

C. Y. THOMAS
5519 EAST MISSION DRIVE
SHAWNEE MISSION, KANSAS 66208

March 9, 1972

Fremis To: Mr. R. M. Hunter

Subject: Purchase of Lots 146, 148, 150 & 152.

1. I have determined that I have no authority to make an offer, verbally or in writing, which would bind the State of Kansas. All I can say is that I will make a strong recommendation to the State concerning the above mentioned lots which the Merchants National Bank owns and which are directly west of the New England Buildings.

2. Several things must be taken into consideration in arriving at a fair price for the four lots. Last year the state purchased five lots directly north of yours, i.e., numbers 140, 142, 144, 146 and 148 for the sum of \$75,000. The valuation for tax purposes at 100% on your four lots is \$52,350 which includes \$1,470 for the bank top surveying. It is agreed that prices may be up a little in last year and that your lots have a plus value since they face on 5th St. as well as Hubbard St.

3. After considerable thought & study and consultation with knowledgeable people, I have determined that a very fair price for your four lots would be \$85,000. In certain circles, real estate is said to have an actual value of 115-125% of the 100% assessed value. At the upper figure of the range, 125%, your lots would have a calculated value of roughly \$65,500 or about 20,000 less than my valuation.

4. Can you realize the difficulty of my position. I have done my best to be eminently fair. The House has the bill for this project in general view, having already had the billings of the House Ways & Means Committee. I hope the project moves right along.

L.T.

EXHIBIT #16

PRICE	\$250,000
WE PAID	318,500

INCLUDES GARAGE BUILDING
+ ONE UNDERGROUND ~~ARMORY~~
GASOLINE TANK (?) 5,000 GALLONS

LOT IS PARTIALLY FENCED.

From

Max Klein - 3/12/73

visited with him on 3rd floor,

when he handed me this. I got

the impression they would sell

for \$225,000

EXHIBIT #17

STATE OF KANSAS

ROBERT F. BENNETT
PRESIDENT OF THE SENATE
SENATOR NINTH DISTRICT
P. O. BOX 8030
PRAIRIE VILLAGE, KANSAS 66208



TOPEKA

SENATE CHAMBER

March 15, 1973

COMMITTEE ASSIGNMENTS
CHAIRMAN: LEGISLATIVE COORDINATING
COUNCIL
CHAIRMAN: ORGANIZATION, CALENDAR
AND RULES
CHAIRMAN: INTERSTATE COOPERATION
COMMISSION
MEMBER: JOINT COMMITTEE ON
SCHOOL FINANCE
JUDICIARY
LEGISLATIVE SERVICES AND
FACILITIES

MEMO TO: C.Y. THOMAS

I just talked to Don Matlack and he led me to believe that most of the rumors on the New England Building are, as expected, spread by Van Cleave. He also indicated that Van Cleave may be getting some of his information from Bob Taggert. He said that he had heard that the Merchants National Bank offered the building for sale for less than we are proposing to pay. He said that he had also heard that the man who has the option has never exhibited that option to anyone and that, in effect, it was dated back after the Legislature indicated an interest.

I think we need to check out these so called rumors as well as Gaar's inquiry as to whether or not any of the principals are big contributors to either party.

I have told Matlack that if he has any proof, then we should have it forthwith. Otherwise, these ridiculous bathroom comments should cease.

