

MINUTES OF THE HOUSE TRANSPORTATION AND PUBLIC SAFETY BUDGET  
COMMITTEE

The meeting was called to order by Chairman Lee Tafanelli at 1:30 P.M. on March 8, 2007 in Room 527-S of the Capitol.

All members were present except:

Representative Jeff Whitham - excused  
Representative Kay Wolf - excused

Committee staff present:

Amy VanHouse, Kansas Legislative Research Department  
Mike Corrigan, Office of Revisor of Statutes  
Gina Bowes, Committee Secretary

Conferees appearing before the committee:

Chad Austin, Vice President, Government Relations, Kansas Hospital Association  
Cindy Luxem, President and CEO of Kansas Health Care Association  
Amy Hoch Altwegg, Executive Director, Village Manor  
Dr. Jim Morford, Administrator, Ellsworth Good Samaritan Retirement Village  
Debra Zehr, President, Kansas Association of Homes and Services for the Aging  
Jack Alexander, Fire Marshal, Office of the Kansas State Fire Marshal  
Phyllis Kelly, Executive Director, Kansas Adult Care Executives Association  
Martha Smith, Executive Director, Kansas Manufactured Housing  
Brian Dehner, Fire Chief, City of Overland Park  
Edward Bricknell, Fire marshal, Wichita Fire Department  
Steve Moody, Fire Chief, Leavenworth  
Karl McNorton, Office of the Kansas State Fire Marshal

Others attending:

See attached list.

- Attachment 1 Overview of **HB 2131**
- Attachment 2 Testimony on **HB 2131** by Chad Austin, Vice President, Government Relations for the Kansas Hospital Association
- Attachment 3 Written Testimony on **HB 2131** by Cindy Luxem, President/CEO, Kansas Health Care Association
- Attachment 4 Testimony on **HB 2131**, **HB 2132**, **HB 2133**, **HB 2048** and **HB 2150** by Amy Hoch Altwegg, Executive Director, Village Manor
- Attachment 5 Testimony on **HB 2131**, **HB 2132**, **HB 2133**, **HB 2048** and **HB 2150** by Dr. Jim Morford, Administrator, Ellsworth Good Samaritan Retirement Village
- Attachment 6 Testimony on **HB 2131**, **HB 2132**, **HB 2133**, **HB 2148** and **HB 2150** by Debra Zehr, President, Kansas Association of Homes and Services for the Aging
- Attachment 7 Testimony on **HB 2131** by Jack Alexander, Fire Marshal, Kansas State Fire Marshal's Office
- Attachment 8 Overview of **HB 2132**
- Attachment 9 Testimony on **HB 2132** by Chad Austin, Vice president, Government Relations for the Kansas Hospital Association
- Attachment 10 Testimony on **HB 2132** by Jack Alexander, Fire Marshal, Kansas State Fire Marshal's Office
- Attachment 11 Overview of **HB 2133**
- Attachment 12 Testimony on **HB 2133** by Chad Austin, Vice President, Government Relations for the Kansas Hospital Association
- Attachment 13 Testimony on **HB 2133** by Phyllis Kelly, Executive Director, Kansas Adult Care Executives Association
- Attachment 14 Written Testimony on **HB 2133** by Cindy Luxem, President/CEO, Kansas Health Care Association

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- Attachment 15 Testimony on **HB 2133** by Jack Alexander, Fire Marshal, Kansas State Fire Marshal's Office
- Attachment 16 Testimony on **HB 2133** by Martha Neu Smith, Executive Director, Kansas Manufactured Housing Association
- Attachment 17 Amendment on **HB 2133** by Martha Neu Smith, Executive Director, Kansas Manufactured Housing Association
- Attachment 18 Testimony on **HB 2133** by Steve Moody, Fire Chief, City of Leavenworth
- Attachment 19 Testimony on **HB 2133** by Bryan Dehner, Fire Chief, City of Overland Park
- Attachment 20 Testimony on **HB 2133** by Edward Bricknell, Fire Marshal, Wichita Fire Department
- Attachment 21 Overview of **HB 2148**
- Attachment 22 Testimony on **HB 2148** by Chad Austin, Vice president, Government Relations for the Kansas Hospital Association
- Attachment 23 Testimony on **HB 2148** by Phyllis Kelly, Executive Director, Kansas Adult Care Executives Association
- Attachment 24 Testimony on **HB 2148** by Jack Alexander, Fire Marshal, Kansas State Fire Marshal's Office
- Attachment 25 Overview of **HB 2150**
- Attachment 26 Testimony on **HB 2150** by Chad Austin, Vice president, Government Relations for the Kansas Hospital Association
- Attachment 27 Written Testimony on **HB 2150** by Cindy Luxem, President/CEO, Kansas Health Care Association
- Attachment 28 Testimony on **HB 2150** by Karl McNorton, Kansas State Fire Marshal's Office
- Attachment 29 Amendment to **HB 2150** by Karl McNorton, Kansas State Fire Marshal's Office

Chair Tafanelli recognized Representative Tim Owens who introduced David Jansen, member of the Overland Park City Council and Donna Owens, wife of Representative Tim Owens, and also a member of the Overland Park City Council.

