

Senate Substitute for HOUSE BILL No. 2129

AN ACT concerning the department of administration; relating to exemption from monumental building surcharge for the division of post audit; energy audits, requirements; certain state contracts; payroll deductions for indemnity insurance; amending K.S.A. 75-3743, 75-3744, 75-6521, 75-6522 and 75-6523 and K.S.A. 2017 Supp. 75-37,128 and repealing the existing sections.

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

New Section 1. The division of post audit is hereby exempt from paying any monumental building surcharge charged and collected by the department of administration or any other state agency that is levied against all state agency-leased square footage in Shawnee county.

Sec. 2. K.S.A. 2017 Supp. 75-37,128 is hereby amended to read as follows: 75-37,128. (a) The secretary of administration shall adopt rules and regulations, within 18 months of the effective date of this act, for state agencies for the conduct of an energy audit at least every five years on all state-owned real property. On or before the first day of the 2010 regular session of the legislature and on or before the first day of each ensuing regular session of the legislature, the secretary of administration shall submit a written report to the joint committee on state building construction, the house committee on energy ~~and~~, utilities *and telecommunications* and the senate committee on utilities, or their successors, and an electronic copy to the legislature, identifying state-owned real property locations in which an excessive amount of energy is being used in accordance with rules and regulations adopted, within 18 months after the effective date of this act, by the secretary of administration concerning energy efficiency performance standards for state-owned real property.

(b) (1) *Except as provided in subsection (b)(2), the secretary of administration shall not approve a new lease or a renewal or extension of an existing lease of non-state owned real property unless the lessor has submitted an energy audit for such real property that is the subject of such lease. Within 18 months after the effective date of this act, the secretary of administration shall adopt rules and regulations establishing energy efficiency performance standards which shall apply to leased space and improvements which the lessor shall be required to address based on such energy audit.*

(2) *An energy audit shall not be required if the secretary of administration determines that it is not economically feasible to conduct such energy audit, and the secretary of administration provides the rationale for that determination in written form to the joint committee on state building construction.*

Sec. 3. K.S.A. 75-3743 is hereby amended to read as follows: 75-3743. Whenever the secretary of administration or any division head of the department of administration shall so require, certain specified contracts and leases of any state agency shall be approved as to form or execution by the attorney general. ~~A copy of every contract or lease extending for a term longer than one year shall be filed with the director of accounts and reports.~~ All orders or requisitions for supplies, materials; *and equipment and contractual services* shall be made on forms prescribed by the director of accounts and reports, *unless a purchase order is required for each payment against a contract.*

Sec. 4. K.S.A. 75-3744 is hereby amended to read as follows: 75-3744. Except as otherwise provided in this act and rules and regulations adopted thereunder:

~~(1)(a)~~ Every contract subject to the approval of the attorney general shall be signed by the administrative head of the affected state agency. No such contract shall be valid or effective without the approval and signature of the director of purchases ~~and the countersignature of the director of accounts and reports.~~

~~(2)(b)~~ All other purchase orders and contracts issued or entered into by the division of purchases shall be signed by the director of purchases. Such purchase orders ~~or contracts~~ shall show on their face that an appropriation fund or allotment has been encumbered for the full amount of the liability.

Sec. 5. K.S.A. 75-6521 is hereby amended to read as follows: 75-6521. As used in K.S.A. 75-6521 through 75-6523, *and amendments thereto:*

(a) "Commission" means the Kansas state employees health care commission established pursuant to K.S.A. 75-6502, and amendments thereto.

(b) “Director” means the director of accounts and reports.

(c) “Employee” means any person who is an elected or appointed officer or any employee of the state in the classified service or unclassified service under the Kansas civil service act, other than persons who are employed on a seasonal or temporary basis.

(d) “Long-term care insurance” means any long-term care insurance policy ~~which~~ *that* is authorized to be sold in the state of Kansas.

(e) “*Indemnity insurance*” means any supplemental liability insurance policy that protects an individual against loss arising from a specific cause and that is authorized to be sold in the state of Kansas.

(f) “State” means the state of Kansas and any state agency as defined in ~~subsection (3) of~~ K.S.A. 75-3701(3), and amendments thereto.

Sec. 6. K.S.A. 75-6522 is hereby amended to read as follows: 75-6522.

(a) ~~The Kansas state employees health care commission shall offer to all employees~~ long-term care insurance and *indemnity insurance to all employees*. The commission may enter into one or more group insurance contracts to provide such ~~long-term care~~ insurance.

(b) ~~The Kansas state employees health care~~ commission is hereby authorized to negotiate and enter into contracts with qualified insurers for the purpose of providing long-term care insurance *and indemnity insurance*. The commission shall advertise for proposals, shall negotiate with not less than three firms or other parties submitting proposals, and shall select from among those submitting proposals the firm or other contracting party to contract with for the purpose of entering into contracts for long-term care insurance *and indemnity insurance*.

(c) The provisions of K.S.A. 75-4317 ~~to through 75-4320a, inclusive,~~ and amendments thereto, shall not apply to meetings of the ~~Kansas state employees health care~~ commission when the commission meets solely for the purpose of discussing and preparing strategies for negotiations for contracts for long-term care insurance *or indemnity insurance*.

(d) Contracts entered into pursuant to this section shall not be subject to the provisions of K.S.A. 75-3738 ~~to through 75-3740, inclusive,~~ and amendments thereto. Such contracts may be for terms of not more than three years and may be renegotiated and renewed. All such contracts shall be subject to the limits of appropriations made or available therefor and subject to the provisions of appropriations acts relating thereto.

(e) In exercising and performing the powers, duties and functions prescribed by this section, the ~~Kansas state employees health care~~ commission may adopt rules and regulations and enter into such contracts as may be necessary.

Sec. 7. K.S.A. 75-6523 is hereby amended to read as follows: 75-6523.

(a) The purchase of long-term care insurance *and indemnity insurance* by an employee shall be voluntary, and the cost of such insurance shall be paid by the employee. The cost of such insurance for such employee shall be established by the Kansas state employees health care commission.

(b) Periodic deductions from state payrolls may be made in accordance with procedures prescribed by the secretary of administration to cover the costs of the long-term care insurance *and indemnity insurance* payable to employees. All moneys deducted pursuant to this section shall be remitted to the commission and deposited in the cafeteria benefits fund in the manner provided by K.S.A. 75-6513, and amendments thereto.

Sec. 8. K.S.A. 75-3743, 75-3744, 75-6521, 75-6522 and 75-6523 and K.S.A. 2017 Supp. 75-37,128 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

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HOUSE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

SENATE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*