

**BEFORE THE COMMISSIONER OF INSURANCE
OF THE STATE OF KANSAS**

In the Matter of the Application of
Concordia FRA; Frontenac FRA;)
Garden City FRA; Lawrence FRA;)
Leavenworth FRA; Leawood FRA;)
Johnson County #2 Cons. FRA;)
Sedgwick County FRA; Shawnee FRA;)
Soldier Township FRA; Wamego FRA;)
Wilson County #1 FRA;)
Mitchell Cloud Ottawa FD #1 FRA;)
Olpe Rural; FD#1 FRA; Butler County #4 FRA;)
Morton County FD #1 FRA; Meade County FRA;)
Lane County #1 FRA; Montgomery County #1 FRA;)
Mission TWP FRA; Jefferson County #5, FRA;)
Hoyt Rural FD #3 FRA; Osage County #5 FRA;)
Jefferson County #9 FRA; Osage County #1 FRA;) **Docket No. 4224-FR**
Cloud County FD #4 FRA; St. Paul Mission TWP FRA)

ADDENDUM ORDER

The Presiding Officer in the above captioned matter, being fully advised in the premises and giving due consideration to the evidence presented, makes the following findings of fact, conclusions of law, and determination of public policy:

Findings of Fact

John D. Boyd submitted an affidavit dated March 11, 2011, (Exhibit 28) describing the additional investigation he conducted as directed by the Presiding Officer and explaining the basis for the revised exhibits attached. After reviewing this additional evidence the Presiding Officer makes the following findings of fact:

EXHIBIT 1: The Butler CO #4 Firefighters Relief Association offered evidence in support of a finding of a population of 363 and assessed tangible property valuation of \$4,595,826.

EXHIBIT 2: The Cloud County FD #4 Relief Association offered evidence in support of a finding of a population of 1,192 and assessed tangible property valuation of \$19,291,965.

EXHIBIT 3: The Concordia Firefighters Relief Association offered evidence in support of a finding of a population of 5,109 and assessed tangible property valuation of \$24,893,233.

EXHIBIT 4: The Frontenac Firefighters Relief Association offered evidence in support of a finding of a population of 3,194 and assessed tangible property valuation of \$20,506,124. The July 1, 2010 Kansas Certified Population revealed 3,201 (EXHIBIT 4a)

EXHIBIT 5: The Garden City Firefighters Relief Association offered evidence in support of a finding of a population of 42,074 and assessed tangible property valuation of \$451,133,347. The July 1, 2010 Kansas Certified Population revealed 38,789 with a valuation of \$425,648,294 from the 2010 Kansas Assessed Tangible Property Report (EXHIBIT 5a)

EXHIBIT 6: The Hoyt Firefighters Relief Association offered evidence in support of a finding of a population of 2,294 and assessed tangible property valuation of \$16,077,663.

EXHIBIT 7: The Jefferson County #5 Firefighters Relief Association offered evidence support of a finding of a in population of 3,130 and assessed tangible property valuation of \$28,453,328.

EXHIBIT 8: The Jefferson County #9 Firefighters Relief Association offered evidence in support of a finding of a population of 3,065 and assessed tangible property valuation of \$21,856,009.

EXHIBIT 9: The Johnson CO #2 Cons. Firefighters Relief Association offered evidence in support of a finding of a population of 48,138 and assessed tangible property valuation of \$711,819,845. The 2010 Kansas Assessed Tangible Property Report revealed a valuation of \$733,529,154 (EXHIBIT 9a)

EXHIBIT 10: The Lane Co #1 Firefighters Relief Association offered evidence in support of a finding of a population of 1,742 and assessed tangible property valuation of \$54,718,492. The 2010 Kansas Assessed Tangible Property Report revealed a valuation of \$61,214,450 (EXHIBIT 10a)

EXHIBIT 11: The Lawrence Firefighters Relief Association withdrew its application for redetermination.

EXHIBIT 12: The Leavenworth Firefighters Relief Association offered evidence in support of a finding of a population of 34,729 and assessed tangible property valuation of \$204,688,891. The July 1, 2010 Kansas Certified Population revealed 35,081 (EXHIBIT 12a)

EXHIBIT 13: The Leawood Firefighters Relief Association offered evidence in support of a finding of a population of 31,766 and assessed tangible property valuation of \$734,409,862 since. The 2010 Kansas Assessed Tangible Property Report revealed a valuation of \$744,401,040 (EXHIBIT 13a)

EXHIBIT 14: The Meade County Firefighters Relief Association offered evidence in support of a finding of a population of 1,177 and assessed tangible property valuation

of \$96,063,985. The 2010 Kansas Assessed Tangible Property Report revealed a valuation of \$83,931,212 (EXHIBIT 14a)

EXHIBIT 15: The Mission TWP Firefighters Relief Association offered evidence in support of a finding of a population of 9,029 and assessed tangible property valuation of \$95,313,266.

EXHIBIT 16: The Mitchell Cloud Ottawa FD #1 Firefighters Relief Association offered evidence in support of a finding of a population of 412 and assessed tangible property valuation of \$7,173,026. The 2010 Kansas Assessed Tangible Property Report revealed a valuation of \$7,163,758 (EXHIBIT 16a)

EXHIBIT 17: The Montgomery CO #1 Firefighters Relief Association offered evidence in support of a finding of a population of 10,278 and assessed tangible property valuation of \$184,123,774.

