

As Amended by House Committee

{As Amended by Senate Committee of the Whole}

Session of 2014

SENATE BILL No. 423

By Committee on Ways and Means

2-26

1 AN ACT concerning real property; authorizing the secretary of
2 administration to sell the Landon state office building and the
3 Eisenhower state office building; authorizing the secretary of
4 administration to exercise the option to purchase and sell the Van Buren
5 project and the Curtis state office building and parking facility;
6 **authorizing the secretary of administration to demolish the**
7 **Docking state office building and to reconstruct, relocate and**
8 **renovate the power plant; making and concerning appropriations**
9 **for the fiscal year ending June 30, 2015, for the department of**
10 **administration.**
11

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

13 Section 1. (a) The secretary of administration is hereby authorized
14 and empowered, for and on behalf of the state of Kansas, to sell and
15 convey all of the rights, title and interest in the following tracts of real
16 estate located in Shawnee county, Kansas:

17 TRACT 1: The South 7 feet of Lot 160, and all Lots 162, 164, 166 and
18 168, on Harrison Street; AND Lots 26, 28, 30, 32, 34 and 36 on 6th
19 Avenue East, along with vacated alley lying South of Lot 168 on Harrison
20 Street, and North of Lots 26, 28, 30, 32, 34 and 36 on 6th Avenue East, all
21 in the Original Town, City of Topeka, Shawnee County, Kansas.

22 TRACT 2: Lots 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45 and 47, on 6th
23 Avenue East; AND Lots 193, 195, 197, 199, 201, 203, 205, 207, 209, 211,
24 213, and 215 on Van Buren Street; AND Lots 194, 196, 198, 200, 202,
25 204, and 206, on Harrison Street, along with all of the vacated alleys in the
26 block bounded by 6th Avenue on the North, Van Buren Street on the East,
27 Seventh Avenue on the South, and Harrison Street on the West, all in the
28 Original Town, City of Topeka, Shawnee County, Kansas, except the South
29 1.5 feet of said Lot 206.

30 TRACT 3: Lots 217, 219, 221, 223, 225, 227, 229, 231 and 233 on Van
31 Buren Street; AND Lots 218, 220, 222, 224, 226, 228, 230, 232 and 234
32 on Harrison Street, along with the vacated alley lying West of Lots 217
33 through 233 (odd) on Van Buren Street and East of Lots 218 through 234
34 (even) on Harrison Street; AND Lots 236, 238 and 240 on Harrison Street,

1 all in the Original Town, City of Topeka, Shawnee County, Kansas.

2 ***{(b) No sale or conveyance of the real property described in***
3 ***subsection (a) shall be authorized or approved by the secretary of***
4 ***administration without having first advised and consulted with the joint***
5 ***committee on state building construction.***

6 ***(c) Prior to the sale or conveyance of the real property described in***
7 ***subsection (a), the state finance council shall approve the sale, which is***
8 ***hereby characterized as a matter of legislative delegation and subject to***
9 ***the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and***
10 ***amendments thereto. The matter may be submitted to the state finance***
11 ***council for approval at any time, including periods of time during which***
12 ***the legislature is in session.}***

13 ~~(b) {(d)}~~ (1) When the sale is made, the proceeds thereof shall be
14 remitted to the state treasurer in accordance with the provisions of K.S.A.
15 75-4215, and amendments thereto. Upon receipt of each such remittance,
16 the state treasurer shall deposit the entire amount in the state treasury to
17 the credit of the Eisenhower building escrow fund which is hereby created
18 in the state treasury. Moneys in the Eisenhower building escrow fund shall
19 be used only to: (A) Call and redeem outstanding bonds associated with
20 any of the property described in subsection (a) in accordance with their
21 terms on or after their first optional redemption date as may be permitted
22 in accordance with the applicable bond covenants, along with any other
23 legally available revenues as may be necessary; and (B) pay the expenses
24 of such sale and any costs of appraisal.

