

MINUTES OF THE SENATE WAYS & MEANS COMMITTEE.

The meeting was called to order by Chairperson Dave Kerr at 11:00 a.m. on January 27, 2000 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Alan Conroy, Chief Fiscal Analyst, KLRD
Norman Furse, Revisor of Statutes
Michael Corrigan, Asst. Revisor of Statutes
Rae Anne Davis, KS Legislative Research Department
Debra Hollon, KS Legislative Research Department
Judy Bromich, Administrative Assistant to the Chairman
Ronda Miller, Committee Secretary

Conferees appearing before the committee:

Thaine Hoffman, Division of Architectural Services, Department of Administration
Robert Fincham, Kansas Chapter of the American Institute of Architects
Gale Haag, State Fire Marshal
Duane Goossen, Director, Division of the Budget

Others attending: See attached list

SB 391: State buildings and facilities, capital improvements, building code interpretations and variances

A representative from the Legislative Research Department reviewed the provisions of the bill. Mr. Thaine Hoffman, Director of the Division of Architectural Services, testified before the Committee in support of **SB 391**. He reviewed his written testimony (Attachment 1), noting that authorizing the Secretary of Administration to grant exceptions would lessen the risk of litigation because the variances would be "on the record." He pointed out that the State Fire Marshal would be allowed to disapprove any variances relating to fire safety.

Mr. Bob Fincham, American Institute of Architects, Government Affairs Committee Chair, appeared before the Committee in support of **SB 391** and reviewed his written testimony (Attachment 2). He emphasized the benefits of a procedure to grant building code variances in the instance of remodeling or renovating older buildings. In answer to a question, he stated that **SB 391** would be advantageous in the remodeling of historic buildings. He also stated that there would be few instances in the construction of new buildings that this proposal would be used.

Gale Haag, Kansas State Fire Marshal, testified before the Committee in support of **SB 391** and reviewed his written testimony (Attachment 3). He stated that **SB 391** would formalize what is already taking place, and though the Fire Marshal's Office does not like the word "variances," they use compensatory measures that do not compromise life safety.

Written testimony in support of **SB 391** submitted by Eric King, Director of Facilities Management for the Kansas Board of Regents, was distributed to members (Attachment 4).

Senator Salisbury moved, Senator Lawrence seconded that **SB 391** be recommended favorably for passage. The motion carried on a roll call vote.

CONTINUATION SHEET

SENATE WAYS & MEANS COMMITTEE MINUTES

SB 100: State emergency fund, transfers from state general fund

A representative from the Legislative Research Department explained the provisions of the bill. Chairman Kerr added that the Finance Council would have to meet to authorize the transfer of monies from the State General Fund to the State Emergency Fund, and the authorization would require a unanimous vote. He added that the current balance in the State Emergency Fund is \$2 million, and, if **SB 100** passes out of Committee, there would be no reason to have such a large balance in it except to cover rewards recognized through the Governor's Office.

Members discussed what constitutes an emergency and historical costs associated with disaster relief. There was some discussion about the \$10 million transfer limit. In answer to a question, Duane Goossen, Director, Division of the Budget, stated that the balance in the Emergency Fund is an arbitrary amount based on past experience. He added that money has been transferred on a number of occasions to cover costs associated with disasters, and that amount has been as much as \$9 million. In answer to a question, it was stated that the Finance Council does not have the authority to transfer monies above the amount included in the bill.

It was moved by Senator Feleciano and seconded by Senator Salisbury that **SB 100** be recommended favorably for passage. The motion carried on a roll call vote.

Senator Petty moved, Senator Feleciano seconded, that bill draft 9rs 1819 be introduced as requested by Senator Petty. The motion carried on a voice vote.

Senator Salmans moved, Senator Ranson seconded that the minutes of January 18, 21, and 24 be approved. The motion carried on a voice vote.

The Chairman adjourned the meeting at 11:45 a.m. The next meeting will be January 31, 2000.

TESTIMONY for SB 391
CHANGE IN KSA 75-3783

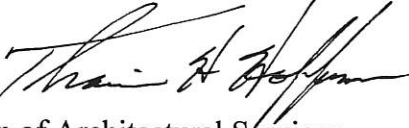
**Amending the powers of the Secretary of Administration to include
interpreting building code requirements and granting variances**

January 20, 2000

State buildings are not subject to review by city building inspection departments. Rather KSA 75-1259 requires the secretary of administration approve all building plans and specifications before those documents are placed out for bids. One purpose of this review is to check for compliance with various codes and standards. Building codes cannot be written to cover every conceivable situation. Interpretations and variances need to be made in certain cases. Most city building inspection offices have a Board of Appeals to hear such issues and to grant variances if found necessary. Present statutes do not address this need at the state. The proposed change would grant and clarify that authority. The proposed legislation would give the Secretary of Administration the authority to interpret building code requirements and grant variances where in the best interest of the state.

There would be no cost or additional staffing required for implementation. This authority could avoid problems during construction and in fact decrease the cost of state building projects where there are less expensive acceptable alternate means that could be used to fulfill specific building code requirements.

I ask for your support of this bill.

Thaine Hoffman 
Director, Division of Architectural Services
296-8899 x203

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Senate Ways and Means Committee
Date *January 27, 2000*
Attachment # 1

AIA Kansas

A Chapter of The American Institute of Architects

January 27, 2000



TO: Senator Kerr and Members of the Senate Ways and Means Committee

FROM: Robert Fincham, AIA, Government Affairs Committee Chair

RE: Support for SB 391

Good morning, Mr. Chairman, and members of the Committee, I am Bob Fincham, Chair of the Government Affairs Committee of the American Institute of Architects in Kansas (AIA Kansas.) I appreciate the opportunity to testify before you today in support for SB 391.

