

Approved: 3-4-98
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Janice Hardenburger at 1:30 p.m. on February 19, 1998 in Room 529-S of the Capitol.

All members were present except: Senator Lawrence
Senator Vidricksen

Committee staff present: Dennis Hodgins, Legislative Research Department
Mike Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Graceanna Wood, Committee Secretary

Conferee appearing before the committee: Senator Anthony Hensley, Senate Minority Leader
Carol Williams, Executive Director, Kansas Commission on
Governmental Standards and Conduct

Others attending: See attached list

Chairman Hardenburger opened the meeting on SB 561, the smoke detector bill.

The Committee discussed amendments to the bill. (Attachment #1)

Senator Gooch made a motion to pass SB 561 favorably as amended, seconded by Senator Praeger. Motion failed.

Chairman Hardenburger opened the hearing on SB 479, concerning campaign finance; concerning designated political committees in the House and Senate.

Senator Hensley, Senate Minority Leader informed the Committee that under the current campaign finance law there are four caucuses of the Kansas Legislature; the House Republicans, the House Democrats, the Senate Republicans, the Senate Democrats, which by law are allowed to have not more than one recognized party committee. By law these recognized party committees can contribute to candidates in an unlimited amount of money. There is, however, a limitation in terms of the money that can be taken in by these different committees and that limitation is \$5000 per contributor per year. However, Political Action Committees have no limits and these committees are limited to the amount of money that they can contribute to a candidate in the Senate which is \$1000 per election cycle and in the House it is \$500 per election cycle. This bill attempts to limit to each caucus one political committee. In 1996, the Senate Republican was to establish six additional Political Action Committees. In each case the Political Action Committees was limited by law to give each candidate \$1000, to each candidate both in the primary and in the general election, so from all these sources, one candidate could have received \$12,000, (\$6000 in the primary and \$6000 in the general). Senator Hensley further stated that it was his belief that what is needed is to establish the same rules at each caucus and what this bill would do is limit each caucus to one political committee, just as they are limiting ourselves to one recognized party committee. There was a committee that has been established by a legislator who happens to be seeking the position of the next Speaker of the House. She has established this PAC and its purpose is, to raise money so that she can in turn give money to candidates for the House for their support. What this bill would do would address this issue. On Line 15 it says "designated as a political committee for the member of such party in such house". It applies directly to each individual member who establishes a Political Committee.

The Committee discussed the leadership party committees.

Chairman Hardenburger asked for a motion for reconsideration of the smoke detector bill, since a Committee member, now present, did not have a chance to previously vote.

Senator Gooch made a motion that SB 561 be passed favorably as amended, seconded by Senator Praeger, motion carried.

Chairman Hardenburger closed the hearing on SB 479 until Monday, February 23.

Chairman Hardenburger took action on SB 562 resetting of cornerstones. Senator Gooch informed the Committee that the bill had been amended in sub-committee and it was unanimously agreed upon.

Senator Gooch made motion that the bill be passed favorably as amended, seconded by Senator Steineger, motion carried.

CONTINUATION SHEET

Minutes of the Senate Elections and Local Government Committee, February 19, 1998

Chairman Hardenburger opened the hearing on SB 626 concerning campaign finance; relating to certain violations.

Carol Williams, Executive Director, KCGSC explained to the Committee that the civil penalty will be raised from \$10 to \$100 a day for failure to file any campaign finance report and candidates or treasurers who failed to file would not be allowed 15 days to file.

The Committee discussed if the fines could be paid by of campaign funds, and increase the fine from \$10 to \$100 day for the fine.

Chairman Hardenburger closed the hearing on SB 626.

Meeting was adjourned at 2:30 p.m.

Next meeting will be at 1:30 p.m. February 23, 1998.

SENATE BILL No. 561

By Committee on Elections and Local Government

9 AN ACT concerning buildings; creating a crime of failure to place or
10 maintain a smoke detector.

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

12 Section 1. Sections 1 through 5 of this act shall be known and may
13 be cited as the smoke detector act.

14 Sec. 2. When used in the this act:

15 (a) "Dwelling unit" means a single-family residence, multiple-family
16 residence and each living unit in a mixed-use building, except that such
17 term does not include any structure which is subject to the federal, man-
18 ufactured home construction and safety standards established pursuant
19 to 42 U.S.C. &5403.

20 (b) "Smoke detector" means a device or combination of devices
21 which operate from a power supply in the dwelling unit or at the point
22 of installation for the purpose of detecting visible or invisible particles of
23 combustion. Such term shall include smoke detectors approved or listed
24 for the purpose for which they are intended by an approved independent
25 testing laboratory.

26 Sec. 3. (a) Every single-family residence shall have at least one smoke
27 detector on every story of the dwelling unit.

28 (b) Every structure which:

29 (1) Contains more than one dwelling unit; or

30 (2) contains at least one dwelling unit and is a mixed-use structure,
31 shall contain at least one smoke detector at the uppermost ceiling of each
32 interior stairwell and on every story in each dwelling unit.

33 ~~(c) It shall be the responsibility of the owner of a structure to supply
34 and install all required smoke detectors. The owners shall be responsible
35 for testing and maintaining all smoke detectors, except inside rental units,
36 the tenant shall be responsible for testing and maintaining all smoke de-
37 tectors after taking possession of the dwelling unit.~~

38 (d) The smoke detectors required in dwelling units in existence on
39 January 1, 1999, may either be battery-powered or wired into the struc-
40 ture's electrical power line, and need not be interconnected. The smoke
41 detectors required in dwelling units constructed after January 1, 1999,
42 shall be wired permanently into the structure's electrical power line.
43

(c) The owner of a structure shall supply and install all required smoke detectors. The owner of a structure shall test and maintain all smoke detectors, except inside rental units, the tenant shall test and maintain all smoke detectors after taking possession of the dwelling unit.

Elec. & Local Gov.
Date: 2-19-98
Attachment: #1

1 ~~(e) Except for any inspection conducted prior to the issuance of an~~
 2 ~~occupancy permit, officials responsible for the enforcement of the smoke~~
 3 ~~detector act shall not enter a dwelling unit solely for the purpose of de-~~
 4 ~~termining compliance with the provisions of the smoke detector act.~~
 5 (f) Evidence of the failure of any property owner to provide an op-
 6 erational smoke detector in a residence as required by this section shall
 7 not be admissible in any action for the purpose of determining any aspect
 8 of damages.
 9 Evidence of the failure of any occupant to properly maintain a smoke
 10 detector as required by this section shall not be admissible in any action
 11 for the purpose of determining any aspect of damages.
 12 (g) The provisions of the smoke detector act shall not constitute
 13 grounds for the purpose of offsetting, reducing or denying the payment
 14 of amounts due under any contract for or policy of insurance.
 15 Sec 4. Failure to place or maintain a smoke detector as provided by
 16 the smoke detector act shall be a nonclass nonperson misdemeanor. Any
 17 fine imposed for a violation of this section shall not exceed \$25.
 18 Sec 5. This law shall be in addition to any county resolution or city
 19 ordinance relating to regulation of smoke detectors.
 20 Sec 6 This act shall take effect and be in force from and after its
 21 publication in the statute book

(e) Officials responsible for the enforcement of the smoke detector act shall not enter a dwelling unit solely for the purpose of determining compliance with the provisions of the smoke detector act except when:
 (1) Conducting an inspection prior to the issuance of an occupancy permit or building permit;
 (2) responding to a report of a fire in a dwelling unit; or
 (3) conducting, at the request of the owner or tenant, a home safety inspection.