

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Vice Chairman Scott Schwab at 9:00 A.M. on March 16, 2006 in Room 241-N of the Capitol.

All members were present except:

Bob Grant- excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research Department

Norm Furse, Office of Revisor of Statutes

Renae Jefferies, Office of Revisor of Statutes

June Evans, Committee Secretary

Conferees appearing before the committee:

Jack Alexander, Fire Marshal

Debra Zehr, Kansas Association of Homes and Services for the Aging

Chad Austin, Kansas Hospital Association

Cindy Luxem, Executive Director, Kansas Health Care Center

Others attending:

See attached list.

The Vice Chairman opened the hearing on **HB 2975 - Registration with fire marshal required for business providing fire prevention or fire safety services or products.**

Staff gave a briefing on **HB 2975**. The bill concerns fire prevention and safety products and services being required to register with the state fire marshal. On or after October 1, 2007, no person shall sell or offer for sale fire prevention or fire safety products or services unless the person and the product or service is first registered with the state fire marshal.

Jack Alexander, Kansas State Fire Marshal, testified as a proponent to **HB 2975**. This mandate would come with a substantial cost and would need resources to implement. There are a total of five fire related bills and would recommend these all be studied in a summer interim (Attachment 1).

Debra Zehr, Executive Vice President, Kansas Association of Homes and Services for the Aging, testified in support of **HB 2975**. This would require vendors of fire safety products and services in Kansas to register with the State Fire Marshal's Office.

The health care facility fire prevention and safety regulatory environment changed dramatically three years ago when the Centers for Medicare and Medicaid Services (CMS) adopted the National Fire Protection Association's 2000 Life Safety Code (LSC). Prior to this, CMS required compliance with the 1985 LSC. This 15-year leap in code resulted in all sorts of new requirements. Since then Kansas health care facilities have been working diligently to understand and comply with the new requirements.

HB 2975 would help the state and health care facilities know what vendors are selling what fire safety-related products and services. It is a first step to assuring that vendors are providing products and services that comply with LSC requirements that protect vulnerable citizens in health care facilities across the state (Attachment 2).

Chad Austin, Vice President, Government Relations, Kansas Hospital Association (KHA), testified as a proponent to **HB 2975**. This legislation would require that those who sell fire safety products or services, and the product or service offered for sale, be registered with the State Fire Marshal. KHA supports this bill if the goal is to crack down on fly-by-night vendors attempting to sell worthless products (Attachment 3).

Cindy Luxem, President/CEO, Kansas Health Care Association, testified as a proponent to **HB 2975**. It is believed that a certified list of products and services produced by the Fire Marshal's office would be very beneficial to long-term care providers across the state. It would be very helpful if the providers could go to a registry where they would know whether or not a product would meet the required standards (Attachment

CONTINUATION SHEET

MINUTES OF THE House Commerce and Labor Committee at 9:00 A.M. on March 16, 2006 in Room 241-N of the Capitol.

4).

Written testimony in support of **HB 2975** was distributed: Phyllis Kelly, Executive Director of the Kansas Adult Care Executives Association (Attachment 5).

The Vice Chairman closed the hearing on **HB 2975**.

There was a 10 minute break.

The Vice Chairman asked what the will of the Committee was on **HB 3004**?

Staff reviewed **HB 3004** that had a hearing on March 14.

Representative Sharp moved and Representative Kilpatrick seconded to accept balloon on **HB 3004**. The motion passed.

After discussion, Representative Sharp moved and Representative Kilpatrick seconded another motion amending the balloon on page 1, in line 39, by striking "include:"; by striking all in lines 40 through 42; in line 43, by striking "(2)" and inserting: "recognize as qualifying for the academic requirement under this section"; also in line 43, by striking all after "placement"; and on page 2, in line 1, by striking all before "by" and inserting "examination grades earned"; in line 2, by striking "under an advance placement program"; in line 5, by striking "statute book" and inserting "Kansas register". The motion carried.

Representative Ruff said she would support a Proviso to help the young lady out but would not support this bill.

Chairman Dahl moved and Representative Kiegerl seconded a "gut and go" that would insert **HB 3004** as amended into **SB 518**.

A show of hands was called on the motion: Yeas - 8 and Nays - 9. The motion failed.

Chairman Dahl said the Senate Chairman agreed to work these bills this way. This would allow the bill to move through the legislative process considering the short time remaining.

Representative Sharp moved and Representative Kilpatrick seconded to move **HB 3004** out favorably as amended. The motion carried..

A show of hands was called on the motion: Yeas - 9 and Nays - 8. The motion carried.

