

MINUTES OF THE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Roger Reitz at 9:30 a.m. on February 22, 2011, in Room 159 S of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Office of the Revisor of Statutes  
Jill Shelley, Kansas Legislative Research Department  
Noell Memmott, Committee Assistant

Conferees appearing before the Committee:

Don Moler, Executive Director, League of Kansas Municipalities  
Brad Smoot, Legislative Counsel, Annexation Reform Coalition  
Wess Galyon, President, Wichita Area Builders Association  
Ed Jaskinia, President, Associated Landlords of Kansas  
Richard Steward, Wichita Habitat for Humanity  
Jeff Hudson, Past President, Kansas Association of Fire Chiefs  
Sandy Jacquot, Director of Law/General Counsel, League of Municipalities  
Tim Ryan, City of Overland Park  
Ryan Alms, Fire Marshall, Manhattan, Kansas  
Jerry Mallory, CEO Planning, Development, and Codes, Olathe, Kansas

Others attending:

See attached list.

The hearing continued on: **SB 180—An act concerning cities; relating to annexation**

Don Moler, Executive Director, League of Kansas Municipalities, spoke in opposition to the bill (attachment 1). Erik Sartorius, clarified rules about chickens in annexed areas.

The hearing was closed.

The hearing opened on **SB 194—An act concerning cities; relating to annexation**. Mike Heim, revisor, explained that part of **SB 180** was in the text of **SB 194**.

Brad Smoot, Legislative Counsel, Annexation Reform Coalition, gave testimony as a proponent to the bill (attachment 2). Written testimony was submitted by: Brad Harrell, Kansas Farm Bureau, Governmental Relations (attachment 3), and Ron R. Fe hr, City Manager, City of Manhattan (attachment 4).

The hearing was closed.

Discussion continued on **SB 114—An act concerning homeowners associations**. Senator Huntington explained how the bill would effect homeowners associations. Mike Heim, revisor, reviewed the amendments to the bill (attachment 5). Senator Huntington moved to accept the amendments to SB 114. Senator Ostmeyer seconded the motion. The motion carried. Senator Huntington moved to pass SB 114 out of committee as amended. The motion was seconded by Senator Brundgardt. The motion passed.

The hearing opened on **SB 2088—Municipalities sprinkler systems, residential housing; change.** Mike Heim, revisor, reviewed the bill from last year and explained how this bill has been amended to make the provisions in the bill permanent and to eliminate the sunset provision.

Proponents speaking in favor of the bill: Wess Galyon, President, Wichita Area Builders Association (attachment 6); Richard Steward, Wichita Habitat for Humanity (attachment 7); and Ed Jaskinia, President, Associated Landlords of Kansas (attachment 8). Written testimony was submitted in favor of by: Steven Cowen, Staff Vice President of Governmental Affairs, Home Builders Association of Kansas City (attachment 9); Luke Bell, Vice President of Governmental Affairs, Kansas Association of Realtors (attachment 10);

## CONTINUATION SHEET

Minutes of the Senate Local Government Committee at 9:30 a.m. on February 22, 2011 in Room 159 S of the Capitol.

Art Brown, Legislative Representative, Mid-American Lumbermens Association ([attachment 11](#)); Ashley Jones-Wisner, Local Initiatives Support Corporation of Greater Kansas City ([attachment 12](#)); and Martha Neu-Smith, Executive Director, Kansas Manufactured Housing ([attachment 13](#)).

Opponents speaking in opposition to the bill: Sandy Jacquot, Director of Law/General Counsel, Kansas Association of Counties ([attachment 14](#)); Jeff Hudson, Past President, Kansas State Association of Fire Chiefs ([attachment 15](#)); Tim Ryan, City of Overland Park ([attachment 16](#)); Ryan Alms, Fire Marshall, Manhattan, Kansas ([attachment 17](#)); and Jerry Mallory, CEO Planning Development and Codes, Olathe, Kansas ([attachment 18](#)). Written testimony in opposition to the bill was submitted by: Melissa A. Wangemann, General Counsel, Kansas Association of Counties ([attachment 19](#)); Kevin Flory, Vice President, Kansas State Firefighters Association ([attachment 20](#)); William Sneed, Legislative Counsel, State Farm Insurance Companies ([attachment 21](#)); Mike Hall, President, Fire Education Association of Kansas ([attachment 22](#)); and Brad Henson, President Fire Marshals Association of Kansas ([attachment 23](#)).

Questions from the committee and discussion followed.

The hearing was closed.

The next meeting is scheduled for Monday, March 7<sup>th</sup>.

The meeting was adjourned at 10:30.

# LOCAL GOVERNMENT GUEST LIST

DATE: ~~February~~ 22, 2011

NAME	REPRESENTING
Capt. Frank Herrick	City of Leawood
Joe Brown	MID-America Tumpkins 9850
Ed JASKINIA	TALK
Steven Cowen	HBA of KC
Cheryl Jones Winer	GKC LIA
Mark Sweany	Overland Park Fire Dept.
DICK CARTER	CITY OF MANHATTAN
RYAN ALMES	CITY OF MANHATTAN
Ed Redmon	KFH
Brian Harrison	KFB
Sean Miller	KBIA
Pat Lehman	KFCP
Doug Myers	Clatter
Whitney Jamon	City of Topeka
Don Moler	LKM
Scott Heidner	ACEC
Wanda Sue Smith	KMHA
Luke Bell	KS Association of REALTORS

**To:** Senate Local Government Committee  
**From:** Don Moler, Executive Director  
**Re:** Opposition to SB 180  
**Date:** February 21, 2011

First I would like to thank the Committee for allowing the League to appear today in opposition to SB 180. The history of the Kansas annexation statutes is long and storied. I will not bore the Committee with all of the details and nuances of its development today. Suffice it to say, the annexation laws, as they are currently structured, are the result of a major conflict and compromise which occurred in the mid-1980's. The League was a major player in this struggle and worked with many interested parties to reach the eventual compromise which led to the current statutes we see today. As far as the League knows, the annexation statutes have worked well over the past 24 years, and we believe they continue to work well today.

The Committee should be aware that what is suggested by SB 180 is a significant change in public policy and one which should not be undertaken lightly. There is always a natural tension involved between landowners and cities when cities are growing as a result of economic development, population changes, and the need for public services. We understand that landowners feel the need to be protected, and that is why there are so many protections currently found in the Kansas annexation statutes. The simple reality is that to adopt the language found in SB 180 would effectively eliminate most K.S.A. 12-521 annexations, and would completely reverse many years of sound public policy in this state.

SB 180 provides that: "(b) No portion of any unplatted tract of land devoted to agricultural use of 21 acres or more shall be annexed by any city under the authority of this section, (K.S.A. 12-521) and amendments thereto, without the written consent of the owner thereof."

It goes on to say that: "If there are qualified voters residing in the area proposed to be annexed, then the county election officer shall conduct a mail ballot election under the provisions of K.S.A. 25-431, *et seq.*, and amendments thereto, in the area proposed to be annexed within 60 days of such certification. If a majority of the qualified electors residing in the area proposed to be annexed and voting thereon approve the annexation, the city may annex the land by passage of an ordinance. If a majority of the qualified electors residing in the area proposed to be annexed and voting thereon reject the annexation, the lands shall not be annexed and the city may not propose the annexation of any such lands in the proposed area for at least four years from the date of the election."

SB 180 would effectively eliminate petitioned for annexations under K.S.A. 12-521 where the county commission now has the ability to review and approve or reject proposed city annexations. It would replace the decision-making of the county commission in those counties with a vote of the people who live in the area, who would be largely motivated by self-interest, not what is best for the community at large. Ultimately, SB 180 takes the decision-making authority away from the elected county officials, who represent the individuals in the area to be annexed, and replaces it with a vote of the people who live in the area. The idea that a handful of landowners should be determining what is best for the community at large is bad public policy, and we would strongly urge this committee to reject it out of hand. Similarly, the 21 acre limitation is merely a device intended to eliminate the current city power to request approval from the county commission to annex larger tracts of land. This too is poor public policy, and the League would urge the committee to reject it as well.

I thank the committee for allowing our testimony today, and will be happy to answer questions at the appropriate time.

# BRAD SMOOT

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STATEMENT OF BRAD SMOOT  
LEGISLATIVE COUNSEL  
ANNEXATION REFORM COALITION  
SENATE LOCAL GOVERNMENT COMMITTEE  
REGARDING 2011 SENATE BILL 194  
February 22, 2011

Mr. Chairman and Members:

On behalf of the Annexation Reform Coalition, I am pleased to appear in support of 2011 Senate Bill 194. SB 194 would clarify that the Constitutional Homestead Exemption, created by Article 15, Section 9 of the Kansas Constitution, by declaring that the Exemption continues after an involuntary annexation of rural land into a municipality pursuant to K.S.A. 12-521. A similar provision was contained in SB 180, containing other annexation reforms.

This bill is the outgrowth of the recent annexation of approximately 8 square miles of rural land in Johnson County, most of it unplatted agricultural land. In the lawsuit that followed, the District Court ruled that the 160 acres of protection provided by the Constitution is reduced to 1 single acre once the property is annexed into a city.

Our fore fathers thought enough of the protections of the Homestead Exemption to put it into the state Convention, even before we were a state (1859) and since then it has been jealously guarded by the courts to protect the family farm and home from creditors. It has been suggested that the bill may not be constitutional. In response, I would make the following observations: 1) The grant of the Homestead Exemption is a minimum protection for debtors. Nothing in the constitution prohibits the state legislature from granting additional statutory protections to debtors in bankruptcy. I would call your attention to SB 36 on General Orders in the Senate yesterday granting bankruptcy protections for contributions to certain retirement plans. 2) The Legislature routinely interprets and clarifies the state constitution. Please see K.S.A 60-2302 and 2303, expanding and clarifying the application of the Homestead Exemption by state statute. 3) Kansas courts and even federal courts have interpreted the Kansas Homestead Exemption "liberally" to protect the debtor. Please note the many annotations to this effect listed in the statute books.

While almost every piece of legislation might raise some potential constitutional question, based on the forgoing, I would rather be defending the provisions of SB 194 in court than opposing them. I would also note in closing that the opponents of SB 180 and HB 2294 have not opposed "clarification" of the Homestead Exemption as contained in SB 194. We respectfully urge the Committee to favorably address this issue as soon as possible. Thank you.

