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

New Section 1. The office of the state fire marshal, created by K.S.A. 75-1510, and amendments thereto, is hereby abolished.

New Sec. 2. Except as otherwise provided in sections 5 through 10, and amendments thereto, on the effective date of this act:

(a) All of the powers, duties and functions of the state fire marshal are hereby transferred to and conferred and imposed upon the division of facilities management of the department of administration and the secretary of administration.

(b) In accordance with the provisions of appropriation acts, the division of facilities management of the department of administration shall administer the fire prevention fee fund, established by K.S.A. 75-1514, and amendments thereto, subject to any amounts directed to be transferred from the fire prevention fee fund to the hazardous material
program fund of the office of the adjutant general and to the department
of health and environment for the y-fire program as certified by the
secretary of administration for fiscal year 2012.

(c) The following funds shall be administered by the division of
facilities management of the department of administration in accordance
with the provisions of appropriation acts:

(1) The fire safety standard and firefighter protection act
enforcement fund, established by K.S.A. 2010 Supp. 31-604, and
amendments thereto;

(2) the cigarette fire safety standard and firefighter protection act
fund, established by K.S.A. 2010 Supp. 31-609, and amendments thereto;

(3) the liquefied petroleum gas fee fund, established by K.S.A. 55-
1813, and amendments thereto.

(d) All liabilities of the state fire marshal, including accrued
compensation or salaries of officers and employees who are transferred to
the division of facilities management of the department of administration
under this section shall be assumed and paid by the division of facilities
management of the department of administration.

New Sec. 3. Except as otherwise provided in sections 5 through 10,
and amendments thereto, on the effective date of this act:

(a) The division of facilities management of the department of
administration and the secretary of administration shall be the successor
in every way to the powers, duties and functions of the state fire marshal
in which the same were vested prior to the effective date of this act and
that are transferred pursuant to section 2, and amendments thereto. Every
act performed in the exercise of such transferred powers, duties and
functions by or under the division of facilities management of the
department of administration or the secretary of administration pursuant
to section 2, and amendments thereto, shall be deemed to have the same
force and effect as if performed by the state fire marshal in which such
powers, duties and functions were vested prior to the effective date of this
act.

(b) Whenever the state fire marshal, or words of like effect, are
referred to or designated by a statute, contract or other document and
such reference is in regard to any of the powers, duties or functions
transferred to the division of facilities management of the department of
administration pursuant to section 2, and amendments thereto, such
reference or designation shall be deemed to apply to the division of
facilities management of the department of administration or the secretary
of administration as the context requires.

(c) All rules and regulations, orders and directives of the state fire
marshal which are in effect on the effective date of this act shall continue
to be effective and shall be deemed to be rules and regulations, orders and
directives of the division of facilities management of the department of
administration or the secretary of administration until revised, amended,
revoked or nullified pursuant to law.

(d) The secretary of administration shall have the legal custody of all
records, memoranda, writings, entries, prints, representations, electronic
data or combinations thereof of any act, transaction, occurrence or event
of the state fire marshal relating to any of the powers, duties or functions
transferred to the division of facilities management of the department of
administration or the secretary of administration pursuant to section 2,
and amendments thereto.

(e) The secretary of administration shall be the continuation of the
state fire marshal with respect to the powers, duties and functions
transferred to the division of facilities management of the department of
administration or the secretary of administration pursuant to section 2,
and amendments thereto.

(f) (1) All officers and employees who, immediately prior to the
effective date of this act, were engaged in the performance of powers,
duties or functions of the state fire marshal concerning programs
transferred pursuant to section 2, and amendments thereto, or the powers,
duties and functions of which are transferred to the division of facilities
management of the department of administration, and who, in the opinion
of the secretary of administration, are necessary to perform the powers,
duties and functions of the division of facilities management of the
department of administration, shall be transferred to, and shall become
officers and employees of the division of facilities management of the
department of administration.

(2) Officers and employees of the state fire marshal transferred by
this act shall retain all retirement benefits and leave balances and rights
which had accrued or vested prior to the date of transfer, including any
benefits and rights accrued or vested as a result of participating in the
Kansas public employees retirement system or the Kansas police and
firemen's retirement system and such participation shall continue as
provided by law. The service of each such officer and employee so
transferred shall be deemed to have been continuous. All transfers, layoffs
or abolition of classified service positions under the Kansas civil service
act shall be made in accordance with the civil service laws and any rules
and regulations adopted thereunder. Nothing in this act shall affect the
classified status of any transferred person employed by the state fire
marshal.

New Sec. 4. (a) When any conflict arises as to the disposition of
any property, power, duty or function or the unexpended balance of any
appropriation as a result of any abolition or transfer made by or under
section 2, and amendments thereto, such conflict shall be resolved by the
governor, whose decision shall be final.

(b) The division of facilities management of the department of
administration shall succeed to all property, property rights and records
which were used for or pertain to the performance of powers, duties and
functions transferred to the division of facilities management of the
department of administration pursuant to section 2, and amendments
thereto. Any conflict as to the proper disposition of property, personnel or
records arising under this section or sections 2 or 3, and amendments
thereto, shall be determined by the governor, whose decision shall be
final.

New Sec. 5. On the effective date of this act:

(a) The powers, duties and functions of the state fire marshal relating
to post-incident fire or explosion investigations are hereby transferred to
and conferred and imposed upon the Kansas bureau of investigation and
the attorney general.

(b) The director of accounts and reports shall transfer 21% of any
remaining balance in the fire prevention fee fund, excluding any amounts
to be transferred to the hazardous material program fund of the office of
the adjutant general and to the department of health and environment for
the y-fire program as certified by the secretary of administration for fiscal
year 2012, to the KBI fire investigation fund of the Kansas bureau of
investigation, established by section 12, and amendments thereto.

(c) All liabilities of the state fire marshal, including accrued
compensation or salaries of officers and employees who are transferred to
the Kansas bureau of investigation under this section shall be assumed
and paid by the Kansas bureau of investigation.

New Sec. 6. On the effective date of this act:

(a) The Kansas bureau of investigation and the attorney general shall
be the successor in every way to the powers, duties and functions of the
state fire marshal in which the same were vested prior to the effective
date of this act and that are transferred pursuant to section 5, and
amendments thereto. Every act performed in the exercise of such
transferred powers, duties and functions by or under the Kansas bureau of
investigation or the attorney general pursuant to section 5, and
amendments thereto, shall be deemed to have the same force and effect as
if performed by the state fire marshal in which such powers, duties and
functions were vested prior to the effective date of this act.

(b) Whenever the state fire marshal, or words of like effect, are
referred to or designated by a statute, contract or other document and
such reference is in regard to any of the powers, duties or functions
transferred to the Kansas bureau of investigation pursuant to section 5,
and amendments thereto, such reference or designation shall be deemed
to apply to the Kansas bureau of investigation or the attorney general as
the context requires.

(c) All rules and regulations, orders and directives of the state fire
marshal relating to any of the powers, duties or functions transferred to
the Kansas bureau of investigation pursuant to section 5, and amendments
thereto, which are in effect on the effective date of this act shall continue
to be effective and shall be deemed to be rules and regulations, orders and
directives of the Kansas bureau of investigation or the attorney general
until revised, amended, revoked or nullified pursuant to law.

(d) The attorney general shall have the legal custody of all records,
memoranda, writings, entries, prints, representations, electronic data or
combinations thereof of any act, transaction, occurrence or event of the
state fire marshal relating to any of the powers, duties or functions
transferred to the Kansas bureau of investigation or the attorney general
pursuant to section 5, and amendments thereto.

(e) The attorney general shall be the continuation of the state fire
marshal relating to any of the powers, duties or functions transferred to
the Kansas bureau of investigation or the attorney general pursuant to
section 5, and amendments thereto.

(f) (1) All officers and employees who, immediately prior to the
effective date of this act, were engaged in the performance of powers,
duties or functions of the state fire marshal concerning programs
transferred pursuant to section 5, and amendments thereto, or the powers,
duties and functions of which are transferred to the Kansas bureau of
investigation, and who, in the opinion of the attorney general, are
necessary to perform the powers, duties and functions of the Kansas
bureau of investigation, shall be transferred to, and shall become officers
and employees of the Kansas bureau of investigation.

(2) Officers and employees of the state fire marshal transferred by
this act shall retain all retirement benefits and leave balances and rights
which had accrued or vested prior to the date of transfer, including any
benefits and rights accrued or vested as a result of participating in the
Kansas public employees retirement system or the Kansas police and
firemen's retirement system and such participation shall continue as
provided by law. The service of each such officer and employee so
transferred shall be deemed to have been continuous. All transfers, layoffs
or abolition of classified service positions under the Kansas civil service
act shall be made in accordance with the civil service laws and any rules
and regulations adopted thereunder. Nothing in this act shall affect the
classified status of any transferred person employed by the state fire
marshal.

New Sec. 7. (a) When any conflict arises as to the disposition of
any property, power, duty or function or the unexpended balance of any
appropriation as a result of any abolition or transfer made by or under section 5, and amendments thereto, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The Kansas bureau of investigation shall succeed to all property, property rights and records which were used for or pertain to the performance of powers, duties and functions transferred to the Kansas bureau of investigation pursuant to section 5, and amendments thereto. Any conflict as to the proper disposition of property, personnel or records arising under this section or sections 5 or 6, and amendments thereto, shall be determined by the governor, whose decision shall be final.

New Sec. 8. On the effective date of this act:
(a) The powers, duties and functions of the state fire marshal relating to responding to hazardous materials incidents are hereby transferred to and conferred and imposed upon the division of emergency management of the office of the adjutant general and the adjutant general.

(b) The director of accounts and reports shall transfer 22% of any remaining balance in the fire prevention fee fund, excluding any amounts to be transferred to the department of health and environment for the y-fire program as certified by the secretary of administration for fiscal year 2012, to the hazardous materials emergency fund.

(c) The hazardous materials emergency fund and the hazardous material program fund shall be administered by the division of emergency management of the office of the adjutant general. All expenditures from the hazardous materials emergency fund or the hazardous material program fund shall be made in accordance with the provisions of appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the adjutant general, or the adjutant general’s designee.

(d) All liabilities of the state fire marshal relating to the powers, duties and functions transferred by this section, and amendments thereto, including accrued compensation or salaries of officers and employees who are transferred to the division of emergency management of the office of the adjutant general under this section, and amendments thereto, shall be assumed and paid by the division of emergency management of the office of the adjutant general.

New Sec. 9. On and after the effective date of this act:
(a) The division of emergency management of the office of the adjutant general and the adjutant general shall be the successor in every way to the powers, duties and functions of the state fire marshal in which the same were vested prior to the effective date of this act and that are transferred pursuant to section 8, and amendments thereto. Every act performed in the exercise of such transferred powers, duties and functions by or under the division of emergency management of the office of the
adjutant general or the adjutant general pursuant to section 8, and amendments thereto, shall be deemed to have the same force and effect as if performed by the state fire marshal in which such powers, duties and functions were vested prior to the effective date of this act.

(b) Whenever the state fire marshal, or words of like effect, are referred to or designated by a statute, contract or other document and such reference is in regard to any of the powers, duties or functions transferred to the division of emergency management of the office of the adjutant general pursuant to section 8, and amendments thereto, such reference or designation shall be deemed to apply to the division of emergency management of the office of the adjutant general or the adjutant general as the context requires.

(c) All rules and regulations, orders and directives of the state fire marshal which relate to the powers, duties and functions transferred by section 8, and amendments thereto, and which are in effect on the effective date of this act shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the division of emergency management of the office of the adjutant general or the adjutant general until revised, amended, revoked or nullified pursuant to law.

(d) The adjutant general shall have the legal custody of all records, memoranda, writings, entries, prints, representations, electronic data or combinations thereof of any act, transaction, occurrence or event of the state fire marshal relating to the powers, duties and functions transferred to the division of emergency management of the office of the adjutant general or the adjutant general pursuant to section 8, and amendments thereto.

(e) The adjutant general shall be the continuation of the state fire marshal relating to the powers, duties and functions transferred to the division of emergency management of the office of the adjutant general or the adjutant general pursuant to section 8, and amendments thereto.

(f) (1) All officers and employees who, immediately prior to the effective date of this act, were engaged in the performance of powers, duties or functions of the state fire marshal concerning programs transferred pursuant to section 8, and amendments thereto, or the powers, duties and functions of which are transferred to the division of emergency management of the office of the adjutant general, and who, in the opinion of the adjutant general, are necessary to perform the powers, duties and functions of the division of emergency management of the office of the adjutant general, shall be transferred to, and shall become officers and employees of the division of emergency management of the office of the adjutant general.

(2) Officers and employees of the state fire marshal transferred by
this act shall retain all retirement benefits and leave balances and rights
which had accrued or vested prior to the date of transfer, including any
benefits and rights accrued or vested as a result of participating in the
Kansas public employees retirement system or the Kansas police and
firemen's retirement system and such participation shall continue as
provided by law. The service of each such officer and employee so
transferred shall be deemed to have been continuous. All transfers, layoffs
or abolition of classified service positions under the Kansas civil service
act shall be made in accordance with the civil service laws and any rules
and regulations adopted thereunder. Nothing in this act shall affect the
classified status of any transferred person employed by the state fire
marshal.

New Sec. 10. (a) When any conflict arises as to the disposition of
any property, power, duty or function or the unexpended balance of any
appropriation as a result of any abolition or transfer made by or under
section 8, and amendments thereto, such conflict shall be resolved by the
governor, whose decision shall be final.

(b) The division of emergency management of the office of the
adjutant general shall succeed to all property, property rights and records
which were used for or pertain to the performance of powers, duties and
functions transferred to the division of emergency management of the
office of the adjutant general pursuant to section 8, and amendments
thereto. Any conflict as to the proper disposition of property, personnel or
records arising under this section or sections 8 or 9, and amendments
thereto, shall be determined by the governor, whose decision shall be
final.

New Sec. 11. (a) No suit, action or other proceeding, judicial or
administrative, lawfully commenced, or which could have been
commenced, by or against any state agency or program mentioned in
sections 2 through 10, and amendments thereto, or by or against any
officer of the state in such officer’s official capacity or in relation to the
discharge of such officer’s official duties, shall abate by reason of the
governmental reorganization effected under the provisions of sections 2
through 10, and amendments thereto. The court may allow any such suit,
action or other proceeding to be maintained by or against the successor of
any such state agency or any officer affected.

(b) No criminal action commenced or which could have been
commenced by the state shall abate by the taking effect of this section,
and amendments thereto.

New Sec. 12. (a) The Kansas bureau of investigation, the chief of
any organized fire department of any municipality, whether such fire
derpartment is regular or volunteer, or any member of any such fire
department who has been duly authorized by the chief thereof, are
authorized to make any investigations deemed necessary of any fire or
explosion occurring within this state. Such persons shall make an
investigation of any fire or explosion occurring within this state, or an
attempt to cause any fire or explosion within this state, if there is reason
to believe that the fire was of an incendiary origin or was an attempt to
defraud an insurance company. In addition, the chief of any organized fire
department of any municipality may designate other qualified persons to
conduct such investigations in such municipality. In order to carry out
such investigations, the Kansas bureau of investigation and those persons
designated by or authorized to be designated by this section shall have the
right and authority at all times of day or night to enter upon or examine,
in accordance with existing laws and regulations, any building or
premises where any fire or explosion or attempt to cause a fire or
explosion has occurred. Such persons shall make a written report of the
findings of any investigation conducted pursuant to this section which
shall be filed with the Kansas bureau of investigation.

(b) If the Kansas bureau of investigation or any of the other persons
authorized to carry out investigations pursuant to subsection (a), having
made the investigation, shall be of the opinion that there is probable cause
to believe any person has violated any of the provisions of K.S.A. 31-
132 et seq., and amendments thereto, or any of the rules and regulations
adopted thereunder, or that any person is guilty of a criminal conduct
under the laws of this state with respect to any fire or explosion, such
investigator shall furnish to the attorney general or the district or county
attorney for the county in which such violation occurs the names of the
witnesses and all of the information and evidence obtained from the
investigation, including a copy of all pertinent and material testimony
taken in the case. The attorney general or such district or county attorney
shall take such action as the evidence and testimony justify. The Kansas
bureau of investigation or such other persons authorized to carry out
investigations pursuant to subsection (a) shall assist in any prosecution
arising from such investigation.

(c) (1) Full-time fire prevention personnel assigned investigation
duties who are members of a paid fire department and who have been
certified by the Kansas bureau of investigation pursuant to this section
shall have the authority to make arrests, carry firearms and conduct
searches and seizures while investigating any fire or explosion in which
arson or attempted arson is suspected or in which there is an attempt or
suspected attempt to defraud an insurance company. Any affidavits
necessary to authorize arrests, searches or seizures pursuant to this
section shall be made in accordance with K.S.A. 22-302 and 22-2502,
and amendments thereto.

(2) The attorney general shall specify the number of investigators for
departments or areas and shall adopt rules and regulations establishing
standards for certification of members of fire departments to make
arrests, carry firearms and conduct searches and seizures pursuant to this
section. No fire department personnel shall be certified to carry firearms
under the provisions of this act without having first successfully
completed the firearm training course or courses prescribed for law
enforcement officers under K.S.A. 74-5604a, and amendments thereto.

(3) With the exception of firearms training, nothing in this section
shall be construed to require persons employed prior to the effective date
of this act to comply with the standards established by the attorney
general pursuant to this section as a condition of continued employment,
and such persons' failure to comply with such standards shall not make
such persons ineligible for any promotional examination for which they
are otherwise eligible or affect in any way any pension rights to which
they are entitled on the effective date of this act.

(d) There is hereby established in the state treasury the KBI fire
investigation fund which shall be administered by the attorney general.
All expenditures from the KBI fire investigation fund by the Kansas
bureau of investigation shall be for the purpose of carrying out
investigations as set forth in this section and shall be made in accordance
with the provisions of appropriation acts upon warrants of the director of
accounts and reports issued pursuant to vouchers approved by the
attorney general, or the attorney general's designee.

(e) The attorney general shall adopt rules and regulations necessary
to implement the provisions of this section. Such rules and regulations
shall provide for the following:
(1) Procedures for the reporting of fires and explosions occurring
within the state and for the investigation thereof;
(2) certification requirements for individuals designated to
investigate fires and explosions pursuant to this section; and
(3) 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.

Sec. 13. K.S.A. 19-1579 is hereby amended to read as follows: 19-1579. The provisions of this act shall apply to any county having a population of less than five thousand (5,000) $10,000,000 and having a total assessed tangible valuation of more than ten million dollars ($10,000,000) of such funds to be used for the construction of a courthouse, jail or sheriff's quarters or for one or more such purposes, and which has accumulated at
least forty-five thousand dollars ($45,000) for such purposes and in which the state fire marshal division of facilities management of the department of administration has condemned the basement and the second floor above the ground of the courthouse now in existence in said county.

Sec. 14. K.S.A. 19-4625 is hereby amended to read as follows: 19-4625. Any commission may close and terminate operation of a county hospital in accordance with the following provisions:

(a) Whenever the commission maintaining and operating the hospital shall determine, by resolution, that it is in the best interest of the county that operation of the hospital should be closed and terminated, or whenever a petition signed by not less than 5% of the qualified electors of a county requesting that operation of the hospital be closed and terminated is filed with the county clerk, there shall be submitted a proposition authorizing the same to the qualified electors of the county at the next regular county election or, if no regular county election is to be held within six months from the date of adoption of the resolution or filing of the petition, at a special election called for the purpose of submitting such proposition. If a majority of the votes cast on the proposition are in favor thereof, the commission shall perform all acts necessary to close and terminate the operation of the county hospital.

(b) If a majority of the votes cast at the election are in favor of the proposition submitted under the provisions of subsection (a), the commission may sell or donate and transfer and convey such hospital and all real and personal property owned by such county and used in connection with the operation of the hospital to a city in or near which the hospital is located subject to the approval and acceptance of such city, or to a hospital district established for such purpose, or to a nonprofit corporation to be owned, managed, maintained and operated as a hospital by such city, hospital district or corporation, or may dispose of all such real and personal property as authorized by law for the disposition of other county property. If the proposition submitted under subsection (a) fails to receive a majority of the votes cast in favor thereof, the county hospital shall be continued in operation.

(c) The commission and the board shall continue to pay the normal and usual operating expenses of the hospital, including such maintenance and repairs as are certified by the state fire marshal division of facilities management of the department of administration or the secretary of health and environment as being necessary for the safety of persons admitted to the hospital, until such time as operation of the hospital is terminated.

(d) The board of any hospital closed under the provisions of this section, is hereby abolished. The balance of any moneys remaining in
any fund of the county hospital after termination of its operation and after
payment and performance of any obligation thereof shall be transferred to
the county general fund. Any records of a county hospital remaining after
the closing and termination of operation thereof shall be transferred to the
custody of the county clerk.

Sec. 15. K.S.A. 2010 Supp. 21-4201 is hereby amended to read as
follows: 21-4201. (a) Criminal use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possessing or carrying any
bludgeon, sandclub, metal knuckles or throwing star, or any knife,
commonly referred to as a switch-blade, which has a blade that opens
automatically by hand pressure applied to a button, spring or other device
in the handle of the knife, or any knife having a blade that opens or falls
or is ejected into position by the force of gravity or by an outward,
downward or centrifugal thrust or movement. This subsection shall not
prohibit any ordinary pocket knife which has a spring, detent or other
device which creates a bias towards closure of the blade and which
requires hand pressure applied to such spring, detent or device through
the blade of the knife to overcome the bias towards closure to assist in the
opening of the knife;

(2) carrying concealed on one's person, or possessing with intent to
use the same unlawfully against another, a dagger, dirk, billy, blackjack,
slungshot, dangerous knife, straight-edged razor, stiletto or any other
dangerous or deadly weapon or instrument of like character, except that
an ordinary pocket knife with no blade more than four inches in length
shall not be construed to be a dangerous knife, or a dangerous or deadly
weapon or instrument;

(3) carrying on one's person or in any land, water or air vehicle, with
intent to use the same unlawfully, a tear gas or smoke bomb or projector
or any object containing a noxious liquid, gas or substance;

(4) carrying any pistol, revolver or other firearm concealed on one's
person except when on the person's land or in the person's abode or fixed
place of business;

(5) setting a spring gun;

(6) possessing any device or attachment of any kind designed, used
or intended for use in suppressing the report of any firearm;

(7) selling, manufacturing, purchasing, possessing or carrying a
shotgun with a barrel less than 18 inches in length or any other firearm
designed to discharge or capable of discharging automatically more than
once by a single function of the trigger; or

(8) possessing, manufacturing, causing to be manufactured, selling,
offering for sale, lending, purchasing or giving away any cartridge which
can be fired by a handgun and which has a plastic-coated bullet that has a
core of less than 60% lead by weight.
(b) Subsections (a)(1), (2), (3), (4) and (7) shall not apply to or affect any of the following:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) manufacture of, transportation to, or sale of weapons to a person authorized under subsections (b)(1), (2) and (3) to possess such weapons.

