

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on March 10, 2004 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Russell Mills, Legislative Research
Dennis Hodgins, Legislative Research
Theresa Kiernan, Revisor of Statutes' Office
John Beverlin, Committee Secretary

Conferees appearing before the committee:

Karl McNorton, State Fire Marshall's Office
Ed Kotlinski, State Department of Education
Robin Jennison, Ruffin Company
Tracy Diel, Kansas Racing and Gaming Commission

Others attending:

See Attached List.

Chairperson Brungardt called the meeting to order. He asked for further discussion on **SB 41, School building construction standards; fire safety codes**. He asked Theresa Kiernan to provide a quick review of the bill.

Chairperson Brungardt explained to the committee that he felt like it was not the place of the committee to arbitrate difficulties between jurisdictions. He stated that he felt like oversight by the State Fire Marshall of K-12 institutions was a separate matter. He further explained that the simple idea behind the bill was the adoption of current building codes and adding Washburn University to the list of exempted institutions.

Chairperson Brungardt asked the committee for questions or comments.

Senator Vratil asked the committee to consider an amendment to **SB 41** concerning the problem faced by the City of Wichita (Attachment 1). The amendment would change the date on the second page, line 26, to July 1, 2006, from January 1, 2003. Another amendment would require all institutions to submit a code footprint to the State Fire Marshall.

Senator Vratil made a motion to amend the bill. The motion was seconded by Senator Teichman.

Senator Clark asked whether his amendment dealt with both private and public elementary schools.

Theresa Kiernan stated that it was written to apply to both public and private elementary schools.

Senator Clark asked if that was Senator Vratil's intent.

Senator Vratil stated that he did not specify his intent.

Senator Clark stated that his son was in a private home school.

Senator Vratil stated that the amendment would not apply to a home school.

Senator Clark explained that there were numerous churches with schools.

Senator Vratil stated that Senator Clark made a good point. He asked Ms. Kiernan to add the word public to the definition on page two to state any public elementary school. The amendment, however, would still apply to both private and public post-secondary schools.

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Senator Teichman concurred with her second on the amendments.

Senator Barnett asked if the amendatory language was all right with the City of Wichita and the State Fire Marshall.

Senator Vratil stated it was all right with the City of Wichita, but had not discussed the amendments with the State Fire Marshall.

Senator Barnett asked for the State Fire Marshall's input.

Karl McNorton explained that the amendment would have a fiscal impact on the State Fire Marshall's Office.

Senator Vratil stated that he recognized the fiscal impact, but observed that it would also have an equal and opposite fiscal impact on the Department of Education. He stated he believed that it would reduce the work load for state agencies because it is easier to do a code footprint review instead of a whole print review.

Mr. McNorton deferred to Ed Kotlinski, School Plan Review Architect.

Mr. Kotlinski stated that a code footprint uses about 60 to 75 percent of the time it takes to do a whole plan review. He explained, however, that a lot of life-safety features on a code footprint have to be verified on the original plans. He further explained that a code footprint is a great tool, but that it does not offer a 100 percent compliance check for fire protection construction.

Senator Clark asked Senator Vratil if page 10 includes out of state institutions.

Senator Vratil answered that the bill did include out of state post-secondary institutions when they renovate, construct, or remodel a building.

Chairperson Brungardt asked the committee to take action on Senator Vratil's amendment.

The bill was amended.

Senator Vratil asked the committee to adopt an amendment that would prevent K-12 school districts from having to comply to local building codes (Attachment 2). The school districts would only have to adhere to state building codes. He stated that the amendment would save school districts money.

Senator Vratil made a motion to amend the bill. The motion was seconded by Senator Teichman.

Senator O' Connor expressed concern over the loss of revenue the amendment would create for local communities.

Senator Vratil explained that it would also mean the local authorities would have a reduction in services.

Senator Brungardt observed that cities may have problems with infrastructure that intersects with the school buildings. He asked whether the city was still in control of the zoning for the school property.

Senator Vratil explained that zoning was still under the authority of the city.

Senator O' Connor asked Senator Vratil if he had shown his amendment to any of the representatives from Kansas cities and counties.

Senator Vratil answered no.

Senator Teichman expressed her support for the amendment.

