

CHAPTER 163
HOUSE BILL No. 2217

AN ACT concerning certain municipalities; amending K.S.A. 12-3913, 12-3914, 12-3916, 12-3918, 13-518, 13-527, 13-1347, 14-201, 14-695, 15-201, 15-204, 17-1367, 17-4757, 19-3614a, 75-1122, 80-1101a, 80-1102a, 80-1103, 80-1104, 80-1109, 80-1110 and 80-1111 and K.S.A. 2007 Supp. 12-1222, 12-3915, 12-5711, 79-2926, 79-2929a, 79-2930, 80-120 and 80-1117 and repealing the existing sections; also repealing K.S.A. 80-1101, 80-1106, 80-1107, 80-1108, 80-1301, 80-1302, 80-1303, 80-1304 and 80-1305.

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

Section 1. From and after July 1, 2008, K.S.A. 2007 Supp. 79-2926 is hereby amended to read as follows: 79-2926. (a) Subject to the provisions of subsection (b), the director of accounts and reports shall prepare and prescribe forms for the annual budgets of all taxing subdivisions or municipalities of the state. Such forms shall show the information required by this act necessary and proper to disclose complete information as to the financial condition of such taxing subdivision or municipality, and the receipts and expenditures thereof, both past and anticipated.

(b) (1) From and after July 1, 2004 and based upon recommendations by the state department of education, the director shall prepare and prescribe forms for the annual budget and a summary of the proposed budget of school districts. The state department of education shall make such recommendations after considering the best practices and standards established by the government finance officers association and the association of school business officials.

(2) (A) The school district budget form shall include a separate table outlining the aggregate amount of expenditures for salaries and wages for the following categories:

- (i) Certified and noncertified administrators;
- (ii) persons employed full-time as teachers;
- (iii) other certified employees who are not employed full-time as teachers;
- (iv) classified employees;
- (v) other positions designated by the state department of education; and
- (vi) substitutes and other temporary employees.

(B) The school district budget form shall show the number of full-time employee positions specified in paragraph (A) of this subsection and the average salaries or wages for such positions.

(C) The school district budget form shall show any other information recommended by the state department of education.

(3) The summary of the proposed budget form shall include:

- (A) An overview of the proposed budget of the school district and the budgetary process;
- (B) a summary of the changes in the proposed budget from the previous budget year;
- (C) a summary of the estimated expenditures to be made and revenues to be received in the ensuing budget year and the sources of such revenue;
- (D) the internet website address for school building report cards compiled by the state department of education; and
- (E) any other information specified by the state department of education.

(4) Nothing in this subsection (b) shall be construed as limiting the authority of school districts to develop and provide material or information in addition to that required by the state department of education.

(5) The state department of education shall provide technical advice and assistance to school districts to insure compliance with the provisions of this section.

(c) All such budget and tax levy forms shall be printed by the division of printing in such quantity as required by the director. The director shall deliver the forms for school districts to the clerk of the board of education of each school district. The forms for all other taxing subdivisions or municipalities of the state shall be delivered by the director to the county clerk of each county, who shall deliver the same to the presiding officer of the governing body of the respective taxing subdivisions or municipalities within the county.

(d) *Beginning in 2009, all such forms required by this section, shall*

be in an electronic format to facilitate filing such forms electronically.

Sec. 2. From and after July 1, 2008, K.S.A. 2007 Supp. 79-2929a is hereby amended to read as follows: 79-2929a. (a) The governing body of any taxing subdivision or municipality which is subject to the budget law provisions of K.S.A. 79-2925 through 79-2936, and amendments thereto, which proposes to amend its adopted current budget during the year in which such budget is in effect, shall be subject to the same publication, notice and public hearing requirements as required by K.S.A. 79-2929, and amendments thereto, for the adoption of the original budget. In addition, such published budget shall show any proposed changes in the amount of expenditures, by fund. Any proposed increase in expenditures shall be balanced by previously unbudgeted increases in revenue other than ad valorem property taxes. A copy of the adopted amended budget shall be filed with the county clerk and with the director of accounts and reports. *Beginning in 2009, all such budget information shall be filed electronically with the county clerk and with the director of accounts and reports.*

(b) Whenever a clerical error in the calculation of the assessed valuation of any taxing subdivision or municipality which is subject to the provisions of K.S.A. 79-2925 through 79-2936, and amendments thereto, is discovered after the governing body has adopted the budget and prior to October 1, the governing body may amend such budget. Any budget amended pursuant to this subsection shall be subject to the same publication, notice and public hearing requirements as required by K.S.A. 79-2929, and amendments thereto, for the adoption of the original budget. A copy of such amended budget shall be filed with the county clerk and the director of the division of accounts and reports. *Beginning in 2009, all such budget information shall be filed electronically with the county clerk and with the director of accounts and reports.*

Sec. 3. From and after July 1, 2008, K.S.A. 2007 Supp. 79-2930 is hereby amended to read as follows: 79-2930. (a) Two copies of the budget certificate giving the amount of ad valorem tax to be levied and the total amount of the adopted budget of expenditures by fund, along with itemized budget forms for each and every fund and proof of publication of the notice of budget hearing containing the budget summary shall be presented to the county clerk within the time prescribed by K.S.A. 79-1801 and amendments thereto. *Beginning in 2009, all such budget information shall be filed electronically with the county clerk.* Where action has been taken under any statute to increase the amount of tax to be levied authorized by law, a statement showing the increased amount or tax levy rate voted, or a copy of the charter resolution or ordinance making the change, shall be attached to the budget each year the change is in effect.

