

HOUSE BILL REPORT

ESHB 1401

As Passed Legislature

Title: An act relating to fire safety.

Brief Description: Regulating fire safety.

Sponsors: By House Committee on Local Government (originally sponsored by Representatives Simpson, Hankins, O'Brien, Ormsby and Chase).

Brief History:

Committee Activity:

Local Government: 2/3/05, 2/24/05 [DPS].

Floor Activity:

Passed House: 3/9/05, 96-0.

Passed Senate: 4/8/05, 44-3.

Passed Legislature.

Brief Summary of Engrossed Substitute Bill

- Requires the installation of automatic sprinkler systems in nightclubs..
- Tasks the building code council with adopting rules with respect to the installation of automatic sprinkler systems in nightclubs.
- Provides an optional ten year special property tax exemption for the increase in value attributable to the installation of an automatic sprinkler system in a nightclub.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Simpson, Chair; Clibborn, Vice Chair; B. Sullivan and Takko.

Minority Report: Do not pass. Signed by 2 members: Representatives Schindler, Ranking Minority Member; and Ahern, Assistant Ranking Minority Member.

Staff: Ethan Moreno (786-7386).

Background:

The State Building Code Council (SBCC) is responsible for the adoption and maintenance of the building, residential, mechanical, fire, and plumbing model codes that comprise the state building code (SBC). The SBCC is required to regularly review updated versions of the uniform model codes and amend these codes as appropriate. The SBC, which includes provisions describing the powers and duties of fire code officials and building officials, must be enforced by counties and cities. These local governments, however, may amend the SBC as it applies within their jurisdiction, subject to limitations prescribed in law.

All property in Washington is subject to assessment and taxation for state, county, and other taxing district purposes, excepting that property which is exempted from taxation by law. There are numerous exemptions found in Title 84 RCW. For example, the Legislature has exempted physical improvements to single family residences for the three assessment years subsequent to the completion of the improvements to the extent that the improvements represent 30 percent or less of the value of the original structure. Another exemption, in the form of a special valuation, has been provided for improvements to historic property.

Summary of Engrossed Substitute Bill:

Construction, conversion, or occupancy of a building as a nightclub is prohibited unless there is compliance with the automatic sprinkler system requirements provided for in this bill.

A "nightclub" is defined as an establishment that: provides live entertainment by paid performing artists or by way of recorded music conducted by a person, such as a disc jockey, who is employed or engaged to conduct the music; and has as its primary source of revenue either the sale of beverages of any kind which are to be consumed on the premises or cover charges or both. Such an establishment is only considered a "nightclub" if it has an occupant load of one hundred or more where the occupant load for any portion of the occupancy is calculated at one person per ten square feet or less, excluding the entry foyer. Finally, fixed seat theaters are specifically excluded from the definition of a "nightclub."

The SBCC is charged with adopting rules by December 1, 2005 requiring that all "nightclubs" be provided with an automatic sprinkler system. By December 15, 2005, the SBCC is to share these rules with the fire protection policy board which is to respond to the SBCC, by February 15, 2006, with any recommended changes. The SBCC is to consider any such recommendations. The rules are effective on December 1, 2007.

Owners of property required to install automatic sprinkler systems in "nightclubs" may take advantage of a special property tax exemption. Prior to installation of the system, the owner may apply to the assessor of the county in which the property is located for such an exemption. For ten years thereafter, a special property tax exemption is allowed for the increase in value attributable to the installation of an automatic sprinkler system in a nightclub.

Appropriation: None.

Fiscal Note: Requested on February 25, 2005.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill is a response to nightclub fires that took place in Rhode Island and Minnesota in 2003. Pyrotechnics were responsible for fires that spread quickly and ignited the ceilings of the businesses. More than 100 people lost their lives in the Rhode Island nightclub that did not have a sprinkler system. The Minnesota nightclub had a sprinkler system and lives were not lost. This bill is a work in progress. Rule-making and enforcement aspects within the bill need to be modified. A new version is forthcoming. Sprinkler systems would help to solve safety issues. Support exists for a modified bill. Concerns exist about creating new inspection requirements that may burden local officials. Tax incentives could help to offset sprinkler system installation costs. This bill is needed and it represents an opportunity to save lives.

(With concerns) Support exists for working with proponents of the bill to clarify existing provisions. The State Building Code Council should be consulted about the bill. The sprinkler system provisions of the bill should be limited to common assembly areas and should not apply to residential dwelling areas. State law requires residential units to have working smoke detectors.

Testimony Against: Retrofitting existing buildings with sprinkler systems will be very expensive. A more appropriate response to the concern of nightclub fires may be to ban pyrotechnics. The bill may establish duplicative requirements.

Persons Testifying: (In support) John Brooks, Sprinkler Fitters Apprenticeship; Rick Jansen and Paul O'Conner, Fire Sprinkler Advisory Board of Puget Sound; Miriam Israel Moses, Rebound; Lee Russel, Local 699 Sprinkler Fitters; John McDonald, Washington State Association of Fire Marshalls; and Mike Brown and Warren Burns, Washington State Association of Fire Chiefs.

(With concerns) Mark Triplett, Washington Association of Building Officials; Stan Bowman, American Institute of Architects Washington Council; Deputy Chief James Woodbury and Diane Hansen, Seattle Fire Department; and Bob Mitchell, Washington Association of Realtors.

(Opposed) Michael Transue, Washington Restaurant Association; Darlene Pennock, Washington Apartment Association; and T.K. Bentler, Washington State Hotel & Lodging Association.

Persons Signed In To Testify But Not Testifying: (With concerns) Anjela Foster, State Fire Marshall.