

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT

The meeting was called to order by Chairman Tim Huelskamp at 1:30 P.M. on February 2, 2005 in Room 423-S of the Capitol.

All members were present.

Committee staff present: Martha Dorsey, Kansas Legislative Research Department
Mike Heim, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes
Janet Engel, Committee Secretary

Conferees appearing before the committee:

Senator Kay O'Connor
Representative Mario Goico
Sandy Jacquot, League of Kansas Municipalities
Patrick Lehman, Kansas Fire Service Alliance
Erik Sartorius, City of Overland Park
Scott Schneider, City of Wichita

Others attending: See attached list.

Bill Introductions

Senator Huelskamp requested a bill related to expanding the current requirements about using ethanol in state owned vehicles to include state rented or leased vehicles. It was moved by Senator Huelskamp and seconded by Senator O'Connor that the committee introduce the requested bill. Motion carried.

Hearing on SB 54- an act concerning roofing materials.

Ken Wilke, committee staff, described this bill and fielded questions.

The fiscal note was provided in the meeting packets.

Proponents:

Senator O'Connor provided testimony (Attachment 1) and answered questions. She mentioned plans for two amendments. The one to remove the fire marshals will alter the fiscal note. Another is to address the extreme expense of class C or better shake shingles. The need for these amendments surfaced just before the meeting and neither amendment was available yet.

Representative Mario Goico provided testimony (Attachment 2) and answered questions.

Sandy Jacquot, provided testimony (Attachment 3) and answered questions. She expressed concern about placing additional responsibilities on the cities. Local governments can handle the requirements for new construction, but they rarely know about roof replacements.

Patrick Lehman provided testimony (Attachment 4) in support of the portions of the bill they knew about.

Erik Sartorius provided testimony (Attachment 5) and answered questions.

Opponents:

Scott Schneider provided testimony (Attachment 6) and answered questions. His organization endorses the indent of the bill and he is uncertain of their position on the suggested amendments

Senator Donovan asked Art Brown, a representative of the building industry in the audience, to stand and report the position the Mid America Lumbermen's Association. Mr. Brown reported that they did not take a position on this bill. They prefer to let the market and insurance industry dictate which products people buy. They do have philosophical differences and feel that it is heavy handed for the state to dictate which products are used.

CONTINUATION SHEET

MINUTES OF THE Senate Elections and Local Government at 1:30 P.M. on February 2, 2005 in Room 423-S of the Capitol.

Senator Huelskamp closed the hearing.

Closing

There are hearings on SB 78 and SB 80 tomorrow. If there is time at the end, the committee may receive amendments to SB 67.

There being no further business, the meeting was adjourned at 2:25 p.m.



TOPEKA

KAY O'CONNOR
SENATE DISTRICT 9
LENEXA, DESOTO, EDGERTON
AND NORTHWESTERN OLATHE

COMMITTEE ASSIGNMENTS

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LOCAL GOVERNMENT
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AND JUVENILE JUSTICE OVERSIGHT

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February 2, 2005

Mr. Chairman and Committee Members:

SB 54 is another attempt to deal with the difficulties of roofing requirements in home-owners association's agreements.

This proposed legislation was requested by my constituent, Theresa Kasper, and other board members of her home-owner's association who have a really daunting requirement of 100% to change anything in their contract.

There are balloons to the bill that I believe addresses the concerns that have been related to me so far.

I will be happy to stand for questions.

Kay O'Connor
Kansas State Senator
9th District

Senate Elections & Local Govt.
Date: 2 / 2 / 2005
Attachment 1

MARIO GOICO
 REPRESENTATIVE, 100TH DISTRICT
 SEDGWICK COUNTY
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 WICHITA, KS 67212
 316-721-3682



TOPEKA

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Testimony on SB 54
Senate Elections and Local Government Committee
February 2, 2005
Presented by Representative Mario Goico

Mr. Chairman and Members of the Committee, thank you for the opportunity to testify on SB 54.

In the late 60's and 70's covenants were established by developers to ensure that property values are preserved and that homes are aesthetically pleasing.

At that time cedar shakes were plentiful relative cheap and very attractive. This cedar shakes were manufactured from old cedar trees. This material had tensile strength and had low resin, sap and natural oils. As a result many developments establish covenants that required cedar wood shingles as roofing material.

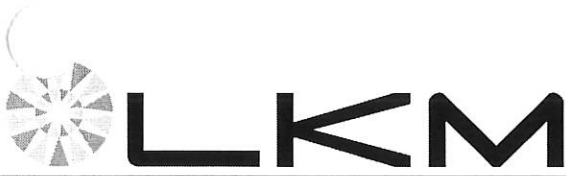
Today the availability of cedar has decreased to the point that the old growth is no longer available. Today the cedar shakes are made from younger trees that are wider grained and with out its traditional strength and rot-resistance. This younger cedar low density of wood results in the shingles curling up and cracking diagonally which makes them subject to being ripped off easily by our Kansas wind. These younger growth also has a lot of natural oils. Which result in their increased flammability. These shingles are rated at much lower than Class C.

With today's technology there are shake shingle options available that are stronger, do not burn as easily, are lighter, cheaper and last longer. Some of these new technology shingles are fiber glass reinforced for stable curling resistant platform. They are Class A fire rated and offer wind and storm rated warranties up to 100 mph.

Some Insurance Companies will not insure homes with cedar wood shake shingles. Other companies will insure the home but not cover the roof and yet other will add an extra charge to insure these homes. This has resulted in some home sales being cancelled at closing time.

