

Substitute for SENATE BILL No. 209

By Committee on Elections and Local Government

2-25

AN ACT concerning fire districts, fire departments and fire companies; relating to expenses incurred in response to a fire that has been determined to be arson; amending K.S.A. 2002 Supp. 12-3915, 19-3601a, 19-3612e, 19-3616, 19-3620, 21-4603d, 80-1501, 80-1514a, 80-1544, 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. 2002 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) *seek reimbursement of expenses incurred by a fire district by re-*

1 *responding to a fire which has been determined to be arson from the person*
2 *who has been convicted of such crime under K.S.A. 21-3718 and 21-3719,*
3 *and amendments thereto; and*

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

7 Sec. 2. K.S.A. 2002 Supp. 19-3601a is hereby amended to read as
8 follows: 19-3601a. Upon the creation of a fire district under the provisions
9 of K.S.A. 19-3601 *et seq.*, and amendments thereto, the governing body
10 shall have the authority to:

- 11 (a) Enter contracts;
- 12 (b) acquire and dispose of real and personal property;
- 13 (c) acquire, construct, reconstruct, equip, operate, maintain and fur-
- 14 nish buildings to house fire fighting equipment;
- 15 (d) acquire, operate and maintain fire fighting equipment;
- 16 (e) issue bonds as provided in this act;
- 17 (f) pay compensation and salaries to fire district employees;
- 18 (g) pay compensation to volunteer members of the fire district for
- 19 fighting fires, responding to emergencies or attending meetings;
- 20 (h) exercise eminent domain;
- 21 (i) pay the operation and maintenance expenses of the fire district
- 22 and any other expenses legally incurred by the fire district; ~~and~~
- 23 (j) *seek reimbursement of expenses incurred by a fire district by re-*
- 24 *sponding to a fire which has been determined to be arson from the person*
- 25 *who has been convicted of such crime under K.S.A. 21-3718 and 21-3719,*
- 26 *and amendments thereto; and*
- 27 (k) do all other things necessary to effectuate the purposes of this act.

28 Sec. 3. K.S.A. 2002 Supp. 19-3612e is hereby amended to read as
29 follows: 19-3612e. (a) The governing body of Reno county fire district
30 No. 2 and the governing body of Sedgwick county fire district No. 1, both
31 created under K.S.A. 19-3601 *et seq.*, and amendments thereto, shall have
32 the power to levy a tax in an amount to be determined by such governing
33 body upon all taxable tangible property in the district for the purpose of
34 ~~paying~~:

- 35 (1) *Paying* compensation to fire district employees;
- 36 (2) *paying* the expenses of operating and maintaining the fire district;
- 37 (3) *paying* compensation to volunteer members of the fire district for
- 38 fighting fires, responding to emergencies or attending meetings;
- 39 (4) *seeking reimbursement of expenses incurred by a fire district by*
- 40 *responding to a fire which has been determined to be arson from the*
- 41 *person who has been convicted of such crime under K.S.A. 21-3718 and*
- 42 *21-3719, and amendments thereto; and*
- 43 ~~(4)~~ (5) *paying* other legal expenses of the fire district.

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

16 Sec. 4. K.S.A. 2002 Supp. 19-3616 is hereby amended to read as
17 follows: 19-3616. Upon the creation of a fire district pursuant to K.S.A.
18 19-3613, and amendments thereto, the governing body of the fire district
19 shall have the authority to:

- 20 (a) Enter contracts;
- 21 (b) acquire, by lease or purchase, and dispose of real and personal
22 property;
- 23 (c) acquire, by lease or purchase, construct, reconstruct, equip, op-
24 erate, maintain and furnish buildings to house fire-fighting equipment;
- 25 (d) acquire, by lease or purchase, operate and maintain fire-fighting
26 equipment;
- 27 (e) issue bonds, if approved by the board of county commissioners,
28 as provided in K.S.A. 19-3601b, and amendments thereto;
- 29 (f) pay compensation and salaries to fire district employees;
- 30 (g) pay compensation to volunteer members of the fire district for
31 fighting fires, responding to emergencies or attending meetings;
- 32 (h) issue no-fund warrants;
- 33 (i) exercise eminent domain;
- 34 (j) pay the operation and maintenance expenses of the fire district
35 and any other expenses legally incurred by the fire district;
- 36 (k) prepare and adopt a budget, subject to the approval of the board
37 of county commissioners;
- 38 (l) *seek reimbursement of expenses incurred by a fire district by re-*
39 *sponding to a fire which has been determined to be arson from the person*
40 *who has been convicted of such crime under K.S.A. 21-3718 and 21-3719,*
41 *and amendments thereto; and*
- 42 ~~(m)~~ (m) do all other things necessary to effectuate the purposes of this
43 act.

