

M I N U T E S

SPECIAL COMMITTEE ON WAYS AND MEANS - B

November 21, 1977Morning Session

Chairman Fred Weaver convened the meeting of the Special Committee on Ways and Means-B at 9:00 a.m. The Chairman announced that the Committee would undertake consideration of the subcommittee report on the courts. In addition to Chairman Weaver, the following members were present: Senator Paul Hess, Senator Arnold Berman, Senator Norman Gaar, Senator Frank Gaines, Representative Richard Harper, Representative David Heinemann, Representative Loren Hohman, and Representative John Ivy. Staff members present were Marlin Rein, Julie Mundy, Robert Haley, Jim Wilson, and David Barclay. Others who were in attendance are listed in Attachment I at the end of these minutes.

Representative John Ivy moved that the minutes for the October 24 and 25 meeting and the November 7 meeting be approved. The motions were seconded by Representative Hohman and Senator Hess and were approved by the full Committee.

Court Study

Senator Frank Gaines, Chairman of the subcommittee, reviewed the subcommittee study and recommendations. The Committee then heard brief testimony from Mr. James R. James, State Judicial Administrator; Mr. Lloyd Zook, Director of the Shawnee County Court Services; Mr. Robert Pinet, Counsel for the Kansas Association of Shorthand Reporters; Mr. Jess Danner, President of the Kansas Association of Shorthand Reporters; and the Honorable C. Phillip Aldrich, Administrative District Judge.

The subcommittee recommended establishment of a district court personnel system by legislation under the jurisdiction of the Supreme Court. The system will not include coroners, or pre-adjudication and post-adjudication juvenile detention personnel who spend less than 75 percent of the time providing services to the court for adjudication and placement decisions. However, the subcommittee recommended that in those counties where jurisdiction of juvenile detention facilities are currently a court function, the courts retain jurisdiction over those facilities and the county operate and fund them. The subcommittee recommended that court reporters be allowed to continue with the present system of court transcripts. It is further recommended that all court reporters be included in the personnel plan at salaries to be determined by the Supreme Court without any additional county supplements.

The subcommittee recommended that the state phase in financing of the district court personnel system over a four-year period. The subcommittee further recommended that all statutes which would interfere with the Supreme Court's exercise of this power be repealed or amended. In addition, the subcommittee further recommended that the Legislature conduct legal research into the issue of whether or not the state can require counties to pay the salaries of non-judicial personnel of district courts who are state employees pursuant to the Attorney General's opinion. Finally, the subcommittee recommended that the House and Senate leadership request the Chief Justice of the Kansas Supreme Court to address the Legislature in a joint session in January of 1978, on the state of the judiciary.

Because of the complexity of these studies, and the timetable for the RPC report, time did not permit the subcommittee to draft the appropriate bills for implementation of Committee recommendations. However, the subcommittee, in its report, directed staff to prepare such legislation prior to the beginning of the 1978 Legislative Session for presentation to the Senate Ways and Means Committee to be considered with the Unified Judicial Department budget.

Representative Heinemann moved that the subcommittee report be adopted as presented. The motion was seconded by Representative Ivy and it passed. Representative Weaver noted that the legal brief was to be prepared by Legislative Counsel, was to be presented early in the session and staff would draft for the Chairman's signature letters to the President and Speaker recommending that the Chief Justice be requested to address the Legislature.

Proposal No. 77 - Building Construction

Staff reviewed a draft of the Committee report. (See Attachment.) Senator Gaines moved that five members of the Board be allowed to authorize multiple bids. This was seconded by Senator Hess and it passed. Representative Heinemann moved that the report be approved as amended. Senator Hess seconded the motion and it passed.

Proposal No. 78 - Review of the Department of Transportation

Staff reviewed the draft Committee report on Proposal No. 78 (see attachment). The Committee considered various options as outlined in the draft report.

Representative Hohman expressed dissatisfaction with the Department of Transportation's (DOT) planning efforts. Senator Berman said that the DOT's planning had been poor; that the agency had no cognizance of available resources; that the DOT ordering of priorities had no relation to need; that the cost of maintenance was excessive; and that the management plans were totally unrealistic. Senator Berman made a motion to include a statement similar to that in the Committee report. Senator Gaar seconded that motion.

Chairman Weaver said he felt that the formulas has been and continues to be a major problem at the DOT. He said that the agency policies and procedures were just as poor as they were prior to reorganization. Senator Berman asked if it was the Committee's consensus that the Wilbur Smith report had no bearing on reality and should be abandoned. Chairman Weaver and Representative Hayden both said that the report was not necessarily at fault, but that the DOT's interpretation of that report was questionable.

After considerable discussion the Committee approved Senator Berman's motion to include language in the final report which was critical of the DOT's performance. Staff was directed to develop such language to include in the report.

Senator Gaines made a motion that no contracts for new highway construction be let after July 1, 1982, and that no right-of-way be acquired after July 1, 1978. All DOT resources after July 1, 1978, would be committed to the improvement and maintenance of existing highways. Senator Gaar seconded the motion and it passed.

Proposal No. 76 - Financing of Vocational Education

Mr. Dean Prochaska, Department of Education, presented a brief memo illustrating the amount of funds each area vocational school would have received in FY 1977 under a weighted system of program costs. It was noted that the figures for these schools included the community junior college contractual agreements and were therefore too high. Chairman Weaver requested the Department to correct the figures and file a detailed report on the weighting of program costs with the Legislative Research Department before January 1, 1978.

Proposal No. 77 - Building Construction

Mr. Jim Wilson reviewed the bill drafts for the building construction report with the Committee. In a discussion relating to active statutes to be repealed by proposed bill No. 1 the Committee directed Mr. Wilson to include language in the new bill similar to the last sentence of K.S.A. 75-1203.

The Committee reviewed proposed bill No. 1 (see attachment). It was noted that Mr. Wilson would change the last sentence of Section 3 to reflect the Committee's decision to include the language "unless as otherwise specifically set out by law." The Committee agreed that the word "may" in Section 9(a) should be changed to "shall." Mr. Wilson noted that in Section 10, the date "July 1" was in error and would be changed to "June 1."

Senator Berman made a motion to amend Section 12 and 14 of the bill (see attachment) to include a requirement for a "five-year capital improvement program." The motion was seconded by Representative Heinemann and was passed. Senator Berman also made a motion to amend Section 13, which was also seconded by Representative Hohman and was passed.

Mr. Wilson noted that Section 40(b) would be rewritten to conform with Committee recommendations adopted during the morning session. He also said that Section 57(b) relating to engineering services would be changed to reflect Committee recommendations made at the morning session.

Senator Berman made a motion to include language in Section 1(d) which would prohibit the Governor from reappointing a person who had failed to receive confirmation of the Senate. Representative Heinemann seconded the motion and it was passed.

Senator Hess made a motion to adopt the draft bill as amended. Representative Heinemann seconded the motion and it passed.

Proposed Bill No. 2 was discussed by the Committee. Representative Heinemann made a motion to eliminate the last sentence in Section 4. Representative Hohman, seconded that motion and it was passed. Representative Heinemann made a motion to adopt the draft bill as amended. The motion was seconded by Senator Gaar and it passed.

Proposed Bills No. 3-10 (see attachments) which repeal other legislation affecting building constructions were reviewed. The following table shows Committee action on motions to adopt those bills.

<u>Proposed Bill</u>	<u>Motion</u>	<u>Second</u>	<u>Action</u>
3	Senator Gaar	Rep. Hohman	passed
4	Senator Hess	Rep. Heinemann	passed
5	Rep. Heinemann	Rep. Ivy	passed
6	Senator Hess	Rep. Heinemann	passed
7	Rep. Heinemann	Senator Hess	passed
8	Rep. Harper	Rep. Heinemann	passed
9	Senator Berman	Senator Gaar	passed
10	Senator Berman	Senator Gaar	passed

In addition, Mr. Wilson requested the Committee to examine a handout which included a statute relating to Larned to determine whether it should be repealed. Representative Hohman made a motion to repeal the statute. The motion was seconded by Representative Heinemann and passed.

Chairman Weaver instructed Mr. Wilson to include only the four major bills to be printed with the final Committee report.

Prepared by Robert Haley

Approved by Committee on:

Field D. Weaver 1-5-78
Date

SPECIAL COMMITTEE ON WAYS AND MEANS-B

November 21, 1977

James R. James, Judicial Administrator
Jess Danner, KSRA
William E. Terrill, NECA
Robert A. West, NECA
Robert L. Pinet, KSRA

RE: PROPOSAL NO. 73 - DISTRICT COURT PERSONNEL
PLAN

PROPOSAL NO. 74 - COURT UNIFICATION COSTS
AND FINANCING

Proposal No. 73 directed the Committee to review the district court personnel plan developed by a consulting firm pursuant to funds appropriated to the Legislative Research Department for such a study. Proposal No. 74 directed the Committee to study costs and methods of financing the Kansas unified court system.

Background

On January 10, 1977, the new unified court system began operation. All courts of limited jurisdiction (except municipal courts) were abolished and their jurisdiction was vested in the district court. Administrative authority over all courts was vested in the Supreme Court. This included the implementation of the administrative rules and policies of the Supreme Court, as well as supervision of personnel and financial affairs of the state court system. Financing of the district courts under unification remained a responsibility of both the state and local units of government.

Personnel issues and financing became a key issue during the 1977 Legislative Session. According to Opinion No. 76-289 issued by the Attorney General on September 17, 1976, all district court personnel are considered to be state employees, even though salaries and wages for such personnel are paid by the county. As a result of that opinion, H.B. 2642 was passed requiring counties to provide district court employees, whose salary is paid by the county, with benefits equal to those provided other state employees.

The Legislature also studied the issue of personnel pay plans and, as a result, passed S.B. 460 requiring the Supreme Court to develop a pay plan for its personnel and statutorily established the salary of law research clerks. Salaries of other state court employees of the Supreme Court and Court of Appeals were also frozen at the FY 1977 level. The

Legislature appropriated \$35,000 to the Legislative Research Department to engage a contractual study for a uniform pay and classification plan for non-judicial personnel of the district courts. Resource Planning Corporation (RPC) was subsequently selected to conduct the study for \$28,364.

Financing the court system and budgeting procedures for district courts were also addressed in H.B. 2642. That bill appropriated \$1,725,000 in federal revenue sharing funds to the Unified Judicial Department for the purpose of grants to counties to help defray costs of court unification. The bill also gave county commissions final authority to determine and approve the budget for district court operations payable by their counties, provided that the county does not reduce the budget under the level appropriated in 1976. County commissions were also given expenditure control for salaries and wages of associate district judges, district magistrate judges, and other job positions as included in the approved budget.

Committee Activity

The Committee received a five volume report prepared by RPC detailing a proposed district court personnel system. The plan, as proposed by RPC, recommends establishment of a district court personnel system under the control and administration of the Kansas Supreme Court. The purpose of the system is to establish and maintain equitable and uniform policies, procedures, job classifications and compensation plans for the purpose of attracting and retaining qualified, dedicated personnel, for the mutual benefit of the employees and the public they serve.

The major personnel recommendations of RPC are summarized as follows:

- 1) The Supreme Court of Kansas is responsible for the establishment, maintenance and operation of the district court personnel system.
- 2) The Supreme Court will maintain and establish detailed descriptions for all job classifications in the district courts and each classification

will be assigned a specific pay grade in the compensation plan.

- 3) Structured salary scales consisting of a series of incremental pay steps within each grade shall be developed and maintained by the Supreme Court.
- 4) Authorization from the Supreme Court is required prior to the creation of any new positions.

RPC also presented a detailed document containing 31 job classifications for district court personnel. Each job classification included a description of work performed and education and experience required. Each position classification was assigned to a salary grade. In addition, hiring practices, an employee evaluation system, grievance procedures, and other policies were detailed in the RPC report.

The Committee appointed a subcommittee, with approval from the Legislative Coordinating Council, to study both proposals in detail and make recommendations to the Committee. The subcommittee heard testimony from the following conferees at its November 18, 1977 meeting:

The Honorable Alfred Schroeder, Chief Justice

James R. James, State Judicial Administrator

The Honorable Howard Kline, Administrative District Judge, 18th Judicial District

The Honorable William Carpenter, District Judge, 3rd Judicial District

The Honorable Page Benson, Administrative District Judge, 13th Judicial District

Mr. Lloyd Zook, Shawnee County Court Services

Mr. Jess Danner, President, Kansas Association of Shorthand Reporters

Mr. Paul Kline, Kansas Association of Juvenile Probation Officers

Mr. Donald Amrein, Johnson County Court Trustee

Mr. Paul Shelby, District Court Clerks Association

The Kansas District Judges Association

The Honorable Herbert W. Walton
The Honorable C. Phillip Aldrich
The Honorable William C. Clement
The Honorable Robert G. Jones
The Honorable Wayne Phillips
The Honorable Clarence E. Renner

The subcommittee and the Committee in studying the proposals addressed four major questions. The following sections detail the Committee's study of those questions and include recommendations relating to those questions.

Should Kansas Have a District Court
Personnel System?

The Committee learned that district court personnel are working in what approaches an untenable situation. Pay is low in most districts, and not increasing due in large part to court personnel being county-paid state employees. Many county commissions are allocating personnel dollars to bettering the pay of county employees, the reasoning being that it is presumed court personnel will soon be paid by the state. Employees are understandably demoralized by this, and turnover in court personnel is significant.

In addition to being generally low, salaries are unequal. Urban counties generally pay an adequate wage, while in rural areas salaries of \$400 per month for full-time clerical

employees with significant responsibilities are not unusual. These salaries make it difficult to attract and retain top quality people. A number of other problems exist - many personnel complain about favoritism in hiring and promotion, about lack of merit increases and promotional opportunities, and several other aspects of their employment.

These are only a few of the problems. The Committee agrees with the RPC report in the belief that these and most other problems would be remedied by the implementation of a personnel system with structured policies and procedures, based on merit. The Committee believes such a system would greatly reduce current confusion and would enhance employee morale and understanding. Accordingly, the Committee recommends implementation of a uniform district court personnel system for Kansas.

How Should a District Court Personnel System Be Structured?

RPC set out specific recommendations for a highly structured and uniform personnel system. Since the RPC report is a plan it allows varying degrees of flexibility for the establishment and operation of a district court personnel system so as to best suit the needs of the state court system. The Committee, in its deliberations, agreed that the Legislature should not enact a statute which sets forth the details of the district personnel system, but rather should by appropriate legislation address only the basic issues and direct the Supreme Court to implement the details. However, several gray areas in the report from RPC were of concern to the Committee.

First, the Committee agreed that the uniform salary ranges as set out in the RPC report and uniform policies such as affirmative action, grievance procedures, holidays and working hours, although they should be required by statute, should not be detailed by statute. However, the Committee recommends that the Supreme Court should develop a compensation scale comparable to that contained in the RPC report.

The Committee agreed that legislation requiring the ~~personnel plan should address which personnel should be~~

included or excluded from the system. The Committee recommends that all positions currently found at the district court level be included in the personnel system with the following exceptions: (1) coroners, and (2) pre-adjudication and post-adjudication juvenile detention personnel who do not spend at least 75 percent of the time providing services to the court for adjudication and placement decisions. In the case of coroners, appointment and payment for such services would be the responsibility of the county commissions. Juvenile detention facilities and personnel as set out above are not to be included in the personnel system. However, the Committee recommends that in those counties where they are currently part of the district court, that the courts retain jurisdiction over such facilities and the counties operate and fund them.

RPC's recommendation that court trustees not be included in the system was considered. The Committee recommends that court trustees be included in the system since they enforce court orders and are considered to be part of the court function.

The Committee found that the most controversial recommendation of the RPC report is the way in which court reporters are to be paid. At present, court reporters for district judges are paid \$13,927 pursuant to state statute. In addition, some districts, notably the largest four, provide court reporters with county supplements. Court reporters may also earn other income from two sources: (1) transcript fees, and (2) outside work - usually the taking of depositions. In the present system some reporters are receiving only the state salary while others are earning a great deal more. In the RPC plan, court reporters are not allowed outside income and transcript fees are paid to the court, not to the court reporters. Transcripts would be typed by court paid transcriptionists. The base salary for court reporters is raised considerably, and no supplements are allowed.

In testimony from district judges, representatives of the Supreme Court, and the Kansas Association of Shorthand Reporters, various problems with the present system and RPC's proposals were mentioned. All conferees stated that the present system of transcript preparation and fees should be

retained since it would probably be less costly and more efficient. The Committee, after considerable deliberation, recommends that the current statute setting the court reporters salaries at \$13,927 be repealed and that the salaries of court reporters be set by the Supreme Court within the recommended personnel system plan. The Committee further recommends retention of the current system for transcripts and elimination of county supplements. In addition, the Committee recommends that outside work by court reporters be prohibited except as specifically allowed by Supreme Court rule.

Should the State Finance the Entire
Unified Court System?

The Committee feels that the issue of a state district court personnel system cannot be addressed without an examination of funding for such a system. In his testimony before the subcommittee, Chief Justice Alfred Schroeder, suggested that the subcommittee focus its attention on the basic question, "Can the Legislature, by inaction, impose upon counties the responsibility of funding the salaries of state employees?". Chief Justice Schroeder suggested that the Legislature might wish to prepare a legal brief relating to that question because of the Attorney General's opinion that district court employees are state employees. The Committee recommends that the Legislature should have those issues researched and a legal brief prepared by the Legislative Counsel.

With the passage of the Court Unification Act in 1976, the state committed itself to a major change in the court system. The Committee feels that it is the responsibility of the state to retain a fair and effective system for the administration of justice in Kansas and that such a system will suffer without adequate state funding. Accordingly, the Committee recommends that the state ultimately pay, in addition to its present funding responsibilities in the court system, all costs of district court personnel as included in the proposed district court personnel plan. The Committee recommends that the funding of court operating expenses

remain at the local level, but that court revenues currently retained by the counties ultimately be remitted to the state.

Given Limited Resources, How Can the
State Fund the Court System?

The Committee examined several ways in which the state could finance the court system. In recognition of limited state resources and the major cost impact of assuming all district court personnel costs in one year, the Committee recommends a specific program for phasing in personnel costs over a four-year period. Under the Committee's proposal the state would appropriate funds for operation of the district court personnel system and require counties to "rebate" a percentage of the costs to the state on a declining percentage basis over a four-year period. In the case of multi county districts the percentage of the rebate to be paid by each county shall be calculated on the county's proportional share of the district's population and caseload. As such, the Legislature would review the district court personnel budget in the annual budget review and appropriation process.

The following table summarizes the Committee's recommendation for phasing in district court personnel costs.

<u>Fiscal Year</u>	<u>Percentage to be Paid by State</u>	
1979	100%	judges salaries
	35%	$\frac{1}{2}$ year of nonjudicial personnel costs
1980	100%	judges salaries
	50%	non-judicial personnel costs
	less	25% court revenues
1981	100%	judges salaries
	75%	non-judicial personnel costs
	less	50% court revenues
1982	100%	judges salaries
	100%	non-judicial personnel costs
	less	100% court revenues

It should be noted that in FY 1979, 100 percent of judges' salaries and supplements are included for the full year while only 35% of non-judicial personnel costs are included for one-half year. Because the counties are on a calendar year budget and the state on a fiscal year budget, the counties will pay for all non-judicial personnel costs until January 1, 1979. At that time the new personnel plan shall be implemented and for the remaining six months the counties, through a rebate, will pay 65% of personnel costs. The Committee recommendation assumes the discontinuation of the \$1,725,000 in revenue sharing grants to the counties as contained in H.B. 2642.

The total annual net cost of the system and the net increase to the state for each year is estimated in the following table. Total annual net costs reflects total state annual expenditures for the district courts less revenues received. Total net annual increase reflects the yearly increase in cost to the state. It should be noted that inflationary factors have been added for each year on the expenditure side. Court revenues are not estimated to

increase for purposes of this projection. The net annual increase for FY 1979 presumes that if this system were not adopted the state would have continued to appropriate the \$1,725,000 in federal revenue sharing funds.

<u>Fiscal Year</u>	<u>Total Annual Net Cost</u>	<u>Net Annual Increase</u>
1979	\$ 9,900,000	\$ 2,375,000
1980	13,150,000	3,250,000
1981	15,925,000	2,775,000
1982	17,800,000	1,875,000

Summary of Conclusions and Recommendations

The Committee recommends establishment of a district court personnel system by legislation under the jurisdiction of the Supreme Court. The Committee further recommends that all statutes which would interfere with the Supreme Court's exercise of this power be repealed or amended. The system will not include coroners, or pre-adjudication and post-adjudication juvenile detention personnel who spend less than 75 percent of the time providing services to the court for adjudication and placement decisions. However, the Committee recommends that in those counties where jurisdiction of juvenile detention facilities are currently a court function, the courts retain jurisdiction over those facilities and the county operate and fund them. The Committee recommends that court reporters be allowed to continue with the present system of court transcripts. It is further recommended that all court reporters be included in the personnel plan at salaries to be determined by the Supreme Court without any additional county supplements.

The Committee recommends that the state phase in financing of the district court personnel system over a four-year period. In addition, the Committee further recommends

that the Legislature conduct legal research into the issue of whether or not the state can require counties to pay the salaries of non-judicial personnel of district courts who are state employees pursuant to the Attorney General's opinion.

Finally, the Committee recommends that the House and Senate leadership request the Chief Justice of the Kansas Supreme Court to address the Legislature in a joint session in January of 1978, on the state of the judiciary.

Because of the complexity of these studies, and the timetable for the RPC report, time did not permit the Committee to draft the appropriate bills for implementation of Committee recommendations. However, the Committee has directed staff to prepare such legislation prior to the beginning of the 1978 Legislative Session for presentation to the Senate Ways and Means Committee to be considered with the Unified Judicial Department budget.

Respectfully submitted,

November 21, 1977

Rep. Fred Weaver,
Chairperson
Special Committee on Ways
and Means - B

Sen. Paul Hess,
Vice-Chairperson
Sen. Arnold Berman
Sen. Norman E. Gaar
Sen. Frank D. Gaines
Rep. William W. Bunten

Rep. Roy H. Garrett
Rep. Richard L. Harper
Rep. David J. Heinemann
Rep. Loren Hohman
Rep. John T. Ivy

RE: PROPOSAL NO. 76 - FINANCING OF VOCATIONAL
EDUCATION

The Committee has conducted a comprehensive review of present vocational education financing mechanisms, with emphasis on the area vocational schools, and has monitored the State Board of Education's administration of 1977 S.B. 127, the law which authorized the distribution of funds appropriated for vocational education equipment and capital improvements. This report focuses on certain selected vocational education funding issues that were considered in-depth by the Committee.

Overview

Most vocational education programming in Kansas is conducted through "approved" programs in conformance with the requirements of federal laws, rules, and regulations. Traditionally, federal funds have accounted for 20-25 percent of expenditures for program operations. Nearly 1,000 approved vocational programs are offered by school districts, community junior colleges, and area vocational schools. Vocational program full-time equivalent enrollments and operating expenditures for FY 1977 totaled 21,055 and \$32.1 million, respectively. In FY 1978, expenditures are expected to exceed \$33.4 million. Following is a tabulation showing the relative involvement by the three types of schools in vocational programming.

<u>Type of School</u>	<u>Estimated FY 77 Percentages</u>		
	<u>Programs</u>	<u>Full Time Equivalent Enrollment</u>	<u>Expenditures</u>
School Districts	56%	49%	41%
Community Junior Colleges	10	12	13
Area Schools	34	39	46
TOTAL	<u>100%</u>	<u>100%</u>	<u>100%</u>

Approximately one-half of the revenue generated for the support of vocational programming is produced by school districts and community junior colleges under their authority to levy for vocational education a maximum of two mills on the assessed valuation of the district. Another 20 percent of the revenue is from federal vocational education support programs and about 25 percent is from state sources, principally through the categorical and area school postsecondary aid programs. Student tuition (area schools and community junior colleges) and other miscellaneous revenues constitute the remaining 5 percent or so of vocational education revenue.

Area Vocational Schools - Capital
Outlay Funds

1977 S.B. 127 served as the substantive basis for a vocational education capital outlay program to be funded, at least partly, by state level contributions. Each year the area schools will receive such aid from funds, if any, that are available for this program as determined by the State Board of Education. In making these allocations the Board takes into account both need and condition of existing facilities and equipment. The FY 1978 appropriation for the program, from the federal revenue sharing fund, was \$2.0 million.

Soon after S.B. 127 was passed, the State Department of Education staff developed guidelines and application forms to be used to assist the State Board in making the fund awards to the 14 area vocational schools. These forms were mailed to the area schools prior to June 1, 1977, and were due back to the State Department of Education by June 20. Hearings were then conducted by the State Department of Education staff on June 20, 21, 22, and 24. At its July meeting, the State Board of Education made its final decision concerning allocations of FY 1978 funds.

At the time the funding proposals were solicited, the State Department of Education instructed the area schools to identify their needs for a three-year period (FY 1978-80) and to include only those items regarded as essential in the school

year for which such funds were requested. The three-year period was selected to encourage planning by the area schools for their capital improvement and equipment needs. The State Department of Education emphasized that the appropriation for this program was for one year only and that there was no commitment by the Legislature to continue funding the program in subsequent years.

The final amended requests for FY 1978 totaled \$3.8 million of which the State Board approved \$2.0 million. Testimony received by the Committee emphasized that the highest priority in making these awards was given to projects that proposed: (a) construction of facilities which would make it possible to provide an education for more students or strengthen programs to accommodate more students, (b) purchase of equipment to be used in the training of students, and (c) remodeling of existing facilities to make them better adapted for instruction. Low priority was assigned to proposals for planning funds, construction or paving of parking facilities, construction or remodeling for administrative services or staff offices, construction that might be funded through other available funds such as federal grants, purchase of motor vehicles, and construction or improvement of reception areas and conference rooms.

During the process of preparing their recommendations to the State Board of Education, the department staff attempted to analyze, on a comparative basis, the real need for a proposed capital improvement by considering the prior planning that had occurred; the local financial effort of the school (and of cooperating schools); and the size, type of construction, and proposed cost per square foot of the project. Efforts also were made to evaluate the need for equipment purchases. Following is a listing of the area schools showing the amount of capital outlay aid approved for each.*

* A more detailed summary for each school is available in the Kansas Legislative Research Department.

<u>Area Vocational School</u>	<u>FY 1978 Capital Outlay Award</u>
Arkansas City (Cowley County CJC)	\$ 100,000
Atchison (Northeast Kansas AVTS)	43,077
Beloit (North Central Kansas AVTS)	185,000
Coffeyville (Southeast Kansas AVTS)	300,000
Dodge City (Southwest Kansas AVTS)	185,055
Emporia (Flint Hills AVTS)	126,000
Goodland (Northwest Kansas AVTS)	226,400
Kansas City AVTS	93,900
Liberal AVTS	34,100
Manhattan AVTS	170,000
Newton (Central Kansas AVTS)	124,323
Salina AVTS	61,026
Topeka (Kaw AVTS)	116,119
Wichita AVTS	235,000
TOTAL	<u>\$2,000,000</u>

Area Vocational School Budget Process

Summarized, the area vocational school budget process begins in January and runs through August. During the months of January through March, the area school administration and staff discuss programs; consider requests for equipment, supplies, books, repairs and remodeling, additional teachers, etc.; and develop a proposed budget. In April, the area school approves the proposed budget and submits it to the State Board of Education. The State Board conducts hearings on these budgets with the area schools.

