

Approved: March 13, 2006

Date

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 1:30 P.M. on March 9, 2006, in Room 526-S of the Capitol.

All members were present except Representatives Kelley, Bethell, Watkins, and Landwehr, all of whom were excused.

Committee staff present:

Melissa Calderwood, Kansas Legislative Research Department  
Mary Galligan, Kansas Legislative Research Department  
Rena Jefferies, Revisor of Statutes' Office  
Gary Deeter, Committee Secretary

Conferees appearing before the committee:

None

Others attending:

See attached list (not available on electronic copy).

The minutes for March 2 and March 6, 2006, were approved.

Staff Mary Galligan provided a briefing on **HB 2977**. She said the bill introduces new law to require the state fire marshal to provide joint opportunities for training in fire prevention for all providers of health care or mental health care who desire to participate. She referenced the Kansas Fire Prevention Code. (Attachment 1)

Regarding **SB 217**, which had been scheduled for a hearing, she said the content of the bill was amended into another bill during the 2005 session, passed by the legislature, and signed by the Governor.

The Chairman commented that, with the end of session approaching and with the knowledge that the Senate Public Health and Welfare Committee has more bills than it can process, the House Health and Human Services Committee can prioritize what House bills to consider. The Chair appointed a sub-committee to accommodate the various interests on **HB 2820**, which had a hearing on 3-1; he asked the sub-committee (Representatives Don Hill (chair), Willa DeCastro, and Tom Holland) to report back to the full committee as soon as possible.

A motion was made, seconded, and passed to recommend the substitute bill for **HB 2396**, which had a hearing on 3-6, as favorable for passage.

A motion was made and seconded to recommend **HB 2813**, which had a hearing on 3-2, as favorable for passage. During discussion, a member said the bill would facilitate graduate nurses moving into careers and was non-controversial except for limited concern by some graduate nurses. The motion passed. Representative DeCastro volunteered to carry the bill.

Regarding **HB 2852** and **HB 2853**, which had hearings on 3-2, a member commented that the Kansas State Nurses Association expressed strong concerns against using arrest records, juvenile records, and expungements as a part of background checks. The Revisor noted that, if the bill is worked, some technical amendments need to be made to address authorization for a fee fund and processing of funds. (Attachment 2 and Attachment 3) The Chair appointed a sub-committee to deal with the issues: Representatives Peggy Mast (chair), Sue Storm, and Pat Colloton.

The meeting was adjourned at 2:002 p.m. The next meeting is scheduled for Monday, March 13, 2006.



## State Fire Marshal

### Permanent Administrative Regulations

#### Article 1. – KANSAS FIRE PREVENTION CODE

**22-1-1 Kansas fire prevention code.** (a) When a municipality adopts one of the nationally recognized fire codes or the fire protection segment of a nationally-recognized building code and modifies a section of that code, a summary of such modifications shall be submitted to the state fire marshal office. Such modifications shall be reviewed and approved or rejected by the state fire marshal. The municipality shall be notified of the action within 30 days from receipt of the summary.

(b) Any building code package adopted by a municipality shall reference the 1990 edition of the National Electrical Code.

(c) Any alternate method of fire protection which has been approved by a local board of appeals as a substitute for strict compliance with code requirements shall be deemed to be in compliance with the Kansas fire prevention code.

(d) Any question arising as to whether another state statute or an enactment of a municipality is inconsistent with the provisions of the fire prevention code shall be resolved by the state fire marshal after a hearing with all interested parties. Any decisions of the state fire marshal made under authority of this subsection shall be appealable in accordance with the provisions of K.S.A. 31-142. (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective May 1, 1981; amended May 1, 1985; amended Aug. 28, 1989; amended Sept. 17, 1990.)

**22-1-2 Compliance with certain building codes.** A building shall be deemed to comply with the Kansas fire prevention code if the building conforms to one of the following building codes and to any additional special requirements of the Kansas fire prevention code and if the building has been issued a certificate of occupancy:

(a) the 1997 edition of the uniform building code (UBC);

(b) the 1999 edition of the building officials and code administrators (B.O.C.A.) basic building code;

(c) the 1997 edition of the standard building code, which is also known as the southern building code (SBC); or

(d) the 2000 edition of the international building code (IBC). (Authorized by and implementing K.S.A. 31-134a; effective May 1, 1985; amended Aug. 28, 1989; amended May 10, 1993; amended July 9, 2004.)

**22-1-3 Adopted national codes.** The following National fire protection association pamphlets are adopted by reference.

(a) Portable fire extinguishers. National fire protection association pamphlet no. 10, including appendices a, b, c, d, e, f, and g, 1990 edition.