Senator Barnett stated he had the same concerns as Senator O' Connor. He expressed his desire to have a

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE at 10:30 a.m. on March 10, 2004 in Room 231-N of the Capitol.

hearing on the issue in order to hear from those communities that would be affected.

Senator Clark observed that parking would need oversight because parking is not a zoning issue.

Senator Vratil explained that his amendment would not eliminate the need for a school district to go to a city for approval of their development plans. He explained he was not trying to rush his amendment through, that if more time was needed to discuss the issue, he would be willing to wait.

Chairperson Brungardt stated the committee would not move forward with action on the bill until there was time to hear input from cities and counties.

Senator Teichman concurred with Senator Vratil.

Chairperson Brungardt asked the committee to switch its attention to **SB 407, Parimutuel wagering; takeout**. He asked Ms. Kiernan to provide an overview of the bill to the committee.

Chairperson Brungardt then welcomed Robin Jennison to the podium.

Mr. Jennison provided testimony in favor of **SB 407 (Attachment 3)**.

Chairperson Brungardt thanked Mr. Jennison and asked the committee for questions.

Senator O' Connor asked for the definition of a take out.

Mr. Jennison explained that on a simple bet, the take out is currently limited to 18 percent. The 18 percent is taken out of the total handle and is split up between the racetrack, the purses, and the tax. The other 82 percent goes into the parimutuel pool to pay the winnings.

Senator Lyon asked for the criteria that is used when deciding to change the take out.

Tracy Diel answered that the discussion is to change the maximum percentage of take out for exotic bets. He explained the Commission looks at the handle and revenue for the track and the state. He further explained that they would use the percent that works the best for all areas.

Chairperson Brungardt thanked Mr. Diel and asked the committee to consider action on **SB 407**.

Senator Barnett made a motion to recommend the bill favorable for passage. The motion was seconded by Senator Teichman. The bill was recommended favorable for passage.

Chairperson Brungardt thanked the committee.

The meeting was adjourned at 11:30 a.m. The next meeting is scheduled for March 11, 2004 at 10:30 a.m. in room 231-N.

Senate Federal and State Affairs Committee

Date: MAR 10, 2004

Name:

Representing:

Judy Cron

American Inst of Architects

Ed Kottlinski

State Dept of Education

Karl McNorton

Ks State Fire Marshal Dept

KEN CHRISTENSEN

IABMO

DOUG LAWRENCE

Ks Grayhound Assn

TRACY DIEL

KRGC

Brian Oliveras

Sen. Betts

Jim Edwards

KASB

Judy Shaw

PMCA of Ks

Glenn Thompson

Stand Up For Ks

Tom Burgess

NECA KC Chapter

Robin Jeanison

Ruffin Companies

Jim Heltz

Kansas AFL-CIO

Scott Heider

Ks Consulting Engineers

TESTIMONY - SENATOR JOE VRATIL

VRATIL

Session of 2003

SENATE BILL No. 41

By Committee on Federal and State Affairs

1-22

AN ACT concerning fire safety and prevention; relating to construction standards of school buildings; amending K.S.A. ~~2002~~ Supp. 31-150 and repealing the existing section.

2003

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

Section 1. K.S.A. ~~2001~~ Supp. 31-150 is hereby amended to read as follows: 31-150. (a) Except as otherwise provided in subsection (b), the construction of school buildings shall comply with the requirements of the ~~1985 edition of the uniform building code, volume I, and the 1985 edition of the uniform mechanical code, of the international conference of building officials 2000 edition of the international building code, of the international code council and the 2000 edition of the uniform mechanical code as published by the international association of plumbing and mechanical officials or the 2000 edition of the international mechanical code as published by the international codes council.~~ All electric wiring shall conform to requirements of the ~~1984~~ 1999 issue of the national electric code of the national fire protection association. Minimum plumbing requirements shall meet the ~~1985~~ 2000 edition of the uniform plumbing code issued by the international association of plumbing and mechanical officials ~~or the 2000 edition of the international plumbing code as published by the international codes council.~~

(b) The construction of mobile, modular, portable or relocatable school buildings shall conform to the requirements of the ~~1985~~ 2000 edition of the life safety code ~~as adopted as published by the national fire protection association.~~ Minimum plumbing requirements shall meet the ~~1985~~ 2000 edition of the uniform plumbing code issued by the international association of plumbing and mechanical officials ~~or the 2000 edition of the international plumbing code as published by the international codes council.~~

(c) The construction of all school buildings shall conform to the provisions for making buildings and facilities accessible to, and usable by, persons with a disability, as required by K.S.A. 58-1301 through 58-1311, and amendments thereto.

