

Approved: 4-3-97
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS.

The meeting was called to order by Chairperson Kent Glasscock at 9:00 a.m. on March 24, 1997, in Room 521-S of the Capitol.

All members were present except:

Committee staff present: Mary Galligan, Legislative Research Department
Mike Heim, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Fulva Seufert, Committee Secretary

Conferees appearing before the committee: Becky Swanwick, League of Kansas Municipalities
Gene Neely, KNEA and Kansas Safe Kids Coalition
Gerry Roberts, Executive Director of Kansas Nurses Assn.
Duane Jaeger, R.N., Kansas State Nurses Association
Elena Nuss, Assistant State Fire Marshal, Kansas Fire Service Council
Ed Jaskinia, President of The Associated Landlords of Kansas
Wendy McFarland, American Civil Liberties Union
Janet M. Cusick, RN, Via Christi Regional Medical Center
(Written Only)
Heather Paul, Ph.D., Executive Director, Kansas SAFE KIDS Coalition (Written Only)
Jerry M. Scott, Citizen (Written Only)
Dennis M. Cooley, M.D., F.A.A.P. (Written Only)

Others attending: See attached list

The minutes for the March 21, 1997, meeting were distributed. Representative Lisa Benlon made a motion to approve the minutes for March 21, 1997, and Representative Herman Dillon seconded. Motion passed.

Chairperson Glasscock opened the Public Hearing on **HB 2488**.

HB 2488 - An act concerning buildings; creating a crime of failure to place or maintain a smoke detector.

The Chair welcomed Becky Swanwick, League of Kansas Municipalities, who spoke in support of **HB 2488**. She said that the League believes this is a very important piece of legislation which takes a large step in protecting the citizens of Kansas both inside and outside of our cities from potential fire hazards. **HB 2488** essentially requires that every structure have at least one smoke detector on each story of a dwelling. It also requires that if a dwelling unit is part of a mixed-use structure that there be a smoke detector at the uppermost ceiling of each interior stairwell and in any dwelling unit. It also places the responsibility on the owner of the structure to supply, install, test, and maintain all required smoke detectors except in rental units where the tenant would take responsibility after taking possession. (Attachment 1.)

Representative Jonathan Wells questioned the need for legislating this responsibility since he felt that homeowners already know the importance and are assuming the responsibility of installing smoke detectors. He also asked if fire fighters regularly check homes for smoke detectors when answering a call for a fire. One of the fire fighters answered that hopefully fire fighters do check, but could not say that all fire fighters check to see if the home has a smoke detector operating properly.

Representative Bonnie Sharp asked if Ms. Swanwick knew how many cities have a smoke detector ordinance, and she replied that she did not know the exact answer.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on March 24, 1997.

Chairperson Glasscock welcomed Gene Neely, KNEA and Kansas Safe Kids Coalition, who spoke as a proponent for **HB 2488**. Mr. Neely's testimony included statistics on fires and kids. He said that Kansas ranked 12th of 41 reporting states in 1994 for fire-deaths and 11th in fire-related injuries. He reported that in Kansas, residents of almost 9 out of 10 homes report having a working smoke detector, but in 1994, 9 out of 10 homes that had a residential fire did not have a working smoke detector. (Attachment 2.)

Representative Jonathan Wells asked about the consequences of this law if it should pass and a house burns down that does not have a smoke detector. Mr. Neely replied that his organizations represent kids from birth to age 14, and he believes that these children cannot be responsible for smoke detectors in the home. He reminded the Committee of the data which supports the consequences of not having smoke detectors.

The Chair welcomed Gerry Roberts, Executive Director of the Kansas Nurses Association who introduced Duane Jaeger, R. N. representing the Kansas State Nurses Association, who spoke as a proponent of **HB 2488**. His testimony said that smoke detectors are an effective, reliable, and inexpensive means of providing an early warning of house fires which are the third leading cause of unintentional injury for Kansas children ages one through four. Nurse Jaeger's written testimony included an article written by Nancy Ellen Jones which is not attached to the official minutes but is in the committee secretary's files. (Attachment 3.)

Representative Ted Powers asked if Wichita has a city ordinance, and the answer was "yes." He also expressed concern about the liability mandate for a homeowner who does not comply with the law. The Revisor said that this possibly needs to be clarified and maybe liability should be added. Several others also expressed concerns over determining any aspect of liability or damages.

Representative Jonathan Wells said that he believed some additions should be made especially for clarification.

Chairperson Glasscock welcomed Elena Nuss, Assistant State Fire Marshal, Kansas Fire Service Council, who spoke as a proponent of **HB 2488** and said that she was representing at least ten organizations that have endorsed this smoke detector legislation. Ms. Nuss said that **HB 2488** seeks to be sensitive to the personal privacy of the individual in his home and does not allow any individual or organization to enter a home solely for the purpose of checking for smoke detectors. She also said that the fire service intends to use this law as another tool to educate Kansans to be more fire safe and to survive a fire. The following points were stressed: 1) Residential fires are devastating and deadly; 2) In 1996 there were 3,704 residential structure fires in Kansas; 3) Kansas has averaged over 50 fire deaths and 550 fire-related injuries a year since 1991; 4) The peak time for residential fire deaths is between midnight and 5:00 a.m.; 5) Most fire death victims are reported to be sleeping before being overcome; 6) Most fire victims succumb to smoke, not flame; and 7) Having a smoke detector cuts your chances of dying in a house fire in half. Ms. Nuss's testimony also included written testimony of State Fire Marshal Gale Haag, the Kansas State Association of Fire Chiefs, Kansas State Fire fighters' Association, Inc., Chuck Thacker, President of Fire Marshals Association of Kansas, and Ray Aslin, State Forester. (Attachment 4.)

Representative Larry Campbell asked about how many people died in fire-related accidents in 1996, and the reply was that 48 people died in fire-related injuries.

Representative Jim Long inquired about how this bill would affect the local ordinances, and he was told that this law would not affect any local ordinance that was more stringent. Ms. Nuss said that she felt that more local ordinances were probably more stringent than **HB 2488**. Rep. Long also asked how this would be enforced, and Ms. Nuss said that it would be enforced at the local level and the Revisor said that all fines would go to the State of Kansas.

The Chair next introduced Ed Jaskinia, President of The Associated Landlords of Kansas (TALK), who spoke as a proponent of **HB 2488**. Mr. Jaskinia said that the Associated Landlords of Kansas feel this legislation is "a necessary evil." Mr. Jaskinia mentioned in his testimony that TALK believes that in order to stay within the limits of the Fourth Amendments' search provision, no inspection of the interior of any home should be allowed unless entry is obtained through a legitimate provision of the law, such as the way the seat belt law is enforced. (Attachment 5.)