25 (2) The Kansas development finance authority shall be responsible
26 for certifying to the secretary of administration and the state treasurer that
27 the outstanding bonds associated with any of the property described in
28 subsection (a) have been legally defeased in full. The president of the
29 Kansas development finance authority shall transmit a copy of such
30 certification to the director of legislative research.

31 (3) Upon receiving such certification, **except as provided in**
32 **subsection (f)**, the state treasurer shall transfer any remaining moneys in
33 the Eisenhower building escrow fund ~~to the state general fund~~ ***{as***
34 ***provided for the proceeds from the sale of surplus real estate pursuant to***
35 ***subsection (f) of K.S.A. 2013 Supp. 75-6609, and amendments thereto.}***

36 (4) Expenditures from the Eisenhower building escrow fund shall be
37 made upon warrants of the director of accounts and reports issued pursuant
38 to vouchers approved by the secretary of administration.

39 ~~(e) The conveyance of real property authorized by this section shall~~
40 ~~not be subject to the provisions of K.S.A. 2013 Supp. 75-6609, and~~
41 ~~amendments thereto.~~

42 ~~(d) {(e)}~~ In the event that the secretary of administration determines
43 that the legal description of the parcel described by this section is

1 incorrect, the secretary of administration may convey the property utilizing
 2 the correct legal description but the deed conveying the property shall be
 3 subject to the approval of the attorney general.

4 **(f) The director of accounts and reports, in consultation with the**
 5 **secretary of administration, shall transfer any remaining moneys**
 6 **pursuant to subsection (d)(3) from such sale proceeds, not exceeding**
 7 **\$15,000,000 in total sum combined with the sale proceeds from section**
 8 **2, and amendments thereto, to the docking state office building rehab,**
 9 **repair and razing fund of the department of administration. The**
 10 **secretary of administration shall determine and certify the amount of**
 11 **moneys that are transferred under this subsection. The secretary shall**
 12 **transmit a copy of such certification to the director of legislative**
 13 **research.**

14 Sec. 2. (a) The secretary of administration is hereby authorized and
 15 empowered, for and on behalf of the state of Kansas, to sell and convey all
 16 of the rights, title and interest in the following tract of real estate located in
 17 Shawnee county, Kansas:

18 A tract of land in the Southeast Quarter of Section 31, Township 11
 19 South, Range 16 East of the 6th Principal Meridian in the City of Topeka,
 20 County of Shawnee, State of Kansas, and more particularly described as
 21 follows: All of Lots Nos. 290, 292, 294, 296, 298, 300, 302, 304, 306, 308,
 22 310, and 312 on Jackson Street in original town and the Northerly one-half
 23 of alley lying Southerly of and adjacent to Lot 312 as vacated by
 24 Ordinance No. 3009 dated October 6, 1909, and pursuant to Ord. 3021
 25 dated Nov. 19, 1909, and A.T.&S.F. Cont. No. 25487 filed with Register of
 26 Deeds, Shawnee County, March 15, 1982, at 1:48 p.m. in Book 2160,
 27 commencing on page 172. Said lots and portion of vacated alley
 28 containing 46,800 square feet of land, more or less.

29 *{(b) No sale or conveyance of the real property described in*
 30 *subsection (a) shall be authorized or approved by the secretary of*
 31 *administration without having first advised and consulted with the joint*
 32 *committee on state building construction.*

33 *(c) Prior to the sale or conveyance of the real property described in*
 34 *subsection (a), the state finance council shall approve the sale, which is*
 35 *hereby characterized as a matter of legislative delegation and subject to*
 36 *the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and*
 37 *amendments thereto. The matter may be submitted to the state finance*
 38 *council for approval at any time, including periods of time during which*
 39 *the legislature is in session.}*

40 ~~(b) {(d)}~~ When the sale is made, the proceeds thereof shall be
 41 remitted to the state treasurer in accordance with the provisions of K.S.A.
 42 75-4215, and amendments thereto. Upon receipt of ~~each~~ such remittance,
 43 **except as provided in subsection (f),** the state treasurer shall deposit the

