

HOUSE BILL No. 2843

By Representative Yonally

2-7

9 AN ACT relating to public buildings; concerning the construction
10 thereof; enacting the green buildings act; amending K.S.A. 75-1259
11 and 75-3783 and K.S.A. 2005 Supp. 31-150 and repealing the existing
12 sections.

13

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

15 New Section 1. (a) The provisions of this section may be cited as the
16 green buildings act.

17 (b) As used in this section:

18 (1) "LEED silver standard" means the United States green building
19 council leadership in energy and environment design green building rat-
20 ing standard;

21 (2) "major facility project" means:

22 (A) A building construction project with more than 5,000 gross square
23 feet of occupied or conditioned space; or

24 (B) a building renovation project for which the cost is greater than
25 50% of the assessed value and the project with more than 5,000 gross
26 square feet of occupied or conditioned space.

27 (c) Notwithstanding any other provision of law:

28 (1) All major facility projects of state agencies shall be designed, con-
29 structed and certified to at least the LEED silver standard. This provision
30 shall apply to major facility projects that have not entered the design
31 phase prior to January 1, 2007; and

32 (2) all major facility projects of a public school district shall be de-
33 signed, constructed and certified to at least the LEED silver standard.
34 This provision applies to major facility projects that have not entered the
35 design phase prior to January 1, 2007.

36 (d) A major facility project shall not be required to meet the LEED
37 silver standard if:

38 (A) There is no appropriate LEED silver standard for that type of
39 building or renovation project; or

40 (B) there is no practical way to apply the LEED silver standard to a
41 particular building or renovation project.

42 (e) The secretary of the department of administration shall adopt
43 rules and regulations to carry out the provisions of this section.

1 (f) On or before February 1, of each year, the secretary of the de-
2 partment of administration shall report to the governor and to the legis-
3 lature on the ongoing operating savings that result from major facility
4 projects designed, constructed and certified as meeting the LEED silver
5 standard.

6 Sec. 2. K.S.A. 2005 Supp. 31-150 is hereby amended to read as fol-
7 lows: 31-150. (a) Except as otherwise provided in this section, the con-
8 struction of school buildings shall comply with the requirements of the
9 2000 edition of the international building code as published by the inter-
10 national codes council. All electric wiring shall conform to requirements
11 of the 1999 issue of the national electric code of the national fire protec-
12 tion association.

13 (b) The construction of mobile, modular, portable or relocatable
14 school buildings shall conform to the requirements of the 2000 edition
15 of the life safety code as published by the national fire protection
16 association.

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

21 (d) No contract shall be let for the construction of any school build-
22 ing, and it shall be illegal to pay out any public funds for the construction
23 of a school building until the plans for such building shall: (1) Bear the
24 seal of an architect or a professional engineer licensed by the state board
25 of technical professions of the state of Kansas certifying that the plans
26 meet the applicable requirements of this act; and (2) be submitted to the
27 state board of education for approval as to compliance with such
28 requirements.

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

43 (f) The relocation of school buildings to which the provisions of sub-

1 section (b) apply shall not be construed to be construction or reconstruc-
2 tion under the provisions, or for the purposes, of this section.

3 (g) The construction or reconstruction of a school building, whether
4 funded by bonds or other moneys, in a school district where general
5 obligation bonds were authorized to be issued by a vote of the electors
6 in an election held on or before July 1, 2000, shall be governed by the
7 provisions of this section that were in effect on January 1, 2004.

8 The provisions of this subsection shall expire on July 1, 2006.

9 (h) *The construction or reconstruction of a school building shall com-*
10 *ply with the provisions of section 1, and amendments thereto.*

11 ~~(h)~~ (i) The state fire marshal shall adopt rules and regulations speci-
12 fying those subsequent editions of the codes enumerated in subsections
13 (a) and (b) which the state fire marshal has determined provide protection
14 equivalent to those editions specified herein. Compliance with any sub-
15 sequent edition specified by such rules and regulations shall be consid-
16 ered compliance with the edition of the code specified by this section.