Chairperson Glasscock welcomed Wendy McFarland, American Civil Liberties Union, who spoke as a proponent for the purpose of the bill, but raised concerns regarding the enforceability as the bill is written. Ms. McFarland said that the Fourth Amendment protects against unreasonable, warrantless searches which prohibits public officials with the authority to issue citations from entering homes to check for the existence of smoke alarms unless reasonable suspicions are shown.

On page 1, line 35, the ACLU suggested the language in subsection (c) be stricken and replaced with the

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on March 24, 1997.

following:

“It shall be the responsibility of the owner of a structure to supply, install, test, and maintain all required smoke detectors. In the case of rental units, the owner will be responsible for having all smoke detectors required by this act installed and in working order when turning over possession of the unit to a tenant. Thereafter, the tenant shall be responsible for testing and maintaining all smoke detectors while in possession of the dwelling unit.”

On page 2, line 2, the ACLU suggested the language in subsection (e) be stricken and replaced with the following:

“Except for any inspection conducted prior to the issuance of an occupancy permit, officials responsible for determining compliance with and/or enforcement of the smoke detector act shall not enter a dwelling unit to determine compliance with the provisions of this act unless such entrance is in response to an actual fire in the dwelling unit.” (Attachment 6.)

Many questions were asked concerning liability, civil rights, landlord liability for deaths, removal of batteries by a tenant, criminal negligence, unintentional killing, landlord responsibilities, etc.

Chairperson Glasscock called the Committee’s attention to the following written testimony: Janet M. Cusick, RN, Burn Specialist Via Christi Regional Medical Center, Wichita, Kansas (Attachment 8.); Heather Paul, Ph.D., Executive Director Kansas SAFE KIDS Coalition (Attachment 9.); Jerry M. Scott (Attachment 10.); and Dennis M. Cooley, M.D., F.A.A.P. (Attachment 11.). The Chair closed the Public Hearing on **SB 2488**.

Chairperson Glasscock asked the Committee to turn its attention to **SB 323**.

SB 323 - County election officers; election commissioners; qualifications for office.

Representative Deena Horst made a motion to amend SB 323 with the balloons that would remove the portions that prohibit a county clerk, the secretary of state, or county election officer from serving as the chairperson or treasurer of such person’s own campaign for any city, county, or state office. Representative Larry Campbell seconded. (Attachment 7.)

Representative Deena Horst commented that clerks should be neutral, and Representative David Haley said that he thinks clerks could be using influence to elect people. However, Representative Lisa Benlon said that she doesn’t feel it’s a problem in her county. Representative Gerry Ray said that people are looking for names that are recognizable, and Representative Kenny Wilk said that he supports the bill and the amendments.

The question was called on the motion to amend **SB 323**, and the motion passed.

Representative Larry Campbell made a motion to pass out SB 323 as amended marked favorable for passage, and Representative David Haley seconded. Motion passed.

The meeting adjourned at 10:15 a.m.

GOVERNMENTAL ORGANIZATION & ELECTIONS
COMMITTEE GUEST LIST

DATE: MONDAY, MARCH 24, 1997

NAME	REPRESENTING
Elena Nuss	KJSC
Jeff Hudson	Shawnee Fire Dept.
Jim Keating	KANSAS SAFE KIDS
ED JASKINIA	^{TALK} THE ASSOCIATED LANDLORDS OF KANSAS
Ed Redman	KS State Firefight ass
Gene Neely	Kansas SAFE KIDS / Kansas NEA
Beccy Swanwick	League of KS Municipalities
Chuck Knapp	Sec of State
Brad Bryant	Sec. of state
JASON PITSEMBERGER	PRAD SMOOT
Diana Martin	So Co Clerk's Office
Cindy Harper	Shawnee County
Dawn Reid	KSNA
Pat Lehman	KS Pro Fire chiefs
Wm [unclear]	ACLU
Terri Roberts	Kansas State Nurses Assn.
DUANE JAEGER	KSNA



**League of
Kansas
Municipalities**

**Legal Department
300 S.W. 8th
Topeka, Kansas 66603
Phone: (913) 354-9565/ Fax: (913) 354-4186**

To: House Governmental Organizations and Elections Committee

From: Beccy Swanwick, Assistant General Counsel

Date: March 24, 1997

Subject: Support for HB 2488

Thank you for the opportunity to appear before you today and present testimony in support of House Bill 2488. We believe that this is a necessary piece of legislation which helps to protect the citizens of Kansas, both inside and outside of our cities, from potential fire hazards.

HB 2488 requires that every structure contain at least one smoke detector installed on every story of the dwelling unit, or if a dwelling unit is part of a mixed use structure, that there be a smoke detector at the uppermost ceiling of each interior stairwell and in any dwelling unit. It further replaces the responsibility on the owner of the structure to supply and install all required smoke detectors. The owner is also responsible for testing and maintenance of the smoke detector, except in rental units where the tenant takes responsibility after taking possession of the unit.

All residential structures currently in existence in the state must be equipped with a working smoke detector, which may either be battery-powered or wired into the structure's AC power line. All newly constructed residential structures must be equipped with a smoke detector which is wired into the structure's AC power line.

We believe that this legislation is a positive step for fire safety in Kansas and, as such, would urge the Committee's favorable consideration of HB 2488. Thank you for allowing me to testify before the Committee this morning.

House GO and E
Attachment 1
3-24-97



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Coordinator:

Jan Stegelman
Kansas Department of
Health and Environment

Executive Committee:

Dennis Cooley, MD
Medical Advisor
American Academy of
Pediatrics, Kansas
Chapter

Michele Hinds
Kansas State
Nurses Association

Steve Jensen
Kansas Highway Patrol

Judy Moler
Communities in Schools -
Kansas

Wendy Mosiman
Kansas Emergency
Nurse Association

Gene Neely
Kansas National
Education Association

Kathryn Nelick
Lawrence Chapter,
Kansas SAFE KIDS
Coalition

Bob Frederick
Athletics Director
University of Kansas
Chair Kansas Safe Kids
Cycle Smart Program

Gene Neely
House Governmental Organization and Elections
HB 2488
March 24, 1997

I am Gene Neely, Chairman of the Executive Committee for the Kansas SAFE KIDS Coalition. I am here representing both the Kansas SAFE KIDS Coalition and the Kansas National Education Association. I am pleased to present testimony in support of House Bill 2488 which requires that all new and existing dwelling units in Kansas be equipped with operable smoke detectors.

Residential fires can be devastating, particularly if a loved one is injured or killed. It is especially tragic if that loved one is a child. According to the Kansas Department of Health and Environment, fifty-one children age 0-14 have died in Kansas fires in the last five years. More than half of the children who died never saw their fifth birthday. No one is totally immune to fire. However, older adults and our young children are most vulnerable to fire-related injury and the represent a substantial portion of our state's population.

