

**City Hall**  
**8500 Santa Fe Drive**  
**Overland Park, Kansas 66212**  
**[www.opkansas.org](http://www.opkansas.org)**

Date: February 6, 2023  
To: Chairman Tarwater & the House Committee on Commerce, Labor and Economic Development  
From: City of Overland Park  
Re: Written Testimony in Opposition to HB 2173

Thank you for allowing the City of Overland Park to submit testimony in opposition to HB 2173. The City of Overland Park opposes further limits to home rule authority and we support the full control and authority over those matters which are granted to municipalities by the Kansas Constitution as approved by voters in 1960.

The City supports Constitutional home rule authority of Kansas cities, which provides, in part, "...cities are hereby empowered to determine their own local affairs and government...." Thus, self-governance, and local control, is the rule established by our state's constitution.

Our Mayor and Council are fully authorized to handle local issues and problems such as is proposed in HB 2173. They are the government closest to our residents and businesses, and are best prepared to assess, evaluate, regulate and set public policy as they believe is in the best interest of the community. HB 2173 would limit that authority and the ability of our Governing Body to be responsive to their constituents' interests and desires.

Historically, cities adopt and administer a specific model code to establish the construction standards within its jurisdiction. Overland Park currently has adopted the 2018 International Building Code series. As model codes are updated to account for new and better construction practices and technology, cities periodically update and adopt the newer codes to address the same. Model building codes are developed through a national consensus code process, which allows for the development of technical and superior building codes. Before adopting a new model code, Overland Park goes through an extensive and deliberate process to review and analyze the new codes and ICC's proposed new changes. After an extension staff review, the City convenes one or more task forces consisting of representatives of: the building community, the development community, design professionals, the environmental advocacy council, the chamber of commerce, the apartment owners' association, the building owners' association, private building code consultants to review the new code in order to reach a consensus before code adoption. Unfortunately, the overly broad language of HB 2173 has been drafted in a manner that completely disregards this careful process and consensus building effort by preempting local adoption of building codes.

In fact, HB 2173 is so broad that it arguably limits the City's ability to regulate the use of refrigerants within its own facilities. Such matters are purely local issues that should not be addressed by the state.

Thank you for allowing the City to testify on this legislation. We respectfully request that the Committee not advance HB 2173 to the full House.