

Approved April 9, 1992
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Senator Audrey Langworthy at
Chairperson

9:08 a.m./~~p.m.~~ on Tuesday, March 24, 1992 in room 531-N of the Capitol.

All members were present except: Senators Gaines and Lee

Committee staff present: Theresa Kiernan, Revisor of Statutes
Mike Heim, Legislative Research
Elizabeth Carlson, Committee Secretary

Conferees appearing before the committee:

John Koepke, Kansas Association of School Boards
Gerry Ray, Johnson County Board of Commissioners
Anne Smith, Kansas Association of Counties
Ernie Mosher, League of Kansas Municipalities
Harold Reihm, former Executive Director of the ACIR
Jerry Ricksecker, Hutchinson Industrial District No. 1 of Reno County
Representative Carl Holmes

Testimony was passed to the committee from Representative Clyde Graeber on HB 2849. (Attachment 1)

HB 2663 - Kansas advisory council on intergovernmental relations; established. Re: Proposal No. 3

John Koepke, Kansas Association of School Boards, appeared as a proponent for SB 2663. (Attachment 2) He stated he had followed this bill in the interim study and said they appreciated being included in this bill with one member to be appointed from the KASB.

Senator Langworthy asked about how the appointments will be made and he said all appointees names will be proposed by the associations and the Governor will then make the appointments.

Gerry Ray, Johnson County Board of County Commissioners, read from a prepared statement. (Attachment 3) She spoke in support of the bill and urged the legislature to take action soon.

Anne Smith, Kansas Association of Counties, appeared in support of the bill. She stressed that it must be adequately funded and staffed to make it work. (Attachment 4)

Senator Webb asked about the fiscal note on the bill and Mike Heim replied it was \$275,000 to \$375,000. They would pay per diem and subsistence for the council members.

Ernie Mosher, League of Kansas Municipalities, spoke of the League's support for this bill. (Attachment 5) He says there are 4,025 taxing divisions in Kansas and a system is needed to deal with intergovernmental relations. One-half of the cost will be paid by taking money out of the local ad valorem reduction fund, and the rest out of the general fund. He thought the fiscal note is high.

Senator Petty asked about the top people such as President of the Senate and Speaker of the House being members, rather than appointing members to the council.

Senator Frahm asked about page 4, new section 5, which refers to rules and regulations and asked why it was in there. The staff was asked to review this.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

room 531-N, Statehouse, at 9:08 a.m. ~~pm~~ on Tuesday, March 24, 1992.

Harold Reihm, former executive director of the former ACIR, which started in 1969 and closed down in 1975, said the ACIR was used for a model by many states. At that time it was very innovative thinking. He said there needs to be a firm commitment among the legislators to the ACIR to make it work.

HB 3149 - Industrial districts; additional tax levy for certain services

Jerry Ricksecker, Hutchinson Industrial District No. 1 of Reno County, spoke as a proponent for **HB 3149**. He requested their district be allowed to levy sufficient taxes to provide fire protection for its members. (**Attachment 6**). It is needed so they can pay more than the current 5 mill levy. This bill would apply only to Reno County. The Board of Directors, which comprise 81% of the owners and lessees, are in agreement with the request for this bill.

HB 2833 - Fire districts; powers of governing body

Representative Carl Holmes appeared as a proponent for **HB 2833**. He said this bill was the result of having a problem in one of his fire districts over the payment of firefighter training expenses and salaries. He said there was an Attorney General's opinion in 1980 which stated there is no specific statutory authority for the payment of salaries and salary-related expenses and the proceeds from the levy authorized by KSA 19-3610. He stated **HB 2833** allows fire districts to spend moneys for training and salaries which many fire districts are already doing. He included a list of fire districts in Kansas who are already paying the training expenses and salaries from the fire district fees. (**Attachment 7**)

Senator Ehrlich moved the minutes of March 3, 5, 17, and 18, 1992 be approved. Motion seconded by Senator Frahm. Motion carried.

The meeting adjourned at 10:00 a.m.

Madam Chair and members of the committee. I ask your serious consideration of HB 2849 as a logical solution to an inequitable funding problem faced by the Leavenworth Public Library.

Currently the Leavenworth Public Library has 24,129 registered card holders. Of this amount, 2,571 or 11% reside in Lansing, Kansas; and 2,241 or 13% reside in other parts of Leavenworth County. The citizens of Leavenworth are taxed at a 3.75 mill levy for the library while the rest of the County, excluding Basehor, Tonganoxie and Linwood, are taxed at a .61 mill levy which is paid directly to the Northeast Kansas Library System.

In 1992 the taxes raised from the city of Leavenworth for the library will amount to approximately \$405,000 and the library will receive a grant from NEKL in the amount of \$13,500. This means that although 24% of the card holders reside outside the city limits of Leavenworth they will only be contributing approximately 3% of the library's budget generated from taxes.

This inequity in funding does not follow through in services. Every citizen in Leavenworth County is afforded the same opportunity to use all of the services offered by the Leavenworth Library.

HB 2849 is a way to equalize funding for the library while allowing services to remain at the quality level our citizens have become used to receiving. It will also allow for future improved services for all of Leavenworth County.

*Attachment 1-1
Senate Social govt
March 24, 1992*

Because passage of this bill and the subsequent passage by the voters would eliminate NEKL funding for the library districts of Basehor, Linwood and Tonganoxie we would not object to an amendment which would allow funding to be substituted for these grants. We would like to see funds in the amounts of 25%, 35% and 30% of the total budgets of Basehor, Tonganoxie and Linwood respectively guaranteed from the amount raised by the newly created Leavenworth district.

Making sure these districts receive this required funding will help these communities to continue the high level of services currently offered, while allowing for possible future cooperation within the county to make library services even better for all concerned.

To further equalize the district we would also not object to an amendment which would allow the board makeup to be 5 appointed by the Mayor of Leavenworth; 2 appointed by the Lansing City Council and 3 appointed by the Leavenworth County Commissioners, one from each district. This would leave the total board at 10 members.

HB 2849 will allow the Leavenworth library to continue to improve its services for everyone in Leavenworth County.

Rayh Shaker
Rep. 41st. Dist.

Attachment 1-2
Denote Local govt
march 24, 1992



Testimony on H.B. 2663
before the
Senate Committee on Local Government

by

John Koepke, Executive Director
Kansas Association of School Boards

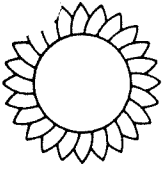
March 24, 1992

Madam Chair, Members of the Committee:

We appreciate the opportunity to offer our support for H.B. 2663. We believe that Section 2 of the bill expresses very well the need for an intergovernmental advisory council and the functions such an entity could serve. We appreciate the inclusion of a school board member on the council proposed in H.B. 2663. Obviously, we believe the school board perspective is an important one in intergovernmental coordination.

