

STATE OF KANSAS

SESSION LAWS, 1937

PASSED AT THE FORTY-SEVENTH REGULAR SESSION—THE SAME
BEING THE THIRTIETH BIENNIAL SESSION—
OF THE LEGISLATURE OF THE
STATE OF KANSAS



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clerks: *Provided*, That not more than two of such judges and one on said clerks to be of the same political party.

SEC. 2. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 1, 1937.

CHAPTER 143

RELATING TO MUNICIPALLY OWNED WATER PLANTS IN CERTAIN CITIES AND CREATING A BOARD FOR THE CONTROL, CONSTRUCTION, OPERATION AND MANAGEMENT THEREOF

Senate Bill No. 214

AN ACT relating to municipally owned water plants in certain cities and creating a board for the control, construction, operation and management thereof.

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

SECTION 1. This act shall apply to cities having a population of more than fifteen thousand and which have a United States military reservation adjacent thereto.

SEC. 2. Cities coming under the provisions of this act are hereby authorized to elect a waterworks board having the powers and duties hereinafter set forth upon the following terms and conditions: The question of electing such waterworks board shall be submitted to a vote of the electorate of such city upon the filing with the city clerk of a petition signed by at least fifteen percent of the qualified electors of such city as shown by the total number of votes cast for all candidates for mayor at the last preceding election. Upon the filing of such petition, it shall be the duty of the mayor within ten days thereafter to issue a proclamation calling a special election for the submission of such question. Such election shall be held within thirty days of the date of the proclamation: *Provided*, That if a general city election is to be held in not less than thirty nor more than ninety days thereafter, such question shall be submitted at such general election.

SEC. 3. If the election of a waterworks board has been approved by a majority of the voters at such election, the mayor of such city shall thereupon issue a proclamation for an election of the members of such waterworks board. The said waterworks board shall consist of five members to be nominated and elected by the city at large. The provisions of article 17 of chapter 13 of the General Statutes of 1935 pertaining to the election and removal of officers shall govern except as to the time of the first primary and election. The three candidates securing the highest number of votes at the election shall hold office for the term of four years and the two candidates receiving the next highest number of votes shall hold office for a term of two years, thereafter the term of each member of the waterworks board shall be for a term of four years. The

members of the waterworks board shall take office within fifteen days after their election and that part of the year until May first shall count as a full year of office. The members of the waterworks board shall serve without pay or compensation of any kind or character.

SEC. 4. The board shall hold meetings regularly at least twice each month and shall designate the time and place thereof. It shall adopt its own rules of procedure and keep a record of its proceedings. All meetings, records and accounts of the board shall be public. Three members shall constitute a quorum for the transaction of business. Members of the waterworks board shall be men of business experience and not less than thirty years of age, citizens of the United States, and for five years immediately preceding their election residents of such city.

SEC. 5. That the waterworks board shall have the exclusive control of the water plant and shall be charged with the duty of producing and supplying the city and its inhabitants with water for domestic and industrial purposes and for public use in the city, and may sell and dispose of any surplus outside of the city. It shall have power to hire and discharge all employees, agents and officers of the water department and fix their compensation, and purchase all machinery, tools and other appliances and all materials and supplies necessary for the purposes of said department, and may in the name of the city take and hold by purchase, gift, devise, bequest or otherwise such franchises and real or personal property either within or without the city as may be needful or convenient for the carrying out of the intended purposes for which it is established. It shall be the duty of the governing body of the city when requested by the waterworks board to enact such ordinances as may be deemed necessary for the protection of the water plant, and to institute condemnation proceedings whenever in the judgment of the waterworks board private property should be taken in the name of the city for water plant purposes. The waterworks board may establish all reasonable rules and regulations to protect the rights and property vested in the city and under control of the board; may issue vouchers or warrants in payment of all claims and accounts incurred by said board, which vouchers or warrants when approved by the board shall be authority to the city treasurer to pay and charge the same against the proper funds, and shall also have such other powers as may be necessary for the proper discharge of its duties.

SEC. 6. That the waterworks board may appoint a manager of production and distribution of the waterworks plant and fix his salary, and his term of office shall be during the pleasure of said board. The manager of production and distribution shall be an engineer who has had experience in the supervision and operation of water plants. He shall manage and control the water plant and distribution system under the direction of said board. He shall inspect all parts of said plant and see that it is maintained in good condition for use and that all employees attend to their respective duties.

