

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Chairperson Carlos Mayans at 3:30 p.m. on February 1, 2000 in Room 521-S of the State Capitol.

All members were present except: Representative Cindy Hermes, excused  
Representative Joe Shriver, excused  
Representative John Toplikar, excused

Committee staff present: Michael Heim, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Theresa Kiernan, Office of the Revisor of Statutes  
Lisa Montgomery, Office of the Revisor of Statutes  
Lois Hedrick, Committee Secretary

Conferees appearing before the committee:  
Representative Dixie Toelkes  
William Logan, Topeka Township Board  
Mike Taylor, City of Wichita  
Larry Kleeman, League of Kansas Municipalities  
Phillip Petty, Committee for Responsible Building and Contracting

Others attending: See Guest List (Attachment 1)

Chairperson Mayans opened the hearing on HB 2663 (Transfer of Lynn Creek Cemetery property to Topeka township) and introduced Representative Dixie Toelkes. Representative Toelkes stated the bill is requested because the Lynn Creek Cemetery Association members are no longer able to maintain the cemetery. She introduced William Logan, Attorney for the Topeka Township Board, who then referred to the written testimony of Robert Haselwood, Clerk of the Township (see Attachment 2). He noted legislation is required to convey the title, records and finances connected to the property. State law precedent has already been set for a like situation.

No others were present to testify on the bill, so the hearing was closed. Representative Flower moved, seconded by Representative Storm, that the bill be passed favorably with the recommendation it be placed on the Consent Calendar. The motion carried.

The Chair opened the hearing on HB 2662 (Municipal bonds; bids, form and method of submission) and introduced Mike Taylor, Government Relations Director for the City of Wichita. Mr. Taylor described the process presently utilized by the city for municipal bond bids. The proposed legislation will permit municipalities, schools, and fire districts the option to utilize new electronic technology. Questions were raised on the security of electronic submission and Mr. Taylor replied that software is available to establish security and each office could establish safety procedures. He referred the committee to the written testimony of Chris Chronis, Sedgwick County's Financial Officer, who supports the bill. (See Attachment 3.)

Larry Kleeman, Assistant Legal Counsel for the League of Kansas Municipalities, presented testimony in support of **HB 2662** (see Attachment 4) and urged its favorable passage.

There being no others present to testify, the hearing on HB 2662 was closed. Representative Huff moved, seconded by Representative Gilbert, that HB 2662 be passed favorably with the recommendation that it be placed on the Consent Calendar. The motion carried.

The Chair opened the hearing on HB 2661 (Cities; bonds, retention and destruction of zoning regulations, protest petitions). Mr. Taylor offered support of the bill, noting his written testimony (see Attachment 5).

Mr. Kleeman, referring to his written testimony (see Attachment 6), supported **HB 2661**. He indicated the requirement to retain records for six months, as contained in the bill, will satisfy audit requirements.

There being no others to testify; the hearing on HB 2661 was closed. Representative Gilbert moved, and

CONTINUATION SHEET

Representative O'Connor seconded, that HB 2661 be passed favorably with the recommendation that it be placed on the Consent Calendar. The motion carried.

The meeting was then opened for the introduction of bills.

Phillip Petty, Chairman of the Committee for Responsible Building and Contracting, presented a drafted bill to amend K.S.A. 75-3740 with the objective that the State select "best value" materials when awarding contracts for construction products (see Attachment 7). He stated the lowered standards for competitive bids and qualifications of builders and subcontractors has caused qualified tradesmen to leave their professions for other employment. Those remaining, because of lowered standards, encounter costly time delays with increased paperwork to substantiate delays. He named committee members Joe Puchee and William Rhoades; and indicated there were several labor representatives: an insurance administrator, a representative from the State Apprenticeship Council, and a State Advisory Council member. Representative O'Connor moved, Representative Gilbert seconded, that the bill be introduced. The motion carried.

The Chair noted that Representative Ken Wilke requested the committee introduce a bill which would grant authority for an improvement district to contract with an industrial district to preclude its annexation into a newly formed city unless the electorate of such industrial district approves the inclusion. Representative Long moved, Representative Welshimer seconded, that the bill be introduced. The motion carried.