Kansas ranked 12th of 41 reporting states in 1994 for fire-deaths and 11th in fire related injuries. Within our state, residents of almost 9 out of 10 homes report having a working smoke detector. However, in 1994, 9 of 10 homes having residential fire did not have a working smoke detector.

Approximately 85% of all structure fires occur in one- and two-family residences each year in Kansas. Despite this fact, Kansas remains one of only eight states in this country that still lacks state smoke detector legislation for single- and multi- family dwellings.

The chances of dying in a residential fire are cut in half when a working smoke detector is present. 9 out of 10 child fire-deaths across this country occur in homes without working smoke detectors. Smoke detectors are one of the most effective and economical interventions available for preventing deaths from fire in Kansas.

The Kansas SAFE KIDS Coalition is composed of sixty-six statewide businesses and organizations that have joined together to protect Kansas children from unintentional injury, the number one killer of Kansas kids. The Coalition supports the adoption of a comprehensive smoke detector law in Kansas. The Kansas SAFE KIDS Coalition has implemented a GET ALARMED program for smoke detectors and battery replacement in Kansas City, Wichita, Manhattan, Lawrence, Topeka, Salina, Holton, Medicine Lodge and Mayetta. With the assistance of Coalition member organizations, communities throughout Kansas are able to develop a smoke detector and battery replacement initiative. First Alert smoke detectors are made available to communities through the Kansas SAFE KIDS Coalition for \$5.00. The implementation of educational programs, coupled with discounted smoke detector and battery replacement initiatives, and strong state legislation will reduce the number of injuries and deaths due to fire in our state. The Kansas SAFE KIDS Coalition will be glad to work with you on this bill as it is being considered.



House GO and E
Attachment 2
3.24.97



700 SW Jackson, Suite 601
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913/233-8638 * FAX 913/233-5222

the Voice of Nursing in Kansas

Betty Smith-Campbell, F.N.
President

Terri Roberts, J.D., R.N.
Executive Director

FOR MORE INFORMATION CONTACT:
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March 24, 1997

H.B. 2488 SMOKE DETECTOR ACT

Chairperson Glasscock and members of the House Governmental Organization and Elections Committee, my name is Duane Jaeger R.N. and I am representing the Kansas State Nurses Association (KSNA). KSNA supports H.B. 2488 that would require installation of smoke alarms in Kansas residences.

Smoke detectors, an effective intervention, are a reliable and inexpensive means of providing an early warning of house fires. They reduced the risk of death in 96% of fires and the risk of severe injury in 88 percent. (National Committee for Injury Prevention and Control Staff. Injury Prevention: Meeting the Challenge)

Children are clearly the most vulnerable to house fires, and in Kansas, fire is the third leading cause of unintentional injury for Kansas children age 1-4. Kansas ranks eleventh in injuries per 1000 residential fires and this can be significantly reduced if smoke detectors are installed.

Registered nurses care for burn victims of residential fires and support mechanisms that will reduce the pain and suffering from such tragedies. Smoke detectors are cost-effective and reliable. As a matter of public policy, they should be supported in all homes and new construction of homes.

We hope that you will recommend H.B. 2488 favorable for passage.

Thank you.

The mission of the Kansas State Nurses Association is to promote professional nursing, to provide a unified voice for nursing in Kansas and to advocate for the health and well-being of all people.

Constituent of The American Nurses Association

House GO and E
Attachment 3
3.24.97



KANSAS FIRE SERVICE COUNCIL

Dedicated to a Unified Fire Service in Kansas

Testimony from the Kansas Fire Service Council
Presented by Assistant State Fire Marshal Elena C. Nuss
Before the House Committee on Governmental Organization and Elections

House Bill 2488

Speaking for the fire service of the State of Kansas, I would like to thank this Committee for hearing HB2488 regarding smoke detectors. I speak with one voice for the fire service from the Kansas Fire Service Council which represents the following organizations who have endorsed this piece of legislation: Kansas State Fire Chiefs Association, Kansas State Firefighters Association, Fire Education Association of Kansas, Fire Marshal's Association of Kansas, Kansas Chapter of the International Association of Arson Investigators, Professional Fire Chief's Association, KU Fire Service Training, K-State Extension Forestry, Kansas Community Colleges Fire Service Training Association, Kansas State Fire Marshal's Office.

The State's fire service organizations have joined together to present the conviction of those who protect the lives and property of the citizens of the State of Kansas from the devastation of fire. Please consider these very important points:

- * Residential fires are devastating and deadly.
- * In 1996, there were 3,704 residential structures fires in Kansas.
- * Kansas has averaged over 50 fire deaths and 550 fire-related injuries a year since 1991.
- * The peak time for residential fire deaths is between midnight and 5:00 a.m., the sleeping hours.
- * Most fire death victims are reported to be sleeping before being overcome.
- * Most fire victims succumb to smoke not flame.
- * Having a smoke detector cuts your chances of dying in a house fire in half.

More often than not, where there is smoke, there is fire. And where there is fire there is loss of property, loss of security, and often loss of life. Most fire-related deaths are the result of smoke inhalation. National codes select smoke detectors as their life safety device of choice. The statistics are clear. The installation and maintenance of a \$10 smoke detector is one of the most cost effective life saving measures available.

This bill seeks to be sensitive to the personal privacy of the individual in their home and will not allow any individual or organization to enter a home solely for the purpose of checking for smoke detectors. The fire service intends to use this law as another tool to educate Kansans to be more fire safe and to survive a fire.

The fire service of Kansas is united and speaks with one voice - smoke detectors save lives, the more homes protected by working smoke detectors, the fewer fire deaths and injuries will be suffered by Kansans. This bill will make a positive impact on the safety of Kansans. We implore you to help make Kansas fire safe.

Attached is written testimony from some of the individual organizations of the Kansas Fire Service Council.

House GO and E
Attachment 4
3-24-97

Kansas State Fire Marshal
Suite 600; 700 SW Jackson
Topeka, KS 66603-3714



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Internet: KSFM01@INK.ORG

State Fire Marshal Gale Haag

Governor Bill Graves

"Where Fire Safety is a way of life"

WRITTEN TESTIMONY OF STATE FIRE MARSHAL GALE HAAG
GOVERNMENTAL AND ELECTIONS COMMITTEE
HOUSE BILL 2488

I would like to thank this Committee for taking the time to hear HB 2488. This bill will have a far reaching impact on the lives of the people of Kansas by reducing the fire deaths, fire-related injuries, and property lost to fire in Kansas. As State Fire Marshal I review the statistics and find that the majority of civilian deaths have been the result of residential fires, with the greatest percentage, children between the ages of 0 - 14, over half of those children never seeing their fifth birthdays. As a grandfather these statistics hurt me at my core, especially when I know that the simple installation of a smoke detector can provide enough early warning to get people out alive!

