

HOUSE BILL No. 2543

By Committee on Federal and State Affairs

1-30

1 AN ACT concerning the Kansas turnpike; relating to tolls; motorcycles;
2 amending K.S.A. 2013 Supp. 68-2009 and repealing the existing
3 section.

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

6 Section 1. K.S.A. 2013 Supp. 68-2009 is hereby amended to read as
7 follows: 68-2009. (a) The authority is hereby authorized to fix, revise,
8 charge and collect tolls for the use of each turnpike project and the
9 different parts or sections thereof, *except when such use is by a person*
10 *riding a motorcycle*, and to contract with any person, partnership,
11 association or corporation desiring the use of any part thereof, including
12 the right-of-way adjoining the paved portion, for placing thereon
13 telephone, telegraph, electric light or power lines, motor fuel filling
14 stations, garages, and restaurants, or for any other purpose except for
15 tracks for railroad or railway use, and to fix the terms, conditions, rents
16 and rates of charges for such use. All contracts made by the authority for
17 retail establishments or locations for retail establishments shall be made
18 separately for each retail establishment or location for a retail
19 establishment and sealed bids shall be asked separately on each retail
20 establishment or each location for a retail establishment by public offering
21 duly advertised as provided by law for the advertising for bids on state
22 highway construction projects and each such contract shall be let by the
23 authority in like manner as provided by law for the letting of highway
24 construction contracts by the secretary of transportation. Such tolls shall be
25 so fixed and adjusted in respect of the aggregate of tolls from the turnpike
26 project or projects in connection with which the bonds of any issue shall
27 have been issued as to provide a fund sufficient with other revenues, if
28 any, to pay: (1) The cost of maintaining, repairing and operating such
29 turnpike project or projects; and (2) the principal of and the interest on
30 such bonds as the same shall become due and payable, and to create
31 reserves for such purposes.

32 (b) Such tolls shall not be subject to supervision or regulation by any
33 other commission, board, bureau or agency of the state. The tolls and all
34 other revenues derived from the turnpike project or projects in connection
35 with which the bonds of any issue shall have been issued, except such part
36 thereof as may be necessary to pay such cost of maintenance, repair and

1 operation and to provide such reserves therefor as may be provided for in
2 the resolution authorizing the issuance of such bonds or in the trust
3 agreement securing the same, shall be set aside at such regular intervals as
4 may be provided in such resolution or such trust agreement in a sinking
5 fund which is hereby pledged to, and charged with, the payment of the
6 principal of and the interest on such bonds as the same shall become due,
7 and the redemption price or the purchase price of bonds retired by call or
8 purchase as therein provided. Such pledge shall be valid and binding from
9 the time when the pledge is made; the tolls or other revenues or other
10 moneys so pledged and thereafter received by the authority shall
11 immediately be subject to the lien of such pledge without any physical
12 delivery thereof or further act, and the lien of any such pledge shall be
13 valid and binding as against all parties having claims of any kind in tort,
14 contract or otherwise against the authority, irrespective of whether such
15 parties have notice thereof. Neither the resolution nor any trust agreement
16 by which a pledge is created need be filed or recorded except in the
17 records of the authority. The use and disposition of moneys to the credit of
18 such sinking fund shall be subject to the provisions of the resolution
19 authorizing the issuance of such bonds or of such trust agreement. Except
20 as may otherwise be provided in such resolution or such trust agreement,
21 such sinking fund shall be a fund for all such bonds without distinction or
22 priority of one over another.

23 (c) The authority shall not use toll or other revenue for any other
24 purposes than those set forth in this section.

25 Sec. 2. K.S.A. 2013 Supp. 68-2009 is hereby repealed.

26 Sec. 3. This act shall take effect and be in force from and after its
27 publication in the statute book.