On or about May 1, the State Board approves area school operating budgets for the ensuing year which begins on July 1. This procedure is followed even though there is no specific statutory basis for it. On occasion, the State Board modifies an area school's budget. During July, the area school prepares the budget for printing (except for the four Type II schools which have no tax levying authority and which are not required by law to publish their budgets). The final approval of

the budget by the local governing board occurs early in August, at which time a public hearing on the budget is held. The area school submits the finally adopted budget by August 25 to the county clerk, Division of Accounts and Reports of the Department of Administration, and the State Department of Education. The area school then operates on the budget for the fiscal year which actually began in July.

Recommendation. The Committee recommends a change in the budget cycle of the area schools. Budgets for the ensuing fiscal year should be submitted for scrutiny and approval to the State Board of Education by January or February of each year. This process should be completed in time that these data can be reviewed by the Legislature as it considers appropriation of funds for vocational education, as well as for other activities of government. The Committee believes this recommendation can be implemented by directive of the State Board of Education and that legislation is not required.

Postsecondary State Aid

The postsecondary state aid law, applicable to the area vocational schools, was enacted by the 1974 Legislature. Under this law, the state pays 90 percent of the "local" costs of postsecondary students who attend area schools. The student, if a Kansas resident,* pays the remaining 10 percent.

The local cost is computed for each area school by subtracting from the adopted and approved operating budget amounts of federal and state aid (except postsecondary state aid). The local cost is divided by the estimated number of enrollment hours of all students to determine the estimated cost per enrollment hour. Estimated postsecondary aid entitlements and actual postsecondary student tuition

* The tuition for students who are not Kansas residents is determined under another law.

requirements are computed by multiplying the total number of enrollment hours by 90 percent and 10 percent, respectively, of the local cost per enrollment hour. Postsecondary aid payments are based upon the actual costs and the actual number of postsecondary instructional hours provided.

State expenditures for this program grew from \$3.5 million in FY 1975 to \$4.6 million in FY 1977. Entitlements in FY 1978 probably will exceed \$5.1 million.* This aid program has become very significant as a component of the funding of many of the area schools. It also is quite important when compared with the amount of state categorical aid that for many years has been provided to area schools, along with federal categorical aid funds, on a formula basis. The FY 1978 appropriation of state funds for the categorical aid program was \$4.2 million, an amount somewhat smaller than that appropriated for postsecondary aid.

There is no doubt that the postsecondary aid program has accomplished one of its main objectives — to relieve school districts of the responsibility of paying tuition to area vocational schools for postsecondary students. However, an analysis of this program suggests certain policy issues that should be reviewed continually by the Legislature. These include:

* The actual appropriation for this program in FY 1978 is \$4.5 million. This amount assumed an offsetting \$0.6 million in payments from certain federal programs, which amount has not materialized. For an explanation, see the subsequent discussion of 1977 S.B. 318.

- 1) Application of the postsecondary aid program has had the effect of negating the purpose of the formula used by the State Board of Education to distribute federal and state categorical aid to area schools. In recent years that formula took into account measures of program need and performance. The new categorical aid formula, under which FY 1978 funds will be distributed, will be similarly affected by the postsecondary aid law. The new formula takes into account a base value per full-time equivalent pupil as well as measures of assessed valuation, poverty, and unemployment. As in the past, to the extent postsecondary students are involved, the more benefit the area school receives under the categorical aid formula, the less it will receive in postsecondary state aid and vice versa.
- 2) The postsecondary aid program does not encourage frugality in program spending. Since aid entitlements are based upon computed local costs and postsecondary enrollments, the more the area school spends (i.e., the greater its local costs) the higher is the postsecondary aid entitlement.
- 3) Student tuition rates vary among the area schools for identical programs. This variation results from the requirements of law that local costs serve as the basis for computing, on a school-wide basis, the applicable student tuition and postsecondary state aid entitlements. Because both local costs and enrollments vary among schools, student tuition rates and postsecondary aid entitlement levels also vary. In FY 1978, this variation represents a range of 25 percent, from 12 to 16 cents per enrollment hour. In FY 1977, the range was 9 to 16 cents per enrollment hour.

1977 Amendments to the Postsecondary
State Aid Law (S.B. 318)

Prior to enactment of S.B. 318, the postsecondary tuition of a number of students in Kansas who attended area vocational schools was being paid by funds available under the Comprehensive Employment and Training Act (CETA). The bill was designed to amend the law so that both the student's tuition (10 percent of local costs) and the remaining 90 percent of local costs would be borne by CETA or by any other applicable federal program. Projections were that such an amendment would reduce FY 1978 postsecondary state aid requirements by \$600,000.

During the time S.B. 318 and the companion appropriation were being considered, testimony suggested the possibility that the principle of S.B. 318 might be in conflict with provisions of federal law and, therefore, that the anticipated additional CETA and other federal funds might not be forthcoming. During its study, the Committee learned that a few state officials had received information in the last days of the session which strongly suggested the purpose of S.B. 318 would not be effectuated because of such conflicts with federal law. This information was not made generally available to the Legislature.

In June of 1977, the Kansas City regional administrator of the Employment and Training Administration of the U.S. Department of Labor formally notified the Secretary of Human Resources that the Kansas enactment was in direct conflict with the "maintenance of effort" provision of federal law. That is, federal funds must be used to supplement and not supplant other available funds. The CETA prime sponsors in Kansas were advised, beginning on July 1, that they were to refrain from participating in skill training with area schools.

In response to this development the State Department of Education requested an opinion from the Attorney General concerning the legality of making state postsecondary aid payments to area schools for students who participated in CETA. According to the Attorney General, the 1977 legislation was designed to thwart the federal law by requiring

that CETA funds and other available federal funds be substituted for the postsecondary state aid that otherwise would have been generated by students eligible to have their tuition paid by CETA. The direct result of the legislation was the federal directive that CETA funds no longer could be used to pay student tuition at an area school. The Attorney General ruled that since the students were no longer eligible to have their tuition paid by CETA they again would fall within the definition of "postsecondary student" and, therefore, be taken into account in the postsecondary aid calculation.

At the time of the preparation of this report, administration of the vocational education postsecondary aid program is precisely the same as if 1977 S.B. 318 had not been enacted. Students eligible to have their tuition paid by CETA are participating in area school programs and the state is paying the postsecondary aid entitlement for these students just as for other postsecondary students. As a result, current estimates are that due to the CETA students, an FY 1978 supplemental amount of \$0.6 to \$0.8 million might be required to fully fund the postsecondary aid formula.

Vocational Education Categorical
Aid Program

On September 14, 1977, the State Board of Education adopted a new formula, applicable in FY 1978, for distribution of certain federal and state categorical aid for vocational education in school districts, community junior colleges, and area vocational schools. The new formula, which represents a major revision of the formula that previously had been in effect, was prompted by requirements of the 1976 amendments to the federal Vocational Education Act of 1963. An ad hoc committee was responsible for development of the formula and plans are that the committee will continue to function during the 1977-78 school year in order to suggest formula improvements.

The Committee reviewed the new, rather complex, formula in considerable detail.* While the same formula is used to distribute both state and federal categorical funds, there are some modifications involved for purposes of the state aid distribution.

The basic elements of the new formula represent an effort to allocate funds as follows:

- 1) Base allocation (15 percent). The base allocation is a simple, full-time equivalent vocational education per pupil allotment.
- 2) Poverty measure (10 percent). The poverty component is based upon a county poverty index. The applicable number of poverty points is multiplied by the number of full-time equivalent vocational teachers times the amount of money available for distribution per poverty point to determine the entitlement.
- 3) Unemployment measure (10 percent). The unemployment component is based upon a county unemployment index. The applicable number of unemployment points is multiplied by the number of full-time equivalent vocational teachers times the amount of money available for distribution per unemployment point to determine the entitlement.

* An explanation of the formula is available in the Kansas Legislative Research Department.

- 4) Wealth index (65 percent). The wealth index includes a guarantee which takes into account vocational student enrollment and vocational teachers. The amount of the teacher and student guarantee (combined) is adjusted by application of a wealth index which reduces the actual entitlement inversely to wealth. The wealth index is constructed in intervals of \$1,000 of assessed valuation per pupil. The index ranges from 1 percent to 100 percent of the initial guarantee.

For FY 1978, subject to federal approval, the federal categorical aid funds will be divided on the basis of 56 percent for postsecondary students and 44 percent for secondary students. State funds are appropriated in separate amounts for each type of school, i.e., school districts, community junior colleges, and area schools. There is no division of the state funds among secondary and postsecondary students. A limitation which is imposed on the formula assures the various institutions that they will not have a major shift in total available vocational education categorical aid. The state categorical funds will be distributed on the basis of the formula, except that the state funds also will be used to assure that no school receives less than 90 percent nor more than 110 percent of the amount of combined federal and state aid received in the prior year.

In FY 1978, this formula will be used to distribute about \$7.4 million, \$2.2 million in federal funds, and \$5.2 million in state funds.

The federal law contains several restrictions which make it necessary for the state to develop a rather complex formula for allocation of federal funds. Historically, the state categorical aids which have been used for the general support of vocational education also have been distributed through the same formula as the federal funds. However, there is no requirement that this be done. In the current year, for example, the same basic formula is used for both federal and state funds with the exception that state funds are used to

ensure that no school experiences a decrease or an increase in aid of more than 10 percent from the prior year. Any number of options are available to the state in deciding how it wishes to allocate its vocational education funds.

Other Considerations

Although the Committee made no recommendations concerning the financing of vocational education generally, it did review a number of funding options that might be applied to the area vocational schools. One such option involved distribution of state aid to area vocational schools through a weighting formula based upon the prior year's program expenditures. Late in the interim, an application of this approach was prepared for the review of the Committee.* While this method may have some merit, further study would be required prior to a decision to implement it.

Finally, the Committee wishes to express its concern about the absence of a statewide long-range plan for the organization, governance, and financing of vocational education. The Committee believes the State Board of Education and others having responsibilities in this area should, as a high priority, devote their attention to the development of such a plan.

Respectfully submitted,

November 7, 1977

Rep. Fred Weaver,
Chairperson
Special Committee on Ways
and Means - B

Sen. Paul Hess,
Vice-Chairperson
Sen. Arnold Berman
Sen. Norman E. Gaar
Sen. Frank D. Gaines
Rep. William W. Buntten

Rep. Roy H. Garrett
Rep. Richard L. Harper
Rep. David J. Heinemann
Rep. Loren Hohman
Rep. John T. Ivy

* Copies of this study are available in the Kansas Legislative Research Department.

RE: PROPOSAL NO. 77 - STATE BUILDING
CONSTRUCTION PROCEDURES*

Background

Proposal No. 77 directed the Committee to conduct a comprehensive review of current procedures for the planning and construction of state facilities; to evaluate the effectiveness of current procedures; and to recommend necessary changes.

Committee Activity

This proposal was the subject of Committee consideration at each meeting. Extensive discussions with the Director of the Division of Architectural Services (hereafter generally referred to as the State Architect) and representatives of state agencies for whom major projects had been constructed in recent years. In addition, the Committee conferred with representatives of state organizations representing various segments of the construction industry including architects and general and mechanical contractors. Testimony was also received from the Director of the Budget who also serves as the only permanent member of the Architectural Negotiating Committee.

The July meeting of the Committee was held on the Wichita State University campus for the principal purpose of enabling the Committee members to observe firsthand a number of projects completed in recent years which were illustrative of problems of either an architectural or construction nature, or both.

The Committee reviewed materials prepared by staff on numerous individual projects completed in recent years that have been beset with problems, some from the day they were completed. The Committee also reviewed in depth the present

* H.B. 2722, H.B. 2723, and H.B. 2724 accompany this report.

statutory provisions relating to the duties and responsibilities of the Division of Architectural Services, Division of Purchases, and the Architectural Negotiating Committee. A limited study was also made of the procedures employed in other states.

Finally, because of the continuing concerns associated with the quality of architectural services provided by the associate architect on the Basic Sciences Building and the Clinical Facility at the University of Kansas Medical Center, and the construction problems resulting therefrom, special attention was given to a complete review of the history of those projects.

The Committee sought testimony by the Office of the Attorney General on the current status of litigation arising out of claims by the state on architectural or construction deficiencies as well as claims against the state. The Committee also reviewed the present procedures and the location of responsibility for initiation of legal action when the state believes an architect or contractor has not satisfactorily fulfilled their contractual obligations.

Committee Findings

Obviously when a subject of the breadth and scope as embodied in Proposal No. 77 is studied in the depth to which the Committee's investigation reached, any recounting of "findings" must of necessity focus on the major items of concern. In general, materials reviewed by the Committee together with the firsthand observations and testimony of interested parties led to a general conclusion that the present procedures are ineffective and beset with numerous problems. The following summation of Committee findings are categorized into four general areas: Architectural Negotiating Committee Procedures; Purchasing Procedures; Organization of the Division of Architectural Services; and Litigation.

Architectural Negotiating Committee. The Committee generally concluded that the present procedure for the selection of associate architects is functioning satisfactorily.

The Committee believes that more effort should be made to research the prior performance of potential architectural firms, particularly work performed in the private sector. While there are problems associated with the lack of continuity on the Committee, these do not appear of sufficient concern as to dictate a change in the current structure.

The Committee did find several items which appeared to be in need of some corrective attention. The current contract for associate architects is believed to inadequately define the duties and responsibilities of the associate architect and should be revised. Current statutory language related to construction administration responsibilities should also be clarified. The two most significant findings of the Committee in this area were the need to increase the percentage of the architectural fee for preliminary design of the project and to base the fee, not on actual cost of the project, but rather on the estimated cost, thereby eliminating any disincentive for the associate architect to contain costs. All of the Committee findings are addressed in the legislation recommended by the Committee.

Purchasing Procedures. With few exceptions, major construction projects have in the past been bid with separate major contracts for general, mechanical and electrical construction phases of the project. The consensus of the Committee is that the use of separate contracts makes project coordination difficult. The Committee concluded that it would generally be preferable to bid projects seeking a single general contractor. The Committee would note that following Committee investigation into this area, the Governor directed the Division of Purchasing to seek single contracts on future projects. The legislation recommended by the Committee would require future projects be bid as a single general construction contract unless the proposed State Building Commission by affirmative vote of five members, directs that a specific project be bid with multiple contracts.

Division of Architectural Services. The Committee generally concluded that the Division of Architectural Services, as presently constituted, cannot adequately fulfill the

myriad of duties for which the Division is responsible. In arriving at this conclusion the Committee was not unmindful of the dedicated and quality service performed by numerous past and current employees of the Division. The efforts of a relatively few people, including the former State Architect and members of his staff, will enable the completion of the two projects at the University of Kansas Medical Center against all odds, thereby averting a greater financial cost and embarrassment to the State of Kansas.

Nevertheless, the inescapable conclusion to which the Committee came is that the present organization is generally not capable of performing all responsibilities in a quality manner. A major contributing factor to the current problems is that the responsibilities assigned to the Division are so broad and numerous as to make it unmanageable and detract from its principal function of providing architectural services and oversight of construction projects. Illustrative of these inappropriate duties are the assignment of office space in Topeka area office buildings; accounting for the rents of agencies housed in state-owned buildings; and the responsibility for the maintenance and custodial services on all state-owned buildings in the Topeka area.

The Committee also concluded that the current requirement for on-site inspection of construction on major projects by the State Architect is unworkable. While the current use of inspectors employed for specific projects has worked well in isolated instances where the state had the good fortune of employing qualified and conscientious individuals, such instances are unfortunately the exception rather than the rule. In too many instances the quality is suspect. The problem associated with the qualifications of the individual inspector appear to be aggravated further by the lack of clearly delineated responsibility assigned to the inspector by the Building Construction Section of the Division of Architectural Services. There is evidence to suggest that often times when the inspector cites the contractor for poor quality work or a violation of the project specifications, the inspector is overruled by the Building Construction Section.

The issue of the quality of personnel employed by the Division is seemingly not limited to the inspection function. Evidence would suggest that while the Division is fortunate to have in its employ some capable and motivated employees, there has generally been an eroding of the quality of the staff. This problem is likely in part attributed to present salaries which make it difficult to retain or attract qualified professional staff. The Committee believes that the problem is compounded by the insulation and security afforded by the civil service system. Over a period of years too many of the quality personnel have left and the agency administrator is left with an increasing number of marginal personnel whom he cannot replace.

Finally, the Committee concluded that the present statutory role of the Division of Architectural Services with regards to design and construction of projects tends to make difficult project coordination between the parties involved the associate architect, the contractors, and the agency. The present procedures also make it most difficult to pinpoint responsibilities and authority.

Again, the findings of the Committee noted herein, together with other lesser problem areas, are addressed in the legislation recommended by the Committee.

Litigation. The Committee study revealed that the State of Kansas has been generally too willing to accept an inferior quality of workmanship and professional service from associate architects, contractors, and suppliers. Given the overwhelming evidence of poor quality control in state projects, the Committee found relatively little effort being made to seek legal recourse against those parties that have apparently failed to satisfy their contractual obligations to the state. While the Committee received sufficient testimony from agency representatives and the State Architect to conclude that there is an awareness of the seemingly unending list of problems, little attention and effort has been given to obtaining satisfactory compensation for the state.

The Committee believes that a major factor contributing to the apparent lack of enthusiasm in seeking legal

recourse against contracted firms is that efforts to initiate such actions are stymied by bureaucratic red tape and a lack of clarity in the present statutes in prescribing a procedure for such actions.

After conferring with staff of the Office of the Attorney General, the Committee requested that office to proceed with haste in pursuing compensation from firms who had failed to satisfactorily fulfill their obligations to the state. The Committee was advised that many of the problems which surfaced during the Committee study had never been brought to the attention of the Office of the Attorney General.

The Committee recommendations contained in the legislation being proposed provide for a clear delineation of the procedure to be followed when legal recourse is necessary to protect the interests of the state.

Committee Recommendations

A series of proposed bills follow this report which would implement the recommendations made by the Committee for major changes in the current state building construction procedures. Highlights of the proposed legislation are noted in the following material.

State Building Commission. Abolition of the present Division of Architectural Services is recommended together with the creation of a new agency titled the State Building Commission. The Commission would be comprised of seven members. Two of the members would be the Deans of the Schools of Architecture at the University of Kansas and Kansas State University. The other five members would be appointed by the Governor for staggered terms with not more than three members from one of the major political parties. At least one of the members shall be a member of a building trades union and at least one member shall be a member of an association of construction contractors.

The Commission is given authority to appoint an executive director. The executive director must be a

registered architect and satisfy the other requirements specified in the bill. All staff of the proposed agency would be in the unclassified service.

H.B. 2724 transfers many of the responsibilities of the present Division of Architectural Services deemed inappropriate to the Secretary of Administration. A more selective definition of responsibilities will enable the new State Building Commission to focus efforts on the principal function of the planning and construction of state facilities.

Project Architect. H.B. 2722 redefines the role of the project architect (currently referred to as the associate architect) to clearly include responsibility for all phases of construction administration. The legislation would also limit the State Building Commission review of plans prepared by the project architect so as not to relieve the project architect for responsibility of any errors or omissions. All shop drawings would be approved by the project architect and all change orders would have to be initiated by the project architect.

For smaller projects for which no project architect is retained, architectural design would be the responsibility of the State Building Commission. Authority is granted for delegating this responsibility to the agency for whom the project is being constructed when the agency has the necessary expertise to fulfill the responsibility. Periodic inspection on smaller projects would be performed by both the State Building Commission and the agency.

Joint Legislative Oversight Committee. H.B. 2722 provides for the creation of a six-member Joint Committee on State Building Construction. This Committee would be charged with responsibility for continual monitoring of state building construction projects. In addition, the current responsibilities of the Legislative Budget Committee with regard to review and comment on all change orders having a cost greater than \$25,000 would be assigned to this Committee. Finally, the Committee is charged with the responsibility to review and comment on all project program statements presented in support of appropriations requests and to make recommendations to the Legislature on all capital improvement requests.

Other Provisions. The other Committee recommendations noted earlier with regard to construction bidding procedures and Architectural Negotiations Committee are embodied in H.B. 2722. The legislation also clarifies responsibility for initiation of legal action by placing that responsibility with the State Building Commission. Agencies for whom the projects are being constructed may initiate action through the State Building Commission. Responsibility for filing suit would be clearly assigned to the Office of the Attorney General. Finally, H.B. 2722 would amend 1977 H.B. 2172 to provide that in the selection of consulting engineering firms for projects, other than concerning the construction, major repair, or improvement of state buildings, the negotiating committee must select a firm from a list of firms provided by the State Building Commission.

Respectfully submitted,

November 21, 1977

Rep. Fred Weaver,
Chairperson
Special Committee on Ways
and Means - B

Sen. Paul Hess,
Vice-Chairperson
Sen. Arnold Berman
Sen. Norman E. Gaar
Sen. Frank D. Gaines
Rep. William W. Bunten

Rep. Roy H. Garrett
Rep. Richard L. Harper
Rep. David J. Heinemann
Rep. Loren Hohman
Rep. John T. Ivy

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RE: PROPOSAL NO. 78 - REVIEW OF THE DEPARTMENT
OF TRANSPORTATION

The Special Committee on Ways and Means - B was directed by the Legislative Coordinating Council to conduct "a review of the organization, financing, programs, and project prioritization procedures of the Department of Transportation."

Background

The Legislature has become increasingly concerned with the future of the transportation system in Kansas. The 1974 interim Special Committee on Governmental Organization recommended to the 1975 Legislature the creation of the Department of Transportation. The 1975 Legislature not only created the Department of Transportation but also clarified, by passage of S.B. 35, the authority of the Department to construct roads consisting of two lanes on a single roadway as part of the State Freeway System and provided funds for updating studies of statewide highway needs and financing. The 1975 Wilbur Smith and Associates study of highway needs in Kansas indicated that revenues then available for highway programs could not fund the highway needs. In turn, the 1976 Legislature increased the tax on gasoline from 7 to 8 cents per gallon, the tax on special fuels from 8 to 10 cents per gallon, and the tax on LP gas from 5 to 7 cents per gallon. The 1976 audit of the State Freeway System by the Legislative Division of Post Audit indicated that only about 25 percent of the Freeway System will be completed before authorized funds are exhausted. The audit also raised questions concerning the procedures used to determine priorities and the design standards being used on the Freeway System.

The House Ways and Means Committee requested an interim study of the Department of Transportation. In addition to assigning this study to the Ways and Means - B Committee, the Legislative Coordinating Council assigned a related proposal (Proposal No. 64 - Declining Highway Revenues) to the Special Committee on Transportation and Utilities.

Transportation Planning

The 1974 interim committee report stressed that one of the major reasons for the creation of the Department of Transportation was the need for comprehensive transportation planning. The Department of Transportation is required by K.S.A. 1976 Supp. 68-2301 to annually report to the Legislature "a detailed explanation of the method, system or program employed to determine the priority of constructing modern express highways and freeways pursuant to this section, together with a schedule of the priorities . . ." for the State Freeway System. In addition to the required report "Status of the State System of Express Highways and Freeways," the Department presented to the 1977 Legislature program plans for the other systems for the five year period FY 1977 through FY 1981. In the Department of Transportation's 1976 response to the Freeway audit, the Department noted that the average time for location studies, preliminary design, and final design and right-of-way acquisition for major construction projects was 69.5 months or approximately 5.8 years. The 1977 House Ways and Means Subcommittee on the Department of Transportation concluded that the five year plan did not provide an adequate time frame for strategic planning and recommended the development of a 15 to 20 year program plan. In a presentation to the 1977 interim Special Committee, the Department of Transportation expressed "whole hearted" support for the long-range planning concept; however, the agency contended it does not "... currently have sufficient resources, principally manpower, to implement fully a long-range planning process."

Another consideration concerning planning is whether planning should be based on the funding constraints of individual systems (such as the Interstate System; the Freeway System; and the Federal-Aid Primary and Secondary Systems) or whether planning should be based on the composite needs of the transportation systems. The Department of Transportation currently develops plans for each individual system based on criteria that may differ for each system within a general policy of maximizing the use of federal funds. Thus, an Interstate project with 90 percent federal funding receives a higher priority than a Federal Aid Secondary program with

only 70 percent federal funding. An alternative procedure would be to rank all road segments on the basis of uniform "need" criteria and then maximize the benefit to the state from motor fuel expenditures within federal funding constraints. It is possible that such a procedure could result in the failure of the state to obligate all federal funds available.

Both the Post Audit and the House Ways and Means Subcommittee reports recommended that the Department develop a documented procedure which includes all state-administered highway systems. The Department of Transportation contended in its presentation to the Special Committee that it is unrealistic and impractical to develop one procedure which includes all state administered highway systems.

Procedures Used to Establish Priorities

The 1969 Legislature attempted to statutorily establish a system for computing the priority of segments on the State Freeway System by passage of H.B. 1142 which stated:

The criteria for computing a priority index number for each such segment by the state highway commission shall be traffic volume, sufficiency rating and safety, which shall take into consideration the following factors: (a) highest traffic volumes and projected traffic volumes; (b) the sufficiency ratings of existing routes in the corridors; (c) the safety record of existing routes in the corridors; (d) the maintenance of continuity of the entire system; (e) the trip lengths of the traffic served; (f) the ratio of revenue earned to the cost incurred; (g) the economic needs of the areas served; (h) the relationship to other routes in the system with respect to spacing and location; and (i) the benefit-cost ratios. Said criteria shall be expressed by the following formula:

$$\text{Priority Index No.} = (\text{Average daily traffic}/50) + (100 - \text{sufficiency rating}) + 2 \times (\text{accidents}/100,000,000 \text{ V.M.})$$

In a letter dated August 19, 1969, the Attorney General stated that the paragraph and formula were incapable of interpretation because of irreconcilable conflict of meaning. Chapter 252 of the 1972 Session Laws appears to give the Department the authority to determine the method employed to establish the Freeway priorities. The Department of Transportation has established the following formula which includes weights for various factors:

Program Analysis Number = 70 (Present Volume: Capacity Ratio) + 20 (Estimated Future Volume: Capacity Ratio) + (100 Minus Sufficiency Rating) + 14 (Volume: Trip Length Index) + 2 (Accident Rate) + .4 (Fatality Rate) + 2 (Continuity of Design Value) Minus .4 (Preliminary Scheduling Value) + 2 (Investment Value)

The "Present Volume: Capacity Ratio" reflects the ability of the section to carry its present traffic while the "Estimated Future Volume: Capacity Ratio" reflects the ability of the section to carry the traffic projected in 20 years. The "100 Minus Sufficiency Rating" term reflects the geometric and condition deficiency of the section. The Sufficiency rating, which is adjusted for traffic volume, is a composite measure of structural adequacy, observed condition, improved need, right-of-way, surface width, shoulder width, shoulder slopes, rideability, alignment, passing opportunities, and driver exposure. Driver exposure is composite measure of narrow structures, restricted stopping sight distances, fixed objects within 30 feet of surface, intersecting high volume roads at grade, railroad crossings, and shoulder conditions. The "Volume: Trip Length Index" relates the importance of a section for both the service of high volume corridors and long interregional travel. The "Accident Rate" indicates the probability of an accident and "Fatality Rate" is a measure of the severity of the accidents. The "Continuity of Design" term aids in providing continuous sections of road with relatively uniform design standards.

