

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Mark Parkinson at 9:00 a.m. on March 17, 1993 in Room 531-N of the Capitol.

All members were present except: Sen. Feleciano - Excused

Committee staff present: Michael Heim, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Shirley Higgins, Committee Secretary

Conferees appearing before the committee:

Gary Haller, Johnson County Park & Recreation District  
Dorothea K. Riley, Gilmore & Bell  
Jim Coder, State Fire Marshall Department  
Rep. Elaine Wells  
Richard Maginot, Soldier Township  
Tim Hay, Fire Chief, Mission Township Fire/Rescue  
Jim Strohm, Chief, Burlingame Fire Department

Others attending: See attached list

HB 2313 -- Johnson County parks and recreation districts; election procedures.

Gary Haller, Johnson County Park & recreation District, testified in support of the bill. (See Attachment 1).

Dorothea K. Riley, Gilmore & Bell, testified further in support of the bill. (See Attachment 2).

The Chairman asked staff if there is a need for the language in bold letters on page 3, line 42. Staff said this was added in the House, but (b) and (c) could be combined and "all elections" added.

Sen. Reynolds made a motion to conceptually amend HB 2313 to include all elections, including bond elections, Sen. Langworthy seconded, and the motion carried.

Sen. Tillotson made a motion to recommend HB 2313 favorable for passage as amended, Sen. Langworthy seconded, and the motion carried.

HB 2325 -- Township and township fire districts; fire vehicle, machinery and equipment rescue fund.

Staff explained that the bill allows townships to create a fund to purchase fire fighting equipment as counties and cities are now able to do. Rep. Elaine Wells had requested that a proposed amendment be prepared to add language that would allow special funds by township fire districts to be used also for the acquisition of land and buildings to be used for fire fighting purposes. (See Attachment 3).

Jim Coder, State Fire Marshal Department, testified in support of the bill. (See Attachment 4).

Sen. Gooch asked Mr. Coder if he would support the amendment offered by Rep. Wells. Mr. Coder answered that he would.

Rep. Elaine Wells testified gave final testimony in support of HB 2313. (See Attachment 5).

A question arose as to if the bill should include land and buildings for county fire districts. Mike Heim explained that county fire districts are under Chapter 19, and the amendment could be made under the statute in Chapter 19.

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT, Room 531-N Statehouse, at 9:00 a.m. on March 17, 1993.

Richard Maginot of Soldier Township testified in support of H.B. 2325. (See Attachment 6).

Tim Hay, Fire Chief, Mission Township Fire/Rescue, followed with testimony in support of the bill. (See Attachment 7).

Final testimony in support was given by Jim Strom, Burlingame Fire Department. (See Attachment 8). With this, the hearing on HB 2325 was concluded.

Sen. Langworthy made a motion to adopt the suggested amendment by Rep. Wells on page 2, line 14 of HB 2325 and to include counties, Sen. Ranson seconded, and the motion carried.

Sen. Langworthy made a motion to recommend HB 2325 favorable for passage as amended, Sen. Ramirez seconded, and the motion carried.

The minutes of March 16 were approved.

The meeting was adjourned at 9:35 a.m.

The next meeting is scheduled for March 18, 1993.

Date: March 17, 1993

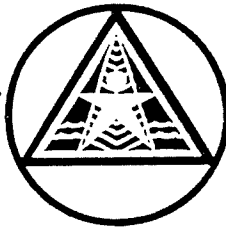
# GUEST REGISTER

SENATE

## LOCAL GOVERNMENT

[illegible]

JOHNSON COUNTY



PARK & RECREATION DISTRICT

Voice (913) 831-3355  
TDD (913) 831-3342

6501 Antioch Rd., Shawnee Mission, KS 66202-3637

TESTIMONY  
to  
KANSAS SENATE  
LOCAL GOVERNMENT COMMITTEE

by  
Gary L. Haller, Director  
Johnson County Park and Recreation District  
March 17, 1993

HOUSE BILL NO. 2313

Honorable Chairperson Parkinson and Committee Members:

On behalf of the Johnson County Park and Recreation District Board, we seek your approval of House Bill No. 2313.