Thank you for your consideration.

*Attachment 2-1
Senate Local govt
March 24, 1992*



March 24, 1992

SENATE LOCAL GOVERNMENT COMMITTEE

HB 2663

HEARING ON THE ESTABLISHMENT OF A KANSAS ADVISORY COUNCIL
ON INTERGOVERNMENTAL RELATIONS

TESTIMONY OF GERRY RAY, INTERGOVERNMENTAL OFFICER
JOHNSON COUNTY BOARD OF COMMISSIONERS

Madam Chairman, members of the committee, thank you for the opportunity to present the views of the Johnson County Commission on the issue of an Advisory Council on Intergovernmental Relations (ACIR).

About five years ago, Johnson County actively supported establishing an ACIR in Kansas. I served on a national committee of local governments that studied the benefits of a state ACIR and determined the benefits were sufficient to justify creation of one in Kansas. Unfortunately the support was not strong enough at the state level to bring about a successful conclusion.

In today's environment in which all levels of government are experiencing fiscal difficulties that necessitate innovative approaches to survive, such an organization would seem to have even more benefits. Any opportunity that various level of government have to communicate and exchange ideas is a valuable tool to develop. So often actions are taken by governments that have an adverse effect on another, not due to animosity but to lack of understanding. Providing an forum to discuss the issues prior to taking action would be an asset to all.

As with any communication endeavors the advantages are difficult if not impossible, to quantify before the group begins functioning. In the past few years local and state government have experienced troubled times and apparently will be facing even more serious problems in the future. Because of this, it is imperative that we all work together for the welfare of those we serve. The Commissioners believe when a strong partnership is maintained between various levels of government, the interests of a mutual constituency are better served.

Johnson County supports the concept of an ACIR and urges the Legislature to take action to begin the process to establish one in Kansas in the near future.

*attachment 3-1
Senate local govt
March 24, 1992*



"Service to County Government"

1275 S.W. Topeka Blvd.
Topeka, Kansas 66612
(913) 233-2271
FAX (913) 233-4830

EXECUTIVE BOARD

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Marion Cox
Wabaunsee County Sheriff
Wabaunsee County Courthouse
Alma, KS 66401
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Vice-President
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Roy Patton
Harvey County Weed Director
(316) 283-1890

Nancy Prawl
Brown County Register of Deeds
(913) 742-3741

DIRECTORS

Leonard "Bud" Archer
Phillips County Commissioner
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George Burrows
Stevens County Commissioner
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Dudley Feuerborn
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Howard Hodgson
Rice County Commissioner
(316) 897-6651

Harvey Leaver
Leavenworth County Engineer
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Mark Niehaus
Graham County Appraiser
(913) 674-2196

Gary Watson
Trego County Treasurer
(913) 743-2001

Vernon Wendelken
Clay County Commissioner
(913) 461-5694

Barbara Wood
Bourbon County Clerk
(316) 223-3800, ext 54

NACo Representative
Keith Devenney
Geary County Commissioner
(913) 238-7894

Executive Director
John T. Torbert, CAE

TO: Senator Audrey Langworthy, Chairman
Senate Local Government Committee

FROM: Anne Smith, Director of Legislation

DATE: March 24, 1992

RE: Support of HB 2663, Kansas Advisory Council on Intergovernmental Relations

The Kansas Association of Counties is in support of the concept of an Intergovernmental Relations Commission or Kansas Advisory Council on Intergovernmental Relations as the body is called in HB 2663. Our convention adopted legislative platform states, "To strengthen relationships between state and local units of government, The Kansas Association of Counties supports the concept of an Advisory Commission on Intergovernmental Relations. Further, agencies, commissions or boards, either policy making or advisory, dealing with local government issues should have local government representation."

KAC believes that this concept will work and be successful only if it is supported by the Executive Branch of State Government as well as the Legislative Branch, and if the council is sufficiently funded to be staffed and supported in a substantial manner.

I thank the committee for their time and I will stand for questions should there be any.

TSAS2663

*Attachment 4-1
Senate Local govt
March 24, 1992*



**THE LEAGUE
OF KANSAS
MUNICIPALITIES**

**Municipal
Legislative
Testimony**

AN INSTRUMENTALITY OF KANSAS CITIES 112 W. 7TH TOPEKA, KS 66603 (913) 354-9565 FAX (913) 354-4186

TO: Senate Committee on Local Government
FROM: E.A. Mosher, Research Counsel, League of Kansas Municipalities
RE: March 24, 1992
DATE: HB 2663--Kansas Advisory Council on Intergovernmental Relations

On behalf of the League and its member cities, I appear in enthusiastic support of HB 2663. Establishment of a intergovernmental relations commission has been a long-term policy objective of the League. Our Statement of Municipal Policy provides:

"We request the legislature to establish an intergovernmental relations advisory commission, with members representative of local governments, the governor and state department heads, and key state legislators, for the purpose of reviewing trends and needed adjustments to the state-local governmental partnership system in Kansas, and responding to changes in our federal intergovernmental system. This commission should also review state mandated programs and expenditures and study ways to improve the efficiency and effectiveness of both state and local government. An effective commission requires the strong support of the executive branch as well as the legislature, with adequate funding."

The background portion on the "supplemental note on HB 2663" provides information on the proponents of the bill as well as other background information. The concern of cities and counties in the establishment of some kind of continuing intergovernmental relations agency is demonstrated by the support of the League and the Kansas Association of Counties for a "skim-off" of half the cost from the local ad valorem tax reduction fund. This is provided in section 7 of the bill, on page 4, beginning on line 40. The effect of this amendment is that if the omnibus appropriations bill includes \$100,000 for the new advisory commission, then \$100,000 would be deducted from the local ad valorem tax reduction fund and transferred to the agency, in two installments of \$50,000 each. In our judgment, this would be an excellent investment by local governments. At the same time, we think it important that at least half the cost be paid from the state general fund. If this agency is to be effected in the long-term future influencing local government reform, improved interlocal cooperation, and effective state-local relations, we think it should be supported at least in half by the state general fund.

