

RECENT CITY-COUNTY CONSOLIDATION BILL HISTORY

2005 – HB 2083 - Consolidation study for Topeka and Shawnee County – ENACTED; plan was rejected by a majority of the voters.

2006 – SB 580 – Repeal Consolidation study for Topeka and Shawnee County - DIED

2007 – HB 2130 – DIED IN COMMITTEE

2008 – SB 454 – DIED IN HOUSE COMMITTEE

2009-10 – SB 75 – BECAME CEMETERY CORPORATION ACCOUNTING BILL

2011 – HB 2084

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STATUTES RESULTING FROM 2005 HB 2083

Article 3. - CONSOLIDATION OF MUNICIPALITIES

12-350. Consolidation of Topeka and Shawnee county; definitions. As used in K.S.A. 2011 Supp. 12-351 through 12-357, and amendments thereto:

- (a) "Commission" means the consolidation commission of Topeka, Kansas, and Shawnee county.
- (b) "City" means Topeka, Kansas.
- (c) "County" means Shawnee county.

History: L. 2005, ch. 166, § 1; Apr. 21.

12-351. Same; consolidation study commission, appointment; executive director. (a) Within 10 days of the effective date of this act, a consolidation commission shall be appointed. Each of the following officers shall appoint a member to the commission: The governor, the president and minority leader of the senate and the speaker and minority leader of the house of representatives. The person appointed by the governor shall serve as the chairperson of the commission. 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, education, political science or public administration. No elected or appointive official of the cities of Auburn, Rossville, Silver Lake, Topeka or Willard or Shawnee county, nor any person appointed to fill a vacancy in an elected office of such cities or county, shall serve on the commission. No paid employee of the cities of Auburn, Rossville, Silver Lake, Topeka or Willard or Shawnee county shall serve on the commission. Members of the commission shall be residents of Shawnee county.

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

(c) The members of the consolidation commission shall appoint an executive director of the commission. The executive director shall receive compensation established by the commission. The executive director shall employ other staff and may contract with consultants, as the executive director deems necessary to carry out the functions of the commission. Staff employed by the executive director shall receive compensation established by the executive director.

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

History: L. 2005, ch. 166, § 2; Apr. 21.

12-352. Same; commission, powers and duties; studies and investigations; consolidation plan; voter approval. (a) The commission shall prepare and adopt a plan addressing the consolidation of the city and county or certain city and county offices, functions, services and operations. The commission shall conduct such studies and investigations as it deems appropriate to complete its work. Such studies and investigations shall include, but not be limited to, studies of the costs and benefits of consolidating the city and county or certain city and county offices, functions, services and operations.

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

(c) Within 60 days following the appointment of all members of the commission, 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. Copies of such plan shall be available to members of the public for inspection upon request. The commission shall hold at least two public hearings to obtain citizen views concerning the preliminary plan. Notice of such hearings shall be published at least twice in a newspaper of general circulation within the county. Following the public hearings on the preliminary plan, the commission may adopt, or modify and adopt, the preliminary plan as the final plan.

(d) Within 30 days of the last public hearing held on the preliminary plan, the commission shall adopt its final plan. The final plan shall include the full text and an explanation of the proposed plan, and comments deemed desirable by the commission, a written opinion by an attorney admitted to practice law in the state of Kansas and retained by the executive director for such purpose that the proposed plan is not in conflict with the constitution or the laws of the state, and any minority reports. Copies of the final 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. Copies of such plan shall be available to members of the public for inspection upon request. The commission shall continue in existence at least 90 days following the submission of the final plan pursuant to this subsection.

(e) The final plan shall be submitted to the qualified electors of the county at an election called and held thereon. Such election shall be called and held by the county election officer in the manner provided by the general bond law. Such election shall be conducted by mail ballot. A summary of the final plan shall be prepared by the commission and shall be published once each week for two consecutive weeks in a newspaper of general circulation within the county. **If a majority of the qualified electors voting on the plan who reside within the corporate limits of the city and a majority of the qualified electors voting on the plan who reside outside of the corporate limits of the city vote in favor thereof, the consolidation plan shall be implemented in the manner provided by the plan. If a majority of the electors who reside within the corporate limits of the city or a majority of the qualified electors who reside outside of the corporate limits of the city vote against such plan, the proposed consolidation plan shall not be implemented.**

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

History: L. 2005, ch. 166, § 3; Apr. 21.

12-353. Same; consolidation plan, required provisions. (a) Any plan submitted by the commission shall provide for the exercise of powers of local legislation and administration not inconsistent with the constitution or other laws of this state.

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

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

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

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

(4) Specify the effective date of the consolidation.

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

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

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

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

(3) 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 a consolidated city-county administrator or a city-county manager, if deemed advisable, and prescribe the general structure of the consolidated city-county government.

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

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

History: L. 2005, ch. 166, § 4; Apr. 21.

12-354. Same; Shawnee county, designated as urban area. Shawnee county is hereby designated an urban area, as authorized under the provisions of section 17 of article 2 of the constitution of the state of Kansas, for the purpose of granting to such county and urban area powers of local government and consolidation of local government.

History: L. 2005, ch. 166, § 5; Apr. 21.

12-355. Same; consolidated city-county; powers, duties, limitations, bonded debt; sales tax;

special service districts; changes inform of government. (a) If the voters approve a plan which provides for the consolidation of the city and county, such consolidated city-county shall be subject to the provisions of this section.

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

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

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

(1) Bonds issued for the purpose of refunding outstanding debt, including outstanding bonds and matured coupons thereof, or judgments thereon.

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

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

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

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

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

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

(f) Upon the effective date of the consolidation of the city and county, any retailers' sales tax levied by the city or county in accordance with K.S.A. 12-187 et seq., and amendment thereto, prior to such date shall remain in full force and effect, except that part of the rate attributable to the former city shall not apply to retail sales in the cities of Auburn, Rossville, Silver Lake or Willard.

(g) Upon the effective date of the consolidation of the city and county, the territory of the consolidated city-county shall include:

(1) All of the territory of the county for purposes of exercising the powers, duties and functions of a county.

(2) All of the territory of the county, except the territory of the cities of Auburn, Rossville, Silver Lake or Willard and the unincorporated area of the county, for purposes of exercising the powers, duties and functions of a city.

(h) For the purposes of section 1 of article 5 of the constitution of the state of Kansas, the "voting area" for the governing body of the consolidated city-county shall include all the territory within Shawnee

county.

(i) Except for the consolidated city-county and unless otherwise provided by law, other political subdivisions of the county shall not be affected by consolidation of the city and county. Such other political subdivisions shall continue in existence and operation.

(j) Unless otherwise provided by law, the consolidated city-county shall be eligible for the distribution of any funds from the state and federal government as if no consolidation had occurred. Except as provided in this subsection, the population and assessed valuation of the territory of the consolidated city-county shall be considered its population and assessed valuation for purposes of the distribution of moneys from the state or federal government.

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

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

(l) 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 powers in the manner and subject to the limitations provided by article 12 of section 5 of the constitution of the state of Kansas and other laws of this state.

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

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

History: L. 2005, ch. 166, § 6; Apr. 21.

12-356. Same; annexation, limitation. (a) The governing body of a consolidated city-county may not annex any land located outside the county.