(b) Installation of sprinkler systems. National fire protection association pamphlet no. 13, including appendices a and c, 1991 edition.

(c) Installation of standpipe and hose systems. National fire protection association pamphlet no. 14, including appendices a, b, c, 1990 edition.

(d) Dry chemical extinguishing systems. National fire protection association pamphlet no. 17, chapters 1, 2, 3, 6, and 7 including appendices A and excluding sections 2-11.2, 6-4, 6-5, and 6-6, 1990 edition.

(e) Wet chemical extinguishing systems. National fire protection association pamphlet no. 17A, chapters 1 through 4, and appendices A and B, excluding sections 3-1 and 3-2 and section A- 1-4 of Appendix A, 1990 edition.

(f) Water-based fire protection systems. National fire protection association pamphlet no. 25, including appendices a, b, and c, 1992 edition.

(g) Flammable and combustible liquids. National fire protection association pamphlet no. 30, including appendices a, b, c, d, e, f, and g, 1990 edition.

(h) Automotive and marine service stations. National fire protection association pamphlet no. 30A, chapter 1 through 9, except section 4-4, 1990 edition.

(i) Compressed natural gas (CNG) vehicular fuel systems. National fire protection association pamphlet no. 52, including appendix a, 1992 edition.

(j) Liquefied petroleum gases. National fire protection association pamphlet no. 58, including appendices a, b, c, d, e, f, g, h, i, and j, except section 1-6 shall be applicable January 1, 1994, 1992 edition.

(k) Signaling systems for central station service. National fire protection association pamphlet no. 71, including appendices a and b, 1989 edition.

(l) Installation, maintenance and use of protective signaling systems. National fire protection association pamphlet no. 72, including appendices a, b, and c, 1990 edition.

(m) Automatic fire detectors. National fire protection association pamphlet no. 72E, including appendices a, b, c, and d, 1990 edition.

(n) Testing procedures for signaling systems. National fire protection association pamphlet no. 72H, 1988 edition.

(o) Vapor removal from cooking equipment. National fire protection association pamphlet no. 96, including appendix a, 1991 edition.

(p) Life safety code. National fire protection association pamphlet no. 101, including appendices a and b, except chapter 21, sections 10-7.1.1.1 and 11-7.1.1.1 and the first sentence of section 11- 8.1.1.1 and 11-9.1.1.1, 1991 edition.

(q) Alternative approaches to life safety. National fire protection association pamphlet no. 101M, 1992 edition.

(r) Assembly seating, tents, and membrane structures. National fire protection association pamphlet no. 102, including appendices a and b, 1992 edition.

(s) Emergency and standby power systems. National fire protection association pamphlet no. 110, including appendices a, b, and c, 1988 edition.

(t) Fire safety symbols. National fire protection association pamphlet no. 170, including appendices a, b, and c, 1991 edition.

(u) Tank vehicles for flammable and combustible liquids. National fire protection association pamphlet no. 385, including appendices a and b, 1990 edition.

(v) Explosive materials code. National fire protection association pamphlet no. 495, including appendices a, b, c, and d except sections 1-1.3 and 2-1.8, and chapter 10, 1992 edition.

(w) Fire Safety criteria for manufactured home installations, sites and communities. National fire protection association pamphlet no. 501A, including appendices a, b, c, and d, 1992 edition.

(x) Outdoor display of fireworks. National fire protection association pamphlet no. 1123, including appendices a, b, c, d, and e, 1990 edition.

(y) Manufacture, transportation, and storage of fireworks. National fire protection association pamphlet 1124, including appendices a, b, and c, 1988 edition. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

**22-1-4 Variances and exemptions.** Upon a written application the state fire marshal may grant an exemption or variance from compliance with any provision of the regulations adopted pursuant to the Kansas fire prevention code when it is clearly demonstrated that: (a)(1) the enforcement of a specific requirement will cause unnecessary hardship; or

(2) the exemption is necessary for the petitioner to take advantage of new methods or equipment; and,

(b) the condition, structure, or activity in non-compliance poses no immediate life safety hazard. (Authorized by K.S.A. 1991 Supp. 31-133; implementing K.S.A. 31-136; effective May 10, 1993.)

**22-1-5 Denial, refusal, suspension, or revocation.** (a) A registration certificate authorized under the Kansas fire prevention code that has been duly issued by the office of the state fire marshal or has been applied for may be denied, suspended, revoked, or renewal refused, if:

(1) the office of the state fire marshal finds from available evidence that the individual or business has violated any provisions of the Kansas fire prevention code or these regulations; or

(2) certified as an arson investigator, the holder has been convicted of a felony.

