

MINUTES OF THE HOUSE COMMITTEE ON BUSINESS, COMMERCE & LABOR.

The meeting was called to order by Chairman Al Lane at 9:07 a.m. on February 24, 1998 in Room 526-S of the Capitol.

All members were present except: Rep. David Adkins - excused
Rep. Cindy Empson - excused

Committee staff present: Jerry Donaldson, Legislative Research Department
Bob Nugent, Revisor of Statutes
Bev Adams, Committee Secretary

Conferees appearing before the committee:

Philip S. Harness, KDHR
Ron Scott, National Board of Boiler & Pressure Vessels Inspectors
Rudy Leutzinger, KDHR
Wayne Kitchen, Western Resources
Rep. Bob Krehbiel
Ken Smith
John M Ostrowski, KS AFL/CIO
Jolene Grabill, KTLA

Others attending: See attached list

Hearing on: **HB 2864 - Updating and modernizing the boiler inspection law.**

Phil Harness, Director of Workers Compensation Division of Kansas Department of Human Resources (KDHR), appeared as a proponent of the bill. The purpose of the bill is three-fold: 1) clarify that 20% of the inspection fees only are to be credited to the state general fund, 2) technical cleanup of various statutes concerning boiler inspections, and 3) institution of a new program to inspect the construction and installation of newly installed pressure vessels (after January 1, 1999). In his written testimony he explained the changes and corrections contained in the bill. The department also offered a balloon with amendments to the bill that were worked out with Kansas City Power and Light (KCPL), Western Resources, and Brad Smoot (who represented several insurance companies) in a meeting held yesterday. (See Attachment 1) He answered many questions from the committee.

Ron Scott, National Board of Boiler and Pressure Vessel Inspectors, appeared as a proponent of the bill. He stated that the new changes would make Kansas laws consistent with other states in the United States. A Uniform Boiler and Pressure Vessel Law has been developed by the National Board and the bill follows the law very closely. He was available to answer the technical questions about the bill and the balloon. He stated that most hospitals and schools are excluded because none of their tanks are large enough to be covered by the law.

Phil Harness stated that all the surrounding states now have laws regulating the inspections of pressure vessels but Kansas. This makes Kansas a dumping ground for the sale of pressure vessels that are not constructed according to code.

Rudy Leutzinger, Industrial Safety and Health Section of the Division of Workers Compensation, KDHR, answered the questions concerning inspections at Wolf Creek. They now do the inspections for what was the National Board R-Stamp review. This gives Wolf Creek the right to do repairs and maintenance on pressure vessels and boilers. By being done by the State of Kansas, this is a savings to Wolf Creek of about \$150,000 a year. Inspections required by the Nuclear Regulatory Commission (NRC) in the "hot" areas are handled by the NRC. He also answered a question concerning notification of inspections to the department that are made by other inspectors, such as insurance companies. This requirement is included in Section 12 of the statute.

Pat Hurley, representing Kansas City Power and Light (KCPL), spoke from the audience stating representatives of KCPL had met with KDHR and had reached a consensus on the bill with the addition of several amendments that are included in the balloon.

Wayne Kitchen, Western Resources, also participated in the meeting with the agency (KDHR) yesterday and spoke on the bill. One of the main concerns they had was the bill included all pressure vessels and had no

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON BUSINESS, COMMERCE & LABOR, Room 526-S
Statehouse, at 9:07 a.m. on February 24, 1998.

grandfather clause. This was worked out with a change included in the balloon to exempt all the old pressure vessels and applies the law only to new installations. Other requests for changes included water capacity and a variance in the yearly inspections.

Phil Harness went through the balloon for the committee to explain the amendments to the bill. He concluded his testimony by answering questions from the committee.

No others were present to testify for or against the bill and Chairman Lane closed the hearing on **HB 2864**.

Action on: **HB 2864 - Updating and modernizing the boiler inspection law.**

Rep. Geringer made a motion to pass out HB 2864 favorably with adoption of the amendments in the balloon. The motion was seconded by Rep. Grant. The motion carried.

Hearing on: **HB 2982 - Death benefits for independent legal heirs.**

Rep. Bob Krehbiel, a proponent and author of the bill, explained the purpose of the bill. When a young man, without dependents, was killed in an industrial accident last year, the total payout from Workers Compensation was \$4300 for burial expenses. The bill brings up the question whether this is adequate compensation, and would change the death benefit to be paid to \$25,000. If term life insurance is available in the sum of \$25,000, this could be paid in lieu of the workers comp death benefit. Other changes contained in the bill would increase workers compensation benefits paid to "other dependents", other than a spouse or children, to \$50,000.

Ken Smith, the father of the young man who was killed, talked about his son and another young man who was killed in a similar accident. When these young men were killed, the families were told there was no other recourse except workers compensation and it allows only for the payment of \$4300 for burial expenses when there were no dependents. The employers' only responsibility in the cases was to correct the problems that caused the accidents. Mr. Smith stated that he thought that this lack of accountability could jeopardize other employees.

John Ostrowski, Kansas AFL/CIO, appeared as a supporter of the bill. The cost of the change in the law is negligible to employers. When someone dies, there are expenses beyond those of burial expenses and the payment of the \$4300 is often insufficient to pay even the burial costs. The AFL/CIO feels that it would be appropriate to repeal 44-570 that provides that the death benefits be paid to the Workers Compensation Fund if there are no dependents, as it would conflict with the provisions of **HB 2982**. (See Attachment 2)

Jolene M. Grabill, Kansas Trial Lawyers Association (KTLA), testified in support of the bill to increase death benefits to heirs of workers fatally injured in the workplace. KTLA also supports the increase of death benefits to partially dependent persons to \$50,000, but asks for a clarifying amendment concerning the additional option of life insurance coverage. (See Attachment 3) She ended her testimony by answering questions.