(c) Subsection (a)(4) shall not apply to or affect the following:

(1) Watchmen, while actually engaged in the performance of the duties of their employment;

(2) licensed hunters or fishermen, while engaged in hunting or fishing;

(3) private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(4) detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment;

(5) the state fire marshal, the state fire marshal's deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto;

(6) the United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed. The provisions of this paragraph shall not apply to any person not in compliance with K.S.A. 2010 Supp. 75-7c19, and amendments thereto.
(d) Subsections (a)(1), (6) and (7) shall not apply to any person who
sells, purchases, possesses or carries a firearm, device or attachment
which has been rendered unserviceable by steel weld in the chamber and
marriage weld of the barrel to the receiver and which has been registered
in the national firearms registration and transfer record in compliance
with 26 U.S.C. § 5841 et seq., in the name of such person and, if such
person transfers such firearm, device or attachment to another person, has
been so registered in the transferee's name by the transferor.
(e) Subsection (a)(8) shall not apply to a governmental laboratory or
solid plastic bullets.
(f) Subsection (a)(6) shall not apply to a law enforcement officer
who is:
(1) Assigned by the head of such officer's law enforcement agency
to a tactical unit which receives specialized, regular training;
(2) designated by the head of such officer's law enforcement agency
to possess devices described in subsection (a)(6); and
(3) in possession of commercially manufactured devices which are:
(A) Owned by the law enforcement agency; (B) in such officer's
possession only during specific operations; and (C) approved by the
bureau of alcohol, tobacco, firearms and explosives of the United States
deptartment of justice.
(g) Subsections (a)(6), (7) and (8) shall not apply to any person
employed by a laboratory which is certified by the United States
department of justice, national institute of justice, while actually engaged
in the duties of their employment and on the premises of such certified
laboratory. Subsections (a)(6), (7) and (8) shall not affect the manufacture
of, transportation to or sale of weapons to such certified laboratory.
(h) Subsection (a)(4) shall not apply to any person carrying a
concealed handgun as authorized by K.S.A. 2010 Supp. 75-7c01 et seq.,
and amendments thereto. It shall not be a violation of this section if a
person violates the provisions of K.S.A. 2010 Supp. 75-7c03, and
amendments thereto, but has an otherwise valid license to carry a
concealed handgun which is issued or recognized by this state.
(i) Subsections (a)(6) and (7) shall not apply to or affect any person
or entity in compliance with the national firearms act, 26 U.S.C. § 5801 et
seq.
(j) It shall be a defense that the defendant is within an exemption.
(k) Violation of subsections (a)(1) through (a)(5) is a class A
nonperson misdemeanor. Violation of subsection (a)(6), (a)(7) or (a)(8) is
a severity level 9, nonperson felony.
(l) As used in this section, "throwing star" means any instrument,
without handles, consisting of a metal plate having three or more
radiating points with one or more sharp edges and designed in the shape
of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.

Sec. 16. K.S.A. 2010 Supp. 21-4217 is hereby amended to read as follows: 21-4217. (a) Criminal discharge of a firearm is the discharge of any firearm:

(1) Upon any land or nonnavigable body of water of another, without having obtained permission of the owner or person in possession of such land; or

(2) upon or from any public road, public road right-of-way or railroad right-of-way that adjoins land of another without having first obtained permission of the owner or person in possession of such land.

(b) This section shall not apply to any of the following:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the national guard while in the performance of their official duty;

(4) watchmen, while actually engaged in the performance of the duties of their employment;

(5) private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(6) detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment; or

(7) the state fire marshal, the state fire marshal’s deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto; or

(8) the United States attorney for the district of Kansas, the attorney general, or any district attorney or county attorney, while actually engaged in the duties of their employment or any activities incidental to such duties; any assistant United States attorney if authorized by the United States attorney for the district of Kansas and while actually engaged in the duties of their employment or any activities incidental to such duties; any assistant attorney general if authorized by the attorney general and while actually engaged in the duties of their
employment or any activities incidental to such duties; or any assistant
district attorney or assistant county attorney if authorized by the district
attorney or county attorney by whom such assistant is employed and
while actually engaged in the duties of their employment or any activities
incidental to such duties. The provisions of this paragraph shall not apply
to any person not in compliance with K.S.A. 2010 Supp. 75-7c19, and
amendments thereto.

(c) Criminal discharge of a firearm is a class C misdemeanor.

Sec. 17. K.S.A. 21-4318 is hereby amended to read as follows: 21-
4318. (a) Inflicting harm, disability or death to a police dog, arson dog,
assistance dog, game warden dog or search and rescue dog is knowingly
and intentionally, and without lawful cause or justification poisoning,
inflicting great bodily harm, permanent disability or death, upon a police
dog, arson dog, assistance dog, game warden dog or search and rescue
dog.

(b) As used in this section:

(1) "Arson dog" means any dog which is owned, or the service of
which is employed, by the state fire marshal Kansas bureau of
investigation or a fire department for the principal purpose of aiding in
the detection of liquid accelerants in the investigation of fires.

(2) "Assistance dog" has the meaning provided by K.S.A. 2007-

(3) "Fire department" means a public fire department under the
control of the governing body of a city, township, county, fire district or
benefit district or a private fire department operated by a nonprofit
 corporation providing fire protection services for a city, township, county,
fire district or benefit district under contract with the governing body of
the city, township, county or district.

(4) "Game warden dog" means any dog which is owned, or the
service of which is employed, by the department of wildlife and parks for
the purpose of aiding in detection of criminal activity, enforcement of
laws, apprehension of offenders or location of persons or wildlife.

(5) "Police dog" means any dog which is owned, or the service of
which is employed, by a law enforcement agency for the principal
purpose of aiding in the detection of criminal activity, enforcement of
laws or apprehension of offenders.

(6) "Search and rescue dog" means any dog which is owned or the
service of which is employed, by a law enforcement or emergency
response agency for the purpose of aiding in the location of persons
missing in disasters or other times of need.

(c) Inflicting harm, disability or death to a police dog, arson dog,
assistance dog, game warden dog or search and rescue dog is a nonperson
felony. Upon conviction of this subsection, a person shall be sentenced to
not less than 30 days or more than one year's imprisonment and be fined not less than $500 nor more than $5,000. During the mandatory 30 days imprisonment, such offender shall have a psychological evaluation prepared for the court to assist the court in determining conditions of probation. Such conditions shall include, but not be limited to, the completion of an anger management program.

(d) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 18. K.S.A. 2010 Supp. 31-133 is hereby amended to read as follows: 31-133. (a) The state fire marshal secretary of administration shall adopt reasonable rules and regulations, consistent with the provisions of this act, for the safeguarding of life and property from fire, explosion and hazardous materials. 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 buildings 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. 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. 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;

(9) 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 secretary of administration;

(10) the development and implementation of a statewide system of hazardous materials assessment and response;

(11) the use of pyrotechnics, pyrotechnic devices and pyrotechnic materials; and

(12) 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 secretary of administration 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 this section shall allow facilities in service prior to the effective date of such rules and regulations, and not in strict conformity therewith, to continue in service, so long as such facilities are not determined by the state fire marshal division of facilities management of the department of administration to constitute a distinct hazard to life or property. Any such determination shall be subject to the appeal provisions contained in K.S.A. 31-140, and amendments thereto.

Sec. 19. K.S.A. 2010 Supp. 31-133a is hereby amended to read as follows: 31-133a. (a) No business shall inspect, install or service portable fire extinguishers or automatic fire extinguishers for commercial cooking equipment without first being certified by the state fire marshal division of facilities management of the department of administration.
(b) (1) The state fire marshal secretary of administration shall adopt rules and regulations as provided in K.S.A. 31-134, and amendments thereto, establishing standards for inspection, installation, servicing and testing procedures and minimum insurance requirements of businesses inspecting, installing or servicing portable fire extinguishers or automatic fire extinguishers for commercial cooking equipment. The rules and regulations shall also provide for qualifications and training of any person or persons designated by such business as the person or persons upon whose qualifications and training the certification of the business is based and, on and after January 1, 1991, shall require submission of proof, satisfactory to the state fire marshal secretary, that such qualifications and training have been met.

(2) The rules and regulations shall further provide for annual certification of such businesses for a fee of not less than $25 or more than $200 for each certification, but no fee shall be charged for any person who is an officer or employee of the state or political or taxing subdivision thereof when that person is acting on behalf of the state or political or taxing subdivision. If the person or persons upon whose qualifications and training the certification of the business is based leave such business, the certification of that business is void.

(3) The state fire marshal division of facilities management of the department of administration shall remit all moneys received for fees under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount 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 each such deposit to the fire marshal fire prevention fee fund.

(c) Inspection or service of any portable fire extinguisher or automatic fire extinguisher for commercial cooking equipment by any business who is not certified by the state fire marshal division of facilities management of the department of administration as required by this section shall constitute a deceptive act or practice under the Kansas consumer protection act and shall be subject to the remedies and penalties provided by such act.

(d) As used in this section:

(1) "Automatic fire extinguisher for commercial cooking equipment" means any automatic fire extinguisher mounted directly above or in the ventilation canopy of commercial cooking equipment.

(2) "Business" means any person who inspects, services or installs portable fire extinguishers or automatic fire extinguishers for commercial cooking equipment, but does not include: (A) Any person or authorized agent of the person who installs a portable fire extinguisher for protection
of the person's own property or business; or (B) any individual acting as a representative or employee of a certified business.

Sec. 20. K.S.A. 2010 Supp. 31-134 is hereby amended to read as follows: 31-134. (a) Any rules and regulations adopted by the state fire marshal secretary of administration under this act shall comply with the provisions of K.S.A. 77-415 et seq., and amendments thereto, except that:

(1) In addition to the method of providing notice of the public hearing prescribed by K.S.A. 77-421, and amendments thereto, such notice shall be published three times in at least two newspapers of general circulation, with the last published notice to appear not less than 15 days prior to the public hearing;

(2) the state fire marshal division of facilities management of the department of administration shall make available for general distribution upon request copies of any nationally recognized code adopted by reference, marked so as to indicate the provisions thereof which have been so adopted. The state fire marshal division of facilities management of the department of administration may charge a fee for the copies in an amount equal to the cost of the copies and their distribution. Upon collection of any such fees, the state fire marshal division of facilities management of the department of administration shall remit to the state treasurer such fees in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. The state treasurer shall deposit the entire amount 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 each such deposit to the fire marshal fire prevention fee fund; and

(3) in addition to the filing requirements of K.S.A. 77-416, and amendments thereto, the state fire marshal division of facilities management of the department of administration shall publish all such rules and regulations and make the same available for distribution to the general public upon request, but the fire marshal division of facilities management of the department of administration shall not be required to republish the provisions of any nationally recognized code adopted by reference if such provisions are made available for general distribution upon request to the fire marshal's office division of facilities management of the department of administration.

(b) The rules and regulations adopted by the state fire marshal secretary of administration under authority of this act shall be known and may be cited as the Kansas fire prevention code. Such rules and regulations shall have uniform force and effect throughout the state. No municipality shall enact or enforce any ordinance, resolution or rule or regulation inconsistent therewith, except that nothing in this act shall be construed to impair the power of any municipality to regulate the use of land by zoning or fire district regulations or to prohibit or regulate the
sale, handling, use or storage of fireworks within its boundaries.
Whenever a question shall arise as to whether another state statute or an
enactment of a municipality is inconsistent with the provisions of the fire
prevention code, it shall be the duty of the state fire marshal secretary of
administration to make such determination after a hearing thereon with
all interested parties conducted in accordance with the provisions of the
Kansas administrative procedure act. Any action of the state fire marshal
division of facilities management of the department of administration or
the secretary of administration pursuant to this section is subject to
review in accordance with the Kansas judicial review act.

Sec. 21. K.S.A. 31-134a is hereby amended to read as follows: 31-
134a. (a) A building shall be deemed to comply with the Kansas fire
prevention code if the building conforms to one of the following building
codes, has been issued a certificate of occupancy and conforms to any
special requirements of the Kansas fire prevention code which are not
covered by such building code:
(1) The 1976 or 1979 edition of the uniform building code;
(2) the 1975 or 1978 edition of the basic building code (B.O.C.A.);
(3) the 1976 or 1979 edition of the standard building code (also
known as the southern standard building code); or
(4) the 2000 edition of the international building code.
(b) The state fire marshal secretary of administration shall adopt
rules and regulations specifying those subsequent editions of the codes
enumerated in subsection (a) and those editions of other nationally
recognized building codes which the state fire marshal secretary has
determined provide protection equivalent to that of the Kansas fire
prevention code.
(c) This section shall be part of and supplemental to K.S.A. 31-132
to 31-150, inclusive, and K.S.A. 31-150a, and amendments thereto.

Sec. 22. K.S.A. 31-135 is hereby amended to read as follows: 31-
135. Whenever it is deemed necessary, the state fire marshal secretary of
administration may appoint an advisory committee or committees to
assist in the formulation and revision of the state fire prevention code and
in the establishment of standards for certification of members of fire
departments to make arrests, carry firearms and conduct searches and
seizures pursuant to K.S.A. 31-157. Any such advisory committee shall
serve without compensation. The membership of the advisory committee
or committees shall be selected on the basis of their individual expertise
and knowledge in the area of fire prevention under consideration.

Sec. 23. K.S.A. 31-136 is hereby amended to read as follows: 31-
136. The state fire marshal division of facilities management of the
department of administration shall have the power to grant exemptions
from the application of specific requirements of regulations promulgated
pursuant to this act. Any such exemption shall be granted only upon written request which clearly demonstrates that the enforcement of a specific requirement of a rule or regulation will cause unnecessary hardship to the petitioner, or that such exemption is necessary for the petitioner to take advantage of new methods or equipment of recognized adequacy which conforms to fundamental safety standards. The particulars of any exemption so granted shall be set forth in writing, and a copy thereof shall be retained in the office of the state fire marshal. 

Sec. 24. K.S.A. 2010 Supp. 31-137 is hereby amended to read as follows: 31-137. The state fire marshal, deputies of the fire marshal division of facilities management of the department of administration, the chief of any organized fire department of any municipality, whether such fire department is regular or volunteer, or any member of any such fire department who has been duly authorized by the chief thereof, shall enforce the provisions of this act and any rules and regulations adopted pursuant thereto. Such persons are authorized to make any investigations deemed necessary of any fire or explosion occurring within this state. Such persons shall make an investigation of any fire or explosion occurring within this state, or an attempt to cause any fire or explosion within this state, if there is reason to believe that the fire was of an incendiary origin or was an attempt to defraud an insurance company. In addition, the chief of any organized fire department of any municipality may designate other qualified persons to conduct such investigations in such municipality. In order to carry out such investigations, the state fire marshal and those persons designated by or authorized to be designated by this section shall have the right and authority at all times of day or night to enter upon or examine, in accordance with existing laws and regulations, any building or premises where any fire or explosion or attempt to cause a fire or explosion has occurred. Such persons shall make a written report of the findings of any investigation conducted pursuant to this section which shall be filed in the office of the state fire marshal.

Sec. 25. K.S.A. 31-139 is hereby amended to read as follows: 31-139. The state fire marshal division of facilities management of the department of administration and those persons designated in K.S.A. 31-137, and amendments thereto, shall have the authority during all reasonable hours of operation to enter, in accordance with existing laws and regulations, any building or premises where any fire or explosion or attempt to cause a fire or explosion has occurred. Such persons shall make a written report of the findings of any investigation conducted pursuant to this section which shall be filed in the office of the state fire marshal.
and amendments thereto, finds any violation of this act or the act of which this section is amendatory, or of any of the rules or regulations issued thereunder, or any lawful order issued pursuant thereto, he the division of facilities management of the department of administration or such person may file a criminal complaint with the attorney general or the proper district or county attorney, or he may issue an order to the owner or his such owner's agent to cease and desist such violations. Any order so issued may be appealed by any person aggrieved thereby, as provided in K.S.A. 31-140, and amendments thereto, but unless otherwise stated in the order, the filing or pendency of such appeal shall not abate or operate as a stay of the effect of such order.

Sec. 26. K.S.A. 2010 Supp. 31-140 is hereby amended to read as follows: 31-140. Any person aggrieved by any order or ruling issued pursuant to the provisions of this act may appeal such order or ruling to the state fire marshal division of facilities management of the department of administration within 15 days from the date of the service of such order by filing a notice of such appeal in the office of the state fire marshal division of facilities management of the department of administration. The state fire marshal division of facilities management of the department of administration or a presiding officer from the office of administrative hearings shall hear such person within 30 days after the receipt of such notice of appeal, and the hearing shall be held in accordance with the provisions of the Kansas administrative procedure act. The state fire marshal division of facilities management of the department of administration shall have the power to administer oaths, examine and cross-examine witnesses, receive oral and documentary evidence, and shall have the power to subpoena witnesses, compel their attendance, and require the production of books, papers, records, correspondence or other documents which are deemed relevant to the inquiry. The state fire marshal division of facilities management of the department of administration at such hearing may, and upon the request of any party shall, cause to be made a stenographic record of all the evidence and all the proceedings had at such hearing. If no stenographic record is made
and if a judicial review is sought, the state fire marshal division of facilities management of the department of administration shall prepare a statement of the evidence and proceedings for use on review. In case of a refusal of any person to comply with any subpoena issued hereunder or to testify with respect to any matter concerning which such person may be lawfully interrogated, the district court of Shawnee county or the county wherein such party resides, on application of the state fire marshal division of facilities management of the department of administration, may issue an order requiring such person to comply with such subpoena and to testify. Any failure to obey any such order of the court may be punished by the court as a contempt thereof. Nothing contained in this act shall require the observance at any such hearing of formal rules of pleading or evidence. Notice of such hearings and any other process caused to be issued by the state fire marshal division of facilities management of the department of administration shall be served in substantial compliance with the requirements for service of process in district court.

(b) Whenever any person shall appeal an order or ruling issued pursuant to the provisions of this act, as provided in K.S.A. 31-140, and amendments thereto, and if after a hearing the decision of the state fire marshal division of facilities management of the department of administration is adverse to such person, the costs of the hearing, including witness fees, shall be taxed to such person.

Sec. 28. K.S.A. 2010 Supp. 31-142 is hereby amended to read as follows: 31-142. Any action of the state fire marshal division of facilities management of the department of administration pursuant to K.S.A. 31-140, and amendments thereto, is subject to review in accordance with the Kansas judicial review act.

Sec. 29. K.S.A. 31-143 is hereby amended to read as follows: 31-143. (a) The state fire marshal division of facilities management of the department of administration shall be authorized to advise, assist and coordinate with the state civil defense director in the development of civil defense or disaster plans, and on request shall assist any municipality in the enforcement of the state fire prevention code. The division of facilities management of the department of administration shall have the responsibility for the implementation of any fire safety programs developed by the state fire marshal division of facilities management of the department of administration and designed to minimize fire hazards and disasters in loss of life and property from these causes. Such responsibilities shall include, but are not limited to, the establishment and enforcement of fire safety practices throughout the state; preventive inspection and correction activities; coordination of fire safety programs with volunteer and paid fire companies, other state agencies and
municipalities, and the state fire marshal division of facilities management of the department of administration shall analyze and evaluate Kansas fire loss statistics in order to make a determination of the problems.

(b) The state fire marshal division of facilities management of the department of administration upon request shall assist the chief of any recognized fire company or department, any legally designated fire marshal of a municipality and the personnel of other state agencies in fire prevention matters.

Sec. 30. K.S.A. 2010 Supp. 31-144 is hereby amended to read as follows: 31-144. (a) As used in this act, "school building" means any building or structure operated or used for any purpose by, or located upon the land of, any school district, community college district, area vocational school, area vocational-technical school, institution under the state board of regents or any private or nonpublic school, college or university, whether or not operated for profit. The term school building does not include within its meaning any single-family dwelling or duplex constructed as part of a vocational education program or construction trades class if such single-family dwelling or duplex is to be sold, after its construction, for private use.

(b) All school buildings shall be inspected at least once each year. In all cities of the first and second class in which there is a full-time fire chief or full-time fire inspector, the inspection of the school buildings shall be conducted by such chief or inspector. The chief or inspector shall report the findings from the inspection to the state fire marshal division of facilities management of the department of administration within 30 days after such inspection. In all other cases, school buildings shall be inspected by the state fire marshal or the fire marshal’s authorized assistants division of facilities management of the department of administration.

(c) The state fire marshal division of facilities management of the department of administration shall order the governing body having control of any school building or facility thereof to correct any condition in such building or facility which is in violation of this act, or any condition which the fire marshal division of facilities management of the department of administration deems dangerous, or which in any way prevents a speedy exit from such building. After any such order is rendered, such governing body shall make the changes required to comply therewith. A board of education of any school district is hereby authorized to make expenditures from its general fund or capital outlay fund to comply with such order, or the board may issue no-fund warrants in such amounts as are necessary to pay expenses incurred in complying with such order. Such no-fund warrants shall be issued, registered, paid
and redeemed and bear interest as provided by K.S.A. 79-2940, and amendments thereto, except that the approval of the state court of tax appeals shall not be required. Such warrants shall recite that they are issued by the board of education of the school district under authority of this act. Any board of education issuing warrants hereunder shall make a tax levy at the same time as other tax levies are made, after such warrants are issued, sufficient to pay such warrants and the interest thereon.

