

SENATE BILL No. 250

By Committee on Ways and Means

2-17

1 AN ACT concerning ~~the joint committee on~~ state building construction;
2 relating to the monthly reports of progress; **{making and concerning**
3 **appropriations for the fiscal years ending June 30, 2016, and June**
4 **30, 2017, for various state agencies; concerning the Docking state**
5 **office building;}** amending K.S.A. ~~2014~~ 2015 Supp. 75-1264 and
6 repealing the existing section.
7

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

9 **{Section 1. On the effective date of this act, notwithstanding the**
10 **provisions of any statute, no state agency shall expend any moneys**
11 **appropriated from the state general fund or from any special revenue**
12 **fund or funds for fiscal year 2016 or fiscal year 2017 as authorized by**
13 **chapters 4, 81 or 104 of the 2015 Session Laws of Kansas, 2016 House**
14 **Substitute for Senate Bill No. 161, this or other appropriation act of**
15 **the 2016 or 2017 regular session of the legislature, to demolish the**
16 **Docking state office building or to reconstruct, relocate, or renovate**
17 **the power plant or energy center: *Provided*, That pursuant to**
18 **paragraph 9, project no. EVT0003634, of the state of Kansas**
19 **construction contract, DA Form 141a, by and between the department**
20 **of administration and McCarthy Building Companies, Inc., entered**
21 **into on December 21, 2015, appropriated funds are withdrawn from**
22 **the project and sufficient funds are not available to continue the**
23 **function to be performed under such agreement or pay for the charges**
24 **thereunder: *Provided further*, That no expenditures may be made from**
25 **moneys appropriated from the state general fund or from any special**
26 **revenue fund or funds for fiscal year 2016 or fiscal year 2017 as**
27 **authorized by chapters 4, 81 or 104 of the 2015 Session Laws of**
28 **Kansas, 2016 House Substitute for Senate Bill No. 161, this or other**
29 **appropriation act of the 2016 or 2017 regular session of the legislature**
30 **by any state agency to sell, lease, transfer or otherwise convey the land**
31 **on which building no. 3 (Docking state office building) is situated.**

32 **Sec. 2.**

33 **DEPARTMENT OF ADMINISTRATION**

34 **(a) There is appropriated for the above agency from the following**

1 special revenue fund or funds for the fiscal year ending June 30, 2016,
2 all moneys now or hereafter lawfully credited to and available in such
3 fund or funds, except that expenditures other than refunds or indirect
4 cost recoveries authorized by law shall not exceed the following:

5 Prepayment loan and construction contract fund.....No limit
6 *Provided*, That during the fiscal year ending June 30, 2016, the moneys
7 available in the prepayment loan and construction contract fund shall
8 only be expended by the above agency for the prepayment of rental
9 payments due and owing the assignee pursuant to the lease with
10 option to purchase series 2015L, by and between the Kansas
11 development finance authority and state of Kansas—department of
12 administration, dated December 29, 2015, and for the amount due and
13 owing to McCarthy Building Companies, Inc., pursuant to the state of
14 Kansas construction contract entered into on December 21, 2015.

15 (b) On the effective date of this act, the secretary of
16 administration shall determine the amount of money necessary for the
17 prepayment of rental payments due and owing the assignee pursuant
18 to the lease with option to purchase series 2015L, by and between the
19 Kansas development finance authority and state of Kansas—
20 department of administration, dated December 29, 2015, plus the
21 amount of money due and owing to McCarthy Building Companies,
22 Inc., pursuant to paragraph 9, termination due to lack of funding
23 appropriation, of the state of Kansas construction contract entered
24 into on December 21, 2015. The secretary of administration shall
25 certify to the director of accounts and reports the amount necessary to
26 be transferred from the state general fund and any special revenue
27 fund or funds in which the proceeds from the sale of bond series 2015L
28 have been deposited to the prepayment loan and construction contract
29 fund in order to fund all such amounts due and owing. Upon receipt of
30 such certification and the documents as provided for in subsection (c),
31 the director of accounts and reports shall transfer the amount of
32 moneys from the state general fund and any special revenue fund or
33 funds in which the proceeds from the sale of bond series 2015L have
34 been deposited to the prepayment loan and construction contract fund
35 that is required in accordance with the certification by the secretary of
36 administration under this subsection. At the same time as the
37 secretary of administration transmits this certification to the director
38 of accounts and reports, the secretary of administration shall transmit
39 a copy of such certification to the director of legislative research.

40 (c) The director of accounts and reports shall secure, prior to the
41 expenditure of any moneys from the prepayment loan and
42 construction contract fund, a written release and satisfaction of all
43 claims and rights against the state of Kansas and any agencies, officers

1 and employees of the state of Kansas regarding any respective claims
2 and rights.

