Approved February 27, 1992
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by REPRESENTATIVE M. J. JOHNSON at
Chairperson

1:30 a.m./p.m. on FEBRUARY 25, 1992 in room 521-S of the Capitol.

All members were present except:

Committee staff present:
Mike Heim, Legislative Research Dept.
Theresa Kiernan, Revisor of Statutes
Connie Smith, Committee Secretary

Conferees appearing before the committee:
Representative Rick Bowden
Representative Nancy Brown
Jerry Scott, Fire Marshal of the city of Salina and President of the Fire Education Association of Kansas
Paul Collins, representing the Olathe and Johnson Co. Fire Prevention Committee
Ron Blackwell, Fire Marshal for the city of Wichita & Vice President of the Fire Marshal's Association
Chief Ross Boelling, Fire Prevention Division, Kansas State Fire Marshal Dept.
Larry Howard, Fire Prevention Specialist with Emporia Fire Dept. & President of the Fire Marshal's Association of Kansas
James Woydziak, Fire Chief of Emporia and representing the Kansas State Association of Fire Chiefs
Paula Marmet, representing the Department of Health & Environment

The Chair called for hearings on HB 2909.

HB 2909 - Townships; acquisition of cemetery association property.

Representative Rick Bowden, a sponsor of HB 2909, testified in support and gave background and intent of the bill. (Attachment 1)

There were no questions from the committee and the Chair closed the hearing on HB 2909.

The Chair called for a hearing on HB 3049.

HB 3049 - Smoke Detector Act.

The Chair called on Representative Nancy Brown, who introduced the legislation on behalf of the Fire Education Association of Kansas. She gave the intent of HB 3049. (Attachment 2)

Jerry Scott, Fire Marshal of the city of Salina, testified in support and said passage of HB 3049 statewide will improve the safety of all Kansas with little cost to the state or its residents. (Attachment 3)

Paul Collins, Fire Inspector with the city of Olathe, said adding firefighters and more equipment may be necessary for growth, but quicker response times will not save a life or keep a house from burning down. Everybody needs a smoke detector. (Attachment 4)

Ron Blackwell, Fire Marshal for the city of Wichita, testified as a proponent to HB 3049. (Attachment 5)

Chief Ross Boelling, Fire Prevention Division, Kansas State Fire Marshal Dept., testified in support of HB 3049 and said national studies have shown a two time greater chance of surviving a fire if an operable smoke detector is present in your home. He said the effectiveness of the bill will need to be supplemented by a vigorous statewide public education campaign to be truly successful. (Attachment 6)

Larry Howard, Emporia Fire Dept., testified as a proponent to HB 3049 and said smoke inhalation is the leading cause of fire deaths exceeding burns nearly two to one. (Attachment 7)

James Woydziak, Fire Chief of Emporia, spoke in favor of HB 3049 and said passage of HB 3049 as written would provide every-level protection as recommended by National Building and Fire Codes and the National Fire Protection Association. (Attachment 8)

Paula Marmet, Director of the Office of Chronic Disease and Health Promotion, testified as a proponent to HB 3049. She said Kansas is one of nine states in this country that lacks state smoke detector legislation for one and two family dwellings. (Attachment 9)

There were no opponents and the Chair opened it for questioning.

Representative Jack Sluiter asked the conferees if the bill was structured after any existing current state statute and if there were any other provisions in other state statutes that you would have liked to have had in this legislation.

Representative Brown said she took the "National Manual" from the Fire Marshal's office and they had a variety of ordinances which are quite varied. She said she met with Theresa and tried to take one she felt would be acceptable, usable, and workable in Kansas. They came up with a simple one which is modeled primarily after Illinois.

The Chair asked if other states have $500 fines.

There was a discussion with the conferees on the various ordinances and the cost of fines in their area. Most of the fines were $50 plus court costs.

Representative Wempe asked why Section 8 was in the bill. He said he couldn't feature a city or county going through an election to rescind this.

Vice-Chairman Gomez expressed a concern on deleting on page 2, lines 40 to 41 the provision, if one detector goes off they all go off. He wanted to have one detector going off. A conferee said it would be better if we said they all go off at one time. Vice-Chairman Gomez expressed concern about the cost of installing this in an existing office. No answer was given. He asked if building management could convince fire officials that they could handle a battery system because of some type of historical preservation purposes, would you object to exempting it until 1993.

Representative Stephens expressed concerns about smoke detectors containing radio active americium.

The Chair closed the hearing on HB 3049.

Representative Stevi Stephens requested a bill introduction on an act relating to lease-purchase agreements of school districts.

Representative Stevi Stephens moved to introduce the legislation as a committee bill; seconded by Vice-Chairman George Gomez. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,

room 521-S, Statehouse, at 1:30 ~~XX~~ a.m./p.m. on FEBRUARY 25, 1992

The Chair called for discussion or action on HB 2861 - Unlawful statehouse parking, penalties.

Staff gave a brief review of HB 2861.

Vice-Chairman Gomez asked if anyone would object to up to $50 instead of $50 to give a judge a little discretion.

Representative Darlene Cornfield moved a fine of $20 for the first conviction and after the second $50. The motion failed for a lack of a second.

Representative Lisa Benlon moved for the first conviction a fine of $10 or $20, and have the vehicle towed on the second and third conviction. Representative Carl Holmes seconded the motion for the purpose of discussion.

Representative Hendrix suggested to have something that is workable and going to be a progressive sort of fine structure to give a notice the first time, the second time a $20 fine and the third time higher meaning make it progressive. He said a constituent is going to wonder why they were slapped with a big fine. There is no parking within 10 miles of this building and he thinks it is for the convenience of the luxury of being in the Legislature to be able to park in a convenient place and use this as a basis to hurt innocent people. It is not real good public policy.

The Chair said she wanted to add that for the freshman we have had this issue on the floor before and when it gets to the floor this is what happens. She said like Representative Hendrix said people are worried about their constituents coming up and having their cars towed or having to pay large fines that they weren't aware of.

Chair asked for more discussion.

Chair called for a vote on Representative Benlon's motion.

Representative Benlon withdrew her motion and Representative Holmes withdrew his second. There was more committee discussion.

Vice-Chairman Gomez suggested that anyone who is interested to come up with some language to meet after the meeting and discuss HB 2861.

The Chair said anyone who would like to stay afterwards and discuss HB 2861 and come up with something the committee could support and take action on it Thursday, if we have time.

Meeting was adjourned at 2:40 p.m.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

DATE February 25, 1992

NAME	ADDRESS	REPRESENTING
Martha Jenkins	Topeka	AIA
Jerry Schrock	Emporia	Emporia Fire Dept.
James L. Wajdyak	Emporia	Kans. State Assoc. of Fire Chiefs
Larry L. Havard	Emporia	Fire Marshals Assoc. of Kansas
Jan Stogsdill	Topeka	KDHE
Paula Marmet	Topeka	KDHE
Fish Barton		Legislature
Mary Pickel	Topeka	Fire Marshal's Office
Ross Bellis	TOPEKA	STATE FIRE MARSHAL
Jim Coder	Topeka	State Fire Marshal
Jerry Scott	SALINA	Fire Education Assn. of Ks. Fire SALINA FIRE MARSHAL
Kenneth D Blackwell	Wichita	WICHITA FIRE DEPT FIRE MARSHAL'S ASSOC OF KS.
Paul Collins	KCKS OLATHE	OLATHE FIRE DEPT
Ben Bradley	Topeka	KS Assoc of Counties

STATE OF KANSAS

RICK BOWDEN
REPRESENTATIVE, NINETY-THIRD DISTRICT
433 WALNUT
GODDARD, KANSAS 67052

TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
CHAIRMAN: EDUCATION
MEMBER: GOVERNMENTAL ORGANIZATION

House Local Government Committee

Testimony on HB 2909 February 24, 1992

Thank you Madam Chair and members of the Committee. HB 2909 is a local bill for Attica Township (Sedgwick County) and the Pleasant Ridge Cemetery Association. For several years, maintenance of this cemetery was performed by the Attica Township. (This cemetery is the only cemetery in this township and was officially disbanded last year.)

Upon disbandment of the Association, the board of the association sought to transfer ownership of the cemetery to the township. Along with the transfer of the property, the association wanted to transfer the money in a maintenance fund to the township. The township board sought information from the Sedgwick County attorney as to the possibility of such transfers. They were informed by the attorney that they needed special legislation for such transfer of funds. Thus the reason for HB 2909. I have visited with members of both the township board and the former board for the cemetery association, and they are in agreement with the transfer of both the property and the resources in the fund. Because this is a localized bill, if the committee members concur, I would like to suggest that this bill be placed on the consent calendar.

I would be happy to respond to any questions.

LL
2-25-92
Attach. 1

NANCY BROWN
REPRESENTATIVE, 27TH DISTRICT
15429 OVERBROOK LANE
STANLEY, KANSAS 66224-9744
TOPEKA: (913) 296-7696
STANLEY: (913) 897-3186

STATE OF KANSAS

TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
RANKING REPUBLICAN:
LOCAL GOVERNMENT
MEMBER: GOVERNMENTAL ORGANIZATION
ECONOMIC DEVELOPMENT
MEMBER, STATE EMERGENCY
RESPONSE COMMISSION
CHAIRMAN, COMMUNITY DEVELOPMENT
BLOCK GRANT ADVISORY COMMITTEE
CHAIRMAN, STATE EMERGENCY RESPONSE
COMMISSION

Testimony on HB 3049

An Act Concerning Fire Protection; relating to smoke detectors

Thank you, Madam Chairman, and members of Local Government. I requested introduction of HB 3049 of the committee on behalf of FEAK, the Fire Education Association of Kansas. Individuals are here to testify on the bill, but I thought I would first set the stage for the bill by briefly telling you what it does.

Sections I and 2 name the act and define terms. Section 3 states smoke detectors must be approved as prescribed by rules and regulations of the State Fire Marshall's office.

