

HOUSE BILL No. 2359

By Committee on Governmental Organization and Elections

2-8

9 AN ACT concerning certain buildings; relating to fire safety and preven-
10 tion; amending K.S.A. 31-144 and repealing the existing section.

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

13 Section 1. K.S.A. 31-144 is hereby amended to read as follows: 31-
14 144. (a) As used in this act, "school building" means any building or
15 structure operated or used for any purpose by, or located upon the land
16 of, any school district, community college district, area vocational school,
17 area vocational-technical school, institution under the state board of re-
18 gents or any private or nonpublic school, college or university, whether
19 or not operated for profit. The term school building does not include
20 within its meaning any single-family dwelling or duplex constructed as
21 part of a vocational education program or construction trades class if such
22 single-family dwelling or duplex is to be sold, after its construction, for
23 private use.

24 (b) All school buildings shall be inspected at least once each *school*
25 year. In all cities of the first and second class in which there is a full-time
26 fire chief or full-time fire inspector, the inspection of the school buildings
27 shall be conducted by such chief or inspector. The chief or inspector shall
28 ~~report the findings from the inspection to the state fire marshal within~~
29 ~~30 days after such inspection~~ *maintain the findings and corrective actions*
30 *of each inspection made by the school district. All reports shall be made*
31 *available to the state fire marshal when requested.* In all other cases,
32 school buildings shall be inspected by the state fire marshal or the fire
33 marshal's authorized assistants. *All inspections shall meet the minimum*
34 *standards of the Kansas fire prevention code as prescribed in K.S.A. 31-*
35 *134, and amendments thereto. Nothing in this act shall prohibit any mu-*
36 *nicipality from inspecting and enforcing a more restrictive model code.*

37 (c) *The governing body having control of any school building shall*
38 *comply with an order issued by a municipality to make corrective changes.*
39 *When such order has not been satisfied, the municipality shall request the*
40 *state fire marshal shall to order the governing body having control of any*
41 *school building or facility thereof to correct any condition in such building*
42 *or facility which is in violation of this act, or any condition which the fire*
43 *marshal deems dangerous, or which in any way prevents a speedy exit*

1 from such building. After any such order is rendered, such governing
2 body shall make the changes required to comply therewith.

3 ~~(d)~~ A board of education of any school district ~~is hereby authorized~~
4 ~~to~~ may make expenditures from its general fund or capital outlay fund to
5 comply with ~~such order, or an order received under subsection (c).~~ In
6 addition, the board may issue no-fund warrants in such amounts as are
7 necessary to pay expenses incurred in complying with such order. Such
8 no-fund warrants shall be issued, registered, paid and redeemed and bear
9 interest as provided by K.S.A. 79-2940, and amendments thereto, except
10 that the approval of the state board of tax appeals shall not be required.
11 Such warrants shall recite that they are issued by the board of education
12 of the school district under authority of this act. Any board of education
13 issuing warrants hereunder shall make a tax levy at the same time as other
14 tax levies are made, after such warrants are issued, sufficient to pay such
15 warrants and the interest thereon.

16 ~~(d)~~ (e) Whenever a board of education receives an order from the
17 state fire marshal pursuant to subsection ~~(d)~~ (d), the board, in lieu of
18 repairing or remodeling the school building or facility as ordered by the
19 state fire marshal, may close such building or facility as an attendance
20 center. Whenever any board of education finds that any such order of the
21 state fire marshal involves a cost in excess of that which the board of
22 education finds the school district can afford, or that the changes ordered
23 are unwarranted or unnecessary, the board may petition for review of
24 such order in the district court of the home county of such school district.
25 Upon receiving such petition, the district court shall appoint three dis-
26 interested commissioners, one of whom shall be a licensed architect. The
27 commissioners shall inspect the building or facility affected by the order
28 and report to the court its findings of fact as to the necessity for the
29 improvements or changes ordered by the state fire marshal, together with
30 the estimated cost of each such improvement or change and such other
31 recommendations as the commissioners deem advisable. Upon receiving
32 such findings of fact and recommendations, or any other evidence relating
33 to the petition for review, the court shall enter its order affirming, re-
34 versing or modifying the order of the state fire marshal. Such order of
35 the court may be reviewed by the appellate courts in the same manner
36 as other orders and judgments of the district court may be reviewed.

37 ~~(d)~~ (f) Except as provided in subsection ~~(d)~~ (e), any action of the state
38 fire marshal pursuant to this section is subject to review in accordance
39 with the act for judicial review and civil enforcement of agency actions.

40 Sec. 2. K.S.A. 31-144 is hereby repealed.

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