

To: House Commerce, Labor, and Economic Development Committee

From: John Goodyear, Law Clerk

Date: February 12, 2019

RE: Opposition Testimony on HB 2026

I want to thank Chairman Tarwater and the Committee members for allowing the League of Kansas Municipalities the opportunity to provide opposition testimony on HB 2026, 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 concerns about Sec. 13's preemption of requiring local licensure for the electrical work of individuals engaged in an activity regulated by the fire sprinkler industry act when installing or repairing class 2 or class 3 electrical devices or components and power source requirements as established by the national electrical code. 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 decide if additional licensure is needed in their communities.

We are also unclear in New Section 19(b) 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 2026 is passed to the whole House for its consideration.

¹ Kansas Constitution, Article 12, §5