

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4065/1dnMES
MS/JTK/RC/PK/JK/PG/RM:ch:kjf

March 1, 2000

Concerning proposed s. 229.843 (jurisdiction of the district), all special purpose districts currently have geographical limits. As with other districts, we do not see the fact that there is geographical jurisdiction as granting to the district any additional authority not specified in the draft. We are very reluctant to create a new animal that supposedly is a special purpose district but yet has no defined geographical jurisdiction. If you prefer, the jurisdiction can be the same as the eminent domain jurisdiction. However, this would imply that a sponsoring city may create additional cultural arts districts with different jurisdictions, so if you elect this option, we suggest you clarify that point. The reason why we suggested that the geographical jurisdiction should coincide with the city limits is that this is the situation that pertains generally with city agencies and subunits.

Section 229.848, relating to "Transfers; transfer agreements", is drafted according to your instructions, but we have some questions regarding the choice of entities to which the district's property may be transferred upon dissolution. The instructions state that you'd like the district's property to be transferred either "to the sponsoring city or to an entity described either in section 170 (c) (1) or in both sections 170 (c) (2) and 501 (c) (3) of the Internal Revenue Code." Under section 170 (c) (1) of the IRC, the district's property could be transferred to Utah or Guam, for example. Is this your intent? It also seems to us that section 501 (c) (3) of the IRC is subsumed by section 170 (c) (2) of the IRC; therefore, it seems that a reference only to section 170 (c) (2) of

the IRC would be sufficient. Please let us know if you'd like any changes in s. 229.848 (1).

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