

{As Amended by House Committee of the Whole}

Session of 2013

HOUSE BILL No. 2249

By Committee on Local Government

2-6

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

4
5 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

1 **the fire district, such the order to be effective on the first January 1 of**
2 **the succeeding year that is six or more months after the date of the order.**
3 **Thereupon, the governing board body shall declare the new boundaries**
4 **of the benefit fire district by resolution and shall certify a copy of such**
5 **resolution to the county clerks of each of the counties in which a part**
6 **of the benefit fire district is located.**

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

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

41 ~~Sec. 2. {3.}~~ K.S.A. {19-3631 and K.S.A.} 2012 Supp. 12-546 is {are}
42 hereby repealed.

43 ~~Sec. 3. {4.}~~ This act shall take effect and be in force from and after its

- 1 publication in the statute book.