*Attachment 5-1
Senate Local govt
March 24, 1992*

KANSAS SENATE
LOCAL GOVERNMENT COMMITTEE HEARING
House Bill No. 3149
March 24, 1992

Madam Chairman and Members of the Committee:

I am Jerry Ricksecker, the attorney representing the Hutchinson Industrial District No. 1 of Reno County, Kansas. With me is the secretary of the District, Tom Rouse. Our purpose here today is to address a problem involving the District's authority to levy sufficient taxes to provide fire protection for its members, and to request an amendment of K.S.A. 19-3808 to correct the situation.

In 1988, the District entered into a contract with the City of Hutchinson which provides, among other things, for the City to provide fire protection for the members of the industrial district. In consideration thereof, the District makes an annual contract payment to the City, which amount fluctuates based upon various factors. At the time the contract was executed, the District was able to make the contract payment within the five mill levy limitation as set forth in K.S.A. 19-3808(6).

However, the contract payment amount required has now increased beyond the five mill levy limit. Under the formula set forth in the contract, the amount received by the City of Hutchinson from Reno County, has decreased substantially and accordingly, the requisite contract payment amount from the District has correspondingly increased. In 1990, when it became apparent that the amount needed was going to exceed the five mill limit, the District sought advice from the Kansas Attorney General's office. From conversations with that office, it was thought that the Charter Resolution method was the proper approach to be utilized. The District thereupon proceeded to exempt itself from the levy limitation by utilizing a Charter Resolution according to statutory procedure, including publication of notice, and no opposition was registered by any parties or members of the District.

The District was recently notified, however, by the County Clerk of Reno County that he had received notification from the Director of Administration of the State of Kansas, advising that the five mill levy limit of K.S.A. 19-3808(6) cannot be increased by Charter Resolution. We then contacted the Department of Administration and they advised that the proper avenue would be to amend K.S.A. 19-3808 through the legislative process.

An alternative method of simply assessing each member for fire protection has been discounted as a solution for several reasons. A tax based on assessed valuation is more fair and

*Attachment 6-1
Senate Local Govt
March 24, 1992*

Kansas Senate
Local Government Committee Hearing
HB No. 3149
March 24, 1992

equitable because all members benefit from the fire protection, and should pay proratably. Taxation is a more uniform method than assessment, because the District would have not enforcement capabilities to require payment under the assessment approach. Accordingly, if not all members cooperated by voluntarily paying their assessment, other members would have to take up the slack, which would be unfair.

The District is therefore, upon the recommendation of the Department of Administration and the unanimous consent of all its board members, requesting an amendment of K.S.A. 19-3808, to allow the District to levy sufficient taxes to make the contract payment to the City of Hutchinson for fire protection.

In support of this amendment request, we are submitting a copy of the Special Minutes of the Board of Directors of Hutchinson Industrial District No. 1, Reno County, Kansas, held February 22, 1992, verifying that all board members approve and concur with the advisability of the amendment to K.S.A. 19-3808 for the levying of additional taxes within the District.

For your reference and information, we are also providing a copy of the 1991 roll call of District members, used in the 1991 biennial election. The asterisks supplied indicate those members of the District (companies or subsidiaries) which are represented on the Board of Directors and which comprise nearly 81% of the 1990 assessed valuation of the District.

Hutchinson Industrial District No. 1 is in favor of the passage of House Bill No. 3149.

Respectfully submitted,


Jerry Ricksecker

Attachment 6-2
Senate Local govt
March 24, 1992

MINUTES OF SPECIAL MEETING
OF BOARD OF DIRECTORS
OF HUTCHINSON INDUSTRIAL DISTRICT NO. 1,
RENO COUNTY, KANSAS

The special meeting of the Board of Directors of Hutchinson Industrial District No. 1, Reno County, Kansas, was held in Hutchinson, Kansas, on the 22nd day of February, 1992.

The following persons, constituting the entire Board of Directors, were present in person or by proxy:

John L. Baldwin (Dillon Stores - Kansas Stores Div.)
Loren Alderson (Eaton Corporation)
Larry Sams (Collins Professional Cars)
Ed Sorenson (Union Equity Cooperative Exchange)
Doyle Ramsey (Republic Paperboard Co.)
Thomas J. Rouse (Superior Boiler Works, Inc.)

John L. Baldwin, President, presided at the meeting. Thereupon, a discussion was held regarding the problems associated with the funding of the contract with the City of Hutchinson, which, among other things, provides for fire protection for members of Hutchinson Industrial District No. 1. The District has been advised that the charter resolution approach is not available to avoid the five-mill levy limitation set forth in K.S.A. 19-3808(6). It appears that the proper and best way to proceed is by legislation to amend state law so that the District could levy sufficient taxes to make the contract payment. The District should therefore ask its local State representative to help with the passage of proper legislation to correct the problem with the contract.

Therefore, the following resolution was unanimously adopted:

RESOLUTION

WHEREAS, it is in the best interest of the Hutchinson Industrial District No. 1 that it be able to provide fire protection for the members of the said District; and

WHEREAS, fire protection is afforded by the City of Hutchinson by virtue of the contract by and between HID No. 1 and the City of Hutchinson; and

WHEREAS, because of the five-mill levy limitation set forth in K.S.A. 19-3808(6), HID No. 1 does not receive enough tax revenue to make contract payments to the City of Hutchinson due under the terms of the contract; and

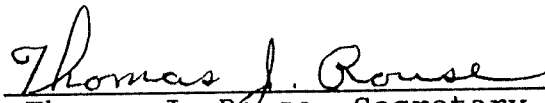
*Attachment 6-3
Senate Local govt
March 24, 1992*

Minutes of Special Meeting
HID No. 1
February 22, 1992

WHEREAS, the Board of Directors of HID No. 1 is unanimously in favor of legislation which would allow the District to levy such tax as is necessary to make the annual contract payments to the City of Hutchinson for fire protection and that such taxation should be in addition to the statutory five mill levy limitation above set forth;

BE IT RESOLVED, that the directors should be and hereby are authorized to engage the assistance of Michael R. O'Neal, Representative of the 104th District, in initiating legislation to amend K.S.A. 19-3808 and take any steps which may be necessary in connection with passage of such legislation.

There being no further business to come before the meeting, the meeting was adjourned.