1 Sec. 5. K.S.A. 2002 Supp. 19-3620 is hereby amended to read as
2 follows: 19-3620. The governing body shall have full direction and control
3 over the operation of such district fire department. The governing body
4 shall have the power to:

5 ~~(1)~~ (a) Select regular employees, provide for their compensation and
6 furnish quarters for such employees if deemed desirable;

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

10 ~~(3)~~ (c) provide special clothing and equipment for such employees
11 and volunteers;

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

14 (e) *seek reimbursement of expenses incurred by a district fire de-*
15 *partment by responding to a fire which has been determined to be arson*
16 *from the person who has been convicted of such crime under K.S.A. 21-*
17 *3718 and 21-3719, and amendments thereto;* and

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

21 Sec. 6. K.S.A. 2002 Supp. 21-4603d is hereby amended to read as
22 follows: 21-4603d. (a) Whenever any person has been found guilty of a
23 crime, the court may adjudge any of the following:

24 (1) Commit the defendant to the custody of the secretary of correc-
25 tions if the current crime of conviction is a felony and the sentence pre-
26 sumes imprisonment, or the sentence imposed is a dispositional departure
27 to imprisonment; or, if confinement is for a misdemeanor, to jail for the
28 term provided by law;

29 (2) impose the fine applicable to the offense;

30 (3) release the defendant on probation if the current crime of con-
31 viction and criminal history fall within a presumptive nonprison category
32 or through a departure for substantial and compelling reasons subject to
33 such conditions as the court may deem appropriate. In felony cases except
34 for violations of K.S.A. 8-1567 and amendments thereto, the court may
35 include confinement in a county jail not to exceed 60 days, which need
36 not be served consecutively, as a condition of an original probation sen-
37 tence and up to 60 days in a county jail upon each revocation of the
38 probation sentence, or community corrections placement;

39 (4) assign the defendant to a community correctional services pro-
40 gram as provided in K.S.A. 75-5291, and amendments thereto, or through
41 a departure for substantial and compelling reasons subject to such con-
42 ditions as the court may deem appropriate, including orders requiring full
43 or partial restitution;

1 (5) assign the defendant to a conservation camp for a period not to
2 exceed six months as a condition of probation followed by a six-month
3 period of follow-up through adult intensive supervision by a community
4 correctional services program, if the offender successfully completes the
5 conservation camp program;

6 (6) assign the defendant to a house arrest program pursuant to K.S.A.
7 21-4603b and amendments thereto;

8 (7) order the defendant to attend and satisfactorily complete an al-
9cohol or drug education or training program as provided by subsection
10 (3) of K.S.A. 21-4502 and amendments thereto;

11 (8) order the defendant to repay the amount of any reward paid by
12 any crime stoppers chapter, individual, corporation or public entity which
13 materially aided in the apprehension or conviction of the defendant; repay
14 the amount of any costs and expenses incurred by any law enforcement
15 agency in the apprehension of the defendant, if one of the current crimes
16 of conviction of the defendant includes escape, as defined in K.S.A. 21-
17 3809 and amendments thereto or aggravated escape, as defined in K.S.A.
18 21-3810 and amendments thereto; or repay the amount of any public
19 funds utilized by a law enforcement agency to purchase controlled sub-
20 stances from the defendant during the investigation which leads to the
21 defendant's conviction. Such repayment of the amount of any such costs
22 and expenses incurred by a law enforcement agency or any public funds
23 utilized by a law enforcement agency shall be deposited and credited to
24 the same fund from which the public funds were credited to prior to use
25 by the law enforcement agency;

26 (9) order the defendant to pay the administrative fee authorized by
27 K.S.A. 2002 Supp. 22-4529 and amendments thereto, unless waived by
28 the court;

29 (10) order the defendant to pay a domestic violence special program
30 fee authorized by K.S.A. 2002 Supp. 20-369, and amendments thereto;

31 (11) impose any appropriate combination of (1), (2), (3), (4), (5), (6),
32 (7), (8), (9) and (10); or

33 (12) suspend imposition of sentence in misdemeanor cases.