Chairperson Mayans indicated that James Alford, the Sedgwick County Clerk, has requested a bill be introduced which would require the Secretary of Administration to notify the County Clerk that a city's class has been changed from third to second. (See Attachment 8.) There being no objection, the committee approved its introduction.

The next meeting is scheduled for Thursday, February 3, to begin discussion of the issue of Open Records.

The meeting was adjourned at 4:15 p.m., February 1, 2000.

**HOUSE COMMITTEE ON LOCAL GOVERNMENT  
GUEST LIST  
FEBRUARY 1, 2000**

[PLEASE PRINT]

NAME	REPRESENTING
Mike Taylor	City of Wichita
Roger Toelkes	Senator Nunsley Office
Jim McHaff	KS AFL-CIO
Paul Petty	Committee for Resp. Bldg Cont.
Larry Kleeman	League of KS Municipalities
Whitney Danner	KS Securities Industry Assn.
WILLIAM LOGAN	TOPEKA TOWNSHIP
Marcia Lee	Sedgwick County.
Harriet Lange	Ks Assn of Broadcasters

January 31, 2000

Members of the committee;

My name is Robert Haselwood and I am presently serving as clerk of Topeka Township in Shawnee county. I am sorry that I am unable to be with you today (Feb. 1) but I would like to thank you for time and consideration of the issue of a cemetery abandonment in our township.

Lynn Creek Cemetery Association was formed in July of 1880 with the expressed purpose to "provide a suitable and convenient place of burial for the dead and for that purpose to procure, hold and divide into lots and to convey real estate and to do and perform such other acts authorized by law as may be necessary maintenance, care and protection of such place of burial for the convenience and welfare of the public". The business was to be transacted in the Lynn Creek Church and the corporation was to exist for 99 years. The original board of trustees consisted of nine members. Since August of 1967, Everett Haselwood has served as president and sextant and Mrs. Everett Haselwood has served as secretary/treasurer of the association.

In August of 1998 Mr. and Mrs. Haselwood came to our township board meeting with a request that the township take over the care and maintenance of the cemetery. Mr. and Mrs. Haselwood stated that after 30 plus years of watching over the cemetery they would like not to have that responsibility but they were unable to find someone to take over.

The township board discussed the matter and decided that they would take over operation of the cemetery. The board then instructed our attorney to look into the matter so the Topeka Township could legally acquire the remaining assets of the Lynn Creek Cemetery Association.

After checking into the matter our attorney reported back that a lengthy process involving a public vote was needed. After other research the board of trustees of Topeka Township ask Representative Toelkes for help to find an easier and less costly way to acquire the cemetery.

We , the board of trustees, are asking for special legislation to allow the Topeka Township to acquire the cemetery.

Thank you for your time , consideration , and support of this matter.

Robert Haselwood, Clerk , Topeka Township



CITY OF  
**WICHITA**

# ***TESTIMONY***

City of Wichita  
Mike Taylor, Government Relations Director  
455 N Main, Wichita, KS. 67202  
Phone: 316-268-4351 Fax: 316-268-4519

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## **House Bill 2662**

### **Municipal Bonds: Bids and Form of Submission**

Delivered February 1, 2000  
To  
House Local Government Committee

Technology is changing the way business is conducted. It seems like every commercial on television is for some type of e-commerce. Web page, e-mail, and dot-com are familiar, everyday phrases in our vocabulary. The City of Wichita is requesting the chance to take advantage of these technological improvements in the way municipal bond sales and auctions are conducted.

The City of Wichita usually sells bonds on a semi-annual basis. State law requires interested purchasers to submit sealed bids. More and more cities across the nation are accepting these bids by fax or through the Internet. The City of Wichita's bond counsel is of the view that KSA 10-106 does not allow fax or Internet submissions.

House Bill 2662 would modify the current "sealed bid" requirements to allow cities to craft procedures to receive bids directly via fax or Internet. The procedure for this would be spelled out in the notice of sale so potential buyers would clearly understand the rules and procedures. There are also electronic security measures which can be employed to protect the privacy of the bids. People buy and sell stocks and banking everyday over the Internet, all done over secure e-commerce channels. Municipal bond bids would be no different.