Thomas J. Rouse, Secretary

attachment 6-4
Senate Local govt
March 24, 1992

HUTCHINSON INDUSTRIAL DISTRICT NO. 1 of Reno County, Kansas

1991 ROLL CALL OF OWNERS AND LESSEES
 (All 1990 Assessed Values)
 (Personal Property and Real Estate)

<u>NAME AND ADDRESS</u>	<u>1990 ASSESSED VALUATION</u>	<u>ELIGIBLE VOTES</u>
(a) Atchison Topeka & Santa Fe Railway Company Howard Houghton, Division Freight Agent 3215 East Avenue B Hutchinson, KS 67501-1883		
Atchison Topeka & Santa Fe Railway Co. General Attorney 920 Jackson Street Topeka, KS 66601	47,673	5
(b) Jefferson Melland Brown c/o Frank Huntsman 5630 Bayers Hill Road Manhattan, KS 66502-8912	324	1
(c) Bunge Corporation Gano Grain Division P.O. Box 3900 300 Southwest Blvd. Kansas City, KS 66103	262,190	27
cc: District General Manager P.O. Box 799 Hutchinson, KS 67504-0799		
(d) Hutchinson Salt Co. Max Liby 3300 Carey Boulevard Hutchinson, KS 67501	569,129	57
(e) Collins Professional Cars Larry Sams P.O. Box 2799 Hutchinson, KS 67504-2799	152,529 *	16
(f) Eaton Employees Activity c/o Eaton Corporation P.O. Box 1028 Hutchinson, KS 67504-1028	150,364 *	16
(g) City Beverage Co. John Stephens, President 311 S. Kirby, Box 685 Hutchinson, KS 67504-0685	132,978	11

*Attachment 6-5
 Senate Local govt
 March 24, 1992*

	1990 ASSESSSED <u>VALUATION</u>	<u>ELIGIBLE VOTES</u>
(h) Secretary of Corrections Landon State Office Building 900 SW Jackson, Suite 400-N Topeka, KS 66612	EXEMPT -0-	-0-
(i) City of Hutchinson c/o Dillon Stores P.O. Box 1608 Hutchinson, KS 67504-1608	306,287 *	31
(j) Dillon Stores Kansas Stores Division John L. Baldwin 2700 East Fourth P.O. Box 1608 Hutchinson, KS 67504-1608	2,951,842 *	296
(k) Eaton Corporation Eaton Center 1111 Superior Ave. East Cleveland, OH 44114 cc: Loren Alderson P.O. Box 1028 Hutchinson, KS 67504-1028	3,495,780 *	350
(l) Far-Mar-Co, Inc. P.O. Box 7305 Kansas City, MO 64116	1,032	1
(m) Farmland Industries, Inc. Bob Greenburg 3315 N. Oak Trafficway Kansas City, MO 64116	307,757	31
(n) Hutchinson & North Railway Co. Larry A. Schulte 1800 Carey Boulevard Hutchinson, KS 67501	25,725	3
(o) Hutchinson Industrial Dist. No. 1 c/o Jerry Ricksecker P.O. Box 1907 Hutchinson, KS 67504-1907	5,058 *	1
(p) Jackson Ice Cream Co., Inc. Robert Thiessen 2600 East Fourth P.O. Box 1386 Hutchinson, KS 67504-1386	960,573 *	97

*Attachment 6-6
 Senate Local govt
 March 24, 1992*

	1990 ASSESSSED <u>VALUATION</u>	<u>ELIGIBLE VOTES</u>
(q) KANEB Pipeline Co. Mac Brown, Vice President 100 North Broadway, Suite 550 Wichita, KS 67202	205,098	21
(r) Kansas Power & Light Company P.O. Box 889 Topeka, KS 66601-0889	722,703*	73
cc: Harold Winnie, District Manager 200 West Second P.O. Box 1587 Hutchinson, KS 67504-1587		
(s) Midwest Iron and Metal Co., Inc. Ronald Galler, President 700 S. Main Street; P.O. Box 70 Hutchinson, KS 67504-0070	57,675	6
(t) Richard & W.E. Mullins c/o MGM Mfg., Inc. P.O. Box 18358 Wichita, KS 67218	38,730	4
(u) City of Hutchinson c/o PMS Foods P.O. Box 1099 Hutchinson, KS 67504-1099	351,402	36
(v) City of Hutchinson c/o PMS Foods P.O. Box 1099 Hutchinson, KS 67504-1099	158,100	16
(w) Northern Natural Gas) Now combined Plateau Natural Gas) into:		
Peoples Natural Gas Davis Neighbors 3424 East "G" P.O. Box 859 Hutchinson, KS 67504-0859	143,864	15
(x) Republic Paperboard Company P.O. Box 750 Dallas, TX 75221	767,153 *	77
cc: Joe Entress, Mill Manager 100 South Halstead P.O. Box 1267 Hutchinson, KS 67504-1267		

*Attachment 6 - 7
 Senate Local govt
 March 24, 1992*

Hutchinson Industrial District No. 1
 1991 Roll Call - Page 4 of 4

	1990 ASSESSSED VALUATION	ELIGIBLE VOTES
(y) Thomas D. Schuler 10033 Mountain Road Chipita Park, CO 80811	324	1
(z) Southwestern Bell Telephone Richard Shank Room 615 - First National Center Hutchinson, KS 67501	25,238	3
(aa) Superior Boiler Works, Inc. Tom Rouse, Vice President 3524 East Fourth P.O. Box 1527 Hutchinson, KS 67504-1527	211,523*	22
(bb) TECH, Inc. Maurice Cummings, President P.O. Box 399 Hutchinson, KS 67504-0399	EXEMPT -0-	-0-
(cc) Underground Vaults & Storage, Inc. President P.O. Box 1723 Hutchinson, KS 67504-1723	219,660	22
(dd) Union Equity Co-op Exchange P.O. Box 3408 Enid, OK 73702	991,551*	100
cc: Ed Sorenson P.O. Box 2859 Hutchinson, KS 67501		
(ee) Hutchinson Salt Co. c/o Underground Vaults & Storage, Inc. P.O. Box 1723 Hutchinson, KS 67504-1723	6,783	1
(ff) Williams Natural Gas Company John W. Lehmann, Region Manager 210 East 30th P.O. Box 2917 Hutchinson, KS 67504-2917	3,200	1
(gg) George A. Yocham Box 53 Burrton, KS 67020	372	1

*Attachment 6-8
 Separate Social govt
 March 24, 1992*

CARL D. HOLMES
REPRESENTATIVE, 125TH DISTRICT

P.O. BOX 2288
LIBERAL, KANSAS 67905
(316) 624-7361



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER: ENERGY AND
NATURAL RESOURCES
MEMBER: ADMINISTRATIVE RULES AND
REGULATIONS
LOCAL GOVERNMENT
NATIONAL CONFERENCE OF STATE
LEGISLATURES—ENERGY COMMITTEE

STATE CAPITOL, RM. 156-E
TOPEKA, KANSAS 66612
(913) 296-7670

H.B. 2833 clarifies and expands the general powers of fire districts created by counties. The bill adds the power to acquire and dispose of personal property, to pay compensation and salaries to fire district employees, and to pay the operating and maintenance expenses of fire districts.