RFB

jlC

EXHIBIT #18

LEASED PROPERTIES IN CAPITOL AREAS as of 12-8-72

LEASE
EXPIRATION
DATE

Government Agency	Premises Leased	Area Leased Sq. Ft.	Use of Property	Cost Per Year	Cost Per Sq. Ft.
Kansas Adv. Council on Inter-governmental Relations	701 Jackson	642	Office	2,250.00	3.50
Kansas Athletic Commission	602 Topeka	287	Offices	1,018.85	3.55
Banking Department	KP&L Building	2,131	Offices	9,199.92	4.31
				10,655.00	5.00
Ks. State Bd. of Cosmetology	630 Ks. Ave. (Fl. 2)	3,450	Off. & Exam. rooms	4,980.00	1.44
Bd. of Education	10th & Quincy	46,000	Office	138,000.00	3.00
Bd. of Health	1010 Tyler	1,000	Office	4,140.00	4.10
Bd. of Probation & Parole	222 W. 6th St.	1,344	Office	1,680.00	1.25
Credit Union Dept.	234 Kansas Ave.	581	Office	2,328.00	4.00
Dept. of Social Welfare	3300 W. 29th St.	3,300	Office	9,630.00	2.92
Disability Determination Unit	420 E. 29th St.	3,868	Office	13,924.80	3.60
Div. of Vocational Rehab.	1025 Kansas	1,524	Office	3,497.60	2.30
Gov. Rehabilitation Unit	3300 W. 29th St	750	Office	1,500.00	2.00
Fire Marshal	701 Jackson	2,190	Office	6,434.16	2.94
Grain Inspection Dept.	1208 N. Kans. Ave.	1,250	Insp. Office	1,800.00	1.44
State Education Comm.	619 Cap. Fed. Bldg.	1,265	Office	5,692.56	4.50
Ks. Bureau of Insp.	ARWCO Bldg.	14,773	Office	49,830.00	3.37
Livestock Commission	Mills Bldg. (4th Fl.)	4,575	Office	22,683.00	4.96
Nurse Registration	701 Jackson	1,888	Office	6,324.84	3.37
Ks. Public Employees Retirement S.	1st National Bank	7,880	Office	44,522.00	5.65
Savings & Loan Dept.	Mills Bldg. (6th Fl)	775	Office	3,708.00	4.7845
Soil Conservation	Mills Bldg. (4th Fl)	1,409	Office	5,201.00	4.95
Storage Space (D/A)	1016-1018 N. Ks. Ave.	8,750	Storage	3,900.00	0.45
Storage Space	1020-1022 N. Ks. Ave.	8,750	Storage	3,900.00	0.45
Veterans Commission	701 Jackson	2,007	Office	6,720.00	3.34
Water Resources	Mills Building	6,276	Office	31,116.00	4.95
Water Resources Field Office	1010 Tyler	1,075	Office	4,300.00	4.00
				127,740	
				125,466	

801 WARRISON 51,734 SF - No Rental Rate

535 KANSAS AVE 65,264 SF

M=Month to Month Lease

393,438.13

RENTAL RATE - STATE OFFICE BLDG IS 4.00/Sq. Ft.

- DEPT. FROM PLANNING TO REVISIT THIS.

FROM MR. MARCOTTE 3-21-73

EXHIBIT #19

544 + Kansas Office Building

Reprop

Net Receipts =

75,400 S&FT OFFICE 400
 7,900 S&FT STORAGE 200
 162 PARK SPACE 120/yr.

NET RECEIPTS

TOTAL AVAILABLE

LESS: TRFR BOND + INT FD
 TRFR DEPR RES FD

TRFRS

OPER. EXPENSE

DISBURSEMENTS

REPROP.

FY 74

-

FY 75

14090

FY 76

24005

FY 77

24345

301600

301600

301600

301600

15800

15800

15800

15800

19440

19440

19440

19440

336840

336840

336840

336840

336840

350730

360845

366185

150750

146925

143100

139275

12000

12000

12000

12000

162750

158925

155100

151275

160000

168000

176400

185220

322750

326925

331500

336495

14090

24005

24345

24690

3-10-73

FIFTH AND KANSAS STATE OFFICE BUILDING AND THREE PARKING LOTS

SCHEDULE FOR RETIREMENT OF \$1.3 MILLION IN BONDS
 (TO BE PURCHASED BY USE OF STATE INACTIVE FUNDS AT CURRENT INTEREST
 RATE OF 3.40%)

(Assumes 1/10th Retired Annually)

	<u>Annual Bond Retirement</u>	<u>3.40% Interest</u>	<u>Total Annual Payment</u>	<u>Principal Balance</u>
Beginning Balance	112,500	38,300	150,800	\$1,300,000
First Year	\$ 130,000	\$ 44,200	\$ 174,200	1,170,000
Second Year	130,000	39,780	169,780	1,040,000
Third Year	130,000	35,360	165,360	910,000
Fourth Year	130,000	30,940	160,940	780,000
Fifth Year	130,000	26,520	156,520	650,000
Sixth Year	130,000	22,100	152,100	520,000
Seventh Year	130,000	17,680	147,680	390,000
Eighth Year	130,000	13,260	143,260	260,000
Ninth Year	130,000	8,840	138,840	130,000
Tenth Year	<u>130,000</u>	<u>4,420</u>	<u>134,420</u>	0
Totals	<u>\$1,300,000</u>	<u>\$243,100</u>	<u>\$1,543,100</u>	