The term "Preliminary Scheduling Value," which is the number of months necessary for all remaining preconstruction

activity, and the term "Investment Value," which reflects the amount of resources invested in plan preparation and right-of-way acquisition for planned construction on a section, were questioned in both the Post Audit and House Ways and Means Subcommittee reports because they do not relate to roadway conditions or the need for construction. The Post Audit report contended that these terms could turn a low priority project into a high priority project simply by the Department's initiating studies on it. In response to the Special Committee's inquiries the Department contended that the preliminary scheduling value and investment value did have an influence on the priorities of some of the projects let during the early years of the freeway program; however, these factors have not "substantially" altered any of the priorities of the unlet projects in the FY 1978 - 1984 freeway program.

To develop the weights used in the formula the 85 percentile of "100 Minus Sufficiency Rating" is divided by the 85 percentile value of each term. This quotient is then multiplied by what the Department believes to be the relative importance of the term in relation to the term "100 Minus Sufficiency Rating" to establish the weights used in the formula. The selection of relative importance appears to be a value determination. The following table reflects the relative importance that has been assigned each term:

Term	Relative Importance
Present Volume: Capacity Ratio	1.25
Estimated Future Volume: Capacity Ratio	.75
100 Minus Sufficiency Rating	1.00
Volume: Trip Length Index	.30
Accident Rate	.25
Fatality Rate	.10
Continuity of Design Value	.25
Preliminary Scheduling Value	.50
Investment Value	1.25

After the Department ranks the projects by "need," the agency then modifies this ranking by applying one or more of the following additional factors: (1) the allocation of field personnel, (2) the availability of federal or state funds, (3) the amount of interagency coordination required, and (4) the amount of time required to design the road. The audit found that the use of these factors is not adequately documented by the Department. While the Department admitted "that additional documentation could be prepared when the additional factors are used," the agency contended that the use of the questioned factors is valid. The agency contended that they have not used "allocation of field personnel" or "amount of interagency coordination required" to adjust any freeway program priorities.

Prior to the creation of the Department of Transportation, the six highway districts were assigned certain portions of the funds available based on predetermined percentages. Specific projects within districts were ranked by the Highway Commissioner and the District Engineer. While the decision process has been centralized, the Department has not established formal formulas for establishing priorities on non-freeway systems. It is reported that the agency uses basically the same factors in its consideration as used on the Freeway System.

Design Standards

The Post Audit and the House Ways and Means Subcommittee reports stressed the need to re-evaluate the procedure used by the Department to determine what type of road construction is needed. One question is whether the agency's use of a four-lane diversion factor inflates the projected traffic volume and thus results in over-building. Another question is whether the Department's traffic volume criteria for a divided highway is excessive. The Department contends that its traffic forecasting procedures and design criteria are "consistent with national criteria and federal highway administration guidelines and criteria." The Department also indicated that it was shifting the emphasis from new road construction to reconstruction, rehabilitation, and resurfacing (3-R).

The Special Committee compared an overlay project on U.S. 59 (south junction with U.S. 69 north to the city limits of Garnett) with an Oklahoma project on U.S. 60 (east edge of Fairland, northeasterly) as a case study. The Committee found that on these projects Kansas was using a much thicker overlay than Oklahoma. The Committee also reviewed comparisons with other states that the Department presented. In the discussion, the agency indicated that it was difficult to compare projects in one state with those in another state because of the numerous variables. The Department indicated that part of the cost differences must be attributed to design standards; however, the agency contended that the standards used in Kansas were not excessive and reflect the needs of the state.

Planning Cost Estimates

If planning costs are over estimated, the number of projects that can be financed within a set funding level is underestimated. The following table presents a comparison by the Department of the planning estimates for the FY 1977 program and the actual cost at letting:

	<u>Actual Cost at Letting</u>	<u>Estimated Costs</u>	<u>% Estimate Exceeds Actual</u>
Interstate	\$ 32,765,000	\$ 39,762,000	21%
Freeway	47,737,000	57,415,000	20
Statewide	11,579,000	14,741,000	27
Freeway 3R	2,591,000	3,290,000	27
Statewide 3R	15,811,000	18,179,000	15
Total FY 1977 Program	<u>\$110,483,000</u>	<u>\$133,387,000</u>	<u>21%</u>

The Department agreed with the Post Audit report and the Subcommittee report that the estimate should more closely reflect actual costs; however, the agency contended they are taking steps to refine the planning estimates. One of

these corrective steps is the establishment of a Resource Management System. The Department indicates that such a system will improve the time required for updating estimates and will increase the agency's ability to monitor trends.

Project Control

The Post Audit report found that there were significant delays in meeting scheduled completion dates for the planning and designing of freeway projects. In addition the House Ways and Means Subcommittee found that some projects are not even included in the project control system. The Department reports that its new Resource Management System will help solve these problems. The system is estimated by the Department to cost \$1,790,000 to develop, with operating costs of \$120,000 per year above the current costs. The agency indicates that implementation of the system should be completed in FY 1981.

Maintenance

The Special Committee requested that the Department conduct a comparison of maintenance costs in Kansas with those in surrounding states. The Post Audit report has indicated that maintenance expenditures of approximately \$3,900 per mile for the State of Kansas exceed the national average of \$2,931 by approximately \$1,000 per mile. The agency contended that the Department of Transportation's comparisons showed that one reason of the low cost of bituminous surface repair in Nebraska is to a large degree the result of the extensive annual overlay program in Nebraska. The agency anticipates that the Kansas "3-R" program should help keep maintenance costs within reasonable limits. The agency has also contended that one of the key factors in maintenance costs is the level of service provided such as the policy of continuous snow removal vs. clearing the snow after the storm. The agency stated, in response to questions from the Special Committee, that the agency study had not shown that snow removal policies were the main reason for maintenance cost differences.

Financing

The Special Committee reviewed the problem of providing adequate financing for highways. It appears that the continued scarcity of petroleum, the development of more fuel efficient vehicles, and continued inflation could result in a decline in "real" dollars available for transportation programs. The Department contended that a tax based on a fixed rate per gallon would have this problem; however, a tax based on percentage of sales price would solve the problem. The Committee also reviewed the question of what trucks should pay for the use of the highways. Testimony from the professional staff of the Department indicated that one of the main considerations in the design and maintenance of roads was truck traffic and that trucks are not paying an appropriate amount. The agency also reported that a national study of this question is being conducted and should be available sometime in 1978. The Committee also requested the Department to provide a legal opinion concerning the transfer of the Freeway Bond revenues.

Motor Carrier Inspection Stations

The Department of Transportation was directed by S.B. 204 to transfer the weight stations to the Department of Revenue. The Special Committee asked the Department of Transportation to review the efforts made to coordinate the enforcement of overweight truck regulations. The Department response dated October 12, 1977, stated "... we have reviewed the matter and have found that the Department of Revenue has extended little effort in the matter." The Department of Transportation also reported that they have had difficulty with interpreting the term "property" as used in S.B. 204; however, they have not appealed to the Governor as authorized in the bill.

Committee Conclusions and Recommendations

The Special Committee concluded that priorities established by the Department of Transportation bear little relationship to the needs of Kansas or to available resources. The

failure of the Department to develop adequate traffic corridors in southeast Kansas may be viewed as one example; however, it should be viewed as only one of many problems. The Committee found, that while the Freeway System was the only system that ever had a documented procedure for priority determination, the Freeway formula is totally inadequate as a method of establishing needs. The Committee also concluded that the Department places too much emphasis on new construction instead of maintenance and improvement of existing highways. Design standards used by the Department result in expensive and wasteful over-building and unnecessary right-of-way acquisition.

The Committee recommends that no contracts for new highway construction be let after July 1, 1982, and that no right-of-way be acquired after that date. The Committee also recommends that the funds that would have been used for new construction be used for maintenance and improvement of existing highways. Because of time limitations, the Committee did not have an opportunity to review the legislation needed to implement the Committee recommendations; however, the Committee did direct staff to prepare such legislation for introduction by the House Ways and Means Committee.

Respectfully submitted,

November 30, 1977

Rep. Fred Weaver,
Chairperson
Special Committee on Ways
and Means - B

Sen. Paul Hess,
Vice-Chairperson
Sen. Arnold Berman
Sen. Norman E. Gaar
Sen. Frank D. Gaines
Rep. William W. Bunten

Rep. Roy H. Garrett
Rep. Richard L. Harper
Rep. David J. Heinemann
Rep. Loren Hohman
Rep. John T. Ivy

PROPOSED AMENDMENTS FOR CONSIDERATION BY THE
SPECIAL COMMITTEE ON WAYS AND MEANS--B

Proposed Bill No. 1 be amended:

On page 9, in new section 12, after subsection (c), by inserting a new subsection to read as follows:

"(d) On or before December 1, 1978, and each year thereafter at the time prescribed for submission of capital improvement budget estimates under subsection (b), each state agency submitting such budget estimates shall prepare and submit to the state building commission and the joint committee on state building construction a detailed five-year capital improvement program and facilities plan which shall set forth the current and future space needs and utilization plans for the next five ensuing fiscal years for that state agency.";

On page 10, in new section 13, after subsection (e), by inserting a new subsection to read as follows:

"(f) In accordance with K.S.A. 1977 Supp. 46-1204, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on state building construction.";

On pages 10 and 11, in new section 14, in subsections (a) and (b) by inserting a reference "five-year capital improvement and facilities plans";

46-1204. Authority to contract for personal property or services; delegation; limitations; employment of attorneys. The legislative coordinating council shall be authorized to contract for purchases of personal property or services, and in the discretion of such council, the same may be made as provided in K. S. A. 1975 Supp. 75-3739. Such council may delegate such authority to make or contract for such purchases or services, except professional services, to the director of legislative administrative services. No member or committee of the legislature, except the legislative coordinating council, shall be authorized to employ or contract for professional services to be paid from appropriations for legislative expense or from appropriations to the legislative coordinating council. The legislative coordinating council may employ by contract and direct one or more attorneys, who are approved by a vote of three-quarters ($\frac{3}{4}$) of the members of the legislative coordinating council, to represent the legislature, either house thereof, the legislative coordinating council, any legislator, any officer or employee of the legislative branch or any combination of the foregoing, and any such attorney shall be paid from appropriations for legislative expense. No contract made under authority of this section shall require approval under any other statute. [K. S. A. 46-1204; L. 1975, ch. 271, § 5; Feb. 3.]

"ACTIVE" STATUTES

TO BE REPEALED BY PROPOSED BILL NO. 1

75-1202a. Division of architectural services established; supervision; administration; director of architectural services; appointment; classified service; term, qualifications. There is hereby established, within and as a part of the department of administration, a division of architectural services, the head of which shall be the director of architectural services. Under the supervision of the secretary of administration, the director of architectural services shall administer the division of architectural services. The secretary of administration shall appoint the director of architectural services. The director of architectural services shall be in the classified service of the Kansas civil service act, and such director shall be entitled to all of the rights thereof, except that he or she shall be appointed for a term of four (4) years and such rights shall not extend beyond such term. The director of architectural services shall have had at least eight (8) years' experience as an architect as defined in K.S.A. 1977 Supp. 6-102 with at least five (5) of such years being a principal in an architectural firm, and the director shall be qualified to practice the profession of architecture so defined in K.S.A. 1977 Supp. 6-102, and he or she shall be a registered architect under the provisions of K.S.A. 6-113 to 6-122, inclusive.

History: L. 1972, ch. 332, § 15; L. 1974, ch. 376, § 13; July 1.

75-1202b. Same; transfer of powers, duties and functions; preservation of orders and directives. (a) All of the powers, duties and functions of the existing architectural services division and the existing state architect are hereby transferred to and conferred and imposed, respectively, upon the division of architectural services and the director of architectural services created by this act, except as is herein otherwise provided.

(b) The division of architectural services and the director of architectural services created by this act shall be the successors in every way, respectively, to the powers, duties and functions of the architectural services division and state architect in which the same were vested prior to the effective date of this act, except as herein otherwise provided. Every act performed under the authority of the division of architectural services or director of architectural services created by this act, respectively, shall be deemed to have the same force and effect as if performed by the architectural services division or state architect, respectively, in which such functions were vested prior to the effective date of this act.

(c) Whenever the architectural services division, or words of like effect, is referred to or designated by a statute; contract or other document, such reference or designation shall be deemed to apply to the division of architectural services created by this act.

(d) Whenever the state architect is referred to or designated by a statute, contract or other document, such reference shall be deemed to apply to the director of architectural services created by this act.

(e) All orders and directives of the state architect or architectural services division in existence on the effective date of this act, shall continue to be effective and shall be deemed to be orders and directives of the director of architectural services created by this act, until revised, amended, or nullified pursuant to law.

(f) The division of architectural services and the director of architectural services created by this act, respectively, shall be continuations of the architectural services division created by K.S.A. 75-3761[°] and the state architect provided to be appointed under K.S.A. 75-3703.

History: L. 1972, ch. 332, § 16; July 1.

75-1202c. Transfer of executive council powers pertaining to state property to director of architectural services. The executive council created by K.S.A. 75-2101 is hereby abolished. All of the powers, duties and functions of the existing executive council pertaining to state property are hereby transferred to and conferred and imposed upon the director of architectural services created by this act, except as is herein otherwise provided. Whenever a statute specifying powers, duties or functions of the executive council is repealed by this act, such powers, duties or functions shall not be continued by this section. Whenever a statute specifying powers, duties or functions of the executive council is amended by this act, such amendments shall control the disposition of such powers, duties or functions.

History: L. 1972, ch. 332, § 25; July 1.

75-1203. General powers and duties. It shall be the duty of the director of architectural services to make all drawings, plans, specifications, models and estimates as may be required for the purpose of the erection and completion of all buildings to be erected at the expense of the state. The director shall give his or her personal attention and service to the erection and construction of all public buildings and works, and shall carefully inspect all material previous to its incorporation into such buildings or works, and to approve or reject the same. The director of architectural services shall see that the work as a whole or in parts is being prosecuted with diligence and in a proper and workmanlike manner; and when satisfied that work is being slighted, inferior material being used, or any other fraud is being practiced by any contractor whereby the interests of the state may be injuriously affected, he or she shall report the same to the governor. The architect shall determine in constructive emergencies, order necessary changes, and define the true intent and meaning of the drawings and specifications, and shall have the authority to stop the progress of the work and order its removal when not in accordance with them, or when any fraud is being practiced upon the state by any contractor or builder of the public works or buildings.

History: L. 1905, ch. 489, § 3; March 7; R.S. 1923, 75-1203.

75-1204. Drawings, plans, specifications and models; liability for loss. All drawings, plans, specifications and models made by the director of architectural services shall be the property of the state; and should the director be removed, or from any cause cease to act, he or she shall deliver up to the secretary of state all plans, specifications, drawings, books, papers and effects in his or her possession, or under his or her custody and control, belonging to the state; and if the director fails or refuses to deliver the same, or any of them, on demand, they may be recovered in a civil action, and he or she shall be liable for their value and all damages resulting by reason of such detention.

History: L. 1905, ch. 489, § 4; R.S. 1923, 75-1204; L. 1967, ch. 434, § 51; July 1.

75-1206. Penalty for receiving gratuity. If any director of architectural services shall receive any gratuity from any contractor or builder of any public building or works, their agents, servants, or employees, he or she shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than one hundred dollars nor more than five hundred dollars, and by imprisonment in the county jail for not less than six months nor more than one year.

History: L. 1905, ch. 489, § 7; March 7; R.S. 1923, 75-1206.

75-1207. Plans and specifications for new buildings or improvements. Whenever any board, commission, council, or other governing body having the control or charge of any state institution or building shall deem it advisable it may, with the approval of the director of purchases and the secretary of administration, in accordance with provisions of K.S.A. 75-3741, order the director of architectural services to prepare plans and specifications for new buildings or improvements to existing buildings.

History: L. 1947, ch. 429, § 1; L. 1953, ch. 378, § 1; April 3.

75-1208. Same; additional help; compensation. The director of architectural services is hereby authorized to employ any such additional draftsmen, engineers, and drafting or engineering services as may be necessary in the preparation of such plans and specifications, and the cost of such additional help or services shall be charged to and payable out of the maintenance-and-repair fund or the fee fund of the institution or department ordering such plans and specifications, or, in case an appropriation shall be made for such buildings or improvements, out of said appropriation, or from student union or dormitory funds provided for by article 6a of chapter 76 of the Kansas Statutes Annotated and any amendments thereof. The director of architectural services shall fix the compensation of draftsmen and engineers employed under the authority conferred by this section. Such draftsmen and engineers shall be in the classified service of the Kansas civil service act: *Provided*, That if the director of architectural services shall determine it would be more advantageous to the state to employ a draftsman or engineer to be under the unclassified service of the Kansas civil service act he or she may do so.

History: L. 1947, ch. 429, § 2; L. 1949, ch. 425, § 1; L. 1951, ch. 446, § 1; L. 1953, ch. 378, § 2; April 3.

75-3134. Employees. The state architect is hereby authorized to appoint, in accordance with the civil service law, a chief draftsman, and such other assistants and clerical employees as may be necessary to discharge the duties of his office. [R. S. 1923, 75-3134; L. 1927, ch. 303, § 2; L. 1931, ch. 8, § 6; L. 1933, ch. 286, § 11; L. 1937, ch. 329, § 29; L. 1943, ch. 277, § 19; April 1.]

75-3774. State architect; powers transferred. The state architect whose appointment is authorized by K. S. A. 75-3703 as amended by section 2 of this act, shall be deemed to be the successor in office to the state architect created by K. S. A. 75-1201, which office is hereby abolished. All of the powers and duties heretofore exercised under chapter 75, article 12 of the Kansas Statutes Annotated, by the abolished office of the former state architect are hereby transferred to the state architect herein created and authorized, and said powers and duties shall be exercised by the state architect appointed pursuant to K. S. A. 75-3703, as amended by section 2 of this act, in addition to the powers and duties vested in him by this act. All officers and employees, equipment, records, furnishings and funds hereinbefore controlled by, assigned to, or employed by the abolished state architect are herewith transferred to the state architect created by this act. [L. 1965, ch. 461, § 28; July 1.]

PROPOSED BILL NO. 1

For Consideration by the Special Committee
on Ways and Means—B

AN ACT relating to state building construction; creating a state building commission;

amending K.S.A. 31-150, 48-313, 48-314, 58-1301, 58-1304, 75-1212, 75-1213, 75-1214, 75-1215, 75-1216, 75-1220, 75-1222, 75-1223, 75-1224, 75-1226, 75-1227, 75-1228, 75-1229, 75-1233, 75-1234, 75-2131, 75-2132, 75-2237, 75-3170a, 75-3740, 75-3741, 75-3742, 75-5402, 75-5403, 75-5404, 75-5406, 75-5407, 75-5408, 75-5409, 75-5410, 75-5411, 75-5412, 75-5802, 75-5803, 75-5804, 75-5806, 75-5807, 76-6a02, 76-6a03, 76-6a13h, 76-814, 76-1304, 76-2011 and repealing the existing sections and also repealing K.S.A. 75-1202a, 75-1202b, 75-1202c, 75-1203, 75-1204, 75-1206, 75-1207, 75-1208, 75-3134, 75-3774.

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

New Section 1. (a) There is hereby created the state building commission which shall be composed of seven members. The dean of the college of architecture and design of Kansas state university of agriculture and applied science, or the head of the architecture program if said dean is not an architect, and the dean of the school of architecture and urban design of the university of Kansas, or the head of the architecture program if said dean is not an architect, shall be members of the state building commission. The five remaining members shall be appointed by the governor with the consent of the senate from

among the members of the two political parties represented by the candidates for secretary of state who received the highest and second highest number of votes at the last general election preceding appointment. At no time shall more than three of the five members appointed by the governor be members of the same political party at the time of appointment. At least one of the appointed members of the state building commission shall be a member of a building trades union and at least one of such members shall be a member of an association of construction contractors.

(b) Within sixty (60) days after the effective date of this act and subject to the other provisions of this section, the governor shall appoint the first five members of the state building commission to terms as follows: One member shall be appointed for a term expiring on December 31, 1979; one member shall be appointed for a term expiring on December 31, 1980; one member shall be appointed for a term expiring on December 31, 1981; and two members shall be appointed for terms expiring on December 31, 1982.

(c) Upon the expiration of the term of each member appointed by the governor in accordance with this section, a succeeding member shall be appointed by the governor with the consent of the senate and shall hold office for a term of four years and until his or her successor is appointed and qualified. In case of a vacancy in the membership of the state building commission occurring before the expiration of the term of office, such vacancy shall be filled by appointment by the governor with the consent of the senate for the remainder of the unexpired term.

(d) If the senate fails to consent to or to act on the appointment of a member of the state building commission, the appointment of such member shall be deemed to have been rejected and the position of such member shall be vacant as of the sine die adjournment of the senate following such appointment and the governor shall make a new appointment to fill the vacant position for the unexpired term of each such member who has failed of con-

firmation.

New Sec. 2. Members of the state building commission attending meetings of such commission or attending a subcommittee meeting thereof authorized by such commission, shall be paid compensation, subsistence allowance, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

New Sec. 3. Prior to July 1, 1978, and annually thereafter, the members of the state building commission shall meet and organize by electing one of their members as chairperson. Each such chairperson shall serve in that capacity for a term of one year and until a successor is elected. The state building commission shall meet monthly on dates fixed by the commission. Special meetings may be held upon the call of the chairperson or upon the petition to the chairperson of four members of the commission. The date and place of all special meetings shall be designated in the call or petition. Four (4) members of said commission shall constitute a quorum for the transaction of business but a lesser number may adjourn any regular or specially called meeting to a definite time and place. All actions of the state building commission shall be taken by a majority of all members of the commission.

New Sec. 4. (a) The state building commission shall appoint an executive director who shall be the chief executive officer of said commission. The executive director shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary to be fixed by the state building commission, with the approval of the governor.

(b) The executive director shall have had at least five years' experience as registered architect under the provisions of K.S.A. 6-113 to 6-122, inclusive, and amendments thereto, or as an architect registered by the proper authority of another state or territory of the United States for which a certificate of registration as an architect may be issued under K.S.A. 6-120, and amendments thereto. The executive director shall have the necessary administrative or management experience to assume the

responsibilities as the chief executive officer of the state building commission.

(c) The executive director shall attend all meetings of the state building commission and keep a full and correct record of its proceedings which when approved by the commission and signed by the chairperson shall be the official record. The executive director shall have such powers and duties as may be prescribed or imposed by the state building commission or by law.

(d) Subject to approval by the state building commission and in accordance with appropriation acts, the executive director shall appoint the professional, technical, administrative, clerical and other personnel of the commission and shall fix the compensation therefor. All such personnel shall be in the unclassified service under the Kansas civil service act.

New Sec. 5. The state building commission may organize the officers and employees of the commission for the purposes of performing the powers, duties and functions of the commission, in the manner deemed most efficient by the commission, so long as the same is not in conflict with law. The officers and employees of the state building commission shall perform such duties and exercise such powers as are prescribed by law, the commission or the executive director with the approval of the commission, and such persons shall act for, and exercise the powers of the state building commission to the extent authority to do so is delegated to them by the commission or by the executive director with the approval of the commission.

New Sec. 6. (a) On September 1, 1978, the division of architectural services and the office of director of architectural service, which division and office were established by K.S.A. 75-1202a, shall be and are hereby abolished, and, except as otherwise specifically provided by law, all of the powers, duties and functions of the division of architectural services and the director of architectural services shall be and are hereby transferred to and conferred and imposed as provided in this act upon the state building commission. Except as otherwise

specifically provided by law, the state building commission shall be the successor in every way to the powers, duties and functions of the division of architectural services and the director of architectural services which are transferred, conferred and imposed as provided in this act and in which division and director the same were vested prior to September 1, 1978. For the purposes of the powers, duties and functions transferred to and conferred and imposed upon the state building commission under the provisions of this act, the state building commission shall be a continuation of the division of architectural services and the director of architectural services, and every act performed pursuant to such powers, duties and functions under the authority of the state building commission shall be deemed to have the same force and effect as if performed by the division of architectural services or director of architectural services, in which such powers, duties and functions were vested prior to September 1, 1978, except in no case shall any act performed on or after September 1, 1978, pursuant to such powers, duties and functions under the authority of the state building commission be deemed to be subject to any direction, supervision or authority of the secretary of administration.

(b) Except as otherwise specifically provided by law, on and after September 1, 1978, whenever the division of architectural services, or words of like effect, is referred to or designated by a statute, contract or other document and such reference or designation is to a power, duty or function which is transferred to and conferred and imposed upon the state building commission under the provisions of this act, such reference or designation shall be deemed to apply to the state building commission.

(c) Except as otherwise specifically provided by law, on and after September 1, 1978, whenever the director of architectural services, or words of like effect, is referred to or designated by a statute, contract or other document and such reference or designation is to a power, duty or function which is trans-

ferred to and conferred and imposed upon the state building commission under the provisions of this act, such reference or designation shall be deemed to apply to the state building commission.

(d) All rules or regulations and all orders or directives of the director of architectural services or the division of architectural services, respectively, in existence on September 1, 1978, which rules and regulations and orders and directives were duly adopted or issued under authority of any power, duty or function which is transferred to and conferred and imposed upon the state building commission under the provisions of this act, shall continue in force and effect and shall be deemed to be the duly adopted rules or regulations and duly issued orders or directives of the state building commission, until revised, amended, repealed or nullified pursuant to law.

New Sec. 7. All officers and employees who were engaged immediately prior to September 1, 1978, in the performance of powers, duties and functions of the division of architectural services or of the director of architectural services which are transferred to and conferred and imposed upon the state building commission under the provisions of this act, and who, in the opinion of the state building commission, are necessary to perform the powers, duties and functions of the state building commission, shall become officers and employees of the state building commission. Any such officer or employee shall retain all retirement benefits and rights of civil service which had accrued to or vested in such officer or employee prior to September 1, 1978, and the service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers and any abolishment of positions of personnel in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder.

New Sec. 8. (a) When any conflict arises as to the disposition of any power, duty or function or the unexpended balance of

any appropriation as a result of any abolishment or transfer made by this act, or under authority of this act, such conflict shall be resolved by the governor, and the decision of the governor shall be final.