Recently a problem arose in one of my fire districts over the payment of firefighter training expenses and salaries for firefighters. The auditor for the fire district did not believe that fire district tax moneys could be used for that purpose in light of Attorney General Opinion No. 80-89. That opinion states that there is no specific statutory authority providing for the payment of salaries and salary-related expenses of fire district personnel in fire districts created pursuant to K.S.A. 19-3601, and the proceeds from the levy authorized by K.S.A. 19-3610 may not be used for the payment of salaries and salary-related expenses. It also states that home rule resolution by which the board of county commissioners had provided for the levy of a tax (in addition to the aforesaid levy) on the property in a fire district created pursuant to K.S.A. 19-3601 was beyond the scope of "county business" and "local legislation and administration," and was therefore invalid and ineffective.

H.B. 2833 merely lets fire districts spend moneys for training and salaries which many fire districts apparently are already doing despite the above Attorney General's opinion.

~~I am also suggesting a clarification amendment be made to K.S.A. 19-3610 to clearly state what these tax moneys may be used for. Further, the Committee may want to consider making similar clarifications to the law which provides for township fire districts.~~

Attached is a letter from an attorney from Liberal commenting on the need to clarify K.S.A. 19-3610 and a copy of Attorney General Opinion No. 80-89.

*Attachment 7-1
Senate Local govt
March 24, 1992*

LAW OFFICES OF
SMITH & MILES, CHARTERED

401 NORTH WASHINGTON
LIBERAL, KANSAS 67905-0340

TOM R. SMITH
ROBERT M. MILES
LICENSED IN
KANSAS AND OKLAHOMA

TELEPHONE
(316) 624-0125
P.O. BOX 240

February 4, 1992

Honorable Carl Dean Holmes
Kansas House of Representatives
Room 327 West
State Capitol Building
Topeka, Kansas 66612-2591

In Re: House Bill 2833

Dear Representative Holmes:

Mr. Robert Hadsell, Fire Chief of Seward County Rural Fire Department, presented me with a photocopy of House Bill #2833 which is before the Committee on local government that I understand is going to be considered.

Chief Hadsell inquired as to whether or not I felt this amendment in K.S.A. 19-3601a would resolve any questions that arise over the powers of Fire Districts to expend monies.

I believe that the House Bill 2833, as written, is helpful to define the powers of a Fire District Board of Trustees in their expenditure of funds.

As to section (e) of the proposed bill "issue bonds as provided in this act" I personally am a great believer in the fact that all bonds should be issued only by County Governments, and I do not think the Fire Districts should have that particular power.

Everything else in House Bill 2833 is satisfactory and workable.

However, I think the Revisor of Statutes Office, or the Committee should be alerted to the potential conflict that is created with K.S.A. 19-3610.

A portion of K.S.A. 19-3610 that pertains to a levy of Ad Valorem Taxes provides as follows:

"All proceeds of such levy shall be used for the purpose and maintenance of fire fighting materials, equipment and apparatus and the maintenance and equipping of the buildings belonging to the district and for the payment to any City for fire protection services under contract with the district."

Therefore, it would appear that K.S.A. 19-3610 which deals with tax levies would seem to imply that there is a limitation on the use of tax

levies only for the purchase and maintenance of fire fighting materials, equipment, apparatus and maintenance and equipping of buildings etc., and it appears that there is some conflict with the proposed House Bill 2833.

I would suggest that the way to solve this would be to have the following amendment of K.S.A. 19-3610 to wit:

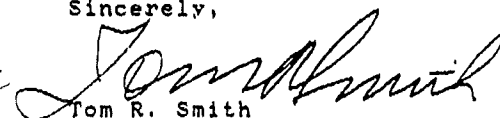
"All proceeds of such levy shall be used in accordance with the provisions of K.S.A. 19-3601a as amended."

That then would obviously resolve any conflict that now exists in this particular statute.

I hope this has been of some benefit to you in the Committee Hearing.

Sincerely,

attachment 7-2
Senate Local govt
March 24, 1992


Tom R. Smith

TRS/ds
cc: Robert Hadsell



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

April 9, 1980

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
ANTITRUST: 296-5299

ATTORNEY GENERAL OPINION NO. 80-89

Mr. Joseph O'Sullivan
Reno County Attorney
Law Enforcement Center
210 West First Street
Hutchinson, Kansas 67501

Re: Counties and County Officers--Fire
Protection--Exercise of Home Rule
Authority to Raise Revenue for Salaries
of Fire Fighters

Synopsis: There is no specific statutory authority providing for the payment of salaries and salary-related expenses of fire district personnel in fire districts created pursuant to K.S.A. 1979 Supp. 19-3601, and the proceeds from the levy authorized by K.S.A. 19-3610 may not be used for the payment of salaries and salary-related expenses.

A home rule resolution by which the board of county commissioners has provided for the levy of a tax (in addition to the aforesaid levy) on the property in a fire district created pursuant to K.S.A. 1979 Supp. 19-3601 is beyond the scope of "county business" and "local legislation and administration," and is therefore invalid and ineffective.

Statutes and constitutional provisions cited herein: K.S.A. 19-3610, 19-3612a, 19-3613, 19-3620 and 19-3622; K.S.A. 27-315 et seq.; K.S.A. 1979 Supp. 19-101a, 19-101a et seq., 19-117, 19-3601, 19-3601a and 19-3601b; Article 2, Section 21, Kansas Constitution; Article 3, Section 1, Kansas Constitution.

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Dear Mr. O'Sullivan:

You have asked for our opinion on two questions relating to the authority of the board of county commissioners to produce revenue for the payment of salaries of full-time fire fighters working for a fire district located in Reno County, which district was organized pursuant to K.S.A. (now 1979 Supp.) 19-3601.

First, you ask whether proceeds of the tax levied pursuant to K.S.A. 19-3610 may be used for the payment of salaries and salary-related expenses for full-time employees of the district. You state that it is your opinion that such proceeds may not be so used since the statute provides that

"[a]ll proceeds of such levy shall be used for the purchase and maintenance of fire fighting materials, equipment and apparatus and the maintenance and equipping of buildings belonging to the district and for the payment to any city for fire protection services under contract with the district." K.S.A. 19-3610.

