

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Jene Vickrey at 3:30 p.m. on January 22, 2004 in Room 519-S of the Capitol.

All members were present except:

Representative Deena Horst- excused
Representative William Kassebaum- excused

Committee staff present:

Martha Dorsey, Legislative Research Department
Mike Heim Legislative Research Department
Theresa Kiernan, Office of the Revisor of Statutes
Maureen Stinson, Committee Secretary

Conferees appearing before the committee:

Representative Peggy Long-Mast
Bill Walker
Pat Lehman
Ron Appletoft

Others attending:

See Attached List.

Bill Introductions

Mike Pepoon, Government Relations, Sedgwick County, requested a committee bill on behalf of Sedgwick County, Johnson County, and the Kansas Association of Counties. The proposed legislation would repeal K.S.A. 19-211. He said the current statute creates numerous restrictions on a county's ability to dispose of real and personal property.

Without objection, the request will be introduced as a committee bill.

Theresa Kiernan, Office of the Revisor, requested a new committee bill on behalf of Representative Lane. The proposed legislation would make any convention and visitor's bureau or committee or similar organization or group which receives bed tax money subject to the open meetings act and open records act.

Without objection, the request will be introduced as a committee bill.

Rep. Toelkes, Ranking Minority Member, requested a committee bill concerning the public employer-employee relations act. The proposed legislation would eliminate the local action portion so that everyone follows the same statute.

Without objection, the request will be introduced as a committee bill.

Chairman Vickrey requested a committee bill seeking to exempt military veterans' personal information from the Kansas Open Records Act.

CONTINUATION SHEET

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE at 3:30 p.m. on January 22, 2004 in Room 519-S of the Capitol.

Without objection, the request will be introduced as a committee bill.

Chairman Vickrey opened the hearing on:

HB 2528 **Concerning fire protection: authorizing payment for acquisition, installation or maintenance of fire hydrants by fire districts**

Rep. Peggy Long-Mast said that the bill deals with allowing fire districts the opportunity to purchase rural fire hydrants if funds are available (Attachment 1). She said under current statutes, the law does not allow fire districts to spend money on anything that is not deemed to be fire equipment and after appealing to the Attorney General's office twice, the only option seems to be change the law. Rep. Long-Mast stated that the Attorney General has interpreted the current law as not including fire hydrants as fire fighting equipment thus excluding hydrants from being something that fire districts can purchase. She testified that the bill would allow individual districts to purchase fire hydrants in areas that currently do not have them and thus allowing businesses and homes in the area lower insurance premiums.

A fiscal note from Duane Goosen, Director of the Budget, concerning **HB 2528** was submitted to the Committee. As per the fiscal note, the bill does not have a fiscal effect on any state agency budget, but could affect city and county budgets if additional expenditures occur through the acquisition, installation, or maintenance of fire hydrants. Further noted was that this effect cannot be estimated with accuracy.

Bill Walker, Administrator, Coffey County Fire District # 1, representing the Kansas State Association of Fire Chiefs, presented testimony on the bill (Attachment 2). He said that there have been changes in rural areas and that citizens are now building large, expensive homes and businesses which are often located miles away from adequate fire emergency water supplies. He explained that rural water districts often utilize large diameter water lines and high capacity storage towers to supply their customers but that the lines and towers are often unusable by fire departments because there are no installed hydrants. Mr. Walker urged passage of the bill.

Pat Lehman, presented testimony on behalf of the Kansas Fire Service Alliance (Attachment 3). He explained that the bill is strictly permissive for all parties involved. He noted that the bill would allow the rural water district and fire department entities to work together to better serve the citizens in their area. Mr. Lehman urged the committee to pass the bill favorably.

Written testimony was received from Senator Jim Barnett in support of the bill (Attachment 4). He said that the bill will allow rural fire districts to purchase fire hydrants as firefighting equipment and contract with rural water districts to obtain an adequate water supply.

Written testimony in support of the bill was received from Elmer Ronnebaum on behalf of the Kansas Rural Water Association (Attachment 5). He said the bill would allow fire districts and townships to pay for hydrant and valve installations on public water systems. He testified that the water systems still must control where any such installation is made. Mr. Ronnebaum said that the proposed legislation does not preclude the water system or other beneficiaries to pay for hydrant installations.