34 (b) (1) In addition to or in lieu of any of the above, the court shall
35 order the defendant to pay restitution, which shall include, but not be
36 limited to, damage or loss caused by the defendant's crime *and expenses*
37 *incurred by a fire district, fire department or fire company by responding*
38 *to a fire which has been determined to be arson from the person convicted*
39 *of such crime under K.S.A. 21-3718 and 21-3719, and amendments*
40 *thereto*, unless the court finds compelling circumstances which would
41 render a plan of restitution unworkable. If the court finds a plan of res-
42 titution unworkable, the court shall state on the record in detail the rea-
43 sons therefor.

1 (2) If the court orders restitution, the restitution shall be a judgment
2 against the defendant which may be collected by the court by garnishment
3 or other execution as on judgments in civil cases. If, after 60 days from
4 the date restitution is ordered by the court, a defendant is found to be in
5 noncompliance with the plan established by the court for payment of
6 restitution, and the victim to whom restitution is ordered paid has not
7 initiated proceedings in accordance with K.S.A. 2002 Supp. 60-4301 *et*
8 *seq.* and amendments thereto, the court shall assign an agent procured
9 by the attorney general pursuant to K.S.A. 75-719 and amendments
10 thereto to collect the restitution on behalf of the victim. The administra-
11 tive judge of each judicial district may assign such cases to an appropriate
12 division of the court for the conduct of civil collection proceedings.

13 (c) In addition to or in lieu of any of the above, the court shall order
14 the defendant to submit to and complete an alcohol and drug evaluation,
15 and pay a fee therefor, when required by subsection (4) of K.S.A. 21-
16 4502 and amendments thereto.

17 (d) In addition to any of the above, the court shall order the defend-
18 ant to reimburse the county general fund for all or a part of the expend-
19 itures by the county to provide counsel and other defense services to the
20 defendant. Any such reimbursement to the county shall be paid only after
21 any order for restitution has been paid in full. In determining the amount
22 and method of payment of such sum, the court shall take account of the
23 financial resources of the defendant and the nature of the burden that
24 payment of such sum will impose. A defendant who has been required
25 to pay such sum and who is not willfully in default in the payment thereof
26 may at any time petition the court which sentenced the defendant to
27 waive payment of such sum or any unpaid portion thereof. If it appears
28 to the satisfaction of the court that payment of the amount due will im-
29 pose manifest hardship on the defendant or the defendant's immediate
30 family, the court may waive payment of all or part of the amount due or
31 modify the method of payment.

32 (e) In imposing a fine the court may authorize the payment thereof
33 in installments. In releasing a defendant on probation, the court shall
34 direct that the defendant be under the supervision of a court services
35 officer. If the court commits the defendant to the custody of the secretary
36 of corrections or to jail, the court may specify in its order the amount of
37 restitution to be paid and the person to whom it shall be paid if restitution
38 is later ordered as a condition of parole or conditional release.

39 (f) When a new felony is committed while the offender is incarcer-
40 ated and serving a sentence for a felony or while the offender is on pro-
41 bation, assignment to a community correctional services program, parole,
42 conditional release, or postrelease supervision for a felony, a new sentence
43 shall be imposed pursuant to the consecutive sentencing requirements of

1 K.S.A. 21-4608, and amendments thereto, and the court may sentence
2 the offender to imprisonment for the new conviction, even when the new
3 crime of conviction otherwise presumes a nonprison sentence. In this
4 event, imposition of a prison sentence for the new crime does not con-
5 stitute a departure. When a new felony is committed while the offender
6 is on release for a felony pursuant to the provisions of article 28 of chapter
7 22 of the Kansas Statutes Annotated, a new sentence may be imposed
8 pursuant to the consecutive sentencing requirements of K.S.A. 21-4608
9 and amendments thereto, and the court may sentence the offender to
10 imprisonment for the new conviction, even when the new crime of con-
11 viction otherwise presumes a nonprison sentence. In this event, imposi-
12 tion of a prison sentence for the new crime does not constitute a
13 departure.