Purpose of the Bill: Section 4 (a): "Every dwelling unit shall be equipped with at least one smoke detector in operating condition within I5 feet of every room used for sleeping purposes." It goes on to state where they should be located.

Section 4 (c) states that "every structure which contains more than one dwelling unit, or contains at least one dwelling unit and is a mixed-use structure, shall contain at least one smoke detector." This section also states location.

Section 4 (d) states that "it shall be the responsibility of the owner of a structure to supply and install, and make reasonable efforts to maintain. The tenant is to test and provide general maintenance, but notify the owner of any deficiencies. The owner also provides the tenant with written information regarding detector testing and maintenance.

Date of Act: Any dwelling unit in existence on January I, I993, may be battery operated or wired. After January I, I993, in any newly constructed or renovated dwelling unit, the smoke detectors shall be wired permanently.

Enforcement: shall be with the governing body of the city within city boundaries or the county in unincorporated land.

Penalty: Willful failure to install and mantain the smoke detector shall be a class C misdemeanor. Tampering with, removing, destroying, disconnecting or removing the batteries shall be a class C misdemeanor on the first convictgion, but a class A misdemeanor in teh case of a second or subsequent. In addition a penalty not to exceed $500 may also be imposed.

Exemption (home rule): The governing body of any city or county may elect to exempt their municipality by adoption of an ordinance or resolution which shall then be published one each week for two weeks in the official city or county newspaper. If a protest petition is signed by 5% of the qualified voters, it shall then be submitted for a vote of the people.

LY
2-25-92
Attach. 2

I have a rather extensive file with statistical information, as well as copies of statutes enacted in other states. In addition, the State Fire Marshall conducted an extensive survey which he will share with you. And, I also have a packet of information from the National Safe Kids Campaign who has made smoke detector legislation one of their top priorities. I would be happy to share any information with you, but did not want to duplicate more than you wish.

I will be happy to answer any questions, but first I think it would be best to have testimony from those actually involved in the process of saving lives - the fire fighters.

STATEWIDE SMOKE DETECTOR LEGISLATION POSITION STATEMENT

February 25, 1992

Chairperson Mary Jane Johnson
and Members of the Committee on Local Government

THANK YOU for the opportunity to testify on behalf of House Bill 3049.

I am Jerry Scott, Fire Marshal of the City of Salina, Kansas and President of the Fire Education Association of Kansas. FEAK currently has 49 members statewide.

FEAK is a proponent of House Bill 3049.

Though many of the cities in the state (primarily the larger, more populous ones) do require the installation of smoke detectors in residential properties, (single and multi-family, rental and owner-occupied), residents of other areas (rural, unincorporated, and cities without such laws) are not protected by the same level of safety through state law.

Smoke detectors are the proven way to save lives, and are very cost effective - battery operated smoke detectors can be purchased for less than $10.

Most fires occur in homes with no detectors installed: nationwide one-sixth of households (those without detectors) account for three-fifths of all reported home fires. Homes with detectors have one-half the risk of fire related deaths, even considering that many installed detectors don't work properly and are used in homes without effective escape planning. Though no in-depth studies have been performed in the state, based on the experience of other cities and states we can reasonably expect dramatic improvement in fire loss and fatality rates with the passage of such a law.

One argument against the passage of a statewide law is that it is unenforceable: the State Fire Marshal is already overworked, and could not in any case be expected to inspect every home in the state to ensure compliance. While it is true that blanket inspections would not be feasible, another law widely considered "unenforceable" has proven a great success in reducing preventable deaths - the passage of mandatory seatbelt and child restraint laws. This same argument was used in the opposition to seatbelt laws both here and in other states, yet studies show that simply passing such a law raises consciousness about these safety factors, and thus complaince improves.

KANSAS currently has a HIGHER FIRE DEATH RATE (14.5/1000) than much more populous atates such as California (6.7/1000) and New York (7.4/1000). This is one of the SEVEN WORST rates in the U.S..

FEAK believes that passage of a statewide law will dramatically improve the safety of all Kansas with little cost to the state or its residents. It proposes that HOUSE BILL 3049 BE ADOPTED INTO LAW.

LG
2-25-92
Attach 3

Federal Emergency Management Agency
United States Fire Administration
National Fire Academy
Emmitsburg, Maryland 21727

JUL 9 1991

Mr. Jerry M. Scott, President
Fire Education Association of Kansas
222 West Elm
Salina, Kansas 67401

Dear Mr. Scott:

First, I would like to offer my sincere congratulations to all of the Kansas Fire Service Organizations and the State Fire Marshal's Office for their efforts in trying to obtain statewide smoke detector legislation. You are to be commended for this lifesaving endeavor.

Next, it is necessary for me to state that my support for and endorsement of this particular legislation is solely a personal position, not an official position of any Federal government agency.

In my opinion, smoke detectors are one of the most important lifesaving devices of the American Fire Service. Smoke detectors have been required in single family homes by the Life Safety Code since 1976, over 15 years ago. Today all of the model building code organizations and the National Association of Home Builders require (and recommend in the latter case) the installation of smoke detectors as a primary method of providing increased life safety from fire. The technology is not new, it has been tested to be reliable, it is completely safe again by extensive testing, and most importantly it has dramatically worked. Again and again smoke detectors have literally saved thousands of lives in America.

National Fire Incident Reporting System information for Kansas, a reporting state, in 1989 shows some very significant data. Kansas was one of the seven worst residential structure fire--deaths per 1000 fire rate; 14.5 deaths per 1000 residential fires. Where was Kansas exactly? South Carolina 17.6, South Dakota 16.0, Alaska 15.2, Kansas 14.5, what does it mean (overall rate: 8.5)? Think of it this way, New York State with 24 million people had a rate of 7.4 deaths per 1000 residential fires, less than half of Kansas' rate! California with 30 million people, 6.7! They have smoke detector legislation! Do you need more proof? 1989 all structure fires deaths per 1000 fires:

1.	South Carolina	14.3	(overall rate: 6.6)
2.	Alaska	11.8	
3.	Kansas	10.5	
4.	New York	5.6	
5.	California	5.3	

It's really difficult for me to decide when and where to stop. There is literally a ton of information available to support why smoke detectors are so vital throughout America. Are the citizens of Kansas valuable? Do they deserve to be less protected than the citizens of New York or California? I am not from Kansas but I don't believe they deserve less! What do you believe?

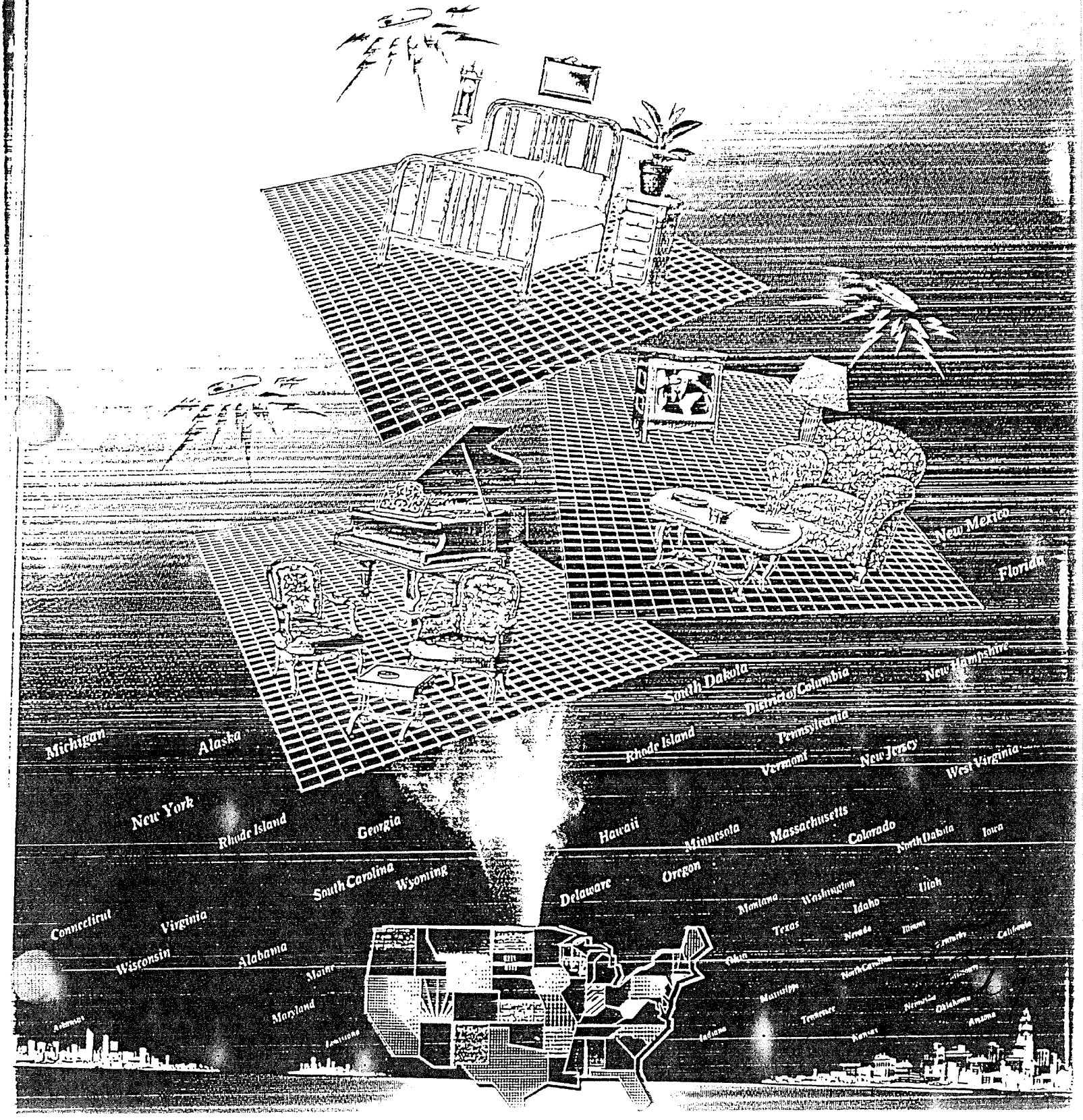
Sincerely,

A. Don Manno
Training Specialist
Fire Protection and Planning Branch
Education Operations Division

Paul Collins
2-25

STATE BY STATE...

