

Approved: 3.16.98
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 11, 1998, in Room 527-S of the Capitol.

All members were present except: Representative Ray Cox, Excused
Representative Deena Horst, Excused
Representative David Haley, Excused

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: Mr. Pat Lehman, Kansas Fire Service Alliance
Mr. David M. Sterbenz, President of Kansas State Firefighters Association
Ms. Linda DeCoursey, Kansas SAFE KIDS Coalition
Mr. Don Moler, General Counsel, League of Kansas Municipalities
Mr. Ronald D. Blackwell, Fire Marshal of Wichita, Kansas
Chief Horace "Buck" Hartley, Kansas Association of Fire Chiefs
Mr. Dennis Nowatzke, Fire Education Association of Kansas
Richard Gist, Ph.D., Director of Social Sciences and Social Services, Johnson County Community College
Ms. Martha Neu Smith, Executive Director of Kansas Manufactured Housing Association (KMHA)
Mr. Patrick DeLapp, Shawnee County Landlords Association
Ms. Laurie A. Hartman, Executive Director, State Child Death Review Board (Written only)

Others attending: See attached list

Representative Powers made a motion to approve the minutes of February 20, 1998, February 23, 1998, and February 24, 1998, and Representative Wilk seconded. Motion passed.

Chairman Glasscock opened the Public Hearing for **SB 561**.

SB 561 - An act concerning certain structures; relating to smoke detectors

Chairman Glasscock welcomed Mr. Pat Lehman, representing the Kansas Fire Service Alliance, who presented testimony in support of **SB 561**. Mr. Lehman mentioned that the Alliance considers the main strength of the smoke detector bill to be that it increases awareness and therefore, does save lives. He cited the following three designated times when enforcement of this law would be allowed: first, prior to the issuance of an occupancy or building permit; secondly, responding to a report of a fire in a dwelling unit, except in cases of a false alarm; and thirdly, conducting a home safety inspection at the request of the owner or occupant. (Attachment 1.)

The Chair recognized Mr. David M. Sterbenz, President of Kansas State Firefighters Association, who spoke as a strong proponent for **SB 561**. He pointed out that the fires of today are almost twice as hot and can grow three times as fast as fires did 20 to 30 years ago. He also said that with the toxic vapors produced by such fires, people need as much warning as is possible, and that the early warning of a smoke detector can save lives and property. (Attachment 2.)

Chairman Glasscock welcomed Ms. Linda DeCoursey who presented favorable testimony written by her and Jim Keating, both representing Kansas SAFE KIDS Coalition. Their testimony stated that Kansas ranked 5th in 1995 for fire deaths and 11th for fire related injuries. Ms. DeCoursey said that their 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. She also said that smoke detectors are made available to communities through the Kansas SAFE KIDS Coalition for \$5.00. (Attachment 3.)

The Chair recognized Mr. Don Moler, General Counsel, League of Kansas Municipalities, who presented testimony in support of **SB 561**. Mr. Moler said that this necessary piece of legislation requires that all housing currently in place in Kansas be equipped with a working smoke detector. He said it also requires all

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 527-S Statehouse, at 9:00 a.m. on March 11, 1998.

new construction as of January 1, 1999, to have a smoke detector wired into the structure's electrical system. (Attachment 4.)

Chairman Glasscock welcomed Mr. Ronald D. Blackwell, Fire Marshal of Wichita, Kansas, who spoke as a proponent of SB 561. Fire Marshal Blackwell stated that Kansas is one of a very few states without a statewide requirement for smoke detectors in residential property. He said that this legislation should be supported because it is right and not just because Kansas' fire fatality rate has been compared unfavorably with California and New York which both have significantly larger populations. (Attachment 5.)

The Chair recognized Chief Horace "Buck" Hartley who spoke on behalf of the Kansas State Association of Fire Chiefs in support of SB 561. Chief Hartley informed the Committee that Kansas is ranked as having some of the highest death and injury rates resulting from fires, and that dwelling fires account for approximately 25% of all fires in the United States. He also said that nearly 75% of all homes in Kansas have smoke detectors, but nearly one-third are inoperative due to lack of maintenance. (Attachment 6.)

