

HOUSE BILL No. 2227

By Committee on Appropriations

1-31

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

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

15 New Section 1. On January 1, 2006, the state fire marshal and the
16 office of the state fire marshal are hereby transferred to the board of fire
17 services established pursuant to section 8, and amendments thereto.

18 New Sec. 2. (a) On and after January 1, 2006, whenever the office
19 of state fire marshal or words of like effect are referred to or designated
20 by a statute, contract or other document, which pertain to the perform-
21 ance of the powers, duties and functions transferred to the board pursuant
22 to section 9, and amendments thereto, such reference or designation shall
23 be deemed to apply to the board of fire services established by section 8,
24 and amendments thereto.

25 (b) On and after January 1, 2006, all orders and directives of the office
26 of state fire marshal which relate to fire services in existence immediately
27 prior to the effective date of this act shall continue to be effective and
28 shall be deemed to be the orders or directives of the board of fire services,
29 until revised, amended, repealed or nullified pursuant to law.

30 New Sec. 3. (a) On and after January 1, 2006, the board of fire serv-
31 ices shall succeed to all records which were used for or pertain to the
32 performance of the powers, duties and functions transferred to the board
33 pursuant to section 9, and amendments thereto. Any conflict as to the
34 proper disposition of records arising under this section shall be resolved
35 by the governor, whose decision shall be final.

36 (b) On and after January 1, 2006, the balance of all funds or accounts
37 thereof appropriated or reappropriated for the office of state fire marshal
38 relating to the powers, duties and functions transferred by this act are
39 hereby transferred within the state treasury to the office of state fire
40 marshal within the board of fire services and shall be used only for the
41 purpose for which the appropriations were originally made. Any conflict
42 as to the proper disposition of such money shall be resolved by the gov-
43 ernor, whose decision shall be final.

1 New Sec. 4. (a) On and after January 1, 2006, all officers and em-
2 ployees who were engaged immediately prior to the effective date of this
3 act in the performance of powers, duties and functions, which are trans-
4 ferred pursuant to the provisions of this act, and who, in the opinion of
5 the board of fire services, are necessary to perform the powers, duties
6 and functions of the board shall become officers and employees of the
7 board. On and after January 1, 2006, all officers and employees of the
8 office of state fire marshal within the board of fire services who, imme-
9 diately prior to the effective date of this act, are engaged in the exercise
10 and performance of the powers, duties and functions transferred by this
11 act are hereby transferred to and become employees of the board of fire
12 services. All classified employees so transferred shall retain their status as
13 classified employees. Thereafter, the board of fire services may convert
14 vacant classified positions to positions that are not classified.

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

28 New Sec. 5. On and after January 1, 2006, whenever any conflict
29 arises as to the disposition of any power, duty or function as a result of
30 any abolishment or transfer made by this act, such conflict shall be re-
31 solved by the governor, and the decision of the governor shall be final.

32 New Sec. 6. On and after January 1, 2006, the board of fire services
33 shall succeed to all property and records which were used for, or pertain
34 to, the performance of the powers, duties and functions transferred to
35 the board pursuant to section 9, and amendments thereto. On and after
36 January 1, 2006, the unexpended balances of any appropriations for the
37 office of state fire marshal, which is transferred by this act, shall be trans-
38 ferred to the board of fire services to be used by the board to carry out
39 the powers, duties and functions transferred by this act. Any conflict as
40 to the proper disposition of property or records or the unexpended bal-
41 ance of any appropriation arising under this section shall be determined
42 by the governor, and the decision of the governor shall be final.

43 New Sec. 7. No suit, action or other proceeding, judicial or admin-

1 istrative, lawfully commenced, or which could have been commenced, by
2 or against the office of state fire marshal transferred by this act, or by or
3 against any officer or employee of such bureau in the official capacity of
4 such officer or employee or in relation to the discharge of official duties
5 of such officer or employee, shall abate by reason of the governmental
6 reorganization effected under the provisions of this act. The court may
7 allow any such suit, action or other proceeding to be maintained by or
8 against the successor of such state agency or any officer or employee
9 affected.

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

13 (b) The board of fire services shall be composed of nine members to
14 be appointed as follows:

15 (1) The nine members shall be appointed by the governor. Of such
16 members:

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

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

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

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

23 (E) one shall be a licensed architect;

24 (F) one shall be a full-time fire codes official;

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

27 (H) one shall be a member of the state board of regents, or a person
28 designated by the chairperson of such board; and

29 (I) one shall be a member representing emergency managers.

