

HOUSE BILL No. 2062

By Representative Sloan

1-23

1 AN ACT concerning certain fire districts; amending K.S.A. 19-3631 and
2 repealing the existing section.
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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 19-3631 is hereby amended to read as follows: 19-
6 3631. (a) Territory which is a part of a fire district *having territory in more*
7 *than one county as permitted and* organized in accordance with the
8 provisions of K.S.A. 19-3624 ~~to 19-3630~~ *et seq.*, and amendments thereto,
9 may be detached therefrom as herein provided. Upon presentation of a
10 petition to the governing body of the fire district, setting forth the
11 boundaries of an area within the district which desires to be detached from
12 the fire district, signed by not less than ~~51%~~ 25% of the qualified electors
13 of such area, as determined by an enumeration taken and verified for such
14 purpose by the county election officer of the county in which the territory
15 proposed to be detached is located, the governing body of such fire district
16 may, ~~at its next regular meeting~~ *within 30 days of the presentation of the*
17 *petition*, if it finds the petition ~~is regular~~ *to be sufficient* with at least the
18 requisite number of signatures, enter an order detaching ~~such~~ *the* territory
19 from the fire district, ~~such~~ *the* order to be effective on *the first* January 1 ~~of~~
20 ~~the succeeding year that is six or more months after the date of the order.~~
21 Thereupon, the governing ~~board~~ *body* shall declare the new boundaries of
22 the ~~benefit~~ *fire* district by resolution and shall certify a copy of such
23 resolution to the county clerks of each of the counties in which a part of
24 the ~~benefit~~ *fire* district is located.

25 (b) *If the governing body of such fire district does not approve the*
26 *detachment of the territory within 30 days of the presentation of the*
27 *petition, the board of county commissioners of each county in which any of*
28 *the territory is located, if it finds the petition is sufficient with at least the*
29 *requisite number of signatures, shall submit the issue to a vote of the*
30 *electors of the territory desired to be detached. The board of county*
31 *commissioners shall, within 30 days of the governing body's failure or*
32 *refusal to detach the territory, adopt a resolution calling for an election to*
33 *be held within 60 days or within 90 days if a regular election is already*
34 *scheduled. If a regular election is not already scheduled, the election may*
35 *be held by mail ballot eleciton pursuant to K.S.A. 25-421 et seq., and*
36 *amendments thereto. The resolution calling for the election shall be*

1 *published once each week for three consecutive weeks in the official*
2 *county newspaper. If a majority of the electors of the territory proposed to*
3 *be detached vote in favor of the detachment, the board of county*
4 *commissioners of each county in which any such territory is located shall*
5 *adopt a resolution ordering such detachment of the territory within its*
6 *county, the order to be effective on the first January 1 that is six or more*
7 *months after the election. Thereupon, the board of county commissioners*
8 *shall certify a copy of the resolution to the governing body of the fire*
9 *district, if different than the board of county commissioners, and to the*
10 *county clerks of each of the counties in which a part of the fire district is*
11 *located.*

12 *(c) The territory detached from the fire district shall be liable for its*
13 *proportionate share of all outstanding indebtedness of the district on the*
14 *date the resolution is passed by the governing ~~board~~ body detaching the*
15 *territory. The governing body of the fire district shall determine all*
16 *outstanding indebtedness within 90 days of the detachment of the territory.*
17 *Subsequent budgets of the fire district shall separately itemize payments of*
18 *such outstanding indebtedness and such payment shall be separately*
19 *levied between the detached territory and the territory remaining in the*
20 *fire district according to their respective assessed valuations.*

21 Sec. 2. K.S.A. 19-3631 is hereby repealed.

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