

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 150** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 3, by striking all in lines 36 through 43;

On page 4, by striking all in lines 1 through 3;

And by renumbering remaining sections accordingly;

Also on page 4, in line 42, by striking "person registered to vote who"; in line 43, by striking "resides" and inserting "owner of land, as defined under this section,";

On page 7, by striking all in lines 6 through 8;

And by renumbering remaining subsections accordingly;

Also on page 7, in line 19, following the period, by creating a new paragraph;

On page 9, in line 3, by striking "a majority " and inserting "two-thirds of the members"; in line 6, by striking all after "ordinance."; by striking all in line 7; in line 8, by striking all before "When"; in line 18, after "annexation" by inserting "involving 40 acres or more"; in line 20, by striking "street"; in line 21, by striking "real estate" and inserting "qualified electors as defined in K.S.A. 12-519, and amendments thereto,"; also in line 21, by striking all after the period; in line 22, by striking "residing in the area proposed to be annexed, then"; in line 24, by striking "in the area proposed to be"; in line 25, by striking "annexed"; in line 26, by striking "residing in the area proposed to be annexed and"; in line 28, by striking all after "electors"; in line 29, by striking all before "reject"; in line 33, after "thereto." by inserting "If the area proposed to be

annexed is less than 40 acres, then the board may render a judgment on the petition unless the board has previously granted three annexations of adjoining tracts within a 60-month period."; by striking all in line 43;

By striking all of pages 10 and 11;

On page 12, by striking all in lines 1 through 12 and inserting the following:

"Sec. 8. K.S.A. 12-531 is hereby amended to read as follows: 12-531. (a) ~~Five~~ Three years following the annexation of any land pursuant to K.S.A. 12-520 or 12-521, and amendments thereto, or, where there has been litigation relating to the annexation, ~~five~~ three years following the conclusion of such litigation, the board of county commissioners shall call a hearing to consider whether the city has provided the municipal services as provided in the timetable set forth in the plan in accordance with K.S.A. 12-520b or 12-521, and amendments thereto. The board of county commissioners shall schedule the matter for public hearing and shall give notice of the date, hour and place of the hearing to: (1) The city; and (2) any landowner in the area subject to the service extension plan.

(b) At the hearing, the board shall hear testimony as to the city's extension of municipal services, or lack thereof, from the city and the landowner. After the hearing, the board shall make a finding as to whether or not the city has provided services in accordance with its service extension plan. If the board finds that the city has not provided services as provided in its service extension plan, the board shall notify the city and the landowner that such property may be deannexed, as provided in K.S.A. 12-532, and amendments thereto, if the services are not provided within ~~2¹/₂~~ 1¹/₂ years of the date of the board's findings.

(c) If the board of county commissioners refuses to hold the hearing as required, any

owner of land living in such area annexed may bring an action under provisions of K.S.A. 60-1201 et seq., and amendments thereto, to compel the board to hold the hearing. The court, upon finding the hearing is required, shall award reasonable attorney fees and costs to the landowner.

Sec. 9. K.S.A. 12-532 is hereby amended to read as follows: 12-532. (a) If, within ~~2~~¹/₂ 1/₂ years following the conclusion of the hearing required by K.S.A. 12-531, and amendments thereto, or, where there has been litigation relating to the hearing, ~~2~~¹/₂ 1/₂-years following the conclusion of such litigation, the city has not provided the municipal services as provided in the timetable set forth in the plan prepared in accordance with K.S.A. 12-520b or 12-521, and amendments thereto, the owner of such land may petition the board of county commissioners to exclude such land from the boundaries of the city. Within 10 days after receipt of the petition, the board shall schedule the matter for public hearing and shall give notice of the date, hour and place of the hearing to: (1) The owner; (2) the city; (3) the township into which the property, if deannexed, would be placed; and (4) the governing body of any fire district, sewer district, water district or other special district governments which have jurisdiction over territory adjacent to the area sought to be deannexed. The notice shall be sent by certified mail no less than 21 days before the date of the hearing.

(b) At the hearing, the board shall hear testimony as to the city's extension of municipal services, or lack thereof, from both the owner and representatives of the city. Except as provided by subsection (e), if the board finds after the hearing that the city has failed to provide the municipal services in accordance with the plan and consistent with the timetable therein, the board may enter an order excluding the land from the boundaries of the city. Any such order shall take effect in the same manner as provided in K.S.A. 12-523, and amendments thereto, for

the effective date of annexation ordinances. Such land shall not be annexed again for ~~one~~ three ~~year~~ years from the effective date of the order without the written consent of the owner of the land.

