

**SENATE BILL No. 245**

By Committee on Ways and Means

5-8

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1 AN ACT concerning financing for capital improvements; relating to the  
2 national bio and agro defense facility; amending K.S.A. 2012 Supp. 74-  
3 8963 and repealing the existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2012 Supp. 74-8963 is hereby amended to read as  
7 follows: 74-8963. (a) For the purpose of financing a capital improvement  
8 project relating to a national bio and agro defense facility, the Kansas  
9 development finance authority is hereby authorized to issue one or more  
10 series of revenue bonds pursuant to the Kansas development finance  
11 authority act, K.S.A. 74-8901 et seq., and amendments thereto, in an  
12 amount necessary to provide a deposit or deposits to the bioscience  
13 development fund, which is hereby created in the state treasury and shall  
14 be administered by the department of administration in accordance with  
15 the provisions of this section and K.S.A. 2012 Supp. 74-8964 through 74-  
16 8967, and amendments thereto, in a total amount not to exceed  
17 ~~\$105,000,000~~ \$307,000,000, plus all amounts required for costs of bond  
18 issuance, costs of interest on the bonds issued for such capital  
19 improvement project during the construction of such project, cost of bond  
20 insurance or other credit enhancement for the bonds and any required  
21 reserves for the payment of principal and interest on the bonds, for a  
22 capital improvement project relating to a national bio and agro defense  
23 facility, including, but not limited to, land acquisition, site preparation,  
24 fencing, *facility construction and improvements*, central utility plant  
25 facility construction and improvements, including electric, water and  
26 sewer utility infrastructure construction and equipment, lift stations, street  
27 grading, paving, graveling, macadamizing, curbing, guttering and  
28 surfacing, street light fixture connections and facilities, underground gas,  
29 water, heating and electrical services and connections, sidewalks and  
30 parking facilities, drives and driveway approaches, landscaping and  
31 plantings and related facilities and amenities to develop and finance the  
32 project.

33 (b) On and after ~~the effective date of this act June 2, 2011~~ **May 8**  
34 **{July 1}, 2013**, prior to the issuance of any bonds pursuant to this section;:

1 (1) The capital improvement project described in subsection (a) shall  
2 be approved for the department of administration for the purposes of  
3 subsection (b) of K.S.A. 74-8905, and amendments thereto; and

4 (2) the authorization of the issuance of bonds by the Kansas  
5 development finance authority shall be approved by the:

6 (A) Kansas development finance authority in accordance with K.S.A.  
7 74-8901 et seq., and amendments thereto, ~~and, for all bonds issued on or~~  
8 ~~after the effective date of this act June 2, 2011, shall be approved by the;~~  
9 **and**

10 (B) state finance council acting on this matter which is hereby  
11 characterized as a matter of legislative delegation and subject to the  
12 guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and  
13 amendments thereto, except that such approval also may be given when  
14 the legislature is in session. ***Prior to the approval of the issuance of such***  
15 ***bonds, {except for any bonds that the state finance council has already***  
16 ***approved prior to July 1, 2013,} the state finance council shall have***  
17 ***reviewed the signed contract for the construction of such capital***  
18 ***improvement project and confirmed that such contract contains***  
19 ***provisions that any additional costs or any change orders of such capital***  
20 ***improvement project shall be paid by the United States department of***  
21 ***homeland security and that construction will proceed in accordance with***  
22 ***the provisions of such contract.***

23 (c) The department of administration may only make expenditures  
24 from the moneys received from the issuance of any bonds pursuant to this  
25 section for those purposes set forth in subsection (a) for the capital  
26 improvement project.

27 (d) The debt service for any such bonds issued pursuant to this  
28 section shall be financed by appropriations from the state general fund or  
29 any appropriate special revenue fund or funds.

30 (e) The date of maturity on bonds issued pursuant to this section shall  
31 not be fixed for a period of time which exceeds 20 years from the date of  
32 issuance.

33 (f) The proceeds from the sale of any bonds, other than refunding  
34 bonds, issued pursuant to this section, after payment of any costs related to  
35 the issuance of such bonds, shall be paid by the Kansas development  
36 finance authority to the department of administration to be applied to the  
37 payment of the costs of the capital improvement project authorized  
38 pursuant to this section as requested by the secretary of administration and  
39 by resolution of the Kansas development finance authority.

40 Sec. 2. K.S.A. 2012 Supp. 74-8963 is hereby repealed.

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