

SESSION OF 2014

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2419

As Recommended by House Committee on
Local Government

Brief*

HB 2419 would amend current law regarding detachment of fire district territory in Johnson County when a city annexes into that territory.

The current requirement for the governing bodies of the city and fire district to negotiate an agreement providing for the transfer of land to the city, with final approval by the board of county commissioners, would remain. However, the bill would eliminate both the time limit for reaching an agreement, and the petition, publication and hearing process for achieving resolution if the city and the fire district cannot reach agreement. In addition, the bill would allow, rather than require, that negotiations include the transfer of other fire district property (such as fire stations, trucks, reserve funds and equipment) with compensation for such property.

The bill also would delete statutory provisions that exempt the City of Overland Park from fire district detachment procedures applicable to all other cities in Johnson County.

Background

The bill was introduced by Rep. Merrick. Representatives of Johnson County Fire District No. 2 testified in support of the bill in the House Committee on Elections, noting that the bill would “level the playing field” for fire districts in negotiating detachment agreements with cities,

*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>

and that it would remove the authority of the City of Overland Park to automatically detach annexed land from a fire district and to lay claim to all fire district property in the annexed territory. A representative of the City of Overland Park provided written testimony in support of the bill, noting that the City did not need the exemption in current law. He expressed concern, however, that deletion of the administrative appeal process might result in more litigation.

A representative of the City of Olathe provided testimony in opposition to the bill, citing concern that eliminating the time frame for completing negotiations would lead to higher taxes because it would remove the incentive for timely detachment. He indicated the City had no objection to striking the administrative appeal process and the exemption for the City of Overland Park. A representative of the Olathe Fire Department testified that a time frame for negotiations is needed.

The fiscal note prepared by the Division of the Budget stated the bill, as introduced, would have no fiscal effect on counties. It could have a fiscal effect on cities, but that effect is unknown because the number of city annexations involving fire district territory is not known.