30 (c) All members of the board shall be residents of the state of Kansas.
31 Appointments to the board shall be made with due consideration that
32 representation of the various geographical areas of the state is ensured.
33 The governor may seek the assistance of state fire service organizations
34 in recommending qualified persons to fill board positions. The governor
35 may remove any member of the board upon recommendation of the
36 board. Any person appointed to a position on the board shall forfeit such
37 position upon vacating the office or position which qualified such person
38 to be appointed as a member of the board.

39 (d) Of the members first appointed to the board, three shall be ap-
40 pointed for terms of two years, three for terms of three years and three
41 for terms of four years. Thereafter, members shall be appointed for terms
42 of four years and until their successors are appointed and qualified. In
43 the case of a vacancy in the membership of the board, the vacancy shall

1 be filled for the unexpired term.

2 (e) The board shall meet at least six times annually and at least once
3 each quarter and at the call of the chairperson or at the request of the
4 chairperson of the board of fire service or of any six members of the
5 board. The board shall meet as necessary prior to January 1, 2006, to
6 provide for transition planning to carry out the powers, duties and func-
7 tions transferred to the board under this act.

8 (f) At the first meeting of the board in 2005, at the first meeting of
9 the board after January 1, 2007, and at the first meeting of the board in
10 January thereafter, the members shall elect a chairperson and a vice-
11 chairperson who shall serve for a term of one year. The vice-chairperson
12 shall exercise all of the powers of the chairperson in the absence of the
13 chairperson. If a vacancy occurs in the office of the chairperson or vice-
14 chairperson, the board shall fill such vacancy by election of one of its
15 members to serve the unexpired term of such office.

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

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

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

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

27 (b) review and make recommendations concerning the allocation and
28 expenditure of moneys appropriated for the programs and services ad-
29 ministered by the state fire marshal's office;

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

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

34 (e) appoint committees as necessary to assist in the coordination and
35 oversight of the divisions and special projects offered by the state fire
36 marshal's office;

37 (f) appoint a state fire marshal. Any person appointed state fire mar-
38 shal on and after July 1, 2005, shall serve at the pleasure of the board of
39 fire services; and

40 (g) approve all licensing and certification procedures administered by
41 the office of the state fire marshal.

42 Sec. 10. On January 1, 2006, K.S.A. 31-136 is hereby amended to
43 read as follows: 31-136. The state fire marshal shall have the power to

1 grant exemptions from the application of specific requirements of regu-
 2 lations promulgated pursuant to this act. Any such exemption shall be
 3 granted only upon written request which clearly demonstrates that the
 4 enforcement of a specific requirement of a rule or regulation will cause
 5 unnecessary hardship to the petitioner, or that such exemption is neces-
 6 sary for the petitioner to take advantage of new methods or equipment
 7 of recognized adequacy which conforms to fundamental safety standards.
 8 The particulars of any exemption so granted shall be set forth in writing,
 9 and a copy thereof shall be retained in the office of the ~~state fire marshal~~
 10 *board of fire services*.

11 Sec. 11. On January 1, 2006, K.S.A. 40-252 is hereby amended to
 12 read as follows: 40-252. Every insurance company or fraternal benefit
 13 society organized under the laws of this state or doing business in this
 14 state shall pay to the commissioner of insurance fees and taxes specified
 15 in the following schedule:

A

Insurance companies organized under the laws of this state:

18	1. Capital stock insurance companies and mutual legal reserve life insurance companies:	
19	Filing application for sale of stock or certificates of indebtedness	\$25
20	Admission fees:	
21	Examination of charter and other documents	500
22	Filing annual statement	100
23	Certificate of authority	10
24	Annual fees:	
25	Filing annual statement	100
26	Continuation of certificate of authority	10
27	2. Mutual life, accident and health associations:	
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	3. Mutual fire, hail, casualty and multiple line insurers and reciprocal or interinsurance	
36	exchanges:	
37	Admission fees:	
38	Examination of charter and other documents	\$500
39	Filing annual statement	100
40	Certificate of authority	10
41	Annual fees:	
42	Filing annual statement	100
43	Continuation of certificate of authority	10

