

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE.

The meeting was called to order by Chairperson Senator Nancey Harrington at 10:30 a.m. on February 26, 2002 in Room 245-N of the Capitol.

All members were present.

Committee staff present: Russell Mills, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Theresa Kiernan, Office of the Revisor
Nikki Kraus, Committee Secretary

Conferees appearing before the committee:

_____ Karl McNorton, State Fire Marshal's Office
_____ Don Rhinehart, Reliance Energy, Peabody & Inman
Justin Holstin, Propane Marketers Association of Kansas
Stan Odle, Farmway Co-op.
Tom Whitaker, Kansas Motor Carriers Association
Tim Ryan, City of Overland Park
Diane Gjerstad, Wichita Public Schools
Larry Baer, League of Kansas Municipalities
_____ Jim Clark, Assistant Attorney General for State Fire Marshal's Office

Others attending: Please see attached

Ben Burgess, Kansas Parole Board, asked the committee for the introduction of a bill regarding parole hearings and parole violation hearings which are not subject to the open meetings act.

Senator Brungardt made a motion to introduce. Senator Gilstrap seconded the motion. The bill was introduced.

Chairperson Harrington opened the public hearing on:

SB 625—Fire safety and prevention fire sprinklers, alarms and extinguishers; flammable liquids and gasses

The committee received a copy of the Fiscal note for the bill. (Attachment 1)

Karl McNorton, State Fire Marshal's Office, presented testimony in favor of the bill. (Attachment 2)

Don Rhinehart, Reliance Energy, Peabody & Inman, presented testimony in favor of the bill. (Attachment 3)

Justin Holstin, Propane Marketers Association of Kansas, presented testimony in favor of the bill. (Attachment 4)

Stan Odle, Farmway Co-op., presented testimony in favor of the bill. (Attachment 5)

Senator O'Connor asked why there is a difference in the fees between small and large companies, and Mr. Odle stated that there is a difference because there are more trucks and facilities in a larger operation. He stated that the fee difference would make sure that everyone is on a more even playing field.

In response to a question from Senator Barnett regarding insurance, Mr. Odle stated that he also sits on the National Propane Safety Committee, and he has helped to write some of the federal regulations and to get information to people. He stated that there is no government regulation of who is in the business in the state

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of Kansas, and there is no way to track how the training is applied in every business. He stated that, unlike his own business, he has been in contact with others who have had no training. He stated that he was concerned that some businesses spend a great deal of money each year insuring that their employees are trained when others do no such training. He stated that many businesses are leaving the propane industry because of accidents. He stated that he thinks that insurance companies need to do a better job of training everyone involved with this product. He stated that this product is safe, but people need to be trained.

Tom Whitaker, Kansas Motor Carriers Association, presented testimony in opposition to the bill. (Attachment 6)

Senator Brungardt asked Mr. Whitaker if he had spoken with the propane marketers about his concerns, and Mr. Whitaker stated that until this bill came about, he didn't even know this existed.

Russell Mills, Legislative Research Department, stated that he wanted to answer Senator O'Connor's question from the previous day. He stated that there is an old statute that goes back to 1963, and it lists about 35 state agencies that collect fees. He stated that the statute grabs 20% of all the fees collected by those agencies; the rationale behind this is to reimburse the state general fund for accounting, auditing, budget, legal, payroll, personnel, and purchasing services and any and all other services which are performed by state agencies for other state agencies. He stated that this is very common.

Chairperson Harrington stated that the public hearing for **SB 625** was closed.

Chairperson Harrington opened the public hearing on:

SB 622–School building construction standards; fire safety

Karl McNorton, State Fire Marshal's Office, presented testimony in favor of the bill. (Attachment 7)

Chairperson Harrington asked Mr. McNorton if this bill would pass costs onto school districts, and she stated that the committee might want to get a fiscal note on the bill.

Senator Vratil stated that he believed that this bill would impose significant additional costs for construction. He stated that he would like an explanation of the language on page 1, lines 29-31.