(d) Whenever a board of education receives an order from the state fire marshal division of facilities management of the department of administration pursuant to subsection (c), the board, in lieu of repairing or remodeling the school building or facility as ordered by the state fire marshal division of facilities management of the department of administration, may close such building or facility as an attendance center. Whenever any board of education finds that any such order of the state fire marshal division of facilities management of the department of administration involves a cost in excess of that which the board of education finds the school district can afford, or that the changes ordered are unwarranted or unnecessary, the board may petition for review of such order in the district court of the home county of such school district. Upon receiving such petition, the district court shall appoint three disinterested commissioners, one of whom shall be a licensed architect. The commissioners shall inspect the building or facility affected by the order and report to the court its findings of fact as to the necessity for the improvements or changes ordered by the state fire marshal division of facilities management of the department of administration, together with the estimated cost of each such improvement or change and such other recommendations as the commissioners deem advisable. Upon receiving such findings of fact and recommendations, or any other evidence relating to the petition for review, the court shall enter its order affirming, reversing or modifying the order of the state fire marshal. Such order of the court may be reviewed by the appellate courts in the same manner as other orders and judgments of the district court may be reviewed.

(e) Except as provided in subsection (d), any action of the state fire marshal division of facilities management of the department of administration pursuant to this section is subject to review in accordance with the Kansas judicial review act.

Sec. 31. K.S.A. 31-146 is hereby amended to read as follows: 31-146. The rules and regulations promulgated by the state fire marshal secretary of administration for transporting liquid fuel shall require that the vehicles used in such transportation be inspected by qualified inspectors sufficiently often to insure operation with maximum safety, and the operator of any such vehicle which is subject to the jurisdiction of
the state corporation commission shall file with the commission copies of
all such inspector's clearance receipts for such vehicles. The inspections
required herein shall be performed by inspectors in the state fire marshal's
office division of facilities management of the department of
administration, except that the state fire marshal division of facilities
management of the department of administration may issue a private
inspector's permit to any person having registered in his such person's
name in this state one (1) or more vehicles used for transporting liquid
fuel, if such person maintains inspection facilities and personnel qualified
to perform the inspection to the satisfaction of the state fire marshal's
office division of facilities management of the department of
administration.

Sec. 32. K.S.A. 31-147 is hereby amended to read as follows: 31-
147. Hotels, motels, rooming houses, apartment houses, adult care homes,
child care facilities, hospitals, adult boarding homes and restaurants shall
comply with the rules and regulations promulgated by the state fire
marshal secretary of administration for such occupancies.

Sec. 33. K.S.A. 31-148 is hereby amended to read as follows: 31-
148. The state fire marshal division of facilities management of the
department of administration at least annually shall inspect all buildings
under the jurisdiction of the state penal director and the division of
institutional management of the department of social welfare.

Sec. 34. K.S.A. 2010 Supp. 31-150 is hereby amended to read as
follows: 31-150. (a) Except as otherwise provided in this section, the
construction, reconstruction or renovation of school buildings shall
comply with the requirements of the 2000 edition of the international
building code as published by the international codes council. All electric
wiring shall conform to requirements of the 1999 issue of the national
electric code of the national fire protection association.

(b) The construction, reconstruction or renovation of mobile,
modular, portable or relocatable school buildings shall conform to the
requirements of the 2000 edition of the life safety code as published by
the national fire protection association.

(c) The construction, reconstruction or renovation of all school
buildings shall conform to the provisions for making buildings and
facilities accessible to, and usable by, persons with a disability, as
required by K.S.A. 58-1301 through 58-1311, and amendments thereto.

(d) No contract shall be let for the construction, reconstruction or
renovation of any school building, and it shall be illegal to pay out any
public funds for the construction, reconstruction or renovation of a school
building unless the plans for such building bear the seal of an architect or
a professional engineer licensed by the state board of technical
professions of the state of Kansas certifying that the plans meet the
applicable requirements of this act.

(e) The provisions of subsections (c) and (d) shall not apply to any building or structure operated or used for any purpose by, or located upon the land of any community college, technical college, municipal university, institution under the governance of the state board of regents or other institutions of post secondary education as defined by K.S.A. 74-3249, and amendments thereto. Prior to construction, reconstruction or renovation of a building or structure, all community colleges, technical colleges, any municipal university, institutions under the governance of the state board of regents or other institutions of post secondary education as defined by K.S.A. 74-3249, and amendments thereto, shall submit to the state fire marshal division of facilities management of the department of administration a code footprint for evaluation and approval of the fire/life safety features of such building or structure.

(f) The relocation of school buildings to which the provisions of subsection (b) apply shall not be construed to be construction or reconstruction under the provisions of this section.

(g) The state fire marshal secretary of administration shall adopt rules and regulations specifying those subsequent editions of the codes enumerated in subsections (a) and (b) which the state fire marshal secretary has determined provide protection equivalent to those editions specified herein. Compliance with any subsequent edition specified by such rules and regulations shall be considered compliance with the edition of the code specified by this section.

Sec. 35. K.S.A. 31-150a is hereby amended to read as follows: 31-150a. (a) It shall be unlawful for any person who violates, or who violates, any provision of this act or the act of which this act is amendatory, or who violates, any rule or regulation adopted pursuant thereto, or who violates any lawful order issued by the state fire marshal division of facilities management of the department of administration or by any of the persons designated in K.S.A. 31-137, and amendments thereto, shall be guilty of.

(b) Such violation is a class B misdemeanor, and.

(c) Each day that the offense continues after receipt of written notice thereof issued by the state fire marshal division of facilities management of the department of administration, or by any other person designated in K.S.A. 31-137, and amendments thereto, shall constitute a separate violation.

(d) Notice of any such violation may be sent to the responsible party by restricted mail, as defined in K.S.A. 60-103, and amendments thereto, but refusal of the addressee to receive such notice shall constitute receipt thereof, or such notice may be served personally on the responsible party by the state fire marshal or the state fire marshal’s deputies.
facilities management of the department of administration.

(b) (e) At the request of the state fire marshal division of facilities management of the department of administration or any other person designated in K.S.A. 31-137, and amendments thereto, the attorney general or the proper district or county attorney for the county in which the violation occurs may obtain an injunction to restrain any violation designated in subsection (a), where such violation is a continuing offense or where it constitutes an immediate hazard to life or property. The application for an injunction pursuant to this subsection shall be made to the district court of the county in which the violation occurs, and any such injunction shall be governed by the provisions of article 9 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 36. K.S.A. 31-155 is hereby amended to read as follows: 31-155. (a) Except as provided in subsection (c):

(1) It shall be unlawful to sell, offer to sell, or to possess with intent to sell or offer for sale a bottle rocket; and

(2) it shall be unlawful to ignite, fire, set-off or otherwise use a bottle rocket.

(b) Any person violating the provisions of subsection (a) shall be guilty of Violation of this section is an unclassified misdemeanor punishable by a fine of not more than $100.

(c) The provisions of this section shall not prohibit the possession or transportation of bottle rockets by a manufacturer or wholesaler thereof for sale outside this state if such manufacturer or wholesaler is currently registered with the state fire marshal division of facilities management of the department of administration pursuant to K.S.A. 31-156, and amendments thereto.

(d) As used in this section, "bottle rocket" means any pyrotechnic device which:

(1) Is classified as a class C explosive by the United States department of transportation under 49 C.F.R. 173.100 (1977);

(2) is mounted on a stick or wire; and

(3) projects into the air when ignited, with or without reports, and includes any device with the same configuration, with or without reports, which may be classified as a pipe or trough rocket. "Bottle rocket" does not include helicopter-type rockets.

Sec. 37. K.S.A. 31-156 is hereby amended to read as follows: 31-156. (a) Any person who manufactures bottle rockets or sells bottle rockets at wholesale and who desires to possess or transport any bottle rockets in this state for the purpose of selling the same outside this state shall register annually with the state fire marshal division of facilities management of the department of administration. Such registration shall entitle the manufacturer or wholesaler to possess and transport bottle
rockets in this state for the purpose of selling the same outside this state for a period of one year from the date of registration.

(b) The state fire marshal secretary of administration shall prescribe by rules and regulations the form of the registration required by subsection (a), which form shall require such information of each registrant as necessary to enforce the provisions of K.S.A. 31-155, and amendments thereto.

Sec. 38. K.S.A. 2010 Supp. 31-159 is hereby amended to read as follows: 31-159. (a) In addition to any other penalty provided by law, the state fire marshal division of facilities management of the department of administration, upon finding that any person has violated the provisions of the Kansas fire prevention code, may impose a penalty not to exceed $1,000, which shall constitute an actual and substantial economic deterrent to the violation for which the penalty is assessed.

(b) No penalty shall be imposed pursuant to this section except upon the written order of the state fire marshal division of facilities management of the department of administration to the person who committed the violation. The order shall state the violation, the penalty imposed and the right to appeal to the state fire marshal division of facilities management of the department of administration. Any such person, within 30 days after service of such order, may make written request to the fire marshal division of facilities management of the department of administration for a hearing thereon. The fire marshal division of facilities management of the department of administration shall conduct a hearing in accordance with the provisions of the Kansas administrative procedure act within 30 days after receipt of such request.

(c) Any person aggrieved by any order issued pursuant to this section may appeal such order in accordance with the provisions of the Kansas judicial review act.

(d) All moneys received from penalties imposed pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(e) If a fire safety inspection is required to meet licensing requirements of a state agency, the state fire marshal division of facilities management of the department of administration, before imposing a penalty pursuant to this section, shall make written request to the state licensing agency to take appropriate action to require compliance with the Kansas fire prevention code. If the state licensing agency fails to take such action within 60 days after receipt of the state fire marshal's such notice, the state fire marshal division of facilities management of the department of administration may impose a penalty as provided by this
Sec. 39. K.S.A. 31-165 is hereby amended to read as follows: 31-165. The state fire marshal Kansas department of emergency management of the office of the adjutant general may provide a toll-free telephone number where persons may call the state fire marshal Kansas department of emergency management of the office of the adjutant general to request a response to a hazardous materials incident.

Sec. 40. K.S.A. 2010 Supp. 31-170 is hereby amended to read as follows: 31-170. (a) As used in this section:

(1) "Place of public assembly" means a building or structure with an occupancy capacity of 50 or more.

(2) "Pyrotechnics" mean any controlled exothermic chemical reactions that are timed to create the effects of heat, gas, sound, dispersion of aerosols, emission of visible electromagnetic radiation or a combination of these effects to provide the maximum effect from the least volume for entertainment purposes.

(3) "Pyrotechnic device" means any device which contains pyrotechnic material and which is capable of producing a visual or audible effect for entertainment purposes.

(4) "Pyrotechnic material" means a chemical mixture used to produce visible or audible effects by combustion for entertainment purposes.

(b) (1) Except as provided by this section, the use of any pyrotechnics, pyrotechnic device or pyrotechnic material is prohibited in any building which is a place of public assembly.

(2) The use of pyrotechnics, pyrotechnic devices or pyrotechnic materials in violation of this section or any rules and regulations adopted pursuant to this section or any ordinance or resolution prohibiting or restricting such use shall constitute a common nuisance.

(c) The provisions of subsection (b) shall not apply to:

(1) Any building in which there has been installed an automatic sprinkler system which is adequate for suppression of a fire in the building or structure and such system is functioning properly;

(2) any building in which the interior and exterior walls and ceilings are constructed with or consist of fire-restrictive materials;

(3) candles that are securely supported on noncombustible bases and if the candle flame is protected;

(4) any other building, structure or use exempted by rules and regulations adopted by the state fire marshal secretary of administration.

(d) The state fire marshal secretary of administration shall adopt any rules and regulations necessary to implement the provisions of this section.

(e) Nothing in this section shall be construed as limiting the powers
of cities and counties to regulate or restrict the use of pyrotechnics, pyrotechnic devices or pyrotechnic materials.

Sec. 41. K.S.A. 31-402 is hereby amended to read as follows: 31-402. As used in this act, unless the context requires otherwise, the following words and phrases shall have the meanings ascribed to them in this section.

(a) "Authorized agencies" means:

(1) The office of state fire marshal;
(2) (1) The office of the attorney general of Kansas;
(3) (2) the office of a district or county attorney;
(4) (3) all law enforcement agencies; and
(5) (4) all official fire fighting agencies.

Solely for the purposes of subsection (a) of K.S.A. 31-403 (a), and amendments thereto, "authorized agencies" also means:

(6) (5) The federal bureau of investigation or any other federal agency; and
(7) (6) the United States attorney's office.

(b) "Relevant" means information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of the issue more probable or less probable than it would be without the evidence.

(c) Material will be "deemed important," if, within the sole discretion of the "authorized agency," such material is requested by that "authorized agency."

(d) "Action" shall include nonaction or the failure to take action.

(e) "Immune," as used in subsection (e) of K.S.A. 31-403 (e) and 31-404, and amendments thereto, shall mean that a civil action may not arise from any action taken pursuant to K.S.A. 31-403 and 31-404, and amendments thereto, in the absence of gross negligence, bad faith, malice or fraud on the part of an individual, insurance company, or person acting in its behalf, or authorized agency.

(f) "Insurance company" includes the Kansas fair plan.

Sec. 42. K.S.A. 2010 Supp. 31-501 is hereby amended to read as follows: 31-501. (a) K.S.A. 2010 Supp. 31-501 through 31-506, and amendments thereto, shall be known and may be cited as the "Kansas fireworks act."

(b) This act shall be administered by the state fire marshal. division of facilities management.

Sec. 43. K.S.A. 2010 Supp. 31-502 is hereby amended to read as follows: 31-502. As used in this act, unless the context otherwise requires:

(a) "Licensed display fireworks operator" means a person licensed to operate an outdoor display of display fireworks.
"Licensed proximate pyrotechnic operator" means a person licensed to operate indoor or outdoor articles of pyrotechnic.

"Manufacturer" means any person engaged in the manufacture of fireworks of any kind in the state of Kansas. Manufacturer shall also include any person engaged in the assembly of consumer fireworks or component parts into a finished item or assortment, but shall not include repackaging finished goods into an assortment.

"Distributor" means any person engaged in the distribution of fireworks of any kind in the state of Kansas to include the following:

(1) Sells, delivers, transports, consigns, gives, imports, exports or otherwise furnishes consumer fireworks to any person for the purpose of resale to a retailer or any other distributor or reseller within the state of Kansas; or

(2) sells, intends to sell, offers for sale, possesses with intent to sell or consigns display fireworks or articles pyrotechnic to any person, distributor, municipality or any other organization within the state of Kansas; or

(3) produces, conducts or provides a licensed operator or imports any display fireworks or articles pyrotechnic of any kind within the state of Kansas for profit.

"Distributor" shall not include:

(1) Anyone who transports fireworks from one state to another state through the state of Kansas and such fireworks ultimate destination is not within the state of Kansas;

(2) anyone who sells consumer fireworks during a fireworks season as a seasonal retailer;

(3) freight delivery companies or common carriers as defined in by the U.S. department of transportation in 49 C.F.R. 171.8; or

(4) an out-of-state person who sells, transports, delivers or gives fireworks to a licensed manufacturer or distributor.

"Hobbyist manufacturer" means any person who manufactures consumer fireworks, display fireworks or articles pyrotechnic for their personal use.

"Person" means any individual, partnership, firm, company, association, corporation, not-for-profit organization, municipality or limited liability corporation.

"Seasonal retailer" means a person who receives consumer fireworks and sells, delivers, consigns, gives or otherwise furnishes consumer fireworks only to the public for their personal use and only during a fireworks season.

"Storage" means the safekeeping of fireworks in a warehouse or magazine or comparable appropriate depository. Consumer fireworks that are located at the destination of their retail sale and that are being held in...
anticipation of retail sale shall not be considered as in storage.

(j) "Fireworks season" means a period in time as set forth in the
during a calendar year in which seasonal retailers are permitted to sell
consumer fireworks to the public.

(k) "Fireworks display" means a private or public production of
use and designed to produce visible or audible effects for entertainment
purposes by combustion, deflagration or detonation.

(l) "Division of facilities management" means the division of
facilities management of the department of administration.

(m) "Secretary" means the secretary of administration.

Sec. 44. K.S.A. 2010 Supp. 31-503 is hereby amended to read as
follows: 31-503. (a) Any person who intends to sell, offer for sale,
possess with intent to sell, any consumer fireworks, display fireworks or
articles pyrotechnic or discharge, use, display fireworks or articles
pyrotechnic shall first obtain the appropriate license from the state fire
division of facilities management. This shall not include seasonal retailers.

(b) The types of license shall be as follows:

(1) Manufacturer;

(2) hobbyist manufacturer;

(3) distributor;

(4) display fireworks operator; and

(5) proximate pyrotechnic operator.

(c) Before a license holder may operate, such license holder must
satisfy the requirements of this act and rules and regulations adopted by
the state fire marshal: division of facilities management.

(d) The license holder shall be at least 21 years of age upon applying
for a license.

(e) Licenses shall not be transferable.

(f) Except as otherwise provided in this section, the state fire-
marshals division of facilities management shall have the authority to fix,
charge and collect fees as follows:

(1) A manufacturer license shall be valid for a period of one year.
The annual license fee shall not be less than $400 or more than $600. A
holder of a manufacturer license is not required to have any additional
licenses in order to manufacture and sell any fireworks defined by this
act.

(2) A hobbyist manufacturer license shall be valid for a period of
four years. The license fee shall not be less than $50 or more than $80.

(3) A distributor license shall be valid for a period of one year. The
annual fee shall not be less than $300 or more than $500.
(4) A display fireworks operator license shall be valid for a period of four years. The license fee shall not be less than $40 or more than $80.
(5) A proximate pyrotechnics operator license shall be valid for a period of four years. The license fee shall not be less than $40 or more than $80.
(g) A permit to conduct a fireworks display shall be obtained by the sponsor or operator of a fireworks display from and approved by the city or county where the fireworks display is to be discharged.
(h) No fee shall be charged for a license or permit under this section for any person who is an officer or employee of the state or any political or taxing subdivision of the state when that person is acting on behalf of the state or political or taxing subdivision.

Sec. 45. K.S.A. 2010 Supp. 31-504 is hereby amended to read as follows: 31-504. (a) The owner of any display fireworks storage facility shall obtain a storage site permit from the state fire marshal division of facilities management for permanent or temporary storage. Storage permits are not required for day boxes used at a display site. (b) A storage site permit shall be valid for a period of four years. The fee for a storage site permit shall not be less than $25 or more than $75.

Sec. 46. K.S.A. 2010 Supp. 31-505 is hereby amended to read as follows: 31-505. (a) All fees collected pursuant to this act shall be transmitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state fire marshal fire prevention fee fund.

Sec. 47. K.S.A. 2010 Supp. 31-506 is hereby amended to read as follows: 31-506. The fire marshal secretary shall have the authority to promulgate rules and regulations to implement and administer the provisions of this act. Any rules and regulations of the fire marshal secretary adopted pursuant to this act may incorporate by reference specific editions, or portions thereof, of nationally recognized fire prevention codes. All rules and regulations of the fire marshal secretary pertaining to fireworks regulated by this act in existence on the effective date of this act shall continue to be effective until revised, amended, revoked or nullified pursuant to law.

Sec. 48. K.S.A. 2010 Supp. 31-602 is hereby amended to read as follows: 31-602. As used in this act:
(a) "Agent" means any person authorized by the director to purchase and affix stamps on packages of cigarettes.
(b) "Cigarette" means any roll for smoking, whether made wholly or in part of tobacco or any other substance, irrespective of size or shape, and irrespective of tobacco or substance being flavored, adulterated or
mixed with any other ingredient, if the wrapper is in greater part made of any material except tobacco.

(c) "Director," "retail dealer," "vending machine operator," "sale" and "wholesale dealer" shall have the meanings ascribed thereto in K.S.A. 79-3301, and amendments thereto.

(d) "Manufacturer" means:

(1) Any entity which manufactures or otherwise produces cigarettes or causes cigarettes to be manufactured or produced anywhere that such manufacturer intends to be sold in this state, including cigarettes intended to be sold in the United States through an importer;

(2) the first purchaser anywhere that intends to resell in the United States cigarettes manufactured anywhere that the original manufacturer or maker does not intend to be sold in the United States; or

(3) any entity that becomes a successor of an entity described in paragraph (1) or (2).

(e) "Quality control and quality assurance program" means the laboratory procedures implemented to ensure that operator bias, systematic and non-systematic methodological errors and equipment-related problems do not affect the results of the testing. Such a program ensures that the testing repeatability remains within the required repeatability values required by K.S.A. 2010 Supp. 31-603, and amendments thereto, for all test trials used to certify cigarettes in accordance with this act.

(f) "Repeatability" means the range of values within which the repeat results of cigarette test trials from a single laboratory will fall 95% of the time.

(g) "Sell" means to sell, or to offer or agree to do the same.

(h) "Division of facilities management" means the division of facilities management of the department of administration.

(i) "Secretary" means the secretary of administration.

Sec. 49. K.S.A. 2010 Supp. 31-603 is hereby amended to read as follows: 31-603. (a) Except as provided in subsection (h), no cigarettes may be sold or offered for sale in this state or offered for sale or sold to any person located in this state unless the cigarettes have been tested in accordance with the test method and meet the performance standard specified in this section, a written certification has been filed by the manufacturer with the state fire marshal division of facilities management in accordance with K.S.A. 2010 Supp. 31-604, and amendments thereto, and the cigarettes have been marked in accordance with K.S.A. 2010 Supp. 31-605, and amendments thereto.

(b) (1) Testing of cigarettes shall be conducted in accordance with the American society of testing and materials (ASTM) standard E2187-04, "Standard Test Method for Measuring the Ignition Strength of
Cigarettes."

(2) Testing shall be conducted on 10 layers of filter paper.

(3) No more than 25% of the cigarettes tested in a test trial in accordance with this section shall exhibit full-length burns. Forty replicate tests shall comprise a complete test trial for each cigarette tested.

(4) The performance standard required by this section shall be applied only to a complete test trial.

(5) Written certifications shall be based upon testing conducted by a laboratory that has been accredited pursuant to standard ISO/IEC 17025 of the international organization for standardization (ISO) or other comparable accreditation standard required by the state fire marshal division of facilities management.

(6) Laboratories conducting testing in accordance with this section shall implement a quality control and quality assurance program that includes a procedure that will determine the repeatability of the testing results. The repeatability value shall be no greater than 0.19.

(7) This section does not require additional testing if cigarettes are tested in a manner which is consistent with this act for any other purpose.