The Johnson County Park and Recreation District was a special district with creative legislation established by the Kansas Legislature in 1955. Within the original creative legislation, and as shown as stricken language within H.B. 2313, are the provisions wherein the statutes call for the District Board to conduct its own elections. The language that has been stricken in the bill was used originally by the District prior to the establishment of a County Election Commissioner.

Since the mid-1970s, it has been the practice of the District Board to utilize the Office of the Election Commissioner to carry out election issues of the District. This procedure has been approved in the past by the Secretary of State's Office and the Johnson County Election Commissioner. However, for specific clarification, the District Board feels it pertinent and appropriate that the original statutes should be revised so there is no question that the District should utilize the election procedures for most public jurisdictions in Kansas.

H.B. 2313 is presented to eliminate useless and unnecessary legislation and specifically calls for the District to utilize Kansas election procedures and the Office of the Johnson County Election Commissioner in carrying out future District elections.

-more-

1993 BOARD OF COMMISSIONERS

Marilyn Uppman, Chair • Dr. Marvin Wollen, Vice Chair • Forrest E. St. Aubin, Treasurer • George McEachen, Secretary • Austin Harmon • Carol Lenard • Barbara Briscoe  
An Equal Opportunity Employer. Gary L. Haller, Director

Printed on recycled paper.

Senate Local Gov't  
3-17-93 Attachment

TESTIMONY TO SENATE  
LOCAL GOVERNMENT COMMITTEE  
March 17, 1993  
Page No. 2

While House passage of H.B. 2313 is certainly appreciated, a clarification of the bill as amended by the House relating to bond elections is now sought as noted on the attached copy of amended H.B. 2313. Inclusion of the suggested text within section (b) of the bill will further clarify that the Election Commissioner is empowered to conduct all District elections, including bond elections; however, noting that bond elections remain subject to the bond statutes noted in K.S.A. 10-120.

For further documentation of the need for H.B. 2313, attached are support letters from the Secretary of State, Board of Johnson County Commissioners, Johnson County Election Commissioner, and the District Bond Counsel of Gilmore & Bell.

Your approval of H.B. 2313 with requested amendment is appreciated.

- 1 *special ~~laws~~ elections, as applicable.*  
 2 Sec. 2. K.S.A. 19-2875 is hereby repealed.  
 3 Sec. 3. This act shall take effect and be in force from and after  
 4 its publication in the statute book.

As Amended by House Committee

Session of 1993

## HOUSE BILL No. 2313

By Committee on Local Government

2-5

9 AN ACT concerning the Johnson county park and recreation district;  
 10 relating to election procedures thereof; amending K.S.A. 19-2875  
 11 and repealing the existing section.

12  
 13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 19-2875 is hereby amended to read as follows:  
 15 19-2875. (a) All elections shall be called by the park board by *adop-*  
 16 *tion of a resolution. Except for bond elections,* all elections held  
 17 under this act shall be conducted in accordance with the general  
 18 election laws of the state and of this section, except as otherwise  
 19 provided in this act; ~~Provided, That in bond elections the gen-~~  
 20 ~~eral bond election statute as found in K.S.A. 10-120 shall be~~  
 21 ~~followed, except as to the notice and as otherwise provided by~~  
 22 ~~this act. The park board shall provide in the park district one~~  
 23 ~~or more convenient election precincts and shall designate the~~  
 24 ~~voting places in said precincts; and shall make report in writing~~  
 25 ~~to the board of county commissioners of such election precincts~~  
 26 ~~and voting places, which said report shall be filed with the~~  
 27 ~~county clerk and a minute thereof made upon the journal of~~  
 28 ~~the board of county commissioners of the county and if any~~  
 29 ~~change shall be made in such voting precincts or voting places~~  
 30 ~~by the park board, the same shall in like manner be reported~~  
 31 ~~to the board of county commissioners, filed and minuted as~~  
 32 ~~aforesaid. The polls for any election held under this act shall~~  
 33 ~~be open between the hours of 7:00 a.m. and 7:00 p.m. At least~~  
 34 ~~five (5) days before election, said park board shall name and~~  
 35 ~~appoint three (3) judges and two (2) clerks for each voting place~~  
 36 ~~fixed in said park district, who shall be qualified electors re-~~  
 37 ~~siding in said district and not more than three (3) of whom~~  
 38 ~~shall be members of the same political party. If any judge or~~  
 39 ~~clerk shall fail to appear at the time specified for such election~~  
 40 ~~or refuse to act, those appearing may appoint some other qual-~~  
 41 ~~ified person to act in his place. At least five (5) days before~~  
 42 ~~any election, the county clerk shall cause to be ascertained the~~  
 43 ~~names of all electors residing within the district, and shall~~