1 In addition to the above fees and as a condition precedent to the con-
 2 tinuation of the certificate of authority provided in this code, all such
 3 companies shall pay a fee of \$2 for each agent certified by the company
 4 and shall also pay a tax annually upon all premiums received on risk lo-
 5 cated in this state at the rate of 1% for tax year 1997, and 2% for all tax
 6 years thereafter per annum less (1) for tax years prior to 1984, any taxes
 7 paid on business in this state pursuant to the provisions of K.S.A. 40-1701
 8 to 40-1707, inclusive, and 75-1508 and amendments thereto and (2) for
 9 tax years 1984 and thereafter, any taxes paid on business in this state
 10 pursuant to the provisions of K.S.A. 75-1508 and amendments thereto
 11 and the amount of the firefighters relief tax credit determined by the
 12 commissioner of insurance. The amount of the firefighters relief tax credit
 13 for a company for the current tax year shall be determined by the com-
 14 missioner of insurance by dividing (A) the total amount of credits against
 15 the tax imposed by this section for taxes paid by all such companies on
 16 business in this state under K.S.A. 40-1701 to 40-1707, inclusive, and
 17 amendments thereto for tax year 1983, by (B) the total amount of taxes
 18 paid by all such companies on business in this state under K.S.A. 40-1703
 19 and amendments thereto for the tax year immediately preceding the cur-
 20 rent tax year, and by multiplying the result so obtained by (C) the amount
 21 of taxes paid by the company on business in this state under K.S.A. 40-
 22 1703 and amendments thereto for the current tax year.

23 In the computation of the gross premiums all such companies shall be
 24 entitled to deduct any premiums returned on account of cancellations,
 25 including funds accepted before January 1, 1997, and declared and taxed
 26 as annuity premiums which, on or after January 1, 1997, are withdrawn
 27 before application to the purchase of annuities, all premiums received for
 28 reinsurance from any other company authorized to do business in this
 29 state, dividends returned to policyholders and premiums received in con-
 30 nection with the funding of a pension, deferred compensation, annuity
 31 or profit-sharing plan qualified or exempt under sections 401, 403, 404,
 32 408, 457 or 501 of the United States internal revenue code of 1986. Funds
 33 received by life insurers for the purchase of annuity contracts and funds
 34 applied by life insurers to the purchase of annuities shall not be deemed
 35 taxable premiums or be subject to tax under this section for tax years
 36 commencing on or after January 1, 1997.

B

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

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		C
5	<i>Mutual nonprofit hospital service corporations, nonprofit medical service corporations, non-</i>	
6	<i>profit dental service corporations, nonprofit optometric service corporations and non-</i>	
7	<i>profit pharmacy service corporations organized under the laws of this state:</i>	
8	1. Mutual nonprofit hospital service corporations: Admission fees:	
9	Examination of charter and other documents	\$500
10	Filing annual statement	100
11	Certificate of authority	10
12	Annual fees:	
13	Filing annual statement	100
14	Continuation of certificate of authority	10
15	2. Nonprofit medical service corporations:	
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	3. Nonprofit dental service corporations:	
24	Admission fees:	
25	Examination of charter and other documents	\$500
26	Filing annual statement	100
27	Certificate of authority	10
28	Annual fees:	
29	Filing annual statement	100
30	Continuation of certificate of authority	10
31	4. Nonprofit optometric service corporations:	
32	Admission fees:	
33	Examination of charter and other documents	\$500
34	Filing annual statement	100
35	Certificate of authority	10
36	Annual fees:	
37	Filing annual statement	100
38	Continuation of certificate of authority	10
39	5. Nonprofit pharmacy service corporations:	
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 and as a condition precedent to the con-

5 tinuation of the certificate of authority, provided in this code, every cor-

6 poration or association shall pay annually to the commissioner of insur-

7 ance a tax in an amount equal to 1% for tax year 1997, and 2% for all tax

8 years thereafter per annum of the total of all premiums, subscription

9 charges, or any other term which may be used to describe the charges

10 made by such corporation or association to subscribers for hospital, med-

11 ical or other health services or indemnity received during the preceding

12 year. In such computations all such corporations or associations shall be

13 entitled to deduct any premiums or subscription charges returned on

14 account of cancellations and dividends returned to members or subscrib-

15 ers.

D

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

19 1. Capital stock insurance companies and mutual legal reserve life insurance companies:

20 Filing application for sale of stock or certificates of indebtedness \$25

21 Admission fees:

22 Examination of charter and other documents 500

23 Filing annual statement 100

24 Certificate of authority 10

25 Annual fees:

26 Filing annual statement 100

27 Continuation of certificate of authority 10

28 In addition to the above fees all such companies shall pay \$5 for each

29 agent certified by the company, except as otherwise provided by law.

