

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on January 11, 2011, in Room 144-S of the Capitol.

All members were present except:

Senator Steve Morris - excused

Committee staff present:

Jason Long, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Julian Efird, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Connie Burns, Committee Assistant

Conferees appearing before the Committee:

Doug Jorgensen, Acting State Fire Marshal
Brenda McNorton, Fire Prevention Division
Becky Bahr, Kansas State Fire Marshal

Others attending:

See attached list.

Chairman opened the meeting and welcomed committee members and staff. The Chairman introduced new committee member Senator Jeff Longbine, and new staff member Doug Taylor, Office of the Revisor. The Chairman also provided a brief overview of general subject matter and types of issues, confirmations and legislation the committee reviews and deals with.

Jason Long, Office of the Revisor, spoke briefly to the committee on the new legislative computer system, both for the chamber, bill drafting, research and extends out to all areas of function in the legislative branch. This system was just delivered end of last month, still adapting and making changes and ask for legislative consideration as bugs are worked out.

Doug Jorgensen, Acting Kansas State Fire Marshal, provided an annual update of revenue and expenses and overview of fire regulations dealing with schools. (Attachment 1) The primary funding source is levies assessed against home insurance premiums and deposited into the Fire Marshal Fee Fund which supports over \$4.3 million dollars of our total budget. The projected levy revenues are currently short by \$53,771. Historically the agency has been funded from these levies and did not have problems until 2004 when legislation was passed after a brief spike in revenues splitting funding the office, the Board of Emergency Medical Services, and KU Fire Service Training. These funding issues, an unpaid loan in the amount of \$250,000 from the HazMat Emergency Fund, increased responsibilities, and an aging vehicle fleet are ongoing challenges for our agency.

The Fire Prevention Division focuses on facilities posing distinct fire hazards and those places where the potential loss of life from fire is very high, including structures where the very young and very old live and congregate. The annual inspection cycle: preschools, child care centers, foster care, schools, colleges, universities, prisons, jails, residential board and care homes, hospitals, and nursing homes, as well as above-ground fuel storage and liquid petroleum gas facilities. Additionally, KSA 31-144 mandates that all school buildings shall be inspected at least once a year. The current adopted regulation and codes for existing education occupancies is the 1991 Edition of the National Fire Protection Association, Life Safety Code.

Brenda McNorton, Chief, Fire Prevention Division, addressed the committee's questions on 2006 International Fire Code vs. 1991 Life Safety Code.

Becky Bahr, Fiscal Officer was available to address the financial and budget information provided.

The next meeting is scheduled for January 12, 2011. The meeting was adjourned at 11:25 a.m.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE 1-11-11

[illegible]



Kansas State Fire Marshal

Sam Brownback, Governor
Doug Jorgensen, Acting State Fire Marshal

<http://www.ksfm.ks.gov>

Testimony before the 2011 Senate Federal and State Affairs Committee Annual Update of Revenue and Expenses and Overview of Fire Regulations Dealing with Schools

**By Doug Jorgensen, Acting State Fire Marshal
January 11, 2011**

I would like to thank the committee for the opportunity to update you on our agency's financial situation and fire regulations. Our primary funding source is levies assessed against home insurance premiums and deposited into the Fire Marshal Fee Fund which supports over \$4.3 million dollars of our total budget. At this time our fund balance is just over \$444,000 more than we need to meet our spending authority for the rest of the current fiscal year. While this is great news in comparison to previous years when we have gone negative, had to take out loans, keep positions open, and freeze agency spending to make it through.

However the projected levy revenues are currently short by \$53,771. These are generally received in June to cover the next fiscal year's July through December expenses and in December to cover January through June expenses. There is a possibility in June that this difference could be offset with the next batch of revenues, but the opposite could also be true putting us farther behind as we start Fiscal Year 2012.

During our agency's 98 year history we have been funded from these levies and did not have problems until 2004 when legislation was passed after a brief spike in revenues splitting the funding between our office, the Board of Emergency Medical Services, and KU Fire Service Training. On the attached overview of the levies the revenues available to our office in 2004 when the split occurred are in the blue square and the yellow indicates all the years that our portion has been less.