1-3

furnish lists thereof to the secretary of the park board, and from said list the park board shall furnish to the judges of each precinct a list of the qualified electors residing within said precinct and a voter shall not be eligible to vote in any precinct other than the one in which he resides. Such list furnished by the park board to the judges of each precinct shall be conclusive at all elections, except that one desirous of voting, whose name does not appear on such list, may proceed to the county clerk and such county clerk may administer oaths and affirm witnesses to determine the right of anyone to vote who may claim that he has been erroneously omitted from such list, and if said county clerk issued a certificate entitling the voter to vote, such certificate shall be accepted by the judges and clerks of the election. The list so furnished by the park board shall be conclusive at all elections held within the same year that said list is furnished. The park board shall cause to be published in a newspaper of general circulation within the district, a notice of all elections held under this act. Said notice shall be signed by the chairman of said board and attested by the secretary. Said notice shall identify the precincts, state the date, hours, and place or places of voting, the purpose of the election including the proposition or propositions to be voted upon, and in bond elections shall state the amount of bonds to be submitted for approval. Said notice shall notify all qualified electors residing in the park district of their right to vote and shall contain such other data as will enable the qualified electors to understand and comprehend the proposals to be submitted. In every election, where the question of the issuance of bonds is submitted, said election notice shall be published once a week for five (5) consecutive weeks, and in all other elections said election notice shall be published once a week for three (3) consecutive weeks, the last publication, in any case, shall not be less than three (3) or more than ten (10) days prior to such election. All elections held under this act shall be by secret ballot.

In elections to authorize the issuance of bonds to acquire real estate the proposition shall be substantially as follows:

"Shall The Shawnee Mission park district be authorized to issue bonds in a sum not exceeding \_\_\_\_\_ dollars (\$ ) to acquire by purchase or condemnation real estate for park purposes."

Yes ☐  
No ☐

In elections to authorize the issuance of bonds for improve-

by the  
County  
Election  
Commissioner

ments the proposition shall be substantially as follows:

"Shall The Shawnee Mission park district be authorized to issue bonds in a sum not exceeding \_\_\_\_\_ dollars (\$ ) for park improvements consisting of (here specify the kinds of improvements)."

Yes ☐  
No ☐

If the improvements are for one park or playground the proposition may so specify.

In elections to authorize the issuance of bonds for the acquisition of real estate and to improve the same the proposition shall be substantially as follows:

"Shall The Shawnee Mission park district be authorized to issue bonds in a sum not exceeding \_\_\_\_\_ dollars (\$ ) to acquire by purchase or condemnation real estate and to make improvements thereon consisting of (here specify the kinds of improvements)."

Yes ☐  
No ☐

Any number of propositions for bonds may be submitted at the same election and on the same ballot.

In elections to authorize the sale of real estate, the proposition shall be substantially as follows:

"Shall The Shawnee Mission park district be authorized to sell and convey the real estate constituting the park situated (give such description as will enable the electors to know which park or playground is meant) consisting of \_\_\_\_\_ acres more or less for a sum not less than \_\_\_\_\_ dollars (\$ ); such real estate appearing to be no longer needed for park purposes (or being poorly situated for park purposes)."