30 As a condition precedent to the continuation of the certificate of au-

31 thority, provided in this code, every company organized under the laws

32 of any other state of the United States or of any foreign country shall pay

33 a tax upon all premiums received during the preceding year at the rate

34 of 2% per annum.

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

36 entitled to deduct any premiums returned on account of cancellations,

37 including funds accepted before January 1, 1997, and declared and taxed

38 as annuity premiums which, on or after January 1, 1997, are withdrawn

39 before application to the purchase of annuities, dividends returned to

40 policyholders and all premiums received for reinsurance from any other

41 company authorized to do business in this state and premiums received

42 in connection with the funding of a pension, deferred compensation, an-

43 nuity or profit-sharing plan qualified or exempt under sections 401, 403,

1 404, 408, 457 or 501 of the United States internal revenue code of 1986.
 2 Funds received by life insurers for the purchase of annuity contracts and
 3 funds applied by life insurers to the purchase of annuities shall not be
 4 deemed taxable premiums or be subject to tax under this section for tax
 5 years commencing on or after January 1, 1997.

6 2. Mutual life, accident and health associations:

7 Admission fees:

8 Examination of charter and other documents	\$500
9 Filing annual statement	100
10 Certificate of authority	10

11 Annual fees:

12 Filing annual statement	100
13 Continuation of certificate of authority	10

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

18 In the computation of the gross premiums all such companies shall be
 19 entitled to deduct any premiums returned on account of cancellations,
 20 including funds accepted before January 1, 1997, and declared and taxed
 21 as annuity premiums which, on or after January 1, 1997, are withdrawn
 22 before application to the purchase of annuities, dividends returned to
 23 policyholders and all premiums received for reinsurance from any other
 24 company authorized to do business in this state and premiums received
 25 in connection with the funding of a pension, deferred compensation, an-
 26 nuity or profit-sharing plan qualified or exempt under sections 401, 403,
 27 404, 408, 457 or 501 of the United States internal revenue code of 1986.
 28 Funds received by life insurers for the purchase of annuity contracts and
 29 funds applied by life insurers to the purchase of annuities shall not be
 30 deemed taxable premiums or be subject to tax under this section for tax
 31 years commencing on or after January 1, 1997.

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

34 Admission fees:

35 Examination of charter and other documents and issuance of certificate 36 of authority	\$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, every such company or association or-
 43 ganized under the laws of any other state of the United States shall pay

1 a fee of \$5 for each agent certified by the company and shall also pay a
2 tax annually upon all premiums received at the rate of 2% per annum.

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

19	Tax Year	Applicable Percentage
20	1998	10%
21	1999	20%
22	2000	30%
23	2001	40%
24	2002	50%
25	2003	60%
26	2004	70%
27	2005	80%
28	2006	90%
29	2007 and thereafter	100%

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

34 E

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

37	Admission fees:	
38	Examination of charter and other documents	\$500
39	Filing annual statement	100
40	Certificate of authority	10
41	Annual fees:	
42	Filing annual statement	100
43	Continuation of certificate of authority	10

1 F

2 *Mutual nonprofit hospital service corporations, nonprofit medical service corporations, non-*

3 *profit dental service corporations, nonprofit optometric service corporations and non-*

4 *profit pharmacy service corporations organized under the laws of any other state, ter-*

5 *ritory or country:*

6 1. Mutual nonprofit hospital service corporations:

7 Admission fees:

8 Examination of charter and other documents \$500

9 Filing annual statement 100

10 Certificate of authority 10

11 Annual fees:

12 Filing annual statement 100

13 Continuation of certificate of authority 10

14 2. Nonprofit medical service corporations, nonprofit dental service corporations, nonprofit

15 optometric service corporations and nonprofit pharmacy service corporations:

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

24 tinuation of the certificate of authority, provided in this code, every cor-

25 poration or association shall pay annually to the commissioner of insur-

26 ance a tax in an amount equal to 2% per annum of the total of all

27 premiums, subscription charges, or any other term which may be used to

28 describe the charges made by such corporation or association to subscrib-

29 ers in this state for hospital, medical or other health services or indemnity

30 received during the preceding year. In such computations all such cor-

31 porations or associations shall be entitled to deduct any premiums or

32 subscription charges returned on account of cancellations and dividends

33 returned to members or subscribers.