The fact is, many bids are already received by fax, but because of the "sealed bid" requirement, the faxed bid is sent to a transmission agent at a local bank, the bid is then put in an envelope and the "sealed bid" is delivered to City Hall. This change would make it clear that the faxed bid could be sent directly to the City.

Over the next several years, electronic bidding is expected to become the norm and the City of Wichita requests Kansas law (KSA 10-106) be revised allowing cities to take advantage of this new technology.

DATE: February 1, 2000

TO: House Local Government Committee  
Rep. Carlos Mayans, Chair  
Committee members

FROM: Chris Chronis  
Chief Financial Officer, Sedgwick County, Kansas

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TESTIMONY ON H.B. 2662

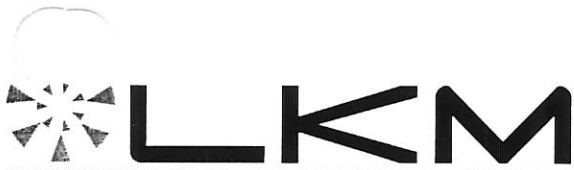
I am writing to voice my support of this bill, which I understand is to be the subject of a committee hearing later this week.

HB2662 would enable Sedgwick County to take advantage of new developments in the public finance industry. Since 1997, a growing number of issuers have chosen to conduct electronic auctions of bonds. Numerous analyses of these sales have concluded they resulted in reduced borrowing costs for the local governments.

Pittsburgh, Pennsylvania is one such issuer. The first local government to conduct a bond sale via the internet, Pittsburgh has done so several times in the past 3 years. City finance officials estimate borrowing costs have totaled about \$1-million less than traditional bond sales would have required. They attribute this savings to their ability -- easily accomplished by electronic auction methods but impractical using traditional sealed written bids -- to sell individual maturities to low bidders rather than all maturities of an issue to a single bidder. In 1999, Pittsburgh received an award from the Ford Foundation Program on Innovation in American Government for their leadership in this new method of selling bonds.

It is not certain that Sedgwick County would sell bonds electronically if HB 2662 becomes law. However, we would like to be able to consider this new technology carefully. If we determine that our taxpayers can receive the benefits others have reported we want to be able to change the way we sell bonds.

Please direct questions to me at 316-383-7591 or to Marci Hess at 785-221-3875. Thank you.



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League of Kansas Municipalities

To: House Committee on Local Government

From: Larry Kleeman, Assistant Legal Counsel

Date: February 1, 2000

Re: League Support of HB 2662

Thank you for the opportunity to appear today on behalf of the League's 530 member cities in support of HB 2662.

HB 2662 would help move the state's municipal bond law into the electronic age. The computer and internet revolutions that have occurred over the past decades have touched all our lives in one way or another. One need only watch a few Superbowl commercials to realize that modern commerce is moving fast and furiously online. And local government officials across Kansas are taking advantage of these new technologies everyday – keeping in touch with citizens via email, using the internet to stay informed about municipal issues, allowing residents to apply for local licenses online, etc.

Current state law, however, restricts the ability of cities and counties to utilize the advantages of electronic commerce when it comes to the sale of bonds. By allowing bond bids to be received by fax or other forms of electronic transmission, HB 2662 moves the municipal bond law into the 21<sup>st</sup> century. Cities and counties will still be able to establish stricter criteria for the receipt of bond bids. But for technology-savvy municipalities, this bill frees them up to utilize and take advantage of modern electronic business practices.

Local governments should not be held back by this archaic law; therefore, the League urges favorable passage of HB 2662.

Thanks for your consideration and I'd be happy to answer any questions.



# ***TESTIMONY***

City of Wichita  
Mike Taylor, Government Relations Director  
455 N Main, Wichita, KS. 67202  
Phone: 316-268-4351 Fax: 316-268-4519

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## **House Bill 2661 Retention and Destruction of Canceled Certificates**

**Delivered February 1, 2000  
to  
House Local Government Committee**

The City of Wichita is requesting changes in the way canceled bond certificates are handled. Current law requires canceled bond certificates be returned to the City Clerk, then retained for five years, after which they can be destroyed. These requirements are cumbersome and require the City of Wichita to store dozens and dozens of boxes filled with obsolete bond certificates. An example of the bonds affected by this proposed change are Industrial Revenue Bonds, issued to help a company purchase new equipment and expand its operations.

