

3  
4 **SENATE BILL No. 252**

5  
6 By Committee on Ways and Means

7  
8 3-5

9  
10 AN ACT transferring the functions of the office of state fire marshal to  
11 the board of fire services; amending K.S.A. 31-136, 40-252, 65-506,  
12 75-1506, 75-1510, 75-1515 and 75-1516 and repealing the existing  
13 sections.

14  
15 *Be it enacted by the Legislature of the State of Kansas:*

16 New Section 1. ~~The~~ **On January 1, 2004, the** state fire marshal and  
17 the office of the state fire marshal are hereby transferred to the board of  
18 fire services established pursuant to section 8, and amendments thereto.

19 New Sec. 2. (a) ~~Whenever~~ **On and after January 1, 2004, when-**  
20 **ever** the office of state fire marshal or words of like effect are referred  
21 to or designated by a statute, contract or other document, which pertain  
22 to the performance of the powers, duties and functions transferred to the  
23 board pursuant to section 9, and amendments thereto, such reference or  
24 designation shall be deemed to apply to the board of fire services estab-  
25 lished by section 8, and amendments thereto.

26 (b) ~~All~~ **On and after January 1, 2004, all** orders and directives of  
27 the office of state fire marshal which relate to fire services in existence  
28 immediately prior to the effective date of this act shall continue to be  
29 effective and shall be deemed to be the orders or directives of the board  
30 of fire services, until revised, amended, repealed or nullified pursuant to  
31 law.

32 New Sec. 3. (a) ~~The~~ **On and after January 1, 2004, the** board of  
33 fire services shall succeed to all records which were used for or pertain  
34 to the performance of the powers, duties and functions transferred to the  
35 board pursuant to section 9, and amendments thereto. Any conflict as to  
36 the proper disposition of records arising under this section shall be re-  
37 solved by the governor, whose decision shall be final.

38 (b) ~~On the effective date of this act,~~ **On and after January 1, 2004,**  
39 the balance of all funds or accounts thereof appropriated or reappropri-  
40 ated for the office of state fire marshal relating to the powers, duties  
41 and functions transferred by this act are hereby transferred within the  
42 state treasury to the office of state fire marshal within the board of fire  
43 services and shall be used only for the purpose for which the appropria-

1 tions were originally made. Any conflict as to the proper disposition of  
2 such money shall be resolved by the governor, whose decision shall be  
3 final.

4 New Sec. 4. ~~Officers~~ **On and after January 1, 2004, all officers**  
5 and employees who were engaged immediately prior to the effective date  
6 of this act in the performance of powers, duties and functions, which are  
7 transferred pursuant to the provisions of this act, and who, in the opinion  
8 of the board of fire services, are necessary to perform the powers, duties  
9 and functions of the board shall become officers and employees of the  
10 board. ~~All~~ **On and after January 1, 2004, all** officers and employees of  
11 the office of state fire marshal within the board of fire services who,  
12 immediately prior to the effective date of this act, are engaged in the  
13 exercise and performance of the powers, duties and functions transferred  
14 by this act are hereby transferred to and become employees of the board  
15 of fire services. All classified employees so transferred shall retain their  
16 status as classified employees. Thereafter, the board of fire services may  
17 convert vacant classified positions to positions that are not classified.

18 (b) Officers and employees of the office of state fire marshal trans-  
19 ferred by this act shall retain all retirement benefits and leave balances  
20 and rights which had accrued or vested prior to the date of transfer. The  
21 service of each such officer and employee so transferred shall be deemed  
22 to have been continuous. Any subsequent transfers, layoffs and abolition  
23 of classified service positions under the Kansas civil service act shall be  
24 made in accordance with the civil service laws and any rules and regula-  
25 tions adopted thereunder. Every act performed in the exercise of such  
26 powers, duties and functions by or under the authority of the office of  
27 state fire marshal or the state fire marshal established by this act shall be  
28 deemed to have the same force and effect as if performed by the office  
29 of state fire marshal or the state fire marshal in which such powers, duties  
30 and functions were vested prior to the effective date of this act.