(b) The county clerk shall make any reductions to the ad valorem tax to be levied, compute the tax levy rates based on the final equalized assessed valuation, and enter such on the budget certificate before attesting the budget, except that with regard to levies made under K.S.A. 75-2551, and amendments thereto, such levies shall be based upon the certified preliminary abstract of property values submitted to the director of property valuation pursuant to K.S.A. 79-1604, and amendments thereto. A copy of all budgets for taxing subdivisions of the county, properly attested, shall be filed with the director of accounts and reports, along with a copy of the tax levy rate summary required of the county treasurer by K.S.A. 79-2002, and amendments thereto. *Beginning in 2009, all such budget information shall be filed electronically with the director of accounts and reports.*

(c) Each fund of the adopted budget certified to the county clerk in no event shall exceed the amount of ad valorem tax to be levied and the proposed expenditures of such fund in the proposed budget as originally published. The governing body of each taxing subdivision shall not certify an amount of ad valorem taxes to be levied that is in excess of any tax levy rate or amount limitations or any aggregate tax levy limitations. The governing bodies, in fixing the amount may take into consideration and make allowance for the taxes which may not be paid, such allowance, however, shall not exceed by more than 5% the percentage of delinquency for the preceding tax year.

New Sec. 4. From and after July 1, 2008, any appointment to any board, commission, advisory group or other body made by the mayor of any city which is subject to approval of the governing body of the city

must be acted upon by the governing body within 45 days of the appointment by the mayor or the appointment shall be deemed approved. The governing body of the city shall approve such appointment unless the governing body makes a specific finding by the passage of a resolution that the person is either unqualified to hold the office or is not fit to hold the office or position.

Sec. 5. From and after July 1, 2008, K.S.A. 2007 Supp. 12-1222 is hereby amended to read as follows: 12-1222. *Subject to the provisions of section 4, and amendments thereto*, upon the establishment of a library under this act the official head of a municipality shall appoint, with the approval of the governing body, a library board for such library. In the case of a county, except for Johnson county, or township library five members shall be appointed, one for a term expiring the first April 30 following date of appointment, one for a term expiring the second April 30, following date of appointment, one for a term expiring the third April 30 following date of appointment, and two for terms expiring the fourth April 30 following date of appointment. In the case of a city library seven members shall be appointed, one for a term expiring the first April 30 following date of appointment, two for terms expiring the second April 30 following date of appointment, two for terms expiring the third April 30 following date of appointment, and two for terms expiring the fourth April 30 following date of appointment. ~~In any city having a population of more than 250,000;~~ The governing body of ~~such any~~ city may, as an alternative to the membership hereinabove provided for, appoint ~~ten~~ 10 members to the city library board, which members shall, when first appointed, begin serving on May 1, 1975, and shall have terms as follows: Six of such members first appointed shall serve for terms of four years and four of such members first appointed shall serve for terms of two years; thereafter, upon the expiration of the terms, successors shall be appointed in each odd-numbered year to fill the vacancies created, and thereafter each member shall serve for a term of four years. In addition to the appointed members of the board the official head of the municipality shall be ex officio a member of the library board with the same powers as appointed members, but no person holding any office in the municipality shall be appointed a member while holding such office.

Seven members shall be appointed to the Johnson county library board. Such members, when first appointed, ~~shall begin serving on May 1, 1985,~~ and shall have terms as follows: One for a term expiring the first April 30 following date of appointment, two for terms expiring the second April 30 following date of appointment, two for terms expiring the third April 30 following date of appointment, and two for terms expiring the fourth April 30 following date of appointment.

Upon the expiration of the terms of members first appointed succeeding members shall be appointed in like manner for terms of four years. Members of library boards holding office at the effective date of this act shall continue to hold their offices until April 30 following the expiration of the terms for which appointed, and on or before May 1 following the first expiration of a term a sufficient number shall be appointed by the official head of the municipality with the approval of the governing body for terms of four years to constitute a library board of the number of members prescribed by this act.

All members appointed to a library board shall be residents of the municipality. Vacancies occasioned by removal from the municipality, resignation or otherwise, shall be filled by appointment for the unexpired term. No person who has been appointed for two consecutive four-year terms to a library board shall be eligible for further appointment to such board until one year after the expiration of the second term. Appointments made prior to the effective date of this act shall not be counted in determining eligibility for appointment hereunder. Members of library boards shall receive no compensation for their services as such but shall be allowed their actual and necessary expenses in attending meetings and in carrying out their duties as members.

Sec. 6. From and after July 1, 2008, K.S.A. 2007 Supp. 12-5711 is hereby amended to read as follows: 12-5711. (a) The governing and administrative body of the authority shall be a board consisting of six members, to be known as the riverfront board. Members of the board shall be residents of Kansas. No member of the board shall be an elected official.

(b) Members shall not be paid a salary, but shall be reimbursed for actual expenses incurred by them in the performance of their duties.

(c) Members of the board shall be appointed as follows: *Subject to the provisions of section 4, and amendments thereto*, three shall be appointed by the mayor with the approval of the council and three shall be appointed by the commission. Of the first appointees, the council and mayor shall designate one member to serve a term of one year, one to serve two years and one to serve a three-year term. The commission shall designate the terms of its appointees likewise. Should the city and county consolidate, then the members shall be appointed by the governing body of the consolidated government as set forth above.

(d) Upon the expiration of the term of any member, all successor members of the board shall be appointed and hold office for terms of three years from the date of appointment. The city clerk or county clerk shall certify the action of the respective governing body with respect to such appointments and file such certificates as a part of the records of the office of either the city or county clerk. Before entering upon the duties of office, each member of the board shall take and subscribe the constitutional oath of office and same shall be filed in the office of the city clerk and county clerk.

(e) Any member may resign from office to take effect when a successor has been appointed and has qualified. The mayor, with the approval of the council and the commission, may remove any member of the board in case of incompetency, neglect of duty or malfeasance in office. The member shall be given a copy of the charges and an opportunity to be publicly heard in person or by counsel upon not less than 10 days' notice. In case of failure to qualify within the time required, or of abandonment of office, or in case of death, conviction of a crime involving moral turpitude or removal from office, the office of a member shall become vacant. A vacancy shall be filled for the unexpired term by appointment in the same manner as the original appointment.

(f) As soon as possible after the appointment of the initial members, the board shall organize for the transaction of business, select a chairperson and a temporary secretary from its members and adopt bylaws, rules and regulations to govern its proceedings. The initial chairperson and successors shall be elected by the board from time to time for the term of the chairperson's office as a member of the board or for the term of three years, whichever is shorter.