1 entire amount in the state treasury to the credit of the state general fund
2 *{and credit as provided for the proceeds from the sale of surplus real*
3 *estate pursuant to subsection (f) of K.S.A. 2013 Supp. 75-6609, and*
4 *amendments thereto}.*

5 ~~(e) The conveyance of real property authorized by this section shall~~
6 ~~not be subject to the provisions of K.S.A. 2013 Supp. 75-6609, and~~
7 ~~amendments thereto.~~

8 ~~(d) {(e)}~~ In the event that the secretary of administration determines
9 that the legal description of the parcel described by this section is
10 incorrect, the secretary of administration may convey the property utilizing
11 the correct legal description but the deed conveying the property shall be
12 subject to the approval of the attorney general.

13 **(f) The director of accounts and reports, in consultation with the**
14 **secretary of administration, shall transfer any moneys pursuant to**
15 **subsection (d) from such sale proceeds, not exceeding \$15,000,000 in**
16 **total sum combined with the sale proceeds from section 1, and**
17 **amendments thereto, to the docking state office building rehab, repair**
18 **and razing fund of the department of administration. The secretary of**
19 **administration shall determine and certify the amount of moneys that**
20 **are transferred under this subsection. The secretary shall transmit a**
21 **copy of such certification to the director of legislative research.**

22 Sec. 3. (a) The secretary of administration is hereby authorized and
23 empowered, for and on behalf of the state of Kansas, to act as the tenant
24 for the state of Kansas - Kansas department for children and families,
25 known as the department of social and rehabilitation services in the lease
26 with option to purchase agreement dated January 1, 1999, to exercise such
27 tenant's option to purchase the Van Buren project and the land pursuant to
28 such lease with option to purchase agreement.

29 *{(b) No option to purchase, sale or conveyance of the real property*
30 *described in subsection (a) shall be authorized or approved by the*
31 *secretary of administration without having first advised and consulted*
32 *with the joint committee on state building construction.*

33 *(c) Prior to the exercising of the option to purchase and the sale or*
34 *conveyance of the real property described in subsection (a), the state*
35 *finance council shall approve the option to purchase and sale, which is*
36 *hereby characterized as a matter of legislative delegation and subject to*
37 *the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and*
38 *amendments thereto. The matter may be submitted to the state finance*
39 *council for approval at any time, including periods of time during which*
40 *the legislature is in session.}*

41 ~~(b) {(d)}~~ When such option has been exercised, the secretary of
42 administration is hereby authorized and empowered, for and on behalf of
43 the state of Kansas, to sell and convey all of the rights, title and interest in

1 the Van Buren project and land subject to the terms and conditions of the
2 lease and any outstanding bonds.

3 ~~(e)~~ **{(e)}** When the sale is made, the proceeds thereof shall be used
4 only to: (1) Call and redeem outstanding bonds associated with the Van
5 Buren project and the land in accordance with their terms on or after their
6 first optional redemption date as may be permitted in accordance with the
7 applicable bond covenants, along with any other legally available revenues
8 as may be necessary; (2) pay the costs and expenses resulting from
9 exercising the option to purchase; and (3) pay the closing costs and
10 expenses of such sale. Any remaining moneys shall be ~~deposited in the~~
11 ~~state general fund~~ **{remitted to the state treasurer in accordance with the**
12 **provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of**
13 **such remittance, the state treasurer shall deposit the entire amount in**
14 **the state treasury and credit as provided for the proceeds from the sale of**
15 **surplus real estate pursuant to subsection (f) of K.S.A. 2013 Supp. 75-**
16 **6609, and amendments thereto}.**

17 ~~(d) The conveyance of real property authorized by this section shall~~
18 ~~not be subject to the provisions of K.S.A. 2013 Supp. 75-6609, and~~
19 ~~amendments thereto.~~

20 ~~(e)~~ **{(f)}** In the event that the secretary of administration determines
21 that the legal description of the parcel described by this section is
22 incorrect, the secretary of administration may convey the property utilizing
23 the correct legal description but the deed conveying the property shall be
24 subject to the approval of the attorney general.