Covenants in older development are dated and prevent home owners from using materials that protect the lives and property. Class C rating is a minium safety requirement.

Senate Elections & Local Govt.
 Date: 2 / 2 / 2005
 Attachment 2



League of Kansas Municipalities

To: Senate Elections and Local Government
From: Sandy Jacquot, General Counsel
Date: February 3, 2005
Re: Support of SB 54

Thank you for allowing the League of Kansas Municipalities to testify in support of SB 54 as it is currently written. SB 54 would prohibit certain roofing materials, typically shake shingle, that do not meet fire resistance standards, from being used on any roof. LKM does not oppose this type of restriction and, while local control is always important to Kansas cities, we can understand the public safety aspect of such prohibition.

It is my understanding that an amendment may be proposed to remove reference to the fire marshal. This would leave reference only to local building codes. The bill is unclear as to what entity would enforce the prohibition, but, by implication, it would appear to be cities that have adopted building codes which have standards for roofing materials. This would be in the neighborhood of 200 or so cities in Kansas. Thus, those cities would have to inspect roofs for compliance with SB 54, which could be an onerous and expensive undertaking, especially after a naturally occurring weather event with many damaged roofs. Keeping in mind that cities may amend such building codes to exclude or amend any provision, it is difficult to know what cities would be covered by the bill. In addition, any city could amend an adopted building code to get out of the enforcement mandate of the bill.

If SB 54 is amended to eliminate the fire marshal language, the League will have to oppose the bill. There may, however, be a way to accomplish the goal of the legislation by simply prohibiting the sale and use of any nonconforming roofing material. Appropriate penalties could serve as a deterrent for wholesalers, retailers and builders to avoid the use of such roofing materials. This would lessen any enforcement issues and apply the prohibition statewide.

Thank you again for allowing the League to testify on SB 54. I will be present at the hearing if there are any questions.

Kansas Fire Service Alliance

Kansas State Firefighters Association

Kansas State Fire Chiefs Association

Kansas Professional Fire Chiefs Association

Testimony to the Senate Elections and Local Government Committee

SB 54

**Presented by Patrick T. Lehman
for the Kansas Fire Service Alliance**

February 2, 2005

Thank you, Mr. Chairman and members of the committee. I am Pat Lehman and I represent the Kansas Fire Service Alliance. The Alliance is made up of the Kansas State Firefighters Association, the Kansas State Fire Chiefs Association, and the Kansas Professional Fire Chiefs Association.

The Alliance supports the requirement that roofing materials meet or exceed the fire resistance standards for a class C roof because of increased fire safety with those standards. In addition, we support Senator O'Connor's proposed amendments to SB 54.

Thank you, Mr. Chairman, and I will be glad to answer any questions you may have.

Senate Elections & Local Govt.

Date: 2 / 2 / 2005

Attachment 4



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Testimony Before The
Senate Elections and Local Government Committee

SB 54

February 2, 2005

The City of Overland Park appreciates the opportunity to share with the committee its support for Senate Bill 54. The City feels that any efforts that can be made to reduce the possibility of loss of life or property from fire should be pursued. Senate Bill 54 is a good example of such progress.

For the City of Overland Park, Senate Bill 54 is about public safety. Throughout the City and many portions of Johnson County, the roofing material utilized is shake shingles. We have been fortunate in our history to not have experienced a catastrophic episode where fire has jumped from roof to roof and spread through a neighborhood. At the same time, however, our fire department and many others have prepared for the likelihood that such an event will one day come.

The City of Overland Park favors SB 54 as a useful step in reducing the odds of a serious roof fire incident. Other legislation may get to the issue in another way, and we will review such bills if they receive a hearing. For now, we respectfully request that the committee recommend SB 54 favorably for passage.

Senate Elections & Local Govt.
Date: 2 / 2 / 2005
Attachment 5



Scott J. Schneider, J.D.
Government Relations Director

TESTIMONY

City of Wichita
455 N Main, Wichita, KS. 67202
Wichita Phone: 316.268.4351
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Opposition Testimony to Senate Bill 54
Senate Elections and Local Government Committee
February 2, 2005

The City of Wichita opposes Senate Bill 54. The City does agree, however, that wood shingles create and unreasonable fire hazard and the homeowner should have the option of replacing their existing roof with a material more safe. The City does not want to become the arbiter of the number of shingles on a neighbor's house. There is a cleaner, more efficient method to produce the same result of both safety and consumer choice, and that is to simply void restrictive covenants that require wood replacement roofs.

The City of Wichita supports legislative efforts to allow homeowners to use certain alternative flame resistant roofing materials, even where restrictive covenants require wood shingles or wood shake roofs. The City supports these efforts as a matter of public policy for both fire safety and allowing consumers to benefit from potential insurance premium savings.

From our perspective the problem is retrospective not prospective. Very few homes in Wichita are being built with wood shingles. The consumer now understands the cost associated with both the materials and insuring the product. Those seeking high-end roofing materials now choose materials other than wood shingles such as concrete or composite shingles.

The largest problem exists with existing structures and the accompanying covenants that neighborhood developments created that do not allow any flexibility in the roofing materials. We support the fact that wood shingles are unsafe. We would recommend passing legislation that voids the restrictive covenants requiring wood replacement roofs as against public policy.

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Senate Elections & Local Govt.
Date: 2 / 2 / 2005
Attachment 6