(b) 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.

History: L. 2005, ch. 166, § 7; Apr. 21.

12-357. Same; 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.

History: L. 2005, ch. 166, § 8; Apr. 21.

12-359. Same; severability. If any provision of this act is held to be invalid or unconstitutional, it shall be presumed conclusively that the legislature would have enacted the remainder of this act without such invalid or unconstitutional provision.

History: L. 2005, ch. 166, § 10; Apr. 21.

2006
Died in H. e
Comm.

Session of 2006

SENATE BILL No. 580

By Committee on Federal and State Affairs

3-2

9 AN ACT repealing K.S.A. 2005 Supp. 12-350 through 12-359, relating
10 to consolidation of the city of Topeka and Shawnee county.
11
12 *Be it enacted by the Legislature of the State of Kansas:*
13 Section 1. K.S.A. 2005 Supp. 12-350 through 12-359 are hereby
14 repealed.
15 Sec. 2. This act shall take effect and be in force from and after its
16 publication in the Kansas register.



1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It highlights the importance of using reliable sources and ensuring the integrity of the data collection process.

3. The third part of the document provides a detailed overview of the results of the study. It includes a comprehensive analysis of the data and discusses the implications of the findings for future research and practice.

4. The final part of the document concludes with a summary of the key findings and offers recommendations for further research. It also includes a list of references and a list of figures and tables.

2007
Died in Committee

HOUSE BILL No. 2130

By Committee on Elections and Governmental Organization

9 AN ACT concerning governmental consolidation and reorganization;
10 amending K.S.A. 12-3901, 12-3902, 12-3903, 12-3904 and 12-3909 and
11 K.S.A. 2006 Supp. 19-205 and repealing the existing sections.
12

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

14 New Section 1. As used in this act:

- 15 (a) "Board" means the board of county commissioners.
- 16 (b) "City" means any city.
- 17 (c) "Commission" means a consolidation study commission selected
18 pursuant to section 2, and amendments thereto.
- 19 (d) "County" means any county.
- 20 (e) "Political and tax subdivision" means those subdivisions listed in
21 K.S.A. 12-3902, and amendments thereto, which are located entirely
22 within a county.

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

32 (b) As an alternative to subsection (a), the board of county commis-
33 sioners of a county and the governing body of any city or cities located
34 therein shall adopt a joint resolution providing for the establishment of a
35 consolidation study commission to prepare a plan as provided in subsec-
36 tion (a) whenever the county election officer is presented with a petition
37 signed by not less than 10% of the qualified electors of the county re-
38 questing a consolidation study commission be appointed. The governing
39 body of any city shall be required to adopt the joint resolution whenever
40 the petition presented to the county clerk contains signatures of not less
41 than 10% of the qualified electors of the city. The petition shall contain
42 the method to be used for the appointment and the number of members
43 of the consolidation study commission.

1 (c) Any resolution adopted pursuant to subsections (a) or (b) shall
2 provide for the establishment of a consolidation study commission and
3 shall provide for the method of appointment and the number of members
4 of the commission. At least $\frac{1}{3}$ of the membership of a consolidation study
5 commission shall be residents of the unincorporated area of the county.

6 New Sec. 3. (a) Within 30 days following appointment of members
7 of the consolidation study commission, the chairperson of the board of
8 county commissioners, acting as the temporary chairperson of the com-
9 mission, shall call and hold an organizational meeting of the commission.
10 The commission shall elect a chairperson, vice-chairperson and other of-
11 ficers deemed necessary. The commission may adopt rules governing the
12 conduct of its meetings.

13 (b) The commission shall be subject to the Kansas open meetings act
14 and the Kansas open records act.

15 (c) Members of the commission may be reimbursed for the actual
16 and necessary expenses incurred in the performance of their official
17 duties.

18 (d) The commission may appoint an executive director of the com-
19 mission. The executive director may receive compensation established by
20 the commission. The executive director may employ other staff and may
21 contract with consultants, as the executive director deems necessary to
22 carry out the functions of the commission. Staff employed by the exec-
23 utive director may receive compensation established by the executive di-
24 rector and approved by the commission.

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

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

34 (1) Studies of the efficiency and effectiveness of the administrative
35 operations of the city or cities and the county and other political and taxing
36 subdivisions.

37 (2) Studies of the costs and benefits of consolidating the city or cities
38 and the county and other political and taxing subdivisions or consolidating
39 certain city or cities and county and other political and taxing subdivision
40 offices, functions, services and operations.

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

1 (c) For the purposes of performing its studies and investigations, the
2 commission or its executive director may administer oaths and affirma-
3 tions, subpoena witnesses, compel their attendance, take evidence, re-
4 quire the production of any books, papers, correspondence, memoranda,
5 agreements or other documents or records which the commission or ex-
6 ecutive director deems relevant or material to its studies and investigation.

7 (d) The commission shall prepare and adopt a preliminary plan ad-
8 dressing the consolidation of the city or cities and the county and other
9 political and taxing subdivisions or the consolidation of certain city and
10 county and other political and taxing subdivision offices, functions, serv-
11 ices and operations it deems advisable.

12 The preliminary plan, if it recommends the consolidation of the county
13 with one or more cities, shall address the issue of the abolishment of
14 other political and taxing subdivisions located within the county and the
15 transfer of the functions of the above political subdivisions to the reor-
16 ganized city-county.

17 Copies of the preliminary plan shall be filed with the county election
18 officer, city clerk of each city to be reorganized and each public library
19 within the county and shall be available to members of the public for
20 inspection upon request. The commission shall hold at least two public
21 hearings to obtain citizen views concerning the preliminary plan. At least
22 seven days shall elapse between the holding of the hearings. Notice of
23 the hearings shall be published at least once in a newspaper of general
24 circulation within the county. Following the public hearings on the pre-
25 liminary plan, the commission may adopt, or modify and adopt, the pre-
26 liminary plan as the final plan.

27 (e) The final plan shall include the full text and an explanation of the
28 proposed plan, and comments deemed desirable by the commission, a
29 written opinion by an attorney admitted to practice law in the state of
30 Kansas and retained by the executive director for such purpose that the
31 proposed plan is not in conflict with the constitution or the laws of the
32 state, and any minority reports.

33 Copies of the final plan shall be filed with the county election officer,
34 city clerk of each city to be reorganized and each public library within
35 the county and shall be available to members of the public for inspection
36 upon request. The commission shall continue in existence at least 90 days
37 following the submission of the final plan for approval at an election as
38 provided by subsection (f).

39 (f) The final plan shall be submitted to the qualified electors of the
40 county at the next general election of the county held at least 45 days
41 following the adoption of the final plan by the commission. Such election
42 shall be called and held by the county election officer in the manner
43 provided by the general election law. A summary of the final plan shall

1 be prepared by the commission and shall be published at least once each
2 week for two consecutive weeks in a newspaper of general circulation
3 within the county.

4 If the final plan calls for the consolidation of the county with one or
5 more cities and the consolidation of other political and taxing subdivisions,
6 the ballot shall contain two questions worded substantially as follows:

7 (1) Shall the county of _____ be consolidated with the city or
8 cities of _____?