31 New Sec. 5. ~~Whenever~~ **On and after January 1, 2004, whenever**  
32 any conflict arises as to the disposition of any power, duty or function as  
33 a result of any abolishment or transfer made by this act, such conflict shall  
34 be resolved by the governor, and the decision of the governor shall be  
35 final.

36 New Sec. 6. ~~The~~ **On and after January 1, 2004, the** board of fire  
37 services shall succeed to all property and records which were used for,  
38 or pertain to, the performance of the powers, duties and functions trans-  
39 ferred to the board pursuant to section 9, and amendments thereto. ~~The~~  
40 **On and after January 1, 2004, the** unexpended balances of any appro-  
41 priations for the office of state fire marshal, which is transferred by this  
42 act, shall be transferred to the board of fire services to be used by the  
43 board to carry out the powers, duties and functions transferred by this

1 act. Any conflict as to the proper disposition of property or records or the  
 2 unexpended balance of any appropriation arising under this section shall  
 3 be determined by the governor, and the decision of the governor shall be  
 4 final.

5 New Sec. 7. No suit, action or other proceeding, judicial or admin-  
 6 istrative, lawfully commenced, or which could have been commenced, by  
 7 or against the office of state fire marshal transferred by this act, or by or  
 8 against any officer or employee of such bureau in the official capacity of  
 9 such officer or employee or in relation to the discharge of official duties  
 10 of such officer or employee, shall abate by reason of the governmental  
 11 reorganization effected under the provisions of this act. The court may  
 12 allow any such suit, action or other proceeding to be maintained by or  
 13 against the successor of such state agency or any officer or employee  
 14 affected.

15 New Sec. 8. (a) There is hereby established the state board of fire  
 16 services. The office of the board of fire services shall be located in Topeka,  
 17 Kansas.

18 (b) The board of fire services shall be composed of ~~13~~ **nine** members  
 19 to be appointed as follows:

20 (1) ~~Nine~~ **The nine** members shall be appointed by the governor. Of  
 21 such members:

22 (A) One shall be a volunteer fire chief **and shall not be employed**  
 23 **as a full-time paid fire chief or firefighter;**

24 (B) one shall be a full-time paid fire chief;

25 (C) one shall be a volunteer firefighter **and shall not be employed**  
 26 **as a full-time paid fire chief or firefighter;**

27 (D) one shall be a full-time paid firefighter;

28 (E) one shall be a ~~county commissioner~~ **licensed architect;**

29 (F) one shall be a ~~city administrator~~ **full-time fire codes official;**

30 (G) one shall be a member representing the emergency medical serv-  
 31 ices board who is actively involved in fire services;

32 (H) one shall be a ~~vocational educator or vocational trainer~~ **a member**  
 33 **of the state board of regents, or a person designated by the chair-**  
 34 **person of such board; and**

35 (I) one shall be a member representing emergency managers; ~~and~~

36 ~~—(2) four members shall be appointed as follows:~~

37 ~~—(A) One shall be a member of the Kansas senate to be appointed by~~  
 38 ~~the president of the senate;~~

39 ~~—(B) one shall be a member of the Kansas senate to be appointed by~~  
 40 ~~the minority leader of the senate;~~

41 ~~—(C) one shall be a member of the Kansas house of representatives to~~  
 42 ~~be appointed by the speaker of the house of representatives; and~~

43 ~~—(D) one shall be a member of the Kansas house of representatives to~~

1 be appointed by the minority leader of the house of representatives.

2 (c) All members of the board shall be residents of the state of Kansas.  
3 Appointments to the board shall be made with due consideration that  
4 representation of the various geographical areas of the state is ensured.  
5 **The governor may seek the assistance of state fire service organi-**  
6 **zations in recommending qualified persons to fill board positions.**  
7 The governor may remove any member of the board upon recommen-  
8 dation of the board. Any person appointed to a position on the board shall  
9 forfeit such position upon vacating the office or position which qualified  
10 such person to be appointed as a member of the board.

