

**As Amended by House Committee**

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*Session of 2005*

**HOUSE BILL No. 2094**

By Committee on Governmental Organization and Elections

1-20

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11 AN ACT enacting the efficiency in local government act; amending  
12 K.S.A. 2004 Supp. 19-205 and repealing the existing section.

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

15 New Section 1. As used in this act:

16 (a) "Board" means the board of county commissioners.

17 (b) "City" means any city.

18 (c) "Commission" means a reorganization study commission selected  
19 pursuant to section 2, and amendments thereto.

20 (d) "County" means any county.

21 New Sec. 2. (a) The board of county commissioners of a county and  
22 the governing body of any city or cities located within such county may  
23 adopt a joint resolution providing for the establishment of a reorganiza-  
24 tion study commission to prepare a plan for the reorganization of the  
25 county and such city or cities located in such county. If the governing  
26 body of a city within the county does not adopt such joint resolution, such  
27 city shall not be included within nor subject to the provisions of any  
28 reorganization plan in regard to the status of such city as a separate entity  
29 from the county.

30 Such resolution shall not be effective until the question has been sub-  
31 mitted to and approved by a majority of the qualified electors of the  
32 county voting at an election thereon. Such election shall be called and  
33 held in the manner provided by the general bond law.

34 (b) Any resolution adopted pursuant to subsection (a) shall provide  
35 for the establishment of a reorganization study commission and shall pro-  
36 vide either that the members be appointed or that the members be  
37 elected by the qualified electors of the county on a nonpartisan basis.

38 **Such resolution shall include a statement that a tax not to exceed**  
39 **one mill may be levied to finance the costs of the reorganization**  
40 **study commission.** If the commission is to be elected, the procedure  
41 for holding such election shall be determined by such resolution. The  
42 laws applicable to the procedure, manner and method provided for the  
43 election of county officers shall apply to the election of members of the

1 commission except that such election shall be called in the manner pro-  
2 vided by the general bond law.

3 (c) If a majority of the qualified electors of the county voting on a  
4 resolution submitted pursuant to subsection (a) vote in favor thereof, the  
5 commission shall be elected or appointed as provided by the resolution.  
6 The number of members on a reorganization study commission shall be  
7 determined by the resolution. At least  $\frac{1}{3}$  of the membership of a reor-  
8 ganization study commission shall be residents of the unincorporated area  
9 of the county.

10 New Sec. 3. (a) Within 30 days following the certification of the re-  
11 sults of the election or appointment of members of the reorganization  
12 study commission, the chairperson of the board of county commissioners,  
13 acting as the temporary chairperson of the commission, shall call and hold  
14 an organizational meeting of the commission. The commission shall elect  
15 a chairperson, vice-chairperson and other officers deemed necessary. The  
16 commission may adopt rules governing the conduct of its meetings.

17 (b) The commission shall be subject to the open meetings law and  
18 the open records law.

19 (c) Members of the commission shall be reimbursed for the actual  
20 and necessary expenses incurred in the performance of their official  
21 duties.

22 (d) The commission may appoint an executive director of the  
23 commission.

24 (e) The commission shall prepare and adopt a budget for the oper-  
25 ation and functions of the commission and commission activities.

26 New Sec. 4. (a) The commission shall prepare and adopt a plan ad-  
27 dressing the reorganization of the city or cities and county or certain city  
28 and county offices, functions, services and operations. The commission  
29 shall conduct such studies and investigations as it deems appropriate to  
30 complete its work. Such studies and investigations shall include, but not  
31 be limited to:

32 (1) Studies of the efficiency and effectiveness of the administrative  
33 operations of the city or cities and county.

34 (2) Studies of the costs and benefits of reorganizing the city or cities  
35 and county or certain city or cities and county offices, functions, services  
36 and operations.

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

40 (c) For the purposes of performing its studies and investigations, the  
41 commission or its executive director may administer oaths and affirma-  
42 tions, subpoena witnesses, compel their attendance, take evidence, re-  
43 quire the production of any books, papers, correspondence, memoranda,

1 agreements or other documents or records which the commission or ex-  
2 ecutive director deems relevant or material to its studies and investigation.