9 (2) If the consolidation is approved, shall other political and taxing
10 subdivisions located entirely within the county be abolished and the func-
11 tions of these subdivisions transferred to the consolidated city-county?

12 If a majority of the qualified electors of the county voting on the plan
13 vote in favor thereof, the reorganization plan shall be implemented in the
14 manner provided by the plan except that no city shall be consolidated
15 with the county and no offices, functions, services or operations of a city
16 shall be consolidated with the county unless such consolidation plan is
17 approved by a majority of the qualified electors of such city voting at the
18 election held on such plan.

19 If such a majority of the electors vote against such plan, the proposed
20 consolidation plan shall not be implemented.

21 If the commission submits a final plan which does not recommend the
22 consolidation of the city or cities and the county and other political and
23 taxing subdivisions or the consolidation of certain city, county and other
24 political and taxing subdivision offices, functions, services and operations,
25 the provisions of this subsection shall not apply.

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

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

32 (1) Include a description of the form, structure, functions, powers
33 and officers and the duties of such officers recommended in the plan;

34 (2) provide for the method of amendment or abandonment of the
35 plan;

36 (3) authorize the election or appointment of officers;

37 (4) authorize the elimination of offices;

38 (5) specify the effective date of the consolidation;

39 (6) in the case of multi-city consolidation with a county, the plan shall
40 include provisions addressing the situation if the plan is approved by the
41 electors of one, but not all cities to be consolidated under the plan; and

42 (7) include other provisions determined necessary by the commission.

43 (c) If the plan provides for the consolidation of the city or cities and

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

- 1 (4) bonds issued for the purpose of acquiring, enlarging, extending
2 or improving any storm or sanitary sewer system;
- 3 (5) bonds issued for the purpose of acquiring, enlarging, extending
4 or improving any municipal utility; and
- 5 (6) bonds issued to pay the cost of improvements to intersections of
6 streets and alleys or that portion of any street immediately in front of city
7 or school district property.
- 8 (e) Any bonded indebtedness and interest thereon incurred by the
9 city or cities or county prior to consolidation or refunded thereafter shall
10 remain an obligation of the property subject to taxation for the payment
11 thereof prior to such consolidation.
- 12 (f) Upon the effective date of the consolidation of the city or cities
13 and county, any retailers' sales tax levied by the city or cities or county in
14 accordance with K.S.A. 12-187 et seq., and amendments thereto, prior to
15 such date shall remain in full force and effect, except that part of the rate
16 attributable to the city or cities to be consolidated shall not apply to retail
17 sales in the cities which are not consolidated with the county.
- 18 (g) Upon the effective date of the consolidation of the city or cities
19 and county, the territory of the consolidated city-county shall include:
- 20 (1) All of the territory of the county for purposes of exercising the
21 powers, duties and functions of a county; and
- 22 (2) all of the territory of the county, except the territory of the cities
23 which are not consolidated with the county and the unincorporated area
24 of the county, for purposes of exercising the powers, duties and functions
25 of a city.
- 26 (h) For the purposes of section 1 of article 5 of the constitution of
27 the state of Kansas, the "voting area" for the governing body of the con-
28 solidated city-county shall include all the territory within the county.
- 29 (i) Unless otherwise provided by law, the consolidated city-county
30 shall be eligible for the distribution of any funds from the state and federal
31 government as if no consolidation had occurred. Except as provided in
32 this subsection, the population and assessed valuation of the territory of
33 the consolidated city-county shall be considered its population and as-
34 sessed valuation for purposes of the distribution of moneys from the state
35 or federal government.
- 36 (j) The consolidated city-county shall be a county. The governing
37 body of the consolidated city-county shall be considered county commis-
38 sioners for the purposes of section 2 of article 4 of the constitution of the
39 state of Kansas and shall have all the powers, functions and duties of a
40 county and may exercise home rule powers in the manner and subject to
41 the limitations provided by K.S.A. 19-101a, and amendments thereto, and
42 other laws of this state.
- 43 The governing body of the consolidated city-county shall be responsible

1 for any duties or functions imposed by the constitution of the state of
2 Kansas and other laws of this state upon any county office abolished by
3 the consolidation plan. Such duties may be delegated by the governing
4 body or as provided in the consolidation plan.

5 (k) The consolidated city-county shall be a city of the class as deter-
6 mined by the commission in the plan. The governing body of the con-
7 solidated city-county shall have all the powers, functions and duties of a
8 city of such class and may exercise home rule powers in the manner and
9 subject to the limitations provided by article 12 of section 5 of the con-
10 stitution of the state of Kansas and other laws of this state.

11 (l) The governing body of the consolidated city-county may create
12 special service districts within the city-county and may levy taxes for serv-
13 ices provided in such districts.

14 New Sec. 7. The board of county commissioners may levy a tax not
15 to exceed one mill on all taxable tangible property of the county for the
16 purpose of financing the costs incurred by the consolidation study com-
17 mission while executing the powers, duties and functions of such com-
18 mission. After the payment of such costs incurred by the commission any
19 remaining moneys derived from such tax levy shall be transferred to the
20 county general fund in the manner provided by K.S.A. 79-2958, and
21 amendments thereto.

22 Sec. 8. K.S.A. 2006 Supp. 19-205 is hereby amended to read as fol-
23 lows: 19-205. Except as provided by K.S.A. 12-344, 12-345, K.S.A. 2006
24 Supp. 12-363 and 12-365, and amendments thereto, *and under provisions*
25 *of this act, and amendments thereto*, no person holding any state, county,
26 township or city office shall be eligible to the office of county commis-
27 sioner in any county in this state.

28 Nothing in this section shall prohibit the appointment of any county
29 commissioner to any state board, committee, council, commission or sim-
30 ilar body which is established pursuant to statutory authority, so long as
31 any county commissioner so appointed is not entitled to receive any pay,
32 compensation, subsistence, mileage or expenses for serving on such body
33 other than that which is provided by law to be paid in accordance with
34 the provisions of K.S.A. 75-3223, and amendments thereto.

35 Sec. 9. K.S.A. 12-3901 is hereby amended to read as follows: 12-
36 3901. *This act is an alternative to all other laws which authorize the*
37 *consolidation of political and taxing subdivisions of this state or the con-*
38 *solidation of the operations, procedures and functions of offices and agen-*
39 *cies of such subdivisions.* It is the purpose of this act to authorize and
40 permit political and taxing subdivisions of this state to more efficiently
41 and effectively serve the needs of their constituents by consolidating or
42 cooperating in the consolidation of *such subdivisions or the consolidation*
43 *of the operations, procedures and functions of offices and agencies of*

1 such subdivisions which may be more efficiently and effectively exercised
2 or provided by a single *subdivision*, office or agency.

3 Sec. 10. K.S.A. 12-3902 is hereby amended to read as follows: 12-
4 3902. For the purposes of this act all references to "political and taxing
5 subdivisions of this state" shall mean and include counties, townships,
6 cities, school districts, library districts, park districts, road districts, drain-
7 age or levee districts, sewer districts, water districts, fire districts and
8 taxing subdivisions created and established under the laws of the state of
9 Kansas.