Chairman Glasscock welcomed Mr. Dennis Nowatzke, Fire Education Association of Kansas, who spoke as a proponent for SB 561. Mr. Nowatzke said that in 1995, Kansas had the 5th highest residential fire death rate in the U.S. For this reason alone, he urged the Committee to consider joining the other 43 states that have a state-wide smoke detector law. (Attachment 7.)

The Chair recognized Dr. Richard Gist, Director of Social Sciences and Social Services at Johnson County Community College, who spoke in favor of SB 561. Dr. Gist said that in his opinion very few matters in community safety are quite so simple or quite so compelling as smoke detector legislation. He recounted the facts in a true story about a mother and two children who lost their lives in an arson fire in a home without a working smoke detector. (Attachment 8.)

Chairman Glasscock recognized Ms. Martha Neu Smith, Executive Director of Kansas Manufactured Housing Association (KMHA), who spoke as a proponent of SB 561. She stressed that while the federal law requires manufacturers to install smoke detectors, the federal law does not address the homeowner's responsibility to maintain the smoke detectors in working condition. She presented an amendment which makes only a technical change which clarifies that after the sale of a new manufactured home, the homeowner and any subsequent homeowners be required to maintain the smoke detector in working condition. (Attachment 9.)

The Chair recognized Mr. Patrick DeLapp, Shawnee County Landlords Association, who supported SB 561. Mr. DeLapp suggested a minor change where it says "uppermost of staircase," to say "appropriate locations." He justified this because he said that it is possible to have dead air space where if a fire did occur, the alarm would never sound because the smoke never reached the uncirculated air in this area. (Attachment 10.)

Representative Wilk inquired if one of the Fire Chiefs in attendance would like to comment on Mr. DeLapp's suggestion. The consensus was that the Chiefs would have no problem with this working change.

Representative Huff asked if this legislation would require a smoke detector on each level of a five level home. The answer was that every living area would need a detector, but if separated by less than half a story, that level would not.

Representative Powers asked Dr. Gist if there were any statistics on what causes most fires, such as careless handling of cooking materials, smoking, or malfunction. Dr. Gist said that he did not have accurate information with him on these statistics.

Representative Wilk inquired about which was most effective, smoke detectors or heat detectors. The answer was a working smoke detector near sleeping quarters provides more safety than a heat detector.

The Chair called the Committee's attention to the written testimony of Laurie A. Hartman, Executive Director, State Child Death Review Board, which was also written on behalf of the Attorney General's Office. This testimony supports SB 561. (Attachment 11.)

Chairman Glasscock closed the Public Hearing on SB 561.

The Chair announced that the Committee would be hearing HB 3000 at the next meeting. The meeting adjourned at 9:40 a.m.

The next meeting is scheduled for March 12, 1998.

GOVERNMENTAL ORGANIZATION & ELECTIONS
COMMITTEE GUEST LIST

DATE: WEDNESDAY, MARCH 11, 1998

NAME	REPRESENTING
Ronald D Blackwell	Wichita Fire Dept
LARRY GARCIA, Fire Chief	Wichita Fire Dept.

This sheet
did not make
it around the
room today
because it got
placed high on
a filing cabinet.



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BEFORE THE HOUSE GOVERNMENTAL ORGANIZATION AND ELECTION COMMITTEE
March 11, 1998

SB 561 - Mandatory Smoke Detectors

Testimony from the Kansas Fire Service Alliance
Presented by Pat Lehman, Lobbyist

I want to thank the committee for allowing us the opportunity to testify on SB 561.

The Kansas Fire Service Alliance is made up of the Kansas Professional Fire Chiefs, The Kansas Association of Fire Chiefs, and the Kansas State Firefighters Association. As a group, we strongly support the adoption of SB 561.

