

ALASKA STATE LEGISLATURE
SENATE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

March 17, 2009

3:32 p.m.

MEMBERS PRESENT

Senator Donald Olson, Chair
Senator Hollis French
Senator Linda Menard

MEMBERS ABSENT

Senator Joe Thomas, Vice Chair
Senator Albert Kookesh

COMMITTEE CALENDAR

DENALI COMMISSION PRESENTATION
HEARD

SENATE BILL NO. 129

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

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 129

SHORT TITLE: RESIDENTIAL SPRINKLER SYSTEMS

SPONSOR(S): SENATOR(S) MENARD

02/27/09	(S)	READ THE FIRST TIME - REFERRALS
02/27/09	(S)	CRA, STA, L&C
03/17/09	(S)	CRA AT 3:30 PM BELTZ 211

WITNESS REGISTER

GEORGE CANNELOS, Federal Co-Chair
Denali Commission
Anchorage AK

POSITION STATEMENT: Gave an overview of the Denali Commission.

MICHAEL ROVITO, Staff
to Senator Linda Menard
Alaska State Legislature

Juneau AK

POSITION STATEMENT: Presented SB 129.

DAVID DILLARD, Builder

3-2-1 Construction

Fairbanks AK

POSITION STATEMENT: Spoke in support of SB 129.

DAVID PETERSON, Contractor

Soldotna AK

POSITION STATEMENT: Spoke in support of SB 129.

ALAN WILSON, Builder

Juneau AK

POSITION STATEMENT: Spoke in support of SB 129.

KYLE CARR, President

Matsu Homebuilder Association

Palmer AK

POSITION STATEMENT: Spoke in support of SB 129.

DAVE MILLER, President

Interior Alaska Building Association

Fairbanks AK

POSITION STATEMENT: Spoke in support of SB 129.

DALE BAGLEY, Realtor

Soldotna AK

POSITION STATEMENT: Spoke in support of SB 129.

JIM BYRON, President

Ketchikan Building Association

Ketchikan AK

POSITION STATEMENT: Spoke in support of SB 129.

PAUL MICHELSON, President

Alaska State Homebuilders, Anchorage

POSITION STATEMENT: Spoke in support of SB 129.

KATHIE WASSERMAN, Executive Director

Alaska Municipal League (AML)

Juneau AK

POSITION STATEMENT: Spoke in opposition to SB 129.

DEBBIE WHITE, Real Estate Broker

Juneau AK

POSITION STATEMENT: Spoke in support of SB 129.

DAVID TYLER, State Fire Marshall
Anchorage AK

POSITION STATEMENT: Spoke in opposition to SB 129.

DOUG SCHRAGE, President
Alaska State Fire Chiefs Association
Deputy Chief of the Anchorage Fire Department

POSITION STATEMENT: Spoke in opposition to SB 129.

DAVE MILLER, President
Alaska State Firefighters Association
Sitka AK

POSITION STATEMENT: Spoke in opposition to SB 129.

JEFF TUCKER, Fire Chief
North Star Fire Department
North Pole AK

POSITION STATEMENT: Spoke in opposition to SB 129.

JAMES BAISDEN, Chief
Nikiski Fire Department
Nikiski AK

POSITION STATEMENT: Spoke in opposition to SB 129.

ERIC WILCOX, Fire Marshal
Kenai Fire Department
Kenai AK

POSITION STATEMENT: Spoke in opposition to SB 129.

ACTION NARRATIVE

[3:32:32 PM](#)

CHAIR DONALD OLSON called the Senate Community and Regional Affairs Committee meeting to order at 3:32 p.m. Senators French, Menard, and Olson were present at the call to order.

Presentation: Denali Commission

[3:33:44 PM](#)

CHAIR OLSON announced a presentation on the Denali Commission.

GEORGE CANNELOS, Federal Co-Chair, Denali Commission, Anchorage, said Kathie Wasserman, Executive Director of the Alaska Municipal League, is one of the seven Denali Commission commissioners. Bob Pawlowski is the legislative liaison for the commission and is a wonderful conduit for communications. Nelson

Angapak is with the AFN [Alaska Federation of Natives], and he often represents Julie Kitka when she is unavailable for meetings. Regional commissions have a long history in American government. The Denali Commission takes after the Appalachian Regional Commission, which started in the [President] Johnson years as part of the war on poverty. That commission has broader support because of the 26 senators and 13 governors of Appalachia. The Delta Regional Commission in the Mississippi Delta is new. Last year's farm bill created three or four new regional commissions. The concept is growing, and the idea is to strategically use federal and state resources to get things done.

