

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2008

SENATE BILL No. 574

By Committee on Elections and Local Government

2-7

12 AN ACT concerning ~~the consolidation of certain fire districts and fire~~
13 ~~departments in Johnson County, Kansas; [pertaining to the consol-~~
14 ~~idation of certain fire districts with certain fire departments; per-~~
15 ~~taining to the expansion of the governing body of Johnson county~~
16 ~~consolidated fire district no. 2;]~~ amending K.S.A. 12-3913 ~~and 12-~~
17 ~~3914, 12-3914, 12-3916 and 12-3918[~~, 12-3918 ~~and 19-3614a]~~
18 and K.S.A. 2007 Supp. 12-3915 and repealing the existing sections.

19

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

21 New Section 1. Whenever an agreement of consolidation of fire serv-
22 ices pursuant to K.S.A. 12-3910 et seq., and any acts amendatory thereof
23 or supplemental thereto, is made between or among ~~political or taxing~~
24 ~~subdivisions in Johnson county~~ **the city of De Soto, Kansas and Johnson**
25 **county fire district no. 3**, the newly created consolidated fire district
26 shall be known and designated as ~~Johnson county consolidated fire district~~
27 ~~no. (—)~~ **Northwest consolidated fire district.**

28 Sec. 2. K.S.A. 12-3913 is hereby amended to read as follows: 12-
29 3913. (a) The resolution creating a consolidated fire district as provided
30 by this act, shall be published at least once each week for two consecutive
31 weeks in a newspaper of general circulation in the area subject to the
32 proposed consolidation. If within 60 days following the last publication of
33 the resolution, a petition in opposition thereto, signed by not less than
34 5% of the registered voters residing within each of the two or more areas
35 proposed for consolidation is filed with the county election officer, the
36 board shall order an election to be called and held within the areas pro-
37 posed to be consolidated within 90 days after the filing of such petition
38 in the manner provided for the calling and holding of elections under the
39 general bond law. If a majority of the electors voting at such election shall
40 approve the consolidation of such areas the board of county commis-
41 sioners, by resolution, shall provide for the consolidation of such areas and
42 define the boundaries of the area as consolidated. Any such consolidation
43 shall be made prior to July 1 of any year to take effect on January 1 of

1 the succeeding year.

2 (b) Any resolution creating a consolidated fire district shall provide
3 for the dissolution or disorganization of the fire districts as they existed
4 prior to the effective date of the creation of a consolidated fire district.
5 The resolution creating a consolidated fire district also shall fix the
6 amount of tax, not to exceed ~~11~~ 15 mills, that may be levied by the gov-
7 erning body of the consolidated fire district.

8 Sec. 3. K.S.A. 12-3914 is hereby amended to read as follows: 12-
9 3914. (a) Except as provided by subsection (b), upon the consolidation of
10 any such areas the board of county commissioners shall appoint a gov-
11 erning body composed of at least three and not more than seven members
12 who shall represent as nearly as possible, the geographical areas in the
13 consolidated area. In the event that ~~two counties have joined together to~~
14 ~~create a consolidated fire district, the areas consolidated were, prior to~~
15 ~~consolidation, governed by more than one political or taxing subdivision~~
16 ~~as defined in K.S.A. 12-3902, and amendments thereto, then~~ the number
17 of members on the governing board from each ~~county subdivision~~ shall
18 be determined on the basis of population, but each ~~county subdivision~~
19 represented shall have at least one appointment to the board. *In the*
20 *alternative, the members of the governing board may be selected by agree-*
21 *ment among all the subdivision whose areas are consolidated. Unless oth-*
22 *erwise agreed by the political or taxing subdivisions consolidating,* the
23 members of the governing board shall be appointed as follows: Two mem-
24 bers for a term of one year; two members for a term of two years; and
25 three members for a term of three years. Thereafter, all members shall
26 be appointed for a term of three years. All vacancies on the governing
27 board shall be filled by appointment for the remainder of the unexpired
28 term. Within 30 days after the governing body is appointed and annually
29 thereafter, the governing body shall meet and organize by election from
30 its membership a chairperson, vice-chairperson and treasurer. The trea-
31 surer shall give a corporate surety bond, conditioned for the faithful per-
32 formance of duty and accounting for all moneys received thereby. Such
33 bond shall be approved and be in the amount fixed by the governing
34 body. The treasurer also shall serve as secretary to the board.

35 (b) The board or boards of county commissioners may serve as the
36 governing body of ~~the~~ *any* consolidated fire district *formed by the joinder*
37 *of two or more county fire districts* or may place the supervision of ~~the~~
38 *said* consolidated fire district under a fire district board of trustees. The
39 board or boards of county commissioners may appoint a board of not less
40 than three members and not more than nine members, composed of
41 persons other than members of the board or boards of county commis-
42 sioners, who shall serve at the pleasure of the board or boards of county
43 commissioners. The fire district board of trustees, if appointed, may em-

1 ploy a supervisor and such other persons as may be necessary to properly
2 operate and manage such consolidated fire district.