Children are the most at-risk of death and injury in house fires. In fact fire is the third leading cause of unintentional death and injury for Kansas children. This statistic could be greatly reduced if smoke detectors were required in all dwellings.

The Alliance considers the main strength of this smoke detector bill to be that it increases awareness and therefore the safety of the citizens and the firefighters of Kansas. Smoke detectors clearly do save lives. The issue of a government mandate requiring smoke detectors is a valid concern and we acknowledge that. But when the safety of citizens, and particularly when the safety of children is involved, we believe that it is appropriate for government to put measures in place to reduce the chances of injury and death.

Let me address the enforcement part of the bill. There are three designated times when enforcement of this law will be allowed: (1) Prior to the issuance of an occupancy permit or building permit. (2) Responding to a report of a fire in a dwelling unit, except in cases of a false alarm. (3) Conducting, at the request of the owner or occupant, a home safety inspection. It does NOT allow for an official to knock on your door and enter to inspect and cite for lack of a smoke detector.

The passage of this bill will go a long way toward helping the fire departments throughout the state in educating the people of Kansas as to the need of a smoke detector.

Thank you for allowing us to speak on behalf of SB 561 and we urge your support.

House GO and E
3.11.98
Attachment 1



Kansas State Firefighters' Association Inc.

Organized August 13, 1887

To: Governmental Organization and Elections Committee
Representative Kent Glasscock, Chairperson

Dear Representative Glasscock;

I am writing this letter of support for Senate Bill #561 because of my concern for the safety of the Kansas family. I know that smoke detectors save lives.

I will not site all of the statistics that I am sure others will cover but would like you to consider the following facts instead. The fires today are different from the past. The fires that we encounter today will grow three times as fast, and almost twice as hot as a fire did 20 to 30 years ago. In addition, these fires produce toxic vapors in such quantities that we all need as much warning as is possible. With reduced manning, and the response times, the early warning of a "Smoke Detector can do nothing but save lives and property. Also, consider that minimum staffing that we are supposed to have on the fire ground with the two in two out rules of OSHA and the NFPA.

The Kansas State Firefighters Association represents over 375 fire departments and 15,000 firefighters from Metro to Rural Kansas. We need smoke detectors as much as we need other safety rules like speed limits. Not everyone is in favor of more Rules, but if it saves just one life, as I am confident it will, this would be worth it.

Sincerely,

David M. Sterbenz
President
Kansas State Firefighters Association



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Dennis Cooley, MD
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Horace Hartley
Kansas State
Association of Fire Chiefs

Linda J. DeCoursey
Kansas Insurance
Department

Anne L. Humphrey
Kansas Hospital
Association

Darlene Whitlock
Kansas Emergency
Nurses Association

Darrel Lang
Kansas State Department
of Education

Del Meier
Salina Chapter,
Kansas SAFE KIDS
Coalition

Linda DeCoursey and Jim Keating
House Governmental Organization and Elections Committee
SB 561
March 11, 1998

We are Linda DeCoursey, Chair of the Executive Committee for the Kansas SAFE KIDS Coalition and Jim Keating, Public Policy Chair for the Kansas SAFE KIDS Coalition. We are pleased to present testimony in support of Senate Bill 561 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 State Fire Marshal's Office, seventy-three children age 0-14 have died in Kansas fires in the last six 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 they represent a substantial portion of our state's population.

Kansas ranked 5th in 1995 for fire-deaths and 11th for fire related injuries. Within our state, residents of almost 9 out of 10 homes report having a working smoke detector. However, in 1996, 8 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 dwellings and two-family residences each year in Kansas. Despite this fact, Kansas remains one of only seven 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 has served as the advisory council for the Kansas Fire Injury Prevention Project since 1995. Through this program the Kansas SAFE KIDS Coalition provided over 5,000 smoke detectors in the last twelve months at no cost to the recipients. These smoke detectors were provided to Kansans through numerous local partners in education, the fire service and public health organizations. Two weeks ago, one of our smoke detectors was credited with allowing a 78-year-old grandmother to escape her home when it caught fire. The woman's home was a total loss, but her life was saved.