10 *The terms "like subdivisions" or "like political and taxing subdivisions"*
11 *shall mean subdivisions of the same type and function.*

12 Sec. 11. K.S.A. 12-3903 is hereby amended to read as follows: 12-
13 3903. (a) ~~Whenever the governing body of any political or taxing sub-~~
14 ~~division of this state shall by resolution determine that duplication exists~~
15 ~~in the operations, procedures or functions of any of the offices or agencies~~
16 ~~of such subdivision or that the operations, procedures or functions of any~~
17 ~~of the offices or agencies thereof can be more efficiently and effectively~~
18 ~~exercised or provided as a consolidated activity performed by a single~~
19 ~~office or agency, or whenever the governing body of any two or more~~
20 ~~political or taxing subdivisions of this state shall by the passage of identical~~
21 ~~resolutions determine that duplication exists in the operations, procedu-~~
22 ~~res or functions of offices or agencies of such subdivisions or that the~~
23 ~~operations, procedures or functions of any of the offices or agencies~~
24 ~~thereof can be more efficiently and effectively exercised or provided as a~~
25 ~~consolidated activity performed by a single intergovernmental office or~~
26 ~~agency or by a single office or agency of one of the participating political~~
27 ~~or taxing subdivisions desires to consolidate with like subdivisions or to~~
28 ~~consolidate the operations, procedures and functions of the offices and~~
29 ~~agencies of political and taxing subdivisions, such governing body or gov-~~
30 ~~erning bodies are hereby authorized to consolidate with like subdivisions~~
31 ~~or consolidate any or all of the operations, procedures or functions per-~~
32 ~~formed or carried on by such offices or agencies of political and taxing~~
33 ~~subdivisions by the passage of a resolution or identical resolutions setting~~
34 ~~out the time, form and manner of consolidation and designating the sur-~~
35 ~~ving political or taxing subdivisions or the office or agency.~~

36 (b) *The consolidation of like subdivisions or the elimination of an*
37 *elective office by consolidation under the provisions of this act shall be*
38 *subject to the approval of a majority of not be effective unless the question*
39 *of such consolidation or elimination of office has been submitted to and*
40 *approved by the electors of the political or taxing subdivision served by*
41 *such office, voting in subdivisions proposed to be consolidated or served*
42 *by the office proposed to be eliminated. Such question shall be submitted*
43 *at the next regular general election of the county in which the office of*

1 ~~governor is elected, and no elective office shall be eliminated prior to~~
2 ~~such election held in November of an even-numbered year.~~

3 *If the office is to be eliminated and the duties transferred to a nonelec-*
4 *tive office, the question of elimination of the elective office shall be sub-*
5 *mitted to the voters as a separate ballot question. Any such proposed*
6 *consolidation which eliminates any such an elective office shall provide*
7 *that the elimination of such office shall become effective upon the date*
8 *of normal expiration of the term of such office.*

9 Any such proposed consolidation ~~which eliminates any such of like po-~~
10 ~~litical or taxing subdivisions or any proposal which eliminates an~~ elective
11 office shall not be voted on by the governing body of the political or taxing
12 subdivision until a special public hearing is held within the political or
13 taxing ~~subdivision subdivisions affected by the proposal.~~ Notice of such
14 special hearing shall be published in a newspaper of general circulation
15 in the political or taxing ~~subdivision subdivisions affected at least once~~
16 each week for two consecutive weeks prior to the hearing. The first pub-
17 lication shall not be less than 21 days prior to such hearing. Any elected
18 officer whose office would be eliminated in such consolidation and any
19 other interested party shall be given an opportunity to appear and offer
20 testimony at any of such hearings.

21 (c) Whenever the statutorily mandated duties of any elected county
22 official are proposed for elimination, by transfer or otherwise, the ques-
23 tion of the elimination of any such duties shall be considered as an elim-
24 ination of the elective office itself within the meaning of this section, and
25 shall be subject to an election prior to such elimination as required by
26 subsection (b). The provisions of this subsection shall not preclude the
27 transfer of duties of an elected office with the consent of the affected
28 elected official.

29 Sec. 12. K.S.A. 12-3904 is hereby amended to read as follows: 12-
30 3904. Whenever a petition, signed by not less than 10% of the qualified
31 electors of any political or taxing subdivision of this state or any two or
32 more political or taxing subdivisions of this state, shall be filed with the
33 governing body of such subdivision or subdivisions requesting that a propo-
34 sition for the consolidation of *such like subdivisions or the consolidation*
35 *of specified operations, procedures and functions of designated offices or*
36 *agencies of any such subdivision or subdivisions be submitted to the elec-*
37 *tors thereof, such governing body or governing bodies shall submit such*
38 *proposition at an election called and held for such purpose in the manner*
39 *provided by the general bond law. The wording of such a petitioned-for*
40 *proposition affecting the consolidation of two or more like subdivisions*
41 *or the consolidation of the operations, procedures and functions of any*
42 *two or more subdivisions shall be expressed in general terms. If the propo-*
43 *sition is approved by a majority of the electors voting thereon, the gov-*

1 erning body or governing bodies shall develop and implement a plan for
2 the consolidation consistent with the intent of the proposition. If such
3 proposition eliminates an elective office by consolidation, the governing
4 body of such subdivision or subdivisions shall provide for the hearing
5 *required* by K.S.A. 12-3903, and amendments thereto. The governing
6 body shall submit, *in accordance with K.S.A. 12-3903, and amendments*
7 *thereto*, such proposition at the next regular general election of the county
8 ~~in which the office of governor is elected in accordance with K.S.A. 12-~~
9 ~~3903, and amendments thereto held in November of an even-numbered~~
10 *year.*

11 Sec. 13. K.S.A. 12-3909 is hereby amended to read as follows: 12-
12 3909. ~~Nothing in this act shall be construed as authorizing the consoli-~~
13 ~~ation of any political or taxing subdivision with any other political or~~
14 ~~taxing subdivision.~~ Nothing in this act shall be construed to authorize the
15 closing or the change of use of any school or attendance facility.

16 Sec. 14. K.S.A. 12-3901, 12-3902, 12-3903, 12-3904 and 12-3909 and
17 K.S.A. 2006 Supp. 19-205 are hereby repealed.

18 Sec. 15. This act shall take effect and be in force from and after its
19 publication in the statute book.

2008
Died House
Comm.

As Amended by Senate Committee

Session of 2008

SENATE BILL No. 454

By Committee on Ways and Means

1-22

10 AN ACT concerning governmental consolidation and reorganization;
11 amending K.S.A. 12-3901, 12-3902, 12-3903, 12-3904 and 12-3909 and
12 K.S.A. 2007 Supp. 19-205 and repealing the existing sections.
13

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 consolidation study commission selected
19 pursuant to section 2, and amendments thereto.

20 (d) "County" means any county.

21 (e) "Political and tax subdivision" means those subdivisions listed in
22 K.S.A. 12-3902, and amendments thereto, which are located entirely
23 within a county.

