

SENATE BILL No. 535

By Committee on Ways and Means

3-13

1 AN ACT concerning the state fire marshal; relating to certain rules and
2 regulations governing the possession, transportation and use of
3 explosive materials; exempting correctional authorities and certain
4 business entities from such rules and regulations; amending K.S.A. 31-
5 136 and repealing the existing section.
6

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

8 Section 1. K.S.A. 31-136 is hereby amended to read as follows: 31-
9 136. (a) The state fire marshal shall have the power to grant exemptions
10 from the application of specific requirements of *rules and* regulations
11 promulgated pursuant to this act. Any such exemption shall be granted
12 only upon a written request ~~which~~ that clearly demonstrates that the
13 enforcement of a specific requirement of a rule ~~or~~ and regulation will
14 cause unnecessary hardship to the petitioner; or that such exemption is
15 necessary for the petitioner to take advantage of new methods or
16 equipment of recognized adequacy ~~which~~ that conforms to fundamental
17 safety standards. The particulars of any exemption so granted shall be set
18 forth in writing; and a copy thereof shall be retained in the office of the
19 state fire marshal.

20 (b) (1) *Upon the written request by a correctional authority in*
21 *accordance with this subsection, the state fire marshal shall issue a*
22 *certificate of exemption that exempts such correctional authority from any*
23 *rules and regulations or any code provisions adopted by reference in such*
24 *rules and regulations relating to requirements for the acquisition,*
25 *possession, transportation, disposition and use of explosive materials for a*
26 *period of three years from the date of issuance of such certificate. Such*
27 *certificate may be renewed every three years thereafter.*

28 (2) *A request for an exemption under this subsection shall be*
29 *accompanied by proof of the correctional activities being conducted by the*
30 *correctional authority for which the certificate is to be issued and proof*
31 *that such correctional authority is licensed to possess and store explosive*
32 *materials under 18 U.S.C. § 843 and, if applicable, certain munitions*
33 *regulated under chapter 44 of title 18 of the United States code and*
34 *chapter 53 of title 26 of the United States code. All documentation that is*
35 *required to be submitted with a request for an exemption shall accompany*
36 *the exemption certificate issued by the state fire marshal.*

1 (3) *Nothing in this subsection shall be construed to exempt any*
2 *correctional authority from any rules and regulations or any code*
3 *provisions adopted by reference in any such rules and regulations relating*
4 *to storage, recordkeeping and permitting requirements for explosive*
5 *materials.*

6 (4) *As used in this subsection, "correctional authority" means any:*

7 (A) *Agency of the United States, this state or any political subdivision*
8 *thereof that administers the operation of facilities located in this state for*
9 *the holding, detention, imprisonment, confinement or incarceration of*
10 *persons; or*

11 (B) *business entity that:*

12 (i) *Contracts directly with any agency described in subparagraph*
13 *(A);*

14 (ii) *is registered to do business in this state; and*

15 (iii) *administers the operation of facilities located in this state for the*
16 *holding, detention, imprisonment, confinement or incarceration of*
17 *persons.*

18 Sec. 2. K.S.A. 31-136 is hereby repealed.

19 Sec. 3. This act shall take effect and be in force from and after its
20 publication in the statute book.