

## HOUSE BILL No. 2648

By Representative Otto

1-18

---

9 AN ACT transferring the state fire marshal and the office of state fire  
10 marshal to the Kansas bureau of investigation and prescribing the du-  
11 ties thereof; amending K.S.A. 31-144, 31-148, 31-157, 36-510, 39-928,  
12 40-252, 40-252b, 55-1811, 65-429 and 75-1510 and K.S.A. 2005 Supp.  
13 39-935, 39-945, 39-946, 75-1508 and 76-3319 and repealing the exist-  
14 ing sections.

15

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

17 New Section 1. (a) The state fire marshal and the office of the state  
18 fire marshal are hereby transferred to the Kansas bureau of investigation.

19 (b) All orders and directives of the office of state fire marshal in ex-  
20 istence immediately prior to the effective date of this act shall continue  
21 to be effective and shall be the orders and directives of the office of state  
22 fire marshal within the Kansas bureau of investigation until revised,  
23 amended, repealed or nullified pursuant to law.

24 (c) All property and records of the office of state fire marshal in ex-  
25 istence immediately prior to the effective date of this act are hereby trans-  
26 ferred to the office of state fire marshal within the Kansas bureau of  
27 investigation.

28 (d) The balance of all funds or accounts thereof appropriated or reap-  
29 propriated for the office of state fire marshal are hereby transferred  
30 within the state treasury to the office of state fire marshal within the  
31 Kansas bureau of investigation and shall be used only for the purpose for  
32 which the appropriations were originally made. Any conflict as to the  
33 proper disposition of such money shall be resolved by the governor, whose  
34 decision shall be final.

35 (e) All officers and employees of the office of state fire marshal shall  
36 continue to be officers and employees of the office of state fire marshal  
37 within the Kansas bureau of investigation board. Such officers and em-  
38 ployees shall retain all retirement benefits and leave balances and rights  
39 which had accrued or vested prior to the effective date of this act and the  
40 service of each shall be deemed to have been continuous. Any subsequent  
41 transfers, layoffs and abolition of classified service positions under the  
42 Kansas civil service act shall be made in accordance with the civil service  
43 laws and any rules and regulations adopted thereunder. Every act per-

1 formed in the exercise of such powers, duties and functions by or under  
2 the authority of the office of state fire marshal or the state fire marshal  
3 within the Kansas bureau of investigation shall be deemed to have the  
4 same force and effect as if performed by the office of state fire marshal  
5 or the state fire marshal in which such powers, duties and functions were  
6 vested prior to the effective date of this act.

7 (f) No suit, action or other proceeding, judicial or administrative, law-  
8 fully commenced, or which could have been commenced, by or against  
9 the office of state fire marshal transferred by this act, or by or against any  
10 officer or employee of such office in the official capacity of such officer  
11 or employee or in relation to the discharge of official duties of such officer  
12 or employee, shall abate by reason of the transfer effected under the  
13 provisions of this act. The court may allow any such suit, action or other  
14 proceeding to be maintained by or against the successor of such office or  
15 any officer or employee affected.

16 New Sec. 2. (a) The office of state fire marshal shall have as its pri-  
17 mary duties:

18 (1) The investigation of any fire or explosion described in K.S.A. 31-  
19 157, and amendments thereto; and

20 (2) the investigation of methamphetamine laboratories, other clan-  
21 destine laboratories and other threats to the public health and safety, as  
22 determined by the director of the Kansas bureau of investigation.

23 (b) In addition to the duties prescribed in subsection (a), the office  
24 of state fire marshal shall perform such other duties as provided by law.

25 (c) The office of state fire marshal shall not conduct inspections ex-  
26 cept as otherwise specifically provided by law.

27 Sec. 3. K.S.A. 31-144 is hereby amended to read as follows: 31-144.

28 (a) As used in this act, "school building" means any building or structure  
29 operated or used for any purpose by, or located upon the land of, any  
30 school district, community college district, area vocational school, area  
31 vocational-technical school, institution under the state board of regents  
32 or any private or nonpublic school, college or university, whether or not  
33 operated for profit. The term school building does not include within its  
34 meaning any single-family dwelling or duplex constructed as part of a  
35 vocational education program or construction trades class if such single-  
36 family dwelling or duplex is to be sold, after its construction, for private  
37 use.

38 (b) All school buildings shall be inspected at least once each year. ~~In~~  
39 ~~all cities of the first and second class in which there is a full-time fire~~  
40 ~~chief or full-time fire inspector, the inspection of the school buildings~~  
41 ~~shall be conducted by such chief or inspector. Such inspection shall be~~  
42 ~~conducted by the fire chief or fire inspector of the city, fire district, im-~~  
43 ~~provement district or other entity providing fire protection services to the~~

1 *area where the school is located, except, upon request by such chief or*  
2 *inspector, the state fire marshal or the state fire marshal's authorized*  
3 *assistants shall conduct the inspection. If the inspection is conducted by*  
4 *such chief or inspector, the chief or inspector shall report the findings*  
5 *from the inspection to the state fire marshal within 30 days after such*  
6 *inspection. ~~In all other cases, school buildings shall be inspected by the~~*  
7 *~~state fire marshal or the fire marshal's authorized assistants.~~*

8 (c) The state fire marshal shall order the governing body having con-  
9 trol of any school building or facility thereof to correct any condition in  
10 such building or facility which is in violation of this act, or any condition  
11 which the fire marshal deems dangerous, or which in any way prevents a  
12 speedy exit from such building. After any such order is rendered, such  
13 governing body shall make the changes required to comply therewith. A  
14 board of education of any school district is hereby authorized to make  
15 expenditures from its general fund or capital outlay fund to comply with  
16 such order, or the board may issue no-fund warrants in such amounts as  
17 are necessary to pay expenses incurred in complying with such order.  
18 Such no-fund warrants shall be issued, registered, paid and redeemed  
19 and bear interest as provided by K.S.A. 79-2940, and amendments  
20 thereto, except that the approval of the state board of tax appeals shall  
21 not be required. Such warrants shall recite that they are issued by the  
22 board of education of the school district under authority of this act. Any  
23 board of education issuing warrants hereunder shall make a tax levy at  
24 the same time as other tax levies are made, after such warrants are issued,  
25 sufficient to pay such warrants and the interest thereon.

