

Approved: February 5, 1997
date

MINUTES OF THE SENATE COMMITTEE ON COMMERCE.

The meeting was called to order by Chairperson Alicia Salisbury at 8:00 a.m. on January 31, 1997 in Room 123-S of the Capitol.

Members present: Senators Salisbury, Barone, Brownlee, Feleciano, Gooch, Harris, Jordan, Ranson, Steffes, Steineger and Umbarger.

Committee staff present:

Lynne Holt, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Bob Nugent, Revisor of Statutes
Betty Bomar, Committee Secretary

Conferees appearing before the committee:

Terry Leatherman, Kansas Chamber of Commerce and Industry (KCCI)
Janet Chubb, Assistant Secretary of State
Phil Wages, Deputy Assistant Secretary of State
Attorney General Carla Stovall
Mark Rau, President, PSI Companies
Robert E. Taylor, Professional Security, Inc.
Noah Goddard, Criminal Justice Consulting Service
Beccy Swanwick, League of Kansas Municipalities
Elena Nuss, Kansas State Fire Marshal's Office
Mike Taylor, Government Relations Director, City of Wichita
Larry Bulla, Dillons Stores
George A. Hill
Dave Czibik, Branch Manager, Wells Fargo Guard Services
Jolene M. Grabill, Kansas Trial Lawyers Association (KTLA)

Others attending: See attached list

Terry Leatherman, KCCI, requested a Commerce Committee bill be introduced amending the corporate filing statute which eliminates the inclusion of a balance sheet when filling an annual report. Senator Ranson, seconded by Senator Barone, moved a Commerce Committee bill be introduced to eliminate the filing of a balance sheet when a corporation files its annual report. The motion carried.

Janet Chubb, Assistant Secretary of State, requested a Commerce Committee bill be introduced amending the Universal Commercial Code (UCC) by providing 100% of fees collected to retained by the agency rather than a percentage being deposited to the State General Fund. Senator Jordan moved, seconded by Senator Umbarger, a Commerce Committee bill be introduced amending UCC statute to allow 100% of fees be retained in UCC division and eliminate the percentage deposited in the State General Fund. The motion carried.

Phil Wages, Deputy Assistant Secretary of State, requested two Commerce Committee bills be introduced to (1) amend KSA 17-7301, eliminating the requirement to file a balance sheet when filing an application to do business; and (2) amend KSA 17-7505 relating to foreign corporations, eliminating question 14 regarding the value of property. Senator Barone moved, seconded by Senator Salisbury, Commerce Committee bills be introduced amending KSA 17-7301 and 17-7505, as stated above. The motion carried.

Senator Harris moved a Commerce Committee bill be introduced to amend to the Workers Compensation Act, to provide for the addition of one member to the board of appeals and allow the board to hear appeals in groups of three. Senator Ranson seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON COMMERCE, Room 123-S Statehouse, at 8:00 a.m. on January 31, 1997.

Senator Ranson moved, seconded by Senator Steineger a Commerce Committee bill be introduced amending the Tax Increment Finance law. The motion carried.

Upon motion by Senator Steineger, seconded by Senator Ranson, the Minutes of the January 29 and January 30, 1997 Meeting were unanimously approved.

SB 78 - Private security guard licensing

Attorney General Carla J. Stovall testified in support of **SB 78**. General Stovall stated the bill would establish a state-wide system of regulating security companies, armored courier companies, alarm systems companies and their employees. **SB 78** establishes a seven person board appointed by the Attorney General, with the authority to promulgate rules relating to qualifications to obtain a license, authority of licensees, firearms training, requirements for insurance and identification, processing complaints and initiating disciplinary action. The Board would be funded and financially supported by the licensees. General Stovall responded to questioning that the Attorney General's office was not aware of any existing problems with the current system. Attachment 1

Mark S. Rau, President, PSI Companies, testified in support of **SB 78**. Mr. Rau stated **SB 78** establishes a regulatory board to administer the statewide licensing and regulation of private security services and is supported by the security industry. Mr. Rau stated the proposed legislation is patterned after current Arkansas law with a number of Oklahoma additions. The process of licensure and the board to oversee the law is required to be completely self funded by the industry. The regulations will provide needed professionalism and standardization, and the training, insurance standards and qualifications for licensure will protect the citizens of the state. Mr. Rau stated there are about 10 cities in the state which presently license the security industry. State licensure would pre-empt local licensure. Presently the industry faces an inconsistent process of regulation or non-regulation based on the abilities of local governments to administer. Attachment 2

Mike Taylor, Government Relations Director, City of Wichita, submitted written testimony in opposition to **SB 78**. Mr. Taylor related **SB 78** pre-empts city ordinances for not only private security guards, but for alarm systems and for people in the business of transporting money. The proposed legislation raises questions relating to false alarm ordinances and the fees charged for registration of alarm systems. Attachment 3

Robert E. Taylor, Professional Security, Inc., testified in support of **SB 78**. Mr. Regulation will ensure competent, safe and well trained personnel whom are providing security services throughout the state. Attachment 4

Larry Bulla, Dillons Stores, submitted written testimony in support of **SB 78**. Attachment 5

George A. Hill, a resident of Shawnee County, submitted written testimony in support of **SB 78**. Attachment 6

Dave Czibik, Branch Manager, Wells Fargo Guard Service, submitted written testimony in support of **SB 78**. Attachment 7

Noah Goddard, Criminal Justice Consulting Services, testified in support of **SB 78**. Mr. Goddard, a police officer, college teacher, trainer and consultant, stated his belief that **SB 78** represents sound public policy, provides guidance for those with administrative and enforcement responsibility and assists in protecting the public at large. Attachment 8

Becky Swanwick, League of Kansas Municipalities, stated the League does not oppose the idea of state licensure of private security firms or the majority of the provisions contained within **SB 78**; however it is a longstanding policy to oppose preemption of local regulation of any kind. **SB 78**, in Section 7, specifically preempts local regulation in this instance and invalidates any and all ordinances already in existence on the subject. The League urged omission of Section 7 of the bill. Attachment 9

Ms. Swanwick stated she would discuss the proposed legislation with the cities whose ordinances regulate private security systems to determine how many would eliminate local

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON COMMERCE, Room 123-S Statehouse, at 8:00 a.m. on January 31, 1997.

licensure in light of state regulation, even if the pre-emption section were omitted.

