

Senate Concurrent Resolution No. 1615

By Special Committee on Assessment and Taxation

1-9

A PROPOSITION to amend section 5 of article 12 of the constitution of the state of Kansas, relating to the establishment of classes of cities by the legislature for purposes of imposing limitations and prohibitions as to levying of taxes, fees or charges.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 5 of article 12 of the constitution of the state of Kansas is hereby amended to read as follows:

“§ 5. **Cities’ powers of home rule.** (a) The legislature shall provide by general law, applicable to all cities, for the incorporation of cities and the methods by which city boundaries may be altered, cities may be merged or consolidated and cities may be dissolved: *Provided*, That existing laws on such subjects not applicable to all cities on the effective date of this amendment shall remain in effect until superseded by general law and such existing laws shall not be subject to charter ordinance.

(b) Cities are hereby empowered to determine their local affairs and government including the levying of taxes, excises, fees, charges and other exactions except when and as the levying of any tax, excise, fee, charge or other exaction is limited or prohibited by enactment of the legislature applicable uniformly to all cities of the same class: *Provided*, That the legislature may establish not to exceed ~~four~~ 10 classes of cities for the purpose of imposing all such limitations or prohibitions. Cities shall exercise such determination by ordinance passed by the governing body with referendums only in such cases as prescribed by the legislature, subject only to enactments of the legislature of statewide concern applicable uniformly to all cities, to other enactments of the legislature applicable uniformly to all cities, to enactments of the legislature applicable uniformly to all cities of the same class limiting or prohibiting the levying of any tax, excise, fee, charge or other exaction and to enactments of the legislature prescribing limits of indebtedness. All enactments relating to

1 cities now in effect or hereafter enacted and as later amended and until
2 repealed shall govern cities except as cities shall exempt themselves by
3 charter ordinances as herein provided for in subsection (c).

4 (c) (1) Any city may by charter ordinance elect in the manner pre-
5 scribed in this section that the whole or any part of any enactment of the
6 legislature applying to such city, other than enactments of statewide con-
7 cern applicable uniformly to all cities, other enactments applicable uni-
8 formly to all cities, and enactments prescribing limits of indebtedness,
9 shall not apply to such city.

10 (2) A charter ordinance is an ordinance which exempts a city from
11 the whole or any part of any enactment of the legislature as referred to
12 in this section and which may provide substitute and additional provisions
13 on the same subject. Such charter ordinance shall be so titled, shall des-
14 ignate specifically the enactment of the legislature or part thereof made
15 inapplicable to such city by the adoption of such ordinance and contain
16 the substitute and additional provisions, if any, and shall require a two-
17 thirds vote of the members-elect of the governing body of such city. Every
18 charter ordinance shall be published once each week for two consecutive
19 weeks in the official city newspaper or, if there is none, in a newspaper
20 of general circulation in the city.

21 (3) No charter ordinance shall take effect until sixty days after its final
22 publication. If within sixty days of its final publication a petition signed by
23 a number of electors of the city equal to not less than ten percent of the
24 number of electors who voted at the last preceding regular city election
25 shall be filed in the office of the clerk of such city demanding that such
26 ordinance be submitted to a vote of the electors, it shall not take effect until
27 submitted to a referendum and approved by a majority of the electors voting
28 thereon. An election, if called, shall be called within thirty days and held
29 within ninety days after the filing of the petition. The governing body shall
30 pass an ordinance calling the election and fixing the date, which ordinance
31 shall be published once each week for three consecutive weeks in the official
32 city newspaper or, if there be none, in a newspaper of general circulation
33 in the city, and the election shall be conducted as elections for officers and
34 by the officers handling such elections. The proposition shall be: "Shall
35 charter ordinance No. _____, entitled (title of ordinance) take effect?"
36 The governing body may submit any charter ordinance to a referendum
37 without petition by the same publication of the charter ordinance and the
38 same publication of the ordinance calling the election as for ordinances
39 upon petition and such charter ordinance shall then become effective
40 when approved by a majority of the electors voting thereon. Each charter
41 ordinance becoming effective shall be recorded by the clerk in a book
42 maintained for that purpose with a statement of the manner of adoption
43 and a certified copy shall be filed with the secretary of state, who shall

1 keep an index of the same.

2 (4) Each charter ordinance enacted shall control and prevail over any
3 prior or subsequent act of the governing body of the city and may be
4 repealed or amended only by charter ordinance or by enactments of the
5 legislature applicable to all cities.

6 (d) Powers and authority granted cities pursuant to this section shall
7 be liberally construed for the purpose of giving to cities the largest mea-
8 sure of self-government.

9 (e) This amendment shall be effective on and after July 1, ~~1961~~ 2005.”

10 Sec. 2. The following statement shall be printed on the ballot with
11 the amendment as a whole:

12 “*Explanatory statement.* The purpose of this amendment would al-
13 low the legislature to establish up to 10 classes of cities for the
14 purposes of imposing limitations and prohibitions as to the lev-
15 ying of taxes, excises, fees, charges and other exactions.

16 “A vote for this proposition would allow the legislature to establish
17 up to 10 classes of cities for the purposes of imposing limitations
18 and prohibitions as to the levying of taxes, excises, fees, charges
19 and other exactions. The legislature may currently establish up
20 to four classes of cities for such purposes.

21 “A vote against this proposition would maintain the current au-
22 thority of the legislature.”

23 Sec. 3. This resolution, if approved by two-thirds of the members
24 elected (or appointed) and qualified to the Senate, and two-thirds of the
25 members elected (or appointed) and qualified to the House of Repre-
26 sentatives shall be entered on the journals, together with the yeas and
27 nays. The secretary of state shall cause this resolution to be published as
28 provided by law and shall cause the proposed amendment to be submitted
29 to the electors of the state at the general election on November 2, 2004
30 unless a special election is called at a sooner date by concurrent resolution
31 of the legislature, in which case it shall be submitted to the electors of
32 the state at the special election.

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