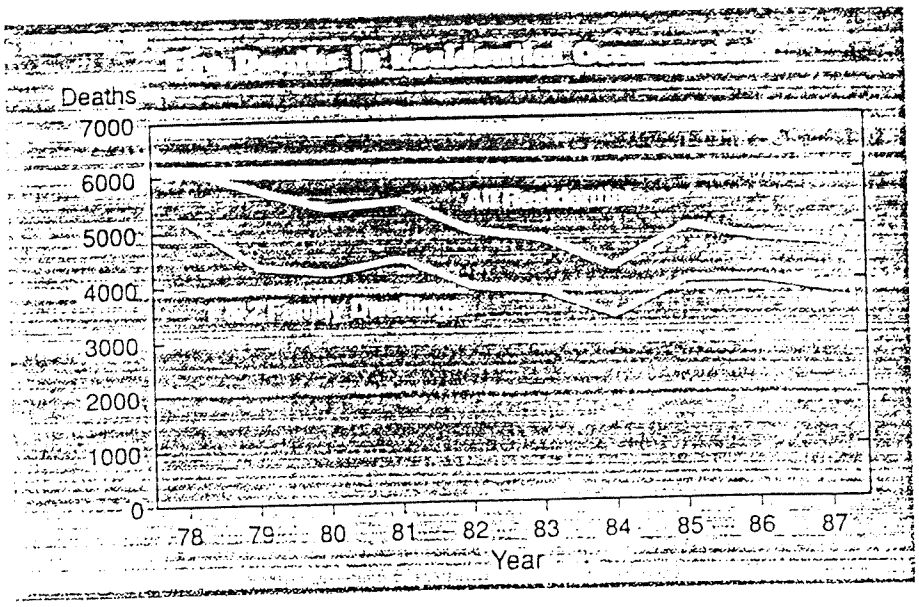
Paul G. LeCoque and King Harris



In the last few years, there has been growing concern in the fire prevention community about the slow progress in reducing fire deaths in residential occupancies. After a significant decline in fatalities between 1978 and 1984, residential fire deaths increased slightly in subsequent years (see Figure 1).[1] What makes this increase more disturbing is that structural fires in dwellings declined steadily over the same 10-year period (see Figure 2).

Analysts of recent fire statistics have identified two key reasons for the worsening trend in residential firesafety.[2] First is the increasing prevalence of smoke detectors that are inoperable because their batteries are missing or dead or because the AC power has been disconnected.[3] The second reason is the lack of smoke detector coverage in dwellings occupied by high-risk groups such as the poor, the elderly, the very young, and those living in small, rural communities.[9]

There is, however, a third factor involved that should be considered: the failure to install smoke detectors on every level of a dwelling. This failure may be responsible for hundreds of fire deaths each year.

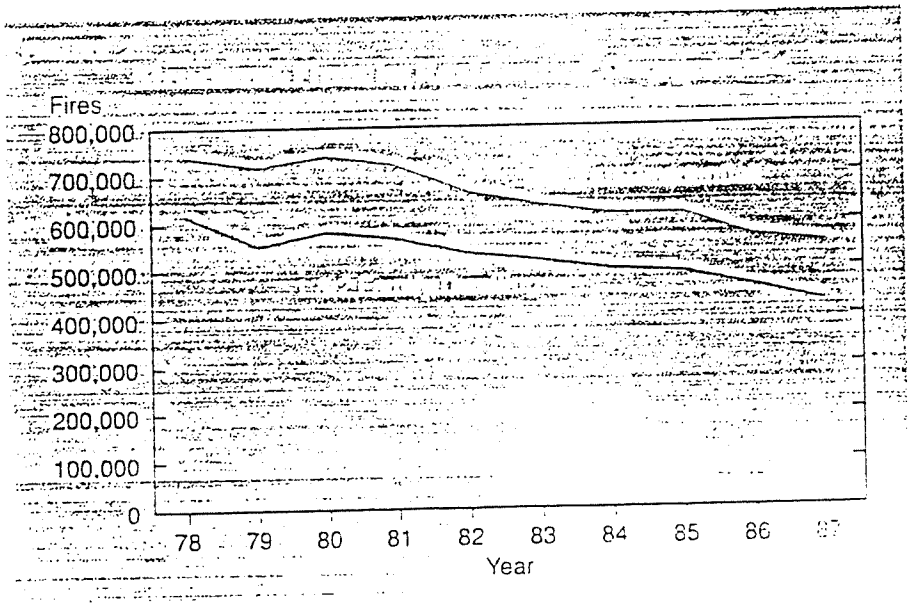


Requiring smoke detectors on every level of a dwelling will reduce the number of lives lost every year in residential fires in the United States.

Every-Level Protection

Fire tests conducted at the Indiana Dunes National Lakeshore between 1975 and 1976 clearly indicate the need for smoke detectors on every level of a dwelling.[10] The Dunes data show that someone sleeping on the second floor of a dwelling has approximately one chance in four of escaping a first-floor fire when there is no detector on the second floor. Chances for escape improve to three in four if smoke detectors are installed on both the first and second floors.

As a result of the Dunes tests, NFPA 74, *Standard for the Installation, Maintenance, and Use of Household Fire Warning Equipment*, was modified in 1978 to require smoke detectors on every level of a residence and in every separate sleeping area. In subsequent years, all four model building codes were modified to incorporate the NFPA's every-level detector requirements. The *Basic/National Building Code* adopted it in 1983, the *Standard Building Code* in 1984, the *Uniform Building Code* in 1986, and the *One- and Two-Family Dwelling Code* in 1986.



While all the model building codes changed their smoke detector requirements to conform to NFPA standards, individual states were slower to act. They started mandating the installation of smoke detectors in residential construction in the late 1970s, and development of state smoke detector codes accelerated with the MGM Grand Hotel fire in 1980 and the Stouffers' Inn fire in 1981. By 1983, 10 states required detectors in new dwellings, and 15 mandated smoke detectors in certain types of new or existing dwellings.[11] Most state codes simply required the installation of one smoke detector in each sleeping area. Only Massachusetts and Alaska required detectors on every level of a residence.

Model code changes and continuing interest in firesafety led a number of other states to pass smoke detector legislation between 1984 and 1988. By early 1989, 39 states had some type of smoke detector requirement for new dwelling units, and 31 states mandated detectors for certain types of existing dwellings. This leaves only 11 states with no statewide smoke detector requirements (see Figure 3).

These numbers are deceptive, however. Only 28 states currently mandate smoke detectors on every level of a new dwelling, and only 17 require every-level protection

(Continued on page 47)

TABLE 1

State Smoke Detector Requirements for One- and Two-Family Dwellings

STATE	POPULATION RANK*	Levels of Coverage: Every Level Including Basement	Levels of Coverage: Over Level Protection not Level One SD Required	Levels of Coverage: Fire Detection System Required	Sleeping Areas: Smoke Detector in Each Corridor or Area Giving Access to Sleeping Rooms	Sleeping Areas: Upper Level With Sleeping Area SD at Center of Ceiling Above Stairway	Sleeping Areas: Smoke Detector in Each Sleeping Room	Split Levels/Basements: Split Level w/o Intervening Door SD on Upper Level	Split Levels/Basements: Split Level with Intervening Door SD on Both Levels	Split Levels/Basements: SD in Basement Which Opens Into Dwelling	Detector Type: AC Powered Detectors	Detector Type: DC Powered Detectors	Detector Type: AC/DC Powered Detectors	Detector Type: Alarm Audible in Sleeping Area
ALABAMA	22	E			E						E	E		E
ALASKA	49	E			E						N	E		E
ARIZONA	27		N		N1						N2	N2		N
ARKANSAS	33		E								N	E		E
CALIFORNIA	1	N3	E2		B	B		E		N	N	E		E
COLORADO	26													
CONNECTICUT	28	B			B			B				E3	N4	B
DELAWARE	47			N5				—						
FLORIDA	6	E			E			B	B		N	E		E
GEORGIA	11	E			E			B	B		N	E		E
HAWAII	39		N		N					N	N			N
IDAHO	40													
ILLINOIS	5	E			B			B	B		N6	E4		B
INDIANA	14	B			B	B		E			N	E		B
IOWA	29													
KANSAS	32													
KENTUCKY	23	N7	E		N			N	N		N	E		B
LOUISIANA	18													
MAINE	38		B1		B						B2			B
MARYLAND	20	N8	E		B						B3	E5		B
MASSACHUSETTS	12	B4			B						N	E		B
MICHIGAN	8	N			N			N	N		N			N
MINNESOTA	21	B			B	B		E			N	E		B
MISSISSIPPI	31													
MISSOURI	15													
MONTANA	44	B			B	B		B			N	E		B
NEBRASKA	36	B			B	B		B			N	E		B
NEVADA	43	B			B	B		B			N	E		B
NEW HAMPSHIRE	41		B5		B						N	E		B
NEW JERSEY	9	N			N			N	N		N			N
NEW MEXICO	37	B6			B			B	B		N	E		B
NEW YORK	2		B		N9						N	E		B
NORTH CAROLINA	10		B		B7						B			B
NORTH DAKOTA	46		N		N	N				N	N			N
OHIO	7	N	E		E			N	N		N	E		E
OKLAHOMA	25													
OREGON	30	N	E		B			N	N		N	E		B
PENNSYLVANIA	4													
RHODE ISLAND	42	N	E6		B						N	E		B
SOUTH CAROLINA	24													
SOUTH DAKOTA	45													
TENNESSEE	17	B			B			B	B		N	E		B
TEXAS	3		B8		B						B9	B9		B
UTAH	35	N			N	N		N			N			N
VERMONT	48	N10			N			N	N		N			N
VIRGINIA	13	N	E		E			N	N		N	E		E
WASHINGTON	19	B			B	B		B			N	E		B
WEST VIRGINIA	34		B10		B						N	E		B
WISCONSIN	16	E			B	E					N	E		B
WYOMING	50	B			B	B		B			N	E		B
DISTRICT OF COLUMBIA		B			B			B	B		N	E7		B

SD—denotes smoke detector N—denotes one- and two-family dwellings E—denotes existing one- and two-family dwellings
B—denotes both new and existing one- and two-family dwellings. See State Matrix Notes for numbered requirements.
*Population Rank based on 1985 census

Alabama
E1 In all existing one- and two-family dwellings with no smoke detector, single-station detectors (AC or battery) shall be installed within 6 months of effective date.