Ron Appletoft, Governmental Affairs Coordinator, presented testimony on behalf of Water District # 1 of Johnson County (Attachment 6). He proposed amending the bill as follows:

- that this bill applies to rural water districts
- any changes as to acquisition, installation and maintenance of fire hydrants are mutually agreeable to both the fire district and the rural water district

The Chairman closed the hearing on: **HB 2528**

HB 2528 **Concerning fire protection: authorizing payment for acquisition, installation or maintenance of fire hydrants by fire districts**

Rep. Yonally made the motion to amend the language in **HB 2528** to reflect that the proposed legislation

CONTINUATION SHEET

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE at 3:30 p.m. on January 22, 2004 in Room 519-S of the Capitol.

applies to rural water districts and, that any changes as to acquisition, installation and maintenance of fire hydrants are mutually agreeable to both the fire district and the rural water district. Rep. Siegfried seconded the motion. The motion carried.

Rep. Yonally made the motion for the favorable passage of the **HB 2528** as amended. Rep. Reitz seconded the motion. The motion carried.

Rep. Storm made the motion to approve the minutes of the January 15, 2004 meeting. Rep. Gilbert seconded the motion. The motion carried.

The Chairman adjourned the meeting at 4:10 p.m.

The next meeting is scheduled for January 27, 2004.

HOUSE LOCAL GOVERNMENT

DATE 1-22-04

NAME	REPRESENTING
Ron Appetoft	Water Dist. No 1 of Jo Co
Pat Lehman	KS Fire Service Alliance
BIL WALKER	CCFD #1 & KSA.F.C.
Mike Pepon	Sedgwick County
Andy Shaw	State Lodge of FOP
_____	DOB
Chuck K/L	Hein Law firm
Ethan Dexter	Rep Larry Campbell
David Hanson	NAFF

PEGGY LONG-MAST
 REPRESENTATIVE, 76TH DISTRICT
 765 ROAD 110
 EMPORIA, KANSAS 66801
 (620) 343-2465
 ROOM 446-N CAPITOL BLDG.
 TOPEKA, KS 66612
 (785) 296-7685



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 VICE-CHAIR: HEALTH & HUMAN
 SERVICES
 UTILITIES
 JUDICIARY

***TESTIMONY ON HB 2528
 JANUARY 22, 2004***

I want to thank you Mr. Chairman and members of the committee for the opportunity to appear before you today with a bill that will help to make life a little safer, insurance rates a little lower, and things a lot easier for some people in the State of Kansas.

HB 2528 is a bill that deals with allowing fire districts that have the funds to purchase rural fire hydrants the opportunity to do so. Under current statutes, the law does not allow fire districts to spend money on anything that is not deemed to be fire equipment and after appealing to the Attorney General's office twice, the only option seems to be to change the law. The Attorney General's office has interpreted the current law as not including fire hydrants as fire fighting equipment thus excluding hydrants from being something that fire districts can purchase.

HB 2528 will allow individual districts to purchase fire hydrants in areas that currently do not have them and thus allowing businesses and homes in the area lower insurance premiums and making water readily available in case a fire occurs.

This is a simple bill, but it is an important one. Again, I thank you for your time and am anxious for you to hear the compelling testimony from those who will benefit from this. With that, I stand for questions Mr. Chairman.

House Local Government

Date: 1-22-04Attachment # 1

**Testimony to the
House Local Government Committee
House Bill #2528**

**Presented by Bill Walker
Administrator, Coffey County Fire District # 1
January 22, 2004**

Thank you Mister Chairman and members of the committee. My name is Bill Walker; I am the Administrator of Coffey County Fire District #1. I am also here to represent the Kansas State Association of Fire Chiefs. It is my honor and privilege to appear before you today, to express my full support for **House Bill #2528**.

Over the years, the fire service in Kansas, be it full time paid or part time volunteer services, has changed dramatically – from the early days of the “Good Ol Boys” system that could save the foundation, to the highly skilled and trained professional fire departments that you see across Kansas today.

Another major change in our state has been in the rural areas, where citizens are building large, expensive homes and business, which are often located miles away from adequate fire emergency water supplies.

Along with the continuous rapid growth within our rural area is the growth in capability of the rural water districts to supply these residences and businesses with their day to day needs. These water districts often utilize large diameter water lines and high capacity storage towers to supply their customers. The water supplies are available but are often unusable by Fire Departments.

This has created the current circumstances we find ourselves in. As an example, on January 26, 2003, Coffey County Fire District #1 responded to a structure fire at a residence about 12 miles East of Burlington, Kansas.

House Local Government
Date: 1-22-04
Attachment # 2

The homeowner lost his residence and personal property to the fire, mainly because of an inadequate water supply within the general area for fire department use. No hydrants within 12 miles, any ponds that might have been in the area were frozen over and basically there was no water available.