EXHIBIT # 31

MEMORANDUM

TO: Senator Ross Doyen
FROM: C. Y. Thomas
DATE: March 22, 1973
SUBJ: Proposed Purchase of New England Building
and Adjoining Parking Lots

1. Using estimates of operating costs prepared by the Budget Department and assuming an office rental of \$4.25 per square foot and a parking space rental of \$10.00 per month, the state would pay for the building and the lots in 8 1/4 years. A depreciation reserve charge of \$12,000 per year is included in the calculations.
2. This means that in a little over 8 years the state would own some choice property, with the lots in all probability having a value at that time at least 25% greater than present values.
3. Perhaps it should be mentioned that the cost of the New England Building totals \$550,000, including lots. I would conservatively estimate the lots under the building as having a value of \$115,000 so, in effect, the quotations on the improvements is the purchase of an 83,300 square foot building at \$5.55 per square foot. *947-00*
4. For your information I attach a list of agencies presently quartered in non-state owned buildings. I need not point out specific comparisons.
5. In conclusion, I believe this is a good project for the state. The economies are favorable. Moves could be made almost immediately which would make possible many more legislative offices in the Statehouse and the construction of several badly needed large committee hearing rooms. Much of the project could be completed before the 1974 session of the legislature.

C. Y. Thomas

jlc
Attach.

EXHIBIT #22

MESSAGE FROM THE GOVERNOR

TO: THE KANSAS HOUSE OF REPRESENTATIVES

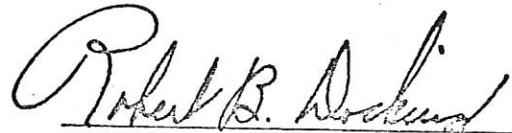

I am returning House Bill 1568 unsigned, which I veto for the following reasons:

1. Section 1, House Bill 1568, authorizes and directs the State Director of Architectural Services to acquire the New England building title by negotiation to certain tracts of land and improvement thereon in the city of Topeka. In all negotiations for purchasing property, freedom of the parties to negotiate is vital to arriving at a fair price for the purchase of the property. House Bill 1568 would shackle the State Director of Architectural Services' ability to negotiate.
2. The State Director of Architectural Services and the State Fire Marshal have estimated that it would cost between \$473,200 and \$882,800 to renovate the New England Building.
3. Control of the purchase negotiations and the determination as to who would occupy this property is in the hands of four legislators to whom the legislature has given a \$1.3 million blank check. Placing in the hands of four legislators the control of the property's purchase and the department and agency relocations is an invasion of the constitutional functions and responsibilities of the executive branch of state government.
4. House Bill 1568 does not provide for the state to procure a property appraisal for the taxpayer protection. Sound business practice dictates that, in the public interest, an independent appraisal be conducted.
5. Purchasing the property will remove the property from Shawnee County property tax rolls. Property tax revenue losses will then be spread over the remaining property in Shawnee County -- including Shawnee County homeowners. Constructing a building on property already owned by the state will not remove property from the tax rolls. The state owns property directly south of the Capitol on which an office building is planned.
6. Purchasing this property to relocate a state agency of department is unnecessary. The obvious purpose of House Bill 1568 is to move agencies and departments out of the state capitol in order to provide offices for legislators.

Message from the Governor
to the Kansas House of Representatives
Page 2

If the legislature proceeds with the purchase of this property, it should consider doing so by condemnation which would let a jury decide the fair market value of the property specifically described in House Bill 1568.

I am requesting that a special legislative investigative committee be formed with the attorney general's cooperation. The committee should make a thorough investigation of all facts surrounding the proposed sale of the property as specified in House Bill 1568. I urge each legislator to inspect thoroughly the property described in the bill before any further action is taken on House Bill 1568.


ROBERT B. DOCKING
Governor of Kansas 

Approved: Tuesday, April 3, 1973 at 3:45 p.m.

