

Senator Linda Menard

State Capitol, Room 9
Juneau, Alaska 99801



Phone: (907) 465-6600
Fax: (907) 465-3805

Alaska State Legislature

Sponsor Statement for CS SB 129

The Committee Substitute for Senate Bill 129 is a proactive response to a national movement to require fire sprinkler systems in one and two-family dwellings. This legislation does not take away local control from municipalities and cities, it simply lays the framework for a public process necessary to mandate sprinklers in certain areas.

What CSSB 129 seeks to avoid is broad mandates without public involvement for home sprinkler systems that will drive up costs for consumers in areas where sprinklers may not necessarily be needed.

Residential fire sprinkler systems are expensive. Conservative estimates indicate that Alaskans could expect to pay between 3 to 5 dollars per square foot to have a system included in the construction of their new home

According to the National Association of Home Builders (NAHB), for each additional \$1,000 added to the price of a home, 250,000 potential buyers are priced out of the market. The NAHB estimates the entire cost of an average home sprinklers system at \$3,000.

Furthermore, changes in residential construction technology over the last twenty years have dramatically dropped the number of fatal fires in the U.S. including Alaska. Code provisions for fire separation, fire blocking and draft stopping, emergency escape and rescue openings, electrical circuit breakers, capacity and outlet spacing, reduced need for space heaters in energy efficient homes and many other improvements have made our homes more "fire safe" without undo financial burden to the homeowner.

This committee substitute senate bill realizes there may be cases in Alaska where requiring sprinklers in one and two-family dwellings is necessary. Often, the geography at the location of new builds is such that firefighters cannot make it swiftly to a burning home. In those cases, CSSB 129 **would not** prohibit sprinkler mandates, so long as the municipality or city follows the public process set out in the bill.

The Committee Substitute for Senate Bill 129 will continue to allow elected officials in municipalities and cities to explore a mandate on sprinklers, but will ensure the public is involved in the transparent process and government does not overstep its regulatory bounds.

I hope you will support this bill to provide a clear, fair public process to mandate technology that will affect the bottom line price of a new home.

Senator Linda Menard

Session

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Interim

600 E. Railroad Ave.
Wasilla, Alaska 99654
Phone: (907) 376-3370
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Alaska State Legislature

Senate Bill 129: Staff Contact

Michael Rovito, 465-5078

Cell-982-3633

Michael_Rovito@legis.state.ak.us

SENATE BILL NO. 129

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATOR MENARD

Introduced: 2/27/09

Referred: Community and Regional Affairs, State Affairs, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to state and municipal building code requirements for fire sprinkler
2 systems in certain residential buildings."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 18.56.300(e)(3) is amended to read:

5 (3) "state building code" means

6 (A) for building standards, the standards set out in the version
7 of the Uniform Building Code adopted by the Department of Public Safety
8 under AS 18.70.080, including the provisions of that code applicable to
9 buildings used for residential purposes containing fewer than four dwelling
10 units, notwithstanding the exclusion of those buildings from the Department of
11 Public Safety's jurisdiction made by AS 18.70.080(a)(2), but subject to
12 AS 18.70.080(c);

13 (B) for mechanical standards, the standards set out in the
14 version of the Uniform Mechanical Code adopted by the Department of Public

1 Safety under AS 18.70.080, including the provisions of that code applicable to
 2 buildings used for residential purposes containing fewer than four dwelling
 3 units, notwithstanding the exclusion of those buildings from the Department of
 4 Public Safety's jurisdiction made by AS 18.70.080(a)(2);

5 (C) for plumbing standards, the minimum plumbing code
 6 adopted for the state under AS 18.60.705; and

7 (D) for electrical standards, the minimum electrical standards
 8 prescribed by AS 18.60.580.

9 * **Sec. 2.** AS 18.70.080 is amended by adding a new subsection to read:

10 (c) A state agency or public corporation of the state may not, for any purposes,
 11 require a sprinkler fire protection system in a single-family residential building or in a
 12 residential building with not more than two dwelling units.

