

HOUSE BILL No. 2978

By Committee on Appropriations

2-22

9 AN ACT concerning fire inspections; providing for an informal dispute
10 resolution procedure.

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

13 Section 1. (a) If, upon inspection of a business or residence by an
14 officer or agent of the state fire marshal or a fire chief or fire inspector
15 of a city, deficiencies are found, the person who owns or operates such
16 business or residence, within 10 calendar days after receipt of the state-
17 ment of deficiencies, may make a written request to the state fire marshal
18 for informal dispute resolution by an independent review panel. The
19 owner or operator may make one request for informal dispute resolution
20 per inspection to dispute any deficiencies with which such owner or op-
21 erator disagrees. The informal dispute resolution may be based upon the
22 statement of deficiencies and any other materials submitted; however,
23 the state fire marshal shall provide the owner or operator with a face to
24 face informal dispute resolution meeting upon request by the owner or
25 operator.

26 (b) A written request for informal dispute resolution shall:

27 (1) State the specific deficiencies being disputed;

28 (2) provide a detailed explanation of the basis for the dispute; and

29 (3) include any supporting documentation, including any information
30 that was not available at the time of the inspection.

31 (c) Upon receipt of the written request provided for in subsection
32 (a), the state fire marshal shall appoint a panel of three persons to com-
33 pose the independent review panel. One member shall be an employee
34 of the state fire marshal's office and two members shall be appointed
35 from outside the state fire marshal's office.

36 (d) A request for informal dispute resolution shall not delay the timely
37 correction of any deficiency. A facility may not seek a delay of any en-
38 forcement action against it on the grounds that the informal dispute res-
39 olution has not been completed before the effective date of the enforce-
40 ment action. Any decision or proposed resolution of the independent
41 review panel shall be advisory to the state fire marshal.

42 (e) Costs of the panel, including traveling expenses and other ex-
43 penses of the review, shall be paid by the office of the state fire marshal.

1 (f) The state fire marshal shall implement by rules and regulations
2 the provisions of this section.
3 Sec. 2. This act shall take effect and be in force from and after its
4 publication in the statute book.