EXHIBIT #23
SHEET 2

STATE OF KANSAS

ROBERT F. BENNETT
PRESIDENT OF THE SENATE
SENATOR NINTH DISTRICT
P. O. BOX 8030
PRAIRIE VILLAGE, KANSAS 66208



TOPEKA

SENATE CHAMBER

April 4, 1973

COMMITTEE ASSIGNMENTS
CHAIRMAN: LEGISLATIVE COORDINATING
COUNCIL
CHAIRMAN: ORGANIZATION, CALENDAR
AND RULES
CHAIRMAN: INTERSTATE COOPERATION
COMMISSION
MEMBER: JOINT COMMITTEE ON
SCHOOL FINANCE
JUDICIARY
LEGISLATIVE SERVICES AND
FACILITIES

Robert B. Docking, Governor
State Capitol Building
Topeka, Kansas

Dear Governor:

This will acknowledge receipt of your message with refer-
ence to the veto of HB 1568. Little would be gained in our
debating in this letter the merits, or lack of them, in your
veto.


We are particularly concerned, however, with the innuendo
contained in the last paragraph of your message. Many weeks
ago Senator Bennett advised your liaison representative, Mr.
Van Cleave, after hearing of some of the incredulous rumors
which he was spreading, that if he had any indication that
anything was amiss in the purchase of this building then those
facts should be communicated at once to the leadership of the
House and Senate. No facts were communicated and we feel that
undoubtedly that is because no evidence exists which would sup-
port these scurilous accusations.

We welcome both legislative and executive investigation into
the purchase of this building and we respectfully urge that
we be granted immediate audience with reference to the last
paragraph of your veto message of April 3, with reference to
HB 1568, so that you may present either rumor or fact which
would in any way support the implications set forth in that
paragraph.

We request this audience for this limited purpose alone and
request that you meet with the undersigned, your liaison rep-
resentatives, former Senator Matlack and Mr. Van Cleave, the
Chairman of the House and Senate Ways and Means Committees and
the minority and majority leaders of the House and Senate

Very truly yours,


Robert F. Bennett
President, Kansas Senate


Duane S. McGill
Speaker of the House

MEMORANDUM

TO: Senator Robert F. Bennett
Speaker Duane S. McGill

cc: Representative Loux

FROM: C. Y. Thomas

DATE: April 6, 1973

On the front page of the Topeka State Journal last evening, Thursday, April 5, 1973, appeared this little answer to your request for a conference with the Governor concerning his veto of HB 1568:

Docking Refuses To Discuss Veto

Gov Robert Docking has told the Republican legislative leadership his liaison men are available to discuss his veto of a building purchase bill but he will not meet with them

"The governor has said his liaison representatives are ready and willing to sit down and discuss the matter with the leadership" James Shaffer Docking's press secretary said today

The Republican leaders ask

ed Docking late Wednesday to a meeting to discuss his veto of a bill which would have allowed the state to purchase the New England Building in downtown Topeka

They asked that Docking's liaison men as well as legislative leaders sit in on the meeting with the governor in a letter from Senate President Robert Bennett and House Speaker Pete McGill to Docking

Tom Van Cleave, one of the men the Governor suggests you consult, is the man who has been spreading the preposterous and most derogatory rumor, largely about me. Under the circumstances, I do not see how you could demean yourselves to arrange such a meeting. Further, for a Governor to decline to meet with legislative leaders is plainly unthinkable and is, in my mind, intolerable arrogance.

It would seem to me that you leaders have no alternative to trying to override the veto. If you don't try it would appear to many that something was wrong. I would hope that you would handle this item on the floor yourselves and in ringing tones make a stirring plea for support in the voting.

C. Y. Thomas
C. Y. Thomas

EXHIBIT # 25

4-5-73
LATE EDITION

Governor Urges Full Investigation Of Building Deal

By KEN PETERSON
Legislative Writer

Gov. Robert Docking requested today that a special legislative investigative committee be formed in cooperation with the attorney general to investigate all facts surrounding proposed sale of the New England Building at 503 Kansas.

for additional; state office space. The governor revealed Tuesday night at a meeting of the Topeka Press Club that he vetoed a \$1.3 million bill that would have allowed state officials to negotiate for purchase of the six-story office building, several surrounding parking

lots and a couple other smaller buildings on the block. There have been unconfirmed reports that John Harbes, 1730 High, who holds an option to purchase the New England Building, could make as much as a \$100,000 on the purchase and that Harbes and former state Senator C. Y. Thomas, who was involved in early negotiations, have or have had business interests together.