(b) The state building commission shall succeed to all property and records which were used for, or pertain to, the performance of the powers, duties and functions transferred to the state building commission under the provisions of this act. Any conflict as to the proper disposition of such property or records arising under this section, and resulting from the abolishment of the division of architectural services or the office of director of architectural services and the transfer of the powers, duties and functions of said division or office to the state building commission, shall be determined by the governor, whose decision shall be final.

New Sec. 9. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, pertaining to state building construction or to any power, duty or function which is transferred to and conferred and imposed upon the state building commission under the provisions of this act, by or against any existing state agency mentioned in this act, or by or against any officer of the state in his or her official capacity or in relation to the discharge of official duties, shall abate by reason of the taking effect of reorganization under the provisions of this act. The court may allow any such suit, action, or other proceeding to be maintained by or against the successor of any such existing state agency, or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this act.

New Sec. 10. Except as otherwise specifically authorized by specific enactment after the effective date of this act, from July 1, 1978, until September 1, 1978, no state officer or employee shall enter into any contract for any planning, design or

construction services, including any architectural services, as defined in subsection (c) of K.S.A. 75-5402, as amended, and any engineering services, as defined in subsection (b) of K.S.A. 75-5802, as amended, for all or any part of any capitol improvement project for the construction of any state building or for major repairs or improvements to any state building. The provisions of this section shall not apply to any state highway or road construction, reconstruction or repair project.

New Sec. 11. In addition to other powers and duties, the state building commission shall:

(a) Act as the agent for the state in the acquisition of real property where authorized and directed by law;

(b) develop plans and specifications for restoration of the capitol building;

(c) collect and maintain current data on construction costs, including materials and labor, and the current and forecasted economic status and activity of the construction industry in the state;

(d) develop and adopt rules and regulations in accordance with the provisions of K.S.A. 77-415 et seq., and amendments thereto, establishing standards for planning design and construction of state buildings and major repairs and improvements to state buildings, which standards shall include energy conservation standards; and

(e) establish criteria and procedures to evaluate the qualifications and performance of contractors providing any architectural services, as defined in subsection (c) of K.S.A. 75-5402, as amended, engineering services, as defined in subsection (b) of K.S.A. 75-5802, as amended, and construction services for capital improvement projects for the construction of any state building or for major repairs or improvements to any state building and gather information on and evaluate the past and present performance of all such contractors on public and private projects.

New Sec. 12. (a) Whenever a state agency prepares a capital improvement budget estimate for a construction project for a

building or for major repairs or improvements to a building to be submitted to the division of the budget along with its other budget estimates in accordance with K.S.A. 75-3717, and amendments thereto, such state agency shall prepare and include as a part of such capital improvement budget estimate a written program statement describing such construction project. Such program statement shall: (1) Include a detailed justification for such construction project including an analysis of the programs, activities and other needs and intended uses for the additional or improved space and an analysis of the alternative means by which such space needs and uses could be satisfied; (2) request appropriations for the project in the three phases of preliminary planning, final planning and construction; and (3) describe in detail each such phase of the project and shall include cost estimates for land, site surveys, soil investigations, equipment, buildings or major repairs or improvements to buildings and other items necessary for such project.

(b) At the same time as such state agency submits to the division of the budget a copy of such capital improvement budget estimate, and all amendments and revisions thereof, such state agency shall submit copies of such capital improvement budget estimate, and all amendments and revisions thereof, directly to the state building commission and to the joint committee on state building construction.

(c) On or before November 15 each year, the state building commission shall report and make recommendations on each capital improvement budget estimate received pursuant to this section regarding the project costs, projected scheduling of funding for such costs, and such other matters as are deemed appropriate by the state building commission, to: (1) The division of the budget; (2) the joint committee on state building construction; and (3) the legislative research department.

New Sec. 13. (a) There is hereby created the joint committee on state building construction which shall be composed of three senators and three members of the house of representatives.

The three senate members shall be the chairperson of the ways and means committee, or a member of the ways and means committee appointed by the chairperson, a senator appointed by the president and a senator appointed by the minority leader. The three representative members shall be the chairperson of the ways and means committee, or a member of the ways and means committee appointed by the chairperson, a representative appointed by the speaker and a representative appointed by the minority leader.

(b) All members of the joint committee shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. The chairperson and vice-chairperson of the joint committee shall be elected by the members of the joint committee and each such officer shall serve in that capacity for the remainder of their current terms as members of the joint committee. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

(c) A quorum of the joint committee on state building construction shall be four. All actions of the committee shall be taken by a majority of all of the members of the joint committee.

(d) The joint committee on state building construction may meet at any time and at any place within the state on the call of the chairperson.

(e) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the joint committee on state building construction to the extent that the same do not conflict with the specific provisions of this act applicable to said joint committee.

New Sec. 14. In addition to other powers and duties authorized or prescribed by law or the legislative coordinating council, the joint committee on state building construction shall:

(a) Study all capital improvement budget estimates which are submitted to the joint committee in accordance with section 12 and the reports on such budget estimates submitted to the joint committee by the state building commission;

(b) Make recommendations on all such capital improvement budget estimates to the ways and means committees of the house of representatives and the senate;

(c) study the progress and results of all state construction and reconstruction projects for buildings and for major repairs and improvements to buildings; and

(d) make an annual report to the legislative coordinating council as provided in K.S.A. 46-1207, and amendments thereto, and such special reports to committees of the house of representatives and senate as are deemed appropriate by the joint committee on state building construction.

Sec. 15. From and after September 1, 1978, K.S.A. 31-150 is hereby amended to read as follows: 31-150. (a) The construction of all school buildings shall comply with the requirements of the 1970 edition of the uniform building code, volumes I and II of the international conference of building officials. All electric wiring shall conform to requirements of the 1971 issue of the national electric code of the national fire protection association. Minimum plumbing requirements shall meet the 1970 edition of the uniform plumbing code issued by the international conference of building officials. The construction of school buildings shall include reasonable provision for making buildings and facilities accessible to, and usable by, the physically handicapped, as approved by the ~~state-architect~~ state building commission. No contract shall be let for the erection of any school building, and it shall be illegal to pay out any public funds for the erection of a school building until the plans for such building shall have been submitted to the ~~state-architect~~ state building commission and approved as to all the requirements of this section.

(b) The provisions of this section shall not apply to buildings existing, under construction or under contract for construction or reconstruction on June 30, 1972, but said provisions shall be applicable to such buildings if the same are reconstructed or remodeled after June 30, 1972, unless such recon-

struction or remodeling was under contract prior to July 1, 1972* ~~Provided That~~. The provisions of K.S.A. 1971 Supp. 72-4604, as it existed prior to its repeal by this act, shall continue in force and effect with respect to buildings constructed or reconstructed or under contract for construction or reconstruction prior to July 1, 1972, and to which buildings such provisions were applicable prior to the repeal of such section by this act.

Sec. 16. From and after September 1, 1978, K.S.A. 48-313 is hereby amended to read as follows: 48-313. Said armory buildings shall be erected in accordance with plans and specifications approved by the ~~state-architect~~ state building commission and by the military board.

Sec. 17. From and after September 1, 1978, K.S.A. 48-314 is hereby amended to read as follows: 48-314. The director of accounts and reports is hereby authorized and directed, upon the filing of vouchers in favor of the parties entitled thereto upon estimates made by the ~~director-of-architectural-services~~ state building commission and approved by the military board, to draw his or her warrants on the state treasurer for the payment of same.

Sec. 18. From and after September 1, 1978, K.S.A. 58-1301 is hereby amended to read as follows: 58-1301. (a) The standards and specifications provided for in this act shall apply to all buildings and facilities used by or open to the public and which are constructed in whole or in part by moneys appropriated by the state or any political or taxing subdivision thereof. All such buildings and facilities constructed in this state after the effective date of this act shall conform to the American standard specifications for making buildings and facilities accessible to, and usable by, the physically handicapped, which specifications were approved October 31, 1961, by the American Standards Association Inc., 10 East 40th St., New York 16, N.Y., and as may be modified by ~~regulation~~ rules and regulations adopted by the ~~architectural-services-division-of-the-state-department-of-administration~~ state building commission in accordance with the provi-

sions of K.S.A. 77-415 et seq., and amendments thereto.

Sec. 19. From and after September 1, 1978, K.S.A. 58-1304 is hereby amended to read as follows: 58-1304. The responsibility for enforcement of this act shall be as follows: (a) for all school building construction, the ~~architectural-services-division of--the-state-department-of-administration~~ state building commission, by plan approval as required by K.S.A. ~~72-4604~~ 31-150. and amendments thereto;

(b) For all construction for which state funds are utilized, the ~~architectural-division-of--the--state--department--of-administration~~ state building commission;

(c) For all construction where funds of counties, municipalities or other political subdivisions are utilized, by the governing bodies thereof.

Sec. 20. From and after September 1, 1978, K.S.A. 75-1212 is hereby amended to read as follows: 75-1212. Unless clearly indicated otherwise by the context, the following words and terms when used in this act, for the purpose of this act, shall have the following meanings:

(a) "Contract agent" means any person, firm or corporation or employee thereof, hired by the ~~director~~ state building commission to perform certification and inspection services.

(b) "Approved third-party" means any person, firm, corporation or governmental agency, or employee thereof, which has demonstrated to the ~~director~~ state building commission that it has developed and is utilizing a system of inspection adequate to insure compliance with the codes as adopted pursuant to K.S.A. 75-1220, as amended, and which person, firm, corporation or governmental agency has been approved by the ~~director~~ state building commission, pursuant to such demonstration. ~~Provided,~~ ~~That,~~ Nothing in this definition shall be construed to exclude inspection systems maintained by trade associations.

(c) "Code" means the standards adopted by this act.

(d) "Dealer" means any person, other than a manufacturer, as defined in this act, who sells, leases or rents three (3) or

more mobile homes or recreational vehicles in any consecutive twelve-month period.

(e) ~~"Director" means the director of architectural services~~
"State building commission" means the state building commission created by section 1, or any duly authorized officer or employee of said commission.

(f) "Manufacturer" means any person who manufactures mobile homes or recreational vehicles:

(g) "Mobile home" means a factory built structure or structures more than eight (8) feet in width or more than thirty-six (36) feet in length, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon may be moved from time to time at the convenience of the owner.

(h) "Person" means an individual, partnership, corporation or other legal entity.

(i) "Seal" means a device or insignia of this state issued by the ~~director~~ state building commission, to be affixed on or within the mobile home or recreational vehicle, as determined by the ~~director~~ state building commission, to evidence compliance with the code.

(j) "Recreational vehicle" means a vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motive power or is mounted on or drawn by another vehicle, and which has a body width not exceeding eight (8) feet and a body length not exceeding forty (40) feet; but such term shall not include a unit which has no electrical system which operates above twelve (12) volts and has no provisions for plumbing, heating and any other component or feature for which a standard is adopted by this act.

Sec. 21. From and after September 1, 1978, K.S.A. 75-1213 is hereby amended to read as follows: 75-1213. After September 1, 1973, no manufacturer shall manufacture, or attempt to manufacture, for rent, lease, sale or distribution within this state any line, make, model or brand of mobile home or recreational vehicle, unless the ~~director~~ state building commission has reviewed the plans and specifications encompassing the design, material and construction thereof and has certified that, in ~~his~~ its opinion, a mobile home or recreational vehicle constructed in accordance with said plans and specifications, in a proper and workmanlike manner, would comply with the code: ~~Provided, however,~~ except that if a manufacturer has submitted plans and specifications to the ~~director~~ state building commission as provided in this section, ~~he or she~~ such manufacturer shall not be subject to criminal prosecution or civil liability for mere absence of certification pending the ~~director's~~ complete review of the required plans and specifications by the state building commission.

Sec. 22. From and after September 1, 1978, K.S.A. 75-1214 is hereby amended to read as follows: 75-1214. (a) Except as provided in subsections (b) and (c), no person shall rent, lease, sell or distribute, or offer for sale, rent, lease or distribution, to any person within this state any mobile home or recreational vehicle manufactured after September 1, 1973, unless it bears a seal issued by the ~~director~~ state building commission, evidencing that the ~~director~~ state building commission has reviewed the plans and specifications, and has approved said plans and specifications in accordance with the provisions of this act or that the ~~director~~ state building commission otherwise has inspected physically a used mobile home or recreational vehicle and determined that it complies with the code: ~~Provided, however, That, The~~ mere absence of seal on any unit sold by a Kansas dealer prior to September 1, 1974, shall not be cause for criminal prosecution or civil liability. Upon a showing that another state provides for the certification of mobile homes and recrea-

tional vehicles in compliance with standards which are at least equal to those provided in the code and upon the determination that such standards are being adequately enforced, the ~~director~~ state building commission may provide that such mobile homes and recreational vehicles are eligible to bear a seal issued by the ~~director~~ state building commission.

(b) Notwithstanding the provisions of subsection (a), it shall be lawful for any person to sell a mobile home that does not bear the required seal of approval: (1) If such mobile home has been regularly used as a residence by such person and such person has not sold another mobile home without the required seal of approval within the last twelve (12) months preceding such sale, or (2) if such mobile home had been used as a residence by such person and thereafter used as rental property by such person, and such person has not sold another mobile home without the required seal of approval within the last twelve (12) months preceding such sale.

(c) Notwithstanding the provisions of subsection (a), it shall be lawful for any person to sell a recreational vehicle that does not bear the required seal of approval if such person has not sold another recreational vehicle without the required seal of approval within the last twelve (12) months preceding such sale.

Sec. 23. From and after September 1, 1978, K.S.A. 75-1215 is hereby amended to read as follows: 75-1215. Upon application by a manufacturer or dealer, accompanied by such plans and specifications for the line, make, model or brand of mobile homes or recreational vehicles as the ~~director~~ state building commission may reasonably deem necessary, the ~~director~~ state building commission, upon review and approval of such plans and specifications, or upon finding that the plans and specifications therefor previously have been approved by ~~him or her~~ the state building commission, shall issue seals to the manufacturer or dealer to be affixed only to mobile homes or recreational vehicles manufactured in accordance with such approved plans and specifications.

~~Provided, except~~ that upon application by a dealer, the ~~director~~ state building commission may inspect physically any used mobile home or recreational vehicle and, upon a determination that it complies with the code, issue a seal therefor.

Sec. 24. From and after September 1, 1978, K.S.A. 75-1216 is hereby amended to read as follows: 75-1216. (a) No person shall affix or cause to be affixed to any mobile home or recreational vehicle a seal issued by the ~~director~~ state building commission, unless the plans and specifications for such mobile home or recreational vehicle have been approved by the ~~director~~ state building commission as required by this act or, if the mobile home or recreational vehicle is used, unless the ~~director~~ state building commission has inspected physically such mobile home or recreational vehicle and has determined that it complies with the code.

(b) No person shall affix or cause to be affixed to any mobile home or recreational vehicle a seal issued by the ~~director~~ state building commission, whether or not such plans and specifications have been approved by the ~~director~~ state building commission, with knowledge that such mobile home or recreational vehicle does not comply with the code.

(c) No person shall alter or cause to be altered any mobile home or recreational vehicle, if such alteration causes the mobile home or recreational vehicle to be in violation of the code.

Sec. 25. From and after September 1, 1978, K.S.A. 75-1220 is hereby amended to read as follows: 75-1220. (a) For the purpose of fixing standards deemed necessary to protect the health, safety and welfare of the public for body and frame design and construction requirements and the installation of plumbing, heating and electrical systems in mobile homes and recreational vehicles, there is hereby adopted by reference as the law of this state parts B to E, inclusive, of the standard for mobile homes developed by the American national standards committee on mobile homes and recreational vehicles and designated proposed ANSI No.

A119.1 1972 and parts I, II and III of the standard for recreational vehicles developed by the American national standards committee on mobile homes and recreational vehicles and designated proposed ANSI No. A119.2 1971.

(b) The ~~director~~ state building commission shall provide for a comprehensive review of the plans and specifications for each line, model, make or brand of mobile home or recreational vehicle offered for rent, lease, sale or distribution within this state to insure compliance with the provisions of the code. The ~~director~~ state building commission shall have the right, and it shall be ~~his-or-her~~ the duty of the state building commission, to provide for a system of random, periodic inspection of mobile homes and recreational vehicles, and of the manufacturing plants or other places of assembly for distribution of mobile homes or recreational vehicles, wherever located, whose plans and specifications have been approved by ~~him-or-her~~ the state building commission for the purpose of enforcing this act. The ~~director~~ state building commission may review plans and specifications and make inspections through members of ~~his-or-her-own~~ the staff of the state building commission or may contract for such services with persons acting as ~~his-or-her~~ the contract agent; ~~Provided,~~ ~~however,~~ ~~That~~ of the state building commission. Upon a showing to and determination by the ~~director~~ state building commission that a manufacturer has obtained and is utilizing a program of inspection by an approved third-party, such manufacturer need not be subject to inspection by members of the ~~director's--inspection~~ ~~staff~~; ~~Provided-further~~ of the state building commission, except that any approved third-party inspection program shall be subject to periodic inspection and review by members of ~~the--director's~~ such inspection staff or contract agent.

(c) The ~~director~~ state building commission shall establish reasonable fees for plan approval, seals and inspection, which are sufficient to cover all costs incurred in the administration of this act.

(d) The ~~director~~ state building commission may within

limits of appropriations appoint such employees ~~within his or her division as he or she~~ as the state building commission may deem necessary for the administration of this act.

(e) Subject to approval by the mobile home and recreational vehicle commission, the ~~director~~ state building commission shall have the authority to adopt such rules and regulations in accordance with the provisions of K.S.A. 77-415 et seq. and amendments thereto, as are necessary to administer the provisions of K.S.A. 75-1211 to 75-1224, inclusive, and any acts amendatory thereof or supplemental thereto, but no such rule or regulation shall take effect unless and until the same shall have been approved by the ~~state finance council~~ governor.

Sec. 26. From and after September 1, 1978, K.S.A. 75-1222 is hereby amended to read as follows: 75-1222. The state building commission shall remit all fees, charges and penalties collected under the provisions of this act shall be deposited with K.S.A. 75-1211 to 75-1224, and amendments thereto, to the state treasurer and at least monthly. Upon receipt of each such remittance, the state treasurer shall credit the amounts prescribed by K.S.A. 75-3170 deposit the entire amount thereof in the state treasury. Twenty percent (20%) of each such deposit shall be credited to the state general fund of the state and the balance thereof shall be credited to a special fund to be designated the "mobile home and recreational vehicle standards fund" which is hereby created, for the use by the director state building commission in the payment of costs incurred in the administration of the provisions of this act K.S.A. 75-1211 to 75-1224, and amendments thereto. All expenditures from the mobile home and recreational vehicle standards fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the state building commission or by a person or persons designated by said chairperson.

Sec. 27. From and after September 1, 1978, K.S.A. 75-1223 is hereby amended to read as follows: 75-1223. (a) It shall be a

class C misdemeanor: (1) For any person to violate any of the provisions of this act; or

(2) For any person to interfere with, obstruct, or hinder any authorized representative of the director state building commission in the performance of his or her duties.

(b) The issuance of seals to any manufacturer or dealer convicted of a violation of this act may be suspended by the director state building commission or if the director state building commission has probable cause to believe that a manufacturer or dealer requesting the issuance of seals, or using such seals, is violating or will violate the provisions of this act, the director state building commission may suspend the issuance of seals to such manufacturer or dealer until such time as the manufacturer or dealer has demonstrated upon proof satisfactory to the director state building commission that the conditions which brought about the violation have been remedied.

Seals remain the property of the state and may be recalled or removed by the director state building commission from any mobile home or recreational vehicle which is found to be in violation of the code.

(c) In addition to any other penalties or remedies provided by this act, the district court, upon application of the attorney general or the county or district attorney, shall have the power and jurisdiction to enjoin any violation of this act. In cases of substantial and willful violations of this act, the district court shall have the power and jurisdiction to enjoin persons from engaging in business in this state.

(d) In any action brought to enforce the provisions of this act, if the court finds that a person is willfully using or has willfully used a method, act or practice declared to be unlawful by this act, the attorney general or county or district attorney, upon petition to the court may recover on behalf of the state, in addition to the criminal penalties provided herein, a civil penalty not exceeding one thousand dollars (\$1,000) per person for each violation.

(e) For the purpose of this section, a willful violation occurs:

(1) If the person committing the violation knew or should have known that his or her conduct consisted of an act or acts which were in violation of this act; or

(2) If a manufacturer has failed to correct a code violation in a mobile home or recreational vehicle subject to this act, within ninety (90) days after being notified in writing of the code violation by the owner of the mobile home or recreational vehicle, or by the ~~director~~ state building commission, if such mobile home or recreational vehicle was manufactured after September 1, 1973.

Sec. 28. From and after September 1, 1978, K.S.A. 75-1224 is hereby amended to read as follows: 75-1224. From and after January 1, 1973, the manufacturer shall cause a serial number to be stamped on each mobile home and recreational vehicle manufactured in the manner prescribed by rules and ~~regulation~~ regulations adopted by the ~~director~~ state building commission for such purpose so that it may be easily read. It may not contain more than fifteen (15) digits. Any multiple units shall contain the same serial number with letters of the alphabet designating that each is a different separate unit. Starting with "A" each additional unit shall be in alphabetical order.

Sec. 29. From and after September 1, 1978, K.S.A. 75-1226 is hereby amended to read as follows: 75-1226. (a) As used in this act, the following words and phrases shall have the meanings respectively ascribed to them herein:

(1) "Tie down" means any device designed for the purpose of anchoring a mobile home to ground anchors;

(2) "Ground anchor" means any device designed to secure a mobile home to the ground;

~~(3) "Division" means the division of architectural services of the department of administration;~~

~~(4)~~ (3) "Pier" means one of the structural supports required by this act for a mobile home which is not secured to

the ground on a permanent foundation; and

~~(5)~~ (4) "Roof protector" means a device designed to prevent over-the-top tie downs from damaging or penetrating the roof material.

(b) The provisions of this act shall be a part of and supplemental to the uniform standards code for mobile homes and recreational vehicles. As used in this act, the words and phrases defined in K.S.A. 75-1212, as amended, shall have the meanings respectively ascribed to them therein.

Sec. 30. From and after September 1, 1978, K.S.A. 75-1227 is hereby amended to read as follows: 75-1227. (a) Any mobile home which is purchased on or after July 1, 1975, and occupied or inhabited by any person as a dwelling, office or commercial space shall be secured to the ground by tie downs and ground anchors, of a type which has been approved by the ~~director~~ state building commission pursuant to K.S.A. 75-1229, as amended, within thirty (30) days after such mobile home is so occupied or inhabited, unless prior to the expiration of said thirty (30) days such mobile home is secured to a permanent foundation. Any such mobile home which is not secured to a permanent foundation shall be placed upon piers in the manner prescribed by this act.

(b) From and after January 1, 1976, any mobile home which is occupied or inhabited by any person as a dwelling, office or commercial space shall be secured to the ground by tie downs and ground anchors, of a type which has been approved by the ~~director~~ state building commission pursuant to K.S.A. 75-1229, as amended, unless such mobile home is secured to the ground on a permanent foundation. Any such mobile home which is not secured to a permanent foundation shall be placed upon piers in the manner prescribed by this act.

Sec. 31. From and after September 1, 1978, K.S.A. 75-1228 is hereby amended to read as follows: 75-1228. (a) From and after July 1, 1975, it shall be unlawful for any person to sell or offer for sale in this state any tie down or ground anchor of a type which has not been approved by the ~~director~~ state building

commission.

(b) Every manufacturer of ground anchors designed to be used on any mobile home shall submit to the ~~director~~ state building commission for approval each type of ground anchor intended for sale or distribution in this state, together with the following data with respect thereto:

(1) Detailed drawings and specifications of each type of ground anchor, showing model identification, dimensions, types of welds or fastenings, materials used in its construction and the method of securing the tie down;

(2) Test data regarding the destructibility of each ground anchor model, which has been prepared and certified by a recognized independent testing laboratory, demonstrating the capability of such ground anchor to withstand a force of not less than four thousand seven hundred fifty (4,750) pounds without failure, with strap or cable connected to the anchor head connecting device; and

(3) Information as to the types of soil the anchor is certified to be installed in, and instructions as to the method of installation.

(c) Every manufacturer of tie downs designed to be used on any mobile home which is not equipped with tie downs by the manufacturer shall submit to the ~~director~~ state building commission for approval each type of tie down intended for sale or distribution in this state, together with such supportive data as the ~~director~~ state building commission may require pursuant to duly adopted rules and regulations. Each tie down shall comply with the standards applicable thereto, as adopted by K.S.A. 75-1220, as amended, and in any rules and regulations ~~promulgated~~ adopted by the ~~director~~ state building commission pursuant thereto.

Sec. 32. From and after September 1, 1978, K.S.A. 75-1229 is hereby amended to read as follows: 75-1229. After inspecting any tie down or ground anchor submitted for approval by a manufacturer pursuant to K.S.A. 75-1228, as amended, and reviewing the supportive data submitted therewith, the ~~director~~ state

building commission shall determine the compliance or noncompliance of such tie down or ground anchor with the standards applicable thereto and in any rules or regulations adopted by the ~~director~~ state building commission, and ~~he--or--she~~ the state building commission shall notify the manufacturer thereof of ~~his~~ or--her its determination*--Provided, except that the ~~director~~ state building commission shall not approve any ground anchor which does not have all components thereof clearly and permanently marked with the model number so that it is readily visible after the anchor is installed.

Sec. 33. From and after September 1, 1978, K.S.A. 75-1233 is hereby amended to read as follows: 75-1233. Any city having in effect on the effective date of this act, an ordinance meeting or exceeding the requirements contained herein shall be exempt from the provisions of this act, if such city submits said ordinance to the ~~director~~ state building commission and the ~~director~~ state building commission certifies that the ordinance prescribes standards at least equal to the standards established by this act.

Sec. 34. From and after September 1, 1978, K.S.A. 75-1234 is hereby amended to read as follows: 75-1234. The ~~director--of architectural-services~~ state building commission is hereby authorized to adopt such rules and regulations as are necessary to carry out the provisions of this act, in accordance with the provisions of K.S.A. 77-415 et seq., and amendments thereto.

Sec. 35. From and after September 1, 1978, K.S.A. 75-2131 is hereby amended to read as follows: 75-2131. Any state officer or the governing body of any state board or agency having custody and control of any land belonging to the state of Kansas, with or without receiving consideration therefor, may grant or convey right-of-way easements across, over, upon or under any such state land to any municipal corporation, quasi-municipal corporation, the secretary of transportation or to any person, firm or corporation owning or operating any public utility. Such easements may include rights for municipal parking, playground or other

municipal uses and rights of ingress or egress for the purpose of constructing, maintaining or removing any pipe line, power line, sewer or other public utility installation or any equipment or appurtenances necessary to the operation thereof. Any such easement, before becoming operative, must first be submitted to the ~~director--of--architectural--services~~ state building commission for approval or rejection and any easement so granted shall be submitted to the attorney general for approval as to form.

