

STATE DEPARTMENTS, PUBLIC OFFICERS AND EMPLOYEES

75-1503. Vacancy in office. While any vacancy shall exist in the office of the state fire marshal or during his or her absence or inability to perform his or her duties, the same shall devolve upon and be performed by the chief deputy state fire marshal.

History: L. 1917, ch. 198, § 3; March 8; R.S. 1923, 75-1503.

75-1505. Records of fires. The state fire marshal shall keep in his or her office a record of all fires occurring in the state, showing the name or names of the owners of personal and real property and the name or names of the occupants of buildings where fires occur, the total amount of insurance carried, the total amount of insurance collected, the total amount of loss to the property owner, together with all the facts, statistics and circumstances, including the origin of the fire, which may be determined by the investigation provided by this act. Such records shall at all times be open to public inspection and such portions of it as the state commissioner of insurance may deem necessary shall be transcribed and forwarded to him or her whenever any such information is requested by him or her.

History: L. 1917, ch. 198, § 6; March 8; R.S. 1923, 75-1505.

75-1506. Full-time work. The state fire marshal shall devote his or her entire time to the duties of his or her office, and the state fire marshal or his or her chief deputy, except when engaged elsewhere in the performance of their duties, shall be at all reasonable times at the office of the state fire marshal, ready for such duties.

History: L. 1917, ch. 198, § 15; March 8; R.S. 1923, 75-1506.

75-1507. Annual report. The state fire marshal shall make an annual report to the governor not later than the first day of February of each year of the official actions in the transaction of his or her department.

History: L. 1917, ch. 198, § 17; March 8; R.S. 1923, 75-1507.

75-1508. Insurance company fees; expenses of office; remittance and distribution. (a) For the purpose of maintaining the department of the state fire marshal and the payment of the expenses incident thereto, each fire insurance company doing business in this state shall pay to the commissioner of insurance, on or before March 15 each year, beginning with the year 1984, and each year thereafter, in addition to the taxes, fees and charges now required by law to be paid by it, such levy as may be made by the state fire marshal. The levy shall not be more than 1.0% for calendar years 2003 and 2004, and 1.25% for calendar year 2005 and ensuing years, of a sum equal to the gross cash receipts as premiums of such company on all fire business transacted by it in the state of Kansas during the year next

preceding, as shown by its annual statement under oath to the state insurance department.

(b) For the purposes of maintaining the emergency medical services board and the payment of the expenses incident thereto, each fire insurance company doing business in this state shall pay to the commissioner of insurance, on or before March 15 each year, beginning with the year 2003, and each year thereafter, in addition to the taxes, fees and charges now required by law to be paid by it, such levy as may be made by the emergency medical services board. The levy shall not be more than .25% of a sum equal to the gross cash receipts as premiums of such company on all fire business transacted by it in the state of Kansas during the year next preceding, as shown by its annual statement under oath to the state insurance department. The provisions of this subsection (b) shall expire on December 31, 2004.

History: R.S. 1923, 75-1508; L. 1939, ch. 297, § 6; L. 1957, ch. 440, § 1; L. 1973, ch. 309, § 41; L. 1983, ch. 277, § 1; L. 2002, ch. 147, § 2; May 23.

75-1510. Office of state fire marshal established; appointment of state fire marshal; qualifications. There is hereby established the office of state fire marshal. The state fire marshal shall be appointed by the governor and shall serve at the pleasure of the governor. Any person appointed state fire marshal on or after July 1, 1982, shall be appointed subject to confirmation by the senate as provided in K.S.A. 75-4315b. Any person appointed as state fire marshal shall have a knowledge of building construction and, at the time of appointment, shall have had not less than five years' experience in fire safety inspection and investigation. The state fire marshal shall maintain an office in the city of Topeka.

History: L. 1939, ch. 297, § 1; L. 1957, ch. 442, § 9; L. 1967, ch. 434, § 53; L. 1978, ch. 341, § 1; L. 1982, ch. 347, § 51; July 1.

75-1511. Transfer of jurisdiction, powers and duties. All the jurisdiction, rights, powers, duties and authority now vested in or imposed upon the Kansas state department of inspections and registration or the director thereof which were transferred to said department or the director thereof from the state fire marshal by the provisions of chapter 285 of the Laws of 1933, and including the jurisdiction, rights, powers, duties and authority conferred, imposed and provided in chapter 31, section 72-4605, 75-1503 and 75-1505 to 75-1509, both sections inclusive, of the General Statutes of 1935 and acts amendatory thereof and supplemental thereto are hereby transferred to, vested in and imposed upon the state fire marshal created in this act.

History: L. 1939, ch. 297, § 2; April 17.

