

2021 Kansas Statutes

19-123. Redevelopment districts encompassing federal enclaves; authority to grant utility franchises, authorization and approval by county commission, conditions, franchise fees, fee collection, use of funds by redevelopment district. (a) The board of county commissioners of any county that has established a redevelopment district that includes property located within a federal enclave in the county pursuant to K.S.A. 19-4901 et seq., and amendments thereto, hereafter referred to as the redevelopment district, may, by resolution, authorize any person, firm or corporation to install, maintain and operate utilities serving the redevelopment district, including, but not limited to, the following:

- (1) The construction, operation and maintenance of water lines and water treatment facilities;
- (2) the construction, operation and maintenance of sewer and wastewater lines and treatment facilities;
- (3) the construction, operation and maintenance of electrical lines and distribution facilities;
- (4) the construction, operation and maintenance of gas lines and storage and transmission facilities;
- (5) the construction, operation and maintenance of telecommunications services;
- (6) the construction, operation and maintenance of rail lines, sidings and rail switching services; and
- (7) use of roads within the confines of the redevelopment district, so long as such use is not prohibited by law.

(b) If the board of county commissioners of the county has, by resolution, established a redevelopment authority as a body corporate and politic to oversee economic development in the redevelopment district, the board of county commissioners may, by resolution, delegate the powers granted in subsection (a) to the board of directors of such redevelopment authority.

(c) If the board of county commissioners of the county or the board of directors of the redevelopment authority authorizes any activity specified in subsection (a), the grant of authority to engage in any such activity shall be subject to the following:

- (1) All contracts granting or giving any such original franchise, right or privilege, or extending or renewing or amending any existing grant, franchise, right or privilege to engage in such an activity shall be made by a resolution duly adopted by the board of county commissioners of the county, or by a resolution duly adopted by the board of directors of the development authority and approved by a resolution duly adopted by the board of county commissioners;
- (2) no contract, grant, franchise, right or privilege to engage in such an activity shall be extended for any longer period of time than 20 years from the date of such grant or extension;
- (3) no person, firm or corporation shall be granted any exclusive franchise, right or privilege whatsoever;
- (4) no such grant, franchise, right or privilege shall be made to any person, firm, corporation or association, unless it provides for adequate compensation or consideration therefor to be paid to the county or to the redevelopment authority, as the case may be, and, regardless of whether or not other or additional compensation is provided for, such grantee shall pay such fixed charge as may be prescribed in the franchise agreement;
- (5) no such grant, franchise, right or privilege shall be effective until the resolution of the board of county commissioners approving the same has been adopted as provided by law

with all expenses of publishing any resolution adopted pursuant to this section being paid by the proposed grantee; and

(6) all contracts, grants, franchises, rights or privileges for the use of the roads of the redevelopment district, not herein mentioned, shall be governed by all the provisions of this act.

(d) No franchise fee shall exceed 6% of the utility customer's gross charges for the utility service.

(e) Any franchise fees collected from any utility with respect to the provision of utilities within the redevelopment district shall be paid to the county treasurer. The county treasurer shall deposit franchise fees and other revenues received pursuant to subsection (a) to the credit of the redevelopment authority for use by the redevelopment authority as provided in this section. Any such franchise fees shall be specifically restricted for the payment of direct and indirect costs of installation, maintenance and operation of utilities serving the redevelopment district, including, but not limited to, the construction, operation and maintenance of water lines and treatment facilities, sewer and wastewater lines and treatment facilities, electrical lines and distribution facilities, gas lines and storage and transmission facilities, roads and bridges, railway improvements, the demolition of existing obsolete or otherwise unusable structures, the disposal of construction and demolition waste on-site and otherwise, the construction of capital improvements within the redevelopment district; the costs of developing, improving, managing and marketing properties within the redevelopment district; and the payment of bonds issued with respect to any of the foregoing.

(f) This section shall be a part of and supplemental to the provisions of article 1 of chapter 19 of the Kansas Statutes Annotated, and amendments thereto.

History: L. 2018, ch. 43, § 1; April 19.