26 (d) Whenever a board of education receives an order from the state  
27 fire marshal pursuant to subsection (c), the board, in lieu of repairing or  
28 remodeling the school building or facility as ordered by the state fire  
29 marshal, may close such building or facility as an attendance center.  
30 Whenever any board of education finds that any such order of the state  
31 fire marshal involves a cost in excess of that which the board of education  
32 finds the school district can afford, or that the changes ordered are un-  
33 warranted or unnecessary, the board may petition for review of such order  
34 in the district court of the home county of such school district. Upon  
35 receiving such petition, the district court shall appoint three disinterested  
36 commissioners, one of whom shall be a licensed architect. The commis-  
37 sioners shall inspect the building or facility affected by the order and  
38 report to the court its findings of fact as to the necessity for the improve-  
39 ments or changes ordered by the state fire marshal, together with the  
40 estimated cost of each such improvement or change and such other rec-  
41 ommendations as the commissioners deem advisable. Upon receiving  
42 such findings of fact and recommendations, or any other evidence relating  
43 to the petition for review, the court shall enter its order affirming, re-

1 versing or modifying the order of the state fire marshal. Such order of  
2 the court may be reviewed by the appellate courts in the same manner  
3 as other orders and judgments of the district court may be reviewed.

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

7 Sec. 4. K.S.A. 31-148 is hereby amended to read as follows: 31-148.

8 The state fire marshal at least annually shall inspect all ~~buildings~~ *insti-*  
9 *tutions* under the jurisdiction of the ~~state penal director and the division~~  
10 ~~of institutional management of the department of social welfare~~ *secretary*  
11 *of corrections and the secretary of social and rehabilitation services.*

12 Sec. 5. K.S.A. 31-157 is hereby amended to read as follows: 31-157.

13 (a) The state fire marshal, the state fire marshal's deputies and full-time  
14 fire prevention personnel assigned investigation duties who are members  
15 of a paid fire department who have been certified by the state fire marshal  
16 pursuant to this section shall have the authority to make arrests, carry  
17 firearms and conduct searches and seizures while investigating any fire  
18 or explosion in which arson or attempted arson is suspected or in which  
19 there is an attempt or suspected attempt to defraud an insurance com-  
20 pany. Any affidavits necessary to authorize arrests, searches or seizures  
21 pursuant to this section shall be made in accordance with K.S.A. 22-2302  
22 and 22-2502, and amendments thereto.

23 (b) The ~~state fire marshal~~ *director of the Kansas bureau of investi-*  
24 *gation*, with the assistance of ~~an advisory committee appointed pursuant~~  
25 ~~to K.S.A. 31-135 and amendments thereto~~ *the state fire marshal*, shall  
26 adopt rules and regulations and specify the number of investigators for  
27 departments or areas and establish standards for certification of members  
28 of fire departments to make arrests, carry firearms and conduct searches  
29 and seizures pursuant to this section. No fire department personnel shall  
30 be certified to carry firearms under the provisions of this act without  
31 having first successfully completed the firearm training course or courses  
32 prescribed for law enforcement officers under K.S.A. ~~74-5604~~ *74-5604a*,  
33 and amendments thereto.

34 (c) With the exception of firearms training, nothing in this section  
35 shall be construed to require persons employed prior to the effective date  
36 of this act to comply with the standards established ~~by the state fire mar-~~  
37 ~~shal~~ pursuant to this section as a condition of continued employment, and  
38 such persons' failure to comply with such standards shall not make such  
39 persons ineligible for any promotional examination for which they are  
40 otherwise eligible or affect in any way any pension rights to which they  
41 are entitled on the effective date of this act.

42 Sec. 6. K.S.A. 36-510 is hereby amended to read as follows: 36-510.

43 (a) The secretary shall be responsible for the enforcement of the lodging

1 and food service standards promulgated pursuant to this act, but the sec-  
2 retary is hereby authorized and empowered to contract with the govern-  
3 ing body of any municipality for the enforcement of all or any portion of  
4 such standards, whenever the secretary shall determine that such munic-  
5 ipality has adequate personnel to provide proper enforcement. Any mu-  
6 nicipality entering into a contract with the secretary to enforce such stan-  
7 dards shall act as an agent of the secretary in carrying out such duties,  
8 and no such municipality shall charge any lodging establishment or food  
9 service establishments a fee for services performed as an agent of the  
10 secretary under such contract which is in addition to and separate from  
11 any fee such establishment is required to pay to the secretary under the  
12 provisions of this act. Such municipality shall enforce such standards  
13 within such municipalities of this state as are designated in the contract.  
14 Any inspection of lodging or food service establishments by officers, em-  
15 ployees or agents of any such municipality, and any notice of noncompli-  
16 ance issued as a result of any such inspection, shall have the same force  
17 and effect as if such had been done by the secretary.

18 (b) The secretary and the ~~state fire marshal~~ *fire chief or fire inspector*  
19 *of the city, fire district, improvement district or other entity providing*  
20 *fire protection services to the area where a lodging or food service estab-*  
21 *lishment is located* are hereby authorized and empowered to enter into a  
22 contract authorizing ~~the state fire marshal and the fire marshal's deputies~~  
23 *such chief or inspector*, or lawful agents, to enforce all or any portion of  
24 the lodging or food service standards promulgated pursuant to this act.  
25 Such contract shall designate specific lodging or food service establish-  
26 ments, or types of lodging or food service establishments, wherein such  
27 authority may be exercised. Any inspection of such establishments by ~~the~~  
28 ~~state fire marshal or the fire marshal's deputies~~ *such chief or inspector*,  
29 or lawful agents, to determine compliance with lodging or food service  
30 standards established pursuant to this act, and any notice of noncompli-  
31 ance issued as a result of any such inspection, shall have the same force  
32 and effect as if such had been done by the secretary.

