

MESSAGE FROM THE GOVERNOR REGARDING VETO OF SENATE BILL 250

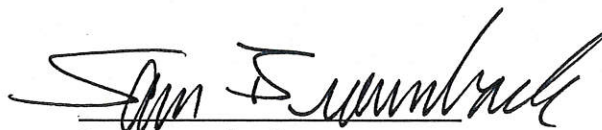
For decades, our state government has been dealing with the serious decline in the condition of the Docking State Office Building. Docking served as the workplace for thousands of our state employees since 1957, and houses the energy center for the capitol complex, but is no longer a viable facility.

In April 2014, the Legislature passed and I signed Senate Bill 423, authorizing the demolition of Docking and the construction of a new energy center. Pursuant to my constitutional authority and obligation under Article 1, Section 3 of the state Constitution, my administration commenced the task of implementing this legislation. That work included the transfer of state employees out of Docking and into better office space and working conditions, the planned construction of a new energy center for the capitol complex, and other preparations for the eventual demolition of Docking. The building is expected to be vacant, with minor exceptions, by this summer, and the Department of Administration had entered into contracts to finance and construct the new energy center.

Early in this Legislative session, my administration was approached by members of the Legislature who believed the plans for Docking – in particular, the soon-to-be-commenced construction of the energy center – should be reexamined. I listened to their concerns, and at my direction the Department of Administration terminated the construction contract for the energy center on February 19, 2016. Because that contract already has been cancelled, the provisions of this bill purporting to eliminate the funding appropriation for the contract are no longer necessary.

Accordingly, pursuant to Article 2, Section 14 (a) of the Constitution of the State of Kansas, I hereby veto Senate Bill 250.

Dated: March 4, 2016



Sam Brownback
Governor of Kansas

SENATE BILL No. 250

AN ACT concerning state building construction; relating to the monthly reports of progress; making and concerning appropriations for the fiscal years ending June 30, 2016, and June 30, 2017, for various state agencies; concerning the Docking state office building; amending K.S.A. 2015 Supp. 75-1264 and repealing the existing section.

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

Section 1. On the effective date of this act, notwithstanding the provisions of any statute, no state agency shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 or fiscal year 2017 as authorized by chapters 4, 81 or 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or other appropriation act of the 2016 or 2017 regular session of the legislature, to demolish the Docking state office building or to reconstruct, relocate, or renovate the power plant or energy center: *Provided*, That pursuant to paragraph 9, project no. EVT0003634, of the state of Kansas construction contract, DA Form 141a, by and between the department of administration and McCarthy Building Companies, Inc., entered into on December 21, 2015, appropriated funds are withdrawn from the project and sufficient funds are not available to continue the function to be performed under such agreement or pay for the charges thereunder: *Provided further*, That no expenditures may be made from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 or fiscal year 2017 as authorized by chapters 4, 81 or 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or other appropriation act of the 2016 or 2017 regular session of the legislature by any state agency to sell, lease, transfer or otherwise convey the land on which building no. 3 (Docking state office building) is situated.

Sec. 2.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds or indirect cost recoveries authorized by law shall not exceed the following:

Prepayment loan and construction contract fund..... No limit

Provided, That during the fiscal year ending June 30, 2016, the moneys available in the prepayment loan and construction contract fund shall only be expended by the above agency for the prepayment of rental payments due and owing the assignee pursuant to the lease with option to purchase series 2015L, by and between the Kansas development finance authority and state of Kansas-department of administration, dated December 29, 2015, and for the amount due and owing to McCarthy Building Companies, Inc., pursuant to the state of Kansas construction contract entered into on December 21, 2015.

(b) On the effective date of this act, the secretary of administration shall determine the amount of money necessary for the prepayment of rental payments due and owing the assignee pursuant to the lease with option to purchase series 2015L, by and between the Kansas development finance authority and state of Kansas-department of administration, dated December 29, 2015, plus the amount of money due and owing to McCarthy Building Companies, Inc., pursuant to paragraph 9, termination due to lack of funding appropriation, of the state of Kansas construction contract entered into on December 21, 2015. The secretary of administration shall certify to the director of accounts and reports the amount necessary to be transferred from the state general fund and any special revenue fund or funds in which the proceeds from the sale of bond series 2015L have been deposited to the prepayment loan and construction contract fund in order to fund all such amounts due and owing. Upon receipt of such certification and the documents as provided for in subsection (c), the director of accounts and reports shall transfer the amount of moneys from the state general fund and any special revenue fund or funds in which the proceeds from the sale of bond series 2015L have been deposited to the prepayment loan and construction contract fund that is required in accordance with the certification by the secretary of administration under this subsection. At the same time as the secretary of administration transmits this certification to the director of accounts

and reports, the secretary of administration shall transmit a copy of such certification to the director of legislative research.