(g) Regular meetings of the board shall be held at least once each calendar month, the time and place of such meetings to be fixed by the board. Four members of the board shall constitute a quorum for the transaction of business.

(h) All action of the board shall be by resolution and the affirmative vote of at least three members shall be necessary for the adoption of any resolution. All such resolutions before taking effect shall be approved by the chairperson of the board and, if the chairperson approves thereof, the chairperson shall sign the same. If the chairperson does not approve any such resolution, the chairperson shall return it to the board with the chairperson's written objections thereto at the next regular meeting of the board occurring after the passage thereof. If the chairperson fails to return any resolution with the objections thereto by the prescribed time, the chairperson shall be deemed to have approved the same and it shall take effect accordingly. Upon the return of any resolution by the chairperson with the chairperson's objections, the vote by which such resolution was passed shall be reconsidered by the board. If upon reconsideration the resolution is passed by the affirmative vote of at least five members, it shall go into effect notwithstanding the veto of the chairperson. All resolutions and all proceedings of the authority and all documents and records in its possession shall be public records, and open to public inspection, except such documents and records as shall be kept or prepared by the board for use in negotiations, actions or proceedings to which the authority is a party.

Sec. 7. From and after July 1, 2008, K.S.A. 13-518 is hereby amended to read as follows: 13-518. The city clerk shall attend all meetings of the city council, keep a true record of its proceedings, and also keep a record of all official acts of the clerk, and, when necessary, shall attest them. The city clerk shall also keep and preserve them. ~~He or she~~ *The city clerk* shall also keep and preserve in the city clerk's office the corporate seal of the city, all records, public papers and documents of the city not belonging to any other office. The city clerk shall be authorized to administer oaths; and the copies of all papers filed in ~~his or her~~ *the*

city clerk's office, and transcripts from the records of the proceedings of the council, including ordinances, duly certified by the city clerk under the corporate seal of the city, shall be taken as evidence in all courts of this state without further proof. The city clerk shall keep a correct account with the city and county of the financial affairs of the city treasurer, as may be provided by ordinance, and shall perform such other duties as may be prescribed by ordinance. *Subject to section 4, and amendments thereto*, the mayor may appoint one or more deputies, by and with the consent of the council; the salary of such deputy or deputies shall be fixed by ordinance.

Sec. 8. From and after July 1, 2008, K.S.A. 13-527 is hereby amended to read as follows: 13-527. *Subject to section 4, and amendments thereto*, the mayor, by and with the consent of the council, may appoint a city attorney, city prosecutor, city clerk, city treasurer, municipal judge of the municipal court, city engineer, director of public works, chief of police, policemen, and such other officers and employees as they may deem necessary for the best interests of the city, but no such officer shall be appointed until ~~his or her~~ *such officer's* term of office and salary shall have been fixed by ordinance; and all contracts of employment of auditors, accountants, engineers, attorneys, counselors and architects for any special purpose shall be authorized by ordinance.

The term of all such officers shall be provided by ordinance. ~~Provided~~, In case of an appointment to fill a vacancy such appointee shall only serve for the remainder of the term for which ~~his or her~~ *the officer's* predecessor was appointed.

Sec. 9. From and after July 1, 2008, K.S.A. 13-1347 is hereby amended to read as follows: 13-1347. The governing body of any city or cities desiring to establish a board of park commissioners, as provided in K.S.A. 13-1346, *and amendments thereto*, may by ordinance cause a board of park commissioners to be created ~~and, thereafter~~. *Subject to the provisions of section 4, and amendments thereto*, the mayor, by and with the consent and approval of the board of commissioners, shall appoint five ~~freeholders and~~ residents of such city or cities, well known for their intelligence and integrity, as the members of such board of park commissioners, and shall designate one to serve for a term of one year, one for a term of two years, one for a term of three years, and two for a term of four years, and thereafter the members of such board of park commissioners shall hold their offices for a term of four years and until their successor or successors shall have been appointed and qualified, and in event of the death, resignation, or other disqualification of any member of such board of park commissioners, ~~his or her~~ *such* successor shall be appointed by the governing body to fill only unexpired terms caused by such vacancy.

Any member of said board of park commissioners may be removed by the governing body of such city for the same cause as any appointive officer. ~~Provided, however, That where any city shall have heretofore, under any act of which this act is amendatory or supplemental, appointed any board of park commissioners the terms of such members holding office at the effective date of this act shall not in any wise be affected but such members shall continue to serve until the expiration of their terms of office and thereafter until their successors shall have been appointed and qualified, and two additional members shall be appointed for terms of four years.~~

Sec. 10. From and after July 1, 2008, K.S.A. 14-201 is hereby amended to read as follows: 14-201. Except as provided in K.S.A. 12-1028a, and amendments thereto, there shall be elected on the first Tuesday in April of each odd-numbered year a mayor, council members and city treasurer. *Subject to the provisions of section 4, and amendments thereto*, the mayor shall appoint, by and with the consent of the council, a municipal judge of the municipal court, a city marshal-chief of police, city clerk, city attorney, and may appoint police officers and any other officers deemed necessary. Any officers appointed and confirmed shall hold an initial term of office of not to exceed one year and until their successors are appointed and qualified. Any officers who are reappointed shall hold their offices for a term of one year and until their successors are appointed and qualified. The council shall by ordinance specify the duties and compensation of the office holders, and by ordinance may abolish any office created by the council whenever deemed expedient.

The mayor, council members and city treasurer shall hold their offices

for a term of two years.

Sec. 11. From and after July 1, 2008, K.S.A. 14-695 is hereby amended to read as follows: 14-695. *Subject to the provisions of section 4, and amendments thereto*, within 30 days after the addition of the territory the board of commissioners of such city or the mayor, by and with the consent of the council, shall appoint two electors residing in the added territory to the board of trustees to serve until the next regular city election and until their successors are elected and qualified, and the board of hospital trustees shall thereafter consist of five trustees, but at all times at least two of the trustees shall be residents of the city in the added territory. At the next regular city election, two trustees from the added territory shall be elected, one for a term of one year and one for a term of two years, and a successor to the trustee whose office expires under K.S.A. 14-604 and amendments thereto who may reside anywhere in the hospital territory. Successors to the short-term trustees shall be elected for three-year terms.