~~h) No contract shall be let for the construction of any school building and it shall be illegal to pay out any public funds for the construction~~

Senate Federal and State Affairs Com.

Date: MARCH 10, 2004

Attachment: # 7

1 of a school building until the plans for such building shall: (1) Bear the
2 seal of an architect or a professional engineer licensed by the state board
3 of technical professions of the state of Kansas certifying that the plans
4 meet the applicable requirements of this act; and (2) be submitted to the
5 state board of education for approval as to compliance with such
6 requirements.

7 (e) The provisions of subsections (c) and (d) of this section shall not
8 apply to any building or structure operated or used for any purpose by,
9 or located upon the land of any community college, area vocational school,
10 area vocational-technical school, technical college, or *municipal univer-*
11 *sity*, institution under the governance of the state board of regents or
12 *other institutions of post secondary education as defined by K.S.A. 74-*
13 *3249, and amendments thereto.* Prior to construction of any new building
14 or remodeling of any existing building, all community colleges, area vo-
15 cational schools, area vocational-technical schools, technical colleges and
16 *any municipal university*, institutions under the governance of the state
17 board of regents or *other institutions of post secondary education as de-*
18 *defined by K.S.A. 74-3249, and amendments thereto*, shall submit to the
19 state fire marshal a code footprint for evaluation and approval of the fire/
20 life safety features of such buildings.]

21 ~~(e) (1)~~ The relocation of school buildings to which the provisions of sub-
22 section (b) apply shall not be construed to be construction or reconstruc-
23 tion under the provisions, or for the purposes, of this section.

24 ~~(e) (2)~~ The construction or reconstruction of any school building to
25 which the provisions of this section were applicable prior to January 26,
26 1992 [July 1, 2003], shall be governed by the provisions of this section
27 which were in effect on the date on which the contract for such construc-
28 tion or reconstruction was entered into.

29 ~~(e) (3)~~ The state fire marshal shall adopt rules and regulations specifying
30 those subsequent editions of the codes enumerated in subsections (a) and
31 (b) which the state fire marshal has determined provide protection equiv-
32 alent to those editions specified herein. Compliance with any subsequent
33 edition specified by such rules and regulations shall be considered com-
34 pliance with the edition of the code specified by this section.

35 Sec. 2. K.S.A. [2002] Supp. 31-150 is hereby repealed.

36 Sec. 3. This act shall take effect and be in force from and after its
37 publication in the statute book.
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(d) No contract shall be let for the construction of a new school building or remodeling of an existing school building and no public moneys shall be expended for such construction or remodeling unless:

(1) The building plans for the building bears the seal of an architect or professional engineer licensed by the state board of technical professions of the state of Kansas certifying that the plans meet the applicable requirements of this act; and

(2) prior to such construction or remodeling, a code footprint of such building has been submitted to the state fire marshal and the state fire marshal has approved the fire and life safety features of the building.

January 1, 2006

(h) As used in this section, "school building" means: (1) Any building or structure owned, operated or used by an elementary or secondary school or a public or private postsecondary educational institution; and (2) any building or structure, located in the state of Kansas, which is owned, operated or used by an out-of state postsecondary educational institution.

2003

SENATE BILL No. 41

By Committee on Federal and State Affairs

1-22

AN ACT concerning fire safety and prevention; relating to construction standards of school buildings; amending K.S.A. 2002 Supp. 31-150 and repealing the existing section.