Sec. 36. From and after September 1, 1978, K.S.A. 75-2132 is hereby amended to read as follows: 75-2132. The ~~director--of--architectural--services~~ state building commission may, as a prerequisite to the approval of any such easement, make such requirements as are in ~~his--or--her~~ the discretion of the commission necessary to safeguard the public interest and to protect the use, present or future, of such state lands, together with any improvements thereon.

Sec. 37. From and after September 1, 1978, K.S.A. 75-2237 is hereby amended to read as follows: 75-2237. There is hereby created the capitol area plaza authority, a body politic and corporate, hereinafter referred to as the "authority." The authority is hereby constituted a public instrumentality, and the exercise by the authority of the powers conferred on it by this act shall be deemed and held to be the performance of an essential state governmental function. The authority shall be the successor in every way to all of the rights, powers, duties and obligations of the capitol area planning commission.

The authority shall have eleven (11) members who shall be as follows:

(a) One member shall be a member of the house of representatives appointed by the speaker.

(b) One member shall be a senator appointed by the president of the senate.

(c) One member shall be the ~~director--of--architectural--services~~ chairperson of the state building commission.

(d) One member shall be a person representative of the city

government of Topeka appointed by the mayor thereof.

(e) One member shall be a person experienced in land use planning appointed by the governor.

(f) One member shall be the judicial administrator of the courts.

(g) The remaining members shall be appointed by the governor and shall have such qualifications as the governor may deem appropriate.

Members serving on the authority ex officio shall serve for terms concurrent with the office each holds. The appointive members shall serve for terms of four (4) years, except that the members of the capitol area planning commission immediately prior to the effective date of this act who were appointed by the governor shall serve as members of the capitol area plaza authority, and any unexpired portions of their respective terms of office as members of the commission shall be included in their terms of office as original members of the authority. Subsequent appointments shall be made as provided for original appointments, and any vacancy in the office of an appointed member shall be filled in the same manner as for original appointments for the unexpired terms. The members of the authority appointed by the governor shall be so selected that all congressional districts of the state are represented on the authority.

Sec. 38. From and after September 1, 1978, K.S.A. 75-3170a is hereby amended to read as follows: 75-3170a. (a) The twenty percent (20%) credit to the state general fund required by K.S.A. 1977 Supp. 17-5612, 23-110, 34-102b, 36-512, 58-3014, 65-1718, 65-1817a, 65-2418, 65-2855, 65-2911, 65-4610, 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-2902a, 74-3903, 74-5346, 74-5805, 74-7009, and K.S.A. 1-204, 9-1703, 16-609, 17-1271, 17-2236, 17-5609, 17-5610, 17-5701, 47-820, 55-128a, 55-131, 55-609, 55-711, 75-1119b, 75-1222 and 75-1509 and acts amendatory of any of the foregoing including amendments by other sections of this act is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and

purchasing services, and any and all other state governmental services, which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(b) Nothing in this act or in the sections amended by this act shall be deemed to authorize remittances to be made less frequently than is authorized under K.S.A. 75-4215.

(c) Notwithstanding any provision of any section referred to in or amended by this act or referred to in subsection (a) of this section, whenever in any fiscal year such twenty percent (20%) credit to the state general fund in relation to any particular fee fund is two hundred thousand dollars (\$200,000), in that fiscal year the twenty percent (20%) credit shall no longer apply to moneys received from sources applicable to such fee fund and for the remainder of such year the full one hundred percent (100%) so received shall be credited to such fee fund.

Sec. 39. From and after September 1, 1978, K.S.A. 75-3740 is hereby amended to read as follows: 75-3740. (a) All contracts and purchases made by or under the supervision of the director of purchases or any state agency for which competitive bids are required shall be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, terms of delivery, and other conditions imposed in the call for bids.

(b) The director of purchases shall have power to decide as to the lowest responsible bidder for all purchases, ~~but~~. In cases where contracts and purchases can be awarded to the lowest responsible bidder from within the state which bidder is equal in all respects to the lowest responsible bidder from without the state, the same shall be so awarded.

(c) Any or all bids may be rejected, and a bid shall be rejected if it contains any material alteration or erasure. The director of purchases may reject the bid of any bidder who is in arrears on taxes due the state or who has failed to perform satisfactorily on a previous contract with the state. Prior to

determining the lowest responsible bidder on contracts for construction of buildings, major repairs, or improvements, the director of purchases shall consider: (1) The criteria and information developed by the state building commission to rate contractors on the basis of their performance under similar contracts with the state, local governmental entities and private entities, in addition to other criteria and information available, and (2) the recommendations of the project architect, or, if there is no project architect, the recommendations of the state building commission or the agency architect for the project as provided in section 50. In any case where competitive bids are required and where all bids are rejected, new bids shall be called for as in the first instance, unless otherwise expressly provided by law.

(d) Before the awarding of any contract for construction of a building or the making of repairs or improvements upon any building, the director of purchases shall see receive certification from the project architect, or, if there is no project architect, from the state building commission or the agency architect for the project as provided in section 50, that the bids conform with the plans and specifications prepared by the ~~director of architectural services~~ project architect, by the agency architect for the project or by the state building commission, as the case may be, so as to avoid error and mistake on the part of the contractors; ~~and~~. In all cases where material described in a contract can be obtained from any state institution, the director of purchases shall exclude the same from the contract.

(e) All bids with the names of the bidders and the amounts thereof, together with all documents pertaining to the award of a contract, shall be made a part of a file or record and retained by the director of purchases for five (5) years, unless reproduced as provided in K.S.A. 75-3737, and shall be open to public inspection at all reasonable times.

(f) As used in this section and in K.S.A. 75-3741, as

amended. "project architect" shall have the meaning ascribed thereto in K.S.A. 75-5402, as amended.

Sec. 40. From and after September 1, 1978, K.S.A. 75-3741 is hereby amended to read as follows: 75-3741. (a) Subject to the applicable provisions of K.S.A. 75-3739 and 75-3740, and amendments thereto, all contracts for the construction of buildings, or for major repairs, or improvements to buildings which are specifically authorized by the legislature for the use and benefit of any state agency shall be let by the director of purchases to the lowest responsible bidder based on plans and specifications prepared ~~or approved~~ and submitted by the ~~director of architectural services~~ project architect, or, if there is no project architect, by the state building commission or the agency architect for the project as provided in section 50, and approved by the state building commission and administrative head of the state agency concerned.

(b) The director of purchases shall solicit bids and let a single contract for each project for the construction of a building or for major repairs or improvements to a building for the use and benefit of a state agency and shall not let separate contracts for portions of the same project.

(c) The ~~director of purchases under the supervision of the secretary of administration~~ project architect performing construction administration services as described in K.S.A. 75-5408, and amendments thereto, or the state building commission or the agency architect for the project as provided in section 50, shall have charge of the erection of all such projects for buildings, or major repairs or improvements, ~~except that the inspection and interpretation of plans and specifications shall be the responsibility of the director of architectural services, and except that~~ to buildings. The original construction contracts ~~may~~ for such projects shall be changed only by the director of purchases at the direction of the project architect, or, if there is no project architect, at the direction of the state building commission or the agency architect for the project as provided in

section 50. with the ~~consent of the administrative head of the state agency concerned.~~ Provided, approval of the state building commission.

(d) The director of purchases, if he or she believes there is collusion and combination involved in any bids received for the contract for a project for the construction of a building or for major repairs or improvements to a building for the use or benefit of a state agency, ~~may~~ shall reject any and all such bids and shall solicit new bids for the project. If after receiving new bids the director of purchases believes there is again collusion and combination and that such collusion and combination would not be avoided by again soliciting new bids, the director of purchases shall let the ~~work-by-private--contract,--on--condition,--however~~ contract for the project by direct negotiation, except that (1) the cost thereof shall not exceed the lowest responsible bid that had been offered, and (2) such contract shall not be negotiated or entered into with any bidder believed by the director of purchases to have been involved to any degree in such collusion and combination.

(e) In the event of a disagreement between the ~~director--of architectural--services~~ project architect, or, if there is no project architect, the state building commission or the agency architect for the project as provided in section 50, and the administrative head of the state agency concerned in carrying out the provisions of this section, the secretary of administration shall submit the matter to the ~~finance--council~~ governor and ~~its~~ the decision of the governor shall be final.

(f) The provisions of this section shall not be construed to prohibit the administrative head of any state agency from making any improvement or improvements when the same can be made by institutional labor or the use of material manufactured in any state institution.

Sec. 41. From and after September 1, 1978, K.S.A. 75-3742 is hereby amended to read as follows: 75-3742. At the request of the director of purchases or the director of the budget, the

~~director of architectural services~~ state building commission shall assist in all matters relating to the preparation of ~~plans and specifications~~ written program statements for prospective buildings, major repairs and improvements and for which legislative appropriations are to be requested, as well as for buildings, major repairs and improvements which have been authorized by the legislature.

Sec. 42. From and after September 1, 1978, K.S.A. 75-5402 is hereby amended to read as follows: 75-5402. As used in ~~this act~~ K.S.A. 75-5401 to 75-5413, inclusive, and amendments thereto, and in sections 47, 50, 51, 52 and 53, unless the context otherwise requires: (a) "Firm" means such individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture.

(b) "Negotiating committee" means a committee to negotiate as provided in this act, and consisting of (1) the head of the state agency for which the proposed project is planned, or a person designated by the head of the agency, (2) the head of the institution for which the proposed project is planned, or a person designated by the head of the institution, and (3) the director of the budget, or a person designated by the director of the budget, who shall act as chairperson of the committee. When the proposed project is not planned for an institution, the state agency head shall designate a second person in lieu of the head of an institution.

(c) "Architectural services" ~~include~~ means those professional services of an architectural nature as well as basic structural, mechanical and electrical engineering services and incidental services that members of the architectural profession and those in their employ may logically or justifiably perform concerning state buildings and grounds, including site surveys, soil investigations, and inspections of air conditioning, ventilating, heating and other building systems.

(d) "Associate Project architect" means a firm employed under this act for a particular project.

Sec. 43. From and after September 1, 1978, K.S.A. 75-5403 is hereby amended to read as follows: 75-5403. In the procurement of architectural services, the ~~director--of--architectural services~~ state building commission shall encourage firms engaged in the lawful practice of their profession to submit to the ~~division-of-architectural-services~~ state building commission annually a statement of qualifications and performance data. Such statement shall include the qualifications and performance data of all consultants the firm proposes to use.

Sec. 44. From and after September 1, 1978, K.S.A. 75-5404 is hereby amended to read as follows: 75-5404. (a) Whenever it becomes necessary in the judgment of the ~~director-of-architectural-services~~ state building commission and whenever the total cost of a building, rebuilding or construction project is expected to exceed ~~one-hundred-thousand-dollars--(\$100,000)~~ two hundred fifty thousand dollars (\$250,000), the ~~director-of-architectural-services--or--his--or--her--designee~~ the state building commission shall convene a negotiating committee. ~~Such--director~~ The state building commission shall prepare a list of at least three (3) and not more than five (5) firms which are, in the ~~director's~~ opinion of the state building commission, qualified to serve as ~~associate~~ project architect for the building, rebuilding or construction project. Such list shall be submitted to the negotiating committee so convened, without any recommendation of preference or other recommendation. The ~~director-of-architectural services~~ executive director of the state building commission shall meet with each negotiating committee and shall advise the negotiating committee but shall have no vote in the selection process or other matter upon which the committee may vote.

(b) ~~Notwithstanding the provisions of subsection (a) to the contrary for the purposes of constructing the multi-level parking facility at the university of Kansas medical center as authorized by K.S.A. 76-6a33 and 76-6a34, such project shall be prepared for competitive bids pursuant to K.S.A. 75-3739, 75-3740, 75-3741, and 75-3742, without compliance with this act or with the act of~~

~~which this act is amendatory. The fees paid to a firm employed as an associate architect to provide architectural services on the project specified by this subsection (b) shall not exceed the scale of fees provided for an associate architect by K.S.A. 75-5410.~~

Sec. 45. From and after September 1, 1978, K.S.A. 75-5406 is hereby amended to read as follows: 75-5406. The negotiating committee for each proposed project shall have access to the current statements of qualifications of and performance data on the firms listed by the ~~director of architectural services~~ state building commission under K.S.A. 75-5404, as amended, and all information and evaluations regarding such firms gathered and developed by the state building commission under section 11. The negotiating committee shall conduct discussions with each of the firms so listed regarding the anticipated project and then shall select a single firm therefrom.

Sec. 46. From and after September 1, 1978, K.S.A. 75-5407 is hereby amended to read as follows: 75-5407. (a) Each negotiating committee shall decide which architectural services are desired and negotiate a contract ~~for each project~~ with the selected firm as ~~associate~~ project architect for such architectural services as desired at compensation not in excess of that specified in K.S.A. 75-5410, as amended, for all phases of each project which are authorized by appropriations therefor.

(b) In such negotiations, the negotiating committee shall always consider demonstrated competence and qualifications, including satisfactory completion of any previous phase of work awarded for the same project, and shall take into account the estimated value of the services to be rendered and the scope, complexity and professional nature thereof. ~~Nothing contained in this act, or the act of which it is amendatory, shall be construed as preventing~~ The negotiating committee ~~from negotiating~~ shall attempt to negotiate a contract with any firm for a ~~the~~ later phase phases of work of any project upon which such firm has been awarded a contract and satisfactorily completed a pre-

vious phase of work.

(c) Should the negotiating committee be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, within the fee limits established, negotiations with that firm shall be terminated. The negotiating committee shall then undertake negotiations with the second most qualified firm. Failing of accord with the second most qualified firm, negotiations with such firm shall be terminated. The negotiating committee shall then undertake negotiations with the third, fourth and fifth most qualified firm in turn. Should the negotiating committee be unable to negotiate a satisfactory contract with any of the selected firms, the committee shall reevaluate the services and fee requirements and reopen negotiations with any of the nominated firms.

(d) Should the negotiating committee still be unable to enter into a contract, it shall request the ~~director of architectural services~~ state building commission to provide another list of nominees as provided in K.S.A. 75-5404, and amendments thereto.

New Sec. 47. (a) Each contract for architectural services negotiated under K.S.A. 75-5407, as amended, shall be entered into between the state building commission and the firm selected as the project architect. Each such contract shall require the project architect to submit evidence which is satisfactory to the state building commission that it has general professional liability insurance, or specific professional liability insurance for the project, in the amount prescribed in the contract. At the time of convening a negotiating committee, the state building commission shall fix the amount of such insurance coverage that is required for the project on the basis of the total estimate cost of the project and said amount shall be prescribed in the contract to be negotiated.

(b) In addition to the requirements in subsection (a), each such contract for architectural services shall specify the responsibilities undertaken by the project architect and that the

project architect shall be responsible for all of such architect's errors and omissions in the performance of such contract.

Sec. 48. From and after September 1, 1978, K.S.A. 75-5408 is hereby amended to read as follows: 75-5408. Subject to the provisions of this act and appropriation acts, any firm employed as associate project architect to prepare working drawings and specifications ~~may, with the approval of the negotiating committee, also~~ shall be employed to perform construction administration services as follows:

(a) Advise, consult, and represent the ~~director of architectural services~~ state building commission in the administration of the construction ~~contracts~~ contract;

(b) make periodic visits to ~~check~~ inspect the progress and quality of work for compliance with contract documents;

(c) review and approve shop drawings of fabricators and manufacturers, and samples of materials for conformance with drawings and specifications and submit copies of approved shop drawings to the state building commission and the state agency concerned for their information;

(d) initiate and prepare change orders for approval by the state building commission and issue field orders to provide for adjustments or changes in work;

(e) determine dates of substantial and final completion;
and

(f) issue certificates of payment in the amount determined as due the contractor.

Sec. 49. From and after September 1, 1978, K.S.A. 75-5409 is hereby amended to read as follows: 75-5409. (a) If a contract to provide construction administration services as permitted described in K.S.A. 75-5408, and amendments thereto, is not entered into, such construction administration services shall be the responsibility of the ~~director of architectural services~~ state building commission or the agency architect for the project as provided in section 50.

(b) Whenever the state building commission or the agency architect for the project, as the case may be, assumes responsibility for such services regarding any contract which is let for the construction, reconstruction or improvement of any state building, and for which the total contract price for such construction, reconstruction or improvement exceeds fifty thousand dollars (\$50,000), the ~~director of architectural services~~ state building commission or, where there is an agency architect for the project, the state agency for which the project is being constructed, shall employ a job representative for such project and the compensation of such job representative shall be paid from:

(1) The same fund or appropriation as the cost of the construction, reconstruction or improvement for which he or she is job representative, or (2) appropriations to the state building commission for such purpose if the job representative is employed by the state building commission, or from appropriations available for such purpose to the state agency which employed such job representative, if such is the case.

(c) Whenever the state building commission or the agency architect for the project, as the case may be, assumes responsibility for such services regarding any contract which is let for any project, the total contract price of which does not exceed fifty thousand dollars (\$50,000), the ~~director of architectural services~~ state building commission or, where there is an agency architect for the project, the state agency for which the project is being constructed, may employ a job representative for such project and the compensation of such job representative shall be paid from: (1) Funds appropriated to the ~~division of architectural services~~ state building commission for such purpose, if the job representative is employed by the state building commission, or (2) appropriations available for such purpose to the state agency which employed the job representative, if such is the case. Such

(d) Each job representative employed pursuant to this section shall be present at the site of such construction, recon-

struction or improvement as directed by the ~~director~~ state building commission or the agency architect for the project, whichever is responsible for construction administration services for the project, and shall make reports ~~to the director~~ thereto relating to the manner in which the work is being done, the progress thereof, and other matters specified by the ~~director~~ state building commission or agency architect for the project, as the case may be. Job representatives shall be solely responsible to, and shall perform their duties under the direction and supervision of, the ~~director of architectural services~~ state building commission or the state agency for which the project is being constructed, whichever is the employer. Job representatives shall be in the unclassified service of the Kansas civil service act and shall receive compensation fixed by the ~~director of architectural services~~ state building commission or the state agency for which the project is being constructed, whichever is the employer and approved by the ~~state finance council~~ governor in each case. ~~In all cases in which the total contract price of the project exceeds fifty thousand dollars (\$50,000) the compensation of job representatives shall be paid from the same fund or appropriation as the cost of the construction, reconstruction or improvement for which he or she is job representative or from appropriations to the division of architectural services for such purpose.~~

New Sec. 50. (a) Whenever a negotiating committee is not convened in accordance with K.S.A. 75-5404, as amended, for a proposed building, rebuilding or construction project, the state building commission shall undertake to provide all the architectural services for such project, including the construction administration services as described in K.S.A. 75-5408, as amended, or it shall designate a qualified employee of the state agency for which the project is being constructed to provide all of such services for the project. For the purposes of providing all such architectural services, such employee shall be known as the agency architect for the project.

(b) The employee of such agency designated as the agency

architect for the project shall be a registered architect under the provisions of K.S.A. 6-113 to 6-122, inclusive, and amendments thereto, and shall be found by the state building commission to be qualified to perform all of the architectural services for the particular project, including the construction administration services as described in K.S.A. 75-5408, as amended.

(c) The state building commission or the designated agency architect for the project, as the case may be, shall provide all schematic drawings, working drawings, specifications and other bid documents, and construction administration services as described in K.S.A. 75-5408, as amended, for the project.

New Sec. 51. (a) The project architect employed by the state building commission to prepare the working drawings, specifications and all other bid documents shall submit all such drawings and documents to the state building commission and the state agency for which the project is being constructed. All such drawings and documents shall be approved by the state building commission and the state agency prior to submitting the same to the director of purchases to solicit bids thereon.

(b) The review of such working drawings, specifications and other bid documents by the state building commission shall be limited to ensuring only that such drawings and documents do not change the project description approved under K.S.A. 75-5405 and that such drawings comply with the standards established by the state building commission for the planning, design and construction of state buildings and major repairs and improvements to state buildings under section 11.

(c) If the working drawings, specifications and other bid documents are prepared by the state building commission, the same shall be submitted to and approved by the state agency prior to submission to the director of purchases. If the working drawings, specifications and other bid documents are prepared by an agency architect as provided in section 50, the same shall be submitted to, reviewed and approved by the state building commission under this section prior to submission to the director of purchases.

(d) The project architect, or, if there is no project architect, the state building commission or the agency architect as provided in section 50, shall review the bids received by the director of purchases for the project, certify to the director of purchases those bids that conform with the working drawings, specifications and other bid documents, and make recommendations to the director of purchases on awarding the contract.

New Sec. 52. (a) In performing the construction administration services described in K.S.A. 75-5408, as amended, the project architect, or, if there is no project architect, the state building commission or the agency architect as provided in section 50, shall have primary responsibility for inspection of the project. The state agency for which the project is being constructed may perform and the state building commission, in those cases where it has not assumed the construction administration services, shall perform periodic inspection of the construction project. In no case shall such inspections by the state agency or the state building commission relieve the project architect of any part of its authority or responsibility to perform all construction administration services as described in K.S.A. 75-5408, as amended.

(b) When the project architect, or, if there is no project architect, the state building commission or the agency architect as provided in section 50, determines that a project has been satisfactorily completed, such project architect, commission or agency architect shall notify and certify to the state agency for which the project was completed and the state building commission thereof. The final inspection of the project shall be conducted jointly by the project architect, if there is one, the state agency and the state building commission.

(c) The results of such final inspection shall be reported to the secretary of administration. Upon determining that the project has been satisfactorily completed, based on the recommendations of the project architect, if there is one, the state agency and the state building commission and on other informa-

tion, the secretary of administration shall officially accept the project as satisfactorily complete and thereby authorize the state agency for which the project was completed to occupy and make use of the project. No state agency shall occupy or make use of any building constructed or any areas of a building which were repaired or improved until the project therefor has been officially accepted as provided in this section.

(d) Within nine months after official acceptance of a project, the state agency for which the project was completed and the state building commission shall conduct a full inspection of the completed project and shall promptly notify the appropriate contractor of any claims resulting therefrom.

New Sec. 53. (a) The state building commission shall obtain and maintain copies of all drawings, specifications, contracts, change orders, field orders, warranties and other documents relating to all state projects for the construction of buildings, and major repairs and improvements of buildings. It is the responsibility of the state building commission to prepare all of the necessary documentation to support claims by the state against any project architect, contractor, manufacturer, supplier or other person regarding any such capital improvement project.

(b) It is the responsibility of each state agency for which a construction project was completed to initially refer all claims on behalf of the state arising from such construction project to the state building commission. The state building commission shall attempt to effect an informal or formal resolution of all such claims in a manner satisfactory to the interests of the state. Failing such a resolution, the state building commission shall refer and the state agency for which a construction project was completed may refer all such claims to the attorney general for action. Written notice of each such referral to the attorney general shall be given to the governor by the state building commission and the state agency making such referral. Upon each such referral, the attorney general shall institute and prosecute all appropriate legal proceedings regarding

such claims.

(c) On or before November 15 each year, the state building commission shall report on the nature and status of all claims on behalf of the state arising from state projects for the construction of buildings or major repairs or improvements to buildings which are referred to or acted on by the state building commission under this section, along with any recommendations deemed appropriate by the state building commission.

Sec. 54. From and after September 1, 1978, K.S.A. 75-5410 is hereby amended to read as follows: 75-5410. (a) Fees paid to firms employed as ~~associate~~ project architect to provide architectural services shall not exceed the following:

(1) When the firm provides schematic drawing and services, working drawing, and the construction administration services specified in K.S.A. 75-5408: Seven percent (7%) of that portion of the estimated cost of the building not exceeding one million dollars (\$1,000,000); six and twenty-five one-hundredths percent (6.25%) of that portion of the estimated cost of the building exceeding one million dollars (\$1,000,000) but not exceeding two million dollars (\$2,000,000); five and one-half percent (5 1/2%) of that portion of the estimated cost of the building exceeding two million dollars (\$2,000,000) but not exceeding three million dollars (\$3,000,000). The fees to be paid for any building for which the initial estimate of cost exceeds three million dollars (\$3,000,000) shall be negotiated between the firm selected and the negotiating committee, but shall not exceed five percent (5%) on that portion of the building estimated cost exceeding three million dollars (\$3,000,000).

(2) When ~~the--director--of--architectural--services~~ a prior project architect, the state building commission or any agency architect as provided in section 50, provides schematic design services and the ~~associate~~ project architect provides working drawings and construction administration services, the maximum established under (1) above shall be reduced by ~~fifteen--percent~~ (+5%) twenty-five percent (25%).

(3) When ~~the director of architectural services~~ a prior project architect, the state building commission or an agency architect as provided in section 50, provides schematic design services and construction administration services ~~as provided in K.S.A. 75-5409,~~ the maximum established under (1) above shall be reduced by ~~thirty-five percent (35%)~~ forty-five percent (45%).

(b) If the proposed work includes remodeling of existing construction, a fee of not to exceed four percent (4%) of that part of the estimated cost of construction which is designated as remodeling may be added to the fees otherwise authorized under this section.

(c) For purposes of computing the associate project architect's maximum fees the estimated cost of the project shall be that provided in the original construction contract awards and shall not be reduced or increased as a result of change orders except that the associate project architect shall be paid a fee not to exceed the fees prescribed in subsection (1) above for services rendered if change orders or alternates are initiated by the state.

(d) Fees of associate project architects shall be paid from appropriations for the particular project for which the associate project architect is employed.

Sec. 55. From and after September 1, 1978, K.S.A. 75-5411 is hereby amended to read as follows: 75-5411. ~~(a) There is hereby established the "state architectural services advisory committee" to the director of architectural services which shall be composed of the members of the legislative budget committee.~~

~~(b)~~ (a) The ~~director of architectural services~~ state building commission shall issue monthly reports of progress and advise, consult with and cooperate with the ~~state architectural services advisory committee~~ joint committee on state building construction.

~~(c)~~ (b) Change orders or changes in plans involving costs of less than twenty-five thousand dollars (\$25,000) may be authorized or approved by the ~~director of architectural services~~ state

building commission without prior consultation with the state architectural--services--advisory--committee joint committee on state building construction. Such ~~director~~ commission shall report to the ~~state--architectural--services--advisory--committee joint committee on state building construction~~ all action relating to such change orders.

~~(d)~~ (c) No change order or change in plans involving costs of twenty-five thousand dollars (\$25,000) or more, and no change in the proposed use of any new or remodeled building shall be authorized or approved by the ~~director of architectural--services~~ state building commission without having first advised and consulted with the ~~state--architectural--services--advisory--committee joint committee on state building construction~~.