13 * **Sec. 3.** AS 29.10.200 is amended by adding a new paragraph to read:

14 (64) AS 29.35.144 (sprinkler fire protection systems).

15 * **Sec. 4.** AS 29.35 is amended by adding a new section to read:

16 **Sec. 29.35.144. Sprinkler systems in certain residential buildings.** (a) A
 17 municipality may not, for any purpose, require a sprinkler fire protection system in a
 18 single-family residential building or in a residential building with not more than two
 19 dwelling units.

20 (b) This section applies to home rule and general law municipalities.

26-LS0679\M
Cook
2/26/10

CS FOR SENATE BILL NO. 129()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): SENATOR MENARD

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to municipal building code requirements for fire sprinkler systems in**
2 **certain residential buildings."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 29.10.200 is amended by adding a new paragraph to read:

5 (62) AS 29.35.144 (sprinkler fire protection systems).

6 * **Sec. 2.** AS 29.35 is amended by adding a new section to read:

7 **Sec. 29.35.144. Sprinkler systems in certain residential buildings.** (a)

8 Except as provided by (b) of this section, a municipality may not require a sprinkler
9 fire protection system to be included in the construction of all new single-family
10 residential buildings or in the construction of all new residential buildings with not
11 more than two dwelling units.

12 (b) A municipality may, by ordinance, require a sprinkler fire protection
13 system to be included in the construction of all new single-family residential
14 buildings, in the construction of all new residential buildings with not more than two

1 dwelling units, or in both types of buildings. Before adopting an ordinance to
 2 implement this subsection, or before amending an ordinance to extend its coverage to
 3 residential buildings described in this subsection, in addition to complying with the
 4 requirements relating to the adoption of an ordinance under AS 29.25, the governing
 5 body of the municipality shall

6 (1) prepare a cost-benefit analysis of the proposed ordinance as it may
 7 apply to the residential buildings to which the proposed ordinance or ordinance
 8 amendment will apply;

9 (2) notwithstanding the publication requirement in AS 29.25.020(b)(3)
 10 or a comparable notice publication requirement of a home rule municipality, at least
 11 30 days before the first scheduled public hearing for the ordinance, publish

12 (A) a summary of the ordinance or ordinance amendment and
 13 the cost-benefit analysis; and

14 (B) a notice of the time and place of each scheduled public
 15 hearing on the proposed ordinance or amendment; and

16 (3) notwithstanding the public hearing schedule requirement of
 17 AS 29.25.020(b)(6) or comparable public hearing scheduling requirement of a home
 18 rule municipality, schedule at least three public hearings on the proposed ordinance or
 19 ordinance amendment to be held within a 60-day period; the governing body may not
 20 consider the proposed ordinance or amendment for adoption, with or without
 21 amendment, sooner than 60 days after the conclusion of the first public hearing on the
 22 proposed ordinance or amendment.

23 (c) This section applies to home rule and general law municipalities.

Senator Linda Menard

Session

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Juneau, Alaska 99801
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Interim

600 E. Railroad Ave.
Wasilla, Alaska 99654
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Alaska State Legislature

To: Sen. Joe Pasvan
Chair, Senate Labor and Commerce Committee

From: Sen. Linda Menard

Re: Explanation of Changes for Senate Bill 129

The current version of Senate Bill 129 has been revised significantly since the bill's introduction. The bill originally prohibited municipalities from any form of mandating sprinklers. The current version, however, maintains local control while setting in statute a lengthier and more involved public process that must take place before sprinklers are mandated in single or multi-family dwellings.

The current version also no longer makes any mention of a state building code. There is also no longer any language directed at the state, a state agency or state corporation.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 129
(S) Publish Date: 3/20/09

Identifier (file name): SB129-DPS-FLS-03-17-09
Title: "An Act relating to state and municipal building code requirements requirements for fire sprinkler systems...buildings." RDU Public Safety
Fire and Life Safety
Component: Fire and Life Safety Operations
Sponsor: Senator Menard
Requester: Senate Community and Regional Affairs 494

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	Appropriation Required	Information					
	FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact on the department.