33 Such contract also may provide similar authority for the secretary of  
34 health and environment and the secretary's officers, employees and  
35 agents with respect to enforcement of all or any portion of the Kansas  
36 fire prevention code in specified lodging or food service establishments,  
37 or in types of lodging or food service establishments. Any inspection of  
38 such establishments by the secretary, or the secretary's officers, employ-  
39 ees and agents, to determine compliance with the Kansas fire prevention  
40 code, shall have the same force and effect as if performed by ~~the state~~  
41 ~~fire marshal or the marshal's deputies~~ *and such chief or inspector, or*  
42 *lawful agents.*

43 (c) Any food service establishment which is not required to be li-

1 censed under the provisions of this act, but which is licensed by the  
 2 secretary pursuant to any other law, or which is maintained in connection  
 3 with premises which are licensed by the secretary pursuant to any other  
 4 law, shall be subject to the food service standards established pursuant  
 5 to this act. In the discretion of the secretary, enforcement of such stan-  
 6 dards may be delegated to the personnel of the department who are  
 7 responsible for enforcing the provisions of the law under which such food  
 8 service establishment or premises are licensed. Failure of any such prem-  
 9 ises to comply with the food service standards promulgated pursuant to  
 10 this act shall be grounds for the suspension or revocation of the license  
 11 issued for the premises under such other law. The licensee shall not have  
 12 any license revoked or suspended without first being given an opportunity  
 13 for a hearing in accordance with the provisions of the Kansas administra-  
 14 tive procedure act.

15 Sec. 7. K.S.A. 39-928 is hereby amended to read as follows: 39-928.

16 (a) Upon receipt of an application for license, the licensing agency with  
 17 the approval of the state fire marshal shall issue a license if the applicant  
 18 is fit and qualified and if the adult care home facilities meet the require-  
 19 ments established under this law.

20 (b) ~~The licensing agency, the state fire marshal, and the county, city-~~  
 21 ~~county or multicounty health departments or their designated represen-~~  
 22 ~~tatives shall make such inspections and investigations as are necessary to~~  
 23 ~~determine the conditions existing in each case and. A written report of~~  
 24 ~~such inspections and investigations and the recommendations of the state~~  
 25 ~~fire marshal and the county, city-county or multicounty health depart-~~  
 26 ~~ment or their authorized agents shall be filed with the licensing agency.~~  
 27 ~~The licensing agency and the state fire marshal may designate and use~~  
 28 ~~county, city-county or multicounty health departments and local fire and~~  
 29 ~~safety authorities as their~~ *as its* agents in making such inspections and  
 30 investigations as are deemed necessary or advisable. Such ~~local authorities~~  
 31 *departments* are hereby authorized, empowered and directed to perform  
 32 such duties as are designated. A copy of any inspection reports required  
 33 by this ~~section~~ *subsection* shall be furnished to the applicant.

34 (c) (1) *Except as provided by subsection (c)(2), the fire chief or fire*  
 35 *inspector of the city, fire district, improvement district or other entity*  
 36 *providing fire protection services to the area where the adult care home*  
 37 *is located shall make such inspections and investigations as are necessary*  
 38 *to determine the conditions existing in each case. A written report of such*  
 39 *inspections and investigations and the recommendations of the fire chief*  
 40 *or fire inspector shall be filed with the licensing agency and the office of*  
 41 *the state fire marshal. A copy of any inspection reports required by this*  
 42 *subsection shall be furnished to the applicant.*

43 (2) *Upon request of the fire chief or fire inspector of the city, fire*

1 *district, improvement district or other entity providing fire protection*  
2 *services to the area where the adult care home is located, the state fire*  
3 *marshal or the state fire marshal's authorized assistants shall conduct the*  
4 *inspections and investigations required by subsection (c)(1). A written*  
5 *report of such inspections and investigations and the recommendations of*  
6 *the state fire marshal shall be filed with the licensing agency. A copy of*  
7 *any inspection reports required by this subsection shall be furnished to*  
8 *the applicant.*

9 (d) A license, unless sooner suspended or revoked, shall remain in  
10 effect upon filing by the licensee, and approval by the licensing agency  
11 and the state fire marshal or their duly authorized agents, of an annual  
12 report upon such uniform dates and containing such information in such  
13 form as the licensing agency prescribes and payment of an annual fee.  
14 Each license shall be issued only for the premises and persons named in  
15 the application and shall not be transferable or assignable. It shall be  
16 posted in a conspicuous place in the adult care home. If the annual report  
17 is not so filed and annual fee is not paid, such license is automatically  
18 canceled. Any license granted under the provisions of this act shall state  
19 the type of facility for which license is granted, number of residents for  
20 which granted, the person or persons to whom granted, the date and such  
21 additional information and special limitations as are deemed advisable by  
22 the licensing agency.

23 Sec. 8. K.S.A. 2005 Supp. 39-935 is hereby amended to read as fol-  
24 lows: 39-935. (a) Inspections shall be made and reported in writing by  
25 the authorized agents and representatives of the licensing agency ~~and~~  
26 ~~state fire marshal, and of, the fire chief or fire inspector of the city, fire~~  
27 ~~district, improvement district or other entity providing fire protection~~  
28 ~~services to the area where the adult care home is located and the county,~~  
29 ~~city-county and multicounty health departments as often and in the man-~~  
30 ~~ner and form prescribed by the rules and regulations promulgated under~~  
31 ~~the provisions of this act. Upon request of the fire chief or fire inspector,~~  
32 ~~the state fire marshal or the state fire marshal's authorized assistants shall~~  
33 ~~conduct such inspections.~~ Access shall be given to the premises of any  
34 adult care home at any time upon presenting adequate identification to  
35 carry out the requirements of this section and the provisions and purposes  
36 of this act, and failure to provide such access shall constitute grounds for  
37 denial or revocation of license. A copy of any inspection reports required  
38 by this section shall be furnished to *the state fire marshal and to the*  
39 *applicant, except that a copy of the preliminary inspection report signed*  
40 *jointly by a representative of the adult care home and the inspector shall*  
41 *be left with the applicant when an inspection under this section is com-*  
42 *pleted. This preliminary inspection report shall constitute the final record*  
43 *of deficiencies assessed against the adult care home during the inspection,*

1 all deficiencies shall be specifically listed and no additional deficiencies  
2 based upon the data developed at that time shall be assessed at a later  
3 time. An exit interview shall be conducted in conjunction with the joint  
4 signing of the preliminary inspection report.

5 (b) The authorized agents and representatives of the licensing agency  
6 shall conduct at least one unannounced inspection of each adult care  
7 home within 15 months of any previous inspection for the purpose of  
8 determining whether the adult care home is complying with applicable  
9 statutes and rules and regulations relating to the health and safety of the  
10 residents of the adult care home. The statewide average interval between  
11 inspections shall not exceed 12 months.

12 (c) Every adult care home shall post in a conspicuous place a notice  
13 indicating that the most recent inspection report and related documents  
14 may be examined in the office of the administrator of the adult care home.  
15 Upon request, every adult care home shall provide to any person a copy  
16 of the most recent inspection report and related documents, provided the  
17 person requesting such report agrees to pay a reasonable charge to cover  
18 copying costs.

