

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2752

As Amended by House Committee of the Whole

Brief*

Under current law, the Secretary of Administration must convene a negotiating committee to select an architect for general construction services on a capital project for a state facility if the project is expected to cost more than \$500,000. HB 2752 raises the dollar amount to \$750,000. For engineering or land surveying services, the dollar threshold would be increased from \$250,000 to \$500,000.

Currently, the Department of Administration is authorized to charge fees of 1.0 percent of the approved budget of capital projects, by statute from the Educational Building Fund or the State Institutions Building Fund and by appropriations bill from all other funding sources. The Department can also charge 8.0 percent for in-house design architectural services on capital projects under authority included each year in the appropriations bill. HB 2752 establishes in statute a negotiating process for determining the appropriate fee for the services provided by the Department of Administration. All or part of the projects financed from private gifts, bequests, or donations would be excluded from the fees, because the services ordinarily provided by the Department of Administration could be provided by other firms in the case of these projects.

The House Committee of the Whole amended the bill to include statutory amendments related to employment of illegal aliens. The bill would prohibit any state agency or unit of government from awarding a contract to a bidder, contractor, or employer who, within the last five years, has been convicted of violation of a Kansas law or a federal law regarding the employment of illegal aliens, or has been a party to a state agency proceeding in which a violation of Kansas or federal law occurred and a penalty or sanction was ordered.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The House Committee of the Whole also amended the bill to establish a toll-free number in the Attorney General's Office to receive phone calls concerning information on illegal aliens employed in Kansas and to advertise availability of the phone line. Information received by the Attorney General would be forwarded to local law enforcement for investigation. In addition, the bill would change the severity of knowingly employing an illegal alien from a class C misdemeanor to a class A nonperson misdemeanor. The bill would also mandate a \$10,000 fine, in addition to any other penalty, for a person found guilty of a second or subsequent offense related to knowingly employing an illegal alien. The definition of "employment" would also be amended to include subcontractors' employees if the employer of the subcontractor was aware that the subcontractor was employing illegal aliens.

Background

The Director of the Division of Facilities Management of the Department of Administration and the Executive Director of the American Institute of Architects in Kansas (AIA Kansas) testified in support of the bill.

The House Committee of the Whole amendments incorporated the provisions of two other House bills, HB 2479, and HB 2818, into the original provisions of HB 2752.

The fiscal note submitted by the Division of the Budget indicates that the fiscal impact of any new fee scale cannot be determined at this time, because the number and scope of approved projects is currently unknown. However, the in-house design section would be able to undertake projects of larger scope because of the higher design limits, thereby producing a slight increase in design fees that would be charged against a larger fee base. The Division of Facilities Management of the Department of Administration states that it would develop a fee schedule with the passage of HB 2752 for architectural, engineering, and project management services.