Coffey County Rural Water District #3 had a water tower located about 1 mile from the fire scene, with **29,000 gallons of water available**, but without any fire department hydrant connections.

I can assure you that we would have saved more of the house and personal property, if we had access to the water supply in the area.

As I stated at the beginning, there have been many changes in the fire service, but there is always one thing that will stay the same. To put out a fire, you will always need **trained people, fire trucks and water**.

With the passage of **House Bill #2528**, which is basically the simple addition of the phrase:

“pay for the acquisition, installation or maintenance of one or more fire hydrants including any necessary equipment, services or supplies related thereto;

to the existing **Statute KSA-19-3601a** , and with the cooperation between Rural Fire Districts and Rural Water Districts in Kansas, it will greatly enhance the Fire Service goals and objectives, which is to save lives and property by extinguishing the flames.

To enhance the capabilities of Fire Services and increase the protection of our citizens, I urge your support and passage of **House Bill # 2528**.

Thank You and I will be glad to answer any questions that the committee may have.

**Testimony to the
House Local Government Committee
HB 2528
Presented by Patrick T. Lehman
For the Kansas Fire Service Alliance
January 22, 2004**

Thank you Mister Chairman and members of the committee. I am Pat Lehman and I represent the Kansas Fire Service Alliance. The Alliance is made up of the Kansas State Firefighters Association, the Kansas State Fire Chiefs Association, and the Kansas State Professional Fire Chiefs Association. On behalf of the Alliance, I am speaking in favor of HB 2528.

HB 2528 is important for authorizing fire districts and townships to use resources to enhance their ability to fight fires effectively. In this case, it allows for the acquisition and installation of fire hydrants within the fire district. It is strictly permissive for all parties involved.

With more houses being built in rural areas that have fire protection from rural fire departments and the greatest need in fighting fires is water, the need is growing for accessible water strategically located throughout the district. HB 2528 will allow two entities to work together to better serve the citizens in their area.

The Kansas Fire Service Alliance supports HB 2528 and we urge the committee to pass the bill favorably. Thank you and I will be glad to address any questions or comments that the committee may have.

House Local Government
Date: 1-22-04
Attachment # 3

JIM BARNETT
SENATOR, 17TH DISTRICT
CHASE, COFFEY, GEARY, GREENWOOD
LYON, MARION, MORRIS, OSAGE, AND
WABAUNSEE COUNTIES



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS
VICE CHAIR: PUBLIC HEALTH AND WELFARE
VICE CHAIR: FINANCIAL INSTITUTIONS AND
INSURANCE
MEMBER: FEDERAL AND STATE AFFAIRS

Testimony

House Bill 2528

Chairman Vickrey and members of the House Local Government Committee, thank you for the opportunity to write in support of HB 2538.

Currently, rural fire districts are not permitted to purchase fire hydrants in the State of Kansas. Two previous Attorney General opinions have been obtained confirming this statement. Unfortunately, this places certain areas within our state at increased risk for loss of property and death due to an inability to adequately fight fires. BETO Junction in Coffey County represents such an example. This area involves two busy truck stops with retail businesses, numerous fuel tankers, and a motel within a concentrated rural setting. In the event of a fire, the ability of firefighters to adequately control and fight the fire is severely compromised.

HB 2528 will allow rural fire districts to purchase fire hydrants as firefighting equipment and contract with rural water districts to obtain an adequate water supply.

I respectfully request your consideration and support of HB 2528.

Signed:

Senator Jim Barnett

JAB/gkp

House Local Government
Date: 1-22-04
Attachment # 4

Submitted by: Elmer Ronnebaum

PO Box 226, Seneca, KS 66538 785.336.3760

FAX 785.336.2751 <http://www.krwa.net>

COMMENTS ON HOUSE BILL 2528
BEFORE THE HOUSE COMMITTEE ON LOCAL GOVERNMENT
January 22, 2004

Mr. Chairman and Members of the Committee:

The Kansas Rural Water Association appreciates this opportunity to comment on HB 2528. Kansas Rural Water provides training and technical assistance to municipal and rural water systems and has more than 700 city and rural water system members.

HB 2528 would allow fire districts and townships to pay for the installation of fire hydrants on public water systems. Present law does not allow the fire districts or townships to reimburse public water systems for such installations.

