

Approved: _____ 2-16-93
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Clyde Graeber at 1:30 p.m. on February 11, 1993 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Mary Galligan, Legislative Research Department
Lynne Holt, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
June Evans, Committee Secretary

Conferees appearing before the committee: Representative Carolyn Weinhold
Representative Clyde D. Graeber
Jim Coder, Assistant Attorney General, State Fire
Marshal Department
Rich Barr, Fire Marshal, Lawrence Fire Department
Ed Jaskimno

Others attending: See attached list

Representative Carolyn Weinhold requested introduction of a committee bill requiring a waiting period before a handgun can be purchased. (See Attachment #1)

Representative Sebelius moved and Representative Wiard seconded to accept the request as a committee bill. The motion carried.

Representative Graeber requested introduction of a committee bill that would ban time-out boxes for all school districts in Kansas.

Representative Wiard moved and Representative Lahti seconded to accept as a committee bill. The motion carried.

Representative Graeber requested introduction of a committee bill stating that currently cities are provided the ability to not have to post any supersedous or appeal bond in any action where they are either plaintiff or defendant. Counties are not afforded this same privilege and requested counties be afforded this same procedure as cities.

Representative Sebelius moved and Representative Rock seconded to accept as a committee bill. The motion carried.

The Chairman opened the hearing on HB 2126.

Jim Coder, Assistant Attorney General, State Fire Marshal Department, testified in support of HB 2126, stating this bill adds as an alternative the notice of violations may be served personally by the Fire Marshal or his deputies. (See Attachment #2)

The hearing was closed on HB 2126.

The Chairman opened the hearing on HB 2127.

Jim Coder, Assistant Attorney General, State Fire Marshal Department, testified in support of HB 2127, stating this bill would allow those people charged with enforcing the Kansas Fire Prevention Code to obtain inspection warrants. It was unclear whether inspection warrants were available at present. This legislation

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 526-S
Statehouse, at 1:30 p.m. on February 11, 1993.

would simply clear up any question as to the legality of such warrants. (See Attachment #3)

Major Rich Barr, Fire Marshal, Lawrence Fire Department, Lawrence, Kansas, testified in support of HB 2127, stating this bill provides a mechanism to allow routine fire safety and prevention inspections of buildings and premises where access has been denied. (See Attachment #4)

Ed Jaskimno testified as a private individual opposing HB 2127 stating he did not feel multiple dwellings should be inspected by the fire marshal as he feels this takes away his personal rights.

The Chairman closed the hearing on HB 2127.

Representative Smith moved and Representative Standifer seconded approval of the the minutes for February 3, 4, and 9. The motion carried.

The meeting adjourned at 2:45 PM.

The next meeting is scheduled for February 16, 1993.

Date:

FEDERAL and STATE AFFAIRS COMMITTEE

[illegible]

STATE OF KANSAS

CAROLYN WEINHOLD

REPRESENTATIVE, SIXTY-NINTH DISTRICT
SALINE COUNTY
417 W. BELOIT
SALINA, KANSAS 67401
HOME (913) 827-4764
CAPITOL OFFICE (913) 296-7675



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

ENERGY & NATURAL RESOURCES
STATE & FEDERAL

MEMBER: CHILDREN & YOUTH ADVOCACY
COMMITTEE OF THE CORPORATION
FOR CHANGE

REQUEST FOR HEARING

Mr. Chairperson and Committee Members:

Within the United States there are currently 19 states that require some type of waiting period before a handgun can be purchased. In Kansas there is no such law. Kansas City, Lawrence, and Junction City have city ordinances requiring a waiting period. A waiting period can serve two purposes: it provides time to run a background check on the purchaser and in some cases a "cooling off" period for an angry or suicidal individual.

The proposed legislation would require a waiting period of 72 hours, exclusive of Saturdays, Sundays and legal holidays. Persons in violation would be guilty of a class C misdemeanor and fined no more than \$1,000.00.

F&SA
2-11-83
Atch #1

HOUSE BILL NO. ____

By Representative Weinhold

AN ACT concerning crimes and punishment; relating to the selling of firearms; requiring a 72-hour waiting period before transaction occurs.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) It shall be unlawful for any person to knowingly sell, lease, give or otherwise transfer any firearm with a barrel less than 12 inches long to any person prior to such person waiting a period of 72-hours, excluding Saturdays, Sundays and legal holidays, to acquire possession of such firearm.

(b) The person transferring such firearm shall require the person acquiring possession of such firearm to fill out an information form, provided by the Kansas Bureau of Investigation, at the time of purchase. Within 24-hours after the close of the business day in which the transaction took place, the person transferring such firearm shall forward a copy of the form, by first class mail or personal delivery, to the local law enforcement agency.

