

SESSION OF 2003

SUPPLEMENTAL NOTE ON SENATE BILL NO. 252

As Amended by Senate Committee on
Ways and Means

Brief*

SB 252 transfers all functions, duties, and financial responsibilities to the newly established Board of Fire Services.

Background

The bill was introduced to create a Board of Fire Services to administer the duties, activities, and regulations currently under the authority of the State Fire Marshal. The bill as introduced established a 13-member Board of Fire Services.

Nine members shall be appointed by the Governor:

- A volunteer fire chief;
- A full-time paid fire chief;
- A volunteer firefighter;
- A full-time paid firefighter;
- A county commissioner;
- A city administrator;
- A member representing the emergency medical services board who is actively involved in fire services;
- A vocational educator or vocational trainer;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/klrd>

- A member representing emergency managers; and

Four members shall be appointed as follows:

- A member of the Kansas Senate appointed by the President of the Senate;
- A member of the Kansas Senate appointed by the Minority Leader of the Senate;
- A member of the Kansas House of Representatives appointed by the Speaker of the House of Representatives; and
- A member of the Kansas House of Representatives appointed by the Minority Leader of the House of Representatives.

Of the members first appointed to the Board, three would be appointed for terms of two years, three for terms of three years, and three for terms of four years. Thereafter, members would be appointed for terms of four years and until their successors are appointed and qualified. In the case of a vacancy in the membership of the Board, the vacancy would be filled for the unexpired term. The Board would meet at least six times annually and at least once each quarter and at the call of the chairperson or at the request of the chairperson of the Board of Fire Services or of any six members of the Board. At the first meeting of the Board after January 1, each year, the members would elect a chairperson and a vice-chairperson who would serve for a term of one year. The vice-chairperson would exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of the chairperson or vice-chairperson, the Board would fill such vacancy by election of one of its members to serve the unexpired term of such office. Members of the Board attending meetings of the Board or attending a subcommittee meeting authorized by the Board would be paid compensation, subsistence allowances, mileage, and other expenses as provided in KSA 75-3223, and amendments thereto. Except as otherwise provided by law, all vouchers for expenditures and all payrolls of the Board of Fire Services would be approved by the State Fire Marshal, or a person designated by the Board, upon authorization by the Board.

The Board of Fire Services would have the following duties:

- Adopt any rules and regulations necessary to carry out the provisions of this act;
- Review and make recommendations concerning the allocation and expenditure of moneys appropriated for fire fighting services;
- Prepare and submit a budget estimate to the Division of the Budget in accordance with KSA 75-3717 and amendments thereto;
- Enter into contracts as may be necessary to carry out the duties and functions of the Board under this act;
- Review and approve all requests for state and federal funding involving fire fighting services projects in the state or delegate such duties to the State Fire Marshal; and
- Appoint a State Fire Marshal. Any person appointed State Fire Marshal on and after July 1, 2003, would serve at the pleasure of the Board of Fire Services.

The Senate Committee amended the bill to direct that the Board member employed as a volunteer fire chief and fire fighter not be employed full-time in that capacity. Also, the Senate Committee amended the bill and removed the Board member appointed from a county commission seat, and directs that Board member represent a licensed architect. Additionally, the Senate Committee amended the bill and removed the member appointed as a vocational educator or trainer, to be replaced by a member of the State Board of Regents or designee. The Senate Committee also removed all four members to be appointed by the majority and minority leadership of the Senate and House of Representatives. The Senate Committee further amended the bill to grant the Governor authority to seek assistance from fire service organizations in recommending qualified persons to fill Board positions. Additionally, the Senate Committee granted the Board authority to appoint committees to assist in the coordination and oversight of divisions and special projects offered by the State Fire Marshal's Office, and the oversight to approve all licensing and certification procedures currently administered by the State Fire Marshal. The Senate Committee set the convening of the first meeting of the Board on

January 1, 2004, and granted authority for the Board of Fire Services to meet prior to January 1, 2004, to provide for transition planning.