75-1513. Acceptance of gifts, grants and donations; disposition. The state fire marshal may make application for and accept gifts, grants and donations of property from private persons or from any agency of the state or federal government granted or given for a purpose consistent with

performing the state fire marshal's duties as authorized or directed by law. The state fire marshal shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the fire marshal's gratuities fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state fire marshal or by a person or persons designated by the state fire marshal.

History: L. 1973, ch.338, § 1; L. 2001, ch. 5, § 367; July 1.

75-1514. Insurance company fees, remittance and distribution; fire marshal fee fund created. (a) The commissioner of insurance shall remit all moneys received by the commissioner under subsection (a) of K.S.A. 75-1508, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the fire marshal fee fund for the fiscal years ending June 30, 2003, and June 30, 2004, and the state treasurer shall credit 20% of each such deposit to the state general fund and shall credit the remainder of each such deposit to the fire marshal fee fund for the fiscal year ending June 30, 2005, and ensuing fiscal years.

(b) There is hereby created the fire marshal fee fund in the state treasury. All expenditures from the fire marshal fee fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state fire marshal or a person or persons designated by the state fire marshal.

(c) The commissioner of insurance shall remit all moneys received by the commissioner under subsection (b) K.S.A. 75-1508, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the emergency medical services board operating fund.

History: L. 1983, ch. 278, § 1; L. 1992, ch. 220, § 3; L. 2001, ch. 5, § 368; L. 2002, ch. 147, § 3; May 23.

75-1515. Assistant attorney general; appointment and compensation. The attorney general shall appoint, with the approval of the state fire marshal, an assistant attorney general who shall be the attorney for the state fire marshal and the office of the state fire marshal. Such attorney shall receive an annual salary fixed by the attorney general with the approval of the state fire marshal. Such salary shall be paid from moneys appropriated for the state fire marshal.

History: L. 1990, ch. 136, § 1; July 1.

75-1516. Same; duties. The assistant attorney general appointed under K.S.A. 75-1515 shall be the legal advisor for

the office of the state fire marshal. The assistant attorney general appointed under K.S.A. 75-1515 shall appear for and on behalf of the state fire marshal, or any of the deputies of the state fire marshal, in any litigation that may arise in the discharge of the duties of the office of the state fire marshal.

History: L.1972, ch.157, § 18; L.1990, ch. 136, § 2; July 1.

75-3136. Salary of fire marshal. The state fire marshal shall receive an annual salary to be fixed by the governor with the approval of the state finance council.

History: R.S. 1923, 75-3136; L. 1939, ch. 297, § 4; L. 1943, ch. 274, § 8; L. 1945, ch. 303, § 7; L. 1947, ch. 416, § 16; L. 1949, ch. 441, § 1; L. 1953, ch. 363, § 8; L. 1961, ch. 409, § 10; L. 1963, ch. 419, § 10; L. 1965, ch. 458, § 23; L. 1967, ch. 443, § 17; L. 1972, ch. 153, § 50; Jan. 8, 1973.

75-3137. Deputies and assistants; training coordinator.

(a) The state fire marshal is hereby authorized to appoint, in accordance with the provisions of the Kansas civil service act, such deputies, assistants and clerical employees as are necessary to properly discharge the duties of office. The state fire marshal shall appoint a training coordinator for firefighter training programs. The firefighter training coordinator shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the state fire marshal.

(b) The state fire marshal, firefighter training coordinator, deputies and assistants shall be entitled to their actual and necessary traveling, hotel and other expenses incurred in the performance of their duties while away from the city of Topeka and from their headquarters on official business.

(c) The state fire marshal, firefighter training coordinator, deputies and assistants, with the consent of the state fire marshal, may contract for such other expenses as may be necessary in the performance of the official duties of the office. All of such expenses shall be paid out of the funds available for the state fire marshal.

History: R.S. 1923, 75-3137; L. 1939, ch. 297, § 5; L. 1943, ch. 277, § 21; L. 1982, ch. 170, § 1; July 1.

AGO: 95-37

75-3170a. Use and purpose of twenty percent charge to fee agencies; when charge not applicable. (a) The 20% credit to the state general fund required by K.S.A. 1-204, 9-

1703, 16-609, 16a-2-302, 17-1271, 17-2236, 17-5609, 17-5610, 17-5612, 17-5701, 20-1a02, 20-1a03, 31-133a, 31-134, 44-324, 44-926, 47-820, 49-420, 55-155, 55-176, 55-609, 55-711, 55-901, 58-2011, 58-3074, 58-4107, 65-6b10, 65-1718, 65-1817a, 65-2011, 65-2855, 65-2911, 65-4610, 65-5413, 65-5513, 66-1,155, 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-3903, 74-5805, 74-7009, 74-7506, 75-1119b, 75-1308 and 75-1514 and 2-3506, 84-9-411 and 84-9-413, and amendments thereto, is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing ser-

vices, and any and all other state governmental services, which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(b) Nothing in this act or in the sections amended by this act or referred to in subsection (a), shall be deemed to authorize remittances to be made less frequently than is authorized under K.S.A. 75-4215 and amendments thereto.