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.



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Attachment 3

Kansas SAFE KIDS Coalition
Testimony on SB 561
House Governmental Organization and Elections Committee
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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.



**League
of Kansas
Municipalities**

LEGAL DEPARTMENT · 300 S.W. 8TH TOPEKA, KS 66603 · TELEPHONE (785) 354-9565 · FAX (785) 354-4186

LEGISLATIVE TESTIMONY

TO: House Governmental Organizational and Elections Committee
FROM: Don Moler, General Counsel
RE: Support for SB 561 - Smoke Detector Act
DATE: March 11, 1998

First let me thank the Committee for allowing the League to testify today in support of SB 561. We believe this is a necessary piece of legislation which helps to protect the citizens of Kansas both inside and outside of cities from potential fire hazards. This bill requires that every dwelling 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 places the responsibility on the owner of the structure to supply and install all required smoke detectors with the owner responsible to test and maintain them except in rental units where the tenant will be responsible after taking possession of the unit.

Essentially this legislation requires that all housing currently in place in Kansas be equipped with a working smoke detector as well as requiring all new construction, as of January 1, 1999, to have a smoke detector wired into the structure's electrical system. We believe this is a positive step in the direction of fire safety in Kansas and would urge the committee to favorably report SB 561.

Thank you very much for allowing the League to testify on SB 561.

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3.11.98
Attachment 4

SMOKE DETECTOR LEGISLATION

For

KANSAS

Senate Bill No. 561

Proponent Testimony Submitted to

THE HOUSE GOVERNMENTAL ORGANIZATION &
ELECTIONS COMMITTEE

Representative Kent Glasscock, Chairman

By

Ronald D. Blackwell
Fire Marshal
Wichita, Kansas

March 11, 1998

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Attachment 5

Governmental Organization & Elections Committee
Smoke Detector Legislation for Kansas
Ronald D. Blackwell
- Page 1 -

Representative Glasscock, members of the committee, I am Ron Blackwell, Fire Marshal for the City of Wichita. For several years I have listened to testimony and debate on this important issue. During that time my thoughts and feelings have not changed, a smoke detector law for all of Kansas will have a significant positive impact of the number of fire fatalities in our State. I offer my testimony in support of legislation I believe of life-saving importance to people throughout the State of Kansas, Senate Bill 561.

Smoke detectors and smoke detector laws have been in existence for some time now. The City of Wichita in 1982, adopted an ordinance providing for the installation and maintenance of these life saving devices. During the 16 years as a local ordinance our states largest city has recorded an average of only 4 residential fire fatalities annually, a truly remarkable accomplishment. Prior to adoption of a smoke detector ordinance we experienced an average 12 fire fatalities every year. This decrease in fire death would likely be less. However, some of the deaths occurred in households with poorly maintained or non-working smoke detectors. Especially tragic are the number of children and elderly adults who died in residential fires with no warning. I offer as an example the February 17, 1998, double fatality house fire in Wichita where a 75 year old male and his 71 year old sister perished in a home without a working smoke detector.

Several groups have studied residential fire deaths, 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 residential fire, this one precaution could have a significant impact. In fact, smoke detectors cut the risk of dying if a home fire occurs by 40 - 50%.

The greatest number of fatal home fires in Wichita and indeed in Kansas 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 smoke detectors, *U.S. Experience with Smoke Detectors and other Fire Detectors*, 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. This information is consistent with our experience in Wichita and across Kansas. 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, this increases slowly with age. 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.

Nationally, the residential fire problem accounts for three-quarters of the total fire deaths and two-thirds of the injuries to civilians. Firefighters in Kansas have lost their lives at house fires. Fifteen Wichita firefighters have died in the line of duty; 7 of them at or responding to house fires. It also accounts for more firefighter injuries than those sustained at any other occupancy.

