

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chair Sharon Schwartz at 3:30 p.m. on February 4, 2010, in Room 144-S of the Capitol.

All members were present except
Representative Michael Peterson, Absent.

Committee staff present:
Mike Heim, Office of the Revisor of Statutes
Kristen Kellems, Office of the Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Carol Bertram, Committee Assistant

Conferees appearing before the Committee:
Luke Bell, Governmental Affairs, Kansas Association of Realtors
Phil Perry, Government Affairs, Homes Builders Association of Greater Kansas City
Martha Neu Smith, Executive Director, Kansas Manufactured Housing Association
Chris Wilson, Kansas Building Industry Association
William W. Sneed, Legislative Counsel, State Farm Insurance Companies
Sandy Jacquot, League of Kansas Municipalities
Erik Sartorius, City of Overland Park
Gary E. Curmode, Kansas Professional Fire Chiefs Association
Patrick Coughlin, Private Citizen
Tina M. Rakes, International Code Council
Melissa Wangemann, Kansas Association of Counties
Ron Ewing, Southeast Trustee, Kansas State Firefighters Association
Dan McLaughlin, Kansas State Fire Marshal
Ray Bizal, National Fire Protection Association
Jeff Hudson, Kansas Association of Fire Chiefs

Others attending:
See attached list.

After calling the meeting to order, Chair Schwartz drew the Committee's attention to the minutes of January 21, 2010 for their approval. It was moved by Representative Huebert, seconded by Representative Slattery that the minutes of January 21, 2010, be approved as written. The motion carried.

Chair Schwartz opened the hearing on **HB 2515 - Prohibition against a municipality requiring the installation of a multi-purpose sprinkler system in a residential structure.**

Mike Heim, Office of the Revisor of Statutes, presented the Committee with an overview of **SB 2515**, stating the bill would prohibit municipalities from adopting or enforcing any ordinances, orders, codes, standards or rules that would require the installation of fire sprinkler protection systems in residential structures. Questions and answers followed.

Proponents

Luke Bell, Governmental Affairs, Kansas Association of Realtors (KAR), appeared before the Committee as a proponent of **HB 2515**, stating that KAR strongly believes that individual consumers should continue to have the freedom of choice to make an informed decision whether to install fire sprinkler protection systems. Also, KAR members believe requiring the installation of fire sprinkler protection systems in new homes will be extremely expensive and will price some families out of the housing market. KAR believes requiring smoke alarms in every residential structure and effective education are the most practical, cost-effective methods to reduce fire injuries and fatalities. (Attachment #1)

Phil Perry, Government Affairs, Home Builders Association of Greater Kansas City (HBA), urged the Committee to support **HB 2515**, stating this legislation will prevent cities or counties from requiring fire sprinklers. He explained that HBA does not oppose home fire sprinkler technology or the voluntary

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installation of these fire suppression systems, but the organization's members do oppose the mandatory installation of them. (Attachment #2) Questions and answers followed.

Martha Neu Smith, Executive Director, Kansas Manufactured Housing Association (KMHA), appeared as a proponent for **HB 2515**. She stated KMHA supports this bill because its members feel that fire sprinkler systems are expensive and will drive up the costs of all new housing including entry-level housing. Secondly, she said, the bill does not prohibit fire sprinklers but leaves the choice of including a fire sprinkler system up to the homeowner. She suggested that a technical amendment which would clarify that a manufactured home is a "residential structure" be added to the bill. (Attachment #3)

Chris Wilson, Kansas Building Industry Association (KBIA), appeared in support of **HB 2515**. He stated KBIA supports the bill because (1) residential fire sprinklers should be at the choice of the homeowner, (2) residential fire sprinklers are a cost that will drive many out of home ownership, and (3) residential fire sprinklers do not save additional lives beyond what smoke detectors do. (Attachment #4) Questions and answers followed.

There being no further proponents identified, Chair Schwartz closed the hearing to proponents and opened the hearing to opponents.

Opponents

Bill Sneed, Legislative Counsel, The State Farm Insurance Companies, appeared as an opponent to **HB 2515**, stating the proposed bill is inappropriate and that such decisions should be left to the local municipalities to decide whether such systems are viable for their own communities. (Attachment #5) Questions and answers followed.