Elena Nuss, presented testimony of Gale Haag, State Fire Marshal, on **SB 78**. The Fire Marshal stated his concern pertains to the distinction between security and fire alarm companies. KSA 31-1343 authorizes the State Fire Marshal to adopt reasonable rules and regulations for the installation and maintenance of equipment intended for fire control, detection, and extinguishment in all buildings where people live, work and congregate with the exception of one and two family dwellings. The Fire Marshal recognizes the need for regulation of the security and alarm industries and has been working toward certification for years. The Fire Marshal stated that inclusion of the word "fire" and other reference to fire alarm companies in **SB 78** could result in conflicts of interpretation and could be misleading to the public. The Fire Marshal stated that if it is the wish of the Committee to have all alarm companies under one umbrella, a logical direction would be to add the home security to the State Fire Marshal's responsibility. Attachment 10

Jolene Grabill, KTLA, submitted written testimony on **SB 3**, to be included in the Minutes. Attachment 11

The Chair announced the Committee would continue its hearing on **SB 78** on Wednesday, February 5, 1997.

The meeting adjourned at 9:00 a.m.

The next meeting is scheduled for Tuesday, February 4, 1997.

SENATE COMMERCE COMMITTEE GUEST LIST

DATE: January 31, 1997

NAME	REPRESENTING
DUO GRANT	KCCJ
Terry Leatherman	KCCF
David Sanchez	SOS
PHIL WAGES	SOS
Janice Chubb	SOS
Mark STEGMAN	BRINK'S ARMORED
Jill Bridges	DOB
Dan A. Neill	Topeka Fire Dept.
Darrel Bipes	Simplex
Elena Nuss	State Fire Marshal
Bob Taylor	PSI Companies
MARK RAN	PSI Companies
MIKE GABROWAN	MAXCOR Inc
MARC JACOBS	INVESTIGATIVE & PROTECTIVE SERVICES
Frank Artiles	KAPI
Doree Franke	KGC
David Zoltman	Western Resources
Mike Colley	KPL Security
Mei dohny 306	KAPI



State of Kansas

Office of the Attorney General

301 S.W. 10TH AVENUE, TOPEKA 66612-1597

CARLA J. STOVALL
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
FAX: 296-6296
TTY: 291-3767

STATEMENT OF
ATTORNEY GENERAL CARLA J. STOVALL
Before the Senate Commerce Committee
January 31, 1997
Re: Senate Bill 78

Dear Chairperson Salisbury and Members of the Committee:

I appear before you today to ask for your support of Senate Bill 78 which was initiated at the request of the private security community. This bill would establish a state-wide system of regulating security companies, armored courier companies, alarm systems companies and their employees under the authority of a seven person board appointed by the Attorney General. My support of the concept of state-wide regulation was elicited by the private security community shortly after I took office. Currently security officers, security companies and courier services are regulated by some, but by no means all, municipalities in Kansas with varying licensure qualifications and requirements.

Under the provisions of Senate Bill 78 a board under the jurisdiction of the Attorney General would establish consistent state-wide criteria relating to qualifications to obtain a license, authority of licensees, firearms training, requirements for insurance and identification, processing complaints and initiating disciplinary action when appropriate..

The creation of a private security licensure board under the authority of the Attorney General would be consistent with the Attorney General's responsibility to license and regulate private

*Senate Commerce Committee
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Attachment 1-1 thru 1-2

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detectives. Under Senate Bill 78 this fee funded board would be financially supported by the licensees, thus not creating an additional tax burden to the public at large.

I urge your favorable consideration of Senate Bill 78 because of its value to public safety which would derive from the standardization of qualifications and training for those who are hired to protect their clients.



PSI ALARM SYSTEMS

TESTIMONY SENATE COMMERCE COMMITTEE

January 31, 1997

Mark S. Rau, President
PSI Companies

I am testifying today in favor of Senate Bill #78, the creation of a regulatory board to administer the statewide licensing and regulation of private security services in Kansas.

First, let me comment-that this bill is designed by and supported by the Security industry. Security is an industry that is accustomed to regulation. We feel that one of the most important features of Senate Bill #78 is that the industry has put forth a system in which the citizens of the State of Kansas can gain a high level of confidence that the security companies will be held to a proper set of standards.

In Kansas we are falling behind on our responsibility to our State. Over 33 states have already passed statewide licensure and a number of others are being proposed. Our process began in early 1994 with the first bill being introduced in January 1995. That bill was held over into the 1996 legislative session and at which time it passed out of the Senate Commerce committee unanimously and passed on the Senate floor 40 to 0. It arrived in the House and was passed on the House floor unanimously. It went to conference committee where for the first time, the bill met with some opposition and it was suggested it be re-introduced in 1997 for completion.

Here we are in 1997, with a new and improved piece of legislation. Over the past year, we contacted a number of surrounding states which currently required statewide licensure and selected what was felt to be the best of the best. Mostly patterned after the current legislation in the State of Arkansas with a number of Oklahoma additions.

The process of licensure and the board to oversee the law is required to be completely self funded by the industry. We will offer an avenue for issue resolution from within and from outside our industry. The board will represent the makeup of our industry and the public at large. The regulations adopted by the board will provide needed professionalism and standardization. Training, insurance standards and qualifications for licensure will provide protection for the citizens of Kansas.

