

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.

Senator Teichman concurred with her second on the amendments.

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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 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

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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.