We concur in your interpretation of the above-quoted statute. As you have correctly noted, there is no specific statutory authority providing for the payment of salaries of fire district personnel in counties the size of Reno County. In contrast, fire districts created pursuant to K.S.A. 19-3613, in any county with a population of more than 90,000 containing a city of the first class with a population less than 50,000, have specific authority for the payment of compensation of district employees, under K.S.A. 19-3620 and 19-3622.

Accordingly, you state that you advised the county commissioners that they could adopt a resolution to establish a tax levy to produce revenue for the payment of salaries and salary-related expenses of employees of the fire district by exercise of the Board's home rule authority under K.S.A. 1979 Supp. 19-101a et seq. You further state that the Board adopted Home Rule Resolution VI in June, 1979, establishing an eight-mill levy in the district for that purpose. You have asked for our opinion whether the Board properly exercised its home rule authority in the adoption of the resolution providing for the aforesaid levy for salaries.

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K.S.A. 1979 Supp. 19-101a provides, in pertinent part:

"(a) Counties are hereby empowered to transact all county business and perform such powers of local legislation and administration as they deem appropriate, subject only to [certain enumerated] limitations, restrictions, or prohibitions."

The threshold question which must be addressed to answer your second inquiry is whether the exercise of power to establish the aforesaid levy comes within the meaning of "county business and . . . local legislation and administration" and thus within the scope of the county's home rule powers. In our opinion, it does not, and we conclude that Reno County Home Rule Resolution VI is invalid and ineffective.

Importantly, it is our judgment that the question of payment of salaries of fire district personnel is not a matter of "county business" but rather a matter of business of the fire district and its governing body. Certainly, as the statutes in question expressly provide, the board of county commissioners may serve as the fire district's governing body (as is the case in Reno County) or the board may appoint a fire district board of trustees. See K.S.A. 1979 Supp. 19-3601 and K.S.A. 19-3612a. However, the authority of the county commissioners, serving both as the governing body of the county and as the governing body of the fire district, is not coextensive. A fire district is a separate and distinct political or taxing subdivision of the state, vested with certain governmental powers as prescribed by the legislature. Under K.S.A. 1979 Supp. 19-3601a,

"the governing body [of the fire district] shall have the authority to enter into contracts, operate and maintain fire fighting equipment, to acquire and construct buildings to house the same, to buy, sell and dispose of real property, and . . . shall have the right of eminent domain." (Emphasis added.)

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Under K.S.A. 1979 Supp. 19-3601b, the fire district's governing body has authority to issue general obligation bonds and no-fund warrants for fire district purposes. In short, as they are described in Antieau's Local Government Law, Vol. 3A, Independent Local Government Entities, §30D.00, fire protection districts are "separate entities with independent corporate life." Hence, county commissioners serving as the governing body of both the county and the fire district wear two different hats. Wearing the "hat" as the governing body of the fire district, the board of county commissioners has no home rule power, but may only exercise the authority granted to the district by the legislature. But, thus considered, your question may be rephrased: May the board of county commissioners, wearing the "county hat," exercise the county's home rule power to establish a tax levy in the district for fire district purposes? We think not, for the following reasons.

The question you have raised is very much analogous to the question considered in Attorney General Opinion No. 79-262. In that opinion (attached hereto for your consideration) we determined that a city had no home rule authority to dissolve a public airport authority created pursuant to state law (the Surplus Property and Public Airport Authority Act, K.S.A. 27-315 et seq.), and that such an authority may only be dissolved as provided by the state law. We noted that while the airport authority could only come into existence by some action of the city, action to "trigger" the process of creation of the authority, the authority was nonetheless a creature of state law, "an agent of the law," empowered to function as prescribed by state law. Accordingly, we concluded that "once created, the Authority is subject only to such control by the City as the latter is given by the Act" and that "the matter is no longer a 'local affair' over which the City has power." Attorney General Opinion No. 79-262, p. 5.

Likewise, a fire district, which may only come into existence by action of the board of county commissioners and whose governing body is the board of county commissioners pursuant to state law, is "an agent of the law," a creature of state law empowered to function only as prescribed by state law. Therefore, once the board of county commissioners "triggers" the process of creation of a fire district, the matter of fire protection in the district thus created is no longer a matter of "county business" upon which home rule powers

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may be exercised, but is only the business of the fire district. The fire district is empowered to levy a tax, pursuant to K.S.A. 19-3610, but, as noted above, the proceeds of that tax may not be used for the payment of salaries and salary-related expenses. Since the matter of fire protection in the district is beyond the scope of "county business," once a fire district is established in accordance with state law, the county thereafter has no power to provide for an additional tax levy in the district for fire protection purposes.

A similar question was considered by the Kansas Supreme Court in Russell State Bank v. Steinle, 159 Kan. 293 (1944). The question presented in that case was whether the board of county commissioners was empowered to abolish a county court which the county itself established in accordance with an act of the legislature. The board argued that under Article 2, Section 21 of the Kansas Constitution (since amended), the legislature conferred legislative power upon the board of county commissioners to create the court and that "the power conferred to create the court includes by implication the power to abolish it." 159 Kan. at 296. The Court disagreed, stating, in pertinent part:

"It will be observed the powers of the legislature which may be conferred upon county tribunals are only powers ' . . . of local legislation and administration. . . .' (Emphasis supplied.) We have held that under this constitutional provision only such local legislative and administrative powers as pertain to the transaction of county business can be conferred. . . . Manifestly the county court was not created for the purpose of transacting the business affairs of Russell county or any other county. The court is a judicial tribunal vested with powers and jurisdiction prescribed by law. . . . The mere fact this particular court was located within the physical boundaries of Russell county did not make it a tribunal for transacting the business affairs of the . . . county. . . ." (Emphasis in original.) 159 Kan. at 296.

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The Court determined that the constitutional provision relied upon by the board did not authorize the legislature to confer upon county commissioners legislative power to create the court, but that only the legislature was empowered to provide for additional courts, under Article 3, Section 1 of the Kansas Constitution. Contrary to the board's assertion,

"the county court . . . was not created by any single board of county commissioners but by an act of the legislature. . . . The legislature prescribed the jurisdiction of the court it created. The legislature designated its officers and provided for their compensation. The legislature regulated the practice and the procedure in such courts. . . . The legislature therefore left nothing for any board of county commissioners to do with respect to the establishment of a county court in any county except to determine whether it wanted the newly created court. If it did it was merely required to adopt the provisions of the act which created the court." 159 Kan. at 297-298.