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MR. CANNELOS said the Denali Commission is a statewide effort and doesn't just focus on remote areas. It has invested in Juneau, Anchorage, and Fairbanks. "As long as there's a regional and a rural nexus, we're free to do so." The commission has a really good record of transparency and accountability. Over the past ten years, the commission has invested close to a billion dollars of federal money and leveraged another billion dollars. It focuses on basic community infrastructure. Alaska is a new state and is behind in "just the basics." The commission has a good grant-making system. When the stimulus package is available "it's pretty easy for us to scale up or scale down as appropriate." The legislature and commission can work more closely together, particularly on planning capital projects. Legislators have the pulse of their districts, and he wants to find ways "to more formally work together, and when we do so we'll find a lot of synergy, and the taxpayers will benefit." The commission was created when Senator Stevens was talking to Native leaders about 15 years ago about the lack of resources to attack issues in rural Alaska. The Denali Commission Act was passed in 1998. He listed the seven commissioners. "These folks would not normally sit down and work together; the law requires them to, and so we meet four times a year ... to strategically solve big issues rather than piecemeal them." One focus was on bulk fuel storage tanks. The Coast Guard was about to shut them down, but they were essential for the villages. Primary health care was also a focus. Staff is less than 25 people, but there are program partners in state agencies, tribal governments, regional nonprofits, and local governments. There is very limited overhead and "lots and lots of oversight."

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MR. CANNELOS said he is happy that the commission has had no project earmarks from Congress in the last three years. That is

important because the decisions on what to fund are made in Alaska through a public process. He is concerned that much of rural Alaska still resembles the developing world. The rates of tuberculosis and the sanitation infant mortality sadly resembles Central Asia and Africa. It is inexcusable. This should end. He was in Rampart and saw the school that was closed, and it was very poignant. About 20 schools have been closed in the past few years, and that's often the death knell of a community. The facilities should be able to become sustainable so rural Alaska can thrive. Almost half of the commission's funding was used for energy programs, a third was used for health, and the rest for transportation, teacher housing, washaterias, and job training. The commission started with \$20 million.

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MR. CANNELOS said the budget rose to a peak of \$140 million when Senator Ted Stevens was a powerful force in Congress. Last year it was \$110 million. Only last week did he learn that the commission has about \$70 million in the omnibus bill. "I'll declare that a victory." Transportation money is there, but health, training, and energy money is cut in half. This week the commissioners will wrestle with its work plan, which goes out to public comment and is approved by the Secretary of Commerce. They will have tough decisions on energy, which has a base funding of only \$16 million. "Do you continue to aim at replacing the bulk fuel facilities?" "Do you continue to do power plant upgrades? How much do you put on renewable energy? How much can you put on energy efficiency, and can you apply our training dollars appropriately for synergy?" Teacher housing and the economic development program are also in the base funding. Teacher housing has had a great partnership with AHFC, and he hates to see that go down. The future of the commission is good "if we all agree this is the best business model we've ever found to do this kind of work." He is very pleased that Senator Lisa Murkowski is on the appropriations committee and Senator Mark Begich is on the commerce committee. They are collaborative professionals and will compliment each other well. "We're off to a good start." His challenge is to get to know the Obama Administration. There is no Secretary of Commerce yet. The other challenge is he is the head of a federal agency, so he can't waltz into Senator Murkowski's door and say, "Hey, how about the appropriation for next year?" The legislature can. It's uniquely a federal/state/local/tribal partnership.

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MR. CANNELOS said it is a federal agency and it has a lot of freedoms from civil service requirements. Energy issues include

bulk fuel, power plant systems, conservation, and renewal energy capacity. The pressure is on to upgrade the power systems. He showed a bar graph showing that about half of the bulk fuel projects are completed, but it will take up to \$200 million to finish it. A current goal is to look at what is doable. About half of the power system upgrades are done and about half are progressing. It will take a lot of resources to finish it. Hooper Bay is place where synergy has paid off. AVEC [Alaska Village Electric Co-op] installed three wind turbines last summer. The Denali Commission funded them and the training for operators. Transportation money paid for the road.