19 (d) Each nursing facility that provides skilled nursing care, nursing  
20 facility for mental health that provides skilled nursing care or assisted  
21 living facility may establish and maintain a risk management program  
22 which shall consist of: (1) A system for investigation and analysis of the  
23 frequency and causes of reportable incidents within the facility; (2) meas-  
24 ures to minimize the occurrence of reportable incidents and the resulting  
25 injuries within the facility; and (3) a reporting system based upon the duty  
26 of all health care providers staffing the facility and all agents and em-  
27 ployees of the facility directly involved in the delivery of health care serv-  
28 ices to report reportable incidents to the chief of the medical staff, chief  
29 administrative officer or risk manager of the facility. Any reports and  
30 records reviewed, obtained or prepared by the department on aging in  
31 connection with any reportable incidents referred for investigation under  
32 such risk management program, including any reports and records re-  
33 flecting the results of an inspection or survey under this chapter or in  
34 accordance with the regulations, guidelines and procedures issued by the  
35 United States secretary of health and human services under Titles XVIII  
36 and XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301,  
37 as amended, shall not be admissible in any civil action under the laws of  
38 the state of Kansas unless the court determines on the record, following  
39 a hearing outside the presence of the jury, that the proffered evidence  
40 excerpted from any report, record, inspection or survey is relevant and  
41 substantially related to the plaintiff's allegations and otherwise admissible  
42 under the rules of evidence set forth in article 4, chapter 60 of the Kansas  
43 Statutes Annotated and amendments thereto. This subsection shall not

1 be construed to limit or impair a person's or entity's discovery of or access  
2 to any such report, record, inspection or survey under state or federal  
3 law; limit or impair the authority of the department on aging to investigate  
4 complaints or reportable incidents under state or federal law; or diminish  
5 or expand the department on aging's discovery of or access to quality  
6 assessment and assurance committee records under state or federal law.

7 Sec. 9. K.S.A. 2005 Supp. 39-945 is hereby amended to read as fol-  
8 lows: 39-945. A correction order may be issued by the secretary of aging  
9 or the secretary's designee to a person licensed to operate an adult care  
10 home whenever *the fire chief or fire inspector*, the state fire marshal or  
11 the marshal's representative or a duly authorized representative of the  
12 secretary of aging inspects or investigates an adult care home and deter-  
13 mines that the adult care home is not in compliance with the provisions  
14 of article 9 of chapter 39 of the Kansas Statutes Annotated or rules and  
15 regulations promulgated thereunder which individually or jointly affects  
16 significantly and adversely the health, safety, nutrition or sanitation of the  
17 adult care home residents. The correction order shall be served upon the  
18 licensee either personally or by certified mail, return receipt requested.  
19 The correction order shall be in writing, shall state the specific deficiency,  
20 cite the specific statutory provision or rule and regulation alleged to have  
21 been violated, and shall specify the time allowed for correction.

22 Sec. 10. K.S.A. 2005 Supp. 39-946 is hereby amended to read as  
23 follows: 39-946. (a) If upon reinspection by *the fire chief or fire inspector*,  
24 the state fire marshal or the marshal's representative or a duly authorized  
25 representative of the secretary of aging, which reinspection shall be con-  
26 ducted within 14 days from the day the correction order is served upon  
27 the licensee, it is found that the licensee of the adult care home which  
28 was issued a correction order has not corrected the deficiency or defi-  
29 ciencies specified in the order, the secretary of aging may assess a civil  
30 penalty in an amount not to exceed \$500 per day per deficiency against  
31 the licensee of an adult care home for each day subsequent to the day  
32 following the time allowed for correction of the deficiency as specified in  
33 the correction order that the adult care home has not corrected the de-  
34 ficiency or deficiencies listed in the correction order, but the maximum  
35 assessment shall not exceed \$2,500. A written notice of assessment shall  
36 be served upon the licensee of an adult care home either personally or  
37 by certified mail, return receipt requested.

38 (b) Before the assessment of a civil penalty, the secretary of aging  
39 shall consider the following factors in determining the amount of the civil  
40 penalty to be assessed: (1) The severity of the violation; (2) the good faith  
41 effort exercised by the adult care home to correct the violation; and (3)  
42 the history of compliance of the ownership of the adult care home with  
43 the rules and regulations. If the secretary of aging finds that some or all

1 deficiencies cited in the correction order have also been cited against the  
 2 adult care home as a result of any inspection or investigation which oc-  
 3 curred within 18 months prior to the inspection or investigation which  
 4 resulted in such correction order, the secretary of aging may double the  
 5 civil penalty assessed against the licensee of the adult care home, the  
 6 maximum not to exceed \$5,000.

7 (c) All civil penalties assessed shall be due and payable within 10 days  
 8 after written notice of assessment is served on the licensee, unless a longer  
 9 period of time is granted by the secretary. If a civil penalty is not paid  
 10 within the applicable time period, the secretary of aging may file a cer-  
 11 tified copy of the notice of assessment with the clerk of the district court  
 12 in the county where the adult care home is located. The notice of assess-  
 13 ment shall be enforced in the same manner as a judgment of the district  
 14 court.

15 Sec. 11. K.S.A. 40-252 is hereby amended to read as follows: 40-252.  
 16 Every insurance company or fraternal benefit society organized under the  
 17 laws of this state or doing business in this state shall pay to the commis-  
 18 sioner of insurance fees and taxes specified in the following schedule:

19 A

20 *Insurance companies organized under*  
 21 *the laws of this state:*

22 1. Capital stock insurance companies and mutual legal reserve life insurance companies:

23 Filing application for sale of stock or certificates of indebtedness .....	\$25
24 Admission fees:	
25 Examination of charter and other documents .....	500
26 Filing annual statement .....	100
27 Certificate of authority .....	10
28 Annual fees:	
29 Filing annual statement .....	100
30 Continuation of certificate of authority .....	10

31 2. Mutual life, accident and health associations:

32 Admission fees:	
33 Examination of charter and other documents .....	\$500
34 Filing annual statement .....	100
35 Certificate of authority .....	10
36 Annual fees:	
37 Filing annual statement .....	100
38 Continuation of certificate of authority .....	10

39 3. Mutual fire, hail, casualty and multiple line insurers and reciprocal or interinsurance  
 40 exchanges:

41 Admission fees:	
42 Examination of charter and other documents .....	\$500

1 Filing annual statement ..... 100  
2 Certificate of authority ..... 10  
3 Annual fees:  
4 Filing annual statement ..... 100  
5 Continuation of certificate of authority ..... 10

6 In addition to the above fees and as a condition precedent to the con-  
7 tinuation of the certificate of authority provided in this code, all such  
8 companies shall pay a fee of \$2 for each agent certified by the company  
9 and shall also pay a tax annually upon all premiums received on risk lo-  
10 cated in this state at the rate of 1% for tax year 1997, and 2% for all tax  
11 years thereafter per annum less (1) for tax years prior to 1984, any taxes  
12 paid on business in this state pursuant to the provisions of K.S.A. 40-1701  
13 to 40-1707, inclusive, and 75-1508 and amendments thereto and (2) for  
14 tax years 1984 and thereafter, any taxes paid on business in this state  
15 pursuant to the provisions of K.S.A. 75-1508 and amendments thereto  
16 and the amount of the firefighters relief tax credit determined by the  
17 commissioner of insurance. The amount of the firefighters relief tax credit  
18 for a company for the current tax year shall be determined by the com-  
19 missioner of insurance by dividing (A) the total amount of credits against  
20 the tax imposed by this section for taxes paid by all such companies on  
21 business in this state under K.S.A. 40-1701 to 40-1707, inclusive, and  
22 amendments thereto for tax year 1983, by (B) the total amount of taxes  
23 paid by all such companies on business in this state under K.S.A. 40-1703  
24 and amendments thereto for the tax year immediately preceding the cur-  
25 rent tax year, and by multiplying the result so obtained by (C) the amount  
26 of taxes paid by the company on business in this state under K.S.A. 40-  
27 1703 and amendments thereto for the current tax year.

28 In the computation of the gross premiums all such companies shall be  
29 entitled to deduct any premiums returned on account of cancellations,  
30 including funds accepted before January 1, 1997, and declared and taxed  
31 as annuity premiums which, on or after January 1, 1997, are withdrawn  
32 before application to the purchase of annuities, all premiums received for  
33 reinsurance from any other company authorized to do business in this  
34 state, dividends returned to policyholders and premiums received in con-  
35 nection with the funding of a pension, deferred compensation, annuity  
36 or profit-sharing plan qualified or exempt under sections 401, 403, 404,  
37 408, 457 or 501 of the United States internal revenue code of 1986. Funds  
38 received by life insurers for the purchase of annuity contracts and funds  
39 applied by life insurers to the purchase of annuities shall not be deemed  
40 taxable premiums or be subject to tax under this section for tax years  
41 commencing on or after January 1, 1997.

1			
2		B	
3		<i>Fraternal benefit societies organized</i>	
4		<i>under the laws of this state:</i>	
5	Admission fees:		
6	Examination of charter and other documents .....		\$500
7	Filing annual statement .....		100
8	Certificate of authority .....		10
9	Annual fees:		
10	Filing annual statement .....		100
11	Continuation of certificate of authority .....		10
12		C	
13		<i>Mutual nonprofit hospital service corporations, nonprofit medical service corporations, non-</i>	
14		<i>profit dental service corporations, nonprofit optometric service corporations and non-</i>	
15		<i>profit pharmacy service corporations organized under the laws of this state:</i>	
16	1. Mutual nonprofit hospital service corporations:		
17	Admission fees:		
18	Examination of charter and other documents .....		\$500
19	Filing annual statement .....		100
20	Certificate of authority .....		10
21	Annual fees:		
22	Filing annual statement .....		100
23	Continuation of certificate of authority .....		10
24	2. Nonprofit medical service corporations:		
25	Admission fees:		
26	Examination of charter and other documents .....		\$500
27	Filing annual statement .....		100
28	Certificate of authority .....		10
29	Annual fees:		
30	Filing annual statement .....		100
31	Continuation of certificate of authority .....		10
32	3. Nonprofit dental service corporations:		
33	Admission fees:		
34	Examination of charter and other documents .....		\$500
35	Filing annual statement .....		100
36	Certificate of authority .....		10
37	Annual fees:		
38	Filing annual statement .....		100
39	Continuation of certificate of authority .....		10
40	4. Nonprofit optometric service corporations:		
41	Admission fees:		
42	Examination of charter and other documents .....		\$500
43	Filing annual statement .....		100
	Certificate of authority .....		10

1 Annual fees:

2 Filing annual statement ..... 100

3 Continuation of certificate of authority ..... 10

4 5. Nonprofit pharmacy service corporations:

5 Admission fees:

6 Examination of charter and other documents ..... \$500

7 Filing annual statement ..... 100

8 Certificate of authority ..... 10

9 Annual fees:

10 Filing annual statement ..... 100

11 Continuation of certificate of authority ..... 10

12 In addition to the above fees and as a condition precedent to the con-  
 13 tinuation of the certificate of authority, provided in this code, every cor-  
 14 poration or association shall pay annually to the commissioner of insur-  
 15 ance a tax in an amount equal to 1% for tax year 1997, and 2% for all tax  
 16 years thereafter per annum of the total of all premiums, subscription  
 17 charges, or any other term which may be used to describe the charges  
 18 made by such corporation or association to subscribers for hospital, med-  
 19 ical or other health services or indemnity received during the preceding  
 20 year. In such computations all such corporations or associations shall be  
 21 entitled to deduct any premiums or subscription charges returned on  
 22 account of cancellations and dividends returned to members or  
 23 subscribers.

D

24 *Insurance companies organized under the*  
 25 *laws of any other state, territory or country:*

26

27 1. Capital stock insurance companies and mutual legal reserve life insurance companies:

28 Filing application for sale of stock or certificates of indebtedness ..... \$25

29 Admission fees:

30 Examination of charter and other documents ..... 500

31 Filing annual statement ..... 100

32 Certificate of authority ..... 10

33 Annual fees:

34 Filing annual statement ..... 100

35 Continuation of certificate of authority ..... 10

36 In addition to the above fees all such companies shall pay \$5 for each  
 37 agent certified by the company, except as otherwise provided by law.

38 As a condition precedent to the continuation of the certificate of au-  
 39 thority, provided in this code, every company organized under the laws  
 40 of any other state of the United States or of any foreign country shall pay  
 41 a tax upon all premiums received during the preceding year at the rate  
 42 of 2% per annum.

