

HOUSE BILL No. 2580

By Committee on Taxation

3-14

9 AN ACT concerning fire districts; relating to detachment of land there-
10 from in Johnson county; amending K.S.A. 19-3623f and repealing the
11 existing section.
12

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

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

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

1 ~~—(c) On the day set for the hearing, the board shall hear testimony as~~
2 ~~to the advisability of the detachment of land from the fire district and the~~
3 ~~transfer of any property. The action of the board shall be quasi-judicial~~
4 ~~in nature. The board shall consider the impact of approving or disap-~~
5 ~~proving the detachment of such land and transfer of any property. The~~
6 ~~board shall make specific written findings of fact and conclusions deter-~~
7 ~~mining whether such detachment or the detachment of a lesser amount~~
8 ~~of such area and the transfer of property causes manifest injury to the~~
9 ~~fire district, or to the city if the detachment and transfer is disapproved.~~
10 ~~The findings and conclusions shall be based upon the preponderance of~~
11 ~~evidence presented to the board. In determining whether manifest injury~~
12 ~~would result from the detachment and transfer, the board's considera-~~
13 ~~tions shall include, but not be limited to, the:~~
14 ~~—(1) Response time of the city and the fire district to the area proposed~~
15 ~~to be detached;~~
16 ~~—(2) impact on the fire district from the decrease in its tax base if~~
17 ~~detachment is approved;~~
18 ~~—(3) impact on the city's provision of fire service if the detachment is~~
19 ~~disapproved;~~
20 ~~—(4) impact on the residents of the area;~~
21 ~~—(5) loss of sales tax revenue to the city if detachment is disapproved;~~
22 ~~and~~
23 ~~—(6) impact on the remainder of the fire district if the detachment is~~
24 ~~approved.~~
25 ~~—(d) The board shall make its decision within 120 days after the date~~
26 ~~of the conclusion of the hearing. The board may continue the hearing~~
27 ~~beyond the time specified without further publication of notice. If a ma-~~
28 ~~jority of the board concludes the proposed detachment or any part thereof~~
29 ~~should be granted and the transfer of any property, the board shall so~~
30 ~~find, and thereupon such land shall be detached from the fire district and~~
31 ~~any other property shall be transferred to the city. If aggrieved by the~~
32 ~~decision of the board, the fire district or the city may appeal such decision~~
33 ~~to the district court of the county.~~
34 ~~—(e) (c) If it is determined by the board that the city is unable to pro-~~
35 ~~vide adequate fire services, the detachment shall be disapproved and the~~
36 ~~land shall remain a part of such fire district until a determination by the~~
37 ~~board that the city is able to provide adequate fire service, at which time~~
38 ~~the one-year time period provided in subsection (a) shall commence.~~
39 (d) When the land annexed to such city is detached and excluded
40 from such district the governing body of the district shall redefine the
41 new boundaries of the district to exclude the land so detached. All general
42 obligation bonds issued for the acquisition or construction of fire stations
43 or buildings, the acquisition of sites therefor and the purchase of fire

1 fighting equipment by a fire district which are issued prior to the detach-
2 ment of such land shall continue as an obligation of the property subject
3 to taxation for the payment thereof at the time such bonds were issued.

4 Sec. 2. K.S.A. 19-3623f is hereby repealed.

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