The state architect had been authorized in the bill to negotiate for purchase of the building. He would have been assisted by the legislative leadership — Senate president, Senate minority leader, House speaker and House minority leader — who would help determine what state agencies would be moved to the New England Building.

Thomas, who is working as an administrative assistant to Senate President Robert Bennett, termed the reports bald-faced lies.

“Placing in the hands of four legislators the control of the property’s purchase and the department and agency relocations is an invasion of the constitutional functions and responsibilities of the executive branch of state government,” Docking said in his veto message.

“As far as I was concerned the purchase negotiations were just another task for me,” Thomas said. “The building doesn’t mean a thing to me besides helping the state of Kansas.

Harbes also refuted the reports and said there is not one word of truth to them.

“I never met Mr. Thomas until he and some other state officials approached me about the possible purchase,” he said.

Thomas and legislative leaders, including House Minority Leader Pete Louk, D-Wichita, were involved in early efforts to negotiate for the building to relieve cramped office space in the Statehouse.

Docking said he voted the measure because it would give four legislators a \$1.3 million bank check.

He also sid purchase of the property would remove the property from Shawnee County property tax rolls.

“Property tax revenue losses will then be spread over the remaining property in Shawnee County — including Shawnee County homeowners,” he said. “Constructing a building on property already owned by the state will not remove property from the tax rolls.”

The statement apparently is an indirect message to lawmakers to get the Capitol area plaza project underway.

* * * * *

Bennett Says He'd Welcome a Probe

Senate President Robert F. Bennett said today the Legislature would welcome an investigation into the state's attempt to purchase the New England building in downtown Topeka.

He called on Gov. Robert Docking to present to the Legislature any evidence he has of any wrongdoing in the negotiations for the purchase of the building.

“We certainly wouldn't fear any kind of investigation,” Bennett said. “And I deeply resent the governor's implication that something is wrong. If he had any indication anything is wrong, he should inform us.”

Bennett said when questions were first raised about possible improprieties concerning

the state's negotiations to buy the six-story building about a month ago, they were fully explored with all possible sources.

“We could find nothing to substantiate these rumors,” Bennett said. “We asked the governor's office then that if any information was available to present it to us. We received nothing.”

Bennett said the purchase of the building is defensible, noting “the rental we will be paying is substantially less than that which the state now is paying to the First National Bank of Topeka.”

There was no immediate word whether an attempt would come in the House to override the veto.



STATE OF KANSAS
Office of the Governor
STATE CAPITOL BUILDING
TOPEKA, KANSAS 66612



ROBERT B. DOCKING
GOVERNOR

April 6, 1973

The Honorable Robert Bennett
President Pro Tem of the Kansas Senate
Third Floor, State Capitol

The Honorable Duane McGill
Speaker of the House of Representatives
Third Floor, State Capitol

Gentlemen:

Your most recent correspondence with Governor Docking has been referred to me.

The Governor's veto message on House Bill 1568 stands by itself. An investigation of the whole issue of the proposed purchase of the New England building hopefully will answer questions. We urge that the investigation be undertaken. The purpose of an investigation is to determine the facts.

A recent news article reports that you are considering exercising the legislature's power of subpoena. Please be informed that Mr. Van Cleave and myself stand ready to meet informally with you or formally under subpoena and under oath to answer the legislature's questions.

Please do not hesitate to contact me or Mr. Van Cleave at any time.

Sincerely,

Don Matlack
Legislative Liaison to the Governor

DM:rp

EXHIBIT # 27

STATE OF KANSAS

ROBERT F. BENNETT
PRESIDENT OF THE SENATE
SENATOR NINTH DISTRICT
P. O. BOX 8030
PRAIRIE VILLAGE, KANSAS 66208



TOPEKA

SENATE CHAMBER

April 6, 1973

COMMITTEE ASSIGNMENTS
CHAIRMAN: LEGISLATIVE COORDINATING COUNCIL
CHAIRMAN: ORGANIZATION, CALENDAR AND RULES
CHAIRMAN: INTERSTATE COOPERATION COMMISSION
MEMBER: JOINT COMMITTEE ON SCHOOL FINANCE
JUDICIARY
LEGISLATIVE SERVICES AND FACILITIES

Robert B. Docking, Governor
State Capitol Building
Topeka, Kansas

Dear Governor:

We stand astounded and dismayed that you, the chief executive of this state, would refuse to meet with the democratic and republican legislative leaders of this session on the limited area of the last paragraph of your veto message on the purchase of the New England Building, authorized pursuant to House Bill 1568.

