

**As Amended by Senate Committee**

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*Session of 2019*

**SENATE BILL No. 128**

By Committee on Education

2-8

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1 AN ACT concerning schools; relating to safety drills; requiring a certain  
2 number of fire, tornado and crisis drills; rules and regulations of the  
3 state fire marshal; amending K.S.A. 2018 Supp. 31-133 and repealing  
4 the existing section.  
5

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

7 Section 1. K.S.A. 2018 Supp. 31-133 is hereby amended to read as  
8 follows: 31-133. (a) The state fire marshal shall adopt reasonable rules and  
9 regulations, consistent with the provisions of this act, for the safeguarding  
10 of life and property from fire, explosion and hazardous materials. Such  
11 rules and regulations shall include, but not be limited to, the following:

12 (1) The keeping, storage, use, sale, handling, transportation or other  
13 disposition of highly flammable materials, including crude petroleum or  
14 any of its products, natural gas for use in motor vehicles, and of  
15 explosives, including gunpowder, dynamite, fireworks and firecrackers;  
16 ~~and~~. Any such rules and regulations may prescribe the materials and  
17 construction of receptacles and buildings to be used for any of such  
18 purposes;

19 (2) the transportation of liquid fuel over public highways in order to  
20 provide for the public safety in connection therewith;

21 (3) the construction, maintenance and regulation of exits and fire  
22 escapes from buildings and all other places in which people work, live or  
23 congregate from time to time for any purpose, including apartment houses,  
24 as defined by K.S.A. 31-132a, and amendments thereto. Such rules and  
25 regulations shall not apply to buildings used wholly as dwelling houses  
26 containing no more than two families;

27 (4) the installation and maintenance of equipment intended for fire  
28 control, detection and extinguishment in all buildings and other places in  
29 which persons work, live or congregate from time to time for any purpose,  
30 including apartment houses as defined by K.S.A. 31-132a, and  
31 amendments thereto. Such rules and regulations shall not apply to  
32 buildings used wholly as dwelling houses containing no more than two  
33 families;

34 (5) requiring administrators of public and private schools and

1 educational institutions, except community colleges, colleges and  
2 universities, to conduct at least ~~one fire drill each month~~ *four fire drills*  
3 *each school year* at some time during school hours, aside from the regular  
4 dismissal at the close of the day's session, and prescribing the manner in  
5 which such fire ~~drill is~~ **drills are** to be conducted;

6 (6) procedures for the reporting of fires and explosions occurring  
7 within the state and for the investigation thereof;

8 (7) procedures for reporting by health-care providers of treatment of  
9 second and third degree burn wounds involving 20% or more of the  
10 victim's body and requiring hospitalization of the victim, which reporting  
11 is hereby authorized notwithstanding any provision of K.S.A. 60-427, and  
12 amendments thereto, to the contrary;

13 (8) requiring administrators of public and private schools and  
14 educational institutions, except community colleges, colleges and  
15 universities, to establish tornado procedures, ~~which~~. *Such* procedures  
16 shall: (A) Provide for at least ~~three~~ *two* tornado drills to be conducted each  
17 *school year, of which one shall be conducted in September and one shall*  
18 *be conducted in* ~~April~~ **March**, at some time during school hours, aside  
19 from the regular dismissal at the close of the day's session, ~~shall~~; (B)  
20 describe the manner in which such tornado drills are to be conducted; and  
21 (C) shall be subject to approval by the state fire marshal;

22 (9) requiring administrators of community colleges, colleges and  
23 universities to establish tornado procedures, which procedures shall be  
24 subject to approval by the director of the disaster agency of the county;

25 (10) the development and implementation of a statewide system of  
26 hazardous materials assessment and response;

27 (11) the use of pyrotechnics, pyrotechnic devices and pyrotechnic  
28 materials; ~~and~~

29 (12) *requiring administrators of public and private schools and*  
30 *educational institutions, except community colleges, colleges and*  
31 *universities, to conduct at least three crisis drills each school year at some*  
32 *time during school hours, aside from the regular dismissal at the close of*  
33 *the day's session. The manner in which such crisis drills are conducted*  
34 *may be subject to approval by the safe and secure schools unit of the*  
35 *Kansas department of education; and*

36 (13) other safeguards, protective measures or means adapted to render  
37 inherently safe from the hazards of fire or the loss of life by fire any  
38 building or other place in which people work, live or congregate from time  
39 to time for any purpose, except buildings used wholly as dwelling houses  
40 containing no more than two families.

41 (b) Any rules and regulations of the state fire marshal adopted  
42 pursuant to this section may incorporate by reference specific editions, or  
43 portions thereof, of nationally recognized fire prevention codes.

1 (c) The rules and regulations adopted pursuant to this section shall  
2 allow facilities in service prior to the effective date of such rules and  
3 regulations, and not in strict conformity therewith, to continue in service,  
4 so long as such facilities are not determined by the state fire marshal to  
5 constitute a distinct hazard to life or property. Any such determination  
6 shall be subject to the appeal provisions contained in K.S.A. 31-140, and  
7 amendments thereto.

8 *{(d) The state fire marshal may grant an exemption pursuant to*  
9 *K.S.A. 31-136, and amendments thereto, that authorizes a variance for*  
10 *the number or manner of drills conducted pursuant to subsection (a)(5),*  
11 *(8) or (12) for students receiving special education or related services.}*

12 Sec. 2. K.S.A. 2018 Supp. 31-133 is hereby repealed.

13 Sec. 3. This act shall take effect and be in force from and after its  
14 publication in the statute book.