

2012 Kansas Statutes

68-2073. Contracts between secretary of transportation and authority; payments from state highway fund on account of highway revenue bonds; reimbursement of state highway fund from toll revenues, payment to enjoy first lien on state highway fund subject to certain prior payments; enforcement of contracts or agreements. The secretary of transportation and the authority are hereby authorized and empowered to make and enter into any and all contracts and agreements, including (but without limitation) any contract or agreement for the removal or construction of any bridge or other highway facility which they may deem necessary, desirable or incidental to the financing, construction, maintenance, repair or operation of any highway project financed under the provisions of this act.

With respect to any highway project financed under the provisions of this act, the secretary of transportation is authorized and empowered to contract or agree with the authority to pay to the authority from the state highway fund, upon order or voucher of the secretary in the manner provided by law to the director of accounts and reports, in each year, such amount or amounts as shall be required in such year to make up any deficiency in the revenues received from the operation and ownership of any highway project in such year, over and above the cost of maintenance, repair and operation of such highway project and the creation of reserves for such purposes in such year, (i) for paying the interest on all highway revenue bonds or highway revenue refunding bonds issued by the authority in connection with any such highway project, (ii) for retiring such bonds by their maturity or maturities, and (iii) for paying the premium, if any, on a specified aggregate principal amount of such bonds which would be payable in such year if such principal amount of bonds were to be redeemed prior to their maturity or maturities. The amount which is required in each such year to provide for paying the interest on such bonds and for retiring such bonds on or prior to their maturity or maturities shall be determined as provided in such contract or agreement. Any such payments required to be made pursuant to such contract or agreement may be pledged or assigned by the authority in the same manner as tolls and other revenues of such highway project. Any such contract or agreement shall provide for reimbursement by the authority, from tolls or other revenues of such highway project to the secretary of transportation for the credit of the state highway fund, at any time or times and under such terms and conditions as may be set forth therein, if any amounts previously paid to the authority by the secretary pursuant to the provisions of this paragraph, except that if the revenues received from the operation and ownership of such highway project in any year, over and above the cost of maintenance, repair and operation of such highway project incurred in such year, shall exceed 150% of clauses (i), (ii) and (iii) above for such year, such excess must be reimbursed to the secretary of transportation, for the credit of the state highway fund, until all amounts previously paid to the authority by the secretary of transportation have been reimbursed to the secretary.

Any payments provided to be made in any year pursuant to the provisions of this section to the authority from the state highway fund shall be a lien and claim on the portion of the highway fund which is made available to the secretary of transportation by the provisions of K.S.A. 68-416, and amendments thereto, but any such payments provided to be made shall not be a lien or claim on any of the sums now provided by K.S.A. 68-416, and amendments thereto, and such payments shall be subject to any prior lien thereon, if any, created by similar contract made and entered into by and between the secretary of transportation and the Kansas turnpike authority, except that the secretary and the authority may determine any priority as to lien and claim on the fund as between any such payments to the authority from the fund on account of any highway projects financed under the provisions of this act. The laws of Kansas shall not be repealed or amended so as to cause the moneys available in the state highway fund for making any payments to the authority provided to be made pursuant to the provisions of this section to be insufficient to make any such payments.

The provisions of any contract or agreement entered into pursuant to the provisions of this section may be enforced by the authority or by the trustee under any trust agreement authorized by the provisions of K.S.A. 68-2078, and amendments thereto.

History: L. 1972, ch. 249, § 4; L. 1975, ch. 427, § 194; L. 1999, ch. 137, § 12; July 1.