Analogously, in consideration of the instant question, the legislature has provided the means by which fire districts may be established by boards of county commissioners, and the legislature has prescribed the authority such boards, acting as the governing bodies of fire districts, may exercise. To be sure, a fire district thus created occupies territory within the territorial boundaries of the county creating it, but, as in the Steinle case, that fact does not make the district a tribunal or political subdivision created for the transaction of county business, nor does it mean that the board of county commissioners may exercise its powers to control or otherwise affect such district, except as authorized by the statutes by which fire districts are established. Acting as the governing body of a fire district, the board of county commissioners conducts the business of the fire district, a separate and distinct political and taxing subdivision of the state, and as noted above, its authority therefor is not coextensive with its authority as the governing body of the county under K.S.A. 1979 Supp. 19-101a et seq.

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Finally, in our judgment, the county's home rule taxing authority, as limited by the provisions of K.S.A. 1979 Supp. 19-101a and 19-117, only empowers the county to levy a countywide ad valorem tax. Since the county may only levy such tax for the transaction of "county business," within the scope of "local legislation and administration," the county therefore has no authority to levy a tax which will burden only the property lying within the territory of a fire district created pursuant to state law, the proceeds from which will only be used for fire protection within said district.

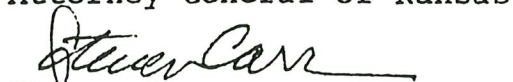
We think it important to distinguish here between the levying of an ad valorem property tax pursuant to the county's home rule power, and the exercise of the county's home rule power to establish a special benefit district and to levy special assessments on the property benefited, when not otherwise authorized by state law. We have no doubt that the creation of such special benefit districts within the county would be a permissible exercise of the county's home rule authority, and nothing in the foregoing opinion should be construed to suggest to the contrary. However, it is our judgment, as more fully explained above, that once the board of county commissioners has established separate political or taxing subdivisions, such as fire districts, as provided by state law, and acts as the governing body of such districts or subdivisions, the board may not exercise its home rule authority in so doing because the business of such districts or subdivisions is not "county business" within the contemplation of the home rule statutes.

In summary, we conclude that there is no specific statutory authority providing for the payment of salaries and salary-related expenses of fire district personnel in fire districts created pursuant to K.S.A. 1979 Supp. 19-3601, and that the proceeds from the levy authorized by K.S.A. 19-3610 may not be used for the payment of salaries and salary-related expenses. Secondly, we conclude that a home rule resolution by which the board of county commissioners has provided for the levy of a tax (in addition to the aforesaid levy) on the property in a fire district created pursuant to K.S.A. 1979 Supp. 19-3601 is beyond the scope of "county business" and "local legislation and administration" and is therefore invalid and ineffective.

Very truly yours,


ROBERT T. STEPHAN

Attorney General of Kansas


Steven Carr
Assistant Attorney General

Attachment 7-6
Senate Local govt
March 24, 1982

RTS:WRA:gk

Enclosure: Attorney General Opinion No. 79-262

Fire District Salaries
Authorized by KSA 19-3610

<u>NAME</u>	<u>Yes or No</u>
Allen Co. - RFD No. 2	No
Allen Co. - RFD No. 3	No
Allen Co. - RFD No. 4	No
Anderson Co. - RFD No. 1	Yes
Atchison Co. - RFD No. 1	No
Atchison Co. - RFD No. 3	No
Atchison Co. - RFD No. 5	No
Barber Co. - RFD No. 1	No
Barton Co. - RFD No. 1	No
Bourbon Co. - Fire Dist. #2	No
Bourbon Co. - Fire Dist. #3	No
Bourbon Co. - Fire Dist. #4	No
Chase Co. - Fire Dist. No. 1	Yes
Chautauqua Co. - Fire Dist. No. 1	No
Chautauqua Co. - Fire Dist. No. 2	No
Chautauqua Co. - Fire Dist. No. 3	No
Chautauqua Co. - Fire Dist. No. 4	No
Chautauqua Co. - Fire Dist. No. 5	No
Chautauqua Co. - Fire Dist. No. 6	No
Cheyenne Co. - RFD #1	Yes
Clark Co. - Fire Dist. No. 1	No
Clark Co. - Fire Dist. No. 2	No
Clark Co. - Fire Dist. No. 3	No
Clay Co. - Clay Center Rural Fire #1	Yes
Clay Co. - Green Rural Fire Dist. #1	Yes
Clay Co. - Longford Rural Fire Dist. #1	Yes
Clay Co. - Morganville Rural Fire Dist. #1	Yes
Clay Co. - Sherman Rural Fire Dist. #1	Yes
Clay Co. - Wakefield Rural Fire Dist. #1	Yes
Elk Co. - RFD #1	Yes
Ford Co. - Fire District	Yes
Geary Co. - Fire Dist. #1	Yes
Grant Co. - Rural Fire	Yes
Gray Co. - Rural Fire	No
Greeley Co. - Rural Fire District	No
Greenwood Co. - Rural Fire Dist. No. 1	Yes
Hamilton Co. - Fire Dist. #1	Yes
Harvey Co. - Fire Dist. No. 5 (Joint Harvey & Reno)	Yes
Hodgeman Co. - Rural Fire Dist.	No
Jackson Co. - Mayetta Fire Dist. #1	No
Jackson Co. - Rural Fire Dist. #2	No
Jackson Co. - Douglas Fire Dist. #3	No
Jackson Co. - Holton Rural Fire Dist. #4	No
Jackson Co. - Delia Rural Fire Dist. #5	No
Jewell Co. - Rural Fire Dist. #1	No
Jewell Co. - Superior Fire Dist. #2	No
Jewell Co. - Union Fire Dist. #3	No
Jewell Co. - Mankato Fire Dist. #4	No
Kearny Co. - Fire Dist. #1	Yes

