

State Fire Marshal
700 SW Jackson, Suite 600
Topeka, KS 66603-3714


Kansas
Office of the State Fire Marshal

phone: 785-296-3401
fax: 785-296-0151
www.ksfm.ks.gov

Terry L. Maple, Acting State Fire Marshal

Sam Brownback, Governor

March 15, 2012

Hon. Steve Huebert
Chairman, Committee on Local Government
Kansas State Capitol
300 SW 10th Ave., Ste. 149-S
Topeka KS 66612

Re: HB 2776

Dear Chairman

We have received and reviewed the balloon amendment to HB2776 and sincerely appreciate Rep. Arpke's concern for the ability of his constituent communities to have control over the application of their fire codes. The balloon of HB2776 provides a municipality some flexibility in amending the adopted code to a lower standard in order to accommodate the needs of the community. I am concerned that the balloon amendment to HB2776 will allow a municipality to modify their fire code to include outdated and lower fire safety standards contained in three of the codes listed in K.S.A. 31-134a.

The balloon amendment to HB2776 includes language that states that a local fire code "modification shall be deemed consistent with the provisions of the fire prevention code if it conforms to those recognized building codes described in K.S.A. 31-134a." The codes listed in K.S.A. 31-134a include the 1976 or 1979 edition of the Uniform Building Code (UBC), the 1975 or 1978 edition of the Basic Building Code (BOCA), the 1976 or 1979 edition of the Standard Building Code (SBC) and the 2000 edition of the International Building Code. It is my understanding that the UBC, BOCA and SBC are no longer published and have been incorporated into the International Fire Code (IFC), published by the International Code Council.

The publishers of these antiquated codes include the International Council of Building Officials, publisher of the UBC, the Building Officials and Code Administrators International, publishers of the BOCA and the Building Code Congress International, publisher of the SBC. These three organizations were included in a merger that created the International Code Council in 1994. The IFC was intended by this group of organizations to replace the UBC, BOCA and SBC.

I am also concerned that Section 2 of the balloon repeals K.S.A. 31-134a. This appears to be an error as the balloon amendment includes a reference to K.S.A. 31-134.

As State Fire Marshal, I feel I must be a zealous advocate for fire and public safety in Kansas and I feel statewide uniformity of fire codes is beneficial to everyone. Toward that end and for

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Hon. Steve Huebert

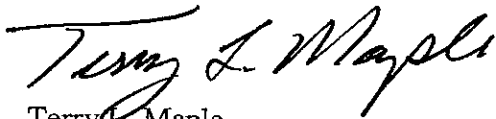
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the reasons noted above, I feel that our current statutes and regulations that incorporate the requirements of the 2006 International Fire Code and include workable variance and waiver processes are appropriate.

Thank you for considering my position on HB2776. Please let me know if I can provide you with additional information.

Sincerely,

A handwritten signature in cursive script that reads "Terry L. Maple". The signature is written in black ink and is positioned above the printed name and title.

Terry L. Maple
Acting State Fire Marshal

Cc: Rep. Tom Arpke