

SESSION OF 2011

**SUPPLEMENTAL NOTE ON  
HOUSE SUBSTITUTE FOR SENATE BILL NO. 101**

As Recommended by House Committee on  
Local Government

**Brief\***

House Sub. for SB 101 would permanently restrict cities and counties from adopting or enforcing any ordinance, code, or other policy that would require the installation of a multi-purpose residential fire protection sprinkler system in a residential structure. The bill would prohibit a city or county from requiring the installation of such a system as a condition for the consideration or approval of a building permit or plat.

The bill would take effect upon publication in the *Kansas Register*.

**Background**

SB 101 originally dealt with changing the Uniform Common Interest Owners Bill of Rights Act. The House Committee on Local Government adopted a substitute bill that eliminated the original contents and replaced them with the contents of HB 2088.

In 2010, the Legislature approved a one-year prohibition on municipalities requiring the installation of sprinkler systems. In 2011, HB 2088 was introduced to make the prohibition permanent and to add the permit and plat-related prohibition. HB 2088 was referred first to the House Committee on Commerce and Economic Development and later to the Senate Committee on Local Government.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

At the House Committee on Commerce and Economic Development hearing, HB 2088 was supported by representatives of the Kansas Association of Realtors, the Home Builders Association of Greater Kansas City, the Kansas Manufactured Housing Association, the Kansas Building Industry Association, the Wichita Habitat for Humanity, the Associated Landlords of Kansas, Mid-American Lumbermen's Association, and the Greater Kansas City Local Initiatives Support Corporation. Proponents indicated the bill's purpose was to prevent the imposition of a sprinkler mandate by municipalities because such a policy could reduce the availability of affordable housing. A person could install a sprinkler system voluntarily.

Opponents to HB 2088 included representatives of an insurance company, the League of Kansas Municipalities, the cities of Manhattan and Overland Park, the Kansas Association of Counties, the National Fire Protection Association, the Kansas Association of Fire Chiefs, the Kansas City Firefighters Relief Association, the Fire Marshals Association of Kansas, the Fire Education Association of Kansas, and Safe Kids Kansas. Opponents' concerns centered around safety, the costs of residential fires, and the issue of local control.

The House Committee on Commerce and Economic Development amended HB 2088 by adding the word "sprinkler" to subsection 1(c) in order to make the bill grammatically consistent with provisions currently in statute.

The Senate Committee on Local Government received testimony from a substantially similar group of conferees.

As stated previously, the House Committee on Local Government amended HB 2088 into SB 101 and eliminated its original contents.

The fiscal note on SB 101 as introduced indicated passage of the bill would have no fiscal effect.

According to the fiscal note on HB 2088, in consultation with the League of Kansas Municipalities, the fiscal effect to Kansas cities would be negligible.