(c) The county clerk shall certify a copy of the order to the register of deeds of the county. The register of deeds shall record the order in the deed records of the county, and, at the expense of the ~~owner~~ city, the register of deeds also shall record the order of exclusion on the margin of the recorded plat of such land, giving reference thereon to the page and book of records where the order is recorded in the register's office.

(d) Except as provided by this subsection, after the effective date of the order to exclude the land from the city, such land shall not be liable for any general taxes imposed by the city. Such land shall remain liable, however, for any taxes or special assessments levied by the city as are necessary to pay its proportionate share of the interest on and principal of such bonds or other indebtedness incurred by the city for improvements to the land which were approved by the city before the date on which the owner or owners filed a petition for the exclusion of the land from the city.

(e) The board shall not order exclusion of any land if:

(1) The service extension plan conditions the extension of certain improvements or services on the filing of a legally sufficient petition by the owners of the land for the creation of an improvement district and to levy special assessments therein to pay a portion of the costs of such improvements, and a sufficient petition has not been filed;

(2) since the annexation, the governing body of the city initiated the creation of an improvement or benefit district affecting such land to levy special assessments thereon to pay a

portion of the costs of certain municipal improvements, and the formation of the district was blocked by the filing of a sufficient protest petition by some or all of the owners of any land in the proposed district;

(3) the exclusion would result in the land being completely surrounded by other tracts of land located within the city's boundaries; or

(4) the board finds the exclusion of the land would have an adverse impact on the health, safety and welfare of the residents of the city or such land.

(f) Any owner or the city aggrieved by the decision of the board may appeal the decision to the district court in the manner provided in K.S.A. 19-223, and amendments thereto. Any city so appealing shall not be required to execute the bond prescribed therein.

(g) If the board of county commissioners refuses to hold the hearing as required, any owner of land may bring an action under provisions of K.S.A. 60-1201 et seq., and amendments thereto, to compel the board to hold the hearing. The court, upon finding the hearing is required, shall award reasonable attorney fees and costs to the landowner."

On page 13, following line 30, by inserting the following:

"New Sec. 12. (a) If any land located within a fire district is annexed by a city and such land remains a part of the fire district beyond the current tax year, the owner of such land shall be entitled to a refund of all ad valorem taxes paid for fire service, including any tax levy for bond and interest payments from either the city or the fire district, whichever entity levies taxes for fire service against the land but does not provide such service.

(b) Cities and fire districts shall establish procedures for landowners to obtain refunds of ad valorem property taxes as required by this section.

Sec. 13. K.S.A. 2010 Supp. 19-214 is hereby amended to read as follows: 19-214. (a) Except as provided in subsection (b), in K.S.A. 19-216a, and amendments thereto, all contracts for the expenditure of county moneys for the construction of any courthouse, jail or other county building, or the construction of any bridge, highway, road, dam, turnpike or related structures or stand-alone parking lots in excess of \$25,000, shall be awarded, on a public letting, to the lowest and best bid. The person, firm or corporation to whom the contract may be awarded shall give and file with the board of county commissioners a good and sufficient surety bond by a surety company authorized to do business in the state of Kansas, to be approved by the county attorney or county counselor, in the amount of the contract, and conditioned for the faithful performance of the contract.

(b) The provisions of subsection (a) shall not apply: (1) To the expenditure of county funds for professional services; (2) to the provisions of K.S.A. 68-521, and amendments thereto; ~~or~~ (3) to the purchase of contracts of insurance; or (4) to the repair of any courthouse, jail or other county building or the repair or replacement of any such building's equipment when an emergency based upon public health or safety is declared by the board of county commissioners. Such emergency shall be defined as an occurrence of severe damage to a building or its equipment resulting from any natural or manmade cause, including fire, flood, earthquake, wind, storm, explosion, riot, terrorism or hostile military or paramilitary action, or events of similar nature or character. Such damage must be so severe it prevents the building or equipment from being used for its intended function. Construction of a replacement building remains subject to the provisions of subsection (a).";

Also on page 13, in line 32, after "Supp." by inserting "19-214 and";

On page 1, in the title, in line 1, by striking "boundaries" and inserting "certain municipalities"; in line 3, after "Supp." by inserting "19-214 and";

And your committee on conference recommends the adoption of this report.

Conferees on part of House

Conferees on part of Senate