

HOUSE BILL No. 2573

AN ACT concerning the Kansas development finance authority; relating to the financing of certain projects of statewide as well as local importance; amending K.S.A. 2000 Supp. 74-8930 and 74-8922 and repealing the existing sections.

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

Section 1. K.S.A. 74-8930 is hereby amended to read as follows: 74-8930. ~~Within one year of the commencement of construction of any project of statewide as well as local importance as defined in K.S.A. 74-8902 and amendments thereto, located within a county which according to the 1990 decennial census contained a population greater than 25,000, 120 days of the effective date of this act, developer of a project of state-wide as well as local importance shall reimburse the unified government of Wyandotte county for cash investment in the project as documented to and determined by the secretary of commerce and housing.~~

Sec. 2. K.S.A. 2000 Supp. 74-8922 is hereby amended to read as follows: 74-8922. (a) If the developer proposes to undertake a project of statewide as well as local importance within a redevelopment district established pursuant to K.S.A. 2000 Supp. 74-8921, and amendments thereto, the developer shall prepare a redevelopment plan. The redevelopment plan shall include:

- (1) A summary of the feasibility study required by K.S.A. 2000 Supp. 74-8921, and amendments thereto;
- (2) a reference to the redevelopment district established under K.S.A. 2000 Supp. 74-8921 and amendments thereto;
- (3) a comprehensive description of the project of statewide as well as local importance;
- (4) a description and map of the area to be redeveloped;
- (5) a detailed description of the buildings and facilities proposed to be constructed or improved in such area; and
- (6) any other information the authority deems necessary to advise the public of the intent of the plan.

(b) A copy of the proposed redevelopment plan shall be delivered by the developer to the authority, the secretary of commerce and housing and the board of county commissioners of the county in which the redevelopment district is located, and the board of county commissioners shall determine, within 30 days after receipt of the plan, whether the plan as proposed is consistent with the comprehensive general plan for the development of the area. If the proposed redevelopment plan is not consistent with the comprehensive general plan, the board of county commissioners shall provide its comments and objections to the authority, which shall modify, approve or deny the plan. If the redevelopment plan is consistent with the comprehensive general plan of the county, then the authority may adopt the redevelopment plan by a resolution passed by a majority of the board of directors of the authority. Any substantial changes to the plan as adopted shall be made in the same manner, with notice and approval of the board of county commissioners and adoption of a resolution by the authority. A redevelopment plan may be adopted by the authority, pursuant to these procedures, at the same time that the authority establishes the redevelopment district under K.S.A. 2000 Supp. 74-8921, and amendments thereto. Any redevelopment plan which proposes to undertake a project of statewide as well as local importance in a county which according to the 1990 decennial census contained a population greater than 25,000 shall be adopted prior to July 1, ~~2001~~ 2001 or, if a developer has complied with the provisions of K.S.A. 74-8930 and amendments thereto, 2002.

(c) (1) Under no circumstances shall the state of Kansas, any of its political subdivisions, the Kansas development finance authority or any unit of local government assume responsibility or otherwise be responsible for any environmental remediation which may be required to be performed within the redevelopment district designated through any redevelopment plan. Any person or entity, other than the state, an instrumentality of the state, or a unit of local government, who proposes to take legal title to land which is located at a site designated as a federal enclave prior to January 1, 1998, for the purpose of developing a project of statewide as well as local importance shall: (1) prior to taking such title, enter into a consent decree agreement with the Kansas department of health and environment or the United States environmental protection agency under which such person or entity expressly agrees to be responsible for and to complete the remediation of all environmental contamination of

such land according to established standards and levels for appropriate property uses, except that part, if any, of the remediation which is, by agreement approved by the governor, to be retained by the federal government or any agency thereof and (2) prior to taking title to any of the land, provide prepaid third-party financial guarantees to the state or an instrumentality thereof sufficient in form and amount to insure full and complete remediation of all of the land within the federal enclave as required in the consent decree agreement. Nothing in this section is intended and shall not be construed to relieve the United States army, the federal government or any agency thereof from any duty, responsibility or liability for any contamination or remediation of the land as may be imposed or required under state or federal law; and

Prior to taking title, possession or otherwise exercising control over the land within a former federal enclave or in any other way exposing the state to potential liability for environmental remediation of such property, the state or any instrumentality of the state shall obtain the written opinion of a competent attorney, specializing in environmental law and maintaining professional liability insurance, regarding the state's potential liability resulting from taking title, possession or otherwise exercising control over the land.

Sec. 3. K.S.A. 2000 Supp. 74-8922 and 74-8930 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

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*Speaker of the House.*

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*Chief Clerk of the House.*

Passed the SENATE \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*