county may establish a STAR bond project
14 district within the unincorporated area of the county.

15 (e) One or more STAR bond projects may be undertaken by a city or
16 county within a STAR bond project district after such STAR bond project
17 district has been established in the manner provided by this section.

18 (f) No privately owned property subject to ad valorem taxes shall be
19 acquired and redeveloped under the provisions of K.S.A. 2020 Supp. 12-
20 17,160 et seq., and amendments thereto, if the board of county
21 commissioners or the board of education levying taxes on such property
22 determines by resolution adopted within 30 days following the conclusion
23 of the hearing for the establishment of the STAR bond project district
24 required by subsection (a) that the proposed STAR bond project district
25 will have an adverse effect on such county or school district. The board of
26 county commissioners or board of education shall deliver a copy of such
27 resolution to the city or county. The city or county shall within 30 days of
28 receipt of such resolution pass an ordinance or resolution dissolving the
29 STAR bond project district. The provisions of this subsection shall not
30 apply if the STAR bond project plan provides that ad valorem property tax
31 revenues of the county or the school district levying taxes on such property
32 will not be adversely impacted.

33 (g) A STAR bond project shall not include a project for a gambling
34 casino.

35 (h) No new STAR bond project district may be established from the
36 effective date of this act through July 1, 2018, except that, for STAR bond
37 project districts established prior to the effective date of this act, the
38 foregoing shall not prohibit a city or county from utilizing all provisions of
39 the STAR bonds financing act, including, but not limited to, K.S.A. 2020
40 Supp. 12-17,171, and amendments thereto.

41 Sec. 4. K.S.A. 2020 Supp. 12-17,166 is hereby amended to read as
42 follows: 12-17,166. (a) One or more projects may be undertaken by a city
43 or county within an established STAR bond project district *upon*

1 *submission of the project plan to the secretary of commerce and approval*
2 *by the secretary as provided by K.S.A. 2020 Supp. 12-17,164, and*
3 *amendments thereto. Any city or county proposing to undertake a STAR*
4 *bond project; shall prepare a STAR bond project plan in consultation with*
5 *the planning commission of the city, and in consultation with the planning*
6 *commission of the county, if any, if such project is located wholly outside*
7 *the boundaries of the city. Any such project plan may be implemented in*
8 *separate development stages.*

9 (b) Any city or county proposing to undertake a STAR bond project
10 within a STAR bond project district established pursuant to K.S.A. 2020
11 Supp. 12-17,165, and amendments thereto, shall prepare a feasibility study
12 *to be conducted by one or more consultants selected and approved by the*
13 *secretary, and the costs shall be paid by the developer or the city or*
14 *county. The secretary shall have control and oversight authority over the*
15 *scope, conduct and methodology of the study. The secretary may establish*
16 *a list of preapproved consultants and approved study parameters and*
17 *methods. The feasibility study shall contain the following:*

18 (1) Whether a STAR bond project's revenue and tax increment
19 revenue and other available revenues under K.S.A. 2020 Supp. 12-17,169,
20 and amendments thereto, are expected to exceed or be sufficient to pay for
21 the project costs;

22 (2) the effect, if any, a STAR bond project will have on any
23 outstanding special obligation bonds payable from the revenues described
24 in K.S.A. 2020 Supp. 12-17,169, and amendments thereto;

25 (3) a statement of how the jobs and taxes obtained from the STAR
26 bond project will contribute significantly to the economic development of
27 the state and region;

28 (4) *visitation expectations and a plan describing how the number of*
29 *visitors to the STAR bond project district will be tracked and reported to*
30 *the secretary on an annual basis. Such plan shall include, but not be*
31 *limited to, obtaining and reporting visitor residence zip code data to the*
32 *secretary. All businesses located in the STAR bond district shall provide*
33 *visitor residence data requested by the secretary. Any such data shall be*
34 *provided in an aggregate manner without personally identifiable*
35 *information;*

36 (5) the unique quality of the project;

37 (6) economic impact study, *including the anticipated effect of the*
38 *project on the regional and statewide economies;*

39 (7) market study;

40 (8) market impact study;

41 (9) integration and collaboration with other resources or businesses;

42 (10) the quality of service and experience provided, as measured
43 against national consumer standards for the specific target market;

