

Approved April 11, 1992
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Senator Audrey Langworthy at
Chairperson

8:30 a.m./~~p.m.~~ on Thursday, April 9, 1992 in room 531-N of the Capitol.

All members were present except: Senators Gaines, Lee, Petty, Steineger

Committee staff present: Theresa Kiernan, Revisor of Statutes
Mike Heim, Legislative Research
Elizabeth Carlson, Committee Secretary

Conferees appearing before the committee:

Representative Nancy Brown
Ron Blackwell, Fire Marshall, Wichita
Ross Boelling, State Fire Marshall Department
Chris McKenzie, League of Kansas Municipalities.

HB 3187 - Planning and zoning; unexpended township zoning money transferred to county.

Senator Langworthy asked Theresa Kiernan to review this bill. Ms. Kiernan stated that it is a clean-up bill. It was written to transfer money to a county from the townships to be used for planning and zoning.

HB 3049 - Smoke Detector Act

Representative Nancy Brown spoke on the importance of this bill. **(Attachment 1)** The bill was requested by the Firefighters Association of Kansas. Kansas is one of nine states in the country that does not have a statewide smoke detector law and Kansas has been identified as being one of the seven worst states for residential structural fire deaths.

Fire Marshall Ron Blackwell spoke as a proponent of the bill. **(Attachment 2)** Wichita has a similar ordinance and fire deaths annually have dropped from 12-15 to about 8 annually. He stated most fires occur between midnight and 4:00 a.m. and smoke detectors do not sleep. The very young and elderly are at the biggest risk, however fire deaths occur in all ages. He also said the majority of first class cities in Kansas do have ordinances requiring smoke detectors.

Ross Boelling, State Fire Marshall's Department, spoke in support of **HB 3049**. **(Attachment 3)** He said fire deaths are a problem in Kansas. In 50% of the reported fires no smoke detector was present. He was also pleased to see the rural area is included in the requirement of smoke detectors. He thinks public education is very important. He asked the committee to support this bill. He also said the requirement for one smoke detector within 15 feet of every room used for sleeping purposes comes from the national recommended standard.

Chris McKenzie, League of Kansas Municipalities, stated the League would encourage cities to adopt regulations to do what this bill provides but the League does object to cities being mandated to do this. He recommended that Section 8 of the bill be amended.

Some questions were asked from the committee regarding enforcement of the bill and the penalty of \$100. Fire Marshall Ron Blackwell said the practice in Wichita has been when they are called into a home for some reason, they do check to see if fire detectors are in use, if they are not they are fined, but when they appear before the Judge, and they state they do now have a smoke detector, no fine is levied. They are more concerned with compliance than levying fines.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT,
room 531-N Statehouse, at 8:30 a.m. ~~pm~~ on Thursday, April 9, 1992.

Senator Frahm moved to conceptually pass HB 3049 favorably as amended to allow the cities or counties to opt-out from provisions of the act by the adoption of a simple ordinance or resolution. Motion seconded by Senator Burke. Motion carried.

Senator Daniels moved to pass HB 3187 favorably. Motion seconded by Senator Burke. Motion carried.

Senator Webb made a motion to approve the minutes of March 24, 26, and 27, 1992. Motion seconded by Senator Burke. Motion carried.

The meeting adjourned at 9:00 a.m.

NANCY BROWN
 REPRESENTATIVE, 27TH DISTRICT
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 STANLEY, KANSAS 66224-9744
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TOPEKA

HOUSE OF
 REPRESENTATIVES

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 BLOCK GRANT ADVISORY COMMITTEE
 CHAIRMAN, STATE EMERGENCY RESPONSE
 COMMISSION

TESTIMONY ON HB 3047 - SMOKE DETECTOR LEGISLATION

April 9, 1992

Madam Chairman and members of Senate Local Government, thank you for holding a hearing at this late time in the session. While it may appear as an insignificant piece of legislation, it is most assuredly an important one for the State of Kansas for it will save the lives of children and adults throughout our state.

The bill was requested by The Firefighters Association of Kansas (FEAK), and is supported by firefighters, the State Fire Marshall's Office, the National Fire Protection Association, the National Association of Home Builders, Safe Kids, Inc., and by a multitude of other groups and organizations, including the Fire Service Council of Kansas. The Council is comprised of the Kansas State Fire Marshall's Department, Kansas State Firefighters' Association, Kansas State Association of Fire Chiefs, Kansas Society of Fire Service Instructors, Kansas Chapter of International Association of Arson Investigators, Fire Marshall's Association of Kansas, University of Kansas, Fire Service Training, Kansas State University, Division of Forestry, Kansas Community College Fire Training, Kansas State Council of Fire Fighters, and the Fire Education Association of Kansas. No opponents appeared to testify against the bill.

Kansas is one of nine states in the country, according to latest statistics, that does not have a statewide smoke detector law. Yet we have been identified in the National Fire Incident Reporting System as being one of the seven worst for residential structural fire deaths per 1,000 fires. We rank higher than California and New York, which is astounding.

Basically the bill requires smoke detectors in all dwelling units throughout the state. In the case of a newly constructed residence, the smoke detectors shall be wired permanently. In all dwelling units in existence on January 1, 1993, a battery powered detector is permissible. Enforcement of the act is by the city or county, and let me also point out that the governing body can also exempt out of the act, but this would be their decision.

Why make it apply to existing dwelling units and why to the county? Why not is a better question? Think about when most fires occur. They occur during the night when families are asleep. Thus an early warning system is essential. Without it undetected smoke and poisonous gases can travel through a home in less than two minutes.