14 (g) Prior to imposing a dispositional departure for a defendant whose
15 offense is classified in the presumptive nonprison grid block of either
16 sentencing guideline grid, prior to sentencing a defendant to incarceration
17 whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing
18 guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H,
19 3-I, 4-E or 4-F of the sentencing guidelines grid for drug crimes, or prior
20 to revocation of a nonprison sanction of a defendant whose offense is
21 classified in the presumptive nonprison grid block of either sentencing
22 guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines
23 grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H, 3-I, 4-E or
24 4-F of the sentencing guidelines grid for drug crimes, the court shall
25 consider placement of the defendant in the Labette correctional conser-
26 vation camp, conservation camps established by the secretary of correc-
27 tions pursuant to K.S.A. 75-52,127, and amendment thereto or a com-
28 munity intermediate sanction center. Pursuant to this paragraph the
29 defendant shall not be sentenced to imprisonment if space is available in
30 a conservation camp or a community intermediate sanction center and
31 the defendant meets all of the conservation camp's or a community in-
32 termediate sanction center's placement criteria unless the court states on
33 the record the reasons for not placing the defendant in a conservation
34 camp or a community intermediate sanction center.

35 (h) The court in committing a defendant to the custody of the sec-
36 retary of corrections shall fix a term of confinement within the limits
37 provided by law. In those cases where the law does not fix a term of
38 confinement for the crime for which the defendant was convicted, the
39 court shall fix the term of such confinement.

40 (i) In addition to any of the above, the court shall order the defendant
41 to reimburse the state general fund for all or a part of the expenditures
42 by the state board of indigents' defense services to provide counsel and
43 other defense services to the defendant. In determining the amount and

1 method of payment of such sum, the court shall take account of the
2 financial resources of the defendant and the nature of the burden that
3 payment of such sum will impose. A defendant who has been required
4 to pay such sum and who is not willfully in default in the payment thereof
5 may at any time petition the court which sentenced the defendant to
6 waive payment of such sum or any unpaid portion thereof. If it appears
7 to the satisfaction of the court that payment of the amount due will im-
8 pose manifest hardship on the defendant or the defendant's immediate
9 family, the court may waive payment of all or part of the amount due or
10 modify the method of payment. The amount of attorney fees to be in-
11 cluded in the court order for reimbursement shall be the amount claimed
12 by appointed counsel on the payment voucher for indigents' defense serv-
13 ices or the amount prescribed by the board of indigents' defense services
14 reimbursement tables as provided in K.S.A. 22-4522, and amendments
15 thereto, whichever is less.

16 (j) This section shall not deprive the court of any authority conferred
17 by any other Kansas statute to decree a forfeiture of property, suspend
18 or cancel a license, remove a person from office, or impose any other civil
19 penalty as a result of conviction of crime.

20 (k) An application for or acceptance of probation or assignment to a
21 community correctional services program shall not constitute an acqui-
22 escence in the judgment for purpose of appeal, and any convicted person
23 may appeal from such conviction, as provided by law, without regard to
24 whether such person has applied for probation, suspended sentence or
25 assignment to a community correctional services program.

26 (l) The secretary of corrections is authorized to make direct place-
27 ment to the Labette correctional conservation camp or a conservation
28 camp established by the secretary pursuant to K.S.A. 75-52,127, and
29 amendments thereto, of an inmate sentenced to the secretary's custody
30 if the inmate: (1) Has been sentenced to the secretary for a probation
31 revocation, as a departure from the presumptive nonimprisonment grid
32 block of either sentencing grid, or for an offense which is classified in
33 grid blocks 5-H, 5-I, or 6-G of the sentencing guidelines grid for nondrug
34 crimes or in grid blocks 3-E, 3-F, 3-G, 3-H, 3-I, 4-E, or 4-F of the sen-
35 tencing guidelines grid for drug crimes; and (2) otherwise meets admis-
36 sion criteria of the camp. If the inmate successfully completes a conser-
37 vation camp program, the secretary of corrections shall report such
38 completion to the sentencing court and the county or district attorney.
39 The inmate shall then be assigned by the court to six months of follow-
40 up supervision conducted by the appropriate community corrections serv-
41 ices program. The court may also order that supervision continue there-
42 after for the length of time authorized by K.S.A. 21-4611 and
43 amendments thereto.

