

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Chairperson Carlos Mayans at 3:30 p.m. on January 25, 2000 in Room 521-S of the State Capitol.

All members were present except: Rep. Deena Horst, excused
Rep. John Toplikar, excused

Committee staff present: Michael Heim, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Theresa Kiernan, Office of the Revisor of Statutes
Lisa Montgomery, Office of the Revisor of Statutes
Lois Hedrick, Committee Secretary

Conferees appearing before the committee:
Daniel Hermes, Office of the Governor
Nancy Lindberg, Attorney General's Office
Representative Melvin Minor
Thaine Hoffman, Division of Architectural Services
Tim Ryan, City of Overland Park
Gale Haag, State Fire Marshal
Trudy Aron, American Institute of Architects, Kansas (AIA)

Others attending: See Guest List ([Attachment 1](#))

The committee minutes of January 18, 2000 and January 20, 2000 were approved.

Chairperson Mayans opened the meeting for introduction of bills. Daniel Hermes, Office of the Governor, requested the committee introduce a bill on behalf of the Governor and the Attorney General to enhance the law concerning open records. The two offices have joined together in drafting legislation to establish a Public Assistance Officer (an independent office) in the Attorney General's Office to allow the officer to hold administrative hearings on open records cases. Nancy Lindberg, Office of the Attorney General, stated the bill would add penalties of up to \$500 if someone willfully fails to disclose an open document; adds provisions relating to notice of open meetings and records; and establishes a custodian who will be responsible for such records. The Chair asked if there was a fiscal implication to the request. Both conferees indicated there would be new costs associated for additional staff. Presently, Steve Phillips in the Attorney General's Office works with open meetings. The Chair stated there being no objection, the bill was approved for introduction.

The Chair then opened the hearing on **HB 2241** (County officers and candidates for office; residency requirements). Representative Melvin Minor, sponsor of the bill, presented testimony that it would make laws more uniform and fair to qualifying candidates for certain county offices. He indicated the offices of county attorney and appraiser are not included since many smaller counties do not have full time offices. (See his testimony, [Attachment 2.](#))

No others were present to testify on **HB 2241**, so the hearing was closed. Representative O'Connor moved, and Representative Huff seconded, that **HB 2241** be favorably passed with the recommendation that it be placed on the Consent Calendar. The motion carried.

Chairperson Mayans opened the hearing on **HB 2598** (Kansas fire prevention code, compliance with the international building code). Thaine Hoffman, Director, Division of Architectural Services, testified on the merits of the bill, stating it will allow governmental entities flexibility to adopt a single International Building Code for the use of building owners, architects and engineers. He explained the development of the new code and its expected use in the future. It is anticipated that eventually this new code will be the single approved code for the world and the only one published. (See his testimony, [Attachment 3.](#)) Approval of the bill will allow the State Fire Marshal authority to adopt the code.

Tim Ryan, Administrator for the City of Overland Park, testified in support of the bill and stated that

CONTINUATION SHEET

support is shared by the building officials from all cities in Johnson County. He indicated that for the last ten years he has served on an international committee that promulgated the new code. Mr. Ryan indicated the new code is a step forward to uniformity. Currently, because of the several different approved building codes in the various municipalities, conflict arises in their interpretations. Like the existing approved codes, the new code will be updated every three years to incorporate needed changes.

Gale Haag, State Fire Marshal, testified that the concept of one building code is excellent. When contractors and builders go from one city to another they encounter many codes and many differences. "One code is a win-win." He indicated there are groups that are not satisfied with the new code but felt their adversity would change as the new code is in place and updated. Rural communities generally do not adopt building codes. It is the State Fire Marshal's responsibility to cover them. Mr. Haag stated the new code is a great idea and he applauds the code organizations for getting together for safety and costs. (See his written testimony, Attachment 4.)

Trudy Aron, Executive Director, American Institute of Architects, testified in support of **HB 2598**. She described the legal parameters of existing building codes; the diversity and frustrations inherent in determining applicable codes; and the anticipated future simplicity and cost effectiveness of the new International Building Code, 2000. (See her written testimony, Attachment 5.)

There being no others to testify on the bill, the hearing on **HB 2598** was closed. Representative Storm moved, and Representative Gilbert seconded, that **HB 2598** be favorably passed with the recommendation it be placed on the Consent Calendar. The motion carried.