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Attachment 2



*PUBLIC POLICY STATEMENT*

SENATE COMMITTEE ON LOCAL GOVERNMENT

RE: SB 180 & 194; Restrictions on annexation

**February 21, 2011**

**Written Testimony Submitted by:  
Brad Harrelson  
KFB Governmental Relations**

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Chairman Reitz and members of the Senate Committee on Local Government, thank you for the opportunity to share the policy developed and adopted by our members. I am Brad Harrelson, State Policy Director – Governmental Relations for Kansas Farm Bureau. We represent farmers, ranchers and rural residents totaling more than 110,000 who live and work in each of the state's 105 counties.

KFB members continually express a great deal of concern regarding the practices of cities seeking to annex surrounding lands. These practices have numerous negative consequences for agricultural operations and rural landowners, including but certainly not limited to financial impacts on land values and homeowners who will undoubtedly face higher tax bills for services they may not receive benefits from.

We wholeheartedly support the revisions suggested by SB 180. The measure would provide increased transparency in the process of extending services and in the review of those efforts by County Commissions.

We also strongly support codification in state statute of the constitutional Homestead Exemption provisions contained in this bill and SB 194. We would view passage of that legislation alone as a significant improvement in the current state of the law. This provision would provide protection for owners of large tracts of land devoted to agricultural use.

Thank you once again for the opportunity to comment on this issue. We respectfully ask for your favorable consideration and stand ready to assist as you seek solutions for all Kansans.

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Attachment 3

For more information please contact:

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*Kansas Farm Bureau represents grass roots agriculture. Established in 1919,  
this non-profit advocacy organization supports farm families who earn their  
living in a changing industry.*



**Senate Committee on Local Government**

**Hearings on Senate Bills 180 and 194**

**Monday, February 21, 2011 and Tuesday, February 22, 2011**

**Written Testimony of Ron R. Fehr**

**City Manager, City of Manhattan, Kansas**

Good morning Chair Reitz, Vice Chair Kelsey and Honorable Members of the House Local Government Committee. My name is Ron Fehr, and I am the City Manager for the City of Manhattan. I want to thank you for this opportunity to provide written testimony to the Committee regarding the importance of annexation for our community.

The City of Manhattan opposes Senate Bill 180 and Senate Bill 194 because they limit the Home Rule authority of cities to expand through annexation. Constitutional Home Rule is the cornerstone of municipal government and should not be preempted by State action.

Annexation is an important tool for the economic growth and vitality of our local communities and the entire State of Kansas. The City of Manhattan is currently in a sustained growth period due largely to the ongoing expansion and buildup at Fort Riley. By Fiscal Year 2013, the combined military and civilian workforce at Fort Riley is expected to grow to nearly 21,000 from a pre-BRAC baseline of 11,800. Our region was recently designated as a new Metropolitan Statistical Area (MSA) with the metro area including the principal city of Manhattan and the Counties of Geary, Pottawatomie and Riley, with a combined population of over 123,000 (2009 census estimate).

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The City is helping to meet the housing needs of our soldiers and their families. Since 2002, Manhattan has added nearly 4,000 residential units to the community as recorded by building permits. We manage our growth in accordance with sound urban planning principles, despite the expansion pressures from neighboring Fort Riley. Growth opportunities to the west are largely limited to prevent encroachment on the military installation. To meet our growth needs, we must have flexibility to expand in other directions. Specifically, the City has worked to extend infrastructure along growth corridors including K-177 to the southeast and US-24 to the north and east. These extensions have been at the request of property owners, and/or in cooperation with County Commissions, to further develop properties or encourage development. Restricting our ability to annex in these areas would unnecessarily compromise the significant public investments already made in anticipation of future development.

Site preparation is now well underway for the future home of the \$720 million National Bio and Agro-Defense Facility (NBAF) adjacent to the campus of Kansas State University. The decision to locate NBAF in Kansas solidifies our place as a leader in animal health research, and its economic impact cannot be understated. Last July, Kansas was ranked #5 on *Business Facilities'* Top 10 list of states in the nation for biotechnology strength. Now is the time to aggressively support economic development around our biotechnology and research strengths. Please maintain the local tools we need to effectively respond to the residential and commercial growth anticipated from NBAF and its spin-off developments.

Thank you for your consideration, and I would be happy to answer any questions. I may be reached by mail at City Hall, City of Manhattan, 1101 Poyntz Avenue, Manhattan, KS 66502, by phone at (785) 587-2404, or by email at [fehr@ci.manhattan.ks.us](mailto:fehr@ci.manhattan.ks.us).

SENATE BILL No. 114

By Committee on Ways and Means

2-7

AN ACT concerning homeowners associations; amending K.S.A. 2010  
Supp. 58-4608 and 58-4618 and repealing the existing sections; ~~also~~  
~~repealing K.S.A. 2010 Supp. 58-4610.~~

, 58-4610

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

Section 1. K.S.A. 2010 Supp. 58-4608 is hereby amended to read as  
follows: 58-4608. (a) The association shall:

(1) Adopt and may amend bylaws and may adopt and amend rules;  
(2) adopt and may amend budgets;  
(3) have the power to require that disputes between the association  
and unit owners or between two or more unit owners regarding the  
common interest community be submitted to nonbinding alternative  
dispute resolution as a prerequisite to commencement of a judicial  
proceeding;

(4) promptly provide notice to the unit owners of any legal  
proceedings in which the association is a party other than proceedings  
involving enforcement of rules, covenants or declarations of restrictions,  
or to recover unpaid assessments or other sums due the association;

(5) establish a reasonable method for unit owners to communicate  
among themselves and with the board of directors concerning the  
association;

(6) have the power to suspend any right or privilege of a unit owner  
that fails to pay an assessment, but may not:

(A) Deny a unit owner or other occupant access to the owner's unit;  
~~(B) suspend a unit owner's right to vote except involving issues of~~  
~~assessments and fees; or~~

(B) suspend a unit owner's right to vote except involving issues of  
assessments and fees; or

~~(C) (B)~~ withhold services provided to a unit or a unit owner by the  
association if the effect of withholding the service would be to endanger  
the health, safety, or property of any person; and

(C)

~~(7)~~ have all other powers that may be exercised in this state by  
organizations of the same type as the association.

(8)

(7) have the power to suspend owner's right to vote  
on all issues when the owner is a developer who  
owns properties and is delinquent in the payment of  
assessments and fees.

(b) The board of directors may determine whether to take  
enforcement action by exercising the association's power to impose  
sanctions or commencing an action for a violation of the declaration,  
bylaws, and rules, including whether to compromise any claim for unpaid

assessments or other claim made by or against it. The board of directors does not have a duty to take enforcement action if it determines that, under the facts and circumstances presented:

(1) The association's legal position does not justify taking any or further enforcement action;

(2) the covenant, restriction, or rule being enforced is, or is likely to be construed as, inconsistent with law;

(3) although a violation may exist or may have occurred, it is not so material as to be objectionable to a reasonable person or to justify expending the association's resources; or

(4) it is not in the association's best interests to pursue an enforcement action.

(c) The board of directors' decision under subsection (b) not to pursue enforcement under one set of circumstances does not prevent the board of directors from taking enforcement action under another set of circumstances, but the board of directors may not be arbitrary or capricious in taking enforcement action.

(d) This section shall take effect on and after January 1, 2011.

Sec. 2. K.S.A. 2010 Supp. 58-4610 is hereby amended to read as follows:

~~Sec. 2.~~ K.S.A. 2010 Supp. 58-4618 is hereby amended to read as follows: 58-4618. (a) An association shall deliver any notice required to be given by the association under this act to any mailing or electronic mail address a unit owner designates. Otherwise, the association may deliver notices by:

(1) Hand delivery to each unit owner;

(2) hand delivery, United States mail postage paid, or commercially reasonable delivery service to the mailing address of each unit;

(3) electronic means, if the unit owner has given the association an electronic address; or

(4) *posting any notice on the association's website;*

(5) *posting any notice on a bulletin board in the association's office or at other public locations that owners have access to at all times; or*

(4) (6) any other method reasonably calculated to provide notice to the unit owner.

(b) The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

~~Sec. 3.~~ K.S.A. 2010 Supp. 58-4608, 58-4610 and 58-4618 are hereby repealed.

~~Sec. 4.~~ This act shall take effect and be in force from and after its publication in the statute book.

Sec. 2. K.S.A. 2010 Supp. 58-4610 is hereby amended to read as follows: 58-4610. (a) The bylaws of the association must:

(1) Provide the number of members of the board of directors and the titles of the officers of the association;

(2) provide for election by the board of directors or, if the declaration requires, by the unit owners, of a president, treasurer, secretary, and any other officers of the association the bylaws specify;

(3) specify the qualifications, powers and duties, terms of office, and manner of electing and removing board of directors' members and officers and filling vacancies;

(4) specify the powers the board of directors or officers may delegate to other persons or to a managing agent;

(5) specify the officers who may prepare, execute, certify, and record amendments to the declaration on behalf of the association;

(6) specify a method for the unit owners to amend the bylaws;

(7) contain any provision necessary to satisfy requirements in this act or the declaration concerning meetings, voting, quorums, and other activities of the association; and

(8) provide for any matter required by law of this state other than this act to appear in the bylaws of organizations of the same type as the association.

(b) Subject to the declaration and this act, the bylaws may provide for any other necessary or appropriate matters, including, but not limited to, an election oversight committee and other matters that could be adopted as rules.

(c) The requirements of this section shall not apply to any common interest community for a recreational lake development which contains more than 500 units where less than 50% of such units contain a residence.

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**STATEMENT OF: WESS GALYON, PRESIDENT/CEO  
WICHITA AREA BUILDERS ASSOCIATION**

**TO: THE SENATE LOCAL GOVERNMENT COMMITTEE  
SENATOR ROGER REITZ, CHAIRMAN**

**DATE: TUESDAY, FEBRUARY 22, 2011**

Chairman Reitz and Members of the Committee, I am Wess Galyon, President/CEO of the Wichita Area Builders Association. We are the largest local builders association in the state of Kansas with 1165 members engaged in all facets of residential development and construction in the counties of Sedgwick, Harvey, Butler, Sumner, Cowley, Harper, and Kingman.