1 (11) project accountability, measured according to best industry
2 practices;

3 (12) the expected return on state and local investment that the project
4 is anticipated to produce;

5 (13) *a net return on investment analysis*;

6 (14) a statement concerning whether a portion of the local sales and
7 use taxes are pledged to other uses and are unavailable as revenue for the
8 STAR bond project. If a portion of local sales and use taxes is so
9 committed, the applicant shall describe the following:

10 (A) The percentage of city and county sales and use taxes collected
11 that are so committed; and

12 (B) the date or dates on which the city and county sales and use taxes
13 pledged to other uses can be pledged for repayment of bonds; ~~and~~

14 ~~(14)~~(15) an anticipated principal and interest payment schedule on the
15 bond issue;

16 (16) *a summary of community involvement, participation and support*
17 *for the STAR bond project; and*

18 (17) *a full disclosure and description of all state, federal and local*
19 *tax incentives that apply or, pursuant to the project plan, are anticipated to*
20 *apply within the STAR bond district or that apply to any business located*
21 *in or, pursuant to the project plan, that will locate in the district.*

22 The failure to include all information enumerated in this subsection in
23 the feasibility study for a STAR bond project shall not affect the validity of
24 bonds issued pursuant to this act.

25 (c) If the city or county determines the project is feasible, the project
26 plan shall include:

27 (1) A summary of the feasibility study done as defined in subsection
28 ~~(b) of this section, and amendments thereto;~~

29 (2) a reference to the district plan established under K.S.A. 2020
30 Supp. 12-17,165, and amendments thereto, that identifies the project area
31 that is set forth in the project plan that is being considered;

32 (3) a description and map of the project area to be redeveloped;

33 (4) the relocation assistance plan as described in K.S.A. 2020 Supp.
34 12-17,172, and amendments thereto;

35 (5) a detailed description of the buildings and facilities proposed to be
36 constructed or improved in such area; ~~and~~

37 (6) *the names of the owners, partners, officers or principals of any*
38 *developer of the project and of any associated business partner of any*
39 *developer of the project that is involved in the STAR bond project; and*

40 ~~(6)~~(7) any other information the governing body of the city or county
41 deems necessary to advise the public of the intent of the project plan.

42 (d) A copy of the STAR bond project plan prepared by a city shall be
43 delivered to the board of county commissioners of the county and the

1 board of education of any school district levying taxes on property within
2 the STAR bond project area. A copy of the STAR bond project plan
3 prepared by a county shall be delivered to the board of education of any
4 school district levying taxes on property within the STAR bond project
5 area.

6 (e) Upon a finding by the planning commission that the STAR bond
7 project plan is consistent with the intent of the comprehensive plan for the
8 development of the city, and a finding by the planning commission of the
9 county, if any, with respect to a STAR bond project located wholly outside
10 the boundaries of the city, that the STAR bond project plan is consistent
11 with the intent of the comprehensive plan for the development of the
12 county, the governing body of the city or county shall adopt a resolution
13 stating that the city or county is considering the adoption of the STAR
14 bond project plan. Such resolution shall:

15 (1) Give notice that a public hearing will be held to consider the
16 adoption of the STAR bond project plan and fix the date, hour and place of
17 such public hearing. *In addition to any other notice, such notice shall be*
18 *conspicuously provided at a prominent location on the first page of the*
19 *website of the county or city, if the county or city has a website;*

20 (2) describe the boundaries of the STAR bond project district within
21 which the STAR bond project will be located and the date of establishment
22 of such district;

23 (3) describe the boundaries of the area proposed to be included within
24 the STAR bond project area; and

25 (4) state that the STAR bond project plan, including a summary of the
26 feasibility study, market study, relocation assistance plan and financial
27 guarantees of the prospective developer and a description and map of the
28 area to be redeveloped or developed are available for inspection during
29 regular office hours in the office of the city clerk or county clerk,
30 respectively.

31 (f) (1) The date fixed for the public hearing to consider the adoption
32 of the STAR bond project plan shall be not less than 30 nor more than 70
33 days following the date of the adoption of the resolution fixing the date of
34 the hearing.

