

the secretary of state's determination was due. The final resolution of the arbitrator shall be mailed to the secretary of state, the complainant, and each respondent, and published on the secretary of state website. Pursuant to paragraph (3) of subsection (c) of K.S.A. 77-603, and amendments thereto, the determination of the arbitrator under this section shall be final and shall not be subject to review under the Kansas act for judicial review and civil enforcement of agency actions.

New Sec. 32. The secretary of state may adopt rules and regulations to administer this act.

Sec. 33. K.S.A. 25-216, 25-414, 25-1122d, 25-1123, 25-1216, 25-1223, 25-2507 and 25-2806 and K.S.A. 2003 Supp. 25-409, 25-1122, 25-2309, 25-2706, 25-2908, 25-3002 and 25-3008 are hereby repealed.

Sec. 34. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 5, 2004.

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## CHAPTER 26

### HOUSE BILL No. 2528

AN ACT concerning fire protection; authorizing payment for acquisition, installation or maintenance of fire hydrants by fire districts and townships; relating to fire and explosion investigations; amending K.S.A. 31-137 and 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; ~~and~~
- (n) *pay for the acquisition, installation or maintenance of one or more fire hydrants, or similar devices for fighting fires, including necessary equipment, services or supplies related thereto.*

*The acquisition, installation and maintenance shall be subject to the mutual agreement of the governing body of the fire district and the governing body of the rural water district which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed; and*

~~(n)~~ (o) do all things necessary or desirable to maintain and operate such department so as to furnish fire protection for the inhabitants of the

district and otherwise effectuate the purposes of this act.

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

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

*The acquisition, installation and maintenance shall be subject to the mutual agreement of the governing body of the fire district and the governing body of the rural water district which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed; and*

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

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

- (1) Compensation to fire district employees;
- (2) The expenses of operating and maintaining the fire district;
- (3) compensation to volunteer members of the fire district for fighting fires, responding to emergencies or attending meetings; ~~and~~
- (4) *pay for the acquisition, installation or maintenance of one or more fire hydrants, or similar devices for fighting fires, including necessary equipment, services or supplies related thereto.*

*The acquisition, installation and maintenance shall be subject to the mutual agreement of the governing body of the fire district and the governing body of the rural water district which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed; and*

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

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

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

- (a) Enter contracts;
- (b) acquire, by lease or purchase, and dispose of real and personal property;

- (c) acquire, by lease or purchase, construct, reconstruct, equip, operate, maintain and furnish buildings to house fire-fighting equipment;
- (d) acquire, by lease or purchase, operate and maintain fire-fighting equipment;
- (e) issue bonds, if approved by the board of county commissioners, as provided in K.S.A 19-3601b, and amendments thereto;
- (f) pay compensation and salaries to fire district employees;
- (g) pay compensation to volunteer members of the fire district for fighting fires, responding to emergencies or attending meetings;
- (h) issue no-fund warrants;
- (i) exercise eminent domain;
- (j) pay the operation and maintenance expenses of the fire district and any other expenses legally incurred by the fire district;
- (k) prepare and adopt a budget, subject to the approval of the board of county commissioners; ~~and~~
- (l) *pay for the acquisition, installation or maintenance of one or more fire hydrants, or similar devices for fighting fires, including necessary equipment, services or supplies related thereto.*

*The acquisition, installation and maintenance shall be subject to the mutual agreement of the governing body of the fire district and the governing body of the rural water district which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed; and*

- ~~(m)~~ (m) do all other things necessary to effectuate the purposes of this act.

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

- (1) Select regular employees, provide for their compensation and furnish quarters for such employees if deemed desirable;
- (2) provide for the organization of volunteer members of such department and pay compensation to such members for fighting fires, responding to emergencies or attending meetings;
- (3) provide special clothing and equipment for such employees and volunteers;
- (4) insure such employees and volunteers against accidental death and injury in the performance of their duties; ~~and~~
- (5) *pay for the acquisition, installation or maintenance of one or more fire hydrants, or similar devices for fighting fires, including necessary equipment, services or supplies related thereto.*

*The acquisition, installation and maintenance shall be subject to the mutual agreement of the governing body of the fire district and the governing body of the rural water district which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed; and*

- ~~(5)~~ (6) do all things necessary or desirable to maintain and operate such department so as to furnish fire protection for the inhabitants of such district.

Sec. 6. K.S.A. 2003 Supp. 80-1501 is hereby amended to read as follows: 80-1501. (a) Any township or county may join with a municipality in the maintenance of a fire department for the prevention and fighting of fires within their boundaries. The cost of equipment and maintenance, the payment of compensation to employees of the fire department, the rent or purchase of buildings shall be paid in such proportion as agreed upon by the parties. *The governing body of the joint fire department may pay for the acquisition, installation or maintenance of one or more fire hydrants, or similar devices for fighting fires, including necessary equipment, services or supplies related thereto.*

*The acquisition, installation and maintenance shall be subject to the mutual agreement of the governing body of the fire department and the governing body of the rural water district which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed.* The supervision and control of the department shall be with the governing body of the municipality if the municipality joins with a township or county. The fire department members may be paid or may be volunteers and shall be subject to the limitations of this section and such rules and regulations as the municipalities adopt. Volunteer members may be paid compensation for fighting fires, re-

sponding to emergencies or attending meetings. Such departments, when organized, may incorporate as firefighters' relief associations, and such associations shall come within the purview and be subject to the provisions of and entitled to the rights under article 17, chapter 40, of the Kansas Statutes Annotated and amendments thereto.