The City of Wichita requests changing the statutes to allow canceled bond coupons and certificates to be kept only six months from the date of maturity before being destroyed. This proposed change to KSA 12-120 makes the handling of certificates such as Industrial Revenue Bonds, consistent with the handling of General Obligation bonds and other municipal bonds as spelled out in KSA 10-111. Not only will these changes bring consistency

This is not a big ticket, glamorous issue, but it will bring consistency in the way municipal bonds are handled and it will save some money. At one point the City of Wichita was storing 300 boxes of canceled or paid bond certificates at an average annual cost of \$25 per box. That's \$7,500 a year. Multiple that times the five year retention period and you've spent \$37,500. The changes proposed in House Bill 2661 would cut storage costs in this example by more than \$30,000. Admittedly, that's not a huge amount of money, but when you're trying to be as efficient with tax dollars as possible, every little bit helps.

Officials at two Wichita banks who frequently act as trustees for many of our bond issues, have told us this change will be beneficial and one they will welcome. And the changes will benefit all cities in Kansas which issue the types of bonds governed by KSA 12-120.

The City of Wichita urges you to support House Bill 2661 as a small, but effective step in helping city government make better use of tax dollars.





300 SW  
Topeka, Kansas 66603-3912  
Phone: (785) 354-9565  
Fax: (785) 354-4186

League of Kansas Municipalities

To: House Committee on Local Government

From: Larry Kleeman, Assistant Legal Counsel

Date: February 1, 2000

Re: League Support of HB 2661

Thank you for the opportunity to appear today on behalf of the League's 530 member cities in support of HB 2661.

The League supports the City of Wichita's efforts to amend the records retention law with regard to municipal bonds and coupons. The current retention period of 5 years can be unreasonably burdensome on municipalities when considering the labor and cost of storing huge volumes of bonds and the multitude of accompanying coupons. And the larger cities in Kansas have this problem compounded due to the larger amounts and more frequent issuances of bonds. HB 2661 would ease the workload of local governments, while still allowing them to retain such records longer if they deem necessary.

The League urges favorable support of HB 2661.

Thanks for your consideration and I'd be happy to answer any questions.

HOUSE LOCAL GOVERNMENT  
2-1-00  
Attachment 6

# **COMMITTEE for RESPONSIBLE BUILDING and CONTRACTING**

**PHILIP R. PETTY, CHAIRMAN  
P.O. BOX 1417  
MANHATTAN, KANSAS 66505-1417  
785 776-3027  
Fax 785 776-3067**

February 1, 2000

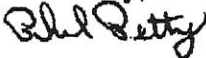
Local Government Committee  
3:30 p.m., Room 521-S  
Chairman, Carlos Mayans and Committee Members

RE: Objective of proposed amendments to 75-3740

Select "BEST VALUE" when awarding contracts for Construction Projects.

- Reduce the overall cost of construction projects
- Reduce the risk of hiring irresponsible contractors and subcontractors
- Reduce the risk of costly litigation
- Reduce the risk of projects not being completed on schedule
- Reduce the risk of poor decision making
- Reduce the risk of costly change-orders

Phil Petty, Chairman



*For more information contact Committee for Responsible Building and Contracting!*  
Phil Petty, Chairman (785) 776-3027

An Act concerning state building construction; relating to competitive bids; qualifications of Bidders and subcontractors; amending K.S.A. 75-3740 and repealing the existing section.