35 (2) A copy of the city or county resolution providing for the public
36 hearing shall be by certified mail, return receipt requested, sent by the city
37 to the board of county commissioners of the county and by the city or
38 county to the board of education of any school district levying taxes on
39 property within the proposed STAR bond project area. Copies also shall be
40 sent by certified mail, return receipt requested to each owner and occupant
41 of land within the proposed STAR bond project area not more than 10 days
42 following the date of the adoption of the resolution. The resolution shall be
43 published once in the official city or county newspaper not less than one

1 week nor more than two weeks preceding the date fixed for the public hearing. A sketch clearly delineating the area in sufficient detail to advise the reader of the particular land proposed to be included within the STAR bond project area shall be published with the resolution.

(3) At the public hearing, a representative of the city or county shall present the city's or county's proposed STAR bond project plan. *The presentation shall include a discussion of the feasibility study, including a description of all state, federal and local tax incentives that apply within the STAR bond district or are anticipated to apply within the district pursuant to the project plan or to any business located in the district or that will locate in the district pursuant to the project plan.* Following the presentation of the STAR bond project area, all interested persons shall be given an opportunity to be heard. The governing body for good cause shown may recess such hearing to a time and date certain, which shall be fixed in the presence of persons in attendance at the hearing.

(g) The public hearing records and feasibility study shall be subject to the open records act, K.S.A. 45-215, and amendments thereto, *and, if the city or county has a website, shall be placed conspicuously on such website at the same location or linked to the same location on the first page of the website as the notice for the hearing.*

(h) Upon conclusion of the public hearing, the governing body may adopt the STAR bond project plan by ordinance or resolution passed upon a two-thirds vote of the members.

(i) After the adoption by the city or county governing body of a STAR bond project plan, the clerk of the city or county shall transmit a copy of the description of the land within the STAR bond project district, a copy of the ordinance or resolution adopting the plan and a map or plat indicating the boundaries of the district to the clerk, appraiser and treasurer of the county in which the district is located and to the governing bodies of the county and school district which levy taxes upon any property in the district. Such documents shall be transmitted following the adoption or modification of the plan or a revision of the plan on or before January 1 of the year in which the increment is first allocated to the taxing subdivision.

(j) If the STAR bond project plan is approved, the feasibility study shall be supplemented to include a copy of the minutes of the governing body meetings of any city or county whose bonding authority will be utilized in the STAR bond project, evidencing that a STAR bond project plan has been created, discussed and adopted by the city or county in a regularly scheduled open public meeting.

(k) Any substantial changes as defined in K.S.A. 2020 Supp. 12-17,162, and amendments thereto, to the STAR bond project plan as adopted shall be subject to a public hearing following publication of notice thereof at least twice in the official city or county newspaper.

1 (l) Any STAR bond project shall be completed within 20 years from
2 the date of the approval of the STAR bond project plan. The maximum
3 maturity on bonds issued to finance projects pursuant to this act shall not
4 exceed 20 years.

5 (m) Kansas resident employees shall be given priority consideration
6 for employment in construction projects located in a STAR bond project
7 area.

8 (n) Any developer of a STAR bond project shall commence work on
9 the project within two years from the date of adoption of the STAR bond
10 project plan. Should the developer fail to commence work on the STAR
11 bond project within the two-year period, funding for such project shall
12 cease and the developer of such project or complex shall have one year *to*
13 *resubmit the project to the secretary and* to appeal to the secretary for
14 reapproval of such project and the funding for it. Should the project be
15 reapproved, the two-year period for commencement shall apply.

16 Sec. 5. K.S.A. 2020 Supp. 12-17,169 is hereby amended to read as
17 follows: 12-17,169. (a) (1) Any city or county shall have the power to
18 issue special obligation bonds in one or more series to finance the
19 undertaking of any STAR bond project in accordance with the provisions
20 of this act. *Rural redevelopment projects, as defined in K.S.A. 12-17,162,*
21 *and amendments thereto, may also be financed without the issuance of*
22 *special obligation bonds up to an amount not to exceed \$10,000,000 for*
23 *each project.* Such special obligation bonds or rural redevelopment project
24 costs shall be made payable, both as to principal and interest:

25 (A) From revenues of the city or county derived from or held in
26 connection with the undertaking and carrying out of any STAR bond
27 project or projects under this act including historic theater sales tax
28 increments;