Prepared by: Dave Tyler
Division: State Fire Marshal
Approved by: Joseph Masters, Commissioner
Department of Public Safety

Phone 907-269-5491
Date/Time 3/17/09 9:35 AM
Date 3/17/2009



Alaska Association of REALTORS
The Voice of Real Estate in Alaska
4205 Minnesota Drive
Anchorage, Alaska 99503
(907) 563-7133

March 13, 2009

The Honorable Linda Menard
Alaska Senate
State Capitol Building
Juneau, Alaska 99801

RE: SB 129 - "An act relating to state and municipal building code requirements for fire sprinkler systems in certain residential buildings."

Dear Senator Menard,

The Alaska Association of REALTORS® with over 1,600 members statewide supports Senate Bill 129, which relates residential sprinklers in certain residential buildings.

The Alaska Association of REALTORS® supports SB 129, which is a proactive response to a national movement to require fire sprinkler systems in one and two-family residential dwellings.

Senate Bill 129 would ensure that residential fire sprinklers remain voluntary and still allow local municipalities and private insurance companies to offer incentives to homeowners who choose to make the investment.

The Association would like to extend the exemption in this bill from one and two family up to and including fourplexes which would comply with residential lending guidelines and would offer more affordable housing by decreasing the construction costs of one-four family residential units.

Installation of residential fire sprinkler systems for one-four family residential units should not be required by state or local governments. To require these systems, especially in a cold climate region like Alaska, would raise the cost of affordable housing while providing the least cost efficient increase in fire safety for the homeowner.

The Association encourages the passage of Senate Bill 129.

Sincerely,

Art Clark
AAR President



ASSOCIATION

March 11, 2009

Senator Donny Olson
Chairman, Community & Regional Affairs Committee
State Capitol Room 514
Juneau, Alaska 99801

Dear Senator Olson:

I am writing this letter in support of *Senate Bill 129 "An Act relating to state and municipal building code requirements for fire sprinkler systems in certain residential buildings."*

I understand the State suffers many fatalities along with millions of dollars in property loss each year. I too feel very strongly that we need to help protect our most vulnerable residents. But unfortunately the most vulnerable are usually on a fixed or very modest income, and I believe that the added cost of fire sprinklers would make it very difficult if not impossible for them to afford a new house with the added protections.

With that being the case, our most vulnerable residents would not benefit at all. I think it would be in everyone's best interest to establish a program to encourage the *voluntary* installation of all available fire suppression technologies. I believe if it were like our energy rating for housing, maybe the State through AHFC could give an interest reduction on the mortgage if the house had the highest fire protection possible.

While I believe each Alaskan should be able to choose the appropriate level of home safety for their own dwelling, I am not in favor of ever being required to have **mandatory** fire sprinkler systems in one and two-family residences. I strongly urge legislators to pass this legislation.

As the president of the Mat-Su Home Builders Association representing over 150 members businesses, I hope you take the time to reflect on what the State can do to help all our residents. I truly appreciate you taking the time to read this.

Thank you.

Kyle P. Carr
President



217 Second Street, Suite 200 • Juneau, Alaska 99801
Tel (907) 586-1325 • Fax (907) 463-5480 • www.akml.org

March 31, 2009

Senator Linda Menard
State Capitol Building
Room 9
Juneau, Alaska 99811

RE: SB 129/HB202 – An Act relating to state and municipal building code requirements for fire sprinkler systems in certain residential buildings.

Dear Senator Menard

The Alaska Municipal League is opposed to SB129 and HB202. While the Alaska Municipal League local elected officials, for the most part, are not experts on sprinkler systems, smoke alarms, building codes, fire codes, or how many fires take place in two bedroom homes, etc., we do object to the state of Alaska making requirements in areas that are clearly under local government authority.

