

SESSION OF 2006

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2978

As Recommended by House Committee on
Appropriations

Brief*

HB 2978 would allow a business or residence to make a written request to the State Fire Marshal for informal dispute resolution by an independent review panel regarding deficiencies found during an inspection. The informal dispute resolution may be requested within ten days of the receipt of the statement of deficiencies. One request for informal dispute resolution may be made per inspection. Upon request by the owner or operator of the facility, the State Fire Marshal shall provide a face to face informal dispute resolution meeting.

The written request for informal dispute resolution would include the specific deficiencies being disputed, a detailed explanation of the basis for the dispute, and any supporting documentation including information not available at the time of the inspection.

The State Fire Marshal would appoint an independent review panel consisting of one employee of the State Fire Marshal's Office and two members outside the State Fire Marshal's Office.

The request for an informal dispute resolution would not delay the timely correction of any deficiency. The facility may not seek a delay of any enforcement action due to the informal dispute resolution action. The decision of the independent review panel would be advisory to the State Fire Marshal.

All costs incurred for the panel, including travel and review expenses, would be paid by the State Fire Marshal.

The bill would provide authority for the State Fire Marshal to adopt rules and regulations in relation to the provisions of the bill.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

The bill was introduced by the House Committee on Appropriations. At the hearing on the bill, those testifying in favor of the bill included the Kansas State Fire Marshal and representatives of the Kansas Association of Homes and Services for the Aging, the Kansas Health Care Association, the Kansas Hospital Association, and the Kansas Adult Care Executives. Also supporting the bill was the Administrator of the Enterprise Estates Nursing Center.

The fiscal note prepared by the Division of the Budget indicates that the cost to implement the bill is estimated at \$147,487 from the Fire Marshal Fee Fund for FY 2007. This would include funding for 2.0 FTE positions, equipment and supplies for the positions, travel, and court reporting services.