3 (d) The commission shall prepare and adopt a preliminary plan ad-  
4 dressing the reorganization of the city or cities and county or certain city  
5 and county offices, functions, services and operations it deems advisable.  
6 Copies of the preliminary plan shall be filed with the county election  
7 officer, city clerk of each city to be reorganized and each public library  
8 within the county and shall be available to members of the public for  
9 inspection upon request. The commission shall hold at least ~~two~~ **three**  
10 public hearings to obtain citizen views concerning the preliminary plan.  
11 At least ~~seven~~ **14** days shall elapse between the holding of such hearings.  
12 Notice of such hearings shall be published at least ~~once~~ **three times** in  
13 a newspaper of ~~general~~ **largest** circulation within the county. **In the**  
14 **notice of such hearing, there shall be included a statement that a**  
15 **tax not to exceed one mill may be levied to finance the costs of the**  
16 **reorganization study commission.** Following the public hearings on  
17 the preliminary plan, the commission may adopt, or modify and adopt,  
18 the preliminary plan as the final plan.

19 (e) The final plan shall include the full text and an explanation of the  
20 proposed plan, and comments deemed desirable by the commission, a  
21 written opinion by an attorney admitted to practice law in the state of  
22 Kansas and retained by the executive director for such purpose that the  
23 proposed plan is not in conflict with the constitution or the laws of the  
24 state, and any minority reports. Copies of the final plan shall be filed with  
25 the county election officer, city clerk of each city to be reorganized and  
26 each public library within the county and shall be available to members  
27 of the public for inspection upon request. The commission shall continue  
28 in existence at least 90 days following the submission of the final plan for  
29 approval at an election as provided by subsection (f).

30 (f) The final plan shall be submitted to the qualified electors of the  
31 county at the next general election of the county held at least 45 days  
32 following the adoption of the final plan by the commission. Such election  
33 shall be called and held by the county election officer in the manner  
34 provided by the general election law. A summary of the final plan shall  
35 be prepared by the commission and shall be published at least once each  
36 week for ~~two~~ **three** consecutive weeks in a newspaper of ~~general~~ **largest**  
37 circulation within the county.

38 ~~If a majority of the qualified electors of the county voting on the plan~~  
39 ~~vote in favor thereof, the reorganization plan shall be implemented in the~~  
40 ~~manner provided by the plan except that no city shall be reorganized with~~  
41 ~~the county and no offices, functions, services or operations of a city shall~~  
42 ~~be reorganized with the county unless such reorganization plan is ap-~~  
43 ~~proved by a majority of the qualified electors of such city voting at the~~

1 ~~election held on such plan.~~

2 **If a majority of the qualified electors voting on the plan who**  
3 **reside within the corporate limits of the city and a majority of the**  
4 **qualified electors voting on the plan who reside outside of the cor-**  
5 **porate limits of the city vote in favor thereof, the consolidation**  
6 **plan shall be implemented in the manner provided by the plan.**

7 **If a majority of the electors who reside within the corporate**  
8 **limits of the city or a majority of the qualified electors who reside**  
9 **outside of the corporate limits of the city vote against such plan,**  
10 **the proposed consolidation plan shall not be implemented.**

11 There shall be printed on the ballots at any election called to approve  
12 the final plan the following statement:

13 ~~“If the majority of the qualified electors of a county and the majority~~  
14 ~~of the qualified electors of a~~ **who reside outside the corporate limits**  
15 **of the city and a majority of the electors who reside within the**  
16 **corporate limits of the** city voting at the election to approve the final  
17 plan vote in favor of such plan, such city shall be included within and  
18 subject to the provisions of such plan.

19 If the majority of the qualified electors of a city voting at the election  
20 to approve the final plan, do not vote in favor of such plan, such city shall  
21 not be included within nor subject to the provisions of such plan in regard  
22 to the status of such city as a separate entity from the county.”

23 If such a majority of the electors vote against such plan, the proposed  
24 reorganization plan shall not be implemented.

25 If the commission submits a final plan which does not recommend the  
26 reorganization of the city or cities and county or certain city and county  
27 offices, functions, services and operations, the provisions of this subsec-  
28 tion shall not apply.

29 New Sec. 5. (a) Any plan submitted by the commission shall provide  
30 for the exercise of powers of local legislation and administration not in-  
31 consistent with the constitution or other laws of this state.

32 (b) If the commission submits a plan providing for the reorganization  
33 of certain city and county offices, functions, services and operations, the  
34 plan shall:

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

37 (2) Provide for the method of amendment or abandonment of the  
38 plan.

