

HOUSE BILL No. 2085

By Committee on Appropriations

1-22

1 AN ACT concerning the Kansas turnpike authority; relating to annual
2 reports; contracts between the secretary of transportation and the
3 authority; director; amending K.S.A. 68-2015 and K.S.A. 2014 Supp.
4 68-2003, 68-2021 and 68-2021a and repealing the existing sections.
5

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

7 Section 1. K.S.A. 2014 Supp. 68-2003 is hereby amended to read as
8 follows: 68-2003. (a) There is hereby created a body politic and corporate
9 to be known as the Kansas turnpike authority. The authority is hereby
10 constituted a public instrumentality and the exercise by the authority of the
11 powers conferred by this act in the construction, operation and
12 maintenance of turnpike projects shall be deemed and held to be the
13 performance of an essential governmental function.

14 (b) The Kansas turnpike authority shall consist of five members. Two
15 members shall be appointed by the governor for terms of four years. The
16 members appointed by the governor shall be residents of the state and shall
17 each year be owners of revenue bonds issued by the Kansas turnpike
18 authority. One member of the authority shall be the secretary of
19 transportation. One member shall be the chairperson of the committee on
20 transportation of the senate, and one member shall be a member of the
21 committee on transportation of the house of representatives and shall be
22 appointed by the speaker of the house of representatives. Any person
23 appointed by the governor to fill a vacancy on the authority shall be
24 appointed to serve only for the unexpired term, and a member of the
25 authority shall be eligible for reappointment. A member of the authority
26 may be removed by the governor for misfeasance, malfeasance or willful
27 neglect of duty, but only after reasonable notice and a public hearing
28 conducted in accordance with the provisions of the Kansas administrative
29 procedure act. Each member of the authority, before entering upon the
30 member's duties, shall take and subscribe an oath or affirmation as
31 required by law.

32 (c) The authority shall elect one member as chairperson of the
33 authority and another as vice-chairperson. The authority shall also elect a
34 secretary-treasurer who need not be a member of the authority. The
35 chairperson, vice-chairperson and secretary-treasurer shall serve as officers
36 at the pleasure of the authority. Three members of the authority shall

1 constitute a quorum and the affirmative vote of three members shall be
2 necessary for any action taken by the authority. No vacancy in the
3 membership of the authority shall impair the right of a quorum to exercise
4 all the rights and perform all the duties of the authority.

5 (d) Members of the Kansas turnpike authority attending meetings of
6 such authority, or attending a subcommittee meeting thereof authorized by
7 such authority, shall be paid compensation, subsistence allowances,
8 mileage and other expenses as provided in K.S.A. 75-3223, and
9 amendments thereto.

10 (e) On and after July 1, 2013, the secretary of transportation shall
11 serve as the director ~~of operations~~ of the authority. The director ~~of~~
12 ~~operations~~ shall be responsible for the daily administration of the toll
13 roads, bridges, structures and facilities constructed, maintained or operated
14 pursuant to this act. The director ~~of operations~~ or the director's designee
15 shall have such powers as are necessary to carry out these responsibilities.
16 ~~The provisions of this subsection shall expire and have no effect on and~~
17 ~~after July 1, 2016.~~

18 Sec. 2. K.S.A. 68-2015 is hereby amended to read as follows: 68-
19 2015. Each turnpike project when constructed and opened to traffic shall
20 be maintained and kept in good condition and repair by the authority. Each
21 such project shall also be policed and operated by such force of police,
22 toll-takers and other operating employees as the authority may in its
23 discretion employ.

24 All private property damaged or destroyed in laying out and
25 constructing said turnpike project shall be restored or repaired and placed
26 in its original condition as nearly as practicable or adequate compensation
27 made therefor out of funds provided under the authority of this act.