(8) Testing performed or sponsored by the state fire marshal division of facilities management to determine a cigarette's compliance with the performance standard required shall be conducted in accordance with this section.

(c) Each cigarette listed in a certification submitted pursuant to K.S.A. 2010 Supp. 31-604, and amendments thereto, that uses lowered permeability bands in the cigarette paper to achieve compliance with the performance standard set forth in this section shall have at least two nominally identical bands on the paper surrounding the tobacco column. At least one complete band shall be located at least 15 millimeters from the lighting end of the cigarette. For cigarettes on which the bands are positioned by design, there shall be at least two bands fully located at least 15 millimeters from the lighting end and 10 millimeters from the filter end of the tobacco column, or 10 millimeters from the labeled end of the tobacco column for non-filtered cigarettes.

(d) A manufacturer of a cigarette that the state fire marshal division of facilities management determines cannot be tested in accordance with the test method prescribed in subsection (b) shall propose a test method and performance standard for the cigarette to the state fire marshal division of facilities management. Upon approval of the proposed test method and a determination by the state fire marshal division of facilities management that the performance standard proposed by the manufacturer is equivalent to the performance standard prescribed in subsection (b)(3) of this section, the manufacturer may employ such test method and performance standard to certify such cigarette pursuant to K.S.A. 2010
Supp. 31-604, and amendments thereto. If the state fire marshal division of facilities management determines that another state has enacted reduced cigarette ignition propensity standards that include a test method and performance standard that are the same as those contained in this act, and the state fire marshal division of facilities management finds that the officials responsible for implementing those requirements have approved the proposed alternative test method and performance standard for a particular cigarette proposed by a manufacturer as meeting the fire safety standards of that state's law or regulation under a legal provision comparable to this section, then the state fire marshal division of facilities management shall authorize that manufacturer to employ the alternative test method and performance standard to certify that cigarette for sale in this state, unless the state fire marshal division of facilities management demonstrates a reasonable basis why the alternative test should not be accepted under this act. All other applicable requirements of this section shall apply to the manufacturer.

(e) Each manufacturer shall maintain copies of the reports of all tests conducted on all cigarettes offered for sale for a period of three years, and shall make copies of these reports available to the state fire marshal division of facilities management and the attorney general upon written request. Any manufacturer who fails to make copies of these reports available within 60 days of receiving a written request shall be subject to a civil penalty not to exceed $10,000 for each day after the sixtieth day that the manufacturer does not make such copies available.

(f) The state fire marshal secretary may adopt a subsequent ASTM standard test method for measuring the ignition strength of cigarettes upon a finding that such subsequent method does not result in a change in the percentage of full-length burns exhibited by any tested cigarette when compared to the percentage of full-length burns the same cigarette would exhibit when tested in accordance with ASTM standard E2187-04 and the performance standard in subsection (b)(3) of this section.

(g) The state fire marshal division of facilities management shall review the effectiveness of this section and report every three years to the legislature the state fire marshal’s findings of the division of facilities management and, if appropriate, recommendations for legislation to improve the effectiveness of this act. The report and legislative recommendations shall be submitted no later than June 30 following the conclusion of each three-year period.

(h) The requirements of subsection (a) shall not prohibit: (1) A wholesale dealer, retail dealer or vending machine operator from selling their existing inventory of cigarettes on or after July 1, 2009, if the wholesale dealer, retail dealer or vending machine operator can establish that state tax stamps were affixed to such cigarettes prior to July 1, 2009,
and if the wholesale dealer, retail dealer or vending machine operator can establish that the inventory was purchased prior to July 1, 2009, in comparable quantity to the inventory purchased during the same period of time in the prior year. In no event may a wholesale dealer, retail dealer or vending machine operator sell or offer for sale a cigarette in this state that does not comply with this act after July 1, 2010; or (2) the sale of cigarettes solely for the purpose of consumer testing. For purposes of this subsection, the term "consumer testing" means an assessment of cigarettes that is conducted by a manufacturer, or under the control and direction of a manufacturer, for the purpose of evaluating consumer acceptance of such cigarettes, utilizing only the quantity of cigarettes that is reasonably necessary for such assessment.

(i) The provisions of this section shall take effect and be in force from and after July 1, 2009.

Sec. 50. K.S.A. 2010 Supp. 31-604 is hereby amended to read as follows: 31-604. (a) Each manufacturer shall submit to the state fire marshal division of facilities management a written certification attesting that: (1) Each cigarette listed in the certification has been tested in accordance with K.S.A. 2010 Supp. 31-603, and amendments thereto; and (2) each cigarette listed in the certification meets the performance standard set forth in K.S.A. 2010 Supp. 31-603, and amendments thereto.

(b) Each cigarette listed in the certification shall be described with the following information:

(1) Brand or trade name on the package;
(2) style, such as lights, ultra lights, or low tar;
(3) length in millimeters;
(4) circumference in millimeters;
(5) flavor, such as menthol, chocolate or other, if applicable;
(6) filter or nonfilter;
(7) package description, such as soft pack, box or other;
(8) the name, address and telephone number of the laboratory, if different than the manufacturer that conducted the test; and
(9) the date that the testing was conducted.

(c) For the purpose of compliance with this section, the state fire marshal division of facilities management shall accept completed certifications and make the completed certifications available to the attorney general.

(d) Each cigarette certified under this section shall be recertified every three years. Initial cigarette certifications may be made at any time. Subsequent certifications shall be made before July 31 of the subsequent certification year.

(e) Every manufacturer shall certify cigarettes within the state before the manufacturer, retail dealer, wholesale dealer or vending machine
operator legally may offer a manufacturer's cigarette for sale within the state. In order to obtain and maintain a listing on the directory created under subsection (i), a manufacturer shall consent to the jurisdiction of the Kansas courts for the purpose of enforcement of this act and shall appoint a registered agent for service of process in this state and shall identify the agent to the secretary of state.

(f) For each cigarette listed in a certification, a manufacturer shall pay to the state fire marshal division of facilities management a fee of $250. The state fire marshal secretary may adjust such fee annually, by rule and regulation, to ensure that such fee defrays the actual cost of processing, testing enforcement, administration and oversight activities required by law.

(g) There is hereby established in the state treasury a separate, nonlapsing fund to be known as the fire safety standard and firefighter protection act enforcement fund which shall be administered by the state fire marshal division of facilities management.

(h) If a manufacturer has certified a cigarette pursuant to this section, and thereafter makes any change to such cigarette that is likely to alter its compliance with the reduced cigarette ignition propensity standards required by this act, that cigarette shall not be sold or offered for sale in this state until the manufacturer retests the cigarette in accordance with the testing standards set forth in K.S.A. 2010 Supp. 31-603, and amendments thereto, and maintains records of that retesting as required by K.S.A. 2010 Supp. 31-603, and amendments thereto. Any altered cigarette which does not meet the performance standard set forth in K.S.A. 2010 Supp. 31-603, and amendments thereto, may not be sold in this state.

(i) Not later than July 31, 2009, the attorney general shall develop a directory of all certified cigarettes under this act. The directory shall be updated as necessary and shall be posted on the attorney general's website. Unless a wholesale dealer, retail dealer or vending machine operator has actual knowledge that cigarettes do not comply with this act, the wholesale dealer, retail dealer or vending machine operator shall consider any cigarette listed on the directory posted on the website to be lawful to sell in this state for the purpose of compliance with this act by such wholesale dealer, retail dealer or vending machine operator.

(j) The provisions of this section shall take effect and be in force from and after July 1, 2009.

Sec. 51. K.S.A. 2010 Supp. 31-605 is hereby amended to read as follows: 31-605. (a) Cigarettes that are certified by a manufacturer in accordance with K.S.A. 2010 Supp. 31-604, and amendments thereto, shall be marked with the letters "FSC," which signifies fire standards compliant, appearing in eight-point type or larger and permanently
printed, stamped, engraved or embossed on the package at or near the
UPC code. A manufacturer certifying cigarettes in accordance with
K.S.A. 2010 Supp. 31-604, and amendments thereto, shall provide a copy
of the certifications to any wholesale dealer and its agents to which the
manufacturer sells cigarettes. Any wholesale dealer, agent, retail dealer or
vending machine operator shall permit the state fire marshal division of
facilities management, the director, the attorney general, and employees
thereof, to inspect cigarette packaging marked in accordance with this
section.

(b) The provisions of this section shall take effect and be in force
from and after July 1, 2009.

Sec. 52. K.S.A. 2010 Supp. 31-606 is hereby amended to read as
follows: 31-606. (a) A manufacturer, wholesale dealer, agent or any other
person or entity who knowingly sells or offers to sell cigarettes, other
than through retail sale, that do not meet the performance standard of
K.S.A. 2010 Supp. 31-603, and amendments thereto, are not listed on the
directory as required by K.S.A. 2010 Supp. 31-604, and amendments
thereto, or are not marked in accordance with K.S.A. 2010 Supp. 31-605,
and amendments thereto, shall be subject to a civil penalty not to exceed
$500 for each pack of such cigarettes sold or offered for sale provided
that in no case shall the penalty against any such person or entity exceed
$100,000 during any thirty-day 30-day period.

(b) A retail dealer or vending machine operator who knowingly sells
or offers to sell cigarettes that are not listed on the directory as required
by K.S.A. 2010 Supp. 31-604, and amendments thereto, or are not marked in accordance with K.S.A. 2010 Supp. 31-605, and amendments
thereto, shall be subject to a civil penalty not to exceed $500 for each
pack of such cigarettes sold or offered for sale, provided that in no case
shall the penalty against any retail dealer or vending machine operator
exceed $25,000 for sales or offers to sell during any thirty-day 30-day
period.

(c) In addition to any penalty prescribed by law, any corporation,
partnership, sole proprietor, limited partnership or association engaged in
the manufacture of cigarettes that knowingly makes a false certification
pursuant to K.S.A. 2010 Supp. 31-604, and amendments thereto, shall be
subject to a civil penalty of at least $75,000 and not to exceed $250,000
for each such false certification.

(d) Any person violating any other provision in this act shall be
subject to a civil penalty for a first offense not to exceed $1,000, and for a
subsequent offense subject to a civil penalty not to exceed $5,000 for
each such violation.

(e) Any cigarettes that have been sold or offered for sale that do not comply with the performance standard required by K.S.A. 2010 Supp.
31-603, and amendments thereto, shall be considered contraband and
subject to forfeiture. Cigarettes forfeited pursuant to this section shall be
destroyed. Prior to the destruction of any cigarette forfeited pursuant to
this subsection, the true holder of the trademark rights in the cigarette
brand shall be permitted to inspect the cigarette.

(f) In addition to any other remedy provided by law, the state fire
marshal division of facilities management or attorney general may file an
action in the district court for a violation of this act, including petitioning
for injunctive relief or to recover any costs or damages suffered by the
state because of a violation of this act, including enforcement costs
relating to the specific violation and attorney's fees. Each violation of this
act or of rules or regulations adopted under this act constitutes a separate
civil violation for which the state fire marshal division of facilities
management or attorney general may obtain relief.

(g) Whenever any law enforcement personnel or duly authorized
representative of the state fire marshal division of facilities management,
director, or attorney general shall discover any cigarettes that have not
been marked in the manner required by K.S.A. 2010 Supp. 31-605, and
amendments thereto, or for which a certification has not been filed as
required by K.S.A. 2010 Supp. 31-604, and amendments thereto, such
personnel are hereby authorized and empowered to seize and take
possession of such cigarettes with or without process or warrant. Such
cigarettes shall be turned over to the division of taxation, and shall be
subject to forfeiture proceedings. Cigarettes seized pursuant to this
section shall be destroyed. Prior to the destruction of any cigarette seized
pursuant to this subsection, the true holder of the trademark rights in the
cigarette brand shall be permitted to inspect the cigarettes.

(h) Any action taken pursuant to this section is subject to review in
accordance with the Kansas judicial review act.

(i) The provisions of this section shall take effect and be in force
from and after July 1, 2009.

Sec. 53. K.S.A. 2010 Supp. 31-607 is hereby amended to read as
follows: 31-607. (a) The director, in the regular course of conducting
inspections of wholesale dealers, agents, retail dealers or vending
machine operators, as authorized under the Kansas cigarette and tobacco
products act or other state statutes, rules, or regulations, may inspect such
cigarettes to determine if the cigarettes are marked as required by K.S.A.
2010 Supp. 31-605, and amendments thereto. If the cigarettes are not
marked as required, the director may seize such contraband with or
without process or warrant and shall notify the state fire marshal.

(b) The provisions of this section shall take effect and be in force
from and after July 1, 2009.
Sec. 54. K.S.A. 2010 Supp. 31-608 is hereby amended to read as follows: 31-608. (a) To enforce the provisions of this act, the attorney general, the director and the state fire marshal division of facilities management, their duly authorized representatives and other law enforcement personnel are hereby authorized to examine the books, papers, invoices and other records of any person in possession, control or occupancy of any premises where cigarettes are placed, stored or offered for sale, as well as the stock of cigarettes on the premises. Every person in the possession, control or occupancy of any premises where cigarettes are placed, stored or offered for sale, is hereby directed and required to give the attorney general, the director and the state fire marshal division of facilities management, their duly authorized representatives and other law enforcement personnel the means, facilities and opportunity for the examinations authorized by this section.

(b) The provisions of this section shall take effect and be in force from and after July 1, 2009.

Sec. 55. K.S.A. 2010 Supp. 31-609 is hereby amended to read as follows: 31-609. (a) There is hereby established in the state treasury a separate, nonlapsing fund to be known as the cigarette fire safety standard and firefighter protection act fund which shall be administered by the state fire marshal division of facilities management. The fund shall consist of all moneys recovered as penalties under K.S.A. 2010 Supp. 31-606, and amendments thereto. The moneys shall be deposited to the credit of the fund and in addition to any other money made available for such purpose, shall be made available to the state entity responsible for administering the provisions of this act to support fire safety and prevention programs.

(b) The provisions of this section shall take effect and be in force from and after July 1, 2009.

Sec. 56. K.S.A. 2010 Supp. 31-611 is hereby amended to read as follows: 31-611. Prior to July 1, 2009, the state fire marshal may promulgate rules and regulations necessary to effectuate the purposes of this act. Such rules and regulations shall not become effective until July 1, 2009. The state fire marshal division of facilities management, director and attorney general may take any other action deemed necessary to prepare for the implementation and enforcement of the fire safety standard and firefighter protection act.

Sec. 57. K.S.A. 2010 Supp. 31-701 is hereby amended to read as follows: 31-701. This act shall be known and may be cited as the state fire marshal fire prevention commissioned inspector act.

Sec. 58. K.S.A. 2010 Supp. 31-702 is hereby amended to read as follows: 31-702. As used in the state fire marshal fire prevention commissioned inspector act:
(a) "Building" means any building owned, maintained or controlled by the state board of regents.

(b) "Commissioned inspector" means an employee of a state educational institution who has been appointed by the state fire marshal, pursuant to K.S.A. 75-3137, and amendments thereto, secretary of administration to inspect buildings in conjunction with the office of the state fire marshal. "Division of facilities management.

(c) "Employee" means an employee of a state educational institution.

(d) "Local fire authority" means the fire department of the city, county, township or fire district having jurisdiction over the area in which a building is located.

(e) "State educational institution" has the meaning ascribed thereto by K.S.A. 76-711, and amendments thereto.

(f) "State fire marshal" means the state fire marshal appointed pursuant to K.S.A. 75-1510, and amendments thereto. "Division of facilities management" means the division of facilities management of the department of administration.

Sec. 59. K.S.A. 2010 Supp. 31-703 is hereby amended to read as follows: 31-703. The state fire marshal division of facilities management and any state educational institution may enter into an agreement under which employees of the state educational institution are commissioned by the state fire marshal division of facilities management to inspect buildings. Such agreements shall include provisions relating to:

(a) The scope of the powers, duties and functions of commissioned inspectors and any limitations on such powers, duties and functions.

(b) The procedures that will be followed by commissioned inspectors in conducting inspections and reporting the results of such inspections.

(c) Subject to K.S.A. 2010 Supp. 31-704, and amendments thereto, the qualifications of an employee who may be appointed as a commissioned inspector.

(d) Subject to K.S.A. 2010 Supp. 31-704, and amendments thereto, the term or length of time an employee shall be appointed as a commissioned inspector.

(e) The procedures or conditions under which an appointment as a commissioned inspector may be revoked by the state fire marshal division of facilities management.

(f) Notification of the local fire authority of the time and location of inspections to be conducted by a commissioned inspector and the results of any such inspection.

(g) Any other terms the parties deem necessary or advisable.

Sec. 60. K.S.A. 2010 Supp. 31-705 is hereby amended to read as
follows: 31-705. (a) An employee of a state educational institution who is appointed as a commissioned inspector shall not be considered an employee of the 
office of state fire marshal. division of facilities management.

(b) An employee of a state educational institution who is appointed as a commissioned inspector shall receive no monetary compensation from the office of the state fire marshal division of facilities management for performing powers, duties or functions of a commissioned inspector.

Sec. 61. K.S.A. 36-132 is hereby amended to read as follows: 36-132. Within any place of assembly flexible metal gas connectors may be used in connection with natural gas-fired movable cooking equipment, if such flexible metal gas connectors are of a design and construction approved by the state fire marshal division of facilities management of the department of administration for such purposes as provided by K.S.A. 36-133, and amendments thereto.

Sec. 62. K.S.A. 36-133 is hereby amended to read as follows: 36-133. The state fire marshal division of facilities management of the department of administration is hereby authorized and directed to approve the design and construction for flexible metal gas connectors authorized for use under K.S.A. 36-132, and amendments thereto.

Sec. 63. K.S.A. 36-134 is hereby amended to read as follows: 36-134. (a) It shall be unlawful for any person, firm or corporation using to use a flexible metal gas connector in connection with natural gas-fired movable cooking equipment which does not meet the design and construction requirements approved by the state fire marshal division of facilities management of the department of administration pursuant to K.S.A. 36-133 shall be guilty of, and amendments thereto.

(b) Violation of this section is a class C misdemeanor.

Sec. 64. K.S.A. 2010 Supp. 36-510 is hereby amended to read as follows: 36-510. (a) The secretary shall be responsible for the enforcement of the lodging and food service standards promulgated pursuant to this act, but the secretary is hereby authorized and empowered to contract with the governing body of any municipality for the enforcement of all or any portion of such standards, whenever the secretary shall determine that such municipality has adequate personnel to provide proper enforcement. Any municipality entering into a contract with the secretary to enforce such standards shall act as an agent of the secretary in carrying out such duties, and no such municipality shall charge any lodging establishment or food service establishments a fee for services performed as an agent of the secretary under such contract which is in addition to and separate from any fee such establishment is required to pay to the secretary under the provisions of this act. Such municipality shall enforce such standards within such municipalities of this state as are
designated in the contract. Any inspection of lodging or food service establishments by officers, employees or agents of any such municipality, and any notice of noncompliance issued as a result of any such inspection, shall have the same force and effect as if such had been done by the secretary.

(b) The secretary and the state fire marshal division of facilities management of the department of administration are hereby authorized and empowered to enter into a contract authorizing the state fire marshal or the fire marshal’s deputies or lawful agents division of facilities management of the department of administration to enforce all or any portion of the lodging or food service standards promulgated pursuant to this act. Such contract shall designate specific lodging or food service establishments, or types of lodging or food service establishments, wherein such authority may be exercised. Any inspection of such establishments by the state fire marshal or the fire marshal’s deputies or lawful agents division of facilities management of the department of administration, to determine compliance with lodging or food service standards established pursuant to this act, and any notice of noncompliance issued as a result of any such inspection, shall have the same force and effect as if such had been done by the secretary.

Such contract also may provide similar authority for the secretary of agriculture and the secretary’s officers, employees and agents with respect to enforcement of all or any portion of the Kansas fire prevention code in specified lodging or food service establishments, or in types of lodging or food service establishments. Any inspection of such establishments by the secretary, or the secretary’s officers, employees and agents, to determine compliance with the Kansas fire prevention code, shall have the same force and effect as if performed by the state fire marshal or the marshal’s deputies and agents division of facilities management of the department of administration.

Sec. 65. K.S.A. 2010 Supp. 39-925 is hereby amended to read as follows: 39-925. (a) The administration of the adult care home licensure act is hereby transferred from the secretary of health and environment to the secretary of aging, except as otherwise provided by this act. On the effective date of this act, the administration of the adult care home licensure act shall be under authority of the secretary of aging as the licensing agency in conjunction with the state fire marshal division of facilities management of the department of administration, and shall have the assistance of the county, city-county or multicounty health departments, local fire and safety authorities and other agencies of government in this state. The secretary of aging shall appoint an officer to administer the adult care home licensure act and such officer shall be in the unclassified service under the Kansas civil service act.
(b) The secretary of aging shall be a continuation of the secretary of health and environment as to the programs transferred and shall be the successor in every way to the powers, duties and functions of the secretary of health and environment for such programs, except as otherwise provided by this act. On and after the effective date of this act, for each of the programs transferred, every act performed in the exercise of such powers, duties and functions by or under the authority of the secretary of aging shall be deemed to have the same force and effect as if performed by the secretary of health and environment in whom such powers were vested prior to the effective date of this act.

(c) (1) No suit, action or other proceeding, judicial or administrative, which pertains to any of the transferred adult care home survey, certification and licensing programs, and reporting of abuse, neglect or exploitation of adult care home residents, which is lawfully commenced, or could have been commenced, by or against the secretary of health and environment in such secretary's official capacity or in relation to the discharge of such secretary's official duties, shall abate by reason of the transfer of such programs. The secretary of aging shall be named or substituted as the defendant in place of the secretary of health and environment in any suit, action or other proceeding involving claims arising from facts or events first occurring either on or before the effective date of this act or thereafter.

(2) No suit, action or other proceeding, judicial or administrative, pertaining to the adult care home survey, certification and licensing programs or to the reporting of abuse, neglect or exploitation of adult care home residents which otherwise would have been dismissed or concluded shall continue to exist by reason of any transfer under this act.

(3) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this act.

