

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 2004

HOUSE BILL No. 2528

By Representative Long-Mast

1-16

12 AN ACT concerning fire protection; authorizing payment for acquisition,
13 installation or maintenance of fire hydrants by fire districts and town-
14 ships; **[relating to fire and explosion investigations;]** amending
15 **[K.S.A. 31-137 and]** K.S.A. 2003 Supp. 12-3915, 19-3601a, 19-3612e,
16 19-3616, 19-3620, 80-1501, 80-1514a, 80-1904, 80-1913, 80-1917 and
17 80-1921 and repealing the existing sections.

18

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

20 Section 1. K.S.A. 2003 Supp. 12-3915 is hereby amended to read as
21 follows: 12-3915. The governing body of any fire district created pursuant
22 to this act shall have the authority to:

23 (a) Levy taxes and special assessments as provided by law. Except as
24 provided by K.S.A. 12-3913, and amendments thereto, the governing
25 body shall fix the amount of the tax, not to exceed 11 mills, to be levied
26 upon all taxable tangible property in the consolidated fire district;

27 (b) enter into contracts;

28 (c) acquire and dispose of real and personal property;

29 (d) acquire, construct, reconstruct, equip, operate, maintain and fur-
30 nish buildings to house fire-fighting equipment;

31 (e) acquire, operate and maintain fire-fighting equipment;

32 (f) issue general obligation bonds and no-fund warrants;

33 (g) pay compensation and salaries to fire district employees;

34 (h) exercise eminent domain;

35 (i) pay the operation and maintenance expenses of the fire district
36 and other expenses legally incurred by the district;

37 (j) select regular employees, provide for their compensation and fur-
38 nish quarters for such employees if deemed desirable;

39 (k) provide for the organization of volunteer members who may be
40 compensated for fighting fires, responding to emergencies or attending
41 meetings;

42 (l) provide special clothing and equipment for such employees and
43 volunteers;

1 (m) insure such employees and volunteers against accidental death
2 and injury in the performance of their duties;

3 ~~(n) pay for the acquisition, installation or maintenance of one or more~~
4 ~~fire hydrants including any necessary equipment, services or supplies re-~~
5 ~~lated thereto, and (n) pay for the acquisition, installation or main-~~
6 ~~tenance of one or more fire hydrants on water lines owned, op-~~
7 ~~erated or maintained by a rural water district established pursuant~~
8 ~~to K.S.A. 82a-601 et seq. or 82a-612 et seq., and amendments~~
9 ~~thereto. The governing body also may pay for any equipment, sup-~~
10 ~~plies or services related to such fire hydrants. Such[, or similar~~
11 ~~devices for fighting fires, including necessary equipment, services~~
12 ~~or supplies related thereto.~~

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

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

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

- 25 (a) Enter contracts;
- 26 (b) acquire and dispose of real and personal property;
- 27 (c) acquire, construct, reconstruct, equip, operate, maintain and fur-
- 28 nish buildings to house fire fighting equipment;
- 29 (d) acquire, operate and maintain fire fighting equipment;
- 30 (e) issue bonds as provided in this act;
- 31 (f) pay compensation and salaries to fire district employees;
- 32 (g) pay compensation to volunteer members of the fire district for
- 33 fighting fires, responding to emergencies or attending meetings;
- 34 (h) exercise eminent domain;
- 35 (i) pay the operation and maintenance expenses of the fire district
- 36 and any other expenses legally incurred by the fire district;

37 ~~(j) pay for the acquisition, installation or maintenance of one or more~~
38 ~~fire hydrants including any necessary equipment, services or supplies re-~~
39 ~~lated thereto, and (j) pay for the acquisition, installation or main-~~
40 ~~tenance of one or more fire hydrants on water lines owned, op-~~
41 ~~erated or maintained by a rural water district established pursuant~~
42 ~~to K.S.A. 82a-601 et seq. or 82a-612 et seq., and amendments~~
43 ~~thereto. The governing body also may pay for any equipment, sup-~~

