

SENATE BILL No. 245

By Committee on Federal and State Affairs

2-25

AN ACT concerning the state fire marshal; relating to the powers and duties thereof; amending K.S.A. 31-133 and repealing the existing section.

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

Section 1. K.S.A. 31-133 is hereby amended to read as follows: 31-133. (a) The state fire marshal shall adopt reasonable rules and regulations, consistent with the provisions of this act, for the safeguarding of life and property from 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;

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

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

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

15 (9) requiring administrators of community colleges, colleges and uni-
16 versities to establish tornado procedures, which procedures shall be sub-
17 ject to approval by the director of the disaster agency of the county;

18 (10) the development and implementation of a statewide system of
19 hazardous materials assessment and response *and the assessment of the*
20 *costs of responding to incidences or emergencies related to hazardous*
21 *materials*; and

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

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

30 (c) The rules and regulations adopted pursuant to this section shall
31 allow facilities in service prior to the effective date of such rules and
32 regulations, and not in strict conformity therewith, to continue in service,
33 so long as such facilities are not determined by the state fire marshal to
34 constitute a distinct hazard to life or property. Any such determination
35 shall be subject to the appeal provisions contained in K.S.A. 31-140, and
36 amendments thereto.

37 New Sec. 2. (a) The state fire marshal shall determine if any person
38 is responsible for the discharge, abandonment or disposal of hazardous
39 substances which prompted a hazardous material team response. Upon
40 such determination, the state fire marshal shall assess the costs of such
41 response to that person. Any such costs shall be in addition to clean up
42 costs or other remedial action that are or may be assessed under the
43 provisions of K.S.A. 65-3455, and amendments thereto. The state fire

1 marshal shall notify such person of such costs and direct the repayment
2 of such costs to the hazardous material emergency fund. If such person
3 fails to pay for such costs the state fire marshal may bring an action to
4 recover such costs. Such action shall be filed in the district court of Shaw-
5 nee county. Any money recovered in such action shall be deposited in
6 the hazardous material emergency fund.

7 (b) Any person adversely affected by any order or decision of the state
8 fire marshal may submit a written request for a hearing. Such request
9 shall be submitted within 15 days of service of the order or decision.
10 Hearings under this section shall be conducted in accordance with the
11 provisions of the Kansas administrative procedure act.

12 Any person adversely affected by any action of the state fire marshal
13 may obtain review of such action in accordance with the act for judicial
14 review and civil enforcement of agency actions.

15 Sec. 3. K.S.A. 31-133 is hereby repealed.

16 Sec. 4. This act shall take effect and be in force from and after its
17 publication in the statute book.

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43