The Chairman thanked the Committee for their work on some difficult legislation this session and told them they had done an excellent job with many controversial subjects. The work has been completed so this would be the last meeting for this year.

The meeting adjourned at 10:25 a.m.



K A N S A S

F.S. JACK ALEXANDER
FIRE MARSHAL

OFFICE OF THE KANSAS STATE FIRE MARSHAL

KATHLEEN SEBELIUS
GOVERNOR

GOOD MORNING CHAIRMAN AND COMMITTEE MEMBERS.

I am Jack Alexander State Fire Marshal and I appreciate the opportunity to speak on behalf of our agency on this particular bill HB-2975. It is our opinion, with as little time as we have had to look into it, that there are contained in this bill items and situations that could be beneficial to all parties involved, providers and facilities and regulators.

This is a tool that our agency could use as we go about carrying out our mission, of the protection of life and property.

But like any other mandate it does not come without cost. And those costs will in our opinion be substantial.

And that leads me to a major concern that I would like to put on the table for consideration.

When I first heard that there were some bills going to be introduced and found out that Rep Bethel was authoring them I and staff met with him to get an understanding as to what they were and how we could start to prepare for their introduction. With this particular bill there were also five others introduced at the same time concerning similar kinds of matters affecting our agency.

Here is the concern that I have and what if possible could be considered. In as much as all of these activities are on a fast track now and I know our office has not had any time to discuss with others that will be effected the impacts and costs of these pieces of legislation, I would like to suggest that if possible all of these bills be put in an interim committee so that all of those to be effected can dialog about same and hopefully come up with a solution that we can all live with a little easier.

I also feel that if we can do that and consider them all together rather than as individual bills, that I think some of the costs and FTEs could be greatly reduced.

Thanks for your time and consideration.

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Comme labor
3-16-06
Atch # 1

HB2975 notes for testimony.

1. This bill will require the development of a system to notify any and all providers of products or services the impact or effect the fire safety or protection of buildings where people work, live, or congregate.
2. Current statutory authority under K.S.A. 31-133 states that we adopt reasonable rules and regulations for the safeguarding of life and property. Section 4 authorizes the adoption of rules for the installation and maintenance of equipment intended for fire control, detection and extinguishment. We currently register companies that service or install fire alarm, detection, and sprinkler systems.
3. It is estimated there are thousands of products sold and serviced each day to virtually all buildings in this state.
 - a. This includes fire alarm and sprinkler systems and components, applied fire proofing to structural members, fire retardants for interior finishes, carpeting, wall and ceiling finishes, window treatments, wall board, structural framing, smoke detectors, fire caulking, construction methods, and many more to numerous to mention.
4. Resources not currently available within this agency will be required to research, notify, verify, and document the service, practices, methods, and products the registered person is providing.
5. These products used should also meet requirements established by Underwriters Laboratories or other national standard or federal regulation.
6. The installation of the product should be to manufacturer's specifications, tested methods by underwriter's laboratories, and nationally recognized codes and only by properly trained and qualified persons. We currently do not establish qualifications for individuals to be competent in their knowledge and skills. This impacts those facilities when they contract for service have it installed or maintained and find out after an inspection that the product or service is flawed. We can only require the building owner to make it right. The service provider is not accountable through our adopted codes to install or maintain these systems correctly. It penalizes the facility.
7. Section 2 of the bill is less restrictive than current law K.S.A. 31-159 which allows up to a \$1,000 fine. This is an actual and substantial economic deterrent.



Testimony in Support of House Bill 2975

**Debra Harmon Zehr, Executive Vice President
Kansas Association of Homes and Services for the Aging
to the House Commerce and Labor Committee
March 16, 2006**

Thank you, Chairman Dahl and Members of the Committee, for this opportunity to testify in support of House Bill 2975.

The Kansas Association of Homes and Services for the Aging (KAHSA) represents 160 not-for-profit nursing homes, retirement communities, hospital long-term care units, assisted living residences, senior housing and community service providers serving over 20,000 older Kansans every day. Our members are dedicated to providing excellent care and services in a safe living environment.

We ask for your support of House Bill 2975. It will require vendors of fire safety products and services in Kansas to register with the State Fire Marshal's Office.

The health care facility fire prevention and safety regulatory environment changed dramatically three years ago, when the Centers for Medicare and Medicaid Services (CMS) adopted the National Fire Protection Association's 2000 Life Safety Code (LSC). Prior to this, CMS required compliance with the 1985 LSC. This 15-year leap in code resulted in all sorts of new requirements. Since then, Kansas health care facilities have been working diligently to understand and comply with the new requirements.