Sec. 56. From and after September 1, 1978, K.S.A. 75-5412 is hereby amended to read as follows: 75-5412. Whenever a ~~project is expected to exceed three million dollars (\$3,000,000)~~ and the negotiating committee and the ~~state--architectural services--advisory--committee~~ state building commission agree with regard to a specific project that the best interests of the state would be served, the negotiating committee may enter into a contract with any qualified company or person for construction management services for such project. Such services may include: Detail cost estimating, critical path method scheduling and monitoring, drafting contract documents for necessary phasing and grouping, drafting contracts and change orders, full-time inspection and checking and approving shop drawings, color schedules, and materials. The fee for services under this section shall be negotiated by the negotiating committee but shall not exceed one percent (1%) of the estimated cost of the project, and such fees shall be in addition to fees authorized under K.S.A. 75-5410, and amendments thereto.

Sec. 57. From and after September 1, 1978, K.S.A. 75-5802 is hereby amended to read as follows: 75-5802. As used in this act unless the context specifically requires otherwise:

(a) "Firm" means any individual, firm, partnership, cor-

poration, association, or other legal entity permitted by law to practice the profession of engineering and provide engineering services.

(b) "Engineering services" means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning or design of engineering works and systems, engineering, surveying, and the inspection of construction for the purpose of assuring compliance with drawings and specifications; and which includes such service or creative work in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, or projects and such architectural work as is incidental to the practice of engineering.

(c) "Agency head" means the chief administrative officer of a state agency, as that term is defined in subsection (3) of K.S.A. 75-3701, but shall not include the chief administrative officer of any state institution.

(d) "Negotiating committee" means a committee designated to negotiate as provided in this act, and consisting of (1) the agency head of the state agency for which the proposed project is planned, or a person designated by such agency head, (2) the secretary of administration, or a person designated by said secretary, and (3) the chief administrative officer of the state institution for which the proposed project is planned, or when the proposed project is not planned for a state institution, the agency head shall designate a second person in lieu of the chief administrative officer of a state institution.

(e) "Project" means any capital improvement project or any study, plan, survey or program activity of a state agency, including development of new or existing programs and preparation of federal grant applications.

(f) "State building commission" means the state building commission created by section 1, or any duly authorized officer

or employee of said commission.

Sec. 58. From and after September 1, 1978, K.S.A. 75-5803 is hereby amended to read as follows: 75-5803. (a) In the procurement of engineering services, each agency head which utilizes engineering services shall encourage firms engaged in the lawful practice of their profession to annually submit a statement of qualifications and performance data to the agency head and to the state building commission. The agency head shall thereafter cause to be prepared annually a list of firms qualified, based upon criteria established and published by such agency head, to provide such engineering services.

(b) Except as otherwise provided in subsection (c), whenever a project requiring engineering services is proposed for a state agency, the agency head for such state agency shall evaluate current statements of qualifications and performance data on file with the agency head, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with not less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required engineering services and then such agency head shall select from among all such firms, on a rotational basis, the firm to perform the engineering services, unless such firm refuses to provide such engineering services.

(c) In any case where a project requiring engineering services is proposed which concerns the construction of a building or the reconstruction, major repair or improvement of a building for the use or benefit of a state agency and a negotiating committee is not convened under K.S.A. 75-5804, as amended, the agency head of the state agency shall notify the state building commission thereof and shall request a list of firms qualified to provide the engineering services for such project. Upon receipt of any such request, the state building commission shall evaluate the current statements of qualifications and performance data on file, together with those state-

ments that may be submitted by other firms, regarding such proposed project and other information developed and available to the state building commission, and shall prepare a list of at least three and not more than five firms which, in the opinion of the state building commission, are qualified to furnish the engineering services for such project. Each such list shall be submitted to the agency head without any recommendation of preference or other recommendation. The agency head shall conduct discussions with the firms listed and shall select the firm to perform the engineering services, all in the manner provided in subsection (b). If the agency head is unable to enter into a contract for the necessary engineering services with any firm so listed, the agency head shall request the state building commission to prepare and submit another list of firms qualified to provide such engineering services and shall proceed in accordance with this subsection. The state building commission shall provide to the agency head such advice or assistance as may be requested by the agency head regarding the selection of a firm to provide engineering services for such projects.

Sec. 59. From and after September 1, 1978, K.S.A. 75-5804 is hereby amended to read as follows: 75-5804. (a) Whenever it becomes necessary in the judgment of the agency head of a state agency for which a project is proposed and, in any case where the total cost of such a proposed project is expected to exceed one hundred thousand dollars (\$100,000), the agency head shall convene a negotiating committee. Except as otherwise provided in subsection (b), the agency head shall submit the list of at least three and not more than five of the most highly qualified firms to the negotiating committee so convened, without any recommendation of preference or other recommendation.

(b) In any case where a project requiring engineering services is proposed which concerns the construction of a building or the reconstruction, major repair or improvement of a building for the use or benefit of a state agency and for which a negotiating committee is convened under this section, the agency

head for the state agency shall notify the state building commission thereof and shall request a list of firms qualified to provide the engineering services for such project. Upon receipt of any such request the state building commission shall evaluate the current statements of qualifications and performance data on file, together with those statements that may be submitted by other firms regarding such proposed project and other information developed and available to the state building commission, and shall prepare a list of at least three and not more than five firms which, in the opinion of the state building commission, are qualified to furnish the engineering services for such project. Each such list shall be submitted to the negotiating committee so convened without any recommendation of preference or other recommendation. The executive director of the state building commission shall meet with each negotiating committee convened for such projects and shall advise each such negotiating committee but shall have no vote in the selection process or other matter upon which the committee may vote.

Sec. 60. From and after September 1, 1978, K.S.A. 75-5806 is hereby amended to read as follows: 75-5806. The negotiating committee for each proposed project shall have access to the current statements of qualifications and performance data on file with the agency head for the firms listed by the agency head or on file with the state building commission in the case of firms listed by the state building commission. The negotiating committee shall conduct discussions with each of the firms so listed regarding the proposed project and then shall select a single firm from such listing to provide engineering services in accordance with this act.

Sec. 61. From and after September 1, 1978, K.S.A. 75-5807 is hereby amended to read as follows: 75-5807. (a) Each negotiating committee shall determine which engineering services are necessary and shall negotiate a contract for each proposed project with the selected firm for the necessary engineering services. In such negotiations, the negotiating committee shall

always consider demonstrated competence and qualifications and shall take into account the estimated value of the engineering services to be rendered and the scope, complexity and professional nature thereof.

(b) If the negotiating committee is unable to negotiate a satisfactory contract with the firm considered to be the most qualified, negotiations with that firm shall be terminated. The negotiating committee shall then undertake negotiations with the second most qualified firm. If there is a failing of accord with the second most qualified firm, negotiations with such firm shall be terminated. The negotiating committee shall then undertake negotiations with the third, fourth and fifth most qualified firms in turn.

(c) If the negotiating committee is unable to negotiate a satisfactory contract with any of the selected firms, the negotiating committee shall reevaluate the necessary engineering services and fee requirements and reopen negotiations with any of the firms on the list submitted by the agency head. If the negotiating committee is still unable to enter into a contract for the necessary engineering services, it shall request the agency head or, in the case of a proposed project which concerns the construction, reconstruction, major repair or improvement of a building, the state building commission to provide another list of firms to be negotiated with by the negotiating committee and shall proceed in accordance with the provisions of this act.

Sec. 62. From and after September 1, 1978, K.S.A. 76-6a02 is hereby amended to read as follows: 76-6a02. The board is hereby authorized to lease to any nonprofit corporation organized, ~~effieered,~~ and directed by faculty members, students, and alumni of the institution concerned, such portions of the campus of an institution as may be necessary to be used as sites for the construction of fire-resistive student union buildings and student dormitories. Every such lease shall provide:

(a) That the building to be erected shall be constructed and equipped in accordance with plans and specifications made

approved by the ~~director-of-architectural-services~~ state building commission and approved by the board.

(b) That the lessee will pay a stated amount of compensation to a superintendent selected by the ~~director-of-architectural-services~~ state building commissior, who shall serve as inspector for the board during the construction of the building; that such inspector shall have the right to inspect at all times such building and the materials to be used in its construction.

(c) That the activities carried on in the building so erected shall be conducted under rules and regulations ~~made~~ adopted by the board.

Sec. 63. From and after September 1, 1978, K.S.A. 76-6a03 is hereby amended to read as follows: 76-6a03. The board is hereby authorized to contract with the owners of the buildings so erected upon said leased grounds to pay as rental or otherwise for the use of said buildings a sum sufficient to pay, on the amortization plan, the principal and interest thereon of the cost of construction and equipment of said buildings, such contracts to run not over forty years. The amount of the cost of construction and equipment used in any such contract shall not exceed the estimated cost of construction and equipment which shall be made by the ~~director-of-architectural-services~~ state building commission. The rate of interest allowed on the cost of construction and equipment shall not exceed six percent per annum, payable annually or semiannually as may be determined by the board. Said contract shall provide:

(a) That when the cost of construction has been paid, together with interest thereon, the buildings so constructed and the equipment therein shall become the property of the state of Kansas.

(b) That the state of Kansas shall incur no liability under such contract or by reason of any authority exercised by the board under this act, except that the board shall collect and apply the fees and charges authorized by K.S.A. 76-6a04 and 76-6a05 in the manner prescribed by this act.

Sec. 64. From and after September 1, 1978, K.S.A. 76-6a13h is hereby amended to read as follows: 76-6a13h. The board may employ or contract for services of architects and engineers in the manner provided by law and further, may employ or contract for the services of attorneys or other consultants for the purpose of planning and designing any facilities authorized by this act. Any person employed by the board pursuant to this section shall be in the unclassified service and the salary for any such employee shall be fixed by the board. Plans for any such facilities shall be approved by the ~~director of architectural services~~ state building commission and contracts for the construction thereof shall be let in the same manner as contracts for other buildings operated by the state board of regents.

Sec. 65. From and after September 1, 1978, K.S.A. 76-814 is hereby amended to read as follows: 76-814. Notwithstanding any other provisions of law, the director of accounts and reports and the ~~director of architectural services~~ state building commission are hereby authorized and empowered at any time after the effective date of this act to execute, cause to be performed and to inspect and supervise the performance of contracts for the construction of the project, including contracts for construction work and the acquisition of supplies, machinery, equipment, fixtures, other real or personal property, professional or other services, landscaping or other purposes. Each of such contracts shall be executed for and in the name of the board but only upon the approval of such contract by the board or its authorized officer or designee and shall be deemed to be the contract of the board payable from funds then available or to be lawfully made available pursuant to the provisions of this act.

Sec. 66. On September 1, 1978, K.S.A. 31-150, 48-313, 48-314, 58-1301, 58-1304, 75-1202a, 75-1202b, 75-1202c, 75-1203, 75-1204, 75-1206, 75-1207, 75-1208, 75-1212, 75-1213, 75-1214, 75-1215, 75-1216, 75-1220, 75-1222, 75-1223, 75-1224, 75-1226, 75-1227, 75-1228, 75-1229, 75-1233, 75-1234, 75-2131, 75-2132, 75-2237, 75-3134, 75-3170a, 75-3740, 75-3741, 75-3742, 75-3744,

75-5402, 75-5403, 75-5404, 75-5406, 75-5407, 75-5408, 75-5409,
75-5410, 75-5411, 75-5412, 75-5802, 75-5803, 75-5804, 75-5806,
75-5807, 76-6a02, 76-6a03, 76-6a13h and 76-814.

Sec. 67. This act shall take effect and be in force from
and after its publication in the official state paper.

November 21, 1977-
Attachment VII

PROPOSED BILL NO. 2

For Consideration by the Special Committee
on Ways and Means--B

AN ACT relating to the secretary of administration;

amending K.S.A. 12-1759, 75-129, 75-1306, 75-3607, 75-3608, 75-3617a, 75-3629, 75-3630, 75-3631, 75-3632, 75-3633, 75-3635, 75-3636, 75-3637, 75-3638, 75-3639, 75-3640, 75-3641, 75-3642, 75-3644, 75-3646, 75-3647, 75-3762, 75-3763, 75-3764, 75-3764b, 75-3765, 75-3765a, 75-3766, 75-3768, 75-5205, 75-5231 and K.S.A. 1977 Supp. 20-3013, 74-3104 and 74-4907 and repealing the existing sections.

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

Section 1. From and after July 1, 1978, K.S.A. 12-1759 is hereby amended to read as follows: 12-1759. Such ordinance shall specify the purposes and functions of such public building commission and shall specify the number of members for the governing body of such commission, which shall not be fewer than three (3) nor more than nine (9) ~~+-Provided, however, except that~~ where such commission will provide for a building which will house offices or agencies of the state, county or a school district, the ~~director--of--architectural--services~~ secretary of administration and the governing bodies of such county and school district shall be represented by not less than one (1) on such commission.

Sec. 2. From and after July 1, 1978, K.S.A. 1977 Supp. 20-3013 is hereby amended to read as follows: 20-3013. The court of appeals shall sit and maintain its principal offices in the city of Topeka, and it shall be the duty of the ~~director--of--architectural--services~~ secretary of administration to provide a courtroom and other suitable quarters in Topeka for the use of

the court of appeals and its staff. However, any hearing panel of the court of appeals may hold court in the courthouse of any county for the purpose of hearing oral arguments in cases before such court. When a panel of the court of appeals sits in any location other than in Topeka, the administrative judge of the judicial district in which the panel is sitting shall assign a courtroom to the hearing panel for its use while sitting, shall provide suitable office space for use by the members of the panel and shall provide such other personnel as may be needed by the panel.

Sec. 3. From and after July 1, 1978, K.S.A. 1977 Supp. 74-3104 is hereby amended to read as follows: 74-3104. There is hereby created a savings and loan department which shall be administered by the savings and loan commissioner, under the executive direction of the governor. The commissioner shall be a person with actual experience in the savings and loan industry for at least three (3) years and with adequate knowledge of state chartered institutions, and shall be appointed by the governor with the consent of the senate. ~~His~~ The term of office of the savings and loan commissioner shall be for four (4) years. ~~He~~ The commissioner shall be removable only for cause. ~~He~~ The commissioner shall receive an annual salary to be fixed by the governor with the approval of the state finance council. It shall be the duty of the ~~director--of--architectural--services~~ secretary of administration to provide the commissioner with suitable office space at Topeka.

Sec. 4. From and after July 1, 1978, K.S.A. 1977 Supp. 74-4907 is hereby amended to read as follows: 74-4907. (1) The principal office of the system shall be in quarters at Topeka, Kansas. Offices shall be assigned to the system by the ~~director of--architectural--services~~ secretary of administration. Upon the failure or inability of the ~~director--of--architectural--services~~ secretary of administration to provide adequate facilities, the board is hereby authorized to contract for necessary office space in suitable quarters.

(2) The board shall keep a complete record of all of its proceedings which shall be open at all reasonable hours to inspection. A report covering the operation of the system for the past fiscal year, including income and disbursements, and of the financial condition of the system at the end of such fiscal year, showing the valuation of its assets and investments and its liabilities, shall be delivered after the end of each fiscal year and prior to November 1 of the next fiscal year to the governor and to the chairperson of the legislative coordinating council, to the secretary of the senate and to the chief clerk of the house of representatives and shall be made readily available to the members and participating employers of the system.

(3) The post auditor shall make an annual audit of the accounts of the system, which audit shall be filed as soon after the close of the fiscal year as practicable.

Sec. 5. From and after July 1, 1978, K.S.A. 75-129 is hereby amended to read as follows: 75-129. There is hereby established the governor's residence advisory commission to be composed of seven (7) members as follows: (a) the ~~director--of architectural--services~~ secretary of administration; (b) the executive secretary of the Kansas historical society; (c) the ~~chairman~~ chairperson of the senate committee on ways and means; (d) the minority leader of the senate; (e) the ~~chairman~~ chairperson of the house of representatives committee on ways and means; (f) the minority leader of the house of representatives; and (g) the governor's spouse or a person designated by the governor. The ~~director-of-architectural-services~~ secretary of administration shall serve as chairperson of the governor's residence advisory commission.

Sec. 6. From and after July 1, 1978, K.S.A. 75-1306 is hereby amended to read as follows: 75-1306. It shall be the duty of the ~~director-of-architectural-services~~ secretary of administration to provide the commissioner with suitable office space at Topeka.

Sec. 7. From and after July 1, 1978, K.S.A. 75-3607 is

hereby amended to read as follows: 75-3607. As used in this act and the act of which this act is amendatory, unless the context otherwise requires:

(1) The word "commission" or the term "state office building commission" shall mean the ~~director of architectural services~~ secretary of administration.

(2) The term "state agency" shall have the meaning defined by K.S.A. 75-3701.

Sec. 8. From and after July 1, 1978, K.S.A. 75-3608 is hereby amended to read as follows: 75-3608. In addition to the powers heretofore conferred by law on the state office building commission under the provisions of article 36 of chapter 75 of the Kansas Statutes Annotated, and by this section, which have not been executed by said commission, or by the director of architectural services, the secretary of administration shall have:

(1) The power to construct and equip a state office building on the real estate which is located in the block bounded by Tenth, Harrison, and Ninth streets and Topeka avenue in the city of Topeka, Kansas, for the purpose of providing offices and facilities for the use of state agencies selected by ~~said director of architectural services~~ the secretary of administration to be housed in said new state office building.

(2) The power and capacity of suing and being sued, of contracting and being contracted with, of making and using a common seal and altering it at pleasure; and shall as an instrumentality of the state of Kansas perform the duties and functions hereinbefore and hereinafter specified, and in furtherance thereof have and exercise the powers conferred on it by law, and such other powers as may be incidental in connection therewith.

(3) The power to appoint such employees as may be necessary for the purpose of carrying out the provisions of this act, and it may delegate to one or more of such employees, such duties as it may deem proper. All employees so appointed shall be in the classified service under the Kansas civil service act.

(4) The title to and hold real estate as against the state of Kansas in the lands of the state of Kansas which are located in the block bounded by Tenth, Harrison and Ninth streets and Topeka avenue in the city of Topeka, Kansas.

(5) The power to make contracts of every name and nature necessary and convenient for the accomplishment of the foregoing purposes and the carrying on of its business.

(6) The power to permit the use of the state office building by any state agency selected by the ~~director of architectural services~~ secretary of administration to be housed therein, while the ~~director~~ secretary shall retain title thereto; and to fix, alter and charge rentals, rates and other charges for such use, in such amounts or rates as it may determine may be necessary for the purpose of providing for the payment of the construction, equipment, improvement, repair and maintenance of such state office building, the payment of the principal of and interest on the obligations allocable to such state office building, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations.

(7) The power to rent any space in the state office building which has not been rented by any state agency to any person, firm, association or corporation under a month to month written lease, which lease shall contain a provision that any such person, firm, association or corporation will give possession of said space upon ten (10) days' written notice to quit, given by the ~~director of architectural services~~ secretary of administration or the building and grounds manager ~~+-Provided-~~. The ~~director~~ secretary of administration may, in ~~his or her~~ its discretion, grant use of space in the state office building to any office, board, commission, department or other agency of the state which derives none of the funds for its operation from fees, and whenever any appropriation for rental for office space has been made by the legislature for such office, board, commission, department or agency, the ~~director of architectural services~~ secretary of administration may charge rental in an amount not to exceed the

amount appropriated therefor.

(8) The authority to make and issue refunding bonds and to secure the payment of such bonds or any part thereof by pledge of any or all revenues, rentals, and receipts from the use of the state office building, and to make such agreements with the purchasers or holders of such bonds as may be necessary to provide for the security of such bonds and the rights of the holders thereof ~~Provided, however,~~ except that such refunding bonds shall not be issued unless directed by an act of the legislature ~~Provided,~~. The total amount of bonds issued under the authority conferred by this section and any other sections of this act shall not exceed seven million five hundred thousand dollars (\$7,500,000).

(9) Without limitation of the foregoing, the power to accept grants or gifts from any person, firm, association or corporation, the federal government or any of its agencies; and to enter into contracts or other transactions with any federal agency in connection therewith.

(10) The power to pledge, hypothecate or otherwise encumber all or any of the revenues, rentals or receipts of the ~~director of architectural services~~ secretary of administration as security for all or any of the obligations of the ~~director of architectural services~~ secretary of administration.

(11) The power to acquire by purchase or condemnation the fee simple title to real estate, the ~~director of architectural services~~ secretary of administration may exercise the power of eminent domain in the acquisition of the fee simple title to such real estate as may be directed and authorized by act of the legislature and the attorney general shall on behalf of said ~~director of architectural services~~ the secretary of administration institute and prosecute said condemnation proceedings in the name of the state, and if any such real estate shall be acquired by purchase, the abstract of title and the deed conveying the same shall be approved by the attorney general before payment therefor is made; and the ~~director of architectural services~~

secretary of administration shall record all conveyances of any such real estate in the office of the register of deeds in Shawnee county which shall thereafter be deposited in the office of the secretary of state; the power to use any funds as may be directed and authorized by act of the legislature to pay for any property acquired under the authority herein conferred; the power to raze, remove or tear down any building located on any such property so acquired.

(12) The power to do all things and acts necessary or convenient to carry out the powers granted to ~~the~~ the secretary of administration by this act or any other acts: ~~Provided:--Said director--of--architectural--services~~ except, that the secretary of administration shall have no power at any time, or in any manner, to pledge the credit or taxing power of the state, nor shall any of the bonds or other obligations issued hereunder be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas.

Sec. 9. From and after July 1, 1978, K.S.A. 75-3617a is hereby amended to read as follows: 75-3617a. There is hereby created in the state treasury a fund to be designated as the state office building depreciation reserve fund; to which shall be credited amounts sufficient to provide for the replacement of the deprecible machinery and equipment of the building when necessary. The exact amount to be credited to the depreciation reserve fund shall be determined by the ~~director--of--architectural--services~~ secretary of administration, but such amount shall not, in any case, exceed twenty-five cents (25¢) of the amount collected as rentals for each square foot of rented space in the state office building.

The ~~director--of--architectural--services~~ secretary of administration shall notify the director of accounts and reports of the amounts to be transferred, and the director of accounts and reports shall, the first day of each month, beginning July 1, 1961, transfer the same to the state office building depreciation

reserve fund from the state office building operating fund. On making such transfer the director of accounts and reports shall notify the state treasurer who shall make proper entries in the records of his or her office showing such transfer. Disbursements from said fund may be made to replace worn out or obsolete machinery and equipment.

Sec. 10. From and after July 1, 1978, K.S.A. 75-3629 is hereby amended to read as follows: 75-3629. The ~~director--of architectural-services~~ secretary of administration, in the capacity as state office building commission, as defined by K.S.A. 75-3607, is hereby authorized and directed to acquire the fee simple title by negotiation to a tract of land with the office building thereon located at the northwest corner of the intersection of Sixth street and Kansas avenue in the city of Topeka, Shawnee county, Kansas, and to parking lots used in connection therewith, all more particularly described as follows: Lots 175, 177 and 179 on Kansas avenue and lots 160, 162, 164, 166 and 168 on Jackson street, all in the original town of Topeka, Shawnee county, Kansas. To provide for payment of the costs of acquisition of said tract and of renovation of said building, the ~~director-of-architectural-services~~ secretary of administration is authorized to issue callable revenue bonds of the state office building commission in an amount not to exceed eight hundred thousand dollars (\$800,000).

Sec. 11. From and after July 1, 1978, K.S.A. 75-3630 is hereby amended to read as follows: 75-3630. The pooled money investment board shall be a state investment board for the purposes of this act and shall have authority to purchase and shall purchase the bonds issued hereunder by the ~~director-of-architectural-services~~ secretary of administration and for such purpose said board is authorized and directed to use any moneys in the inactive or time deposit, open bank accounts of the state of Kansas. All bonds so purchased shall be kept by the treasurer in the office of the treasurer and shall be subject to the inspection and audit of the legislative post auditor at all times. The

bonds shall bear interest at a rate equal to the interest rate being paid on state inactive account moneys at the time of issuance of such bonds and such interest when accrued shall be credited to the state general fund.

Sec. 12. From and after July 1, 1978, K.S.A. 75-3631 is hereby amended to read as follows: 75-3631. The ~~director--of architectural-services~~ secretary of administration, acting in the capacity as state office building commission, in the acquisition of said tract and building thereon and parking lots used in connection therewith and in the operation, management and leasing thereof as well as in the issuance of revenue bonds therefor shall have and exercise and be subject to all the powers, duties and authority and all the limitations conferred or placed upon him or her by K.S.A. 75-3608, 75-3611, 75-3612, 75-3613, 75-3615 and 75-3616 and amendments to said statutes. In addition to said powers, ~~such director~~ the secretary of administration shall have and exercise all the powers and be subject to all the limitations conferred or imposed by this act. Such revenue bonds shall mature within a maximum period of ten (10) years and shall bear interest at the rate prescribed in K.S.A. 75-3630. The ~~director-of-architectural-services~~ secretary of administration shall acquire such tracts of land for a purchase price not to exceed six hundred thousand dollars (\$600,000) to be paid solely from the proceeds of the sale of the revenue bonds herein authorized. Upon approval of merchantable title and a warranty deed to such tract of land by the attorney general as to form and legality, the director of accounts and reports shall issue a warrant to the seller for the purchase price, such warrant to be paid from moneys in the bond sinking fund in the state treasury into which the treasurer has deposited the proceeds from the sale of such bonds.

Sec. 13. From and after July 1, 1978, K.S.A. 75-3632 is hereby amended to read as follows: 75-3632. Funds derived from the leases to state agencies on space in the building and on parking grounds shall be ~~deposited by the director-of-architectural-services-in~~ remitted to the state treasurer by the secre-

tary of administration and the state treasurer shall deposit such funds in the state treasury to the credit of the state office building operating fund and at least annually on order of the ~~director of architectural services~~ secretary of administration, the director of accounts and reports in accordance with the covenants contained in the bonds issued hereunder shall transfer from said operating fund an amount necessary to retire the principal and interest then due and unpaid upon said bonds. There is hereby created in the state treasury a fund to be designated as the temporary state office building depreciation reserve fund to which shall be credited amounts sufficient to provide for repair and replacement of depreciable machinery, equipment, roofs, walls and structural floors of said building when necessary.

Sec. 14. From and after July 1, 1978, K.S.A. 75-3633 is hereby amended to read as follows: 75-3633. The ~~director of architectural services~~ secretary of administration upon acquisition of said lands and building is hereby authorized to enter into leases with a state agency or agencies presently housed in publicly or privately owned office space in Shawnee county and the ~~director of architectural services~~ secretary of administration may direct state agencies to occupy space in said building at a rental necessary to defray the pro rata cost of such space so occupied to the ~~director of architectural services~~ secretary of administration including cost of operation and maintenance, subject to funding being available in the appropriations or funds of any such agency. Before any leases are entered into, the ~~director of architectural services~~ secretary of administration shall compute the rental rates by amortizing the cost of the property over a period of not to exceed ten (10) years, estimate the cost of operation and maintenance thereof, together with interest on the bonded indebtedness and other expenses to determine the actual rate required so that the bonds can be retired within the ten (10) year period.