Alaskan municipalities support and fund fire safety in each respective community. They must make the decision at what level to fund their fire departments. As the "closest" government to the people, the local government would be hesitant to require a code that is unsupported by the constituents. But whether the local government would choose to require sprinklers or NOT require sprinklers, we feel it should be the decision of that local government based on input from their local supported fire department and based as well on the geographical surroundings of the community.

Simply put, we are opposed to this bill due to the language in Section 4 that removes the option for a municipality to require or not require sprinkler systems.

Please feel free to call my office if you have any questions.

Sincerely,

Kathie Wasserman
Executive Director

MUNICIPALITY OF ANCHORAGE



Office of the Mayor

Phone: 907-343-7100

FAX: 907-343-7180

Mayor Dan Sullivan

February 3, 2010

The Honorable Linda Menard
Alaska State Legislature
State Capitol, Room 9
Juneau, AK 99801

Re: Proposed work draft of SB129

Dear Senator Menard:

I have reviewed the proposed work draft of SB129 (dated 1/4/10) and I appreciate your efforts to protect local decision-making requiring sprinklers in certain limited or special situation residential occupancies. You may be aware that when this legislation was first introduced, the Municipality of Anchorage had concerns about the implementation of the bill. I am pleased to see that a reasonable outcome has been achieved and based on the preservation of the conditions below; I favor the legislation currently in front of me:

- 1 The right to require "sprinkler fire protection systems" in new construction on a case-by-case basis. For example, a new home adjacent to a wooden historical structure, new home built in a high woodland fire danger zone, or other reasonable situation; and
- 2 The right for a local government to choose, after an extended open and transparent public process, to implement a mandatory "sprinkler fire protection system" requirement in the construction of all new one and two family residences.

The extra public process required is appropriate for the issue of fire sprinklers in one and two-family dwellings. The issue is complicated and would require significant technical review in Alaska's cold climate. Likewise, the potential economic impacts on the homeowner would require significant scrutiny. As such, the requirement for the extra public hearings and advance public notice seems reasonable.

Thank you for your work and for providing the opportunity for me to comment. Please contact my intergovernmental affairs director, Stacy Schubert, if you have questions. She can be reached at 343-7112 or by email: Schuberts@muni.org.

Sincerely,

Dan Sullivan
Mayor



February 10, 2010

The Honorable Linda Menard
Alaska Senate
State Capitol Building
Juneau, Alaska 99801

RE: SB 129 “**An Act relating to state and municipal building code requirements for fire sprinkler systems in certain residential buildings.**”

Dear Senator Menard:

As President of the Interior Alaska Building Association, I wish to express support of SB 129 pertaining to regulating fire sprinkler systems. Our association represents over 200 members and feels strongly that local governments should maintain control over the requirements of mandatory fire suppression systems.

Requiring fire sprinklers in one and two-family homes is a costly burden on the homeowner and requires maintenance. The safety of occupants in those dwellings has dramatically increased in recent years due to the utilization of safety features in construction resulting in fewer and injuries and deaths.

SB 129 contains provisions that keep the decision-making at the local level and we fully support the bill. If you have any questions, please feel free to contact me.

Sincerely,

Dave Miller
2010 IABA President

The logo for the Anchorage Home Builders Association (ahba) features the lowercase letters 'ahba' in a bold, sans-serif font. To the right of the text is a stylized outline of a house with a chimney and a gabled roof.

Affiliated with NAHB

February 10, 2010

The Honorable Linda Menard
Alaska Senate
State Capitol Building
Juneau, Alaska 99801

Dear Senator Menard:

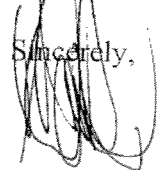
Senate Bill 129 has the full support of the Anchorage Homebuilders Association. As President, I speak for over 300 members who wholeheartedly agree that making fire sprinklers mandatory belongs at the local government level.