Mr. McNorton stated that many of the communities believe that they don't have any say about what goes on when schools are built there. He stated that his organization was asking that the community have a little bit of say so and look at the building and inspect it to be sure it was being built according to the code it was being designed to.

Senator Vratil asked Mr. McNorton if he realized that such language might require school districts to comply with two different codes such as the international code and a city code, which may be different in irreconcilable and inconsistent requirements.

Mr. McNorton stated that there is that possibility, but he thinks that the law is pretty clear that when a school is designed, it has to be designed to this code. Senator Vratil stated that was true except for that sentence, and Mr. McNorton stated that was a possibility. Senator Vratil asked why Mr. McNorton was providing that a school may have to comply with two different codes which are irreconcilable and inconsistent. Mr. McNorton stated that he had not been looking at specific building codes and if they had a special ordinance in effect.

In response to a question from Senator O'Connor, Mr. McNorton stated that the bill is not more strict than what is on the books, but it is more current. He stated that cost might actually be less for a sprinkler system than constructing the building for fire separation.

Chairperson Harrington stated that Don Seifert, City of Olathe, wanted to go on record as being for the bill. (Attachment 8)

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Tim Ryan, City of Overland Park, presented testimony in favor of the bill. ([Attachment 9](#))

Theresa Kiernan, Office of the Revisor, stated that as a follow up to Senator Vratil's question, she would like to know if this is an attempt to amend another statute which provides this exception that schools do not have to meet the stricter local codes; she stated if that is the case, then she needs to amend another section.

Senator Vratil stated that he thinks that it is an attempt to amend another section.

Mr. Ryan stated that stricter local restrictions are more of a climatic issue; therefore, jurisdictions have to recognize differences such as snow loading, seismic changes, etc.

Ms. Kiernan asked if schools have to get building permits, and Mr. Ryan stated that his opinion of the Attorney General's opinion on this is that if the local jurisdiction requires them to get permits and inspections, they have to, but they only have to comply with the codes that are adopted at the state level.

Senator Vratil asked Mr. Ryan about the language in lines 29-31, stating that in Mr. Ryans' testimony he stated that he spoke about the City of Overland Park adopting the international code, and if that was the case, then there would be no purpose to having that sentence.

Mr. Ryan stated that would only be the case if that last sentence meant that we had amended those codes, then we could apply those amendments.

Senator Lyon asked if the international code does not allow for variances in seismic or snow loads. Mr. Ryan stated that all building codes do allow for those, but within the codes, there are variances between different parts of the United States.

Diane Gjerstad, Wichita Public Schools, stated that she was concerned that ongoing projects may be affected by the bill.

Senator Vratil stated that if the committee delayed the effective date, then that might eliminate problems.

Chairperson Harrington stated that the committee would not be working the bill today to allow the concerned parties to get together and discuss differences.

Larry Baer, League of Kansas Municipalities, presented testimony in favor of the bill. ([Attachment 10](#))

Trudy Aron, AIA of Kansas, stated that this is not anything different than what she has had with periodic updates in building codes. She stated that as long as the designer knows which code to use, then that is what they are going to design to. She stated that as far as cost goes, as long as everybody knows what the rules are when you start out, then there shouldn't be any difference in cost. She stated that if the international code was not adopted, then building codes would be further and further away from what is state of the art.

Chairperson Harrington opened the public hearing on:

SB 623—Firefighters; disqualification of certain persons

Jim Clark, Assistant Attorney General for State Fire Marshal's Office, presented testimony in favor of the bill. ([Attachment 11](#))

Larry Baer, League of Kansas Municipalities, presented testimony in opposition to the bill. ([Attachment 12](#)) He stated that he attached proposed amendments to his testimony. ([Attachment 13](#))

Chairperson Harrington drew the committee's attention to a fiscal note for **SB 622**, **SB 623**, and **SB 625**, respectively. ([Attachment 14](#)) ([Attachment 15](#)) ([Attachment 16](#))

The meeting adjourned at 11:50 a.m. The next meeting will be held at 10:30 a.m. on March 6, 2002 in Room 245-N.