1 ~~plies or services related to such fire hydrants. Such~~, or similar
2 ~~devices for fighting fires, including necessary equipment, services~~
3 ~~or supplies related thereto.~~

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

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

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

- 18 (1) Compensation to fire district employees;
- 19 (2) The expenses of operating and maintaining the fire district;
- 20 (3) compensation to volunteer members of the fire district for fight-
21 ing fires, responding to emergencies or attending meetings;
- 22 ~~(4) for the acquisition, installation or maintenance of one or more fire~~
23 ~~hydrants including any necessary equipment, services or supplies related~~
24 ~~thereto; and (4) pay for the acquisition, installation or mainte-~~
25 ~~nance of one or more fire hydrants on water lines owned, operated~~
26 ~~or maintained by a rural water district established pursuant to~~
27 ~~K.S.A. 82a-601 et seq. or 82a-612 et seq., and amendments thereto.~~
28 ~~The governing body also may pay for any equipment, supplies or~~
29 ~~services related to such fire hydrants. Such~~, or similar devices for
30 fighting fires, including necessary equipment, services or supplies
31 related thereto.

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

37 ~~(4)~~ (5) other legal expenses of the fire district.

38 (b) Whenever the governing body of the fire district determines it is
39 necessary to increase the amount levied in the next preceding year, the
40 governing body shall give notice of its intent to increase such levy by
41 adopting a resolution which states the amount currently levied and the
42 amount proposed to be levied. The resolution shall be published once
43 each week for two consecutive weeks in a newspaper of general circula-

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

10 Sec. 4. K.S.A. 2003 Supp. 19-3616 is hereby amended to read as
11 follows: 19-3616. Upon the creation of a fire district pursuant to K.S.A.
12 19-3613, and amendments thereto, the governing body of the fire district
13 shall have the authority to:

- 14 (a) Enter contracts;
- 15 (b) acquire, by lease or purchase, and dispose of real and personal
16 property;
- 17 (c) acquire, by lease or purchase, construct, reconstruct, equip, op-
18 erate, maintain and furnish buildings to house fire-fighting equipment;
- 19 (d) acquire, by lease or purchase, operate and maintain fire-fighting
20 equipment;
- 21 (e) issue bonds, if approved by the board of county commissioners,
22 as provided in K.S.A 19-3601b, and amendments thereto;
- 23 (f) pay compensation and salaries to fire district employees;
- 24 (g) pay compensation to volunteer members of the fire district for
25 fighting fires, responding to emergencies or attending meetings;
- 26 (h) issue no-fund warrants;
- 27 (i) exercise eminent domain;
- 28 (j) pay the operation and maintenance expenses of the fire district
29 and any other expenses legally incurred by the fire district;
- 30 (k) prepare and adopt a budget, subject to the approval of the board
31 of county commissioners;

32 ~~(l) pay for the acquisition, installation or maintenance of one or more~~
33 ~~fire hydrants including any necessary equipment, services or supplies re-~~
34 ~~lated thereto; and (l) pay for the acquisition, installation or main-~~
35 ~~tenance of one or more fire hydrants on water lines owned, op-~~
36 ~~erated or maintained by a rural water district established pursuant~~
37 ~~to K.S.A. 82a-601 et seq. or 82a-612 et seq., and amendments~~
38 ~~thereto. The governing body also may pay for any equipment, sup-~~
39 ~~plies or services related to such fire hydrants. Such [, or similar~~
40 ~~devices for fighting fires, including necessary equipment, services~~
41 ~~or supplies related thereto.~~

42 [The] acquisition, installation and maintenance shall be subject
43 to the mutual agreement of the governing body of the fire district

1 **and the governing body of the rural water district which owns,**
2 **operates or maintains the water line on which the fire hydrant[, or**
3 **other similar device for fighting fires,] is to be installed; and**

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

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

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

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

15 (3) provide special clothing and equipment for such employees and
16 volunteers;