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

33 (b) As an alternative to subsection (a), the board of county commis-
34 sioners of a county and the governing body of any city or cities located
35 therein shall adopt a joint resolution providing for the establishment of a
36 consolidation study commission to prepare a plan as provided in subsec-
37 tion (a) whenever the county election officer is presented with a petition
38 signed by not less than 10% of the qualified electors of the county re-
39 questing a consolidation study commission be appointed. The governing
40 body of any city shall be required to adopt the joint resolution whenever
41 the petition presented to the county clerk contains signatures of not less
42 than 10% of the qualified electors of the city. The petition shall contain
43 the method to be used for the appointment and the number of members

1 of the consolidation study commission.

2 (c) Any resolution adopted pursuant to subsections (a) or (b) shall
3 provide for the establishment of a consolidation study commission and
4 shall provide for the method of appointment and the number of members
5 of the commission. At least $\frac{1}{3}$ of the membership of a consolidation study
6 commission shall be residents of the unincorporated area of the county.

7 New Sec. 3. (a) Within 30 days following appointment of members
8 of the consolidation study commission, the chairperson of the board of
9 county commissioners, acting as the temporary chairperson of the com-
10 mission, shall call and hold an organizational meeting of the commission.
11 The commission shall elect a chairperson, vice-chairperson and other of-
12 ficers deemed necessary. The commission may adopt rules governing the
13 conduct of its meetings.

14 (b) The commission shall be subject to the Kansas open meetings act
15 and the Kansas open records act.

16 (c) Members of the commission may be reimbursed for the actual
17 and necessary expenses incurred in the performance of their official
18 duties.

19 (d) The commission may appoint an executive director of the com-
20 mission. The executive director may receive compensation established by
21 the commission. The executive director may employ other staff and may
22 contract with consultants, as the executive director deems necessary to
23 carry out the functions of the commission. Staff employed by the exec-
24 utive director may receive compensation established by the executive di-
25 rector and approved by the commission.

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

28 New Sec. 4. (a) The commission shall prepare and adopt a plan ad-
29 dressing the consolidation of the city or cities and the county and other
30 political or taxing subdivisions or consolidation of certain city, county and
31 other political and taxing subdivision offices, functions, services and op-
32 erations. The commission shall conduct such studies and investigations as
33 it deems appropriate to complete its work. Such studies and investigations
34 shall include, but not be limited to:

35 (1) Studies of the efficiency and effectiveness of the administrative
36 operations of the city or cities and the county and other political and taxing
37 subdivisions.

38 (2) Studies of the costs and benefits of consolidating the city or cities
39 and the county and other political and taxing subdivisions or consolidating
40 certain city or cities and county and other political and taxing subdivision
41 offices, functions, services and operations.

42 (b) The commission shall hold public hearings for the purpose of
43 receiving information and materials which will aid in the drafting of the

1 plan.

2 (c) For the purposes of performing its studies and investigations, the
3 commission or its executive director may administer oaths and affirma-
4 tions, subpoena witnesses, compel their attendance, take evidence, re-
5 quire the production of any books, papers, correspondence, memoranda,
6 agreements or other documents or records which the commission or ex-
7 ecutive director deems relevant or material to its studies and investigation.

8 (d) The commission shall prepare and adopt a preliminary plan ad-
9 dressing the consolidation of the city or cities and the county and other
10 political and taxing subdivisions or the consolidation of certain city and
11 county and other political and taxing subdivision offices, functions, serv-
12 ices and operations it deems advisable.

13 The preliminary plan, if it recommends the consolidation of the county
14 with one or more cities, shall address the issue of the abolishment of
15 other political and taxing subdivisions located within the county and the
16 transfer of the functions of the above political subdivisions to the reor-
17 ganized city-county.

18 Copies of the preliminary plan shall be filed with the county election
19 officer, city clerk of each city to be reorganized and each public library
20 within the county and shall be available to members of the public for
21 inspection upon request. The commission shall hold at least two public
22 hearings to obtain citizen views concerning the preliminary plan. At least
23 seven days shall elapse between the holding of the hearings. Notice of
24 the hearings shall be published at least once in a newspaper of general
25 circulation within the county. Following the public hearings on the pre-
26 liminary plan, the commission may adopt, or modify and adopt, the pre-
27 liminary plan as the final plan.

28 (e) The final plan shall include the full text and an explanation of the
29 proposed plan, and comments deemed desirable by the commission, a
30 written opinion by an attorney admitted to practice law in the state of
31 Kansas and retained by the executive director for such purpose that the
32 proposed plan is not in conflict with the constitution or the laws of the
33 state, and any minority reports.

34 Copies of the final plan shall be filed with the county election officer,
35 city clerk of each city to be reorganized and each public library within
36 the county and shall be available to members of the public for inspection
37 upon request. The commission shall continue in existence at least 90 days
38 following the submission of the final plan for approval at an election as
39 provided by subsection (f).

40 (f) The final plan shall be submitted to the qualified electors of the
41 county at the next general election of the county held at least 45 days
42 following the adoption of the final plan by the commission. Such election
43 shall be called and held by the county election officer in the manner

1 provided by the general election law. A summary of the final plan shall
2 be prepared by the commission and shall be published at least once each
3 week for two consecutive weeks in a newspaper of general circulation
4 within the county.

5 If the final plan calls for the consolidation of the county with one or
6 more cities and the consolidation of other political and taxing subdivisions,
7 the ballot shall contain two questions worded substantially as follows:

8 (1) Shall the county of _____ be consolidated with the city or
9 cities of _____?

10 (2) If the consolidation is approved, shall ~~other~~ *the following* polit-
11 ical and taxing subdivisions located entirely within the county be abolished
12 and the functions of these subdivisions transferred to the consolidated
13 city-county: _____?

14 If a majority of the qualified electors of the county voting on the plan
15 vote in favor thereof, the reorganization plan shall be implemented in the
16 manner provided by the plan except that no city shall be consolidated
17 with the county and no offices, functions, services or operations of a city
18 shall be consolidated with the county unless such consolidation plan is
19 approved by a majority of the qualified electors of such city voting at the
20 election held on such plan.

21 If such a majority of the electors vote against such plan, the proposed
22 consolidation plan shall not be implemented.

23 If the commission submits a final plan which does not recommend the
24 consolidation of the city or cities and the county and other political and
25 taxing subdivisions or the consolidation of certain city, county and other
26 political and taxing subdivision offices, functions, services and operations,
27 the provisions of this subsection shall not apply.