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

Section 1. K.S.A. 2001 Supp. 31-150 is hereby amended to read as follows: 31-150. (a) Except as otherwise provided in subsection (b), the construction of school buildings shall comply with the requirements of the ~~1985 edition of the uniform building code, volume I, and the 1985 edition of the uniform mechanical code, of the international conference of building officials-2000 edition of the international building code, of the international code council and the 2000 edition of the uniform mechanical code as published by the international association of plumbing and mechanical officials or the 2000 edition of the international mechanical code as published by the international codes council.~~ All electric wiring shall conform to requirements of the ~~1984~~ 1999 issue of the national electric code of the national fire protection association. Minimum plumbing requirements shall meet the ~~1985-2000~~ edition of the uniform plumbing code issued by the international association of plumbing and mechanical officials *or the 2000 edition of the international plumbing code as published by the international codes council.*

(b) The construction of mobile, modular, portable or relocatable school buildings shall conform to the requirements of the ~~1985~~ 2000 edition of the life safety code ~~as adopted~~ *as published* by the national fire protection association. Minimum plumbing requirements shall meet the ~~1985~~ 2000 edition of the uniform plumbing code issued by the international association of plumbing and mechanical officials *or the 2000 edition of the international plumbing code as published by the international codes council.*

(c) The construction of all school buildings shall conform to the provisions for making buildings and facilities accessible to, and usable by, persons with a disability, as required by K.S.A. 58-1301 through 58-1311, and amendments thereto.

(d) No contract shall be let for the construction of any school building, and it shall be illegal to pay out any public funds for the construction

Senate Federal and State Affairs Com.

Date: March 10, 2004

Attachment: # 2

of a school building until the plans for such building shall: (1) Bear the seal of an architect or a professional engineer licensed by the state board of technical professions of the state of Kansas certifying that the plans meet the applicable requirements of this act; and (2) be submitted to the state board of education for approval as to compliance with such requirements.

(e) The provisions of subsections (c) and (d) of this section shall not apply to any building or structure operated or used for any purpose by, or located upon the land of any community college, area vocational school, area vocational-technical school, technical college, or *municipal university*, institution under the governance of the state board of regents or *other institutions of post secondary education as defined by K.S.A. 74-3249, and amendments thereto*. Prior to construction of any new building or remodeling of any existing building, all community colleges, area vocational schools, area vocational-technical schools, technical colleges and, *any municipal university*, institutions under the governance of the state board of regents or *other institutions of post secondary education as defined by K.S.A. 74-3249, and amendments thereto*, shall submit to the state fire marshal a code footprint for evaluation and approval of the fire/life safety features of such buildings.

(f) The relocation of school buildings to which the provisions of subsection (b) apply shall not be construed to be construction or reconstruction under the provisions, or for the purposes, of this section.

(g) The construction or reconstruction of any school building to which the provisions of this section were applicable prior to ~~January 26, 1992~~ ~~July 1, 2003~~, shall be governed by the provisions of this section which were in effect on the date *on which* the contract for such construction or reconstruction was entered ~~into~~.

2006

(h) *No school district improvement project for the construction, reconstruction, remodeling, improvement, repair or maintenance of any building or facility for use by one or more state agencies, shall be subject to any building permit requirement or building code of any county, township, district, city or other political subdivision of this state or fees charged therefore. No project shall be subject to any inspection requirement or any requirement to obtain any permit, license or other instrument of approval for the project which is imposed by any city, township, district, city or other political subdivision of this state, except that such project shall be subject to reasonable inspections for the sole purpose of allowing members of the police and fire departments and other public emergency services personnel to become familiar with the project. As used in this section "building code" means any building code and includes any plumbing code, electrical wiring code, gas piping code or similar code. This subsection shall apply to all capital improvement projects in existence prior to the effective date of this act and to those commenced on or after the effective date. (i) Notwithstanding the provisions of this subsection, the school district that owns the property, may request that the city, township, county or other political subdivision in which a*

school district capital improvement project is located provide code review or inspection services required by this section. The city, township, county or other political subdivision shall be compensated for such services from funds appropriated for the project or available therefore. The amount of such compensation shall be based on the fee schedule established by the city, county, township or other political subdivisions. (ii) School district capital improvement projects shall be exempt from the payment of fees relating to local zoning ordinances and resolutions, but the state shall reimburse a political subdivision for any related publication expenses incurred by the political subdivision.