11 (d) Of the members first appointed to the board, ~~four shall be ap-~~  
12 ~~pointed for terms of one year,~~ three **shall be appointed** for terms of two  
13 years, three for terms of three years and three for terms of four years.  
14 Thereafter, members shall be appointed for terms of four years and until  
15 their successors are appointed and qualified. In the case of a vacancy in  
16 the membership of the board, the vacancy shall be filled for the unexpired  
17 term.

18 (e) The board shall meet at least six times annually and at least once  
19 each quarter and at the call of the chairperson or at the request of the  
20 chairperson of the board of fire service or of any six members of the  
21 board. **The board shall meet as necessary prior to January 1, 2004,**  
22 **to provide for transition planning to carry out the powers, duties**  
23 **and functions transferred to the board under this act.**

24 (f) At the first meeting of the board ~~after January 1, each year in~~  
25 **2003, at the first meeting of the board after January 1, 2005, and**  
26 **at the first meeting of the board in January thereafter,** the members  
27 shall elect a chairperson and a vice-chairperson who shall serve for a term  
28 of one year. The vice-chairperson shall exercise all of the powers of the  
29 chairperson in the absence of the chairperson. If a vacancy occurs in the  
30 office of the chairperson or vice-chairperson, the board shall fill such  
31 vacancy by election of one of its members to serve the unexpired term of  
32 such office.

33 (g) Members of the board attending meetings of the board or at-  
34 tending a subcommittee meeting thereof authorized by the board shall  
35 be paid compensation, subsistence allowances, mileage and other ex-  
36 penses as provided in K.S.A. 75-3223, and amendments thereto.

37 (h) Except as otherwise provided by law, all vouchers for expendi-  
38 tures and all payrolls of the board of fire services shall be approved by  
39 the state fire marshal, or a person designated by the board, upon author-  
40 ization by the board.

41 New Sec. 9. The board of fire services shall:

42 (a) Adopt any rules and regulations necessary to carry out the pro-  
43 visions of this act;

1 (b) review and make recommendations concerning the allocation and  
2 expenditure of moneys appropriated for ~~fire fighting~~ **the programs and**  
3 **services administered by the state fire marshal's office;**

4 (c) prepare and submit a budget estimate to the division of the budget  
5 in accordance with K.S.A. 75-3717 and amendments thereto;

6 (d) enter into contracts as may be necessary to carry out the duties  
7 and functions of the board under this act;

8 (e) ~~review and approve all requests for state and federal funding in-~~  
9 ~~volving fire fighting services projects in the state or delegate such duties~~  
10 ~~to the state fire marshal~~ **appoint committees as necessary to assist in**  
11 **the coordination and oversight of the divisions and special projects**  
12 **offered by the state fire marshal's office; and**

13 (f) appoint a state fire marshal. Any person appointed state fire mar-  
14 shal on and after July 1, 2003, shall serve at the pleasure of the board of  
15 fire services; **and**

16 (g) **approve all licensing and certification procedures adminis-**  
17 **tered by the office of the state fire marshal.**

18 Sec. 10. **On January 1, 2004**, K.S.A. 31-136 is hereby amended to  
19 read as follows: 31-136. The state fire marshal shall have the power to  
20 grant exemptions from the application of specific requirements of regu-  
21 lations promulgated pursuant to this act. Any such exemption shall be  
22 granted only upon written request which clearly demonstrates that the  
23 enforcement of a specific requirement of a rule or regulation will cause  
24 unnecessary hardship to the petitioner, or that such exemption is neces-  
25 sary for the petitioner to take advantage of new methods or equipment  
26 of recognized adequacy which conforms to fundamental safety standards.  
27 The particulars of any exemption so granted shall be set forth in writing,  
28 and a copy thereof shall be retained in the office of the ~~state fire marshal~~  
29 *board of fire services.*

30 Sec. 11. **On January 1, 2004**, K.S.A. 40-252 is hereby amended to  
31 read as follows: 40-252. Every insurance company or fraternal benefit  
32 society organized under the laws of this state or doing business in this  
33 state shall pay to the commissioner of insurance fees and taxes specified  
34 in the following schedule:

35 A

36 *Insurance companies organized under the laws of this state:*

37 1. Capital stock insurance companies and mutual legal reserve life insurance companies:	
38 Filing application for sale of stock or certificates of indebtedness .....	\$25
39 Admission fees:	
40 Examination of charter and other documents .....	500
41 Filing annual statement .....	100
42 Certificate of authority.....	10