The board of hospital trustees is authorized to establish and fund pension and deferred compensation plans for hospital employees and to procure contracts insuring hospital employees, their dependents, or any class or classes thereof, under a policy or policies of life, disability income, health, accident, accidental death and dismemberment and hospital, surgical and medical expense insurance. The employee's contribution, if any, to the plan and to the premium for such insurance may be deducted by the employer from the employee's salary when authorized in writing by the respective employee.

The board of hospital trustees shall also have authority to expend funds deemed necessary in recruitment or retention of professional staff including, but not limited to, the purchase of professional liability insurance for such staff.

Sec. 12. From and after July 1, 2008, K.S.A. 15-201 is hereby amended to read as follows: 15-201. Every two years an election shall be held for a mayor, and five council members. The mayor and council members shall hold their offices for two years and until their successors are elected and qualified.

Subject to the provisions of section 4, and amendments thereto, in case of a vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the mayor, by and with the advice and consent of the remaining council members, shall appoint an elector to fill the vacancy until the next election for that office. In case any person elected as a council member neglects or refuses to qualify within 30 days after election, the council member shall be deemed to have refused to accept the office and a vacancy shall exist. *Subject to the provisions of section 4, and amendments thereto*, the mayor may, with the consent of the remaining council members, appoint a suitable elector to fill the vacancy.

In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the council member becoming mayor.

Sec. 13. From and after July 1, 2008, K.S.A. 15-204 is hereby amended to read as follows: 15-204. *Subject to the provisions of section 4, and amendments thereto*, the mayor, with the consent of the council, may appoint, at the first regular meeting of the governing body in May of each year, the following city officers: A municipal judge of the municipal court, a clerk, a treasurer, a marshal-chief of police, law enforcement officers and such other officers as deemed necessary. Such officers shall hold an initial term of office of not to exceed one year and until their successors have been appointed and qualified. Any officers who are reappointed shall hold their offices for a term of one year and until their successors are appointed and qualified. The duties and pay of the various officers shall be regulated by ordinance. Any officer may be removed by a majority vote of the total membership elected or appointed to the council and may be suspended at any time by the mayor.

Sec. 14. From and after July 1, 2008, K.S.A. 17-4757 is hereby amended to read as follows: 17-4757. (a) There is hereby created in each municipality a public body corporate and politic to be known as the "urban renewal agency" of the municipality. ~~Provided, That~~ Such agency shall not transact any business or exercise its powers hereunder until or unless the local governing body has made the finding prescribed in K.S.A. 17-4746, *and amendments thereto*, and has elected to have the urban

renewal project powers exercised by an urban renewal agency as provided in K.S.A. 17-4756, and amendments thereto.

(b) *Subject to the provisions of section 4, and amendments thereto*, if the urban renewal agency is authorized to transact business and exercise powers hereunder, the mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the urban renewal agency which shall consist of five ~~(5)~~ commissioners. Of the commissioners first appointed, one ~~(1)~~ shall be appointed for a term of one ~~(1)~~ year; one ~~(1)~~ for a term of two ~~(2)~~ years; one ~~(1)~~ for a term of three ~~(3)~~ years; and two ~~(2)~~ for a term of four ~~(4)~~ years. On the expiration of the term of each ~~of said commissioners~~, ~~commissioner~~ ~~his~~, ~~such commissioner's~~ successor shall be appointed for a term of four ~~(4)~~ years. Any vacancy shall be filled by appointment for the unexpired term.

(c) A commissioner shall receive no compensation for ~~his~~ services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of ~~his such commissioner's~~ duties. Each commissioner shall hold office until ~~his such commissioner's~~ successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

The powers of an urban renewal agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws shall require a larger number. Any persons may be appointed as commissioners if they reside within the area of operation of the agency (which shall be coterminous with the area of operation of the municipality) and are otherwise eligible for such appointments under this act.

The members shall elect a chairman and vice-chairman from among the commissioners. An agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties and compensation. ~~For such legal service as it may require~~, An agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this act shall file, with the local governing body, on or before March 31 of each year, a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such calendar year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality and that the report is available for inspection during business hours in the office of the city clerk and in the office of the agency.

(d) For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed only after a hearing and after ~~he such commissioner~~ shall have been given a copy of the charges at least ~~ten (10)~~ 10 days prior to such hearing and have had an opportunity to be heard in person or by counsel.

Sec. 15. K.S.A. 17-1367 is hereby amended to read as follows: 17-1367. Whenever the attorney general determines the existence of an abandoned cemetery in this state, the attorney general shall immediately proceed to dissolve the cemetery corporation owning the same. Upon the dissolution of such corporation, title to all property owned by the cemetery corporation shall vest in the municipality in which the cemetery is located, *and any liens, perfected or unperfected, against such property shall be immediately quashed, null and void and unenforceable on and after January 1, 2003*, and the permanent maintenance fund, together with all investments then outstanding, and all books, records and papers of such corporation shall be transferred to the treasurer of such municipality and shall become the property thereof. Upon the transfer of such property and funds, the governing body of such municipality shall care for and maintain such cemetery with any moneys of the cemetery corporation including the principal of and income from the permanent maintenance fund and, if such moneys are insufficient to properly maintain such cemetery, with funds of the municipality. The principal of and in-

come from the permanent maintenance fund may be deposited in any appropriate fund of the municipality or may be invested in the manner provided in K.S.A. 17-1311, *and amendments thereto*, but shall be used exclusively for care and maintenance of such cemetery.

New Sec. 16. From and after July 1, 2008, whenever an agreement of consolidation of fire services pursuant to K.S.A. 12-3910 et seq., and amendments thereto, is made between or among the city of De Soto, Kansas and Johnson county fire district no. 3, the newly created consolidated fire district shall be known and designated as Northwest consolidated fire district.