We suggest that the most likely beneficiaries of this legislation will be rural water districts that are often requested to provide fill taps or hydrants. HB 2528 **does not require such installations be made** but in those cases where the public can benefit from such installations, then the customers of the water system should not necessarily be required to pay for the costs of the installations as people beyond the water system's customers will benefit. The bill also does **not preclude any water system or other beneficiary from paying for the installation.**

The capacity of water system must dictate whether or not a proposed fill tap or fire hydrant installation will deliver good service. It's not just a matter of "buying a fire hydrant and installing it wherever." Requests for fire hydrants are frequently made by homeowners seeking to reduce insurance rates. Again, the public water system's policies must take precedence in determining where hydrants can be installed. Rural water districts have traditionally been good partners with municipal, township and rural fire districts in providing as much fire protection service as possible. Rural water districts generally can provide meaningful flows for fill taps along main lines. Rural water districts are not designed to provide enough flow to supply directly to pumper trucks, however, the installation of the hydrant and valve for use as fill tap will be nearly as costly as a hydrant installed in any municipal system. A typical fire hydrant and valve installation costs in the range of \$2000 to \$3000.

HB 2528 would allow fire districts and townships to pay for hydrant and valve installations on public water systems. The water systems still must control where any such installation is made. HB 2528 does not preclude the water system or other beneficiaries to pay for hydrant installations.

The Kansas Rural Water Association respectfully requests your favorable support of HB 2528.

House Local Government
Date: 1-22-04
Attachment # 5

Water District No. 1 of Johnson County

Submitted by: Ron Appletoft

H.B. 2528 – Fire Districts and Fire Hydrants

Testimony Presented at the
House Local Government Committee
On January 22, 2004

By Ron Appletoft, Governmental Affairs Coordinator

Water District No. 1 of Johnson County appears to offer a friendly amendment to H.B. 2528 which would allow fire districts to acquire, install and maintain fire hydrants.

Water District No. 1 is organized as a regional public water utility and serves over 370,000 consumers in and around Johnson County. The Water District is operated as a quasi-municipal corporation pursuant to K.S.A. 19-3501 et seq.

It is my understanding that this bill is intended to allow flexibility as to how fire districts are allowed to spend their funds related to fire hydrants within rural water districts. We have no opposition to that concept however the bill as written would also apply to our water district. Water District No. 1 currently purchases, installs and maintains fire hydrants for our service territory and we would like to continue that policy which protects our customers. We would like to offer a slight wording change. The language that H.B. 2528 adds is repeated 11 times in the bill. We ask that in each instance the language be amended to clarify:

- that this bill applies to rural water districts.
- any changes as to acquisition, installation and maintenance of fire hydrants are mutually agreeable to both the fire district and the rural water district.

I have attached a copy of the amended bill to my testimony. Water District No. 1 has urges your support of our amendment to H.B. 2528.

House Local Government

Date: 1-22-04

Attachment # 6

HOUSE BILL No. 2528

By Representative Long-Mast

1-16

AN ACT concerning fire protection; authorizing payment for acquisition, installation or maintenance of fire hydrants by fire districts and townships; amending K.S.A. 2003 Supp. 12-3915, 19-3601a, 19-3612e, 19-3616, 19-3620, 80-1501, 80-1514a, 80-1904, 80-1913, 80-1917 and 80-1921 and repealing the existing sections.

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

Section 1. K.S.A. 2003 Supp. 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 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;

(n) pay for the acquisition, installation or maintenance of one or more fire hydrants including any necessary equipment, services or supplies re-

upon mutual agreement,

within a rural water district,

1 *lated thereto; and*

2 ~~(n)~~ (o) do all things necessary or desirable to maintain and operate
3 such department so as to furnish fire protection for the inhabitants of the
4 district and otherwise effectuate the purposes of this act.

5 Sec. 2. K.S.A. 2003 Supp. 19-3601a is hereby amended to read as
6 follows: 19-3601a. Upon the creation of a fire district under the provisions
7 of K.S.A. 19-3601 *et seq.*, and amendments thereto, the governing body
8 shall have the authority to:

- 9 (a) Enter contracts;
- 10 (b) acquire and dispose of real and personal property;
- 11 (c) acquire, construct, reconstruct, equip, operate, maintain and fur-
- 12 nish buildings to house fire fighting equipment;
- 13 (d) acquire, operate and maintain fire fighting equipment;
- 14 (e) issue bonds as provided in this act;
- 15 (f) pay compensation and salaries to fire district employees;
- 16 (g) pay compensation to volunteer members of the fire district for
- 17 fighting fires, responding to emergencies or attending meetings;
- 18 (h) exercise eminent domain;
- 19 (i) pay the operation and maintenance expenses of the fire district
- 20 and any other expenses legally incurred by the fire district;

21 ~~(j)~~ *pay for the acquisition, installation or maintenance of one or more*
22 *fire hydrants including any necessary equipment, services or supplies re-*
23 *lated thereto; and*

24 ~~(j)~~ (k) do all other things necessary to effectuate the purposes of this
25 act.