25 ~~(f)~~ **{(g)}** As used in this section:

26 (1) "Van Buren project and land" means the following described real
27 estate located in Shawnee County, Kansas, including all buildings,
28 improvements, machinery and equipment constructed, located or installed
29 on such real estate:

30 All of lots 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166 and
31 168 on Van Buren streets in the City of Topeka, Shawnee County, Kansas.

32 (2) "Lease with option to purchase agreement dated January 1, 1999"
33 means the lease with option to purchase agreement dated January 1, 1999,
34 as amended, entered into between the Topeka public building commission
35 and the state of Kansas - department of social and rehabilitation services,
36 currently known as the Kansas department for children and families.

37 Sec. 4. (a) The secretary of administration is hereby authorized and
38 empowered, for and on behalf of the state of Kansas, as the tenant for the
39 state of Kansas - Kansas department administration in the lease with
40 option to purchase agreement dated December 1, 1998, to exercise such
41 tenant's option to purchase the Curtis state office building and the land
42 pursuant to such lease with option to purchase agreement.

43 **{(b) No option to purchase, sale or conveyance of the real property**

1 *described in subsection (a) shall be authorized or approved by the*
2 *secretary of administration without having first advised and consulted*
3 *with the joint committee on state building construction.*

4 *(c) Prior to the exercising of the option to purchase and the sale or*
5 *conveyance of the real property described in subsection (a), the state*
6 *finance council shall approve the option to purchase and sale, which is*
7 *hereby characterized as a matter of legislative delegation and subject to*
8 *the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and*
9 *amendments thereto. The matter may be submitted to the state finance*
10 *council for approval at any time, including periods of time during which*
11 *the legislature is in session.}*

12 ~~(b) {(d)}~~ When such option has been exercised, the secretary of
13 administration is hereby authorized and empowered, for and on behalf of
14 the state of Kansas, to sell and convey all of the rights, title and interest in
15 the Curtis state office building and land subject to the terms and conditions
16 of the lease and any outstanding bonds.

17 ~~(e) {(e)}~~ When the sale is made, the proceeds thereof shall be used
18 only to: (1) Call and redeem outstanding bonds associated with the Curtis
19 state office building and the land in accordance with their terms on or after
20 their first optional redemption date as may be permitted in accordance with
21 the applicable bond covenants, along with any other legally available
22 revenues as may be necessary; (2) pay the costs and expenses resulting
23 from exercising the option to purchase; and (3) pay the closing costs and
24 expenses of such sale. Any remaining moneys shall be deposited in the
25 state general fund *{remitted to the state treasurer in accordance with the*
26 *provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of*
27 *such remittance, the state treasurer shall deposit the entire amount in*
28 *the state treasury and credit as provided for the proceeds from the sale of*
29 *surplus real estate pursuant to subsection (f) of K.S.A. 2013 Supp. 75-*
30 *6609, and amendments thereto}.*

31 ~~(d) The conveyance of real property authorized by this section shall~~
32 ~~not be subject to the provisions of K.S.A. 2013 Supp. 75-6609, and~~
33 ~~amendments thereto.~~

34 ~~(e) {(f)}~~ In the event that the secretary of administration determines
35 that the legal description of the parcel described by this section is
36 incorrect, the secretary of administration may convey the property utilizing
37 the correct legal description but the deed conveying the property shall be
38 subject to the approval of the attorney general.

39 ~~(f) {(g)}~~ As used in this section:

40 (1) "Curtis state office building and land" means the following
41 described real estate located in Shawnee County, Kansas, including all
42 buildings, improvements, machinery and equipment constructed, located
43 or installed on such real estate:

1 Lots 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345 and 347 on
2 Kansas Avenue; Lots 73, 75, 77, 79, 81, 83, 85, 87 and 89 on 10th Avenue
3 East; and Lots 338, 340, 342, 344, 346 and 348 on Jackson Street in the
4 City of Topeka, Shawnee County, Kansas.

