

CHAPTER 9  
HOUSE BILL No. 2433

AN ACT concerning state agencies; relating to the acquisition and disposal of certain property; relating to the acquisition of certain services; amending K.S.A. 2009 Supp. 75-5275 and 76-769 and repealing the existing sections; also repealing K.S.A. 76-392.

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

Section 1. K.S.A. 2009 Supp. 76-769 is hereby amended to read as follows: 76-769. ~~(a) With regard to the acquisition of supplies, materials, equipment, goods, property, articles, products or services, a pilot project shall be conducted by the state board of regents in accordance with the provisions of this section. The state board of regents shall select not more than two of the state educational institutions, as defined by K.S.A. 76-711, and amendments thereto, to be the pilot universities in accordance with this section. The state board of regents shall select one of the following state educational institutions to be a pilot university: Emporia state university, Fort Hays state university or Pittsburg state university. The state board of regents may select one of the following state educational institutions to be a pilot university: Kansas state university, Wichita state university or the university of Kansas. If the state board of regents does not select Kansas state university, Wichita state university or the university of Kansas to be a pilot university, then the state board of regents shall select a second one of the following state educational institutions to be a pilot university: Emporia state university, Fort Hays state university or Pittsburg state university. During the period from June 1, 2007, through June 30, 2010:~~

~~— (1) The acquisition of any supplies, materials, equipment, goods, property or services for the pilot universities shall be in accordance with policies adopted by the state board of regents and no such acquisition during such period shall be subject to any statewide purchasing contract or other contract that is entered into under the provisions of K.S.A. 75-3737a through 75-3744 and amendments thereto or any rules and regulations or policies adopted thereunder and that requires any state agency to make any such acquisition under any such contract, but nothing herein shall be construed as limiting the pilot universities from using contracts established by the director of purchases;~~

~~— (2) the acquisition of any travel services for the pilot universities shall be in accordance with policies adopted by the state board of regents and no such acquisition during such period shall be subject to any statewide travel services contract or other travel services contract that is entered into under the provisions of K.S.A. 75-3737a through 75-3744 and amendments thereto or any rules and regulations or policies adopted thereunder and that requires any state agency to acquire travel services under any such contract; and (a) As used in this section:~~

~~(1) “State educational institution” means any state educational institution as defined in K.S.A. 76-711, and amendments thereto.~~

~~(2) “Professional services” means professional services as defined in K.S.A. 75-37,131, and amendments thereto.~~

~~(3) “State board” means the state board of regents.~~

~~(4) (A) “Services” means any professional services or other contractual services.~~

~~(B) “Services” does not mean architectural services, engineering services, construction management or ancillary technical services.~~

~~(5) “Municipality” means any political or taxing subdivision of the state and any agency or instrumentality of a political or taxing subdivision of the state.~~

~~(6) “Lease of real property” means:~~

~~(A) Any agreement to lease real property: (1) Between a state educational institution and one or more of its affiliated corporations; (2) between a state educational institution and a municipality; (3) between a state educational institution and any other party for vacant space that is less than 10,000 square feet; or (4) between a state educational institution and any other party for a term not to exceed 24 months.~~

~~(B) “Lease of real property” includes any agreement to lease real property from a state educational institution and any agreement to lease real property to a state educational institution.~~

~~(C) Any supplies, materials, equipment, goods, property, printing or services may be acquired by a state educational institution, and any lease~~

of real property may be entered into by a state educational institution. Any such acquisition or lease shall be in accordance with policies adopted by the state board and shall not be subject to K.S.A. 75-1005, 75-3737a through 75-3741b, 75-3742 through 75-3744 and 75-37,130 through 75-37,134, and amendments thereto, or any rules and regulations or policies adopted thereunder. Nothing in this subsection shall be construed as prohibiting a state educational institution from using contracts established or services offered by the director of purchases.

~~(b)~~ (b) The acquisition of any articles or products produced by inmates in the custody of the secretary of corrections that may be required ~~for the pilot universities shall be by a state educational institution may be acquired~~ in accordance with policies adopted by the state board ~~of regents and no such acquisition during such period shall~~. Any such acquisition shall not be subject to the provisions of the prison-made goods act of Kansas requiring any such acquisition to be made from the secretary of corrections as provided in K.S.A. 75-5273 through 75-5282, and amendments thereto, or any rules and regulations or policies adopted thereunder.

~~(b)~~ The state board of regents shall submit a report to the legislature at the beginning of the regular session in 2007, 2008, 2009 and 2010 regarding the activities of the pilot universities under the provisions of subsection (a). Each such report shall include any new or amended policies adopted by the state board of regents for implementation of such activities, the amounts and kinds of expenditures by the pilot universities for activities under each paragraph of subsection (a), and shall include information regarding any savings experienced and any issues or problems encountered for all such acquisitions for the pilot universities under the provisions of subsection (a).

~~(c)~~ The director of purchases shall submit a report to the legislature at the beginning of the regular session in 2007, 2008, 2009 and 2010 regarding the impact of the pilot project conducted pursuant to subsection (a) on the purchasing system of the department of administration and on the purchases and purchasing activities of state agencies other than pilot universities, including information regarding amounts and kinds of expenditures by such other state agencies and regarding other issues or problems encountered as a result of the pilot project.

Sec. 2. K.S.A. 2009 Supp. 75-5275 is hereby amended to read as follows: 75-5275. (a) The secretary is hereby authorized to purchase in the manner provided by law, equipment, raw materials and supplies, and to employ the supervisory personnel necessary to establish and maintain for this state at each correctional institution, industries for the utilization of services of inmates in the manufacture or production of such articles or products or in providing such services as authorized by the prison-made goods act of Kansas.

(b) (1) The secretary is hereby authorized to sell all such articles, products and services to the federal government, any state agency, state employees for their personal use, any local agency, or any organization within the state and, to the extent not prohibited by federal law, to other states.

(2) *In addition to the persons and entities specified in paragraph (1), the secretary is hereby authorized to sell all such articles, products and services to any individual who is a resident of the state of Kansas and to any business located within the state of Kansas.*

*The provisions of this paragraph (2) shall expire on June 30, 2013.*

(c) The secretary is hereby authorized to contract with a private individual, corporation, partnership or association for work projects involving assembly, processing, fabrication or repair of parts or components for goods or products being manufactured or produced by the contracting party. Any contract authorized by this subsection shall be in compliance with federal law and shall not result in the significant displacement of employed workers in the community. If an inmate receives at least federal minimum wage pursuant to a contract authorized by this subsection, the provisions of K.S.A. 75-5211 and 75-5268, and amendments thereto, for withdrawing amounts from the compensation paid to inmates shall apply.

(d) The secretary is hereby authorized to contract with a private individual, corporation, partnership or association for work projects involving the repair of real estate damaged by a tenant under the release supervision of the department of corrections.

Sec. 3. K.S.A. 76-392 and K.S.A. 2009 Supp. 75-5275 and 76-769 are

hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 22, 2010.

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