

SENATE BILL No. 543

AN ACT concerning certain fire districts, fire departments and fire companies; relating to volunteer members thereof; amending K.S.A. 12-3915, 19-3601a, 19-3612e, 19-3616, 19-3620, 80-1501, 80-1514a, 80-1531, 80-1544, 80-1904, 80-1913, and 80-1917 and K.S.A. 2001 Supp. 80-1921 and repealing the existing sections.

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

Section 1. K.S.A. 12-3915 is hereby amended to read as follows: 12-3915. The governing body of any fire district created pursuant to this act shall have the authority to:

- (a) Levy taxes and special assessments as provided by law. Except as provided by K.S.A. 12-3913, and amendments thereto, the governing body shall fix the amount of the tax, not to exceed 11 mills, to be levied upon all taxable tangible property in the consolidated fire district;
- (b) enter into contracts;
- (c) acquire and dispose of real and personal property;
- (d) acquire, construct, reconstruct, equip, operate, maintain and furnish buildings to house fire-fighting equipment;
- (e) acquire, operate and maintain fire-fighting equipment;
- (f) issue general obligation bonds and no-fund warrants;
- (g) pay compensation and salaries to fire district employees;
- (h) exercise eminent domain;
- (i) pay the operation and maintenance expenses of the fire district and other expenses legally incurred by the district;
- (j) select regular employees, provide for their compensation and furnish quarters for such employees if deemed desirable;
- (k) provide for the organization of volunteer members who may be compensated for ~~attending fires or meetings~~ *fighting fires, responding to emergencies or attending meetings*;
- (l) provide special clothing and equipment for such employees and volunteers;
- (m) insure such employees and volunteers against accidental death and injury in the performance of their duties; and
- (n) do all things necessary or desirable to maintain and operate such department so as to furnish fire protection for the inhabitants of the district and otherwise effectuate the purposes of this act.

Sec. 2. K.S.A. 19-3601a is hereby amended to read as follows: 19-3601a. Upon the creation of a fire district under the provisions of K.S.A. 19-3601 *et seq.*, and amendments thereto, the governing body shall have the authority to:

- (a) Enter contracts;
- (b) acquire and dispose of real and personal property;
- (c) acquire, construct, reconstruct, equip, operate, maintain and furnish buildings to house fire fighting equipment;
- (d) acquire, operate and maintain fire fighting equipment;
- (e) issue bonds as provided in this act;
- (f) pay compensation and salaries to fire district employees;
- (g) *pay compensation to volunteer members of the fire district for fighting fires, responding to emergencies or attending meetings*;
- ~~(g)~~ (h) exercise eminent domain;
- ~~(h)~~ (i) pay the operation and maintenance expenses of the fire district and any other expenses legally incurred by the fire district; and
- ~~(i)~~ (j) do all other things necessary to effectuate the purposes of this act.

Sec. 3. K.S.A. 19-3612e is hereby amended to read as follows: 19-3612e. (a) The governing body of Reno county fire district No. 2 and the governing body of Sedgwick county fire district No. 1, both created under K.S.A. 19-3601 *et seq.*, and amendments thereto, shall have the power to levy a tax in an amount to be determined by such governing body upon all taxable tangible property in the district for the purpose of paying:

- (1) Compensation to fire district employees;
 - (2) The expenses of operating and maintaining the fire district ~~and~~;
 - (3) *compensation to volunteer members of the fire district for fighting fires, responding to emergencies or attending meetings; and*
 - (4) other legal expenses of the fire district.
- (b) Whenever the governing body of the fire district determines it is necessary to increase the amount levied in the next preceding year, the governing body shall give notice of its intent to increase such levy by adopting a resolution which states the amount currently levied and the

amount proposed to be levied. The resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation in the fire district. If within 30 days after the last publication, a petition signed by not less than 5% of the qualified electors in the fire district is filed in the office of the county election officer requesting an election thereon no levy in an amount in excess of the amount levied in the next preceding year shall be made unless the question of the levy shall be submitted to and approved by a majority of the voters of the fire district voting at an election called by the governing body. Such election shall be called and held in the manner provided under the provisions of K.S.A. 10-120, and amendments thereto.