Chairperson Mayans opened the meeting to introduction of bills. Representative Hermes requested the committee to introduce a bill to define as a common nuisance activities relating to nudist camps, clubs, buildings or places used to practice nudism; and to establish penalties for such operations. The committee approved introduction of the bill.

Representative Welshimer stated a bill is being drafted concerning the Open Records Act addressing the acquisition of records in accordance with the Freedom of Information Act. The proposed bill will list affected records; limit the response time to requests for access; and establish a separate fund for public education. The committee approved introduction of the bill.

The Chair indicated the next committee meeting is on call.

The meeting was adjourned at 4:45 p.m., January 25, 2000.

**HOUSE COMMITTEE ON LOCAL GOVERNMENT
GUEST LIST
JANUARY 25, 2000**

[PLEASE PRINT]

| NAME | REPRESENTING |
|---------------------------|---------------------------------|
| Elena Nuss | KSFM |
| Gale Haag | K S F M |
| Stan Pearson | KGC |
| Tim Reed | icc/Jocoro/OPKs |
| Kelly Huotala | City of Overland Park |
| Trudy Aron | Am INST of Architects |
| Ron SUMNER | Rep. David Hoff (intern KU) |
| Sandy Jacquet | League of Kansas Municipalities |
| Thaine Hoffman | DOAS |
| Barry Covert | DOAS |
| Julene Miller | AG |
| Nancy Lindberg | AG |
| Thaine Hoffman | |
| Steve Phillip | AG |
| Mel Minor | Rep # 114 |

HOUSE COMMITTEE ON LOCAL GOVERNMENT
GUEST LIST
JANUARY 25, 2000

[PLEASE PRINT]

| NAME | REPRESENTING |
|----------------------|----------------------------|
| <i>Lalene Cole</i> | <i>Sen. Lynn Denton</i> |
| <i>Roger Toepkes</i> | <i>Sen. Hensley Office</i> |
| <i>Don Hill</i> | <i>CO</i> |
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MELVIN MINOR
REPRESENTATIVE, 114TH DISTRICT
ROUTE 2, BOX 31
STAFFORD, KANSAS 67578
(316) 234-5887



TOPEKA

HOUSE OF
REPRESENTATIVES

TOPEKA OFFICE
STATEHOUSE, RM. 273-W
(913) 296-7648

HB 2241 is an attempt to make the laws of Kansas more uniform.

Under current Kansas law, a candidate running for county clerk, treasurer, register of deeds or sheriff, does not have to be a qualified elector who resides in the county.

However, should a vacancy occur in any of these positions, the appointment to fill the vacancy must be a qualified elector who resides in the county.

My bill would merely make these individuals be qualified electors who reside in the county.

I feel if you are required to be a resident to be appointed to a position, you should be a resident to be elected.

Melvin Minor

TESTIMONY for HB 2598

CHANGE of STATUTE KSA 31-134a

Add "International Building Code" to the building codes listed in the statute.

January 20, 2000

The present statute allows use of the Uniform Building Code, the Basic Building Code and the Southern Standard Building Code. These three standard codes are used throughout the country. In an effort to promote consistency and avoid the problems inherent in having to work under different building codes, the three organizations that administer these codes have agreed to work together to develop a single code, the International Building Code. A single code will benefit the owners as well simplify the work of the architects and engineers. The new building code is being published early this year, although many entities may not adopt it immediately.


Since the International Building Code will replace the other building codes, some feel that a change in the statute was not required. However, we are asking for this change in order to avoid any confusion and conflicting opinions.

It should be noted that because of the compromises necessary to merge the three codes into one, there is much controversy over the new code. Although almost everyone agrees with the advantages of having a single code, many may wait for changes in the new code before adopting it. Thus some entities may continue to use the present edition of the existing codes for some years. We therefore request that the reference to the existing Uniform, Basic and Southern building codes remain in the statute.

It should also be noted that although the "International BUILDING Code" will replace the other BUILDING codes and no new editions of these existing codes will be published, this is not the case with associated codes such as the Uniform Plumbing Code. Therefore there may be objections to this legislation. Please understand that this requested change in legislation would not mandate the use of any code, but simply allow the option to governmental units.

We have worked with the State Fire Marshall and he is in support of this change.

The International Building Code will be the only building code in years to come. We need this legislation to allow governmental entities the flexibility to adopt this code when they feel the time is right. We therefore would appreciate your support of the measure.