3 ***(c) Notwithstanding the provisions of paragraphs (a) and (b)***
4 ***above, any consolidation of the De Soto, Kansas fire department***
5 ***with Johnson county fire district no. 3 shall have a governing body***
6 ***of five members appointed as follows: Two members appointed by***
7 ***the governing body of the city of De Soto; two members appointed***
8 ***by the board of county commissioners of Johnson county; one mem-***
9 ***ber appointed alternately by the city of De Soto and by the board***
10 ***of county commissioners of Johnson county, provided that the initial***
11 ***appointment of said fifth member shall be made by the board of***
12 ***county commissioners of Johnson county. No more than two gov-***
13 ***erning body members shall be elected or appointed officials of the***
14 ***city of De Soto, Kansas and no more than two governing body mem-***
15 ***bers may be elected or appointed officials of the current fire district***
16 ***no. 3 or of Johnson county government.***

17 ***(d) Governing body members appointed under the procedure***
18 ***set out in subsection (c) above shall serve three year terms, with the***
19 ***initial terms staggered as follows: One member appointed by the***
20 ***city of De Soto, Kansas shall serve an initial term of one year and***
21 ***the other city appointment shall serve an initial term of two years;***
22 ***one member appointed by the board of county commissioners shall***
23 ***serve an initial term of one year and the other county appointment***
24 ***shall serve an initial term of two years; the fifth member shall serve***
25 ***an initial term of three years.***

26 Sec. 4. K.S.A. 2007 Supp. 12-3915 is hereby amended to read as
27 follows: 12-3915. The governing body of any fire district created pursuant
28 to this act shall have the authority to:

29 (a) Levy taxes and special assessments as provided by law. Except as
30 provided by K.S.A. 12-3913, and amendments thereto, the governing
31 body shall fix the amount of the tax, not to exceed ~~11~~ 15 mills, to be levied
32 upon all taxable tangible property in the consolidated fire district;

33 (b) enter into contracts;

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

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

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

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

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

40 (h) exercise eminent domain;

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

43 (j) select regular employees, provide for their compensation and fur-

- 1 nish quarters for such employees if deemed desirable;
- 2 (k) provide for the organization of volunteer members who may be
3 compensated for fighting fires, responding to emergencies or attending
4 meetings;
- 5 (l) provide special clothing and equipment for such employees and
6 volunteers;
- 7 (m) insure such employees and volunteers against accidental death
8 and injury in the performance of their duties;
- 9 (n) pay for the acquisition, installation or maintenance of one or more
10 fire hydrants, or similar devices for fighting fires, including necessary
11 equipment, services or supplies related thereto.
- 12 The acquisition, installation and maintenance shall be subject to the
13 mutual agreement of the governing body of the fire district and the gov-
14 erning body of the rural water district which owns, operates or maintains
15 the water line on which the fire hydrant, or other similar device for fight-
16 ing fires, is to be installed; and
- 17 (o) do all things necessary or desirable to maintain and operate such
18 department so as to furnish fire protection for the inhabitants of the
19 district and otherwise effectuate the purposes of this act.

20 **Sec. 5. K.S.A. 12-3916 is hereby amended to read as follows:**
21 **12-3916. (a) Subject to the provisions of subsection (b), the books,**
22 **papers, equipment and other real and personal property belonging**
23 **to the departments consolidated pursuant to this act shall be trans-**
24 **ferred to and shall become the property of the consolidated district,**
25 **subject to any debts, leases or other obligations that encumber such**
26 **property.**

27 **(b) All funds in the treasury of any such fire district** ~~at the time~~
28 ~~of consolidation shall~~ **on the effective date of consolidation may be ap-**
29 **plied to the payment of any outstanding indebtedness, including**
30 **bonded indebtedness, of such fire district, and may be transferred to**
31 **the treasury of the new consolidated fire district as determined by the**
32 **board of county commissioners. Any debt service fund of such fire district**
33 **at the time of consolidation may be transferred to the newly created con-**
34 **solidated fire district. Any money transferred from the debt service fund**
35 **of the fire district shall be credited to a debt service fund in the newly**
36 **created consolidated fire district. The debt service fund of the new con-**
37 **solidated fire district shall be kept separate from any other debt service**
38 **fund.**

39 **Sec. 6. K.S.A. 12-3918 is hereby amended to read as follows:**
40 **12-3918. The consolidation of any fire district under the provisions**
41 **of this act shall not affect the rights of any firefighter serving in the**
42 **department of such district to benefits under any retirement or re-**
43 **lief association program accrued prior to the consolidation, however**

1 *the newly created consolidated fire district may provide different benefits*
2 *than those previously provided to the employees of the fire districts or*
3 *departments that are consolidated.*

4 **[Sec. 7. K.S.A. 19-3614a is hereby amended to read as follows:**
5 **19-3614a. Whenever an agreement of consolidation between John-**
6 **son county consolidated fire district no. 2 and Mission fire district**
7 **no. 1 is filed in the office of the county clerk, the county board shall**
8 **at that time appoint three of the former members of the governing**
9 **body of Johnson county consolidated fire district no. 2 and two of**
10 **the former members of the governing body of Mission fire district**
11 **no. 1, and the five members so appointed shall be and constitute the**
12 **governing body of the district. As soon as such duly appointed mem-**
13 **bers are appointed and qualified, the terms of the former members**
14 **of the Johnson county consolidated fire district no. 2 and Mission**
15 **fire district no. 1 shall thereupon be terminated. On July 1, 2008, or**
16 **at its next meeting thereafter, the board of county commissioners shall**
17 **appoint two additional members to the governing body of Johnson county**
18 **consolidated fire district no. 2. The county board shall designate the**
19 **terms for which each of such ~~five~~ seven members of the governing**
20 **body shall serve, and they shall be governed by all of the rules,**
21 **regulations, requirements, duties and obligations set forth for mem-**
22 **bers of the original districts.**

23 **[The newly created consolidated fire district shall be known**
24 **and designated as Johnson county consolidated fire district no.**
25 **(——).]**

26 **Sec. ~~5-7~~ [8]. K.S.A. 12-3913 and ~~12-3914~~, 12-3914, 12-3916 and**
27 **~~12-3918~~, 12-3918 and 19-3614a] and K.S.A. 2007 Supp. 12-3915 are**
28 **hereby repealed.**

29 **Sec. ~~6-8~~ [9]. This act shall take effect and be in force from and after**
30 **its publication in the statute book.**