

HOUSE BILL No. 2369

By By Committee on Appropriations

3-3

1 AN ACT concerning schools; relating to school buildings; amending
2 K.S.A. 2010 Supp. 31-144 and repealing the existing section.

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

5 Section 1. K.S.A. 2010 Supp. 31-144 is hereby amended to read as
6 follows: 31-144. (a) As used in this act, "school building" means any
7 building or structure operated or used for any purpose by, or located upon
8 the land of, any school district, community college district, area
9 vocational school, area vocational-technical school, institution under the
10 state board of regents or any private or nonpublic school, college or
11 university, whether or not operated for profit. The term school building
12 does not include within its meaning any single-family dwelling or duplex
13 constructed as part of a vocational education program or construction
14 trades class if such single-family dwelling or duplex is to be sold, after its
15 construction, for private use.

16 (b) All school buildings shall be inspected at least once each year. In
17 all cities of the first and second class in which there is a full-time fire
18 chief or full-time fire inspector, the inspection of the school buildings
19 shall be conducted by such chief or inspector. The chief or inspector shall
20 report the findings from the inspection to the state fire marshal within 30
21 days after such inspection. In all other cases, school buildings shall be
22 inspected by the state fire marshal or the fire marshal's authorized
23 assistants.

24 (c) The state fire marshal shall order the governing body having
25 control of any school building or facility thereof to correct any condition
26 in such building or facility which is in violation of this act, or any
27 condition which the fire marshal deems dangerous, or which in any way
28 prevents a speedy exit from such building. After any such order is
29 rendered, such governing body shall make the changes required to
30 comply therewith. A board of education of any school district is hereby
31 authorized to make expenditures from its general fund or capital outlay
32 fund to comply with such order, or the board may issue no-fund warrants
33 in such amounts as are necessary to pay expenses incurred in complying
34 with such order. Such no-fund warrants shall be issued, registered, paid
35 and redeemed and bear interest as provided by K.S.A. 79-2940, and
36 amendments thereto, except that the approval of the state court of tax

1 appeals shall not be required. Such warrants shall recite that they are
2 issued by the board of education of the school district under authority of
3 this act. Any board of education issuing warrants hereunder shall make a
4 tax levy at the same time as other tax levies are made, after such warrants
5 are issued, sufficient to pay such warrants and the interest thereon.

6 (d) Whenever a board of education receives an order from the state
7 fire marshal pursuant to subsection (c), the board, in lieu of repairing or
8 remodeling the school building or facility as ordered by the state fire
9 marshal, may close such building or facility as an attendance center.
10 Whenever any board of education finds that any such order of the state
11 fire marshal involves a cost in excess of that which the board of education
12 finds the school district can afford, or that the changes ordered are
13 unwarranted or unnecessary, ~~the board may petition for review of such~~
14 ~~order in the district court of the home county of such school district.~~
15 ~~Upon receiving such petition, the district court shall appoint three~~
16 ~~disinterested commissioners, one of whom shall be a licensed architect.~~
17 ~~The commissioners shall inspect the building or facility affected by the~~
18 ~~order and report to the court its findings of fact as to the necessity for the~~
19 ~~improvements or changes ordered by the state fire marshal, together with~~
20 ~~the estimated cost of each such improvement or change and such other~~
21 ~~recommendations as the commissioners deem advisable. Upon receiving~~
22 ~~such findings of fact and recommendations, or any other evidence~~
23 ~~relating to the petition for review, the court shall enter its order affirming,~~
24 ~~reversing or modifying the order of the state fire marshal. Such order of~~
25 ~~the court may be reviewed by the appellate courts in the same manner as~~
26 ~~other orders and judgments of the district court may be reviewed.~~ *the*
27 *board of education shall call and hold a hearing. The substance of the*
28 *hearing shall be reflected in the minutes of the board. At such hearing,*
29 *the board shall determine whether the changes ordered by the state fire*
30 *marshal constitute an immediate threat to the public health, safety or*
31 *welfare, or to the life or health of persons involved requiring immediate*
32 *action to eliminate the risk. If the board of education finds immediate*
33 *action is not required, then the board shall prepare a corrections plan to*
34 *comply with the order of the state fire marshal and file the plan with the*
35 *state fire marshal. The board shall commence implementation of the*
36 *corrections plan in the school year for which the appropriation for*
37 *general state aid is sufficient in an amount to fund the base state aid per*
38 *pupil at an amount equal to or greater than \$4,492. If the board finds*
39 *immediate action is required, the board shall commence as soon as*
40 *possible compliance with the order of the state fire marshal.*

41 (e) Except as provided in subsection (d), any action of the state fire
42 marshal pursuant to this section is subject to review in accordance with
43 the Kansas judicial review act.

1 Sec. 2. K.S.A. 2010 Supp. 31-144 is hereby repealed.

2 Sec. 3. This act shall take effect and be in force from and after its
3 publication in the statute book.

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