39 (3) Authorize the election or appointment of officers. **Any officers**  
40 **selected on the basis of election shall continue to be selected by**  
41 **election.**

42 (4) Authorize the elimination of offices.

43 (5) Specify the effective date of the reorganization.

- 1 (6) In the case of multi-city reorganization with a county, the plan  
2 shall include provisions addressing the situation if the plan is approved  
3 by the electors of one, but not all cities to be reorganized under the plan.
- 4 (7) Include other provisions determined necessary by the  
5 commission.
- 6 (c) If the plan provides for the reorganization of the city or cities and  
7 county, in addition to the requirements of subsection (b) the plan shall:
- 8 (1) Fix the boundaries of the governing body's election districts, pro-  
9 vide a method for changing the boundaries from time-to-time, any at-  
10 large positions on the governing body, fix the number, term and initial  
11 compensation of the governing body of the reorganized city-county and  
12 the method of election.
- 13 (2) Determine whether elections of the governing body of the reor-  
14 ganized city-county shall be partisan or nonpartisan elections and the time  
15 at which such elections shall be held.
- 16 (3) Determine the distribution of legislative and administrative duties  
17 of the reorganized city-county officials, provide for reorganization or ex-  
18 pansion of services as necessary, authorize the appointment of a reorgan-  
19 ized city-county administrator or a city-county manager, if deemed ad-  
20 visable, and prescribe the general structure of the reorganized city-county  
21 government.
- 22 (4) Provide for the official name of the reorganized city-county.
- 23 (5) Provide for the transfer or other disposition of property and other  
24 rights, claims and assets of the county and city.
- 25 New Sec. 6. (a) If the voters approve a plan which provides for the  
26 reorganization of the city or cities and county, such reorganized city-  
27 county shall be subject to the provisions of this section.
- 28 (b) The reorganized city-county shall be subject to the cash-basis and  
29 budget laws of the state of Kansas.
- 30 (c) Except as provided in subsection (d), and in any other statute  
31 which specifically exempts bonds from the statutory limitations on bonded  
32 indebtedness, the limitation on bonded indebtedness of a reorganized  
33 city-county under this act shall be determined by the commission in the  
34 plan, but shall not exceed 30% of the assessed value of all tangible taxable  
35 property within such county on the preceding August 25.
- 36 (d) The following shall not be included in computing the total bonded  
37 indebtedness of the reorganized city-county for the purposes of deter-  
38 mining the limitations on bonded indebtedness:
- 39 (1) Bonds issued for the purpose of refunding outstanding debt, in-  
40 cluding outstanding bonds and matured coupons thereof, or judgments  
41 thereon.
- 42 (2) Bonds issued pursuant to the provisions of article 46 of chapter  
43 19 of the Kansas Statutes Annotated, and amendments thereto.

- 1 (3) Bonds issued for the purpose of financing the construction or  
2 remodeling of a courthouse, jail or law enforcement center facility, which  
3 bonds are payable from the proceeds of a retailer's sales tax.
- 4 (4) Bonds issued for the purpose of acquiring, enlarging, extending  
5 or improving any storm or sanitary sewer system.
- 6 (5) Bonds issued for the purpose of acquiring, enlarging, extending  
7 or improving any municipal utility.
- 8 (6) Bonds issued to pay the cost of improvements to intersections of  
9 streets and alleys or that portion of any street immediately in front of city  
10 or school district property.
- 11 (e) Any bonded indebtedness and interest thereon incurred by the  
12 city or cities or county prior to reorganization or refunded thereafter shall  
13 remain an obligation of the property subject to taxation for the payment  
14 thereof prior to such reorganization.
- 15 (f) Upon the effective date of the reorganization of the city or cities  
16 and county, any retailers' sales tax levied by the city or cities or county in  
17 accordance with K.S.A. 12-187 et seq., and amendments thereto, prior to  
18 such date shall remain in full force and effect, except that part of the rate  
19 attributable to the city or cities to be reorganized shall not apply to retail  
20 sales in the cities which are not reorganized with the county. For the  
21 purposes of K.S.A. 12-188, and amendments thereto, the reorganized  
22 city-county shall be a class A, B, C or D city as determined by the com-  
23 mission in the plan.
- 24 (g) Upon the effective date of the reorganization of the city or cities  
25 and county, the territory of the reorganized city-county shall include:
- 26 (1) All of the territory of the county for purposes of exercising the  
27 powers, duties and functions of a county.
- 28 (2) All of the territory of the county, except the territory of the cities  
29 which are not reorganized with the county and the unincorporated area  
30 of the county, for purposes of exercising the powers, duties and functions  
31 of a city.
- 32 (h) For the purposes of section 1 of article 5 of the constitution of  
33 the state of Kansas, the "voting area" for the governing body of the re-  
34 organized city-county shall include all the territory within the county.
- 35 (i) Except for the reorganized city-county and unless otherwise pro-  
36 vided by law, other political subdivisions of the county shall not be af-  
37 fected by reorganization of the city or cities and county. Such other po-  
38 litical subdivisions shall continue in existence and operation.
- 39 (j) Unless otherwise provided by law, the reorganized city-county  
40 shall be eligible for the distribution of any funds from the state and federal  
41 government as if no reorganization had occurred. Except as provided in  
42 this subsection, the population and assessed valuation of the territory of  
43 the reorganized city-county shall be considered its population and as-