1 Annual fees:

2 Filing annual statement ..... 100

3 Continuation of certificate of authority ..... 10

4 2. Mutual life, accident and health associations:

5 Admission fees:

6 Examination of charter and other documents ..... \$500

7 Filing annual statement ..... 100

8 Certificate of authority..... 10

9 Annual fees:

10 Filing annual statement ..... 100

11 Continuation of certificate of authority ..... 10

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

13 exchanges:

14 Admission fees:

15 Examination of charter and other documents ..... \$500

16 Filing annual statement ..... 100

17 Certificate of authority..... 10

18 Annual fees:

19 Filing annual statement ..... 100

20 Continuation of certificate of authority ..... 10

21 In addition to the above fees and as a condition precedent to the con-

22 tinuation of the certificate of authority provided in this code, all such

23 companies shall pay a fee of \$2 for each agent certified by the company

24 and shall also pay a tax annually upon all premiums received on risk lo-

25 cated in this state at the rate of 1% for tax year 1997, and 2% for all tax

26 years thereafter per annum less (1) for tax years prior to 1984, any taxes

27 paid on business in this state pursuant to the provisions of K.S.A. 40-1701

28 to 40-1707, inclusive, and 75-1508 and amendments thereto and (2) for

29 tax years 1984 and thereafter, any taxes paid on business in this state

30 pursuant to the provisions of K.S.A. 75-1508 and amendments thereto

31 and the amount of the firefighters relief tax credit determined by the

32 commissioner of insurance. The amount of the firefighters relief tax credit

33 for a company for the current tax year shall be determined by the com-

34 missioner of insurance by dividing (A) the total amount of credits against

35 the tax imposed by this section for taxes paid by all such companies on

36 business in this state under K.S.A. 40-1701 to 40-1707, inclusive, and

37 amendments thereto for tax year 1983, by (B) the total amount of taxes

38 paid by all such companies on business in this state under K.S.A. 40-1703

39 and amendments thereto for the tax year immediately preceding the cur-

40 rent tax year, and by multiplying the result so obtained by (C) the amount

41 of taxes paid by the company on business in this state under K.S.A. 40-

42 1703 and amendments thereto for the current tax year.

43 In the computation of the gross premiums all such companies shall be

1 entitled to deduct any premiums returned on account of cancellations,  
 2 including funds accepted before January 1, 1997, and declared and taxed  
 3 as annuity premiums which, on or after January 1, 1997, are withdrawn  
 4 before application to the purchase of annuities, all premiums received for  
 5 reinsurance from any other company authorized to do business in this  
 6 state, dividends returned to policyholders and premiums received in con-  
 7 nection with the funding of a pension, deferred compensation, annuity  
 8 or profit-sharing plan qualified or exempt under sections 401, 403, 404,  
 9 408, 457 or 501 of the United States internal revenue code of 1986. Funds  
 10 received by life insurers for the purchase of annuity contracts and funds  
 11 applied by life insurers to the purchase of annuities shall not be deemed  
 12 taxable premiums or be subject to tax under this section for tax years  
 13 commencing on or after January 1, 1997.

14 B

15 *Fraternal benefit societies organized under the laws of this state:*

16 Admission fees:

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

20 Annual fees:

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

23 C

24 *Mutual nonprofit hospital service corporations, nonprofit medical service corporations, non-*  
 25 *profit dental service corporations, nonprofit optometric service corporations and non-*  
 26 *profit pharmacy service corporations organized under the laws of this state:*

27 1. Mutual nonprofit hospital service corporations:

28 Admission fees:

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

32 Annual fees:

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

35 2. Nonprofit medical service corporations:

36 Admission fees:

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

40 Annual fees:

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

43 3. Nonprofit dental service corporations:

1	Admission fees:	
2	Examination of charter and other documents .....	\$500
3	Filing annual statement .....	100
4	Certificate of authority.....	10
5	Annual fees:	
6	Filing annual statement .....	100
7	Continuation of certificate of authority .....	10
8	4. Nonprofit optometric service corporations:	
9	Admission fees:	
10	Examination of charter and other documents .....	\$500
11	Filing annual statement .....	100
12	Certificate of authority.....	10
13	Annual fees:	
14	Filing annual statement .....	100
15	Continuation of certificate of authority .....	10
16	5. Nonprofit pharmacy service corporations:	
17	Admission fees:	
18	Examination of charter and other documents .....	\$500
19	Filing annual statement .....	100
20	Certificate of authority.....	10
21	Annual fees:	
22	Filing annual statement .....	100
23	Continuation of certificate of authority .....	10

24 In addition to the above fees and as a condition precedent to the con-  
 25 tinuation of the certificate of authority, provided in this code, every cor-  
 26 poration or association shall pay annually to the commissioner of insur-  
 27 ance a tax in an amount equal to 1% for tax year 1997, and 2% for all tax  
 28 years thereafter per annum of the total of all premiums, subscription  
 29 charges, or any other term which may be used to describe the charges  
 30 made by such corporation or association to subscribers for hospital, med-  
 31 ical or other health services or indemnity received during the preceding  
 32 year. In such computations all such corporations or associations shall be  
 33 entitled to deduct any premiums or subscription charges returned on  
 34 account of cancellations and dividends returned to members or subscrib-  
 35 ers.

36 D

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

38	1. Capital stock insurance companies and mutual legal reserve life insurance companies:	
39	Filing application for sale of stock or certificates of indebtedness .....	\$25
40	Admission fees:	
41	Examination of charter and other documents .....	500
42	Filing annual statement .....	100
43	Certificate of authority.....	10



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

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

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

11 In the computation of the gross premiums all such companies shall be  
 12 entitled to deduct any premiums returned on account of cancellations,  
 13 including funds accepted before January 1, 1997, and declared and taxed  
 14 as annuity premiums which, on or after January 1, 1997, are withdrawn  
 15 before application to the purchase of annuities, dividends returned to  
 16 policyholders and all premiums received for reinsurance from any other  
 17 company authorized to do business in this state and premiums received  
 18 in connection with the funding of a pension, deferred compensation, an-  
 19 nuity or profit-sharing plan qualified or exempt under sections 401, 403,  
 20 404, 408, 457 or 501 of the United States internal revenue code of 1986.  
 21 Funds received by life insurers for the purchase of annuity contracts and  
 22 funds applied by life insurers to the purchase of annuities shall not be  
 23 deemed taxable premiums or be subject to tax under this section for tax  
 24 years commencing on or after January 1, 1997.

25 2. Mutual life, accident and health associations:

26 Admission fees:  
 27 Examination of charter and other documents ..... \$500  
 28 Filing annual statement ..... 100  
 29 Certificate of authority ..... 10

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

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

37 In the computation of the gross premiums all such companies shall be  
 38 entitled to deduct any premiums returned on account of cancellations,  
 39 including funds accepted before January 1, 1997, and declared and taxed  
 40 as annuity premiums which, on or after January 1, 1997, are withdrawn  
 41 before application to the purchase of annuities, dividends returned to  
 42 policyholders and all premiums received for reinsurance from any other  
 43 company authorized to do business in this state and premiums received

1 in connection with the funding of a pension, deferred compensation, an-  
 2 nuity or profit-sharing plan qualified or exempt under sections 401, 403,  
 3 404, 408, 457 or 501 of the United States internal revenue code of 1986.  
 4 Funds received by life insurers for the purchase of annuity contracts and  
 5 funds applied by life insurers to the purchase of annuities shall not be  
 6 deemed taxable premiums or be subject to tax under this section for tax  
 7 years commencing on or after January 1, 1997.