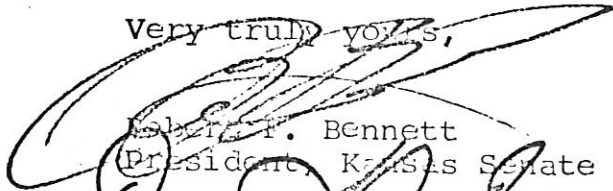
It was you, not us, that inserted an innuendo of impropriety in your message. It is you, not us, that has implied that something is amiss in the purchase of this building. It was you, not your legislative liaison, that signed the message.

As leaders of the legislative branch of government, we feel we are entitled to meet with you, not your liaison officers, on this matter. We realize that you have continually demonstrated desire to avoid personal contact with the legislative leaders in this session and this, of course, rests within your sound prerogative.

In this instance, however, through your message and through innuendo and rumors spread by one of your legislative liaison officers, Mr. Van Cleave, you have attempted or at least allowed, the reputation of a former senator to be besmirched. You should be willing to face up to your own innuendo.

Again, we respectfully request the audience requested in our previous letter on this subject.

Very truly yours,


Robert F. Bennett
President, Kansas Senate



Duane S. McGill
Speaker of the House

EXHIBIT #28

Building Deal Probe Urged

By KEN PETERSON
Legislative Writer

Gov. Robert Docking requested today that a special legislative investigative committee be formed in cooperation with the attorney general to investigate all facts surrounding proposed sale of the New England Building at 503 Kansas for additional state office space.

The governor revealed Tuesday night at a meeting of the

Topeka Press Club that he vetoed a \$1.3 million bill that would have allowed state officials to negotiate for purchase of the six-story office building, several surrounding parking lots and a couple other smaller buildings on the block.

There have been unconfirmed reports that John Harbes, 1730 High, who holds an option to purchase the New England Building, could make as much as \$100,000 on the purchase and

that Harbes and former state Senator C. Y. Thomas, who was involved in early negotiations, have or have had business interests together.

Thomas, who is working as an administrative assistant to Senate President Robert Bennett, termed the reports "baldface lies."

"As far as I was concerned the purchase negotiations were just another task for me," Thomas said. "The building

doesn't mean a thing to me besides helping the state of Kansas."

Harbes also refuted the reports and said there is not one word of truth to them.

"I never met Mr. Thomas until he and some other state officials approached me about the possible purchase," he said.

Thomas, and legislative leaders, including House Minority Leader Pete Loux, D-

Wichita, were involved in early efforts to negotiate for the building to relieve cramped office space in the Statehouse.

Docking said he vetoed measure because it would give four legislators a \$1.3 million blank check.

The state architect had been authorized in the bill to negotiate for purchase of the building. He would have been assisted by the legislative leadership — Senate president,

Senate minority leader, House speaker and House minority leader — who would help determine what state agencies would be moved to the New England Building.

"Placing in the hands of four legislators the control of the property's purchase and the department and agency relocations is an invasion of the constitutional functions

(Continued on Page 2, Col. 5)

and responsibilities of the executive branch of state government," Docking said in his veto message.

He also said purchase of the property would remove the property from Shawnee County property tax rolls.

"Property tax revenue losses will then be spread over the remaining property in Shawnee County — including Shawnee County homeowners," he said. "Constructing a building on property already owned by the state will not remove property from the tax rolls."

The statement apparently is an indirect message to lawmakers to get the Capitol Area Plaza project underway.

"The state owns property directly south of the Capitol on which an office building is planned," he said. "Purchasing this property (the New England Building) is unnecessary. The obvious purpose of House Bill 1568 is to move agencies and departments out of the State Capitol in order to provide office for legislators."

The bill also shackles the state architect in his ability to negotiate, the governor said.

He noted the state architect and state fire marshal have estimated it would cost the state between \$473,200 and \$882,000 to renovate the building.

The \$1.3 million figure was the maximum price the state would pay for the entire package, including remodeling. The state would issue revenue bonds for the purchase.

"House Bill 1568 does not provide for the state to procure a property appraisal for the taxpayers' protection," Docking said. "Sound business practice dictates that, in the public interest, an independent appraisal be conducted."

