

SESSION OF 2003

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE BILL NO. 2201**

As Agreed to April 2, 2003

**Brief \***

HB 2201 amends laws dealing with fire investigations, prohibits the use of fireworks in certain public buildings; permits fire departments to seek restitution of expenses for fighting arson fires; amends criminal statutes dealing with possession or consumption of alcoholic liquor or cereal malt beverages by minors to increase the period for suspension of a minor's drivers license for repeat offenses; and enacts a social host criminal liability law.

HB 2201 amends a statute dealing with fire investigations to allow the chief of any organized fire department of any municipality to authorize any former member of the fire department to conduct investigations if the person was certified as a fire investigator by the State Fire Marshal at the time the person left employment of the fire department.

The bill prohibits the use of pyrotechnics (fireworks), pyrotechnic devices, and pyrotechnic materials, with certain exceptions, in any building which is a place of public assembly, defined as a building or structure with an occupancy capacity of 50 or more. The use of pyrotechnics in violation of the act or any local ordinance or resolution is deemed to constitute a common nuisance. The State Fire Marshal is directed to adopt rules and regulations to implement the act. The act would not apply to (1) any building having an automatic sprinkler system; (2) any building constructed of fire restrictive materials; (3) religious ceremonies; (4) certain candles; or (5) any building or structure exempted by rules and regulations of the State Fire Marshal.

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org/kldr>

The common nuisance statutes are amended to include the use of pyrotechnics in violation of the act. A court hearing on a common nuisance violation must be held within five days of the notification.

The bill authorizes the Director of Alcoholic Beverage Control (ABC) to revoke or suspend any license issued under the Club and Drinking Establishment Act for violations of the act. Similar authority is granted to cities and counties for violations by licensees under the Cereal Malt Beverage Act.

In regard to the penalties for minors who violate the law on possession or consumption of alcoholic liquor or cereal malt beverages more than once, for a second conviction, the minor's driver's license would be suspended for 90 days, and for a third or subsequent conviction, the minor's driver's license would be suspended for one year. Under current law, the suspension is for 30 days for any violation.

The bill also enacts a social host liability law, making it a class B misdemeanor for unlawfully hosting minors consuming alcoholic liquor or cereal malt beverages.

The bill amends Kansas criminal law regarding authorized dispositions of persons convicted of the crimes of arson and aggravated arson to require a judge order a defendant to pay for the expenses incurred by a fire district, fire department, or fire company in responding to such a fire. The bill also amends a number of statutes dealing with various types of fire districts to authorize the districts to seek reimbursement of expenses incurred for fighting arson fires.

## **Background**

The Senate Committee of the Whole added provisions of SB 252 creating the new State Board of Fire Services; SB 254 dealing with fireworks in public places; SB 197 dealing with furnishing alcohol to minors; and SB 209 dealing with arson investigations.

The Conference Committee agreed to the Senate amendments to the bill except for provisions of SB 252 added by the Senate Committee of the Whole which would create a new State Board of Fire Services.