29 (B) from any private sources, contributions or other financial
30 assistance from the state or federal government;

31 (C) from a pledge of 100% of the tax increment revenue received by
32 the city from any local sales and use taxes, including the city's share of any
33 county sales tax, which are collected from taxpayers doing business within
34 that portion of the city's STAR bond project district established pursuant to
35 K.S.A. 2020 Supp. 12-17,165, and amendments thereto, occupied by a
36 STAR bond project, except for amounts committed to other uses by
37 election of voters or pledged to bond repayment prior to the approval of
38 the STAR bond project;

39 (D) at the option of the county in a city STAR bond project district,
40 from a pledge of all of the tax increment revenues received by the county
41 from any local sales and use taxes which are collected from taxpayers
42 doing business within that portion of the city's STAR bond project district
43 established pursuant to K.S.A. 2020 Supp. 12-17,165, and amendments

1 thereto, except for amounts committed to other uses by election of voters
2 or pledged to bond repayment prior to the approval of a STAR bond
3 project;

4 (E) in a county STAR bond project district, from a pledge of 100% of
5 the tax increment revenue received by the county from any county sales
6 and use tax, but excluding any portions of such taxes that are allocated to
7 the cities in such county pursuant to K.S.A. 12-192, and amendments
8 thereto, which are collected from taxpayers doing business within that
9 portion of the county's STAR bond project district established pursuant to
10 K.S.A. 2020 Supp. 12-17,165, and amendments thereto, occupied by a
11 STAR bond project;

12 (F) from a pledge of all or a portion of the tax increment revenue
13 received from any state sales taxes which are collected from taxpayers
14 doing business within that portion of the city's or county's STAR bond
15 project district occupied by a STAR bond project, except that for any
16 STAR bond project district established and approved by the secretary on or
17 after January 1, 2017, such tax increment shall not include any sales tax
18 revenue from retail automobile dealers, *and except that for any STAR bond*
19 *project district established after July 1, 2021, with existing sales tax*
20 *revenue at the time the district was established, such pledge shall not*
21 *exceed 90% of the new tax increment revenue that is in excess of the base*
22 *existing sales tax revenue received from any state sales taxes;*

23 (G) at the option of the city or county and with approval of the
24 secretary, from all or a portion of the transient guest tax of such city or
25 county;

26 (H) at the option of the city or county and with approval of the
27 secretary: (i) From a pledge of all or a portion of increased revenue
28 received by the city or county from franchise fees collected from utilities
29 and other businesses using public right-of-way within the STAR bond
30 project district; or (ii) from a pledge of all or a portion of the revenue
31 received by a city or county from local sales taxes or local transient guest
32 and local use taxes; or

33 (I) by any combination of these methods.

34 The city or county may pledge such revenue to the repayment of such
35 special obligation bonds prior to, simultaneously with, or subsequent to the
36 issuance of such special obligation bonds.

37 (2) Bonds issued under subsection (a)(1) shall not be general
38 obligations of the city or the county, nor in any event shall they give rise to
39 a charge against its general credit or taxing powers, or be payable out of
40 any funds or properties other than any of those set forth in subsection (a)
41 (1) and such bonds shall so state on their face.

42 (3) Bonds issued under the provisions of subsection (a)(1) shall be
43 special obligations of the city or county and are declared to be negotiable

1 instruments. Such bonds shall be executed by the mayor and clerk of the
2 city or the chairperson of the board of county commissioners and the
3 county clerk and sealed with the corporate seal of the city or county. All
4 details pertaining to the issuance of such special obligation bonds and
5 terms and conditions thereof shall be determined by ordinance of the city
6 or by resolution of the county.

7 All special obligation bonds issued pursuant to this act and all income
8 or interest therefrom shall be exempt from all state taxes. Such special
9 obligation bonds shall contain none of the recitals set forth in K.S.A. 10-
10 112, and amendments thereto. Such special obligation bonds shall,
11 however, contain the following recitals: (i) The authority under which such
12 special obligation bonds are issued; (ii) such bonds are in conformity with
13 the provisions, restrictions and limitations thereof; and (iii) that such
14 special obligation bonds and the interest thereon are to be paid from the
15 money and revenue received as provided in subsection (a)(1).