I would like to urge this Committee to pass House Bill 2488 as a matter of good public policy. Help Kansans make the right fire safe decisions to protect themselves and their families. Help the Kansas Fire Service to better protect the lives and property of the citizens of this Great State. I realize that the passage of this bill alone will not make it so, but it will go a long way toward helping the fire service in educating the people of Kansas.

KANSAS STATE ASSOCIATION OF FIRE CHIEFS



TESTIMONY OF THE KANSAS STATE ASSN. OF FIRE CHIEFS FEBRUARY 26, 1997 HOUSE BILL 2488

EXECUTIVE BOARD

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DISTRICT 3 REPRESENTATIVE
Chief Tom Girard
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DISTRICT 4 REPRESENTATIVE
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DISTRICT 7 REPRESENTATIVE
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SECRETARY - TREASURER
Chief Richard Maginot
Soldier Twp. Fire Department
600 NW 46th
Topeka, Kansas 66617
913-286-2123

On behalf of the Kansas State Association of Fire Chiefs, I would like to take this opportunity to thank the Committee for allowing me to provide testimony in support of House Bill 2488 concerning smoke detectors in residential properties. The Kansas State Association of Fire Chiefs represents over 250 fire chiefs in the state.

Many cities in Kansas already have smoke detector laws in place, either by ordinance, or by adoption of a recognized model building code, such as the Uniform Building code. However, much of our state is rural and/or unincorporated with little or no means to implement such a life and property saving tool. A smoke detector that is properly placed and operating does save lives.

Kansas is one of the few states in this nation that does have a statewide smoke detector law. Kansas is ranked as having some of the highest death and injuries resulting from fires. Dwelling fires account for approximately 25% of all fires in the United States. Nearly 80% of fire deaths and 70% of fire injuries occur in dwelling fires which include houses, apartments and hotels/motels. The fire victims are more than likely to be young children, (under 5), or those 70 years or older. Nearly two-thirds of fatal fires occur at night when the victims are sleeping, with 60% of all the fire deaths occurring in dwellings with no smoke detector or equipped with one that is not properly working.

Nearly 75% of all homes in our state have smoke detectors, but as much as one-third are inoperative due to lack of maintenance. Even with thousands of homes without smoke detectors and thousands more that lack operative smoke detectors, the passage of this proposed legislation will not guarantee a smoke detector in every home, but it may motivate additional citizens to comply with and install an inexpensive item that can save hundreds of lives.

SOURCES: Kansas State Fire Marshal's Office
National Fire Protection association

1997 CONFERENCE - SALINA, KANSAS
1998 CONFERENCE - GREAT BEND, KANSAS



Kansas State Firefighters' Association Inc.

Organized August 13, 1887

February 26, 1997

TO ALL CONCERNED LEGISLATORS:

I am writing in support of House Bill No. 2488, which is an Act concerning smoke detectors in dwellings.

I will not site you statistics since I am sure you have been inundated with all the facts you need to make the right decision on this matter. What I will do is to simply state:

SMOKE DETECTORS SAVES LIVES!!!!!!

The Kansas State Firefighters' Association represents over 350 departments state wide (roughly 10,000 firefighters), from the Kansas City metro area to the rural areas. Most of us can site several cases of personal experience with detectors saving the life of one of our neighbors or even a family member.

Thank you so much for your consideration of this most urgent matter.

Sincerely yours in
FIREFIGHTER SAFETY & TRAINING;

Joseph C. Thibodeau
Joseph C. Thibodeau, President
Kansas State Firefighters' Assoc.

Fire Marshals



Association

of Kansas

Testimony of Chuck Thacker, President, Fire Marshals Association of Kansas
Before the House Committee on Appropriations

February 28, 1997

House Bill 2488

On behalf of the Fire Marshals Association of Kansas, I would like to take this opportunity to thank this committee for allowing me to provide written testimony in support of HB 2488 concerning the smoke detectors in residential properties. The Fire Marshals Association of Kansas represents over 70 local Fire Marshals and fire prevention personnel who are part of fire departments across the State of Kansas.

Many cities in Kansas already have smoke detector laws in place either by ordinance or by adoption of a recognized model building code such as the Uniform Building Code. However, much of our State is rural and/or unincorporated with little or no means to implement such a life and property saving tool. A smoke detector that is properly placed and operating can and does save lives.

Kansas is one of the few states in this nation that is without a statewide smoke detector law. We are ranked 12th of 41 reporting states for deaths per 1,000 residential structure fires. Dwelling fires account for approximately 25% of all fires in the United States. Nearly 80% of fire deaths and 70% of fire injuries occur in dwelling fires which include houses, apartments, and hotels/motels. The fire victims are more than likely to be young children (under 5) or those 70 years or older. Nearly two-thirds of fatal fires occur at night when the victims are sleeping, with 60% of all the fire deaths occurring in dwellings with no smoke detector or equipped with one that is not properly working.

Nearly 75% of all homes in our State have smoke detectors, but as much as one-third are inoperative due to lack of maintenance. Even with thousands of homes without smoke detectors and thousands more that lack working detectors, fire deaths have decreased since 1970 when only 5% of our homes had smoke detectors. The passage of this proposed legislation will not guarantee a smoke detector in every home, but it may motivate additional citizens to comply with and install an inexpensive item that can save more lives and property.

Sources: Kansas State Fire Marshal
National Fire Protection Association Handbook



FIRE EDUCATION ASSOCIATION OF KANSAS

Fire Education Association of Kansas
Testimony in Support of House Bill 2488

On behalf of the Fire Education Association of Kansas I would like to thank this committee for understanding the importance of installing and maintaining smoke detectors, especially in residential properties where most people die or are injured. The membership of this organization come from fire departments representing the largest city in Kansas to nearly the smallest. Our members are public educators, firefighters, local fire marshals and fire prevention personnel.

There are many cities in Kansas who already have smoke detector laws in place either by ordinance or by adoption of a recognized model building code. However, much of our state is rural and/or unincorporated with little or no means to implement such a life and property saving tool. A smoke detector that is properly placed and operating can and will save lives.

Kansas is one of the few states in this nation that has not adopted a statewide smoke detector law and we are ranked as having some of the highest death and injury rates from fires. In Kansas each year over 90% of the deaths are in residential structures.

Passage of this proposed legislation will not guarantee a smoke detector in every home, but it may motivate additional citizens to comply with and install an inexpensive item that can save more lives and property.


Thank you again for considering this bill.