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Kearny Co. - Fire Dist. #2	Yes
Kiowa Co. - Rural Fire Dist. #1	Yes
Labette Co. - Fire Dist. #9	No
Lane Co. - Rural Fire	No
Linn Co. - Rural Fire Dist. #1	Yes
Logan Co. - Rural Fire Dist. #1	Yes
Lyon Co. - Fire Dist. #1	No
Lyon Co. - Fire Dist. #2	No
Lyon Co. - Fire Dist. #3	No
Lyon Co. - Fire Dist. #4	No
Lyon Co. - Fire Dist. #5	No
Marion Co. - West Branch Fire Dist. #2	Yes
Marion Co. - Peabody Fire Dist. #4	Yes
Marion Co. - Durham Fire Dist. #1	No
Marion Co. - Colfax Fire District	No
Marshall Co. - Fire Dist. No. 1	No
Marshall Co. - Fire Dist. No. 2	No
Marshall Co. - Fire Dist. No. 3	No
Marshall Co. - Fire Dist. No. 5	No
Marshall Co. - Fire Dist. No. 6	No
Marshall Co. - Fire Dist. No. 7	No
Marshall Co. - Fire Dist. No. 8	No
Marshall Co. - Fire Dist. No. 9	No
McPherson Co. - Fire Dist. #1	Yes
McPherson Co. - Fire Dist. #2	Yes
McPherson Co. - Fire Dist. #3	Yes
McPherson Co. - Fire Dist. #4	No
McPherson Co. - Fire Dist. #5	Yes
McPherson Co. - Fire Dist. #6	Yes
McPherson Co. - Fire Dist. #7	Yes
McPherson Co. - Fire Dist. #8	No
McPherson Co. - Fire Dist. #9	Yes
McPherson Co. - Fire Dist. #10	No
Meade Co. - Rural Fire Dist.	Yes
Miami Co. - Fire Dist. #1	Yes
Miami Co. - Fire Dist. #2	No
Montgomery Co. - Rural Fire Dist. #1	Yes
Morris Co. - Fire Dist. #1	No
Morris Co. - Fire Dist. #3	No
Morris Co. - Fire Dist. #4	No
Morris Co. - Fire Dist. #5	No
Morris Co. - Fire Dist. #6	Yes
Morris Co. - Fire Dist. #7	No
Morris Co. - Fire Dist. #8	No
Morris Co. - Fire Dist. #9	No
Morris Co. - Fire Dist. #10	No
Morris Co. - Fire Dist. #11	No
Morris Co. - Fire Dist. #12	No
Nemaha Co. - Bern Fire Dist. No. 4	Yes
Nemaha Co. - Centralia Fire Dist. No. 6	No
Nemaha Co. - Corning Fire Dist. No. 2	Yes
Nemaha Co. - Goff Fire Dist. #1	No
Nemaha Co. - Rural Sabetha Fire Dist. #5	No
Nemaha Co. - Wetmore Fire Dist. No. 3	Yes

Norton Co. - Almena #1	No
Norton Co. - Norton #2	No
Norton Co. - Solomon #3	No
Osage Co. - Fire Dist. #1	No
Osage Co. - Fire Dist. #2	No
Osage Co. - Fire Dist. #3	No
Osage Co. - Fire Dist. #4	Yes
Osborne Co. - Fire Dist. #1	Yes
Osborne Co. - Fire Dist. #2	Yes
Osborne Co. - Fire Dist. #3	No
Phillips Co. - Fire Dist. #2	No
Phillips Co. - Fire Dist. #3A	No
Phillips Co. - Fire Dist. #3B	No
Pottawatomie Co. - Fire Dist. #1	No
Pottawatomie Co. - Fire Dist. #2	Yes
Pottawatomie Co. - Fire Dist. #3	Yes
Pottawatomie Co. - Fire Dist. #4	Yes
Pottawatomie Co. - Fire Dist. #5	Yes
Pottawatomie Co. - Fire Dist. #6	Yes
Pottawatomie Co. - Fire Dist. #7	Yes
Pottawatomie Co. - Fire Dist. #8	Yes
Pottawatomie Co. - Fire Dist. #10	Yes
Rawlins Co. - Fire Dist. #1	Yes
Rawlins Co. - Fire Dist. #2	Yes
Rawlins Co. - Fire Dist. #3	Yes
Reno Co. - Fire Dist. #1	No
Reno Co. - Fire Dist. #2	Yes
Reno Co. - Fire Dist. #3	Yes
Reno Co. - Fire Dist. #4	Yes
Reno Co. - Fire Dist. #5	No
Reno Co. - Fire Dist. #6	Yes
Reno Co. - Fire Dist. #7	Yes
Reno Co. - Fire Dist. #8	Yes
Reno Co. - Jt. Fire Dist. #1	Yes
Reno Co. - Jt. Fire Dist. #2	Yes
Republic Co. - Fire Dist. #1	No
Republic Co. - Fire Dist. #2	No
Republic Co. - Agenda Rural Fire No. 5	Yes
Republic Co. - Munden-Narka Rural Fire #3	Yes
Republic Co. - Republic Rural Fire No. 9	Yes
Rice Co. - Fire Dist. #1	No
Riley Co. - Rural Fire Dist.	Yes
Rush Co. - Fire Dist. #1	Yes
Rush Co. - Fire Dist. #2	Yes
Rush Co. - Fire Dist. #3	Yes
Rush Co. - Fire Dist. #4	Yes
Rush Co. - Fire Dist. #5	Yes
Rush Co. - Fire Dist. #6	Yes
Rush Co. - Fire Dist. #7	Yes
Saline Co. - Fire Dist. #6	No
Scott Co. - Fire Dist. #1	Yes
Sedgwick Co. - Fire Dist.	Yes
Seward Co. - Rural Fire	Yes
Shawnee Co. - Fire Dist. #1	No

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Shawnee Co. - Fire Dist. #2	No
Shawnee Co. - Fire Dist. #3	No
Shawnee Co. - Fire Dist. #4	No
Sherman Co. - Rural Fire Dist. #1	Yes
Sheridan Co. - Rural Fire Dist. #1	Yes
Stafford Co. - Fire Dist. #1	Yes
Stanton Co. - Rural Fire Dist.	Yes
Stevens Co. - Fire Dist. #5	Yes
Sumner Co. - Fire Dist. #6	Yes
Sumner Co. - Fire Dist. #7	Yes
Sumner Co. - Fire Dist. #8	Yes
Sumner Co. - Fire Dist. #9	Yes
Sumner Co. - Fire Dist. #10	Yes
Sumner Co. - Fire Dist. #11	Yes
Sumner Co. - Fire Dist. #12	No
Trego Co. - Fire Dist.	Yes
Wabaunsee Co. - Fire District No. 2	No
Wabaunsee Co. - Fire Dist. No. 3	No
Wallace Co. - Fire Dist. #1	Yes
Wallace Co. - Fire Dist. #2	Yes
Wallace Co. - Fire Dist. #3	Yes
Washington Co. - Fire Dist. No. 2	No
Washington Co. - Fire Dist. No. 3	No
Washington Co. - Fire Dist. No. 4	No
Washington Co. - Fire Dist. No. 7	Yes
Washington Co. - Fire Dist. No. 9	Yes
Washington Co. - Fire Dist. No. 10	Yes
Wichita Co. - Rural Fire Dist.	No
Woodson Co. - Rural Fire Dist. #1	Yes