If the Legislature proceeds with the purchase, Docking said lawmakers should consider doing so by condemnation which would let a jury decide the fair market value of the property.

GOP Seeking Building Veto Explanations

By KEN PETERSON
Legislative Writer

Republican legislative leaders are obviously irked by statements made by Gov. Robert Docking in his veto of a bill that would have allowed state officials to negotiate for purchase of the New England building at 503 Kansas. They singled out one of Docking's legislative liaison men and requested Wednesday afternoon that the governor meet with his staff members and major lawmakers to discuss what the Republicans consider serious implications stated in his veto message.

Senate President Robert Bennett of Overland Park and House Speaker Duane S. "Pete" McGill of Winfield said in a letter they are concerned with innuendos contained in a final portion of the governor's two-page veto message.

In his statement, Docking said, "I am requesting that a special legislative investigative committee be formed with the attorney general's cooperation. The committee should make a thorough investigation of all facts surrounding the proposed sale of the property as specified in House Bill 1568. I urge each legislator to inspect thoroughly the property described in the bill before any further action is taken on House Bill 1568."

Bennett and McGill said they welcome both a legislative and executive investigation into the purchase of the building.

"Many weeks ago Senator Bennett advised your liaison representative, Mr. (Tom) Van Cleave, after hearing of some of the incredulous rumors which he was spreading, that if he had any indications that anything was amiss in the purchase of this building then those facts should be communicated at once to the leadership of the House and Senate," the two Republican leaders said in a letter to Docking. "No facts were communicated and we feel that undoubtedly that is because no evidence exists which would support these . . . accusations."

"We welcome both legislative and executive investigation into the purchase of this building and we respectfully urge that we be granted immediate audience with reference to the last paragraph of your veto message . . . so that you may present either rumor or fact which would in any way support the implications set forth in that paragraph," Bennett and McGill said.

They requested that the governor meet with Van Cleave, Donald Matlack, another legislative liaison man of Docking, the minority and majority leaders of both houses and the chairman of both Senate and House Ways and Means Committees.

Spokesmen in Docking's office said the governor hadn't heard about the letter late Wednesday afternoon. Docking was at a speaking engagement in Overland Park and probably wouldn't return until late Wednesday night, they said.

No one involved in the matter seems to know when the meeting will take place, provided Docking agrees to a meeting.

Sen. Ross Doyen, R-Concordia, chairman of the Senate Ways and Means committee, however, said he would like to demand the meeting take place within the next 24 hours.

"I want to know the facts not rumors," he said. "I want to look at him (Docking) eyeball to eyeball and find out if he can bring forth facts."

Doyen apparently was the one who originally requested the meeting through his leadership.

Rep. Richard C. "Pete" Loux, D-Wichita, House minority leader and one of those involved in early discussions about the purchase, declined comment on the matter. Loux was the floor manager for the bill when it was debated in the House.

The vetoed measure would have allowed the state to issue a maximum of \$1.3 million in revenue bonds for purchase of the New England Building, some smaller buildings and several surrounding parking lots.

The bill was designed to provide additional office space for state agencies and relieve cramped conditions in the Statehouse.

The state architect would have been authorized to negotiate for purchase of the building.

Senate President May Subpoena

TOPEKA, Kan. (AP) — Senate President Robert Bennett said today he is "very much tempted" to exercise the legislature's power of subpoena and summon representatives of Gov. Robert Docking to testify on what information they have regarded implied improprieties regarding the legislature's attempt to buy a downtown Topeka office building.

Bennett told a news conference he had given thought to calling "those in the governor's office to come before us and expose their ignorance on the subject."

Docking vetoed Tuesday a bill authorizing the purchase of the New England building and some adjacent parking lots between Fifth and Sixth streets on Kansas Ave. with \$1.3 million in bonds.

In his veto message, Docking urged a legislative investigation, in cooperation with Atty. Gen. Vern Miller, into the proposed purchase.

Docking made no specific allegations, but his call for a probe is regarded by the Republican leadership and House Minority Leader Pete Loux, DWichita, as innuendo that something "was amiss."

Bennett and House Speaker Pete McGill asked Docking Wednesday for a personal meeting with him to learn what information the governor has which would warrant such an investigation. They have had no response from Docking or anyone else in the governor's office to their request, they said today.