28 All counties, cities, towns and other political subdivisions and all
29 public agencies and commissions of the state, notwithstanding any
30 contrary provision of law, are hereby authorized and empowered to lease,
31 lend, grant or convey to the authority at its request upon such terms and
32 conditions as the proper authorities of such counties, cities, towns, political
33 subdivisions, agencies or commissions of the state may deem reasonable
34 and fair and without the necessity for any advertisement, order of court or
35 other action or formality, other than the regular and formal action of the
36 authorities concerned, any real property which may be necessary or
37 convenient to the effectuation of the authorized purposes of the authority,
38 including public roads and other real property already devoted to public
39 use.

40 ~~On or before the thirty-first day of March in each year~~ *Annually, prior*
41 *to the 10th day of each regular session of the legislature,* the authority shall
42 make an annual report of its activities for the preceding ~~calendar~~ *fiscal*
43 year to the governor. Each such report shall set forth a complete operating

1 and financial statement covering its operations during the year. The
2 authority shall cause an audit of its books and accounts to be made at least
3 once in each year by certified public accountants and the cost thereof may
4 be treated as a part of the cost of construction or operation of the project.

5 Any member, agent or employee of the authority who contracts with
6 the authority or is interested, either directly or indirectly, in any contract
7 with the authority or in the sale of any property, either real or personal, to
8 the authority shall be punished by a fine of not more than ~~one thousand~~
9 ~~dollars (\$1,000)~~ \$1,000 or by imprisonment for not more than one ~~(1)~~ year,
10 or both.

11 Sec. 3. K.S.A. 2014 Supp. 68-2021 is hereby amended to read as
12 follows: 68-2021. ~~On and after July 1, 2016,~~ The secretary of
13 transportation and the Kansas turnpike authority are hereby authorized and
14 empowered to contract with each other, by the terms of which contract or
15 contracts the secretary may undertake: (1) To provide personnel and
16 equipment, either of the department of transportation or consulting or
17 contracting firms, required in making any traffic and cost studies or
18 surveys or origin-destination studies necessary preliminary to financing by
19 the Kansas turnpike authority of any particular toll project undertaken as
20 authorized by law, and to do such work; and

21 (2) to provide personnel and equipment required, and to do any
22 engineering, geological work, soils testing or materials testing which may
23 be required by the Kansas turnpike authority either preliminary to the
24 financing of any particular toll project authorized by law or which may be
25 required after such financing and during the construction of such project.
26 The charges for services contemplated by such project shall be made by
27 the secretary of transportation on the basis of the total and actual cost to
28 the department of all wages, salaries, expenses, equipment rental, damage
29 to equipment, depreciation or other charges and expenses chargeable to the
30 services to be rendered to the Kansas turnpike authority, except that the
31 total amount of any credit and funds advanced hereunder shall not at any
32 one time exceed the sum of \$250,000.

33 Sec. 4. K.S.A. 2014 Supp. 68-2021a is hereby amended to read as
34 follows: 68-2021a. (a) The secretary of transportation and the Kansas
35 turnpike authority are hereby authorized and empowered to contract with
36 each other to provide personnel and equipment and other resources, either
37 of the department of transportation, the Kansas turnpike authority or
38 consulting or contracting firms for: (1) Recordkeeping, reporting,
39 administrative, planning, engineering, legal and clerical functions; and (2)
40 construction, operation and maintenance of turnpike projects and highways
41 of the state.

42 (b) The Kansas turnpike authority shall retain its separate identity,
43 powers and duties as an instrumentality of the state. Duplication of effort,

1 facilities and equipment shall be minimized by the authority and the
2 secretary of transportation in operation and maintenance of turnpikes and
3 highways of the state. The authority and the secretary are authorized to
4 take such action as necessary to implement this section, including the
5 temporary transfer of personnel, property and equipment from the
6 authority to the secretary, and the secretary to the authority, to effect
7 contracts described in subsection (a). The integrity of the bonded
8 indebtedness shall be maintained through the actions of the authority.

9 ~~(e) The provisions of this section shall expire and have no effect on~~
10 ~~and after July 1, 2016.~~

11 Sec. 5. K.S.A. 68-2015 and K.S.A. 2014 Supp. 68-2003, 68-2021 and
12 68-2021a are hereby repealed.

13 Sec. 6. This act shall take effect and be in force from and after its
14 publication in the statute book.