Thaine Hoffman 
Director, Division of Architectural Services

int_bldg\internat.cod



OFFICE OF THE
KANSAS STATE FIRE MARSHAL

Gale Haag
Fire Marshal

700 SW JACKSON, SUITE 600, TOPEKA, KS 66603-3714
PHONE (785) 296-3401 / FAX (785) 296-0151

Bill Graves
Governor

**Testimony of State Fire Marshal Gale Haag
before the
House Local Government Committee
January 25, 2000
HB 2598**

Thank you Mr. Chairman and members of the House Local Government Committee. I appreciate this opportunity to come before you regarding the impact HB 2598 will have on fire and life safety in Kansas.

This bill represents a collaborative effort between my office, a number of other state agencies and representatives from a cross-section of cities and private organizations like the American Institute of Architects. The purpose of this legislation is to include in the list of possible choices, the 2000 International Building Code. This legislation does not change anything that is currently adopted it simply adds another option. As State Fire Marshal, I support this legislation.

I thank you for your time and your favorable consideration of this legislation. I am pleased to stand for questions.

HOUSE LOCAL GOVERNMENT
1-25-00

"Where fire safety is a way of life."

Attachment 4

AIA Kansas

A Chapter of The American Institute of Architects

January 25, 2000



TO: Representative Mayans and Members of the House Local Government Committee

FROM: Trudy Aron, Executive Director

RE: Support for HB 2598

Good afternoon, Mr. Chairman, and members of the Committee, I am Trudy Aron, Executive Director of the American Institute of Architects in Kansas (AIA Kansas.) I appreciate the opportunity to testify before you today in support for HB 2598.

President
Neal J. Angrisano, AIA
Overland Park

President Elect
Wendy Ornelas, AIA
Manhattan

Secretary
Nancy L. Steele, AIA
Wichita

Treasurer
David H. Livingood, AIA
Lawrence

AIA Kansas is a statewide association of architects and intern architects. Most of our 700 members work in over 100 private practice architectural firms designing a variety of project types for both public and private clients including justice facilities, schools, hospitals and other health facilities, industrial buildings, offices, recreational facilities, housing, and much more. The rest of our members work in industry, government and education where many manage the facilities of their employers and hire private practice firms to design new buildings and to renovate or remodel existing buildings.

Directors
Richard A. Barthobmew, AIA
Overland Park

Aison Beck
Lawrence

Jan Burgess, AIA
Wichita

Ken Conrad, P.E.
Overland Park

Russ Crader
Manhattan

Mark Franzen, AIA
Overland Park

John Gaunt, FAIA
Lawrence

John E. Heckman, AIA
Independence

Ken Helmer, AIA
Wichita

Eugene Kremer, FAIA
Manhattan

William E. Mankin, AIA
Salina

Barbara Pearson, Assoc. AIA
Emporia

Martin Rangel, AIA
Wichita

David Sachs, AIA
Manhattan

Gregory E. Schwerdt, AIA
Topeka

Matthew D. Werner, AIA
Topeka

Michael T. Wilson, AIA
Topeka

It is seldom that I get the opportunity to testify on a bill that will, ultimately, have such wide impact on the design and construction industry. Currently we have three major regional building codes in our country. Governmental units – states, counties, and/or cities – may adopt any building code and may make amendments to that code. Before an architect can design a building or a contractor can build one, they must know: 1) what code (if any) has been adopted by the jurisdiction; 2) version of the adopted code (periodic revision of codes are adopted); and 3) what, if any, amendments have been made. In Kansas, we have not adopted a statewide building code so there are some jurisdictions without any building code. In areas with codes, we have jurisdictions using the 1979 version of a code and others using the 1997 version. Needless to say, it makes for interesting work.

For decades, industry groups have discussed combining these three codes into one, however, until the last decade, there was much discussion but little progress. Throughout the 1990's the three regional code organizations and those representing all facets of the design and construction industry have worked diligently to accomplishing the goal of one code. The diligence of all these organizations has culminated in the adoption of the International Building Code, 2000 (IBC.) From this time on, the existing codes will not be updated, only the IBC.

HB 2598 recognizes the International Building Code, along with the three current codes, as complying with the Kansas Fire Prevention Code. It does not mandate the adoption of the IBC; it simply allows its adoption. We urge you to vote for HB 2598. We hope it is but the first step in the adoption of one building code in Kansas.

Thank you for allowing us this opportunity to testify in support of HB 2598. I'll be happy to answer any questions you may have.

Executive Director
Trudy Aron, Hon. AIA, CAE

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HOUSE LOCAL GOVERNMENT
1-25-00
Attachment 5