Households that have reported fires appear much less likely to have smoke 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 you may know, Kansas is one of very few states without a statewide requirement for smoke detectors in residential property. 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 you should not be persuaded by comparisons with other places but support this legislation because it is right.

As Chief Fire Prevention Officer for our state's largest City, a member of the fire service for more than twenty years and a concerned Kansan, I urge your support of Senate Bill #561. Your support of this legislation will help reduce the number of fire deaths recorded in Kansas.



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TESTIMONY OF THE KANSAS STATE ASSOC. OF FIRE CHIEFS MARCH 11, 1998 SENATE BILL 561 GOVERNMENTAL ORGANIZATION & ELECTIONS COMMITTEE

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 Senate Bill 561 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 not have a statewide smoke detector law. Kansas is ranked as having some of the highest death and injuries rates 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



FIRE EDUCATION ASSOCIATION OF KANSAS

Fire Education Association of Kansas
Testimony in Support of Senate Bill #561

On behalf of the Fire Education Association of Kansas I would like to express our support for Senate Bill #561.

As educators and promoters of fire and life safety issues in the State of Kansas, we see the impact that fire has on residents of Kansas. We witness daily how these fires and needless injuries and deaths could have been prevented. Countless times we have had a fire injury or death in our jurisdictions and realize the importance of smoke detectors in peoples homes.

In Kansas each year, 8 out of 10 fire deaths occur in single family dwellings. Most of these deaths are the result of the lack of a working smoke detector in the home with many of the victims being children.

In 1995, Kansas had the 5th highest residential fire death rate in the United States. Kansas is one of a handful of states that have yet to adopt a statewide smoke detector law which is most likely the reason for our high fire death rate.

Please consider joining the 43 other states that have state wide smoke detector legislation which will ultimately save many, many lives.

Thank you for considering this bill.

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Attachment 7

SENATE BILL No. 561

Residential Smoke Detectors

Richard Gist, Ph.D.
*Director, Social Sciences and Social Services
Johnson County Community College*

*Consulting Community Psychologist
Kansas City, Missouri Fire Department*

Very, very few matters in community safety are quite so simple or quite so compelling as this: ***SMOKE DETECTORS SAVE LIVES!*** A working smoke detector in a residence is the first, most critical, simplest, and least expensive link in home fire survival—it is also the most neglected. The results are nothing less than profoundly tragic.

It has been my unfortunate duty four times in the past 90 days to notify fathers and grandparents of the deaths of their entire families—mother and all children in each case—in late night residential fires. The individual stories differ here and there, but the most compelling factor in 75% of the more than 135 fire deaths I have dealt with in my career is how often the simple presence of a working smoke detector would have made the difference between an easy escape and a tragic death.

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Attachment 8

One of the most recent involved a Topeka family visiting in northeast Kansas City for the birthday of a sister and aunt. In the very early hours of the morning, a smoldering fire in a mattress on a downstairs floor, probably ignited by the embers of a carelessly handled cigarette, reached sufficient temperature to once again fuel full ignition. As these fire consistently do, it began to generate a superheated column of air that raised the temperature of every surface it contacted until, suddenly and fiercely, the entire dwelling on the first floor burst into flame. Heat, smoke, and toxic gasses rushed up the stairway to fill the sleeping spaces upstairs while fire, dense smoke, and temperatures in excess of 1000 degrees Fahrenheit blocked any possibility of exit by the stairs. By the time that heat and commotion awoke the two sisters and their four children sleeping in two bedrooms above, there was no air left to breathe and no hope of finding an alternative exit. One after another, firefighters carried their lifeless bodies to the yard.