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

Section 1. K.S.A. 75-3740 is hereby amended to read as follows: 75-3740. (a)

Except as provided by K.S.A. 75-3740b, and amendments thereto, or by this section, 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 if:

(1) The dollar amount of the bid received from the lowest responsible bidder from within the state is identical to the dollar amount of the bid received from the lowest responsible bidder from without state, the contract shall be awarded to the bidder from within the state;

(2) In the case of bids for paper products specified in K.S.A. 75-3740b, and amendments thereto, the dollar amounts of the bids received from two or more lowest responsible bidders are identical, the contract shall be awarded to the bidder whose bid is for those paper products containing the highest percentage of recyclable materials; and

(2) in the case of bids for paper products specified in K.S.A. 75-3740b, and amendments thereto, the dollar amounts of the bids received from two or more lowest responsible bidders are identical, the contract shall be awarded to the bidder whose bid is for those paper products containing the highest percentage of recycled materials.

(c) Any or all bids may be rejected, and a bid shall be rejected if it contains any material alteration or erasure.

\_\_\_(d) The director of purchases may reject the bid of any bidder who is in arrears on taxes due the state, who is not properly registered to collect and remit taxes due the state or who has failed to perform satisfactorily on a previous contract with the state. The secretary of revenue is hereby authorized to exchange such information with the director of purchases as is necessary to effectuate the provisions of this subsection notwithstanding any other provision of law prohibiting disclosure of the contents of taxpayer records or information.

\_\_\_(e) Prior to determining the lowest responsible bidder on contracts for construction of buildings or for major repairs or improvements to buildings for state agencies, the director of purchases shall consider:

(1) The criteria and information developed by the secretary of administration, with the advice of the state building advisory 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;

(2) the information that is required to be provided by the bidder under subsections (h) through (n); and

(3) the recommendations of the project architect, or, if there is no project architect, the recommendations of the secretary of administration or the agency architect for the project as provided in K.S.A. 75-1254, and amendments thereto.

\_\_\_(f) 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.

\_\_\_(g) Contracts for construction of buildings or for major repairs or improvements to buildings for state agencies shall be awarded to the lowest responsible bidder that provides , best value, taking into consideration conformity with the specifications, terms of delivery, other conditions imposed in the call for bids and the financial responsibility, accountability, past performance, operational responsibility, reliability, skill, capacity, ability, judgement and integrity of the bidder.

(h) All bidders and subcontractors of bidders for contracts for construction of buildings or for major repairs or improvements to buildings for state agencies shall submit the following information with the bid for a project, or if stated on an annual basis, in addition to any other information the bidder may be required to provide prior to the award of a contract, failure to provide any requested information shall cause the bid to be considered incomplete and disqualified.

(1) A description of the bidder's experience with projects of comparative size, complexity And cost within recent years, including documentation that demonstrates the bidder's ability to Perform a substantial portion of the project with the bidder's own forces;

(2) annual documentation of all projects in the previous three years under written contract exceeding fifty thousand dollars with a government entity, on which the bidder performed work, disclosing:

(A) Timeliness of the bidder's performance;

(B) quality of the bidder's work;

(C) any fines and penalties imposed and paid by the bidder with respect to such projects, including an explanation of each such fine or penalty;

(D) a history of the bidder of claims for extra work requiring payment above the original contract amount, including an explanation of each such instance of a claim for extra work by the bidder with respect to such projects; and

(E) contract defaults by the bidder with respect to such projects, including an explanation of each such default;

(3) annual documentation identifying and describing any projects within the previous three years for which the bidder was determined by a government entity not to be a responsible bidder. The reason given by such government entity for such determination and an explanation of such determination;

(4) annual documentation setting forth an adequate demonstration of financial responsibility, which shall include a certified financial statement prepared by a certified public accountant, to assure the bidder possesses adequate financial resources, availability of credit and the means and ability to procure insurance and bonds for the project;

(5) annual documentation disclosing any suspensions or revocations of any professional license of any director, officer, owner or managerial employee of the bidder, to the extent that any work to be performed by the bidder for the project is within the field of such licensed profession;

(6) annual documentation disclosing all violations of the federal occupational safety and health act (OSHA) within the previous three years, all notices of OSHA citations filed against the bidder in the same three-year period and a description and explanation of remediation or other steps taken regarding each such violation or notice of violation;

(7) annual documentation disclosing all violations within the previous five years pertaining to unlawful intimidation or discrimination against any employee by reason of race, creed, color, disability, sex or natural origin or to violations of an employee's civil rights or equal employment opportunities;

