

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 March 6, 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:  
  Justin Holstin, Propane Marketers Association of Kansas

Others attending:       Please see attached

Justin Holstin, Propane Marketers Association of Kansas, presented an amendment to **SB 625**—Fire safety and prevention fire sprinklers, alarms and extinguishers; flammable liquids and gasses. (Attachment 1)

In response to a question from Senator Gooch, Theresa Kiernan, Office of the Revisor, explained the bill in greater detail.

Senator O'Connor stated that it seemed to her that this amendment is just putting into law a practice that is already happening.

Senator Vratil made a motion to amend SB 625. Senator Teichman seconded the motion. The bill was amended.

Senator Vratil made a motion to recommend SB 625 favorable for passage. Senator Gooch seconded the motion. The motion passed.

Ms. Kiernan presented the committee with a proposed amendment to **SB 622**. (Attachment 2)

The meeting adjourned at 10:47 a.m. The next meeting will be held at 10:30 a.m. on March 7, 2002 in Room 245-N.

# SENATE FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST

DATE: March 4, 2002

NAME	REPRESENTING
Michael Boczek	Piper High School
Craig Norstrom	Piper H.S.
Jarrold Waugh	Labette County H.S.
Liz Betzen	Parsons High School
Brian Elsworth	Labette County H.S.
Lindy Anderegg	Labette Co. H.S.
Meagan Cunningham	Labette Co. H.S.
Michele Gerber	St. John's-Beloit
Jade Mosier	Hoxie High School
Dale Mosier	Hoxie Ks
Adriane Moss	Hoxie, KS
Joan Payne	Farm Bureau (Leavenworth)
Brocky Shepard	Tonganoxie High School
Rachel Pittington	Lansing High School
Rebby Mullins	Lansing High School
MIKE SADRACULA	PIPER HIGH
Heather Palmer	Piper High
Tiffany Ohmes	Piper High
Tabrey Ellington	Piper High



# SENATE BILL No. 625

By Committee on Federal and State Affairs

2-19

9 AN ACT concerning fire safety and prevention; relating to the powers  
10 and duties of the state fire marshal; amending K.S.A. 2001 Supp. 31-  
11 133a and repealing the existing section.

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2001 Supp. 31-133a is hereby amended to read as  
15 follows: 31-133a. (a) No business shall:

16 (1) Inspect, install, *construct, maintain, modify, repair* or service  
17 portable fire extinguishers, *fire sprinkler systems, fire detection systems,*  
18 *fire alarm systems* or automatic fire extinguishers for commercial cooking  
19 equipment without first being certified by the state fire marshal;

20 (2) *manufacture, purchase, inventory, store, transport or use any*  
21 *classification of explosives or blasting agents without first being certified*  
22 *by the state fire marshal or without obtaining a storage site permit or*  
23 *user permit from the state fire marshal;*

24 (3) *manufacture, purchase, inventory, store, transport, detonate or*  
25 *otherwise use fireworks without first being certified by the state fire*  
26 *marshal;*

27 (4) *store, use or sell flammable or combustible liquids nor install, in-*  
28 *spect or maintain tanks, piping, valves or dispensers of such flammable*  
29 *or combustible liquids without the approval of the fire marshal;*

30 (5) *engage in the manufacturing, assembling, fabricating, installing*  
31 *or selling of any system, container or apparatus for the transportation,* | liquified  
32 *storage, distribution or utilization of liquid propane gas without first be-*  
33 *ing certified by the state fire marshal; or* | liquified

34 (6) *transport, distribute or store liquid petroleum gas in any system,*  
35 *container or apparatus without first obtaining a permit from the fire mar-*  
36 *shal.*

37 (b) (1) The state fire marshal shall adopt rules and regulations as  
38 provided in K.S.A. 31-134, and amendments thereto, establishing stan-  
39 dards for inspection, installation, *constructing, approving,* servicing and  
40 testing procedures and minimum insurance requirements of businesses  
41 inspecting, installing or servicing portable fire extinguishers or automatic  
42 fire extinguishers for commercial cooking equipment *specified in subsec-*  
43 *tion (a).* The rules and regulations ~~shall~~ also *shall* provide for qualifications

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Attach #1

1 and training of any person or persons designated by such business as the  
 2 person or persons upon whose qualifications and training the certification  
 3 of the business is based and, on and after January 1, 1991, The state fire  
 4 marshal shall require submission of proof, satisfactory to the state fire  
 5 marshal, that such qualifications and training have been met.

