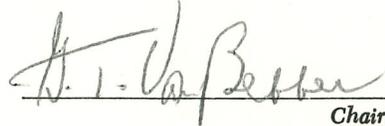


Held in Room 510-S, at the Statehouse at 2:45 a.m./p.m., on January 27, 19 75.

All members were present except: Mr. Marshall, who was excused by the Chairman.

The next meeting of the Committee will be held at 2:45 a.m./p.m., on January 28, 19 75.

The ~~minutes~~ minutes of the meeting held on January 22 and 23, 19 75 were considered, ~~corrected~~ and approved.



Chairman

The conferees appearing before the Committee were:

The meeting was called to order by the Chairman who announced that discussion and hopefully, action, would be had on the proposed Rules and Regulations of the Fire Marshall; Examining Board of State Architects; Alcoholic Beverage Control and Kansas Real Estate Commission. He explained that there are several alternatives in regard to these proposals, i.e. The Committee can introduce a bill which would reject a regulation; the Committee can introduce a bill which would modify a proposed regulation, and if adopted, would become effective; the Committee could put into the minutes that a regulation is approved; or that the Committee determined to take no action with regard to a particular regulation. The Chairman suggested that the last alternative might be preferable because if no action is taken the regulation becomes effective within sixty days and this way there would be no stamp of approval in case there is a court action.

It was moved by Mr. D. Miller that the Fire Marshall's proposed regulation 22-2-18 be disapproved. There was no second, but there was considerable discussion about the merits of the various alternatives.

It was moved by Mr. R. Miller that staff be instructed to draft a committee bill modifying the regulation concerning the transport of flammable liquids in auto trunks and luggage compartments. Motion was seconded by Mr. Cooper. After considerable discussion, a substitute motion was offered by Mr. Sellers that staff be instructed to draft a committee bill rejecting 22-2-18. Motion was seconded by Mr. D. Miller. Discussion was had concerning testimony by conferees on this subject. Motion carried 11 yes to 5 no.

It was moved by Mr. D. Miller that staff be instructed to draft a bill rejecting 22-7-9 (4). Motion was seconded by Mr. Seller, and the motion carried with Mr. Anderson abstaining.

The Committee discussed 22-7-29, and was unable to determine what constitutes an "abandoned underground storage tank" as the Fire Marshall had given no definition. The opinion was expressed that the Marshall had drawn up the proposals without the proper steps, and that anything so far reaching should have input from the industry. It was moved by Mr. Sellers and seconded by Mr. D. Miller that staff be instructed to draft a bill rejecting 22-7-29. Mr. Morris asked if it is possible to write a synopsis about why it was being rejected, and the Chairman stated the Supplemental Information would show this. Motion carried.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

Mr. David Miller stated that he felt the Fire Marshall has too much power if he can regulate misdemeanor offenses against individuals. Mr. Miller then moved that no action be taken on 22-13-4. Motion was seconded by Mr. Ungerer. Mr. Morris stated that it seemed the Marshall is inclined to make up his mind against products which have been approved by all recognized agencies, and which in fact are sometimes approved in all other states; that he believes this might be a chance to name some criteria for approved sources. Motion carried without dissent.

With regard to 22-16-1 through 11, dealing with portable fire extinguishers, it was moved by Mr. Feleciano and seconded by Mr. Cooper that no action be taken by the committee. Motion carried without dissent.

It was moved by D. Miller and seconded by Mr. Feleciano that 22-17-1 and 2 (Fire Alarm Devices) receive no action by the committee. Motion carried without dissent.

Discussion was initiated concerning the proposed Rules and Regulations by the Examining Board of State Architects. It was moved by Mr. Feleciano and seconded by Mr. T. Slattery that no action be taken. Motion carried without dissent.

It was moved by Mr. D. Miller and seconded by Mrs. Matlack that the proposed Rules and Regulations of the ABC receive no action. Motion carried without dissent.

