

HOUSE BILL No. 2537

By Committee on Taxation

1-24

1 AN ACT concerning redevelopment authorities in certain counties;
2 amending K.S.A. 19-4904 and repealing the existing section.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 19-4904 is hereby amended to read as follows: 19-
6 4904. (a) The board of county commissioners of Johnson county and the
7 board of county commissioners of Labette county may create *by resolution*
8 a redevelopment authority, ~~which shall be composed and have such powers~~
9 ~~as the board may authorize and determine by resolution~~ consistent with the
10 provisions of this act.

11 (b) Any redevelopment authority ~~created pursuant to subsection (a) of~~
12 ~~this section~~ shall be composed of seven members appointed by the board
13 of county commissioners, with at least three of the members being
14 representatives of cities, townships or other local governmental entities
15 located adjacent to the federal enclave property. Each member appointed
16 to the redevelopment authority shall be a resident of the county and shall
17 serve for a term ~~consistent with the term of office for the board member~~
18 ~~making the appointment and until such member's successor is appointed~~
19 ~~and qualifies~~ *established by the board of county commissioners*. In case of
20 a vacancy in office, a member shall be appointed by the board in the same
21 manner to fill the unexpired term.

22 Any member of the redevelopment authority may be removed by the
23 board of county commissioners for the same cause justifying removal of
24 any appointive officer.

25 Members of the redevelopment authority shall receive no compensation
26 for their services but may be reimbursed for necessary expenses incurred
27 in the performance of their duties.

28 (c) Upon creation, the redevelopment authority shall be a body
29 corporate and politic, as quasi-municipal organization under the laws of
30 this state, with the powers conferred by this act or by resolution of the
31 board of county commissioners. In performing the duties authorized under
32 this act, the redevelopment authority shall have the power:

- 33 (1) To sue and be sued;
34 (2) to receive ~~for its lawful activities~~ any contributions or moneys
35 appropriated by the state, any city, county or other political subdivision or
36 agency, or by the federal government or any agency or officer thereof from

1 any other source;

2 (3) to disburse funds for its lawful activities;

3 (4) to enter into contracts;

4 (5) to acquire by donation, purchase or lease land that is located
5 within a federal enclave or land located within a redevelopment district
6 established under this act;

7 (6) to sell and convey real estate acquired under this act; and

8 (7) to do and perform all other things provided by this act, ~~or~~
9 ~~amendments thereto~~, or by resolution of the board of county
10 commissioners and to have the powers conferred by this act or board
11 resolution.

12 Powers conferred on the redevelopment authority may be exercised
13 only with the approval of the board of county commissioners and all
14 expenditures made by the redevelopment authority shall be within
15 available resources.

16 (d) The redevelopment authority shall, at a minimum, perform the
17 following duties:

18 (1) Conduct meetings with representatives and officials of cities,
19 counties, planning associations or commissions or similar entities or
20 organizations to develop information and ensure that the full range of
21 interests related to the redevelopment is considered;

22 (2) review any comprehensive plan adopted for the property and
23 develop recommendations for changes, if needed;

24 (3) evaluate surrounding property uses, zoning regulations, and other
25 land use factors and development recommendations to ensure
26 compatibility;

27 (4) evaluate the development potential and market feasibility for
28 proposals and options for redevelopment of the property;

29 (5) evaluate potential methods for the transfer, ownership and
30 development of the property;

31 (6) make recommendations to the board on proposals for the
32 acquisition and financing of the property by the county;

33 (7) conduct such other studies as the board may request or direct; and

34 (8) present ~~such~~ studies, reports, recommendations and other
35 information to the board.

36 (e) Upon the establishment of a redevelopment district pursuant to
37 K.S.A. 19-4902 or 19-4903, and amendments thereto, the redevelopment
38 authority shall perform the following additional duties as prescribed by the
39 board:

40 (1) Solicit and receive development proposals for all or parts of
41 property;

42 (2) evaluate development proposals received for all parts of the
43 property and present the evaluation and recommendation to the board or to

- 1 a zoning board as directed by the board;
- 2 (3) coordinate with county officials or staff in negotiations with
- 3 developers;
- 4 (4) prepare recommendations to the board concerning financing or
- 5 redevelopment or infrastructure for the property;
- 6 (5) prepare recommendations for updates to the comprehensive
- 7 master plan; and
- 8 (6) perform ~~such~~ other studies and coordination as the board may
- 9 request or direct.

10 (f) In the event that the board of county commissioners determines
 11 that it is in the best interest of the county to acquire all or part of the
 12 enclave property for redevelopment purposes, then the redevelopment
 13 authority shall perform the following additional duties as prescribed by the
 14 board:

- 15 (1) Act as the primary contact for developers who are interested in
- 16 acquiring and developing land at the property;
- 17 (2) prepare and present marketing strategy for the property; and
- 18 (3) provide ~~such~~ other duties as the board may request or direct.