(c) Notwithstanding any provision of any statute referred to in or amended by this act or referred to in subsection (a), whenever in any fiscal year such 20% credit to the state general fund in relation to any particular fee fund is \$200,000, in that fiscal year the 20% credit no longer shall apply to moneys received from sources applicable to such fee fund and for the remainder of such year the full 100% so received shall be credited to such fee fund, except as otherwise provided in subsection (d) and except that during the fiscal year ending June 30, 1993, with respect to the fire marshal fee fund, when the 20% credit to the state general fund prescribed by K.S.A. 31-133a, 31-134 and 75-1514 and amendments thereto, in the aggregate, is \$400,000, then in that fiscal year such 20% credit no longer shall apply to moneys received from sources applicable to the fire marshal fee fund and for the remainder of such fiscal year the full 100% so received shall be credited to the fire marshal fee fund.

History: L. 1973, ch. 309, § 43; L. 1975, ch. 440, § 1; L. 1976, ch. 374, § 2; L. 1976, ch. 382, § 1; L. 1977, ch. 194, § 2; L. 1978, ch. 211, § 10; L. 1978, ch. 196, § 2; L. 1978, ch. 239, § 11; L. 1978, ch. 352, § 4; L. 1978, ch. 336, § 24; L. 1980, ch. 269, § 1; L. 1980, ch. 242, § 10; L. 1980, ch. 270, § 1; L. 1982, ch. 9, § 3; L. 1982, ch. 228, § 22; L. 1983, ch. 286, § 13; L. 1986, ch. 323, § 18; L. 1986, ch. 322, § 18; L. 1986, ch. 187, § 3; L. 1988, ch. 399, § 2; L. 1988, ch. 342, § 1; L. 1991, ch. 6, § 9; L. 1992, ch. 220, § 4; L. 1997, ch. 160, § 41; L. 2000, ch. 116, § 13; July 1.

AGO: 86-54

75-36,102. Same; memorial to Kansas firefighters; duties of state fire marshal; duties of secretary of administration; Kansas firefighters memorial fund. (a) There shall be placed on state property within the state capitol plaza area a memorial to Kansas firefighters who have lost their lives in the line of duty in the service of the state. Such memorial shall be located at a site to be selected by the director. Such memorial shall be constructed in accordance with the design and architectural drawings approved by the director. The memorial shall be of such a design that the names of the firefighters to be honored, both past and future, may be inscribed thereon. The director shall cause annually the name or names of any firefighters who have lost their lives in the line of duty in the service of the state to be inscribed upon the memorial. The memorial for Kansas firefighters is subject to the provisions, procedures and approvals required under K.S.A. 2002 Supp. 75-36,102 through 75-36,106, and amendments thereto, except that such memorial for Kansas firefighters is hereby authorized

by the legislature for purposes of subsection (b) of K.S.A. 2002 Supp. 75-36,106, and amendments thereto.

(b) It shall be the duty of the state fire marshal on or before the 15th day of March of each year to notify the secretary of administration of the name or names of any firefighters who lost their lives in the line of duty during the preceding calendar year. The state fire marshal shall assemble the necessary information regarding any such firefighter and report the same to the director.

(c) The secretary of administration is hereby authorized to receive any grants, gifts, contributions or bequests made for the purpose of financing the construction of such memorial or for its upkeep and the addition of names thereto and to expend the same for the purpose for which received.

(d) There is hereby established in the state treasury the Kansas firefighters memorial fund. Expenditures from the fund may be made for the purposes of constructing, updating and repairing such memorial, for other purposes related to memorializing and honoring Kansas firefighters and for such purposes as may be specified with regard to any grant, gift, contribution or bequest. All such expenditures shall be authorized by the Kansas firefighters memorial advisory committee and made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of administration or the secretary's designee.

(e) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas firefighters memorial fund interest earnings based on:

(1) The average daily balance of moneys in the Kansas firefighters memorial fund for the preceding month; and

(2) the net earnings rate for the pooled money investment portfolio for the preceding month.

History: L. 2001, ch. 12, § 2; March 22.

75-36,103. Same; Kansas firefighters memorial advisory committee; duties. (a) There is hereby established the Kansas firefighters memorial advisory committee which shall be composed of nine members as follows:

(1) A representative of the Kansas state firefighters association, appointed by the governor;

(2) a representative of the Kansas state association of fire chiefs, appointed by the governor;

(3) a representative of the Kansas professional fire chiefs association, appointed by the governor;

(4) a representative of the Kansas council of firefighters, appointed by the governor;

(5) a representative of the fire education association of Kansas, appointed by the governor;

(6) a representative of the Kansas chapter of the international association of arson investigators, appointed by the governor;

(7) a representative of the fire marshal's association of Kansas, appointed by the governor;

(8) the state fire marshal or the marshal's designee; and

(9) the executive director of the Kansas state historical society or the executive director's designee.

