

To: House Commerce, Labor, and Economic Development Committee

From: Amanda L. Stanley, General Counsel

Date: February 19, 2018

RE: Neutral Testimony on HB 2741

I want to thank Chairman Mason and the Committee members for allowing the League of Kansas Municipalities the opportunity to provide neutral testimony on HB 2741, the Fire Sprinkler Act.

While the League supports oversight and licensing for fire sprinklers, we would like any legislation to be clear that these regulations would not mandate the use or installation of fire sprinklers. We would also request clear language establishing that through home rule authority, a municipality could impose stricter regulations than the state regulations on fire sprinklers.

We have reached out to various municipal stakeholders to understand the effect of New Section 20 which eliminates the exemption from the State Fire Marshal's rules and regulations for the safeguarding of life and property from fire, explosion, and hazardous material, buildings used wholly as dwelling houses containing no more than two families. Our members believe strongly in the Constitutional home rule authority of Kansas cities, which provides, in part, "...cities are hereby empowered to determine their own local affairs and government ... cities shall exercise such determination by ordinance..."¹ Locally elected officials are authorized to handle local issues and problems. They are the government closest to the citizens that they represent and are best prepared to assess, evaluate, regulate and set public policy as they believe is in the best interest of their citizens and city. Our members believe they are in the best position to establish the building and fire code requirements for single family dwellings in their community.

We are also unclear in New Section 18 regarding the language that the State Fire Marshal may designate to local fire departments the authority to inspect fire sprinklers in residential buildings, manufactured housing or commercial buildings for compliance with the provisions in this act. We would like it to be clear that this would be contingent upon the local fire departments accepting such authority.

Thank you for the opportunity to provide our concerns. We ask that these questions be addressed before HB 2741 is passed to the whole House for its consideration.

¹ Kansas Constitution, Article 12, §5