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MR. CANNELOS said the commission had Nana Pacific look at interties across the state. The study concluded that interties allow the scaling up of energy, particularly renewable energy, and will provide an impetus for economic development. Phase two of the study will prioritize "where we think this ought to happen and how." This will compliment what AEA has done. The transportation program is a success and is in its fourth year. It fills a niche focusing on rural circulation patterns, dust control, and small port and harbor projects. It commissioned the Army Corps of Engineers to do a barge landing study. It is typical to have no facility for a freight or fuel barge to tie to. The corps recommends bundling the river projects. Mekoryuk had two projects: harbor dredging and bulk fuel. The bulk fuel project was about to order rocks from Nome at a great expense, but the dredge spoils could be used instead. So "we lowered the cost by several hundred thousand dollars and got the work done."

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MR. CANNELOS said people from Gambell, Savoonga, Chevak, and Hooper Bay trained as wind technicians in Vermont. The teacher housing program is very successful. Over 200 units are in place, and superintendents across the state say that teachers are renewing contracts. He hopes that leads to improved student performance. The commission has built over 100 primary health care facilities. Village health aides are underpaid, overworked, and very dedicated. The commission's funds through the Allied Health Care program helped train them. Anything to help the program is worthwhile. It is great that people have their primary health needs met locally for the first time. There are also larger sub-regional clinics. The commission likes to partner with multiple funding sources, and he pointed to a \$6.6 million project where the commission funded about half, and HUD, the state, USDA rural development, Rasmussen Foundation, city of Sand Point, and the Mental Health Trust Authority all

collaborated. The commission is doing a lot of governmental coordination.

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MR. CANNELOS said all of the state commissioners, most of the federal agency heads in Alaska, and the Denali Commission meets twice a year. This group wants to get together. Leaders have little opportunity to network with their peers across the spectrum, especially federal and state people. The group has discussed climate change, demographics, renewable energy, labor force, and other issues and is doing a lot of good. The commission travels through Alaska. Climate change is a growing concern. A recommendation from a working group is to have some group carry on the government coordination work regarding climate change. He hasn't volunteered yet, "but we're certainly capable of doing it." The commission funded an ISER study on changing demographics. It is not conclusive, but it is sobering that there is outmigration from rural Alaska. Rural Alaska is an American treasure and its future is uncertain.

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CHAIR OLSON asked what will happen with the departure of Senator Ted Stevens, the forefather of the commission. Alaska doesn't have the numerous governors and senators with a stake in the commission like Appalachia, but it has the need.

MR. CANNELOS said Alaska has the need. We have to tell the Alaska story at the national level. There is no substitute for bringing "someone in a suit" to rural Alaska. He took someone to Bethel and Kwethluk for a day and their boat grounded. "It couldn't have been planned better." It demonstrated a typical day of travel in rural Alaska. He networks a lot with the Appalachian commission. Their mission has evolved from building roads to health, job creation, and renewable energy. If the Denali commission can evolve, "I think we've got a long-term future." He wants to go back to Congress and say the bulk fuel and health clinic projects are done.

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CHAIR OLSON noted the economic stimulus package and the federal deficit and asked if the Denali Commission will be able to function at the same level that it has.

MR. CANNELOS said, "We are resetting the clock." The commission is not named in the stimulus package. Because the commission is for one state it was inappropriate; however, he is working with

federal partners to see where the commission can be the federal entity to receive those dollars and then distribute them.

SENATOR FRENCH asked about the recent federal funding.

MR. CANNELOS said last year it was about \$110 million, and this year it will be about \$75 million. This year is the first time the state capital budget has complimented the commission's work in health, transportation, and energy. Passing the budget will be a powerful message to Congress that this truly is a federal/state endeavor. They are not requiring matching funds, but the state legislation has match in the language.

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SENATOR FRENCH asked about a ratio between state and federal contributions. What can the legislature tell Alaska's senators about how our \$28 million should be multiplied?

MR. CANNELOS said, "I think the language in this bill has about a one-to-one expectation for this year."

SENATOR FRENCH asked if Alaska can anticipate \$28 million in federal funding for the Denali Commission next year.

MR. CANNELOS said no; if the state can pass this budget, he can go back to Congress and say that the state is funding in this complimentary way, and that is a strong argument for funding forward for the commission at any level.

SENATOR FRENCH surmised that there is no "connector" between state and federal funding.

MR. CANNELOS said it is not like village safe water.

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SENATOR MENARD recognized her staff who worked on the windmills in Hooper Bay.

CHAIR OLSON asked about the changing demographics. Some towns are dwindling, so how does the commission decide on where to put multimillion dollar projects? There are some places where people don't live anymore and where there is a \$10 million school.