Sec. 15. From and after July 1, 1978, K.S.A. 75-3635 is hereby amended to read as follows: 75-3635. The ~~state director~~

~~of-architectural-services~~ secretary of administration is hereby authorized and directed to acquire the fee simple title by negotiation to tracts of land and improvements thereon located in the city of Topeka, Shawnee county, Kansas, on the block beginning at the southwest corner of the intersection at Fifth street and Kansas avenue; thence westward on Fifth street to Fifth and Jackson street; thence southward on Jackson to Jackson street and Sixth street; thence eastward on Sixth street to Sixth and Kansas avenue; thence north on Kansas avenue to the point of beginning, all more particularly described as follows: Lots 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171 and 173, all on Kansas avenue; Lots 146, 148, 150, 152, 154, 156 and 158, all on the east side of Jackson street; all in the city of Topeka, Shawnee county, Kansas+--Provided, except that if the ~~director-of-architectural-services~~ secretary of administration is unable to negotiate an agreement for the purchase of any lot or tract hereinbefore authorized and directed for acquisition, said ~~director~~ secretary may, after consultation with the advisory committee, discontinue all negotiation with the owners of such lots or tracts of land.

To provide for the payment of the costs of acquisition of said lots or tracts of land and improvements thereon, and to provide additional funds for acquisition of facilities for use in connection therewith and for improvements and renovation of the office building and facilities, and until moneys are available in the operating fund for such purpose for the maintenance and security of the building and grounds so acquired, the ~~director-of-architectural-services~~ secretary of administration is authorized to issue callable revenue bonds in an amount not to exceed one million three hundred thousand dollars (\$1,300,000).

Sec. 16. From and after July 1, 1978, K.S.A. 75-3636 is hereby amended to read as follows: 75-3636. The state pooled money investment board shall be a state investment board for the purposes of this act and shall have authority to purchase and shall purchase the bonds issued hereunder by the ~~state-director~~

~~of--architectural--services~~ secretary of administration and for such purpose said board is authorized and directed to use any moneys in the active accounts or time deposits, open accounts of the state of Kansas. All bonds so purchased shall be kept by the state treasurer in his or her office and shall be subject to the inspection and audit of the pooled money investment board at all times. The bonds shall bear interest at a rate equal to the interest rate being paid on state inactive account moneys at the time of issuance of such bonds and such interest when accrued shall be credited to the state general fund.

Sec. 17. From and after July 1, 1978, K.S.A. 75-3637 is hereby amended to read as follows: 75-3637. The ~~state-director~~ ~~of--architectural--services~~ secretary of administration, in the acquisition of said tract or tracts and improvements thereon and in the operation, management and leasing thereof as well as in the issuance of revenue bonds therefor shall have and exercise and be subject to all the powers, duties and authority and all the limitations conferred or placed upon him or her by K.S.A. 75-3608, 75-3611, 75-3612, 75-3613, 75-3615 and 75-3616 and amendments thereto. In addition to said powers, ~~he-or-she~~ the secretary of administration shall have and exercise all the powers and be subject to all the limitations conferred or imposed by this act. Such revenue bonds shall mature within a maximum period of twenty (20) years and shall bear interest at the rate prescribed in K.S.A. 75-3636, as amended. The ~~director-of-architectural-services~~ secretary of administration shall acquire such tracts of land for a purchase price of not to exceed the amount specified in K.S.A. 75-3635, as amended, to be paid solely from the proceeds of the sale of the revenue bonds herein authorized. The state treasurer shall deposit the proceeds received from the sale of revenue bonds as authorized by this act in the 5th and Kansas avenue bond proceeds fund, which fund is hereby created. Upon approval of merchantable titles and warranty deeds to such tracts of land by the attorney general as to form and legality, the state director of accounts and reports shall issue warrants

to the seller or sellers of such tracts for the purchase price thereof, such warrants to be paid from moneys in the 5th and Kansas avenue bond proceeds fund in the state treasury. On order of the ~~director-of-architectural-services~~ secretary of administration, the state director of accounts and reports shall transfer any moneys in the bond proceeds fund which are not and will not be required for acquisition of lands and improvements provided for in K.S.A. 75-3635, as amended, to the operating fund created by K.S.A. 1975 Supp. 75-3638, as amended.

Sec. 18.. From and after July 1, 1978, K.S.A. 75-3638 is hereby amended to read as follows: 75-3638. Funds derived from the leases to state agencies or to state employees for space in the office building and on parking and other facilities acquired pursuant to this act, shall be ~~deposited by the state director of architectural-services-in~~ remitted to the state treasurer by the secretary of administration and the state treasurer shall deposit such funds in the state treasury to the credit of the 5th and Kansas avenue operating fund, which fund is hereby created, and at least annually, on order of the ~~director-of-architectural-services~~ secretary of administration, the director of accounts and reports in accordance with the covenants contained in the bonds issued hereunder, shall transfer from said operating fund to the 5th and Kansas avenue bond and interest sinking fund hereby created, an amount necessary to pay the principal and interest then due and unpaid upon said bonds. A 5th and Kansas avenue depreciation reserve fund is hereby created, to which shall be credited at least annually amounts sufficient to provide for installation, repair and replacement of equipment and facilities of the buildings and grounds acquired and maintained under this act. The amounts to be so transferred from the operating fund to the bond and interest sinking fund and to the depreciation reserve fund, herein created, shall be determined at least annually by the ~~state-director-of-architectural-services~~ secretary of administration.

Sec. 19. From and after July 1, 1978, K.S.A. 75-3639 is

hereby amended to read as follows: 75-3639. The ~~state-director~~
~~of-architectural-services~~ secretary of administration upon acquisition of said lands and improvements is hereby authorized to enter into leases with any state agency or agencies presently housed in publicly or privately owned office space in Shawnee county or with state officers or employees to occupy space in any building or on facilities acquired under this act at a rental necessary to defray the pro rata cost of the total project of the space so occupied, including the cost of purchase of tracts and improvements thereon, and other costs relating thereto, operation and maintenance thereof, subject to funding being available in the appropriations or funds of any such agency. Before any leases are entered into, the ~~state-director--of--architectural--services~~ secretary of administration shall compute the rental rates by amortizing the purchase price with the costs of necessary improvements made or to be made in connection therewith, estimate the cost of operation and maintenance thereof, together with interest on the bonded indebtedness and other expenses to determine the actual rate required so that the bonds can be retired within the twenty-year period.

Sec. 20. From and after July 1, 1978, K.S.A. 75-3640 is hereby amended to read as follows: 75-3640. To insure prompt action in the acquisition of the property provided for in this act, and to aid in expediting all matters in connection therewith, including the transfer of state agencies presently housed in the state capitol and in other public and privately owned space, to the newly acquired building and facilities, and to otherwise assist in the prompt implementation of the provisions of the act, there is hereby established a state building advisory committee to the ~~director-of-architectural-services~~ secretary of administration, to be composed of the president of the senate or his or her designee, the speaker of the house of representatives or his designee and the minority leader of the senate or his or her designee and the minority leader of the house of representatives or his or her designee. The speaker of the house or his or

her designee shall be the ~~chairman~~ chairperson of the advisory committee which shall meet once each month at the state capitol building in space provided by the director of legislative administrative services on a date selected by the committee or on call of the chairman until the office building is acquired and is fully occupied. Members of such committee when attending meetings thereof shall receive the same compensation, subsistence expenses or allowances and mileage as is provided for members of the legislative coordinating council when meeting in Topeka. Such compensation and expenses shall be paid from appropriations for legislative expenses. It shall be the duty of the advisory committee so established to:

(a) advise, consult and cooperate with the ~~director--of architectural-services~~ secretary of administration in accomplishing the intent and purpose of this act so that an orderly and expeditious transfer may be made by state agencies from their present occupancies to new quarters provided for in this act;

(b) recommend renovations for the newly acquired building with priorities both as to improvements and as to the occupancy thereof;

(c) make recommendations for coordination of any other activities or undertakings directed by the act;

(d) issue monthly reports of progress to the legislative coordinating council and to members of the ways and means committees of the senate and house of representatives.

It shall also be the duty of the ~~director-of-architectural services~~ secretary of administration to advise, consult with and cooperate with the advisory committee established by this section.

Sec. 21. From and after July 1, 1978, K.S.A. 75-3641 is hereby amended to read as follows: 75-3641. Notwithstanding the provisions of K.S.A. 75-3635 to 75-3640, inclusive, and amendments thereto, the ~~director-of-architectural-services~~ secretary of administration shall, before entering into an agreement to purchase any of the tracts of land, including improvements

thereon as authorized by said ~~bill~~ statutes, appoint three (3) disinterested appraisers to determine the market-value appraisal of the property to be purchased, and no agreement shall be entered into nor purchase made of the particular tracts so appraised with a consideration greater than the market value appraisal. The provisions of this section shall not be construed as establishing or fixing the sale price of any tract or tracts of land referred to in K.S.A. 75-3635 to 75-3640, inclusive, and amendments thereto, at the market-value appraisals, but shall be considered only as a maximum limitation of the consideration thereof in negotiation for acquisition of such tracts; and the authority to acquire any of the tracts referred to in said K.S.A. 75-3635 to 75-3640, inclusive, and amendments thereto, shall extend to all tracts individually, or to any combination thereof. The appraisers selected shall be subject to the approval of the advisory committee and shall receive their fees or compensation from the Fifth and Kansas avenue operating fund created by K.S.A. 75-3638, as amended.

Sec. 22. From and after July 1, 1978, K.S.A. 75-3642 is hereby amended to read as follows: 75-3642. If the ~~director of architectural services~~ secretary of administration is unable, after compliance with K.S.A. 75-3641, as amended, to acquire by negotiation any of the tracts of land described in K.S.A. 75-3635 to 75-3640, inclusive, and amendments thereto, or if the ~~director~~ secretary of administration shall discontinue negotiations for any of such described tracts as authorized by K.S.A. 75-3635, ~~he or she, as amended~~, the secretary shall proceed to acquire the fee simple title to such tracts of land by exercising the power of eminent domain and the attorney general shall upon request of ~~said director of architectural services~~ the secretary of administration immediately prosecute said condemnation proceedings in the name of the state; and the ~~said director~~ secretary of administration is hereby authorized to use the funds derived from the revenue bonds authorized by K.S.A. 75-3635 to 75-3640, inclusive, and amendments thereto, to pay for any property so acquired by

condemnation.

Sec. 23. From and after July 1, 1978, K.S.A. 75-3644 is hereby amended to read as follows: 75-3644. The ~~director--of architectural--services~~ secretary of administration is hereby directed to acquire in the name of the state of Kansas the use, right of possession or title, or any combination thereof of such property and facilities of the former Forbes air force base, Shawnee county, Kansas, as are consistent with the needs of this state. The ~~director~~ secretary of administration is hereby authorized to enter into one or more agreements with the federal government or its agencies to carry out the purpose of this act. Any such agreement may provide for conditions of maintenance of the property and facilities by the state. Any such agreement may contain covenants to save harmless the federal government and its agencies from liability to third parties, and to pay to the federal government or its agencies any payment made by it to third parties as a result of the finding of liability by a court of competent jurisdiction or by settlement arising out of the use of any such property or facilities, except that no reimbursement shall be made to the extent that liability arises from the sole fault of the federal government or its agencies. In lieu of a provision such as the foregoing the agreement may provide that the state will obtain and keep in force a liability insurance policy or policies for the foregoing purpose to the limits of such policy or policies.

Sec. 24. From and after July 1, 1978, K.S.A. 75-3646 is hereby amended to read as follows: 75-3646. The ~~director--of architectural--services~~ secretary of administration upon acquisition of property and facilities under K.S.A. 75-3644, as amended, is directed to enter into leases with a state agency or agencies presently housed in publicly or privately owned office space in Shawnee county, and the ~~director--of architectural--services~~ secretary of administration may direct state agencies to occupy space in said property or facilities at a rental necessary to defray the pro rata cost of such space so occupied to the ~~director--of~~

~~architectural-services~~ secretary of administration including cost of insurance, operation and maintenance, subject to funding being available in the appropriations or funds of any such agency. Amounts received by the ~~director~~ secretary of administration from lease of property or facilities to state agencies shall be remitted by ~~him-or-her~~ the secretary to the state treasurer who shall deposit the same in the state treasury to the credit of the Forbes building and grounds fund which is hereby created. Expenditures from such fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the ~~director-of-architectural-services~~ secretary of administration or a person designated by ~~him-or-her~~ the secretary. The ~~director-of-architectural-services~~ secretary of administration may approve vouchers for payments as may be needed to carry out the initial stages of any agreement made under K.S.A. 75-3644, as amended, from the building and grounds fund created by K.S.A. 1973 Supp. 75-3765, as amended.

Sec. 25. From and after July 1, 1978, K.S.A. 75-3647 is hereby amended to read as follows: 75-3647. The ~~director--of~~ architectural-services secretary of administration shall have the charge, care, management and control of property and facilities acquired under this act to the same extent as is provided by K.S.A. 75-3762, as amended, for certain state owned buildings and grounds, subject to any provisions in agreements made under K.S.A. 75-3644, as amended. This act is supplemental to K.S.A. 75-3762 to 75-3765a, inclusive, and amendments thereto.

Sec. 26. From and after July 1, 1978, K.S.A. 75-3762 is hereby amended to read as follows: 75-3762. Subject to K.S.A. 75-3763, 75-3764, and 75-3765, 75-3769-and-75-3772 and amendments thereto, and other related provisions of this act, the ~~director~~ of-architectural-services secretary of administration shall have the charge, care, management and control of the statehouse, the state office building, the Kansas technical institute (being real estate owned by the state of Kansas in Shawnee county by virtue of deeds dating October 18, 1910, October 18, 1923, and September

19, 1923, respectively, shown and recorded in book 34 at page 65, book 500 at page 18, and book 500 at page 133 in the office of the register of deeds of Shawnee county, Kansas), the office building at 801 Harrison, Topeka, Shawnee county, Kansas, the memorial hall, the governor's mansion, and any and all grounds, walks, parks, gardens, statuary, and auxiliary buildings pertaining to or used in connection with any of such buildings; and further, any and all other buildings or grounds now or hereafter owned or to be owned by the state in Shawnee county, the custody of which buildings or grounds is not assigned by law to some other state agency.

Sec. 27. From and after July 1, 1978, K.S.A. 75-3763 is hereby amended to read as follows: 75-3763. ~~The director of architectural services~~ secretary of administration shall be responsible for the maintenance, repair and upkeep of any buildings, the charge, care, management and control of which is conferred by law upon ~~him or her~~ the secretary. Notwithstanding the foregoing provisions of this section, maintenance, repair and upkeep including changes and improvements on the third, fourth and fifth floors of the state capitol building shall be accomplished and conducted in accordance with instructions or approval of the legislative coordinating council.

Sec. 28. From and after July 1, 1978, K.S.A. 75-3764 is hereby amended to read as follows: 75-3764. Subject to K.S.A. 75-3763, and 75-3765, 75-3769 and 75-3772 and amendments thereto, and related provisions of this act, the ~~director of architectural services~~ secretary of administration shall attend to the cleaning, repair, alteration and beautification of all buildings assigned by law to ~~his or her~~ the charge, care, management and control of the secretary, and may enter into necessary contracts and authorize necessary expenditures therefor, such contracts and expenditures to be made in the manner provided by law for other state agencies.

Sec. 29. From and after July 1, 1978, K.S.A. 75-3764b is hereby amended to read as follows: 75-3764b. ~~The director of~~

~~architectural--services~~ / Subject to specific appropriations therefor, the secretary of administration is hereby authorized and directed to cause to be placed atop the state capitol a flagpole suitable for the display of the United States flag and the Kansas state flag. The ~~direeter--~~ secretary shall provide for proper lighting to allow for the visibility of such flags at night.

Sec. 30. From and after July 1, 1978, K.S.A. 75-3765 is hereby amended to read as follows: 75-3765. The ~~direeter-of~~ architectural--services secretary of administration shall assign space and facilities in all state owned or operated property or buildings in Shawnee county, Kansas, except the state capitol building, Kansas state reception and diagnostic center, the Kansas neurological institute, the youth center at Topeka, the employment security administrative office building, 401 Topeka avenue, Kansas state employment service building, 1309 Topeka avenue, the Topeka state hospital, state highway shops and laboratory and property of the Kansas national guard, for the use of the various state agencies and may determine, fix and establish a system of rental charges by the square foot and collect the same monthly for space and facilities occupied by each state agency whenever any appropriation for rental for space and facilities is made therefor, in an amount not to exceed the amount appropriated. The amounts collected shall be ~~deposited in an account to be known as the "building and ground fund"~~ remitted by the secretary of administration to the state treasurer and the state treasurer shall deposit such amounts in the state treasury to the credit of the building and ground fund, except that amounts collected for space and facilities in the state office building located between Ninth, Tenth, Harrison and Topeka streets shall be deposited in the state treasury to the credit of the fund provided in K.S.A. 75-3615, as amended. Notwithstanding the other provisions of this section, charge for and deposit of rentals for the building and property to which K.S.A. 75-3629 to 75-3634, and amendments thereto, apply shall be in compliance with said statutes.

Sec. 31. From and after July 1, 1978, K.S.A. 75-3765a is hereby amended to read as follows: 75-3765a. Assignment of space and facilities on the third, fourth and fifth floors of the state capitol building shall be made by a vote of five (5) of the members of the legislative coordinating council. Space and facilities in the state capitol building shall be permanently assigned only to the governor, lieutenant governor, secretary of state, the legislature and staff offices, departments and agencies thereof. Space and facilities in the state capitol building occupied on the effective date of this act by the supreme court, attorney general, state library and agencies, offices and departments thereof are temporarily assigned in accordance with such occupancy, but such occupancies shall be modified in accordance with this section from time to time as other offices and facilities become available. The ~~director--of--architectural--services~~ secretary of administration shall provide offices and facilities outside of the state capitol building at the earliest practicable time for occupants of the state capitol building other than the foregoing permanent and temporary assignments. Subject to the foregoing the ~~director--of--architectural--services~~ secretary of administration, with the approval of the legislative coordinating council, shall assign space and facilities in the state capitol building. Notwithstanding the other provisions of this act, the ~~director--of--architectural--services~~ secretary of administration shall not make any change in the assignment of space and facilities of any state agency the head of which is an elected state officer, except with the approval of the legislative coordinating council.

Sec. 32. From and after July 1, 1978, K.S.A. 75-3766 is hereby amended to read as follows: 75-3766. Any state agency assigned office space in the state office building by the ~~director--of--architectural--services~~ secretary of administration is hereby authorized to enter into agreements with said ~~director--of--architectural--services~~ the secretary of administration for the use and occupancy of such space, such rental to be paid by such

state agency from any available funds or moneys authorized to be spent by such state agency.

Sec. 33. From and after July 1, 1978, K.S.A. 75-3768 is hereby amended to read as follows: 75-3768. Any rents or charges for the use of any parking facilities owned by the state shall be ~~placed by the director of architectural services in the~~ remitted by the secretary of administration to the state treasurer and the state treasurer shall deposit the same in the state treasury to the credit of the building and grounds fund created by K.S.A. 75-3765, as amended.

Sec. 34. From and after July 1, 1978, K.S.A. 75-5205 is hereby amended to read as follows: 75-5205. The secretary of corrections shall have the general supervision and management of the correctional institutions of the state and such other facilities as may be acquired by lease, purchase or contract for the housing of persons in his or her custody. He or she shall have charge and general supervision of the grounds and buildings of such correctional institutions, and he or she is hereby authorized to purchase the necessary material and supplies therefor. He or she shall devote his or her entire time to the duties conferred upon him or her by this act. The secretary may appoint such employees as may be necessary for the efficient management and administration of the department of corrections and as are within available appropriations, and such employees shall be within the classified service under the Kansas civil service act, except that any person appointed as an attorney shall be in the unclassified service under the Kansas civil service act. The ~~director of architectural services~~ secretary of administration shall provide the department of corrections with office space at Topeka.

Sec. 35. From and after July 1, 1978, K.S.A. 75-5231 is hereby amended to read as follows: 75-5231. There is hereby created and established the office of ombudsman of correctional institutions. Such ombudsman shall be appointed by the citizens' advisory board established by K.S.A. 75-5230, shall serve at the

pleasure of such citizens' advisory board and shall act as secretary of such board. The compensation paid to such ombudsman shall be fixed by the citizens' advisory board subject to approval by the finance council. The ~~director of architectural services~~ secretary of administration shall provide the office of ombudsman with office space at Topeka. The ombudsman may appoint such employees as may be necessary to carry out the duties of the office of ombudsman of correctional institutions and as are within available appropriations, and such employees shall be in the unclassified service under the Kansas civil service act. Any misfeasance or discrepancy in administration or any unreasonable treatment of inmates at any correctional institution which such ombudsman discovers or the inmates bring to his or her attention shall be brought to the attention of the secretary of corrections and shall be made known in periodic reports and in an annual report issued by the ombudsman to the citizens' advisory board. The ombudsman shall forward direct complaints and grievances to the secretary of corrections for consideration by the secretary.

Sec. 36. On July 1, 1978, K.S.A. 12-1759, 75-129, 75-1306, 75-3607, 75-3608, 75-3617a, 75-3629, 75-3630, 75-3631, 75-3632, 75-3633, 75-3635, 75-3636, 75-3637, 75-3638, 75-3639, 75-3640, 75-3641, 75-3642, 75-3644, 75-3646, 75-3647, 75-3762, 75-3763, 75-3764, 75-3764b, 75-3765, 75-3765a, 75-3766, 75-3768, 75-3774, 75-3775, 75-5205, 75-5231 and K.S.A. 1977 Supp. 20-3013, 74-3104 and 74-4907.

Sec. 37. This act shall take effect and be in force from and after its publication in the official state paper.

PROPOSED BILL NO. 3

For Consideration by the Special Committee on
Ways and Means--B

AN ACT repealing K.S.A. 44-728 to 44-748, inclusive, and K.S.A. 1977 Supp. 44-753 to 44-756, inclusive, relating to the acquisition of sites and buildings for use by the state labor commissioner under the employment security law.

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

Section 1. K.S.A. 44-728 to 44-748, inclusive, and K.S.A. 1977 Supp. 44-753 to 44-756, inclusive, are hereby repealed.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

44-728. Acquisition of site for building for use of employment security division; approval of abstract and deed by attorney general; recordation and deposit of conveyance. The state labor commissioner is hereby authorized to acquire a site in the city of Topeka for the state of Kansas, for a building for the use of the employment security division, state labor department, to provide unemployment compensation and employment services to the public in said city. Acquisition of real property selected as a site for said building shall be by gift or by purchase; and, if by purchase, at a price to be negotiated by the state labor commissioner, or his representative, and the owner, owners, or representatives thereof. The state labor commissioner shall acquire fee simple title to such real estate in the name of the state, and the abstract of title and the deed conveying the same shall be approved by the attorney general before payment therefor is made or any such real property is accepted as a gift. The commissioner shall record all conveyances of any such real estate in the office of the register of deeds of Shawnee county which shall thereafter be deposited in the office of the secretary of state. [L. 1959, ch. 225, § 2; March 21.]

44-729. Same; plans and specifications; costs. The state architect shall, upon request by the state labor commissioner, prepare or cause to be prepared plans and specifications for the building provided for in this act and is hereby specifically authorized, in accordance with the provisions of section 75-1209 of the General Statutes of 1949 or any amendments thereto, to employ private architects on a fee basis, the cost of which is to be paid from the moneys appropriated by this act. [L. 1959, ch. 225, § 3; March 21.]

44-730. Same; approval of plans; contracts and erection of buildings; laws applicable. Plans and specifications shall be approved by the state architect and by the state labor commissioner and shall be submitted to the director of purchases and contracts awarded and said building erected in accordance with the provisions of section 75-3740 and 75-3741 of the General Statutes Supplement of 1957 or any amendments thereto. [L. 1959, ch. 225, § 4; March 21.]

44-731. Same; application of 44-712. This act is enacted pursuant to authority vested in the legislature by subparagraph (d) of section 44-712 of the General Statutes Supplement of 1957 and is subject to the provisions and limitations specified therein, except as expressly and specifically otherwise provided in this act. [L. 1959, ch. 225, § 9; March 21.]

44-732. Acquisition of sites for buildings in certain cities for use of employment security division; approval of abstracts and deeds by attorney general; recordation and deposit of conveyances. The state labor commissioner is hereby authorized to acquire sites in the cities of Atchison, Hays, Ottawa, Emporia, Garden City, Manhattan, Lawrence, Chanute and Pittsburg, Kansas, for the state of Kansas, for a building in each of said cities for the use of the employment security division, state labor department, to provide unemployment compensation and employment services to the public in said cities. Acquisition of real properties selected as sites for said buildings shall be by gift or by purchase; and, if by purchase, at prices to be negotiated by the

state labor commissioner, or his representative, and the owner, owners, or representatives thereof.

The state labor commissioner shall acquire fee simple titles to such real estate in the name of the state, and the abstract of titles and deeds conveying the same shall be approved by the attorney general before payment therefor is made or any such real property is accepted as a gift. The commissioner shall record all conveyances of any such real estate in the office of the register of deeds of the county where the real estate is situated, which shall thereafter be deposited in the office of the secretary of state. [L. 1961, ch. 249, § 2; April 10.]

44-733. Same; plans and specifications; costs. The state architect shall, upon request by the state labor commissioner, prepare or cause to be prepared plans and specifications for the buildings provided for in this act and is hereby specifically authorized, in accordance with the provision of section 75-1209 of the General Statutes of 1949, or any amendments thereto, to employ private architects on a fee basis, the cost of which is to be paid from the moneys appropriated by this act. [L. 1961, ch. 249, § 3; April 10.]

44-734. Same; approval of plans; contracts and erection of buildings; laws applicable. Plans and specifications shall be approved by the state architect and by the state labor commissioner and shall be submitted to the director of purchases and contracts awarded and said buildings erected in accordance with the provisions of sections 75-3740 and 75-3741 of the General Statutes Supplement of 1959, or any amendments thereto. [L. 1961, ch. 249, § 4; April 10.]

44-735. Same; application of 44-712.

This act is enacted pursuant to authority vested in the legislature by subparagraph (d) of section 44-712 of the General Statutes Supplement of 1959 and is subject to the provisions and limitations specified therein, except as expressly and specifically otherwise provided in this act. [L. 1961, ch. 249, § 11; April 10.]

44-736. Plans and specifications for improvements to building at 401 Topeka Ave., costs. The state architect shall, upon request by the state labor commissioner, prepare or cause to be prepared plans and specifications for the improvement and addition to said building provided for in this act [°] and is hereby specifically authorized, in accordance with the provisions of section 75-1209 of the General Statutes of 1949, or any amendments thereto, to employ private architects on a fee basis, the cost of which may, in the absence or unavailability of other administrative funds, be paid from the moneys appropriated by this act. [L. 1963, ch. 271, § 2; April 15.]

44-737. Same; approval; awarding contracts. Plans and specifications shall be approved by the state architect and by the state labor commissioner and shall be submitted to the director of purchases and contracts awarded and said improvement and addition made in accordance with the provisions of sections 75-3740 and 75-3741 of the General Statutes Supplement of 1961, or any amendments thereto. [L. 1963, ch. 271, § 3; April 15.]

