

HOUSE BILL No. 2083

By Representatives Lane, Burgess, Flora, Gordon, Hutchins, Kirk,
Kuether, Mah and Mays

1-19

10 AN ACT relating to the consolidation of cities and counties.

11

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

13 Section 1. As used in sections 2 through 8, and amendments thereto:

14 (a) "Commission" means the consolidation commission of Topeka,
15 Kansas, and Shawnee county.

16 (b) "City" means Topeka, Kansas.

17 (c) "County" means Shawnee county.

18 Sec. 2. (a) Within 10 days of the effective date of this act, a consol-
19 idation commission shall be appointed. Each of the following officers shall
20 appoint a member to the commission: The governor, the president and
21 minority leader of the senate and the speaker and minority leader of the
22 house of representatives. The person appointed by the governor shall
23 serve as the chairperson of the commission. No more than three members
24 of the commission shall be from the same political party. Members of the
25 commission shall include, but not be limited to, persons with experience
26 in accounting, business management, municipal finance, law, education,
27 political science or public administration. No elected or appointive official
28 of the cities of Auburn, Rossville, Silver Lake, Topeka or Willard or Shaw-
29 nee county, nor any person appointed to fill a vacancy in an elected office
30 of such cities or county, shall serve on the commission. No paid employee
31 of the cities of Auburn, Rossville, Silver Lake, Topeka or Willard or Shaw-
32 nee county shall serve on the commission. Members of the commission
33 shall be residents of Shawnee county.

34 (b) Members of the commission shall be paid compensation, subsis-
35 tence allowances, mileage and other expenses as provided by K.S.A. 75-
36 3223, and amendments thereto.

37 (c) The members of the consolidation commission shall appoint an
38 executive director of the commission. The executive director shall receive
39 compensation established by the commission. The executive director shall
40 employ other staff and may contract with consultants, as the executive
41 director deems necessary to carry out the functions of the commission.
42 Staff employed by the executive director shall receive compensation es-
43 tablished by the executive director.

1 (d) Within 30 days following the appointment of all members of the
2 commission, the commission shall meet and organize by the election of
3 a vice-chairperson and other officers deemed necessary. The commission
4 may adopt rules governing the conduct of its meetings.

5 Sec. 3. (a) The commission shall prepare and adopt a plan addressing
6 the consolidation of the city and county or certain city and county offices,
7 functions, services and operations. The commission shall conduct such
8 studies and investigations as it deems appropriate to complete its work.
9 Such studies and investigations shall include, but not be limited to, studies
10 of the costs and benefits of consolidating the city and county or certain
11 city and county offices, functions, services and operations.

12 (b) The commission shall hold public hearings for the purpose of
13 receiving information and materials which will aid in the drafting of the
14 plan.

15 (c) Within 60 days following the appointment of all members of the
16 commission, the commission shall prepare and adopt a preliminary plan
17 addressing the consolidation of the city and county or certain city and
18 county offices, functions, services and operations it deems advisable. Cop-
19 ies of the preliminary plan shall be filed with the county election officer,
20 city clerk, each public library within the county and any other place des-
21 ignated by the commission. Copies of such plan shall be available to mem-
22 bers of the public for inspection upon request. The commission shall hold
23 at least one public hearing to obtain citizen views concerning the prelim-
24 inary plan. Notice of such hearing or hearings shall be published at least
25 once in a newspaper of general circulation within the county. Following
26 the public hearings on the preliminary plan, the commission may adopt,
27 or modify and adopt, the preliminary plan as the final plan.

28 (d) Within 30 days of the last public hearing held on the preliminary
29 plan, the commission shall adopt its final plan. The final plan shall include
30 the full text and an explanation of the proposed plan, and comments
31 deemed desirable by the commission, a written opinion by an attorney
32 admitted to practice law in the state of Kansas and retained by the ex-
33 ecutive director for such purpose that the proposed plan is not in conflict
34 with the constitution or the laws of the state, and any minority reports.
35 Copies of the final plan shall be filed with the county election officer, city
36 clerk, each public library within the county and any other place designated
37 by the commission. Copies of such plan shall be available to members of
38 the public for inspection upon request. The commission shall continue in
39 existence at least 90 days following the submission of the final plan pur-
40 suant to this subsection.

