

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 February 24, 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:

Brad Smoot, Advance Insurance Company
Karl McNorton, Fire Marshal's Department
Trudy Aron, American Institute of Architects
Dianne Gjerstad, Wichita Public Schools
Jim Edwards, Kansas Association of School Boards
Norm Jennings, Kansas Grape Growers and Wine Makers Association
Dee Forge, Prairie Ridge
Tuck Duncan, Kansas Wine and Spirit Wholesalers Association

Others attending:

See Attached List.

Chairperson Brungardt called the meeting to order and asked the committee to consider the approval of the minutes of January 28, January 29, February 3, February 4, and February 5.

Senator Teichman made a motion to approve the minutes. The motion was seconded by Senator Vratil. The minutes of January 28, January 29, February 3, February 4, and February 5 were approved.

Chairperson Brungardt called Brad Smoot to the podium for a bill introduction.

Mr. Smoot asked the committee to introduce a bill concerning Kansas life insurance laws (Attachment 1).

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

Chairperson Brungardt thanked Mr. Smoot and opened the hearing on **SB 41, School building construction standards; fire safety codes**. He called Dennis Hodgins to the podium to provide an overview of the bill to the committee.

Chairperson Brungardt called Karl McNorton to the podium.

Mr. McNorton presented testimony in support of **SB 41** (Attachment 2).

Chairperson Brungardt asked the committee for questions.

Senator Barnett asked how often the International Building Code is published.

Mr. McNorton answered that it is published once every three years.

Senator Barnett asked if there was any value in simply stating "the most recent" or if there was a reason in not stating "the most recent edition" in the bill.

Mr. McNorton answered that it was best to say the specific International Building Code year to be followed. He explained that new codes may not be necessary or relevant to follow.

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Senator Vratil asked about page 2 line 19. He asked Mr. McNorton to explain a code footprint.

Mr. McNorton explained that it was a code document that lists all points of exiting, any fire protection features that may be in the building, rated corridors and other life safety features. He explained the document enables the Fire Marshal to do a plan review in a shorter period of time.

Senator Vratil asked about the subsection E on page two. He wanted to know why community colleges, vocational schools, vocational-technical schools, technical colleges, and municipal universities, and any institution under the governance of the state board of regents are exempt from subsection C.

Mr. McNorton stated that he was unable to answer the question. He explained that the law had been in the statutes for as long as he could remember.

Senator Vratil stated that the subsection did not make sense to him, because they are required under federal law to provide for persons with disability. He asked why the state was exempting those institutions from having to apply to the International Building Codes.

Mr. McNorton explained that the state does not exempt them. He further explained that the only thing the institutions, mentioned above, were exempt from, were the requirement that they present their plan to the Department of Education.

Senator Vratil observed that K-12 schools submit plans to the state architect through the Department of Education for review.

Mr. McNorton explained the plans are submitted to the Department of Education, where they have an architect on staff that does the review. He further explained the architect also receives a code footprint.

Senator Vratil asked why there was a different procedure for review for K-12 schools and a different review for other institutions such as those under control of the Board of Regents.

Mr. McNorton explained he did not have an answer. Again he stated that it had always been that way in the statutes.

Senator Vratil explained that if the code footprint review is satisfactory for the K-12 schools, it should be satisfactory for the exempt institutions. He further explained that if the full plan review is appropriate for the exempt institutions, maybe it should also be satisfactory for K-12 schools.

Eric King, Director of Facilities for the Board of Regents, explained that he could not answer why subsection E exists in the statutes. He further explained there are statutes that required the Board of Regents institutions to have all the ADA requirements and all of the building code requirements. He stated that the institutions are using the International Building Codes. Mr. King explained that there was a process where plans are submitted to the Division of Facilities Management. He explained that there were also reviews done by the Fire Marshal.

Senator Vratil asked if Chairperson Brungardt could request the answers to his questions. He also wanted to know precisely what the higher education schools under the Board of Regents required by statutes to do to obtain authorization for construction of new buildings.

Chairperson Brungardt asked the researchers to carry out the request of Senator Vratil.

