

*As Amended by Senate Committee*

Session of 2004

**SENATE BILL No. 292**

By Senators Barnett and Schmidt

12-22

10 AN ACT concerning fire protection; authorizing payment for acquisition,  
11 installation or maintenance of fire hydrants by fire districts and town-  
12 ships; amending K.S.A. 2003 Supp. 12-3915, 19-3601a, 19-3612e, 19-  
13 3616, 19-3620, 80-1501, 80-1514a, 80-1904, 80-1913, 80-1917 and 80-  
14 1921 and repealing the existing sections.

15  
16 *Be it enacted by the Legislature of the State of Kansas:*

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

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

24 (b) enter into contracts;

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

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

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

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

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

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 district;

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

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

39 (l) provide special clothing and equipment for such employees and  
40 volunteers;

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

43 (n) *pay for the acquisition, installation or maintenance of one or more*

1 *fire hydrants, or other similar devices for fighting fires, including any*  
2 *necessary equipment, services or supplies related thereto; and*

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

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

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

16 (a) Enter contracts;

17 (b) acquire and dispose of real and personal property;

18 (c) acquire, construct, reconstruct, equip, operate, maintain and fur-  
19 nish buildings to house fire fighting equipment;

20 (d) acquire, operate and maintain fire fighting equipment;

21 (e) issue bonds as provided in this act;

22 (f) pay compensation and salaries to fire district employees;

23 (g) pay compensation to volunteer members of the fire district for  
24 fighting fires, responding to emergencies or attending meetings;

25 (h) exercise eminent domain;

26 (i) pay the operation and maintenance expenses of the fire district  
27 and any other expenses legally incurred by the fire district;

28 (j) *pay for the acquisition, installation or maintenance of one or more*  
29 ***fire hydrants, or other similar devices for fighting fires, including any***  
30 ***necessary equipment, services or supplies related thereto; and***

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

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

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

1 body upon all taxable tangible property in the district for the purpose of  
2 paying:

- 3 (1) Compensation to fire district employees;
- 4 (2) The expenses of operating and maintaining the fire district;
- 5 (3) compensation to volunteer members of the fire district for fight-  
6 ing fires, responding to emergencies or attending meetings;
- 7 (4) *for the acquisition, installation or maintenance of one or more fire*  
8 *hydrants, or other similar devices for fighting fires, including any*  
9 *necessary equipment, services or supplies related thereto; and*
- 10 ~~(4)~~ (5) other legal expenses of the fire district.

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

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

32 Sec. 4. K.S.A. 2003 Supp. 19-3616 is hereby amended to read as  
33 follows: 19-3616. Upon the creation of a fire district pursuant to K.S.A.  
34 19-3613, and amendments thereto, the governing body of the fire district  
35 shall have the authority to:

- 36 (a) Enter contracts;
- 37 (b) acquire, by lease or purchase, and dispose of real and personal  
38 property;
- 39 (c) acquire, by lease or purchase, construct, reconstruct, equip, op-  
40 erate, maintain and furnish buildings to house fire-fighting equipment;
- 41 (d) acquire, by lease or purchase, operate and maintain fire-fighting  
42 equipment;
- 43 (e) issue bonds, if approved by the board of county commissioners,

- 1 as provided in K.S.A 19-3601b, and amendments thereto;  
2 (f) pay compensation and salaries to fire district employees;  
3 (g) pay compensation to volunteer members of the fire district for  
4 fighting fires, responding to emergencies or attending meetings;  
5 (h) issue no-fund warrants;  
6 (i) exercise eminent domain;  
7 (j) pay the operation and maintenance expenses of the fire district  
8 and any other expenses legally incurred by the fire district;  
9 (k) prepare and adopt a budget, subject to the approval of the board  
10 of county commissioners;  
11 (l) *pay for the acquisition, installation or maintenance of one or more*  
12 *fire hydrants, or other similar devices for fighting fires, including any*  
13 *necessary equipment, services or supplies related thereto; and*  
14 ~~(m)~~ (m) do all other things necessary to effectuate the purposes of this  
15 act.