Arizona
N1 Detectors shall also be installed in existing dwellings in which the sleeping area is remodeled and if this remodeling requires a permit from the local political subdivision.
N2 Smoke detectors may be either AC- or battery-powered.

California
N3 Effective September 1, 1989. Cities must adopt state minimum requirements by January 1, 1990.
E2 For all single-family dwellings which are sold on or after January 1, 1986. Two-family dwellings must comply regardless of sale.

Connecticut
E3 In one- and two-family dwellings for which a building permit for new occupancy was issued on or after October 1, 1978, smoke detectors may be either AC- or battery-powered.
N4 In one- and two-family dwellings for which a building permit for new construction was issued on or after October 1, 1985.

Delaware
N5 See City Matrix for further requirements.

Illinois
N6 Any dwelling unit that is newly constructed, reconstructed, or substantially remodeled after December 31, 1987 shall contain an AC-powered smoke detector; if more than one is required, they must be interconnected.
E4 All other dwelling units in existence on July 1, 1988, may contain either battery- or AC-powered smoke detectors and need not be interconnected.

Kentucky
N7 Requirements are not applicable to single-family dwellings.

Maine
B1 The owner shall install, or cause to be installed, not less than one approved smoke detector upon or near the ceiling in areas within, or giving access to, bedrooms in:
1) Any single-family dwelling, constructed after June 2, 1981.
2) Any addition to or restoration of an existing single-family dwelling which adds at least one bedroom to the dwelling unit and the construction of which is completed after May 20, 1985.
3) Any conversion of a building to a single-family dwelling after May 20, 1985.

B2 The State Fire Marshal will not accept the installation of a battery-powered smoke detector unless it is in addition to the required detector, or if any AC detector would cause an undue hardship in an existing building.

Maryland
N8 For which a building permit was issued on or after January 1, 1989.
B3 In new one- and two-family dwellings constructed after January 1, 1975. Interconnected detectors required in new construction after January 1, 1989.
E5 In one- and two-family dwellings constructed before January 1, 1975.

Massachusetts
B4 For one- and two-family dwellings built or altered after January 1, 1975. Same date for all requirements listed.

New Hampshire
B5 In every single-family dwelling built or altered after January 1, 1982.

New Mexico
B6 Requirements based on 1988 NFPA 101.

New York
N9 For all new construction, effective January 1, 1984.

North Carolina
B7 For all one- and two-family dwellings built after January 1, 1975.

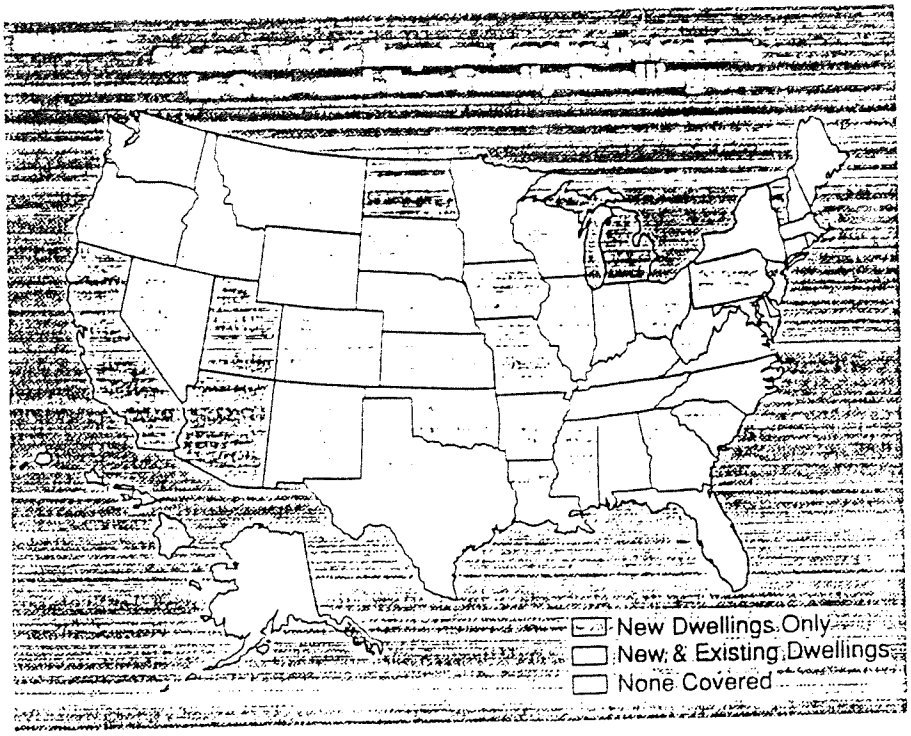
Rhode Island
E6 For all existing one- and two-family dwellings, effective January 1, 1986.

Texas
B8 Requirements apply to rented dwelling units only; owner-occupied dwellings are excluded.
B9 Smoke detectors may be either AC- or battery-powered.

Vermont
N10 Requirements are not applicable to single owner-occupied dwellings.

West Virginia
B10 Requirements applicable to all rented one- and two-family dwellings and all owner-occupied one- and two-family dwellings built after July 1, 1990.

District of Columbia
E7 In single dwellings in existence on September 30, 1978, or which were constructed under a permit issued before October 1, 1978, or which were substantially rehabilitated.



(Continued from page 41)

for both new and existing dwellings.

Of the 22 states that do not mandate detectors on every level of a new dwelling, 9, including such key states as New York and North Carolina, do require at least one smoke detector in new dwellings (see Figure 4). Other states, such as Pennsylvania, Missouri, and Louisiana, have no specific detector requirements that apply to one- and two-family dwellings.

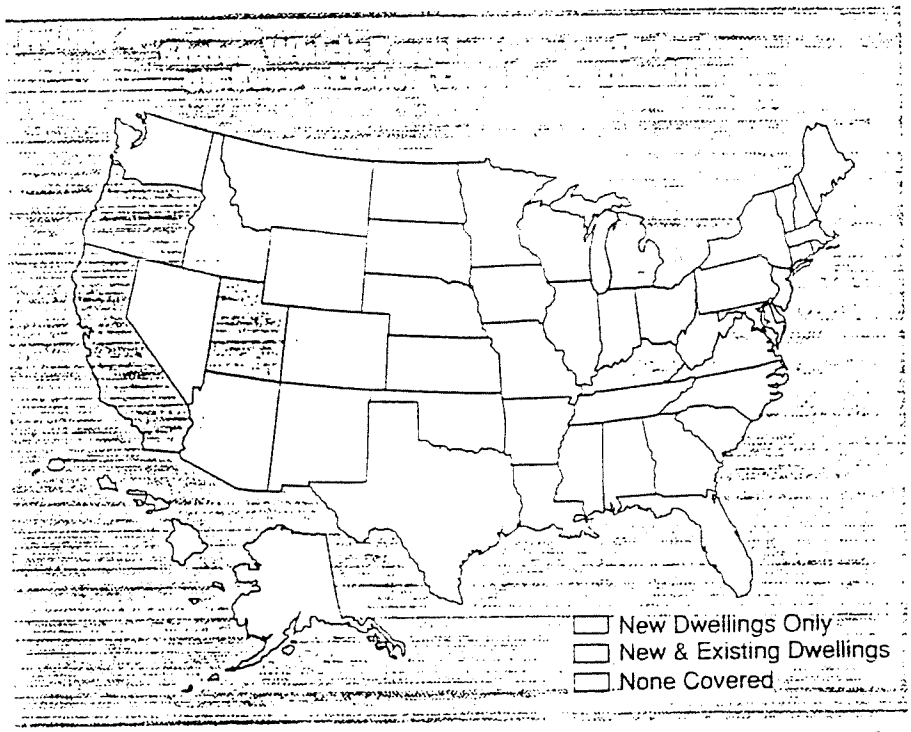
If we are to reduce residential fire deaths, we must aggressively push to make NFPA 74 the law of the land.

Detector Requirements Lacking

What becomes apparent in reviewing current state smoke detector codes is that numerous key states still do not require detectors on every level of an existing dwelling (see Table 1). Of the 10 most populous states, only Illinois and Florida mandate every-level protection for both new and existing dwellings. While certain key cities in states such as California, New York, Texas, Pennsylvania, Ohio, Michigan, and New Jersey do require detectors on every level of a dwelling, a large number of dwellings in each state continue to be inadequately protected.