MR. CANNELOS said one of the bedrocks of the constitution is the freedom to move. Villages are ephemeral. Captain Cook saw villages disappear. The policy is to take a close look at the demographics. There needs to be honest talk between the agencies

and villages. Stebbins Village decided not to have a \$10.5 million water and sewer project. Everyone agreed on a smaller project connecting the school and the clinic. Everybody relies on outhouses and they are "calling it good."

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The committee took a brief at-ease.

SB 129-RESIDENTIAL SPRINKLER SYSTEMS

[4:04:50 PM](#)

CHAIR OLSON announced the consideration of SB 129.

MICHAEL ROVITO, Staff to Senator Linda Menard, Alaska State Legislature, said Senate Bill 129 is a response to a national movement to requiring residential fire sprinkler systems. SB 129 is to make sure that there won't be a requirement, at the state or local level, to put sprinklers into one or two-family dwellings. "There's a lot of costs that are associated with putting in these sprinkler systems, and a lot of the data doesn't back up the costs for an extra layer of protection." Modern construction practices have "fire-prevention processes already built in," including fire separation and draft stopping. The added cost of sprinklers to a homeowner is excessive. In Alaska, more than 33 percent of residences are on private water wells. They would have to update the water delivery system, which would have many hidden costs. "Current practices for fire prevention and fire notification seem to be sufficient enough."

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SENATOR FRENCH asked if there is an organization that is now requiring sprinklers for homes.

MR. ROVITO said, "This comes from an international and national group that is the international building codes and international fire codes, if I'm speaking correctly, that's pretty influential on the legislation." The International Residential Code (IRC) would mandate fire sprinklers in all new home construction. The IRC is part of the International Building Code (IBC), which is widely adopted as law throughout the United States, locally and statewide. "That has been a push to mandate these sprinklers in two-family dwellings." The coalition behind it is the IRC, which often influences state and local governments to adopt the codes.

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SENATOR FRENCH asked if Alaska has pledged to follow the dictates of the IRC.

MR. ROVITO said he has not heard of anyone in Alaska pledging to do that.

SENATOR FRENCH said, "We would have done it formally as a state ... have we adopted the IRC standards through a statute for our building codes statewide?"

MR. ROVITO said he doesn't know.

SENATOR MENARD asked if smoke alarm systems that run around \$400 are adequate. Homebuilder associations oppose the sprinkler systems in homes because they feel it is unreasonable.

MR. ROVITO said yes, research has shown that smoke alarms have a high success rate in preventing fire deaths in their typical operation. The homebuilders oppose mandating sprinklers because of the added cost "without empirical evidence showing more safety against fire deaths." Every \$1,000 added to the price of a house "prices out" hundreds of thousands of people. Sprinkler systems can cost \$4,000, which is incurred by the homebuyer.

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SENATOR MENARD said she raised four boys, and one can imagine how tempting sprinklers are. She has a well, and it is costly to have tanks. It seems unreasonable to mandate sprinklers systems in single or double-family homes.

CHAIR OLSON surmised that a home burning down is far more expensive than a \$4,000 sprinkler system.

MR. ROVITO said it could be, but he can't speak on how effective sprinklers are at saving the home from a fire. "I'm not sure if they would completely save it."

CHAIR OLSON asked if there are insurance discounts for having sprinklers.

MR. ROVITO said he didn't know.

CHAIR OLSON said when fire alarms don't work it is because they become an irritant when the battery runs out, "so people just disconnect them even though they have been installed and maybe even been given to them by the local fire department."

MR. ROVITO said he can see where that can be an issue.

CHAIR OLSON said the fire deaths are tragic.

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DAVID DILLARD, Builder, 3-2-1 Construction, Fairbanks, said he has been building homes since 1981. He has done custom building and retro-fitting, and he has work for State Farm and Allstate insurance companies. With regard to insurance companies, "I don't really see where they're going to give a percentage back for a suppression system like that because, mainly, the water causes a lot more damage than a lot of the fires do." He is rebuilding a house right now that burned. He understands that "they" had to put the fire out, but a lot of the moisture got into the walls and insulation "and did a lot more damage than normal." A commercial flooring building had a sprinkler go off, and it caused hundreds of thousands of dollars in damage. It could cost up to \$10,000 to put a sprinkler system in a home, depending on how big the home is. The insurance companies that he has built for "don't want to have to see suppression systems in there like that because it causes more damage when they do go off accidentally than the fire ever has done." He wants to be able to put the sprinklers in if desired. He has built close to 200 houses in the Fairbanks area. He built for three different fire chiefs in town, and only one wanted the sprinkler system. The other two fire chiefs didn't "want the liability to have them in their homes."