### **Hearing on HB 2131 - Interpretive guidelines for rules and regulations of state fire marshal.**

Amy VanHouse, Legislative Research Staff, explained that **HB 2131** would authorize the State Fire Marshal to develop and provide public interpretive guidelines for the agency's rules and regulations to ensure uniform enforcement (Attachment 1).

The Chair recognized Chad Austin, Vice President, Government Relations, Kansas Hospital Association (KHA), who presented testimony in support of **HB 2131** (Attachment 2). Mr. Austin noted several KHA members have voiced concerns regarding the inconsistent interpretations of the 2000 Life Safety Code by the Kansas State Fire Marshal personnel. The 2000 Life Safety Code is the basis for all hospital fire safety inspections. Mr. Austin relayed that the KHA had meetings with the Kansas State Fire Marshal's Office, and, as a result, the Kansas State Fire Marshal's Office has agreed to put out a quarterly newsletter and post new information concerning rules and regulations on their website. Mr. Austin stood for questions.

Written testimony from Cindy Luxem, President/CEO, Kansas Health Care Association (KHCA), in support of **HB 2131** was distributed to the Committee (Attachment 3). Nancy Pierce, Director, Kansas Health Care Association, was available to stand for questions by Committee for Ms. Luxem.

The Chair recognized Amy Hoch Altwegg, Executive Director, Village Manor, who presented testimony in support of **HB 2131**, **HB 2132**, **HB 2133**, **HB 2148** and **HB 2150** (Attachment 4). Ms. Hoch Altwegg shared her facility experiences regarding the Life Safety Code enforcement process and expressed frustration at the challenge of inconsistent rules and regulations enforced upon her facility from different surveyors during different inspections. Ms. Hoch Altwegg also cited chronic difficulty in receiving return contact from the State Fire Marshal's Office. Ms. Hoch Altwegg stood

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for questions.

The Chair recognized Dr. Jim Morford, Administrator, Ellsworth Good Samaritan Retirement Village, who presented testimony in support of **HB 2131**, **HB 2132**, **HB 2133**, **HB 2148** and **HB 2150** (**Attachment 5**). Dr. Morford commented on the importance of consistent guidelines interpreted by professional staff from the State Fire Marshal's Office as critical to enabling long term care atmospheres to collaboratively provide safe environments for our frail elders. Dr. Morford also spoke to the problem of receiving different interpretations to the Life Safety Code from different surveyors in the State Fire Marshal's Office. Dr. Morford stood for questions.

The Chair recognized Debra Zehr, President, The Kansas Association of Homes and Services for the Aging (KAHSA), who presented testimony in support of **HB 2131**, **HB 2132**, **HB 2133**, **HB 2148** and **HB 2150** (**Attachment 6**). Ms. Zehr stated she believed that an internal action plan put into motion by the State Fire Marshal's Office could meet the intent of **HB 2131**, **HB 2132** and **HB 2148** without legislative action through interpretive guideline postings to the State Fire Marshal's Office website and improved external communication methods. However, Ms. Zehr cited a need for legislative action in the case of **HB 2133** and **HB 2150** which, she stated, put into statute a fair, open, objective and two-tiered Information Dispute Resolution process.

The Chair recognized Jack Alexander, Fire Marshal, State Fire Marshal's Office, who presented testimony in a neutral capacity for **HB 2131** (**Attachment 7**). Mr. Alexander stated the State Fire Marshal's Office met with the Health Care Associations and have developed communications between these organizations that will improve the safety of the customers they serve; therefore, the State Fire Marshal's Office could meet the intent of **HB 2131** without any legislative action. Mr. Alexander stood for questions.

**The hearing on HB 2131 was closed.**

**Hearing on HB 2132 - Education requirements for fire marshal employees and agents engaged in inspection or regulation of residences or businesses.**

Staff explained **HB 2132** would require any employee or agent of the State Fire Marshal's Office who is involved in the inspection or regulation of residences or businesses to complete 30 hours of education on the rules and regulations of the agency once every two years (**Attachment 8**).