I am here to today to speak on behalf of our membership, and the membership of the Kansas Building Industry Association, in requesting your support of House Bill 2088. In doing so, I would like to point out the legislation that was passed in 2010 and is in effect now which prohibits local units of government from being able to require the installation of residential sprinkler systems in one and two family homes was at the time, and still is, a compromise position. Originally, the desire of fire officials was to be able to secure requirements for sprinklers in all one to four family units which we opposed. However later, in the spirit of compromise, we did agreed to not oppose the requirements three and four family units but opposed requirement for one and two family. House Bill 2088 eliminates the current sunset provision that was inserted into the bill when originally passed and continues the prohibition for one and two family homes.

**History of how these requirements came to be put in place:**

On the very weekend the Federal Government proposed an historic bailout plan to rescue the financial markets (and ultimately to get people back into home-buying mode), voting members of the International Code Council adopted an unprecedented frontal assault on affordable housing. In Minneapolis, Minnesota on September 21, 2008, final votes were cast for the inclusion of mandatory residential fire sprinklers in the 2009 IRC Code – the Code utilized by most communities that recognize a building code. A two thirds-vote was required to adopt the mandate, but the deck was heavily stacked against affordability. Fire sprinkler manufacturers stand to gain billions of dollars, and they were willing to spend millions to get there – effectively mobilizing hundreds of eligible “yes” voters and flying them in from all over the country to vote for the change in the Code.

The sudden - and controversial – arrival of 900 fire officials to vote at the ICC’s final action hearings swelled the number of fire sprinkler proponents, and the measure was approved by a vote of 1,283 to 470. About 1200 voting devices were turned in immediately after the residential fire sprinkler mandate

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was approved - suggesting that most of the proponents left immediately after the vote was taken.

To be a voting member of the International Code Council, you have to be a governmental member of the ICC. City and county building and fire officials were eligible to vote, and they were lobbied heavily, and effectively. It seems the only people not allowed to vote are those governed by the code. Builders and others in the industry are not given the right to vote at this event. Our National Association of Home Builders lobby and members try to get on committees, but even then they are not allowed a vote.

There's more. The ICC is a private entity. It is not answerable to any government, to taxpayers, nor anyone else. It is a private organization that develops the code that thousands of municipalities and counties dutifully adopt (usually, and unfortunately, with no substantial local scrutiny or discussion).

**Reasons to reject (and prohibit) residential sprinkler requirements:**

***The consensus process utilized to develop and adopt code requirements due to what took place in regard to this issue is flawed,*** and has resulted in a terrible public policy recommendation should the code be adopted by state or local jurisdictions. Local building code enforcement departments, city councils, and county commissions should exercise reasonable and wise judgment and reject it when they get the opportunity. However, many may not under pressure being exerted by fire officials via the selective utilization of claims that suggest the installation of residential fire sprinklers result in significant improvement in life safety and property protection. Such is not the case.

***Housing affordability has reached a tipping point.*** In our area, the median household income will not be able to support the purchase of a new home that buyers would be able to otherwise afford if fire sprinklers are required to be installed. The mandate would push home prices another \$5,000 to \$7,000 out of reach.

***The mandate is most punitive against those who can least afford it.*** Adding a few thousand dollars to the price of a million dollar home may not be as significant to those who can afford a home in this price category. But, what about a family's first starter home? What about homes built by Habitat for Humanity, Mennonite Housing, and other non-profit groups who serve an underserved segment of the home buying public? The answer is simple and tragic: The families that would otherwise be able to afford a new home today, will not be able to in the future – thus relegating them to live in substandard housing where the vast majority of fires occur, instead of being able to gain access to simple, clean and decent affordable new housing.

***Fire Sprinkler technology is unreliable.*** Most homeowners are unprepared to perform the maintenance required to ensure that fire sprinklers remain operational. Pipes installed in attics freeze in colder climates and, for any number of reasons, accidental discharges occur, with damaging results. In areas served by wells or where water is scarce, or where water pressures are low such

as in Rural Water Districts, the availability of an adequate water supply presents additional problems.

***The new mandate will not save lives.*** Fire deaths happen in old homes, not in new ones. Basic modern building codes, smoke alarm installation requirements and other common sense and affordable modern residential fire protection have made new homes the safest in the housing stock. In fact, the National Fire Protection Association's own data states that in homes equipped with smoke detectors the survivability rate is 99.45%. And, with the addition of residential sprinkler systems the survivability rate increases only slightly to 99.80%. A minute gain, if any, at a tremendous cost to new home buyers.

- ***Example of cost impact:*** The average number of new homes built in the greater Wichita area is 2,000 annually under normal market conditions. ***Adding \$5,000 to \$7,000 to the cost of each new home built would mean that new home buyers, together, would have to spend \$10,000,000 to \$14,000,000 annually.***
- Based on data collected and analyzed by the Department of Economics by the National Association of Home Builders, ***a \$1,000 increase in the price of a new home equates to 3000 families not being able to quality to buy the home they could have afforded prior to the increase.*** It's easy to understand the devastating effects of adding \$5,000 to \$7,000 to the prices of new home.

***When the devastating tornado hit the city of Greensburg, most of the people living there lost their homes.*** The cost of replacing the homes they lost and the ability to secure financing to afford the new replacement homes was a significant challenge to most every family. Our Association was able to secure a \$150,000 grant from the National Association of Home Builders Disaster Relief Fund to help families rebuild. The funds secured were funneled through the Salvation Army and grants of up to \$5,000 per family were made. Thirty families were able to afford to rebuild the homes they lost, but not one of them could have qualified for the necessary financing without the \$5,000 grants they received. ***If sprinkler systems would have been required to be installed none of the families would have been able to rebuild there.***

For the reasons I have stated ***we ask for your support of HB 2088 which, if passed, "will continue to assure new home buyers have the choice" in regard to whether they want sprinklers installed in any new home they purchase.***

Thank you.

**Wichita Habitat for Humanity, Inc.**  
**Statement Regarding the Elimination of Sunset provision in current law**

February 14, 2011

Dear Senator Roger Reitz,

I am Richard Stewart, Construction Director of Wichita Habitat for Humanity, Inc. (WHFH) which is a nonprofit affiliate of Habitat for Humanity International (HFHI), serving in Sedgwick County. Our organization is one of many HFHI affiliates serving across the state to help the very-low income population of our communities fulfill their American Dream of homeownership. The WHFH organization has built 138 houses and plans to build another 37 homes by 2012 year-end. Wichita Habitat's service does make a positive difference by:

- Equipping very-low income households who are living at 30% area median income with successful homeownership life skills
- Moving families out of poverty housing and offering them a hand up in life
- Building simple, decent and affordable houses
- Building 100% of the houses meeting code requirements and Energy-Star certification
- Selling houses at no profit to families who otherwise could not become homeowners
- Providing a 20-year 0% interest mortgage
- Generating property tax revenue paid by homeowner to support the local government revenue base.

All of this is done to keep the cost of homeownership below 30% of the household gross income. A typical three-bedroom house payment is approximately \$360.00, which includes, principal, taxes and insurance.

**WHFH is asking for your support to eliminate the Sunset provision in current law and keep Bill 2088 in place, thereby not mandating Fire Sprinklers in Single Family Dwellings.**

- Residential fire sprinklers would place an unnecessary financial burden on all homeowners and especially the population served by Wichita Habitat for Humanity. The additional cost of the fire sprinkler system at a moderately priced estimate of \$3.00/SF would result in:

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- The homeowner will have a 4.5% increase in their house payment for a three-bedroom house
  - Every \$1,200 increase in cost of the house raised the homeowners house payment \$5.00 per month
  - WHFH will annually have to spend around \$58,000 of donor contributions to cover the additional construction cost and would therefore build at least one less home per year for one less needy family per year.
  - Sedgwick County would not receive the \$1,000 per year in property taxes for every house that Wichita Habitat would not be able to build due to the additional cost required for construction of the fire sprinkler system.
  - Requiring residential fire sprinklers will increase the financial struggles of the future Wichita Habitat homeowners and will make their chance of being successful homeowners much harder.
  - Maintenance and upkeep cost of the system should also be considered in your decision.
- Please consider how the scope of financial decision and choices made by homeowners of upper-end housing is far different than the limited choices available to households who are trying to survive in the very-low income range.
  - Smoke detectors are effective and save lives. Wichita Habitat already installs two smoke detectors in each house they build and has proven to be successful in protecting the lives of 138 families living in Wichita Habitat houses.

Wichita Habitat for Humanity joins the Wichita Area Builders Association and the Kansas Building Industry Association (KBIA) supporting the permanent removal of requiring the installation of the Fire sprinklers in single family dwellings.

Thank you for this opportunity to offer you this information on behalf of the families served by the Wichita Habitat for Humanity.

Respectfully,

Richard Stewart  
Construction Director  
Wichita Habitat for Humanity, Inc.

Ed Jaskinia  
President  
(913) 207-0567



Doris Nelson  
Vice President (Zone2)  
(785) 223-7226

James Dunn  
Vice President (Zone1)  
(785) 843-5272

P.O. Box 4221 • Topeka, Kansas 66604-0221

Kevin Kimmel  
Vice President (Zone3)  
(316) 265-7977

The Associated Landlords of Kansas (TALK) was created in 1981 by a group of people from across Kansas to "Promote a strong voice in the legislature, a high standard of ethics, and provide educational opportunities for landlords." Some of our members helped create The Residential Landlord-Tenant Act of 1975, a model of fair law for both landlords and tenants. Our organization consists of members in 18 chapters across the state.

In this 2011 legislative session, we will continue to work for fair and decent housing for all.

#### Testimony on HB 2088

Several years ago The Associated Landlords of Kansas worked with the State Fire Marshall and firefighters from across the state to put in place a state-wide smoke detector law. We believed then, and we believe now, that a reasonable standard for fire safety was necessary to protect the lives of the citizens of Kansas.

Smoke detectors provide real benefits without creating an undue financial burden on the property owners and tenants. Sprinkler systems though, are expensive to install, and costly to maintain and repair. A child playing with a ball, a bachelor cooking a meal, or a poker party with one too many cigar smokers could all cause both a smoke detector and a sprinkler system to be activated. A smoke detector may then be simply reset, but an accidentally activated sprinkler system may cause thousands of dollars worth of water damage.

Homes sitting vacant would need to have those additional water lines winterized as well, causing additional expenses to landlords, home builders, and foreclosure companies.

We believe that sprinkler systems for residential homes are a good OPTION that some people would enjoy and be willing to pay for.