~~(h)~~ (i) The state fire marshal shall adopt rules and regulations specifying those subsequent editions of the codes enumerated in subsections (a) and (b) which the state fire marshal has determined provide protection equivalent to those editions specified herein. Compliance with any subsequent edition specified by such rules and regulations shall be considered compliance with the edition of the code specified by this section.

Sec. 2. K.S.A. 2002 Supp. 31-150 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

**Robin Jennison
Governmental Services
800 SW Jackson
Suite 1100
Topeka, Kansas 66612**

March 10, 2004

Senate Federal and State Affairs Committee:

SB407

Mr. Chairman and members of the committee:

I am Robin Jennison, representing Ruffin Companies, which own Wichita Greyhound Park and the closed pari-mutuel facility at Frontenac. Thank you for hearing SB407 and the opportunity to testify in favor of its passage. As you know the pari-mutuel industry in Kansas has faced financial challenges for a number of years, largely due to changes in the gaming environment across the country as well as in our own state and directly across our boarder.

SB407 is an attempt to give the Racing and Gaming Commission the authority to address some of those issues. If a more significant gaming bill should pass this issue would not be as critical. We do believe giving the commission this flexibility would still be appropriate.

I am including a list of the tracks that Wichita simulcasts, to give you some idea of what other tracks are doing. We think it is reasonable to give the Racing Commission the authority to set the takeout up to 25% on multiple and exotic bets.

As you have heard in testimony on other bills the pari-mutuel industry is a significant industry in Kansas. SB407 could be an important component in preserving that industry.

Senate Federal and State Affairs Com.

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Attachment: # 3

Robin - Here's a sample of the tracks we're currently taking. Let me know if you need ALL tracks or if this will do. -Shelli

Track	State	Dog or Horse	WPS	Daily Double	Exacta Perfecta	Quinella	Trifecta	Superfecta	TwinTri	TriSuper	Pick3	Pick4	Pick6	Other
Oaklawn	AK	Horse	17	21	21		21				21		21	
Golden Gate (during CA fairs)	CA	Horse	16.77	21.52	21.52	21.52	21.52	21.52			21.52	21.52	21.52	
Golden Gate (reg.)	CA	Horse	15.4	20.18	20.18	20.18	20.18	20.18			20.18	20.18	20.18	
Santa Anita	CA	Horse	15.4	20.18	20.18	20.18	20.18	20.18			20.18	20.18	20.18	
Cloverleaf	CO	Dog	19.5	22.5	22.5	22.5	24.5	24.5		24.5	24.5			24.5
Derby Lane & Tampa	FL	Dog	19	22	22	22	25	25	25	25	25			25
Gulfstream	FL	Horse	15	20	20		25	25			20	20	20	
Tampa Bay Downs	FL	Horse	18.9	22.5	22.5	22.5	25.9	25.9	25.9		25.9	25.9		
Bluffs Run	IA	Dog	18	24	24	24	25	25	25			25		
Turfway	KY	Horse	17.5	22	22		22	22			22	22	22	
Fair Grounds	LA	Horse	17	20.5	20.5	20.5	25	25			25	25	25	
Laurel/Pimlico	MD	Horse	18	21	21		25.75	25.75			25.75	14		
Northville Downs	Mi	Horse	17	28	28	28	28	28			28			
Freehold	NJ	Horse	17	19	19		25	25				25		25
Meadowlands	NJ	Horse	17	19	19		25	15			25	15		
Sunland Park	NM	Horse	19	21	21		25	25			25	25		
NYRA (Bel/Sar/Aqu)	NY	Horse	14	17.5	17.5	17.5	25	25					20/25	
Beulah	OH	Horse	18	22.5	22.5		22.5	22.5			22.5	22.5		
Penn National	PA	Horse	17	20	20		31	30			26	28		
Philadelphia Park	PA	Horse	17	20	20		30	30			26			
The Meadows	PA	Horse	17	20	20		29	20			20			
Lincoln	RI	Dog	22	23		23	23	23	11		23			
Gulf Greyhound	TX	Dog	18	21	21	21	25	25	25	25	25			
Sam Houston	TX	Horse	18	21	21	21	25	25			12	25		
Dairyland	WI	Dog	20		25	25	25	25	25	25				25
Mountaineer	WV	Horse	17.25	19	19		25	25			25			

