

SENATE BILL No. 135

By Committee on Federal and State Affairs

2-6

1 AN ACT concerning the boiler safety act; transferring duties from the
2 secretary of labor to the state fire marshal; amending K.S.A. 44-916,
3 44-917, 44-918, 44-919, 44-920, 44-921, 44-922, 44-923, 44-924, 44-
4 925, 44-927 and 44-929 and K.S.A. 2012 Supp. 44-636, 44-914, 44-
5 915, 44-926 and 44-928 and repealing the existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. (a) All of the powers, duties and functions of the
9 secretary of labor under the boiler safety act, K.S.A. 44-913 et seq, and
10 amendments thereto, are hereby transferred to and conferred and imposed
11 upon the office of state fire marshal.

12 (b) In accordance with the provisions of appropriation acts, the office
13 of state fire marshal shall administer the boiler inspection fee fund,
14 established by K.S.A. 44-926, and amendments thereto.

15 (c) All liabilities of the secretary of labor, including accrued
16 compensation or salaries of officers and employees who are transferred to
17 the office of state fire marshal under this section shall be assumed and paid
18 by the office of state fire marshal.

19 New Sec. 2. (a) The state fire marshal shall be the successor in every
20 way to the powers, duties and functions of the secretary of labor under the
21 boiler safety act, K.S.A. 44-913 et seq, and amendments thereto, in which
22 the same were vested prior to the effective date of this act and that are
23 transferred pursuant to section 1, and amendments thereto. Every act
24 performed in the exercise of such transferred powers, duties and functions
25 by or under the state fire marshal pursuant to section 1, and amendments
26 thereto, shall be deemed to have the same force and effect as if performed
27 by the secretary of labor in which such powers, duties and functions were
28 vested prior to the effective date of this act.

29 (b) Whenever the secretary of labor, or words of like effect, are
30 referred to or designated by a statute, contract or other document and such
31 reference is in regard to any of the powers, duties or functions transferred
32 to the office of state fire marshal pursuant to section 1, and amendments
33 thereto, such reference or designation shall be deemed to apply to the
34 office of state fire marshal or the state fire marshal as the context requires.

35 (c) All rules and regulations, orders and directives of the secretary of
36 labor adopted or issued pursuant to the powers, duties or functions

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1 violation for each day of such unlawful operation, which shall constitute
 2 an actual and substantial economic deterrent to the violation for which the
 3 penalty is assessed. No civil penalty shall be imposed pursuant to this
 4 subsection except upon the written order of the state fire marshal to the
 5 person who committed the violation. Such order shall state the violation,
 6 the penalty to be imposed and the right of the person to request a hearing
 7 as provided in K.S.A. 44-928, and amendments thereto.

8 (e) All moneys received from civil penalties imposed pursuant to
 9 subsection (d) shall be remitted to the state treasurer in accordance with
 10 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
 11 of each such remittance, the state treasurer shall deposit the entire amount
 12 in the state treasury to the credit of the boiler inspection fee fund.

13 Sec. 17. K.S.A. 2012 Supp. 44-926 is hereby amended to read as
 14 follows: 44-926. (a) The owner or user of a boiler or pressure vessel
 15 required by this act to be inspected by the chief inspector or a deputy
 16 inspector shall pay directly to the chief inspector office of the state fire
 17 marshal, upon completion of inspection, inspection fees fixed by the
 18 secretary state fire marshal in accordance with this subsection (a) section.
 19 The secretary state fire marshal shall fix annually, by rules and
 20 regulations, a schedule of fees for inspections of pressure vessels installed
 21 after January 1, 1999, and boilers by state inspectors and may fix different
 22 fees for inspection of boilers and pressure vessels in the various categories.
 23 Such fees shall not exceed \$500 per day for each boiler or pressure vessel
 24 inspected.

25 (b) The owner or user of a boiler or pressure vessel for which an
 26 inspection certificate is to be issued pursuant to subsection (b) of K.S.A.
 27 44-924, and amendments thereto, shall pay directly to the chief inspector
 28 office of the state fire marshal, before issuance of such certificate, a
 29 certificate fee fixed by the secretary state fire marshal by rules and
 30 regulations of not to exceed \$35.

31 (c) There is hereby created in the state treasury the boiler inspection
 32 fee fund. The chief inspector shall pay daily to the secretary all moneys
 33 received from the fees established hereunder, and the secretary. The state
 34 fire marshal shall remit all such moneys received from the fees established
 35 hereunder to the state treasurer in accordance with the provisions of
 36 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
 37 remittance, the state treasurer shall deposit the entire amount in the state
 38 treasury. Ten percent of such inspection fees shall be credited to the state
 39 general fund and the balance including all of the certificate fees shall be
 40 credited to the boiler inspection fee fund. All expenditures from the boiler
 41 inspection fee fund shall be made in accordance with appropriation acts
 42 upon warrants of the director of accounts and reports issued pursuant to
 43 vouchers approved by the secretary of labor state fire marshal, or by a

general