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

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

- 26 (1) Select regular employees, provide for their compensation and fur-  
27 nish quarters for such employees if deemed desirable;  
28 (2) provide for the organization of volunteer members of such de-  
29 partment and pay compensation to such members for fighting fires, re-  
30 sponding to emergencies or attending meetings;  
31 (3) provide special clothing and equipment for such employees and  
32 volunteers;  
33 (4) insure such employees and volunteers against accidental death  
34 and injury in the performance of their duties;  
35 (5) *pay for the acquisition, installation or maintenance of one or more*  
36 *fire hydrants, or other similar devices for fighting fires, including any*  
37 *necessary equipment, services or supplies related thereto; and*  
38 ~~(5)~~ (6) do all things necessary or desirable to maintain and operate  
39 such department so as to furnish fire protection for the inhabitants of  
40 such district.

41 ***The acquisition, installation or maintenance of any fire hydrant,***  
42 ***or other similar device for fighting fires, shall be subject to the***  
43 ***mutual agreement of the governing body of the fire district and the***

1 ***governing body of the entity which owns, operates or maintains the***  
2 ***water line on which the fire hydrant, or other similar device for***  
3 ***fighting fires, is to be installed.***

4 Sec. 6. K.S.A. 2003 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 cost of the acquisition, installation or maintenance of one or more fire*  
9 *hydrants, or other similar devices for fighting fires, including any*  
10 *necessary equipment, services or supplies related thereto, the payment of*  
11 compensation to employees of the fire department, the rent or purchase  
12 of buildings shall be paid in such proportion as agreed upon by the parties.  
13 The supervision and control of the department shall be with the governing  
14 body of the municipality if the municipality joins with a township or  
15 county.

16 ***The acquisition, installation or maintenance of any fire hydrant,***  
17 ***or other similar device for fighting fires, shall be subject to the***  
18 ***mutual agreement of the governing body of the municipality and***  
19 ***the governing body of the entity which owns, operates or maintains***  
20 ***the water line on which the fire hydrant, or other similar device for***  
21 ***fighting fires, is to be installed.***

22 The fire department members may be paid or may be volunteers and  
23 shall be subject to the limitations of this section and such rules and reg-  
24 ulations as the municipalities adopt. Volunteer members may be paid  
25 compensation for fighting fires, responding to emergencies or attending  
26 meetings. Such departments, when organized, may incorporate as fire-  
27 fighters' relief associations, and such associations shall come within the  
28 purview and be subject to the provisions of and entitled to the rights  
29 under article 17, chapter 40, of the Kansas Statutes Annotated and  
30 amendments thereto.

31 (b) When a municipality and a township join, the agreements shall  
32 be entered into by the municipality by ordinance and by the township or  
33 county by resolution, and the agreement as set out in the ordinance and  
34 resolution shall be signed by the mayor of the city and attested by the  
35 city clerk and, in the case of a township shall be signed by the township  
36 trustee and attested by the township clerk and, in the case of a county  
37 shall be signed by the chairperson of the board of county commissioners  
38 and attested by the county clerk. The agreement shall state the amount  
39 each party shall contribute, the rules and regulations governing the de-  
40 partment, and such other matter as may be necessary to specify the duties  
41 and responsibilities of the parties. The agreement may be amended or  
42 changed or added to by mutual agreement of the parties in the same  
43 manner as that in which the original contract was entered. Such agree-

1 ment may be terminated if one party passes or adopts an ordinance or  
2 resolution declaring its intention to carry out the agreement no longer.  
3 When an agreement is terminated, one party may pay the other for its  
4 share of the equipment or apparatus or the apparatus may be sold. Any  
5 money in the treasury shall be divided pro rata as it was paid into the  
6 treasury. No election shall be required to authorize the township board,  
7 board of county commissioners or governing body of any municipality to  
8 enter into such agreement, but the township board, board of county com-  
9 missioners or governing body of a municipality shall have the power to  
10 decide whether to enter into such contract.

