

HOUSE BILL No. 2364

By Committee on Transportation

2-15

1 AN ACT concerning aviation; creating the Kansas aerospace commission,
2 powers, duties; abolishing the division of aviation; transferring powers
3 from the secretary of transportation to the director of the Kansas
4 aerospace commission; amending K.S.A. 3-605 and 3-606 and K.S.A.
5 2018 Supp. 75-5061 and repealing the existing sections; also repealing
6 K.S.A. 75-5010 and 75-5011.
7

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

9 New Section 1. (a) On July 1, 2019, the division of aviation within
10 the department of transportation provided for by K.S.A. 75-5010, prior to
11 its repeal, shall be and is hereby abolished.

12 (b) On July 1, 2019, all of the powers, duties and functions of the
13 division of aviation within the department of transportation and the
14 powers, duties and functions of the secretary of transportation relating to
15 aviation are hereby transferred to and conferred and imposed upon the
16 Kansas aerospace commission.

17 (c) The Kansas aerospace commission shall be the successor in every
18 way to the powers, duties and functions of the division of aviation within
19 the department of transportation and the powers, duties and functions of
20 the secretary of transportation relating to aviation in which the same were
21 vested prior to July 1, 2019. Every act performed in the exercise of such
22 powers, duties and functions by or under the authority of the Kansas
23 aerospace commission shall be deemed to have the same force and effect
24 as if performed by the division of aviation within the department of
25 transportation or the secretary of transportation in which the authority to
26 perform such act was vested prior to July 1, 2019. The Kansas aerospace
27 commission shall be a continuation of the division of aviation within the
28 department of transportation.

29 (d) All rules and regulations and all orders or directives of the
30 division of aviation within the department of transportation, or of any
31 persons authorized by the division to issue orders or directives, or any
32 orders or directives of the secretary of transportation relating to aviation,
33 in existence on July 1, 2019, shall continue to be effective and shall be
34 deemed to be the rules and regulations and orders or directives of the
35 Kansas aerospace commission until revised, amended, revoked or nullified
36 pursuant to law.

1 (e) On and after July 1, 2019, whenever the division of aviation, or
2 words of like effect, is referred to or designated by a statute, contract or
3 other document, such reference or designation shall be deemed to mean
4 and apply to the Kansas aerospace commission.

5 (f) On and after July 1, 2019, the Kansas aerospace commission shall
6 succeed to whatever right, title or interest the division of aviation within
7 the department of transportation has acquired in any real property in this
8 state, and the Kansas aerospace commission shall hold the same for and in
9 the name of the state of Kansas. On and after July 1, 2019, whenever any
10 statute, contract, deed or other document concerns the power or authority
11 of the division of aviation within the department of transportation to
12 acquire, hold or dispose of real property or any interest therein, the Kansas
13 aerospace commission shall succeed to such power or authority.

14 (g) On and after July 1, 2019, all officers and employees who,
15 immediately prior to such date, were engaged in the performance of
16 powers, duties or functions of the division of aviation within the
17 department of transportation that are transferred by this section, or who
18 become a part of the Kansas aerospace commission, and who, in the
19 opinion of the director of the Kansas aerospace commission, are necessary
20 to perform the powers, duties and functions of the Kansas aerospace
21 commission, shall be transferred to, and shall become officers and
22 employees of the Kansas aerospace commission.

23 (h) Officers and employees of the division of aviation within the
24 department of transportation transferred by this act shall retain all
25 retirement benefits and leave balances and rights which had accrued or
26 vested, prior to the date of transfer. The service of each such officer and
27 employee so transferred shall be deemed to have been continuous. All
28 transfers, layoffs or abolition of classified service positions under the
29 Kansas civil service act shall be made in accordance with the civil service
30 laws and any rule and regulation adopted thereunder. Nothing in this act
31 shall affect the classified status of any transferred person employed by the
32 division of aviation within the department of transportation prior to the
33 date of transfer.

34 New Sec. 2. (a) There is hereby established within the executive
35 branch of government, the Kansas aerospace commission. The Kansas
36 aerospace commission shall be administered under the direction and
37 supervision of the director of the Kansas aerospace commission. The
38 director of the Kansas aerospace commission shall be appointed by the
39 governor, subject to confirmation by the senate as provided in K.S.A. 75-
40 4315b, and amendments thereto. Except as provided by K.S.A. 46-2601,
41 and amendments thereto, no person appointed as the director of the Kansas
42 aerospace commission shall exercise any power, duty or function as
43 director until confirmed by the senate. Except as otherwise provided by

1 this section, the director of the Kansas aerospace commission shall be in
2 the unclassified service under the Kansas civil service act, shall serve at
3 the pleasure of the governor and shall receive an annual salary fixed by the
4 governor.

5 (b) All budgeting, purchasing and related management functions of
6 the Kansas aerospace commission shall be administered under the
7 direction and supervision of the director of the Kansas aerospace
8 commission.

9 (c) All vouchers for expenditures from appropriations to or for the
10 Kansas aerospace commission shall be approved by the director of the
11 Kansas aerospace commission or a person or persons designated by the
12 director for such purpose.