5 (2) "Lease with option to purchase agreement dated December 1,
6 1998" means the lease with option to purchase agreement dated December
7 1, 1998, as amended, entered into between the Topeka public building
8 commission and the state of Kansas - department of administration.

9 Sec. 5. (a) The secretary of administration is hereby authorized and
10 empowered, for and on behalf of the state of Kansas, as the tenant for the
11 state of Kansas - Kansas department administration in the lease with
12 option to purchase agreement dated December 1, 1998, to exercise such
13 tenant's option to purchase the Curtis parking facility and the land pursuant
14 to such lease with option to purchase agreement.

15 ***{(b) No option to purchase, sale or conveyance of the real property***
16 ***described in subsection (a) shall be authorized or approved by the***
17 ***secretary of administration without having first advised and consulted***
18 ***with the joint committee on state building construction.***

19 ***(c) Prior to the exercising of the option to purchase and the sale or***
20 ***conveyance of the real property described in subsection (a), the state***
21 ***finance council shall approve the option to purchase and sale, which is***
22 ***hereby characterized as a matter of legislative delegation and subject to***
23 ***the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and***
24 ***amendments thereto. The matter may be submitted to the state finance***
25 ***council for approval at any time, including periods of time during which***
26 ***the legislature is in session.***

27 ***{(d)}*** When such option has been exercised, the secretary of
28 administration is hereby authorized and empowered, for and on behalf of
29 the state of Kansas, to sell and convey all of the rights, title and interest in
30 the Curtis parking facility and land subject to the terms and conditions of
31 the lease and any outstanding bonds.

32 ***{(e)}*** When the sale is made, the proceeds thereof shall be used
33 only to: (1) Call and redeem outstanding bonds associated with the Curtis
34 parking facility and the land in accordance with their terms on or after
35 their first optional redemption date as may be permitted in accordance with
36 the applicable bond covenants, along with any other legally available
37 revenues as may be necessary; (2) pay the costs and expenses resulting
38 from exercising the option to purchase; and (3) pay the closing costs and
39 expenses of such sale. Any remaining moneys shall be ~~deposited in the~~
40 ~~state general fund~~ ***{remitted to the state treasurer in accordance with the***
41 ***provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of***
42 ***such remittance, the state treasurer shall deposit the entire amount in***
43 ***the state treasury and credit as provided for the proceeds from the sale of***

1 *surplus real estate pursuant to subsection (f) of K.S.A. 2013 Supp. 75-*
 2 *6609, and amendments thereto}.*

3 ~~(d) The conveyance of real property authorized by this section shall~~
 4 ~~not be subject to the provisions of K.S.A. 2013 Supp. 75-6609, and~~
 5 ~~amendments thereto.~~

6 ~~(e) {(f)}~~ In the event that the secretary of administration determines
 7 that the legal description of the parcel described by this section is
 8 incorrect, the secretary of administration may convey the property utilizing
 9 the correct legal description but the deed conveying the property shall be
 10 subject to the approval of the attorney general.

11 ~~(f) {(g)}~~ As used in this section:

12 (1) "Curtis parking facility and land" means the following described
 13 real estate located in Shawnee County, Kansas, including all buildings,
 14 improvements, machinery and equipment constructed, located or installed
 15 on such real estate:

16 Lots 349, 351, 353, 357 and 359 on Kansas Avenue; and Lots 350, 352,
 17 354, 356, 358 and 360 on Jackson Street in the City of Topeka, Shawnee
 18 County, Kansas.

19 (2) "Lease with option to purchase agreement dated December 1,
 20 1998" means the lease with option to purchase agreement dated December
 21 1, 1998, as amended, entered into between the Topeka public building
 22 commission, the state of Kansas - department of administration and the
 23 City of Topeka, Kansas.