(b) A person or business aggrieved by an order of the office of the state fire marshal may seek an appeal and hearing under the provisions of K.S.A. 31-140, 31-141, and 31-142 by filing a notice of appeal in the office of the

state fire marshal within fifteen (15) days from the date of the service of this order. (Authorized by and implementing K.S.A. 1991 Supp. 31-133, K.S.A. 31-133a, as amended by L. 1992, ch. 220, § 1, and K.S.A. 31-157; effective May 10, 1993.)

**22-1-6 Commercial fire suppression and detection firms, filing.** Any business which currently installs, maintains, modifies, or repairs any fire sprinkler systems, fire detection systems, or fire alarm systems, except those performing these functions solely in one and two family dwellings, shall file a notification of doing business by April 1, 1994 with the state fire marshal on forms provided by the state fire marshal. Any new business performing these functions after April 1, 1994 shall file a notification of doing business within 30 days of commencing business with the state fire marshal. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

**22-1-7. Code footprint.** (a)(1) "Code footprint" shall mean a building and life safety code compliance document that contains both graphic and narrative information and that meets the requirements of this regulation.

(2) Each code footprint shall be submitted in the following format:

(A) A full-sized drawing consisting of a complete floor plan, including existing facilities and new construction, for each floor of the facility, including basements and mezzanines; and

(B) an 11-inch by 17-inch reduction of the full-sized drawing, sealed by a Kansas-licensed design professional.

(3) A code footprint shall be prepared for all new buildings, new building additions, changes in occupancy, or building renovation, with the exception of buildings used solely as dwelling houses containing no more than two families. Each code footprint shall be prepared by a Kansas-licensed design professional. Upon request, a code footprint shall be provided to the fire or building official in the municipality where the work is occurring.

(4) A code footprint shall be submitted to the state fire marshal for review and approval for any new construction, renovation, or change of occupancy for the following types of buildings:

(A) Any group A assembly occupancy having a combined occupant load in excess of 2,000 persons;

(B) any group B business occupancy used at any community college, area vocational school, vocational-technical school, technical college, or any institution under the governance of the state board of regents;

(C) any group A assembly occupancy mixed with a group E educational occupancy or a group I institutional occupancy;

(D) any group E educational occupancy, including any day care facility for more than 24 persons;

(E) any group I institutional occupancy, including any state or other governmental entity's detention facilities,

and any occupancy physically attached to a group I occupancy regardless of fire barrier separation; and

(F) any group R-1 or R-2 residential occupancy that is three or more stories in height, including basements, or more than 12,000 square feet in area, and any R-4 residential occupancy.

(b) The following shall be required on all code footprints:

- (1) A graphic bar scale;
- (2) a north directional indicator;
- (3) a complete building floor plan, with a clear identification of new, remodeled, and existing portions;
- (4) identification of all permanent partitions taller than six feet;
- (5) a label with plain text, keynotes, or legends for each room and space;
- (6) the occupant load of assembly rooms and total occupant load for each floor level;
- (7) identification of openings and ratings of stair and shaft enclosures;
- (8) identification of openings and ratings of corridors and openings;
- (9) identification of occupancy and area separations;
- (10) identification of all horizontal exit arrangements, exit passageways, and smoke compartments;
- (11) identification of all required exterior exits and exit capacity;
- (12) the location of the central fire alarm control panel and any remote annunciator panels;
- (13) the location of each fire department supply connection;
- (14) the location of fire department access roads and fire hydrants;
- (15) the distances to property line and exposures;
- (16) identification of any special hazards or conditions; and
- (17) the location of any anticipated future additions.

(c) The following narrative information shall be required on each code footprint submitted:

- (1) The project construction purpose: new, addition, change in use, renovation, or other;
- (2) the reason for submittal: new construction, new licensure, certificate of occupancy, or plan of correction for existing code deficiencies;
- (3) the code or codes used;
- (4) the street address, city, state, zip code, and county of the building;
- (5) the name, address, city, state, zip code, phone number, and fax number of the owner;
- (6) the date developed and any revision dates;
- (7) the name, address, city, state, zip code, phone number, and fax number of the designer;
- (8) the designer's seal (RA or PE);
- (9) the name of the responding fire service;
- (10) the name of the local building inspection department, if available;

(11) each occupancy group and type;

(12) the type of construction;

(13) the structural code requirements, including the following:

(A) The total floor area of each occupancy, both actual and allowable;

(B) height and area limitations, both actual and allowable; and

(C) structural fire ratings, both actual and allowable;

(14) identification of active fire safety features, including the following:

(A) The type of automatic suppression systems and locations;

(B) the fire alarm signaling system;

(C) emergency lighting and power features; and

(D) the smoke control system;