Cooperative Extension Service

Kansas State and Extension Forestry
2610 Claflin Road
Manhattan, Kansas 66502-2798
913-537-7050
FAX: 913-539-9584
Postage Paid

TO: The Honorable Kent Glasscock, Chairperson
House Committee on Governmental Organization and Elections

FROM: Ray Aslin 
State Forester

DATE: March 3, 1997

SUBJECT: HB 2488 - Smoke Detector

Kansas State and Extension Forestry is an active member of the Kansas Fire Service Council which is composed of agencies and organizations involved in fire prevention and control. We have administered a Rural Fire Protection and Control Program in Kansas since 1962. Our primary role as part of the Kansas Fire Service is the training and equipping of volunteer rural fire departments for safety and improved fire fighting capabilities with the emphasis on wildland fires. We have cooperative working agreements with approximately 500 rural fire departments in every county of the state covering 46.4 million acres of non-federal rural land. Wildland fires can create a life threatening risk to rural residents, especially those in the urban interface areas surrounding major metropolitan areas.

The protection of life is the highest priority for the Fire Service -- life of Kansas citizens and those firefighters that risk their lives to protect and save others. The greatest loss of life in Kansas is associated with burning residences. House Bill 2488 requires that each dwelling unit have a smoke detector or detectors to provide for an early fire warning to residents. Early warning allows people time to vacate their homes before the danger becomes too great. It also reduces the risk to fire fighters of entering a burning structure to rescue those trapped inside.

Kansas State and Extension Forestry urges the members of the Committee to support HB 2488. The value of a life saved is greatly offset by the small initial investment in smoke detectors.

Thank you for the opportunity to present our support of this bill.

Jaskinia
resident
(913) 299-8383

Ann Elliott
Secretary
(913) 238-1894

Ed Elliott
Treasurer
(913) 238-7544



Jamie ...
Vice President (Zone 1)
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Bill Nelson
Vice President (Zone 2)
(913) 827-1865

Pat McBride
Vice President (Zone 3)
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The Associated Landlords of Kansas

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Topeka, KS 66604-0221
1-800-248-TALK (8255)

The Associated Landlords of Kansas (TALK) was created by a group of people from across Kansas to "Promote a strong voice in the legislature, a high standard of ethics and provide educational opportunities for landlords." Some of the members helped create The Residential Landlord-Tenant Act of 1975, a model of fair law for both landlords and tenants. Our organization consists of members in 14 chapters across the state, with new chapters in the process of forming.

In the 1997 legislative session, we continue to work for fair and decent housing for all. We have listed below one of the issues that is of interest in this legislative session.

HB 2488 - Creating the Smoke Detector Act.

According to the National Fire Protection Association, every year 4,000 Americans die in home fires. That's twelve people a day who die in their own homes. The U.S. Fire Administration states your chances of dying in a fire is 100% greater if you don't have a working smoke detector. Before you can escape, you must be alerted, and the smoke detector gives you time to escape. Many city housing codes require a working smoke detector outside the sleeping area and each level of the home. When activated, the detector shall provide a loud audible alarm, capable of being heard throughout the sleeping area.

Smoke detectors are particularly effective when it comes to a slow, smoldering fire caused by improper storage of flammable materials and careless smoking. Failing to maintain the smoke detectors is the primary cause for most fire damage. Unfortunately, the people living in the home will either remove the battery from the smoke alarm to use in another battery operated device, fail to replace the battery when the battery goes dead, or they disconnect the battery if the alarm goes off due to cooking.

We strongly believe that the penalties for failure to maintain an existing smoke detector should fall on the occupants of the dwelling.

We also strongly believe that in order to stay within the limits of the Fourth Amendments' search provision, no inspection of the interior of any home should be allowed unless entry is obtained thru a legitimate provision of the law, such as the way the seat belt law is enforced.

TALK supports HB - 2488, to prevent loss of human lives and to save property due to "first alert". TALK asks for your support by passing HB - 2488.

If we can be of help to you in this or any other areas concerning property, landlords, or tenants, please feel free to contact us.

Members of The Associated Landlords of Kansas

Zone 1
Landlords of Lawrence, Inc.
Landlords of Johnson Co., KS, Inc.
K.C. KS Landlords Inc., serving Wyandotte Co.
Eastern Kansas Landlords Assc, serving Miami Co.

Zone 2
Landlords of Manhattan, Inc.
Shawnee County Landlords Assc.
Geary County Landlords Assc., Inc.
Salina Rental Property Providers, Inc.

Zone 3
Bourbon County Landlords
Cherokee Co. Landlords Assc.
Central Kansas Landlords Assc.
Crawford County Landlords Assc.
Montgomery County Landlords Assc.
Rental Owners, Inc., serving Segwick Co.

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AMERICAN CIVIL LIBERTIES UNION

WENDY MCFARLAND/ LOBBYIST (913) 575-5749

TESTIMONY IN SUPPORT OF HB 2488 WITH REQUESTED AMENDMENTS

Thank you for this opportunity to submit our comments in support of the Smoke Detector Act which creates the crime of failure to place or maintain a smoke detector.

The American Civil Liberties Union supports the purpose of the bill. Consistently installed and maintained smoke detectors will enhance the public welfare through increased safety and fewer fire-related deaths.

We must, however, raise concerns regarding the enforceability of the bill as written. Fourth Amendment protections against unreasonable, warrantless searches would prohibit public officials with the authority to issue citations from entering homes to check for the existence of smoke alarms unless reasonable suspicion were shown.

Last year it was suggested by a proponent that government employees that find themselves in someone's home under any circumstance could report on the failure to place a smoke detector. We would object to adding smoke alarm policing to the work load of social workers or other government or private workers who enter homes on the basis of an unrelated authority.

In testimony last year, State Fire Marshall Gale Haig noted this bill would be just one step in a public education campaign by his office. We believe the educational value of this bill would remain intact if the following amendments were added.

On page 1, line 35, we would respectfully suggest the language in subsection (c) be stricken and replaced with the following:

It shall be the responsibility of the owner of a structure to supply, install, test and maintain all required smoke detectors. In the case of rental units, the owner will be responsible for having all smoke detectors required by this act installed and in working order when turning over possession of the unit to a tenant. Thereafter, the tenant shall be responsible for testing and maintaining all smoke detectors while in possession of the dwelling unit.

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On page 2, line 2, we would suggest the language in subsection (e) be stricken and replaced with the following:

Except for any inspection conducted prior to the issuance of an occupancy permit, officials responsible for determining compliance with and/or enforcement of the smoke detector act shall not enter a dwelling unit to determine compliance with the provisions of this act unless such entrance is in response to an actual fire in the dwelling unit.

The occurrence of a fire, small or large, certainly meets the Fourth Amendment standard of reasonable suspicion prior to a search and fire safety organizations would be able to tell the public that the negligence of failing to place and maintain smoke detectors is now illegal in the State of Kansas.