(4) Any final appeal decision of the department of health and environment entered pursuant to K.S.A. 39-923 et seq., and amendments thereto, K.S.A. 39-1401 et seq., and amendments thereto, or the Kansas judicial review act, K.S.A. 77-601 et seq., and amendments thereto, currently pertaining to adult care home certification, survey and licensing or reporting of abuse, neglect or exploitation of adult care home residents, transferred pursuant to this act shall be binding upon and applicable to the secretary of aging and the department on aging.

(5) All orders and directives under the adult care home licensure act by the secretary of health and environment in existence immediately prior to the effective date of the transfer of powers, duties and functions by this act, shall continue in force and effect and shall be deemed to be duly issued orders, and directives of the secretary of aging, until reissued, amended or nullified pursuant to law.
(d) (1) All rules and regulations of the department of health and environment adopted pursuant to K.S.A. 39-923 et seq., and amendments thereto, and in effect on the effective date of this act, which promote the safe, proper and adequate treatment and care of individuals in adult care homes, except those specified in subsection (d)(2) of this section, shall continue to be effective and shall be deemed to be rules and regulations of the secretary of aging, until revised, amended, revoked or nullified by the secretary of aging, or otherwise, pursuant to law.

(2) The following rules and regulations of the department of health and environment adopted pursuant to K.S.A. 39-923 et seq., and amendments thereto, and in effect on the effective date of this act, shall remain the rules and regulations of the secretary of health and environment: K.A.R. 28-39-164 through 28-39-174.

(e) All contracts shall be made in the name of "secretary of aging" and in that name the secretary of aging may sue and be sued on such contracts. The grant of authority under this subsection shall not be construed to be a waiver of any rights retained by the state under the 11th amendment to the United States constitution and shall be subject to and shall not supersede the provisions of any appropriation act of this state.

Sec. 66. K.S.A. 39-928 is hereby amended to read as follows: 39-928. Upon receipt of an application for license, the licensing agency with the approval of the state fire marshal division of facilities management of the department of administration shall issue a license if the applicant is fit and qualified and if the adult care home facilities meet the requirements established under this law. The licensing agency, the state fire marshal division of facilities management of the department of administration, and the county, city-county or multicounty health departments or their designated representatives shall make such inspections and investigations as are necessary to determine the conditions existing in each case and a written report of such inspections and investigations and the recommendations of the state fire marshal division of facilities management of the department of administration and the county, city-county or multicounty health department or their authorized agents shall be filed with the licensing agency. The licensing agency and the state fire marshal division of facilities management of the department of administration may designate and use county, city-county or multicounty health departments and local fire and safety authorities as their agents in making such inspections and investigations as are deemed necessary or advisable. Such local authorities are hereby authorized, empowered and directed to perform such duties as are designated. A copy of any inspection reports required by this section shall be furnished to the applicant.

A license, unless sooner suspended or revoked, shall remain in effect
upon filing by the licensee, and approval by the licensing agency and the state fire marshal, division of facilities management of the department of administration or their duly authorized agents, of an annual report upon such uniform dates and containing such information in such form as the licensing agency prescribes and payment of an annual fee. Each license shall be issued only for the premises and persons named in the application and shall not be transferable or assignable. It shall be posted in a conspicuous place in the adult care home. If the annual report is not so filed and annual fee is not paid, such license is automatically canceled. Any license granted under the provisions of this act shall state the type of facility for which license is granted, number of residents for which granted, the person or persons to whom granted, the date and such additional information and special limitations as are deemed advisable by the licensing agency.

Sec. 67. K.S.A. 39-929 is hereby amended to read as follows: 39-929. A provisional license may be issued to any adult care home, the facilities of which are temporarily unable to conform to all the standards, requirements, rules and regulations established under the provisions of this act: Provided, however, That . The issuance of such provisional license shall be approved by the state fire marshal, division of facilities management of the department of administration. A provisional license may be issued to provide time to make necessary corrections for not more than six (6) months. One additional successive six-month provisional license may be granted at the discretion of the licensing agency. A change of ownership during the provisional licensing period will not extend the time for the requirements to be met that were the basis for the provisional license nor entitle the new owner to an additional provisional license.

Sec. 68. K.S.A. 2010 Supp. 39-935 is hereby amended to read as follows: 39-935. (a) Inspections shall be made and reported in writing by the authorized agents and representatives of the licensing agency and state fire marshal, the division of facilities management of the department of administration, and of the county, city-county and multicounty health departments as often and in the manner and form prescribed by the rules and regulations promulgated under the provisions of this act. Access shall be given to the premises of any adult care home at any time upon presenting adequate identification to carry out the requirements of this section and the provisions and purposes of this act, and failure to provide such access shall constitute grounds for denial or revocation of license. A copy of any inspection reports required by this section shall be furnished to the applicant, except that a copy of the preliminary inspection report signed jointly by a representative of the adult care home and the inspector shall be left with the applicant when an inspection under this section is completed. This preliminary inspection report shall constitute the final
record of deficiencies assessed against the adult care home during the
inspection, all deficiencies shall be specifically listed and no additional
deficiencies based upon the data developed at that time shall be assessed
at a later time. An exit interview shall be conducted in conjunction with
the joint signing of the preliminary inspection report.

(b) The authorized agents and representatives of the licensing
agency shall conduct at least one unannounced inspection of each adult
care home within 15 months of any previous inspection for the purpose of
determining whether the adult care home is complying with applicable
statutes and rules and regulations relating to the health and safety of the
residents of the adult care home. The statewide average interval between
inspections shall not exceed 12 months.

(c) Every adult care home shall post in a conspicuous place a notice
indicating that the most recent inspection report and related documents
may be examined in the office of the administrator of the adult care
home. Upon request, every adult care home shall provide to any person a
copy of the most recent inspection report and related documents,
provided the person requesting such report agrees to pay a reasonable
charge to cover copying costs.

(d) Each nursing facility that provides skilled nursing care, nursing
facility for mental health that provides skilled nursing care or assisted
living facility may establish and maintain a risk management program
which shall consist of: (1) A system for investigation and analysis of the
frequency and causes of reportable incidents within the facility; (2)
measures to minimize the occurrence of reportable incidents and the
resulting injuries within the facility; and (3) a reporting system based
upon the duty of all health care providers staffing the facility and all
agents and employees of the facility directly involved in the delivery of
health care services to report reportable incidents to the chief of the
medical staff, chief administrative officer or risk manager of the facility.
Any reports and records reviewed, obtained or prepared by the
department on aging in connection with any reportable incidents referred
for investigation under such risk management program, including any
reports and records reflecting the results of an inspection or survey under
this chapter or in accordance with the regulations, guidelines and
procedures issued by the United States secretary of health and human
services under Titles XVIII and XIX of the "Social Security Act," 49 Stat.
620 (1935), 42 U.S.C. § 301, as amended, shall not be admissible in any
civil action under the laws of the state of Kansas unless the court
determines on the record, following a hearing outside the presence of the
jury, that the proffered evidence excerpted from any report, record,
inspection or survey is relevant and substantially related to the plaintiff's
allegations and otherwise admissible under the rules of evidence set forth
in article 4 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto. This subsection shall not be construed to limit or impair a person's or entity's discovery of or access to any such report, record, inspection or survey under state or federal law; limit or impair the authority of the department on aging to investigate complaints or reportable incidents under state or federal law; or diminish or expand the department on aging's discovery of or access to quality assessment and assurance committee records under state or federal law.

Sec. 69. K.S.A. 2010 Supp. 39-938 is hereby amended to read as follows: 39-938. Adult care homes shall comply with all the lawfully established requirements and rules and regulations of the secretary of aging and the state fire marshal division of facilities management of the department of administration, and any other agency of government so far as pertinent and applicable to adult care homes, their buildings, operators, staffs, facilities, maintenance, operation, conduct, and the care and treatment of residents. The administrative rules and regulations of the state board of cosmetology and of the Kansas board of barbering shall not apply to adult care homes.

Sec. 70. K.S.A. 2010 Supp. 39-945 is hereby amended to read as follows: 39-945. A correction order may be issued by the secretary of aging or the secretary's designee to a person licensed to operate an adult care home whenever the state fire marshal or the marshal's representative division of facilities management of the department of administration or a duly authorized representative of the secretary of aging inspects or investigates an adult care home and determines that the adult care home is not in compliance with the provisions of article 9 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, or rules and regulations promulgated thereunder which individually or jointly affect significantly and adversely the health, safety, nutrition or sanitation of the adult care home residents. The correction order shall be served upon the licensee either personally or by certified mail, return receipt requested. The correction order shall be in writing, shall state the specific deficiency, cite the specific statutory provision or rule and regulation alleged to have been violated, and shall specify the time allowed for correction.

Sec. 71. K.S.A. 2010 Supp. 40-252 is hereby amended to read as follows: 40-252. Every insurance company or fraternal benefit society organized under the laws of this state or doing business in this state shall pay to the commissioner of insurance fees and taxes specified in the following schedule:

<table>
<thead>
<tr>
<th>Insurance companies organized under the laws of this state:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Capital stock insurance companies and mutual legal reserve life insurance companies:</td>
</tr>
<tr>
<td>Filing application for sale of stock or certificates of indebtedness ..................$25</td>
</tr>
<tr>
<td>Admission fees:</td>
</tr>
</tbody>
</table>
Examination of charter and other documents ........................................... 500
Filing annual statement .............................................................................. 100
Certificate of authority ........................................................................... 10

Annual fees:

Examination of charter and other documents ........................................... $500
Filing annual statement .............................................................................. 100
Certificate of authority ........................................................................... 10

Annual fees:

Filing annual statement .............................................................................. 100
Continuation of certificate of authority ....................................................... 10

2. Mutual life, accident and health associations:

Filing annual statement .............................................................................. 100
Continuation of certificate of authority ....................................................... 10

3. Mutual fire, hail, casualty and multiple line insurers and reciprocal or interinsurance exchanges:

Filing annual statement .............................................................................. 100
Continuation of certificate of authority ....................................................... 10

In addition to the above fees and as a condition precedent to the continuation of the certificate of authority provided in this code, all such companies shall pay a fee of $2 for each agent certified by the company and shall also pay a tax annually upon all premiums received on risk located in this state at the rate of 1% for tax year 1997, and 2% for all tax years thereafter per annum less (1) for tax years prior to 1984, any taxes paid on business in this state pursuant to the provisions of K.S.A. 40-1701 to 40-1707, inclusive, and 75-1508, and amendments thereto and (2) for tax years 1984 and thereafter, any taxes paid on business in this state pursuant to the provisions of K.S.A. 75-1508, and amendments thereto, and the amount of the firefighters relief tax credit determined by the commissioner of insurance. The amount of the firefighters relief tax credit for a company for the current tax year shall be determined by the commissioner of insurance by dividing (A) the total amount of credits against the tax imposed by this section for taxes paid by all such companies on business in this state under K.S.A. 40-1701 to 40-1707, inclusive, and amendments thereto, for tax year 1983, by (B) the total amount of taxes paid by all such companies on business in this state under K.S.A. 40-1703, and amendments thereto, for the tax year immediately preceding the current tax year, and by multiplying the result so obtained by (C) the amount of taxes paid by the company on business in this state under K.S.A. 40-1703, and amendments thereto, for the current tax year.

In the computation of the gross premiums all such companies shall be
entitled to deduct any premiums returned on account of cancellations, including funds accepted before January 1, 1997, and declared and taxed as annuity premiums which, on or after January 1, 1997, are withdrawn before application to the purchase of annuities, all premiums received for reinsurance from any other company authorized to do business in this state, dividends returned to policyholders and premiums received in connection with the funding of a pension, deferred compensation, annuity or profit-sharing plan qualified or exempt under sections 401, 403, 404, 408, 457 or 501 of the United States internal revenue code of 1986. Funds received by life insurers for the purchase of annuity contracts and funds applied by life insurers to the purchase of annuities shall not be deemed taxable premiums or be subject to tax under this section for tax years commencing on or after January 1, 1997.

B

Fraternal benefit societies organized under the laws of this state:

Admission fees:
- Examination of charter and other documents: $500
- Filing annual statement: 100
- Certificate of authority: 10

Annual fees:
- Filing annual statement: 100
- Continuation of certificate of authority: 10

C

Mutual nonprofit hospital service corporations, nonprofit medical service corporations, nonprofit dental service corporations, nonprofit optometric service corporations and nonprofit pharmacy service corporations organized under the laws of this state:

1. Mutual nonprofit hospital service corporations:
   
   Admission fees:
   - Examination of charter and other documents: $500
   - Filing annual statement: 100
   - Certificate of authority: 10

   Annual fees:
   - Filing annual statement: 100
   - Continuation of certificate of authority: 10

2. Nonprofit medical service corporations:
   
   Admission fees:
   - Examination of charter and other documents: $500
   - Filing annual statement: 100
   - Certificate of authority: 10

   Annual fees:
   - Filing annual statement: 100
   - Continuation of certificate of authority: 10

3. Nonprofit dental service corporations:
   
   Admission fees:
   - Examination of charter and other documents: $500
   - Filing annual statement: 100
   - Certificate of authority: 10

   Annual fees:
   - Filing annual statement: 100
   - Continuation of certificate of authority: 10
4. Nonprofit optometric service corporations:

Admission fees:
- Examination of charter and other documents ........................................ $500
- Filing annual statement ........................................................................ 100
- Certificate of authority ....................................................................... 10

Annual fees:
- Filing annual statement ........................................................................ 100
- Continuation of certificate of authority .................................................. 10

5. Nonprofit pharmacy service corporations:

Admission fees:
- Examination of charter and other documents ........................................ $500
- Filing annual statement ........................................................................ 100
- Certificate of authority ....................................................................... 10

Annual fees:
- Filing annual statement ........................................................................ 100
- Continuation of certificate of authority .................................................. 10

In addition to the above fees and as a condition precedent to the continuation of the certificate of authority, provided in this code, every corporation or association shall pay annually to the commissioner of insurance a tax in an amount equal to 1% for tax year 1997, and 2% for all tax years thereafter per annum of the total of all premiums, subscription charges, or any other term which may be used to describe the charges made by such corporation or association to subscribers for hospital, medical or other health services or indemnity received during the preceding year. In such computations all such corporations or associations shall be entitled to deduct any premiums or subscription charges returned on account of cancellations and dividends returned to members or subscribers.

D

Insurance companies organized under the laws of any other state, territory or country:

1. Capital stock insurance companies and mutual legal reserve life insurance companies:
- Filing application for sale of stock or certificates of indebtedness ............... $25

Admission fees:
- Examination of charter and other documents ........................................ 500
- Filing annual statement ........................................................................ 100
- Certificate of authority ....................................................................... 10

Annual fees:
- Filing annual statement ........................................................................ 100
- Continuation of certificate of authority .................................................. 10

In addition to the above fees all such companies shall pay $5 for each agent certified by the company, except as otherwise provided by law.

As a condition precedent to the continuation of the certificate of authority, provided in this code, every company organized under the laws of any other state of the United States or of any foreign country shall pay a tax upon all premiums received during the preceding year at the rate of
2% per annum.

In the computation of the gross premiums all such companies shall be entitled to deduct any premiums returned on account of cancellations, including funds accepted before January 1, 1997, and declared and taxed as annuity premiums which, on or after January 1, 1997, are withdrawn before application to the purchase of annuities, dividends returned to policyholders and all premiums received for reinsurance from any other company authorized to do business in this state and premiums received in connection with the funding of a pension, deferred compensation, annuity or profit-sharing plan qualified or exempt under sections 401, 403, 404, 408, 457 or 501 of the United States internal revenue code of 1986. Funds received by life insurers for the purchase of annuity contracts and funds applied by life insurers to the purchase of annuities shall not be deemed taxable premiums or be subject to tax under this section for tax years commencing on or after January 1, 1997.

2. Mutual life, accident and health associations:

Admission fees:
- Examination of charter and other documents.................................$500
- Filing annual statement.....................................................................100
- Certificate of authority......................................................................10

Annual fees:
- Filing annual statement.....................................................................100
- Continuation of certificate of authority..............................................10

In addition to the above fees, every such company organized under the laws of any other state of the United States shall pay $5 for each agent certified by the company, and shall pay a tax annually upon all premiums received at the rate of 2% per annum.

In the computation of the gross premiums all such companies shall be entitled to deduct any premiums returned on account of cancellations, including funds accepted before January 1, 1997, and declared and taxed as annuity premiums which, on or after January 1, 1997, are withdrawn before application to the purchase of annuities, dividends returned to policyholders and all premiums received for reinsurance from any other company authorized to do business in this state and premiums received in connection with the funding of a pension, deferred compensation, annuity or profit-sharing plan qualified or exempt under sections 401, 403, 404, 408, 457 or 501 of the United States internal revenue code of 1986. Funds received by life insurers for the purchase of annuity contracts and funds applied by life insurers to the purchase of annuities shall not be deemed taxable premiums or be subject to tax under this section for tax years commencing on or after January 1, 1997.

3. Mutual fire, casualty and multiple line insurers and reciprocal or interinsurance exchanges:

Admission fees:
Examination of charter and other documents and issuance of certificate of authority ................................................................. $500
Filing annual statement .................................................................................................................................................. 100
Certificate of authority ................................................................................................................................................. 10

Annual fees:
Filing annual statement .................................................................................................................................................. 100
Continuation of certificate of authority ......................................................................................................................... 10

In addition to the above fees, every such company or association organized under the laws of any other state of the United States shall pay a fee of $5 for each agent certified by the company and shall also pay a tax annually upon all premiums received at the rate of 2% per annum.

For tax years 1998 and thereafter, the annual tax shall be reduced by the "applicable percentage" of (1) any taxes paid on business in this state pursuant to the provisions of K.S.A. 75-1508, and amendments thereto, and (2) the amount of the firefighters relief tax credit determined by the commissioner of insurance. The amount of the firefighters relief tax credit for a company taxable under this subsection for the current tax year shall be determined by the commissioner of insurance by dividing (A) the total amount of taxes paid by all such companies on business in this state under K.S.A. 40-1701 to 40-1707, and amendments thereto, for tax year 1983 as then in effect, by (B) the total amount of taxes paid by all such companies on business in this state under K.S.A. 40-1703, and amendments thereto, for the tax year immediately preceding the current tax year, and by multiplying the result so obtained by (C) the amount of taxes paid by the company on business in this state under K.S.A. 40-1703, and amendments thereto, for the current tax year. The "applicable percentage" shall be as follows:

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>Applicable Percentage</th>
</tr>
</thead>
<tbody>
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<td>2007 and thereafter</td>
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In the computation of the gross premiums all such companies shall be entitled to deduct any premiums returned on account of cancellations, all premiums received for reinsurance from any other company authorized to do business in this state, and dividends returned to policyholders.
Fraternal benefit societies organized under the laws of any other state, territory or country:

Admission fees:
- Examination of charter and other documents: $500
- Filing annual statement: 100
- Certificate of authority: 10

Annual fees:
- Filing annual statement: 100
- Continuation of certificate of authority: 10

Mutual nonprofit hospital service corporations, nonprofit medical service corporations, nonprofit dental service corporations, nonprofit optometric service corporations and nonprofit pharmacy service corporations organized under the laws of any other state, territory or country:

1. Mutual nonprofit hospital service corporations:

   Admission fees:
   - Examination of charter and other documents: $500
   - Filing annual statement: 100
   - Certificate of authority: 10

   Annual fees:
   - Filing annual statement: 100
   - Continuation of certificate of authority: 10

2. Nonprofit medical service corporations, nonprofit dental service corporations, nonprofit optometric service corporations and nonprofit pharmacy service corporations:

   Admission fees:
   - Examination of charter and other documents: $500
   - Filing annual statement: 100
   - Certificate of authority: 10

   Annual fees:
   - Filing annual statement: 100
   - Continuation of certificate of authority: 10

In addition to the above fees and as a condition precedent to the continuation of the certificate of authority, provided in this code, every corporation or association shall pay annually to the commissioner of insurance a tax in an amount equal to 2% per annum of the total of all premiums, subscription charges; or any other term which may be used to describe the charges made by such corporation or association to subscribers in this state for hospital, medical or other health services or indemnity received during the preceding year. In such computations all such corporations or associations shall be entitled to deduct any premiums or subscription charges returned on account of cancellations and dividends returned to members or subscribers.

Payment of Taxes.

For the purpose of insuring the collection of the tax upon premiums,
assessments and charges as set out in subsection A, C, D or F, every
insurance company, corporation or association shall at the time it files its
annual statement, as required by the provisions of K.S.A. 40-225, and
amendments thereto, make a return, generated by or at the direction of its
president and secretary or other chief officers, under penalty of K.S.A.
21-3711, and amendments thereto, to the commissioner of insurance,
stating the amount of all premiums, assessments and charges received by
the companies or corporations in this state, whether in cash or notes,
during the year ending on the December 31 next preceding.

Commencing in 1985 and annually thereafter the estimated taxes shall
be paid as follows: On or before June 15 and December 15 of such year
an amount equal to 50% of the full amount of the prior year's taxes as
reported by the company shall be remitted to the commissioner of
insurance. As used in this paragraph, "prior year's taxes" includes (1)
taxes assessed pursuant to this section for the prior calendar year, (2) fees
and taxes assessed pursuant to K.S.A. 40-253, and amendments thereto,
for the prior calendar year, and (3) taxes paid for maintenance of the
department of the state fire marshal division of facilities management of
the department of administration pursuant to K.S.A. 75-1508, and
amendments thereto, for the prior calendar year.

Upon the receipt of such returns the commissioner of insurance shall
verify the same and assess the taxes upon such companies, corporations
or associations on the basis and at the rate provided herein and the
balance of such taxes shall thereupon become due and payable giving
credit for amounts paid pursuant to the preceding paragraph, or the
commissioner shall make a refund if the taxes paid in the prior June and
December are in excess of the taxes assessed.

The fee prescribed for the examination of charters and other
documents shall apply to each company's initial application for admission
and shall not be refundable for any reason.

Sec. 72. K.S.A. 40-2,110 is hereby amended to read as follows: 40-2,110. (a) Every property or casualty insurance company transacting
business in this state shall file with the state fire marshal division of
facilities management of the department of administration, directly or
through a reporting service, a monthly report of each fire loss paid which
exceeds five hundred dollars ($500) and an annual report setting
forth the total number of fire losses and the total amount of losses paid.