These funding issues, an unpaid loan in the amount of \$250,000 from the HazMat Emergency Fund, increased responsibilities, and an aging vehicle fleet are ongoing challenges for our agency.

In regard to fire regulation the Fire Prevention Division focuses on facilities posing distinct fire hazards and those places where the potential loss of life from fire is very high, including structures where the very young and very old live and congregate. We inspect on an annual inspection cycle: preschools, child care centers, foster care, schools, colleges, universities, prisons, jails, residential board and care homes, hospitals, and nursing homes, as well as above-ground fuel storage and liquid petroleum gas facilities.

Additionally, K.S.A 31-144 mandates that all school buildings shall be inspected at least once a year. The current adopted regulation and codes for existing education occupancies is the 1991 Edition of the National Fire Protection Association, Life Safety Code. The Kansas State Fire Marshal's Office has increased training efforts over the past 5 years and everyone has gained additional knowledge regarding the minimum code requirements for protection of facilities housing the very young and very old. Because of this additional knowledge, Kansas State Fire Marshal inspection staff has been more diligent in ensuring these existing buildings meet that minimum requirement.

We understand that education facilities may not have the ability or funding to correct some of the code violations. However, the Kansas State Fire Marshal's Office has put into place compensatory measures that will be considered acceptable in lieu of correcting the violation. This is the only way to ensure that the occupants are protected with an adequate level of life safety.

**History of the Fire Insurance Levy and Fire Marshal Fee Fund
Fiscal Years 2000 to 2012**

As Of: 9/15/2010

	Fiscal Year												
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011 est. (f)	2012 est.
FIRE INSURANCE LEVY													
Levy on Fire Insurance Premiums	3,641,805	3,942,012	4,394,396	4,979,219	5,490,807	5,590,357	5,668,955	5,757,117	5,695,297	6,191,589	6,589,668	6,800,000	7,000,000
Less Transfers of the Levy to:													
State General Fund	(200,000)	(200,000)	(200,000)	0	0	(200,000)	(200,000)	(200,000)	(200,000)	(200,000)	(200,000)	(200,000)	(200,000)
Board of EMS (a)				(1,218,090)	(622,269)	(1,119,049)	(1,133,791)	(1,150,221)	(1,179,059)	(1,238,318)	(1,317,933)	(1,320,000)	(1,360,000)
KU Fire Serv Training (a)				(750,000)	(419,198)	(895,080)	(907,033)	(920,176)	(943,249)	(990,654)	(1,054,347)	(1,056,000)	(1,088,000)
Levy Revenues Available for the Fire Marshal's Office	3,441,805	3,742,012	4,194,396	3,011,129	4,449,340	3,376,228	3,428,131	3,486,720	3,372,989	3,762,617	4,017,388	4,224,000	4,352,000
% Difference		7.62%	10.29%	11.75%	9.32%	1.78%	1.39%	1.53%	-1.09%	8.02%	6.04%	3.09%	2.86%
KSFM %		8.02%	10.79%	-39.30%	32.32%	-31.78%	1.51%	1.68%	-3.37%	10.36%	6.34%	4.89%	2.94%
EMS %					-95.75%	44.39%	1.30%	1.43%	2.45%	4.79%	3.85%	2.91%	2.91%
KU Fire %					-78.91%	53.17%	1.32%	1.43%	2.45%	4.79%	3.85%	2.91%	2.91%
FIRE MARSHAL FEE FUND													
SOURCES OF FUNDS													
Beginning Balance (b)	2,167,826	2,864,326	3,531,279	3,905,708	2,155,721	1,934,585	1,879,431	1,889,966	1,819,425	1,388,728	1,606,381	2,223,766	2,509,577
Revenues from the Levy	3,441,805	3,742,012	4,194,396	3,011,129	4,449,340	3,376,228	3,428,131	3,486,720	3,572,990	3,762,617	4,017,450	4,224,000	4,352,000
Contract for Federal Inspections	147,270	168,884	160,161	162,364	185,357	330,202	285,402	364,702	298,441	305,441	288,653	305,441	305,441
Additional Revenues (c)	5,591	14,196	11,645	8,773	8,075	9,098	13,100	33,582	26,411	34,234	34,722	37,100	42,100
TOTAL SOURCES OF FUNDS	5,762,492	6,789,418	7,897,481	7,087,974	6,798,493	5,650,113	5,606,064	5,774,970	5,717,267	5,491,020	5,947,206	6,790,307	7,209,118
USES OF FUNDS													
Office Expenditures	2,452,982	2,829,707	2,810,382	2,793,835	2,673,657	2,619,431	3,070,511	3,384,296	3,667,249	3,181,618	3,182,974	3,931,566	4,041,968
Transfers to Haz Mat Fund	456,113	415,083	406,020	224,663	419,238	863,879	403,542	279,460	450,344	385,032	371,232	324,164	377,192
Other Transfers	0	0	754,862	0	0	0	0	0	0	154,928	169,234	25,000	25,000
Operating Expenses Subtotal	2,909,095	3,244,790	3,971,264	3,018,498	3,092,895	3,483,310	3,474,053	3,663,756	4,117,593	3,721,578	3,723,440	4,280,730	4,444,160
Transfers to SGF (e)	0	0	0	1,908,218	396,751	520,097	0	0	0	0	0	0	0
TOTAL USES OF FUNDS	2,909,095	3,244,790	3,971,264	4,926,716	3,489,646	4,003,407	3,474,053	3,663,756	4,117,593	3,721,578	3,723,440	4,280,730	4,444,160
Ending Balance (b)	2,853,397	3,544,628	3,926,217	2,161,258	1,881,795	1,901,080	1,801,486	1,811,607	1,389,738	1,599,936	2,223,766	2,509,577	2,764,958
50% of next years exp	1,622,395	1,985,632	1,509,249	1,546,448	1,741,655	1,737,027	1,831,878	2,058,797	1,860,789	1,861,720	2,140,365	2,222,080	2,222,080
Difference	1,231,002	1,558,996	2,416,968	614,811	140,140	164,054	(30,392)	(247,190)	(471,051)	(261,784)	83,401	287,497	542,878