If those proposing the passage of this bill fail to accept and support our suggested amendments, then we will again be forced to ask, as we did last year, how they plan to enforce it without violating the homeowner's right to privacy? I believe our amendment answers that question. Without it, the bill clearly allows the State Fire Marshall an undue amount of authority to arbitrarily determine means of enforcement.

It is our belief that the refusal of the proponents to compromise on the language in this bill has been the reason for its defeat in the past. We would encourage them to support the suggested amendments that we feel will satisfy the questions of constitutionality and still provide the state with an effective way to implement this otherwise well-intentioned bill.

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 1997

SENATE BILL No. 323

By Committee on Federal and State Affairs

2-14

14 AN ACT concerning county clerks and election commissioners *state and*
15 *local election officers*; relating to qualifications for office; amending
16 K.S.A. 19-301 and 19-3419 and repealing the existing sections.

17 *Be it enacted by the Legislature of the State of Kansas.*

18 Section 1. K.S.A. 19-301 is hereby amended to read as follows: 19-
19 301. ~~Beginning with the general election in 1976;~~ (a) A county clerk shall
20 be elected in each county, for a term of four (4) years. Such county clerk
21 shall, before entering upon the duties of the office, shall execute and file
22 with the county treasurer a good and sufficient corporate surety bond,
23 conditioned on the faithful performance of the duties of the office. Such
24 bond shall be issued by a company authorized to do business in Kansas,
25 in an amount to be fixed by the county treasurer of not less than ten
26 thousand dollars (~~\$10,000~~) \$10,000.

27
28 (b) ~~No person holding the office of county clerk shall (1) hold any office~~ ✓
29 ~~or official position in [of] a political party or (2) serve as a chairperson~~ ✓
30 ~~or treasurer of a candidate's campaign for any city, county, state or na-~~
31 ~~tional office; nor shall such person be eligible for nomination to the office~~
32 ~~of county clerk.~~

33 [The provisions of this subsection shall not apply to a county
34 clerk who holds an office of a political party on the effective date
35 of this act, until the expiration of the current term of office of such
36 party for which such clerk was elected.]

37 The provisions of this subsection shall not apply to county clerks
38 in counties in which an election commissioner has been appointed
39 pursuant to K.S.A. 19-3419, and amendments thereto.

40 Sec. 2. K.S.A. 19-3419 is hereby amended to read as follows: 19-
41 3419. (a) In counties of this state having a population exceeding 130,000,
42 there shall be an office of commissioner of elections, which shall be ad-
43 ministered by an election commissioner. The election commissioner shall

The provisions of this subsection shall not be construed as prohibiting a county clerk from serving as the chairperson or treasurer of such person's own campaign for any city, county or state office.

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1 be appointed by the secretary of state and shall hold office for a term of
2 four years and until a successor is appointed and qualified.

3 *(b) No person holding the office of election commissioner shall ~~(1) hold~~
4 ~~any office or official position in [of] a political party or (2) serve as a~~
5 ~~chairperson or treasurer of a candidate's campaign for any city, county,~~
6 ~~state or national office. nor shall such person be eligible for nomination~~
7 ~~to the office of election commissioner.~~ The secretary of state may remove
8 the*

9 *[The provisions of this subsection shall not apply to a county
10 election commissioner who holds an office of a political party on
11 the effective date of this act, until the expiration of the current term
12 of office of such party for which such officer was elected.]*

13 *(c) The secretary of state may remove the* election commissioner
14 for official misconduct. Upon occurrence of a vacancy in the office of
15 county election commissioner, the secretary of state shall appoint a suc-
16 cessor. If the vacancy occurs before the expiration of a term of office, the
17 appointment shall be for the unexpired term. Such election commissioner
18 shall have been a qualified elector and a resident of the county at least
19 two years prior to appointment. Within 10 days after receiving official
20 notice of the appointment and before entering upon the duties of the
21 office, the election commissioner shall take, subscribe and cause to be
22 filed in the office of the secretary of state an oath of office for the faithful
23 discharge of official duties.

24 *New Sec. 3. No person holding the office of secretary of state
25 shall ~~(a) hold any office or official position in [of] a political party~~
26 ~~or (b) serve as a chairperson or treasurer of a candidate's campaign~~
27 ~~for any city, county, state or national office.~~*

28 *[The provisions of this subsection shall not apply to the secretary
29 of state if the secretary holds an office of a political party on the
30 effective date of this act, until the expiration of the current term of
31 office of such party for which the secretary was elected.]*

32 Sec. 3 4. K.S.A. 19-301 and 19-3419 are hereby repealed.

33 Sec. 4 5. This act shall take effect and be in force from and after
34 *January 1, 1998, and* its publication in the statute book.

The provisions of this subsection shall not be construed as prohibiting a county election officer from serving as the chairperson or treasurer of such person's own campaign for any city, county or state office.

The provisions of this section shall not be construed as prohibiting the secretary of state from serving as the chairperson or treasurer of such person's own campaign for any city, county or state office.



929 North St. Francis
Wichita, KS 67214-3882

Tel 316-268-5000

Via Christi
Regional Medical Center
St. Francis Campus

Written Testimony Presented in Support of House Bill 2488
By Janet M. Cusick, RN, Burn Specialist
Via Christi Regional Medical Center, Trauma/Burn Intensive Care Unit

March 5, 1997

Members of the Senate:

My name is Janet Cusick, a Registered Nurse and Burn Educator at the Trauma/Burn ICU at Via Christi Regional Medical Center in Wichita. Via Christi is home to one of two burn centers in Kansas who treat the most seriously burned people. I am also a burn survivor. Thank you for the opportunity to provide testimony on behalf of House Bill 2488, the "Smoke Detector Act".

My involvement with burn care and ultimately burn and fire prevention, survival and education began twenty-five years ago when I was burned in a car fire. Although my injury was not the result of a residential fire, I know first hand the pain and long term recovery necessary following a burn injury. I was one of the lucky ones, I recovered with only a few scars on my face and hands and minimal physical difficulties. Unfortunately, not everyone involved in a fire survives, or they may survive with serious disfigurement or physical and/or emotional disabilities.

The United States has one of the worst fire and burn problems of any industrialized nations. Almost all fires and burns are preventable. According to the National Fire Protection Association, in 1994 there were just less than a half-million residential fires that resulted in 3,500 civilian fire deaths, approximately 1,000 of these deaths are to children. Nationwide, someone died in a fire every 23 minutes. Residential fires accounted for over 20,000 civilian fire injuries, about one every 19-20 minutes. There is a residential fire every 70 seconds in the United States.