24 *{Sec. 6. (a) As used in this section:*

25 *(1) "Affiliated person" means:*

26 *(A) Any member of the immediate family of a state or local official;*
 27 *or*

28 *(B) any partnership, firm, corporation or limited liability company*
 29 *with which a state or local official is associated or in which a state or*
 30 *local official has an interest, or any partner, officer, director or employee*
 31 *thereof while the state or local official is associated with such*
 32 *partnership, firm, corporation or company.*

33 *(2) "State or local official" means any person who is:*

34 *(A) Any state officer or employee required to file a written*
 35 *statement of substantial interests pursuant to the state governmental*
 36 *ethics law;*

37 *(B) the governor or any full-time professional employee of the*
 38 *office of the governor;*

39 *(C) any member of the legislature and any full-time professional*
 40 *employee of the legislature;*

41 *(D) any justice of the supreme court, judge of the court of appeals*
 42 *or judge of the district court;*

43 *(E) the head of any state agency, the assistant or deputy heads of*

1 *any state agency, or the head of any division within a state agency; or*
 2 *(F) any member of the governing body of a city in Shawnee county*
 3 *or the governing body of Shawnee county; any municipal or county*
 4 *judge of such city or county; any city, county or district attorney of such*
 5 *city or county; and any member of or attorney for the planning board or*
 6 *zoning board of such city or county and any professional planner or*
 7 *consultant regularly employed or retained by such planning board or*
 8 *zoning board.*

9 *(b) No state or local official or affiliated person shall hold, directly*
 10 *or indirectly, an interest in, be employed by, represent or appear for any*
 11 *entity to bid on or purchase any property described in section 1, 2, 3, 4,*
 12 *or 5, and amendments thereto.*

13 *(c) No state or local official or affiliated person shall represent,*
 14 *appear for or negotiate on behalf of any person or entity submitting a*
 15 *proposal to bid on or purchase any property described in section 1, 2, 3,*
 16 *4, or 5, and amendments thereto.*

17 *(d) No state or local official or affiliated person, within five years*
 18 *immediately subsequent to the termination of the office or employment*
 19 *of the official, shall hold, directly or indirectly, an interest in, be*
 20 *employed by or represent, appear for or negotiate on behalf of any*
 21 *person or entity submitting a proposal to bid on or purchase any*
 22 *property described in section 1, 2, 3, 4, or 5, and amendments thereto.*

23 *(e) No state or local official shall solicit or accept, directly or*
 24 *indirectly, any complimentary service or discount from any person*
 25 *submitting a proposal to bid on or purchase any property described in*
 26 *section 1, 2, 3, 4, or 5, and amendments thereto, which such official*
 27 *knows or has reason to know is other than a service or discount that is*
 28 *offered to members of the general public in like circumstance.*

29 *(f) No state or local official shall influence, or attempt to influence,*
 30 *by use of official authority, the decision of the secretary of*
 31 *administration in selling or conveying any property described in section*
 32 *1, 2, 3, 4, or 5, and amendments thereto. Any such attempt shall be*
 33 *reported promptly to the attorney general.*

34 *(g) Willful violation of this section is a class A misdemeanor.}*

35 **Sec. 7.**

36 **DEPARTMENT OF ADMINISTRATION**

37 **(a) There is appropriated for the above agency from the special**
 38 **revenue fund or funds for the fiscal year ending June 30, 2015, all**
 39 **moneys now or hereafter lawfully credited to and available in such**
 40 **fund or funds, except that expenditures shall not exceed the following:**
 41 **Docking state office building rehab, repair and razing**
 42 **fund.....\$15,000,000**
 43 **Provided, That expenditures shall be made from the Docking state**

1 **office building rehab, repair and razing fund only for demolition of**
2 **the Docking state office building and related reconstruction,**
3 **relocation, and renovation of the power plant.**

4 Sec. ~~6-7-7~~ **8.** This act shall take effect and be in force from and after
5 its publication in the Kansas register.