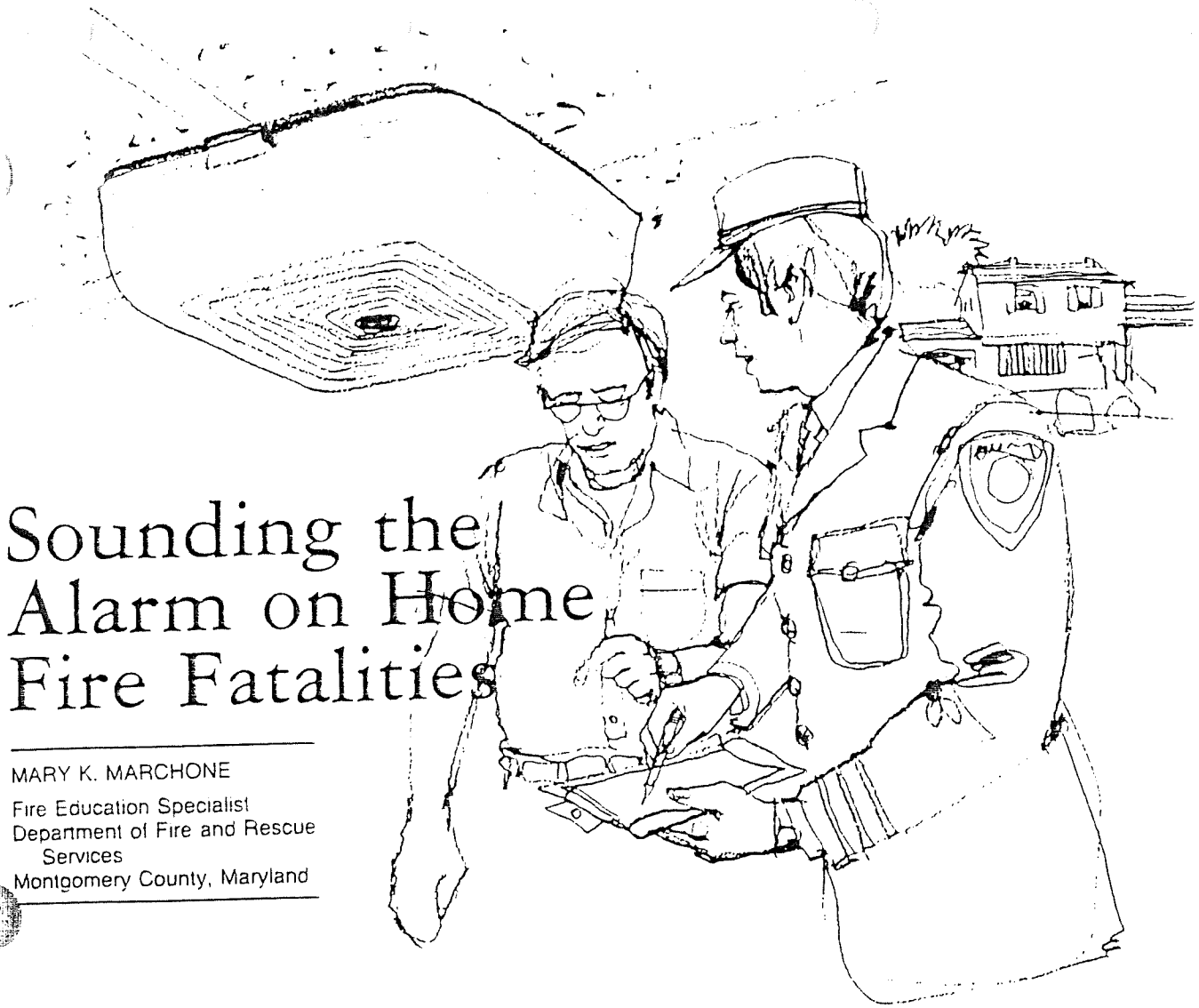
Municipal smoke detector codes by themselves are simply not sufficient. Only 23 of the largest 51 US cities require every-level protection for both new and existing dwellings (see Table 2). Many of these cities house the large number of high-risk groups whose members are so often the victims of residential fires.

If we are to reduce residential fire fatalities to 2,000 or 3,000 per year, we must aggressively push for legislation nationwide to make NFPA 74 the law of the land, paying particular attention to the southern states, where fire death rates are 50 to 100 percent higher than they are in any other region.[12] Only when these objectives have been accomplished will we be able to reduce significantly the number of lives lost in residential fires. FJ



Paul LeCoque was an Assistant Product Manager at BRK Electronics in Aurora, Illinois. He is currently attending Northwestern University. King Harris is President of Pittway Corporation in Northbrook, Illinois.

1. Statistics taken from those appearing each year in FIRE JOURNAL.
2. A. Elwood Willey, "Reducing Home Fire Deaths in the 1990s," FIRE JOURNAL, Vol. 81, No. 5 (September/October 1987), pp. 12-13.
3. Arthur E. Cote, "Assessing the Magnitude of the Fire Problem," *Fire Protection Handbook*, 16th Edition (Quincy, Mass.: NFPA, 1986), p. 37.
4. John R. Hall Jr., "A Decade of Detectors: Measuring the Effect", FIRE JOURNAL, Vol. 79, No. 5 (September 1985) p. 37.
5. John R. Hall, Jr., "The Latest Statistics on US Home Smoke Detectors," FIRE JOURNAL Vol. 83, No.1 (January/February 1989), pp. 39-41.
6. John R. Hall, Jr., *US Experience With Smoke Detectors: Who Has Them? How Well Do They Work? When Don't They Work?*, (Quincy, Mass.: NFPA, 1988).
7. John R. Hall, Jr., "Use of Fire Loss Information," *Fire Protection Handbook*, 16th Edition (Quincy, Mass.: NFPA, 1986).
8. John R. Hall, Jr., *When Detectors Don't Operate—A Growing Problem*, (Quincy, Mass.: NFPA, 1987).
9. Rita F. Fahy and Alison L. Norton, "How Being Poor Affects Fire Risk...," FIRE JOURNAL, Vol. 83, No. 1 (January/February 1989), p. 28.
10 R. W. Bukowski, W. J. Christian, and T. E. Waterman, *Detector Sensitivity and Siting Requirements for Dwellings*, National Bureau of Standards/Center for Fire Research, 1976-1977.
11. Unpublished 1983 legislative update by BRK Electronics in Northbrook, Illinois.
12. John R. Hall, Jr. "Use of Fire Loss Information," *Fire Protection Handbook*, 16th Edition, 2-15.



Sounding the Alarm on Home Fire Fatalities

MARY K. MARCHONE
Fire Education Specialist
Department of Fire and Rescue Services
Montgomery County, Maryland

It has been nearly a decade since Montgomery County, Md., adopted landmark legislation that required the installation of smoke detection equipment in all residential properties. During that time, Montgomery County has been a leader not only in smoke detection legislation but also in public fire education campaigns, investigations of fires involving smoke detectors, and enforcement and evaluation of its smoke detector law. It is now time we shared our success story and traced the history of the law and the impact it has had on the residents of Montgomery County.

Montgomery County is located northwest of Washington, D.C. It covers a geographic area of 506 square miles and has an estimated population of 600,000. It was the first jurisdiction of its size to adopt retroactive smoke detector legislation for all dwelling units.

Mary K. Marchone has been with the Montgomery County, Md., Department of Fire and Rescue Services since 1969. She has held the position of fire education specialist since 1976.

Emergence of early-warning fire detection

In the early seventies, it became apparent to fire officials that, to significantly reduce fire deaths, it would be necessary to take a hard look at residential properties. At that time, in Montgomery County and other jurisdictions across the country, the principle of early-warning fire detection began to emerge as the most practical method of reducing loss of life in residential fires. Unfortunately, at the same time, the units were extremely unattractive, quite expensive, and relatively unproven.

Over the next few years, a serious effort was made both in the laboratory and in the field to determine the life-safety potential of residential smoke detectors. As a result, requirements for smoke detectors were inserted in the National Mobile Home Ordinance and in the four model building codes used by most jurisdictions throughout the United States.

In some places, such as the state of Maryland, smoke detector requirements were established on a statewide basis for all new residential construction. As a result of these codes, smoke detectors were being installed nationwide at an estimated rate of more than 2 million units per year.

Along with the greatly increased number of smoke detector installations came a sufficient number of incidents in these residences to begin making a meaningful analysis of the effects of detectors. With an understanding of the operation of these units in actual field installation, it was possible to reanalyze past fatalities and make a subjective judgment as to whether the installation of detection equipment could have had a significant, positive effect on the outcome of the incident. Full-scale laboratory fire tests conducted in existing dwelling units, using materials commonly found in residences, provided further confirmation.

Initial requirements in Montgomery County

In Montgomery County, a study was made of the records of fire deaths and injuries for a five-year period from 1970 through 1974. During that period, 71 persons lost their lives in fires in the

4-6

could. Of those, it appeared that 58 might have been saved had the dwellings involved been equipped with smoke detectors.[2] In addition, it was found that by 1975 reasonably attractive smoke detectors of proven effectiveness were available from many sources.

Based on the above data, the department of fire and rescue services found that it was technologically possible and reasonably practical to reduce fire deaths in Montgomery County significantly by requiring the installation of smoke detectors retroactively in existing dwelling units. A provision was inserted in the county building code on March 15, 1975, requiring the installation of detectors at the time a dwelling was sold or at the time a rental unit

Montgomery County fire safety code and the county housing code was estimated to require the installation of smoke detection equipment in approximately 200,000 dwelling units by July 1, 1978.[4]

The law referenced the 1976 edition of NFPA 74, *Standard for the Installation, Maintenance and Use of Household Fire Warning Equipment*. The 1976 standard addressed four levels of protection with the fourth level being the minimum requirement. It required that at least one detector be installed to protect each separate sleeping area, and that one unit be located at the top of each stairway leading to an occupied area.

One often-raised issue was the need for an army of inspectors to enforce this

In the early seventies, it became apparent to fire officials that, to significantly reduce fire deaths, it would be necessary to take a hard look at residential properties.

changed occupants. This approach, which had been used in some small communities, proved to be unsatisfactory in a jurisdiction the size of Montgomery County. The Board of Realtors, the Montgomery County Builders Association, and the Apartment and Office Building Association protested, citing problems with enforcement by real estate brokers and with the singling out of one class of homeowners and landlords. These protests, combined with the filing of a class action suit, forced the withdrawal of this provision.[3]

New smoke detector legislation

The entire matter was restudied. The problems of and the objections to the original requirement were carefully weighed. It was found, for example, that state law requiring smoke detectors in all new residences would result in less than 40 percent of all dwelling units being equipped by 1985. As a result, on March 9, 1976, a new proposal was drafted which required smoke detectors in all existing properties regardless of date of construction, change of occupancy or sale.