(15) water supply requirements of the facility for fire suppression; and

(16) alternative methods of design or construction, or both. (Authorized by and implementing K.S.A. 31-133; effective July 9, 2004)

HOUSE BILL No. 2852

By Committee on Federal and State Affairs

2-7

Balloon Amendment  
March 8, 2006

9 AN ACT concerning the board of nursing, relating to licensure of mental  
10 health technicians, concerning fingerprinting and criminal history re-  
11 cords checks.  
12

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

14 Section 1. (a) The board of nursing may require an applicant for  
15 licensure as a mental health technician in this state to be fingerprinted  
16 and submit to a state and national criminal history record check. The  
17 fingerprints shall be used to identify the applicant and to determine  
18 whether the applicant has a record of criminal arrests and convictions in  
19 this state or other jurisdictions. The board of nursing is authorized to  
20 submit the fingerprints to the Kansas bureau of investigation and the  
21 federal bureau of investigation for a state and national criminal history  
22 record check. The board of nursing may use the information obtained  
23 from fingerprinting and the applicant's criminal history for purposes of  
24 verifying the identification of any applicant and in the official determi-  
25 nation of character and fitness of the applicant for any licensure to prac-  
26 tice as a mental health technician in this state.

27 (b) Local and state law enforcement officers and agencies shall assist  
28 the board of nursing in taking and processing of fingerprints of applicants  
29 seeking admission to practice as a mental health technician in this state  
30 and shall release all records of an applicant's arrests, convictions, expun-  
31 gements and juvenile records to the board of nursing.

32 Sec. 2. There is hereby created in the state treasury the criminal  
33 background and fingerprinting fund. All moneys credited to the fund shall  
34 be used to pay the Kansas bureau of investigation for the processing of  
35 fingerprints and criminal background checks for the board of nursing.  
36 The fund shall be administered by the board of nursing. All expenditures  
37 from the fund shall be made in accordance with appropriation acts upon  
38 warrants of the director of accounts and reports issued pursuant to vouch-  
39 ers approved by the president of the board or a person designated by the  
40 president.

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

(c) The board of nursing by rules and regulations may set fees to be charged an applicant for fingerprinting and for state and national criminal history record checks.

Moneys from the fees charged pursuant to section 1, and amendments thereto, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of the criminal background and fingerprinting fund.

Attachment 2  
HAS 3-9-06

HOUSE BILL No. 2853

By Committee on Federal and State Affairs

2-7

Balloon Amendment  
March 8, 2006

9 AN ACT concerning the board of nursing; relating to licensure of pro-  
10 fessional and practical nurses; concerning fingerprinting and criminal  
11 history records checks.

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

13 Section 1. (a) The board of nursing may require an applicant for  
14 licensure as a professional nurse or practical nurse in this state to be  
15 fingerprinted and submit to a state and national criminal history record  
16 check. The fingerprints shall be used to identify the applicant and to  
17 determine whether the applicant has a record of criminal arrests and  
18 convictions in this state or other jurisdictions. The board of nursing is  
19 authorized to submit the fingerprints to the Kansas bureau of investiga-  
20 tion and the federal bureau of investigation for a state and national crim-  
21 inal history record check. The board of nursing may use the information  
22 obtained from fingerprinting and the applicant's criminal history for pur-  
23 poses of verifying the identification of any applicant and in the official  
24 determination of character and fitness of the applicant for any licensure  
25 to practice professional or practical nursing in this state.

26 (b) Local and state law enforcement officers and agencies shall assist  
27 the board of nursing in taking and processing of fingerprints of applicants  
28 seeking admission to practice professional or practical nursing in this state  
29 and shall release all records of an applicant's arrests, convictions, expun-  
30 gements and juvenile records to the board of nursing.

31 Sec. 2. There is hereby created in the state treasury the criminal  
32 background and fingerprinting fund. All moneys credited to the fund shall  
33 be used to pay the Kansas bureau of investigation for the processing of  
34 fingerprints and criminal background checks for the board of nursing.  
35 The fund shall be administered by the board of nursing. All expenditures  
36 from the fund shall be made in accordance with appropriation acts upon  
37 warrants of the director of accounts and reports issued pursuant to vouch-  
38 ers approved by the president of the board or a person designated by the  
39 president.

40 Sec. 3. This act shall take effect and be in force from and after its  
41 publication in the statute book.  
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(c) The board of nursing by rules and regulations may set fees to be charged an applicant for fingerprinting and for state and national criminal history record checks.

Moneys from the fees charged pursuant to section 1, and amendments thereto, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of the criminal background and fingerprinting fund.

Attachment 3  
HHS 3-9-06