

HOUSE BILL No. 2629

By Representative Merrick

1-17

9 AN ACT concerning fire districts in Johnson county and city annexation;
10 amending K.S.A. 19-3623f and repealing the existing section.

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

13 Section 1. K.S.A. 19-3623f is hereby amended to read as follows: 19-
14 3623f. (a) If any land included in a fire district created under the provi-
15 sions of K.S.A. 19-3613, and amendments thereto, is thereafter annexed
16 by any city, ~~other than the city of Overland Park,~~ such land shall continue
17 to be within and a part of the fire district unless ~~approved for detachment~~
18 ~~and exclusion from the boundaries of such district by the board of county~~
19 ~~commissioners. Within 60 days following annexation of land located~~
20 ~~within a fire district~~ the governing bodies of the city and fire district shall
21 negotiate an agreement providing for the transfer of such land to the city.
22 Such negotiations also ~~shall~~ *may* include the transfer of other property of
23 the fire district and the payment of compensation therefor. Any such
24 agreement shall be submitted to and approved by the board of county
25 commissioners, *and thereupon such land shall be detached from the fire*
26 *district and any other property to be transferred to the city under the*
27 *agreement shall be transferred.*

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

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

1 ~~proving the detachment of such land and transfer of any property. The~~
2 ~~board shall make specific written findings of fact and conclusions deter-~~
3 ~~mining whether such detachment or the detachment of a lesser amount~~
4 ~~of such area and the transfer of property causes manifest injury to the~~
5 ~~fire district, or to the city if the detachment and transfer is disapproved.~~
6 ~~The findings and conclusions shall be based upon the preponderance of~~
7 ~~evidence presented to the board. In determining whether manifest injury~~
8 ~~would result from the detachment and transfer, the board's considera-~~
9 ~~tions shall include, but not be limited to, the:~~
10 ~~—(1)— Response time of the city and the fire district to the area proposed~~
11 ~~to be detached;~~
12 ~~—(2)— impact on the fire district from the decrease in its tax base if~~
13 ~~detachment is approved;~~
14 ~~—(3)— impact on the city's provision of fire service if the detachment is~~
15 ~~disapproved;~~
16 ~~—(4)— impact on the residents of the area;~~
17 ~~—(5)— loss of sales tax revenue to the city if detachment is disapproved;~~
18 ~~and~~
19 ~~—(6)— impact on the remainder of the fire district if the detachment is~~
20 ~~approved.~~
21 ~~—(d)— The board shall make its decision within 120 days after the date~~
22 ~~of the conclusion of the hearing. The board may continue the hearing~~
23 ~~beyond the time specified without further publication of notice. If a ma-~~
24 ~~jority of the board concludes the proposed detachment or any part thereof~~
25 ~~should be granted and the transfer of any property, the board shall so~~
26 ~~find, and thereupon such land shall be detached from the fire district and~~
27 ~~any other property shall be transferred to the city. If aggrieved by the~~
28 ~~decision of the board, the fire district or the city may appeal such decision~~
29 ~~to the district court of the county.~~
30 ~~—(e) (b) When the land annexed to such city is detached and excluded~~
31 ~~from such district the governing body of the *fire* district shall redefine~~
32 ~~the new boundaries of the *fire* district to exclude the land so detached.~~
33 ~~All general obligation bonds issued for the acquisition or construction of~~
34 ~~fire stations or buildings, the acquisition of sites therefor and the purchase~~
35 ~~of fire fighting equipment by a fire district which are issued prior to the~~
36 ~~detachment of such land shall continue as an obligation of the property~~
37 ~~subject to taxation for the payment thereof at the time such bonds were~~
38 ~~issued.~~
39 Sec. 2. K.S.A. 19-3623f is hereby repealed.
40 Sec. 3. This act shall take effect and be in force from and after its
41 publication in the statute book.