On September 14, 1976, Montgomery County Executive James Gleason signed the smoke detector legislation into law. This law, being part of both the Montrequirement. It was clearly stated in the covering memorandum to the Montgomery County Council regarding this legislation that no cost implication to the county was foreseen for inspection of these requirements. This was not the type of requirement that could be enforced by door-to-door inspection. It was the opinion of the department that the majority of the county's citizens were law-abiding by nature and would install the equipment if required to do so. In addition, it was thought that the possibility of civil liability, should a guest be injured in a dwelling not equipped with smoke detectors, would provide additional stimulus to install the equipment.

A question of cost was also raised. The cost of smoke detectors, including the acquisition cost of the unit and the annual operating cost, when divided by the minimum expected useful life of the unit was insignificant when compared to the tax cost of operating the county's public fire protection system and the millions of dollars spent for fire insurance. In addition, some insurance companies had started providing slight reductions in insurance premiums when smoke detectors were installed. The department of fire and rescue services believed this practice would be-

Residential Fire Deaths: 1972-83

	1972-77	1978-83	% Reduction
Montgomery County	60	31	-48%
Fairfax County	56	41	-27%

The department of fire and rescue services can say that no one has died in a residential fire where smoke detectors were properly located, maintained and, once activated, the occupants evacuated the residence.

come universal throughout the insurance industry and that the reductions would, in some cases, amortize the cost of the units within a reasonable period of time.

Public education campaign and Operation Smoke Detector

In September 1976, the department of fire and rescue services began an extensive public education campaign using mass media. By March 1977, 150,000 brochures about the law were distributed. These brochures were sent home with each school-age child in the county. The brochure had the specifics of the law on one side and diagrams of various style floor plans on the other. Smoke detector training programs were given to fire fighters to enable them to answer questions about the placement and function of detectors. The public education section of the department spoke to various organizations, answered thousands of telephone calls, and made appointments to visit homes to advise owners on the correct placement of units.

One of the concerns the county council had about the law was that low-income families would be unable to afford smoke detectors. In 1976, when the law was passed, smoke detectors averaged $40 each. By requiring level-four protection, most homes would need at least two detectors.

With the help of the Montgomery County Department of Housing and Community Development, the department of fire and rescue services initiated one of the first community block grants using federal funds to give smoke detectors to low-income families. The program, known as Operation Smoke Detector, put 1162 detectors in 501 homes. During 1977-1978 each home was visited and the owner was advised by fire service personnel where to place detectors, how to maintain them, and how to make a home escape plan. This important program provided detectors to many homeowners who otherwise would not have been able to afford them.

Law goes into effect

On July 1, 1978, the smoke detector law went into effect. During the first half of the 1978 calendar year, no fire fatalities occurred in Montgomery County. Fire officials attributed this to high public awareness of detectors. The county's first fire death occurred on July 3, 1978. No detectors were present at the death site. Fire officials used this incident to reinforce the importance of detectors and the fact that the victim could have been saved if detectors had been installed.

The first criminal summons was issued on October 14, 1978. The occupant of a rented townhouse died in a fire and the owner was charged with failure to comply with the smoke detector law. The owner was found guilty, and ordered to do 500 hours of community service for the department of fire and rescue services. The owner developed a survey with the help of fire officials and went door-to-door in his community asking people if they had detectors and telling his story to motivate people to install detectors.

In 1978, three people died in residential fires. In two of these fires, no detectors were present and in the third fire the occupant fought the blaze. Not since 1956 had so few people died in fires in Montgomery County.

Enforcement of the law became an issue at this time. Realtors had agreed to check for detector installation in homes that were being sold and to certify that detectors were correctly located and working.

A warning notice was developed and used by fire fighters when they responded to calls. Occupants were given two weeks to comply with the law. A copy of the notice was left with occupants for them to sign and return to the department of fire and rescue services when compliance had been reached.

Evaluation of the law

In 1983, fire officials were interested in knowing how effective the smoke detector legislation had been in Montgomery County. Elizabeth McLoughlin, a doctoral candidate at Johns Hopkins University's School of Hygiene and Public Health, designed a study with the help of fire officials to measure the effectiveness of the county's smoke detector law. Entitled "Smoke Detector Legislation: Its Effect on Owner-Occupied Homes," it was the first systematic evaluation of a smoke detector law increasing detector coverage in the United States.[5]

Smoke detector coverage in the county was evaluated five years after the law's implementation and compared to coverage in neighboring Fairfax County, Virginia, which has no such law. Fire fighters visited 651 randomly selected, owner-occupied homes and tested each detector. While a similar percentage of homes in Montgomery and Fairfax counties complied with the detector codes (42 percent versus 44 percent), Montgomery County had a significantly higher proportion of households with at least one working detector (83 percent to 70 percent in Fairfax County), and a significantly lower percentage of homes with no working detectors (17 percent versus 30 percent).

In general, Montgomery County residents complied with what they believed the law required, but lacked knowledge of the law's details. New homes where building codes required detectors, homes that had been sold since 1978, and homes where owners assumed that detectors were required by law were likely to have working detectors.

Fire data from the two counties for the years 1973-1983 were analyzed to see if the law in Montgomery County

associated with a decrease in fire deaths. (See table.) A non-parametric statistical test of the number of deaths by year indicated a significant reduction in fire deaths in Montgomery County, but not in Fairfax County. There were more house fires but fewer fatal fires in Montgomery County than in Fairfax County.

The study concluded:

1. As a county approaches complete coverage of smoke detectors in homes, the risk of citizens dying in residential fires decreases.

2. The essentially unenforced law in Montgomery County seems, in general, to be obeyed, in part, because it conforms to existing community values. However, in both counties, too many households have non-functioning detectors resulting from poor maintenance and testing practices.

3. The findings of this study are not generalized to rental or multi-family dwellings, or to communities whose socio-economic characteristics are different from Montgomery and Fairfax counties. However, the study can serve as a point of reference for legislative initiatives and detector evaluation projects in other jurisdictions around the country."

Based on the findings of the study, two areas in particular are receiving attention, namely, revision of the law and implementation of stricter enforcement procedures. Montgomery County has introduced legislation to meet the current NFPA code recommendation for residential smoke detectors; i.e., protection on every living area level of a home. This simplifies the requirement of the law and provides better protection.

Conclusion

It has been eight years since the law has been in effect. In that time, approximately 1000 warnings have been issued, five of which have resulted in summonses to appear in court. The summonses were issued based on death, injury and/or severity of the fire. In one case, a landlord was fined $150 and given a 30-day, suspended jail sentence.

One of the findings of the study was that if people knew there were penalties attached to the law they were more likely to have working detectors. Fire officials are no longer issuing warning notices. Instead, civil citations are being issued with fines of $250 for homeowners who do not have detectors. Citations also can be given to homeowners who fail to maintain their units. These civil citations are issued by fire prevention officers. Criminal summonses are issued, as they have been in the past, based on death, injury and severity of the fire.

In 1985 there were no fire fatalities in Montgomery County. Never before in the 35-year history of the Montgomery County Division of Fire Prevention had such a record been achieved. The department of fire and rescue services can say conclusively that no one has died in a residential fire where smoke detectors were properly located, maintained and, once activated, the occupants evacuated the residence.

The department of fire and rescue services is proud of its efforts in smoke detector legislation, public education, enforcement, and evaluation and believes they can be used as models throughout the county.

In 1974, fire officials believed theoretically that residential fire fatalities could be drastically reduced with smoke detector legislation. In 1987 it is no longer a theory but a fact that smoke detector legislation, coupled with sound public education programs, support of suppression personnel, and enforcement, can significantly reduce residential fire fatalities.

Footnotes

1. Smith, R.B. "The History of Montgomery County's Law." *Fire Journal* 71(1977):3.
2. Mary K. Marchone. "Six Year Study of Fire Fatalities and Injuries in Montgomery County 1970-75." Unpublished manuscript.
3. McLoughlin, Elizabeth. "Smoke Detector Legislation: Its Effect on Owner-Occupied Homes." Ph.D. dissertation, Johns Hopkins University, 1984.
4. Smith, R.B. "The History of Montgomery County's Law." *Fire Journal* 71(1977):3.
5. McLoughlin, Elizabeth. "Smoke Detector Legislation: Its Effect on Owner-Occupied Homes." Ph.D. dissertation, Johns Hopkins University, 1984.
6. McLoughlin, Elizabeth et al. "Smoke Detector Legislation: Its Effect on Owner-Occupied Homes." *American Journal of Public Health* 75 (1985).

For More Information

Contact the author at the Montgomery County Department of Fire and Rescue Services, Division of Fire Prevention, 12th Floor, 101 Monroe Street, Rockville, MD 20850.

About the department

The Montgomery County Department of Fire and Rescue Services is comprised of 18 independently run fire departments, both career and volunteer, throughout the county. The department serves a 520-square-mile area bordering on the District of Columbia.

Metropolitan
THE KANSAS CITY STAR

'A true blessing'

VIC WINTER/The Star

"It is a great thing to have smoke detectors," says Freddie Conway, whose family was safe after fire destroyed her Kansas City, Kan., house Thursday. All 10 persons — including her paraplegic brother and four young children — escaped. **Story on Page C-2.**

FRIDAY, February 21, 1992 ★

All safe after KCK house fire

By MIKE RICE
Staff Writer

A "true blessing" is how Freddie Conway describes the smoke detectors that jolted her and nine family members from their beds early Thursday.

Conway, 45, said her greatest blessing is that everybody, including Maurice Locke, her paraplegic brother, escaped from the burning house at 1417 Garfield Ave., in northeast Kansas City, Kan.

District Fire Chief Clifford Baslee said a space heater placed too near clothing caused the fire, which broke out at 6:45 a.m.

Conway said the fire started in a back bedroom where Locke was asleep. Awakened by the fire, he crawled to the kitchen and yelled for help.