There are several reasons our association strongly supports this legislation: increased safety features in new homes in recent years have dramatically decreased fire injury and death; fire sprinklers are a burdensome cost to the homeowner and have significant maintenance issues; there are many concerns pertaining to cold climate installation.

Local government provisions in SB 129 leave it to communities to decide for themselves, after a public process, if requiring fire suppression systems is right for their area. Cost benefit analyses and public hearings would be required before a city adopted the fire sprinkler code. Given our concerns with making fire sprinklers mandatory, we feel SB 129 is a very fair compromise and maintains local control over the issue.

Please contact me if you would like to discuss this further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andre Spinelli', written over a faint, illegible typed name.

Andre Spinelli
President
Anchorage Home Builders Association

“Building Better Places to Live, Work and Play”

ANCHORAGE HOME BUILDERS ASSOCIATION, INC.

8301 Schoon Street, Suite 200 • Anchorage, AK 99518 • (907) 522-3605 • Fax (907) 522-3757





6177 E. Mountain Heather Rd., Suite 6
Palmer, Alaska 99645

February 10, 2010

The Honorable Linda Menard
Alaska State Senate
State Capitol Building
Juneau, Alaska 99801

Dear Senator Menard:

As President, I speak for over 120 members who wholeheartedly agree that making fire sprinklers mandatory belongs at the local government level. Senate Bill 129 has the full support of the Mat-Su Homebuilders Association.

Increased safety features in new homes in recent years have dramatically decreased fire injury and death; fire sprinklers are a burdensome cost to the homeowner and have significant maintenance issues; there are many concerns pertaining to cold climate installation. For these reasons, our association strongly supports this legislation.

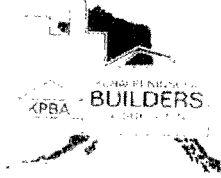
SB 129 leaves it to communities to decide for themselves, after a public process, if requiring fire suppression systems is right for their area. Public hearings and cost benefit analyses would be required before a city adopted the fire sprinkler code. SB 129 is a very fair compromise and maintains local control over the issue.

Please contact me if you would like to discuss this further.

Sincerely,

A handwritten signature in black ink, appearing to be "JD", written over a faint dotted line.

Jeremy Doolaard
President
Mat-Su Home Builders Association



February 10, 2010

The Honorable Linda Menard
Alaska Senate
State Capitol Building
Juneau, Alaska 99801

RE: SB 129 "An Act relating to state and municipal building code requirements for fire sprinkler systems in certain residential buildings."

Dear Senator Menard:

On behalf of the membership of the Kenai Peninsula Builders Association, I would like to express our support of Senate Bill 129. We strongly believe that mandating fire sprinklers in one and two family adds a significant cost to a home owner and does not target the homes where fire deaths are occurring.

The current version of SB 129 ensures that the decision to mandate fire sprinklers is maintained at the local level. Built into the legislation are good public process parameters and special situations for fire sprinklers to be placed in homes near historical buildings, for example.

As President of the Kenai Peninsula Builders Association, we strongly urge the passage of SB 129 along with the Alaska State Home Building Association to ensure mandating fire sprinklers is left to local communities.

Please contact me with any questions you may have or to further discuss the issue.

Sincerely,

Bob Hammer
President
Kenai Peninsula Builders Association



Southeast Alaska Building Industry Association

P.O. Box 6291 • Ketchikan AK 99901 • (907) 247-4903 • Fax (907) 247-6903
E-mail: ketchikanhba@hotmail.com • Web site: <http://www.sealaskabuilders.com>

2009/2010 Board of Directors

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Model Builders

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Associate Director
First Bank

Staff

Pam Roth
Executive Officer
SE Alaska BIA

February 10, 2010

The Honorable Linda Menard
Alaska Senate
State Capitol Building
Juneau, Alaska 99801

Dear Senator Menard:

As President of the Southern Southeast Alaska Building Industry Association, I am writing in support of SB 129 **“An Act relating to state and municipal building code requirements for fire sprinkler systems in certain residential buildings.”** Based on current information, injury and death due to fires has significantly been reduced over the past two decades due to increased safety features in the construction of newer one and two-family homes. Requiring fire sprinklers unnecessarily burdens the homeowner with added costs and maintenance.

