

## HOUSE BILL No. 2002

By Representative Lane

12-8

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9 AN ACT concerning the Kansas turnpike authority; prohibiting the  
10 changing and collecting of tolls on certain portions of the turnpike;  
11 amending K.S.A. 68-2004 and 68-2009 and repealing the existing  
12 sections.

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

15 Section 1. K.S.A. 68-2004 is hereby amended to read as follows: 68-  
16 2004. (a) The authority is hereby authorized and empowered to:

17 (1) Adopt bylaws for the regulation of its affairs and the conduct of  
18 its business;

19 (2) adopt an official seal and alter the same at pleasure;

20 (3) maintain an office at such place or places within the state as it  
21 may designate;

22 (4) sue and be sued in its own name, plead and be impleaded;

23 (5) determine the location, subject to the approval of the secretary of  
24 transportation, of each turnpike project financed under the provisions of  
25 this act, determine its design and the materials of construction, and con-  
26 struct, maintain, repair and operate the same;

27 (6) issue turnpike revenue bonds of the authority for any of its cor-  
28 porate purposes, payable solely from the tolls and revenues pledged for  
29 their payment, and to refund its bonds, all as provided in this act;

30 (7) fix and revise from time to time and charge and collect tolls, *except*  
31 *as provided in K.S.A. 68-2009, and amendments thereto*, for transit over  
32 each turnpike project constructed by it;

33 (8) adopt rules and regulations for the use of any such turnpike pro-  
34 ject, and adopt rules and regulations for traffic control on such project;

35 (9) acquire, hold and dispose of real and personal property in the  
36 exercise of its powers and the performance of its duties under this act;

37 (10) designate the locations, and establish, limit and control such  
38 points of ingress to and egress from each turnpike project as may be  
39 necessary or desirable in the judgment of the authority to insure the  
40 proper operation and maintenance of such project, and to prohibit en-  
41 trance to such project from any point or points not so designated;

42 (11) make and enter into all contracts and agreements necessary or  
43 incidental to the performance of its duties and the execution of its powers

1 under this act;

2 (12) employ consulting engineers, attorneys, accountants, construc-  
3 tion and financial experts, superintendents, managers, and such other  
4 employees and agents as may be necessary in its judgment, and to fix their  
5 compensation;

6 (13) receive and accept from any federal agency grants for or in aid  
7 of the construction of any turnpike project, and to receive and accept aid  
8 or contributions from any source of either money, property, labor or other  
9 things of value, to be held, used and applied only for the purposes for  
10 which such grants and contributions may be made; and

11 (14) do all acts and things necessary or convenient to carry out the  
12 powers expressly granted in this act.

13 (b) Violation of any of the rules and regulations adopted under this  
14 section shall be unlawful and subject to the penalties contained in K.S.A.  
15 8-2116, and amendments thereto.

16 Sec. 2. K.S.A. 68-2009 is hereby amended to read as follows: 68-  
17 2009. The authority is hereby authorized to fix, revise, charge and collect  
18 tolls for the use of each turnpike project and the different parts or sections  
19 thereof, ~~and~~ *except that the authority shall not charge or collect tolls from*  
20 *any person for transit over that portion of the turnpike located between*  
21 *interchanges servicing a single city, if such person enters and exits from*  
22 *such interchanges servicing such single city. The authority is also au-*  
23 *thorized to contract with any person, partnership, association or corpo-*  
24 *ration desiring the use of any part thereof, including the right-of-way*  
25 *adjoining the paved portion, for placing thereon telephone, telegraph,*  
26 *electric light or power lines, motor fuel filling stations, garages, and res-*  
27 *taurants, or for any other purpose except for tracks for railroad or railway*  
28 *use, and to fix the terms, conditions, rents and rates of charges for such*  
29 *use. All contracts made by the authority for retail establishments or lo-*  
30 *cations for retail establishments shall be made separately for each retail*  
31 *establishment or location for a retail establishment and sealed bids shall*  
32 *be asked separately on each retail establishment or each location for a*  
33 *retail establishment by public offering duly advertised as provided by law*  
34 *for the advertising for bids on state highway construction projects and*  
35 *each such contract shall be let by the authority in like manner as provided*  
36 *by law for the letting of highway construction contracts by the secretary*  
37 *of transportation. Such tolls shall be so fixed and adjusted in respect of*  
38 *the aggregate of tolls from the turnpike project or projects in connection*  
39 *with which the bonds of any issue shall have been issued as to provide a*  
40 *fund sufficient with other revenues, if any, to pay (a) the cost of main-*  
41 *taining, repairing and operating such turnpike project or projects and (b)*  
42 *the principal of and the interest on such bonds as the same shall become*  
43 *due and payable, and to create reserves for such purposes.*

1 Such tolls shall not be subject to supervision or regulation by any other  
2 commission, board, bureau or agency of the state. The tolls and all other  
3 revenues derived from the turnpike project or projects in connection with  
4 which the bonds of any issue shall have been issued, except such part  
5 thereof as may be necessary to pay such cost of maintenance, repair and  
6 operation and to provide such reserves therefor as may be provided for  
7 in the resolution authorizing the issuance of such bonds or in the trust  
8 agreement securing the same, shall be set aside at such regular intervals  
9 as may be provided in such resolution or such trust agreement in a sinking  
10 fund which is hereby pledged to, and charged with, the payment of the  
11 principal of and the interest on such bonds as the same shall become due,  
12 and the redemption price or the purchase price of bonds retired by call  
13 or purchase as therein provided. Such pledge shall be valid and binding  
14 from the time when the pledge is made; the tolls or other revenues or  
15 other moneys so pledged and thereafter received by the authority shall  
16 immediately be subject to the lien of such pledge without any physical  
17 delivery thereof or further act, and the lien of any such pledge shall be  
18 valid and binding as against all parties having claims of any kind in tort,  
19 contract or otherwise against the authority, irrespective of whether such  
20 parties have notice thereof. Neither the resolution nor any trust agree-  
21 ment by which a pledge is created need be filed or recorded except in  
22 the records of the authority. The use and disposition of moneys to the  
23 credit of such sinking fund shall be subject to the provisions of the res-  
24 olution authorizing the issuance of such bonds or of such trust agreement.  
25 Except as may otherwise be provided in such resolution or such trust  
26 agreement, such sinking fund shall be a fund for all such bonds without  
27 distinction or priority of one over another.

28 Sec. 3. K.S.A. 68-2004 and 68-2009 are hereby repealed.

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