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

19 ~~(5) pay for the acquisition, installation or maintenance of one or more~~
20 ~~fire hydrants including any necessary equipment, services or supplies re-~~
21 ~~lated thereto;~~ and (5) **pay for the acquisition, installation or main-**

22 **tenance of one or more fire hydrants on water lines owned, op-**

23 **erated or maintained by a rural water district established pursuant**

24 **to K.S.A. 82a-601 et seq. or 82a-612 et seq., and amendments**

25 **thereto. The governing body also may pay for any equipment, sup-**

26 **plies or services related to such fire hydrants. Such[, or similar**

27 **devices for fighting fires, including necessary equipment, services**

28 **or supplies related thereto.**

29 **[The] acquisition, installation and maintenance shall be subject**

30 **to the mutual agreement of the governing body of the fire district**

31 **and the governing body of the rural water district which owns,**

32 **operates or maintains the water line on which the fire hydrant[, or**

33 **other similar device for fighting fires,] is to be installed; and**

34 ~~(5)~~ (6) do all things necessary or desirable to maintain and operate
35 such department so as to furnish fire protection for the inhabitants of
36 such district.

37 Sec. 6. K.S.A. 2003 Supp. 80-1501 is hereby amended to read as
38 follows: 80-1501. (a) Any township or county may join with a municipality
39 in the maintenance of a fire department for the prevention and fighting
40 of fires within their boundaries. The cost of equipment and maintenance,
41 ~~the cost of the acquisition, installation or maintenance of one or more fire~~
42 ~~hydrants, including any necessary equipment, services or supplies related~~
43 ~~thereto;~~ the payment of compensation to employees of the fire depart-

1 ment, the rent or purchase of buildings shall be paid in such proportion
2 as agreed upon by the parties. **The governing body of the joint fire**
3 **department may pay for the acquisition, installation or mainte-**
4 **nance of one or more fire hydrants on water lines owned, operated**
5 **or maintained by a rural water district established pursuant to**
6 **K.S.A. 82a-601 et seq. or 82a-612 et seq., and amendments thereto.**
7 **The governing body also may pay for any equipment, supplies or**
8 **services related to such fire hydrants. Such**, or similar devices for
9 **fighting fires, including necessary equipment, services or supplies**
10 **related thereto.**

11 **[The] acquisition, installation and maintenance shall be subject**
12 **to the mutual agreement of the governing body of the fire de-**
13 **partment and the governing body of the rural water district which**
14 **owns, operates or maintains the water line on which the fire hy-**
15 **drant[, or other similar device for fighting fires,] is to be installed.**

16 The supervision and control of the department shall be with the governing
17 body of the municipality if the municipality joins with a township or
18 county. The fire department members may be paid or may be volunteers
19 and shall be subject to the limitations of this section and such rules and
20 regulations as the municipalities adopt. Volunteer members may be paid
21 compensation for fighting fires, responding to emergencies or attending
22 meetings. Such departments, when organized, may incorporate as fire-
23 fighters' relief associations, and such associations shall come within the
24 purview and be subject to the provisions of and entitled to the rights
25 under article 17, chapter 40, of the Kansas Statutes Annotated and
26 amendments thereto.

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

1 money in the treasury shall be divided pro rata as it was paid into the
2 treasury. No election shall be required to authorize the township board,
3 board of county commissioners or governing body of any municipality to
4 enter into such agreement, but the township board, board of county com-
5 missioners or governing body of a municipality shall have the power to
6 decide whether to enter into such contract.

7 (c) The governing body of any joint fire department created pursuant
8 to this section may reorganize itself as a consolidated fire district in the
9 manner provided for the consolidation of fire districts pursuant to K.S.A.
10 12-3910 et seq., and amendments thereto.