CHAIR OLSON asked if the two didn't feel that the sprinklers were necessary.

4:16:10 PM

MR. DILLARD said yes, but they keep their smoke alarms and carbon monoxide detectors in good shape. It is hard to legislate people from themselves, "if they're going to unplug something that they know it's going to work, how can you protect them from that?" The systems need to be maintained every year. Fairbanks' homes need antifreeze. To keep them the systems current will be expensive, "and a lot of folks just are not going to do it." People will pull out their smoke alarms because they beep.

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DAVID PETERSON, Contractor, Soldotna, said this is not the time to add costs to a housing market that is hurting. The record would show that fatal fires are probably in trailer houses not in new homes. Homes built today are far superior than ones built 10 years ago. He called the guy in Anchorage that is doing his sprinkler work and was told it will cost up to \$12,000 for a 2,000-square-foot ranch house. It could be as much as \$16,000

for a 3,500 square foot two-story house, and that is if there is an adequate water supply. If tanks were needed, it could add another \$10,000. "I don't think we can afford it." The sprinkler valves can be turned off as easily as turning off a smoke alarm.

CHAIR OLSON asked him about building in the Bush.

MR. PETERSON said there won't be water, so "who's going to pay for it?" The older homes will burn, not the newer ones.

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SENATOR MENARD asked how much a carbon dioxide unit costs.

MR. PETERSON said one probably costs \$50 to \$75.

ALAN WILSON, Builder, Juneau, said he supports SB 129. He built a home in Juneau with a sprinkler system, and the cost was over \$10 per square foot three years ago. The cost is now \$3 to \$4 a square foot. The cost of housing is already prohibitive. He is on the Juneau Affordable Housing Commission, which has tackled the issue of starter homes for working-class young people. A mandate will not help in that effort.

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KYLE CARR, President, Matsu Homebuilder Association, Palmer, said he represents over 150 member businesses. He is a second generation general contractor, and he has built several hundred houses throughout the state. He supports the bill, because the safety of "our residents" is important to him. The state suffers many fatalities and million of dollars a year in property loss, but he feels that we need to help protect the most vulnerable residents, but they are often on a fixed or modest income. "I believe 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." The most vulnerable residents would not benefit at all. It would be in everyone's best interest to establish a program to encourage the voluntary installation of all available fire suppression technologies. There is a false sense of security by putting all eggs in one basket. "If someone had a fire sprinkler system, they think that's the end all; that saves everything." It is like people taking smoke detectors off their ceilings because they think just one in the house is good enough. "That's very bad. If you were parked on a steep hill and you put your parking brake on your car, would you crawl under the back end and never think of the brakes failing? No." Unfortunately, homeowners with a fire sprinkler think that is all they need. "We need to think of all the technologies that

are out there that are affordable to everyone." Alaska[ns] should be able to choose the level of home safety for their own dwellings. He is in favor of not requiring smoke detectors, but he would like to see it like the energy ratings. Houses should be rated on the level of fire protection, and then a 5-star level could get an interest reduction as an incentive. Maybe it will require more than fire sprinklers, like fire resistant paints and all sorts of technology that a person could choose from. His insurance agent told him that in commercial clauses there is a stipulation that without proof that fire sprinklers are checked every year, "your insurance policy is void." So if there were deaths and the whole house was lost, a person will lose everything if there is not proof that the system was maintained. Insurance companies are not really in favor of sprinklers in Alaska because of the cold climate, the costs, and rural Alaska. "How could they afford the additional cost?" Even in the Matsu Valley, almost everyone is on a private well. Many of the houses he built in the last year get less than three gallons per minute. "How could they get a bladder system that could actually sustain enough water for long enough to put out a fire adequately?"

[4:24:20 PM](#)

CHAIR OLSON noted the positive response to the bill.

DAVE MILLER, President, Interior Alaska Building Association, Fairbanks, said his association supports the bill for all of the reasons that the committee has already heard. "We don't need to mandate fire sprinklers in Alaska right now. Bad idea."

DALE BAGLEY, Realtor, Soldotna, said he is representing the Kenai Peninsula Builders Association. The 2009 IRC mandates residential sprinkler systems. It will add considerable cost to residential construction. The slow-down of the economy makes it the wrong time to do this. Hard-wired smoke detector systems are much more important.