Yes ☐  
No ☐

Within twenty-four (24) hours after any election the judges and clerks shall make and sign the returns of the election and cause the same, together with the poll books and ballots used therewith, to be sealed and delivered to the secretary of the park district, and the board shall forthwith assemble, canvass the returns, declare the results. All expense of elections shall be paid for out of the general fund of the park district. Election officials shall receive the same compensation as provided under the general election laws.

(b) Elections relating to the issuance of bonds shall be conducted in the manner provided by K.S.A. 10-120, and amendments.

(c) The county election officer shall conduct and supervise all elections, other than elections relating to the issuance of bonds, in the manner provided by law for the conduct of primary, general or



Bill Graves  
Secretary of State

2nd Floor, State Capitol  
Topeka, KS 66612-1594  
(913) 296-2236

## STATE OF KANSAS

February 22, 1993

Representative Nancy Brown, Chair  
Committee on Local Government  
State Capitol  
Topeka, Kansas 66612

Dear Representative Brown:

I am writing in support of HB 2313. This bill would clarify a statute already on the books which was intended to allow elections for recreation commissions to be conducted by the county election officer.

Each county has a county election officer or election commissioner whose duties include the conduct of elections of all types. It makes good sense for these countywide recreation commissions to have that expertise available to them and to avoid the cost of holding separate elections. Further, the proposed bill will promote the consistency of election administration that, in my view, is essential.

Please consider recommending HB 2313 favorable for passage. If I can be of assistance in your deliberations, please do not hesitate to contact me.

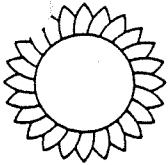
Sincerely,

A handwritten signature in black ink, appearing to read "Bill Graves", is written over a horizontal line.

BILL GRAVES  
Secretary of State

BG/bb





**Johnson County**  
**Kansas**

---

February 18, 1993

Representative Nancy Brown  
District 27  
State House, Room 183-W  
Topeka, KS 66612

Dear Nancy:

On behalf of the Board of County Commissioners, I would like to add our support for HB 2313 concerning the Johnson County Park and Recreation District.

It is the Board's understanding that in short, the bill deletes all references to the park district running its own bond or levy issue elections and clarifies that any park district election issues will be carried out by the county election commissioner. It is the Board's feeling that these revisions would help clear up some outmoded language.

The Board is aware that this bill is scheduled for hearing before the House Local Government Committee on Monday, and we would be most appreciative if you would add our name to the list of supporters.

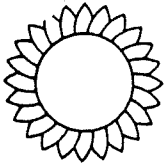
Thank you for your assistance on this.

Sincerely,

Sue E. Weltner, Chairman  
Board of County Commissioners

SEW:lt

cc: Board of County Commissioners  
Gerry Ray, Intergovernmental Coordinator  
Gary Haller, Parks and Recreation Director



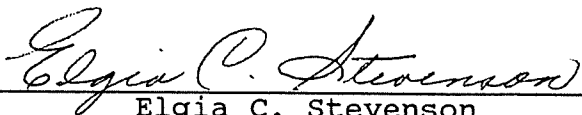
Johnson County  
Kansas

Elgia C. Stevenson  
Election Commissioner

TO WHOM IT MAY CONCERN

This is a memo of support for passage of HB 2313 to edit procedures addressed in K.S.A. 19-2875 concerning the Johnson county park and recreation district.

The amended statute will define the manner in which elections relating to issuance of bonds will be conducted.

  
Elgia C. Stevenson  
Johnson County Election Commissioner

February 16, 1993



# GILMORE & BELL

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

JOE L. NORTON  
DAVID W. QUEEN\*  
PHILIP C. LACEY  
MARY F. CARSON  
GARY A. ANDERSON\*  
DEBORAH K. DENNINGTON\*  
KANSAS BAR