It was moved by Mr. Cooper and seconded by Mr. T. Slattery that no action be taken in regard to the proposed Rules and Regulations of the Real Estate Commission. Motion carried without dissent.

It was moved by Mr. Cooper and seconded by Mr. Anderson that the minutes for January 22 and 23 be approved as written. Motion carried.

The meeting was adjourned.

1-27-75

2034

Article I.—GENERAL PROVISIONS  
JOINT CONVENTIONS OF HOUSE AND  
SENATE

**46-101.** Concurrent resolution fixing time and place. That whenever a concurrent resolution shall have been adopted by both houses of the legislature, fixing a time and place, agreeing to go into a joint convention, the two houses shall meet in joint convention for the purpose of doing any act that may be authorized by law. [L. 1861, ch. 17, § 1; Sept. 2; G. S. 1868, ch. 57, § 1; R. S. 1923, 46-101.]

Revision note, 1923: Edited by striking out "for the election of United States senators or"; also by striking out "other" after "any."

Research and Practice Aids:

States 32.  
Hatcher's Digest, Legislature §§ 3, 8; Statutes § 12.  
C. J. S. States § 37; Statutes § 13.

CASE ANNOTATIONS

1. This chapter held applicable to election of state printer. *Prouty v. Stover*, *Lieut. Governor*, 11 K. 235.
2. Act directory only; strict compliance with provisions not absolutely essential. *Snow v. Hudson*, 56 K. 378, 383, 43 P. 260.

**46-102.** Power of joint convention. That said joint convention, when assembled, shall have no power to perform any other act than that specified in the concurrent resolution creating the same. [L. 1861, ch. 17, § 2; Sept. 2; G. S. 1868, ch. 57, § 2; R. S. 1923, 46-102.]

**46-103.** President of joint convention; record of proceedings. That when the two houses shall be assembled in joint session the president of the senate shall preside, and the clerk of the house of representatives and the secretary of the senate shall each keep a record of the proceedings of said convention; and on the reassembling of the two houses in

their respective halls it shall be the duty of said clerk and secretary to report the same to their respective houses, and the same shall be entered at large upon their journals. [L. 1861, ch. 17, § 3; Sept. 2; G. S. 1868, ch. 57, § 3; R. S. 1923, 46-103.]

**46-104.** Rules for government of joint convention. That the rules of the house of representatives and the joint rules of the two houses, as far as the same may be applicable and not in conflict with this act, shall be the rules for the government of said joint convention. [L. 1861, ch. 17, § 4; Sept. 2; G. S. 1868, ch. 57, § 4; R. S. 1923, 46-104.]

**46-105.** Votes by yeas and nays; elections by viva voce; manner of taking vote. That all votes in said joint convention shall be taken by yeas and nays, and all elections shall be viva voce; and in taking the same it shall be the duty of the secretary of the senate first to call the names of the members of the senate, and after which the clerk of the house of representatives shall in like manner call the names of the members of the house; and each member of the senate and the house of representatives present shall be required to vote on all questions and on all elections in said joint convention, unless excused by a vote of the convention. [L. 1861, ch. 17, § 5; Sept. 2; G. S. 1868, ch. 57, § 5; R. S. 1923, 46-105.]

Research and Practice Aids:

States 31.  
C. J. S. States § 39.

**46-106.** Majority required to elect. That to elect any person in said joint convention, a majority voting in the affirmative of all the members elected to the two houses shall be necessary. [L. 1861, ch. 17, § 6; Sept. 2; G. S. 1868, ch. 57, § 6; R. S. 1923, 46-106.]

**46-107.** Voting on one person at a time. That when a joint convention shall be assembled for the purpose of electing more than one person, the vote shall be so taken as to elect but one at a time. [L. 1861, ch. 17, § 7; Sept. 2; G. S. 1868, ch. 57, § 7; R. S. 1923, 46-107.]