The hearing on the bill will be continued at our next meeting. Chairman Lane adjourned the meeting at 9:58 a.m.

The date of the next committee meeting will be announced.

HOUSE BUSINESS, COMMERCE & LABOR COMMITTEE GUEST LIST

DATE: February 24, 1998

NAME	REPRESENTING
ED SCHAUB	WESTERN RESOURCES
Wayne Kitchen	Western Resources
Patrick & Heasley	KCPA
Rudolph Hantzinger	KDHR
Donald Jenkins	KDHR
Merrill B. Smith	KDHR
Robert E. Whitcomb	House Rep
Kenneth S. Smith, Jr.	
Janet Stubbins	Ks. BIA
J. C. Long	UtiliCorp Limited Inc.
Bill Curtis	Ks Assoc of School Bds
Tom & Miles	KEC
Dick Corbin, Jr.	Ks Self-Insurers Assn
Brod Smoet	AIA
Glenn W. Seckel	KTLA
Wayne Manning	Ks. AFL-CIO
John Ostrowski	Ks AFL-CIO

TESTIMONY BEFORE HOUSE BUSINESS, COMMERCE AND LABOR COMMITTEE
HOUSE BILL 2864
TUESDAY, FEBRUARY 24, 1998

By Philip S. Harness, Director of Workers Compensation

The purpose for offering House Bill 2864 for your consideration is three-fold:

1. Clarify that 20 percent of the inspection fees only are to be credited to the state general fund. Currently, the statute is somewhat ambiguous in that the Department of Administration has interpreted it to mean that 20 percent of all funds collected including inspection and certificate fees, and reimbursed travel expenses, are to be credited to the state general fund.
2. Technical cleanup of various statutes concerning boiler inspections.
3. Institution of a new program to inspect the construction and installation of newly installed pressure vessels (after January 1, 1999).

As to the first, it is important to recognize the distinction between certificate fees and inspection fees. Inspection fees, defined on Page 2, Line 9, mean essentially those fees collected by the state boiler inspector pursuant to a boiler inspection. The amount of those fees are currently set by regulation. A certificate fee is a regulatory fee used to record that the boiler is in safe operating condition. Certificate fees may be collected by the state even though a boiler has been inspected by an insurance company inspector (in which case the state would not collect the inspection fee). Twenty percent of inspection fees yield approximately \$25,000 per year; 20 percent of certificate fees yield approximately \$40,000 per year. To become, and stay, self-sustaining, the certificate fees need to be dedicated completely to the operation of the section.

As to the second and third points, i.e. technical corrections concerning boiler inspections as well as the addition of construction and installation of newly installed pressure vessels, it is important to note the following:

- a. Section 3 alters the volume of inspected hot water supply boilers to 85 gallons, but 120 gallons for electrical utilities. Inspection of private residences or apartment houses with five or more units is required (previously it was six units). Those pressure vessels which will be inspected (concerning construction and installation after January 1, 1999,) contained various exclusions on Page 3, Lines 15-42. Essentially, those pressure vessels which would be inspected, for new installation, would be those exceeding 15 cubic feet and a designed pressure of 250 pounds per square inch of pressure or 1½ cubic feet and 600 pounds per square inch of pressure.
- b. It is the intention of Section 4 of the bill to provide for the authority to pass rules and regulations for the inspection of construction and installation of newly

*House Business, Commerce
& Labor Committee*

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Att. 1

installed pressure vessels, as well as boilers. Since some individuals may prefer to buy used boilers and pressure vessels, it is important to note that what is requested is the ability to inspect the construction and installation of newly installed pressure vessels, not presently installed pressure vessels (those would be essentially "grandfathered" in). Those grandfathered in would not be inspected until such time as they were replaced; thence, it would be a new installation subject to inspection. The Secretary of Human Resources could still issue a variance for those pressure vessels or boilers to be installed which were not constructed pursuant to the American Society of Mechanical Engineers Code, but could still meet the National Board of Boiler and Pressure Vessel Inspectors Code. (Section 5.)

- c. The intent of Section 8 is to define different levels of certificates of competency to allow the state to issue one type of competency certificate to those individuals inspecting antique or hobby boilers, another type to those individuals inspecting insured boilers, or commercial boilers.
- d. Section 11 requires that hot water supply boilers greater than 400,000 BTUH shall require an annual inspection, as opposed to the otherwise three-year inspection. Certain units will be registered with the national board.
- e. Section 12 contains new language concerning the ability of the state to shut down or suspend the operation of certain boiler or pressure vessel units if they do not comply with regulations. Relief would be offered under the Kansas Administrative Procedure Act or, if the owner/operator demonstrates that the danger has been abated, then a re-inspection would occur to ensure safe operation.
- f. Section 14 (c) clarifies that 20 percent of the inspection fees only shall be credited to the state general fund with the balance still credited to the boiler inspection fee fund.