1 (m) When it is provided by law that a person shall be sentenced pur-
2 suant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions of
3 this section shall not apply.

4 Sec. 7. K.S.A. 2002 Supp. 80-1501 is hereby amended to read as
5 follows: 80-1501. (a) Any township or county may join with a municipality
6 in the maintenance of a fire department for the prevention and fighting
7 of fires within their boundaries. The cost of equipment and maintenance,
8 the payment of compensation to employees of the fire department, the
9 rent or purchase of buildings shall be paid in such proportion as agreed
10 upon by the parties. The supervision and control of the department shall
11 be with the governing body of the municipality if the municipality joins
12 with a township or county. The fire department members may be paid
13 or may be volunteers and shall be subject to the limitations of this section
14 and such rules and regulations as the municipalities adopt. Volunteer
15 members may be paid compensation for fighting fires, responding to
16 emergencies or attending meetings. Such departments, when organized,
17 may incorporate as firefighters' relief associations, and such associations
18 shall come within the purview and be subject to the provisions of and
19 entitled to the rights under article 17, chapter 40, of the Kansas Statutes
20 Annotated and amendments thereto.

21 (b) When a municipality and a township join, the agreements shall
22 be entered into by the municipality by ordinance and by the township or
23 county by resolution, and the agreement as set out in the ordinance and
24 resolution shall be signed by the mayor of the city and attested by the
25 city clerk and, in the case of a township shall be signed by the township
26 trustee and attested by the township clerk and, in the case of a county
27 shall be signed by the chairperson of the board of county commissioners
28 and attested by the county clerk. The agreement shall state the amount
29 each party shall contribute, the rules and regulations governing the de-
30 partment, and such other matter as may be necessary to specify the duties
31 and responsibilities of the parties. The agreement may be amended or
32 changed or added to by mutual agreement of the parties in the same
33 manner as that in which the original contract was entered. Such agree-
34 ment may be terminated if one party passes or adopts an ordinance or
35 resolution declaring its intention to carry out the agreement no longer.
36 When an agreement is terminated, one party may pay the other for its
37 share of the equipment or apparatus or the apparatus may be sold. Any
38 money in the treasury shall be divided pro rata as it was paid into the
39 treasury. No election shall be required to authorize the township board,
40 board of county commissioners or governing body of any municipality to
41 enter into such agreement, but the township board, board of county com-
42 missioners or governing body of a municipality shall have the power to
43 decide whether to enter into such contract.

1 (c) The governing body of any joint fire department created pursuant
2 to this section may:

3 (1) Reorganize itself as a consolidated fire district in the manner pro-
4 vided for the consolidation of fire districts pursuant to K.S.A. 12-3910 et
5 seq., and amendments thereto; *and*

6 (2) *seek reimbursement of expenses incurred by a joint fire depart-*
7 *ment by responding to a fire which has been determined to be arson from*
8 *the person who has been convicted of such crime under K.S.A. 21-3718*
9 *and 21-3719, and amendments thereto.*

10 Sec. 8. K.S.A. 2002 Supp. 80-1514a is hereby amended to read as
11 follows: 80-1514a. Upon the creation of a fire district under the provisions
12 of K.S.A. 80-1512 *et seq.*, the governing body shall have the authority to:

- 13 (a) Enter contracts;
14 (b) acquire and dispose of real and personal property;
15 (c) acquire, construct, reconstruct, equip, operate, maintain and fur-
16 nish buildings to house fire fighting equipment;
17 (d) acquire, operate and maintain fire fighting equipment;
18 (e) issue bonds as provided in this act;
19 (f) pay compensation and salaries to fire district employees;
20 (g) pay compensation to volunteer members of the fire district for
21 fighting fires, responding to emergencies or attending meetings;
22 (h) exercise eminent domain;
23 (i) pay the operation and maintenance expenses of the fire district
24 and other expenses legally incurred by the fire district;
25 (j) *seek reimbursement of expenses incurred by the fire district by*
26 *responding to a fire which has been determined to be arson from the*
27 *person who has been convicted of such crime under K.S.A. 21-3718 and*
28 *21-3719, and amendments thereto; and*
29 ~~(j)~~ (k) do all other things necessary to effectuate the purposes of this
30 act.