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

- 14 (a) Enter contracts;
- 15 (b) acquire and dispose of real and personal property;
- 16 (c) acquire, construct, reconstruct, equip, operate, maintain and fur-
17 nish buildings to house fire fighting equipment;
- 18 (d) acquire, operate and maintain fire fighting equipment;
- 19 (e) issue bonds as provided in this act;
- 20 (f) pay compensation and salaries to fire district employees;
- 21 (g) pay compensation to volunteer members of the fire district for
22 fighting fires, responding to emergencies or attending meetings;
- 23 (h) exercise eminent domain;
- 24 (i) pay the operation and maintenance expenses of the fire district
25 and other expenses legally incurred by the fire district;
- 26 ~~(j) pay for the acquisition, installation or maintenance of one or more~~
27 ~~fire hydrants including any necessary equipment, services or supplies re-~~
28 ~~lated thereto; and (j) pay for the acquisition, installation or main-~~
29 ~~tenance of one or more fire hydrants on water lines owned, op-~~
30 ~~erated or maintained by a rural water district established pursuant~~
31 ~~to K.S.A. 82a-601 et seq. or 82a-612 et seq., and amendments~~
32 ~~thereto. The governing body also may pay for any equipment, sup-~~
33 ~~plies or services related to such fire hydrants. Such~~, or similar
34 devices for fighting fires, including necessary equipment, services
35 or supplies related thereto.

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

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

43 Sec. 8. K.S.A. 2003 Supp. 80-1904 is hereby amended to read as

1 follows: 80-1904. The township board shall have full direction and control
 2 over the operation of such township fire department. The governing body
 3 shall have the power to:

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

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

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

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

14 ~~(5) 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 (5) pay for the acquisition, installation or main-~~
 17 ~~tenance of one or more fire hydrants on water lines owned, op-~~
 18 ~~erated or maintained by a rural water district established pursuant~~
 19 ~~to K.S.A. 82a-601 et seq. or 82a-612 et seq., and amendments~~
 20 ~~thereto. The governing body also may pay for any equipment, sup-~~
 21 ~~plies or services related to such fire hydrants. Such[, or similar~~
 22 ~~devices for fighting fires, including necessary equipment, services~~
 23 ~~or supplies related thereto.~~

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

29 ~~(5)~~ (6) do all other things necessary or desirable to maintain and op-
 30 erate such department so as to furnish fire protection for the inhabitants
 31 of such township.

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

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

40 ~~(b) pay for the acquisition, installation or maintenance of one or more~~
 41 ~~fire hydrants including any necessary equipment, services or supplies re-~~
 42 ~~lated thereto. (b) pay for the acquisition, installation or mainte-~~
 43 ~~nance of one or more fire hydrants on water lines owned, operated~~

1 ~~or maintained by a rural water district established pursuant to~~
2 ~~K.S.A. 82a-601 et seq. or 82a-612 et seq., and amendments thereto.~~
3 ~~The governing body also may pay for any equipment, supplies or~~
4 ~~services related to such fire hydrants. Such[, or similar devices for~~
5 ~~fighting fires, including necessary equipment, services or supplies~~
6 ~~related thereto.~~

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

12 Sec. 10. K.S.A. 2003 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) pay for the acquisition, installation or maintenance of one or more~~
27 ~~fire hydrants including any necessary equipment, services or supplies re-~~
28 ~~lated thereto; and (e) pay for the acquisition, installation or main-~~

29 ~~tenance of one or more fire hydrants on water lines owned, op-~~
30 ~~erated or maintained by a rural water district established pursuant~~
31 ~~to K.S.A. 82a-601 et seq. or 82a-612 et seq., and amendments~~
32 ~~thereto. The governing body also may pay for any equipment, sup-~~
33 ~~plies or services related to such fire hydrants. Such[, or similar~~
34 ~~devices for fighting fires, including necessary equipment, services~~
35 ~~or supplies related thereto.~~

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

41 ~~(e)~~ (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. 2003 Supp. 80-1921 is hereby amended to read as
2 follows: 80-1921. (a) The township board of any such township shall have
3 full direction and control over the operation of such township fire de-
4 partment. The board shall have the power to:

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

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

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

11 ~~(4) pay for the acquisition, installation or maintenance of one or more~~
12 ~~fire hydrants including any necessary equipment, services or supplies re-~~
13 ~~lated thereto, and (4) pay for the acquisition, installation or main-~~
14 ~~tenance of one or more fire hydrants on water lines owned, op-~~
15 ~~erated or maintained by a rural water district established pursuant~~
16 ~~to K.S.A. 82a-601 et seq. or 82a-612 et seq., and amendments~~
17 ~~thereto. The governing body also may pay for any equipment, sup-~~
18 ~~plies or services related to such fire hydrants. Such[, or similar~~
19 ~~devices for fighting fires, including necessary equipment, services~~
20 ~~or supplies related thereto.~~

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

26 ~~(4)~~ (5) do all other things necessary or desirable to maintain and op-
27 erate such department so as to furnish fire protection to the inhabitants
28 of such township.

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

37 (c) In addition to the tax levy authorized by subsection (b), the town-
38 ship board of Kickapoo, Tonganoxie, Easton, Fairmount, Sherman and
39 Delaware townships located in Leavenworth county may levy an annual
40 tax of not to exceed two mills on all the taxable tangible property in such
41 township for the purpose of purchasing additional equipment for such
42 fire department. If a petition in opposition to the tax levy authorized
43 herein, signed by not less than 5% of the qualified electors of such town-

1 ship is filed with the township board of such township, within 40 days
2 after July 1, 1971, the tax levy shall not be made unless first approved as
3 a question submitted at the next general election or at a special election
4 called for the purpose of submitting the question. If such a petition is
5 filed, the township board may cause to be placed on the ballot at the next
6 general election the question of whether such tax shall be levied. If a
7 majority of the votes cast and counted at such election are in favor of the
8 resolution, such governing body may levy the tax authorized herein.

9 **[Sec. 12. K.S.A. 31-137 is hereby amended to read as follows:**

10 **31-137. The state fire marshal, his deputies of the fire marshal, the**
11 **chief of any organized fire department of any municipality,**
12 **whether such fire department is regular or volunteer, or any mem-**
13 **ber of any such fire department who has been duly authorized by**
14 **the chief thereof, shall enforce the provisions of this act and any**
15 **rules and regulations adopted pursuant thereto. ~~Said~~ Such persons**
16 **are authorized to make any investigations deemed necessary of**
17 **any fire or explosion occurring within this state, and they. Such per-**
18 **sons shall make an investigation of any fire or explosion occurring**
19 **within this state, or an attempt to cause any fire or explosion within**
20 **this state, if there is reason to believe that the fire was of an in-**
21 **cendiary origin or was an attempt to defraud an insurance com-**
22 **pany. In addition, the chief of any organized fire department of any**
23 **municipality may designate other qualified persons to conduct such in-**
24 **vestigations in such municipality. In order to carry out such investi-**
25 **gations, the state fire marshal and those persons herein designated**
26 **by or authorized to be designated by this section shall have the right**
27 **and authority at all times of day or night to enter upon or examine,**
28 **in accordance with existing laws and regulations, any building or**
29 **premise premises where any fire or explosion or attempt to cause a**
30 **fire or explosion shall have has occurred. Every person designated**
31 **herein Such persons shall make a written report of the findings of**
32 **any investigation conducted by him pursuant to this section which**
33 **shall be filed in the office of the state fire marshal.]**

34 Sec. ~~12~~. [13.] [K.S.A. 31-137 and] K.S.A. 2003 Supp. 12-3915, 19-
35 3601a, 19-3612e, 19-3616, 19-3620, 80-1501, 80-1514a, 80-1904, 80-
36 1913, 80-1917 and 80-1921 are hereby repealed.

37 Sec. ~~13~~. [14.] This act shall take effect and be in force from and after
38 its publication in the statute book.