AN ACT concerning fire districts; amending K.S.A. 19-3631 and repealing the existing section.

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

Section 1. K.S.A. 19-3631 is hereby amended to read as follows: 19-3631. (a) Territory which is a part of a fire district having territory in more than one county as permitted and organized in accordance with the provisions of K.S.A. 19-3624 to 19-3630 et seq., and amendments thereto, may be detached therefrom as herein provided. Upon presentation of a petition shall be presented to the governing body of the fire district, setting forth the boundaries of an area within the district which desires to be detached from the fire district, signed by not less than 51% of the qualified electors of such area, as determined by an enumeration taken and verified for such purpose by the county election officer of the county in which the territory proposed to be detached is located. In addition, written documentation shall be presented from another fire district that such territory will be included in such fire district if the detachment petition is granted or written documentation shall be presented that the qualified electors plan to form a new fire district. The governing body of such fire district may, at its next regular meeting within 30 days of the presentation of the petition and other documentation, if it finds the petition is regular to be sufficient with at least the requisite number of signatures, enter an order detachting such the territory from the fire district, such the order to be effective on the first January 1 of the succeeding year that is six or more months after the date of the order. Thereupon, the governing body shall declare the new boundaries of the benefit fire district by resolution and shall certify a copy of such resolution to the county clerks of each of the counties in which a part of the benefit fire district is located.

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

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

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

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