31 Sec. 9. K.S.A. 2002 Supp. 80-1544 is hereby amended to read as
32 follows: 80-1544. (a) The governing body of such fire district shall have
33 full direction and control over the operation of such fire department and
34 may select regular employees, provide for their compensation and furnish
35 quarters for such employees if deemed desirable. The governing body
36 also may provide for the organization of volunteer members of such de-
37 partment, to be compensated at a specified rate for fighting fires, re-
38 sponding to emergencies or attending meetings. In addition, the govern-
39 ing body may provide special clothing and equipment for such employees
40 and volunteers, may insure such employees and volunteers against acci-
41 dental death and injury in the performance of their duties, and may do
42 all other things necessary or desirable to maintain and operate such de-
43 partment so as to furnish fire protection for the inhabitants of such dis-

1 trict. In addition to the powers granted by this section, the governing
2 body shall have any powers granted to a fire district under K.S.A. 80-
3 1514a, and amendments thereto. Each of the members of the governing
4 body may receive as compensation for services rendered in an amount
5 determined by the governing body as provided by K.S.A. 80-207, and
6 amendments thereto.

7 *(b) The governing body of such fire district shall have the authority*
8 *to seek reimbursement of expenses incurred by such fire district by re-*
9 *sponding to a fire which has been determined to be arson from the person*
10 *who has been convicted of such crime under K.S.A. 21-3718 and 21-3719,*
11 *and amendments thereto.*

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

23 Sec. 10. K.S.A. 2002 Supp. 80-1904 is hereby amended to read as
24 follows: 80-1904. The township board shall have full direction and control
25 over the operation of such township fire department. The governing body
26 shall have the power to:

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

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

33 ~~(3)~~ (c) provide special clothing and equipment for such employees
34 and volunteers;

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

37 (e) *seek reimbursement of expenses incurred by such township fire*
38 *department by responding to a fire which has been determined to be arson*
39 *from the the person who has been convicted of such crime under K.S.A.*
40 *21-3718 and 21-3719, and amendments thereto; and*

41 ~~(5)~~ (f) do all other things necessary or desirable to maintain and op-
42 erate such department so as to furnish fire protection for the inhabitants
43 of such township.

1 Sec. 11. K.S.A. 2002 Supp. 80-1913 is hereby amended to read as
2 follows: 80-1913. The township board may organize a fire company and
3 prescribe rules of duty and the government thereof, and make all nec-
4 essary appropriations therefor and for the maintenance and operation of
5 its equipment from the general fund of the township and to compensate
6 employees of the fire company. The board may pay compensation to
7 volunteer members of the fire company for fighting fires, responding to
8 emergencies or attending meetings. *The board may seek reimbursement*
9 *of expenses incurred by a fire district by responding to a fire which has*
10 *been determined to be arson from the person who has been convicted of*
11 *such crime under K.S.A. 21-3718 and 21-3719, and amendments thereto.*

12 Sec. 12. K.S.A. 2002 Supp. 80-1917 is hereby amended to read as
13 follows: 80-1917. The township board shall have full direction and control
14 over the operation of such township fire department. The board shall
15 have the power to:

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

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

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

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

26 (e) *seek reimbursement of expenses incurred by such township fire*
27 *department by responding to a fire which has been determined to be arson*
28 *from the person who has been convicted of such crime under K.S.A. 21-*
29 *3718 and 21-3719, and amendments thereto; and*

30 ~~(f)~~ (f) do all other things necessary or desirable to maintain and op-
31 erate such department so as to furnish fire protection for the inhabitants
32 of such township.

33 Sec. 13. K.S.A. 2002 Supp. 80-1921 is hereby amended to read as
34 follows: 80-1921. (a) The township board of any such township shall have
35 full direction and control over the operation of such township fire de-
36 partment. The board shall have the power to:

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

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

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

43 (4) *seek reimbursement of expenses incurred by such township fire*

1 *department by responding to a fire which has been determined to be arson*
2 *from the person who has been convicted of such crime under K.S.A. 21-*
3 *3718 and 21-3719, and amendments thereto; and*

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

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

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

30 Sec. 14. K.S.A. 2002 Supp. 12-3915, 19-3601a, 19-3612e, 19-3616,
31 19-3620, 21-4603d, 80-1501, 80-1514a, 80-1544, 80-1904, 80-1913, 80-
32 1917 and 80-1921 are hereby repealed.

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

35
36
37
38
39
40
41
42
43