11 (c) The governing body of any joint fire department created pursuant  
12 to this section may reorganize itself as a consolidated fire district in the  
13 manner provided for the consolidation of fire districts pursuant to K.S.A.  
14 12-3910 et seq., and amendments thereto.

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

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

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

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

1 shall have the power to:

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

5 (2) 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 (3) provide special clothing and equipment for such employees and  
9 volunteers;

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

12 (5) *pay for the acquisition, installation or maintenance of one or more*  
13 *fire hydrants, or other similar devices for fighting fires, including any*  
14 *necessary equipment, services or supplies related thereto; and*

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

18 ***The acquisition, installation or maintenance of any fire hydrant,***  
19 ***or other similar device for fighting fires, shall be subject to the***  
20 ***mutual agreement of the township board and the governing body***  
21 ***of the entity which owns, operates or maintains the water line on***  
22 ***which the fire hydrant, or other similar device for fighting fires, is***  
23 ***to be installed.***

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

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

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

35 ***The acquisition, installation or maintenance of any fire hydrant,***  
36 ***or other similar device for fighting fires, shall be subject to the***  
37 ***mutual agreement of the township board and the governing body***  
38 ***of the entity which owns, operates or maintains the water line on***  
39 ***which the fire hydrant, or other similar device for fighting fires, is***  
40 ***to be installed.***

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

1 have the power to:

- 2 (a) Select regular employees, provide for their compensation, and  
 3 furnish quarters for such employees and their families if deemed  
 4 desirable;
- 5 (b) 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 (c) provide special clothing and equipment for such employees and  
 9 volunteers;
- 10 (d) insure such employees and volunteers against accidental death  
 11 and injury in the performance of their duties;
- 12 (e) *pay for the acquisition, installation or maintenance of one or more*  
 13 *fire hydrants, or other similar devices for fighting fires, including any*  
 14 *necessary equipment, services or supplies related thereto; and*
- 15 ~~(e)~~ (f) do all other things necessary or desirable to maintain and op-  
 16 erate such department so as to furnish fire protection for the inhabitants  
 17 of such township.

18 ***The acquisition, installation or maintenance of any fire hydrant,***  
 19 ***or other similar device for fighting fires, shall be subject to the***  
 20 ***mutual agreement of the township board and the governing body***  
 21 ***of the entity which owns, operates or maintains the water line on***  
 22 ***which the fire hydrant, or other similar device for fighting fires, is***  
 23 ***to be installed.***

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

- 28 (1) Provide for the organization of volunteer members of such de-  
 29 partment and pay compensation to such members for fighting fires, re-  
 30 sponding to emergencies or attending meetings;
- 31 (2) provide special clothing and equipment for such volunteers;
- 32 (3) insure such volunteers against accidental death and injury in the  
 33 performance of their duties;
- 34 (4) *pay for the acquisition, installation or maintenance of one or more*  
 35 *fire hydrants, or other similar devices for fighting fires, including any*  
 36 *necessary equipment, services or supplies related thereto; and*
- 37 ~~(4)~~ (5) do all other things necessary or desirable to maintain and op-  
 38 erate such department so as to furnish fire protection to the inhabitants  
 39 of such township.

40 ***The acquisition, installation or maintenance of any fire hydrant,***  
 41 ***or other similar device for fighting fires, shall be subject to the***  
 42 ***mutual agreement of the township board and the governing body***  
 43 ***of the entity which owns, operates or maintains the water line on***

1 ***which the fire hydrant, or other similar device for fighting fires, is***  
2 ***to be installed.***

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

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

26 Sec. 12. K.S.A. 2003 Supp. 12-3915, 19-3601a, 19-3612e, 19-3616,  
27 19-3620, 80-1501, 80-1514a, 80-1904, 80-1913, 80-1917 and 80-1921 are  
28 hereby repealed.

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