However, we do NOT believe that government mandated sprinkler systems are good public policy.

If we can be of help to you area concerning property rights, tenants, or landlords, please feel free to contact us at your convenience.

#### Ed Jaskinia, President

##### ZONE 1

Landlords of Lawrence Inc.  
Landlords of Johnson County, KS Inc.  
K.C.K.S. Landlords Inc., serving Wyandotte Co.  
Eastern Kansas Landlords Assc., serving Miami Co.  
Franklin Co. Landlords Assc.  
Osage Co. Landlords Assc.

##### ZONE 2

Landlords of Manhattan Inc.  
Labette County Landlords Assc.  
Geary County Landlords Inc.  
Shawnee County Landlords Assc.  
Salina Rental Property Providers Inc.  
South Central Kansas Landlord Assc.  
Serving Sumner and Reno Counties

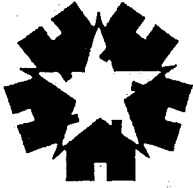
##### ZONE 3

Central Kansas Landlords Assc.  
Bourbon County Landlords Assc.  
Cherokee County Landlords Assc.  
Crawford County Landlords Assc.  
Montgomery County Landlords Assc.  
Rental Owner Inc., serving Sedgwick County

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Attachment 8



**HOME BUILDERS ASSOCIATION  
OF GREATER KANSAS CITY**



600 EAST 103<sup>RD</sup> STREET • KANSAS CITY, MISSOURI 64131-4300 • (816) 942-8800 • FAX (816) 942-8367 • [www.kchba.org](http://www.kchba.org)

**Testimony on HB 2088**  
**Home Builders Association of Greater Kansas City**  
**Steven Cowen, Staff Vice President of Government Affairs**  
**Senate Committee on Local Government**  
**February 22, 2011**

Mr. Chair and members of the committee, my name is Steven Cowen and I am writing you today on behalf of the Home Builders Association of Greater Kansas City and its 700 builder and associate members. I appear before you to urge your support for HB 2088, legislation that will protect the right of home buyers to determine for themselves whether they want a fire sprinkler system installed in their home.

As I am sure you are aware, the last few years the home building industry has been in a severe depression. The residential construction unemployment rate is 22 percent. In 2009 we saw the worst year on record in terms of housing permit activity. 2010, although slightly better, was still our third worst year on record.

However, there are slivers of hope. In 2010 we posted a 15 percent increase in building permit activity over 2009. For 2011, the economist for the National Association of Home Builders (NAHB) predicts a 21 percent increase in housing starts over 2010. We have worked through the surplus of housing inventory to unprecedented low levels. In fact, some analysts say the market has overcorrected, and we may be facing a shortage of new housing.

We are optimistic the housing industry can and will recover, and our overall economy cannot be on a full path to recovery until it does. Housing can put people back to work, inject money into our local economies, and bring new residents to Kansas. The American dream of homeownership will continue.

But costly new regulations can harm and impede this potential recovery. Mandating the use of fire sprinklers in new homes will further drive up the cost of homes. NAHB studies have found the national average for fire sprinkler systems to be \$2.66 per square foot. But looking at local numbers, many actual recent bids for fire sprinklers have ranged from \$3.58 to \$4.83 per square foot. These are real dollars that consumers must pay, adding thousands of dollars to the price of a home. Economic studies by NAHB have found that for every \$1,000 increase in cost of the median-priced home, there are 246,000 families nationwide who are priced out of the market.

Homes built to code today have countless additional safety features including smoke alarms on every floor including the basement, in every bedroom, in hallways near them and they are interconnected and hard-wired, with battery back-up. Studies by the National Fire Protection Association have found that if a person lives in a home with working smoke detectors the

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*Do Business With A Member*

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Attachment 9

chances of surviving a house fire are 99.45 percent. This is single-handedly the best way to save lives.

Any consumer that wants to have a fire sprinkler system in their home, and is willing to pay for it, can work with their builder to have this feature installed. However, this should remain an option.

Last year the Kansas Legislature passed similar legislation. However, it expires at the end of June this year. Over the past year few things have changed. The housing market is still in a depression. Fire sprinklers still impose a drastic cost that many consumers cannot pay for – if they even want it. And functioning smoke detectors are still the most efficient and effective means of protecting residents during a fire. For these reasons we ask you to support the legislation before you today. Thank you.



Luke Bell  
Vice President of Governmental Affairs  
3644 SW Burlingame Rd.  
Topeka, KS 66611  
785-267-3610 Ext. 2133 (Office)  
785-633-6649 (Cell)  
Email: [lbell@kansasrealtor.com](mailto:lbell@kansasrealtor.com)

To: Senate Local Government Committee

Date: February 22, 2011

Subject: **HB 2088** -- Preserving the Freedom of Choice for Your Constituents by Prohibiting Municipalities from Mandating Installation of Fire Sprinklers in Residential Structures

Chairman Reitz and members of the Senate Local Government Committee, thank you for the opportunity to testify today on behalf of the Kansas Association of REALTORS® to offer testimony in support of **HB 2088**. Through the comments expressed herein, it is our hope to provide additional legal and public policy context to the discussion on this issue.

KAR is the state's largest professional association, representing nearly 8,000 members involved in both residential and commercial real estate and advocating on behalf of the state's 700,000 homeowners for over 90 years. REALTORS® serve an important role in the state's economy and are dedicated to working with our elected officials to create better communities by supporting economic development, a high quality of life, sustainable communities and providing affordable housing opportunities, while protecting the rights of private property owners.

**HB 2088** would prohibit municipalities (cities and counties) from adopting or enforcing any mandates that would require the installation of fire sprinklers in residential structures. For the purposes of this legislation, a "residential structure" means any improvement to real property, including a manufactured home, to be used or occupied as a single-family dwelling or multi-family dwelling of two units or less.

REALTORS® Believe that Your Constituents, Not Local Government Bureaucrats, Should Have the Freedom to Choose Whether to Install a Fire Sprinkler System in Their Homes

Fundamentally, the primary focus of this legislation is preserving the freedom of your constituents to decide for themselves whether they want to install an extremely expensive fire sprinkler system in their own home. When consumers are provided with the correct information and left to make their own choices in the marketplace, we believe that this enhances freedom and creates the right conditions for a dynamic and innovative economy. Accordingly, we will ask you to preserve this right.

Having said that, the last sentence in Section 2 specifically states that nothing in the legislation will prevent any person from voluntarily installing a fire sprinkler system in their own home if they so choose. As a result, any individual homeowner who is interested in installing a fire sprinkler system in his or her home will not be prohibited from doing so by the contents of this legislation.

By passing this legislation and eliminating the sunset date on the existing statute, you will continue to allow your constituents make their own choice as to whether the benefits of installing a fire sprinkler system outweigh the enormous costs. Accordingly, we believe that your primary focus in considering this issue should be maximizing the freedom of choice for your constituents

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Attachment 10

Mandating the Installation of Fire Sprinklers in Homes Will Be Extremely Expensive, Will Lead to Increases in the Cost of Housing and Will Price Many Kansas Families Out of the Housing Market

Compared to other states, Kansas is blessed with an abundance of affordable and quality housing opportunities for Kansas families. In 2010, the median sale price of both new and existing homes in Kansas was \$157,018. Compared to considerably more expensive housing markets in states such as California, which is roughly twice as expensive as Kansas with a median home price of \$301,850, housing in Kansas is some of the most affordable in the entire nation.

As a result, more Kansas families are able to purchase their own home than their counterparts in many other states and they are able to do so with a drastically lower portion of their median monthly income. In short, Kansas has an affordable housing market that many other states would love to emulate. In our opinion, keeping the Kansas housing market affordable for Kansas families stimulates economic growth and contributes to a high quality of life for Kansas families.

Outside of general economic factors, REALTORS® believe the major reason that the Kansas housing market is generally more affordable than other states is the lack of mandates and other burdensome restrictions in Kansas that artificially increase the cost of new and existing housing. As the number of mandates and restrictions on housing increase, there will be a corresponding increase in housing costs.

According to a survey conducted by the National Association of Home Builders (NAHB) in 2006, the average cost of installing a fire sprinkler system adds \$2.66 per square foot to the price of a home and these costs can range as high as \$6.88 per square foot. As a result, mandating the installation of fire sprinklers in a modest 1,500 square-foot home in Kansas could add a minimum of \$4,000 and a maximum of \$10,320 to the cost of that home, which is a huge burden on Kansas families.

For every \$1,000 increase in the cost of new homes in Kansas, several studies have concluded that up to 3,320 Kansas families could no longer afford to purchase a new home. Under the example discussed above, the minimum \$4,000 increase in the cost a home would price nearly 13,300 Kansas families and the maximum \$10,320 would price over 34,260 Kansas families out of the market for a home.

Given the enormous increase in costs associated with installing fire sprinklers in homes, we strongly believe that your constituents deserve to have the freedom to choose whether to install fire sprinklers in their homes. If any of your constituents choose to install fire sprinklers in their home, then nothing in **HB 2088** would prevent them from making that choice. To the contrary, **HB 2088** would empower them to make that decision and would preserve their freedom of choice.

When "Home Rule" and "Local Control" Conflict with Your Constituents' Economic Interests and Freedom of Choice, REALTORS® Believe that Your Constituents' Rights Should Have Priority

Finally, the main argument advanced by our opponents against this legislation center around the right of cities and counties to control their affairs through "home rule" and "local control." While we certainly have no problems with cities and counties directing their local affairs, we believe that the most important consideration should always be the economic interests and freedom of your constituents.

When a city or county threatens to deprive your constituents of the freedom of choice by mandating the installation of a burdensome and expensive fire sprinkler system, we believe you should return "local control" to its most fundamental principle, which is the right of individual homeowners to govern their own affairs in their own home. For all the foregoing reasons, we would urge the Senate Local Government Committee to support the provisions of **HB 2088**, which passed the Kansas House on a vote of 107 to 14.



**MID-AMERICA LUMBERMENS ASSOCIATION**

**Senate Committee on Local Government  
Testimony Regarding HB 2088  
Relating to Residential Fire Protection Sprinkler Systems**

**Testifier: Art Brown, Legislative Representative**

**Date: February 22, 2011**

Good morning, Mr. Chairman and members of the Local Government Committee, and thank you for the opportunity to testify in FAVOR of House Bill 2088. My name is Art Brown and I represent the retail lumber and building material industry in the State of Kansas through the auspices of the Mid-America Lumbermens Association.