The Chair recognized Chad Austin, KHA, who presented testimony in support of **HB 2132** (**Attachment 9**). Mr. Austin explained this legislation would ensure that all inspectors are kept up-to-date on the ever changing and complex 2000 Life Safety Code, which is the basis for all hospital fire safety inspections. Mr. Austin believes this education would minimize any issues of inconsistencies within the State Fire Marshal's Office. Mr. Austin stood for questions.

The Chair recognized Jack Alexander, State Fire Marshal's Office, who presented testimony in a neutral capacity on **HB 2132** (**Attachment 10**). Mr. Alexander stated that his inspectors meet and exceed the requirements of this bill through educational requirements and on-going training. Mr. Alexander believes his office currently meets the intent of this legislation through the additional networking and training opportunities with health care organizations. Mr. Alexander stood for questions.

**The hearing on HB 2132 was closed.**

**Hearing on HB 2133 - Informal resolution of dispute of deficiencies cited by fire inspectors.**

Staff explained **HB 2133** establishes a procedure for an informal dispute resolution (IDR) regarding deficiencies found by the State Fire Marshal during building inspections of an adult care home, hospital, assisted living facility, business or residence. Within ten calendar days after receiving a notice of deficiencies, the owner or operator could make a written request for an informal dispute resolution by an independent review panel. The members of which would be one employee of the State Fire Marshal's Office and two members from outside the State Fire Marshal's Office. The

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individual business can only request one IDR per inspection, and could also request an informal face-to-face dispute resolution. The written request would include the specific deficiencies being disputed, a detailed explanation of the basis of the dispute; and include any supporting documentation, including any information that was not available during the inspection. The request would not delay the timely correction of a deficiency and a facility may not seek a delay in any enforcement action due to the resolution request. The decision of the review panel would be advisory to the State Fire Marshal. The State Fire Marshal's Office would be responsible for all costs of this panel, which would include travel, lodging and per diem ([Attachment 11](#)).

The Chair recognized Chad Austin, KHA, who presented testimony in support of **HB 2133** ([Attachment 12](#)). Mr. Austin stated KHA supports the proposal that would create a two-tier approach concerning the IDR process. The first tier would utilize the current mechanism offered through the Kansas State Fire Marshal's Office. If the facility is not satisfied with the outcome of this initial process, the facility would be able to have an independent panel review the issue. Mr. Austin explained that, because the outcome of the IDR could result in overturning a deficiency, KHA requests that lines 38-42 of **HB 2133** be amended to state that only a plan of correction be submitted when a request is filed for an IDR. Mr. Austin stood for questions.

The Chair recognized Phyllis Kelly, KACE, who presented testimony in support of **HB 2133** ([Attachment 13](#)). Ms. Kelly explained that this bill implements a formal process by which inspectors and owners/operators must both follow if any disputes are contested and feels it is reasonable and fair to both sides of the inspection process. Ms. Kelly offered to stand for questions. Chair Tafanelli requested that, with respect to time, Committee hold their questions until all bills are heard.

Written testimony from Cindy Luxem, KHCA, in support of **HB 2133** was distributed to the Committee ([Attachment 14](#)).

The Chair asked if there were any other proponents of **HB 2133**. Debra Zehr, KAHSA, stated she believed that legislative intent could be met without legislative action through interpretive guideline postings to the State Fire Marshal's Office website and improved external communication methods as previously stated.

The Chair recognized Jack Alexander, State Fire Marshal's Office, who presented testimony in a neutral capacity on **HB 2133** ([Attachment 15](#)). Mr. Alexander commented he believes this legislation serves a good purpose by implementing a formal process for IDR.

The Chair recognized Martha Neu Smith, Executive Director, Kansas Manufactured Housing Association (KMHA), who presented testimony in a neutral with amendments capacity on **HB 2133** ([Attachment 16](#)). Ms. Neu Smith cited the attached amendment to her testimony clarifies that the provisions of the bill should not apply to manufactured homes, modular homes and mobile homes, which are single-family dwellings ([Attachment 17](#)).

The Chair recognized Steve Moody, Fire Chief, City of Leavenworth, representing the Kansas State Association of Fire Chiefs, who presented testimony in opposition to **HB 2133** ([Attachment 18](#)). Mr. Moody cited a few significant issues that Fire Chiefs in the State of Kansas see as problems that would be created if the local leaders in fire safety lose the ability to handle fire code issue disputes through independent appeals boards in their own communities.

The Chair recognized Eric Sartorius, who presented testimony on behalf of Fire Chief Bryan Dehner, city of Overland Park, in opposition to **HB 2133**. Mr. Sartorius spoke to the process already in place to handle fire code issue disputes in the city of Overland Park. He also noted that bringing local code issues into the statewide process defeats the purpose of resolution in the most expedient manner.