(b) The state fire marshal secretary of administration shall adopt
rules and regulations prescribing the contents of the reports required to be
filed pursuant to the provisions of subsection (a) and prescribing the time
for filing such reports. The state fire marshal division of facilities
management of the department of administration shall make report forms
available upon request.

Sec. 73. K.S.A. 48-928 is hereby amended to read as follows: 48-928. In addition to other duties imposed under this act, the division of emergency management shall:

(a) Determine the requirements of the state and the counties and cities thereof for food, clothing and other necessities in event of a disaster;

(b) procure and distribute about the state, such supplies, medicines, materials and equipment which are deemed necessary for use during a disaster;

(c) promulgate standards and requirements for local and interjurisdictional disaster emergency plans including adequate provisions for the rendering and receipt of mutual aid;

(d) periodically examine or review and approve local and interjurisdictional disaster emergency plans which are in accordance with the standards and requirements promulgated therefor;

(e) establish and operate training or public information programs relating to emergency management, and assist counties and cities, the disaster agencies of such counties or cities and interjurisdictional disaster agencies, in the establishment and operation of such programs;

(f) make surveys of industries, resources and facilities within the state, both public and private, as are necessary to carry out the purposes of this act;

(g) plan and make arrangements for the availability and use of any private facilities, services and property for emergency management activities and, if necessary and if in fact used, provide for payment for such use under terms and conditions agreed upon;

(h) establish a register of persons with types of training and skills important in emergency management activities;

(i) establish a register of mobile and construction equipment and temporary housing available for use in a disaster;

(j) prepare drafts of orders or proclamations for the governor as necessary or appropriate in coping with disasters;

(k) serve, for all those agencies which regulate any matter affecting the transportation of hazardous materials:

(1) As the coordinating and supervising state agency; and

(2) to provide continuing liaison between such state agencies;

(l) establish an informational system under which state agencies shall notify the division of emergency management;

(m) cooperate with the federal government and any public or private agency or entity in achieving any purpose of this act and in implementing programs for disaster prevention, preparation response and recovery;

(n) under the direction of the adjutant general, develop a regional
emergency management system which includes the use of regional coordinators that provide training and preparation of state, county, city and interjurisdictional disaster agencies to prevent, respond to, mitigate and recover from emergency and disaster situations;

(o) under the direction of the adjutant general, implement the use of an incident management system during emergency and disaster situations by all state, county, city and interjurisdictional disaster agencies which respond to such emergency or disaster situations;

(p) develop and administer a program to provide financial assistance to cities, counties or interjurisdictional disaster agencies for the development and implementation of a terrorism preparedness program. Such program shall provide criteria for receiving such financial assistance and such other conditions as the division may deem necessary; and

(q) develop, implement and administer, with the assistance and advice of the commission on emergency planning and response, a plan for regional emergency medical response teams; and

(r) develop and implement a statewide system of hazardous materials assessment and response.

Sec. 74. K.S.A. 50-644 is hereby amended to read as follows: 50-644. (a) No person shall manufacture, distribute, offer for sale, sell or install any thermal insulation in this state unless such insulation has been tested in accordance with the American Society for Testing and Materials Standard E 84, Standard Method of Test for Surface Burning Characteristics of Building Materials, and certified, by an independent testing laboratory approved by the state fire marshal division of facilities management of the department of administration, as having a flame spread rating of 75 or less, or as having a classification representing a flame spread rating not in excess thereof, and is clearly labeled to that effect on the package or, if not contained in a package, is accompanied by a written statement to that effect.

(b) Nothing in this section shall be construed to prevent a city or county from requiring a lower maximum flame spread rating than required in this section for thermal insulation which is manufactured, distributed, offered for sale, sold or installed within the jurisdiction of the city or county.

(c) As used in this section, "thermal insulation" means any material designed for installation in the walls, floors or ceilings of a structure for the specific purpose of reducing loss or gain of energy by such structure but shall not include any backing or vapor barrier attached to such material.

(d) Any violation of this section is an unconscionable act or practice under the Kansas consumer protection act.

(e) This section shall be a part of and supplemental to the Kansas
Sec. 75. K.S.A. 55-1803 is hereby amended to read as follows: 55-1803. (a) The Kansas propane education and research council is hereby created. Members of the council shall be appointed by the governor from a list of nominees submitted by qualified industry organizations within 60 days after the effective date of this act. The council shall consist of 10 members, including four members representing retail marketers of propane; two members representing wholesalers, resellers, suppliers and importers of propane; two members representing manufacturers and distributors of propane gas equipment and transporters of propane; one public member; and the state fire marshal or the state fire marshal's secretary of administration or the secretary's designee who shall serve as an ex officio member.

(b) Members of the council shall serve terms of three years, except that, of the initial members, three shall be appointed for terms of one year and three shall be appointed for terms of two years, as designated by the governor. Members filling unexpired terms shall be appointed in a manner consistent with this section. Members may serve a maximum of two consecutive full terms, except that members filling unexpired terms may serve a maximum of eight consecutive years. Former members may be reappointed if they have not been members for a period of two years.

(c) The council shall select from among the council's members a chairperson and other officers as necessary, establish committees and subcommittees of the council and adopt rules and regulations and bylaws for the conduct of business. The council may establish advisory committees of persons other than council members.

(d) The council may employ an executive director to serve as chief executive officer and such other employees as it deems necessary. The council shall determine the compensation and duties of each and shall protect the handling of council funds through fidelity bonds.

(e) The administrative costs of operating the council shall not exceed 10% of the funds collected in any fiscal year.

(f) At the beginning of each fiscal year, the council shall prepare a budget plan that includes the estimated costs of all programs, projects and contracts of the council. The council shall provide an opportunity for public comment on the budget. The council shall prepare and make available to the public an annual report detailing the activities of the council in the previous year, those planned for the coming year and costs related to the activities.

(g) The council shall keep minutes, books and records that clearly reflect all of the acts and transactions of the council. The books of the council shall be audited by a certified public accountant at least once each fiscal year and at such other times as the council may designate. Copies
of audits shall be provided to the executive director, to all members of the
council and to any other member of the industry upon request.

(h) The council shall be subject to the Kansas open meetings act and
shall require reports on the activities of the committees and
subcommittees and on compliance, violations and complaints regarding
the implementation of this act.

(i) The council shall develop programs and projects and enter into
contracts or agreements for implementing this act, including programs to
enhance consumer and employee safety and training, programs to provide
research and development to improve existing propane technology,
programs to increase efficiency of propane use and any other programs to
educate the public about the safety and environmental aspects of propane.
Safety issues shall receive first priority in the development of all
programs and projects funded by the council. The funds collected for the
council shall not be used to promote one energy source over another. In
developing programs and projects and entering into contracts or
agreements for implementing the provisions of this act, the council shall
not use any funds collected by the council to provide for or assist the
purchase of equipment related to such programs and projects by or for a
private, for profit corporation or other business association or entity. The
council shall not use any funds collected by the council to purchase
propane products and equipment or replace propane products and
equipment for Kansas consumers, including through cost-share programs,
except that the council may use such funds for the purchase of propane
products and equipment for displays in such programs or projects. The
council shall provide for the payment of the costs of the programs and
projects with funds collected pursuant to K.S.A. 55-1804, and
amendments thereto, and shall coordinate the council's activities with
qualified industry organizations to provide efficient delivery of services
and to avoid unnecessary costs of duplication of activities.

(j) The council shall report annually to the house and senate
committees on agriculture. Such report shall include details of council
programs, projects and activities as provided pursuant to this act. The
report provided in 2004 shall include a review of propane safety policies,
statutes, rules and regulations in Kansas and adjoining states and shall
include recommendations the council deems appropriate for policy,
statutory or regulatory changes in Kansas to improve propane safety.

Sec. 76. K.S.A. 55-1807 is hereby amended to read as follows: 55-
1807. (a) This act shall be referred to as the Kansas propane safety and
licensing act.

(b) The state fire marshal division of facilities management shall
establish programs relating to the regulation and licensing of the liquefied
petroleum gas industry in Kansas.
(c) For the purpose of this act:

(1) "Liquefied petroleum gas marketer" or "marketer" means any person, firm, corporation, association or other entity engaged directly in the retail sale or retail transport delivery of liquefied petroleum gas;

(2) "Retail distribution of liquefied petroleum gas" means the delivery, sale or transportation of liquefied petroleum gas to an end retail user;

(3) "Liquefied petroleum gas" means any material which is composed predominantly of any of the following hydrocarbons or mixtures of the same: propane, propylene, butanes, including, but not limited to, normal butane and isobutane and butylenes;

(4) "End retail user" means any consumer, person, firm or corporation who utilizes liquefied petroleum gas in Kansas;

(5) "Liquefied petroleum gas system" or "System" means any equipment utilizing liquefied petroleum gas including a storage container, end point or points of combustion, appliances and all attachments utilizing or transporting liquefied petroleum gas;

(6) "Returned to service" means the time at which liquefied petroleum gas is reintroduced into the liquefied petroleum gas system, any part of the liquefied petroleum gas system is repressurized, or at the completion of any installation, modification, repair or service of a system;

(7) "Interruption of service" means: (A) An event which causes a liquefied petroleum gas system to become, in total or in part, depressurized due to any installation, modification, repair, service; or (B) a change in occupancy or ownership of the location utilizing the liquefied petroleum gas system;

(8) "State fire marshal" means the fire marshal of the state of Kansas; "Division of facilities management" means the division of facilities management of the department of administration; and

(9) "Liquefied petroleum gas facilities" means any liquefied petroleum gas facility with an aggregate water capacity exceeding 2,000 gallons.

Sec. 77. K.S.A. 55-1809 is hereby amended to read as follows: 55-1809. (a) In any action brought against a liquefied petroleum gas marketer for personal injury or property damage, an end retail user's damages shall be reduced by the comparative negligence of the end retail user or any third party to the extent the action of the end retail user or the third party contributed to cause the personal injury or property damage, including, but not limited to, the end retail user's or third party's: (1) Modification, repair, service or alteration of the end retail user's liquefied petroleum gas system; or (2) failure to conduct a leak check or inspection of the liquefied petroleum gas system after any modification, repair, service or alteration of the end retail user's system.
(b) Nothing in this act is intended to limit any claim or defense that an act of an end retail user, third party, marketer or other person or entity contributed to cause the personal injury or property damage.

(c) In any action brought against a liquefied petroleum gas marketer for personal injury or property damage, evidence of the marketer's compliance or noncompliance with this act shall be admissible as evidence to support a claim or defense to the extent such evidence is relevant to the cause of the personal injury or property damage.

(d) Nothing in this act is intended to limit the liability of any individual, licensee, or liquefied petroleum gas marketer for any damages that arise from any reckless or intentional act of such individual, licensee or liquefied petroleum marketer.

(e) The state fire marshal division of facilities management shall develop an information notice and distribute the same annually to all licensees. The notice shall include a reference to this section, a description of the law and any additional information that the state fire marshal division of facilities management deems necessary and appropriate.

(f) Every liquefied petroleum gas marketer in the state of Kansas shall maintain continuous general liability coverage of not less than $1,000,000 and shall annually provide proof of insurance to the state fire marshal division of facilities management.

Sec. 78. K.S.A. 55-1810 is hereby amended to read as follows: 55-1810. (a) An application and plan for design, construction, major modification and installation of all liquefied petroleum gas facilities shall be submitted to the state fire marshal division of facilities management. Construction, major modification and installation of all liquefied petroleum gas facilities owned or operated by a liquefied petroleum gas marketer shall not commence until such application and plan is reviewed and approved by the state fire marshal division of facilities management in accordance with rules and regulations.

(b) The state fire marshal division of facilities management shall approve or deny the submitted applications and plans within 20 business days upon receipt of all necessary documentation as provided for in rules and regulations. If the state fire marshal division of facilities management requests additional information from the applicant, the state fire marshal division of facilities management shall have an additional 20 business days from the day of receipt of such information to approve or deny the submitted application and plan.

Sec. 79. K.S.A. 55-1811 is hereby amended to read as follows: 55-1811. (a) A liquefied petroleum gas advisory board shall be created within and as part of the state fire marshal's office division of facilities management.
(b) The advisory board shall serve in an advisory capacity to the governor and the state fire marshal. The advisory board shall review and make recommendations on proposed rules and regulations or proposed revisions to current rules and regulations concerning liquefied petroleum gas prior to the submission of such rules and regulations to the secretary of administration pursuant to K.S.A. 77-420, and amendments thereto. Personnel matters of the state fire marshal division of facilities management shall not be reviewed by the advisory board. The advisory board shall not have any powers, duties or functions concerning the day-to-day operations of the office of the state fire marshal division of facilities management.

(c) The board shall be composed of nine members who shall be appointed by the governor. Four members shall represent retail marketers of liquefied petroleum gas; one member shall represent the insurance industry; one member shall represent wholesalers, resellers, suppliers and importers of liquefied petroleum gas; one member shall represent manufacturers and distributors of liquefied petroleum gas equipment and transporters of liquefied petroleum gas; and two members shall come from the public. At no time shall more than five members of the advisory board be members of the same political party.

(d) The regular term of office of members of the advisory board shall be four years. Regular terms shall commence on the second Monday in January following the appointment of a board member.

(e) Of the members of the board appointed in the year 2004:

(1) Four members shall have terms ending on the second Monday in January 2008 and no more than two such members shall be members of the same political party; and

(2) five members shall have terms ending on the second Monday in January 2007 and no more than three such members shall be members of the same political party.

(f) Any member appointed subsequent to 2004 shall be appointed for a four-year term, unless such appointment is to fill the unexpired term where a vacancy has occurred on the advisory board, in which case the member shall be appointed for the remainder of the unexpired term.

(g) Members of any such advisory committee shall serve without compensation. The membership shall be selected based on the individual's knowledge regarding liquefied petroleum gas, insurance or other relevant expertise.

Sec. 80. K.S.A. 2010 Supp. 55-1812 is hereby amended to read as follows: 55-1812. (a) The state fire marshal secretary of administration shall promulgate rules and regulations to carry out the provisions of this act. Any rules and regulations of the state fire marshal secretary adopted pursuant to this section may incorporate by reference specific editions, or
portions thereof, of nationally recognized fire prevention codes. Such rules and regulations shall include but not be limited to the following:

(1) The establishment of classes of licenses which shall be renewed on an annual basis, including, but not limited to:
   (A) Class one dealer license which is required to engage in the retail distribution of liquefied petroleum gas;
   (B) class two bulk storage site license which requires the holder to report all bulk storage facilities and locations within their operations;
   (C) class three cylinder transport license which is required to operate a cylinder delivery service;
   (D) class four cylinder filling license which is required to operate a cylinder filling facility, including liquefied petroleum gas cylinder filling and the sale of cylinder valves, and the operation of a liquefied petroleum gas filling station;
   (E) class five recreational vehicle fueling license which is required to fuel recreational vehicles or mobile fuel containers;
   (F) class six cylinder exchange cabinet license which is required to establish a cylinder exchange cabinet or participate in a cylinder program;
   (G) class seven self-serve liquefied petroleum gas dispensing license which is required to operate a liquefied petroleum gas fueling facility; and
   (H) class eight installation and service of liquefied petroleum gas systems license which is required to install, maintain, or modify a residential or commercial liquefied petroleum gas distribution and utilization system.

(2) The establishment of educational requirements for each class of licenses;

(3) The establishment of inspection programs and inspection requirements for all liquefied petroleum gas facilities, operations, installations and businesses, including, but not limited to, bulk storage areas, safety information and customer records, educational requirements of liquefied petroleum gas employees and commercial establishments and places of public gathering that are end retail users for compliance with rules and regulations; and

(4) The establishment of codes which the state fire marshal secretary of administration has determined provide adequate protection and guidance to the liquefied petroleum gas industry and public relating to the handling, installation, modification, delivery and use of liquefied petroleum gas and liquefied petroleum gas systems.

(b) The state fire marshal division of facilities management shall have the authority to charge and collect fees as provided in this subsection:

(1) The annual license fee for a class one dealer license shall not
exceed $250 per location;
(2) the annual class two bulk storage site license fee shall not exceed
$50 per tank;
(3) the annual class three cylinder transport license fee per vehicle
shall not exceed $125 per truck;
(4) the annual class four cylinder filling license fee per facility shall
not exceed $75 per location;
(5) the annual class five recreational vehicle fueling license fee per
facility shall not exceed $75 per location;
(6) the annual class six cylinder exchange cabinet license fee per
facility shall not exceed $15 per location;
(7) the annual class seven self-serve liquefied petroleum gas
dispensing license fee per facility shall not exceed $75 per location; and
(8) the annual class eight installation and service of liquefied
petroleum gas systems license fee shall not exceed $25 per individual.
(c) A person who has earned a certificate pursuant to K.S.A. 12-
1508 et seq., or 12-1541 et seq., and amendments thereto, shall be exempt
from all licensure and training provisions of this act and all licensure and
training rules and regulations adopted pursuant to this act. Upon written
request of the state fire marshal division of facilities management, a
certificate holder shall furnish proof of certification.
(d) In addition to any other penalty provided by law, any person
violating the provisions of this act, and amendments thereto, or the rules
and regulations adopted pursuant to this act may incur fines in the amount
not less than $50 nor more than $1,000 for each such violation. In the
case of a continuing violation, every day such violation continues is a
separate violation. Such fines shall be imposed pursuant to the procedures
provided in the administrative procedure act. Any fines recovered shall be
remitted to the state treasurer and deposited to the credit of the state
general fund.
(e) The state fire marshal division of facilities management shall
create uniform safety information which shall be distributed on, at least
an annual basis, to all licensees.
(f) (1) The fire marshal division of facilities management may
suspend, revoke or refuse to issue or renew a license of any liquefied
petroleum gas marketer or individual licensee as created by this act and
rules and regulations upon proof that the licensee has violated any
provision of this act or amendments thereto, any rules and regulations or
amendments thereto, or provision regarding a class of license as
established by the state fire marshal, secretary of administration.
(2) Proceedings to consider the suspension, revocation or refusal to
renew a license shall be conducted in accordance with the provisions of
the Kansas administrative procedure act.
Sec. 81. K.S.A. 55-1813 is hereby amended to read as follows: 55-1813. There is hereby created the state fire marshal liquefied petroleum gas fee fund which shall be administered by the division of facilities management. The state fire marshal division of facilities management shall remit all moneys received by or for it from fees or charges pursuant to the provisions of K.S.A. 55-1807 et seq., and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state fire marshal liquefied petroleum gas fee fund. All expenditures from the state fire marshal liquefied petroleum gas fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the fire marshal or by a person or persons designated by the state fire marshal, secretary of administration or the secretary's designee.

Sec. 82. K.S.A. 65-429 is hereby amended to read as follows: 65-429. Upon receipt of an application for license, the licensing agency shall issue with the approval of the state fire marshal division of facilities management of the department of administration a license provided the applicant and the physical facilities of the medical care facility meet the requirements established under this act. A license, unless suspended or revoked, shall be renewable annually without charge upon the filing by the licensee, and approval by the licensing agency, of an annual report upon such uniform dates and containing such information in such form as the licensing agency prescribes by rules and regulations. A medical care facility which has been licensed by the licensing agency and which has received certification for participation in federal reimbursement programs and which has been accredited by the joint commission on accreditation of health care organizations or the American osteopathic association may be granted a license renewal based on such certification and accreditation. The cost of administration of the medical care facilities licensure and risk management program provisions of this act pursuant to K.S.A. 65-433 and 65-4921 et seq., and amendments thereto, shall be funded by an annual assessment from the health care stabilization fund, which assessment shall not exceed $200,000 in any one fiscal year. The licensing agency shall make an annual report to the health care stabilization fund regarding the use of these funds. Each license shall be issued only for the premises and persons or governmental units named in the application and shall not be transferable or assignable except with the written approval of the licensing agency. A separate license is not required for two separate establishments which are located in the same or contiguous counties, which provide the services required by K.S.A. 65-431, and amendments thereto, and which are organized under a single
owner or governing board with a single designated administrator and medical staff. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 83. K.S.A. 2010 Supp. 65-506 is hereby amended to read as follows: 65-506. The secretary of health and environment shall serve notice of the issuance, suspension or revocation of a license to conduct a maternity center or child care facility to the secretary of social and rehabilitation services, juvenile justice authority, department of education, office of the state fire marshal, division of facilities management of the department of administration, county, city-county or multicounty department of health, and to any licensed child placement agency or licensed child care resource and referral agency serving the area where the center or facility is located. A maternity center or child care facility that has had a license suspended, revoked or denied by the secretary of health and environment shall notify in writing the parents or guardians of the enrollees of the suspension, revocation or denial. Neither the secretary of social and rehabilitation services nor any other person shall place or cause to be placed any maternity patient or child under 16 years of age in any maternity center or child care facility not licensed by the secretary of health and environment.

Sec. 84. K.S.A. 2010 Supp. 65-508 is hereby amended to read as follows: 65-508. (a) Any maternity center or child care facility subject to the provisions of this act shall: (1) Be properly heated, plumbed, lighted and ventilated; (2) have plumbing, water and sewerage systems which conform to all applicable state and local laws; and (3) be operated with strict regard to the health, comfort, safety and social welfare of the residents.

(b) Every maternity center or child care facility shall furnish or cause to be furnished for the use of each resident and employee individual towel, wash cloth, comb and individual drinking cup or sanitary bubbling fountain, and toothbrushes for all other than infants, and shall keep or require such articles to be kept at all times in a clean and sanitary condition. Every maternity center or child care facility shall comply with all applicable fire codes and rules and regulations of the state fire marshal, division of facilities management of the department of administration.

(c) (1) The secretary of health and environment with the cooperation of the secretary of social and rehabilitation services shall develop and adopt rules and regulations for the operation and maintenance of maternity centers and child care facilities. The rules and regulations for operating and maintaining maternity centers and child care facilities shall be designed to promote the health, safety and welfare of the residents who are to be served in such facilities by ensuring safe and adequate
physical surroundings, healthful food, adequate handwashing, safe storage of toxic substances and hazardous chemicals, sanitary diapering and toileting, home sanitation, supervision and care of the residents by capable, qualified persons of sufficient number, after hour care, an adequate program of activities and services, sudden infant death syndrome and safe sleep practices training, prohibition on corporal punishment, crib safety, protection from electrical hazards, protection from swimming pools and other water sources, fire drills, emergency plans, safety of outdoor playground surfaces, door locks, safety gates and transportation and such appropriate parental participation as may be feasible under the circumstances. Boarding schools are excluded from requirements regarding the number of qualified persons who must supervise and provide care to residents. The notice of hearing on initial rules and regulations proposed to be adopted to carry out the amendments to this subsection (c)(1) by this act shall be published in the Kansas register after February 14, 2011, but prior to March 11, 2011.