Their grandfather saw the fire on the morning news as he prepared breakfast for himself and his wife. With a knot in his gut and a fear in his heart that only the damned could begin to comprehend, he called Fire Dispatch and was patched to me in the Command Vehicle. He slowly described the circumstances that led him to believe that his daughters and grandchildren might be the victims he had heard described; I left immediately

to drive to his home, confirm his worst fears, and begin a long, painful, and arduous process of helping these people who were looking forward to a better Christmas than they had enjoyed in many years prepare instead for the most bitter tragedy any parent or grandparent could imagine.

The saddest element of all is that it could so easily have been prevented. A working smoke detector would have alerted them before the flames erupted, before visibility was lost, before there was no air left to breathe. An inexpensive battery in a inexpensive device would have saved seven people, four of them children, from an untimely and unthinkable death. Indeed, like most fire departments in our region, our personnel would have come to the home, installed a free detector, placed in it a fresh battery, and sent them a reminder card in six months to change the battery and check the device—all just for the asking. Instead, we wept with them for a loss no heart can bear to fully comprehend.

Is this just tragic hyperbole? Within the week, a young girl led her family to safety when the smoke alarm sounded in her home—her father had replaced its battery two days before after hearing a news story about the fatal fire where the detector could have made the difference.

I have seen this too many times now for the middle-aged father of two preschool children to endure. After the fire I just described, we set out to ensure that no family would overlook this simple element of their safety. We have installed more than 4,000 of these devices in the past six weeks; we have engaged the cooperation of police and ambulance crews to ensure that any visit to a citizen's home—whatever the reason for the call—will include a check of the smoke detector and the installation of a new one where required. We have worked with schools and media to promote safety messages and to emphasize the importance. But tonight again I will stand in a candlelight vigil for a mother and two children who perished in an arson fire—in a home without a working detector.

I could recite for you statistics and anecdotes to make us all shake our heads; I could spin tales—all tragically true—to make you angry or make you weep. I could appeal to your humanity as parents, as neighbors, as people invested in the communities you serve. I appeal instead to the simple aphorism with which I opened, proven again and again and again and again—
SMOKE DETECTORS SAVE LIVES!

We ask today that you recognize this with a simple piece of legislation that says that every home must have this ten dollar device operating within its walls. This is no profound burden—as I said, many fire departments have

programs to give them away free and will leap to the request to install them. It can be, it has been shown, the silent sentry that saves your own life, that of your children, or that of your friends. The alternative is a sorry one: No person should ever have to bury his or her family for want of a ninety-eight cent battery in a ten dollar device.

The bill before you says that these things matter—that they matter enough to make them a small but codified priority of our commonwealth. There is no draconian issue of government intrusion here; no burdensome mandate to install expensive technology of questionable efficacy to offset a marginal risk. This says that a simple, inexpensive, and reliable device to protect the lives of those we serve will be a part of what we expect a safe home to hold. Where can objection lie?

The only good day in this service is the day our pumps sit idle, the day where we are an assurance that isn't needed for a threat that does not materialize. We are working hard with this initiative to put our practice in peril, and we pray for each day that our service goes unused. We are never idle, though, because our truest calling is keeping your family safe from the very things that led to our existence. Help us with this quest.



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**TESTIMONY
BEFORE THE
HOUSE COMMITTEE
ON
GOVERNMENTAL ORGANIZATION AND ELECTIONS**

TO: Representative Kent Glasscock, Chairman
and Members of the Committee

FROM: Martha Neu Smith
Executive Director

DATE: March 11, 1998

RE: SB 561 - Smoke Detector Act

Mr. Chairman and Members of the Committee, my name is Martha Neu Smith and I am the executive director for the Kansas Manufactured Housing Association (KMHA). KMHA is a statewide trade association representing all facets of the manufactured housing industry.

The manufactured housing industry has been required by **federal preemptive law** to hardwire smoke detectors in all of their homes since 1976. While the federal law requires manufacturers to install smoke detectors, the federal law does not address the homeowner's responsibility to maintain the smoke detector(s) in working condition.