HOUSE BILL No. 2864

By Committee on Business, Commerce and Labor

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9 AN ACT concerning the boiler safety act; amending K.S.A. 44-913, 44-
10 914, 44-915, 44-916, 44-917, 44-918, 44-919, 44-920, 44-921, 44-922,
11 44-923, 44-924, 44-925, 44-926, 44-928 and 44-929 and repealing the
12 existing sections.
13

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

15 Section 1. K.S.A. 44-913 is hereby amended to read as follows: 44-
16 913. This act shall be known and may be cited as the boiler safety act,
17 and, except as otherwise herein provided, shall apply to all boilers ~~and~~
18 ~~pressure vessels~~ in this state.

pressure vessels installed after
January 1, 1999, and

19 Sec. 2. K.S.A. 44-914 is hereby amended to read as follows: 44-914.
20 As used in this act, unless the context otherwise requires:

21 (a) "Boiler" means a closed vessel in which water or other liquid is
22 heated, steam or vapor is generated or steam is superheated, or in which
23 any combination of these functions is accomplished, under pressure or
24 vacuum, for use *internal or* external to itself, by the direct application of
25 energy from the combustion of fuels or of electric, *or solar power or*
26 ~~nuclear energy~~. The term boiler shall ~~include~~ *also* fired units for heating
27 or vaporizing liquids other than water where these units are separate from
28 processing systems and are complete within themselves.

also include

29 (b) "Certificate inspection" means an inspection, the report of which
30 is used by the chief inspector to determine whether or not an inspection
31 certificate shall be issued as provided by K.S.A. 44-924, *and amendments*
32 *thereto*.

33 (c) "Heating boiler" means a steam or vapor boiler operating at pres-
34 sures not exceeding ~~fifteen (15)~~ 15 pounds per square inch gauge or a
35 hot water boiler operating at pressures not exceeding ~~one hundred sixty~~
36 ~~(160)~~ 160 pounds per square inch gauge or temperatures not exceeding
37 ~~two hundred fifty degrees (250°)~~ 250° Fahrenheit.

heating

38 (d) "High pressure, high temperature water boiler" means a water
39 boiler operating at pressures exceeding ~~one hundred sixty (160)~~ 160
40 pounds per square inch gauge or temperatures exceeding ~~two hundred~~
41 ~~fifty degrees (250°)~~ 250° Fahrenheit.

42 (e) "Power boiler" means a boiler in which steam or other vapor is
43 generated at a pressure of more than ~~fifteen (15)~~ 15 pounds per square

1-4

1 inch gauge.

2 (f) "Secretary" means the secretary of human resources.

3 (g) "Pressure vessel" means a vessel or container used for the con-
4 tainment of pressure either internal or external in which the pressure is
5 obtained from an external source of vapor, liquid or gas.

6 (h) "Hot water supply boiler" means a vessel heating water for exter-
7 nal uses, by gas, oil, electricity or solar energy that does not exceed 160
8 psi, or 210° Fahrenheit.

9 (i) "Inspection fee" means any inspection fees collected pursuant to
10 subsection (a) of K.S.A. 44-926, and amendments thereto, and shall not
11 include any certificate fees collected pursuant to subsection (b) of K.S.A.
12 44-926, and amendments thereto, and any travel or hotel expense.

13 Sec. 3. K.S.A. 44-915 is hereby amended to read as follows: 44-915.

14 (a) The provisions of this act shall not apply to:

15 (1) Boilers and pressure vessels under the control of the United States
16 government or federal law;

17 (2) antique, scale model or other steam boilers which are used exclu-
18 sively for exhibition purposes and which are inspected by associations
19 that have established an approved inspection procedure and whose in-
20 spectors are registered as special inspectors with the boiler safety unit of
21 the state of Kansas, department of human resources;

22 (3) fire engine boilers brought into the state for temporary use in
23 times of emergency;

24 (4) boilers and pressure vessels located on producing oil and gas
25 leases or storage areas, and outside the limits of any municipality, used
26 solely for oil and gas production purposes; and

27 (5) hot water supply boilers which are directly fired with oil, gas or,
28 electricity or solar energy and which are equipped with pressure and
29 temperature safety relief valves approved by the national board of the
30 American society of mechanical engineers, or the national board of boiler
31 and pressure vessel inspectors, if none of the following limitations is ex-
32 ceeded:

33 (A) Heat input of ~~two hundred thousand (200,000)~~ BTU 200,000
34 BTUH per hour;

35 (B) water temperature of ~~two hundred degrees (200°)~~ 210° Fahren-
36 heit; and

37 (C) nominal water capacity of ~~one hundred twenty (120)~~ 85 gallons

38 (b) The provisions of subsections (b) and (c) of K.S.A. 44-923, and
39 amendments thereto, and the provisions of K.S.A. 44-924, 44-925, and
40 44-926, and amendments thereto, shall not apply to:

41 (1) Boilers and pressure vessels located on farms and used solely for
42 agriculture or horticultural purposes;

43 (2) heating boilers and pressure vessels which are located in private

and

(ASME)

(NBBI)

or 120 gallons for an electrical utility generating
plant; and
(6) pressure vessels constructed and installed
prior to January 1, 1999.

5-1

1 residences or in apartment houses of less than ~~six (6)~~ five family units;
 2 ~~(3) steam boilers which are regularly inspected by any state agency;~~
 3 ~~(4) (3) boilers and pressure vessels operated and regularly inspected~~
 4 ~~by railway companies operating in interstate commerce; and~~
 5 ~~(5) (4) any boiler and pressure vessels in any establishment in which~~
 6 ~~petroleum products are refined or processed in which all boiler and pres-~~
 7 ~~sure equipment is inspected and rated either by an inspection service~~
 8 ~~regularly maintained within such establishment or provided by a manu-~~
 9 ~~facturer, designer or insurer of such equipment, in accordance with the~~
 10 ~~applicable provisions of any published code or codes of rules or recom-~~
 11 ~~ended practices nationally recognized in the industry of which such~~
 12 ~~establishment is a part as providing suitable standards for the inspection,~~
 13 ~~repair and rating of pressure equipment of the type used in such estab-~~
 14 ~~lishment;~~

15 (5) pressure vessels used for transportation and storage of compressed
 16 gases when constructed in compliance with specifications of the United
 17 States department of transportation and when charged with gas marked,
 18 maintained and periodically requalified for use, as required by appropri-
 19 ate regulations of the United States department of transportation;