We cover a four-state territory and it would probably come as no surprise to you that other states are also dealing with this issue. The fact that so many states are addressing this issue should send the message that something is drastically wrong with the mandate being imposed through the provisions of the International Construction Code (ICC) as passed from the ICC final hearings in 2008.

Not to emulate another state so much as simply to address a real-life example of a similar bill, here is some evidence of what people thought of mandated application of residential sprinkler systems in another state: In the City of St. Louis, more than 2,000 people were given the option of having a sprinkler system installed in their newly built residence. One agreed to the installation of a sprinkler system. What does this tell us?

People want to choose what they place in their homes; they don't want to be told what they must have. There are other ways to deal with the fire-safety concerns opponents of

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800-747-6529; 816-561-5323 • Fax: 816-561-1991 • E-Mail: [mail@TheMLA.com](mailto:mail@TheMLA.com)

A PROUD MEMBER OF THE NATIONAL LUMBER AND BUILDING MATERIAL DEALERS ASSOCIATION

Senate Local Government  
2-22-2011

this bill wish to address without such a draconian cost-driver as the installation of a sprinkler system.

While statistics show that a hard-wired smoke-alarm system achieves within hundredths of a percentage point the safety criteria that a sprinkler system would provide, and the issue of cost is an ever-recurring theme, we believe consideration should be given to the slippery slope that is created when housing construction choices are taken away from the person who is paying the bill – the homeowner.

Plumbing, electrical and heating/air conditioning codes are vital to safety and affect us in day-to-day life. There are applicable laws of nature that make these codes a must. As a country, we have lived over two centuries without mandated sprinkler systems and suggest we can continue to do so for a long time into the future.

Since the landing of the pilgrims, people in this country have wanted and dreamed of a place they can call their own – their own home. When you purchase a home, you purchase a reflection of yourself. It is your individuality and your taste that goes into your home.

I emphasize here that it is the individual's home. I ask the Committee, if you were to build a new home, would you be willing to pay out of your pocket the added, significant expense of a sprinkler system when statistics show the increased protection is miniscule compared to a hard-wired smoke detection system? If not, then how could you require your constituents to do the same thing?

If 1,999 out of 2,000 people in St. Louis said "No," I have a fairly good idea of what your answer would probably be.



The momentum is starting to build in other states to provide the consumer with choice in this matter. We hope that – like your counterparts in the House – you also see the wisdom of this logic and vote to pass HB 2088 favorably out of Committee.

I thank you for your time and stand for any questions or comments.



February 18, 2011

Ashley Jones-Wisner  
Local Initiatives Support Corporation  
913-375-7264  
[www.lisc.org/KansasCity](http://www.lisc.org/KansasCity)

RE: House Bill 2088

Mr. Chairman and Members of the Senate Local Government Committee,

I want to thank you for the opportunity to present written testimony in support of HB 2088. My name is Ashley Jones-Wisner and I am Director of State Policy at Greater Kansas City LISC. Greater Kansas City LISC is a program area of the Local Initiatives Support Corporation, the nation's largest community development organization, dedicated to revitalizing urban core and rural neighborhoods. Currently, Greater Kansas City LISC's signature program, NeighborhoodsNOW, serves three Kansas City, Kansas Neighborhoods: Douglass-Sumner, Downtown KCK and St. Peter/Waterway.

Greater Kansas City LISC started the Kansas Housing Policy Network about four years ago. Although it began with only a hand-full of individuals from across the state, it has grown to include over 400 members interested in the creation of community development tools. The Kansas Housing Policy Network includes representation from homebuilders, realtors, homeless providers and advocates, community development corporations including LISC, and many other interested entities.

In most cases, community development organizations are the developers of last resort. The creation of safe, decent and affordable housing in the neighborhoods we serve is a top priority. The adoption of a fire sprinkler mandate will have a negative impact on housing affordability for Kansas families. Due to the high cost of installing fire sprinklers in homes, the number of affordable homes funded by LISC and other community development organizations we partner with would decrease.

We encourage you to support House Bill 2088, for the purpose of ensuring safe, decent and affordable housing in Kansas communities.

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Attachment 12



3521 SW 5th Str  
Topeka, KS 66606  
785-357-5256  
785-357-5257 fax  
kmha1@sbcglobal.net

TO: Senator Roger Reitz, Chairman  
and Members of the  
Senate Local Government Committee

FROM: Martha Neu Smith  
Executive Director

DATE: Tuesday, February 22, 2011

RE: HB 2088 – Concerning cities and counties relating to residential fire protection  
sprinkler systems

Chairman Reitz and members of the Committee, my name is Martha Neu Smith and I am the Executive Director for Kansas Manufactured Housing Association (KMHA) and I appreciate the opportunity to provide comments in support of HB 2088 – prohibits local governments from mandating fire sprinklers for new residential structures.

KMHA is a statewide trade association, which represents all facets of the manufactured and modular housing industry including manufacturers, retail centers, community owners and operators, finance and insurance companies, service and supplier companies and transport companies.

HB 2088 is important to the factory built housing industry for several reasons; first, we feel strongly that fire sprinkler systems should remain a personal choice; HB 2088 is permissive, so if your constituent is building a new home, and would like to have a fire sprinkler system, they can have one HB 2088 give them the right to make that decision. Second, fire sprinkler systems are expensive and drive up the costs of all new housing, including entry level housing.

**Costs:** I recently had a manufacturer member who built and sold a modular home into one of our surrounding states where the local jurisdiction required residential fire sprinklers, the cost to that new homeowner was \$20,000 or \$4.35 per square foot. The cost of that fire sprinkler system rolled into a 30 year mortgage at 5% interest will cost that homeowner \$38,649.60. This expense does not include the annual maintenance cost, which according to the U.S. Fire Administration website ([www.usfa.dhs.gov](http://www.usfa.dhs.gov)) "*maintenance is not a do-it-yourself job*", nor does it include any additional permitting or inspection fees by local governments or any fees that may be charged by water providers. **For families that are looking for affordable housing, these additional costs add up and can become a barrier to homeownership.**

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Attachment 13

**Home Rule:** In 1998, the Kansas Legislature passed HB 2590, which requires smoke detectors in every single family residence including rental housing. By the passage of this legislation, home rule was usurped. That legislation was requested and passed on behalf of the fire protection industry.

**Smoke Detectors:** Manufactured Housing has been required by HUD to have smoke detectors since 1976, and according to a recent National Fire Protection Association (NFPA) report on smoke detectors, it is estimated that over 800 lives could be saved annually if every home had a working smoke detector; 65% of the fire fatalities reported from 2000-2004 occurred in homes where smoke detectors were not present or smoke detectors were present and did not operate. So, KMHA feels that smoke detectors are a very effective and efficient way to save lives.

In addition to the cost, KMHA has these added concerns:

- Unlike smoke alarms, there is no way to test sprinkler systems other than applying heat.
- Not all fires will activate the sprinkler system.
- Having sprinklers provides no guarantee that fire hoses will not be used.
- There is no study that shows how long sprinkler systems last; 10 years? 15 years? 20 years? 30 years?

**What are other states doing?** Attachment. According to the NFPA's website, [firesprinklerinitiative.org](http://firesprinklerinitiative.org): California, Maryland and Pennsylvania have adopted the 2009 IRC with the fire sprinkler requirement and it went into effect January 1, 2011. South Carolina has also adopted the 2009 IRC but, delayed implementation until 2014.

Five states, Arizona, Kansas, Mississippi, Missouri and Montana have introduced legislation in 2011 that prohibits local jurisdictions from adopting mandatory fire sprinkler requirements.

It appears that 18 states have either passed legislation to not adopt fire sprinklers or have decided not to act on the fire sprinkler requirement.

In closing, KMHA would ask that you preserve the freedom of choice for your constituents to make an informed decision whether to install fire sprinkler systems in their homes. We respectfully ask the Senate Local Government Committee to support HB 2088.

Mr. Chairman, thank you for the opportunity to comment and I would be happy to try to answer any questions when appropriate.

The Fire Sprinkler Initiative is a project of the the National Fire Protection Association



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## Anti-sprinkler legislation

States where anti-sprinkler legislation has been filed

### Legislation/Adoptions

[Sprinkler requirements by state](#)

[Communities with sprinkler requirements](#)

### Anti-sprinkler legislation

[2010 anti sprinkler legislation](#)

### 2011 legislation

#### Arizona

[HB2153](#): Prohibits any jurisdiction from adopting mandatory fire sprinkler requirements.

#### Mississippi

[SB2997](#): Prohibits state building code from requiring mandatory installation of fire sprinkler systems in one- and two-family dwellings.

#### Missouri

[HB90](#): Prohibits any jurisdiction from adopting mandatory fire sprinkler requirements.

[SB118](#): Companion bill to HB90.

[HB46](#): Repeals mandatory option statute and removes December 2011 expiration date.

[SB108](#): Companion bill to HB46.

#### Montana

[LC2007](#): Prohibits state building code from requiring mandatory installation of fire sprinkler systems in one- and two-family dwellings.

Also see: [anti-sprinkler legislation filed in 2010](#)

### Advocacy

Use these help you r for home Also see Fire camp tools.

[fact sheet home fire \(PDF\)](#)

[fact sheet anti-sprinkler legislation](#)

[making the sprinklers \(PDF\)](#)

[making the sprinklers \(PDF\)](#)

[form letter sprinklers](#)

[form letter sprinklers](#)

[form letter service re \(DOC\)](#)

[sample pr home fire \(DOC\)](#)

[model lan sprinkler c \(DOC\)](#)

[See comi](#)

**Legislation/Adoptions**

**Sprinkler requirements by state**

**Communities with sprinkler requirements**

**Anti-sprinkler legislation**

**States that have passed home fire sprinkler requirements**

**California**

The California Building Standards Commission voted to adopt the 2009 International Residential Code, including its requirements for automatic fire sprinkler systems in new one- and two- family dwellings, effective date January 1, 2011.

**Maryland**

The Maryland Department of Housing and Community Development has completed its adoption process of the 2009 IRC with a January 1, 2011 effective date.

**Pennsylvania**

The Pennsylvania Independent Regulatory Review Commission voted unanimously to adopt the 2009 IRC and will require the installation of automatic sprinkler systems in all newly constructed townhouses effective January 1, 2010, and in all new one- and two family homes effective January 1, 2011.