Written testimony from Bryan Dehner, Fire Chief, city of Overland Park, in opposition to **HB 2133** was distributed to the Committee ([Attachment 19](#)).

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Written testimony from Edward Bricknell, Fire Marshal, Wichita Fire Department, in opposition to **HB 2133** was distributed to the Committee (Attachment 20).

**The hearing on HB 2133 was closed.**

**Hearing on HB 2148 - Fire prevention education; joint opportunities for fire marshal personnel and health service providers.**

Staff explained **HB 2148** would require the State Fire Marshal to provide joint opportunities for education in fire prevention and the Kansas fire prevention code for personnel in the State Fire Marshal's Office, adult care homes, medical care facilities, and other health care providers. The bill also states that beginning in fiscal year 2008 and each ensuing fiscal year, fire inspectors who inspect health facilities would participate in one four-hour joint training session with health care facility providers on fire prevention and the Kansas fire prevention code. The sponsors of the training would not charge a fee for the joint training (Attachment 21).

The Chair recognized Chad Austin, KHA, who presented testimony in support of **HB 2148** (Attachment 22). Mr. Austin stated that this bill is necessary to ensure that health care providers are given the needed resources and education to meet the 2000 Life Safety Code requirements which keep Kansans safe.

The Chair recognized Phyllis Kelly, KACE, who presented testimony in support of **HB 2148** (Attachment 23). Ms. Kelly commented on the positive aspects and success of joint training sessions KACE and other organizations have conducted and concurs that the proposed legislation would be beneficial to personnel in the Fire Marshal's Office and personnel of adult care homes to ultimately assure the safety of the residents in Kansas.

The Chair recognized Jack Alexander, State Fire Marshal's Office, who presented testimony in a neutral capacity on **HB 2148** (Attachment 24). Mr. Alexander commented that the provisions of this bill could be handled without legislation by engaging in joint education partnership with the health care organizations, thereby attaining uniformity and continuity in their inspection program.

**The hearing on HB 2148 was closed.**

**Hearing on HB 2150 - Registration with fire marshal required for businesses providing fire prevention services or products, certification for businesses providing fire sprinkler services required.**

Staff explained **HB 2150** would require individuals or businesses that sell or offer fire prevention or fire safety products to register with the State Fire Marshal's Office. The registration fee would be paid on an annual basis and could not exceed \$25. Of those fees, 20 percent would be deposited in the State General Fund and the remainder 80 percent would be deposited into the Fire Marshal fee fund. Failing to register may result in a fine up to \$150 which would then be deposited into the State General Fund. In addition, certification would be required for businesses that sell, install, alter, repair, maintain, and inspect fire sprinklers or fire sprinkler systems. The certification fee would be paid on an annual basis for a fee between \$25 and \$200. The new requirements would take effect on October 1, 2008. The fee would not be charged to an officer or employee of the state or political or local taxing subdivision if those individuals are acting on behalf of the state or local government. Of those certification fees, 20 percent would be deposited into the State General Fund with the remainder 80 percent deposited into the State Fire Marshal fee fund (Attachment 25).

The Chair recognized Chad Austin, KHA, who presented testimony in support of **HB 2150** (Attachment 26). Mr. Austin stated KHA supports this bill with the hope that KHA member hospitals would be reassured that they are dealing with reputable fire safety companies, products and services.

Written testimony from Cindy Luxem, KHCA, in support of **HB 2150** was distributed to the Committee (Attachment 27).

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The Chair recognized Karl McNorton, Kansas State Fire Marshal's Office, who presented testimony in support of **HB 2150** (Attachment 28). Mr. McNorton stated the State Fire Marshal's Office would like to offer several amendments, one of which is to include fire alarm companies to the businesses required to register with the State Fire Marshal (Attachment 29). This proposal would also establish qualifications, certification and a fee for individuals who perform the work on these fire protection systems that are being installed, serviced, maintained and monitored. With this measure, facilities will receive better services and the Fire Marshal's Office can hold those certified companies accountable for their actions or inactions. Mr. McNorton also spoke to the need of adjusting the potential revenues on the fiscal note for the registration of products and services.

**The hearing on HB 2150 was closed.**

Chair Tafanelli opened the meeting to questions the Committee may have of any of the conferees. Committee question and discussion of the bills ensued. The Chair asked Debra Zehr, President and CEO of Kansas Health Care Association, to provide the recommended balloon on **HB 2133** and **HB 2150** to the revisor or to himself for Committee consideration.

The meeting adjourned at 3:20 p.m. The next meeting of the Committee will be held at 1:30 p.m. on March 12, 2007.