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M e m o r a n d u m

**TO:** Joint Committee on State Building Construction

**FROM:** Jill A. Wolters, First Assistant Revisor of Statutes

**DATE:** January 4, 2013

**SUBJECT:** Joint Committee on State Building Construction – Powers, Duties and Functions

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This memorandum summarizes selected Kansas statutes that prescribe or relate to the powers, duties and functions of the Joint Committee.

**Creation and organization:**

The Joint Committee was established during the 1978 Session. The bill creating the Joint Committee [1978 HB 2722] was recommended by the Special Committee on Ways and Means - B as a result of its interim study of state building construction procedures.

The Joint Committee was expanded from six members to 10 members by 1999 HB 2065. It is composed of five members of the Senate and five members of the House of Representatives. Two members each are appointed by the Senate President, the Senate Minority Leader, the Speaker of the House of Representatives and the House Minority Leader. The Chair of the Senate committee on ways and means and the chair of the House committee on appropriations serve on the Joint Committee or, in lieu of a Chair serving, a member of such committee is to be appointed by that Chair to serve. [K.S.A. 46-1701(a)]

Terms of office are until the first day of the regular legislative session in odd-numbered years. The Chair and Vice-Chair are elected by the members of the Joint Committee at the beginning of each regular session of the Legislature and serve until the first day of the next regular session. In odd-numbered years, the Chair is to be a Representative and the Vice-Chair is to be a Senator. In even-numbered years, the Chair is to be a Senator and the Vice-Chair is to be a Representative. [K.S.A. 46-1701(b)]

A quorum of the Joint Committee is six members. All actions of the joint committee shall be by a majority of all members. [K.S.A. 46-1701(c)]

The Joint Committee may meet at any location in Kansas on call of the Chair and is authorized to introduce legislation. Members receive the normal per diem compensation and expense reimbursements for attending meetings during periods when the Legislature is not in session. [K.S.A. 46-1701(d), (e) and (f)]

## **Duties and responsibilities:**

The primary responsibilities of the Joint Committee are set forth in K.S.A. 46-1702. These are to study, review and make recommendations on all agency capital improvement budget estimates and five-year capital improvement plans and to continually review. The recommendations are to be made to the Senate Ways and Means committee and the House appropriations committee. Further, the Joint Committee shall study the progress and results of all capital improvement projects for the construction/major repairs/improvements of buildings for state agencies. The Joint Committee makes annual reports to the Legislature through the Legislative Coordinating Council and such other special reports to committees of the House of Representatives and Senate as are appropriate.

Each state agency budget estimate for a capital improvement project is to be submitted to the Joint Committee by July 1 in addition to the Division of the Budget and the State Building Advisory Commission. Each such estimate is to include a written program statement describing the project in detail. [K.S.A. 75-3717b]

This budget estimate requirement does not apply to federally funded projects of the Adjutant General or to projects for buildings or facilities for Kansas Correctional Industries of the Department of Corrections that are funded from the Correctional Industries Fund. In such cases, the Adjutant General reports to the Joint Committee each January regarding such federally funded projects and the Director of Kansas Correctional Industries advises and consults with the Joint Committee prior to commencing such projects for Kansas Correctional Industries. [K.S.A. 75-3717b and 75-5282]

The Secretary of Administration is to issue monthly reports of progress on capital improvement projects, including all actions relating to change orders or changes in plans. The Secretary of Administration is required to first advise and consult with the Joint Committee on each change order or change in plans for a project having an increase in project cost of \$125,000 or more prior to approving the change order or change in plans. [K.S.A. 75-1264]

K.S.A. 75-1264 also provides for an alternative procedure in cases when the Joint Committee will not be meeting within 10 business days and the Secretary of Administration determines that it is in the best interest of the state for a change order or change in plans having an increase in project costs of \$125,000 or more to be approved prior to being presented to the Joint Committee. In each such case a summary description of the proposed change order or change in plans is mailed to each member of the Joint Committee who may request a presentation and review of the proposal at a meeting of the Joint Committee. If, within seven business days of the date the notice was mailed, two or more members notify the Director of Legislative Research of a request to have a meeting on the matter, the Director notifies the Chair of the Joint Committee who will call a meeting as soon as practicable. The Secretary of Administration is not to approve the proposed action prior to a presentation of the matter at a meeting of the Joint Committee. If the proposed matter is not requested to be heard by two or more members of the Joint Committee, then the Secretary of Administration is deemed to have advised and consulted with the Joint Committee and may approve the proposed change order, change in plans or change in proposed use.

There are approximately 25 statutes that require advising and consulting with Joint Committee as a condition precedent to some agency or school district action.