



Monday, February 19, 2018

Testimony to the House Committee on Commerce, Labor and Economic Development

Chairman Mason, and Members of the Committee, thank you for the opportunity to submit testimony on behalf of the Kansas Building Industry Association (KBIA) in opposition to HB 2741, the fire sprinkler industry act. KBIA is an affiliate of the National Association of Home Builders and with eight local home builder associations and more than 2,000 members across the State of Kansas.

To be clear, our opposition to HB 2741 has little to do with creating a framework to regulate the proper installation and inspection of the fire sprinkler industry. Rather, our concerns stem from the fact that this bill appears to grant the Office of the State Fire Marshal expansive new authority over trade and building codes on a statewide level. It also grants the fire marshal authority over the residential building codes, a major change in state policy. We believe the effect of passing this bill as written would be the enactment of statewide building and trade codes and would require all local city or county variances to be approved by the state fire marshal.

The cities and counties of Kansas have a long history of a robust process for code review and development that comes up with local, common sense amendments to uniform building and trade codes. This process involves a laborious review of the most up-to-date uniform codes. Parties involved in that process include local tradespersons, seasoned City and County inspectors, and advisory boards comprised of local practitioners. Safety is paramount, and City and County fire department staff are involved on matters that touch on fire prevention and protection. After an amendment package is developed and suggested for approval by the joint City-County advisory board, the matter is set for a public hearing and considered for approval by the governing bodies. The concern is that the state fire marshal is attempting to expand the reach of his office from its traditional role—*the review of fire codes and fire protection segments of building codes*, complete with a veto power—to include veto power in the review of trade codes, such as mechanical, electrical, and fuel gas codes, and residential building codes.

The paragraph above is almost verbatim from a letter provided to the Joint Committee on Administrative Rules and Regulations before their August 2, 2017 meeting to consider a regulation package put forth by the Office of the State Fire Marshal. That letter, signed by city and county leaders, members of the residential construction industry, as well as local union

leaders and trades councils, pointed to their concerns that the suggested regulations would greatly expand the authority of the state fire marshal, further erode local home rule powers, and lead to increased costs for citizens and businesses without any tangible safety benefit. Ultimately, at the request of the members of the Joint Committee, the fire marshal agreed to withdraw the regulations and seek additional input from stakeholders. However, HB 2741 seems to grant the fire marshal express authority to adopt the entirety of certain trade codes, and possibly residential codes. If the fire marshal gains the authority to adopt residential codes, and enforce them upon single family dwellings as a result of HB 2741, it could allow the Office of the State Fire Marshal to mandate fire sprinklers in the construction of all residential housing in the state. In an age where affordable housing is a real issue for Kansas families this would allow an agency to increase the cost of a new home by thousands of dollars with limited oversight by the state legislature.

KBIA would urge the committee to oppose HB 2741. However, if the committee chooses to work the bill, at a minimum we would ask that the committee:

- 1) Strike Section 20 which grants the fire marshal new authority over one and two dwelling residential housing;
- 2) Strike all references to “residential” or other residential sprinkler licensing references until parties have the opportunity to become fully aware of what the impact of HB 2741 would be, and what the intent is;
- 3) Strike, or amend, several references to the “ICC” code included within the bill. The ICC, as explained in the definition section of the bill is the international code council, is an organization that publishes a wide variety of codes; it is not a code in itself;
 - a. It is unclear by the attempted adoption of the “ICC” code (New Sec. 3, p.4, lines 27-32) whether this is a misprint and is intended to represent the international residential code (IRC) or if this is intended to grant authority to adopt the entire family of ICC published codes.

Thank you for the opportunity to appear before the House Commerce, Labor and Economic Development committee in opposition to HB 2741. I am happy to stand for questions at the appropriate time.

Sean M. Miller
Kansas Building Industry Association