What we in the industry face today is an inconsistent process of regulation or non-regulation based on the abilities of local governments to administer. The industry suffers from this lack of regulation. How often have you heard the term "rent a cop". An industry can thrive-when the measure of professionalism is raised and assured. It should be our responsibility to protect the public from the unscrupulous private security provider, while not overburdening the honest provider and that is what Senate Bill #78 will accomplish.

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At a time when the local public law enforcement resources are stretched to the limit, the public is clamoring for more security. Private security providers are, of course ready and willing to fill that void. The fact is the need for-and the responsibilities of the private security providers will continue to increase at double digit growth rates for years to come.

Meanwhile, the alarm industry continues to exhibit significant growth at a rate of about 10-20 percent a year. With that growth comes an added responsibility and burden for regulators. The public has a right to know that their security systems are being installed by trained professionals who will not use proprietary information to come back to rob or harm their customers.

In the past there have been two groups that have opposed this legislation and I want to speak to their objections. We have a small but vocal number of Private Investigators that have a belief that we are in some way trying to incorporate them into our process. Let me be direct; nowhere in this bill will you find any reference to the Private Investigators being connected with this board, when in fact they have their own statewide licensing act to follow.

The other group you will probably hear from is the League of Kansas Municipalities. The Leagues only concern is the provision of the bill that preempts the local governments from issuing separate requirements and fees. What we have today is really about 10 sets of inconsistent local legislation administered by individuals who do not want the job. If the truth be known the local government agencies support this legislation but will not do so publicly-standing on the principle of preemption. The process of licensing is a money losing proposition at the local level, so when it is done it is done with their hands tied financially.

We are looking to the future of our industry. It was once said that most licensing bill are intended to be exclusionary. When in fact as seen in other states growth has increased after the passage of statewide licensing due in part to the increased level of confidence in providers as professionals.

As stated earlier, this is a bill **written by industry-for industry** with the publics best interest in mind and we encourage and ask for your support of Senate Bill #78.



City of Wichita Testimony

Senate Commerce Committee Regarding Senate Bill 78

Delivered by Mike Taylor, Government Relations Director

The City of Wichita supports the concept of training, licensing and regulating private security guards under the auspices and control of the Kansas Attorney General. However, Senate Bill 78 goes too far in the jurisdiction it proposes to take away from Cities. Because of the far reaching scope of this bill, the City of Wichita must oppose Senate Bill 78.

This bill would pre-empt current City of Wichita ordinances for not only private security guards, but for alarm systems and for licensing people in the business of transporting money. In addition to removing the licensing authority in these areas, the bill raises questions as to whether the City can continue collecting false alarm charges from people with home and business security systems.

The City of Wichita's false alarm ordinance and the fees charged for registration of alarm systems are the only means the City has of ensuring alarm users learn how to properly operate their systems and keep them in working order.

While the City of Wichita believes there is a benefit to statewide training and regulation of private security guards, there is great harm done by extending the jurisdiction of the proposed licensing board to other areas such as alarm systems companies. And pre-empting cities from collecting fees dealing with alarm systems and their use places an undue burden on the local units of government and local law enforcement which will be on the frontline of handling problems caused by their misuse.

The City of Wichita must oppose Senate Bill 78 in its current form.

*Senate Commerce Committee
January 31, 1997*

Attachment 3

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Topeka, Kansas 66611
Phone (913) 267-9203
Fax (913) 267-4170

7130 W. Maple, Suite 210
Wichita, Kansas 67209
Phone (316) 942-9700
Fax (316) 942-7074



PROFESSIONAL SECURITY INC.

2951 E. Chestnut Expre.
Springfield, Missouri 65802
Phone (417) 863-9560
Fax (417) 863-9699

430 Corporate Place
Branson, Missouri 65616
Phone (417) 336-2194
Fax (417) 336-5765

STATEMENT OF TESTIMONY

Senate Commerce Committee

DATE: January 31, 1997

RE: Senate Bill 78 (Statewide licensure/regulation of Private Security, Armored Courier and Alarm System Companies)

FROM: Robert E. Taylor, Professional Security, Inc.

I am the Vice President/General Manager of the Professional Security Companies in Kansas. I'm here to speak in favor of Senate Bill 78.

Senate Bill 78 addresses the need for the statewide licensing of Private Security Companies, Armored Courier Services and Electronic Alarm Service providers. This act recommends a regulatory and/or licensure board, under the jurisdiction of the attorney general, that would be wholly underwritten by licensing fees.

The most important feature of SB 78 is its' ability to promote a strong degree of public safety, security and trust for the citizens of Kansas. Local law enforcement agencies continue to experience increasingly difficult workloads, overall decreases in manpower and troublesome funding conditions.

A competent, well trained and more closely regulated group of 'security services contractors' within the state would strongly compliment the existing group of overworked law enforcement organizations.

Regulation would further assure the impossibility for felons to pose under the guise of 'security services contractors/operatives' in order to commit crimes against Kansans.

Few of the communities in this state currently have licensing requirements for security services contractors and/or their employees; in fact, most do not. No two cities, however, have the same licensing provisions or procedures. This makes it extremely restrictive for service providers to shift or move the appropriate, qualified security related personnel quickly to points of need in the state.

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This bill is written to provide consistent licensure and regulation throughout the State.

Cities with very lax or no licensing requirements may, perhaps inadvertently, be subjecting their local businesses and/or citizenry to becoming victims of unscrupulous or under insured providers. It is not uncommon for known felons to be employed by businesses where there is no required criminal or other background checking of employees.

Further, the proponents of SB 78 believe that statewide licensing would serve to remove licensing/tracking responsibilities that are currently loaded onto local police departments, freeing up valuable time and resources; statewide licensing would assist in providing safe, top flight security services to Kansas communities when and where they are needed.

Once again, SB 78 is revenue neutral; with licensure fees providing the funding to operate the regulatory board.

The PSI Companies support Senate Bill 78.