Sec. 4. K.S.A. 19-3616 is hereby amended to read as follows: 19-3616. Upon the creation of a fire district pursuant to K.S.A. 19-3613, and amendments thereto, the governing body of the fire district shall have the authority to:

- (a) Enter contracts;
- (b) acquire, by lease or purchase, and dispose of real and personal property;
- (c) acquire, by lease or purchase, construct, reconstruct, equip, operate, maintain and furnish buildings to house fire-fighting equipment;
- (d) acquire, by lease or purchase, operate and maintain fire-fighting equipment;
- (e) issue bonds, if approved by the board of county commissioners, as provided in K.S.A 19-3601b, and amendments thereto;
- (f) pay compensation and salaries to fire district employees;
- (g) *pay compensation to volunteer members of the fire district for fighting fires, responding to emergencies or attending meetings;*
- ~~(g)~~ (h) issue no-fund warrants;
- ~~(h)~~ (i) exercise eminent domain;
- ~~(i)~~ (j) pay the operation and maintenance expenses of the fire district and any other expenses legally incurred by the fire district;
- ~~(j)~~ (k) prepare and adopt a budget, subject to the approval of the board of county commissioners; and
- ~~(k)~~ (l) do all other things necessary to effectuate the purposes of this act.

Sec. 5. K.S.A. 80-1501 is hereby amended to read as follows: 80-1501. (a) Any township or county may join with a municipality in the maintenance of a fire department for the prevention and fighting of fires within their boundaries. The cost of equipment and maintenance, the payment of compensation to ~~firefighters~~ *employees of the fire department*, the rent or purchase of buildings shall be paid in such proportion as agreed upon by the parties. The supervision and control of the department shall be with the governing body of the municipality if the municipality joins with a township or county. The fire department members may be paid or may be volunteers and shall be subject to *the limitations of this section and such rules and regulations as the municipalities adopt. Volunteer members may be paid compensation for fighting fires, responding to emergencies or attending meetings.* Such departments, when organized, may incorporate as firefighters' relief associations, and such associations shall come within the purview and be subject to the provisions of and entitled to the rights under article 17, chapter 40, of the Kansas Statutes Annotated and amendments thereto.

(b) When a municipality and a township join, the agreements shall be entered into by the municipality by ordinance and by the township or county by resolution, and the agreement as set out in the ordinance and resolution shall be signed by the mayor of the city and attested by the city clerk and, in the case of a township shall be signed by the township trustee and attested by the township clerk and, in the case of a county shall be signed by the chairperson of the board of county commissioners and attested by the county clerk. The agreement shall state the amount each party shall contribute, the rules and regulations governing the department, and such other matter as may be necessary to ~~fully set out~~ *specify* the duties and responsibilities of the parties, ~~and~~. The agreement may be amended or changed or added to by mutual agreement of the parties in the same manner as that in which the original contract was entered ~~into~~. Such agreement may be terminated if one party passes or adopts an ordinance or resolution declaring its intention to carry out the

agreement no longer. When an agreement is terminated, one party may pay the other for its share of the equipment or apparatus or the apparatus may be sold. Any money in the treasury shall be divided pro rata as it was paid ~~in~~ *into the treasury*. No election shall be required to authorize the township board, board of county commissioners or governing body of any municipality to enter into such agreement, but the township board, board of county commissioners or governing body of a municipality shall have the power to decide whether to enter into such contract.

(c) The governing body of any joint fire department created pursuant to this section may reorganize itself as a consolidated fire district in the manner provided for the consolidation of fire districts pursuant to K.S.A. ~~1997~~ *2001* Supp. 12-3910 et seq., and amendments thereto.