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

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

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

36 (2) provide for the method of amendment or abandonment of the
37 plan;

38 (3) authorize the election or appointment of officers;

39 (4) authorize the elimination of offices;

40 (5) specify the effective date of the consolidation;

41 (6) in the case of multi-city consolidation with a county, the plan shall
42 include provisions addressing the situation if the plan is approved by the
43 electors of one, but not all cities to be consolidated under the plan; and

- 1 (7) include other provisions determined necessary by the
2 commission.
- 3 (c) If the plan provides for the consolidation of the city or cities and
4 county, in addition to the requirements of subsection (b) the plan shall:
- 5 (1) Fix the boundaries of the governing body's election districts, pro-
6 vide a method for changing the boundaries from time-to-time, any at-
7 large positions on the governing body, fix the number, term and initial
8 compensation of the governing body of the consolidated city-county and
9 the method of election;
- 10 (2) determine whether elections of the governing body of the reor-
11 ganized city-county shall be partisan or nonpartisan elections and the time
12 at which such elections shall be held;
- 13 (3) determine the distribution of legislative and administrative duties
14 of the consolidated city-county officials, provide for consolidation or ex-
15 pansion of services as necessary, authorize the appointment of a consol-
16 idated city-county administrator or a city-county manager, if deemed ad-
17 visable, and prescribe the general structure of the consolidated
18 city-county government;
- 19 (4) provide for the official name of the consolidated city-county;
- 20 (5) provide for the transfer or other disposition of property and other
21 rights, claims and assets of the county, the city or cities, and other political
22 and taxing subdivisions; and
- 23 (6) provide for the transfer of the functions of any political or taxing
24 subdivisions approved by voters for consolidation.
- 25 New Sec. 6. (a) If the voters approve a plan which provides for the
26 consolidation of the city or cities and the county, such consolidated city-
27 county shall be subject to the provisions of this section.
- 28 (b) The consolidated 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 consolidated
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 the county on the preceding August 25.
- 36 (d) The following shall not be included in computing the total bonded
37 indebtedness of the consolidated 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 re-
2 modeling 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; and

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 consolidation or refunded thereafter shall
13 remain an obligation of the property subject to taxation for the payment
14 thereof prior to such consolidation.

15 (f) Upon the effective date of the consolidation 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 consolidated shall not apply to retail
20 sales in the cities which are not consolidated with the county.

21 (g) Upon the effective date of the consolidation of the city or cities
22 and county, the territory of the consolidated city-county shall include:

23 (1) All of the territory of the county for purposes of exercising the
24 powers, duties and functions of a county; and

25 (2) all of the territory of the county, except the territory of the cities
26 which are not consolidated with the county and the unincorporated area
27 of the county, for purposes of exercising the powers, duties and functions
28 of a city.

29 (h) For the purposes of section 1 of article 5 of the constitution of
30 the state of Kansas, the "voting area" for the governing body of the con-
31 solidated city-county shall include all the territory within the county.

32 (i) Unless otherwise provided by law, the consolidated city-county
33 shall be eligible for the distribution of any funds from the state and federal
34 government as if no consolidation had occurred. Except as provided in
35 this subsection, the population and assessed valuation of the territory of
36 the consolidated city-county shall be considered its population and as-
37 sessed valuation for purposes of the distribution of moneys from the state
38 or federal government.

39 (j) The consolidated city-county shall be a county. The governing
40 body of the consolidated city-county shall be considered county commis-
41 sioners for the purposes of section 2 of article 4 of the constitution of the
42 state of Kansas and shall have all the powers, functions and duties of a
43 county and may exercise home rule powers in the manner and subject to

1 the limitations provided by K.S.A. 19-101a, and amendments thereto, and
2 other laws of this state.

3 The governing body of the consolidated city-county shall be responsible
4 for any duties or functions imposed by the constitution of the state of
5 Kansas and other laws of this state upon any county office abolished by
6 the consolidation plan. Such duties may be delegated by the governing
7 body or as provided in the consolidation plan.

8 (k) The consolidated city-county shall be a city of the class as deter-
9 mined by the commission in the plan. The governing body of the con-
10 solidated city-county shall have all the powers, functions and duties of a
11 city of such class and may exercise home rule powers in the manner and
12 subject to the limitations provided by article 12 of section 5 of the con-
13 stitution of the state of Kansas and other laws of this state.

14 (l) The governing body of the consolidated city-county may create
15 special service districts within the city-county and may levy taxes for serv-
16 ices provided in such districts.

17 ~~New Sec. 7. The board of county commissioners may levy a tax not
18 to exceed one mill on all taxable tangible property of the county for the
19 purpose of financing the costs incurred by the consolidation study com-
20 mission while executing the powers, duties and functions of such com-
21 mission. After the payment of such costs incurred by the commission any
22 remaining moneys derived from such tax levy shall be transferred to the
23 county general fund in the manner provided by K.S.A. 79-2958, and
24 amendments thereto.~~

25 Sec. 8 7. K.S.A. 2007 Supp. 19-205 is hereby amended to read as
26 follows: 19-205. Except as provided by K.S.A. 12-344, 12-345, K.S.A. 2007
27 Supp. 12-363 and 12-365, and amendments thereto, *and under provisions*
28 *of this act, and amendments thereto*, no person holding any state, county,
29 township or city office shall be eligible to the office of county commis-
30 sioner in any county in this state.

31 Nothing in this section shall prohibit the appointment of any county
32 commissioner to any state board, committee, council, commission or sim-
33 ilar body which is established pursuant to statutory authority, so long as
34 any county commissioner so appointed is not entitled to receive any pay,
35 compensation, subsistence, mileage or expenses for serving on such body
36 other than that which is provided by law to be paid in accordance with
37 the provisions of K.S.A. 75-3223, and amendments thereto.

38 Sec. 9 8. K.S.A. 12-3901 is hereby amended to read as follows: 12-
39 3901. *This act is an alternative to all other laws which authorize the*
40 *consolidation of political and taxing subdivisions of this state or the con-*
41 *solidation of the operations, procedures and functions of offices and agen-*
42 *cies of such subdivisions.* It is the purpose of this act to authorize and
43 permit political and taxing subdivisions of this state to more efficiently

1 and effectively serve the needs of their constituents by consolidating or
2 cooperating in the consolidation of *such subdivisions or the consolidation*
3 *of the operations, procedures and functions of offices and agencies of*
4 *such subdivisions which may be more efficiently and effectively exercised*
5 *or provided by a single subdivision, office or agency.*

6 Sec. ~~10~~ 9. K.S.A. 12-3902 is hereby amended to read as follows: 12-
7 3902. For the purposes of this act all references to “political and taxing
8 subdivisions of this state” shall mean and include counties, townships,
9 cities, school districts, library districts, park districts, road districts, drain-
10 age or levee districts, sewer districts, water districts, fire districts and
11 taxing subdivisions created and established under the laws of the state of
12 Kansas.

13 *The terms “like subdivisions” or “like political and taxing subdivisions”*
14 *shall mean subdivisions of the same type and function.*

15 Sec. ~~11~~ 10. K.S.A. 12-3903 is hereby amended to read as follows: 12-
16 3903. (a) Whenever the governing body of any political or taxing sub-
17 division of this state ~~shall by resolution determine that duplication exists~~
18 ~~in the operations, procedures or functions of any of the offices or agencies~~
19 ~~of such subdivision or that the operations, procedures or functions of any~~
20 ~~of the offices or agencies thereof can be more efficiently and effectively~~
21 ~~exercised or provided as a consolidated activity performed by a single~~
22 ~~office or agency, or whenever the governing body of any two or more~~
23 ~~political or taxing subdivisions of this state shall by the passage of identical~~
24 ~~resolutions determine that duplication exists in the operations, procedu-~~
25 ~~res or functions of offices or agencies of such subdivisions or that the~~
26 ~~operations, procedures or functions of any of the offices or agencies~~
27 ~~thereof can be more efficiently and effectively exercised or provided as a~~
28 ~~consolidated activity performed by a single intergovernmental office or~~
29 ~~agency or by a single office or agency of one of the participating political~~
30 ~~or taxing subdivisions desires to consolidate with like subdivisions or to~~
31 ~~consolidate the operations, procedures and functions of the offices and~~
32 ~~agencies of political and taxing subdivisions, such governing body or gov-~~
33 ~~erning bodies are hereby authorized to consolidate with like subdivisions~~
34 ~~or consolidate any or all of the operations, procedures or functions per-~~
35 ~~formed or carried on by such offices or agencies of political and taxing~~
36 ~~subdivisions by the passage of a resolution or identical resolutions setting~~
37 ~~out the time, form and manner of consolidation and designating the sur-~~
38 ~~ving political or taxing subdivisions or the office or agency.~~