WUSA

STATEMENT OF TESTIMONY
Senate Commerce Committee

DATE: January 30, 1997

RE: Senate Bill #78 , Licensing and Regulation of Private Security, Armored Courier Services and Alarm Systems Companies

FROM: Larry Bulla, Dillons Stores

Due to short notice and an unforeseen business occurrence, I will be unable to appear in person at the hearing (tomorrow) for Bill 78.

I am attaching a copy of my testimony on SB #330, that I presented to the Senate Judiciary Committee in February of last year. I would like you (the Commerce Committee) to accept my comments, and support, that were included in that testimony.

As you will note, we are primarily interested in licensing and regulation of private security companies; although we concur that all related groups (as covered by the Bill) should be included.

I regret I was unable to bring that testimony up to date with appropriate date(s) and Bill #'s. In principal, we supported the previous bill (SB #330), as well as its' later replacement (the Substitute for House Bill #2660) that eventually failed in last years session.

I am very pleased with the revised wording and the overall intent of the new SB #78. We can support it wholeheartedly.

Thank you for your consideration. You may reach me at 1-800/366-2175 in Hutchinson.

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DILLON STORES, A DIVISION OF DILLON COMPANIES, INC.
2700 EAST FOURTH • P.O. BOX 1608
HUTCHINSON, KANSAS 67504-1608 • (316)665-5511

STATEMENT OF TESTIMONY

Senate Judiciary Committee

DATE: February 14, 1996

RE: Senate Bill 330, Statewide licensing of Private Security and Courier Services.

FROM: Larry Bulla, Dillon's Stores

I am the Security Supervisor for the Dillon Stores. I am here to testify in favor of Senate Bill 330.

Dillon's operates 67 stores in 30 cities. We currently use private security in 43 stores involving 15 cities.

One of the problems we incur in obtaining a license for private security is not knowing what the requirements are, except they are never the same in any two cities.

Some cities have no provisions for a temporary permit. If an emergency arises we must wait for a license. Case in point: In January we made application for a private security license through Williams Security & Investigations to operate security officers in both of our stores in Great Bend, Kansas. The chief of police said he did not have the authority to issue a license. He advised that the city council would have to vote on the application at their next meeting, which was not for two weeks. He could not issue a temporary permit. We ended up waiting three weeks for the license.

Some cities license the security company and others license the individual officer.

We feel statewide licensing would allow the state to set the guidelines for licensing, training, accountability and fee structure.

STATEMENT OF TESTIMONY

Senate Commerce Committee

DATE: January 31, 1997

RE: Senate Bill #78 , Licensing and Regulation of Private Security, Armored Courier Services and Alarm Systems Companies

FROM: George A. Hill

I'm a private citizen and a resident of Shawnee County, Kansas. I'm here to testify in favor of Senate Bill #78.

I recently retired from the Topeka Police Department after 26 years of service.

My last assignment with the TPD was as head of the Merchant Guard Licensing Bureau. I held that position for eight (8) years.

I feel I'm well qualified to lend my support to SB #78. Prior to my retirement, I could not speak to this concern; as a private citizen, I no longer feel reluctant to do so.

Current licensing of security related businesses in this state is haphazard at best. Implementation of SB #78 would accomplish the following benefits for the citizens of Kansas.

- 1) Provide consistent, statewide regulations and requirements as regards the qualifications of owners, companies and their employees to perform security related services in our State.
 - assure adequate liability insurance levels
 - standardize criminal background searches
 - prescribe comprehensive training practices
 - establish investigative/enforcement procedures for violations
- 2) Allow security related services providers to work throughout the state, on a timely basis, where their services may be required.
 - freeing up local law enforcement agencies resources (people, time and dollars) to be used more productively
 - help build an attitude of cooperation between agencies and security related services providers to benefit our communities
 - eliminating the duplication of services from community to community

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- 3) Close licensing loopholes and repair inconsistencies that vary from community to community.
 - redefine temporary licensure time frames and eliminate related problems

By my conservative estimate, there are easily over 7,000 persons engaged in security related industries in our state; at least half of those individuals, as well as the companies they represent, cannot be identified. SB #78 will give us an opportunity to locate and legitimize them. The sheer numbers involved, lend credence to providing a system to monitor them for the benefit of us all.

In my opinion this bill is very well written and I am virtually in total agreement. However, I have but one concern and that relates to private businesses, page 3, line 12 (b). I strongly disagree that they should be included here; that this bill should stick with security related organizations as originally intended.



WELLS FARGO
GUARD SERVICES

3401 South West Harrison
Topeka, KS 66611
Tel. 913 267-2323
Fax 913 267-6472

STATEMENT OF TESTIMONY

Senate Judiciary Committee

DATE: January 31, 1997

RE: Senate Bill 78, Statewide licensing of Private Security and Courier Services

FROM: Dave Czibik, Branch Manager,
Wells Fargo Guard Services

I am the Branch Manager of the Wells Fargo Guard Services in Topeka, Kansas. I am unable to testify in person due to a previous commitment out of town. Please accept this brief written testimony in favor of Senate Bill 78.

We presently have two large Branch Offices in Kansas (Topeka and Wichita) that serve a number of communities throughout the state. Wells Fargo Guard Services employs over 300 hundred private security officers in Kansas.

A few communities in which we provide our services currently have licensing requirements for private security companies and their employees; many do not. No two cities, however, have the same licensing requirements. This makes it extremely difficult for us to provide qualified security personnel quickly to other cities in need of our services.

Some cities have very lax or no licensing requirements at all. It is not uncommon for persons of questionable character to be employed by service businesses or agencies where there is no required criminal or other background checking of employees. This gives us all a bad reputation.

Different degrees of licensing, training expectations and fee schedules (where they exist) make it very difficult for legitimate private security organizations to provide their services statewide. Not only do they face a logistical problem, but a financial one as well if they must purchase local licensing in order to do business in a specific community; this is often further complicated by the need for individual officer licenses or permits as well.