Sec. 17. From and after July 1, 2008, K.S.A. 12-3913 is hereby amended to read as follows: 12-3913. (a) The resolution creating a consolidated fire district as provided by this act, shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the area subject to the proposed consolidation. If within 60 days following the last publication of the resolution, a petition in opposition thereto, signed by not less than 5% of the registered voters residing within each of the two or more areas proposed for consolidation is filed with the county election officer, the board shall order an election to be called and held within the areas proposed to be consolidated within 90 days after the filing of such petition in the manner provided for the calling and holding of elections under the general bond law. If a majority of the electors voting at such election shall approve the consolidation of such areas the board of county commissioners, by resolution, shall provide for the consolidation of such areas and define the boundaries of the area as consolidated. Any such consolidation shall be made prior to July 1 of any year to take effect on January 1 of the succeeding year.

(b) Any resolution creating a consolidated fire district shall provide for the dissolution or disorganization of the fire districts as they existed prior to the effective date of the creation of a consolidated fire district. The resolution creating a consolidated fire district also shall fix the amount of tax, not to exceed ~~11~~ 15 mills, that may be levied by the governing body of the consolidated fire district.

Sec. 18. From and after July 1, 2008, K.S.A. 12-3914 is hereby amended to read as follows: 12-3914. (a) Except as provided by subsection (b), upon the consolidation of any such areas the board of county commissioners shall appoint a governing body composed of at least three and not more than seven members who shall represent as nearly as possible, the geographical areas in the consolidated area. In the event that ~~two counties have joined together to create a consolidated fire district, the areas consolidated were, prior to consolidation, governed by more than one political or taxing subdivision as defined in K.S.A. 12-3902, and amendments thereto, then~~ the number of members on the governing board from each ~~county subdivision~~ shall be determined on the basis of population, but each ~~county subdivision~~ represented shall have at least one appointment to the board. *In the alternative, the members of the governing board may be selected by agreement among all the subdivision whose areas are consolidated. Unless otherwise agreed by the political or taxing subdivisions consolidating,* the members of the governing board shall be appointed as follows: Two members for a term of one year; two members for a term of two years; and three members for a term of three years. Thereafter, all members shall be appointed for a term of three years. All vacancies on the governing board shall be filled by appointment for the remainder of the unexpired term. Within 30 days after the governing body is appointed and annually thereafter, the governing body shall meet and organize by election from its membership a chairperson, vice-chairperson and treasurer. The treasurer shall give a corporate surety bond, conditioned for the faithful performance of duty and accounting for all moneys received thereby. Such bond shall be approved and be in the amount fixed by the governing body. The treasurer also shall serve as secretary to the board.

(b) The board or boards of county commissioners may serve as the governing body of ~~the any~~ consolidated fire district *formed by the joinder of two or more county fire districts* or may place the supervision of ~~the said~~ consolidated fire district under a fire district board of trustees. The board or boards of county commissioners may appoint a board of not less than three members and not more than nine members, composed of persons other than members of the board or boards of county commissioners, who shall serve at the pleasure of the board or boards of county

commissioners. The fire district board of trustees, if appointed, may employ a supervisor and such other persons as may be necessary to properly operate and manage such consolidated fire district.

(c) *Notwithstanding the provisions of paragraphs (a) and (b) above, any consolidation of the De Soto, Kansas fire department with Johnson county fire district no. 3 shall have a governing body of five members appointed as follows: Two members appointed by the governing body of the city of De Soto; two members appointed by the board of county commissioners of Johnson county; one member appointed alternately by the city of De Soto and by the board of county commissioners of Johnson county, provided that the initial appointment of said fifth member shall be made by the board of county commissioners of Johnson county. No more than two governing body members shall be elected or appointed officials of the city of De Soto, Kansas and no more than two governing body members may be elected or appointed officials of the current fire district no. 3 or of Johnson county government.*

(d) *Governing body members appointed under the procedure set out in subsection (c) above shall serve three year terms, with the initial terms staggered as follows: One member appointed by the city of De Soto, Kansas shall serve an initial term of one year and the other city appointment shall serve an initial term of two years; one member appointed by the board of county commissioners shall serve an initial term of one year and the other county appointment shall serve an initial term of two years; the fifth member shall serve an initial term of three years.*

Sec. 19. From and after July 1, 2008, K.S.A. 2007 Supp. 12-3915 is hereby amended to read as follows: 12-3915. The governing body of any fire district created pursuant to this act shall have the authority to:

(a) Levy taxes and special assessments as provided by law. Except as provided by K.S.A. 12-3913, and amendments thereto, the governing body shall fix the amount of the tax, not to exceed ~~11~~ 15 mills, to be levied upon all taxable tangible property in the consolidated fire district;

(b) enter into contracts;

(c) acquire and dispose of real and personal property;

(d) acquire, construct, reconstruct, equip, operate, maintain and furnish buildings to house fire-fighting equipment;

(e) acquire, operate and maintain fire-fighting equipment;

(f) issue general obligation bonds and no-fund warrants;

(g) pay compensation and salaries to fire district employees;

(h) exercise eminent domain;

(i) pay the operation and maintenance expenses of the fire district and other expenses legally incurred by the district;

(j) select regular employees, provide for their compensation and furnish quarters for such employees if deemed desirable;

(k) provide for the organization of volunteer members who may be compensated for fighting fires, responding to emergencies or attending meetings;

(l) provide special clothing and equipment for such employees and volunteers;

(m) insure such employees and volunteers against accidental death and injury in the performance of their duties;

(n) pay for the acquisition, installation or maintenance of one or more fire hydrants, or similar devices for fighting fires, including necessary equipment, services or supplies related thereto.

The acquisition, installation and maintenance shall be subject to the mutual agreement of the governing body of the fire district and the governing body of the rural water district which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed; and

(o) do all things necessary or desirable to maintain and operate such department so as to furnish fire protection for the inhabitants of the district and otherwise effectuate the purposes of this act.

