

SESSION OF 2004

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2774

As Amended by Senate Committee of the Whole

Brief*

HB 2774 amends township fire district laws to change procedures for the consolidation or addition of new townships to these fire districts and to establish a new procedure for the disorganization or consolidation of a township which has no residents. The bill also amends the city annexation law.

The bill deletes the current 51 percent of the owners of the area of land requirement and substitutes a procedure whereby the various township board can place the proposition to create a new fire district before the combined township voters.

The governing body of the newly created township fire district shall consist of all members of the township boards, if there are less than four townships involved. If there are four or more townships involved the townships governing bodies meeting together shall determine the number of the governing body for the fire district.

The House Committee of the Whole amended the bill and inserted provisions of HB 2773 to provide for the disorganization or consolidation of townships that have no residents or so few residents that a township officer post goes unfilled through two consecutive township elections. This bill would give the board of county commissioners authority over the township until it is disorganized or consolidated with the next geographically close township. At that time, all of the assets of the township would be transferred to the board of county commissioners for disposal. Any indebtedness of the township would be paid from the proceeds of disposal of the assets.

The Senate Committee amended the township disorganization or consolidation amendment to delete the portion that would cover townships with so few residents that an elected position goes unfilled for two consecutive elections.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The Senate Committee of the Whole amendment would establish a procedure applying only to land located in townships of Sedgwick and Shawnee county, whereby 40 percent of landowners in an area which has been platted and which is proposed to be annexed by a city may petition for the appointment of a local annexation review board. The review board shall be composed of the mayor, a resident of the area proposed to be annexed and a hearing officer from the State Office of Administrative Hearings.

The bill also changes the type of review to be conducted by a court for all city unilateral annexation decisions which are challenged.

Background

HB 2774 was supported by representatives of Tecumseh, Mammoth, and Topeka Township Fire Districts as a means of simplifying procedures for adding a new township to a fire district.

HB 2773 was supported by the Johnson County Board of Commissioners and a representative of Monticello Township in Johnson County. A proponent said current state law provides that a township may be disorganized under appropriate circumstances and its property transferred to the next contiguous township. Monticello Township, however, has been annexed out of existence without any township being contiguous to its remaining properties and there are no residents of the township.

The bill has no fiscal impact.