Wells Fargo Guard Services believes that statewide licensing would alleviate all of the above problems and assist in providing top flight private security services to Kansas communities when and where they are needed.

Wells Fargo Guard Services supports Senate Bill 78.

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Attachment 7*

GOOD MORNING

MY NAME IS NOAH GODDARD

I AM HERE TO EXPRESS MY OPINION IN FAVOR OF SENATE BILL NO 78
CONCERNING LICENSING AND REGULATION OF SECURITY RELATED
OPERATIONS IN KANSAS.

I WOULD LIKE TO GIVE YOU SOME OF MY BACKGROUND IN THE HOPE
THAT YOU WILL HAVE A BETTER UNDERSTANDING OF MY POSITION.

1. MY EXPERIENCE WITH THE CRIMINAL JUSTICE SYSTEM AS A
POLICE OFFICER, COLLEGE TEACHER, TRAINER AND CONSULTANT
SPANS 34 YEARS.

I AM A FORMER PROFESSOR OF CRIMINAL JUSTICE AT WASHBURN
UNIVERSITY IN TOPEKA.

2. I HOLD AN UNDERGRADUATE DEGREE IN CRIMINAL JUSTICE
ADMINISTRATION AND TWO GRADUATE DEGREES.
3. DURING 1986 AND 1987 I CONDUCTED AN ORIGINAL RESEARCH
STUDY ON THE EFFECTIVENESS OF USE OF DEADLY FORCE POLICE
TRAINING PROGRAMS.

TWO HUNDRED THIRTY EIGHT OFFICERS FROM 47 STATE, COUNTY AND
LOCAL AGENCIES THROUGHOUT KANSAS PARTICIPATED IN MY STUDY.

DURING 1987 I CONDUCTED A FOLLOW-UP STUDY TO RESEARCH LONG
TERM LEARNING RETENTION COMPARING THE EFFECTIVENESS OF THREE
COMMONLY USED IN-SERVICE POLICE TRAINING METHODS AND USE OF
DEADLY FORCE.

FOR THOSE INTERESTED PARTIES, COPIES OF BOTH STUDIES CAN BE
OBTAINED FROM THE NATIONAL CRIMINAL JUSTICE REFERENCE
SERVICE, ROCKVILLE, MARYLAND, WHERE THEY ARE ON FILE.

4. DURING THE FALL OF 1989 I PRESENTED A PAPER ABOUT THE
FINDINGS OF MY DEADLY FORCE TRAINING RESEARCH TO AN ADULT
EDUCATION CONFERENCE AT THE UNIVERSITY OF MISSOURI-ST, LOUIS.
5. I HAVE ALSO PUBLISHED A COUPLE OF ARTICLES ON THE
SUBJECT; ONE IN LAW & ORDER IN 1995 AND THE OTHER IN THE
NATIONAL FRATERNAL ORDER OF POLICE JOURNAL IN 1988.
6. OVER THE PAST TEN YEARS I HAVE TAUGHT DOZENS OF USE OF

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DEADLY FORCE SEMINARS AT UNIVERSITIES, COMMUNITY COLLEGES, POLICE DEPARTMENTS, AND POLICE ACADEMIES, IN KANSAS AND OTHER STATES. AND CONTINUE TO TEACH THESE COURSES.

7. I AM A GRADUATE OF THE 44-HOUR NATIONAL RIFLE ASSOCIATION FIREARMS INSTRUCTOR DEVELOPMENT SCHOOL HELD IN RATON, NEW MEXICO.

8. I AM CERTIFIED BY THE ATTORNEY GENERAL TO TEACH LAWFUL USE OF FORCE AND FIREARMS CERTIFICATION TO THOSE SEEKING CONCEALED CARRY PERMITS IN KANSAS.

9. I AM ALSO A LICENSED PRIVATE INVESTIGATOR IN KANSAS.

11. DURING THE PAST FOUR YEARS I HAVE INSTRUCTED AND PROVIDED RANGE QUALIFICATION FOR APPROXIMATELY 30 PERSONS PER YEAR EITHER SEEKING FIREARMS PERMITS FOR THE FIRST TIME OR THOSE SEEKING RENEWAL OF EXISTING PERMITS.

12. FOR OVER TEN YEARS I HAVE CONSULTED ON A REGULAR BASIS NATION-WIDE AS AN EXPERT IN CASES OF SHOOTING-INVOLVED CIVIL LITIGATION.

13. I BELIEVE I AM AS QUALIFIED AS ANYONE IN KANSAS TO MAKE COMMENTS AND RECOMMENDATIONS ABOUT THE PROPOSED LEGISLATION PENDING BEFORE THIS COMMITTEE.

14. I HAVE THOROUGHLY AND COMPLETELY REVIEWED SENATE BILL NO. 78 AND BELIEVE THAT IT REPRESENTS SOUND PUBLIC POLICY, PROVIDES GUIDANCE FOR THOSE WITH ADMINISTRATIVE AND ENFORCEMENT RESPONSIBILITY, WILL BE EASY TO UNDERSTAND AND FOLLOW BY THOSE WHO WILL BE REQUIRED TO OBEY AND BE GUIDED BY IT, AND GOOD FOR THE PUBLIC AT LARGE.

15. I ENCOURAGE THIS COMMITTEE TO GIVE PASSAGE OF THIS BILL YOUR MOST SERIOUS CONSIDERATION.

THANK YOU.