41 (e) The final plan shall be submitted to the qualified electors of the
42 county at an election called and held thereon. Such election shall be called
43 and held by the county election officer in the manner provided by the

1 general bond law. Such election shall be conducted by mail ballot. A
2 summary of the final plan shall be prepared by the commission and shall
3 be published once each week for two consecutive weeks in a newspaper
4 of general circulation within the county. If a majority of the qualified
5 electors voting on the plan who reside within the corporate limits of the
6 city and a majority of the qualified electors voting on the plan who reside
7 outside of the corporate limits of the city vote in favor thereof, the con-
8 solidation plan shall be implemented in the manner provided by the plan.
9 If a majority of the electors who reside within the corporate limits of the
10 city or a majority of the qualified electors who reside outside of the cor-
11 porate limits of the city vote against such plan, the proposed consolidation
12 plan shall not be implemented.

13 If the commission submits a final plan which does not recommend the
14 consolidation of the city and county or certain city and county offices,
15 functions, services and operations, the provisions of this subsection shall
16 not apply.

17 Sec. 4. (a) Any plan submitted by the commission shall provide for
18 the exercise of powers of local legislation and administration not incon-
19 sistent with the constitution or other laws of this state.

20 (b) If the commission submits a plan providing for the consolidation
21 of certain city and county offices, functions, services and operations, the
22 plan shall:

23 (1) Include a description of the form, structure, functions, powers
24 and officers and the duties of such officers recommended in the plan.

25 (2) Provide for the method of amendment of the plan.

26 (3) Authorize the appointment of, or elimination of elected officials
27 and offices.

28 (4) Specify the effective date of the consolidation.

29 (5) Include other provisions determined necessary by the
30 commission.

31 (c) If the plan provides for the consolidation of the city and county,
32 in addition to the requirements of subsection (b) the plan shall:

33 (1) Fix the boundaries of the governing body's election districts, pro-
34 vide a method for changing the boundaries from time-to-time, any at-
35 large positions on the governing body, fix the number, term and initial
36 compensation of the governing body of the consolidated city-county and
37 the method of election.

38 (2) Determine whether elections of the governing body of the con-
39 solidated city-county shall be partisan or nonpartisan elections and the
40 time at which such elections shall be held.

41 (3) Determine the distribution of legislative and administrative duties
42 of the consolidated city-county officials, provide for consolidation or ex-
43 pansion of services as necessary, authorize the appointment of a consol-

1 idated city-county administrator or a city-county manager, if deemed ad-
2 visable, and prescribe the general structure of the consolidated
3 city-county government.

4 (4) Provide for the official name of the consolidated city-county.

5 (5) Provide for the transfer or other disposition of property and other
6 rights, claims and assets of the county and city.

7 Sec. 5. Shawnee county is hereby designated an urban area, as au-
8 thorized under the provisions of section 17 of article 2 of the constitution
9 of the state of Kansas, for the purpose of granting to such county and
10 urban area powers of local government and consolidation of local
11 government.

12 Sec. 6. (a) If the voters approve a plan which provides for the con-
13 solidation of the city and county, such consolidated city-county shall be
14 subject to the provisions of this section.

15 (b) The consolidated city-county shall be subject to the cash-basis and
16 budget laws of the state of Kansas.

17 (c) Except as provided in subsection (e), and in any other statute
18 which specifically exempts bonds from the statutory limitations on bonded
19 indebtedness, the limitation on bonded indebtedness of a consolidated
20 city-county under this act shall be 30% of the assessed value of all tangible
21 taxable property within such county on the preceding August 25.

22 (d) The following shall not be included in computing the total bonded
23 indebtedness of the consolidated city-county for the purposes of deter-
24 mining the limitations on bonded indebtedness:

25 (1) Bonds issued for the purpose of refunding outstanding debt, in-
26 cluding outstanding bonds and matured coupons thereof, or judgments
27 thereon.

28 (2) Bonds issued pursuant to the provisions of article 46 of chapter
29 19 of the Kansas Statutes Annotated, and amendments thereto.

30 (3) Bonds issued for the purpose of financing the construction or
31 remodeling of a courthouse, jail or law enforcement center facility, which
32 bonds are payable from the proceeds of a retailers' sales tax.

33 (4) Bonds issued for the purpose of acquiring, enlarging, extending
34 or improving any storm or sanitary sewer system.

35 (5) Bonds issued for the purpose of acquiring, enlarging, extending
36 or improving any municipal utility.

37 (6) Bonds issued to pay the cost of improvements to intersections of
38 streets and alleys or that portion of any street immediately in front of city
39 or school district property.

