

Summary of Written Testimony
House Bill 2776
To
The House Committee on Local Government
By
Terry L. Maple, Acting Fire Marshal
On
March 13, 2012

Dear Committee Chairperson and Committee Members. My name is Terry Maple and I am currently serving as Acting Kansas State Fire Marshal. I appreciate the opportunity to appear before you and express our opposition to the provisions contained in House Bill 2776.

The International Fire Code (IFC) 2006 was adopted and became effective in Kansas on February 4, 2011. The approval process for the adoption of the IFC 2006 spanned a time period of two years and two state fire marshals and was adopted based upon input received from the statewide fire prevention community. Prior to the 2011 amendments of K.A.R. 22-1-2 and K.A.R. 22-1-3, the International Building Code (IBC) and the National Fire Protection Association (NFPA) Life Safety Code were the primary codes adopted by the OSFM. The 2011 regulation changes replaced most, but not all, of the NFPA applications with the IFC.

The original version of K.A.R. 22-1-3 did not adopt the 2006 IFC. I have been advised, by the Chief Deputy State Fire Marshal who took part in the process, that it was only after receiving comments and meeting with several interested parties, including the Kansas Fire Marshals Association, the American Institute of Architects of Kansas (AIA) and fire officials from the cities of Overland Park, Olathe, Topeka, Wichita, Salina and others, that the decision was made to adopt the 2006 IFC for the purpose of adopting a statewide fire code.

Currently, 28 of 30 cities in Kansas with a population over 10,000 have adopted the IFC. It is important that the State Fire Marshal and the cities within the state operate with the same code. If the IFC 2006 is abolished, the OSFM would not be able to assist these cities in the inspection process because the OSFM could not utilize the same code adopted by the local community. Adopting the IFC creates a consistent statewide system that creates a level playing field for all communities throughout the state.

Some local communities that have simply adopted the state fire code as their own would be required to change their local codes to conform to NFPA 101. Another potential problem is that rural areas would be subjected to a different level, in some cases a lower level, of fire safety than first and second class cities that may have adopted the IFC 2006. This is because most small Kansas communities rely solely on the OSFM for fire safety inspections. The IFC contains a more stringent life safety standard in some applications than the NFPA. Abolishing the IFC

would create an unlevel playing field for small communities compared to larger communities with the resources to adopt the IFC as their local code.

The OFSM shares the concerns of local communities that feel they may not have the resources to comply with the IFC. For those communities that determine that the IFC or any other fire or building code adopted by the OSFM is burdensome, there is a procedure in place by which a municipality may obtain a variance from that provision. K.A.R. 22-1-1 and K.A.R. 22-1-4 allow a municipality to request a variance by submitting a summary of the proposed modifications to the State Fire Marshal's Office. Since the adoption of IFC 2006, variances have been approved for the Cities of Emporia and Wichita. The City of Emporia received 11 variances and the City of Wichita was granted 27 variances from code provisions adopted by the OSFM.

HB2776 creates an inconsistent system of varying fire codes within the State of Kansas. The adoption of the IFC 2006 was determined by a group of involved members of the Kansas fire prevention community to be the best solution for creating a statewide fire code. Relief from provisions of the IFC 2006 is available through the variance process. It is our position that abolishing the IFC 2006 is unnecessary and will negatively impact fire safety and overall public safety in Kansas.

Thank you for the opportunity to comment and any consideration given this matter.

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