As smoke filled the kitchen and dining room of the two-story frame house, four smoke detectors blared, waking the rest of the family.

Conway said one of her sons carried Locke from the kitchen to safety, while her other son, daughter, husband and four grandchildren, ages 4, 3, 1 and 3 months, escaped outside.

4-10

STATEWIDE SMOKE DETECTOR LEGISLATION

PROPONENT TESTIMONY SUBMITTED TO

THE COMMITTEE ON LOCAL GOVERNMENT

REPRESENTATIVE MARY JANE JOHNSON, CHAIR

BY

RONALD D. BLACKWELL

TOPEKA, KANSAS

FEBRUARY 1992

LG
2-25-92
Attach. 5

Representative Johnson, members of the committee, I am Ron Blackwell, Fire Marshal for the City of Wichita and Vice President of the Fire Marshal's Association of Kansas. I am here today to provide testimony in support of legislation I believe of critical importance to people throughout the State of Kansas, House Bill #3049.

Smoke detectors and smoke detector laws have been in existence for sometime now. In Wichita, the then City Commission adopted a ordinance providing for the installation and maintenance of these life saving devices in 1982. During that year the states largest city recorded only 2 residential fire fatalities, a truly remarkable accomplishment. Prior to adoption of a smoke detector ordinance we experienced an average fatality rate of 12 to 15 people per year. Since that time it has been reduced to an average of about 8. This decrease would likely be less, however, some of the deaths occurred in households with poorly maintained or non-working smoke detectors.

Several groups have studied residential fire death experience, most notably the National Fire Protection Association which includes among its strategies to help reduce the loss of life from fires; The installation and proper maintenance of smoke detectors in individual households. **Based upon their study of the many factors that contribute to the large loss of life in a fire, this one precaution could have a significant impact.**

As you may know Kansas is one of very few states without a statewide requirement for smoke detectors in residential buildings. Our states fire fatality rate has been compared, not very favorably with California and New York, states with significantly larger populations and we are said to be woefully behind the rest of the country. While this is disturbing we should not be persuaded by comparisons with other places but support this legislation because it is right.

The greatest number of fatal home fires occur between the hours of midnight and 4 a.m., when most of us are asleep. Even though this time is when fires are least likely to occur, those that do occur are most deadly because they can go undetected. Many people are overcome in their sleep. Having smoke detector protection in your home is a key to fire survival

In one of the most comprehensive documents produced about the nations fire problem, Fire In The United States, smoke detectors are believed to account for a significant part of the decrease in reported fires and fire deaths since the mid 1970s. In survey's conducted by the United States Fire Administration and data from

the National Fire Incident Reporting System it has been determined that the elderly and the very young are the groups at highest risk. Children under 5 years of age continue to have double the national average fire death rate. Risk of fire death drops off sharply for children between 5 and 14, then increases slowly with age. The elderly, people over 70, have one and one half to three times the national average fire death rate. The risk increases sharply for people over 80. However, two-thirds of the people who die in fires are neither very young nor old; the fire problem affects all age groups.

The residential portion of the fire problem accounts for three-quarters of the fire deaths and two-thirds of the injuries to civilians. It also accounts for more firefighter injuries than any other occupancy.

Households that have reported fires appear much less likely to have detectors than others. Either the people with detectors are more safety conscious or the detectors allow early detection and extinguishment by the occupants and are not reported. Both I believe are good reasons to mandate smoke detectors.

As Fire Marshal of our state's largest City, Vice President of the Fire Marshal's Association of Kansas, and a concerned Kansan, I urge your support of House Bill #3049. With your support the fire fatalities in Kansas can be positively impacted.

Thank you.

Kansas State Fire Marshal Department
700 S.W. Jackson, Suite 600
Topeka, Kansas 66603-3714
Phone (913) 296-3401
FAX (913) 296-0151

"Serving Kansans Through Fire Safety Education,
Fire Prevention Inspections and Investigation"

TESTIMONY OF CHIEF ROSS BOELLING
FIRE PREVENTION DIVISION
KANSAS STATE FIRE MARSHAL DEPARTMENT
HOUSE BILL 3049
HOUSE LOCAL GOVERNMENT COMMITTEE
FEBRUARY 25, 1992

The State Fire Marshal supports House Bill 3049. The State Fire Marshal has broad regulatory powers to adopt "other safeguards, protective measures or means adopted to render inherently safe from the hazards of fire or the loss of life by fire any building or other place in which people work, live or congregate from time to time for any purpose, **except buildings used wholly as dwelling houses containing no more than two families.**" (KSA 31-132(a)(10)). Unfortunately, 83% of the people killed by fire and 64% of those injured by fire in Kansas are at home in these dwelling houses when their death or injury occurs.

Fire is a problem in Kansas. Since 1985 more than 19,000 fires have occurred at one and two family dwellings in Kansas. These fires caused a conservative $144-million in reported property loss, injured 926 and killed 220 Kansas citizens. In 50% of these reported fires NO SMOKE DETECTOR WAS PRESENT; 46% of those injured were in homes where NO SMOKE DETECTOR WAS PRESENT; 49% of those killed by fire HAD NO SMOKE DETECTOR in their home.

As Chief of the Fire Prevention Division for the State Fire Marshal, it is very frustrating to have the most significant Kansas fire problem occurring in homes where I am prohibited from effecting any corrective measures. I believe the approach taken by House Bill 3049 will reduce the property and lives of Kansan's annually sacrificed to fire. I thank you for not requiring the State Fire Marshal to be the enforcer of these requirements in one and two family dwellings. My Division is not able to keep up with our current regulatory responsibilities. The thought of adding all private Kansas dwellings to my inspection and enforcement universe is not at the top of my wish list!

LG
2-25-92
Attach. 6

National studies have shown a two times greater chance of surviving a fire if you have an operable smoke detector in your home. A properly installed and maintained smoke detector provides critical early warning to home occupants in case a fire occurs. Only 16% of the reported fires occurred during nighttime hours, however 47% of the deaths and 21% of the injuries occurred during this period. Smoke detectors do not sleep, nor are they distracted by the comings and going in a typical busy Kansas household. They are designed to provide early detection of smoke and provide early warning to the occupants no matter when the fire occurs.

Most fires start small and detection of a fire during it's early minutes is critical to giving the occupants time to escape. Smoke inhalation and burns caused 86% of reported casualties to the Kansas citizens; 54% due to smoke from the fire and 32% from fire related burns. Early detection will help reduce these statistics. Early detection also means the fire department can be contacted sooner which can shorten their response time and hopefully reduces the amount of property lost.

We applaud the approach taken by this bill. It is an important step towards ending the needless waste of Kansas money and people lost to fire. I believe the effectiveness of this bill will need to be supplemented by a vigorous state-wide public education campaign to be truly successful. There are related issues which will need to be addressed as well. Included are: installation and maintenance of smoke detector equipment; what steps the home owner should take when the detector sounds; and the importance of practicing fire drills in your home. These issues are important as well, since just providing a smoke detector does not give the occupant the knowledge to what to do when fire occurs.

Our fiscal note on this bill notes the need for public education to support of this bill. As the focal point for the Fire Service in Kansas, the State Fire Marshal is the logical source for implementing and coordinating this public education information. In my Division's FY93 budget request I have previously requested a new position to perform what I view as the critical need for public fire safety education at the state level. This position has not yet been funded. However, I continue to firmly believe that the effectiveness of any fire prevention, inspection or regulatory program at any level MUST include a concerted public education if it is to be successful. This include the provisions of this bill.

Thank you for your time and consideration of this issue.

Fire Marshals Association of Kansas

COMMITTEE ON LOCAL GOVERNMENT
HOUSE BILL #3049

February 25, 1992

My name is Larry D. Howard. I am a Fire Prevention Specialist with the Emporia Fire Department, and President of the Fire Marshals Association of Kansas.

I am here representing an organization of State and Local Fire Marshals and Fire Prevention Officers with members across Kansas.

In fires, smoke inhalation is the leading cause of fire deaths exceeding burns nearly two to one.

Fire Protection Structures and Design Book, published by the National Emergency Training Center, states "Nationwide use of smoke detectors, installed in accordance with the location and audibility requirements in the NFPA Standard for Installation of Household Fire Warning Equipment, NFPA 74 alone can reduce residential fire fatality rates by nearly 50%."

With the changes in the make up of household furnishings, finishes, and other materials, mainly the introduction of more plastics in buildings, there is more rapid smoke generation and toxic smoke being produced in severe fires today. Statistics show a slight increase in smoke related fire deaths.

I have also given you copies of a partial fire report of a fire on the evening of October 22, 1989 occurring in Emporia, Kansas.

I have high-lighted the statement I want to draw your attention to. It states "Fire appeared to have started in the kitchen area. The smoke detector activating alerted the two occupants in the house." The occupants were sleeping in a bedroom in the basement and were awakened by this detector and were able to escape the fire. This detector was still working following the fire. Doing its job, attempting to alert the occupants of the fire.

Again, the Federal Emergency Management Agency data shows that when a fire occurs, the risk of dying in a home without detectors is twice the risk than homes where detectors are installed.

House Bill 3049 addresses our concerns and is based on nationally recognized standards. By passing this bill we can all do our part in preserving the property and loss of lives of the citizens of Kansas.