34 G

35 *Payment of Taxes.*

36 For the purpose of insuring the collection of the tax upon premiums,

37 assessments and charges as set out in subsection A, C, D or F, every

38 insurance company, corporation or association shall at the time it files its

39 annual statement, as required by the provisions of K.S.A. 40-225, and

40 amendments thereto, make a return, verified by affidavits of its president

41 and secretary or other chief officers, to the commissioner of insurance,

42 stating the amount of all premiums, assessments and charges received by

43 the companies or corporations in this state, whether in cash or notes,

1 during the year ending on the December 31 next preceding.

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

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

20 H

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

24 Sec. 12. On January 1, 2006, K.S.A. 65-506 is hereby amended to
25 read as follows: 65-506. The secretary of health and environment shall
26 serve notice of the issuance, suspension or revocation of a license to con-
27 duct a maternity center or child care facility or the issuance, suspension
28 or revocation of a certificate of registration for a family day care home to
29 the secretary of social and rehabilitation services, juvenile justice author-
30 ity, department of education, office of the state fire marshal *within the*
31 *board fire services*, county, city-county or multi-county department of
32 health, and to any licensed child placement agency or licensed child care
33 resource and referral agency serving the area where the center or facility
34 is located. A maternity center or child care facility that has had a license
35 suspended, revoked or denied by the secretary of health and environment
36 or a family day care home that has had a certificate of registration sus-
37 pended, revoked or denied by the secretary of health and environment
38 shall notify in writing the parents or guardians of the enrollees of the
39 suspension, revocation or denial. Neither the secretary of social and re-
40 habilitation services nor any other person shall place or cause to be placed
41 any maternity patient or child under 16 years of age in any maternity
42 center or child care facility not licensed by the secretary of health and
43 environment or family day care home not holding a certificate of regis-

1 tration from the secretary of health and environment.

2 Sec. 13. On January 1, 2006, K.S.A. 75-1506 is hereby amended to
3 read as follows: 75-1506. The state fire marshal shall devote his or her
4 entire time to the duties of his or her office, and the state fire marshal or
5 his or her chief deputy, except when engaged elsewhere in the perform-
6 ance of their duties, shall be at all reasonable times at the office of the
7 state fire marshal *within the board of fire services*, ready for such duties.

8 Sec. 14. On January 1, 2006, K.S.A. 75-1510 is hereby amended to
9 read as follows: 75-1510. There is hereby established the office of state
10 fire marshal *within the board of fire service*. The state fire marshal shall
11 be appointed by the governor and shall serve at the pleasure of the gov-
12 ernor. ~~Any person appointed state fire marshal on or after July 1, 1982,~~
13 ~~shall be appointed subject to confirmation by the senate as provided in~~
14 ~~K.S.A. 75-4315b~~ *pursuant to subsection (f) of section 9, and amendments*
15 *thereto*. Any person appointed as state fire marshal shall have a knowledge
16 of building construction and, at the time of appointment, shall have had
17 not less than five years' experience in fire safety inspection and investi-
18 gation. The state fire marshal shall maintain an office in the city of To-
19 peka.

20 Sec. 15. On January 1, 2006, K.S.A. 75-1515 is hereby amended to
21 read as follows: 75-1515. The attorney general shall appoint, with the
22 approval of the state fire marshal, an assistant attorney general who shall
23 be the attorney for the state fire marshal and the office of the state fire
24 marshal *within the board of fire services*. Such attorney shall receive an
25 annual salary fixed by the attorney general with the approval of the state
26 fire marshal. Such salary shall be paid from moneys appropriated for the
27 state fire marshal.

28 Sec. 16. On January 1, 2006, K.S.A. 75-1516 is hereby amended to
29 read as follows: 75-1516. The assistant attorney general appointed under
30 K.S.A. 75-1515 shall be the legal advisor for the office of the state fire
31 marshal *within the board of fire services*. The assistant attorney general
32 appointed under K.S.A. 75-1515 shall appear for and on behalf of the
33 state fire marshal, or any of the deputies of the state fire marshal, in any
34 litigation that may arise in the discharge of the duties of the office of the
35 state fire marshal.

36 Sec. 17. On January 1, 2006, K.S.A. 31-136, 40-252, 65-506, 75-1506,
37 75-1510, 75-1515 and 75-1516 are hereby repealed.

38 Sec. 18. This act shall take effect and be in force from and after
39 October 1, 2005, and its publication in the statute book.