However, Docking's press secretary, James

Shaffer, told newsmen Thursday the governor has no plans to meet with Bennett and McGill, and said the governor would leave it up to his legislative liaison men, Tom Van Cleave and Don Matlack, to discuss the matter with Bennett and McGill.

However, Bennett said today he believes the governor has been given "misinformation" about the proposed purchase of the six-story stone building for use as additional state office space.

"It appears to be only deceitful innuendo, and I think maybe the governor also is victim of the innuendo," Bennett said.

Bennett said the "scurrilous" rumors he has heard suggest some tieup between former State Sen. C. Y. Thomas of Mission Hills, Kan., who now is Bennett's administrative assistant, and John Harbes, a Topeka businessman who reportedly has an option to buy the New England building and stands to make some money on the deal.

Calling it "character assassination," Bennett said Thomas had never been involved with Harbes in any way until the legislative leadership asked him and former State Rep. Rex Borgen, Asherville, who now is McGill's administrative assistant, to look into the proposed purchase earlier this legislative session.

Bennett vehemently defended Thomas' reputation, declaring the former state senator's public, private and business record displayed an impeccable character and record.

Rec'd 4/8/73

April 8, 1973

Mr. C. V. Thomas

Dear Mr. Thomas:

At a meeting of the Select Committee of the Kansas Legislature appointed to investigate alleged improprieties in connection with the negotiations for state purchase of the New England Building and adjacent real estate, it was determined that you may possess information bearing upon this subject.

Accordingly, the committee has directed that you be served with a subpoena requiring your attendance before the committee on April 11, 1973.

The purpose of this letter is to advise you of the committee's decision and request your cooperation in order that our assignment may be completed with all possible dispatch. Under applicable law (K.S.A. Supp. 46-1012) you are entitled to receive the advice of, and be accompanied by, counsel of your choice while giving your testimony.

Yours truly,


JOHN F. HAYES
Chairman

JFH:jsm

EXHIBIT # 32

Docking Aides to

Building Hearing

By Laura Scott Divin

The Star's Topeka Correspondent

Topeka—Gov. Robert Docking indicated yesterday he will not appear before a special legislative committee investigating the state's negotiations to purchase the New England building in downtown Topeka. But some legislators said they resented being subpoenaed by the committee.

"As is customary—and proper in light of the separation of powers doctrine—I have asked Thomas Van Cleave, Jr., and Donald Matlack, my legislative liaisons, to appear voluntarily and represent the executive branch of government," Docking said in a letter to Rep. John Hayes (R-Hutchinson), chairman of the committee.

Hayes had asked the governor

to appear before the 11-member committee appointed by the legislative co-ordinating council to investigate the negotiations. The Legislature had authorized \$1.3 million to buy the property, but Docking vetoed the bill and called for an investigation.

Fred Carman, first assistant of the revisor of statutes office, said about 40 persons are being subpoenaed to appear tomorrow at the statehouse. Neither Carman nor Hayes would identify those subpoenaed.

Among the persons who said they have received notice that they will be subpoenaed are Matlack and Van Cleave, Sen.

Jack Steineger (D-Kansas City, Kansas), Senate minority leader; Sen. Robert Bennett (R-Overland Park), Senate president, and C. Y. Thomas, Mission Hills, Bennett's administrative aide. Pat Connolly, assistant to Vern Miller, Kansas attorney general, indicated he would appear at the meeting to represent the attorney general.

"I resent the implication that it is necessary to issue a subpoena," Steineger said yesterday, adding that he had informed Bennett he would be in Topeka this week and available to appear for questioning before the committee.

The Senate minority leader

said he believes legislators should not be on the committee to "make a judgment on things that may or may not be political." He said the committee should be "blue-ribbon", composed of businessmen and other persons. He also raised questions about the inquisitorial powers of the committee.

In a letter to Hayes, Steineger demanded "production of all documents or copies intended to be used in the hearing, a list of persons to be subpoenaed, and adequate time and authority to cause any other subpoenas that might be necessary to be issued.

"I am sure it is not necessary

for me to point out to you the distinction between the legislative, executive and judicial authority, but to the extent the legislative authority attempts to abuse the constitutional or judicial responsibilities, then you may expect every objection from the undersigned," Steineger said.

Bennett said, "the implications are that something is amiss. It would be beneficial to legislative leaders to have the opportunity to be brought in and tell what they know.

"When we get through with this thing we will be right back where we are," Bennett predicted.