

HOUSE BILL No. 2523

By Committee on Taxation

2-14

9 AN ACT concerning counties and certain political and taxing subdivi-
10 sions; amending K.S.A. 2006 Supp. 19-270 and repealing the existing
11 section.

12

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

14 Section 1. K.S.A. 2006 Supp. 19-270 is hereby amended to read as
15 follows: 19-270. (a) (1) A special benefit district shall include any:

16 (A) Sewer district;

17 (B) water district, rural water district and water supply district;

18 (C) fire district;

19 (D) improvement district;

20 (E) industrial district; and

21 (F) drainage district.

22 (2) The fringe area of a city means the area of unincorporated terri-
23 tory lying outside of but within three miles of the nearest point on the
24 city limits of a city which has adopted subdivision regulations under K.S.A.
25 12-749, and amendments thereto.

26 (b) No special benefit district shall be created, within the fringe area
27 of any city unless approved by at least a ~~3/4~~ ^{2/3} majority vote of the board
28 of county commissioners of the county in which the city is located. The
29 boundaries of any such district shall not be extended within the fringe
30 area of the city unless approved by at least a ~~3/4~~ ^{2/3} majority vote of the
31 board of county commissioners of the county in which the city is located.
32 If the boundaries of the district cross county lines and if the district to
33 be created or the boundaries to be extended would be located within the
34 fringe area of a city, the board of county commissioners of each county
35 in which such a city is located shall be required to approve the creation
36 of the district within the fringe area of the city or the extension of the
37 boundaries of the district within the fringe area of the city by at least a
38 ~~3/4~~ ^{2/3} majority vote of the board. If a hearing is not already required to
39 be held prior to the creation or expansion within the fringe area of a city
40 of a special benefit district, the board of county commissioners shall call
41 and hold a hearing on the proposed action. Notice of the hearing shall be
42 published once in the official county newspaper. The notice shall be pub-
43 lished at least seven days prior to the date of the hearing.

1 At the hearing, the board shall receive testimony from the city, town-
2 ship, county or regional planning commission having jurisdiction over any
3 of the affected land area. Such testimony shall address any incompatibil-
4 ities between the creation or expansion of the district within such fringe
5 area and any adopted land use or comprehensive plans. The governing
6 body of the city may present testimony of any proposed annexation of the
7 affected land area. Any interested person may present testimony before
8 the board. As a guide in determining the advisability of authorizing the
9 creation or change in boundaries of a special benefit district within the
10 fringe area of a city, the board's considerations shall include, but not be
11 limited to, any testimony offered at the public hearing concerning: (1)
12 The size and population of such city; (2) the city's growth in population,
13 business and industry during the past 10 years; (3) the extension of its
14 boundaries during the past 10 years; (4) the probability of its growth
15 toward the territory during the ensuing 10 years, taking into consideration
16 natural barriers and other reasons which might influence growth toward
17 the territory; (5) the willingness of the city to annex the territory and its
18 ability to provide city services in case of annexation; and (6) the general
19 effect upon the entire community, all of these and other considerations
20 having to do with the overall orderly and economic development of the
21 area and to prevent an unreasonable multiplicity of independent munic-
22 ipal and special district governments. The board shall approve or disap-
23 prove the creation or change in boundaries of the special benefit district
24 within 30 days of the hearing. Any person or city aggrieved by the decision
25 of the board of county commissioners may appeal from the decision of
26 the board within 30 days following the rendering of the decision to the
27 district court of the county in which the affected area is located. The
28 appeal shall be taken in the manner provided by K.S.A. 19-223, and
29 amendments thereto. Any city so appealing shall not be required to ex-
30 ecute the bond prescribed therein.

31 Sec. 2. K.S.A. 2006 Supp. 19-270 is hereby repealed.

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