17 Sec. 3. K.S.A. 75-1259 is hereby amended to read as follows: 75-
18 1259. (a) The project architect employed by the secretary of administra-
19 tion to prepare the construction documents shall submit all construction
20 documents to the secretary of administration and the state agency for
21 which the project is being constructed. All construction documents pre-
22 pared by the project architect shall be approved by the secretary of ad-
23 ministration and the state agency prior to submitting the same to the
24 director of purchases to solicit bids thereon.

25 (b) The review of the construction documents by the secretary of
26 administration and the state agency under this section shall be limited to
27 ensuring only that such documents do not change the project description
28 approved under K.S.A. 75-1255, and amendments thereto, and that the
29 same comply with the standards established under K.S.A. 75-3783, and
30 amendments thereto, by the secretary of administration with the advice
31 of the state building advisory commission for the planning, design and
32 construction of buildings and major repairs and improvements to build-
33 ings for state agencies.

34 (c) If the construction documents are prepared by the secretary of
35 administration, the same shall be submitted to and approved by the state
36 agency prior to submission to the director of purchases. If the construc-
37 tion documents are prepared by an agency architect as provided in K.S.A.
38 75-1254, and amendments thereto, the same shall be submitted to, re-
39 viewed and approved by the secretary of administration under this section
40 prior to submission to the director of purchases.

41 (d) The construction documents for a capital improvement project
42 for the construction of a building or for major repairs or improvements
43 to a building for the use or benefit of a state agency, shall prescribe

1 standards for energy conservation which provide the highest level of en-
2 ergy conservation and efficiency that is practical for the project, as de-
3 termined by the secretary of administration, *except that such standards*
4 *shall comply with the provisions of section 1, and amendments thereto.*
5 The standards for energy conservation determined practical for the pro-
6 ject by the secretary of administration shall be included as program and
7 base bid requirements for the project and not as alternates.

8 Sec. 4. K.S.A. 75-3783 is hereby amended to read as follows: 75-
9 3783. (a) In addition to other powers and duties, and with the advice of
10 the state building advisory commission, the secretary of administration
11 shall:

12 (1) Collect and maintain current data on construction costs, including
13 materials and labor, and the current and forecasted economic status and
14 activity of the construction industry in the state;

15 (2) establish criteria and procedures to evaluate the qualifications and
16 performance of contractors providing any architectural services, as de-
17 fined in subsection (c) of K.S.A. 75-1251, and amendments thereto, en-
18 gineering services, as defined in subsection (b) of K.S.A. 75-5802, and
19 amendments thereto, and construction services for capital improvement
20 projects for the construction of buildings or for major repairs or improve-
21 ments to buildings for state agencies; and gather information on and eval-
22 uate the past and present performance of all such contractors on similar
23 public and private projects;

24 (3) issue a written order, personally signed by the secretary, to the
25 contractor stopping the progress of the work upon any project whenever
26 the secretary determines that the work does not comply with contract
27 documents; and

28 (4) develop and adopt standards, with the advice and assistance of
29 the director of architectural services, for the inspection and acceptance
30 of projects for the construction of buildings and major repairs and im-
31 provements to buildings for state agencies and for the qualifications of
32 inspection personnel employed by state agencies.

33 (b) With the advice of the state building advisory commission, the
34 secretary of administration may develop and adopt rules and regulations
35 in accordance with the provisions of K.S.A. 77-415 et seq., and amend-
36 ments thereto, establishing standards for planning, design and construc-
37 tion of buildings and major repairs and improvements to buildings for
38 state agencies, which standards shall include energy conservation stan-
39 dards, *except that such rules and regulations shall comply with the pro-*
40 *visions of section 1, and amendments thereto.*

41 Sec. 5. K.S.A. 75-1259 and 75-3783 and K.S.A. 2005 Supp. 31-150
42 are hereby repealed.

43

1 Sec. 6. This act shall take effect and be in force from and after its
2 publication in the statute book.