**League of
Kansas
Municipalities**

**Legal Department
300 S.W. 8th
Topeka, Kansas 66603
Phone: (913) 354-9565/ Fax: (913) 354-4186**

To: Senate Commerce Committee
From: Beccy Swanwick, Assistant General Counsel
Date: January 31, 1997
Subject: Testimony on Senate Bill 78

Thank you for the opportunity to appear today on behalf of the League and to present testimony on Senate Bill 78. As a general matter, the League does not oppose the idea of state licensure of private security firms, nor do we oppose the vast majority of the provisions contained in Senate Bill 78. It is a longstanding League policy, however, to oppose preemption of local regulation of any kind and Senate Bill 78, in Section 7, specifically preempts local regulation in this instance and invalidates any and all ordinances already in existence on the subject.

Local elected officials, as the level of government closest to the citizens, are best suited to determine whether additional licensure and regulation is necessary in their communities. Cities have a duty to protect the public and should not be preempted from regulating activities, such as these, which assure the safety of their communities.

We would urge the Committee to reconsider the preemption provision of Senate Bill 78 and to permit cities to regulate and license concurrently with the state in this area, much like they do in the areas of liquor and public offenses. Once a program of state licensure of private security firms is in place and operational, cities may choose to repeal existing local ordinances on the subject if they become unnecessary. Senate Bill 78, in its current form, does not give cities this choice.

Thank you for allowing us to testify before the Committee today.

*Senate Commerce Comm.
January 31, 1997
Attachment 9*

Kansas State Fire Marshal
Suite 300; 700 SW Jackson
Topeka, KS 66603-3714



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FAX: (913)-296-
Internet: KSFM01@INK.ORG

State Fire Marshal Gale Haag

Governor Bill Graves

"Where Fire Safety is a way of life"

TESTIMONY OF STATE FIRE MARSHAL GALE HAAG
Presented by Elena C. Nuss
BEFORE THE SENATE COMMITTEE ON COMMERCE

JANUARY 31, 1997

SENATE BILL 78

On behalf of the State Fire Marshal I would like to thank this Committee for the opportunity to submit our comments regarding Senate Bill 78 which concerns security and alarm companies.

The problem here is the distinction between security and fire alarm companies. K.S.A. 31-133 already authorizes the State Fire Marshal to adopt reasonable rules and regulations for the installation and maintenance of equipment intended for fire control, detection, and extinguishment in all buildings where people live, work and congregate with the exception of one and two family dwellings. Pursuant to that, the State Fire Marshal by regulation, K.A.R. 22-1-3 adopted National Fire Protection Association (NFPA) pamphlet 72, the National Fire Alarm Code.

The State Fire Marshal understands the need for regulation of the security and alarm industries and has been working toward certification for a number of years. NFPA 72 lists certain facilities that must be directly connected to the fire department, each community has different level of technology which results in problems like false alarms. To make the shift between the available technology and the code requires a team effort between the State Fire Marshal, the local fire departments, the involved facilities and the fire alarm companies. We do not believe that the Attorney General intends to circumvent the efforts of the State Fire Marshal and the local fire departments. We have already begun by registering fire alarm companies and we are in the process of developing licensing requirements.

It is opinion of the State Fire Marshal that the inclusion of the word "fire" and other references to fire alarm companies in SB 78 could result in conflicts of interpretation between the State Fire Marshal and the Attorney General and could be misleading to the public. Further it should be noted that the proposed bill does not include as members of the appointed board any person with specific fire prevention or suppression background.

As attachments to this testimony the State Fire Marshal has included the referenced statute and regulation as well as a copy of a bill proposed two years ago which was the result of almost six years of ongoing talks, representing numerous meetings with security companies and alarm companies.

If it is the wish of the Committee to have all alarm companies under one umbrella a logical direction might be to add the home security to the State Fire Marshal's responsibility.

*Senate Commerce Committee
January 31, 1997*

Attachment 10-1 thru 10-5

State Fire Marshal

Permanent Administrative
Regulations

Article 1. - KANSAS FIRE PREVENTION CODE

22-1-1. Kansas fire prevention code. (a) When a municipality adopts one of the nationally recognized fire codes or the fire protection segment of a nationally-recognized building code and modifies a section of that code, a summary of such modifications shall be submitted to the state fire marshal office. Such modifications shall be reviewed and approved or rejected by the state fire marshal. The municipality shall be notified of the action within 30 days from receipt of the summary.

(b) Any building code package adopted by a municipality shall reference the 1990 edition of the National Electrical Code.

(c) Any alternate method of fire protection which has been approved by a local board of appeals as a substitute for strict compliance with code requirements shall be deemed to be in compliance with the Kansas fire prevention code.

(d) Any question arising as to whether another state statute or an enactment of a municipality is inconsistent with the provisions of the fire prevention code shall be resolved by the state fire marshal after a hearing with all interested parties. Any decisions of the state fire marshal made under authority of this subsection shall be appealable in accordance with the provisions of K.S.A. 31-142. (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective May 1, 1981; amended May 1, 1985; amended Aug. 28, 1989; amended Sept. 17, 1990.)

22-1-2. Compliance with certain building codes. If a building conforms to one of the following updated editions of nationally recognized building codes, it shall be deemed to comply with the Kansas fire prevention code pursuant to K.S.A. 31-134a:

(a) the 1991 edition of the uniform building code;

(b) the 1990 edition of the Building Officials and Code Administrations (B.O.C.A) basic building code ; or

(c) the 1991 edition of the standard building code also known as the southern building code. (Authorized by and implementing K.S.A. 31-134a; effective May 1, 1985; amended Aug. 28, 1989; amended May 10, 1993.)

22-1-3. Adopted national codes. The following National fire protection association pamphlets are adopted by reference.

(a) Portable fire extinguishers. National fire protection association pamphlet no. 10, including appendices a, b, c, d, e, f, and g, 1990 edition.

(b) Installation of sprinkler systems. National fire protection association pamphlet no. 13, including appendices a and c, 1991 edition.

(c) Installation of standpipe and hose systems.

National fire protection association pamphlet no. 14, including appendices a, b, c, 1990 edition.

