

Approved: 1-25-94
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Marvin Smith at 9:00 a.m. on January 21, 1994 in Room 521-S of the Capitol.

All members were present except: Representative Lisa Benlon (Excused)
Representative Tom Bishop
Representative Tom Bradley (Excused)

Committee staff present: Carolyn Rampey, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Arden Ensley, Revisor of Statutes
Nancy Kippes, Committee Secretary

Conferees appearing before the committee:

Jack Hawn, Deputy Executive Secretary, KPERS

Others attending: See attached list

Representative Walker Hendrix requested introduction of a bill which would regulate the burglary alarm system businesses in order to help insure quality installation and not a feeling of false security (Attachment 1).

Representative Dawson made a motion to introduce the bill. Representative Wootten seconded. The motion carried.

Hearing on:

HB 2598 - KPERS, members of the board of trustees and members of system participating in election thereof, qualifications.

Jack Hawn, Deputy Executive Secretary of KPERS, provided testimony in favor of HB 2598 (Attachment 2). This bill would clarify who is eligible to vote and serve on the KPERS Board after July 1, 1994, those members having to be active contributing members, inactive vested members and retirants. The bill would also specify that the 1993 election of two members to the Board (1) would not be invalidated, and (2) no individual elected in this 1993 election would be disqualified from serving and no actions taken by the Board prior to the effective date of HB 2598 would be invalidated.

Action on:

HB 2593 - elections, instruction of election board judges.

Arden Ensley, Legislative Revisor, reviewed the amendment in HB 2593 wherein the phrase "provide written instruction" replaces "school of instruction". Discussion continued on this bill. (Attachment #3)

Representative Dawson made a motion to include "may conduct a school of instruction". Representative O'Connor seconded. The motion carried.

Representative Dawson made a motion to pass favorably HB 2593 as amended. Representative O'Connor seconded. The motion carried.

Representative Dillon moved approval of the minutes for January 19, 1994 as submitted. Representative Ballard seconded. The motion carried.

The meeting was adjourned at 9:40 a.m. The next meeting is scheduled for January 25, 1994.

GUEST LIST

COMMITTEE: House Governmental Organization & Elections DATE: 1-21-94

[illegible]

AN ACT concerning licensing of providers of fire and burglar alarm systems.

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

Section 1. As used in this act:

(a) "Alarm Business" means any person or business engaged in the sale, service, maintenance, monitoring including monitoring from an out of state location, or installation of security alarm or fire alarm systems.

(b) "Security Alarm" means any assembly of equipment or devices or any single device designed to detect and signal an unauthorized intrusion or an attempted robbery at a protected premises, which is monitored off premises, and with respect to such a signal, public police or private guards are expected to respond.

(c) "Fire Alarm" means any assembly of equipment or devices designed to detect and signal warning of hazards due to smoke and/or fire but does not include systems in one and two family dwellings which are not monitored off premises.

Section 2. No alarm business shall operate in the State of Kansas after January 1, 1995, without first obtaining licensing from the State Fire Marshal for the alarm business and any employee so required to be licensed in accordance with the rules and regulations promulgated pursuant to this act. This license shall not preempt any local authority having jurisdiction from requiring a local license, however, any local license experience or training requirements may not be any more stringent than the state requirements.

Section 3. (a) The State Fire Marshal shall adopt rules and regulations as provided in K.S.A. 31-134 and amendments thereto establishing standards for alarm businesses including but not limited to training, education, and minimum insurance requirements. The rules and regulations shall also provide standards for qualification and training of individual employees of the alarm business. (b) The rules and regulations shall further provide for fees for licensing not to exceed \$1,000 per year for each alarm business and not to exceed \$500 per year for each employee requiring licensing. (c) The State Fire Marshal shall remit all moneys received for fees under this act to the state treasurer at least monthly. Upon receipt of such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury. The state treasurer shall credit 20% of each such deposit to the state general fund and shall credit the remainder of such deposit to the fire marshal fee fund. (d) All moneys raised by the fees raised under this act and credited to the state fire marshal fee fund shall be used to operate the licensing and enforcement provided by this act.