43 In the computation of the gross premiums all such companies shall be

1 entitled to deduct any premiums returned on account of cancellations,  
 2 including funds accepted before January 1, 1997, and declared and taxed  
 3 as annuity premiums which, on or after January 1, 1997, are withdrawn  
 4 before application to the purchase of annuities, dividends returned to  
 5 policyholders and all premiums received for reinsurance from any other  
 6 company authorized to do business in this state and premiums received  
 7 in connection with the funding of a pension, deferred compensation, an-  
 8 nuity or profit-sharing plan qualified or exempt under sections 401, 403,  
 9 404, 408, 457 or 501 of the United States internal revenue code of 1986.  
 10 Funds received by life insurers for the purchase of annuity contracts and  
 11 funds applied by life insurers to the purchase of annuities shall not be  
 12 deemed taxable premiums or be subject to tax under this section for tax  
 13 years commencing on or after January 1, 1997.

14 2. Mutual life, accident and health associations:

15 Admission fees:

16 Examination of charter and other documents .....	\$500
17 Filing annual statement .....	100
18 Certificate of authority .....	10

19 Annual fees:

20 Filing annual statement .....	100
21 Continuation of certificate of authority .....	10

22 In addition to the above fees, every such company organized under the  
 23 laws of any other state of the United States shall pay \$5 for each agent  
 24 certified by the company, and shall pay a tax annually upon all premiums  
 25 received at the rate of 2% per annum.

26 In the computation of the gross premiums all such companies shall be  
 27 entitled to deduct any premiums returned on account of cancellations,  
 28 including funds accepted before January 1, 1997, and declared and taxed  
 29 as annuity premiums which, on or after January 1, 1997, are withdrawn  
 30 before application to the purchase of annuities, dividends returned to  
 31 policyholders and all premiums received for reinsurance from any other  
 32 company authorized to do business in this state and premiums received  
 33 in connection with the funding of a pension, deferred compensation, an-  
 34 nuity or profit-sharing plan qualified or exempt under sections 401, 403,  
 35 404, 408, 457 or 501 of the United States internal revenue code of 1986.  
 36 Funds received by life insurers for the purchase of annuity contracts and  
 37 funds applied by life insurers to the purchase of annuities shall not be  
 38 deemed taxable premiums or be subject to tax under this section for tax  
 39 years commencing on or after January 1, 1997.

40 3. Mutual fire, casualty and multiple line insurers and reciprocal or interinsurance  
 41 exchanges:

1 Admission fees:

2 Examination of charter and other documents and issuance of certificate of

3 authority ..... \$500

4 Filing annual statement ..... 100

5 Certificate of authority ..... 10

6 Annual fees:

7 Filing annual statement ..... 100

8 Continuation of certificate of authority ..... 10

9 In addition to the above fees, every such company or association or-

10 ganized under the laws of any other state of the United States shall pay

11 a fee of \$5 for each agent certified by the company and shall also pay a

12 tax annually upon all premiums received at the rate of 2% per annum.

13 For tax years 1998 and thereafter, the annual tax shall be reduced by

14 the “applicable percentage” of (1) any taxes paid on business in this state

15 pursuant to the provisions of K.S.A. 75-1508 and amendments thereto

16 and (2) the amount of the firefighters relief tax credit determined by the

17 commissioner of insurance. The amount of the firefighters relief tax credit

18 for a company taxable under this subsection for the current tax year shall

19 be determined by the commissioner of insurance by dividing (A) the total

20 amount of taxes paid by all such companies on business in this state under

21 K.S.A. 40-1701 to 40-1707 and amendments thereto for tax year 1983 as

22 then in effect, by (B) the total amount of taxes paid by all such companies

23 on business in this state under K.S.A. 40-1703 and amendments thereto

24 for the tax year immediately preceding the current tax year, and by mul-

25 tiplying the result so obtained by (C) the amount of taxes paid by the

26 company on business in this state under K.S.A. 40-1703 and amendments

27 thereto for the current tax year. The “applicable percentage” shall be as

28 follows:

29	Tax Year	Applicable Percentage
30	1998	10%
31	1999	20%
32	2000	30%
33	2001	40%
34	2002	50%
35	2003	60%
36	2004	70%
37	2005	80%
38	2006	90%
39	2007 and thereafter	100%

40 In the computation of the gross premiums all such companies shall be

41 entitled to deduct any premiums returned on account of cancellations, all

42 premiums received for reinsurance from any other company authorized

43 to do business in this state, and dividends returned to policyholders.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

E

*Fraternal benefit societies organized under the laws  
of any other state, territory or country:*

Admission fees:		
Examination of charter and other documents .....	\$500	
Filing annual statement .....	100	
Certificate of authority .....	10	
Annual fees:		
Filing annual statement .....	100	
Continuation of certificate of authority .....	10	

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

F

*Mutual nonprofit hospital service corporations, nonprofit medical service corporations, non-profit dental service corporations, nonprofit optometric service corporations and non-profit pharmacy service corporations organized under the laws of any other state, territory or country:*

1. Mutual nonprofit hospital service corporations:
 

Admission fees:		
Examination of charter and other documents .....	\$500	
Filing annual statement .....	100	
Certificate of authority .....	10	
Annual fees:		
Filing annual statement .....	100	
Continuation of certificate of authority .....	10	
2. Nonprofit medical service corporations, nonprofit dental service corporations, nonprofit optometric service corporations and nonprofit pharmacy service corporations:
 

Admission fees:		
Examination of charter and other documents .....	\$500	
Filing annual statement .....	100	
Certificate of authority .....	10	
Annual fees:		
Filing annual statement .....	100	
Continuation of certificate of authority .....	10	

33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43

In addition to the above fees and as a condition precedent to the continuation of the certificate of authority, provided in this code, every corporation or association shall pay annually to the commissioner of insurance a tax in an amount equal to 2% per annum of the total of all premiums, subscription charges, or any other term which may be used to describe the charges made by such corporation or association to subscribers in this state for hospital, medical or other health services or indemnity received during the preceding year. In such computations all such corporations or associations shall be entitled to deduct any premiums or subscription charges returned on account of cancellations and dividends returned to members or subscribers.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43

G

*Payment of Taxes.*

For the purpose of insuring the collection of the tax upon premiums, assessments and charges as set out in subsection A, C, D or F, every insurance company, corporation or association shall at the time it files its annual statement, as required by the provisions of K.S.A. 40-225, and amendments thereto, make a return, verified by affidavits of its president and secretary or other chief officers, to the commissioner of insurance, stating the amount of all premiums, assessments and charges received by the companies or corporations in this state, whether in cash or notes, during the year ending on the December 31 next preceding.