Sec. 20. From and after July 1, 2008, K.S.A. 12-3916 is hereby amended to read as follows: 12-3916. (a) Subject to the provisions of subsection (b), the books, papers, equipment and other real and personal property belonging to the departments consolidated pursuant to this act shall be transferred to and shall become the property of the consolidated district, *subject to any debts, leases or other obligations that encumber such property.*

(b) All funds in the treasury of any such fire district ~~at the time of~~

~~consolidation shall~~ on the effective date of consolidation may be applied to the payment of any outstanding indebtedness, including bonded indebtedness, of such fire district, and may be transferred to the treasury of the newly created consolidated fire district as determined by the board of county commissioners. Any debt service fund of such fire district at the time of consolidation may be transferred to the newly created consolidated fire district. Any money transferred from the debt service fund of the fire district shall be credited to a debt service fund in the newly created consolidated fire district. The debt service fund of the newly created consolidated fire district shall be kept separate from any other debt service fund.

Sec. 21. From and after July 1, 2008, K.S.A. 12-3918 is hereby amended to read as follows: 12-3918. The consolidation of any fire district under the provisions of this act shall not affect the rights of any firefighter serving in the department of such district to benefits under any retirement or relief association program accrued prior to the consolidation, however the newly created consolidated fire district may provide different benefits than those previously provided to the employees of the fire districts or departments that are consolidated.

Sec. 22. From and after July 1, 2008, K.S.A. 19-3614a is hereby amended to read as follows: 19-3614a. Whenever an agreement of consolidation between Johnson county consolidated fire district no. 2 and Mission fire district no. 1 is filed in the office of the county clerk, the county board shall at that time appoint three of the former members of the governing body of Johnson county consolidated fire district no. 2 and two of the former members of the governing body of Mission fire district no. 1, and the five members so appointed shall be and constitute the governing body of the district. As soon as such duly appointed members are appointed and qualified, the terms of the former members of the Johnson county consolidated fire district no. 2 and Mission fire district no. 1 shall thereupon be terminated. On July 1, 2008, or at its next meeting thereafter, the board of county commissioners shall appoint two additional members to the governing body of Johnson county consolidated fire district no. 2. The county board shall designate the terms for which each of such five seven members of the governing body shall serve, and they shall be governed by all of the rules, regulations, requirements, duties and obligations set forth for members of the original districts.

The newly created consolidated fire district shall be known and designated as Johnson county consolidated fire district no. (_____).

New Sec. 23. From and after July 1, 2008, the board of county commissioners may establish a county service taxing district in any portion of the county encompassing the boundaries of a township which has been dissolved or disorganized as a result of the consolidation or attachment of its territory to another township or townships or where the duties of the township have been transferred to the county by adoption of a resolution. The resolution shall specify the service or services to be provided within the county service taxing district.

Upon passage of a resolution authorizing the creation of a county service taxing district, the board of county commissioners shall cause to be published twice in the official county newspaper of the county the resolution. The resolution shall include a general description of the territory to be included within the area, the type of service or services to be undertaken in the area, a statement of the means by which the service or services will be financed, and a designation of the county agency or officer who will be responsible for supervising the provision of the service or services. The county service taxing district shall be deemed established 60 days after the second publication of the resolution or at such later date as may be specified in the resolution.

Upon receipt of a petition signed by a majority of the qualified voters within the territory of the proposed county service taxing district prior to the effective date of its creation, the creation of the district shall be abandoned.

Upon adoption of the next annual budget following the creation of a county service taxing district the board of county commissioners shall include in such budget appropriate provisions for the operation of the taxing district including, as appropriate, a property tax levied only on property within the boundaries of the taxing district, the levy of a service charge against the users of such services within the area, or the imposition of special assessments or by any combination thereof. The levy and collection of such special assessments shall be made in accordance with the

procedure required by K.S.A. 12-6a08 to 12-6a12, and amendments thereto.

After its creation, a county service taxing district shall be dissolved by the board of county commissioners upon receipt of a petition calling for the dissolution of such county service taxing district signed by a majority of the qualified voters residing within the territory of the county service taxing district.

Sec. 24. From and after July 1, 2008, K.S.A. 75-1122 is hereby amended to read as follows: 75-1122. (a) The governing body of every unified school district, the governing body of every recreation commission having aggregate annual gross receipts in excess of \$150,000 and the governing body of all other municipalities either having aggregate annual gross receipts in excess of \$275,000 or which has general obligation or revenue bonds outstanding in excess of \$275,000 shall have its accounts examined and audited by a licensed municipal public accountant or accountants or certified public accountant or accountants at least once each year. In the case of school districts, all tax and other funds such as activity funds and accounts shall also be examined and audited.

~~(b) Any municipality required to have an annual audit for the first time under this section shall be exempt from the requirement if the municipality sends to the division of accounts and reports a written request for assistance in complying with the required accounting procedures of K.S.A. 75-1121, and amendments thereto. The exemption shall continue until the assistance is rendered by the division of accounts and reports.~~

~~(c) (b)~~ The governing body of any city of the third class required to have its accounts examined and audited pursuant to the provisions of this section shall annually determine the total cost to be incurred by the city in complying with the requirements of this act and shall identify the same in the budget of the city.

~~(d) Each year the township board of any township required to have an annual audit may adopt a resolution requesting the director of accounts and reports to exempt the township from the requirements of this section. The resolution shall be submitted prior to the end of the fiscal year. Upon receipt of the resolution, the director of accounts and reports shall waive the requirement for an audit for such year.~~

Sec. 25. From and after July 1, 2008, K.S.A. 2007 Supp. 80-120 is hereby amended to read as follows: 80-120. (a) The township board of any township may adopt a resolution proposing to transfer all powers, duties and functions of the township board to the board of county commissioners of the county in which such township is located. Such resolution shall be submitted to the qualified electors of the township at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. If a majority of the voters voting thereon vote in favor thereof, all powers, duties and functions of such township board shall be transferred to the board of county commissioners of the county in which such township is located.