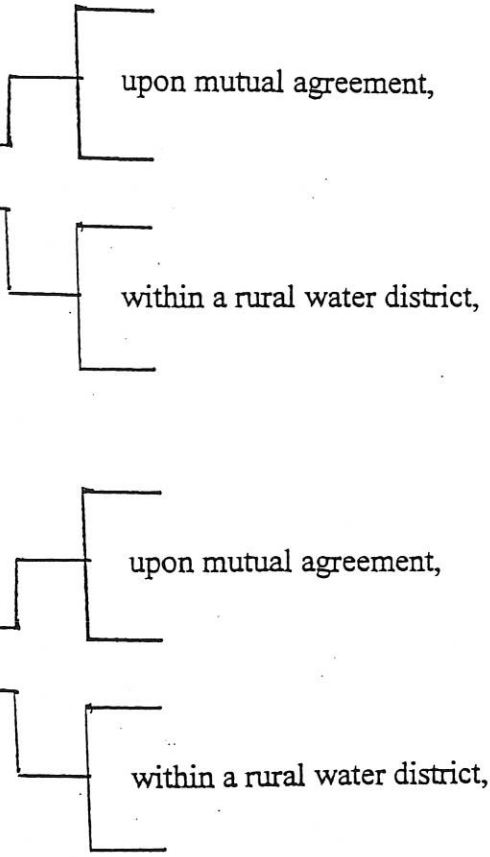
26 Sec. 3. K.S.A. 2003 Supp. 19-3612e is hereby amended to read as
27 follows: 19-3612e. (a) The governing body of Reno county fire district
28 No. 2 and the governing body of Sedgwick county fire district No. 1, both
29 created under K.S.A. 19-3601 *et seq.*, and amendments thereto, shall have
30 the power to levy a tax in an amount to be determined by such governing
31 body upon all taxable tangible property in the district for the purpose of
32 paying:

- 33 (1) Compensation to fire district employees;
- 34 (2) The expenses of operating and maintaining the fire district;
- 35 (3) compensation to volunteer members of the fire district for fight-
- 36 ing fires, responding to emergencies or attending meetings;

37 ~~(4)~~ *for the acquisition, installation or maintenance of one or more fire*
38 *hydrants including any necessary equipment, services or supplies related*
39 *thereto; and*

40 ~~(4)~~ (5) other legal expenses of the fire district.

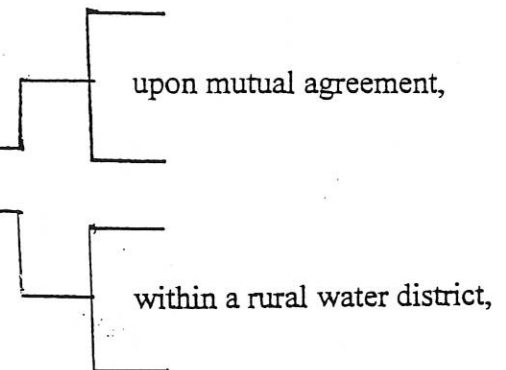
41 (b) Whenever the governing body of the fire district determines it is
42 necessary to increase the amount levied in the next preceding year, the
43 governing body shall give notice of its intent to increase such levy by



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

13 Sec. 4. K.S.A. 2003 Supp. 19-3616 is hereby amended to read as
 14 follows: 19-3616. Upon the creation of a fire district pursuant to K.S.A.
 15 19-3613, and amendments thereto, the governing body of the fire district
 16 shall have the authority to:

- 17 (a) Enter contracts;
- 18 (b) acquire, by lease or purchase, and dispose of real and personal
 19 property;
- 20 (c) acquire, by lease or purchase, construct, reconstruct, equip, op-
 21 erate, maintain and furnish buildings to house fire-fighting equipment;
- 22 (d) acquire, by lease or purchase, operate and maintain fire-fighting
 23 equipment;
- 24 (e) issue bonds, if approved by the board of county commissioners,
 25 as provided in K.S.A 19-3601b, and amendments thereto;
- 26 (f) pay compensation and salaries to fire district employees;
- 27 (g) pay compensation to volunteer members of the fire district for
 28 fighting fires, responding to emergencies or attending meetings;
- 29 (h) issue no-fund warrants;
- 30 (i) exercise eminent domain;
- 31 (j) pay the operation and maintenance expenses of the fire district
 32 and any other expenses legally incurred by the fire district;
- 33 (k) prepare and adopt a budget, subject to the approval of the board
 34 of county commissioners;
- 35 ~~(l) pay for the acquisition, installation or maintenance of one or more~~
 36 ~~fire hydrants, including any necessary equipment, services or supplies re-~~
 37 ~~lated thereto; and~~
- 38 ~~(m)~~ (m) do all other things necessary to effectuate the purposes of this
 39 act.



