

HOUSE BILL No. 2249

By Committee on Local Government

2-6

1 AN ACT concerning city annexation of *city annexation of* fire district
2 lands and taxation ~~{districts}~~ *district lands and taxation*; amending
3 ~~{K.S.A. 19-3631 and}~~ K.S.A. 2012 Supp. 12-546 and repealing the
4 existing section ~~{sections}~~ *section*.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 {Section 1. K.S.A. 2012 Supp. 12-546 is hereby amended to read as
8 follows: 12-546. (a) If any land located within a fire district is annexed by
9 a city and such land ~~remains a part of~~ *is not detached from* the fire district
10 ~~beyond the current~~ *by the end of the* tax year, the owner of such land shall
11 be entitled to a refund of all ad valorem taxes paid for fire service,
12 including any tax levy for bond and interest payments from either the city
13 ~~or excluding ad valorem taxes paid for general obligation bonds issued by~~
14 the fire district, *prior to annexation, to either the city or the fire district,*
15 whichever entity levies taxes for fire service against the land but does not
16 provide such service.

17 (b) Cities and fire districts shall establish procedures for landowners
18 to obtain refunds of ad valorem property taxes as required by this section.

19 ~~{Sec. 2. K.S.A. 19-3631 is hereby amended to read as follows: 19-~~
20 ~~3631. (a) Territory which is a part of a fire district having territory in more~~
21 ~~than one county as permitted and organized in accordance with the~~
22 ~~provisions of K.S.A. 19-3624 to 19-3630 et seq. and amendments thereto,~~
23 ~~may be detached therefrom as herein provided. Upon presentation Shall be~~
24 ~~presented of a petition to the governing body of the fire district, setting~~
25 ~~forth the boundaries of an area within the district which desires to be~~
26 ~~detached from the fire district, signed by not less than 51% 51% of the~~
27 ~~qualified electors of such area, as determined by an enumeration taken and~~
28 ~~verified for such purpose by the county election officer of the county in~~
29 ~~which the territory proposed to be detached is located. In addition, written~~
30 ~~documentation from another fire district that such territory will be~~
31 ~~included in such fire district if the detachment petition is granted and~~
32 ~~presentation or documentation that such qualified electors plan to form a~~
33 ~~new fire district shall be presented. The governing body of such fire~~
34 ~~district may, at its next regular meeting within 30 days of the presentation~~

1 ~~of the petition and other documentation, if it finds the petition is regular to~~
 2 ~~be sufficient with at least the requisite number of signatures, enter an order~~
 3 ~~detaching such the territory from the fire district, such the order to be~~
 4 ~~effective on the first January 1 of the succeeding year that is six or more~~
 5 ~~months after the date of the order. Thereupon, the governing board body~~
 6 ~~shall declare the new boundaries of the benefit fire district by resolution~~
 7 ~~and shall certify a copy of such resolution to the county clerks of each of~~
 8 ~~the counties in which a part of the benefit fire district is located.~~

9 ~~(b) If the governing body of such fire district does not approve the~~
 10 ~~detachment of the territory within 30 days of the presentation of the~~
 11 ~~petition, the board of county commissioners of each county in which any of~~
 12 ~~the territory is located, if it finds the petition is sufficient with at least the~~
 13 ~~requisite number of signatures, shall submit the issue to a vote of the~~
 14 ~~electors of the territory desired to be detached. The board of county~~
 15 ~~commissioners shall, within 30 days of the governing body's failure or~~
 16 ~~refusal to detach the territory, adopt a resolution calling for an election to~~
 17 ~~be held within 60 days or within 90 days if a regular election is already~~
 18 ~~scheduled. If a regular election is not already scheduled, the election may~~
 19 ~~be held by mail ballot election pursuant to K.S.A. 25-421 et seq., and~~
 20 ~~amendments thereto. The resolution calling for the election shall be~~
 21 ~~published once each week for three consecutive weeks in the official~~
 22 ~~county newspaper. If a majority of the electors of the territory proposed to~~
 23 ~~be detached vote in favor of the detachment, the board of county~~
 24 ~~commissioners of each county in which any such territory is located shall~~
 25 ~~adopt a resolution ordering such detachment of the territory within its~~
 26 ~~county, the order to be effective on the first January 1 that is six or more~~
 27 ~~months after the election. Thereupon, the board of county commissioners~~
 28 ~~shall certify a copy of the resolution to the governing body of the fire~~
 29 ~~district, if different than the board of county commissioners, and to the~~
 30 ~~county clerks of each of the counties in which a part of the fire district is~~
 31 ~~located.~~

32 ~~(c) The territory detached from the fire district shall be liable for its~~
 33 ~~proportionate share of all outstanding indebtedness of the district on the~~
 34 ~~date the resolution is passed by the governing board body detaching the~~
 35 ~~territory. The governing body of the fire district shall determine all~~
 36 ~~outstanding indebtedness, including lease-purchase agreements, within 90~~
 37 ~~days of the detachment of the territory. Subsequent budgets of the fire~~
 38 ~~district shall separately itemize payments of such outstanding~~
 39 ~~indebtedness, including lease-purchase agreements, and such payment~~
 40 ~~shall be separately levied between the detached territory and the territory~~
 41 ~~remaining in the fire district according to their respective assessed~~
 42 ~~valuations.‡~~

43 ~~Sec. 2-13.2. K.S.A. 19-3631 and K.S.A. 2012 Supp. 12-546 is~~

1 ~~are~~ is hereby repealed.

2 Sec. ~~3-4-3~~. This act shall take effect and be in force from and after

3 its publication in the statute book.