16 (4) Any city or county issuing special obligation bonds under the
17 provisions of this act may refund all or part of such issue pursuant to the
18 provisions of K.S.A. 10-116a, and amendments thereto.

19 (b) (1) Subject to the provisions of subsection (b)(2), any city shall
20 have the power to issue full faith and credit tax increment bonds to finance
21 the undertaking, establishment or redevelopment of any major motorsports
22 complex, as defined in K.S.A. 2020 Supp. 12-17,162(~~4~~), and amendments
23 thereto. Such full faith and credit tax increment bonds shall be made
24 payable, both as to principal and interest: (A) From the revenue sources
25 identified in subsection (a)(1) or by any combination of these sources; and
26 (B) subject to the provisions of subsection (b)(2), from a pledge of the
27 city's full faith and credit to use its ad valorem taxing authority for
28 repayment thereof in the event all other authorized sources of revenue are
29 not sufficient.

30 (2) Except as provided in subsection (b)(3), before the governing
31 body of any city proposes to issue full faith and credit tax increment bonds
32 as authorized by this subsection, the feasibility study required by K.S.A.
33 2020 Supp. 12-17,166(b), and amendments thereto, shall demonstrate that
34 the benefits derived from the project will exceed the cost and that the
35 income therefrom will be sufficient to pay the costs of the project. No full
36 faith and credit tax increment bonds shall be issued unless the governing
37 body states in the resolution required by K.S.A. 2020 Supp. 12-17,166(e),
38 and amendments thereto, that it may issue such bonds to finance the
39 proposed STAR bond project. The governing body may issue the bonds
40 unless within 60 days following the conclusion of the public hearing on
41 the proposed STAR bond project plan a protest petition signed by 3% of
42 the qualified voters of the city is filed with the city clerk in accordance
43 with the provisions of K.S.A. 25-3601 et seq., and amendments thereto. If

1 a sufficient petition is filed, no full faith and credit tax increment bonds
2 shall be issued until the issuance of the bonds is approved by a majority of
3 the voters voting at an election thereon. Such election shall be called and
4 held in the manner provided by the general bond law. The failure of the
5 voters to approve the issuance of full faith and credit tax increment bonds
6 shall not prevent the city from issuing special obligation bonds in
7 accordance with this section. No such election shall be held in the event
8 the board of county commissioners or the board of education determines,
9 as provided in K.S.A. 2020 Supp. 12-17,165, and amendments thereto, that
10 the proposed STAR bond project district will have an adverse effect on the
11 county or school district.

12 (3) As an alternative to subsection (b)(2), any city which adopts a
13 STAR bond project plan for a major motorsports complex, but does not
14 state its intent to issue full faith and credit tax increment bonds in the
15 resolution required by K.S.A. 2020 Supp. 12-17,166(e), and amendments
16 thereto, and has not acquired property in the STAR bond project area may
17 issue full faith and credit tax increment bonds if the governing body of the
18 city adopts a resolution stating its intent to issue the bonds and the
19 issuance of the bonds is approved by a majority of the voters voting at an
20 election thereon. Such election shall be called and held in the manner
21 provided by the general bond law. The failure of the voters to approve the
22 issuance of full faith and credit tax increment bonds shall not prevent the
23 city from issuing special obligation bonds pursuant to subsection (a)(1).
24 Any project plan adopted by a city prior to the effective date of this act in
25 accordance with K.S.A. 12-1772, and amendments thereto, shall not be
26 invalidated by any requirements of this act.

27 (4) During the progress of any major motorsports complex project in
28 which the project costs will be financed, in whole or in part, with the
29 proceeds of full faith and credit tax increment bonds, the city may issue
30 temporary notes in the manner provided in K.S.A. 10-123, and
31 amendments thereto, to pay the project costs for the major motorsports
32 complex project. Such temporary notes shall not be issued and the city
33 shall not acquire property in the STAR bond project area until the
34 requirements of subsection (b)(2) or (b)(3), whichever is applicable, have
35 been met.