40 (e) Any bonded indebtedness and interest thereon incurred by the
41 city or county prior to consolidation shall remain an obligation of the
42 property subject to taxation for the payment thereof prior to such
43 consolidation.

- 1 (f) Upon the effective date of the consolidation of the city and county,
2 any retailers' sales tax levied by the city or county in accordance with
3 K.S.A. 12-187 et seq., and amendment thereto, prior to such date shall
4 remain in full force and effect, except that part of the rate attributable to
5 the former city shall not apply to retail sales in the cities of Auburn,
6 Rossville, Silver Lake or Willard.
- 7 (g) Upon the effective date of the consolidation of the city and county,
8 the territory of the consolidated city-county shall include:
- 9 (1) All of the territory of the county for purposes of exercising the
10 powers, duties and functions of a county.
- 11 (2) All of the territory of the county, except the territory of the cities
12 of Auburn, Rossville, Silver Lake or Willard and the unincorporated area
13 of the county, for purposes of exercising the powers, duties and functions
14 of a city.
- 15 (h) For the purposes of section 1 of article 5 of the constitution of
16 the state of Kansas, the "voting area" for the governing body of the con-
17 solidated city-county shall include all the territory within Shawnee county.
- 18 (i) Except for the consolidated city-county and unless otherwise pro-
19 vided by law, other political subdivisions of the county shall not be af-
20 fected by consolidation of the city and county. Such other political sub-
21 divisions shall continue in existence and operation.
- 22 (j) Unless otherwise provided by law, the consolidated city-county
23 shall be eligible for the distribution of any funds from the state and federal
24 government as if no consolidation had occurred. Except as provided in
25 this subsection, the population and assessed valuation of the territory of
26 the consolidated city-county shall be considered its population and as-
27 sessed valuation for purposes of the distribution of moneys from the state
28 or federal government.
- 29 (k) The consolidated city-county shall be a county. The governing
30 body of the consolidated city-county shall be considered county commis-
31 sioners for the purposes of section 2 of article 4 of the constitution of the
32 state of Kansas and shall have all the powers, functions and duties of a
33 county and may exercise home rule powers in the manner and subject to
34 the limitations provided by K.S.A. 19-101a, and amendments thereto, and
35 other laws of this state.
- 36 The governing body of the consolidated city-county shall be responsible
37 for any duties or functions imposed by the constitution of the state of
38 Kansas and other laws of this state upon any county office abolished by
39 the consolidation plan. Such duties may be delegated by the governing
40 body or as provided in the consolidation plan.
- 41 (l) The consolidated city-county shall be a city of the first class. The
42 governing body of the consolidated city-county shall have all the powers,
43 functions and duties of a city of the first class and may exercise home rule

1 powers in the manner and subject to the limitations provided by article
2 12 of section 5 of the constitution of the state of Kansas and other laws
3 of this state.

4 (m) The governing body of the consolidated city-county may create
5 special service districts within the city-county and may levy taxes for serv-
6 ices provided in such districts.

7 (n) Changes in the form of government approved by the voters in
8 accordance with the consolidation plan are hereby declared to be legis-
9 lative matters and subject to initiative and referendum in accordance with
10 K.S.A. 12-3013 et seq., and amendments thereto.

11 Sec. 7. (a) The governing body of a consolidated city-county may not
12 annex any land located outside the county.

13 (b) The governing body of a consolidated city-county may not initiate
14 annexation procedures of land located within the county, but may annex
15 land upon petition of the owners of any such land.

16 Sec. 8. All costs incurred or authorized by the consolidation com-
17 mission and all other costs incurred by the city and county pursuant to
18 this act shall be paid by the city and county.

19 Sec. 9. (a) Until a special election is held at which a final plan is
20 submitted for approval to the electors or until a final plan which does not
21 recommend consolidation of the city and county is adopted by a consol-
22 idation commission, the governing body of any city appointing members
23 of a consolidation commission to consider the consolidation of such city
24 with the county in which such city is located may not initiate pursuant to
25 K.S.A. 12-520, and amendments thereto, annexation procedures of land
26 located within the county, but may annex land upon petition of the owners
27 of any such land.

28 (b) As used in this section, "city" means any city located within
29 Kansas.

30 (c) The provisions of this section shall expire on June 30, 2006.

31 Sec. 10. This act shall take effect and be in force from and after its
32 publication in the Kansas register.