44-738. Same; authority. This act [°] is enacted pursuant to authority vested in the legislature by subsection (d) of section 44-712 of the General Statutes Supplement of 1961 and is subject to the provisions and limitations specified therein, except as expressly and specifically otherwise provided in this act [°]. [L. 1963, ch. 271, § 6; April 15.]

44-739. Acquisition of sites for buildings in Hutchinson and Salina for use of employment security division; approval of

abstracts and deeds by attorney general; recordation and deposit of conveyances. The state labor commissioner is hereby authorized to acquire sites in Hutchinson and Salina, Kansas, for the state of Kansas, for a building in each of said cities for the use of the employment security division, state labor department, to provide unemployment compensation and employment office services to the public in said cities. Acquisition of real properties selected as sites for said buildings shall be by gift or by purchase; and, if by purchase, at prices to be negotiated by the state labor commissioner, or his representative, and the owner, owners, or representatives thereof. The state labor commissioner shall acquire fee simple titles to such real estate in the name of the state, and the abstract of titles and deeds conveying the same shall be approved by the attorney general before payment therefor is made or any such property is accepted as a gift. The commissioner shall record all conveyances of any such real estate in the office of the register of deeds of the county where the real estate is situated, which shall thereafter be deposited in the office of the secretary of state. [L. 1965, ch. 325, § 2; April 29.]

44-740. Same; plans and specifications; costs. The state architect shall, upon request by the state labor commissioner, prepare or cause to be prepared plans and specifications for the buildings provided for in this act and is hereby specifically authorized, in accordance with the provision of K. S. A. 75-1209, to employ private architects on a fee basis, the cost of which is to be paid from the moneys appropriated by this act. [L. 1965, ch. 325, § 3; April 29.]

44-741. Same; approval of plans; contracts; laws applicable. Plans and specifications shall be approved by the state architect and by the state labor commissioner and shall be submitted to the director of purchases and contracts awarded and said buildings erected in accordance with the provisions of K. S. A. 75-3740 and 75-3741. [L. 1965, ch. 325, § 4; April 29.]

44-742. Same; application of 44-712. This act is enacted pursuant to authority vested in the legislature by subparagraph (d) of K. S. A. 44-712, and is subject to the provisions and limitations specified therein, except as expressly and specifically otherwise provided in this act. [L. 1965, ch. 325, § 11; April 29.]

44-743. Acquisition of sites for buildings in Arkansas City and Leavenworth for use of employment security division; approval of abstracts and deeds by attorney general; recordation and deposit of conveyances. The state labor commissioner is hereby authorized to acquire sites in Arkansas City and Leavenworth, Kansas, for the state of Kansas, for a building in each of said cities for the use of the employment security division, state labor department, to provide unemployment compensation and employment office services to the public in said cities. Acquisition of real properties selected as sites for said buildings shall be by condemnation, gift or purchase; and, if by purchase, at prices to be negotiated by the state labor commissioner, or his representative, and the owner, owners, or representatives thereof. The state labor commissioner shall acquire fee simple titles to such real estate in the name of the state, and the abstract of titles and deeds conveying the same shall be approved by the attorney general before payment therefor is made or any such property is accepted as a gift. The commissioner shall record all conveyances of any such real estate in the office of the register of deeds of the county where the real estate is situated, which shall thereafter be deposited in the office of the secretary of state. [L. 1966, ch. 5, § 2 (Budget Session); Feb. 17.]

44-744. Same; plans and specifications; costs. The state architect shall, upon request by the state labor commissioner, prepare or cause to be prepared plans and specifications for the buildings provided for in this act and is hereby specifically authorized, in accordance with the provision of K. S. A. 75-1209, to employ private architects on a fee basis, the cost of which is to be paid from the moneys appropriated by this act. [L. 1966, ch. 5, § 3 (Budget Session); Feb. 17.]

44-745. Same; approval of plans; contracts; laws applicable. Plans and specifications shall be approved by the state architect and by the state labor commissioner and shall be submitted to the director of purchases and contracts awarded and said buildings erected in accordance with the provisions of K. S. A. 75-3740 and 75-3741. [L. 1966, ch. 5, § 4 (Budget Session); Feb. 17.]

44-746. Acquisition of sites for buildings in Coffeyville and Dodge City; approval of abstracts and deeds by attorney general; recordation and deposit of conveyances. The state labor commissioner is hereby authorized to acquire sites in Coffeyville and Dodge City, Kansas, for the state of Kansas, for a building in each of said cities for the use of the employment security division, state labor department, to provide unemployment compensation and employment office services to the public in said cities. Acquisition of real properties selected as sites for said buildings shall be by condemnation, gift or purchase; and, if by purchase, at prices to be negotiated by the state labor commissioner, or his representative, and the owner, owners, or representatives thereof. The state labor commissioner shall acquire fee simple titles to such real estate in the name of the state, and the abstract of titles and deeds conveying the same shall be approved by the attorney general before payment therefor is made or any such property is accepted as a gift. The commissioner shall record all conveyances of any such real estate in the office of the register of deeds of the county where the real estate is situated, which shall thereafter be deposited in the office of the secretary of state. [L. 1969, ch. 248, § 2; July 1.]

44-747. Same; plans and specifications; costs. The state architect shall, upon request by the state labor commissioner, prepare or cause to be prepared plans and specifications for the buildings provided for in this act and is hereby specifically authorized, in accordance with the provisions of K. S. A. 75-1209, to employ private architects on a fee basis, the cost of which is to be paid from the moneys appropriated by this act. [L. 1969, ch. 248, § 3; July 1.]

44-748. Same; approval of plans; contracts awarded; buildings erected. Plans and specifications shall be approved by the state architect and by the state labor commissioner and shall be submitted to the director of purchases and contracts awarded and said buildings erected in accordance with the provisions of K. S. A. 75-3740 and 75-3741. [L. 1969, ch. 248, § 4; July 1.]

44-753. Exchange of certain property in Douglas county; definitions. (a) Property # 1 is described as follows: The north 46' of lot 63; the south 23½ feet of lot 61; and the north 10' of the south 33½' of lot 61, on Kentucky street, in the city of Lawrence, in Douglas county, Kansas.

(b) Property # 2 is described as follows: Lots 105, 107, and 109 on Ohio street, in the city of Lawrence, in Douglas county, Kansas.

(c) As used in this act "commissioner" means the state labor commissioner, and "bank" means the Douglas county state bank. [L. 1974, ch. 201, § 1; March 2.]

44-754. Same; authorization to exchange and convey. The state labor commissioner is hereby authorized to exchange and convey property # 1 for property # 2, upon the terms and conditions and in the manner specified in this act. [L. 1974, ch. 201, § 2; March 2.]

44-755. Same; contents of agreement to exchange and convey; approval by attorney general. Before any exchange or conveyance is made under this act, the state labor commissioner and the Douglas county state bank shall enter into an agreement, approved as to form by the attorney general, which shall contain the following provisions:

(a) Bank agrees to provide on property # 2 a new structure conforming to the plans and specifications of the Dodge City, Kansas, employment security office, as revised by the division of architectural services, department of administration; such structure to conform to the building code and zoning requirements of the city of Lawrence; the director of architectural services shall determine for the state whether the building so constructed conforms with the plans and specifications aforesaid prior to the exchange or conveyance of said properties; the bank agrees that the director of architectural services shall have reasonable access to the building during construction to determine for the state whether the building is being built in accordance with the approved plans and specifications aforesaid.

(b) Bank agrees to execute and deliver to commissioner a good and sufficient warranty deed to the state of Kansas of property # 2; the same, together with the title to said property, being subject to approval of the attorney general.

(c) Commissioner agrees that upon performance of the obligations of the agreement by bank, he will execute and deliver a conveyance, by good and sufficient warranty

deed, in the name of the state of Kansas of property # 1 to bank.

(d) At the time of substantial completion of construction under paragraph (a), property # 1 and property # 2 shall be appraised as herein provided. Commissioner shall appoint one appraiser, bank shall appoint one appraiser, and the two appraisers so appointed shall appoint a third appraiser. The appraisers so appointed shall make a single joint report of the required appraisal in writing signed by each appraiser and delivered in three copies, one to commissioner, one to bank and one to the secretary of administration.

(e) In the event that the appraisal under paragraph (d) states that property # 1 is more valuable than property # 2, bank shall pay to commissioner an amount equal to the difference in the appraisal values.

(f) Such other provisions as are appropriate. [L. 1974, ch. 201, § 3; March 2.]

44-756. Same; authorization to execute agreement. The state labor commissioner is hereby authorized to enter into the agreement provided for in section 3 [44-755] and to execute and deliver the appropriate documents to carry out such agreement, when each is approved by the attorney general. Upon receipt of warranty deed under section 3 [44-755], commissioner shall record the same in the office of register of deeds in Douglas county, Kansas, and shall file the deed in the office of the secretary of state. Upon acquisition of the property by the labor commissioner for the state of Kansas, the same shall be under the jurisdiction and control of the commissioner for the use of the employment security division of the state labor department. [L. 1974, ch. 201, § 4; March 2.]

Attachment IX

PROPOSED BILL NO. 4

For Consideration by the Special Committee on
Ways and Means--B

AN ACT repealing K.S.A. 1977 Supp. 74-121 to 74-126, inclusive,
relating to the advisory committee on statewide building
codes.

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

Section 1. K.S.A. 1977 Supp. 74-121 to 74-126, inclusive,
are hereby repealed.

Sec. 2. This act shall take effect and be in force from and
after its publication in the statute book.

74-121. Advisory committee on statewide building codes; membership; appointment; qualifications; secretary; staff assistance and supplies. There is hereby created and established a temporary advisory committee on statewide building codes, regulations and standards which shall be composed of fifteen (15) members. Membership on such committee shall include the director of architectural services of the department of administration or the authorized representative of the director of architectural services, the state fire marshal or the authorized representative of said marshal, the secretary of health and environment or the authorized representative of said secretary, the director of the division of planning of the department of economic development or the authorized representative of the director of said division of planning and eleven (11) members to be appointed by the governor of whom no more than six (6) shall be of the same political party as the governor, who shall include an architect registered and licensed to practice in the state of Kansas, an attorney licensed to practice in the state of Kansas, an engineer licensed to practice in the state of Kansas, a general construction contractor, a mechanical contractor, an electrical contractor, a building contractor and three building inspection officials, one employed by a city or county having a population of more than one hundred thousand (100,000), one employed by a city or county having a population of more than twenty-five

thousand (25,000) but not more than one hundred thousand (100,000) and one employed by a city or county having a population of not more than twenty-five thousand (25,000). Members of the committee shall be appointed within thirty (30) days after the effective date of this act and shall meet within thirty (30) days thereafter at a time and place to be designated by the governor. At such meeting, the committee shall elect from its membership a chairman and vice-chairman. The director of the division of architectural services of the department of administration or the authorized representative of the director of architectural services shall be ex officio secretary of such committee and shall provide such secretarial and staff assistance and supplies as may be required by the committee to fulfill the duties prescribed under the provisions of this act. [L. 1973, ch. 354, § 1; L. 1975, ch. 462, § 109; July 1.]

74-122. Same; duties. It shall be the duty of the advisory committee on statewide building codes, regulations and standards to:

(a) Survey and evaluate building codes, regulations and standards presently in use by departments of the state and cities and counties of the state;

(b) survey and evaluate methods, procedures and administrative structures employed by cities, counties and departments, of the state in the enforcement of building codes, regulations and standards;

(c) make recommendations concerning the adoption of building codes, regulations and standards including the feasibility of adopting

statewide codes, regulations and standards; and

(d) make recommendations concerning the methods, procedures and administrative structures necessary for the proper administration and enforcement of building codes, regulations and standards. [L. 1973, ch. 354, § 2; July 1.]

74-123. Same; meetings, when; reports. The advisory committee on statewide building codes, regulations and standards shall meet as often as may be necessary at times and places designated by the chairman in order to fulfill the duties prescribed under the provisions of this act. The advisory committee shall meet upon the call of the chairman or upon the call of a majority of the members of such advisory committee. Said committee may, if it deems the same advisable, present a preliminary report of any recommendations and findings completed by the committee prior to the 1974 session of the legislature to the governor and the legislature at the commencement of such session and shall present a final report of its findings and recommendations to the governor and the legislature at the commencement of the 1976 session of the legislature. [L. 1973, ch. 354, § 3; L. 1975, ch. 397, § 1; July 1.]

74-124. Same; compensation and expenses. Members of the advisory committee on statewide building codes attending meetings of such committee, or attending a subcommittee meeting thereof authorized by such committee, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in section 1 [75-3223] of this act. Expenses of members and all costs incurred by the division of architectural services in serving the committee shall be paid from appropriations to the division of architectural services for such purposes. [L. 1973, ch. 354, § 4; L. 1974, ch. 348, § 45; July 1.]

74-125. Same; cooperation with committee by city, county and state officers and employees. City, county and state officers and employees shall at the request of the committee cooperate with and assist the committee in performing duties required under the provisions of this act. [L. 1973, ch. 354, § 5; July 1.]

74-126. Provisions of act expire March 15, 1976. The provisions of this act shall expire March 15, 1976. [L. 1973, ch. 354, § 6; L. 1975, ch. 397, § 2; July 1.]

PROPOSED BILL NO. 5

For Consideration by the Special Committee on
Ways and Means--B

AN ACT repealing K.S.A. 1977 Supp. 74-2120 to 74-2123, inclusive, relating to an agreement with the United States government to provide certain facilities for the Kansas state highway patrol.

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

Section 1. K.S.A. 1977 Supp. 74-2120 to 74-2123, inclusive, are hereby repealed.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

74-2120. Agreement between superintendent and United States government authorized; intent of agreement. The superintendent of the Kansas state highway patrol, with the approval of the state highway commission, is hereby authorized to make and execute a contract with the United States government or any of its agencies or instrumentalities in accordance with this act. Such superintendent is further authorized to execute such additional documents as may be necessary to carry out the intent of this act. Before the final execution of any contract or other document under this act, the same shall have received the approval of the attorney general. The provisions of this act shall be deemed to be exclusive, and no requirement of law not specifically provided for by this act shall be deemed to limit the authorization herein made, including bid procedure statutes, appraisal requirement statutes and any statute requiring the approval of any state officer. The overall intent of this act is to authorize an agreement whereby the parties thereto will be placed in an equitable position as regards one another, to furnish the United States government with a required site at the Salina airport and to make the state of Kansas and its state highway patrol whole in a financial sense. [L. 1974, ch. 327, § 1; April 8.]

74-2121. Same; terms of agreement; division II headquarters at Salina; training facilities at Forbes air base property at Topeka. The contract authorized by section 1 [74-2120] shall provide for the following, as determined by said superintendent: (a) Upon compliance with all of the contract provisions to be performed by the United States government or its contracting agency, the state of Kansas agrees to cancel and nullify its lease upon the building and lands at Salina, Saline county, Kansas, wherein the training facilities of the state highway patrol and its division II headquarters are located on the effective date of this act.

(b) The United States government or its contracting agency shall agree to give a long-term lease of not less than fifty (50) years, which shall be irrevocable, with annual lease rental of not to exceed one dollar (\$1) per year for the building known as No. 818 (recently the Skyliner Club) on the Forbes air force base property at Topeka, Shawnee county, Kansas, to be occupied by the Kansas state highway patrol as its training facility, with renovation being made of such building and the grounds upon which it is located by the United States or its contracting agency to specifications made by the director of architectural services in accordance with instructions of said superintendent, the same to include landscaping, hard surface parking and suitable access.

(c) All obligations of the state of Kansas under this act shall be conditioned upon the acquisition by the state of Kansas of a warranty deed at no cost to the state, or in lieu thereof a one hundred (100) year minimum term irrevocable lease with not to exceed one dollar (\$1) per year rental from the Salina airport authority, inc. for real property at Salina, Kansas, for an appropriate facility for the headquarters of division II of the Kansas state highway patrol, together with permanent access thereto. The United States government or its contracting agency shall agree to pay the cost of construction of a building

on said property and of landscaping and parking facility as specified, bid and contracted for in accordance with subsection (d).

(d) The director of architectural services shall prepare plans and specifications for the construction of the building and improvements for the division II headquarters of the state highway patrol at Salina, Kansas, as approved by said superintendent. Such construction and improvements shall be let for bid in the customary manner of the state, with the exception that such bid proposals shall be conditioned that contracts therefor will be let only when the cost thereof has been paid in cash into the highway patrol division II and training facilities fund by the United States government or its contracting agency.

(e) The United States government or its contracting agency shall secure to the state, at the proposed training facility location in Topeka and at the proposed division II headquarters property at Salina, such utilities and access as are necessary to the satisfactory operation of such respective facilities. Further, the United States or its contracting agency shall make suitable provision for transfer of fixed and movable equipment in the existing facility to the new facilities, or trade-off other equipment suitably installed for the same purpose, and shall move or pay the cost of moving existing equipment, records, etc. of the state to their new location and shall pay such other incidental costs as are necessary to carry out this act.

(f) Said agreement shall contain such additional provisions specifying time limitations and disposition of incidental matters as may be agreed upon. [L. 1974, ch. 327, § 2; April 8.]

74-2122. Same; maintenance and save harmless provisions; liability insurance authorized; waiver of governmental immunity. Any agreement made under section 2 [74-2121] may provide for conditions of maintenance of the property and facilities by the state. Any such agreement may contain covenants to save harmless the federal government and its agencies from liability to third parties, and to pay to the federal government or its agencies any payment made by it to third parties as a result of the finding of liability by a court of competent jurisdiction or by settlement arising out of the use of any such property or facilities, except that no reimbursement shall be made to the extent that liability arises from the sole fault of the federal government or its agencies. In lieu of

a provision such as the foregoing the agreement may provide that the state will obtain and keep in force a liability insurance policy or policies for the foregoing purpose to the limits of such policy or policies. The state of Kansas hereby waives its governmental immunity from liability damage by reason of death or injury to any person or property arising from the use of property or facilities acquired under section 1 [74-2120], only to the extent of the limits of any insurance policy or policies obtained pursuant to this act and an agreement under section 1 [74-2120]. The surety bond and insurance committee shall obtain and keep in force such insurance policy or policies as may be provided for by any agreement made under section 1 [74-2120], all as provided in K. S. A. 1973 Supp. 75-4109. Any company or association which enters in to a contract of insurance obtained by the state under this section, by such act waives any defense based upon governmental immunity of the state. No pleading and no person shall make any statement or reference, oral or written, in the pleading or proceedings in any action for damages to which this act applies of insurance, or perform any other act in the presence of the trial jury in such an action to indicate that the defendant's liability would be covered by insurance, and if such be done, order shall be entered of mistrial. [L. 1974, ch. 327, § 3; April 8.]

74-2123. Same; highway patrol division II and training facilities fund established; appropriations; deposits in and expenditures from fund. There is hereby established in the state treasury the highway patrol division II and training facilities fund. There is hereby appropriated to the state highway commission for the purposes of this act all moneys in said highway patrol division II and training facilities fund for fiscal year 1974 and any unencumbered amount therein on June 30, 1974, is hereby reappropriated for fiscal year 1975, and any moneys deposited in such fund on or after July 1, 1974, are hereby appropriated to said commission for the same purposes for fiscal year 1975. All amounts received from the United States government or any of its agencies to carry out the provisions of this act shall be deposited in said fund. Expenditures from said fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the superintendent of the Kansas state highway patrol or a person or persons designated by him. [L. 1974, ch. 327, § 4; April 8.]

PROPOSED BILL NO. 6

For Consideration by the Special Committee on
Ways and Means--B

AN ACT repealing K.S.A. 75-1001b relating to the elected state
printer.

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

Section 1. K.S.A. 75-1001b is hereby repealed.

Sec. 2. This act shall take effect and be in force from and
after its publication in the statute book.

75-1001b. Elected state printer; office abolished July 1, 1977; duties; office. The state printer elected at the general election in November of 1974 shall serve the term provided for by law ending June 30, 1977. The elective office of state printer is hereby abolished on July 1, 1977. The state printer shall advise and confer with state agencies and state government officials on matters of printing for the purpose of improving efficiency and economy and upgrading printing services of the state. The director of architectural services shall provide office space to the state printer commencing on the effective date of this act at a location in the city of Topeka. [L. 1974, ch. 360, § 1; L. 1976, ch. 373, § 1; March 2.]

PROPOSED BILL NO. 7

For Consideration by the Special Committee on
Ways and Means--B

AN ACT repealing K.S.A. 75-2243, 75-2244 and 75-2245, relating
to planning and design of a supreme court building.

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

Section 1. K.S.A. 75-2243, 75-2244 and 75-2245 are hereby
repealed.

Sec. 2. This act shall take effect and be in force from and
after its publication in the statute book.

75-2243. Supreme court building; planning and design; cost limitation; duties of director of architectural services; parking facilities. The capitol area plaza authority, created by K.S.A. 75-2237, hereinafter referred to as the "authority," is hereby authorized and directed to provide for the preparation of the plans and designs for the construction, development, furnishing, equipping and improvement of a supreme court building to be located within the state zoning area. Said supreme court building shall be planned and designed so as to provide housing for the offices and facilities of the supreme court, including the supreme court courtroom and offices for the supreme court justices, clerk of the supreme court, judicial administrator, supreme court reporter and other state offices and officers under the jurisdiction and control of the supreme court, and for temporarily housing the office of the attorney general, the state reference library and the state law library. Said building shall be planned and designed so as to provide sufficient space for the furnishing and equipping of an additional courtroom and offices for judges.

Said supreme court building shall be planned and designed so as to be constructed, furnished and equipped at not to exceed a total cost of eight million four hundred thousand dollars (\$8,400,000),

based upon a cost per square foot of not to exceed fifty-five dollars (\$55). The director of architectural services is hereby directed to supervise the plans and designs for the supreme court building prepared pursuant to this section, and is hereby authorized and directed to prepare in conjunction therewith the plans and designs for the construction, within the state zoning area, of a parking lot on the surface of the ground to provide temporary parking facilities for the motor vehicles which occupy parking spaces in any state parking lot which would be displaced by such plans and designs of the supreme court building. The authority shall submit the plans and designs prepared pursuant to this section to the 1973 session of the legislature for its approval, modification or rejection.

History: L. 1972, ch. 398, § 1; April 11.

75-2244. Same; temporary notes for cost of plans and designs. In order to provide for the preparation of the plans and designs required by K.S.A. 75-2243, the authority is hereby authorized to provide by one or more resolutions for the issuance of temporary notes, in an aggregate principal amount not to exceed one hundred thousand dollars (\$100,000) and bearing annual interest at the rate prescribed on the effective date of this resolution by K.S.A. 75-4210, and any amendments thereto, for the payment of interest on inactive state bank accounts. Said temporary notes shall be substantially in the form and executed in the manner prescribed by the general bond law for the issuance of revenue bonds by a municipality, except that coupons evidencing the interest need not be attached thereto. The state treasurer shall have the authority to and shall purchase all temporary notes issued by the authority pursuant to this section, and the principal of and interest on said notes shall be retired by the authority in the manner prescribed by law. The proceeds from said notes shall be maintained by the state treasurer in a separate account in the state treasury, and the authority is hereby authorized, in the manner provided by law, to withdraw from said account, upon duly executed order or voucher of the authority to the director of accounts and reports, such amounts as may be necessary to pay the expenses lawfully incurred by the authority pursuant to this resolution.

History: L. 1972, ch. 398, § 2; April 11.

75-2245. Underground parking lot on capitol grounds; plans and designs, submission to 1973 legislature. The director of architectural services, under the supervision of the capitol area plaza authority, is hereby authorized and directed to prepare the plans and designs for the construction, development, furnishing, equipping and improvement of an underground parking lot to be located beneath the surface of the ground situated on capitol square to the north of the state capitol building. Said parking lot shall be planned and designed so as to provide parking facilities for not less than two hundred (200) motor vehicles at a total cost of not to exceed one million two hundred thousand dollars (\$1,200,000). Said plans and designs shall be submitted to the 1973 session of the legislature for its approval, modification or rejection.

History: L. 1972, ch. 398, § 3; April 11.

PROPOSED BILL NO. 8

For Consideration by the Special Committee on
Ways and Means--B

AN ACT repealing K.S.A. 75-3764a, relating to remodeling of the state capitol for use by handicapped persons.

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

Section 1. K.S.A. 75-3764a is hereby repealed.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

75-3764a. Alteration of state capitol; duties of director of architectural services. (a) The director of architectural services is hereby authorized and directed to cause the state capitol to be remodeled so as to be accessible to and usable by handicapped persons. Such remodeling shall include, but not be limited to: Reconstruction of one entrance so as to provide easy access to the capitol by handicapped persons; the remodeling or addition of telephone, restroom and drinking water facilities which are accessible to and functional for handicapped persons; and the posting of signs indicating the availability and location of such entrance and facilities. The remodeling required hereunder shall conform to the standards prescribed in K. S. A. 1975 Supp. 58-1301 and shall be completed by December 31, 1978.

(b) The term "handicapped persons" as used herein means aging persons and persons with nonambulatory and semiambulatory disabilities, sight disabilities or disabilities of incoordination. [L. 1975, ch. 421, § 1; July 1.]

PROPOSED BILL NO. 9

For Consideration by the Special Committee on
Ways and Means--B

AN ACT repealing K.S.A. 76-468, relating to actions authorized on certain bids to construct engineering facilities at Kansas State University.

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

Section 1. K.S.A. 76-468 is hereby repealed.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

76-468. Rejection of bids to construct college of engineering facilities directed; negotiation and agreement with low bidders on project authorized, limitation; redesigning and rebidding, when; utilization of certain appropriations and gift moneys authorized. It is hereby directed that all bids heretofore received on the project to construct college of engineering facilities at Kansas state university be rejected. The director of architectural services is hereby authorized to negotiate with the apparent low bidders on such project within the total moneys which have been appropriated and which become available therefor, and the director of purchases is hereby authorized to let such project for contract pursuant to such negotiations to such bidders without complying with any of the requirements of K. S. A. 75-3739 and 75-3740, and acts supplemental thereto. If such project cannot be let for contract with any of such bidders within the money so available, such project shall be redesigned and rebid by the director of architectural services. Kansas state university is hereby authorized to utilize not to exceed one hundred fifty thousand dollars (\$150,000) of moneys appropriated for sponsored research overhead, the same to be in addition to the expenditure limitation established on sponsored research overhead fund by paragraph (b) of section 11 of chapter 14, 1973 laws of Kansas, and may also utilize any gift moneys available to supplement appropriations made for such project. [L. 1974, ch. 407, § 1; April 8.]

PROPOSED BILL NO. 10

For Consideration by the Special Committee on
Ways and Means--B

AN ACT repealing K.S.A. 73-410, relating to cost estimates for
certain city and county memorials.

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

Section 1. K.S.A. 73-410 is hereby repealed.

Sec. 2. This act shall take effect and be in force from and
after its publication in the statute book.