36 (5) Full faith and credit tax increment bonds issued under this
37 subsection shall be general obligations of the city and are declared to be
38 negotiable instruments. Such bonds shall be issued in accordance with the
39 general bond law. All such bonds and all income or interest therefrom shall
40 be exempt from all state taxes. The amount of the full faith and credit tax
41 increment bonds issued and outstanding which exceeds 3% of the assessed
42 valuation of the city shall be within the bonded debt limit applicable to
43 such city.

1 (6) Any city issuing full faith and credit tax increment bonds under
2 the provisions of this subsection may refund all or part of such issue
3 pursuant to the provisions of K.S.A. 10-116a, and amendments thereto.

4 (c) (1) For each project financed with special obligation bonds
5 payable from the revenues described in subsection (a)(1), the city or
6 county shall prepare and submit to the secretary by October 1 of each year,
7 a report describing the status of any projects within such STAR bond
8 project area, any expenditures of the proceeds of special obligation bonds
9 that have occurred since the last annual report and any expenditures of the
10 proceeds of such bonds expected to occur in the future, including the
11 amount of sales tax revenue, how such revenue has been spent, the
12 projected amount of such revenue ~~and~~, the anticipated use of such revenue
13 *and the names of the owners, partners, officers or principals of any*
14 *developer and of any associated business partners of any developer that*
15 *are involved in the STAR bond project.* The department of commerce shall
16 compile this information and submit a report annually to the governor and
17 the legislature by February 1 of each year.

18 (2) (A) In addition to the report referenced in paragraph (1), the
19 department of commerce, in cooperation with the department of revenue,
20 shall submit a report to the senate commerce committee and the house
21 commerce, labor and economic development committee by January 31 of
22 each session. The report shall include the following information for the last
23 three calendar years and the most current year-to-date information
24 available with respect to each STAR bond district:

25 (i) The *gross annual sales, gross annual sales projected pursuant to*
26 *the STAR bond project plan and feasibility study, gross annual sales*
27 *required to meet bond debt service requirements and other expenses,*
28 amount of sales tax collected; and the amount of any "base" sales taxes
29 being allocated to the district;

30 (ii) the total amount of bond payments and other expenses incurred;

31 (iii) the total amount of bonds issued and the balance of the bonds, by
32 district and by project in the district;

33 (iv) the remaining cash balance in the project to pay future debt
34 service and other expenses;

35 (v) any new income producing properties being brought into a district
36 and the base revenue going to the state general fund and incremental sales
37 tax increases going to the district with respect to such properties;

38 (vi) the amount of bonds issued to repay private investors in the
39 project with calculations showing the private and state share of
40 indebtedness;

41 (vii) the percentage of local effort sales tax actually committed to the
42 district compared to the state's share of sales tax percentage committed to
43 the district;

1 (viii) the number of out-of-state visitors to a project *and description*
2 *of the data gathered pursuant to the visitor tracking plan, including, but*
3 *not limited to, residence zip code data*, a discussion of the visitor attraction
4 properties of projects in the districts, and a comparison of the number of
5 out-of-state visitors with the number of in-state visitors; and

6 (ix) if any information or data is not available, an explanation as to
7 why it is not available.

8 (B) Either the senate commerce committee or the house committee on
9 commerce, labor and economic development may amend the information
10 required in the report with additional requests and clarification on a going
11 forward basis.

12 (3) *Cities, counties and developers shall provide all information*
13 *requested by the secretary for the secretary's database as provided by*
14 *K.S.A. 2020 Supp. 74-50,227, and amendments thereto. If the city or*
15 *county has a website, a conspicuous link directly to the information*
16 *pertaining to the city or county's STAR bond project on the secretary's*
17 *database shall be placed on the city's or county's website. A separate link*
18 *shall be provided for each STAR bond project of the city or county.*

19 (d) *The reports pursuant to subsection (c)(1) and (2) shall include a*
20 *description of all state, federal and local tax incentives that apply within*
21 *the STAR bond district or to any business located in the district.*

22 (e) A city or county may use the proceeds of special obligation bonds
23 or any uncommitted funds derived from sources set forth in this section to
24 pay the bond project costs as defined in K.S.A. 2020 Supp. 12-17,162, and
25 amendments thereto, to implement the STAR bond project plan.