3 (d) On the effective date of this act, the expenditure limitation
4 established for the fiscal year ending June 30, 2016, by section 80(c) of
5 chapter 104 of the 2015 Session Laws of Kansas, on the Docking state
6 office building rehab, repair and razing fund of the department of
7 administration is hereby decreased from no limit to \$0.

8 (e) On the effective date of this act, the provisions of section 80(d)
9 of chapter 104 of the 2015 Session Laws of Kansas are hereby declared
10 to be null and void and shall have no force and effect.

11 Sec. 3.

12 DEPARTMENT OF ADMINISTRATION

13 (a) On July 1, 2016, the expenditure limitation established for the
14 fiscal year ending June 30, 2017, by section 81(c) of chapter 104 of the
15 2015 Session Laws of Kansas, on the Docking state office building
16 rehab, repair and razing fund of the department of administration is
17 hereby decreased from no limit to \$0.

18 (b) On July 1, 2016, the provisions of section 81(d) of chapter 104
19 of the 2015 Session Laws of Kansas are hereby declared to be null and
20 void and shall have no force and effect.}

21 ~~Section 4.~~ {Sec. 4.} {On July 1, 2016,} K.S.A. ~~2014~~ {2015} Supp.
22 75-1264 is hereby amended to read as follows: 75-1264. (a) The secretary
23 of administration shall ~~issue monthly reports of progress and~~ advise,
24 consult with and cooperate with the joint committee on state building
25 construction.

26 (b) Change orders or changes in plans involving cost increases of less
27 than \$125,000 and any change order or change in plans involving a cost
28 reduction, other than a change in the proposed use of any new or
29 remodeled building, may be authorized or approved by the secretary of
30 administration without prior consultation with the joint committee on state
31 building construction. The secretary of administration shall report to the
32 joint committee on state building construction all action relating to such
33 change orders or changes in plans.

34 (c) No change order or change in plans involving any cost increases
35 of \$125,000 or more and no change in the proposed use of any new or
36 remodeled building shall be authorized or approved by the secretary of
37 administration without having first advised and consulted with the joint
38 committee on state building construction.

39 (d) (1) If the secretary of administration determines that it is in the
40 best interest of the state to authorize or approve a change order, a change
41 in plans or a change in the proposed use of any new or remodeled building
42 that the secretary is required by this section to first advise and consult with
43 the joint committee on state building construction prior to issuing such

1 approval and if no meeting of the joint committee is scheduled to take
2 place within the next 10 business days, then the secretary may use the
3 procedure authorized by this subsection in lieu of advising and consulting
4 with the joint committee at a meeting. In any such case, the secretary of
5 administration shall mail a summary description of the proposed change
6 order, change in plans or change in the proposed use of any new or
7 remodeled building to each member of the joint committee on state
8 building construction and to the director of the legislative research
9 department. Each such summary description shall include a notice
10 specifying the date it was mailed.

11 (2) After receiving any such summary description, each member shall
12 review the information about the proposed change order, change in plans
13 or change in proposed use and may request a presentation and review of
14 the proposed change order, change in plans or change in proposed use at a
15 meeting of the joint committee. If two or more members of the joint
16 committee contact the director of the legislative research department
17 within seven business days of the date specified in the summary
18 description and request such presentation and review, then the director of
19 the legislative research department shall notify the secretary of
20 administration and the chairperson of the joint committee that a meeting
21 has been requested for such presentation and review. Upon receiving such
22 notification, the chairperson shall call a meeting of the joint committee as
23 soon as practicable for the purpose of such presentation and review and
24 shall furnish the secretary of administration with notice of the time, date
25 and place of the meeting. In any such case, the secretary of administration
26 shall not authorize or approve such proposed change order, change in plans
27 or change in proposed use without having first advised and consulted with
28 the joint committee at a meeting.

29 (3) If less than two members of the joint committee contact the
30 director of the legislative research department within seven business days
31 of the date the summary description was mailed and request a presentation
32 and review of any such proposed change order, change in plans or change
33 in use at a meeting of the joint committee, then the secretary of
34 administration shall be deemed to have advised and consulted with the
35 joint committee about such proposed change order, change in plans or
36 change in proposed use and may authorize or approve such proposed
37 change order, change in plans or change in proposed use.

38 Sec. ~~2~~ {5.} {On July 1, 2016,} K.S.A. ~~2014~~ 2015 Supp. 75-1264 is
39 hereby repealed.

40 Sec. ~~3~~ {6.} This act shall take effect and be in force from and after its
41 publication in the statute book {Kansas register}.