40 Sec. 5. K.S.A. 2003 Supp. 19-3620 is hereby amended to read as
 41 follows: 19-3620. The governing body shall have full direction and control
 42 over the operation of such district fire department. The governing body
 43 shall have the power to:

1 (1) Select regular employees, provide for their compensation and fur-
2 nish quarters for such employees if deemed desirable;

3 (2) provide for the organization of volunteer members of such de-
4 partment and pay compensation to such members for fighting fires, re-
5 sponding to emergencies or attending meetings;

6 (3) provide special clothing and equipment for such employees and
7 volunteers;

8 (4) insure such employees and volunteers against accidental death
9 and injury in the performance of their duties;

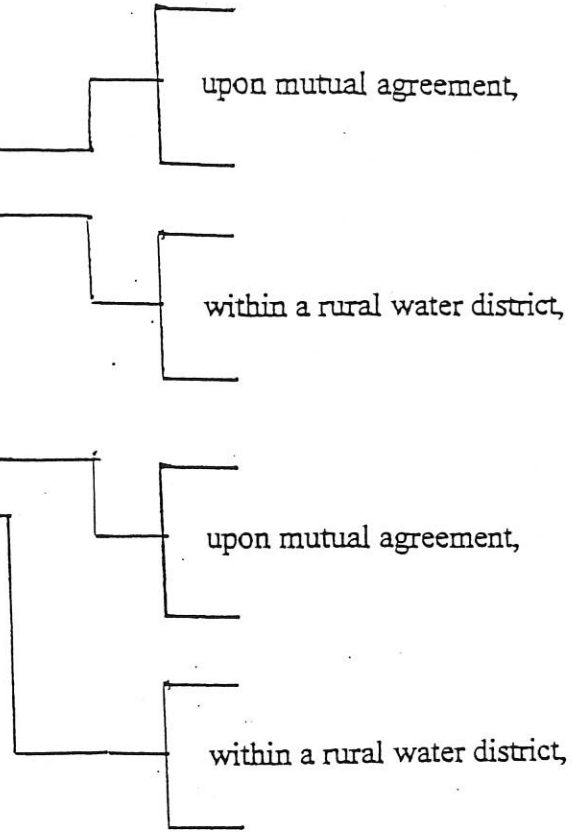
10 ~~(5) pay for the acquisition, installation or maintenance of one or more~~
11 ~~fire hydrants including any necessary equipment, services or supplies re-~~
12 ~~lated thereto; and~~

13 ~~(6)~~ (6) do all things necessary or desirable to maintain and operate
14 such department so as to furnish fire protection for the inhabitants of
15 such district.

16 Sec. 6. K.S.A. 2003 Supp. 80-1501 is hereby amended to read as
17 follows: 80-1501. (a) Any township or county may join with a municipality
18 in the maintenance of a fire department for the prevention and fighting
19 of fires within their boundaries. The cost of equipment and maintenance,

20 ~~the cost of the acquisition, installation or maintenance of one or more fire~~
21 ~~hydrants, including any necessary equipment, services or supplies related~~
22 ~~thereto, the payment of compensation to employees of the fire depart-~~
23 ~~ment, the rent or purchase of buildings shall be paid in such proportion~~
24 ~~as agreed upon by the parties. The supervision and control of the de-~~
25 ~~partment shall be with the governing body of the municipality if the mu-~~
26 ~~nicipality joins with a township or county. The fire department members~~
27 ~~may be paid or may be volunteers and shall be subject to the limitations~~
28 ~~of this section and such rules and regulations as the municipalities adopt.~~
29 Volunteer members may be paid compensation for fighting fires, re-
30 sponding to emergencies or attending meetings. Such departments, when
31 organized, may incorporate as firefighters' relief associations, and such
32 associations shall come within the purview and be subject to the provi-
33 sions of and entitled to the rights under article 17, chapter 40, of the
34 Kansas Statutes Annotated and amendments thereto.

