

SENATE BILL REPORT

ESHB 1295

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, March 14, 2011

Title: An act relating to installation of residential fire sprinkler systems.

Brief Description: Concerning the installation of residential fire sprinkler systems.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Van De Wege, Hurst, Tharinger, Fitzgibbon and Liias).

Brief History: Passed House: 2/26/11, 95-2.

Committee Activity: Government Operations, Tribal Relations & Elections: 3/08/11, 3/14/11 [DPA].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass as amended.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Benton, Chase, Nelson and Roach.

Staff: Diane Smith (786-7410)

Background: The Department of Health (DOH) is responsible for adopting water use efficiency requirements for all municipal water suppliers. The requirements, which are adopted in the form of administrative rules, must be tailored to accommodate differing system sizes, forecasted system demands, and system supply characteristics. In adopting the administrative rules, the DOH must satisfy numerous requirements, including the development of water distribution system leakage standards. These standards are used to ensure that municipal water suppliers are taking appropriate steps to reduce water system leakage rates or are maintaining their water systems in a condition that results in leakage rates that comply with efficiency requirements.

Counties, cities, and towns that plan under the Growth Management Act are authorized to impose impact fees on development activity as part of the financing for public facilities. Impact fees are payments of money required from developers as a condition of development approval. Public facilities that may receive funding from impact fees are limited to specified types of capital facilities owned or operated by governmental entities. These capital facilities

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are limited to public streets and roads; publicly owned parks, open space, and recreational facilities; school facilities; and fire protection facilities in jurisdictions that are not part of a fire district.

Professional installers of fire protection sprinkler systems must be certified and licensed. All receipts from certificate of competency fees and licenses; and monies generated from associated charges, rules, and regulations are deposited into the Fire Protection Contractor License Fund (Fund). Expenditures from the Fund may be used only for authorized fire protection and enforcement purposes. This includes identifying and providing assistance related to sprinkler system components that have been subject to a recall or voluntary replacement program. Only the state Director, or the Director's designee, may authorize expenditures from the Fund.

Summary of Bill (Recommended Amendments): Expenditures from the Fund may be used to develop and publish educational materials related to the effectiveness of residential fire sprinklers. A person installing a residential sprinkler system in a single-family home is not required to pay the fire operations portion of the impact fee. The exempt fire operations impact fee does not include the proportionate share related to the delivery of emergency medical services.

Public water systems are not liable for damages resulting from shutting off water to a residential home with an installed fire sprinkler system if the shut-off is due to routine maintenance, non-payment by the customer, or water system emergencies.

No duty or liability may be imposed on public water systems that does not exist under the law in effect on the effective date. Current law includes liability protection that cities and municipal utilities have under the public duty doctrine and the Washington court cases of *Stiefel v. City of Kent* (2006), and *Fisk v. City of Kirkland*, (2008).

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS COMMITTEE (Recommended Amendments): The section, requiring water distribution system leakage standards to include estimated additional metering losses and demand increases due to meter upsizing required when a residential fire sprinkler system is installed, is removed.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Engrossed Substitute House Bill: PRO: The guidance already published by DOH covers the requirements of section 4, providing the flexibility needed. Please remove section 4 as it needlessly requires expensive new rulemaking. There is some confusion as to whether section 5 includes water purveyors and the circumstance of having to shut off the water when the water main is under construction.

Section 5 preserves law protecting the water provider. Education is absolutely a component of fire prevention. Section 4 should be left in the bill because conservation requirements were strengthened under new law.

Persons Testifying: PRO: Kelly Cooper, DOH; Bill Clarke, Washington PUD Association; Paul O'Conner, Fire Sprinkler Advisory Board; Steve Lindstrom, Sno-King Water District Coalition; Jim Kambeitz, Washington State Association of Fire Marshals.