6 (2) The rules and regulations shall further provide for annual certi-  
 7 fication of such businesses for a fee of not less than \$25 or more than  
 8 \$200 \$500 for each certification, but No fee shall be charged for any  
 9 person who is an officer or employee of the state or political or taxing  
 10 subdivision thereof when that person is acting on behalf of the state or  
 11 political or taxing subdivision. If the person or persons upon whose qual-  
 12 ifications and training the certification of the business is based leave such  
 13 business, the certification of that business is void.

14 (3) The state fire marshal shall remit all moneys received for fees  
 15 under this section to the state treasurer in accordance with the provisions  
 16 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
 17 remittance, the state treasurer shall deposit the entire amount in the state  
 18 treasury. Subject to the limitations of subsection (c) of K.S.A. 75-3170a,  
 19 and amendments thereto, the state treasurer shall credit 20% of each such  
 20 deposit to the state general fund and shall credit the remainder of each  
 21 such deposit to the fire marshal fee fund.

22 (4) In addition to any rules and regulations specifically required to  
 23 be adopted by this section, the state fire marshal may adopt any other  
 24 rules and regulations deemed necessary to implement the provisions of  
 25 this section.

26 (c) ~~Inspection or service of any portable fire extinguisher or automatic~~  
 27 ~~fire extinguisher for commercial cooking equipment by~~ In addition to any  
 28 other civil or criminal penalty provided by law, any business who is not  
 29 certified by the state fire marshal as required by this section shall consti-  
 30 tute violates the provision of this section or any rules and regulations  
 31 adopted pursuant thereto shall be deemed to have committed a deceptive  
 32 act or practice under the Kansas consumer protection act and shall be  
 33 subject to the remedies and penalties provided by such act.

34 (d) As used in this section:

35 (1) "Automatic fire extinguisher for commercial cooking equipment"  
 36 means any automatic fire extinguisher mounted directly above or in the  
 37 ventilation canopy of commercial cooking equipment.

38 (2) "Business" means any person who inspects, services or installs  
 39 portable fire extinguishers or automatic fire extinguishers for commercial  
 40 cooking equipment but does not include (A) any person or authorized  
 41 agent of the person who installs a portable fire extinguisher for protection  
 42 of the person's own property or business or (B) any individual acting as  
 43 a representative or employee of a certified business.

(2) (A) "Business" means any person, other than an individual or the agent  
 of an individual who installs a portable fire extinguisher for the protection of  
 such individual's own property.

(B) "Business" shall not mean a motor carrier, as defined in K.S.A. 66-1,108,  
 and amendments thereto, which is properly registered with the state corporation  
 commission except for a motor carrier who is a liquified petroleum gas marketer.

(3) "Liquified petroleum gas marketer" means any person engaged directly  
 in the retail sale and transport delivery of liquified petroleum gas.

Proposed by: Propane Marketers

1-3

1 Sec. 2. K.S.A. 2001 Supp. 31-133a is hereby repealed.  
2 ~~Sec. 3. This act shall take effect and be in force from and after its~~  
3 ~~publication in the statute book.~~

New Sec. 2. Prior to adopting or modifying any rules and regulations relating to the transportation, distribution or storage of liquified petroleum gas as authorized by K.S.A. 31-133a, and amendments thereto, the state fire marshal shall appoint a liquified propane gas advisory committee to assist in the adoption and modification of such rules and regulations. Members of any such advisory committee shall serve without compensation. The membership any such advisory committee shall be selected on the basis of the expertise and knowledge of the individual.