35 (b) When a municipality and a township join, the agreements shall
36 be entered into by the municipality by ordinance and by the township or
37 county by resolution, and the agreement as set out in the ordinance and
38 resolution shall be signed by the mayor of the city and attested by the
39 city clerk and, in the case of a township shall be signed by the township
40 trustee and attested by the township clerk and, in the case of a county
41 shall be signed by the chairperson of the board of county commissioners
42 and attested by the county clerk. The agreement shall state the amount
43 each party shall contribute, the rules and regulations governing the de-

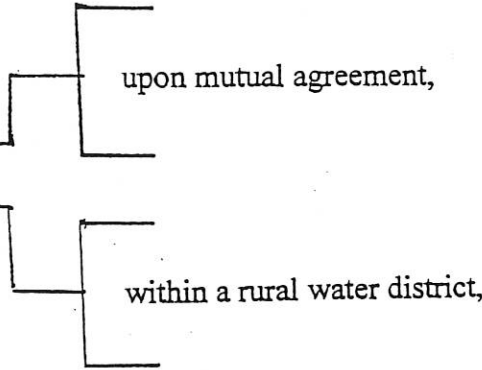


1 partment, and such other matter as may be necessary to specify the duties
 2 and responsibilities of the parties. The agreement may be amended or
 3 changed or added to by mutual agreement of the parties in the same
 4 manner as that in which the original contract was entered. Such agree-
 5 ment may be terminated if one party passes or adopts an ordinance or
 6 resolution declaring its intention to carry out the agreement no longer.
 7 When an agreement is terminated, one party may pay the other for its
 8 share of the equipment or apparatus or the apparatus may be sold. Any
 9 money in the treasury shall be divided pro rata as it was paid into the
 10 treasury. No election shall be required to authorize the township board,
 11 board of county commissioners or governing body of any municipality to
 12 enter into such agreement, but the township board, board of county com-
 13 missioners or governing body of a municipality shall have the power to
 14 decide whether to enter into such contract.

15 (c) The governing body of any joint fire department created pursuant
 16 to this section may reorganize itself as a consolidated fire district in the
 17 manner provided for the consolidation of fire districts pursuant to K.S.A.
 18 12-3910 et seq., and amendments thereto.

19 Sec. 7. K.S.A. 2003 Supp. 80-1514a is hereby amended to read as
 20 follows: 80-1514a. Upon the creation of a fire district under the provisions
 21 of K.S.A. 80-1512 et seq., the governing body shall have the authority to:

- 22 (a) Enter contracts;
- 23 (b) acquire and dispose of real and personal property;
- 24 (c) acquire, construct, reconstruct, equip, operate, maintain and fur-
 25 nish buildings to house fire fighting equipment;
- 26 (d) acquire, operate and maintain fire fighting equipment;
- 27 (e) issue bonds as provided in this act;
- 28 (f) pay compensation and salaries to fire district employees;
- 29 (g) pay compensation to volunteer members of the fire district for
 30 fighting fires, responding to emergencies or attending meetings;
- 31 (h) exercise eminent domain;
- 32 (i) pay the operation and maintenance expenses of the fire district
 33 and other expenses legally incurred by the fire district;
- 34 (j) ~~pay for the acquisition, installation or maintenance of one or more~~
 35 ~~fire hydrants including any necessary equipment, services or supplies re-~~
 36 ~~lated thereto;~~ and
- 37 (k) do all other things necessary to effectuate the purposes of this
 38 act.



39 Sec. 8. K.S.A. 2003 Supp. 80-1904 is hereby amended to read as
 40 follows: 80-1904. The township board shall have full direction and control
 41 over the operation of such township fire department. The governing body
 42 shall have the power to:

- 43 (1) Select regular employees, provide for their compensation, and

1 furnish quarters for such employees and their families if deemed
2 desirable;

3 (2) provide for the organization of volunteer members of such de-
4 partment and pay compensation to such members for fighting fires, re-
5 sponding to emergencies or attending meetings;

6 (3) provide special clothing and equipment for such employees and
7 volunteers;

8 (4) insure such employees and volunteers against accidental death
9 and injury in the performance of their duties;

10 ~~(5) pay for the acquisition, installation or maintenance of one or more~~
11 ~~fire hydrants, including any necessary equipment, services or supplies re-~~
12 ~~lated thereto; and~~

13 ~~(5) (6) do all other things necessary or desirable to maintain and op-~~
14 ~~erate such department so as to furnish fire protection for the inhabitants~~
15 ~~of such township.~~