Commencing in 1985 and annually thereafter the estimated taxes shall be paid as follows: On or before June 15 and December 15 of such year an amount equal to 50% of the full amount of the prior year's taxes as reported by the company shall be remitted to the commissioner of insurance. As used in this paragraph, "prior year's taxes" includes (1) taxes assessed pursuant to this section for the prior calendar year, (2) fees and taxes assessed pursuant to K.S.A. 40-253, and amendments thereto, for the prior calendar year, and (3) taxes paid for maintenance of the ~~department~~ *office* of the state fire marshal *or the Kansas bureau of investigation* pursuant to K.S.A. 75-1508, and amendments thereto, for the prior calendar year.

Upon the receipt of such returns the commissioner of insurance shall verify the same and assess the taxes upon such companies, corporations or associations on the basis and at the rate provided herein and the balance of such taxes shall thereupon become due and payable giving credit for amounts paid pursuant to the preceding paragraph, or the commissioner shall make a refund if the taxes paid in the prior June and December are in excess of the taxes assessed.

H

The fee prescribed for the examination of charters and other documents shall apply to each company's initial application for admission and shall not be refundable for any reason.

Sec. 12. K.S.A. 40-252b is hereby amended to read as follows: 40-252b. For taxable years commencing on and after January 1, 1998, the fees, charges and taxes provided for by K.S.A. 40-252 and amendments thereto shall be in lieu of all other license fees, premium or occupation taxes, income taxes, intangible property taxes, or other fees levied or assessed upon the basis of income, premiums, gross receipts and intangible property by this state and any municipality, county or other political subdivision of this state, and no municipality, county or other political subdivision of this state shall impose any license fee or privilege, premium, income, intangible property or gross receipts tax or fee upon any insur-

1   ance company or corporation taxed under the provisions of K.S.A. 40-252  
2   and amendments thereto and organized under the laws of this state or  
3   doing business in this state, or upon any of its agents or representatives  
4   for the privilege of doing an insurance business therein. This section shall  
5   not be construed to prohibit the levy and collection of (a) state, county  
6   or municipal taxes upon the real and tangible personal property of such  
7   company, (b) tax for the purpose of maintaining the ~~office of the fire~~  
8   ~~marshal of this state~~ *Kansas bureau of investigation* as provided in K.S.A.  
9   75-1508 and amendments thereto, (c) the firemen's relief fund tax as  
10   provided for in K.S.A. 40-1701 through 40-1707 and amendments  
11   thereto, and (d) municipal occupation taxes levied upon any basis other  
12   than income, intangible property, premiums or gross receipts.

13   Sec. 13. K.S.A. 55-1811 is hereby amended to read as follows: 55-  
14   1811. (a) A liquefied petroleum gas advisory board shall be created within  
15   and as part of the state fire marshal's office *within the Kansas bureau of*  
16   *investigation*.

17   (b) The advisory board shall serve in an advisory capacity to the gov-  
18   ernor and the state fire marshal. The advisory board shall review and make  
19   recommendations on proposed rules and regulations or proposed revi-  
20   sions to current rules and regulations concerning liquefied petroleum gas  
21   prior to the submission of such rules and regulations to the secretary of  
22   administration pursuant to K.S.A. 77-420, and amendments thereto. Per-  
23   sonnel matters of the state fire marshal shall not be reviewed by the  
24   advisory board. The advisory board shall not have any powers, duties or  
25   functions concerning the day-to-day operations of the office of the state  
26   fire marshal.

27   (c) The board shall be composed of nine members who shall be ap-  
28   pointed by the governor. Four members shall represent retail marketers  
29   of liquefied petroleum gas; one member shall represent the insurance  
30   industry; one member shall represent wholesalers, resellers, suppliers and  
31   importers of liquefied petroleum gas; one member shall represent man-  
32   ufacturers and distributors of liquefied petroleum gas equipment and  
33   transporters of liquefied petroleum gas; and two members shall come  
34   from the public. At no time shall more than five members of the advisory  
35   board be members of the same political party.

36   (d) The regular term of office of members of the advisory board shall  
37   be four years. Regular terms shall commence on the second Monday in  
38   January following the appointment of a board member.

39   (e) Of the members of the board appointed in the year 2004:

40   (1) Four members shall have terms ending on the second Monday in  
41   January 2008 and no more than two such members shall be members of  
42   the same political party; and

43   (2) five members shall have terms ending on the second Monday in

1 January 2007 and no more than three such members shall be members  
2 of the same political party.

3 (f) Any member appointed subsequent to 2004 shall be appointed for  
4 a four-year term, unless such appointment is to fill the unexpired term  
5 where a vacancy has occurred on the advisory board, in which case the  
6 member shall be appointed for the remainder of the unexpired term.

7 (g) Members of any such advisory committee shall serve without  
8 compensation. The membership shall be selected based on the individ-  
9 ual's knowledge regarding liquefied petroleum gas, insurance or other  
10 relevant expertise.

11 Sec. 14. K.S.A. 65-429 is hereby amended to read as follows: 65-429.  
12 Upon receipt of an application for license, the licensing agency ~~shall issue,~~  
13 with the approval of the ~~state fire marshal~~ *fire chief or fire inspector of*  
14 *the city, fire district, improvement district or other entity providing fire*  
15 *protection services to the area where the medical care facility is located,*  
16 *shall issue* a license provided the applicant and the physical facilities of  
17 the medical care facility meet the requirements established under this  
18 act. A license, unless suspended or revoked, shall be renewable annually  
19 without charge upon the filing by the licensee, and approval by the li-  
20 censing agency, of an annual report upon such uniform dates and con-  
21 taining such information in such form as the licensing agency prescribes  
22 by rules and regulations. A medical care facility which has been licensed  
23 by the licensing agency and which has received certification for partici-  
24 pation in federal reimbursement programs and which has been accredited  
25 by the joint commission on accreditation of health care organizations or  
26 the American osteopathic association may be granted a license renewal  
27 based on such certification and accreditation. The cost of administration  
28 of the medical care facilities licensure and risk management program  
29 provisions of this act pursuant to K.S.A. 65-433 and 65-4921 et seq., and  
30 amendments thereto, shall be funded by an annual assessment from the  
31 health care stabilization fund, which assessment shall not exceed \$200,000  
32 in any one fiscal year. The licensing agency shall make an annual report  
33 to the health care stabilization fund regarding the use of these funds.  
34 Each license shall be issued only for the premises and persons or gov-  
35 ernmental units named in the application and shall not be transferable or  
36 assignable except with the written approval of the licensing agency. A  
37 separate license is not required for two separate establishments which  
38 are located in the same or contiguous counties, which provide the services  
39 required by K.S.A. 65-431 and amendments thereto and which are or-  
40 ganized under a single owner or governing board with a single designated  
41 administrator and medical staff. Licenses shall be posted in a conspicuous  
42 place on the licensed premises.