He shall keep in good repair all machinery and other property, and shall advise said board as to the needs of said plant. All officers, employees, servants and agents of the water plant, when appointed by the board, shall be under the immediate control and management of said manager. The manager of production and distribution shall perform all such other duties as may be prescribed by the said waterworks board. He shall receive as a salary the sum fixed by the waterworks board, and shall give a good and sufficient surety company bond to the city in a sum to be fixed and approved by the waterworks board, conditioned for the faithful performance of his duties. The actual cost of said bond shall be paid pro rata out of the revenue of said department.

SEC. 7. That the waterworks board may appoint a manager of collections and accounts, who shall be an experienced accountant, and it shall be his duty to keep a regular set of books for the water plant, showing in detail the business transactions of said plant. His term of office shall be during the pleasure of said board, and he shall have general supervision and charge of all office employees of said department under the direction of the waterworks board. It shall be his duty immediately following the close of each month to make a complete report to the waterworks board, and to the governing body of said city, showing the transactions of the preceding month and the financial condition of the water department. Such report shall also include a correct account of all collections, appropriations, expenditures and approved claims entitled to payment. The salary of the manager of collections and accounts shall be fixed by the waterworks board, and he shall give a good and sufficient surety company bond in a sum to be fixed by the waterworks board, conditioned for the faithful performance of his duties and for a true and faithful accounting of all moneys that may come into his hands by reason of his position. Cost of said bond shall be paid out of revenue of said department. The waterworks board may appoint such assistants to the manager of collections and accounts as they deem necessary, and when the duties of said assistants require them to receive and receipt for moneys said board shall require said assistants to give a good and sufficient surety company bond, the sum of which in each case shall be fixed by said board, conditioned for the faithful performance of said assistants' duties and for a true and faithful accounting of all moneys that may come into said assistants' hands by reason of their position. The cost of said bonds shall be paid out of the revenue of said department.

SEC. 8. The waterworks board shall make all appointments and hire all officers, agents, servants and employees in the waterworks plant and fix their compensation and determine their qualification, and shall have regard alone to relative capacity of applicants, their moral, physical and health qualifications, and when appropriate, their qualifications for manual labor. All appointments shall be made on the basis of their merits alone, and no appointment shall ever be made on account of political services or affilia-

tions. Such officers, agents, servants and employees shall hold their offices during the pleasure of the waterworks board.

SEC. 9. That the waterworks board shall fix such rates for water furnished to consumers as will secure an income sufficient to pay all salaries and wages of all officers and employees in such department; to cover the cost of all materials and supplies used in the operation of the plant; to cover the cost of all repairs; to cover all miscellaneous expenses; to pay all interest charges upon all indebtedness of the city created for the purpose of purchasing, improving or extending the waterworks, and to provide a sinking fund sufficient for the purpose of paying off such indebtedness at maturity, and to cover the cost of all repairs and renewals of the plant and all material used, together with a reasonable allowance for emergency and unforeseen expenses: *Provided*, That the waterworks board may fix special rates for water furnished to the governing body of the city for public purposes, or to organized institutions of charity.

SEC. 10. It shall be the duty of the waterworks board to use the sinking funds herein provided for in the purchase and cancellation from time to time of bonds issued to pay the purchase price of such waterworks plant: *Provided, however*, That said board shall not pay for any such bonds any greater sum than par, nor more than the actual market price thereof at the time of purchasing the same if less than par. All bonds so purchased shall be canceled and retired by said board. If the board shall be unable to purchase any such bonds, then it shall be their duty to invest the moneys of said sinking funds in bonds of the state of Kansas, or general improvement bonds of cities of the first and second class, or bonds of any county wherein a city of the first or second class is located in the state, or bonds of the board of education in cities of the first class of this state: *Provided*, That the bonds so purchased shall bear not less than four percent per annum: *And provided further*, That said board shall not buy the bonds of any city or board of education wherein the outstanding bonded city indebtedness, exclusive of the bonded debt created for the purchase or extension of waterworks plant, exceeds ten percent of its assessed valuation for the preceding year. In making such investment said waterworks board shall not, except by unanimous vote, pay for any such bonds any greater sum than par, nor more than the actual market price thereof at the time of purchasing the same if less than par. No such bonds shall be purchased until they have been approved in writing and found valid by a competent attorney. It shall be the duty of the manager of collections and accounts of the waterworks board to keep a permanent record of the accounts turned into said sinking fund, and a full description of all bonded indebtedness canceled and retired, and a full description of all bonds bought for said sinking fund, the date of said bonds, rate of interest, when payable, number of coupons attached, when bought, from whom purchased, and the price