(2) Rules and regulations developed under this subsection shall include provisions for the competent supervision and care of children in child care facilities. For purposes of such rules and regulations, competent supervision as this term relates to children less than five years of age includes, but is not limited to, direction of activities, adequate oversight including sight or sound monitoring, or both, physical proximity to children, diapering and toileting practices; and for all children, competent supervision includes, but is not limited to, planning and supervision of daily activities, safe sleep practices, including, but not limited to, visual or sound monitoring, periodic checking, emergency response procedures and drills, illness and injury response procedures, food service preparation and sanitation, playground supervision, pool and water safety practices. The notice of hearing on initial rules and regulations proposed to be adopted under this subsection (c)(2) shall be published in the Kansas register after February 14, 2011, but prior to March 11, 2011.

(d) Each child cared for in a child care facility, including children of the person maintaining the facility, shall be required to have current such immunizations as the secretary of health and environment considers necessary. The person maintaining a child care facility shall maintain a record of each child's immunizations and shall provide to the secretary of health and environment such information relating thereto, in accordance with rules and regulations of the secretary, but the person maintaining a child care facility shall not have such person's license revoked solely for the failure to have or to maintain the immunization records required by this subsection.

(e) The immunization requirement of subsection (d) shall not apply
if one of the following is obtained:

(1) Certification from a licensed physician stating that the physical condition of the child is such that immunization would endanger the child's life or health; or

(2) a written statement signed by a parent or guardian that the parent or guardian is an adherent of a religious denomination whose teachings are opposed to immunizations.

Sec. 85. K.S.A. 65-34,105 is hereby amended to read as follows: 65-34,105. (a) The secretary is authorized and directed to adopt rules and regulations necessary to administer and enforce the provisions of this act. Any rules and regulations so adopted shall be reasonably necessary to preserve, protect and maintain the waters and other natural resources of this state, and reasonably necessary to provide for the prompt investigation and cleanup of sites contaminated by a release from a storage tank. In addition, any rules and regulations or portions thereof which pertain to underground storage tanks or the owners and operators thereof shall be adopted for the purpose of enabling the secretary and the department to implement the federal act, and such rules and regulations so adopted shall be consistent with the federal act. Consistent with these purposes, the secretary shall adopt rules and regulations:

(1) Establishing performance standards for underground storage tanks first brought into use on or after May 18, 1989. The performance standards for new underground storage tanks shall include, but are not limited to, design, construction, installation, release detection and product compatibility standards;

(2) establishing performance standards for aboveground storage tanks brought into use after May 18, 1989. The performance standards shall not exceed those performance standards adopted by the administrator of the U.S. environmental protection agency and for new aboveground storage tanks shall include, but are not limited to, design, construction, installation, release detection and product compatibility standards;

(3) establishing performance standards for the inground repair of underground storage tanks. The performance standards shall include, but are not limited to, specifying under what circumstances an underground storage tank may be repaired and specifying design, construction, installation, release detection, product compatibility standards and warranty;

(4) establishing performance standards for maintaining spill and overfill equipment, leak detection systems and comparable systems or methods designed to prevent or identify releases. In addition, the secretary shall establish standards for maintaining records and reporting leak detection monitoring, inventory control and tank testing or
comparable systems;

(5) establishing requirements for reporting a release and for reporting and taking corrective action in response to a release;

(6) establishing requirements for maintaining evidence of financial responsibility to be met by owners and operators of underground storage tanks;

(7) establishing requirements for the closure of storage tanks including the removal and disposal of storage tanks and regulated substance residues contained therein to prevent future releases of regulated substances into the environment;

(8) for the approval of tank tightness testing methods, including determination of the qualifications of persons performing or offering to perform such testing;

(9) establishing site selection and cleanup criteria regarding corrective actions related to a release, which criteria address the following: The physical and chemical characteristics of the released substance, including toxicity, persistence and potential for migration; the hydrogeologic characteristics of the release site and the surrounding land; the proximity, quality and current and future uses of groundwater; an exposure assessment; the proximity, quality and current and future use of surface water; and the level of the released substance allowed to remain on the facility following cleanup;

(10) prescribing fees for the following with regard to storage tanks: Registration, issuance of permits, approval of plans for new installations and conducting of inspections. The fees shall be established in such amounts that revenue from such fees does not exceed the amount of revenue required for the purposes provided by subsection (b) of K.S.A. 65-34,128, and amendments thereto. All fees for underground storage tanks shall be deposited in the state general fund and all fees for aboveground storage tanks shall be deposited in the storage tank fee fund;

(11) for determining the qualifications, adequacy of performance and financial responsibility of persons desiring to be licensed as underground storage tank installers or contractors. In adopting rules and regulations, the secretary may specify classes of specialized activities, such as the installation of corrosion protection devices or inground relining of underground storage tanks, and may require persons wishing to engage in such activities to demonstrate additional qualifications to perform these services;

(12) prescribing fees for the issuance of licenses to underground storage tank installers and contractors. The fees shall be established in such amounts that revenue from such fees does not exceed the amount of revenue determined by the secretary to be required for administration of the provisions of K.S.A. 65-34,110, and amendments thereto; and
(13) adopting schedules requiring the retrofitting of underground storage tanks in existence on May 18, 1989, and aboveground storage tanks in existence on July 1, 1992, and for the retirement from service of underground storage tanks placed in service prior to May 18, 1989, and aboveground storage tanks placed in service prior to July 1, 1992. Such schedules shall be based on the age and location of the storage tank and the type of substance stored. Such retrofitting shall include secondary containment, corrosion protection, linings, leak detection equipment and spill and overfill equipment.

(b) In adopting rules and regulations under this section, the secretary shall take notice of rules and regulations pertaining to fire prevention and safety adopted by the state fire marshal pursuant to subsection (a)(1) of K.S.A. 31-133, and amendments thereto.

(c) Nothing in this section shall interfere with the right of a city or county having authority to adopt a building or fire code from imposing requirements more stringent than those adopted by the secretary pursuant to subsections (a)(1), (2), (3), (7) and (13), or affect the exercise of powers by cities, counties and townships regarding the location of storage tanks and the visual compatibility of aboveground storage tanks with surrounding property.

Sec. 86. K.S.A. 2010 Supp. 65-34,133 is hereby amended to read as follows: 65-34,133. (a) There is hereby established the Kansas essential fuel supply trust fund compensation advisory board composed of five members, including the state fire marshal or the state fire marshal's secretary of administration or the secretary's designee, the director of the division of environment of the department or designee, two representatives from the petroleum industry, at least one of which shall be a petroleum marketer and one representative from the petroleum equipment installation industry. The governor shall appoint the appointive members of the board, and the members so appointed shall serve for terms of the duration of fuels supply fund. The governor also shall designate a member of the board as its chair, to serve in such capacity at the pleasure of the governor. The secretary shall provide staff to support the activities of the board.

(b) Appointed members of the board attending meetings of such board, or attending a subcommittee meeting thereof, when authorized by such board, shall receive the amounts provided in subsection (e) of K.S.A. 75-3223, and amendments thereto.

(c) The board shall provide advice and counsel and make recommendations to the secretary regarding disputes over the disbursement of moneys from the Kansas essential fuel supply trust fund.

Sec. 87. K.S.A. 2010 Supp. 65-34,136 is hereby amended to read as
follows: 65-34,136. (a) As used in this section:

(1) "Facility" means all buildings, equipment, structures, tanks and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person or by any person which controls, is controlled by or under common control with such person, upon which one or more nonfuel flammable or combustible liquid aboveground storage tank system or systems is located, with bulk storage stations and terminals having a bulk storage total capacity of 10,000 gallons or more of flammable or combustible liquids.

(2) "Nonfuel flammable or combustible liquid" means flammable or combustible liquids not used for fuel including, but not limited to, solvents. "Nonfuel flammable or combustible liquid" shall not include the following compounds: New and used motor oil, transmission fluid, hydraulic oil, grease and lube oil; asphalt; asphalt emulsion; road oil; crude oil; mineral oil; processed fat; food grade oil; vegetable oil; and ethylene glycol.

(3) "Nonfuel flammable or combustible liquid aboveground storage tank system" means an aboveground storage tank system that contains nonfuel flammable or combustible liquids.

(4) "Division of facilities management" means the division of facilities management of the department of administration.

(b) (1) On or before July 1, 2009, the state fire marshal division of facilities management shall conduct an on-site inspection of each facility in existence on the effective date of this section to determine compliance with all standards concerning flammable and combustible liquids contained in national fire protection association pamphlet no. 30, 2008 edition, and all rules and regulations concerning aboveground storage tanks.

(2) If the state fire marshal division of facilities management determines that a facility is in compliance with such standards, rules and regulations, the state fire marshal division of facilities management shall conduct an on-site inspection of the facility at least once every three years thereafter to determine continued compliance with such standards, rules and regulations.

(3) If the state fire marshal division of facilities management determines that a facility is not in compliance with such standards, rules and regulations, the facility shall make all changes necessary to comply with such standards, rules and regulations as soon as practicable, but no later than July 1, 2012. Upon notification of compliance by the facility, but no later than July 1, 2012, the state fire marshal division of facilities management shall conduct an on-site inspection of the facility to determine compliance. Upon determination of compliance, the state fire-
marshal division of facilities management shall conduct an on-site inspection of the facility at least once every three years thereafter to determine continued compliance with such standards, rules and regulations.

(c) (1) An application and plan for design, construction, major modification and installation of all nonfuel flammable or combustible liquid aboveground storage tank facilities after the effective date of this section shall be submitted to the state fire marshal, division of facilities management. Construction, major modification and installation of such facilities shall not commence until such application and plan is reviewed and approved by the state fire marshal division of facilities management in accordance with rules and regulations.

(2) The state fire marshal division of facilities management shall approve or deny such submitted applications and plans within 20 business days upon receipt of all necessary documentation as provided for in rules and regulations. If the state fire marshal division of facilities management requests additional information from the applicant, the state fire marshal division of facilities management shall have an additional 20 business days from the day of receipt of such information to approve or deny the submitted application and plan.

(3) The state fire marshal division of facilities management shall conduct an on-site inspection of each facility constructed after the effective date of this section, before such facility begins operation, to determine compliance with all standards concerning flammable and combustible liquids contained in national fire protection association pamphlet no. 30, 2008 edition, and all rules and regulations concerning aboveground storage tanks. Such facility shall not begin operation until the state fire marshal division of facilities management makes a determination of compliance. Upon determination of compliance, the state fire marshal division of facilities management shall conduct an on-site inspection of the facility at least once every three years thereafter to determine continued compliance with such standards, rules and regulations.

(d) On and after July 1, 2012, if the state fire marshal division of facilities management determines that a facility is not in compliance with all standards concerning flammable and combustible liquids contained in national fire protection association pamphlet no. 30, 2008 edition, and all rules and regulations concerning aboveground storage tanks, such facility shall be subject to a fine of $100 per tank every 30 days until the state fire marshal division of facilities management makes a determination of compliance. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance,
the state treasurer shall deposit the entire amount in the state treasury to
the credit of the non-fuel flammable or combustible liquid aboveground
storage tank system fund.

(e) The state fire marshal division of facilities management shall
report annually to the senate standing committee on natural resources and
the house of representatives standing committee on agriculture and
natural resources regarding inspections and compliance pursuant to this
section.

(f) On or before September 1, 2008, the state fire marshal secretary
of administration shall adopt rules and regulations necessary to
administer and enforce the provisions of this section. Such rules and
regulations shall include adoption of all standards concerning flammable
and combustible liquids contained in national fire protection association

(g) The state fire marshal secretary of administration shall adopt
rules and regulations specifying subsequent editions of national fire
protection association pamphlet no. 30 which the state fire marshal
secretary has determined to be equivalent to the 2008 edition.
Compliance with any subsequent edition specified by such rules and
regulations shall be considered compliance with the 2008 edition
specified in this section.

(h) This section shall be part of and supplemental to the Kansas
storage tank act.

Sec. 88. K.S.A. 2010 Supp. 65-34,137 is hereby amended to read as
follows: 65-34,137. (a) There is hereby established as a segregated fund
in the state treasury the nonfuel flammable or combustible liquid
aboveground storage tank system fund. Revenue from the fines assessed
pursuant to K.S.A. 2010 Supp. 65-34,136, and amendments thereto, shall
be deposited in the state treasury and credited to the fund.

(b) Moneys in the nonfuel flammable or combustible liquid
aboveground storage tank system fund shall be expended only for
65-34,136, and amendments thereto.

(c) All expenditures from the nonfuel flammable or combustible
liquid aboveground storage tank system fund shall be made in accordance
with appropriation acts upon warrants of the director of accounts and
reports issued pursuant to vouchers approved by the state fire marshal-
secretary of administration or the secretary’s designee.

(d) This section shall be part of and supplemental to the Kansas
storage tank act.

Sec. 89. K.S.A. 2010 Supp. 65-5703 is hereby amended to read as
follows: 65-5703. (a) There is hereby created the state emergency
response commission for the purpose of carrying out all requirements of
the federal act and for the purpose of providing assistance in the coordination of state agency activities relating to: (1) Chemical emergency training, preparedness, and response; and (2) chemical release reporting and prevention, transportation, manufacture, storage, handling, and use.

(b) The commission shall consist of: (1) The following state officers or their appointed designees: The lieutenant governor, the secretary of wildlife and parks, the secretary of labor, the secretary of agriculture, the secretary of health and environment, the adjutant general, the superintendent of the Kansas highway patrol, the state fire marshal, the secretary of transportation, the attorney general, the chairperson of the state corporation commission; and the governor; (2) three members appointed by the governor to represent the general public; and (3) two members appointed by the governor to represent owners and operators of facilities regulated pursuant to this act.

(c) Members of the commission appointed by the governor shall serve for terms of two years. Any vacancy in the office of an appointed member of the commission shall be filled for the unexpired term by appointment by the governor.

(d) A chairperson shall be elected annually by the members of the commission. A vice-chairperson shall be designated by the chairperson to serve in the absence of the chairperson.

(e) Members of the commission attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(f) The commission shall perform such duties as are specified in the federal act to be performed by such commissions and, in addition thereto, such duties as are specified in the laws of this state or as are deemed necessary and appropriate by the commission to achieving its purposes. In accordance with the requirements of the federal act, the commission shall establish local planning districts, subject to approval by the secretary of health and environment and the adjutant general, and shall appoint a local planning committee for each such district. Local planning committees shall perform such duties as are specified in the federal act to be performed by such committees, and in addition thereto, such duties as are assigned by the commission or by any member of the commission acting on behalf of or at the direction of the commission, or as are deemed necessary and appropriate by each such committee to achieving its purposes. The duties of the commission and the local planning committees shall be performed in accordance with rules and regulations adopted pursuant to this act.

Sec. 90. K.S.A. 2010 Supp. 74-4911f is hereby amended to read as
follows: 74-4911f. (a) Subject to procedures or limitations prescribed by
the governor, any person who is not an employee and who becomes a
state officer may elect to not become a member of the system. The
election to not become a member of the system must be filed within 90
days of assuming the position of state officer. Such election shall be
irrevocable. If such election is not filed by such state officer, such state
officer shall be a member of the system.

(b) Any such state officer who is a member of the Kansas public
employees retirement system, on or after the effective date of this act,
may elect to not be a member by filing an election with the office of the
retirement system. The election to not become a member of the system
must be filed within 90 days of assuming the position of state officer. If
such election is not filed by such state officer, such state officer shall be a
member of the system.

(c) Subject to limitations prescribed by the board, the state agency
employing any employee who has filed an election as provided under
subsection (a) or (b) and who has entered into an employee participation
agreement, as provided in K.S.A. 2010 Supp. 74-49b10, and amendments
thereto, for deferred compensation pursuant to the Kansas public
employees deferred compensation plan shall contribute to such plan on
such employee's behalf an amount equal to 8% of the employee's salary,
as such salary has been approved pursuant to K.S.A. 75-2935b, and
amendments thereto, or as otherwise prescribed by law. With regard to a
state officer who is a member of the legislature who has retired pursuant
to the Kansas public employees retirement system and who files an
election as provided in this section, employee's salary means per diem
compensation as provided by law as a member of the legislature.

(d) As used in this section and K.S.A. 74-4927k, and amendments
thereto, "state officer" means the secretary of administration, secretary on
aging, secretary of commerce, secretary of corrections, secretary of health
and environment, secretary of labor, secretary of revenue, secretary of
social and rehabilitation services, secretary of transportation, secretary of
wildlife and parks, superintendent of the Kansas highway patrol,
secretary of agriculture, executive director of the Kansas lottery,
executive director of the Kansas racing commission, president of the
Kansas development finance authority, state fire marshal, state librarian,
securities commissioner, adjutant general, judges and chief hearing
officer of the state court of tax appeals, members of the Kansas parole
board, members of the state corporation commission, any unclassified
employee on the staff of officers of both houses of the legislature, any
unclassified employee appointed to the governor's or lieutenant
governor's staff, any person employed by the legislative branch of the
state of Kansas, other than any such person receiving service credited
under the Kansas public employees retirement system or any other
retirement system of the state of Kansas therefor, who elected to be
covered by the provisions of this section as provided in subsection (e) of
K.S.A. 46-1302, and amendments thereto, or who is first employed on or
after July 1, 1996, by the legislative branch of the state of Kansas and any
member of the legislature who has retired pursuant to the Kansas public
employees retirement system.

(e) The provisions of this section shall not apply to any state officer
who has elected to remain eligible for assistance by the state board of
regents as provided in subsection (a) of K.S.A. 74-4925, and amendments
thereto.

Sec. 91. K.S.A. 2010 Supp. 74-5602 is hereby amended to read as
follows: 74-5602. As used in the Kansas law enforcement training act:

(a) "Training center" means the law enforcement training center
within the division of continuing education of the university of Kansas,
created by K.S.A. 74-5603, and amendments thereto.

(b) "Commission" means the Kansas commission on peace officers'
standards and training, created by K.S.A. 74-5606, and amendments
thereto.

(c) "Dean" means the dean of continuing education of the university
of Kansas.

(d) "Director of police training" means the director of police training
at the law enforcement training center.

(e) "Director" means the executive director of the Kansas
commission on peace officers' standards and training.

(f) "Law enforcement" means the prevention or detection of crime
and the enforcement of the criminal or traffic laws of this state or of any
municipality thereof.

(g) "Police officer" or "law enforcement officer" means a full-time
or part-time salaried officer or employee of the state, a county or a city,
whose duties include the prevention or detection of crime and the
enforcement of the criminal or traffic laws of this state or of any
municipality thereof. Such terms shall include, but not be limited to, the
sheriff, undersheriff and full-time or part-time salaried deputies in the
sheriff's office in each county; deputy sheriffs deputized pursuant to
K.S.A. 19-2858, and amendments thereto; conservation officers of the
Kansas department of wildlife and parks; university police officers, as
defined in K.S.A. 22-2401a, and amendments thereto; campus police
officers, as defined in K.S.A. 22-2401a, and amendments thereto; law
enforcement agents of the director of alcoholic beverage control; law
enforcement agents designated by the secretary of revenue pursuant to
K.S.A. 2010 Supp. 75-5157, and amendments thereto; law enforcement
agents of the Kansas lottery; law enforcement agents of the Kansas racing
commission; deputies and assistants of the state fire marshal having law
enforcement authority; capitol police, existing under the authority of
K.S.A. 75-4503, and amendments thereto; and law enforcement officers
appointed by the adjutant general pursuant to K.S.A. 48-204, and
amendments thereto. Such terms shall also include railroad policemen
appointed pursuant to K.S.A. 66-524, and amendments thereto; school
security officers designated as school law enforcement officers pursuant
to K.S.A. 72-8222, and amendments thereto; the manager and employees
of the horsethief reservoir benefit district pursuant to K.S.A. 2010 Supp.
82a-2212, and amendments thereto; and the director of the Kansas
commission on peace officers' standards and training and any other
employee of such commission designated by the director pursuant to
K.S.A. 74-5603, and amendments thereto, as a law enforcement officer.
Such terms shall not include any elected official, other than a sheriff,
serving in the capacity of a law enforcement or police officer solely by
virtue of such official's elected position; any attorney-at-law having
responsibility for law enforcement and discharging such responsibility
solely in the capacity of an attorney; any employee of the commissioner
of juvenile justice, the secretary of corrections or the secretary of social
and rehabilitation services; any deputy conservation officer of the Kansas
department of wildlife and parks; or any employee of a city or county
who is employed solely to perform correctional duties related to jail
inmates and the administration and operation of a jail; or any full-time or
part-time salaried officer or employee whose duties include the issuance
of a citation or notice to appear provided such officer or employee is not
vested by law with the authority to make an arrest for violation of the
laws of this state or any municipality thereof, and is not authorized to
carry firearms when discharging the duties of such person's office or
employment. Such term shall include any officer appointed or elected on
a provisional basis.

(h) "Full-time" means employment requiring at least 1,000 hours of
law enforcement related work per year.

(i) "Part-time" means employment on a regular schedule or
employment which requires a minimum number of hours each payroll
period, but in any case requiring less than 1,000 hours of law
enforcement related work per year.

(j) "Misdemeanor crime of domestic violence" means a violation of
domestic battery as provided by K.S.A. 21-3412a, and amendments
thereto, or any other misdemeanor under federal, municipal or state law
that has as an element the use or attempted use of physical force, or the
threatened use of a deadly weapon, committed by a current or former
spouse, parent, or guardian of the victim, by a person with whom the
victim shares a child in common, by a person who is cohabiting with or
has cohabited with the victim as a spouse, parent or guardian, or by a
person similarly situated to a spouse, parent or guardian of the victim.

(k) "Auxiliary personnel" means members of organized nonsalaried
groups which operate as an adjunct to a police or sheriff's department,
including reserve officers, posses and search and rescue groups.

