

MINUTES OF THE Senate COMMITTEE ON Governmental Organization

The meeting was called to order by Senator Vidricksen at  
Chairperson

1:15 a.m./p.m. on March 27, 1984 in room 531N of the Capitol.

All members were present except:

Senator Hein

Committee staff present:

Bruce Kinzie - Revisor  
Julian Efird - Research

Conferees appearing before the committee:

The Chairman called the meeting to order to take final action on several bills.

H.B. 2619, which would abolish certain advisory boards, councils, commissions and committees was recommended favorably for passage by Senator Johnson and seconded by Senator Mulich. Motion carried.

H.B. 2752 was explained as a technical clean-up bill to correct errors and resolve conflicts which occurred when the Sunset Law was amended in 1981. Senator Francisco requested that this bill be recommended unfavorable. It was seconded by Senator Johnston and motion carried. Senator Gaar requested that the minutes show this bill was killed because it was amended into another bill.

A motion was made to recommend HB 2780 favorably for passage by Senator Johnston and seconded by Senator Gaar. Motion carried.

H.B. 2872 was recommended favorably for passage by Senator Johnston and seconded by Senator Mulich. Motion carried.

A balloon version of HB 2959 was distributed to the Committee with the proposed amendments. Senator Gaar made a motion to adopt the amendments and this was seconded by Senator Francisco. Motion carried. A motion was then made by Senator Gaar and seconded by Senator Mulich to recommend HB 2959 favorably for passage. Motion carried.

A motion was made by Senator Garr for the adoption of the agreed upon amendments presented by Art Griggs to take effect upon publication in Rules and Regulations. This was seconded by Senator Gaines. Motion carried.

The meeting was then adjourned at 2:00 p.m.



# HOUSE BILL No. 2959

By Representatives Love, Cribbs, Justice,  
Ramirez and David Webb

2-8

0018 AN ACT concerning the Kansas small business procurement act;  
0019 extending the expiration date thereof; amending K.S.A. 1983  
0020 Supp. 75-6010 and repealing the existing ~~Section~~

definitions;

75-6003 and

0021 *Be it enacted by the Legislature of the State of Kansas:*

sections; and also repealing K.S.A. 1983 Supp.  
75-6007 and 75-6008

0022 Section 1. K.S.A. 1983 Supp. 75-6010 is hereby amended to  
0023 read as follows: 75-6010. The provisions of ~~this~~ the Kansas small  
0024 business procurement act shall expire on July 1, 1984, except  
0025 that the report required to be submitted prior to the regular  
0026 session of the legislature in calendar year 1981 shall be prepared  
0027 and submitted as provided in K.S.A. 1982 Supp. 75-6008 1988.

Sec. 2  
(See Appendix 1)

0028 ~~Sec. 2.~~ K.S.A. 1983 Supp. 75-6010 is hereby repealed  
0029 ~~Sec. 3.~~ This act shall take effect and be in force from and  
0030 after its publication in the statute book.

New Sec. 3. The secretary of administration, with the assistance of the director of purchases, shall submit a report prior to the regular session of the legislature to the governor, the legislature and the secretary of economic development, indicating the estimated total dollar value of contracts let to small businesses and the estimated number of small businesses who received contracts in the preceding state fiscal year, based upon historical data. This report shall include:

- (a) The total dollar value estimated to have been expended on contracts with small businesses and the estimated number of transactions this represents; and
- (b) the actual total dollar value expended on contracts with minority businesses and women-owned businesses, and the actual number of transactions this represents.

are

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75-6003, 75-6007, 75-6008 and

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Sec. 2. K.S.A. 1983 Supp. 75-6003 is hereby amended to read as follows: 75-6003. As used in this act, unless the context clearly requires otherwise, the following words and phrases shall have the meanings respectively ascribed to them in this section:

(a) "Small business" means a business which is independently owned and operated, not dominant in its field of operation and is not an affiliate or division of a larger business.

(b) "Business" means: (1) An entity organized for profit, including but not limited to, an individual, partnership, corporation, joint venture, association or cooperative; or (2) a bona fide nonprofit organization operating primarily for the habilitation, rehabilitation or employment of handicapped persons which employs at least five handicapped persons for every nonhandicapped person who is directly engaged in the manufacture and processing of products by the nonprofit organization.

(c) "Dominant in its field of operation" means exercising a controlling or major influence in a kind of business activity in which a number of businesses are engaged. In determining if a business is dominant, the following criteria, among others, shall be considered: Number of employees; volume of business; financial resources; competitive status or position; ownership or control of materials, processes, patents, license agreements and facilities; sales territory; and nature of business activity. Furthermore, notwithstanding the above criteria, the following businesses shall be deemed dominant in their field of operation: (1) Manufacturing businesses which employ more than ~~fifty--(50)~~ 50 persons and have in the preceding three ~~(3)~~ fiscal years exceeded ~~three--million--dollars--(\$3,000,000)~~ \$3,000,000 gross income annually; (2) general construction businesses which in the preceding three ~~(3)~~ fiscal years exceeded ~~four--million dollars--(\$4,000,000)~~ \$4,000,000 gross income annually; (3) all other nonmanufacturing businesses which employ more than ~~twenty-five--(25)~~ 25 persons and have in the preceding three ~~(3)~~ fiscal years exceeded ~~one-million-five-hundred--thousand--dollars (\$1,500,000)~~ \$1,500,000 gross income annually.

(d) "Affiliate or division of a larger business" means a business which is a subsidiary of or owned in part by a larger business which is dominant in its field of operation, or which is owned in excess of ~~twenty--percent--(20%)~~ 20% by the partners, officers, directors, majority shareholders, or their equivalent, of a larger business which is dominant in its field of operation.

(e) "Small business set-aside" means a purchase request which will be offered to and response accepted only from small businesses.

(f) "Minority person" means a citizen of the United States who is Negro, ~~Spanish-speaking~~ Hispanic, Oriental, American Indian, Eskimo or Aleut.

(g) "Highway contract" means any contract that is subject to the provisions of K.S.A. 68-410, and amendments thereto.

(h) "Handicapped person" means any person who:

(1) Has a temporary or permanent physical disability that requires the use of a wheelchair, walker, braces or crutches;

(2) has temporarily or permanently lost the use of one or both legs;

(3) is determined and certified by a physician to be severely restricted in mobility, either temporarily or permanently, by a pulmonary or cardiovascular disability, arthritic condition or orthopedic or neurological impairment; or

(4) is afflicted with or subject to any physical or mental impairment, or both, whether congenital or due to an injury, disease or illness of such character the impairment constitutes a handicap in obtaining employment or in retaining employment.

(i) "Minority business" means a business which more than 50% is owned by a minority person or persons.

(j) "Women-owned business" means a business which more than 50% is owned by a woman or women.