

## HOUSE BILL No. 2940

By Representative Swenson

2-14

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

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

13 Section 1. On January 1, 2007, 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, 2007, and its publication in the statute book.