OF COUNSEL  
BYRON BRAINERD  
JAMES M. KAUP

DONALD A. BELL  
1928-1985

\*ALSO ADMITTED IN MISSOURI

WEBB R. GILMORE  
JERRY T. POWELL  
KIM B. WELLS  
JAMES W. WINN  
ROBERT P. BALLSRUD  
CHRISTOPHER D. AHRENS  
LYND K. MISCHÉ  
CLARK R. IREY II  
DOROTHEA K. RILEY  
ALVIN D. WILKEN  
E. SID DOUGLAS III  
NANCY N. C. LEAR  
RICHARD M. WRIGHT, JR.  
KAY E. SOOTER  
LORI L. GADDIS  
MARK D. GRIMM  
ULYSSES M. CLAYBORN  
MISSOURI BAR

OF COUNSEL  
RICHARD E. PETRIE

FINANCIAL PLAZA II, SUITE 150  
6800 COLLEGE BOULEVARD  
OVERLAND PARK, KANSAS 66211-1533  
913-661-0001

FACSIMILE: 913-661-9003

TOPEKA OFFICE  
700 JACKSON STREET  
JAYHAWK TOWER BUILDING  
ROOF GARDEN SUITE  
TOPEKA, KS. 66603  
913-233-5223  
FACSIMILE: 913-233-0078

KANSAS CITY OFFICE  
SUITE 400  
700 WEST 47TH STREET  
KANSAS CITY, MO. 64112  
816-931-7500  
FACSIMILE: 816-931-7599

WICHITA OFFICE  
ONE MAIN PLACE  
SUITE 800  
WICHITA, KS. 67202-1398  
316-267-2091  
FACSIMILE: 316-262-6523

ST. LOUIS OFFICE  
1100 LASALLE BUILDING  
509 OLIVE STREET  
ST. LOUIS, MO. 63101-2332  
314-436-1000  
FACSIMILE: 314-436-1168

February 18, 1993

Chairperson and Members of  
the House Committee on  
Local Government  
State House  
Topeka, Kansas 66612

Re: House Bill No. 2313

Ladies and Gentlemen:

As bond counsel to the Johnson County Parks and Recreation District (the "District"), we strongly support the passage of House Bill No. 2313. House Bill No. 2313 repeals and replaces K.S.A. 19-2875, which was enacted in 1953 and has remained unchanged since its enactment, and which contains the existing legislation relating to the election procedures which apply to the District. The existing legislation provides for the governing body of the District to designate voting places, appoint election judges and clerks, furnish lists of electors to election judges, and otherwise perform a variety of functions which are performed for most public jurisdictions by the election officer or election commissioners in the county. Fortunately, the Johnson County Election Commissioner and the Secretary of State's office have been extremely cooperative in working with the District to sort out who does what on each District election to ensure that voters in the District have the greatest access to the polls within the limits of the existing law. Unfortunately, the overlapping election procedures for the District create a number of questions each time an election is considered and any modifications to the general election laws or the bond election laws may only increase the ambiguities.

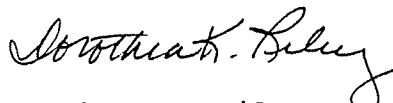
In working with the District and with numerous other public jurisdictions in Kansas, we believe that legislation which provides uniform election procedures for public jurisdictions benefits the voters, the election officers and the public jurisdiction. In our opinion, H.B. 2313 eliminates the ambiguity which currently exists with overlapping election procedures and

Chairperson and Members of  
the House Committee on  
Local Government  
February 18, 1993  
Page Two

provides the District with more efficient election procedures  
which are consistent with those procedures for most public  
jurisdictions in Kansas.

If we may be of any assistance to the Committee on this  
matter, please let me know.

