

SENATE BILL No. 135

By Committee on Federal and State Affairs

2-6

AN ACT concerning the boiler safety act; transferring duties from the secretary of labor to the state fire marshal; amending K.S.A. 44-916, 44-917, 44-918, 44-919, 44-920, 44-921, 44-922, 44-923, 44-924, 44-925, 44-927 and 44-929 and K.S.A. 2012 Supp. 44-636, 44-914, 44-915, 44-926 and 44-928 and repealing the existing sections.

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

New Section 1. (a) All of the powers, duties and functions of the secretary of labor under the boiler safety act, K.S.A. 44-913 et seq., and amendments thereto, are hereby transferred to and conferred and imposed upon the office of state fire marshal.

(b) In accordance with the provisions of appropriation acts, the office of state fire marshal shall administer the boiler inspection fee fund, established by K.S.A. 44-926, and amendments thereto.

(c) All liabilities of the secretary of labor, including accrued compensation or salaries of officers and employees who are transferred to the office of state fire marshal under this section shall be assumed and paid by the office of state fire marshal.

New Sec. 2. (a) The state fire marshal shall be the successor in every way to the powers, duties and functions of the secretary of labor under the boiler safety act, K.S.A. 44-913 et seq., and amendments thereto, in which the same were vested prior to the effective date of this act and that are transferred pursuant to section 1, and amendments thereto. Every act performed in the exercise of such transferred powers, duties and functions by or under the state fire marshal pursuant to section 1, and amendments thereto, shall be deemed to have the same force and effect as if performed by the secretary of labor in which such powers, duties and functions were vested prior to the effective date of this act.

(b) Whenever the secretary of labor, or words of like effect, are referred to or designated by a statute, contract or other document and such reference is in regard to any of the powers, duties or functions transferred to the office of state fire marshal pursuant to section 1, and amendments thereto, such reference or designation shall be deemed to apply to the office of state fire marshal or the state fire marshal as the context requires.

(c) All rules and regulations, orders and directives of the secretary of labor adopted or issued pursuant to the powers, duties or functions

Proposed Amendments to SB 135
Senator Holmes
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1 state fire marshal, chief inspector and any deputy inspector are authorized
 2 to order the revocation or suspension of any certificate issued pursuant to
 3 this act, and order any owner, operator or resident agent of an owner to
 4 cease and desist operation of any boiler or pressure vessel subject to this
 5 act for failure to comply with any of the provisions of this act or any rules
 6 and regulations promulgated under the authority of this act. The state fire
 7 marshal, chief inspector and any deputy inspector are further authorized
 8 to order any owner, operator or resident agent of an owner to cease and
 9 desist operation of any boiler or pressure vessel subject to this act if the
 10 state fire marshal, chief inspector or deputy inspector finds that such
 11 boiler or pressure vessel does not have a certificate as required by this act,
 12 or finds that such boiler or pressure vessel cannot be operated without an
 13 immediate danger to the public health, safety or welfare.

14 (e) An order revoking or suspending a certificate or any cease and
 15 desist order shall continue in effect until the owner or operator
 16 demonstrates that any danger has been abated and the applicable rules
 17 and regulations have been complied with. The state fire marshal, chief
 18 inspector or any deputy inspector shall reinspect the boiler or pressure
 19 vessel to ensure that it is safe to operate and that all applicable rules and
 20 regulations have been complied with before issuing or reinstating a
 21 certificate to operate the boiler or pressure vessel.

22 Sec. 16. K.S.A. 44-925 is hereby amended to read as follows: 44-925.
 23 (a) It shall be unlawful for any person, firm, partnership, corporation or
 24 other entity to operate in this state a pressure vessel installed after January
 25 1, 1999, or a boiler without a valid inspection certificate, and The
 26 operation of a pressure vessel installed after January 1, 1999, or a boiler
 27 without such inspection certificate or at a pressure exceeding that specified
 28 in such inspection certificate shall constitute a class ~~4~~ C misdemeanor.
 29 Each day of such unlawful operation shall be deemed a separate offense.

30 (b) If an inspection certificate is lost or destroyed, a new certificate
 31 shall be issued in its place without another inspection. The ~~secretary~~ state
 32 fire marshal may charge a fee for a replacement certificate.

33 (c) It shall be unlawful for any person, firm, partnership, corporation
 34 or other entity to install or operate any boiler or pressure vessel in this
 35 state or to construct any boiler or pressure vessel for use in this state in
 36 violation of this act or the rules and regulations adopted hereunder, and
 37 any such unlawful installation, operation or construction shall constitute a
 38 class ~~4~~ C misdemeanor. Each day of unlawful installation, operation or
 39 construction shall be deemed a separate offense.

40 (d) In addition to any other penalty provided by law, the state fire
 41 marshal, upon finding that any person has violated any of the provisions
 42 of this act or any rule or regulation promulgated under the authority of
 43 this act, is authorized to impose a civil penalty not to exceed \$1,000 per