It has been well documented that smoke detectors save lives. Smoke detectors provide early warning enabling residents to evacuate the home and call for help. Smoke is a silent and deadly killer. Many people are killed by the smoke long before the fire reaches them. *Statistics show that your chances of dying in a residential fire are cut in half if you have a working smoke detector.* When a fire occurs, the fire consumes the oxygen. When the human body is not receiving enough oxygen, he or she is unable to think clearly, become less coordinated, and have difficulty controlling their muscles. In other words, without early warning, they are less likely to be able to help save themselves. Heat and smoke numb the senses. The heat of the fire, even before the flames reach the body, can cause unconsciousness in minutes. *Smoke detectors provide the warning to enable the person to take action before they lose control.*

The leading cause of home fires that kill children between the ages of 0 and 9 is children playing with fire. When children playing with matches or lighters cause a fire, they are often fearful of the fire itself or punishment and delay calling for help until it is too late. *Working smoke detectors alert the adults who are present to the fire situation and they are able to respond.*

Burns and fires effect all socio-economic classes and ages. The very young, older adults, and those individuals with any type of physical or mental disability are those who are least likely to escape a fire on their own and who are the most difficult to heal if they are burned.

I have been a burn nurse for almost twenty years in two separate regional burn centers. On a daily basis nurses like myself care for the infants and children, men and women who don't die at the scene. Numerous hours are spent with their families and friends helping them cope with the serious nature of the injury and possible impending death. We help people through the painful recovery process. We may help them to die with dignity and grace in the presence of families if the injuries are non-survivable.

I wish to share with you what happens when someone suffers a burn injury and survives, at least for a while. Have you ever visited a burn center? A visit makes a profound impression.

The average length of stay in the hospital following a burn injury is one day per percent of burn if there are no complications or associated injuries. That means that someone who sustains a 30% burn is in the hospital for over a month. It is not uncommon for someone to sustain a fatal injury, but take several weeks or even months to die.

Once the patient is admitted to the burn center, he or she almost always stay in the burn center until they are dismissed either to home, to a rehabilitation center or other facility. On a daily basis the burn wounds are cleansed. If you have ever been burned, you know how painful washing or showering even a small burn can be. It is vitally important that the wounds are kept clean since the leading cause of death, if they survive the fire, is infection.

Several times a day, Physical or Occupational Therapists visit the patient and assist them with their exercises. Patients are encouraged to be out of bed, walk in the halls, feed themselves and do as much as possible for themselves. The therapy, although extremely painful, is necessary for the person to maintain as much function and endurance as possible so if they survive and return home from the burn center they are able to care for themselves, return to work or school and return to the leisure activities they enjoy.

For a third degree burn to heal, a skin graft from the person's own body must be applied. Skin is harvested off an unburned or healed area and surgically grafted to the deep burn. Essentially, what we are doing is creating an injury similar to a second degree burn which is every bit as painful and slow to heal as if the area had been burned.

Once all the skin is healed, the recovery process is far from over. Burned areas, and areas where skin has been harvested, tend to scar. Scarring is almost always permanent to varying degrees. Scarring is not only disfiguring, but can impair function and return to normal activity. Pressure garments, worn for up to two years, help to minimize the scarring, but are uncomfortable, expensive and very noticeable. Many people withdraw from social interaction due to the garments and scarring. Society can be very cruel and unaccepting for those whose appearance is "different" which makes reintegration into society difficult for many.

Physical, Occupational and Vocational Rehabilitation may be necessary for months or even years. Re-admissions to the hospital may be required for scar revisions or reconstructive or plastic surgeries. Some people are never capable of returning to work.

It is well documented that smoke detectors save lives. Smoke detectors provide early warning giving occupants a chance to evacuate the home, decrease the chance for serious injury, and call for help. In my 20 years as a burn nurse I have heard repeated stories from individuals and families who are seen with very minor injuries because the smoke detectors woke them from sleep and they were able to escape before they were seriously injured or killed by the smoke or fire.

Smoke detectors also provide a warning if a person catches their clothes on fire. I would like to share with you a story of an 11 year girl who caught her long nightgown on fire and panicked instead of stop, drop and rolling. Fortunately for her, the smoke detector activated, alerting her mother who was able to extinguish the flames. This young girl suffered a 27% burn, was in the hospital for 24 days, but is alive today because of the smoke detector.

I have written about the physical and emotional impact of fires and burns. *Let's talk briefly of the financial consequences of these injuries. Burn therapy involves very intensive, expensive and long term care.* The cost of a critical room in a burn center can be over \$2000.00 per day. This does not include physician care, lab tests, X-rays, medications or surgical procedures. Obviously this can be financially devastating to a family. Many of the patients we see rely on public funds such as Medicare or Medicaid. It is not uncommon for total hospital bills to exceed several hundred thousand dollars. Patients who suffer permanent disabilities following a burn injury may be unable to return to work and become dependent on Worker's Compensation, Social Security and other public funds for all living expenses.

Installing and maintaining smoke detectors in every home can decrease the number of patients seen in burn centers and community hospitals every year. I would gladly put burn centers out of business for lack of patients if that were possible. Smoke detectors, combined with good fire prevention education and fire escape plans save lives.

The smoke detector issue is a multifaceted one. Many of you have children or grandchildren or older parents who are still living alone. Young children and older adults are those most likely to die or suffer serious injuries in residential fires. Smoke detectors are an inexpensive way to increase the chances of survival in residential fires. Via Christi Regional Medical Center-St. Francis Campus feels strongly enough about this safety issue that we provide a free smoke detector to the family of every new baby born at our facility and all children who have been admitted to the burn center.

Recently I read a report from the Wichita Fire Department that demonstrated the effectiveness of bills such as House Bill 2488. Before the smoke detector ordinance was passed in Wichita, between 15 and 20 people died in residential fires in Wichita. In 1995, there were only 4 fire fatalities in Wichita. Laws like these do work to save lives.

If this act passes, the fire service, burn centers, media and other organizations need to be involved in an active campaign of public awareness. Many of the individuals at highest risk for fire and fire injuries (infants and children, the elderly, and people with any type of physical or emotional impairment) may already be receiving services such as Social Services or home health care. There are many programs in the state that will provide free smoke detectors and assistance with installation for low income families. The home health or Social Service agencies can act as resources for obtaining smoke detectors for those who can not afford them

The enactment and enforcement of the smoke detector act has the potential to save a substantial number of lives and prevent injuries in Kansas and save the tax payers large sums of money which is now being spent on expensive treatment of preventable burn injuries.

If you have been burned, please share that experience with your colleagues. Having experienced a burn, I can say with all honesty, I would not want this preventable injury from happening to my worst enemy. Although I am a survivor and able to lead a normal life, not everybody is so fortunate.

Fire prevention and survival are taught to our children starting at a very early age. But adults are the ones responsible for providing the means to make the homes safer through such methods as purchasing and installing smoke detectors. I hope we can all work together to save citizens of Kansas from this preventable injury and death. Please support House Bill 2488.

Thank you.