(b) With regard to a member to be appointed by the governor as a representative of the Kansas state firefighters association, Kansas state association of fire chiefs, the Kansas professional fire chiefs association, the Kansas council of firefighters, fire education association of Kansas, the Kansas chapter of the international association of arson investigators, or the fire marshal's association of Kansas, the association or group to be represented may submit a list of at least three names for consideration by the governor in making the appointment. The governor shall consider each such list if timely submitted and may appoint from among those listed.

(c) The Kansas firefighters memorial advisory committee shall be advisory to the director and the secretary of administration with regard to matters concerning the memorial to Kansas firefighters on the state capitol grounds. The advisory committee also may make recommendations to the governor and the legislature regarding appropriate activities memorializing or commemorating the services of firefighters in Kansas. The advisory committee may solicit grants, gifts, contributions and bequests for the memorial and shall remit all moneys so received for deposit in the state treasury to the credit of the Kansas firefighters memorial fund in accordance with K.S.A. 2002 Supp. 75-36,102 and amendments thereto.

(d) The members of the advisory committee shall organize annually by electing a chairperson and vice-chairperson. The advisory committee shall meet at least once each year upon call of the chairperson. The secretary of administration, or the secretary's designee, shall serve as secretary for the advisory committee. Members of the advisory committee appointed by the governor under this section shall serve at the pleasure of the governor.

History: L. 2001, ch. 12, § 3; March 22.

75-4364. Educational benefits for dependents of deceased public safety officers; enrollment at Kansas educational institutions without charge of tuition or fees. (a)

As used in this section:

(1) "Kansas educational institution" means and includes area vocational schools, area vocational-technical schools, community colleges, the municipal university, state educational institutions, and technical colleges.

(2) "Public safety officer" means a law enforcement officer or a firefighter or an emergency medical services attendant.

(3) "Law enforcement officer" means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees

of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.

(4) "Firefighter" means a person who is employed by any city, county, township or other political subdivision of the state and who is assigned to the fire department thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom.

(5) "Emergency medical services attendant" means a first responder, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator or a mobile intensive care technician certified by the emergency medical services board pursuant to the statutory provisions contained in article 61 of chapter 65 of Kansas Statutes Annotated.

(6) "Dependent" means (A) a birth child, adopted child or stepchild of a public safety officer or (B) any child other than the foregoing who is actually dependent in whole or in part on a public safety officer and who is related to the public safety officer by marriage or consanguinity.

(7) "State board" means the state board of regents.

(b) Every Kansas educational institution shall provide for enrollment without charge of tuition or fees for any dependent of a public safety officer who died as the result of injury sustained while performing duties as a public safety officer so long as such dependent is eligible. Any such dependent shall be eligible for enrollment at a Kansas educational institution without charge of tuition or fees for not to exceed eight semesters of undergraduate instruction, or the equivalent thereof, at all such institutions, in the aggregate, for any such dependent.

(c) Subject to appropriations therefor, any Kansas educational institution, at which enrollment, without charge of tuition or fees, of the dependent of a deceased public safety officer is provided for under subsection (b), may file a claim with the state board for reimbursement of the amount of such tuition and fees. The state board shall be responsible for payment of reimbursements to Kansas educational institutions upon certification by each such institution of the amount of reimbursement to which entitled. Payments to Kansas educational institutions shall be made upon vouchers approved by the state board and upon warrants of the director of accounts and reports. Payments may be made by issuance of a single warrant to each Kansas educational institution at which one or more eligible dependents are enrolled for the total amount of tuition and fees not charged eligible dependents for enrollment at that institution. The director of accounts and reports shall cause such warrant to be delivered to the Kansas educational institution at which such eligible dependent or dependents are enrolled. If an eligible dependent discontinues attendance before the end of any semester, after the Kansas educational institution has received payment under this subsection, the institution shall pay to the state the entire amount which such eligible dependent would otherwise qualify to have refunded, not to exceed the amount of the payment

made by the state in behalf of such dependent for the semester. All amounts paid to the state by Kansas educational institutions under this subsection shall be deposited in the state treasury and credited to the state general fund.

(d) The state board shall adopt rules and regulations for administration of the provisions of this section and shall determine the qualification of persons as dependents of public safety officers and the eligibility of such persons for the benefits provided for under this section.

History: L.1996, ch. 165, § 1; L. 2001, ch. 210, § 1; July 1.