

SENATE BILL No. 192

By Committee on Ways and Means

2-14

1 AN ACT concerning transportation; relating to toll projects; authorizing
2 the secretary of transportation to designate or construct toll projects;
3 changing toll project financing requirements; amending K.S.A. 68-
4 2002, 68-2004, 68-2008, 68-20,120 and 68-2301 and repealing the
5 existing sections.
6

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

8 Section 1. K.S.A. 68-2002 is hereby amended to read as follows: 68-
9 2002. In order to provide for the construction of modern express highways
10 or superhighways embodying, where feasible and necessary, safety
11 devices, including center division, ample shoulder widths, long-sight
12 distances, multiple lanes in each direction and grade separation at
13 intersections with other highways and railroads, and thereby facilitate
14 vehicular traffic, provide better connections between the highway system
15 of Kansas and the highway systems of the adjoining states, remove many
16 of the present handicaps and hazards on the congested highways in the
17 state, and promote the agricultural and industrial development of the state,
18 the Kansas turnpike authority ~~(hereinafter created)~~ is hereby authorized
19 and empowered to construct, maintain, repair and operate turnpike projects
20 ~~payable solely partly~~ ~~from revenues, to issue revenue bonds of the authority,~~
21 ~~payable solely partly~~ from revenues, to finance such projects. No toll road
22 project shall be undertaken unless and until such project and the proposed
23 location therefor have been thoroughly studied with respect to traffic,
24 engineering, cost and financing nor unless such study shows:
25 (a) That public funds for construction of a free expressway are not
26 available;

27 (b) that the construction of a toll expressway can be financed ~~wholly~~
28 ~~partly~~ through the investment of private funds in toll road revenue bonds;
29 and

30 (c) that the project and indebtedness incurred therefor ~~with can be~~
31 ~~entirely self-financing~~ *financed partly* through tolls and other income
32 from operation of the project.

33 Sec. 2. K.S.A. 68-2004 is hereby amended to read as follows: 68-
34 2004. (a) The authority is hereby authorized and empowered to:

35 (1) Adopt bylaws for the regulation of its affairs and the conduct of
36 its business;

Proposed Amendments
2019 Senate Bill No. 192
Prepared by: Office of Revisor of Statutes
Project approval by local government, turnpike
authority and state finance council

1 thereof or a pledge of the faith and credit of the state or of any such
 2 political subdivision thereof, but all such bonds shall be payable ~~to the~~
 3 ~~party~~ from the funds ~~therein~~ provided ~~therefor~~ from revenues. All such
 4 revenue bonds shall contain on the face ~~thereof~~ a statement to the effect
 5 that neither the state nor the authority shall be obligated to pay the same or
 6 the interest thereon except from revenues of the project or projects for
 7 which they are issued and that neither the faith and credit nor the taxing
 8 power of the state or any political subdivision thereof is pledged to the
 9 payment of the principal of or the interest on such bonds.

10 All expenses incurred in carrying out the provisions of this act shall be
 11 payable ~~to the~~ ~~party~~ from funds provided under the authority of this act
 12 and no liability or obligation shall be incurred by the authority ~~thereunder~~
 13 beyond the extent to which moneys shall have been provided under the
 14 provisions of this act.

15 Sec. 4. K.S.A. 68-20,120 is hereby amended to read as follows: 68-
 16 20,120. In addition to other powers and duties granted to the secretary of
 17 transportation:

18 (a) (1) The secretary of transportation may study the feasibility of
 19 constructing a new toll project or turnpike project or designating existing
 20 highways or any portion of such highways, including bridges, as a toll
 21 project or turnpike project to increase capacity on such existing highway;

22 (2) The study of the feasibility of such toll project or turnpike project
 23 shall include, but not be limited to:

24 (A) The total cost of such project;

25 (B) a determination of the funding of such projects, including the use
 26 of one or a combination of public funds, private funds or toll revenues;

27 (C) a determination of the duration of the collection of tolls on such
 28 projects and if such projects are to become toll-free, a projected date when
 29 such projects would become toll-free; and

30 (D) a determination, after consulting with local officials, that traffic
 31 volume, local participation or other relevant reasons make such tolling
 32 project feasible and would be acceptable to the affected local community;
 33 and

34 ~~(E)~~ such other data deemed necessary by the secretary for a
 35 determination of the project's feasibility.

36 (b) After conducting the feasibility study under subsection (a) and if
 37 such feasibility study provides a favorable result, the secretary of
 38 transportation may ~~recommmend the construction of~~ construct a new toll
 39 project or turnpike project or ~~the designation of~~ designate an existing
 40 highway or any portion of such highway, including bridges, as a toll
 41 project or turnpike project to increase capacity on such existing highway.

42 Sec. 5. K.S.A. 68-2301 is hereby amended to read as follows: 68-
 43 2301. (a) In order to provide for the construction of modern express

(c) Prior to constructing a toll project or turnpike project, the secretary and local unit or units of government shall prepare a joint proposal for the construction of the toll project or turnpike project and present the joint proposal to the Kansas turnpike authority and the state finance council. The secretary and local unit or units of government must receive:

(1) A resolution passed by the Kansas turnpike authority approving of the construction of the toll project or turnpike project; and

(2) a resolution passed by the state finance council approving the construction of the toll project or turnpike project;

(d) For purposes of subsection (c):

(1) "Local unit or units of government" means the city council if the toll project or turnpike project will be located partially or wholly within the limits of a city, and the county commission where the toll project or turnpike project is located if the toll project or turnpike project is not wholly located within the limits of a city or cities.

(2) "Approving" by the Kansas turnpike authority and state finance council means a vote approving the construction of the toll project or turnpike project by a majority of the members present, when a quorum of the members are present for the vote.

(e) The approvals by the state finance council required by subsection (c) are hereby characterized as matters of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto. Such approvals may be given by the state finance council when the legislature is in session.