AIA Kansas is a statewide association of architects and intern architects. Most of our 700 members work in over 100 private practice architectural firms designing a variety of project types for both public and private clients including justice facilities, schools, hospitals and other health facilities, industrial buildings, offices, recreational facilities, housing, and much more. The rest of our members work in industry, government and education where many manage the facilities of their employers and hire private practice firms to design new buildings and to renovate or remodel existing buildings.

We support SB 391 because it formalizes a building code variance procedure for state buildings. In the private sector, most building code authorities have an appeals board or committee that reviews building code variance requests with the authority to grant them. We feel that it would be mutually beneficial to have a similar process at the state level. Based on the conditions encountered in a project, a variance is sometimes desirable. For example, when adding onto or renovating an older building, it is often times impossible to bring the existing building into full compliance with current building codes. However with a variance, compromise measures can be designed into the project, which do not comply with the exact language of the building code, but still maintain the life safety of the building.

SB 391 would allow the Secretary of Administration to grant variances where necessary.

Thank you for allowing us this opportunity to testify in support of SB 391. I'll be happy to answer any questions you may have.

President
Neal J. Angrisano, AIA
Overland Park
President Elect
Wendy Ornelas, AIA
Manhattan
Secretary
Nancy L. Steele, AIA
Wichita
Treasurer
David H. Livingood, AIA
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Wichita
David Sachs, AIA
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Gregory E. Schwerdt, AIA
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Senate Ways and Means Committee

Date *January 27, 2000*

Attachment # *2*



OFFICE OF THE
KANSAS STATE FIRE MARSHAL

Gale Haag
Fire Marshal

700 SW JACKSON, SUITE 600, TOPEKA, KS 66603-3714
PHONE (785) 296-3401 / FAX (785) 296-0151

Bill Graves
Governor

**Testimony of State Fire Marshal Gale Haag
before the
Senate Ways & Means Committee
January 27, 2000
SB 391**

Thank you Mr. Chairman and members of the Committee for the opportunity to come before regarding Senate Bill 391.

Senate Bill 391 allows the Secretary of Administration to interpret building code requirements and approve code variances deemed to be in the best interest of the state for state buildings/facilities. I have some concerns about granting variances, because the building codes are the result of years of accumulated data on what works and does not work effectively in the construction of a sound and safe building. In addition, I am concerned with the level of understanding that many people have on what building code issues actually impact the fire and life safety of a building's occupants. However, since my office has a strong working relationship with the Department of Administration's Division of Architectural Service and since this bill contains a provision that requires all variances that impact fire safety or the provisions of the Kansas Fire Prevention Code to be approved by my office first, I can and do support this bill.

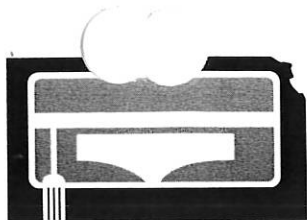
I thank you for your time. I am pleased to stand for questions.

Senate Ways and Means Committee

Date *January 27, 2000*

Attachment # *3*

"Where fire safety is a way of life."



KANSAS BOARD OF REGENTS

700 SW HARRISON • SUITE 1410 • TOPEKA, KS 66603-3760

GENERAL ADMINISTRATION • 785-296-3421
STUDENT FINANCIAL AID • 785-296-3517
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January 18, 2000

Honorable Dave Kerr, Chairman
Senate Ways and Means Committee
Capitol Building
300 SW 10th Street
Topeka, Kansas 66612

Subj: Senate Bill 391

Dear Senator Kerr,

I would like to provide written testimony in support of S.B. 391. The bill authorizes the Secretary of Administration (with the advise and assistance of the Director of Architectural Services) to interpret building code requirements for state buildings and approve variances when deemed by the Secretary, to be in the best interests of the State.

The Kansas Board of Regents has responsibility for a majority of the state's building inventory. Of the 636 university buildings, containing 25 million gross square feet and a replacement value of \$3 billion, 15% has been constructed in the last 20 years. 85% of the buildings are older than 20 years, requiring periodic maintenance and remodeling for new uses.

It is challenging under any circumstance to fully comply with applicable building codes and regulations. It becomes increasingly difficult to make older buildings, constructed under old and less restrictive codes comply with current regulations. At times it is necessary to adjudge certain requirements as a "non-conforming use", in effect waiving those requirements. In the private sector, the local building officials or an appeal board would be empowered to make those calls. The regents universities do not fall under the jurisdiction of local building officials and questions have arisen in the past as to who does have the authority to make those decisions. This past legislative session, I personally witnessed a meeting where such confusion came into play.

I believe that the Secretary of Administration has the qualified personnel and resources to administer code interpretations and grant variances. It would seem to me, a logical extension of their current statutory responsibilities to review and approve all building construction contract documents before they are let for bid. I therefore support the proposed changes contained in Senate Bill 391.

Senate Ways and Means Committee

Date *January 27, 2000*

Attachment # *4*

I would be pleased to answer questions or provide additional information should you have the need.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric King", with a large, loopy flourish extending to the right.

Eric King
Director of Facilities

cc: Kim Wilcox
Mike Matson
Thaine Hoffman