Senator Clark asked about page two, line 13. He wanted to know what was considered a foreign institution.

Mr. McNorton stated he was unfamiliar with that provision.

Senator Clark stated he was unsure whether the bill covers all private parochial schools.

Mr. McNorton stated the intention was to cover all K-12 schools in the state, regardless of whether private or public.

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Mr. McNorton then returned to the issue of the difference between K-12 schools and post secondary institutions. He stated that the institutions were viewed as places of business while the K-12 schools were viewed differently because of the age of the individuals who frequent the buildings.

Chairperson Brungardt thanked Mr. McNorton and welcomed Trudy Aron to the podium.

Ms. Aron presented testimony in support of **SB 41** (Attachment 3).

Senator Vratil asked why the state would want a more extensive review of plans for the construction of a building that is not owned by the state, than the state would want with a building it did own.

Ms. Aron stated she believed the processes are the same, but there is a different authority who is reviewing the construction plans.

Senator Vratil explained that the committee was just told the code footprint review was the less extensive of the review of plans.

Ms. Aron explained that the code footprint only makes it easier to identify everything in the plans. She further explained it is currently required on all state buildings. She explained that the Department of Education does a whole review of the plans for construction of K-12 schools, while the Fire Marshall reviews the code footprint for life safety items.

Senator Vratil explained that he did not read the bill in that manner.

Senator O' Connor asked if there were other code books besides the IBC that are used by the industry.

Ms. Aron explained the history of building codes. She stated that most of the code books had been melted into the IBC, which was first published in 2000.

Chairperson Brungardt thanked Ms. Aron and welcomed Dianne Gjerstad to the podium.

Ms. Gjerstad presented testimony against **SB 41** (Attachment 4).

Chairperson Brungardt thanked Ms. Gjerstad and welcomed Jim Edwards to the podium.

Mr. Edwards presented testimony against **SB 41** (Attachment 5).

Chairperson Brungardt thanked Mr. Edwards and asked the committee for additional questions.

Senator O' Connor had a question for Ms. Gjerstad. She stated that she had no problem amending **SB 41** to include a grandfather clause. Senator O' Connor asked Ms. Gjerstad what exemptions were made when Wichita adopted the 2000 IBC.

Ms. Gjerstad stated she was not sure, but would find out the information from the City of Wichita. She also stated that a grandfather clause would not work because of the way the bonds for the project were financed.

Chairperson Brungardt closed the hearing on **SB 41** and opened the hearing on **SB 402, Farm wineries; rights of licensees; fees; ownership restrictions**. He asked Theresa Kiernan to provide an overview of the bill.

Ms. Kiernan explained the bill to the committee. She further explained that the Kansas Grape Growers and Wine Makers Association, who originally introduced the bill prefer the language in **HB 2723** concerning the shipment of wine and the ingredients in the wine. She suggested to the committee that they use the language from **SB 305** to include the tax and record keeping requirements, if they decide to include the direct shipment of wine.

Chairperson Brungardt thanked Ms. Kiernan and welcomed Norm Jennings to the podium.

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Mr. Jennings presented testimony in support of **SB 402** (Attachment 6).

Chairperson Brungardt thanked Mr. Jennings and welcomed Dee Forge to the podium.

Mr. Forge stated that he grows grapes on the Prairie Ridge Farm. He explained to the committee how Kansas and his farm would benefit with the implementing of **SB 402**.

Chairperson Brungardt thanked Mr. Forge and welcomed Patty Clark to the podium.

Ms. Clark presented testimony in support of **SB 402** (Attachment 7).

Chairperson Brungardt thanked Ms. Clark and welcomed Tuck Duncan to the podium.

Mr. Duncan presented testimony against **SB 402** (Attachment 8).

Chairperson Brungardt thanked Mr. Duncan. He explained to the committee and the audience that the hearing on **SB 402** would have to be continued at the next meeting.

The meeting was adjourned at 11:55 a.m. The next meeting is scheduled for March 3, 2004, at 10:30 a.m. in room 231-N.