The change in code created a demand for a wide range of new fire safety products and services. Some examples include: upgraded emergency lighting, expensive anti-freeze filled sprinklers for outdoor canopies, special spray-on fire retardants, new code-compliant door latches, changes in magnetic door lock systems, upgraded smoke detection and fire alarm systems, new ways to test smoke detection systems, and specially-designed cigarette disposal containers. Most of these products and services have a steep price tag. Vendors have come out of the woodwork to take advantage of the booming market.

We believe that it is wise public policy to create a registry at the Kansas State Fire Marshal's office for all vendors of fire prevention and safety-related products and services because:

1. As a major payer for long term care and other health care services, the state is bearing significant cost for these products and services.
2. The safety of vulnerable people is at stake when improper safety products are installed or services rendered.
3. There have been instances in which unscrupulous or uneducated vendors have sold health care facilities products or services that do not comply with the regulations.
4. The Fire Marshal's Office currently has no way of knowing what vendors are selling what products and services, or whether they are in compliance with code.
5. Health care facilities do not have a central place they can go to find out about these vendors.
6. There is lack of knowledge and confusion about what products and services comply with the regulations.

House Bill 2975 will help the state and health care facilities know what vendors are selling what fire safety-related products and services. It is a first step to assuring that vendors are providing products and services that comply with LSC requirements to protect vulnerable citizens in health care facilities across the state.

Thank you for your favorable consideration of this bill. I would be happy to answer questions.

KANSAS HOSPITAL



ASSOCIATION

Thomas L. Bell
President

TO: House Commerce and Labor Committee

FROM: Chad Austin
Vice President, Government Relations

SUBJECT: House Bill 2975

DATE: March 16, 2006

The Kansas Hospital Association (KHA) appreciates the opportunity to provide testimony in support of House Bill 2975. This proposed legislation requires that those who sell fire safety products or services and the product or service offered for sale be registered with the State Fire Marshal.

KHA supports this bill if its goal is to crack down on fly-by-night vendors attempting to sell worthless products. Facilities and businesses in Kansas strongly rely on State Fire Marshal Office personnel as valued resources in the area of fire prevention and safety. We hope that this bill will give our member hospitals reassurance that they are dealing with reputable fire safety companies, products and services.

The Kansas Hospital Association and its members urge the committee to pass House Bill 2975. Thank you for your consideration of our comments.

Kansas Hospital Association

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Atch #3



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March 15, 2006

Testimony

Before the
Commerce and Labor Committee

By
Cindy Luxem, President/CEO
KANSAS HEALTH CARE ASSOCIATION

Chairman Dahl and Members of the Committee:

The Kansas Health Care Association, representing approximately 185 long-term-care facilities including nursing homes, assisted living facilities, homes plus, nursing facilities for mental health, residential health care and long-term-care units of hospitals, appreciates the opportunity to provide testimony in support of House Bill 2975. This proposed legislation would provide for a registration and certification of fire prevention and safety products and services with the Fire Marshal's office.

We believe that a certified list of products and services by the Fire Marshal's office would be very beneficial to our long-term care providers across the state. It would be very helpful if the providers could go to a registry where they would know whether or not a product would meet the required standards. Many life safety code deficiencies can be very costly for the providers to implement and this bill would help ensure that the supplier of products and services complies with the life safety code.

We appreciate the opportunity to provide testimony and urge the Committee members to support HB 2975.

Comm + Labor
3-16-06
Atch #4

(Written Testimony – Proponent HB 2975)

Testimony before the House Commerce and Labor Committee on HB 2975. An Act concerning fire prevention and safety products and services; requiring registration with the state fire marshal.

Chairman Dahl and Members of the Committee:

I am Phyllis Kelly, Executive Director of the Kansas Adult Care Executives Association (KACE). Our Association represents over 250 adult care home executives in nursing homes and assisted living facilities throughout Kansas.

The KACE Board of Directors and the KACE Legislative Committee have reviewed the components of HB 2975. Both of these entities concur that the proposed legislation would be beneficial to personnel in the fire marshal's office and personnel of adult care home staff to ultimately assure the safety of the residents in the homes in Kansas.

Daily we are bombarded with vendors selling fire safety products and services, both at the association and facility levels. With the many changes in the Fire Life Safety Code and new requirements and interpretations, it is very difficult for the management staff to know which products and services actually meet the Code and are accepted by the inspectors. This situation is extremely serious and puts at jeopardy the adult care home and its residents. Instances of purchases and use of unacceptable products have already occurred in Kansas resulting in financial loss and compromising fire safety procedures.

HB 2975 is a win-win for all entities involved and interested in fire safety. The registry would provide owners and operators a guide for purchasing products and services which were acceptable to the state fire marshal's office and up to Code requirements.

I urge your support of HB 2975.

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