**South Carolina**

The South Carolina Building Code Council voted to adopt the 2009 IRC with an effective date of January 1, 2011. Requirement delayed until 2014 by legislative action.

**Contact NFPA**

If you'd like to learn more about getting fire sprinkler legislation introduced or passed in your state, please contact one of NFPA's Regional Directors listed below:

**New England**

Robert Duval  
(CT, MA, ME, NH, RI, VT)

**Mid-Atlantic**

Ben Roy  
(DC, DE, MD, NJ, NY, PA, VA, WV)

**Southern Region**

Randy Safer  
(AL, AR, FL, GA, LA, MS, NC, OK, SC, TN, TX)

**Central Region**

Russ Sanders  
(IL, IN, IA, KY, MI, MN, MO, OH, WI)

**Northwest Region**

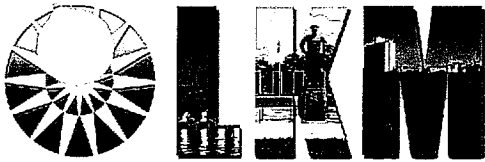
Crosby Grindle  
(AK, ID, MT, NE, OR, ND, SD, WA, WY)

**Southwest Region**

Ray Bizal  
(AZ, CA, CO, HI, KS, NM, NV, UT)

# State of home fire sprinkler requirements in other states

State	Promulgating body action	Status
Alaska	No statewide building code, but local jurisdictions may adopt	Ongoing
Alabama	No statewide building code. Local jurisdictions may not adopt due to legislative action	Not adopted due to legislative action
Arkansas	No statewide adoption, but local jurisdictions may adopt	Ongoing
Arizona	No statewide building code. Local jurisdictions may not adopt due to legislative action	Not adopted due to legislative action
Colorado	No statewide building code, but local jurisdictions may adopt	Ongoing
Connecticut	Rulemaking body voted not to adopt. Study committee report pending	Pending
Delaware	No statewide building code, but local jurisdictions may adopt	Ongoing
Florida	Rulemaking body unable to adopt due to legislative action	Not adopted due to legislative action
Georgia	Rulemaking body unable to adopt due to legislative action	Not adopted due to legislative action
Hawaii	Referred to study committee	Pending
Idaho	Rulemaking body unable to adopt due to legislative action	Not adopted
Illinois	Local jurisdictions must adopt a building code. If locals don't adopt, the 2006 IBC is the default.	Ongoing
Indiana	Adoption action awaiting final hearing	Pending
Iowa	Not adopted due to legislative action. Local jurisdictions may adopt.	Ongoing
Kansas	No statewide building code. Legislative action places moratorium until July 1, 2011. Pending study committee report	Pending
Kentucky	2009 adoption cycle skipped for budgetary reasons.	Pending
Louisiana	Rulemaking body unable to adopt due to legislative action. State Fire Marshals' Office is conducting study	Not adopted due to legislative action
Maine	Rulemaking body voted not to adopt	Not adopted
Massachusetts	Adoption action awaiting study committee report	Pending
Michigan	Rulemaking body voted not to adopt requirement	Not adopted
Minnesota	State voted to skip the 2009 code cycle for fiscal reasons	Pending
Mississippi	No statewide building code. No action in 2010	Ongoing
Missouri	No statewide building code. Legislative action placed moratorium and mandatory option until 12/2011	Pending
Montana	No action in 2010	Ongoing
Nebraska	Referred to study committee by legislative action	Ongoing
Nevada	No statewide building code. Local jurisdictions may adopt.	Ongoing
New Hampshire	Rulemaking body voted to adopt. Legislative action nullified adoption.	Not adopted due to legislative action
New Jersey	Rulemaking body voted to adopt. Administrative action by governor nullified requirement	Not adopted due to administrative action
New Mexico	Rulemaking body voted not to adopt requirement	Not adopted
New York	2006 IRC adopted during this cycle	Pending
North Carolina	Rulemaking body voted to include only the townhouse requirement or a two-hour separation between units	Adopted with amendment
North Dakota	Not adopted due to legislative action	Not adopted
Ohio	Committee voted not to adopt. Pending rulemaking body action	Pending
Oklahoma	Townhouse requirement adopted. One- and two-family dwelling moved to appendix allowing local adoption	Ongoing
Oregon	Committee voted to remove requirement but allows local jurisdictions to adopt. Pending final rulemaking body action	Pending
Pennsylvania	Rulemaking body voted to adopt. Effective date for townhomes 2010, one- and two-family dwellings Jan. 1, 2011	Adopted
Rhode Island	Promulgating body voted to move the requirement to the appendix. Pending legislative approval and study group report	Pending
South Carolina	Rulemaking body voted to adopt with implementation deferred to 1/1/2014 by legislative action	Adopted
South Dakota	Not adopted due to legislative action	Not adopted
Tennessee	Rulemaking body voted not to adopt. Local jurisdictions may adopt	Ongoing
Texas	Not adopted due to legislative action. Local jurisdictions may not adopt.	Not adopted due to legislative action
Utah	Rulemaking body voted not to adopt requirement	Not adopted
Vermont	No adoption cycle in 2010	Pending
Virginia	Rulemaking body voted not to adopt requirement	Not adopted
Washington	Rulemaking body voted not to adopt requirement. Local jurisdictions may adopt under certain conditions	Not adopted but allows local adoption
West Virginia	Rulemaking body voted not to adopt requirement	Not adopted
Wisconsin	State residential code does not include requirement. Locals may not adopt due to legislative action	Not adopted
Wyoming	No statewide building code. Local jurisdictions may adopt	Ongoing



TO: Senate Local Government Committee

FROM: Sandy Jacquot, Director of Law/General Counsel

DATE: February 22, 2011

RE: Opposition to HB 2088

Thank you for allowing the League of Kansas Municipalities to testify in opposition to HB 2088, a preemption of local control regarding fire sprinklers in residential housing. Specifically, this bill would prohibit cities from requiring residential fire protection sprinkler systems. When the original law passed last year, it had a sunset, which is being stricken in HB 2088. When this bill was conferenced during the 2010 legislative session, the conference committee asked that the League, the Kansas Association of Counties and the building industry, realtors and manufactured housing associations work together to seek a compromise on the issue. LKM and KAC met with fire service representatives and building code officials to come up with a workable compromise, which was presented to the building industry and others the first week of December.

The 2009 International Residential Code, which some cities in Kansas have adopted, now has a provision calling for residential sprinklers. Prior to this edition, the fire sprinkler requirement was in the appendices of the Code and no city in Kansas adopted that appendix. Our compromise position was to legislatively return that provision to the appendices, where it has been for some years. This would require the city to take affirmative action to adopt such a requirement. In any of the various building related codes, cities have the option of amending out any provision they do not when adopting such model code. No city in Kansas has adopted the 2009 IRC with the sprinkler provision included. Thus, this bill is to prevent something that has not even occurred. One other important point about taking one aspect of a code and prohibiting its use is that it affects other integrated provisions. For example, removing the option of fire sprinklers will require the amendment of other parts of the code, such as the fire separation rating in hours. Without fire suppression systems, this would have to increase. This is an inadvisable approach of selectively targeting individual pieces of an integrated regulatory scheme.

There have been several circumstances, whether due to fire fighter access to an adequate water supply or fire fighter access to the property, where several cities have adopted limited residential fire sprinkler requirements. The cities deemed it necessary for the safety of the individuals living in those homes, and the firefighters responding to fires in those neighborhoods for the residences to be equipped with sprinkler systems. This bill would negate cities' ability to make those kinds of public safety determinations. That is contrary to good public policy and actually compromises public safety. 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. It is safe to say that the majority of cities in Kansas will choose not to place a sprinkler requirement on every residential property, as has been the case to date. Therefore, this is an unwarranted preemption of local control and the League of Kansas Municipalities urges this Committee to not report the bill favorably.

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Attachment 14



**Testimony: HB 2088**  
**Kansas State Association of Fire Chiefs'**  
**Chief Jeff Hudson, Past President**  
**February 22, 2011**

The Kansas State Association of Fire Chiefs' (KSAFC) appears before you today in opposition of HB 2088 which, if passed, would take away from local government the ability to adopt codes that affect the safety of their citizens.

Cities and Counties in Kansas routinely exercise their authority at a local level with input at a "grass roots" level from the citizens they represent. Many times these decisions are related to issues that are understood by and unique to that jurisdiction. Passing this bill will take this decision making ability away from each community and force them to accept a "one size fits all" law which will tie their hands and reduce the number of options they have to address local issues.

Published data from the National Fire Protection Association (NFPA) provides that residential fire sprinklers are a proven means to reduce fire deaths in residential structures. According to 2008 statistics from NFPA, a residential fire occurs every 82 seconds in the United States. These residential fires are responsible for:

- 84% of fire deaths
- 82% of fire injuries
- 69% of structure fire damage
- 62% of firefighter fire ground deaths

Fire sprinklers are required in most public buildings because they save lives and reduce property damage. This same tool should be available to local government to address the unique safety needs they may have. Statistically an occupant of a residence has three minutes after the activation of a smoke alarm to exit the structure before being overcome by the toxic effect of the smoke [www.smokealarm.nist.gov](http://www.smokealarm.nist.gov). High risk populations such as the young, old, hearing impaired and handicapped may not be able to hear the alarm, or be physically able to escape the home quickly enough. Many Kansans' live in rural areas where response from their Fire Department could be many minutes away. A fire sprinkler system could be the difference between a small fire with little damage and no loss of life to total destruction and the possible death of occupants.

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. Local governments must have the ability to adopt the best public policies that fit their communities.

The KSAFC would like to thank you for the opportunity to address this committee.

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Attachment 15



ABOVE AND BEYOND. BY DESIGN.

8500 Santa Fe Drive  
Overland Park, Kansas 66212  
913-895-6000 | www.opkansas.org

Testimony before the  
Senate Local Government Committee  
Regarding House Bill 2088  
By Tim Ryan

February 22, 2011

My name is Tim Ryan and I am the Code Administrator for the City of Overland Park. I have been employed by the City as a member of the Building Safety Division since 1978, after having graduated from Pittsburg State University. I have also served on the Board of Directors for two separate model building code groups, i.e., Building Officials and Code Administrators International and the International Code Council (ICC).