(l) "Active law enforcement certificate" means a certificate which
attests to the qualification of a person to perform the duties of a law
enforcement officer and which has not been suspended or revoked by
action of the Kansas commission on peace officers' standards and training
and has not lapsed by operation of law as provided in K.S.A. 74-5622,
and amendments thereto.

Sec. 92. K.S.A. 2010 Supp. 74-8841 is hereby amended to read as
follows: 74-8841. (a) A racetrack facility shall not be subject to
subdivision regulations of a city but shall be subject to the Kansas fire
prevention code adopted by the state fire marshal, division of facilities
management of the department of administration.

(b) This section shall be part of and supplemental to the Kansas
parimutuel racing act.

Sec. 93. K.S.A. 2010 Supp. 75-1508 is hereby amended to read as
follows: 75-1508. (a) For the purpose of maintaining the department of
the state fire marshal, division of facilities management of the department
of administration in its performance of those functions transferred to the
division of facilities management of the department of administration
pursuant to section 2, and amendments thereto, and the payment of
expenses incidental thereto, the Kansas bureau of investigation in its
performance of those functions transferred to the Kansas bureau of
investigation pursuant to section 5, and amendments thereto, and the
payment of expenses incidental thereto, and the division of emergency
management of the office of the adjutant general in its performance of
those functions transferred to the division of emergency management of
the office of the adjutant general pursuant to section 8, and amendments
thereto, and the payment of the expenses incident thereto, each
fire insurance company doing business in this state shall pay to the
commissioner of insurance, on or before March 15 each year, in addition
to the taxes, fees and charges now required by law to be paid by it, such
levy as may be made by the state fire marshal, secretary of
administration. The levy shall not be more than .80% for calendar year
2004, and each calendar year thereafter, of a sum equal to the gross cash
receipts as premiums of such company on all fire business transacted by
it in the state of Kansas during the calendar year next preceding, as
shown by its annual statement under oath to the state insurance
department.

(b) For the purposes of maintaining the emergency medical services
board and the payment of the expenses incident incidental thereto, each
fire insurance company doing business in this state shall pay to the
commissioner of insurance, on or before March 15 each year, beginning
with calendar year 2002 and each calendar year thereafter, in addition to
the taxes, fees and charges now required by law to be paid by it, such
levy as may be made by the emergency medical services board. The levy
shall not be more than .25% of a sum equal to the gross cash receipts as
premiums of such company on all fire business transacted by it in the
state of Kansas during the calendar year next preceding, as shown by its
annual statement to the state insurance department generated by or at the
direction of its president and secretary or other chief officers under
penalty of K.S.A. 21-3711, and amendments thereto.

(c) For the purposes of maintaining the fire service training program
of the university of Kansas and the payment of the expenses incident
incidental thereto, each fire insurance company doing business in this
state shall pay to the commissioner of insurance, on or before March 15
each year, beginning with calendar year 2004, and each calendar year
thereafter, in addition to the taxes, fees and charges now required by law
to be paid by it, such levy as may be made by the Kansas fire service
training commission. The levy shall not be more than .20% of a sum
equal to the gross cash receipts as premiums of such company on all fire
business transacted by it in the state of Kansas during the calendar year
next preceding, as shown by its annual statement under oath to the state
insurance department.

(d) The director of the fire service training program of the university
of Kansas shall submit a report concerning expenditures and activities of
the fire service training program of the university of Kansas to the house
committee on appropriations on or before February 1, 2005, and each
ensuing year thereafter.

Sec. 94. K.S.A. 2010 Supp. 75-1514 is hereby amended to read as
follows: 75-1514. (a) The commissioner of insurance shall remit all
moneys received by the commissioner under subsection (a) of K.S.A. 75-
1508, and amendments thereto, to the state treasurer in accordance with
the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
of each such remittance, the state treasurer shall deposit the entire amount
in the state treasury to the credit of the fire marshal fire prevention fee
fund for the fiscal years ending June 30, 2003, and June 30, 2004, and the
state treasurer shall credit 20% of each such deposit to the state general
fund and shall credit the remainder of each such deposit to the fire
marshal fee fund for the fiscal year ending June 30, 2005, and ensuing
fiscal years. (b) There is hereby created the fire marshal fee fund in the
state treasury, which fund is hereby created in the state treasury and
shall be administered by the secretary of administration for the division
of facilities management of the department of administration. All
expenditures from the fire marshal fire prevention fee fund by the
division of facilities management of the department of administration
shall be made in accordance with the provisions of appropriations acts
upon warrants of the director of accounts and reports issued pursuant to
vouchers approved by the state fire marshal or a person or persons
designated by the state fire marshal, secretary of administration, or the
secretary's designee.

(b) (1) The state treasurer shall credit 21% of all moneys credited to
the fire prevention fee fund pursuant to subsection (a), excluding moneys
transferred to the department of health and environment for the y-fire
program, to the KBI fire investigation fund to be expended by the Kansas
bureau of investigation in the performance of those functions transferred
to the Kansas bureau of investigation pursuant to section 5, and
amendments thereto.

(2) The state treasurer shall credit 22% of all moneys credited to the
fire prevention fee fund pursuant to subsection (a), excluding moneys
transferred to the department of health and environment for the y-fire
program, to the hazardous materials emergency fund to be expended by
the division of emergency management of the office of the adjutant
general in the performance of those functions transferred to the division
of emergency management of the office of the adjutant general pursuant
to section 8, and amendments thereto.

(c) The commissioner of insurance shall remit all moneys received
by the commissioner under subsection (b) of K.S.A. 75-1508, and
amendments thereto, to the state treasurer in accordance with the
provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
each such remittance, the state treasurer shall deposit the entire amount in
the state treasury to the credit of the emergency medical services board
operating fund.

(d) The commissioner of insurance shall remit all moneys received
by the commissioner under subsection (c) of K.S.A. 75-1508, and
amendments thereto, to the state treasurer in accordance with the
provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
each such remittance, the state treasurer shall deposit the entire amount in
the state treasury to the credit of the fire service training program fund.

Sec. 95. K.S.A. 75-1515 is hereby amended to read as follows: 75-
1515. The attorney general shall appoint, with the approval of the state
fire marshal, secretary of administration, an assistant attorney general
who shall be the attorney for the state fire marshal and the office of the
state fire marshal, division of facilities management of the department of
administration. Such attorney shall receive an annual salary fixed by the
attorney general with the approval of the state fire marshal, secretary of
administration. Such salary shall be paid from moneys appropriated for the division of facilities management of the department of administration.

Sec. 96. K.S.A. 2010 Supp. 75-1517 is hereby amended to read as follows: 75-1517. (a) If, upon inspection for compliance with federal law pursuant to oversight by the centers for medicare and medicaid services of a medical care facility, adult care home, assisted living facility or special hospital by an officer of the state fire marshal the division of facilities management of the department of administration, deficiencies are found, such medical care facility, adult care home, assisted living facility or special hospital within 10 calendar days after receipt of the statement of deficiencies, may make a written request to the state fire marshal division of facilities management of the department of administration for informal dispute resolution. The medical care facility, adult care home, assisted living facility or special hospital may make not more than one request for a two-tier informal dispute resolution per inspection to dispute any deficiencies with which such medical care facility, adult care home, assisted living facility or special hospital disagrees, based on the statement of deficiencies and any other materials submitted, except that such medical care facility, adult care home, assisted living facility or special hospital shall have an opportunity to supplement such material prior to a disposition of the claim. The state fire marshal division of facilities management of the department of administration shall hold an informal dispute resolution meeting with such medical care facility, adult care home, assisted living facility or special hospital in person upon request of the medical care facility, adult care home, assisted living facility or special hospital. The first-tier of the informal dispute resolution shall be conducted within 30 days of receipt of the written request from the medical care facility, adult care home, assisted living facility or special hospital. The medical care facility, adult care home, assisted living facility or special hospital shall be notified of the results of the first-tier informal dispute resolution on or before 10 days of the disposition being rendered.

(b) A written request for informal dispute resolution shall:

(1) State the specific deficiencies being disputed;

(2) provide a detailed explanation of the basis for the dispute; and

(3) include any supporting documentation, including any information that was not available at the time of the inspection.

(c) The medical care facility, adult care home, assisted living facility or special hospital may challenge the decision of the first-tier informal dispute resolution and may request completion of the second-tier of informal dispute resolution by a three-person panel appointed by the state fire marshal division of facilities management of the department of
administration. No more than one panel member shall be an employee of the state fire marshal division of facilities management of the department of administration, and such member shall not be the person who conducted the first-tier of the informal dispute resolution. At least two panel members shall not be employees of the state fire marshal division of facilities management of the department of administration and shall have suitable expertise to review the disputed deficiency or deficiencies. The second-tier informal dispute resolution shall take place within 30 days of the request by the medical care facility, adult care home, assisted living facility or special hospital. The medical care facility, adult care home, assisted living facility or special hospital shall be notified of the results of the second-tier informal dispute resolution within 10 days of the disposition being rendered.

(d) The state fire marshal division of facilities management of the department of administration may fix, charge and collect a fee from a medical care facility, adult care home, assisted living facility or special hospital requesting a second-tier informal dispute resolution review panel to recover all or part of the costs incurred by the state fire marshal division of facilities management of the department of administration for holding such second-tier informal dispute resolution panel under this section that shall not exceed $250.

(e) Any decision or proposed resolution of the informal dispute resolution panel under this section shall be advisory to the state fire marshal division of facilities management of the department of administration.

(f) The state fire marshal secretary of administration shall adopt rules and regulations to implement the provisions of this section.

(g) As used in this section:

1. "Assisted living facility" shall have the meaning ascribed thereto in K.S.A. 39-923, and amendments thereto;
2. "medical care facility" shall have the meaning ascribed thereto in K.S.A. 65-425, and amendments thereto;
3. "adult care home" shall have the meaning ascribed thereto in K.S.A. 39-923, and amendments thereto; and
4. "special hospital" shall have the meaning ascribed thereto in K.S.A. 65-425, and amendments thereto.

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1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-3903, 74-5805, 74-7009, 74-7506, 75-1119b, 75-1308, 75-1514, 84-9-411 and 84-9-413, and K.S.A. 2010 Supp. 17-12a01, and amendments thereto, is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services, and any and all other state governmental services, which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(b) Nothing in this act or in the sections amended by this act or referred to in subsection (a), shall be deemed to authorize remittances to be made less frequently than is authorized under K.S.A. 75-4215 and amendments thereto.

(c) Notwithstanding any provision of any statute referred to in or amended by this act or referred to in subsection (a), whenever in any fiscal year such 20% credit to the state general fund in relation to any particular fee fund is $200,000, in that fiscal year the 20% credit no longer shall apply to moneys received from sources applicable to such fee fund and for the remainder of such year the full 100% so received shall be credited to such fee fund, except as otherwise provided in subsection (d) and except that during the fiscal year ending June 30, 1992, with respect to the fire marshal fee fund, when the 20% credit to the state general fund prescribed by K.S.A. 31-133a, 31-134 and 75-1514 and amendments thereto, in the aggregate, is $400,000, then in that fiscal year such 20% credit no longer shall apply to moneys received from sources applicable to the fire marshal fee fund and for the remainder of such fiscal year the full 100% so received shall be credited to the fire marshal fee fund.

Sec. 98. K.S.A. 2010 Supp. 75-36,102 is hereby amended to read as follows: 75-36,102. (a) There shall be placed on state property within the state capitol plaza area a memorial to Kansas firefighters who have lost their lives in the line of duty in the service of the state. Such memorial shall be located at a site to be selected by the director. Such memorial shall be constructed in accordance with the design and architectural drawings approved by the director. The memorial shall be of such a design that the names of the firefighters to be honored, both past and future, may be inscribed thereon. The director shall cause annually the name or names of any firefighters who have lost their lives in the line of duty in the service of the state to be inscribed upon the memorial. The memorial for Kansas firefighters is subject to the provisions, procedures and approvals required under K.S.A. 2010 Supp. 75-36,102 through 75-36,106, and amendments thereto, except that such memorial for Kansas firefighters is hereby authorized by the legislature for purposes of subsection (b) of K.S.A. 2010 Supp. 75-36,106, and amendments thereto.
(b) It shall be the duty of the state fire marshal division of facilities management of the department of administration on or before the 15th day of March of each year to notify the secretary of administration of the name or names of any firefighters who lost their lives in the line of duty during the preceding calendar year. The state fire marshal division of facilities management of the department of administration shall assemble the necessary information regarding any such firefighter and report the same to the director.

(c) The secretary of administration is hereby authorized to receive any grants, gifts, contributions or bequests made for the purpose of financing the construction of such memorial or for its upkeep and the addition of names thereto and to expend the same for the purpose for which received.

(d) There is hereby established in the state treasury the Kansas firefighters memorial fund. Expenditures from the fund may be made for the purposes of constructing, updating and repairing such memorial, for other purposes related to memorializing and honoring Kansas firefighters and for such purposes as may be specified with regard to any grant, gift, contribution or bequest. All such expenditures shall be authorized by the Kansas firefighters memorial advisory committee and made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of administration or the secretary's designee.

(e) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas firefighters memorial fund interest earnings based on:

1. The average daily balance of moneys in the Kansas firefighters memorial fund for the preceding month; and
2. The net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 99. K.S.A. 2010 Supp. 75-36,103 is hereby amended to read as follows: 75-36,103. (a) There is hereby established the Kansas firefighters memorial advisory committee which shall be composed of nine members as follows:

1. A representative of the Kansas state firefighters association, appointed by the governor;
2. A representative of the Kansas state association of fire chiefs, appointed by the governor;
3. A representative of the Kansas professional fire chiefs association, appointed by the governor;
4. A representative of the Kansas council of firefighters, appointed by the governor;
5. A representative of the fire education association of Kansas,
appointed by the governor;
(6) a representative of the Kansas chapter of the international
association of arson investigators, appointed by the governor;
(7) a representative of the fire marshal's association of Kansas,
appointed by the governor;
(8) the state fire marshal or the marshal's secretary of administration
or the secretary's designee, who shall have experience and expertise in
fire service; and
(9) the executive director of the Kansas state historical society or the
executive director's designee.

(b) With regard to a member to be appointed by the governor as a
representative of the Kansas state firefighters association, Kansas state
association of fire chiefs, the Kansas professional fire chiefs association,
the Kansas council of firefighters, fire education association of Kansas,
the Kansas chapter of the international association of arson investigators,
or the fire marshal's association of Kansas, the association or group to be
represented may submit a list of at least three names for consideration by
the governor in making the appointment. The governor shall consider
each such list if timely submitted and may appoint from among those
listed.

(c) The Kansas firefighters memorial advisory committee shall be
advisory to the director and the secretary of administration with regard to
matters concerning the memorial to Kansas firefighters on the state
capitol grounds. The advisory committee also may make
recommendations to the governor and the legislature regarding
appropriate activities memorializing or commemorating the services of
firefighters in Kansas. The advisory committee may solicit grants, gifts,
contributions and bequests for the memorial and shall remit all moneys so
received for deposit in the state treasury to the credit of the Kansas
firefighters memorial fund in accordance with K.S.A. 2010 Supp. 75-
36,102, and amendments thereto.

(d) The members of the advisory committee shall organize annually
by electing a chairperson and vice-chairperson. The advisory committee
shall meet at least once each year upon call of the chairperson. The
secretary of administration, or the secretary's designee, shall serve as
secretary for the advisory committee. Members of the advisory committee
appointed by the governor under this section shall serve at the pleasure of
the governor.

Sec. 100. K.S.A. 2010 Supp. 76-327a is hereby amended to read as
follows: 76-327a. (a) There is hereby created within the university of
Kansas a Kansas fire service training commission which shall consist of
12 members which shall include:

(1) A member representing the Kansas state firefighters association,
to be selected by the governor who shall consider, but not be limited to, a
list of three nominees submitted therefor by the Kansas state firefighters
association;
(2) a member representing the Kansas state association of fire chiefs,
to be selected by the governor who shall consider, but not be limited to, a
list of three nominees submitted therefor by the Kansas state association
of fire chiefs;
(3) a member representing the Kansas state association of professional fire chiefs, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the Kansas state association of professional fire chiefs;
(4) a member representing the international association of arson investigators, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the international association of arson investigators;
(5) a member representing the Kansas fire marshal's association, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the Kansas fire marshal's association;
(6) a member representing the Kansas fire educators association, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the Kansas fire educators association;
(7) a member representing the Kansas state council of firefighters, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the Kansas state council of firefighters;
(8) a member representing the Kansas community college fire training, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the Kansas community college fire training;
(9) a member representing the Kansas state fire marshal division of facilities management of the department of administration who shall have experience and expertise in fire service, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the Kansas state fire marshal secretary of administration;
(10) a member representing the Kansas forest service, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the Kansas forest service;
(11) a member representing the Kansas university fire service training, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the Kansas
university fire service training; and
(12) a member representing the emergency medical services board, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the emergency medical services board.

(b) Six members initially appointed to a position described in subsection (a) shall serve for a two-year term and thereafter the term of members appointed to such positions shall be four years. The members who shall serve two-year terms shall be chosen by lottery at the first commission meeting. The initial two-year terms shall expire on July 1, 2004 and four-year terms shall expire on July 1, 2006. Vacancies in any position shall be filled in the same manner as original appointments.

(c) The chairperson and vice-chairperson shall be selected by the members of the commission at the first meeting of the commission and shall serve for a term of two years. No chairperson shall serve more than two consecutive terms. In the absence or disability of the chairperson, the vice-chairperson shall exercise all the powers of the chairperson.

(d) The Kansas fire service training commission shall meet at least quarterly in each year on dates fixed by the commission. Special meetings may be held upon call of the chairperson of the commission or upon petition to the chairperson by not less than seven commission members. The date and place of all special meetings shall be designated in the call.

(e) Members of the commission shall receive mileage, tolls and parking as provided in K.S.A. 75-3223, and amendments thereto, for attendance at any meeting of the commission or any subcommittee meeting authorized by the commission.

Sec. 101. K.S.A. 2010 Supp. 76-7,105 is hereby amended to read as follows: 76-7,105. (a) Subject to the provisions of subsection (c), the state board shall advise and consult with the joint committee regarding each project. The state board shall not approve a project to be financed by moneys from the infrastructure maintenance fund unless the state board first has advised and consulted with the joint committee. A state educational institution shall advise and consult with the joint committee before expenditure of any moneys from the infrastructure maintenance fund, or from any account or accounts of the infrastructure maintenance fund of such institution, for each project. No moneys received by a state educational institution as a contribution which qualifies as an income tax credit pursuant to law to finance the cost of a project may be expended unless the institution first has advised and consulted with the joint committee.

(b) Except as specifically provided by this act, the project financed under the program shall not be subject to any further process or procedure that requires the submission, review or approval of any infrastructure
improvement. The state board shall ensure that projects financed under
the program comply with nationally recognized codes and life-safety
inspections under K.S.A. 31-132 et seq., and amendments thereto. Such
inspections, plan reviews and other related work shall be conducted by
the division of facilities management, or a designee of the division, prior
to certification for building occupancy. The state board shall not be
subject to the oversight of the state fire marshal.

c) The joint committee shall develop recommendations for a plan
for the management and oversight of projects financed under the
program. Such recommendations shall be submitted to the president of
the senate and the speaker of the house of representatives on or before
January 14, 2008.

Sec. 102. K.S.A. 2010 Supp. 76-3319 is hereby amended to read as
follows: 76-3319. (a) Notwithstanding any laws or regulations to the
contrary, the authority shall not be subject to any further process or
procedure that requires the submission, review or approval to any capital
project; however, the authority shall ensure that nationally recognized fire
prevention code and life safety inspections under K.S.A. 31-132 et seq.,
and amendments thereto, of any capital project are conducted and that
such projects are inspected by the state fire marshal, or the state fire
marshal's designee division of facilities management of the department of
administration, prior to certification for building occupancy.

(b) The authority shall also be subject to any applicable state, county
and local building codes.

c) The state building codes shall supersede any like standards of a
county or local code unless those standards are more stringent than the
state standards.

Sec. 103. K.S.A. 2010 Supp. 77-618 is hereby amended to read as
follows: 77-618. Judicial review of disputed issues of fact shall be
confined to the agency record for judicial review as supplemented by
additional evidence taken pursuant to this act, except that review of:

(a) Orders of the director of workers' compensation under the
workmen's compensation act shall be in accordance with K.S.A. 44-556,
and amendments thereto;

(b) Orders of the Kansas human rights commission under the Kansas
act against discrimination or the Kansas age discrimination in
employment act shall be in accordance with K.S.A. 44-1011 and 44-
1021, and amendments thereto;

(c) Orders of the division of vehicles, other than orders under K.S.A.
8-254, and amendments thereto, which deny, cancel, suspend or revoke a
driver's license shall be in accordance with K.S.A. 8-259, and
amendments thereto;
(d) orders of the secretary of labor under K.S.A. 72-5413 through 72-5431, and amendments thereto, shall be in accordance with K.S.A. 72-5430a, and amendments thereto; and
(e) orders of the state fire marshal division of facilities management of the department of administration under K.S.A. 31-144, and amendments thereto, shall be in accordance with that section.

Sec. 104. K.S.A. 80-114 is hereby amended to read as follows: 80-114. The officers of any township which has a township hall which has been condemned by the state fire marshal division of facilities management of the department of administration are hereby authorized to issue bonds in an amount not to exceed $6,000 for the purpose of providing funds to repair and remodel such hall. Such bonds shall be issued as provided by law, but without an election. Provided, That so long as before the issuance of such bonds, such officers shall adopt a resolution authorizing the issuance of said such bonds which shall be published once a week for three consecutive weeks in a newspaper of general circulation in such township and, if within twenty days after the date of the last publication, there is filed with the township clerk of such township a petition protesting the issuance of said such bonds, signed by not less than thirty percent (30%) of the qualified electors in said such township as determined by the votes cast for the candidate receiving the greatest number of votes for an elective township officer at the last preceding general election, said such bonds shall not be issued until the question of their issuance shall be submitted to the vote of the qualified electors of the township at any regular election or special election called for such purpose and a majority of those voting on such question vote in favor of such issuance. Such election, if one is called, shall be governed by the provisions of the general bond law.

76-3319 and 77-618 are hereby repealed.

Sec. 106. This act shall take effect and be in force from and after its publication in the statute book.