(c) The director of accounts and reports shall secure, prior to the expenditure of any moneys from the prepayment loan and construction contract fund, a written release and satisfaction of all claims and rights against the state of Kansas and any agencies, officers and employees of the state of Kansas regarding any respective claims and rights.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2016, by section 80(c) of chapter 104 of the 2015 Session Laws of Kansas, on the Docking state office building rehab, repair and razing fund of the department of administration is hereby decreased from no limit to \$0.

(e) On the effective date of this act, the provisions of section 80(d) of chapter 104 of the 2015 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 3.

DEPARTMENT OF ADMINISTRATION

(a) On July 1, 2016, the expenditure limitation established for the fiscal year ending June 30, 2017, by section 81(c) of chapter 104 of the 2015 Session Laws of Kansas, on the Docking state office building rehab, repair and razing fund of the department of administration is hereby decreased from no limit to \$0.

(b) On July 1, 2016, the provisions of section 81(d) of chapter 104 of the 2015 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 4. On July 1, 2016, K.S.A. 2015 Supp. 75-1264 is hereby amended to read as follows: 75-1264. (a) The secretary of administration shall ~~issue monthly reports of progress and~~ advise, consult with and cooperate with the joint committee on state building construction.

(b) Change orders or changes in plans involving cost increases of less than \$125,000 and any change order or change in plans involving a cost reduction, other than a change in the proposed use of any new or remodeled building, may be authorized or approved by the secretary of administration without prior consultation with the joint committee on state building construction. The secretary of administration shall report to the joint committee on state building construction all action relating to such change orders or changes in plans.

(c) No change order or change in plans involving any cost increases of \$125,000 or more and no change in the proposed use of any new or remodeled building shall be authorized or approved by the secretary of administration without having first advised and consulted with the joint committee on state building construction.

(d) (1) If the secretary of administration determines that it is in the best interest of the state to authorize or approve a change order, a change in plans or a change in the proposed use of any new or remodeled building that the secretary is required by this section to first advise and consult with the joint committee on state building construction prior to issuing such approval and if no meeting of the joint committee is scheduled to take place within the next 10 business days, then the secretary may use the procedure authorized by this subsection in lieu of advising and consulting with the joint committee at a meeting. In any such case, the secretary of administration shall mail a summary description of the proposed change order, change in plans or change in the proposed use of any new or remodeled building to each member of the joint committee on state building construction and to the director of the legislative research department. Each such summary description shall include a notice specifying the date it was mailed.

(2) After receiving any such summary description, each member shall review the information about the proposed change order, change in plans or change in proposed use and may request a presentation and review of the proposed change order, change in plans or change in proposed use at a meeting of the joint committee. If two or more members of the joint committee contact the director of the legislative research department within seven business days of the date specified in the summary description and request such presentation and review, then the director of the legislative research department shall notify the secretary of administration and the chairperson of the joint committee that a meeting has been

requested for such presentation and review. Upon receiving such notification, the chairperson shall call a meeting of the joint committee as soon as practicable for the purpose of such presentation and review and shall furnish the secretary of administration with notice of the time, date and place of the meeting. In any such case, the secretary of administration shall not authorize or approve such proposed change order, change in plans or change in proposed use without having first advised and consulted with the joint committee at a meeting.

(3) If less than two members of the joint committee contact the director of the legislative research department within seven business days of the date the summary description was mailed and request a presentation and review of any such proposed change order, change in plans or change in use at a meeting of the joint committee, then the secretary of administration shall be deemed to have advised and consulted with the joint committee about such proposed change order, change in plans or change in proposed use and may authorize or approve such proposed change order, change in plans or change in proposed use.

Sec. 5. On July 1, 2016, K.S.A. 2015 Supp. 75-1264 is hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE concurred in
HOUSE amendments _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.