(c) Any person who violates this section shall be guilty of a class C nonperson misdemeanor and upon conviction shall be punished by a fine of not more than \$1,000.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

F-5A
2-11-83
1-2



"Where Fire Safety Is A Way Of Life"

Kansas State Fire Marshal Department
700 Jackson, Suite 600
Topeka, Kansas 66603-3714
Phone (913) 296-3401
FAX (913) 296-0151

Joan Finney
Governor

Edward C. Redmon
Fire Marshal

TESTIMONY OF JIM CODER
ASSISTANT ATTORNEY GENERAL
STATE FIRE MARSHAL DEPARTMENT
BEFORE HOUSE FEDERAL & STATE AFFAIRS
FEBRUARY 3, 1993
HB 2126

House Bill 2126 is a simple amendment to K.S.A. 31-150a regarding service of notice of violations of the Kansas Fire Prevention Code. As the law stands now, service must be by certified mail. The amendment adds, as an alternative, the notice of violations may be served personally by the Fire Marshal or his deputies.

This bill would allow our office to have some teeth in alleviating imminent fire hazards immediately. As it stands now, if our inspectors find an imminent threat, they must return all the paperwork to the office and before the clock starts running on the class B misdemeanor, a certified letter must be sent.

This will also allow us to save some money. Each certified letter costs about \$2.50. If our inspector could hand deliver it while he is inspecting the premises it would save some of this cost.

Virtually every document which starts a legal proceeding can be personally delivered. This just adds the fire marshal to the list.



"Where Fire Safety Is A Way Of Life"

Kansas State Fire Marshal Department
700 Jackson, Suite 600
Topeka, Kansas 66603-3714
Phone (913) 296-3401
FAX (913) 296-0151

Joan Finney
Governor

Edward C. Redmon
Fire Marshal

TESTIMONY OF JIM CODER
ASSISTANT ATTORNEY GENERAL
STATE FIRE MARSHAL DEPARTMENT
BEFORE HOUSE FEDERAL & STATE AFFAIRS
FEBRUARY 3, 1993
HB 2127

House Bill 2127 would allow those people charged with enforcing the Kansas Fire Prevention Code to obtain inspection warrants. Right now it is unclear whether inspection warrants are available. Some district attorney's and judges have not issued warrants for inspection purposes when inspectors have been denied access. I tend to agree with this rationale, that these types of warrants are not available. The legislation would simply clear up any question as to the legality of such warrants.

As proposed a person must go through the court system to obtain a warrant providing a check and balance to the enforcement of this code.

TESTIMONY
OF
RICH BARR
FIRE MARSHAL
LAWRENCE KANSAS FIRE DEPARTMENT
&
REPRESENTING
THE KANSAS STATE ASSOCIATION OF FIRE CHIEFS
PRESENTED BEFORE

THE HOUSE
FEDERAL AND STATE AFFAIRS
COMMITTEE

February 3, 1993

RE: HB 2127

F & SA
2-11-93
Atch #4

Mr. Chairman and Committee Members:

Thank you for conducting this hearing on House Bill No. 2127. I appreciate the opportunity to provide testimony as it relates to the operation of the Lawrence Fire Department Fire Prevention Bureau.

I strongly support House Bill No. 2127 which provides a mechanism to allow routine fire safety and prevention inspections of buildings and premises where access has been denied.

K.S.A. 31-139 provides the authority to the state fire marshal and those persons designated in K.S.A. 1972 Supp. 31-137 (of which I am one) to enter into all buildings for the purpose of examination, inspection or investigation to determine compliance with the rules and regulations of the fire prevention code.

A.G.O. 81-118 states "If admittance to a building subject to the code is denied, a search warrant, which may be issued ex parte, must be obtained prior to entry."

Search warrants require those persons or agencies requesting their issuance to show probable cause. In the case of routine fire safety and prevention inspections, there are several reasons for entering the premises:

- 1) To determine that no fire hazards exist which would adversely affect the property or occupants,

F&SA
2-11-93
4-2

2) To assure that no fire hazards are present that may endanger adjoining property or occupants of other areas within the same structure, and

3) To allow firefighters the opportunity to visually examine the building interior to identify hazards or concerns that may affect firefighter safety or fire suppression efforts should an incident occur.

If such hazards are found, the regulations are already in place to require abatement. Probable cause cannot be shown in most cases of routine inspections, particularly if there are no recent inspection records (because access was previously denied) to draw upon when attempting to show the probability that fire hazards exist.

We do not propose or expect to use this inspection warrant to enter the private dwelling place of our citizens. More appropriately, this would require the issuance of a search warrant under current law. In K.S.A. 31-133 (a. 10.), single family dwelling units are exempted from requirements for fire safety inspections.

It is very important to the safety and welfare of the citizens of Lawrence, and all other Kansas communities, to allow routine fire safety inspections of occupancies that they frequent. I believe that the general population expects that any buildings or premises they enter for any purpose are reasonably safe. Passing this House Bill would assist those responsible for enforcing fire safety and prevention regulations in seeing that those expectations are fulfilled in all buildings within their respective jurisdictions.

F-5A
2-11-93
4-3