(b) When a municipality and a township join, the agreements shall be entered into by the municipality by ordinance and by the township or county by resolution, and the agreement as set out in the ordinance and resolution shall be signed by the mayor of the city and attested by the city clerk and, in the case of a township shall be signed by the township trustee and attested by the township clerk and, in the case of a county shall be signed by the chairperson of the board of county commissioners and attested by the county clerk. The agreement shall state the amount each party shall contribute, the rules and regulations governing the department, and such other matter as may be necessary to specify the duties and responsibilities of the parties. The agreement may be amended or changed or added to by mutual agreement of the parties in the same manner as that in which the original contract was entered. Such agreement may be terminated if one party passes or adopts an ordinance or resolution declaring its intention to carry out the agreement no longer. When an agreement is terminated, one party may pay the other for its share of the equipment or apparatus or the apparatus may be sold. Any money in the treasury shall be divided pro rata as it was paid into the treasury. No election shall be required to authorize the township board, board of county commissioners or governing body of any municipality to enter into such agreement, but the township board, board of county commissioners or governing body of a municipality shall have the power to decide whether to enter into such contract.

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

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

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

*The acquisition, installation and maintenance shall be subject to the mutual agreement of the governing body of the fire district and the governing body of the rural water district which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed; and*

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

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

- (1) Select regular employees, provide for their compensation, and furnish quarters for such employees and their families if deemed desirable;
- (2) provide for the organization of volunteer members of such department and pay compensation to such members for fighting fires, responding to emergencies or attending meetings;
- (3) provide special clothing and equipment for such employees and volunteers;

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

(5) *pay for the acquisition, installation or maintenance of one or more fire hydrants, or similar devices for fighting fires, including necessary equipment, services or supplies related thereto.*

*The acquisition, installation and maintenance shall be subject to the mutual agreement of the governing body of the fire district and the governing body of the rural water district which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed; and*

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

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

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

(b) *pay for the acquisition, installation or maintenance of one or more fire hydrants, or similar devices for fighting fires, including necessary equipment, services or supplies related thereto.*

*The acquisition, installation and maintenance shall be subject to the mutual agreement of the governing body of the fire district and the governing body of the rural water district which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed.*

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

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

(b) provide for the organization of volunteer members of such department and pay compensation to such members for fighting fires, responding to emergencies or attending meetings;

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

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

(e) *pay for the acquisition, installation or maintenance of one or more fire hydrants, or similar devices for fighting fires, including necessary equipment, services or supplies related thereto.*

*The acquisition, installation and maintenance shall be subject to the mutual agreement of the governing body of the fire district and the governing body of the rural water district which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed; and*

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

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

(1) Provide for the organization of volunteer members of such department and pay compensation to such members for fighting fires, responding to emergencies or attending meetings;

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

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

(4) *pay for the acquisition, installation or maintenance of one or more fire hydrants, or similar devices for fighting fires, including necessary equipment, services or supplies related thereto.*

*The acquisition, installation and maintenance shall be subject to the mutual agreement of the governing body of the fire district and the gov-*

erning body of the rural water district which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed; and

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

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

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

Sec. 12. K.S.A. 31-137 is hereby amended to read as follows: 31-137. The state fire marshal, ~~his~~ *deputies of the fire marshal*, the chief of any organized fire department of any municipality, whether such fire department is regular or volunteer, or any member of any such fire department who has been duly authorized by the chief thereof, shall enforce the provisions of this act and any rules and regulations adopted pursuant thereto. ~~Said~~ *Such* persons are authorized to make any investigations deemed necessary of any fire or explosion occurring within this state; ~~and they.~~ *Such persons* shall make an investigation of any fire or explosion occurring within this state, or an attempt to cause any fire or explosion within this state, if there is reason to believe that the fire was of an incendiary origin or was an attempt to defraud an insurance company. *In addition, the chief of any organized fire department of any municipality may designate other qualified persons to conduct such investigations in such municipality.* In order to carry out such investigations, the state fire marshal and those persons ~~herein~~ *designated by or authorized to be designated by this section* shall have the right and authority at all times of day or night to enter upon or examine, in accordance with existing laws and regulations, any building or ~~premise~~ *premises* where any fire or explosion or attempt to cause a fire or explosion ~~shall have~~ *has* occurred. ~~Every person designated herein~~ *Such persons* shall make a written report of the findings of any investigation conducted ~~by him~~ pursuant to this section which shall be filed in the office of the state fire marshal.

Sec. 13. K.S.A. 31-137 and 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 are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 8, 2004.

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