or rate paid therefor; and he shall cause to be stamped upon the back of each of said bonds the words, "property of the waterworks plant sinking fund of the city of ———." Said bonds shall be kept by the city treasurer, and the board shall not sell any such bonds for less than their par value. The city auditor or city clerk shall also keep a duplicate record of the payment of all such bonds or coupons, and all money received from the payment of all such bonds or coupons shall be reinvested as a part of the sinking fund as hereinbefore provided. It shall be the duty of the manager of collections and accounts of the waterworks board to report on January first of each year the amount of outstanding indebtedness of the waterworks plant, and to furnish an itemized statement of the moneys and the bonded indebtedness paid off during the preceding year.

SEC. 11. The treasurer of the city in which said waterworks plant is located shall be ex officio treasurer of the waterworks board. All funds and property in his hands belonging to the water department shall be subject to the control of the waterworks board, and it shall be the duty of said treasurer to receive and receipt for daily the money collected by the employed of the said board, and to pay out the same when ordered by the waterworks board upon warrants signed by the chairman or vice-chairman of the board and countersigned by the manager of collections and accounts, certifying that such warrant is issued by authority of the board. Said ex officio treasurer shall give a surety bond to said waterworks board in such amount as said board may deem necessary, said bond to be approved by said board and the premium thereon paid by said board.

SEC. 12. That in case said waterworks board shall deem it necessary and expedient to vote bonds for the construction, extension or improvement of the water plant for the purpose of producing and supplying such city and its inhabitants with water it shall be the duty of the mayor of such city, within thirty days after receiving written request from said waterworks board, to issue a proclamation for holding an election to vote bonds to the amount requested by said waterworks board. If a majority of the votes cast at such election shall be in favor of the issuance of such bonds the governing body of such city shall issue and sell such bonds in such amounts and at such time or times as requested by the waterworks board, the proceeds thereof to be delivered to the treasurer of the waterworks board. The election provided for in this section shall be held in accordance with the general election laws of the state of Kansas, and the cost thereof, if held on dates other than the regular city elections, shall be paid by the waterworks board of such city: *Provided*, That if bonds have been authorized by an election but not issued at the time this act takes effect, such bonds may be issued without a further election, at the request of the waterworks board.

SEC. 13. The amount of the bonds which may be issued under the provision of this act for the purchase or extension of the water plant shall not be in excess of ten percent of the assessed valuation of such city, and bonds to such percentage may be issued regardless of any other statute of limitation, and the bonds issued under this act shall not be counted under any statute of limitations for the issuance of bonds for other purposes, and all bonds issued under the provisions of this act shall be a direct lien upon said waterworks plant, payment of which shall be guaranteed by the city at large.

SEC. 14. All other powers and duties under acts and parts of acts relating to waterworks plants in such cities of the first class insofar as applicable shall be exercised by the waterworks board.

SEC. 15. In any city which adopts the provisions of this act, the powers, duties, authority and jurisdiction of the commissioner of water and light and of the city commission are hereby transferred to and conferred upon the waterworks board.

SEC. 16. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 15, 1937.

Published in official state paper March 16, 1937.

CHAPTER 144

CIVIL SERVICE; POLICE DEPARTMENTS CERTAIN CITIES

Senate Bill No. 236

AN ACT providing for civil service and providing for the appointment of a civil service commission in certain cities of the first class, and to regulate civil service in the police departments in said cities.

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

SECTION 1. All cities of the first class having a population of less than 25,000 inhabitants, situated in all counties in the state of Kansas, in which counties there is one city of the first class and not more than three cities of the second class, one of which has a population of more than 10,000, and which city of the first class is operating under the commission form of government, shall appoint by ordinance three civil service commissioners who shall hold office, one until the first Monday in April in the second year after his appointment, one until the first Monday in April in the third year after his appointment, one until the first Monday in April in the fourth year after his appointment: *Provided, however,* That not more than two members of said civil service commission shall be members of the same political party.

SEC. 2. The board of commissioners shall upon the expiration of the term of office of any civil service commissioner appoint one member for four years who shall take the place of the one whose term of office expires. The chairman of the civil service commis-