(8) annual documentation disclosing any litigation related to any project in which the bidder has been engaged within the previous five years; including copies of pleadings, in which the bidder has been named as a defendant or third-party defendant in any action involving a claim for personal injury or wrongful death arising from performance of work for any such project;

(9) annual documentation disclosing all violations within the previous five years of any labor law or any other provision of federal or state law regulating or relating to labor or employment, including, but not limited to, child labor violations, failure to pay wages, unemployment insurance tax delinquencies or unfair labor practices;

(10) annual documentation disclosing all violations of the workers compensation act of Kansas or the workers compensation law of any other state or federal jurisdiction, including but not limited to the failure to provide proof of workers compensation insurance or other proof of ability to meet the obligation to provide workers compensation that is imposed by any such law, and any lapses thereof;

(11) annual documentation disclosing all criminal convictions or criminal indictments within the previous five years that are related to company operations, involving the bidder or the bidder's officers, directors, owners or managerial employees;

(12) annual documentation disclosing all violations or pending charges within the past five

years concerning violations of federal, state or municipal environmental or health laws, codes or rules and regulations;

(13) annual documentation disclosing all violations or pending charges within the past five years related to violations of federal immigration and naturalization laws;

(14) identify the sources from which the bidder intends to provide the necessary workers to complete the project in a satisfactory manner;

(15) documentation identifying all work for the project that the bidder intends to subcontract to other firms and identify each firm to which the work will be subcontracted, all work not identified as being subcontracted, shall be performed by the bidder; and

(16) documentation providing the same information for each subcontractor submitted with the bid, as is prescribed for the bidder under subsections (h) (1) through (h) (14), which shall be obtained by the bidder from each such subcontractor.

(i) All subcontractors that are submitted by a bidder are subject to the approval of the director of purchases. The approval of the subcontractors, as provided in the general conditions, shall be subject to the same conditions and criteria for evaluation of responsibility as the bidder.

(j) Prior to a final determination that the apparent Lowest bidder will not be awarded a contract for construction of buildings or for major repairs or improvements to buildings for state agencies, the director of purchases shall provide written notice to such bidder that such bidder may not be awarded such contract. The written notice shall set forth the reasons for not awarding the contract to such bidder and shall set forth a time, date and place for such bidder to appear and be heard, prior to a final determination being made to not award the contract to such bidder.

(k) All bids with the names of the bidders and the amounts thereof, together with all documents pertaining to the proposed award of a contract for construction of buildings or for major repairs or improvements to buildings for state agencies, shall be made a part of a file or record by the director of purchases and such file or record shall be open to public inspection at all reasonable times for a ten-day period prior to award of the contract, in addition to any requirements under the open records act applicable thereto.

(l) The director of purchases shall require all bidders and each subcontractor under the bidder

as a condition for bidding on contracts for construction of buildings or for major repairs or improvements to buildings for state agencies for which competitive bids are required, to agree in writing that such bidder or subcontractor shall comply with the following obligations:

(1) The bidder and each subcontractor under the bidder shall ensure that all employees on the job site have appropriate training, including safety training and that all such employees have all applicable state, county, city and other local governmental licenses for licensed trades or professions;

(2) the bidder and each subcontractor under the bidder shall maintain or participate in an apprentice training program for each apprenticeable trade or occupation represented in the workforce of the bidder or subcontractor; as used in this subsection, "apprentice training program" means an apprenticeship program that is registered through the Kansas apprenticeship council and recognized by the bureau of apprenticeship training of the United States department of labor and under which program (A) when an apprentice is employed on a project, the apprentice must be registered with the Kansas apprenticeship council to be considered an apprentice;

(3) the bidder and each subcontractor under the bidder shall properly classify employees and treat them as provided by law for purposes of workers compensation coverage, unemployment taxes, social security taxes and income tax withholding; No contract employees will be allowed; and

(4) the bidder (A) shall provide, upon application for payment under any such contract, a certified employment sheet for all employees, including employees of all subcontractors, for each day on which work is performed on the site, upon a form acceptable to the secretary of administration containing job classification, hours of employment, wage rate and supplements, employer identification information and all other such information the secretary of administration deems appropriate, and (B) shall maintain a current record of the information prescribed for the certified employment sheet at a location designated by the project architect, or, if there is no project architect, by the secretary of administration or the agency architect for the project.