20 (6) pressure vessels located on vehicles operating under the rules and
 21 regulations of other state authorities and used to transport passengers or
 22 freight;

23 (7) pressure vessels installed on the right-of-way of railroads and used
 24 in the operation of trains;

25 (8) pressure vessels having an internal or external operating pressure
 26 not exceeding 15 psig with no limit on size;

27 (9) pressure vessels having an inside diameter, width, height or cross
 28 section diagonal not exceeding six inches, with no limitation on length of
 29 the vessel or pressure;

30 (10) pressure vessels for containing water under pressure, including
 31 those containing air, the compression of which serves only as a cushion,
 32 when neither of the following limitations is exceeded:

33 (A) A design pressure of 300 psig; or

34 (B) a design temperature of 210° Fahrenheit;

35 (11) pressure vessels which may be classified as pressure containers
 36 which are an intergal part of components of rotating or reciprocating
 37 mechanical devices such as pumps, turbines, generators, engines and hy-
 38 draulic or pneumatic cylinders, where the primary design considerations
 39 and stresses are derived from the functional requirements of the device;

40 and

41 (12) pressure vessels that do not exceed: (A) 15 cubic feet and 250 psi
 42 pressure; or (B) 1½ cubic feet in volume and 600 psi pressure

43 Sec. 4. K.S.A. 44-916 is hereby amended to read as follows: 44-916.

or other nonflammable liquids

and

;

(13) pressure vessels installed and constructed before January 1, 1999.

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1 (a) The secretary shall adopt rules and regulations, consistent with the
2 provisions of this act, for the safe construction, installation, inspection,
3 maintenance and repair of boilers in this state ~~and to fix inspection fees~~
4 ~~as provided in K.S.A. 44-926 and amendments thereto.~~ *The secretary shall*
5 *adopt rules and regulations, consistent with the provisions of this act, for*
6 *the safe construction and installation of pressure vessels in this state.*

7 (b) Rules and regulations adopted hereunder for construction of new
8 boilers *and pressure vessels* shall be based upon and at all times follow
9 generally accepted nationwide engineering standards, formulae and prac-
10 tices established and pertaining to boiler construction and safety. Such
11 rules and regulations may incorporate by reference specific editions, or
12 portions thereof, of the boiler and pressure vessel code of the American
13 society of mechanical engineers *or other approved codes of construction.*

14 (c) Rules and regulations adopted hereunder for the *construction,*
15 *installation,* inspection, maintenance and repair of boilers *and construc-*
16 *tion and installation of pressure vessels* shall be based upon and at all
17 times follow generally accepted nationwide engineering standards. Such
18 rules and regulations may incorporate by reference specific editions, or
19 portions thereof, of the inspection code of the national board of boiler
20 and pressure vessel inspectors and may require the use of such board's
21 "R" stamp for repairs.

construction/installation/

construction and installation of

22 (d) All rules and regulations adopted hereunder shall be subject to
23 the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated,
24 except that rules and regulations applying to the construction and instal-
25 lation of new boilers shall not become effective until 12 months after
26 their adoption by the secretary.

27 (d) *The chief inspector or deputy inspectors may perform inspections*
28 *of boilers and construction of and installation of pressure vessels and issue,*
29 *upon completion, a special certification showing that such inspection was*
30 *done in accordance with nationwide engineering standards as adopted by*
31 *rules and regulations.*

construction of and installation of

32 Sec. 5. K.S.A. 44-917 is hereby amended to read as follows: 44-917.

33 (a) ~~No~~ All new boiler boilers and pressure vessels shall ~~which does not~~
34 conform to the rules and regulations issued pursuant to this statute which
35 governing govern new construction and installation shall be installed and
36 operated in this state unless the. If a new boiler or pressure vessel is of
37 special design or construction ~~which~~ and the design is not inconsistent
38 consistent with the spirit and safety objectives of such rules this act and
39 rules and regulations, in which case a special installation and operating
40 permit may be granted by the secretary, at his or her discretion an inter-
41 ested party may request a variance from the secretary to build and operate
42 a nonconforming boiler or pressure vessel.

43 (b) The maximum allowable working pressure of a boiler or pressure

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1 vessel carrying the American society of mechanical engineers or other
2 approved code symbol shall be determined by the applicable sections of
3 the code under which it was constructed and stamped.

4 (c) The maximum allowable working pressure of a boiler or pressure
5 vessel which does not carry the American society of mechanical engineers
6 code symbol shall be computed in accordance with the inspection code
7 of the national board of boiler and pressure vessel inspectors. *If con-*
8 *structed to a code other than that of the American society of mechanical*
9 *engineers, the boiler or pressure vessel shall be registered with the na-*
10 *tional board of boiler and pressure inspectors.*

inspection American Society of Mechanical
Engineers

~~of the national foundation of boiler and
pressure vessel inspectors~~

vessel

~~of pressure vessel~~

11 (d) This act shall not be construed as in any way preventing the use,
12 sale or reinstallation of a boiler or pressure vessel previously installed in
13 this state, provided it has been made to conform to the rules and regu-
14 lations governing existing installations and provided it has not been found
15 upon inspection to be in an unsafe condition.