16 Sec. 9. K.S.A. 2003 Supp. 80-1913 is hereby amended to read as
17 follows: 80-1913. The township board may organize a fire company and
18 prescribe rules of duty and the government thereof, and make all nec-
19 cessary appropriations therefor and for the maintenance and operation of
20 its equipment from the general fund of the township and to compensate
21 employees of the fire company. The board may:

22 (a) Pay compensation to volunteer members of the fire company for
23 fighting fires, responding to emergencies or attending meetings; and

24 ~~(b) pay for the acquisition, installation or maintenance of one or more~~
25 ~~fire hydrants, including any necessary equipment, services or supplies re-~~
26 ~~lated thereto.~~

27 Sec. 10. K.S.A. 2003 Supp. 80-1917 is hereby amended to read as
28 follows: 80-1917. The township board shall have full direction and control
29 over the operation of such township fire department. The board shall
30 have the power to:

31 (a) Select regular employees, provide for their compensation, and
32 furnish quarters for such employees and their families if deemed
33 desirable;

34 (b) provide for the organization of volunteer members of such de-
35 partment and pay compensation to such members for fighting fires, re-
36 sponding to emergencies or attending meetings;

37 (c) provide special clothing and equipment for such employees and
38 volunteers;

39 (d) insure such employees and volunteers against accidental death
40 and injury in the performance of their duties;

41 ~~(e) pay for the acquisition, installation or maintenance of one or more~~
42 ~~fire hydrants, including any necessary equipment, services or supplies re-~~
43 ~~lated thereto; and~~

upon mutual agreement,

within a rural water district,

upon mutual agreement,

within a rural water district,

upon mutual agreement,

within a rural water district,

1 (e) (f) do all other things necessary or desirable to maintain and op-
2 erate such department so as to furnish fire protection for the inhabitants
3 of such township.

4 Sec. 11. K.S.A. 2003 Supp. 80-1921 is hereby amended to read as
5 follows: 80-1921. (a) The township board of any such township shall have
6 full direction and control over the operation of such township fire de-
7 partment. The board shall have the power to:

8 (1) Provide for the organization of volunteer members of such de-
9 partment and pay compensation to such members for fighting fires, re-
10 sponding to emergencies or attending meetings;

11 (2) provide special clothing and equipment for such volunteers;

12 (3) insure such volunteers against accidental death and injury in the
13 performance of their duties;

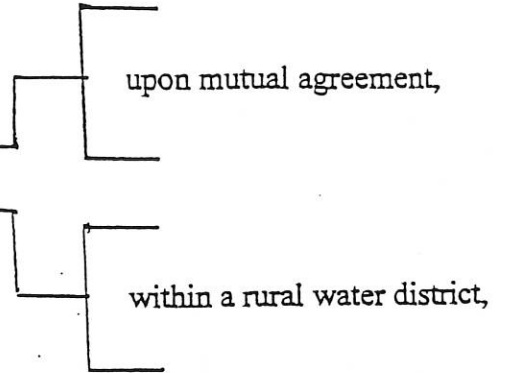
14 ~~(4) pay for the acquisition, installation or maintenance of one or more~~
15 ~~fire hydrants including any necessary equipment, services or supplies re-~~
16 ~~lated thereto; and~~

17 ~~(4) (5) do all other things necessary or desirable to maintain and op-~~
18 ~~erate such department so as to furnish fire protection to the inhabitants~~
19 ~~of such township.~~

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

28 (c) In addition to the tax levy authorized by subsection (b), the town-
29 ship board of Kickapoo, Tonganoxie, Easton, Fairmount, Sherman and
30 Delaware townships located in Leavenworth county may levy an annual
31 tax of not to exceed two mills on all the taxable tangible property in such
32 township for the purpose of purchasing additional equipment for such
33 fire department. If a petition in opposition to the tax levy authorized
34 herein, signed by not less than 5% of the qualified electors of such town-
35 ship is filed with the township board of such township, within 40 days
36 after July 1, 1971, the tax levy shall not be made unless first approved as
37 a question submitted at the next general election or at a special election
38 called for the purpose of submitting the question. If such a petition is
39 filed, the township board may cause to be placed on the ballot at the next
40 general election the question of whether such tax shall be levied. If a
41 majority of the votes cast and counted at such election are in favor of the
42 resolution, such governing body may levy the tax authorized herein.

43 Sec. 12. K.S.A. 2003 Supp. 12-3915, 19-3601a, 19-3612e, 19-3616,



1 19-3620, 80-1501, 80-1514a, 80-1904, 80-1913, 80-1917 and 80-1921 are
2 hereby repealed.

3 Sec. 13. This act shall take effect and be in force from and after its
4 publication in the statute book.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43