(b) Upon approval of the resolution by the voters, the township board shall pay over to the county treasurer of such county any and all unused money or funds or surplus funds in the hands of such township board which have been received or acquired by such township from any source. Upon receipt of the funds and moneys, the county treasurer shall credit the same to a special fund for each such township *unless the board of county commissioners by a 2/3 vote of all members of the board determines that all duties and funds transferred by the township shall be assumed by the county in which case such funds shall be deposited in the county general fund.*

If a special fund is created, the board of county commissioners shall expend the moneys in such special fund for the exercise of the powers, duties and functions imposed by law upon township boards in the township from which it was received. The county treasurer shall credit and transfer to such special fund of each township all tax moneys in the treasurer's hands on the date the resolution was approved by the voters which were received by the treasurer in payment of taxes levied by such township for such purposes and all such taxes thereafter collected by the treasurer. The treasurer shall credit and transfer all other moneys in the treasurer's hands on the date the resolution was approved by the voters which were received by the treasurer for the use of such township for such purposes.

(c) Upon approval of the resolution by the voters, the township board

shall turn over and deliver to the board of county commissioners of such county any and all assets and property such township has acquired. Following the transfer of all assets and property to the board of county commissioners, the township board of such township shall be and is hereby abolished.

(d) *Unless the board of county commissioners determines that all duties and funds of the township shall be assumed by the county as provided in subsection (b),* on or before the first Monday in July of each year the board of county commissioners shall prepare a budget of expenditures for the exercise of the powers, duties and functions transferred to the county. The board shall itemize the expenses and amounts and the purposes therefor. Subject to the same limitations imposed by law on township boards, the board of county commissioners are hereby authorized to levy a tax upon all assessed taxable tangible property of the township sufficient to raise the amount for such expenditures. The money derived from such levy shall be deposited in the county treasury and credited to the special fund established pursuant to subsection (b).

~~(e) Upon presentation of a petition, signed by at least 20% of the qualified electors of the township, to the board of county commissioners requesting the board to adopt a resolution to return to the township board the powers, duties and functions transferred pursuant to this section, the board shall adopt a resolution to return to the township board the powers, duties and functions so transferred. Such resolution first shall be submitted to approval of the qualified electors of the township. Such election shall be called and held in the manner provided by the general bond law. No such petition shall be submitted to the board for at least two years following approval of a resolution pursuant to subsection (a). If the resolution is approved by a majority of the qualified electors of the township voting at such election, the board of county commissioners shall appoint a township board who shall hold office until successors are elected and qualified at the next regular general election of the township.~~

New Sec. 26. From and after July 1, 2008: (a) The board of county commissioners may disorganize any township if any of the following apply:

- (1) The number of residents in the township shall become less than 200;
- (2) a vacancy exists in the office of township trustee, clerk or treasurer for two consecutive years; or
- (3) the township fails to file an annual budget for two consecutive years.

The territory of any township disorganized under this section shall be attached to one or more townships which are contiguous to such township.

(b) The board of county commissioners desiring to disorganize a township under this section shall adopt a resolution stating the county is considering the disorganization of such township. The resolution shall:

(1) Give notice that a public hearing will be held to consider the disorganization and fix the date, hour and place of the public hearing. Unless the board determines adequate facilities are not available, the public hearing shall be held at a site located within such township. The site and time of the hearing shall be held at a location and time determined to be the most convenient for the greatest number of interested persons.

(2) A copy of the resolution providing for the public hearing shall be published in a newspaper of general circulation of the township.

(c) Following the public hearing the board may pass a resolution disorganizing the township and attaching the territory to one or more adjacent townships. The resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation of the township. The resolution shall take effect 60 days after the final publication unless a petition signed by electors of such township equal in number to at least 10% of the electors who voted at the last general election is presented to the county clerk calling for an election on the issue. Such proposition may be submitted at the next general election held in such townships or at special elections called for that purpose by the board of county commissioners, and shall be submitted on a separate ballot in substantially the following form:

Proposition to consolidate _____ township
(name of township)
with _____ township(s).
(name of township or townships)

Yes No

If a majority of the votes cast in such township in such election shall be in the affirmative, it shall be the duty of the board of county commissioners of such county to disorganize such township and attach the territory to such other township or townships. The expenses of such election shall be paid by the county from the county general fund.

Sec. 27. From and after July 1, 2008, K.S.A. 80-1101a is hereby amended to read as follows: 80-1101a. Such disorganization of a township hereunder shall be effective upon the filing with the county clerk of such county the resignation of the elective incumbent officers of such township ~~and or~~, in any event, at the expiration of the term of office of such incumbents.

Sec. 28. From and after July 1, 2008, K.S.A. 80-1102a is hereby amended to read as follows: 80-1102a. If any such township so disorganized shall at the time of its disorganization have any ~~floating~~ indebtedness, the board of county commissioners shall provide for the payment thereof in the manner provided in K.S.A. 80-1103 and 80-1104, ~~and amendments thereto~~. If such township has any bonded indebtedness the obligation shall remain a charge upon the territory of the disorganized township in accordance with the applicable provisions of K.S.A. 10-119, ~~and amendments thereto~~. The effective date of such township disorganization, the provisions for the naming of townships, the determination of boundaries and polling places, the transfer of records, funds and property other than funds to pay ~~floating~~ indebtedness shall be determined as provided by the provisions of K.S.A. 80-1101a, ~~80-1107 and 80-1108 and amendments thereto~~.

Any road construction and maintenance agreement which had been entered into between the township to be disorganized and the county under K.S.A. 68-572, ~~and amendments thereto~~, shall terminate when money and equipment belonging to the disorganized township are delivered ~~as provided by K.S.A. 80-1108 to the county~~.

Sec. 29. From and after July 1, 2008, K.S.A. 80-1103 is hereby amended to read as follows: 80-1103. If any township so disorganized shall at the time of its disorganization have a ~~floating any~~ indebtedness, it shall be the duty of the county commissioners of the county to provide for the payment of such outstanding indebtedness by making a levy of taxes therefor upon all real and personal property in the territory comprising such disorganized township at the time of its disorganization, which tax shall be entered by the clerk of the county on the tax roll the same as other taxes. ~~Provided, That~~ No such levy shall exceed ten mills on the dollar of the assessed valuation in any one year; that the county treasurer shall keep the money collected from such township in a special fund, and the county commissioners are authorized to audit the floating indebtedness of said disorganized township, and issue warrants upon the funds thus provided in payment of said floating indebtedness.

