

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 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 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

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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.