Section 4. To assist in the implementation of this act, the State Fire Marshal shall appoint the Burglar and Fire Alarm Advisory Board. The membership of the board shall be made up of the following: Two members of the Kansas Burglar and Fire Alarm Association; two members of the Kansas Automatic Fire Alarm Association; two independent electrical contractors; two employees of the state fire marshal's office, one of which will be designated as the chair of the Advisory Board; one professional engineer licensed to do business in the state of Kansas; one member of the Kansas Association

*House Govt Org. & Elections
January 21, 1994
Attachment 1*

of Chiefs of Police; one member of the Kansas Association of Fire Chiefs; one member of the Fire Marshal's Association of Kansas; and one member of the Kansas County Sheriffs Association. The members of the advisory board shall serve without compensation.

Section 5. The Advisory Board shall review all rules and regulations regarding licensing of providers of fire and burglar alarm systems promulgated pursuant to this act prior to implementation.

Section 6. The Advisory Board shall act as a review panel to hear any appeal from any licensing action or other enforcement action taken pursuant to the Kansas Fire Prevention Code pertaining to fire and burglar alarm issues. Any decision of the Board may be appealed to the State Fire Marshal pursuant to K.S.A. 31-140.

Section 7. The Advisory Board shall meet at least twice a year and otherwise as necessary on the call of the Chairman in order to carry out the provisions of this act.

Section 8. In addition to FTE positions authorized elsewhere, the State Fire Marshal is hereby authorized to hire two additional inspectors and one additional clerical position in order to implement and enforce the provisions of this act. The State Fire Marshal is authorized to hire two additional clerical FTEs for a temporary term not to exceed one year in order to implement this act. For the purpose of implementing this act, for Fiscal Year 1995, there is hereby appropriated from the fire marshal fee fund \$140,000 for salaries and operating expenses.

Section 9. This act shall be part of and supplemental to the Kansas Fire Prevention Code.

Section 10. This act shall take effect and be in force from and after its publication in the statute book.

**TESTIMONY OF KPERS ON
HB 2598**

Under the provisions of 1992 SB 526, the KPERS Board was expanded from seven to nine members effective July 1, 1993 and was to include two members of the System elected by their peers. The election was conducted in the spring of 1993 and it was later determined that the non-school representative was no longer employed by a participating employer and was not a vested member of the System. The Attorney General has indicated the 1993 election was invalid and asked the Legislature to adopt corrective legislation.

The above legislation would amend K.S.A. 1993 Supp. 75-4305 and K.S.A. 74-4909 to provide that on and after July 1, 1994 members who are eligible to vote and/or serve on the KPERS Board would include active contributing members, inactive vested members and retirants. The bill would also specify that the 1993 election of two members to the Board (1) would not be invalidated; (2) no individual elected in this 1993 election would be disqualified from serving; and no actions taken by the Board prior to the effective date of HB 2598 would be invalidated.

There would be no fiscal ramifications to the enactment of HB 2598.

*Abigail Gault Org + Elections
January 21, 1994
Attachment 2*

HOUSE BILL No. 2593

By Committee on Governmental Organization and Elections

1-11

AN ACT relating to elections; instructions of election board judges;
amending K.S.A. 25-2806 and repealing the existing section.

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

Section 1. K.S.A. 25-2806 is hereby amended to read as follows:

25-2806. The county election officer ~~may hold shall conduct a school~~
~~of instruction for election board judges before each national and~~
~~state general election, and may conduct a school of instruction for~~
~~election board judges at any other time.~~ The instruction in such
school shall relate to all matters which in the opinion of the county
election officer require additional knowledge, explanation to, or train-
ing of such judges relating to elections generally, voting machines,
ballots or duties in connection with any of the foregoing. *All election*
board judges must receive adequate instruction as determined by the
county election officer. The secretary of state shall assist the county
election officer in preparing adequate instruction for election board
judges.

provide written instructions

written

Sec. 2. K.S.A. 25-2806 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after
its publication in the Kansas register.

*House Gov't Org + Elections
January 21, 1994
Attachment 3*