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

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

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

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

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

(d) All rules and regulations and all orders or directives of the division of aviation within the department of transportation, or of any persons authorized by the division to issue orders or directives, or any orders or directives of the secretary of transportation relating to aviation, in existence on July 1, 2019, shall continue to be effective and shall be deemed to be the rules and regulations and orders or directives of the Kansas aerospace commission until revised, amended, revoked or nullified pursuant to law.
(e) On and after July 1, 2019, whenever the division of aviation, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to mean and apply to the Kansas aerospace commission.

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

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

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

New Sec. 2. (a) There is hereby established within the executive branch of government, the Kansas aerospace commission. The Kansas aerospace commission shall be administered under the direction and supervision of the director of the Kansas aerospace commission. The director of the Kansas aerospace commission shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as the director of the Kansas aerospace commission shall exercise any power, duty or function as director until confirmed by the senate. Except as otherwise provided by
this section, the director of the Kansas aerospace commission shall be in
the unclassified service under the Kansas civil service act, shall serve at
the pleasure of the governor and shall receive an annual salary fixed by the
governor.

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

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

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

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

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

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

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

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

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

(6) advise and consult with local, state and federal departments and
agencies on methods to coordinate and assist existing resources and
facilities to foster the development of the aerospace industry, both
nationally and internationally, in the best interests of Kansas;

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

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

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

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

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

(2) promoting employment development within the aerospace industries;

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

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

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

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

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

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

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

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

(B) information on the current status of all airports and air navigation
facilities within the state of Kansas;
(C) information concerning any new programs that help foster
employment in the aerospace industry or any programs that take advantage
of emerging technologies in the aerospace industry;
(D) any federal, state or other grants or awards received or taken
advantage of by the Kansas aerospace commission to further the aerospace
interests of the state of Kansas;
(E) any recommendations for legislation necessary to ensure the
development and sustainability of the aerospace industry in the state of
Kansas; and
(F) any other information deemed necessary.

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

New Sec. 5. (a) There is hereby created in the state treasury the
Kansas aerospace commission fund. Moneys from the following sources
shall be credited to the fund:
(1) Moneys appropriated to the fund by the legislature; and
(2) any gifts, grants or donations from private or public sources that
the Kansas aerospace commission is hereby authorized to accept. No
moneys from gifts, grants and donations shall be spent for any purpose
other than programs that the Kansas aerospace commission has authorized.
(b) All payments and disbursements from the fund shall be made in
accordance with appropriation acts upon warrants of the director of
accounts and reports issued pursuant to vouchers approved by the director
or by a person or persons designated by the director.

Sec. 6. K.S.A. 3-605 is hereby amended to read as follows: 3-605.
The secretary of transportation, director of the Kansas aerospace
commission is hereby empowered to:
(1) Act as the agent of sponsors located in the state;
(2) accept in behalf of the sponsors and disburse to them all
payments made pursuant to agreements under the federal airport act;
(3) acquire by purchase, gift, devise, lease, or otherwise, any
property, real or personal, or any interest therein, including easements,
necessary to establish or develop airports;
(4) engage in airport systems planning on a statewide basis; and
(5) undertake airport development, or provide financial assistance
to public agencies within the state for carrying it out.

Sec. 7. K.S.A. 3-606 is hereby amended to read as follows: 3-606.
Notwithstanding the provisions of K.S.A. 3-605, and amendments thereto,
any municipality in this state, whether acting alone or jointly with other
municipalities or with the state, may submit to the secretary of
transportation of the United States any project application under the
provisions of the federal airport act, or any amendment and amendments
thereto, and the project application may be approved by the secretary of
transportation of the state department of transportation director of the
Kansas aerospace commission. Such municipality or municipalities may
directly accept, receive, receipt for or disburse any funds granted by the
United States under the federal airport act, or may designate said state-
secretary of transportation the director of the Kansas aerospace
commission as its agent to accept, receive, receipt for and disburse such
funds. Such municipality or municipalities may enter into an agreement
with said state secretary of transportation the director of the Kansas
aerospace commission prescribing the terms and conditions of such
agency in accordance with federal laws, rules and regulations and
applicable laws of this state. Any grant of money made by the United
States government pursuant to the federal airport act may be retained by
the state or paid over to the municipality or municipalities for whom the
grant was made under such terms and conditions as may be imposed by the
United States government in making such grant.

Sec. 8. K.S.A. 2018 Supp. 75-5061 is hereby amended to read as
follows: 75-5061. (a) The secretary of transportation director of the
Kansas aerospace commission is hereby authorized and empowered to: (1)
Solicit and receive moneys from any public or private sources; and (2)
establish and administer a grant program for public use general aviation
airports for the purpose of planning, constructing, reconstructing or
rehabilitating the facilities of such public use general aviation airports.
(b) Such grants shall be made upon such terms and conditions as the
secretary of transportation director of the Kansas aerospace commission
deems appropriate, and such grants shall be made from funds credited to
the public use general aviation airport development fund.
(c) The public use general aviation airport development fund is
hereby established in the state treasury which shall be for the purpose of
planning, constructing, reconstructing or rehabilitating the facilities of
public use general aviation airports pursuant to subsection (a) of this
section. All moneys received pursuant to subsection (a) shall be remitted to
the state treasurer at least monthly and deposited in the state treasury to the
credit of the public use general aviation airport development fund. The
secretary of transportation director of the Kansas aerospace commission
shall administer the public use general aviation airport development fund.
All expenditures from the public use general aviation airport development
fund shall be made in accordance with appropriation acts upon warrants of
the director of accounts and reports issued pursuant to vouchers approved
by the secretary of transportation director of the Kansas aerospace
commission or by a person or persons designated by the secretary director.
(d) (1) On July 1, 1999, and each July 1 thereafter through July 1, 2012, the director of accounts and reports shall transfer $3,000,000 from the state highway fund to the public use general aviation airport development fund.

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

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

(f) The secretary of transportation director of the Kansas aerospace commission may adopt rules and regulations for the purpose of implementing the provisions of this section.

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

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