43 Sec. 15. K.S.A. 2005 Supp. 75-1508 is hereby amended to read as

1 follows: 75-1508. (a) For the purpose of maintaining the ~~department of~~  
2 ~~the state fire marshal functions and programs of the Kansas bureau of~~  
3 ~~investigation relating to investigations of fires, explosions, methamphet-~~  
4 ~~amine and other clandestine laboratories and other fire safety functions~~  
5 ~~and programs~~, and the payment of the expenses incident thereto, each  
6 fire insurance company doing business in this state shall pay to the com-  
7 missioner of insurance, on or before March 15 each year, in addition to  
8 the taxes, fees and charges now required by law to be paid by it, such  
9 levy as may be made by the ~~state fire marshal~~ *director of the Kansas*  
10 *bureau of investigation*. The levy shall not be more than .80% for calendar  
11 year 2004, and each calendar year thereafter, of a sum equal to the gross  
12 cash receipts as premiums of such company on all fire business transacted  
13 by it in the state of Kansas during the calendar year next preceding, as  
14 shown by its annual statement under oath to the state insurance depart-  
15 ment.

16 (b) For the purposes of maintaining the emergency medical services  
17 board and the payment of the expenses incident thereto, each fire insur-  
18 ance company doing business in this state shall pay to the commissioner  
19 of insurance, on or before March 15 each year, beginning with calendar  
20 year 2002 and each calendar year thereafter, in addition to the taxes, fees  
21 and charges now required by law to be paid by it, such levy as may be  
22 made by the emergency medical services board. The levy shall not be  
23 more than .25% of a sum equal to the gross cash receipts as premiums  
24 of such company on all fire business transacted by it in the state of Kansas  
25 during the calendar year next preceding, as shown by its annual statement  
26 under oath to the state insurance department.

27 (c) For the purposes of maintaining the fire service training program  
28 of the university of Kansas and the payment of the expenses incident  
29 thereto, each fire insurance company doing business in this state shall  
30 pay to the commissioner of insurance, on or before March 15 each year,  
31 beginning with calendar year 2004, and each calendar year thereafter, in  
32 addition to the taxes, fees and charges now required by law to be paid by  
33 it, such levy as may be made by the Kansas fire service training commis-  
34 sion. The levy shall not be more than .20% of a sum equal to the gross  
35 cash receipts as premiums of such company on all fire business transacted  
36 by it in the state of Kansas during the calendar year next preceding, as  
37 shown by its annual statement under oath to the state insurance depart-  
38 ment.

39 (d) The director of the fire service training program of the university  
40 of Kansas shall submit a report concerning expenditures and activities of  
41 the fire service training program of the university of Kansas to the house  
42 committee on appropriations on or before February 1, 2005, and each  
43 ensuing year thereafter.

1     Sec. 16. K.S.A. 75-1510 is hereby amended to read as follows: 75-  
2 1510. There is hereby established the office of state fire marshal *within*  
3 *the Kansas bureau of investigation*. ~~The state fire marshal shall be ap-~~  
4 ~~pointed by the governor and shall serve at the pleasure of the governor.~~  
5 ~~Any person appointed state fire marshal on or after July 1, 1982, shall be~~  
6 ~~appointed subject to confirmation by the senate as provided in K.S.A. 75-~~  
7 ~~4315b. Any person appointed as state fire marshal~~ *The person serving as*  
8 *state fire marshal on the effective date of this act shall continue to serve*  
9 *until January 8, 2007, or the date such person vacates the office, which-*  
10 *ever is first. At that time and thereafter, the state fire marshal shall be*  
11 *appointed by the director of the Kansas bureau of investigation and shall*  
12 *serve at the pleasure of the director. The director shall make the appoint-*  
13 *ment from among three nominees submitted by a nominating committee*  
14 *comprised of nine members, three appointed by the Kansas firefighters*  
15 *association, three appointed by the Kansas professional fire chiefs asso-*  
16 *ciation and three appointed by the Kansas association of fire chiefs. Any*  
17 *such nominee shall have a knowledge of building construction and, at the*  
18 ~~time of appointment,~~ *shall have had not less than five years' experience*  
19 *in fire safety inspection and investigation. The state fire marshal shall*  
20 *maintain an office in the city of Topeka.*

21     Sec. 17. K.S.A. 2005 Supp. 76-3319 is hereby amended to read as  
22 follows: 76-3319. (a) Notwithstanding any laws or regulations to the con-  
23 trary, the authority shall not be subject to any further process or proce-  
24 dure that requires the submission, review or approval to any capital pro-  
25 ject; however, the authority shall ensure that nationally recognized fire  
26 prevention code and life safety inspections under K.S.A. 31-132 et seq.  
27 and amendments thereto of any capital project are conducted and that  
28 such projects are inspected ~~by the state fire marshal, or the state fire~~  
29 ~~marshal's designee~~ *by the fire chief or fire inspector of the city, fire dis-*  
30 *trict, improvement district or other entity providing fire protection serv-*  
31 *ices to the area where the project is located, prior to certification for*  
32 *building occupancy.*

33     (b) The authority shall also be subject to any applicable state, county  
34 and local building codes.

35     (c) The state building codes shall supersede any like standards of a  
36 county or local code unless those standards are more stringent than the  
37 state standards.

38     Sec. 18. K.S.A. 31-144, 31-148, 31-157, 36-510, 39-928, 40-252, 40-  
39 252b, 55-1811, 65-429 and 75-1510 and K.S.A. 2005 Supp. 39-935, 39-  
40 945, 39-946, 75-1508 and 76-3319 are hereby repealed.

41     Sec. 19. This act shall take effect and be in force from and after its  
42 publication in the statute book.