Sandy Jacquot, League of Kansas Municipalities, appeared before the Committee in opposition to **HB 2515**. She stated cities need to be able to make good public safety determinations without being preempted by an artificial and unnecessary restriction on their ability to do so. Therefore, this bill is an unwarranted preemption of local control, and she said the League urges the Committee to not report the bill favorably. (Attachment #6) Questions and answers followed.

Erik Sartorius, City of Overland Park, appeared before the Committee in opposition to **HB 2515**, stating the City of Overland Park opposes the usurpation of local control for determining building and safety codes, that the cornerstone of municipal government is the belief that the governing of public affairs should be as close to the people as possible. This belief is exemplified in home rule authority, an amendment to the Kansas Constitution that was approved by the citizens of the state more than 45 years ago, he said. (Attachment #7) Questions and answers followed.

Gary E. Curmode, Kansas Professional Fire Chiefs Association, appeared in opposition to **HB 2515**. (Attachment #8) He stated this bill would set a precedent of taking code implementation rights away from local entities, and he urged the Committee to reject the bill. Questions and answers followed.

Patrick J. Coughlin, private citizen, spoke in opposition to **HB 2515**. He provided the Committee with a fact sheet listing claims and facts concerning residential sprinklers. (Attachment #9)

Tina Marie Rakes, member of the International Code Council Board of Directors, appeared in opposition to **HB 2515**, stating that the bill undermines the fundamental principle of self-determination which may be exercised by a community with regards to regulations concerning construction. (Attachment #10) Questions and answers followed.

Melissa A. Wangemann, Kansas Association of Counties, appeared in opposition to **HB 2515**. She stated the KAC believes that the State should not be involved in local affairs such as building codes. She urged the Committee to not pass **HB 2515**. (Attachment #11) Questions and answers followed.

Ron Ewing, Southeast Trustee for the Kansas State Firefighters Association (KSFFA), appeared in opposition to **HB 2515**, stating the KSFFA believes the proposed bill not only jeopardizes firefighter safety, but public

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safety and property conservation as well. He urged the Committee to not pass **HB 2515**. (Attachment #12)

Dan McLaughlin, Kansas State Fire Marshal, appeared in opposition to **HB 2515**. He provided the Committee with statistics in regard to home fires, and he urged the Committee to not pass **HB 2515**. (Attachment #13)

Raymond B. Bizal, National Fire Protection Association, appeared in strong opposition to **HB 2515**, stating the bill hinders local fire authorities from determining the best fire protection policy for their communities. (Attachment #14) Questions and answers followed.

Jeff Hudson, Kansas State Association of Fire Chiefs, appeared before the Committee in opposition to **HB 2515**. He stated there are many tools available to help increase fire and life safety: building codes, smoke detectors, inspections, fire safety education, and sprinkler systems. Some communities use all these tools and others use a portion of them according to the local community standard, he said. He stressed that local governments must have the ability to adopt the best public policies that fit their communities. (Attachment #15) Questions and answers followed.

Since there was no one else to testify before the Committee, Chair Schwartz drew the Committee's attention to eight written-only testimonies in opposition to **SB 2515**: (1) Kevin Flory, Topeka Fire Department and Northeast Trustee, Kansas State Firefighters Association (Attachment #16); (2) C. Dan Rhodus, Fire Chief, City of Lenexa Fire Department (Attachment #17); (3) Mike Hall, Fire Education Association of Kansas (Attachment #18); (4) Mark Chrisman, MO-KAN Chapter, Society of Fire Protection Engineers (Attachment #19); (5) Mark Polk, Metropolitan Kansas City Chapter, International Code Council (Attachment #20); (6) Brad Henson, Fire Marshals Association of Kansas (Attachment #21); (7) Ryan .Almes, Fire Marshal, City of Manhattan (Attachment #22); and (8) Rick Peck, Captain, Emporia Fire Department (Attachment #23).

Chair Schwartz closed the hearing on HB 2515.

The next meeting is scheduled for February 9, 2010.

The meeting was adjourned at 5:05 p.m.

Representative Sharon Schwartz, Chair