EXHIBIT 18: The Morton Co FD #1 Firefighters Relief Association offered evidence in support of a finding of a population of 3,031 and assessed tangible property valuation of \$135,055,658. The July 1, 2010 Kansas Certified Population revealed 1,080 (EXHIBIT 18a)

EXHIBIT 19: The Olpe Rural FD #1 Firefighters Relief Association did not offer evidence in support of population or assessed tangible property valuation. The July 1, 2010 Kansas Certified Population revealed 1,418 with a valuation of \$19,990,606 from the 2010 Kansas Assessed Tangible Property Report (EXHIBIT 19a)

EXHIBIT 20: The Osage CO #1 Firefighters Relief Association offered evidence in support of a finding of a population of 4,188 and assessed tangible property valuation

of \$23,999,845. The 2010 Kansas Assessed Tangible Property Report revealed a valuation of \$23,612,241 (EXHIBIT 20a)

EXHIBIT 21: The Osage CO #5 Firefighters Relief Association offered evidence in support of a finding of a population of 2,306 and assessed tangible property valuation of \$18,646,814.

EXHIBIT 22: The Sedgwick CO Firefighters Relief Association was not able to offer evidence in support of a finding of population or assessed tangible property valuation. The July 1, 2010 Kansas Certified Population revealed 76,388 with a valuation of \$777,556,110 from the 2010 Kansas Assessed Tangible Property Report (EXHIBIT 22a)

EXHIBIT 23: The Shawnee Firefighters Relief Association offered evidence in support of a finding of a population of 61,712 and assessed tangible property valuation of \$646,105,292. The 2010 Kansas Assessed Tangible Property Report revealed a valuation of \$686,461,485 (EXHIBIT 23a)

EXHIBIT 24: The Soldier Township Firefighters Relief Association offered evidence in support of a finding of a population of 13,624 and assessed tangible property valuation of \$135,133,263.

EXHIBIT 25: The St. Paul Mission Firefighters Relief Association offered evidence in support of a finding of a population of 1,267 and assessed tangible property valuation of \$7,508,625. The July 1, 2010 Kansas Certified Population revealed 935 with a valuation of \$5,616,738 from the 2010 Kansas Assessed Tangible Property Report (EXHIBIT 25a)

EXHIBIT 26: The Wamego Firefighters Relief Association withdrew its application for redetermination.

EXHIBIT 27: The Wilson County #1 Firefighters Relief Association offered evidence in support of a finding of a population of 9,474 and assessed tangible property valuation of \$58,039,914. The July 1, 2010 Kansas Certified Population revealed 4,122 (EXHIBIT 27a)

The presiding officer therefore makes findings of fact consistent with the above evidence.

Conclusions of Law

Based upon the additional evidence and subject to the limitations discussed herein and in the November 23, 2010 order changed circumstances are found to exist for the Applicants as noted above, to support a redetermination of the proportionate amounts payable to all firefighters relief associations from the Firefighters Relief Fund for 2010 and future distributions pursuant to the Firefighters Relief Act, specifically K.S.A. 40-1706(c)(6).

Determination of Public Policy

The presiding officer previously ordered that from 2009 and forward that the distribution to the FRAs that redetermine in the state of Kansas will be calculated by a formula based on the population and Assessed Tangible Property Valuation in accordance with K.S.A. 40-1706 (a) (5) (A) and K.A.R. 40-10-2 (d):

- 50% of the distribution is based on the population of the respective FRA in comparison to the entire population as certified to the secretary of state on July 1.

- 50% of the distribution is based on the assessed tangible property valuation of each FRA in proportion to the entire state of Kansas as reported by the County Clerks on the November 1 tax rolls.

State Total Tangible Property Valuation obtained from the State Department of Revenue Annual Statistical Report of Property Assessment.

Kansas Certified Population from the Secretary of State July 1 of each calendar year.

IT IS THEREFORE, BY THE COMMISSIONER OF INSURANCE, ORDERED THAT:

Changed circumstances exist as to all Applicants identified above, to warrant a redetermination of the proportionate amounts payable to all firefighters relief associations, subject to changes made based on additional evidence as discussed above.

The additional population and assessed tangible property valuation of each applying firefighters relief association shall be individually placed into the formula as described in the "Determination of Public Policy" paragraph used to calculate shares of distribution. The resulting amount will be added to the amount that the applying association would receive as a receiving association's proportionate share of future distributions.

Each firefighters relief association shall receive their 2011 distribution amount calculated in accordance with K.S.A. 40-1706 on or about July, 2011.

The Commissioner of Insurance retains jurisdiction over this matter to issue any and all further Orders deemed appropriate or to take such further action necessary to dispose of this matter.

IT IS SO ORDERED THIS __15th__ DAY OF MARCH, 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



_/s/ Sandy Praeger_____

Sandy Praeger

Commissioner of Insurance

By:

_/s/ Robert M. Tomlinson_____

Robert M. Tomlinson

Assistant Commissioner

Presiding Officer

NOTICE OF RIGHTS

Pursuant to K.S.A. §77-601 et seq. any party is entitled to judicial review to the extent that this order constitutes final agency action. The petition for judicial review must be filed within thirty (30) days of service of this Order (Plus three (3) days for service by mail pursuant to K.S.A. §77-531). In the event a party files a petition for judicial review pursuant to K.S.A. §77-613(e), the Agency Officer to be served on behalf of the Kansas Insurance Department is:

Zachary J.C. Aushutz, General Counsel
Kansas Insurance Department
420 S.W. 9th Street
Topeka, Kansas 66612

Certificate of Service

The undersigned hereby certifies that a true and correct copy of the above and foregoing Order was served by placing the same in the United States Mail, first class postage prepaid, on this __15th__ day of March, 2011, addressed to the following:

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_____/s/ John D. Boyd_____
John D. Boyd
Administrator, Firefighter Relief Act
Kansas Insurance Department