16 Sec. 6. K.S.A. 44-918 is hereby amended to read as follows: 44-918.

17 (a) The secretary shall appoint a chief inspector ~~within sixty (60) days~~
18 ~~after the effective date of this act and at any time thereafter that the office~~
19 ~~of the chief inspector may become vacant. Such chief inspector who~~ shall
20 be a citizen of this state, or, if not available, a citizen of another state,
21 and who shall have at the time of appointment not less than ~~five (5) 10~~
22 years experience in the construction, installation, inspection, operation,
23 maintenance or repair of high pressure boilers and pressure vessels as a
24 mechanical engineer, steam operating engineer, boiler maker or boiler
25 inspector and who shall hold a commission issued by the national board
26 of boiler and pressure vessel inspectors. The chief inspector shall be in
27 the unclassified civil service and shall receive such compensation as pre-
28 scribed by the secretary, subject to the approval of the governor.

(e) This act shall not be construed to require
a pressure vessel inspection of those pressure vessels
moved to a different location by the same owner.

29 (b) The chief inspector; ~~if authorized by the secretary;~~ shall serve
30 under the direction of the secretary and is hereby charged, directed and
31 empowered:

32 (1) To take action necessary for the enforcement of this act and of
33 the rules and regulations adopted hereunder;

34 (2) to maintain a complete record of all boilers and pressure vessels
35 to which this act applies, which record shall include the name and address
36 of each owner or user and the type, dimensions, maximum allowable
37 working pressure, age and last recorded inspection of each such boiler or
38 pressure vessel;

39 (3) to publish and make available copies of rules and regulations
40 adopted hereunder to any person requesting them;

41 (4) to issue, or to suspend or revoke for cause, inspection certificates
42 as provided in K.S.A. 44-924, and amendments thereto; and

43 (5) to cause the prosecution of all violators of the provisions of this

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1 act or of the rules and regulations adopted hereunder.
 2 Sec. 7. K.S.A. 44-919 is hereby amended to read as follows: 44-919.
 3 The secretary shall employ *one or more* deputy inspectors who shall be
 4 responsible to the chief inspector. Each deputy inspector shall have at
 5 the time of appointment not less than three years experience in the con-
 6 struction, installation, inspection, operation, maintenance or repair of
 7 high pressure boilers *and pressure vessels* as a mechanical engineer, steam
 8 operating engineer, boilermaker or boiler inspector. Deputy inspectors
 9 shall be in the unclassified civil service and shall receive such compen-
 10 sation as prescribed by the secretary, subject to the approval of the gov-
 11 ernor.

12 Sec. 8. K.S.A. 44-920 is hereby amended to read as follows: 44-920.

13 ~~(a) In addition to the deputy inspectors authorized by K.S.A. 44-919, the~~
 14 ~~secretary, upon the request of any company licensed to insure and insur-~~
 15 ~~ing boilers in this state or of the Kansas antique engine show safety as-~~
 16 ~~sociation, shall may issue to any inspectors of such insurance company or~~
 17 ~~association other qualified individuals certificates of competency as spe-~~
 18 ~~cial inspectors, provided that each such inspector shall hold individual~~
 19 ~~holds a commission issued by the national board of boiler and pressure~~
 20 ~~vessel inspectors or shall be approved by the Kansas antique engine show~~
 21 ~~safety association, as the case may be or is a certified professional engineer~~
 22 ~~currently registered in the state.~~

23 (b) Special inspectors shall receive no salary from, nor shall any of
 24 their expenses be paid by, the state, and the continuance of their certifi-
 25 cates of competency shall be conditioned upon their continuing in the
 26 employ of the boiler insurance company duly authorized as aforesaid or
 27 upon the continuing approval of the Kansas antique engine show safety
 28 association and upon their maintenance of the standards imposed by this
 29 act and by rules and regulations adopted hereunder.

30 (c) Special inspectors shall inspect ~~all only those~~ boilers insured by
 31 ~~their respective companies or those boilers designated by the Kansas an-~~
 32 ~~tique engine show safety association and, when so inspected, the owners~~
 33 ~~and users of such boilers that their certificate of competency allows them~~
 34 ~~to inspect. All owners of boilers inspected by a special inspector shall be~~
 35 ~~exempt from the payment to the state of the inspection fees provided for~~
 36 ~~in subsection (a) of K.S.A. 44-926, and amendments thereto.~~

37 Sec. 9. K.S.A. 44-921 is hereby amended to read as follows: 44-921.

38 (a) A special inspector's certificate of competency may be suspended by
 39 the secretary, after due investigation, for the incompetence or untrust-
 40 worthiness of the holder thereof or for willful falsification of any matter
 41 or statement contained in such inspector's application or in a report of
 42 any inspection made by such inspector. Written notice of any such sus-
 43 pension shall be given by the secretary within not more than 10 days

subject to subsection (d),

(a) In addition to the deputy inspectors authorized by K.S.A. 44-919, the secretary, upon the request of any company licensed to insure and insuring boilers and pressure vessels in the state or the Kansas antique engine show safety association, or the Kansas City live steamers, inc., shall issue to any inspectors of such insurance company or association certificates of competency as special inspectors provided each such inspector shall hold a commission issued by the national board of boiler and pressure vessel inspectors.

(b) Special inspectors shall receive no salary from, nor shall any of their expenses be paid by, the state, and the continuance of their certificates of competency shall be conditioned upon their continuing in the employ of the boiler insurance company duly authorized as aforesaid and upon their maintenance of the standards imposed by this act and rules and regulations adopted hereunder.

(c) Special inspectors shall inspect all boilers insured by their respective companies and, when so inspected, the owners and users of such boilers shall be exempt from the payment to the state of the inspection fees provided for in subsection (a) of K.S.A. 44-926.

(d) The secretary shall fix, by rules and regulations, certification requirements for inspectors of antique, scale models, or other steam boilers used exclusively for exhibition purposes.

1 thereof to the inspector and the inspector's employer.

2 (b) A person whose certificate of competency has been suspended
3 shall be entitled to apply, after 90 days from the date of such suspension,
4 for reinstatement of such certificate of competency.