Passage of SB 129 maintains local government control over the requirement of fire sprinklers in new homes. The current version of the bill allows municipalities to decide, after a public process and cost benefit analysis, whether to implement fire sprinkler regulations in new one and two-family homes.

We fully support this legislation, along with the Alaska State Homebuilding Association. Please don't hesitate to contact me if you wish to discuss our Association's position.

Sincerely,

James Byron II, President
Southern Southeast Alaska Building Industry Association



ALASKA FIRE CHIEF'S ASSOCIATION

2358 Bradway Road, North Pole, Alaska 99705

Phone: (907) 488-3400

FAX: (907) 488-6118

March 1, 2010

Senator Joe Paskvan
Chairman, Senate Labor and Commerce Committee
State Capitol Room 7
Juneau AK, 99801

Subject: SB129 Residential Sprinklers

Dear Senator Paskvan,

The Alaska Fire Chiefs Association has had the opportunity to review a proposed substitute for SB129. After review of the substitute we want to reaffirm our strong opposition to this legislation.

CS SB129, as drafted, places an increased financial burden on communities who already have code adoption processes in place, as required by State Statute 29.25. There is no State need met by requiring local communities to add additional requirements and expense to their current process.

The State does not place this extraordinary burden on local communities for other ordinance adoption processes. Why is it that the State feels it necessary to do so when a community is trying to determine how best to provide life safety services to its residents? If a local community feels that it is in their best interest to increase public notification, hold additional hearings, and do a cost benefit analysis they have the right at the local level to make that determination. The State should not impose an unfunded and unneeded mandate upon local communities for only this single issue.

The Alaska Fire Chiefs Association stands opposed to the adoption of SB129.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Tucker", is written over a horizontal line.

Jeff Tucker, President
Alaska Fire Chiefs Association



A Message from the United States Fire Administrator about Residential Fire Sprinklers

The U.S. Fire Administration has promoted research, development, testing, and demonstrations of residential fire sprinkler systems for more than 30 years. The research regarding residential fire sprinkler systems has indisputably demonstrated the following:

- Residential fire sprinklers can save the lives of building occupants.
- Residential fire sprinklers can save the lives of firefighters called to respond to a home fire.
- Residential fire sprinklers can significantly offset the risk of premature building collapse posed to firefighters by lightweight construction components when they are involved in a fire.
- Residential fire sprinklers can substantially reduce property loss caused by a fire.

The time has come to use this affordable, simple and effective technology to save lives and property where it matters most – in our homes.

In the past year, the National debate about the benefits of residential fire sprinklers passed a major milestone with the adoption of a change to the International Residential Code that will require fire sprinklers in all new construction. This code change survived rigorous scrutiny, during which all interested parties had ample opportunity to comment on the technical merits of the issue. Since then, parties who oppose this life-saving technology have started a vigorous campaign to enact laws at the state level that will prohibit adoption of sprinkler requirements for new homes.

I encourage every member of the fire service to stay abreast of this rapidly changing situation, and to be ready to voice any concerns that you have about proposed legislation to your respective state legislature. The Fire Sprinkler Initiative website has been established to provide a central clearing house for up-to-date information. Log on to the site at <http://firesprinklerinitiative.org> – stay vigilant and keep the fire service community informed of developments in your area. Only by working together can we save lives.

It is the position of the U.S. Fire Administration that all Americans should be protected from death, injury, and property loss resulting from fire in their residence. All homes should be equipped with both smoke alarms and residential fire sprinklers, and all families should have and practice an emergency escape plan. The U.S. Fire Administration supports all efforts to reduce the tragic toll of fire losses in this nation, including the recently adopted changes to the International Residential Code that require residential fire sprinklers in all new residential construction.

Glenn A. Gaines

Acting Assistant Administrator
U.S. Fire Administration