I would like to propose that the attached amendment to SB 561 be adopted. The amendment clarifies that after the sale of a new manufactured home, the **homeowner** and subsequent **homeowners** will be required to maintain the smoke detector(s) in working condition. This amendment makes only a technical change and does not change the intent or mission of the bill which is fire safety for all.

Thank you for the opportunity to comment, and I would be happy to try to answer any questions.

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Attachment 9

SENATE BILL No. 561

By Committee on Elections and Local Government

2-2

10 AN ACT concerning buildings; creating a crime of failure to place or
11 maintain a smoke detector.

12 AN ACT concerning certain structures; relating to smoke detectors.

13

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

15 Section 1. Sections 1 through 5 of this act shall be known and may
16 be cited as the smoke detector act.

17 Sec. 2. When used in the this act:

18 (a) "Dwelling unit" means a single-family residence, multiple-family
19 residence and each living unit in a mixed-use building, ~~except that such~~
20 ~~term does not include any structure which is subject to the federal man-~~
21 ~~ufactured home construction and safety standards established pursuant~~
22 ~~to 42 U.S.C. §5403.~~

23 (b) "Smoke detector" means a device or combination of devices
24 which operate from a power supply in the dwelling unit or at the point
25 of installation for the purpose of detecting visible or invisible particles of
26 combustion. Such term shall include smoke detectors approved or listed
27 for the purpose for which they are intended by an approved independent
28 testing laboratory.

29 Sec. 3. (a) Every single-family residence shall have at least one smoke
30 detector on every story of the dwelling unit.

31 (b) Every structure which:

32 (1) Contains more than one dwelling unit; or

33 (2) contains at least one dwelling unit and is a mixed-use structure,
34 shall contain at least one smoke detector at the uppermost ceiling of each
35 interior stairwell and on every story in each dwelling unit.

36 (c) ~~It shall be the responsibility of the owner of a structure to supply~~
37 ~~and install all required smoke detectors. The owners shall be responsible~~
38 ~~for testing and maintaining all smoke detectors; except inside rental units;~~
39 ~~the tenant shall be responsible for testing and maintaining all smoke de-~~
40 ~~ectors after taking possession of the dwelling unit.~~

41 (c) *The owner of a structure shall supply and install all required*
42 *smoke detectors. The owner of a structure shall test and maintain*
43 *all smoke detectors, except inside rental units, the occupant shall*

1 **test and maintain all smoke detectors after taking possession of the**
2 **dwelling unit.**

3 (d) The smoke detectors required in dwelling units in existence on
4 January 1, 1999, may either be battery-powered or wired into the struc-
5 ture's electrical **power line system**, and need not be interconnected. The
6 smoke detectors required in dwelling units constructed after January 1,
7 1999, shall be wired permanently into the structure's electrical **power line**
8 **system.**

9 (e) Except for any inspection conducted prior to the issuance of an
10 occupancy permit, officials responsible for the enforcement of the smoke
11 detector act shall not enter a dwelling unit solely for the purpose of de-
12 termining compliance with the provisions of the smoke detector act.

(e) For purposes of this act, manufactured homes as defined in K.S.A. 58-4202, and amendments thereto, shall be subject to the federal, manufactured home construction and safety standards established pursuant to 42 U.S.C. § 5403 in lieu of the standards set forth herein. Owners and occupants of such manufactured homes shall be subject to the testing and maintenance standards for smoke detectors required under this act.

(f) ~~13 (e) Officials responsible for the enforcement of the smoke de-~~
14 ~~tor act shall not enter a dwelling unit solely for the purpose of~~
15 ~~determining compliance with the provisions of the smoke detector~~
16 ~~act except when:~~

17 (1) **Conducting an inspection prior to the issuance of an occu-**
18 **pancy permit or building permit;**

19 (2) **responding to a report of a fire in a dwelling unit, except in**
20 **cases of a false alarm; or**

21 (3) **conducting, at the request of the owner or occupant, a home**
22 **safety inspection.**