5 (c) If the secretary has reason to believe that an inspector is no longer
6 qualified to hold a certificate of competency, the secretary, upon not less
7 than 15 days' written notice to the inspector and such inspector's em-
8 ployer, shall hold a hearing in accordance with the provisions of the Kan-
9 sas administrative procedure act at which such inspector and such in-
10 spector's employer shall have an opportunity to be heard. If, as a result
11 of such hearing, the secretary finds that such inspector is no longer qual-
12 ified to hold a certificate of competency, the secretary shall thereupon
13 revoke such certificate of competency.

14 *The chief inspector may suspend or revoke a special inspector's certif-*
15 *icate of competency for cause, after due investigation, if the chief inspector*
16 *finds incompetence, untrustworthiness, falsification of any matter or*
17 *statement contained in a special inspector's application or report, or a*
18 *failure by the special inspector to report findings of any inspection made*
19 *by such inspector to the chief inspector. Such a suspension or revocation*
20 *of certificate shall be effective as soon as notice of the suspension or ter-*
21 *mination has been delivered to the special inspector or the inspector's*
22 *employer.*

23 Sec. 10. K.S.A. 44-922 is hereby amended to read as follows: 44-922.
24 If a certificate of competency is lost or destroyed, a new certificate of
25 competency shall be issued in its place without another examination. *The*
26 *secretary may charge a fee for a replacement certificate.*

27 Sec. 11. K.S.A. 44-923 is hereby amended to read as follows: 44-923.
28 (a) The secretary, the chief inspector or any deputy inspector shall have
29 free access, during reasonable hours, to any premises in the state where
30 ~~a boiler is~~ *boilers and pressure vessels are* being operated, repaired, in-
31 stalled or is being constructed for use in this state, for the purpose of
32 ascertaining whether ~~such boiler is being~~ *boilers or pressure vessels have*
33 *been* constructed and installed in accordance with the provisions of this
34 act and *the* rules and regulations adopted hereunder.

35 (b) ~~Between July 1, 1977, and July 1, 1978, each boiler used or pro-~~
36 ~~posed to be used within this state, except for boilers exempt under K.S.A.~~
37 ~~44-915, which has not received an internal inspection during the three~~
38 ~~(3) years immediately preceding July 1, 1977, shall receive a certificate~~
39 ~~inspection which shall be an internal inspection, where construction per-~~
40 ~~mits, or as complete an inspection as possible, where construction does~~
41 ~~not permit internal inspection.~~

42 (c) ~~(b) From and after July 1, 1978, Each boiler used or proposed to~~
43 ~~be used within this state, except for boilers exempt under K.S.A. 44-915,~~

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1 and amendments thereto (owners and users may request to waive this
2 exemption), shall be thoroughly inspected as to construction, installation
3 and condition as follows:

4 (1) Power boilers and high pressure, high temperature water boilers
5 shall receive an annual certificate inspection which shall be an internal
6 inspection, where construction permits, or as complete an inspection as
7 possible, where construction does not permit internal inspection. Such
8 boilers shall also be externally inspected while under pressure, if possible.

9 (2) Steam heating boilers shall receive an annual certificate inspection
10 with an internal inspection every three (3) years where construction per-
11 mits.

12 (3) All other boilers subject to this section, except those provided for
13 in subdivision (4) of this subsection, shall receive an annual certificate
14 inspection with an internal inspection at the discretion of the inspector.

15 (4) Boilers utilizing nuclear energy shall be inspected and reported
16 in such form and with such appropriate information as the secretary shall
17 designate.

18 (5) (4) A grace period of two (2) months beyond the periods specified
19 in subdivisions (1), (2) and (3) of this subsection may elapse between
20 certificate inspections.

21 (6) (5) The secretary may provide, by rules and regulations, for longer
22 periods between certificate inspections.

23 (d) (c) The inspections herein required shall be made by the chief
24 inspector, by a deputy inspector or by a special inspector provided for in
25 this act.

26 (e) (d) If, at the discretion of the inspector, a hydrostatic pressure
27 test shall be deemed necessary, it shall be made by the owner or user of
28 the boiler.

29 (f) (e) ~~All boilers and pressure vessels~~ other than cast iron sectional
30 boilers, to be installed in this state after the effective date of the first rules
31 and regulations adopted hereunder applying to the construction and in-
32 stallation of new boilers shall be inspected during construction as required
33 by the applicable rules and regulations by an inspector authorized to in-
34 spect boilers and pressure vessels in this state, or, if constructed outside
35 of the state, by an inspector holding a commission issued by the national
36 board of boiler and pressure vessel inspectors. ~~Boilers and pressure vessels~~
37 regardless of code of construction shall be registered with the national
38 board of boiler and pressure vessel inspectors.

39 (f) Hot water supply boilers shall receive an external certificate in-
40 spection every three years.

41 (g) Low pressure hot water supply boilers with a heat input over
42 400,000 BTUH shall receive an annual external certificate inspection.

43 (h) Hot water supply boilers over 200,000 BTUH or 120 gallon ca-

An electrical generating utility may apply for, and receive a variance granting it up to an additional year between inspections.