Very truly yours,

  
Dorothea K. Riley

DKR:mkr

# GILMORE & BELL

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

FINANCIAL PLAZA II, SUITE 150

6800 COLLEGE BOULEVARD

OVERLAND PARK, KANSAS 66211-1533

913-661-0001

FACSIMILE: 913-661-9003

TOPEKA OFFICE

700 JACKSON STREET

JAYHAWK TOWER BUILDING

ROOF GARDEN SUITE

TOPEKA, KS. 66603

913-233-5223

FACSIMILE: 913-233-0078

KANSAS CITY OFFICE

SUITE 400

700 WEST 47TH STREET

KANSAS CITY, MO. 64112

816-931-7500

FACSIMILE: 816-931-7599

WICHITA OFFICE

ONE MAIN PLACE

SUITE 800

WICHITA, KS. 67202-1398

316-267-2091

FACSIMILE: 316-262-6523

ST. LOUIS OFFICE

1100 LASALLE BUILDING

509 OLIVE STREET

ST. LOUIS, MO. 63101-2332

314-436-1000

FACSIMILE: 314-436-1166

JOE L. NORTON  
DAVID W. QUEEN\*  
PHILIP C. LACEY  
MARY F. CARSON  
GARY A. ANDERSON\*  
DEBORAH K. DENNINGTON\*  
KANSAS BAR

OF COUNSEL  
BYRON BRAINERD  
JAMES M. KAUP

DONALD A. BELL  
1928-1985

\*ALSO ADMITTED IN MISSOURI

WEBB R. GILMORE  
JERRY T. POWELL  
KIM B. WELLS  
JAMES W. WINN  
ROBERT P. BALLSRUD  
CHRISTOPHER D. AHRENS  
LYND K. MISCHÉ  
CLARK R. IREY II  
DOROTHEA K. RILEY  
ALVIN D. WILKEN  
E. SID DOUGLAS III  
NANCY N. C. LEAR  
RICHARD M. WRIGHT, JR.  
KAY E. SOOTER  
LORI L. GADDIS  
MARK D. GRIMM  
ULYSSES M. CLAYBORN  
MISSOURI BAR

OF COUNSEL  
RICHARD E. PETRIE

March 17, 1993

Chairperson and Members of  
the Senate Committee on  
Local Government  
State House  
Topeka, Kansas 66612

Re: House Bill No. 2313 as Amended

Ladies and Gentlemen:

As bond counsel to the Johnson County Parks and Recreation District (the "District"), we support an amendment to Section 1(b) of House Bill No. 2313 as amended by the House Committee on Local Government which would clarify that the county election officer conducts the District's elections relating to the issuance of bonds in the manner provided by K.S.A. 10-120.

Currently, K.S.A. 10-120 provides that bond elections "shall be conducted by the officers or persons provided by law for holding elections in the municipality." We believe that by clarifying in Section 1(b) of the Bill that the county election officer will conduct the bond elections for the District, the Bill will provide the necessary direction required by K.S.A. 10-120.

If we may be of any assistance to the Committee on this matter, please let me know.

Very truly yours,



Dorothea K. Riley

DKR:mkr

Senate Local Gov't  
3-17-93  
Attachment 2

1 ated pursuant to K.S.A. 80-1540 *et seq.*, and amendments thereto,  
 2 by resolution, is hereby authorized and empowered to transfer, an-  
 3 nually, from the fire fund of such township fire district not to exceed  
 4 25% of the amount of money credited to any such fund, and subject  
 5 to legal expenditure, in such year to a special township fire district  
 6 reserve fund.

7 (b) Upon the adoption of such resolution, a copy thereof shall  
 8 be delivered to the treasurer of such township fire district and the  
 9 treasurer shall credit the amount provided in such resolution to such  
 10 special fund and shall debit the fire fund. All moneys credited to  
 11 such special fund shall be used by such township fire district for the  
 12 purpose of purchasing fire-fighting machinery or equipment ~~or for~~  
 13 ~~the acquisition of land and buildings to be used for fire fighting~~  
 14 ~~purposes~~. Such fund shall not be subject to the provisions of K.S.A.  
 15 79-2925 to 79-2937, inclusive, and amendments thereto. When mak-  
 16 ing the budgets of such township fire districts the amounts credited  
 17 to, and the amount on hand in, such special fund and the amount  
 18 expended therefrom shall be shown thereon for the information of  
 19 the taxpayers of such township fire district.