8 3. Mutual fire, casualty and multiple line insurers and reciprocal or interinsurance ex-  
 9 changes:

10 Admission fees:

11 Examination of charter and other documents and issuance of certificate	
12 of authority.....	\$500
13 Filing annual statement.....	100
14 Certificate of authority.....	10

15 Annual fees:

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

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

22 For tax years 1998 and thereafter, the annual tax shall be reduced by  
 23 the “applicable percentage” of (1) any taxes paid on business in this state  
 24 pursuant to the provisions of K.S.A. 75-1508 and amendments thereto  
 25 and (2) the amount of the firefighters relief tax credit determined by the  
 26 commissioner of insurance. The amount of the firefighters relief tax credit  
 27 for a company taxable under this subsection for the current tax year shall  
 28 be determined by the commissioner of insurance by dividing (A) the total  
 29 amount of taxes paid by all such companies on business in this state under  
 30 K.S.A. 40-1701 to 40-1707 and amendments thereto for tax year 1983 as  
 31 then in effect, by (B) the total amount of taxes paid by all such companies  
 32 on business in this state under K.S.A. 40-1703 and amendments thereto  
 33 for the tax year immediately preceding the current tax year, and by mul-  
 34 tiplying the result so obtained by (C) the amount of taxes paid by the  
 35 company on business in this state under K.S.A. 40-1703 and amendments  
 36 thereto for the current tax year. The “applicable percentage” shall be as  
 37 follows:

38	Tax Year	Applicable Percentage
39	1998	10%
40	1999	20%
41	2000	30%
42	2001	40%
43	2002	50%

1	2003	60%
2	2004	70%
3	2005	80%
4	2006	90%
5	2007 and thereafter	100%

6 In the computation of the gross premiums all such companies shall be  
 7 entitled to deduct any premiums returned on account of cancellations, all  
 8 premiums received for reinsurance from any other company authorized  
 9 to do business in this state, and dividends returned to policyholders.

10 E

11 *Fraternal benefit societies organized under the laws*  
 12 *of any other state, territory or country:*

13 Admission fees:

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

17 Annual fees:

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

20 F

21 *Mutual nonprofit hospital service corporations, nonprofit medical service corporations, non-*  
 22 *profit dental service corporations, nonprofit optometric service corporations and non-*  
 23 *profit pharmacy service corporations organized under the laws of any other state, ter-*  
 24 *ritory or country:*

25 1. Mutual nonprofit hospital service corporations:

26 Admission fees:

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

30 Annual fees:

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

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

35 Admission fees:

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

39 Annual fees:

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

42 In addition to the above fees and as a condition precedent to the con-  
 43 tinuation of the certificate of authority, provided in this code, every cor-

1 poration or association shall pay annually to the commissioner of insur-  
2 ance a tax in an amount equal to 2% per annum of the total of all  
3 premiums, subscription charges, or any other term which may be used to  
4 describe the charges made by such corporation or association to subscrib-  
5 ers in this state for hospital, medical or other health services or indemnity  
6 received during the preceding year. In such computations all such cor-  
7 porations or associations shall be entitled to deduct any premiums or  
8 subscription charges returned on account of cancellations and dividends  
9 returned to members or subscribers.

## G

*Payment of Taxes.*

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

21 Commencing in 1985 and annually thereafter the estimated taxes shall  
22 be paid as follows: On or before June 15 and December 15 of such year  
23 an amount equal to 50% of the full amount of the prior year's taxes as  
24 reported by the company shall be remitted to the commissioner of in-  
25 surance. As used in this paragraph, "prior year's taxes" includes (1) taxes  
26 assessed pursuant to this section for the prior calendar year, (2) fees and  
27 taxes assessed pursuant to K.S.A. 40-253, and amendments thereto, for  
28 the prior calendar year, and (3) taxes paid for maintenance of the ~~de-~~  
29 ~~partment~~ *office* of the state fire marshal *within the board of fire services*  
30 pursuant to K.S.A. 75-1508, and amendments thereto, for the prior cal-  
31 endar year.

32 Upon the receipt of such returns the commissioner of insurance shall  
33 verify the same and assess the taxes upon such companies, corporations  
34 or associations on the basis and at the rate provided herein and the bal-  
35 ance of such taxes shall thereupon become due and payable giving credit  
36 for amounts paid pursuant to the preceding paragraph, or the commis-  
37 sioner shall make a refund if the taxes paid in the prior June and Decem-  
38 ber are in excess of the taxes assessed.