**SENATE BILL No. 622**

By Committee on Federal and State Affairs

2-18

9 AN ACT concerning fire safety and prevention; relating to construction  
10 standards of school buildings; amending K.S.A. 2001 Supp. 31-150 and  
11 repealing the existing section.  
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2001 Supp. 31-150 is hereby amended to read as  
15 follows: 31-150. (a) Except as otherwise provided in subsection (b), the  
16 construction of school buildings shall comply with the requirements of  
17 the ~~1985 edition of the uniform building code, volume I, and the 1985~~  
18 ~~edition of the uniform mechanical code, of the international conference~~  
19 ~~of building officials 2000 edition of the international building code, of the~~  
20 ~~international code council and the 2000 edition of the uniform mechanical~~  
21 ~~code as published by the international association of plumbing and me-~~  
22 ~~chanical officials or the 2000 edition of the international mechanical code~~  
23 ~~as published by the international codes council. All electric wiring shall~~  
24 conform to requirements of the ~~1984~~ 1999 issue of the national electric  
25 code of the national fire protection association. Minimum plumbing  
26 requirements shall meet the ~~1985~~ 2000 edition of the uniform plumbing  
27 code issued by the international association of plumbing and mechanical  
28 officials *or the 2000 edition of the international plumbing code as pub-*  
29 *lished by the international codes council. The construction of school build-*  
30 *ings shall comply with any special or more restrictive provisions of a*  
31 *municipality.*

32 (b) The construction of mobile, modular, portable or relocatable  
33 school buildings shall conform to the requirements of the ~~1985~~ 2000  
34 edition of the life safety code ~~as adopted and the 1999 edition of manu-~~  
35 ~~factured housing as published by the national fire protection association.~~  
36 Minimum plumbing requirements shall meet the ~~1985~~ 2000 edition of  
37 the uniform plumbing code issued by the international association of  
38 plumbing and mechanical officials *or the 2000 edition of the international*  
39 *plumbing code as published by the international codes council.*

40 (c) The construction of all school buildings shall conform to the pro-  
41 visions for making buildings and facilities accessible to, and usable by,  
42 persons with a disability, as required by K.S.A. 58-1301 through 58-1311,  
and amendments thereto.

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Attach # 2

2-2

(d) No contract shall be let for the construction of any school building, and it shall be illegal to pay out any public funds for the construction of a school building until the plans for such building shall: (1) Bear the seal of an architect or a professional engineer licensed by the state board of technical professions of the state of Kansas certifying that the plans meet the applicable requirements of this act; and (2) be submitted to the state board of education for approval as to compliance with such requirements.

(e) The provisions of subsections (c) and (d) of this section shall not apply to any building or structure operated or used for any purpose by, or located upon the land of any community college, area vocational school, area vocational-technical school, technical college, ~~or municipal university~~, institution under the governance of the state board of regents or other institutions of post secondary education as defined by K.S.A. 74-3249, and amendments thereto. Prior to construction of any new building or remodeling of any existing building, all community colleges, area vocational schools, area vocational-technical schools, technical colleges ~~and~~, any municipal university, institutions under the governance of the state board of regents or other institutions of post secondary education as defined by K.S.A. 74-3249, and amendments thereto, shall submit to the state fire marshal a code footprint for evaluation and approval of the fire/life safety features of such buildings.

(f) The relocation of school buildings to which the provisions of subsection (b) apply shall not be construed to be construction or reconstruction under the provisions, or for the purposes, of this section.

(g) The construction or reconstruction of any school building to which the provisions of this section were applicable prior to ~~January 26, 1992~~, shall be governed by the provisions of this section which were in effect on the date the contract for such construction or reconstruction was entered into.

July 1, 2002

(h) The state fire marshal shall adopt rules and regulations specifying those subsequent editions of the codes enumerated in subsections (a) and (b) which the state fire marshal has determined provide protection equivalent to those editions specified herein. Compliance with any subsequent edition specified by such rules and regulations shall be considered compliance with the edition of the code specified by this section.

Sec. 2. K.S.A. 2001 Supp. 31-150 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.