[4:26:20 PM](#)

CHAIR OLSON asked if it is easier to sell a house with a sprinkler system.

MR. BAGLEY said he doesn't know. He is not so sure that a home with a sprinkler system is better due to the damage that could happen if it accidentally goes off.

JIM BYRON, President, Ketchikan Building Association, Ketchikan, said he represents the Southern Southeast Building Association

and he supports SB 129. Over half of Ketchikan has roof water catchment systems. Pumps bring the water into the house. A sprinkler system will double the cost of everything. He was involved in one installation that cost over \$30,000, and that's not the kind of money we need to be spending right now. Smoke detectors are \$50 a piece and work great.

[4:28:07 PM](#)

PAUL MICHELSON, President, Alaska State Homebuilders, Anchorage, said he is not the leader "of this." He sat on the National Association for Homebuilders Construction Codes and Standards committee for 14 years. He sat on the International Code Conference (ICC) for two cycles. He sat on the Fire and Life Safety committee. He is currently on the Plumbing and Mechanical committee for the ICC. The ICC competes with the IFC, and it is all about a battle of funds to write the manuals.

MR. MICHELSON said he built a house with a sprinkler system that cost over \$38,000. He lost two home sales in a neighborhood because the plat required a sprinkler system. The owner refused to have one. "Insurance companies won't talk on this subject because of the unknown out there." Water causes more damage than fire and is tough to mitigate. Once a house has mold or has that suspicion, "you are going to be dropped ... and you're not going to be picked up until you can prove 100 percent that all the mold has been remediated out of the property altogether, and that's almost an impossibility to do." The south has mold problems, but it grows in the north. A well that produces less than 10 gallons a minute will need a 300 to 600-gallon storage system and an assist pump. A fire will turn off the pump, so "your sprinkler system is basically null and void anyway."

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MR. MICHELSON said the state doesn't have jurisdiction over the IRC; it has jurisdiction over the IBC and IFC. The IBC requires triplexes and above to have sprinkler systems, and not all jurisdictions enforce that. It is also in the body of the code of the IFC. It was introduced in the 2009 IRC code body, and it is not out yet. In 2006 it was in the appendix, which gave guidelines for how to install a sprinkler system. The fire coalition is talking about reducing the recommendation of a "13-D or a 13-R". "Now you're partially sprinklering a house." The true push behind all this is a company called Tyco, which is a multi-billion dollar company that sells a low-flow head, and it stands to make a lot of money because the average home needs 8 to 12 \$50 sprinkler heads. The money goes into one company's

pocket. Insurance companies usually offer a discount of 5 to 10 percent [to have a sprinkler system].

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MR. MICHELSON said a mayor built a house and his kids busted a sprinkler head, so he was dropped from his current insurance company. He couldn't insure his house for 18 months. It was a \$650,000 house that was uninsurable.

The committee took a brief at-ease.

[4:35:15 PM](#)

KATHIE WASSERMAN, Executive Director, Alaska Municipal League (AML), Juneau, said the AML is opposed to SB 129. Municipalities are usually the first responders to fires. Section 4 states that a municipality may not, for any purpose, require a sprinkler system in a residential single or double family building. If municipalities want to require sprinklers, it should be a locally-based decision. Every municipality may not wish to require them, but it should be a local option.

CHAIR OLSON asked if residential fire deaths have declined, especially in rural Alaska, in the past two decades.

MS. WASSERMAN said she doesn't think so.

CHAIR OLSON asked why not.

MS. WASSERMAN said she doesn't know. There have been a lot of rural fires. "Maybe we just hear about them more." She is not a fire expert.

CHAIR OLSON asked about mandating sprinklers in certain size dwellings.

MS. WASSERMAN said rural Alaskans live in smaller houses.

CHAIR OLSON said the contractors who have testified have been building in urban areas.

[4:38:12 PM](#)

MS. WASSERMAN said her point is that the bill takes away the local option.

DEBBIE WHITE, Real Estate Broker, Juneau, said she is the president of the Southeast Board of Realtors. She wondered if an insurance company can claim that water damage is flood damage,

and a lot of homes can't get flood insurance. She is concerned about a home or homeowner being tainted with claim history. Once a home has had a claim, it can be difficult, expensive, or impossible to get homeowner's insurance. She said teenaged boys can be very mischievous. She just sold a home with a sprinkler system, and that system had to be brought up to snuff. There was only one person in Juneau who was qualified to service it within 60 days. "The local guys here in town are not interested in working on a dry system, so that puts you with just the wet systems." There are not enough people to work on the systems that are in Juneau. She is part of the Alaska Association of Realtors. The exemption should include threeplexes and fourplexes to be consistent with lending guidelines. She thinks people will monkey with the sprinkler systems rendering them ineffective.