Sec. 6. K.S.A. 80-1514a is hereby amended to read as follows: 80-1514a. Upon the creation of a fire district under the provisions of K.S.A. 80-1512 *et seq.*, the governing body shall have the authority to:

- (a) Enter contracts;
- (b) acquire and dispose of real and personal property;
- (c) acquire, construct, reconstruct, equip, operate, maintain and furnish buildings to house fire fighting equipment;
- (d) acquire, operate and maintain fire fighting equipment;
- (e) issue bonds as provided in this act;
- (f) pay compensation and salaries to fire district employees;
- (g) *pay compensation to volunteer members of the fire district for fighting fires, responding to emergencies or attending meetings;*
- ~~(g)~~ (h) exercise eminent domain;
- ~~(h)~~ (i) pay the operation and maintenance expenses of the fire district and other expenses legally incurred by the fire district; and
- ~~(i)~~ (j) do all other things necessary to effectuate the purposes of this act.

Sec. 7. K.S.A. 80-1544 is hereby amended to read as follows: 80-1544. (a) The governing body of such fire district shall have full direction and control over the operation of such fire department and may select regular employees, provide for their compensation and furnish quarters for such employees if deemed desirable. The governing body also may provide for the organization of volunteer members of such department, to be compensated at a specified rate ~~when attending fires for fighting fires, responding to emergencies or attending meetings~~. In addition, the governing body may provide special clothing and equipment for such employees and volunteers, may insure such employees and volunteers against accidental death and injury in the performance of their duties, and may do all other things necessary or desirable to maintain and operate such department so as to furnish fire protection for the inhabitants of such district. *In addition to the powers granted by this section, the governing body shall have any powers granted to a fire district under K.S.A. 80-1514a, and amendments thereto.* Each of the members of the governing body may receive as compensation for services rendered in an amount determined by the governing body as provided by K.S.A. 80-207, and amendments thereto.

(b) The auditing board for the fire district shall meet once each month on the date designated by the board to examine and audit all claims against the fire district and shall file their annual report with the county clerk for the approval of the board of county commissioners before January 31 of the succeeding year. No claim against any township fire district shall be paid until approved by the auditing board. All claims approved by the auditing board shall be recorded by the clerk of the fire district in a book to be kept for that purpose. Any township officer serving on a fire district auditing board shall receive for such services in attending to township fire district business an amount to be fixed by the governing body of the fire district as provided by K.S.A. 80-207, and amendments thereto.

Sec. 8. K.S.A. 80-1904 is hereby amended to read as follows: 80-1904. The township board shall have full direction and control over the operation of such township fire department, ~~and may~~. *The governing body shall have the power to:*

- (1) Select regular employees, provide for their compensation, and furnish quarters for such employees and their families if deemed desirable; ~~and may also~~
- (2) provide for the organization of volunteer members of such de-

partment, ~~to be compensated at a specified rate when attending fires, and may and pay compensation to such members for fighting fires, responding to emergencies or attending meetings;~~

(3) provide special clothing and equipment for such employees and volunteers, ~~and may;~~

(4) insure such employees and volunteers against accidental death and injury in the performance of their duties, ~~and may; and~~

(5) do all other things necessary or desirable to maintain and operate such department so as to furnish fire protection for the inhabitants of such township.

Sec. 9. K.S.A. 80-1913 is hereby amended to read as follows: 80-1913. ~~Said~~ *The township board may organize a fire company and prescribe rules of duty and the government thereof, and make all necessary appropriations therefor and for the maintenance and operation of its equipment from the general fund of the township and to compensate employees of the fire company. The board may pay compensation to volunteer members of the fire company for fighting fires, responding to emergencies or attending meetings.*

Sec. 10. K.S.A. 80-1917 is hereby amended to read as follows: 80-1917. The township board shall have full direction and control over the operation of such township fire department, ~~and may.~~ *The board shall have the power to:*

(a) Select regular employees, provide for their compensation, and furnish quarters for such employees and their families if deemed desirable; ~~and may also~~

(b) provide for the organization of volunteer members of such department, ~~to be compensated at a specified rate when attending fires, and may and pay compensation to such members for fighting fires, responding to emergencies or attending meetings;~~

(c) provide special clothing and equipment for such employees and volunteers, ~~and may;~~

(d) insure such employees and volunteers against accidental death and injury in the performance of their duties, ~~and may; and~~

(e) do all other things necessary or desirable to maintain and operate such department so as to furnish fire protection for the inhabitants of such township.