Sec. 30. From and after July 1, 2008, K.S.A. 80-1104 is hereby amended to read as follows: 80-1104. The books, papers, funds and any other assets belonging to such township so disorganized shall be delivered over by the officers thereof to the county commissioners, who shall dispose of said assets, and all money received therefor shall be included in the special fund provided for in K.S.A. 80-1103, ~~and disposed of as therein provided and amendments thereto~~.

Sec. 31. From and after July 1, 2008, K.S.A. 80-1109 is hereby amended to read as follows: 80-1109. Two ~~(2)~~ or more townships ~~located in the same state representative district~~ may consolidate into a single township which may be one of the consolidated townships or a new township to be formed by means of such consolidation. The members of the township boards or a majority of them on the respective boards shall by resolution declare such consolidation to be desirable and arrange for a meeting between the respective boards. ~~Said Members of township boards may enter into an agreement signed by them such members~~ prescribing the terms and conditions of the consolidation and designate the officers of the township until new township officers are elected and take office as ~~now~~ provided by law. Such resolutions of the agreement and consolidation duly certified by the respective township clerks shall be presented to the board of county commissioners of the county in which said townships are situated by delivering the same to the county clerk of said county. Within ~~ten (10)~~ 10 days after such receipt by the county

commissioners they shall call an election, noticed and called in the manner as bond elections under the general bond law in said townships for the purpose of approval or disapproval of agreement of consolidation. The ballot used in such elections shall conform to the provisions of K.S.A. 25-605, *and amendments thereto*, and the question shall be stated substantially as follows: "Shall the township of _____ and the township of _____ be consolidated into one township and the new township named _____?" If a majority of the qualified electors in each township shall vote to consolidate, the board of county commissioners shall adopt a resolution certifying that the consolidation is in effect in accordance with the agreement and the respective townships shall thereupon be considered disorganized.

Sec. 32. From and after July 1, 2008, K.S.A. 80-1110 is hereby amended to read as follows: 80-1110. Townships located in counties which have adopted the county unit road system ~~in the manner~~ as provided by K.S.A. 68-515b, *and amendments thereto*, or in townships having more than 200 residents may be disorganized and the territory or parts thereof attached to any other township or townships within such county which are contiguous with the township or any one of the townships being disorganized, in the manner hereinafter provided.

Sec. 33. From and after July 1, 2008, K.S.A. 80-1111 is hereby amended to read as follows: 80-1111. Whenever the board of county commissioners of any such county shall determine that it is in the best interests of the inhabitants of any township or townships located within such county to disorganize the same, such board shall adopt a resolution stating its intentions to disorganize such township or townships and the attachment of the territory of the same to another township or townships within the county. Such resolution shall fix a time, which shall be not ~~less than thirty-two (32) and not more than forty (40)~~ 40 days after the date of the last publication of such resolution, and a place, within such township or townships or at such other place within such county as shall be designated by the board of county commissioners, for the holding of a hearing or hearings upon the question of disorganizing such township or townships. Such resolution shall also contain a statement that unless a petition, signed ~~in such a manner as to substantially identify the elector signing the same~~, by a majority of the electors of any township proposed to be disorganized, ~~as shown by the returns of the general election next preceding the filing of such petition~~, opposing the disorganization of such township, is filed in the office of the county clerk within ~~thirty (30)~~ 30 days after the date of the last publication of such resolution, such township or townships will be disorganized. Such resolution shall be published once each week for two ~~(2)~~ consecutive weeks in a newspaper having general circulation in the township or townships proposed to be disorganized and a copy thereof sent to the clerk of the township board of such township or townships.

If a petition in opposition is not filed in compliance with the provisions of this section, then the board of county commissioners shall adopt a resolution disorganizing such township, attaching the same or portions thereof as herein provided and make such order or orders as are authorized by this act.

Sec. 34. From and after July 1, 2008, K.S.A. 2007 Supp. 80-1117 is hereby amended to read as follows: 80-1117. (a) If any township has no residents, as certified by the county clerk of the county in which such township is located, the board of county commissioners, by resolution, ~~may~~ shall disorganize the township or consolidate the township with the next geographically closest township, within such county, having a functioning township board. Prior to the adoption of such resolution, the board of county commissioners shall conduct a public hearing on the advisability of adopting such resolution. Until such time as the disorganization or consolidation is completed, the board of county commissioners may exercise all of the statutory powers of the township board deemed necessary and advisable by such board of county commissioners.

(b) All books, papers, records, moneys and other assets belonging to any township proposed to be disorganized or consolidated under subsection (a) shall be delivered by the persons in possession thereof to the board of county commissioners. The board of county commissioners may dispose of any assets of such township in the manner provided by this section. If at the time of its disorganization or consolidation, the townships has any outstanding indebtedness, the board of county commissioners

shall place any moneys together with the proceeds of any assets of such township into a special fund that shall be used for the purpose of paying such indebtedness. Moneys and assets in excess of that required for the payment of outstanding indebtedness either shall be transferred to the township with which the disorganized township is consolidated or ~~shall be disposed of in such other manner as determined by the board of county commissioners to be in the best interests of the former residents or property owners of such township, if the township is disorganized, such moneys shall be credited to the county general fund.~~

Sec. 35. K.S.A. 17-1367 is hereby repealed.

Sec. 36. From and after July 1, 2008, K.S.A. 12-3913, 12-3914, 12-3916, 12-3918, 13-518, 13-527, 13-1347, 14-201, 14-695, 15-201, 15-204, 17-4757, 19-3614a, 75-1122, 80-1101, 80-1101a, 80-1102a, 80-1103, 80-1104, 80-1106, 80-1107, 80-1108, 80-1109, 80-1110, 80-1111, 80-1301, 80-1302, 80-1303, 80-1304 and 80-1305 and K.S.A. 2007 Supp. 12-1222, 12-3915, 12-5711, 79-2926, 79-2929a, 79-2930, 80-120 and 80-1117 are hereby repealed.

Sec. 37. This act shall take effect from and after its publication in the Kansas register.

Approved May 18, 2008.

Published in the *Kansas Register* May 29, 2008.
