

HOUSE BILL No. 2178

By Committee on Appropriations

1-30

9 AN ACT abolishing the Kansas turnpike authority; transferring powers,
10 duties and functions to the Kansas department of transportation.

11

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

13 Section 1. On January 1, 2010, the Kansas turnpike authority created
14 by K.S.A. 68-2003, and amendments thereto, shall be and is hereby abol-
15 ished, and on such date, all powers, duties and functions of the Kansas
16 turnpike authority are hereby transferred to and conferred and imposed
17 upon the department of transportation and the secretary of
18 transportation.

19 Sec. 2. The department of transportation and secretary of transpor-
20 tation shall be the successors in every way, respectively, to the powers,
21 duties and functions of the Kansas turnpike authority. Every act per-
22 formed in the exercise of such powers, duties and functions by or under
23 the authority of the department of transportation or secretary of trans-
24 portation, respectively, shall be deemed to have the same force and effect
25 as if performed by the Kansas turnpike authority. The department and
26 secretary of transportation shall be continuations of the Kansas turnpike
27 authority.

28 Sec. 3. (a) All rules and regulations, all orders, directives and reso-
29 lutions of the Kansas turnpike authority which are in existence on the
30 effective date of this act, shall continue to be effective and shall be
31 deemed to be the duly adopted rules and regulations, orders, directives
32 and resolutions of the secretary of transportation, until revised, amended,
33 revoked or nullified according to law.

34 (b) The secretary of transportation is hereby authorized to adopt,
35 amend or repeal rules and regulations as necessary to administer or im-
36 plement any statutory provision under the department's jurisdiction. Such
37 rules and regulations shall be promulgated in accordance with the rules
38 and regulations filing act, K.S.A. 77-415 et seq., and amendments thereto.
39 Such rules and regulations shall not be inconsistent with or exceed the
40 authority granted to the secretary under the statutory provision to be
41 administered or implemented.

42 Sec. 4. Whenever the Kansas turnpike authority, or words of like
43 effect, is referred to or designated by a statute, contract or other docu-

1 ment, such reference or designation shall be deemed to apply to the
2 department of transportation.

3 Sec. 5. (a) When any conflict arises as to the disposition of any prop-
4 erty, power, duty or function as a result of any abolition or transfer made
5 by or under the authority of this act, such conflict shall be resolved by
6 the governor, whose decision shall be final.

7 (b) The department of transportation shall succeed to all property,
8 property rights and records which were used for or pertain to the per-
9 formance of powers, duties and functions transferred to the department
10 of transportation. Any conflict as to the proper disposition of property,
11 personnel or records arising under this act shall be determined by the
12 governor, whose decision shall be final.

13 Sec. 6. (a) No suit, action or other proceeding, judicial or adminis-
14 trative, lawfully commenced, or which could have been commenced, by
15 or against any state agency mentioned in this act, or by or against any
16 officer of the state in such officer's official capacity or in relation to the
17 discharge of such officer's official duties, shall abate by reason of the
18 governmental reorganization effected under the provisions of this act. The
19 court may allow any such suit, action or other proceeding to be main-
20 tained by or against the successor of any such state agency or any officer
21 affected.

22 (b) No criminal action commenced or which could have been com-
23 menced by the state shall abate by the taking effect of this act.

24 Sec. 7. (a) All officers and employees of the Kansas turnpike author-
25 ity who, immediately prior to the effective date of this act, are engaged
26 in the exercise and performance of the powers, duties and functions trans-
27 ferred by this act who are determined by the secretary of transportation
28 to be engaged in providing administrative, technical or other support serv-
29 ices that are essential to the exercise and performance of the powers,
30 duties and functions transferred by this act, are hereby transferred to the
31 department of transportation.

32 (b) Officers and employees of the Kansas turnpike authority trans-
33 ferred by this act shall retain all retirement benefits and leave balances
34 and rights which had accrued or vested prior to the date of transfer. The
35 service of each such officer and employee so transferred shall be deemed
36 to have been continuous. Any subsequent transfers, layoffs or abolition
37 of positions shall be made in accordance with the civil service laws and
38 any rules and regulations adopted thereunder. All such officers and em-
39 ployees transferred shall be in the unclassified service under the Kansas
40 civil service act.

41 Sec. 8. This act shall take effect and be in force from and after, Jan-
42 uary 1, 2010, and its publication in the statute book.