AN ACT concerning financing for capital improvements; relating to the national bio and agro defense facility; amending K.S.A. 2012 Supp. 74-8963 and repealing the existing section.

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

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

(b) On and after the effective date of this act June 2, 2011 May 8, 2013, prior to the issuance of any bonds pursuant to this section:

(I) The capital improvement project described in subsection (a) shall be approved for the department of administration for the purposes of
subsection (b) of K.S.A. 74-8905, and amendments thereto; and
(2) the authorization of the issuance of bonds by the Kansas
development finance authority shall be approved by the:
(A) Kansas development finance authority in accordance with K.S.A.
74-8901 et seq., and amendments thereto, and, for all bonds issued on or
after the effective date of this act June 2, 2011, shall be approved by the;
and
(B) state finance council acting on this matter which is hereby
characterized as a matter of legislative delegation and subject to the
guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and
amendments thereto, except that such approval also may be given when
the legislature is in session. Prior to the approval of the issuance of such
bonds, the state finance council shall have reviewed the signed contract
for the construction of such capital improvement project and confirmed
that such contract contains provisions that any additional costs or any
change orders of such capital improvement project shall be paid by the
United States department of homeland security and that construction
will proceed in accordance with the provisions of such contract.
(c) The department of administration may only make expenditures
from the moneys received from the issuance of any bonds pursuant to this
section for those purposes set forth in subsection (a) for the capital
improvement project.
(d) The debt service for any such bonds issued pursuant to this
section shall be financed by appropriations from the state general fund or
any appropriate special revenue fund or funds.
(e) The date of maturity on bonds issued pursuant to this section shall
not be fixed for a period of time which exceeds 20 years from the date of
issuance.
(f) The proceeds from the sale of any bonds, other than refunding
bonds, issued pursuant to this section, after payment of any costs related to
the issuance of such bonds, shall be paid by the Kansas development
finance authority to the department of administration to be applied to the
payment of the costs of the capital improvement project authorized
pursuant to this section as requested by the secretary of administration and
by resolution of the Kansas development finance authority.
Sec. 2. K.S.A. 2012 Supp. 74-8963 is hereby repealed.
Sec. 3. This act shall take effect and be in force from and after its
publication in the statute book.