(d) Dry chemical extinguishing systems. National fire protection association pamphlet no. 17, chapters 1, 2, 3, 6, and 7 including appendices A and excluding sections 2-11.2, 6-4, 6-5, and 6-6, 1990 edition.

(e) Wet chemical extinguishing systems. National fire protection association pamphlet no. 17A, chapters 1 through 4, and appendices A and B, excluding sections 3-1 and 3-2 and section A-1-4 of Appendix A, 1990 edition.

(f) Water-based fire protection systems. National fire protection association pamphlet no. 25, including appendices a, b, and c, 1992 edition.

(g) Flammable and combustible liquids. National fire protection association pamphlet no. 30, including appendices a, b, c, d, e, f, and g, 1990 edition.

(h) Automotive and marine service stations. National fire protection association pamphlet no. 30A, chapter 1 through 9, except section 4-4, 1990 edition.

(i) Compressed natural gas (CNG) vehicular fuel systems. National fire protection association pamphlet no. 52, including appendix a, 1992 edition.

(j) Liquefied petroleum gases. National fire protection association pamphlet no. 58, including appendices a, b, c, d, e, f, g, h, i, and j, except section 1-6 shall be applicable January 1, 1994, 1992 edition.

(k) Signaling systems for central station service. National fire protection association pamphlet no. 71, including appendices a and b, 1989 edition.

(l) Installation, maintenance and use of protective signaling systems. National fire protection association pamphlet no. 72, including appendices a, b, and c, 1990 edition.

(m) Automatic fire detectors. National fire protection association pamphlet no. 72E, including appendices a, b, c, and d, 1990 edition.

(n) Testing procedures for signaling systems. National fire protection association pamphlet no. 72H, 1988 edition.

(o) Vapor removal from cooking equipment. National fire protection association pamphlet no. 96, including appendix a, 1991 edition.

(p) Life safety code. National fire protection association pamphlet no. 101, including appendices a and b, except chapter 21, sections 10-7.1.1.1 and 11-7.1.1.1 and the first sentence of section 11-8.1.1.1 and 11-9.1.1.1, 1991 edition.

(q) Alternative approaches to life safety. National fire protection association pamphlet no. 101M, 1992 edition.

(r) Assembly seating, tents, and membrane structures. National fire protection association pamphlet no. 102, including appendices a and b, 1992 edition.

(s) Emergency and standby power systems. National fire protection association pamphlet no. 110, including appendices a, b, and c, 1988 edition.

(t) Firesafety symbols. National fire protection

FIRE PROTECTION

31-132. Fire safety and prevention; definitions. As used in this act, unless the context otherwise requires: (a) "Person" means an individual, partnership, corporation or other association.

(b) "Nationally recognized code" or "nationally recognized fire prevention code" means any published compilation of rules and regulations relating to fire prevention which have been prepared by a nationally recognized technical trade or service association. For the purposes of this act, the fire prevention codes of the national fire protection association and standards of the American national standards institute shall constitute examples of nationally recognized fire prevention codes.

(c) "Municipality" means any incorporated city, any county or any other political subdivision of this state.

(d) "Nationally recognized building code" means any published compilation of rules and regulations relating to building construction which have been prepared by a nationally recognized technical trade or service association. History: L. 1972, ch. 157, § 1; L. 1980, ch. 120, § 1; July 1.

31-132a. Fire safety and prevention; apartment house, defined. Every building or other structure, together with any building or structure used in connection therewith, kept, used, maintained, advertised, or held out to the public to be a place where furnished or unfurnished living accommodations other than sleeping accommodations for transient guests may be rented as a single room or as a suite of rooms, containing three (3) or more single units or suites, or both, regardless of the number of tenants therein, and regardless of whether any such room or suite of rooms is occupied by an owner or operator of such a building or structure, shall, for the purpose of this act, be deemed an apartment house. History: L. 1975, ch. 220, § 2; July 1.

31-133. Fire safety and prevention; rules and regulations for safeguarding life and property from fire and explosion; mandatory requirements; incorporation by reference of certain codes; continuation in service of certain facilities. (a) The state fire marshal shall adopt reasonable rules and regulations, consistent with the provisions of this act, for the safeguarding of life and property from the hazards of fire and explosion. Such rules and regulations shall include, but not be limited to the following:

(1) The keeping, storage, use, sale, handling, transportation or other disposition of highly flammable materials, including crude petroleum or any of its products, natural gas for use in motor vehicles, and of explosives, including gunpowder, dynamite, fireworks and firecrackers; and any such rules and regulations may prescribe the materials and construction of receptacles and buildings to be used for any of such purposes;

(2) the transportation of liquid fuel over public highways in order to provide for the public safety in connection therewith;

(3) the construction, maintenance and regulation of exits and fire escapes from building and all other places in which people work, live or congregate from time to time for any purpose, including apartment houses, as defined by K.S.A. 31-132a and amendments thereto, but such rules and regulations shall not apply to buildings used wholly as dwelling houses containing no more than two families;

(4) the installation and maintenance of equipment intended for fire control, detection and extinguishment in all buildings and other places in which persons work, live or congregate from time to time for any purpose, including apartment houses as defined by K.S.A. 31-132a and amendments thereto, but such rules and regulations shall not apply to buildings used wholly as dwelling houses containing no more than two families;

(5) requiring administrators of public and private schools and educational institutions, except community colleges, colleges and universities, to conduct at least one fire drill each month at some time during school hours, aside from the regular dismissal at the close of the day's session, and prescribing the manner in which such fire drill is to be conducted;

(6) procedures for the reporting of fires and explosions occurring within the state and for the investigation thereof;

(7) procedures for reporting by health care providers of treatment of second and third degree burn wounds involving 20% or more of the victim's body and requiring hospitalization of the victim, which reporting is hereby authorized notwithstanding any provision of K.S.A. 60-427 and amendments thereto to the contrary;

(8) requiring administrators of public and private schools and educational institutions, except community colleges, colleges and universities, to establish tornado procedures, which procedures shall provide for at least three tornado drills to be conducted each year at some time during school hours, aside from the regular dismissal at the close of the day's session, shall describe the manner in which such tornado drills are to be conducted, and shall be subject to approval by the state fire marshal;

(9) requiring administrators of community colleges, colleges and universities to establish tornado procedures, which procedures shall be subject to approval by the director of the local council of defense in the county or, if there is no such county director, by the head of the state civil defense division; and

(10) other safeguards, protective measures or means adapted to render inherently safe from the hazards of fire or the loss of life by fire any building or other place in which people work, live or congregate from time to time for any purpose, except buildings used wholly as dwelling houses containing no more than two families.