[4:41:42 PM](#)

DAVID TYLER, State Fire Marshall, Department of Public Safety, Anchorage, said this legislation affects assisted-living and overnight day-care buildings where people really need the protection. There is some misunderstanding on code adoption. The state has not adopted the IRC - some of the local jurisdictions have. Just because it is adopted doesn't mean it all has to be adopted. "There is nothing stating that you have to do the whole sprinkler system if it's adopted through regulation on the state level. So whether it's in appendix P or in the main body, it really doesn't matter -- it has to be adopted through regulation to be included."

CHAIR OLSON said regulations and statutes differ. Statutes require a committee process where the issues are vetted. Regulations are adopted and have the force of law without public input. "You ... may be protecting us from ourselves."

MR. TYLER said there is a public hearing process before adopting a regulation.

CHAIR OLSON asked if he has an example where sprinklers in homes have been appropriate.

[4:44:00 PM](#)

MR. TYLER said there has never been a fire fatality in a home with an operating sprinkler system. Never.

CHAIR OLSON said he has never seen anybody survive having pneumonia caused by mold.

MR. TYLER said there is the same problem with leaky toilets. Water gets in houses when there is a water system. A sprinkler system is on the same playing field.

CHAIR OLSON said there are people in the room who might not agree with that.

MR. TYLER said water is water.

CHAIR OLSON said water coming out of eight or ten sprinkler heads goes down the walls into the basement. There a difference between a sprinkler head spraying all over the house and into the carpet and overflow from a flush toilet in terms of mold.

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DOUG SCHRAGE, President, Alaska State Fire Chiefs Association, Deputy Chief of the Anchorage Fire Department, said he believes strongly in the merits of sprinklers, but the debate is about local control. Fire chiefs face staffing, deployment, equipment, and facility decisions based on the prevalence of water and sprinkler systems, travel distance, and geography. By precluding the option for fire officials to use sprinklers to mitigate other factors, such as long travel distances, takes away an effective tool for local fire chiefs. Precluding a municipality from adopting the code could reduce developments. Subdivisions in Anchorage are required to have two access roads if there are 30 or more homes. There can be an exemption if sprinkler systems are installed. Many current developments are occurring in geographical areas that preclude a second road.

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MR. SCHRAGE said fire protection is a local decision and shouldn't be precluded by a blanket statute. This debate should be about who should make this decision, but he would like to speak to the inaccuracies he has heard today on the merits of sprinkler systems. Fire service professionals believe in smoke and carbon monoxide detectors, but those devices only alert the occupants - when they are functioning -- and they do nothing to protect them. There was testimony that modern building codes have made dwellings safer, but homes are more and more relying on lightweight construction. There are flimsy trusses fabricated out of light-weight wood and fastened with fasteners that penetrate a short distance into the wood and very rapidly collapse under the heat of a fire. Sprinklers protect firefighters and occupants. The failure rate for sprinkler systems is one in 35 million. They are very reliable. The water damage from a low-flow sprinkler head is far less than the hoses

used by firefighters, which spray water at 250 to 350 gallons per minute. He heard testifiers inflating the cost of the systems. The actual cost is much less.

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MR. SCHRAGE said communities should have the option of requiring residential sprinklers. There was a 20 percent increase in the number of licensed assisted-living facilities in Alaska in the past two years. These are residential homes used for taking care of the elderly and infirm. These people have four times the risk of average residents. The size of this vulnerable population is increasing. Fire officials should have the option of considering sprinklers for their own communities as a measure to protect these vulnerable people. The Fire Chiefs Association's mission is to serve Alaskans by influencing fire and emergency services, programs, and legislation and to provide for the safety of firefighters and their communities. SB 129 stands in contrast to that mission.

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SENATOR FRENCH said it isn't clear to him if Alaska has adopted the IRC. Is Alaska bound by the IRC?

MR. SCHRAGE said the residential code is adopted by local municipalities. In Anchorage, when the new code comes out, the municipality adopts the code but not in its entirety. The Anchorage assembly amends out certain provisions. He predicts that when it is time to adopt the 2009 code, the city will amend out the sprinkler code, over his objections. It is not a state issue, it is a local issue.