Janet M. Cusick, RN



March 19, 1997

Committee Member
House Committee on Governmental
Organization & Election
Kansas State Legislature
300 SW 10th Avenue
Topeka, KS 66612-1504

Dear Committee Member:

On behalf of the National SAFE KIDS Campaign and our Chairman C. Everett Koop M.D., I would like to express our strong support for the smoke detector use bill now pending before your Committee and the Kansas State Legislature. We know that 9 out of 10 children who die in a home fire do not have working smoke detectors. The chances of dying in a residential fire are cut in half when a working smoke detector is present. This potential legislation would require smoke detectors in all residential homes in Kansas thus reducing the tragic incidence of fire-related injuries and deaths in the state. We urge you to support this important safety legislation.

As you may know, Kansas is one of only 9 states that still lacks comprehensive smoke detector use legislation. Certainly, this glaring omission is contributing to the number of deaths and injuries associated with residential fire. Each year, U.S. fire departments respond to more than 2 million fires, or one every 15 seconds. In fact, fires and burns are the third leading cause of unintentional injury related deaths among children ages 14 and under. Each year, more than 960 children ages 14 and under die in residential fires. Additionally, each year, 44,000 children are injured in residential fires.

This pending legislation, if passed, will not only save lives, but will also save money. Fires and burn cost society approximately \$7.5 billion per year in lifetime societal losses. Injury prevention experts, however, have found that one dollar spent on a smoke detector saves an additional \$55 to \$75 in total costs to society. The smoke detector use legislation makes sound financial sense.

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1301 Pennsylvania Avenue, N.W.
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(202) 662-0600
(202) 393-2072 Fax

Chairman

C. Everett Koop, M.D.

President

Martin R. Eichelberger, M.D.

Executive Director

Heather Paul, Ph.D.



With your support, we can provide a safer and healthier environment for all children in Kansas. If I can be of any assistance or answer any questions, please do not hesitate to contact me at 202-662-0600.

Thank you in advance for your consideration.

Sincerely,



Heather Paul, Ph.D.
Executive Director

cc. Jan Stegelman
Kansas SAFE KIDS Coalition

The National SAFE KIDS Campaign is the first and only national organization solely dedicated to the prevention of unintentional childhood injury: the number one killer of children ages 14 and under. Through nearly 200 State and Local Coalitions, including 3 in the State of Kansas, our Campaign is working to raise awareness of unintentional injury prevention and to make childhood injury a public policy and education priority.

IN TESTIMONY BEFORE MY DEAR HONORABLE REPRESENTATIVES OF THE
HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

I qualify this testimony as a Citizen of the Great State of Kansas, who travels and visits many Friends and Relatives within our state...and resides with these Friends and Relatives during overnight visits...in their single family homes and habitual spaces...which may or may not have a smoke detector. and...who has a son, a daughter-in-law, and a six (6) year old Grandson who travel the Great State of Kansas and resides overnight with Friends and Relatives who may or may not have a smoke detector...My Family and Friends who attend the various Universities of the Great State of Kansas and reside in single family housing which may or may not have smoke detectors (early warning systems). and...finally a Public Servant who has endured for Thirty (30) years, the insult of the lack of early warning systems, (smoke detectors) which could have alerted the occupants to the presence of deadly gas in their environment...in which I have had to investigate the aftermath of this lack of Early Warning Protection...and to have had the privilege of serving as the Fire Marshal for the Great City of Salina, Kansas, and having administered the Fire Code and the Smoke Detector Code for the City of Salina, Kansas since adoption in 1989, which has been one of the most valuable tools against death and destruction of property in Salina, Kansas...asks this Great Body of Decision Makers for the Great State of Kansas, to give approval of the House Bill 2488, and an opportunity for Safety and Survival of Deadly Gases of Fire related incidents.

I feel as you do...that everyone has the right to know when a deadly presence is threatening their life, yours or mine...a properly installed and maintained smoke alarm will increase the opportunity of someone surviving the deadly gases of a fire by one half, according to Kansas Get Alarmed Fact Sheet for Kansas Fire Death and Injuries evaluation. and...my personal experiences in attending to hundreds of fire related incidents in my thirty one (31) year career in the Georgia and Kansas Fire Service and as a Student of the National Fire Academy in which my Career has been mentored by some of the finest Educators in the field of Fire Science in the United States and Foreign...thru this testimony would echo these valuable lessons learned when we do not mandate this very inexpensive tool to give persons the right to know.

Research has revealed...Kansas ranked 12th of 41 reporting states in 1994 for deaths per 1K residential structure fires.

Kansas ranked 11th in injuries per 1K residential structure fires.

Seventy-three (73) children age 0-14 years of age have died in Kansas fires 1990-1996.

51% of the children who died in fires are 0-4 yrs of age. Fire is the 3rd leading cause of unintentional injury of Kansas children 1-4 years.

Nationally 90% of child fire deaths occur in homes without working smoke detectors.

Residential fire deaths in Kansas...1990-1995...86.75% occurred in homes without working smoke detectors.

In less than 4 out of 10 homes that had fires in Kansas, there were no smoke detectors.

However, when asked...Kansans are saying...oh yes, 9 out of ten...we have working smoke detectors in our homes...

The Installation of smoke detectors and their need for only periodic maintenance makes this tool one of the most effective inventions available in the prevention of life loss from the deadly gases of fires. Author of the aforementioned, of which I serve as a member, Kansas Safe Kids Coalition, Inc. ...and...I remain most respectfully yours in Service and Protection...Jerry M. Scott.

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Attachment 10
3.24.97

An American
Academy of
Pediatrics



Kansas Chapter

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March 21, 1997

To: Committee Members and Staff

I would like to offer my support for HB 2488, The Smoke Detector Act of 1997. Safety issues concerning the children of Kansas are paramount to me in my role as a private pediatrician and President of the Kansas Chapter of the AAP. Fire is the third leading cause of accidental injuries for 1 to 4 year olds in the state of Kansas. In the years 1991 to 1995, sixty-seven children have died in fires in our state. Burn injuries cause life long suffering and disfigurement frequently requiring reconstructive surgeries. The question is how can we reduce these tragic deaths and injuries?

Smoke detectors offer an answer. Statistics show that the chance of dying in a fire is cut in half when a working smoke detector is present. National data indicates 90% of child deaths due to fire occurred in homes without a working smoke detector.

Most states have realized the importance of smoke detector laws. Kansas is one of only nine states that does not have some type of smoke detector legislation.

Finally, if any of you doubt the need for this bill to become law, I ask that you go to a burn unit in our state and see the pain and suffering that our children go through as a result of burn injuries.

Thank you for your time in this matter.

Sincerely,

Handwritten signature of Dennis M. Cooley in cursive.

Dennis M. Cooley, M.D., F.A.A.P.

DMC/bjc

House GO and E
Attachment II
3.24.97