(m) Any bidder or subcontractor under the bidder who fails to comply with any one of the obligations specified in subsection (1) for any period of time during the term of a contract shall



be, at the discretion of the secretary of administration, subject to one or more of the following penalties and sanctions, in addition to any other penalties prescribed by law:

(1) Cessation of work on the project until compliance is obtained with no extension of project time requirements; and

(2) withholding of payment due under any contract or subcontract until compliance is obtained; and

(3) permanent removal from any further work on the project; and

(4) penalty payable to the state in the amount of 5% of the dollar value of the contract.

(n) In addition to the penalties and sanctions specified in subsection (m), a general or other contractor shall be equally liable for the violations of a subcontractor of such contractor. Any contractor or subcontractor who has been determined to have violated any of the obligations specified in subsection (1) shall be barred from performing any work on any future projects for construction of buildings or for major repairs or improvements to buildings for state agencies for a period thereafter of six months for a first violation and for a period thereafter of three years for a second violation. Any such contractor or subcontractor who has been determined to have committed a third such violation shall be barred permanently from performing any work on any such future projects.

(o) The provisions of subsection (1) (2) shall not apply to rebids of projects for which the state received fewer than two bids in response to the original request for bids.

(p) Before the awarding of any contract for construction of a building or the making of repairs or improvements upon any building for a state agency, the director of purchases shall receive written approval from the state agency for which the building construction project has been approved, that the bids generally conform with the plans and specifications prepared by the project architect, by the secretary of administration or by the agency architect for the project, as the case may be, so as to avoid error and mistake on the part of the contractors. In all cases where material described in a contract can be obtained from any state institution, the director of purchases shall exclude such material from the contract.

(q) 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 years, unless reproduced as provided in K.S.A. 75-3737 amendments thereto, and shall be open to public inspection at all reasonable times.

(r) As used in this section and in K.S.A. 75-3741, and amendments thereto, "project architect" shall have the meaning ascribed thereto in K.S.A. 75-1251, and amendments thereto.

Sec. 2. K.S.A. 75-3740 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.



## SEDGWICK COUNTY, KANSAS

### OFFICE OF THE COUNTY CLERK

**JAMES ALFORD**  
COUNTY CLERK

**PAUL F. ROSELL**  
CHIEF DEPUTY

COUNTY COURTHOUSE • SUITE 211 • 525 NORTH MAIN • WICHITA, KANSAS 67203-3791 • TELEPHONE: (316) 383-7666 • FAX: (316) 383-7961

**TO: REPRESENTATIVE CARLOS MAYANS  
CHAIR, LOCAL GOVERNMENT COMMITTEE**

**FROM: JAMES ALFORD, SEDGWICK COUNTY CLERK**

**RE: AMENDMENT TO KSA 14-101**

**DATE: FRIDAY, JANUARY 28, 2000**

Dear Mr. Chairman;


We have discovered a weakness in current procedures when a city changes its classification from a city of the 3<sup>rd</sup> class to a city of the 2<sup>nd</sup> class. Currently, there is no law on the books that requires anyone to notify the County Clerk. If the County Clerk is not aware of the change, Township taxes will continue to be levied within the corporate limits of the city.

I suggest that the following language be inserted at the end of the current statute:

“Whenever the Governor shall make such proclamation as herein provided, it shall be the duty of the Secretary of Administration to notify the respective County Clerk or Clerks in which such city is located. The Secretary shall certify, in any such notice, that such a proclamation has been made, citing both this statute and KSA 80-1404, which excludes any such city from the corporate limits of any Township for Ad Valorem tax purposes.”

Your support in this matter would be greatly appreciated.

Sincerely,



James Alford  
Sedgwick County Clerk

HOUSE LOCAL GOVERNMENT  
2-1-00  
Attachment 8