As the Code Administrator of Overland Park and as a member of the ICC Board of Directors, some of my duties were to attend the national code development hearings including those associated with the deliberation and voting on sprinkler systems for one and two family dwellings. I attended several meetings, each requiring hours of deliberation. Related to the residential sprinkler issue there are two realities that are undisputable: First, sprinklers will save lives and protect property in residential occupancies; second, the installation of residential sprinklers will increase the cost of construction.

My purpose in testifying today on this bill is not to discuss or argue the technical merits of residential fire suppression systems. To the contrary, I want to discuss the importance of leaving the adoption and enforcement of building safety regulations to the elected officials at the local level. These people are elected to protect the health safety and welfare of their constituency.

The code officials are certified and have several training venues each year that are used to maintain their certifications. They understand that all codes are developed based on the "Equivalent Risk" theory and that they are complicated. This theory states that in order to achieve a recognized level of safety for a building, several components need to be evaluated such as occupancy, construction type, egress, active or passive fire protection, and several other technical areas. If one component is eliminated or taken away, adjustments will need to be made in other areas to maintain the minimum level of safety.

The purpose of discussing the theory related to code development is that several areas of the 2009 International Residential Code (IRC) and the 2009 International Building Code (IBC) were impacted when the residential sprinkler provision was included within the code. In conjunction with the complexity of the codes, the definition of residential structure within HB 2088 has not

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been coordinated with the definitions within the International Codes. The result is that fire safety will now be negatively impacted in other areas including some commercial facilities. Areas such as stacked residential occupancies, mixed use occupancies and live/work units would be able to be constructed without fire protection if HB 2088 is passed.

An example would be the construction of a multi-story building with retail, offices, restaurants and a two family dwelling on the 6<sup>th</sup> floor. HB 2088 would prohibit me as a code official to require suppression in the residential areas. If the residential sprinkler provision is taken out, then several other provisions of the 2009 IRC and IBC would need to be amended. Failure to do so would reduce the level of safety in these structures to pre-1970 levels putting our citizens at risk. Code officials at the local level are trained to evaluate these types of complex issues.

The role of elected officials at the local level when adopting building safety codes is to weigh the benefits of adopting a code with the costs associated with doing so. What level of safety do we need to achieve based on the cost to the constituents? Local elected officials fully understand the current state of the economy and they fully understand the impact of the codes on their communities in conjunction with the varying tactical response methods of their public safety personnel. That is clear based on the fact that to date, not one jurisdiction in the State of Kansas has adopted mandatory sprinkler provisions for one and two family dwellings. Based on my network with other building officials, I am not aware of any community that intends to adopt such provision. The City of Overland Park has already deliberated on this issue and chose not to adopt the 2009 International Codes and has no plans in the future to adopt the residential sprinkler provisions.

Local governing bodies, along with local code officials, have done an excellent job in the State of Kansas adopting and enforcing codes, thus protecting the citizens of this state. Our goal is that of public safety. We are concerned that passing a bill such as HB 2088 will set a precedent for the future and negatively impact the level of public safety we provide.

We would ask the committee to vote against HB 2088 and preserve home rule at the local level as it pertains to building safety codes.

Respectively Submitted,

Tim Ryan, CBO  
Code Administrator  
City of Overland Park

**Senate Committee on Local Government**

**Hearing on House Bill 2088**

**Tuesday, February 22, 2011**

**Testimony of Ryan Almes**

**Fire Marshal, City of Manhattan, Kansas**

Good afternoon Chairperson Reitz, Vice Chairperson Kelsey, and Honorable Members of the Senate Local Government Committee. My name is Ryan Almes and I serve as the Fire Marshal for the City of Manhattan Fire Department. I also had the opportunity to represent the Kansas Professional Fire Chiefs Association serving on a committee charged with discussing the fire sprinkler issue with the proponents of the fire sprinkler prohibition legislation. I want to thank you for this opportunity to provide testimony to the Committee regarding House Bill 2088.

The City of Manhattan opposes House Bill 2088 because it limits the Home Rule authority of cities to adopt the building and fire codes that best serve their communities. Constitutional Home Rule is the cornerstone of municipal government and should not be preempted by State action.

House Bill 2088 removes the local jurisdiction's ability to adopt local codes in the interest of public safety for our citizens that we serve. In Manhattan, there is an extensive public review process when staff recommends the adoption of new or updated building codes. The City Commission weighs all of the evidence and public input and ultimately makes the decision that is best for Manhattan. Please do not prevent that deliberative process by enacting state legislation that forces a uniform policy upon all cities without consideration to their unique characteristics and community desires.

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For many years the City of Manhattan has required fire sprinklers in new multi-family structures of three or more units. We do not require sprinklers for one and two family residential structures. We have adopted the provision of the International Fire Code that requires two means of access to a residential development. This requirement is intended to maximize the ability of public safety personnel to respond quickly to fire emergencies. In the past we have allowed an exception to provide residential fire sprinklers in lieu of a second means of access to a residential development, which is allowed in the International Fire Code. In Manhattan, a developer has a choice to avoid providing a secondary means of access to a development by voluntarily providing residential fire sprinklers. This is not a requirement, but it has allowed flexibility for development to occur in areas where a second access is infeasible and cost prohibitive. We need to preserve the ability to implement creative solutions like this at the local level.

Last year Conference Committee Report 2472 effectively eliminated the ability of local governments to adopt the International Residential Code without first amending out a provision to require fire sprinklers in all new residential structures. The bill is set to sunset on July 1, 2011, with the intent that opponents and proponents of the bill would meet before the next session to develop a compromise. The committee to discuss the fire sprinkler legislation was comprised of the opponents of the legislation including the Fire Service, League of Kansas Municipalities and the Kansas Association of Counties and the proponents including the Kansas Association of Realtors, the Kansas Building Industry Association and Kansas Manufactured Housing Association. It is my opinion that the opponents of the legislation including the Fire Service, sat at the table in a good faith effort to find compromise with home builders and their representatives. A proposal was presented to move the residential sprinkler language to the Appendix of the International Residential Code, as it was in previous editions of the code, and as was supported by the National Association of Home Builders. This compromise would require communities to affirmatively adopt the provision through a public process. The proponents on the committee never provided feedback from the groups that they represent on our proposal. The committee only met two times throughout the

year, based on a timeline proposed by the proponents of the legislation. The first time was in July for both sides to meet and to set a timeline for further discussions. The second was in December when the opponents of the legislation presented our proposal to move the requirement to the appendix. The fire service representatives on the committee and the City of Manhattan remain committed to the process and are willing to continue to work toward a compromise.

Thank you for your consideration, and I would be happy to answer any questions. I may be reached by mail at the Department of Fire Services, City of Manhattan, 2000 Denison Avenue, Manhattan, KS 66502, by phone at (785) 587-4504, or by email at [almes@ci.manhattan.ks.us](mailto:almes@ci.manhattan.ks.us).

February 21, 2011

Senate Local Government Committee

February 22, 2011

House Bill No. 2088

I would like to state my opposition to House Bill No. 2088. I believe this infringes on the right of local jurisdictions to engage in self-determination as permitted by home rule. This choice should remain the domain of local governance.

I also believe that, as written, the bill limits options local building officials have to address certain life-safety requirements. As an example, in areas where there are limited fire-flows or no hydrants within the required radius, I have had the flexibility in the past to offer options to the home owner/builder rather than requiring them to extend fire lines at dramatically increase cost to their property. In most cases the installation of fire lines capable of providing adequate fire flow far exceeds the cost of a residential fire protection sprinkler system.

In conclusion, local building officials have demonstrated that they will act in the best interest of the community and industry they serve. Very few jurisdictions adopted the 2009 International Residential Code because of the way the sprinkler provisions were placed in the body of the code. In those few jurisdictions where the 2009 Code was adopted, local authorities, working in the best interest of all concerned, saw to it that the sprinkler provisions were deleted.

Thank You

Jerry Mallory

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Attachment 18



TESTIMONY OF THE KANSAS ASSOCIATION OF COUNTIES  
TO THE SENATE LOCAL GOVERNMENT COMMITTEE  
FEBRUARY 22, 2011

Chairman Reitz and Members of the Committee:

I appreciate the opportunity to submit testimony in opposition to HB 2088.

The bill prohibits a city or county from enacting a building code that contains a requirement for fire protection sprinklers.

KAC and our member counties believe that local government is the best venue for discussion and a decision on issues pertaining to building codes. Building codes are a local issue and not a state issue, and we think Kansas citizens have easier access to a city councilman or a county commissioner to discuss the merits of this issue.

I would note that very few counties even have building codes, probably around 5-8. I've learned from conversations with county planning and zoning officials that those counties with building codes are not planning to adopt the code section relating to fire sprinklers, for some of the reasons you have heard articulated by the proponents. And in fact no county has adopted it yet. So it appears that a state law prohibiting fire sprinklers is unnecessary.

A similar bill was discussed last year. In the end, a bill was passed to create a one-year prohibition on fire sprinklers so that the parties could work on a compromise. KAC, LKM and the firefighters discussed this issue with the proponents in the fall of 2010, and we offered a compromise that would relegate the fire sprinklers provision to the appendix of the code. We also suggested other options, such as limiting fire sprinklers to large homes that have no access to water flow. Rather than reply to our offer, the parties introduced HB 2088. The bill was heard the day after it was introduced in the House Commerce Committee.

We would ask the committee to not pass HB 2088 and allow the government closest to the people -- Kansas cities and counties -- to decide this issue in the best interest of their communities.

I appreciate your consideration of our position on this matter.

Respectfully Submitted,

Melissa A. Wangemann

General Counsel and Director of Legislative Services  
Senate Local Government

300 SW 8th Avenue  
3rd Floor  
Topeka, KS 66603-3912  
785-272-2585  
Fax 785-272-3585

2-22-2011



Senate Committee on Local Government

HB 2088 Opposition Testimony

February 22<sup>nd</sup>, 2011 Hearing

Good morning Chairman Reitz and fellow committee members. My name is Kevin Flory, and I am the 1<sup>st</sup> Vice President of the Kansas State Firefighters Association. Our association represents the approximately 16,000 members of the Kansas Fire Service both paid and volunteer, firefighter and chief officer. I am writing today to ask you to oppose HB 2088. We in the fire service don't come here to debate the abilities or deficiencies of a residential sprinkler system. I am asking you to preserve the right of the local community to decide what is best in THEIR community. Legislating local building codes is a bad practice for the State to get into. Local building code processes have in place an appeals system. This would allow homebuilders to appeal it if they felt it wasn't warranted. Residential sprinklers are not going to be used as an everyday condition. Typically they are used in places where the infrastructure is not available to allow home development to normally be allowed so residential sprinklers are installed to allow the construction. By removing this tool for local building codes officials, you are taking away their ability to allow construction in these fringe areas of a city and will force denial of building permits in those types of locations. This will in fact lead to the homebuilding downturn that the Realtors are preaching sprinklers will cause.

