

HOUSE BILL No. 2118

By Committee on Local Government

1-23

AN ACT concerning fire districts; relating to the annexation of territory thereof by cities; amending K.S.A. 19-3623f and repealing the existing section.

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

Section 1. K.S.A. 19-3623f is hereby amended to read as follows: 19-3623f. (a) If any land included in a fire district created under the provisions of K.S.A. 19-3613, and amendments thereto, is thereafter annexed by any city, other than the ~~city of~~ *cities of Olathe or Overland Park*, such land shall continue to be within and a part of the fire district unless approved for detachment and exclusion from the boundaries of such district by the board of county commissioners. Within 60 days following annexation of land located within a fire district the governing bodies of the city and fire district shall negotiate an agreement providing for the transfer of such land to the city. Such negotiations also shall include the transfer of other property of the fire district and the payment of compensation therefor. Any such agreement shall be submitted to and approved by the board of county commissioners.

(b) If the city and fire district are unable to reach an agreement pursuant to subsection (a), the governing body of the city or fire district shall present a petition to the board requesting the board to detach such land and provide for the transfer of any property. Upon receipt of such petition, the board shall call and hold a hearing thereon. Notice of such hearing shall be published in a newspaper of general circulation in the county once each week for two consecutive weeks. The final notice shall be published not less than one week and not more than two weeks before the date fixed for the hearing. A copy of the notice also shall be mailed by certified mail to the residents and governing bodies of the fire district and city affected by the detachment. The cost of providing notice required by this subsection shall be paid by the city.

(c) On the day set for the hearing, the board shall hear testimony as to the advisability of the detachment of land from the fire district and the transfer of any property. The action of the board shall be quasi-judicial in nature. The board shall consider the impact of approving or disapproving the detachment of such land and transfer of any property. The

1 board shall make specific written findings of fact and conclusions deter-
2 mining whether such detachment or the detachment of a lesser amount
3 of such area and the transfer of property causes manifest injury to the
4 fire district, or to the city if the detachment and transfer is disapproved.
5 The findings and conclusions shall be based upon the preponderance of
6 evidence presented to the board. In determining whether manifest injury
7 would result from the detachment and transfer, the board's considera-
8 tions shall include, but not be limited to, the:

9 (1) Response time of the city and the fire district to the area proposed
10 to be detached;

11 (2) impact on the fire district from the decrease in its tax base if
12 detachment is approved;

13 (3) impact on the city's provision of fire service if the detachment is
14 disapproved;

15 (4) impact on the residents of the area;

16 (5) loss of sales tax revenue to the city if detachment is disapproved;
17 and

18 (6) impact on the remainder of the fire district if the detachment is
19 approved.

20 (d) The board shall make its decision within 120 days after the date
21 of the conclusion of the hearing. The board may continue the hearing
22 beyond the time specified without further publication of notice. If a ma-
23 jority of the board concludes the proposed detachment or any part thereof
24 should be granted and the transfer of any property, the board shall so
25 find; and thereupon such land shall be detached from the fire district and
26 any other property shall be transferred to the city. If aggrieved by the
27 decision of the board, the fire district or the city may appeal such decision
28 to the district court of the county.

29 (e) When the land annexed to such city is detached and excluded
30 from such district the governing body of the district shall redefine the
31 new boundaries of the district to exclude the land so detached. All general
32 obligation bonds issued for the acquisition or construction of fire stations
33 or buildings, the acquisition of sites therefor and the purchase of fire
34 fighting equipment by a fire district which are issued prior to the detach-
35 ment of such land shall continue as an obligation of the property subject
36 to taxation for the payment thereof at the time such bonds were issued.

37 New Sec. 2. (a) The governing body of the city of Olathe may estab-
38 lish a city fire department or contract with any private or public entity
39 for provision of fire protection services within the corporate limits of the
40 city by adopting a resolution to that effect directed to the board of county
41 commissioners of Johnson county. Such resolution shall state the date of
42 the establishment of the city fire department or the effective date of such
43 contractual agreement with any private or public entity.

1 (b) Whenever any land located within the boundaries of a fire district
2 created pursuant to K.S.A. 19-3613, and amendments thereto, have been
3 annexed by the city of Olathe, the governing body of the city, by resolu-
4 tion, may petition the board of county commissioners of Johnson county
5 to detach such property from the fire district. The petition shall describe
6 the boundaries of the property which have been annexed by the city. The
7 petition also shall state whether fire service to the property will be pro-
8 vided by the city or pursuant to a contractual agreement and the effective
9 date of any such agreement.

10 (c) Upon receipt of a resolution pursuant to subsection (b), the board
11 of county commissioners forthwith shall issue an order dissolving any fire
12 district located wholly within the corporate limits of the city of Olathe or
13 an order detaching from the fire district any property annexed by the city.
14 Upon receipt of a city resolution to contract with any private or public
15 entity for fire protection services, the board of county commissioners shall
16 order such dissolution or detachment. Any such order of dissolution or
17 detachment shall be effective as of the effective date of the annexation
18 or the contractual arrangement with any private or public entity.

19 (d) The books, papers, moneys, equipment, apparatus, machinery,
20 fire stations, sites, buildings and other real and personal property belong-
21 ing to any fire district dissolved hereunder shall be transferred to and
22 shall become the property of the city of Olathe. As to any fire district
23 from which a portion of its area within the limits of the city is detached
24 hereunder, any books, papers, equipment, apparatus, machinery, fire sta-
25 tions, sites, buildings and other real and personal property located within
26 the limits of the city shall be transferred to and shall become the property
27 of the city. In addition, the city is authorized to negotiate and enter into
28 contracts with any private or public entity to acquire by lease or purchase
29 and to operate or maintain fire fighting equipment, and to acquire, con-
30 struct or lease buildings to house the same and do all things necessary to
31 effectuate the purposes of this section.

32 (e) In any fire district from which a portion of its area within the
33 corporate limits of the city of Olathe is detached hereunder, such portion
34 of the unexpended moneys in the treasury or in the reserve funds of such
35 fire district at the time of detachment, and such portion of all moneys to
36 be disbursed to such fire district during the remainder of the fiscal year
37 in which detachment occurs, shall be transferred to the city for the pro-
38 vision of fire protection services in the proportion that the assessed val-
39 uation of taxable tangible property of the detached area of such fire dis-
40 trict bears to the total assessed valuation of taxable tangible property of
41 the fire district.

42 (f) If any fire district dissolved pursuant to this section shall have
43 outstanding at the time of its dissolution any general obligation bonds,

1 the tax levies to retire such bonds and to pay the interest thereon shall
2 be levied only on the taxable tangible property located in the territory of
3 such district prior to its dissolution. If any fire district from which area is
4 detached pursuant to this section shall have outstanding at the time of
5 detachment any general obligation bonds, the tax levies to retire such
6 bonds and to pay the interest thereon shall continue to be levied only on
7 the taxable tangible property located in the detached area.

8 Sec. 3. K.S.A. 19-3623f is hereby repealed.

9 Sec. 4. This act shall take effect and be in force from and after its
10 publication in the statute book.

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