39 (b) *The consolidation of like subdivisions or the elimination of an*
40 *elective office by consolidation under the provisions of this act shall be*
41 *subject to the approval of a majority of not be effective unless the question*
42 *of such consolidation or elimination of office has been submitted to and*
43 *approved by the electors of the political or taxing subdivision served by*

1 ~~such office, voting in subdivisions proposed to be consolidated or served~~
2 ~~by the office proposed to be eliminated. Such question shall be submitted~~
3 ~~at the next regular general election of the county in which the office of~~
4 ~~governor is elected, and no elective office shall be eliminated prior to~~
5 ~~such election held in November of an even-numbered year.~~

6 *If the office is to be eliminated and the duties transferred to a nonelec-*
7 *tive office, the question of elimination of the elective office shall be sub-*
8 *mitted to the voters as a separate ballot question. Any such proposed*
9 *consolidation which eliminates any such an elective office shall provide*
10 *that the elimination of such office shall become effective upon the date*
11 *of normal expiration of the term of such office.*

12 Any such proposed consolidation ~~which eliminates any such of like po-~~
13 ~~litical or taxing subdivisions or any proposal which eliminates an elective~~
14 ~~office shall not be voted on by the governing body of the political or taxing~~
15 ~~subdivision until a special public hearing is held within the political or~~
16 ~~taxing subdivision subdivisions affected by the proposal. Notice of such~~
17 ~~special hearing shall be published in a newspaper of general circulation~~
18 ~~in the political or taxing subdivision subdivisions affected at least once~~
19 ~~each week for two consecutive weeks prior to the hearing. The first pub-~~
20 ~~lication shall not be less than 21 days prior to such hearing. Any elected~~
21 ~~officer whose office would be eliminated in such consolidation and any~~
22 ~~other interested party shall be given an opportunity to appear and offer~~
23 ~~testimony at any of such hearings.~~

24 (c) Whenever the statutorily mandated duties of any elected county
25 official are proposed for elimination, by transfer or otherwise, the ques-
26 tion of the elimination of any such duties shall be considered as an elim-
27 ination of the elective office itself within the meaning of this section, and
28 shall be subject to an election prior to such elimination as required by
29 subsection (b). The provisions of this subsection shall not preclude the
30 transfer of duties of an elected office with the consent of the affected
31 elected official.

32 Sec. ~~12~~ *II.* K.S.A. 12-3904 is hereby amended to read as follows: 12-
33 3904. Whenever a petition, signed by not less than 10% of the qualified
34 electors of any political or taxing subdivision of this state or any two or
35 more political or taxing subdivisions of this state, shall be filed with the
36 governing body of such subdivision or subdivisions requesting that a propo-
37 sition for the consolidation of *such like subdivisions or the consolidation*
38 *of specified operations, procedures and functions of designated offices or*
39 *agencies of any such subdivision or subdivisions be submitted to the elec-*
40 *tors thereof, such governing body or governing bodies shall submit such*
41 *proposition at an election called and held for such purpose in the manner*
42 *provided by the general bond law. The wording of such a petitioned-for*
43 *proposition affecting the consolidation of two or more like subdivisions*

1 *or the consolidation of the operations, procedures and functions of any*
2 *two or more subdivisions shall be expressed in general terms. If the propo-*
3 *sition is approved by a majority of the electors voting thereon, the gov-*
4 *erning body or governing bodies shall develop and implement a plan for*
5 *the consolidation consistent with the intent of the proposition. If such*
6 *proposition eliminates an elective office by consolidation, the governing*
7 *body of such subdivision or subdivisions shall provide for the hearing*
8 *required by K.S.A. 12-3903, and amendments thereto. The governing*
9 *body shall submit, in accordance with K.S.A. 12-3903, and amendments*
10 *thereto, such proposition at the next regular general election of the county*
11 *in which the office of governor is elected in accordance with K.S.A. 12-*
12 *3903, and amendments thereto held in November of an even-numbered*
13 *year.*

14 ~~Sec. 13 12.~~ K.S.A. 12-3909 is hereby amended to read as follows: 12-
15 3909. ~~Nothing in this act shall be construed as authorizing the consoli-~~
16 ~~ation of any political or taxing subdivision with any other political or~~
17 ~~taxing subdivision. Nothing in this act shall be construed to authorize the~~
18 ~~closing or the change of use of any school or attendance facility.~~

19 ~~Sec. 14 13.~~ K.S.A. 12-3901, 12-3902, 12-3903, 12-3904 and 12-3909
20 and K.S.A. 2007 Supp. 19-205 are hereby repealed.

21 ~~Sec. 15 14.~~ This act shall take effect and be in force from and after
22 its publication in the statute book.

1 of specified operations, procedures and functions of designated offices or
2 agencies of *any* such subdivision or subdivisions be submitted to the elec-
3 tors thereof, such governing body or governing bodies shall submit such
4 proposition at an election called and held for such purpose in the manner
5 provided by the general bond law. The wording of such a petitioned-for
6 proposition affecting the *consolidation of two or more like subdivisions*
7 *or the consolidation of the operations, procedures and functions of any*
8 *two or more subdivisions shall be expressed in general terms. If the prop-*
9 *osition is approved by a majority of the electors voting thereon, the gov-*
10 *erning body or governing bodies shall develop and implement a plan for*
11 *the consolidation consistent with the intent of the proposition. If such*
12 *proposition eliminates an elective office by consolidation, the governing*
13 *body of such subdivision or subdivisions shall provide for the hearing*
14 *required by K.S.A. 12-3903, and amendments thereto. The governing*
15 *body shall submit, in accordance with K.S.A. 12-3903, and amendments*
16 *thereto, such proposition at the next regular general election of the county*
17 *in which the office of governor is elected in accordance with K.S.A. 12-*
18 *3903, and amendments thereto held in November of an even-numbered*
19 *year.*

20 Sec. 12. K.S.A. 12-3909 is hereby amended to read as follows: 12-
21 3909. ~~Nothing in this act shall be construed as authorizing the consoli-~~
22 ~~ation of any political or taxing subdivision with any other political or~~
23 ~~taxing subdivision. Nothing in this act shall be construed to authorize the~~
24 closing or the change of use of any school or attendance facility.

