

FIREFIGHTERS RELIEF

40-10-1 Firefighter's relief fund tax; fire marshal tax; companies subject to; amount of premiums taxed. (a) Each insurance company, authorized to transact business in the state of Kansas, that issues a policy which covers the hazard of fire is subject to the firefighter's relief fund tax and the fire marshal tax. Unless a verifiable, separate charge is made for fire coverage, the following portion of the respective policy premiums shall be allocated as fire premium:

- (1) 25 percent of all premium collected on homeowners multiple-peril policies;
- (2) 55 percent of all premium collected on the property coverage section of commercial multiple-peril policies;
- (3) 20 percent of all premium collected on aircraft policies;
- (4) eight percent of all premium collected on automobile physical damage coverage;
- (5) 15 percent of all premium collected on marine policies;
- (6) 35 percent of all premium collected on farm-owners multiple-peril policies; and
- (7) 33 1/3 percent of all premium on all other single premium policies that provide coverage for damage caused by fire and perils other than fire.

(b) The words "fire insurance company" as used in K.S.A. 75-1508, and any amendments, are construed to mean each company issuing a policy which includes coverage for property against the hazard of fire. (Authorized by K.S.A. 40-103, 40-1707(g); implementing K.S.A. 1984 Supp. 75-1508, K.S.A. 1984 Supp. 40-1703; effective Jan. 1, 1966; amended May 1, 1981; amended May 1, 1985; amended May 1, 1986.)

40-10-2 Firefighter's relief association; requirements for participation; procedure. (a) Members of a fire department who desire to participate in the distribution of firefighter's relief funds shall meet these requirements:

- (1) Apply for a charter and incorporate as a not-for-profit corporation;
- (2) file with the commissioner of insurance a certified copy of the articles of incorporation of the firefighter's relief association; and
- (3) file with the commissioner of insurance evidence of establishment of a fire district within a township or county in accordance with applicable Kansas statutes. This requirement shall not apply to fire departments under the exclusive control of the governing body of an incorporated city.

(b) When the members of a city, township, county, or fire district fire department notify the commissioner of insurance of their desire to participate in the firefighter's relief fund tax and have otherwise qualified for participation, the proper officials shall complete a declaration form, provided by the commissioner, that declares

their right to participate in the firefighter's relief fund. The completed form shall be returned to the commissioner. The declaration form shall be executed by the chief executive officer of the city, township, county, or fire district. The clerk of the city, township, or county, or the equivalent official of the fire district shall attest to the execution of the form.

(c) A declaration form shall be filed annually with the commissioner of insurance.

(d) Qualified firefighter's relief associations shall submit for newly established associations and for associations requesting redetermination hearings pursuant to K.S.A. 40-1706(c)(6), on forms provided by the commissioner, a certification by the county clerk, of the population and assessed tangible property valuation of the geographic area provided fire protection services by the fire department of the association. The population figure shall be computed using the most recent population figures available from the United States bureau of the census, as certified to the secretary of state by the division of the budget on July 1 of each year. The assessed tangible property valuation figure provided on the form shall be computed using the tangible assessed valuation, as shown on the latest November 1 assessment roll prepared and maintained by the county clerk.

(e) Each firefighter's relief association shall adopt bylaws to cover all activities of the association and shall set forth the procedures for disbursing funds for the payment of benefits provided by the association. A copy of the bylaws and the procedures shall be filed with the commissioner. (Authorized by K.S.A. 40-103, 40-1707(g); implementing K.S.A. 40-1701; effective Jan. 1, 1966; amended May 1, 1979; amended May 1, 1981; amended May 1, 1985; amended May 1, 1986; amended Oct. 17, 1997.)

40-10-5 Firefighter's relief associations; purchase of insurance; on duty coverage. (a) Except as provided in K.S.A. 40-1707(b), 40-1707(c)(1)(A) and 40-1707(c)(1)(B), and its amendments, any insurance for coverage while on duty which is paid for in whole or in part by a firefighter's relief association from funds paid by the commissioner of insurance shall meet the following conditions:

(1) Each policy shall be purchased, owned and held by the firefighter's relief association.

(2) Each policy shall name the firefighter's relief association as beneficiary of the policy. The policy shall not contain a provision which would permit the beneficiary to be other than a firefighter's relief association.

(3) The policy shall provide that each indemnity shall be paid to the firefighter's relief association.

(4) Except as provided by subsection (b), the policy shall be limited to cover only accidental injuries, diseases, or death resulting from duties as a member of the fire department as set forth in K.S.A. 40-1707.

(b) Each volunteer fire department may establish annuities in accordance with K.S.A. 40-1707(c)(1), and its amendments. Prior to the purchase of any annuity contract

by a firefighter's relief association for and on behalf of the volunteer firefighters, the purchase of the annuity contract shall be approved by the attorney of the governing body.

(c) K.S.A. 40-1707(c)(1)(A) and 40-1707(c)(1)(B), and its amendments, shall be applicable only to group term, group permanent or individual permanent life insurance contracts. (Authorized by K.S.A. 40-103, 40-1707(g); implementing K.S.A. 1984 Supp. 40-1707; effective Jan. 1, 1966; amended Jan. 1, 1968; amended May 1, 1975; amended May 1, 1979; amended May 1, 1985; amended May 1, 1986.)