## H

40 The fee prescribed for the examination of charters and other docu-  
41 ments shall apply to each company's initial application for admission and  
42 shall not be refundable for any reason.

43 Sec. 12. **On January 1, 2004**, K.S.A. 65-506 is hereby amended to

1 read as follows: 65-506. The secretary of health and environment shall  
2 serve notice of the issuance, suspension or revocation of a license to con-  
3 duct a maternity center or child care facility or the issuance, suspension  
4 or revocation of a certificate of registration for a family day care home to  
5 the secretary of social and rehabilitation services, juvenile justice author-  
6 ity, department of education, office of the state fire marshal *within the*  
7 *board fire services*, county, city-county or multi-county department of  
8 health, and to any licensed child placement agency or licensed child care  
9 resource and referral agency serving the area where the center or facility  
10 is located. A maternity center or child care facility that has had a license  
11 suspended, revoked or denied by the secretary of health and environment  
12 or a family day care home that has had a certificate of registration sus-  
13 pended, revoked or denied by the secretary of health and environment  
14 shall notify in writing the parents or guardians of the enrollees of the  
15 suspension, revocation or denial. Neither the secretary of social and re-  
16 habilitation services nor any other person shall place or cause to be placed  
17 any maternity patient or child under 16 years of age in any maternity  
18 center or child care facility not licensed by the secretary of health and  
19 environment or family day care home not holding a certificate of regis-  
20 tration from the secretary of health and environment.

21 Sec. 13. **On January 1, 2004**, K.S.A. 75-1506 is hereby amended  
22 to read as follows: 75-1506. The state fire marshal shall devote his or her  
23 entire time to the duties of his or her office, and the state fire marshal or  
24 his or her chief deputy, except when engaged elsewhere in the perform-  
25 ance of their duties, shall be at all reasonable times at the office of the  
26 state fire marshal *within the board of fire services*, ready for such duties.

27 Sec. 14. **On January 1, 2004**, K.S.A. 75-1510 is hereby amended  
28 to read as follows: 75-1510. There is hereby established the office of state  
29 fire marshal *within the board of fire service*. The state fire marshal shall  
30 be appointed by the governor and shall serve at the pleasure of the gov-  
31 ernor. ~~Any person appointed state fire marshal on or after July 1, 1982,~~  
32 ~~shall be appointed subject to confirmation by the senate as provided in~~  
33 ~~K.S.A. 75-4315b pursuant to subsection (f) of section 11 9, and amend-~~  
34 ~~ments thereto.~~ Any person appointed as state fire marshal shall have a  
35 knowledge of building construction and, at the time of appointment, shall  
36 have had not less than five years' experience in fire safety inspection and  
37 investigation. The state fire marshal shall maintain an office in the city of  
38 Topeka.

39 Sec. 15. **On January 1, 2004**, K.S.A. 75-1515 is hereby amended  
40 to read as follows: 75-1515. The attorney general shall appoint, with the  
41 approval of the state fire marshal, an assistant attorney general who shall  
42 be the attorney for the state fire marshal and the office of the state fire  
43 marshal *within the board of fire services*. Such attorney shall receive an

1 annual salary fixed by the attorney general with the approval of the state  
2 fire marshal. Such salary shall be paid from moneys appropriated for the  
3 state fire marshal.

4 Sec. 16. **On January 1, 2004**, K.S.A. 75-1516 is hereby amended  
5 to read as follows: 75-1516. The assistant attorney general appointed un-  
6 der K.S.A. 75-1515 shall be the legal advisor for the office of the state  
7 fire marshal *within the board of fire services*. The assistant attorney gen-  
8 eral appointed under K.S.A. 75-1515 shall appear for and on behalf of  
9 the state fire marshal, or any of the deputies of the state fire marshal, in  
10 any litigation that may arise in the discharge of the duties of the office of  
11 the state fire marshal.

12 Sec. 17. **On January 1, 2004**, K.S.A. 31-136, 40-252, 65-506, 75-  
13 1506, 75-1510, 75-1515 and 75-1516 are hereby repealed.

14 Sec. 18. This act shall take effect and be in force from and after  
15 **October 1, 2003, and** its publication in the statute book.

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