

STATE OF KANSAS
OFFICE OF SECRETARY OF STATE
TOPEKA

PAUL R. SHANAHAN
SECRETARY OF STATE

August 31, 1967

Hon. Clyde Hill
Yates Center, Kansas

Dear Clyde:

We are enclosing herewith minutes of the Executive Council held on August 29th along with the opinion from the Attorney General concerning the control of the Building.

In accordance with the opinion of the Attorney General we are forwarding a copy of your letter and copy of your report on the Joint Committee on Legislative Facilities to the State Architect.

Very sincerely yours,

ELWILL M. SHANAHAN
Secretary of State

EMS:JG

CC: Richard Ryan

MINUTES OF EXECUTIVE COUNCIL MEETINGS

August 29, 1967

At a special meeting of the Executive Council, held in the Office of the Secretary of State, the following members were present:

Elwill M. Shanahan	Secretary of State
Clay E. Hedrick	State Auditor
Walter H. Peery	State Treasurer
W. C. Kampschroeder	Supt. of Public Instruction

Motion by Mr. Peery, seconded by Mr. Kampschroeder, that because of the opinion of Robert C. Londerholm, Attorney General, on August 29, 1967 wherein he states that certain powers and duties of the Executive Council were transferred by KSA 1965 Supplement 75-3775 to the control and supervision of the State Architect, we therefore request the Secretary of the Council to advise the State Architect of the request from the Joint Committee on Legislative facilities concerning the electrical roll call system in the Chambers of the House of Representatives. Motion carried.

Motion by Mr. Kampschroeder, seconded by Mr. Peery, that the Secretary of the Council be instructed to furnish copies of the minutes and opinion of the Attorney General to Mr. Richard Ryan, Acting Director of The Legislative Council; Representative Clyde Hill, Yates Center; and Mr. William R. Hale, State Architect. Motion carried.

Upon motion meeting was adjourned.

Clay E. Hedrick
STATE AUDITOR

Walter H. Peery
STATE TREASURER

W. C. Kampschroeder
SUPT. OF PUBLIC INSTRUCTION

ATTEST:

Elwill M. Shanahan
SECRETARY OF STATE

R T C. LONDERHOLM
ATTORNEY GENERAL
ASSISTANT ATTORNEYS GENERAL



ROBERT E. HOFFMAN
DEPARTMENT OF ADMINISTRATION
JOHN H. MORSE
STATE HIGHWAY COMMISSION
SHERMAN A. PARKS
ALCOHOLIC BEVERAGE CONTROL
ASSISTANT ATTORNEYS GENERAL

CIVIL AND MUNICIPAL LAW DIVISION
RICHARD FOTH, CHIEF
PARK MCGEE
O. R. STITES, JR.
CHESTER A. ARTERBURN, JR.

STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL
TOPEKA, KANSAS 66612

CRIMINAL LAW AND LITIGATION DIVISION
RICHARD H. SEATON, CHIEF
DANIEL D. METZ
DEAN BURKHEAD
JON K. SARGENT

August 29, 1967

Mrs. Elwill M. Shanahan
Secretary of State
Statehouse
Topeka, Kansas

Dear Mrs. Shanahan:

You have asked whether the executive council or the state architect is the proper party to deal with the Communication Equipment & Engineering Corporation concerning compliance with its contract to install and maintain the electric roll call system in the chamber of the house of representatives.

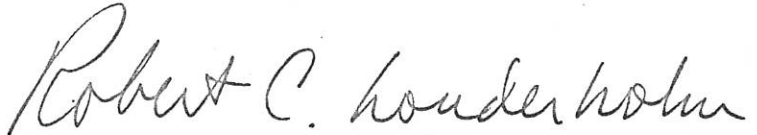
The contract was originally executed on June 28, 1955, by officers of the company and by the executive council acting pursuant to K.S.A. 46-601 to 603. The parties to the agreement are the company and the State of Kansas.

Section 46-602 provides that under the supervision of the executive council such a system shall be installed in the house chamber. Section 46-603 authorizes a majority of the executive council to enter into all contracts and agreements necessary to carry out the provisions of 46-602. However, K.S.A. 1965 Supp. 75-3775 provides that "all powers and duties hereinbefore exercised by the executive council, . . . relating to the charge, care, management and control" of the statehouse building, grounds, drives, walks, and related facilities are transferred to the state architect, and further that "any equipment . . . in the control . . . of the executive council . . . for use in the charge, care, management and control" of the statehouse building is transferred to the custody, control and management of the architect.

We believe that the powers and duties of the council under K.S.A. 46-602 and 603, relating to the electric roll call system, have been transferred to the state architect by 75-3775. It is therefore our opinion that, in the future, dealings with Communication Equipment & Engineering Corporation regarding the contract of June 28, 1955, should be conducted on behalf of the state by the state architect rather than by the executive council.

We trust this will be of assistance.

Very truly yours,



ROBERT C. LONDERHOLM
Attorney General

RHS/rv