LY
2-25-92
Attach. 7

8905.32

CITY OF EMPORIA, KANSAS FIRE REPORT

REPORTED BY: Gay Younkin DATE: 10-22-89 ALARM TIME: 2001

OFFICER IN CHARGE: Robert Binder DAY OF WEEK: Sunday TIME IN SERVICE: 2006 2322

1026 Whilden (Correct Address) 9501.08 (Census Tract)

Rhoads, Randy (Occupant's Last Name) (First) (Middle Initial) N/A (Room or Apt.#) 316-342-1011 (Phone Number)

Rhoads, Randy 1026 Whilden Emporia, Ks (Owner's Name and Address) 316-342-1011 (Phone Number)

METHOD OF ALARM FROM PUBLIC:
___ Phone-Direct
___ Municipal Pull Box
XX Tie-Line (911)
___ Private Alarm System
___ Radio-FD/PD Vehicle
___ Not Classified
___ Direct/Verbal
___ No Alarm Received/ No Response

TYPE OF SITUATION FOUND:
XX Structure fire
___ Outside storage/cropland
___ Vehicle fire
___ Brush, grass fire
___ Trash, rubbish fire
___ Explosion - no fire
___ Controlled burning
___ Malicious false
___ Unintentional false
___ EMS Call
___ Search
___ Extrication
___ Rescue-Not Classified
___ Spill, leak w/o ignition
___ Excessive heat
___ Power line down
___ Bomb scare
___ Not Classified
___ Arcing Electric Equip.
___ Aircraft - Stand by
___ Chemical Emergency
___ Haz. Cond. - Stand by
___ Smoke, odor removal
___ Unauthorized burning
___ Smoke scare
___ System Malfunction
___ Other

RESPONDING APPARATUS: 22 (25) 33 44 66 (77) 88 95 96 97 98 (R1) A1 A2 A3

FIRST AID CALL: Equip. Used: _____
Victim Name: _____ Alive _____ Dead _____
Address: _____ State ____ Phone: _____
Problem: _____

VEHICLE FIRES: Insurance Co.: _____ Address: _____
City: _____ State: _____ Driver: _____ # of People in Vehicle: _____
Car: _____ Truck: _____ Motorcycle: _____ Other: _____
Make: _____ Year: _____ Area Burned: _____
Cause of Fire: _____

GRASS, PRAIRIE FIRES: Estimate burned area by square block or acre: _____
Describe in detail all things damaged: (Telephone poles, fence, structures, etc.) _____

BUILDING FIRE: Progress of fire on arrival: Fire was burning in kitchen area.
Area burned (Charred) list by rooms, Also point of origin: Origin in kitchen, extending into the attic
Height (stories): 2 Construction: wood-frame Roof: asp. shingles Floor: wood/linoleum
Ceilings: sheet rock Inside Walls: sheet rock Basement: concrete/wood
What is believed to be source of ignition: Kitchen Stove

7-2

N. NUMBER OF STORIES
2 STORIES * 2

CONSTRUCTION TYPE
PROTECTED WOOD FRAME * 7

O. EXTENT OF FLAME DAMAGE
CONFIND BLDG ORIGIN * 6

EXTENT OF SMOKE DAMAGE
CONFIND BLDG ORIGIN * 6

P. DETECTOR PERFORMANCE
IN RM OF FIRE/OPERATED * 1

SPRINKLER PERFORMANCE
NO EQUIP PRESENT * 8

Q. TYPE MATERIAL GENERATING MOST SMOKE
SAWN WOOD * 63

AVENUE SMOKE TRAVEL
CORRIDOR * 2

R. FORM OF MATERIAL GENERATING MOST SMOKE
STRUCTURAL MEMBER * 17

	YEAR	MAKE	MODEL	SERIAL NO.	LICENSE NO.
S.					
T.		GENERAL ELECT			

COMMENTS:

FIRE APPEARED TO HAVE STARTED IN THE KITCHEN AREA. THE SOUND OF 61
THE SMOKE DETECTORS ACTIVATING ALERTED THE TWO OCCUPANTS IN THE 62
HOUSE. FIRE EXTENDED INTO THE ATTIC BUT WAS CONFINED BEFORE IT 63
TRAVELED VERY FAR. MRS. RHOADS INHALED SOME SMOKE AND WAS TREA 64
TED WITH OXYGEN AT THE SCENE BY CAPTAIN YOUNKIN. 65

OFFICER IN CHARGE (NAME, POSITION, ASSIGNMENT) — DATE
Robert Bunder C.Shift Acting Captain — 10-24-89

MEMBER MAKING REPORT (IF DIFFERENT FROM ABOVE) — DATE

ALARM RESPONSE: Engine #: 25 Hrs.: 3 Min.: 21 Pumped: yes Gallons used: 100
Hose: 2 1/2: 0 1 3/4: 200' 1 1/2: 0 Booster: 0 LDH: _____ Other: 0
Feet of Ladders: 48' Other Equipment: Generator, Lights, Fans, Axes, Hand ligh
Hydrant used: 0 # of Men Responding: 4 Comments: Scotts

ALARM RESPONSE: Engine #: 77 Hrs.: 1 Min.: 30 Pumped: no Gallons used: 0
Hose: 2 1/2: 0 1 3/4: 0 1 1/2: 0 Booster: 0 LDH: 400' Other: 0
Feet of Ladders: 0 Other Equipment: Manpower
Hydrant used: 10th & Whilden # of Men Responding: 4 Comments: _____

ALARM RESPONSE: Engine #: R-1 Hrs.: 3 Min.: 21 Pumped: no Gallons used: 0
Hose: 2 1/2: 0 1 3/4: 0 1 1/2: 0 Booster: 0 LDH: 0 Other: 0
Feet of Ladders: 0 Other Equipment: Generator, Light reel, Scotts
Hydrant used: 0 # of Men Responding: 2 Comments: _____

ALARM RESPONSE: Engine #: _____ Hrs.: _____ Min.: _____ Pumped: _____ Gallons used: _____
Hose: 2 1/2: _____ 1 3/4: _____ 1 1/2: _____ Booster: _____ LDH: _____ Other: _____
Feet of Ladders: _____ Other Equipment: _____
Hydrant used: _____ # of Men Responding: _____ Comments: _____

ALARM RESPONSE: Engine #: _____ Hrs.: _____ Min.: _____ Pumped: _____ Gallons used: _____
Hose: 2 1/2: _____ 1 3/4: _____ 1 1/2: _____ Booster: _____ LDH: _____ Other: _____
Feet of Ladders: _____ Other Equipment: _____
Hydrant used: _____ # of Men Responding: _____ Comments: _____

INJURIES:
List anyone burned or injured (Firefighters also): _____

REPORT FIRE DEPARTMENT LAYOUT: _____

DIAGRAMS:

ANY ADDITIONAL INFORMATION: Fire appeared to have started in the kitchen area. The sound of the smoke detectors activating alerted ~~the~~ two occupants in the house. Fire extended into the attic but was confined before it traveled very far. Mrs. Rhoads inhaled some smoke and was treated with oxygen at the scene by Captain Younkin.

KANSAS STATE ASSOCIATION OF FIRE CHIEFS

February 25, 1992

My name is James Woydziak, and I am the Fire Chief for the City of Emporia and Lyon County Fire District #4. I am speaking to you today as a representative of the Kansas State Association of Fire Chiefs.

The Kansas State Association of Fire Chiefs urges this committee to pass H.B. 3049 to the full house with a favorable recommendation. We believe that this bill would be directly responsible for saving lives in Kansas from fire and smoke inhalation.

According to the National Fire Protection Association, "In 1977, most states had no home smoke detector requirements of any kind. By 1983, most states had a home smoke detector law, but most still did not cover existing single-family homes, by far the largest segment of the population. By 1988, most states had laws that extended to all homes, new or existing, but most still did not mandate code compliant, every-level coverage. The trend in state laws is clear - more complete and more thorough laws - but the process is still far from complete." Passage of this bill into law would help complete this national picture.

House Bill 3049 as written, would provide every-level protection as recommended by National Building and Fire Codes and the National Fire Protection Association. Studies have shown that the presence of smoke detectors in homes reduces the risk of dying in a fire by roughly half. By passing this bill, the State of Kansas can help ensure the safety of it's citizens in the event of a serious fire.

2-25-92
Attach. 8

State of Kansas
Joan Finney, *Governor*

Department of Health and Environment
Azzie Young, Ph.D., *Secretary*

Reply to:

Testimony presented to

House Local Government Committee

by

The Kansas Department of Health and Environment

House Bill 3049

I am pleased to present testimony today in support of House Bill 3049 which requires that all new and existing one- and two-family residences in Kansas be equipped with operable smoke detectors.

Smoke detectors are known to be reliable, inexpensive means of providing an early warning of house fires. Evaluation of the effectiveness of smoke detectors reveals that they reduce the potential of death in 85% of fires and the potential of severe injuries in 88%. The one-time installation of a smoke detector and the need for only periodic maintenance (battery replacement in battery-operated models) makes it one of the most effective interventions available for preventing deaths from fires. Installation of electric rather than batter-operated models eliminates the need for battery replacement, thereby increasing the likelihood of adequate early warning.

Kansas is one of nine states in this country that still lacks state smoke detector legislation for one and two-family dwellings. Twenty nine of the 52 deaths (56%) and 147 of the 297 injuries (49%) from fire in Kansas in 1990 occurred in one and two-family dwellings.

Kansas ranked 4th of 42 reporting states for residential structure fire deaths per 1,000 fires in 1989. Kansas ranked 10th in injuries per 1,000 fires. Much of the problem may be attributed to the fact that while national figures indicate that only 26% of homes are not equipped with smoke detectors, in 1990 47% of Kansas homes with fires did not have smoke detectors and over 43% of the injuries and 41% of the deaths occurred in homes without smoke detectors.

Fires are especially hazardous to Kansas' children. In fact, deaths due to fire and burn injuries are the second leading cause of death for children in the 0-4 age group. Furthermore, in a 1985-87 study of children's deaths in Kansas, fire and burn injury death rates were 4.3 times higher in low-income children than for non-low-income children.

LY

Landon State Office Building • 900 SW Jackson • Topeka, Kansas 66612-1290 • (913) 296-1500

2-25-92
Attach. 9

The Kansas Department of Health and Environment supports efforts to decrease the incidence of preventable injuries. In response to the problem of childhood injury, the Department has designated a steering committee to develop a Kansas SAFE KIDS Campaign. Smoke detector installation in all residences in Kansas would significantly reduce the number of injuries and deaths due to fire in our state.

Testimony presented by:

Paula Marmet
Director
Office of Chronic Disease and Health Promotion
February 25, 1992