Why in a rural area? Again, why not? Are not the lives of rural constituents as important as the lives of urban? Plus think about where most of the older homes are, the wooden homes, the homes where it might take longer to detect smoke because of the proximity of neighbors and also length of response time because of rural fire districts. Smoke detectors save lives in the rural areas as well and they should not be excluded from consideration.

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What about cost? The issue has been raised that many areas are too poor to have smoke detectors installed. I know of no fire department who will not help provide and install smoke detectors. In fact, the Red Cross will not only install them, but will also provide the batteries and even send a reminder card one year from the date of installation to the home to remind them to change the batteries.

What about tenent/landlord arrangements? The act provides for a very simple policy. The owner of the structure is to supply and install detectors and the tenant is to test and provide general maintance, including the replacement of batteries at the time the tenant takes possession.

What about liability? There is no additional liability as a result of having or not having a smoke detector. And the only penalty that can be imposed is a fine not to exceed \$100. No city or county is planning to be punitive for that is not the purpose of the act. The purpose is to save lives. There will be no invasion of privacy, no knocking on doors, no fire checks on homes.

To close, I urge your support on HB 3047. While it may seem like a burden or mandate, it is not. Each city and county knows there own community and can choose to use this legislation as a tool, or can decide that they are adequately protected and can determine for themselves whether they want to enforce the act. HB 3047 really is good public policy without a fiscal note that will enable the firefighters in your district to use this law to better educate the public about fire safety, but most importantly to save lives. Thank you!

March 2, 1992

The Honorable Nancy Brown
Representative, 27th District
State of Kansas
15429 Overbrook Lane
Stanley, Kansas 66224-9744

Dear Representative Brown:

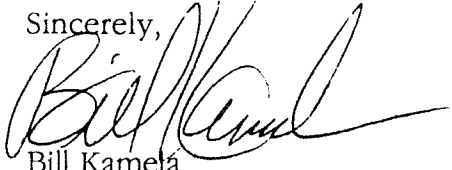
The National SAFE KIDS Campaign® wishes to express its strong support for House Bill 3049, the Smoke Detector Act.

As you know, fires and burns are the second leading cause of unintentional death among all children in the U.S. and the number one cause of injury-related death in the home. Ninety percent of fire-related deaths occur in homes without working smoke detectors. The Campaign launched "Project Get Alarmed" in October of 1990 to combat this problem through the widespread installation and maintenance of smoke detectors. Thus far some 25,000 smoke detectors have been installed throughout the United States.

The National SAFE KIDS Campaign is the first nationwide campaign ever undertaken to tackle the number one killer of children in America - unintentional injury. Every year, 8,000 children are killed and 50,000 are permanently disabled by unintentional injuries. At the heart of the Campaign are 116 State and Local SAFE KIDS Coalitions in 41 states, including statewide in Kansas and locally in Wichita, and the District of Columbia. The Coalitions are comprised of organizations and individuals working to create safer homes and communities for children. Our Chairman is former U.S. Surgeon General Dr. C. Everett Koop.

In spite of the tremendous number of fire-related deaths which occur each year, there remain nine states which lack laws requiring the installation of smoke detectors in one- and two- family dwellings. Your efforts in the Kansas legislature will soon remove Kansas from that list.

The National SAFE KIDS Campaign is prepared to assist your efforts in passing H.B. 3049. Feel free to contact the Kansas SAFE KIDS Coalition Coordinator, Jan Stegelman at 913-296-1223, and the Wichita SAFE KIDS Coalition Coordinator, Joanie Urban at 316-946-8577. We look forward to working with you to develop a comprehensive fire prevention policy for the state of Kansas.

Sincerely,

Bill Kamela
Public Policy Director

cc: Herta B. Feely, Executive Director
Martin R. Eichelberger, M.D., President
C. Everett Koop, M.D., Chairman

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appel 9, 1992



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Prevention Program

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American Academy
of Pediatrics

STATEWIDE SMOKE DETECTOR LEGISLATION

PROPONENT TESTIMONY SUBMITTED TO
THE SENATE COMMITTEE ON LOCAL GOVERNMENT

SENATOR AUDREY LANGWORTHY, CHAIR

BY

RONALD D. BLACKWELL

TOPEKA, KANSAS

APRIL 8, 1992

*Attachment 2-1
Senate Local govt
April 9, 1992*

Senate Committee on Local Government
Smoke Detector Legislation
Ronald D. Blackwell

Senator Langworthy, 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.

The bill has the support of local fire department officials and our statewide organizations as well as the State Fire Marshal's Office, and the Department of Health and Environment.

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

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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. Our state has one of the highest residential fire death rates almost 15 deaths per 1,000 residential fires. National studies show persons have two time greater chance of surviving a fire if there is an operable smoke detector in the home. Though the information about fire death 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.

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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 1970's. 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. Senate

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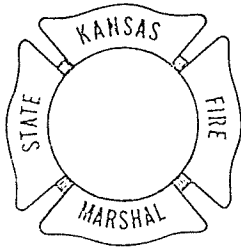
Committee on Local Government
Smoke Detector Legislation
Ronald D. Blackwell

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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.

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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
SENATE LOCAL GOVERNMENT COMMITTEE
APRIL 9, 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!

*Attachment 3-1
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An Equal Opportunity Employer

April 9, 1992

Page 2
Chief Ross Boelling
Testimony of House Bill 3049

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.

*Attachment 3-2
Senate Local Govt
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