All pressure vessels installed after January 1, 1999, and boilers,

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1 *capacity shall be stamped and registered with the national board of boiler*
2 *and pressure vessels inspectors.*

3 Sec. 12. K.S.A. 44-924 is hereby amended to read as follows: 44-924.

4 (a) ~~The chief inspector, each deputy inspector and each company em-~~
5 ~~ploying a special inspector, within thirty (30) days following each certifi-~~
6 ~~cate inspection made by such inspector, All inspections made by any~~
7 ~~inspector shall file a report of such inspection in be reported to the office~~
8 ~~of the chief inspector within 30 days following each certificate inspection~~
9 ~~upon the appropriate form as promulgated by the national board of boiler~~
10 ~~and pressure vessel inspectors approved by the secretary. The filing of~~
11 ~~reports of external inspections, other than certificate inspections, shall~~
12 ~~not be required except when whenever such inspections disclose that the~~
13 ~~boiler or pressure vessel is in a dangerous an unsafe condition.~~

14 (b) If a report filed pursuant to subsection (a) of this section shows
15 that a boiler or pressure vessel is found to comply with the rules and
16 regulations adopted hereunder, the owner or user thereof shall pay di-
17 rectly to the chief inspector the certificate fee prescribed by subsection
18 (b) of K.S.A. 44-926, and amendments thereto, and the chief inspector or
19 the chief inspector's duly authorized representative shall issue to such
20 owner or user an inspection certificate bearing the date of inspection and
21 specifying the maximum pressure under which the boiler or pressure
22 vessel may be operated. Such inspection certificate shall be valid for not
23 more than ~~fourteen (14)~~ 14 months from its date. In the case of those
24 boilers covered by ~~subdivision (1), (2) or (3) of subsection (e) (b) of K.S.A.~~
25 ~~44-923, and amendments thereto, for which the secretary has established~~
26 ~~or extended the operating period between required inspections pursuant~~
27 ~~to the provisions of subdivision (6) (5) of subsection (e) (b) of K.S.A.~~
28 ~~44-923, and amendments thereto, the certificate shall be valid for a period~~
29 ~~of not more than two (2) months beyond the period set by the secretary.~~
30 ~~Certificates shall be posted under glass, or similarly protected, in the~~
31 ~~room containing the boiler or pressure vessel.~~

unless covered by a variance.

Certificates shall be maintained on site and available upon request.

32 ~~(c) No inspection certificate issued for an insured boiler or pressure~~
33 ~~vessel based upon a report of a special inspector shall be valid after the~~
34 ~~boiler or pressure vessel for which it was issued shall cease to be insured~~
35 ~~by a company duly authorized by this state to provide such insurance,~~
36 ~~unless another insurance company who then insures the boiler submits~~
37 ~~an inspection report to the chief inspector within 30 days after the pre-~~
38 ~~vious insurance company cancels the insurance policy. At the end of the~~
39 ~~30 days, if the report is not filed, the chief inspector or deputy inspector~~
40 ~~may perform a certificate inspection, and determine whether to issue a~~
41 ~~new certificate.~~

(c) Whenever a boiler becomes uninsured or there is a change of insurers, the owner or new insurer must notify the chief boiler inspector within 30 days.

42 (d) The secretary or the secretary's authorized representative may at
43 any time suspend an inspection certificate if the boiler for which it was

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1 issued chief inspector or deputy inspector may shut down or suspend the
 2 operation of a boiler or pressure vessel in accordance with the Kansas
 3 administrative procedure act if the chief inspector or deputy inspector
 4 finds that the boiler or pressure vessel cannot be operated without menae
 5 to the public safety an immediate danger to the public health, safety or
 6 welfare or is found not to does not comply with the rules and regulations
 7 adopted hereunder. The suspension of the inspection certificate or shut-
 8 down of the boiler or pressure vessel shall continue in effect until such
 9 boiler shall have been made to conform to the the owner or operator
 10 demonstrates that the danger has been abated and the applicable rules
 11 and regulations; and until said inspection certificate shall have been re-
 12 instated have been complied with. The chief inspector or deputy inspector
 13 shall reinspect the boiler or pressure vessel to ensure it is safe and that
 14 applicable rules and regulations have been complied with, before issuing
 15 a permit to restart or resume operations.

16 Sec. 13. K.S.A. 44-925 is hereby amended to read as follows: 44-925.

17 (a) ~~From and after July 1, 1978;~~ It shall be unlawful for any person, firm,
 18 partnership or, corporation or other entity to operate in this state a boiler
 19 ~~or pressure vessel~~ without a valid inspection certificate, and the operation
 20 of a boiler ~~or pressure vessel~~ without such inspection certificate or at a
 21 pressure exceeding that specified in such inspection certificate shall con-
 22 stitute a class C misdemeanor. Each day of such unlawful operation shall
 23 be deemed a separate offense.

pressure vessel installed after January 1, 1999,
or a boiler

24 (b) It shall be unlawful for any person, firm, partnership or, corpo-
 25 ration or other entity to install or operate any boiler or pressure vessel in
 26 this state or to construct any boiler or pressure vessel for use in this state
 27 in violation of this act or the rules and regulations adopted hereunder,
 28 and any such unlawful installation, operation or construction shall con-
 29 stitute a class C misdemeanor. Each day of unlawful installation, operation
 30 or construction shall be deemed a separate offense.

31 Sec. 14. K.S.A. 44-926 is hereby amended to read as follows: 44-926.

32 (a) The owner or user of a boiler or pressure vessel required by this act
 33 to be inspected by the chief inspector or a deputy inspector shall pay
 34 directly to the chief inspector, upon completion of inspection, inspection
 35 fees fixed by the secretary in accordance with this subsection (a). The
 36 secretary shall fix annually, by rules and regulations, a schedule of fees
 37 for inspections of boilers ~~and pressure vessels~~ by state inspectors and may
 38 fix different fees for inspection of boilers and pressure vessels in the var-
 39 ious categories. Such fees shall not exceed \$250. per day for each boiler
 40 or pressure vessel inspected; Subject to this limitation, the secretary may
 41 establish, by rules and regulations, different categories of boilers to be
 42 inspected and may fix, by rules and regulations, different fees for the
 43 inspection of boilers in the various categories.

pressure vessels installed after January 1, 1999, and
boilers

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1 (b) The owner or user of a boiler or pressure vessel for which an
2 inspection certificate is to be issued pursuant to subsection (b) of K.S.A.
3 44-924, and amendments thereto, shall pay directly to the chief inspector,
4 before issuance of such certificate, a certificate fee fixed by the secretary
5 by rules and regulations of not to exceed \$25.