20 (c) If the governing body of the township fire district determines  
 21 that money which has been transferred to such special fund or any  
 22 part thereof is not needed for the purposes for which so transferred,  
 23 the governing body, by adoption of a resolution, may retransfer such  
 24 amount not needed to the fund from which it came. Such retransfer  
 25 and expenditure thereof shall be subject to the provisions of K.S.A.  
 26 79-2925 to 79-2937, inclusive, and amendments thereto.

27 Sec. 3. This act shall take effect and be in force from and after  
 28 its publication in the statute book.

or for the acquisition of land and  
 buildings to be used for fire fighting  
 purposes

Senate Local Gov't  
 2-17-93  
 Attachment 3



"Where Fire Safety Is A Way Of Life"

Kansas State Fire Marshal Department  
700 Jackson, Suite 600  
Topeka, Kansas 66603-3714  
Phone (913) 296-3401  
FAX (913) 296-0151

Joan Finney  
Governor

Edward C. Redmon  
Fire Marshal

TESTIMONY OF JIM CODER  
ASSISTANT ATTORNEY GENERAL  
STATE FIRE MARSHAL DEPARTMENT  
HOUSE BILL 2325  
SENATE LOCAL GOVERNMENT COMMITTEE  
MARCH 17, 1993

On behalf of the State Fire Marshal I am appearing in support of House Bill 2325. The State Fire Marshal's Office is in daily communication with fire chiefs and firefighters. One of the most frequent concerns we hear is regarding equipment. Firefighters are concerned because many times the equipment isn't up to snuff. They feel they are putting their lives on the line many times with non working or substandard equipment. The smaller volunteer departments, like many who would be affected by this bill are the ones we hear these concerns from more than any other.

The fire chiefs likewise are concerned. They feel the same safety concerns as the firefighters, but they also have the frustrations of dealing with budgets. Firefighting machinery and equipment are high dollar items. Many of these departments don't have the tax base to furnish fire protection in addition to updating or replacing equipment and machinery.

There are 8 or 9 separate methods of forming fire departments in Kansas statutes. Each has slightly different authority. Most of them have the ability to have a fire equipment reserve fund. This bill would allow township departments to have this same ability.

House Bill 2325 would allow an equipment reserve fund to be carried over from year to year for the purpose of purchasing firefighting equipment and machinery. With such an ongoing fund, these smaller departments may be able to buy appropriate equipment and machinery.

On behalf of the State Fire Marshal, and the firefighters and fire chiefs throughout the state, I urge you to approve House Bill 2325.

An Equal Opportunity Employer

*Senate Local Gov't*

*3-17-93*

*Attachment 4*

STATE OF KANSAS

ELAINE L. WELLS  
REPRESENTATIVE, FIFTY-NINTH DISTRICT  
OSAGE AND NORTH LYON COUNTIES  
R.R. 1, BOX 166  
CARBONDALE, KANSAS 66414  
(913) 665-7740



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
VICE-CHAIR: GOVERNMENT ORGANIZATION  
AND ELECTIONS  
MEMBER: PUBLIC HEALTH AND WELFARE  
JUDICIARY

STATE CAPITOL  
RM. 182-W  
TOPEKA, KS 66612-1504  
(913) 296-7637

TESTIMONY ON H.B. 2325  
TO

SENATE COMMITTEE ON LOCAL GOVERNMENT

MARCH 17, 1993

Thank you Mr. Chairman for the hearing on this bill and for the opportunity to testify on it.

H.B. 2325 allows a township to transfer money into a reserve fund for fire equipment, fire vehicles, and machinery.

Currently a reserve fund, as I understand it, is allowed for maintenance equipment, but not for fire equipment.

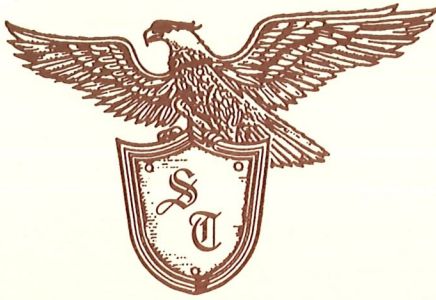
The language in this bill is fashioned after the same language established for the special road, bridge or street building machinery, equipment and bridge building fund, K.S.A. 68-141g.