Sec. 11. K.S.A. 2001 Supp. 80-1921 is hereby amended to read as follows: 80-1921. (a) The township board of any such township shall have full direction and control over the operation of such township fire department ~~and shall.~~ *The board shall have the power to:*

(1) Provide for the organization of volunteer members of such department, ~~to be compensated at a specified rate when attending fires, and may and pay compensation to such members for fighting fires, responding to emergencies or attending meetings;~~

(2) provide special clothing and equipment for such volunteers, ~~and may;~~

(3) insure such volunteers against accidental death and injury in the performance of their duties, ~~and may; and~~

(4) do all other things necessary or desirable to maintain and operate such department so as to furnish fire protection to the inhabitants of such township.

(b) Such township board may levy an annual tax on all the taxable tangible property in such township for the purpose of paying the expenses of equipping, operating and maintaining such fire department. Any tax levy authorized by this section shall be in addition to the tax levy made to pay for no-fund warrants issued pursuant to K.S.A. 80-1920, and amendments thereto. Except as otherwise specifically provided in this act, the provisions of K.S.A. 80-1906 and 80-1907, and amendments thereto, shall apply to townships adopting the provisions of this act.

(c) In addition to the tax levy ~~herein~~ *authorized by subsection (b)*, the township board of Kickapoo, Tonganoxie, Easton, Fairmount, Sherman and Delaware townships located in Leavenworth county may levy an annual tax of not to exceed two mills on all the taxable tangible property in such township for the purpose of purchasing additional equipment for such fire department. If a petition in opposition to the tax levy authorized herein, signed by not less than 5% of the qualified electors of such township is filed with the township board of such township, within 40 days

after ~~the effective date of this act July 1, 1971,~~ the tax levy shall not be made unless first approved as a question submitted at the next general election or at a special election called for the purpose of submitting the question. If such a petition is filed, the township board may cause to be placed on the ballot at the next general election the question of whether such tax shall be levied. If a majority of the votes cast and counted at such election are in favor of the resolution, such governing body may levy the tax authorized herein. ~~Upon this act taking effect it shall be published once each week for two consecutive weeks in a newspaper having general circulation in the township.~~

Sec. 12. K.S.A. 19-3620 is hereby amended to read as follows: 19-3620. The governing body shall have full direction and control over the operation of such district fire department ~~and may~~. *The governing body shall have the power to:*

- (1) Select regular employees, provide for their compensation and furnish quarters for such employees if deemed desirable, ~~and may also;~~
- (2) provide for the organization of volunteer members of such department ~~to be compensated at a specified rate when attending fires and may and pay compensation to such members for fighting fires, responding to emergencies or attending meetings;~~
- (3) provide special clothing and equipment for such employees and volunteers, ~~and may;~~
- (4) insure such employees and volunteers against accidental death and injury in the performance of their duties, ~~and may; and~~
- (5) do all things necessary or desirable to maintain and operate such department so as to furnish fire protection for the inhabitants of such district.

Sec. 13. K.S.A. 80-1531 is hereby amended to read as follows: 80-1531. The salaries for each class of ~~firemen~~ *firefighters*, supervisor, pension, vacation pay and other benefits in any special fire protection district shall correspond with and equal the payments made for like services in the conduct of other fire departments of such township, including hours of employment. If volunteer fire fighters are deemed advisable by the township board of such township in any special district, such board shall arrange training, drills, ~~part time pay compensation to such volunteers for fighting fires, responding to emergencies or attending meetings,~~ insurance and accept full responsibility therefor and charge applicable portion thereof to the special district herein authorized.

Sec. 14. K.S.A. 12-3915, 19-3601a, 19-3612e, 19-3616, 19-3620, 80-1501, 80-1514a, 80-1531, 80-1544, 80-1904, 80-1913 and 80-1917 and K.S.A. 2001 Supp. 80-1921 are hereby repealed.

Sec. 15. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE concurred in
HOUSE amendments _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.