(g) ~~23 (f) Evidence of the failure of any property owner to provide an op-~~
24 ~~erational smoke detector in a residence as required by this section shall~~
25 ~~not be admissible in any action for the purpose of determining any aspect~~
26 ~~of damages **civil liability.**~~

27 Evidence of the failure of any occupant to properly maintain a smoke
28 detector as required by this section shall not be admissible in any action
29 for the purpose of determining any aspect of **damages civil liability.**

(h) ~~30 (g) The provisions of the smoke detector act shall not constitute~~
31 ~~grounds for the purpose of offsetting, reducing or denying the payment~~
32 ~~of amounts due under any contract for or policy of insurance.~~

33 Sec. 4. Failure to place or maintain a smoke detector as provided by
34 the smoke detector act shall be a nonclass nonperson misdemeanor. Any
35 fine imposed for a violation of this section shall not exceed \$25.

36 Sec. 5. This law shall be in addition to any county resolution or city
37 ordinance relating to regulation of smoke detectors.

38 Sec. 6. This act shall take effect and be in force from and after its
39 publication in the statute book.

SMOKE DETECTOR BILL

Committee Members, we the Shawnee County Landlords Association support the concept of this legislation. The Bill is short and to the point. There is one change which is minor, but could be made;

-Appropriate locations; instead of uppermost of staircase.
Isn't the uppermost part of staircase where dead air is?

Here's the problem, in this location it is possible to have dead air space, in which if a fire did occur the alarm would never sound because the smoke never reached it because the air does not circulate in this area.

Patrick DeLapp
SCLA president

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Attachment 10



State of Kansas

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March 11, 1998

The Honorable Kent Glasscock
House Governmental Organization and Elections Committee
Room 183-W
State Capitol
Topeka, Kansas 66612

Dear Chairman Glasscock and Members of the Committee:

On behalf of the Attorney General's Office and the State Child Death Review Board, I am writing to convey our support of Senate Bill 561.

This legislation calls for a smoke detector to be in place in residences in Kansas which will help reduce the tragic consequences of fire-related deaths and injuries. The risk of death is especially high for young children, the most vulnerable of victims.

Statistics from the State Child Death Review Board Annual Reports for the years 1995, 1996 and 1997 show that 18 children have died in residential fires. Among the most disturbing deaths reviewed by the SCDRB, are those in which young children are found huddled inside their dwelling, having died before they could escape. In almost every instance, having an operable smoke detector could have saved the children from this fate.

One example is a 1996 apartment fire in Wichita where a six year old child was found dead in the bedroom lying in a fetal position, inside the closet. The cause of the fire was a lamp that the six year old had sat on the floor because he was scared of the dark and laid down on the floor by the bed. The lamp had fallen over and caught the carpet on fire. His 10 year old sister attempted to go in the room after him and tried to get him to go through the fire or somehow go around it, but the boy backed into the closet, being afraid and just laid down, and that is where he was found in the fetal position.

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A second example is a house fire that took place in 1995 where a three year old girl and her 5 year old brother were killed in a fire that started as a result of a space heater. The parents used space heaters because they couldn't afford propane to heat the house. The children were sleeping in their beds when the fire started and by the time the mother awoke and realized the house was on fire, her attempts to save the children were unsuccessful. In this case, there was a smoke detector, however, there were no batteries in it. A smoke detector without batteries is like no smoke detector at all.

Studies have shown that the chance of dying in a residential fire is cut in half when a working smoke detector is present. The relative ease of installation and periodic maintenance makes the smoke detector an especially easy and effective preventive intervention. Especially when we are concerned with the tragic loss of lives, we must focus our attention on preventive efforts.

It is our hope and belief that enactment of this bill will significantly reduce the number of Kansans who die in home fires by encouraging individuals to buy smoke detectors. Your support of SB 561 is respectfully requested.

Very truly yours,

OFFICE OF ATTORNEY GENERAL
CARLA J. STOVALL



Laurie A. Hartman
Executive Director
State Child Death Review Board