Since many of our fire departments are voluntary it is important for them to be able to maintain their current equipment and to be able to replace it when necessary. A reserve fund will allow them better ability to purchase new equipment when an dire need or emergency exists.

Again, thank you, and I will be happy to try to answer any questions.

Senate Local Gov'r  
3-17-93  
Attachment 5





# Soldier Township

600 N.W. 46th, Topeka, Kansas 66617

## Testimony on H.B. 2325

To  
Senate Committee On Local Government

By  
Richard Maginot  
Township Business Administrator

Thank you for hearing this bill and for the opportunity to testify on the bill.

H.B. 2325 allows a township to transfer monies into a reserve fund to purchase fire equipment, fire machinery, or for the acquisition of land and buildings for firefighting purposes.

In 1988 Soldier Township purchased a 1250 gallon per minute pumper truck at a cost of \$105,000. Loose equipment on this truck is valued at \$35,000. The majority of the money for this vehicle came from the last of the Township's Federal Revenue Sharing Money.

Within the next five to six years we will need to replace a 3000 gallon tanker truck at an estimated cost of \$125,000. With a total annual budget of \$210,000, it will be impossible to replace this truck or make future purchases such as this unless we can set aside monies in a reserve fund each year.

We currently have the ability to establish a reserve fund for our road department under K.S.A. 68-141g. H.B. 2325 would allow us to do the same thing for our fire department.

We are not asking to raise our mil levy, only for the ability to manage our present resources wisely. H.B. 2325 is extremely important to the continued efficient operation of our Township and we ask for your support of the bill.

Again thank you. I will be happy to answer any questions.

*Senate Local Gov't  
3-17-93  
Attachment 6*



3101 SW Urish Road • Topeka, Kansas 66614 (913) 478-4053

March 17, 1993

Dear Senators:

I recommend that House Bill 2325 be endorsed that will allow Township Fire Departments to create a reserve fund to purchase equipment, land and buildings.

Presently city, county, and fire districts have the benefit of a reserve fund. Township fire departments are asking that they be given the same opportunity to create a reserve fund. It is very difficult to try and plan a purchase five or ten years in the future. There may be a anti-tax sentiment among the voters if a bond election was proposed. If it is an election year, it is usually unpopular to raise mill levies for purchases.

A reserve fund would allow township fire departments to put back money each year to purchase equipment when it is needed, and eliminate any "spend it or lose it" attitudes. We could then make long range plans instead of planning from year to year. A reserve fund is only common sense to efficient management practices. I think this bill will benefit the taxpayers in terms of more efficient services, and a more stable mill levy year to year.

Sincerely,

A handwritten signature in cursive script that reads "Tim Hay".

Tim Hay  
Fire Chief  
Mission Township Fire/Rescue

"CHECK YOUR SMOKE DETECTORS TODAY" Senate Local Gov't  
3-17-93  
Attachment 7



**Burlingame Fire Department**  
**Since 1876**  
**Burlingame, Kansas 66413**



Dear Senators:

It is my recommendation that House Bill No. 2325 be passed to allow townships to create a vehicle, machinery and equipment reserve fund.

Under current laws, a township is not allowed to transfer funds from one budget year to the next in order to build a reserve fund for fire equipment. This leaves no other choice than No Fund Warrants to acquire most fire apparatus and equipment. In several cases, some apparatus and machinery could be purchased, without No Fund Warrants, if more than one year's small equipment budgets could be combined into a reserve fund. This would allow some apparatus and machinery to be purchased without raising taxes to support No Fund Warrants. It would be more appealing to taxpayers to have their taxes stay at a steady rate than the up and down trend that would occur with the issuing and retiring of No Fund Warrants.

In short, I recommend this bill to provide townships a means of spending their taxpayers money more economically as well as providing a steady stock of dependable equipment and fire protection.

Sincerely,

Jim Stronm, Chief  
Burlingame Fire Department  
R.R.2 Box 23A  
Burlingame, KS 66413

Senate Local Gov't

3-17-93

Attachment 8