26 (e)(f) With respect to a STAR bond project district established prior to
27 January 1, 2003, for which, prior to January 1, 2003, the secretary made a
28 finding as provided in subsection (a) that a STAR bond project would
29 create a major tourism area for the state, such special obligation bonds
30 shall be payable both as to principal and interest, from a pledge of all of
31 the revenue from any transient guest, state and local sales and use taxes
32 collected from taxpayers as provided in subsection (a) whether or not
33 revenues from such taxes are received by the city.

34 Sec. 6. K.S.A. 2020 Supp. 12-17,171 is hereby amended to read as
35 follows: 12-17,171. (a) Any addition of area to the STAR bond project
36 district, or any substantial change as defined in K.S.A. 2020 Supp. 12-
37 17,162, and amendments thereto, to the STAR bond project district plan
38 shall be subject to the same procedure for public notice and hearing as is
39 required for the establishment of the STAR bond project district. Any such
40 addition of area shall be limited to real property which has not been part of
41 another STAR bond project district. The base year of a STAR bond project
42 district, following the addition of area to the STAR bond project district,
43 shall be the base year for the original area, and with respect to the

1 additional area, the base year shall be any 12-month period immediately
2 prior to the month in which additional area is added to the STAR bond
3 project district.

4 (b) A city or county may remove real property from a STAR bond
5 project district by an ordinance or resolution of the governing body
6 respectively.

7 (c) A city or county may divide the real property in a STAR bond
8 project district, including real property in different project areas within a
9 STAR bond project district, into separate STAR bond project districts. Any
10 division of real property within a STAR bond project district into more
11 than one STAR bond project district shall be subject to the same procedure
12 of public notice and hearing as is required for the establishment of the
13 STAR bond project district.

14 (d) Subject to the provisions of subsection (a), if a city or county has
15 undertaken a STAR bond project within a STAR bond project district, and
16 either the city or county wishes to subsequently remove more than a de
17 ~~minus~~ *minimis* amount of real property from the STAR bond project
18 district, or the city or county wishes to subsequently divide the real
19 property in the STAR bond project district into more than one STAR bond
20 project district, then prior to any such removal or division the city or
21 county must provide a feasibility study which shows that the tax revenue
22 from the resulting STAR bond project district within which the STAR
23 bond project is located is expected to be sufficient to pay the project costs.

24 (e) Removal of real property from one STAR bond project district
25 and addition of all or a portion of that real property to another STAR bond
26 project district may be accomplished by the adoption of an ordinance or
27 resolution, and in such event the determination of the existence or
28 nonexistence of an adverse effect on the county or school district under
29 K.S.A. 2020 Supp. 12-17,165(f), and amendments thereto, shall apply to
30 both such removal and such addition of real property to a STAR bond
31 project district.

32 (f) *The transfer of any ownership interest in real property acquired*
33 *with the proceeds from STAR bonds shall require the advance approval of*
34 *the secretary. While such STAR bonds remain outstanding, such transfer*
35 *shall also require the disclosure of the sale price and the name of any*
36 *transferee and any individual owner, partner, officer or principal of such*
37 *transferee. The information shall be included in the secretary's reports*
38 *pursuant to K.S.A. 2020 Supp. 12-17,169(c)(1) and (2), and amendments*
39 *thereto.*

40 Sec. 7. K.S.A. 2020 Supp. 12-17,179 is hereby amended to read as
41 follows: 12-17,179. (a) A city that created a redevelopment district in an
42 eligible area that was approved for STAR bonds prior to the effective date
43 of this act for the city of Manhattan Discovery Center on December 28,

1 2006, and the Schlitterbahn project in Wyandotte county on December 23,
2 2005, may by ordinance elect to have the provisions of this act applicable
3 to such redevelopment district.

4 (b) *Subject to the provisions of section 61(h) of chapter 5 of the 2020*
5 *Session Laws of Kansas*, the provisions of this act regarding STAR bond
6 projects shall expire on and after July 1, ~~2020~~ 2026.

7 Sec. 8. K.S.A. 2020 Supp. 12-17,162, 12-17,165, 12-17,166, 12-
8 17,169, 12-17,171 and 12-17,179 are hereby repealed.

9 Sec. 9. This act shall take effect and be in force from and after its
10 publication in the statute book.