1 sessed valuation for purposes of the distribution of moneys from the state  
2 or federal government.

3 (k) The reorganized city-county shall be a county. The governing  
4 body of the reorganized city-county shall be considered county commis-  
5 sioners for the purposes of section 2 of article 4 of the constitution of the  
6 state of Kansas and shall have all the powers, functions and duties of a  
7 county and may exercise home rule powers in the manner and subject to  
8 the limitations provided by K.S.A. 19-101a, and amendments thereto, and  
9 other laws of this state.

10 The governing body of the reorganized city-county shall be responsible  
11 for any duties or functions imposed by the constitution of the state of  
12 Kansas and other laws of this state upon any county office abolished by  
13 the reorganization plan. Such duties may be delegated by the governing  
14 body or as provided in the reorganization plan.

15 (l) The reorganized city-county shall be a city of the first, second or  
16 third class as determined by the commission in the plan. The governing  
17 body of the reorganized city-county shall have all the powers, functions  
18 and duties of a city of such class and may exercise home rule powers in  
19 the manner and subject to the limitations provided by article 12 of section  
20 5 of the constitution of the state of Kansas and other laws of this state.

21 (m) The governing body of the reorganized city-county may create  
22 special service districts within the city-county and may levy taxes for serv-  
23 ices provided in such districts.

24 (n) Changes in the form of government approved by the voters in  
25 accordance with the reorganization plan are hereby declared to be leg-  
26 islative matters and subject to initiative and referendum in accordance  
27 with K.S.A. 12-3013 *et seq.*, and amendments thereto.

28 New Sec. 7. The board of county commissioners may levy a tax not  
29 to exceed one mill on all taxable tangible property of the county for the  
30 purpose of financing the costs incurred by the reorganization study com-  
31 mission while executing the powers, duties and functions of such com-  
32 mission. After the payment of such costs incurred by the commission any  
33 remaining moneys derived from such tax levy shall be transferred to the  
34 county general fund in the manner provided by K.S.A. 79-2958, and  
35 amendments thereto.

36 Sec. 8. K.S.A. 2004 Supp. 19-205 is hereby amended to read as fol-  
37 lows: 19-205. Except as provided by K.S.A. 12-344 ~~and~~ 12-345, *sections*  
38 *5 and 6, and amendments thereto*, no person holding any state, county,  
39 township or city office shall be eligible to the office of county commis-  
40 sioner in any county in this state.

41 Nothing in this section shall prohibit the appointment of any county  
42 commissioner to any state board, committee, council, commission or sim-  
43 ilar body which is established pursuant to statutory authority, so long as

1 any county commissioner so appointed is not entitled to receive any pay,  
2 compensation, subsistence, mileage or expenses for serving on such body  
3 other than that which is provided by law to be paid in accordance with  
4 the provisions of K.S.A. 75-3223, and amendments thereto.

5 New Sec. 9. Sections 1 through 7, and amendments thereto, shall be  
6 known and may be cited as the efficiency in local government act.

7 Sec. 10. K.S.A. 2004 Supp. 19-205 is hereby repealed.

8 Sec. 11. This act shall take effect and be in force from and after its  
9 publication in the statute book.