6 (c) There is hereby created in the state treasury the boiler inspection
7 fee fund. The chief inspector shall pay daily to the secretary all moneys
8 inspection fees received from the fees established hereunder, and the
9 secretary shall remit all such moneys inspection fees to the state treasurer
10 at least monthly. Upon receipt of any such remittance, the state treasurer
11 shall deposit the entire amount thereof in the state treasury. Twenty per-
12 cent of each such deposit inspection fees shall be credited to the state
13 general fund and the balance shall be credited to the boiler inspection
14 fee fund. All expenditures from the boiler inspection fee fund shall be
15 made in accordance with appropriation acts upon warrants of the director
16 of accounts and reports issued pursuant to vouchers approved by the
17 secretary of human resources or by a person or persons designated by
18 the secretary.

19 (d) The fees established by this section immediately prior to the ef-
20 fective date of this act shall continue in effect until different fees are fixed
21 by the secretary by rules and regulations as provided under this section.

22 Sec. 15. K.S.A. 44-928 is hereby amended to read as follows: 44-928.

23 (a) Any person aggrieved by any act or determination of the secretary or
24 of the chief inspector, performed or made pursuant to the provisions of
25 this act, or rules and regulations adopted hereunder, may request a hear-
26 ing thereon. Such hearing shall be conducted by the secretary or the
27 secretary's designee in accordance with the provisions of the Kansas ad-
28 ministrative procedure act. The secretary shall render an order approving,
29 disapproving or modifying the original act or determination.

30 (b) Any action of the secretary pursuant to subsection (a) this act is
31 subject to review in accordance with the act for judicial review and civil
32 enforcement of agency actions.

33 Sec. 16. K.S.A. 44-929 is hereby amended to read as follows: 44-929.
34 No city, county or other political subdivision of this state shall have the
35 power to make any laws, ordinances or resolutions providing for the con-
36 struction, installation, inspection, maintenance and repair of boilers
37 within the limits of such city, county or political subdivision, and any such
38 laws, ordinances or resolutions heretofore made or passed shall be void
39 and of no effect.

40 The secretary or the chief inspector, if authorized by the secretary, may
41 delegate to any city such authority as is necessary, or contract with any
42 city, to provide for the enforcement of laws pertaining to the construction,
43 installation, inspection, maintenance and repair of boilers within the limits

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1 of any such city.

2 Sec. 17. K.S.A. 44-913, 44-914, 44-915, 44-916, 44-917, 44-918, 44-
3 919, 44-920, 44-921, 44-922, 44-923, 44-924, 44-925, 44-926, 44-928 and
4 44-929 are hereby repealed.

5 Sec. 18. This act shall take effect and be in force from and after its
6 publication in the statute book.

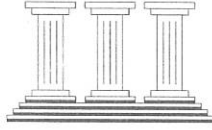
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TESTIMONY OF KANSAS AFL-CIO
HB 2982
FEBRUARY 24, 1998
JOHN M. OSTROWSKI

The Kansas AFL-CIO supports the passage of HB 2982 in its entirety. The cost of the change in the law is negligible to employers. The forfeiture of death benefits in the manner that Kansas has done in the past borders on embarrassment. It is inconceivable that a worker killed on the job would have insufficient funds to even allow for burial. These workers generally do not have alternative sources of benefits either through poor planning or financial hardships. Regardless of that, they do not live in isolation, and often have unpaid bills and obligations. Furthermore, they have relatives and friends who do cover these obligations even though they are not technically within the "established family lines" set forth in our existing statute.

*House Business, Commerce
& Labor Committee
2/24/98
Att. 2*



KANSAS TRIAL LAWYERS ASSOCIATION

Lawyers Representing Consumers

House Business Commerce & Labor Committee
Tuesday, February 24, 1998

Testimony of Jolene M. Grabill
Kansas Trial Lawyers Association
House Bill 2982

Thank you for this opportunity to testify before you this morning. I am Jolene M. Grabill and I am here representing the Kansas Trial Lawyers Association. KTLA is pleased to testify in support of HB 2982 which increases death benefits to heirs of workers fatally injured in the workplace.

The Workers Compensation System is designed to balance the interests of employers and workers. The system is an "exclusive remedy" for injured workers. That means, workers file claims for workplace injuries under the rules and restrictions established in the Workers Compensation system and not under the rules of general civil procedure for tort law. This also means that employers compensate the heirs of fatally injured workers under the workers compensation system and not under the rules of general civil procedure for tort law.

When the only surviving heirs of workers fatally injured in the workplace are not dependent upon the deceased worker, the Workers Compensation System provides only minimal benefits. When there are heirs who are partially dependent persons the death benefit is currently \$18,500. KTLA supports increasing this amount to \$50,000. In addition, KTLA supports the language related to the additional option of life insurance coverage, however, we would like to offer a clarifying amendment. On page two line 40, at the end of the sentence after the words, "Not less than \$25,000", we would add:

"and the life insurance death benefits have been paid
to those beneficiaries."

With that change, Mr. Chairman, KTLA would encourage the committee to support the bill. Thank you.

*House Business, Commerce
& Labor Committee*

*2/24/98
Att. 3*

Terry Humphrey, Executive Director