40-10-6 Firefighter's relief associations; purchase of insurance; 24 hour coverage. (a) Except as provided in K.S.A. 40-1707(b), 40-1707(c)(1)(A) and 40-1707(c)(1)(B), and its amendments, any insurance for 24 hour coverage which is paid in part by a firefighter's relief association from funds paid to it by the commissioner of insurance shall meet the following conditions:

(1) Each policy shall be purchased, owned, and held by the firefighter's relief association.

(2) Except as provided in subsection (b)(4), each policy shall name the firefighter's relief association as the beneficiary of the policy. The policy shall not contain a provision which would permit the beneficiary to be other than a firefighter's relief association.

(3) Except as provided in subsection (b)(4), the insurance policy shall provide that each indemnity shall be paid to the firefighter's relief association.

(b) Where individual members of a firefighter's relief association desire to have their dependents insured under a group or franchise accident and health policy issued to the association:

(1) Dependent's coverage shall be evidenced by endorsements attached to the policy.

(2) The association shall have authorized the addition of coverage for dependents to its policy.

(3) The cost of coverage for dependents shall be paid by the individual firefighter. Firefighter's relief tax funds cannot be used to pay for the coverage.

(4) The endorsement shall provide that benefits under the endorsement for dependents shall be paid directly to the firefighter who has paid for them or to another beneficiary of the firefighter's choice. The association shall not be a beneficiary.

(c) When a firefighter's relief association purchases 24 hour coverage for its members, each individual member shall pay that portion of the cost (premiums) which is beyond "on duty" coverage. The contribution by the individual members shall not be less than 15 percent of the total premium for this coverage.

(d) K.S.A. 40-1707(c)(1)(A) and 40-1707(c)(1)(B), and its amendments, shall be applicable only to group term, group permanent or individual permanent life insurance contracts. (Authorized by K.S.A. 40-103, 40-1707(g); implementing K.S.A. 1984 Supp. 40-1707; effective Jan. 1, 1966; amended Jan. 1, 1968; amended May 1, 1975;

amended May 1, 1979; amended May 1, 1985; amended May 1, 1986.)

40-10-10 Firefighter's relief association; permissible disbursements. The cost of the bond for the treasurer of a firefighter's relief association, as prescribed by K.S.A. 40-1706, and reasonable administrative expenses, to be determined at the discretion of the commissioner of insurance, including stamps, stationery, safe deposit box rent, the expense of having the funds of the association audited, and other similar expenses, shall be permissible disbursements from the firefighter's relief funds. Each expenditure shall be itemized in the financial statement. (Authorized by K.S.A. 40-103, 40-1707(g); implementing K.S.A. 40-1707(g); effective Jan. 1, 1966; amended May 1, 1979; amended May 1, 1986; amended Oct. 17, 1997.)

RAILROAD FIRES

82-6-1 Definitions. The following terms used in connection with rules and regulations governing suppression of diesel locomotive originated fires on railroad right-of-way shall be defined as follows: (1) The term "commission" refers to the state corporation commission of the state of Kansas.

(2) The term "carrier" means any railroad, railway company or corporation subject to commission jurisdiction, which operates a railroad in the state of Kansas.

(3) The term "right-of-way" is the property on which the road bed, tracks and fixed facilities necessary for the operation of trains are located. (Authorized by K.S.A. 66-101, 66-106, 66-156; effective, E-72-22, July 28, 1972; effective Jan. 1, 1973.)

82-6-2 Spark arresters. (a) No carrier shall use or operate a non-turbo charged diesel locomotive for over-the-road service in the state of Kansas unless it is equipped with a spark arrester. The spark arrester shall be constructed of nonflammable materials that are at least 80 percent efficient in the retention or destruction of all carbon particles .023 inch in diameter and larger for 30 to 100 percent of the locomotive engine's exhaust flow rate. With the addition of the arrester, the total manifold exhaust back leg pressure shall not exceed 3 1/2 inches of mercury.

(b) Any carrier may make application to the commission for an extension of time to meet the standards of subsection (a) on the grounds of non-availability of parts and material, or on the grounds of financial inability to meet the provisions of subsection (a). (Authorized by and implementing K.S.A. 66-231b; effective, E-72-22, July 28, 1972; effective Jan. 1, 1973; amended May 1, 1984.)

82-6-3 High fire areas. (a) The term "high fire area" means any 10-mile section of a carrier's right-of-way wherein there has been, during the immediate past three-

calendar-year period, an average of three or more diesel locomotive originated fires per year.

(b) Every carrier shall treat high fire areas by either plowing, burning, cutting, or chemically spraying all vegetation for a distance of not less than 25 feet from the outside rails and between all rails on its right-of-way. Periodic inspections of the high fire areas shall be made by the commission to assure compliance with this standard.

(c) On or before March 1 of each year, every carrier shall report to the commission all high fire areas on its right-of-way in the state of Kansas.

(d) The report shall state the location of the high fire areas by railroad mile post numbers, county, and nearest town or city. The report shall also include, but not be limited to, the date of each fire, the number of fires and the total acres burned in each of the specific high fire areas.

(e) The report shall state the nature of the treatment of high fire areas, and the date of that treatment for each area in the preceding calendar year. (Authorized by K.S.A. 66-231b; implementing K.S.A. 66-156; effective, E-72-22, July 28, 1972; effective Jan. 1, 1973; amended May 1, 1984.)