

SESSION OF 2005

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2083

As Amended by Senate Committee of the Whole

Brief*

HB 2083 would:

- establish a five-member Consolidation Commission for Topeka and Shawnee County;
- require the Commission to prepare a plan for the consolidation;
- require approval by a dual majority of those voting within the City of Topeka and those living outside the city before any consolidation plan may be implemented; and
- provide for a moratorium on the unilateral annexation powers of the City of Topeka pending the outcome of the consolidation election.

The bill also would amend the city unilateral annexation law dealing with annexation of rights-of-way of any highways or land abutting these rights-of-way.

Commission Appointment/Membership

The Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House shall each appoint one commission member. No more than three members of the commission shall be from the same political party. Members of the commission shall include, but not be limited to, persons with experience in accounting, business management, municipal finance, law,

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

education, political science, or public administration. No elected or appointive official or paid employee of the cities in Shawnee County or the county itself shall serve on the commission. Members of the commission must be residents of Shawnee County.

The commission shall appoint an executive director of the commission. The executive director shall employ other staff and may contract with consultants.

Consolidation Plan Procedure

Within 60 days following the appointment, the commission shall prepare and adopt a preliminary plan addressing the consolidation of the city and county or certain city and county offices, functions, services, and operations it deems advisable. Copies of the preliminary plan shall be filed with the county election officer, city clerk, each public library within the county, and any other place designated by the commission.

The commission shall hold at least two public hearings to obtain citizen views concerning the preliminary plan. Following the public hearings on the preliminary plan, the commission may adopt, or modify and adopt, the preliminary plan as the final plan.

Within 30 days of the last public hearing held on the preliminary plan, the commission shall adopt its final plan. The final plan shall be submitted to the qualified electors of the county at a mail ballot election.

Consolidation Plan Contents

If the commission submits a plan providing for the consolidation of certain city and county offices, functions, services, and operations, the plan shall:

- Include a description of the form, structure, functions, powers, and officers and the duties of such officers recommended in the plan;
- Provide for the method of amendment of the plan; and

- Authorize the appointment, or elimination, of elected officials and offices.

If the plan provides for the consolidation of the city and county, in addition to the requirements above, the plan shall:

- Fix the boundaries of the governing body's election districts; provide a method for changing the boundaries; establish any at-large positions on the governing body; and fix the number, term, and initial compensation of the governing body of the consolidated city-county and the method of election.
- Determine whether election of the governing body of the consolidated city-county shall be partisan or nonpartisan.
- Determine the distribution of legislative and administrative duties of the consolidated city-county officials, provide for consolidation or expansion of services as necessary, authorize the appointment of an administrator or a city-county manager.

Consolidation Impact

Other political subdivisions of the county shall not be affected by consolidation of the city and county and shall continue in existence and operation.

The governing body of the consolidated city-county shall be responsible for any duties or functions imposed by the State Constitution and other laws upon any county office abolished by the consolidation plan.

The consolidated city-county shall be a city of the first class. The governing body of the consolidated city-county shall have all the powers, functions, and duties of a city of the first class and may exercise home rule.

Annexation Moratorium/Restrictions

Until a special election is held at which a final plan is submitted for approval to the electors, the city may not initiate annexation under its unilateral annexation powers, but may annex land upon petition of the owners of any such land.

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

The governing body of a consolidated city-county may not annex any land located outside the county.

City Unilateral Annexation

The bill also would amend the city unilateral annexation law which applies to all cities to provide that the board of county commissioners may force a city to annex a highway under certain circumstances. The board of county commissioners may notify the city of the existence of any highway which has not become part of the city by annexation and which has a common boundary with the city. The notification shall include a legal description and a map identifying the location of the highway. Once this is done, the governing body of the city must certify by ordinance that the certification is correct and declare the highway, or portion of the highway extending to the center line where another city boundary line abuts the opposing side of the highway, annexed to the city as of the date of the publication of the ordinance.

Costs

All costs incurred or authorized by the consolidation commission and all other costs incurred by the city and county pursuant to this act shall be paid by the city and county.

Other

The House Committee amendments require at least two public hearings be held on the plan and make other technical amendments.

The bill would have no fiscal effect on the state. Costs would be paid by the City of Topeka and Shawnee County.

The act takes effect upon publication in the *Kansas Register*.

Background

HB 2083 would enact legislation providing a vehicle for the consolidation of the City of Topeka and Shawnee County if voters approve. The bill is patterned after a law enacted in 1996 for the City of Kansas City, Kansas and Wyandotte County.

Proponents appearing included Representative Lane, the Chairman of the Shawnee County Commission, a resident of Shawnee County, and the Shawnee County Farm Bureau Association. The Farm Bureau's support was with reservations; they suggested several amendments including that the election be held at the general election in 2006.

The bill was opposed by representatives of the City of Topeka who objected to the limitations on the city's annexation powers and certain provisions of the bill dealing with the issuance of bonds. Other opponents included two residents of rural Shawnee County.

Shawnee County voters approved an advisory election question at the November 2004 election which asked whether a consolidation commission should be appointed.

The Senate Committee of the Whole amended the bill dealing with annexation of rights-of-way of any highway.