

SENATE BILL REPORT

SB 5206

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

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

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

Sponsors: Senators Kohl-Welles, Swecker, Nelson and Chase.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 1/31/11, 2/14/11 [DPS, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5206 be substituted therefor, and the substitute bill do pass.

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

Minority Report: Do not pass.

Signed by Senator 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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 government entities. These capital facilities are limited to public streets and roads; publicly owned parks, open space, and recreation 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 Substitute): 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 additional duty or liability is imposed on public water systems.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS COMMITTEE (Recommended Substitute): Removes the requirement that DOH adopt administrative rules for water distribution system leakage standards that include estimated additional metering losses and demand increases due to meter upsizing required when a residential fire sprinkler system is installed.

The intent section includes two Washington Supreme Court cases that are cited as rulings that the Legislature intends to be fully preserved. In the section that exempts public water systems from liability for damages in certain circumstances, is the statement that the section does not impose any duty or liability on public water systems that do not already exist under current law.

Appropriation: None.

Fiscal Note: Not requested.

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 Original Bill: PRO: This bill will remove barriers from the installation of residential fire sprinklers. The social costs of fires in residential structures is so great that families should not be forced to forgo installation because it is too expensive. This bill grew out of a study that found seven barriers. This bill addresses four of them. There is no adverse effect on public safety. Prevention is far superior to putting fires out after the fact.

CON: Public funding should not go to educational materials that will not be objective or accurate due to their advocacy nature.

OTHER: There is a concern about title subject creep. We need to account for the higher pressures necessary to operate fire sprinkler systems.

Persons Testifying: PRO: Senator Kohl-Welles, prime sponsor; Dick Bower, City of Gig Harbor; Paul O'Connor, Fire Sprinkler Advisory Board; Jim Kambeitz, Washington State Association of Fire Marshals.

CON: Art Castle, Building Industry Association of Washington.

OTHER: Steve Lindstrom, Sno-King Water District Coalition.