19 ~~(e)~~(g) If created, the redevelopment authority may, upon approval of
 20 the board of county commissioners, acquire by negotiated sale, all or any
 21 part of the property located within a federal enclave in county, and in so
 22 doing, may enter into contracts for the payment of costs for ~~such~~ the
 23 property, may incur debt and obligation secured by the property, and may
 24 sell the property to pay such obligations. ~~The redevelopment authority may~~
 25 ~~not incur any other debt, nor pledge any other resources.~~

26 The board of county commissioners shall approve such acquisition if
 27 the following conditions are satisfied:

- 28 (1) The property ~~is~~ *was* part of the sunflower army ammunition plant
 29 in Johnson county *or the property was a part of the Kansas army*
 30 *ammunition plant located in Labette county;*
- 31 (2) the property is transferred by deed without restrictions due to
 32 environmental contamination and with a covenant of transfer in
 33 compliance with the provisions of 42 U.S.C. § 9620 et seq., and
 34 amendments thereto, or the governor has executed a finding of suitability
 35 for early transfer in compliance with federal laws and regulations;
- 36 (3) neither the state of Kansas through its subdivisions or agencies
 37 nor Johnson county *or Labette county* has declared an intent to acquire the
 38 property for redevelopment purposes;
- 39 (4) the acquisition will not require the redevelopment authority to
 40 finance the acquisition with resources other than that which is secured by
 41 the property itself;
- 42 (5) the acquisition is made upon terms that expressly exclude any
 43 obligation of Johnson county *or Labette county* or the state for the

1 payment of any funds for the acquisition; and

2 (6) the redevelopment authority has presented a feasibility study
3 demonstrating that the costs of acquisition, including all required
4 obligations for environmental remediation, can be paid and satisfied as and
5 when due through the subdivision, selling and redevelopment of the
6 property.

7 Upon acquisition of all or any part of the property, the redevelopment
8 authority shall immediately request establishment of a redevelopment
9 district under K.S.A. 19-4902 or 19-4903, and amendments thereto, and all
10 redevelopment or the property shall be in conformance with the
11 comprehensive master plan and zoning and subdivision regulations
12 adopted by the board of county commissioners.

13 ~~(f)~~(h) If, at any time after creating a redevelopment authority pursuant
14 to this section, the board of county commissioners determines that the
15 redevelopment authority is no longer needed or should otherwise be
16 dissolved, then the board of county commissioners may, by resolution,
17 dissolve and abolish the redevelopment authority. Thereafter, the board of
18 county commissioners, for and on behalf of the county, shall assume and
19 perform any on-going duties or powers of the authority, shall assume title
20 to and possession of all property, real or personal, owned or held by the
21 authority, and shall assume all debts, contracts and obligations lawfully
22 incurred or entered into by the authority. The board of county
23 commissioners may, by subsequent resolution, reestablish a redevelopment
24 authority under this section at any later time.

25 *(i) (1) The redevelopment authority may, by resolution duly adopted*
26 *by the majority of the members of the redevelopment authority:*

27 *(A) Incur debt and issue bonds in the name of the redevelopment*
28 *authority to pay the costs of developing and improving properties within*
29 *the redevelopment district, specifically including, but not limited to, the*
30 *construction, operation and maintenance of water lines and treatment*
31 *facilities, sewer and wastewater lines and treatment facilities, electrical*
32 *lines and distribution facilities, gas lines and storage and transmission*
33 *facilities, roads and bridges, railway improvements, the demolition of*
34 *existing obsolete or otherwise unusable structures and the disposal of*
35 *construction and demolition waste on-site and otherwise, and the*
36 *construction of buildings and other capital improvements within the*
37 *redevelopment district;*

38 *(B) secure the indebtedness by lien upon, security interest in or*
39 *mortgage of any property owned by the redevelopment authority; and*

40 *(C) acquire and finance the property and improvements through*
41 *lease-purchase agreements pursuant to K.S.A. 10-1116b et seq., and*
42 *amendments thereto.*

43 *(2) The principal and interest on any bonds or other indebtedness*

1 *issued under the provisions of this act shall be payable solely from any*
2 *lawful source of revenue of the redevelopment authority.*

3 *(3) The maximum maturity of any bonds issued pursuant to this act*
4 *shall not exceed 20 years.*

5 *(4) Any debt incurred under the provisions of this act shall not be*
6 *deemed to constitute a debt of the state or of any political subdivision*
7 *thereof or a pledge of the faith and credit of the state or of any such*
8 *political subdivision thereof. All such debt shall contain on the face*
9 *thereof a statement to the effect that neither the state nor any political*
10 *subdivision thereof shall be obligated to pay the same or the interest*
11 *thereon except from revenues of the project or projects for which they are*
12 *issued or from funds provided therefor and that neither the faith and credit*
13 *nor the taxing power of the state or any political subdivision thereof is*
14 *pledged to the payment of the principal of or the interest on such debt.*

15 *(5) All expenses incurred in carrying out the provisions of this act*
16 *shall be payable solely from funds provided under the authority of this act*
17 *and no liability or obligation shall be incurred by the authority beyond the*
18 *extent to which moneys shall have been provided under the provisions of*
19 *this act.*

20 Sec. 2. K.S.A. 19-4904 is hereby repealed.

21 Sec. 3. This act shall take effect and be in force from and after its
22 publication in the statute book.