All we are asking for is a MEDIATED opportunity to develop a solution to this issue. We feel that talks last year were okay, but not having a neutral party lead, led to no true concessions on either side. The introduction of this bill proves the Realtors were not willing to give the discussions a chance. Please don't remove the local codes and elected officials ability to direct the orderly and safe building of their communities. We appreciate your consideration of this request.

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Attachment 20

TO: The Honorable Roger Reitz, Chairman  
Senate Committee on Local Government

FROM: William W. Sneed, Legislative Counsel  
The State Farm Insurance Companies

SUBJECT: H.B. 2088

DATE: February 22, 2011

Mr. Chairman, Members of the Committee: My name is Bill Sneed and I am Legislative Counsel for the State Farm Insurance Companies. State Farm is the largest insurer of homes and automobiles in Kansas. State Farm insures one out of every three cars and one out of every four homes in the United States. Please accept this memorandum as our opposition to H.B. 2088.

As we read H.B. 2088, after enactment no municipality would be allowed to adopt or enforce an ordinance requiring the installation of a multipurpose residential fire protection sprinkler system. Although we certainly understand in today's world costs that are associated with mandated government regulations, we contend that such a preemption is overreaching and should not be engaged in by the state.

The toll in lives and costs from residential fires is enormous. State Farm is committed to taking all reasonable steps to reduce the 3,000 national yearly deaths caused by residential fires. It is beyond dispute that when properly installed, sprinklers save lives, protect property and reduce the risks to firefighters. Further, State Farm supports its belief in the value of home sprinkler systems by its involvement in the Home Fire Sprinkler Coalition; its sponsorship of the National Fallen Firefighters Foundation, and its premium discounting for those homes with fire sprinkler systems meeting national recognized standards.

One example of the value of such systems is found in Scottsdale, Arizona. In Scottsdale, a sprinkler ordinance was implemented on July 1, 1986. Ten years after the ordinance was passed, the rural/metro fire department published the Scottsdale Report. The study has now been updated to include five additional years of data. Forty-one thousand four hundred and eight homes, more than fifty percent of the homes in Scottsdale, are protected with fire sprinkler systems. The results of the study are outstanding.

1. Lives saved. In the 15 years of the study, there were 598 home fires. Of the 598 home fires, 49 were in single-family homes with fire sprinkler systems. In those homes, there were no deaths, as opposed to 13 people who died in homes without sprinkler systems.
2. Less fire damage. The Report indicates there was less damage in the homes with sprinklers. The average fire loss per sprinkler incident was \$2,166.00.

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The Honorable Roger Reitz, Chairman  
Senate Committee on Local Government  
February 22, 2011  
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The average fire loss per unsprinklered incident was \$45,019.00. The annual fire losses in Scottsdale (2000-2001) were \$3,021,225.00, compared to the national average of \$9,144,442.00.

3. Reduced water damage. Today's sprinkler systems are cutting edge in their performance against fires. Only the sprinkler closest to the fire will activate, spraying water directly on the fire. Ninety percent of fires are contained by the operation of just one sprinkler. The Scottsdale Report indicates there was less water damage in the homes with sprinklers. In homes with sprinkler systems, the system discharged an average of 34 gallons of water per fire, compared to the 2,935 gallons of water per fire released by firefighter hoses.
4. Cost. Recent technological breakthroughs make sprinklers more affordable and easier to install in homes. On a national average, they add only 1 to 1.5% of the total building cost. Although not all property and casualty insurance companies provide discounts for homes that have sprinkler systems, my client, State Farm, does, and that discount generally will make up the additional cost of installing a sprinkler system.

Thus, based upon the foregoing, we believe that the proposed bill is inappropriate and that such decisions should be left to the local municipalities to decide whether or not such systems are viable for their own communities. As such, we respectfully request that the Committee act unfavorably on H.B. 2088.

I am available for questions at your convenience.

Respectfully submitted,



William W. Sneed

WWS:kjb



February 20, 2011

Written testimony before the Senate Local Government Committee **OPPOSING** HB 2088, an act suggesting the prohibition of a municipality from requiring the installation of a multipurpose fire sprinkler system in a residential structure.

Honorable Chair and members of the Committee,

The Fire Education Association of Kansas expresses its sincere **opposition** of House Bill 2088. We believe HB 2088 is a disservice to all Kansans.

We **oppose** HB 2088 for many reasons. A few of those reasons are:

- **Home rule:** HB 2088 takes away the right of self-governance by the local jurisdiction as provided by the great Kansas Constitution to adopt codes or law that meet the specific needs of their community - one size doesn't fit all. Just as states like Kansas work to ensure home rule through initiatives like the Kansas Healthcare Act, we should work to ensure home rule at the smallest level of government, the local level.
- **Life safety and home rule:** If a municipality identifies a local application for home sprinklers that will address a safety need in order to better protect its families, then the local jurisdiction should retain the right to address that need through the local legislative process in which the local community is heard.
- **Firefighter safety and home rule:** If a community, through their local legislative process, believes home sprinklers meet their needs to help prevent unnecessary firefighter injury and death then the decision should be made at the local level, by the voice of Kansas families at home.
- **Poor precedence:** If made law, HB 2088 sets a poor precedence for future "pick and choose" legislation that will contaminate local control by making any initiative or item a target for prohibition that could better protect Kansas families. Kansas families like yours and ours.

Legislation that prohibits municipalities from better protecting its constituents is irresponsible and reckless. Irresponsible bills like HB 2088 also contaminate the local legislative process where the purest voice - the voice of Kansans at home - guides the decisions for their communities.

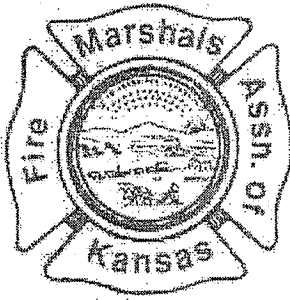
As fellow firefighters and the voice of Kansas' fire and life safety education community, it is our responsibility to reduce fire and burn deaths, injuries and incidents. Together, we can achieve these goals by opposing and stopping irresponsible legislation like HB 2088 - **this bill should be rejected in committee.**

Please be properly informed when reviewing this legislation (there is no law either pending or in place that will require sprinklers in all Kansas homes, etc). Feel free to contact me to discuss this bill further.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Mike Hall".

Mike Hall, president  
(913) 208-7967



# Fire Marshals Association of Kansas

February 20, 2011

**Written testimony before the Committee on Local Government in opposition to House Bill 2088, Prohibition against a municipality requiring the installation of a multi-purpose sprinkler system in a residential structure.**

Honorable Chair and members of the Committee,

The Fire Marshals Association of Kansas expresses its sincere opposition of House Bill 2088. This is the third attempt to prohibit residential sprinklers in Kansas. HB2515 and SB573 was presented and defeated last session and I commend those who in the House and Senate did not support the bills. We believe HB2088 will prevent the State's fire marshals from using residential fire sprinklers for reduce loss of life and ease the burden of their jurisdiction's firefighting resources.

- HB2088 takes away the ability of jurisdictions to adopt codes that are used by their fire marshals to address the specific needs of their communities.
- In communities with volunteer departments, residential fire sprinklers can be used to assist these departments that are already facing staffing issues and extended response times.
- Infrastructures within jurisdictions can benefit by using residential fire sprinklers to reduce the amount of water needed to fight fires, reduce building setbacks, reduce street widths, and increase the spacing of fire hydrants.

It is our responsibility to ensure the safety of our citizens and firefighters, reduce loss of life, and protect the property within our jurisdictions across Kansas. There are very few communities in Kansas that require mandatory fire sprinklers in residential structures. Those that do require them, do so as a result of a specific need that puts those citizens at risk in the event of a fire. It is not the intention of the Kansas fire service to fire sprinkler every home. We merely want to have this technology available to us to use in situations where local conditions warrant increased fire protection. HB2088 would prevent us from being able to use fire sprinklers to protect our citizens. We want the ability to make this decision locally.

Proponents to this bill are trying the paint the fire service as trying to sprinkler every home and increase home prices beyond the reach of consumers. The following are examples of where we might want fire sprinklers installed in homes:

- Large homes in areas with limited fire flow available. Currents codes require a minimum of 1000 gallons per minute in residential subdivisions. This minimum amount can handle houses up to 3600 square feet. We would be looking at homes

Fire Marshals Association of Kansas

Senate Local Government

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larger than 3600 sq. feet and could use sprinklers if home sizes exceeded the capability of local water mains.

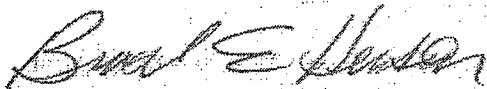
- Rural subdivisions without any fire flow. Some rural developments are on wells and there are no fire hydrants available but the residents assume the fire department has what they need to fight fires in their homes. Sprinklers could be used to provide this protection.

Fire sprinklers are another tool we use to save lives and property. Proponents compare sprinklers to smoke detectors in their ability to save lives. Smoke detectors do save lives. However, this is due to them being installed in every home by code. The current code also requires fire sprinklers in every new home but politics is making jurisdictions remove this requirement through local amendments. Proponents also say they have never had a new home buyer ask for fire sprinklers to be installed in their new home. I have researched new home amenity packages. They list things like granite countertops, oak cabinets and carpet upgrades. None show fire sprinklers as an option. The public does not know fire sprinklers exist.

Fire sprinklers are a new and effective fire and life safety technology. We ask to be allowed to continue promoting and educating the public on fire sprinklers and hope they become as common as smoke detectors are today.

Please feel free to contact me to discuss how we can make Kansas a safer place to live.

Respectfully Submitted,



Brad Henson  
FMAK – President  
Fire Marshal – Olathe Fire Department  
(913) 971-6333