- (a) For fiscal year 2003 and part of fiscal year 2004, all levy revenues were deposited into the Fire Marshal Fee Fund and these amounts were transferred to the 2 entities. For 2004, some of the levy revenues went directly to the 2 entities. For 2005, all revenues went directly to the entities.
- (b) According to officials from the Division of Accounts and Reports, discrepancies in ending and beginning balances are most likely due to released encumbrances.
- (c) These include fees on businesses that handle fire extinguishers for commercial cooking equipment. Agency update - This also includes open record requests and funds received from the sale of surplus property. FY2009 includes the
- (d) Includes a \$750,000 transfer to the Fire Marshal's Hazardous Materials Emergency Fund.
- (e) Agency comment, we lack the electronic data to confirm but included the figures to the best of our knowledge
- (f) The 2010 Legislature changed the distribution order of funds in the allocation bill so that the \$200,000 SGF contribution came out first and then the funds are to be distributed. This will result in \$72,000 additional revenue for KSFM.

Spike in revenue split decided, expected to continue

Revenues down from 2004, never recovered

Estimated Figures - Blue

Existing Education Facilities

2006 International Fire Code vs. 1991 Life Safety Code

No Change

Exiting & Egress – Exit signs, illumination, # of doors, corridor width, etc.

Kitchen Cooking – Hood system test

Hazardous Room Protection

Displays in Corridors

IFC is more lenient on:

Fire Alarm System:

1991 LSC: Manual Fire Alarm in all K-12 (Excludes mobile classrooms with 2 or less classrooms)

2006 IFC: Manual Fire Alarm (Excludes buildings with occupant loads of less than 50)

Location of Kindergarten, 1st grade, & 2nd grade:

1991 LSC: K-1st must be on ground level, 2nd grade shall not be above 2nd floor

2006 IFC: No restrictions

(KSFM will continue to enforce the 1991 LSC requirement unless the facility meets the requirement for being fully sprinklered)

Clothing in corridors

1991 LSC: Must be in metal lockers, or all classrooms must have direct exit outside

2006 IFC: Must be in metal lockers, or corridors must have sprinkler system or smoke detection system

Extension Cords

1991 LSC: No extension cords. Power strips allowed for temporary use only.

2006 IFC: Extension cords and power strips are allowed for temporary use only.

IFC is more restrictive on:

Sprinkler System:

1991 LSC: Required only in basements if used by students

2006 IFC: Required in building greater than 20,000 sq ft, and in basements if used by students

(KSFM will not require existing buildings to be retrofitted with sprinklers. However, once the facility undergoes major renovations, a sprinkler system will be mandated as part of the renovation)

Classroom Doors & Locks:

1991 LSC: Allows 2-motions to unlock/unlatch a door to exit

2006 IFC: Shall not require more than 1-motion to unlock/unlatch a door to exit

New Education Facilities

2000 International Bldg Code vs. 2006 International Bldg Code

No Change

Exiting & Egress – Exit signs, illumination, # of doors, corridor width, etc.

Kitchen Cooking – Hood system test

Hazardous Room Protection

Displays in Corridors

Fire Alarm systems

Sprinkler systems

IBC 2000 & 2006 do not address

Location of Kindergarten, 1st grade, & 2nd grade:

Clothing in corridors

Extension Cords

IBC 2006 is more restrictive on:

Classroom Doors & Locks:

2000 IBC: Does not address the number of motions required to unlatch a door

2006 IBC: Shall not require more than 1-motion to unlock/unlatch a door to exit

RE: concerns of citations involving corridor separation

BACKGROUND:

The life safety code and building codes have specific requirements for corridor construction, width, and maintenance to ensure safe and efficient building evacuation and navigation during emergencies and everyday use.

In general, corridors are required to be fire-resistance rated to protect the occupants from other areas of the building while evacuating.

CODE LANGUAGE:

NFPA 101, Life Safety Code, 1991 Edition

Chapter 11 – Existing Educational Occupancies

11-3.6.1 Every interior corridor shall be constructed of fire barriers having not less than 20 minute fire resistance rating. Corridors shall comply with 6-2.2.2.

Exception 1: Such corridor protection shall not be required where all spaces normally subject to student occupancy have at least one door opening directly to the outside or to an exterior exit access balcony or corridor.

Exception 2: In buildings protected throughout by an approved automatic sprinkler system with valve supervision, corridors are not required to be rated provided such walls in conjunction with openings therein and ceilings at which they terminate resist the passage of smoke.

Exception 3: Existing doors may be 1 ¾ in thick solid bonded wood core doors or the equivalent

Exception 4: Lavatories need not be separated from corridors provided they are separated from all other spaces by fire barriers having a 20-min fire resistance rating.

6-2.2.2 Fire compartments shall be formed with fire barriers that are continuous from outside wall to outside wall, from one fire barrier to another, or a combination thereof; including continuity through all concealed spaces, such as those found above a ceiling, including interstitial spaces.

Exception 1: A fire barrier is not required to continue through an interstitial space if the assembly forming the bottom of the interstitial space has a fire resistance rating equal to that of the fire barrier.

SUMMARY

The corridors in schools must be 20 min rated and must be continuous from the floor to the roof deck above (above the ceiling). This must be continuous with no openings or penetrations. If there are openings or penetrations they must be sealed to meet a 20 min. rating.

HOW IT'S EVALUATED

Fire inspectors must look above the ceiling to see if the corridor wall extends appropriately to the roof deck within that concealed space. If there is not continuation of the corridor wall, then that would be an accurate citation under 11-3.6.1 and 6-2.2.2.

KSFM ENFORCEMENT

We require that all facilities provide us with a "Plan of Correction" stating how they will correct and how much time is needed.

If the facility is unable to correct the deficiency within 90 days, we have the facility fill out a waiver form. The waiver form allows facilities to gain additional time for correction as long as some additional safety measures are put into place in the meantime, such as additional single station smoke detectors.

If the facility is unable to correct the deficiency at all, due to financial hardship or if it not feasible to fix through construction, then the facility may fill out a compensatory measure form. The compensatory measure form allows the facility to remain non-conforming provided that some other approved fire protection feature is added.

The following is an acceptable compensatory measure.

1. Provide interconnected smoke detectors throughout the noncompliant corridor that are tied to the fire alarm panel.

Facilities need to understand that any future renovation / remodel of the noncompliant areas will constitute the noncompliant areas to become compliant with the current code requirements.