13 (d) The provisions of the Kansas governmental operations
14 accountability law apply to the Kansas aerospace commission, and the
15 office is subject to audit, review and evaluation under such law.

16 New Sec. 3. (a) The Kansas aerospace commission shall be the
17 official agency of the state for the development and coordination of the
18 aerospace industry and employment development in the aerospace
19 industries. The Kansas aerospace commission shall, in accordance with
20 general polices directed by the governor, have the power to:

21 (1) Appoint such advisory committees as it deems advisable and
22 necessary to effectuate the provisions of this act;

23 (2) accept, on behalf of the state of Kansas, and expend any federal
24 funds granted by an act of congress or by executive order for all or any
25 purpose of the Kansas aerospace commission, except that the Kansas
26 aerospace commission may expend such funds only upon appropriation by
27 the legislature if the federal funds require matching state contributions or
28 capital outlay or create a commitment for future state spending;

29 (3) accept any gifts, grants, donations or bequests for all or any of the
30 purposes of the Kansas aerospace commission, including moneys from the
31 sale of real or personal property;

32 (4) propose methods and processes to encourage private and public
33 initiatives that recognize and enhance the role that the aerospace industry
34 has in the state of Kansas;

35 (5) prepare, promulgate or publish advertising and promotional
36 books, pamphlets and materials consistent with the purposes of this act,
37 and prepare and publish reports or surveys containing information relating
38 to the aerospace industry and the activities of the commission or other
39 agencies, public or private, as may be requested by the governor or the
40 legislature;

41 (6) advise and consult with local, state and federal departments and
42 agencies on methods to coordinate and assist existing resources and
43 facilities to foster the development of the aerospace industry, both

1 nationally and internationally, in the best interests of Kansas;

2 (7) enter into agreements with other states, or with the United States
3 or any agency or instrumentality thereof, having duties or functions similar
4 to the Kansas aerospace commission, or with private associations or
5 corporations, or with private or public colleges or universities, or with any
6 public or private school, or with individual persons for any purpose
7 consistent with the objectives and purposes of this act;

8 (8) undertake any and all other acts or things as may be deemed
9 necessary and convenient by the Kansas aerospace commission to foster
10 and promote the development of the aerospace industry in this state; and

11 (9) adopt rules and regulations as may be necessary to effectuate the
12 provisions of this act.

13 (b) The duties of the Kansas aerospace commission include:

14 (1) Encouraging the establishment of airports and air navigation
15 facilities in the state of Kansas;

16 (2) promoting employment development within the aerospace
17 industries;

18 (3) establishing and administering a grant program for public use
19 general aviation airports for the purpose of planning, constructing,
20 reconstructing or rehabilitating the facilities of such public use general
21 aviation airports pursuant to K.S.A. 75-5061, and amendments thereto;

22 (4) cooperating with and assisting the federal government, the
23 counties and municipalities of this state and other persons in the
24 development and coordination of all aerospace activities in the state of
25 Kansas;

26 (5) representing the state of Kansas in all aerospace matters before
27 state and federal agencies;

28 (6) participating as party plaintiff or defendant or as intervenor on
29 behalf of the state or any municipality in any controversy that involves the
30 interest of the state in the aerospace industry;

31 (7) cooperating with the public sector or private sector, or both, to
32 provide financing, in whole or in part, for aerospace educational programs
33 and to support the educational programs of aerospace museums in the state
34 of Kansas;

35 (8) cooperating with the public sector or private sector, or both, to
36 provide financing, in whole or in part, for programs informing the public
37 of commercial and general aviation services available in the state; and

38 (9) annually prepare and submit a written report to the house
39 committee on transportation and to the governor, providing the following:

40 (A) Any progress made by the Kansas aerospace commission and its
41 director in response to any recommendations provided to the commission
42 in the preceding fiscal year by the legislative division of post audit;

43 (B) information on the current status of all airports and air navigation

1 facilities within the state of Kansas;

2 (C) information concerning any new programs that help foster
3 employment in the aerospace industry or any programs that take advantage
4 of emerging technologies in the aerospace industry;

5 (D) any federal, state or other grants or awards received or taken
6 advantage of by the Kansas aerospace commission to further the aerospace
7 interests of the state of Kansas;

8 (E) any recommendations for legislation necessary to ensure the
9 development and sustainability of the aerospace industry in the state of
10 Kansas; and

11 (F) any other information deemed necessary.

12 New Sec. 4. Nothing contained in this act shall be construed to limit
13 any right, power or authority of any county or municipality to regulate
14 airports that are properly within the jurisdiction and control of a county or
15 municipality.

16 New Sec. 5. (a) There is hereby created in the state treasury the
17 Kansas aerospace commission fund. Moneys from the following sources
18 shall be credited to the fund:

19 (1) Moneys appropriated to the fund by the legislature; and

20 (2) any gifts, grants or donations from private or public sources that
21 the Kansas aerospace commission is hereby authorized to accept. No
22 moneys from gifts, grants and donations shall be spent for any purpose
23 other than programs that the Kansas aerospace commission has authorized.