(b) Any rules and regulations of the state fire marshal adopted pursuant to this section may incorporate by reference specific editions, or portions thereof, of nationally recognized fire prevention codes.

(c) The rules and regulations adopted pursuant to

1 An Act Concerning the Creation of a Professional Licensing Board herein known as the
2 Kansas State Protective Services Licensing Board for providers of Fire, Burglary, Theft
3 Control Systems and Protective Services.

4 Be It Enacted by the Legislature of the State of Kansas:

5 Section 1. As used in this act:

6 (a) "Security Business" means any person or business engaged in the providing,
7 sale, service, maintenance, installation, certification or monitoring of property and/or life
8 safety detection systems, excluding proprietary monitoring and excluding licensed
9 electricians working under the direct supervision of a licensed security business
10 technician.

11 (b) "Property loss and life safety detection systems" means any assembly of
12 equipment or devices designed to (1) signal an unauthorized intrusion, theft or attempted
13 robbery; or (2) detect and signal warning of hazards due to smoke, fire and/or other
14 hazardous situations; or (3) signal or request medical or emergency assistance.

15 Section 2. No security business or any person so required to be licensed in
16 accordance with the rules and regulations promulgated pursuant to this act shall operate
17 in the state of Kansas after January 1, 1996 without first obtaining licensing from the
18 Kansas State Protective Services Licensing Board as conceived in this bill. This licensing
19 law shall not preempt any local municipality having jurisdiction from administering any
20 false alarm ordinance.

21 Section 3. (a) The Kansas State Protective Services Licensing Board shall adopt
22 rules and regulations establishing standards for security businesses including but not
23 limited to training, education, and minimum insurance requirements, administered and
24 enforced by the Office of the Kansas State Fire Marshal. The rules and regulations shall
25 also provide standards for qualification and training of individual employees of the security
26 businesses.

27 (b) The rules and regulations shall further provide for fees and licensing, for each
28 security business and for each employee requiring licensing, with the exception of U.L.
29 listed central station employees.

30 (c) The Office of the Kansas State Fire Marshal shall remit all moneys received for
31 the fees under this act to the State Treasurer. All moneys raised by the fees under this

32 act shall be put in the Office of the Kansas State Fire Marshal fee fund, used to operate
33 the licensing and enforcement provided by this act.

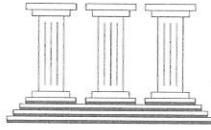
34 Section 4. To assist in the implementation of this act, the presidents of the Kansas
35 Burglar and Fire Alarm Association and the Kansas Automatic Fire Alarm Association
36 shall submit a list of names for the Governor to appoint to the Kansas Protective Services
37 Licensing Board. The membership of the board shall be made up of the following: 3
38 members of the Kansas Burglar and Fire Alarm Association; 3 members of the Kansas
39 Automatic Fire Alarm Association; and one concerned citizen. The members will serve
40 three year terms with 1/3 of the members rotated each year based on regulation by the
41 board. The chairperson shall be elected from the members of the board for one year.
42 New appointees by the governor to the board will come from a list provided by the
43 presidents of the Kansas Automatic Fire Alarm Association and the Kansas Burglar and
44 Fire Alarm Association. Members of the board attending meetings called pursuant to this
45 act shall be paid subsistence, allowances, mileage and other expenses as provided in
46 K.S.A. 75-3223 and amendments thereto.

47 Section 5. The licensing board shall make all rules and regulations regarding
48 administration of itself and licensing of security businesses promulgated pursuant to this
49 act. In addition to the method of providing notice of the public hearing prescribed by
50 K.S.A. 77-421 and amendments thereto, such notice shall be published three times in at
51 least 3 newspapers of general circulation, with the first published notice at least 90 days
52 prior to the hearing and the last published notice to appear not less than 15 days prior
53 to the public hearing.

54 Section 6. The licensing board shall act as a review panel to hear any appeal from
55 any licensing action or other enforcement action taken pursuant to the Kansas Fire
56 Prevention Code or any other code or ordinance pertaining to security businesses.

57 Section 7. The Kansas State Protective Services Licensing Board shall meet at
58 least twice a year and otherwise act as necessary on the call of the Chairperson in order
59 to carry out the provisions of this act.

60 Section 8. This act shall take effect and in force from and after its publication in
61 the statute book.



KANSAS TRIAL LAWYERS ASSOCIATION

Lawyers Representing Consumers

DATE: January 30, 1997

TO: Senate Commerce Committee, Senator Alicia Salisbury, Chairman
Senate Financial Institutions and Insurance, Senator Don Steffes,
Chairman and members of the Committees

FROM: Tim King, Attorney at Law
KTLA Workers Compensation Section Chair

RE: Senate Bill 3

The Kansas Trial Lawyers Association represents thousands of Kansas consumers in a variety of legal matters including representation in Workers' Compensation cases.

Many of our members who practice in the area of Workers Compensation have expressed serious concerns about how protections for workers injured on the job would be handled under such an insurance concept.

However, if Senate Bill 3 does pass, KTLA will be happy to participate in the process of further study of this concept in Kansas.

*Senate Commerce
Committee
January 31, 1997*

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Attachment 11