CHAIR OLSON asked how long he has been working in Anchorage.

MR. SCHRAGE said 24 years.

CHAIR OLSON asked if residential fire fatalities have declined.

MR. SCHRAGE said fatalities statewide have declined somewhat, and in Anchorage the rate has remained steady. He isn't sure about rural rates. Most of the fire fatalities involve children.

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CHAIR OLSON asked what could be done besides installing fire sprinklers in order to drop the rate of fatalities.

MR. SCHRAGE said he works very hard on that. It is a combination of codes, public education, prevention, enforcement, building plan reviews, staffing, and rapid response.

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DAVE MILLER, President, Alaska State Firefighters Association, Sitka, stated his opposition to SB 129. Municipalities should decide. Chief Schrage brought up a lot of great points, and Mr. Miller agrees with everything he said. Sprinklers will save lives and property, and 15 years ago he would have spoken on the other side. But there are great sprinkler systems now, even for rural communities. There are 4,000 firefighters in Alaska, and about 400 are fully paid. Alaska is lacking half of the volunteers that it needs. Many communities don't have mutual aid - a firefighter in Sitka can't call anyone to help. In Wasilla, they could call Palmer or Anchorage to help. A sprinkler system for the isolated communities would be a huge advantage. Many communities have no protection, and with a shortage of volunteers, even having equipment won't help. "This is a way to stop that fire, slow that fire down. It will save lives. "I'm opposed to 129."

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JEFF TUCKER, Fire Chief, North Star Fire Department, North Pole, said he is also vice president of the Alaska Fire Chiefs Association, and he is speaking for the Interior Fire Chiefs. There is no mandate for fire sprinklers. The IFC is code standard that is locally adopted. SB 129 would take away that local option. Local policy makers and the public make a decision for what is appropriate for their area, and SB 129 takes that away. Two people died in Fairbanks in an assisted-living facility. That led to the local community adopting a sprinkler ordinance for an assisted-living facility with two or more people. The bill would preclude any community for making that decision for these high risk populations. A smoke detector is passive like the seat belt. A fire sprinkler is like the air bag. He is strongly opposed to SB 129.

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JAMES BAISDEN, Chief, Nikiski Fire Department, Nikiski, said he has been in the fire service for 25 years. He opposes SB 129 and said that 30 years ago this discussion would have occurred with residential smoke detectors. Sprinkler technology has progressed. From his experience, sprinkler systems save lives. If SB 129 passes, will the state then say that sprinklers can't be mandated in schools, places of assembly, hotels or hospitals? These requirements save lives. We're killing people now in our

single-family homes. Alaska is protecting business structures, hospitals, and schools, and it should do the same for the places where people spend most of their time. The elderly and children can't protect themselves - "that's what this is designed to do." Taking the option away from local municipalities is wrong. He used to be a deputy fire marshal for the state. When the state of Alaska adopts its codes, it does not adopt the IRC. It has to be done by municipalities. This bill is not appropriate. The local fire chief and government should be allowed to provide protection for their citizens. This bill won't allow it. It should always be up to the state to adopt the minimum building fire codes, and he wants to make sure that people know that "when the state fire marshal's office adopts the international codes, again, they're not adopting the international residential code. That has to be done on the local municipal level." It doesn't need to be in this bill.

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ERIC WILCOX, Fire Marshal, Kenai Fire Department, City of Kenai, said he opposes SB 129. "It needs to be left up to the local jurisdiction to adopt the IRC. It's already set up to work that way; it needs to be left that way, so we have that tool still available to us."

MR. ROVITO said there are two sides to this. Fire professionals are against SB 129 and homebuilders are for it. The bill leaves the option for a homeowner to install sprinkler systems, it just doesn't allow a local or state government to mandate them for a one or two-family dwelling. Both sides brought up good points. He noted the added costs, especially in cases of private wells. "If you add this money to the cost of a home and they pay the extra cost, what's to say they're not just going to turn off the sprinkler system, and they have been charged this extra cost and it's not doing anything to help their home." The risk for the system to go off prematurely exposes homeowners to house damage. If a smoke detector goes off erroneously, there is no long-term damage. SB 129 seeks to prevent a mandatory rule on the local or state level of requiring fire sprinkler systems in one or two-family dwellings.

CHAIR OLSON held over SB 129.

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The meeting was adjourned at 5:09 p.m.