24 (b) All payments and disbursements from the fund shall be made in
25 accordance with appropriation acts upon warrants of the director of
26 accounts and reports issued pursuant to vouchers approved by the director
27 or by a person or persons designated by the director.

28 Sec. 6. K.S.A. 3-605 is hereby amended to read as follows: 3-605.
29 ~~The secretary of transportation~~ *director of the Kansas aerospace*
30 *commission* is hereby empowered to:

31 ~~(1)~~(a) Act as the agent of sponsors located in the state;

32 ~~(2)~~(b) accept in behalf of the sponsors and disburse to them all
33 payments made pursuant to agreements under the federal airport act;

34 ~~(3)~~(c) acquire by purchase, gift, devise, lease, or otherwise, any
35 property, real or personal, or any interest therein, including easements,
36 necessary to establish or develop airports;

37 ~~(4)~~(d) engage in airport systems planning on a statewide basis; and

38 ~~(5)~~(e) undertake airport development, or provide financial assistance
39 to public agencies within the state for carrying it out.

40 Sec. 7. K.S.A. 3-606 is hereby amended to read as follows: 3-606.
41 Notwithstanding the provisions of K.S.A. 3-605, *and amendments thereto*,
42 any municipality in this state, whether acting alone or jointly with other
43 municipalities or with the state, may submit to the secretary of

1 transportation of the United States any project application under the
2 provisions of the federal airport act, ~~or any amendment and amendments~~
3 thereto, and the project application may be approved by ~~the secretary of~~
4 ~~transportation of the state department of transportation~~ *director of the*
5 *Kansas aerospace commission*. Such municipality or municipalities may
6 directly accept, receive, receipt for or disburse any funds granted by the
7 United States under the federal airport act, or may designate ~~said state~~
8 ~~secretary of transportation~~ *the director of the Kansas aerospace*
9 *commission* as its agent to accept, receive, receipt for and disburse such
10 funds. Such municipality or municipalities may enter into an agreement
11 with ~~said state secretary of transportation~~ *the director of the Kansas*
12 *aerospace commission* prescribing the terms and conditions of such
13 agency in accordance with federal laws, rules and regulations and
14 applicable laws of this state. Any grant of money made by the United
15 States government pursuant to the federal airport act may be retained by
16 the state or paid over to the municipality or municipalities for whom the
17 grant was made under such terms and conditions as may be imposed by the
18 United States government in making such grant.

19 Sec. 8. K.S.A. 2018 Supp. 75-5061 is hereby amended to read as
20 follows: 75-5061. (a) ~~The secretary of transportation~~ *director of the*
21 *Kansas aerospace commission* is hereby authorized and empowered to: (1)
22 Solicit and receive moneys from any public or private sources; and (2)
23 establish and administer a grant program for public use general aviation
24 airports for the purpose of planning, constructing, reconstructing or
25 rehabilitating the facilities of such public use general aviation airports.

26 (b) Such grants shall be made upon such terms and conditions as the
27 ~~secretary of transportation~~ *director of the Kansas aerospace commission*
28 deems appropriate, and such grants shall be made from funds credited to
29 the public use general aviation airport development fund.

30 (c) The public use general aviation airport development fund is
31 hereby established in the state treasury which shall be for the purpose of
32 planning, constructing, reconstructing or rehabilitating the facilities of
33 public use general aviation airports pursuant to subsection (a) of this
34 section. All moneys received pursuant to subsection (a) shall be remitted to
35 the state treasurer at least monthly and deposited in the state treasury to the
36 credit of the public use general aviation airport development fund. The
37 ~~secretary of transportation~~ *director of the Kansas aerospace commission*
38 shall administer the public use general aviation airport development fund.
39 All expenditures from the public use general aviation airport development
40 fund shall be made in accordance with appropriation acts upon warrants of
41 the director of accounts and reports issued pursuant to vouchers approved
42 by ~~the secretary of transportation~~ *director of the Kansas aerospace*
43 *commission* or by a person or persons designated by the ~~secretary~~ *director*.

1 ~~(d) (1) On July 1, 1999, and each July 1 thereafter through July 1,~~
2 ~~2012, the director of accounts and reports shall transfer \$3,000,000 from~~
3 ~~the state highway fund to the public use general aviation airport~~
4 ~~development fund.~~

5 (2) On July 1, 2013, and each July 1, thereafter, the director of
6 accounts and reports shall transfer \$5,000,000 from the state highway fund
7 to the public use general aviation airport development fund.

8 (e) As used in this section "public use general aviation airport" means
9 any airport available for use by the general public for the landing and
10 taking off of aircraft, but shall not include any airport classified as a
11 primary airport by the federal aviation administration.

12 ~~The secretary of transportation~~ *director of the Kansas aerospace*
13 *commission* may adopt rules and regulations for the purpose of
14 implementing the provisions of this section.

15 Sec. 9. K.S.A. 3-605, 3-606, 75-5010 and 75-5011 and K.S.A. 2018
16 Supp. 75-5061 are hereby repealed.

17 Sec. 10. This act shall take effect and be in force from and after its
18 publication in the statute book.