25 Sec. 13. K.S.A. 12-3901, 12-3902, 12-3903, 12-3904, 12-3909 and 19-
26 205 are hereby repealed.

27 Sec. 14. This act shall take effect and be in force from and after its
28 publication in the statute book.

1 *viving political or taxing subdivisions or the office or agency.*
2 (b) *The consolidation of like subdivisions or the elimination of an*
3 *elective office by consolidation under the provisions of this act shall be*
4 *subject to the approval of a majority of not be effective unless the question*
5 *of such consolidation or elimination of office has been submitted to and*
6 *approved by the electors of the political or taxing subdivision served by*
7 *such office, voting in subdivisions proposed to be consolidated or served*
8 *by the office proposed to be eliminated. Such question shall be submitted*
9 *at the next regular general election of the county in which the office of*
10 *governor is elected, and no elective office shall be eliminated prior to*
11 *such election held in November of an even-numbered year.*

12 *If the office is to be eliminated and the duties transferred to a nonelec-*
13 *tive office, the question of elimination of the elective office shall be sub-*
14 *mitted to the voters as a separate ballot question. Any such proposed*
15 *consolidation which eliminates any such an elective office shall provide*
16 *that the elimination of such office shall become effective upon the date*
17 *of normal expiration of the term of such office.*

18 *Any such proposed consolidation which eliminates any such of like po-*
19 *litical or taxing subdivisions or any proposal which eliminates an elective*
20 *office shall not be voted on by the governing body of the political or taxing*
21 *subdivision until a special public hearing is held within the political or*
22 *taxing subdivision subdivisions affected by the proposal. Notice of such*
23 *special hearing shall be published in a newspaper of general circulation*
24 *in the political or taxing subdivision subdivisions affected at least once*
25 *each week for two consecutive weeks prior to the hearing. The first pub-*
26 *lication shall not be less than 21 days prior to such hearing. Any elected*
27 *officer whose office would be eliminated in such consolidation and any*
28 *other interested party shall be given an opportunity to appear and offer*
29 *testimony at any of such hearings.*

30 (c) *Whenever the statutorily mandated duties of any elected county*
31 *official are proposed for elimination, by transfer or otherwise, the ques-*
32 *tion of the elimination of any such duties shall be considered as an elim-*
33 *ination of the elective office itself within the meaning of this section, and*
34 *shall be subject to an election prior to such elimination as required by*
35 *subsection (b). The provisions of this subsection shall not preclude the*
36 *transfer of duties of an elected office with the consent of the affected*
37 *electd official.*

38 *Sec. 11. K.S.A. 12-3904 is hereby amended to read as follows: 12-*
39 *3904. Whenever a petition, signed by not less than 10% of the qualified*
40 *electors of any political or taxing subdivision of this state or any two or*
41 *more political or taxing subdivisions of this state, shall be filed with the*
42 *governing body of such subdivision or subdivisions requesting that a prop-*
43 *osition for the consolidation of such like subdivisions or the consolidation*

1 Sec. 8. K.S.A. 12-3901 is hereby amended to read as follows: 12-
2 3901. *This act is an alternative to all other laws which authorize the*
3 *consolidation of political and taxing subdivisions of this state or the con-*
4 *solidation of the operations, procedures and functions of offices and agen-*
5 *cies of such subdivisions.* It is the purpose of this act to authorize and
6 permit political and taxing subdivisions of this state to more efficiently
7 and effectively serve the needs of their constituents by consolidating or
8 cooperating in the consolidation of *such subdivisions or the consolidation*
9 *of the operations, procedures and functions of offices and agencies of*
10 *such subdivisions which may be more efficiently and effectively exercised*
11 *or provided by a single subdivision, office or agency.*

12 Sec. 9. K.S.A. 12-3902 is hereby amended to read as follows: 12-
13 3902. For the purposes of this act all references to "political and taxing
14 subdivisions of this state" shall mean and include counties, townships,
15 cities, school districts, library districts, park districts, road districts, drain-
16 age or levee districts, sewer districts, water districts, fire districts and
17 taxing subdivisions created and established under the laws of the state of
18 Kansas.

19 *The terms "like subdivisions" or "like political and taxing subdivisions"*
20 *shall mean subdivisions of the same type and function.*

21 Sec. 10. K.S.A. 12-3903 is hereby amended to read as follows: 12-
22 3903. (a) ~~Whenever the governing body of any political or taxing sub-~~
23 ~~division of this state shall by resolution determine that duplication exists~~
24 ~~in the operations, procedures or functions of any of the offices or agencies~~
25 ~~of such subdivision or that the operations, procedures or functions of any~~
26 ~~of the offices or agencies thereof can be more efficiently and effectively~~
27 ~~exercised or provided as a consolidated activity performed by a single~~
28 ~~office or agency, or whenever the governing body of any two or more~~
29 ~~political or taxing subdivisions of this state shall by the passage of identical~~
30 ~~resolutions determine that duplication exists in the operations, procedu-~~
31 ~~res or functions of offices or agencies of such subdivisions or that the~~
32 ~~operations, procedures or functions of any of the offices or agencies~~
33 ~~thereof can be more efficiently and effectively exercised or provided as a~~
34 ~~consolidated activity performed by a single intergovernmental office or~~
35 ~~agency or by a single office or agency of one of the participating political~~
36 ~~or taxing subdivisions desires to consolidate with like subdivisions or to~~
37 ~~consolidate the operations, procedures and functions of the offices and~~
38 ~~agencies of political and taxing subdivisions, such governing body or gov-~~
39 ~~erning bodies are hereby authorized to consolidate with like subdivisions~~
40 ~~or consolidate any or all of the operations, procedures or functions per-~~
41 ~~formed or carried on by such offices or agencies of political and taxing~~
42 ~~subdivisions by the passage of a resolution or identical resolutions setting~~
43 ~~out the time, form and manner of consolidation and designating the sur-~~

1 the state of Kansas, the "voting area" for the governing body of the con-
2 solidated city-county shall include all the territory within the county.

3 (i) Unless otherwise provided by law, the consolidated city-county
4 shall be eligible for the distribution of any funds from the state and federal
5 government as if no consolidation had occurred. Except as provided in
6 this subsection, the population and assessed valuation of the territory of
7 the consolidated city-county shall be considered its population and as-
8 sessed valuation for purposes of the distribution of moneys from the state
9 or federal government.

10 (j) The consolidated city-county shall be a county. The governing
11 body of the consolidated city-county shall be considered county commis-
12 sioners for the purposes of section 2 of article 4 of the constitution of the
13 state of Kansas and shall have all the powers, functions and duties of a
14 county and may exercise home rule powers in the manner and subject to
15 the limitations provided by K.S.A. 19-101a, and amendments thereto, and
16 other laws of this state.

17 The governing body of the consolidated city-county shall be responsible
18 for any duties or functions imposed by the constitution of the state of
19 Kansas and other laws of this state upon any county office abolished by
20 the consolidation plan. Such duties may be delegated by the governing
21 body or as provided in the consolidation plan.

22 (k) The consolidated city-county shall be a city of the class as deter-
23 mined by the commission in the plan. The governing body of the con-
24 solidated city-county shall have all the powers, functions and duties of a
25 city of such class and may exercise home rule powers in the manner and
26 subject to the limitations provided by article 12 of section 5 of the con-
27 stitution of the state of Kansas and other laws of this state.

28 (l) The governing body of the consolidated city-county may create
29 special service districts within the city-county and may levy taxes for serv-
30 ices provided in such districts.

31 Sec. 7. K.S.A. 19-205 is hereby amended to read as follows: 19-205.
32 Except as provided by K.S.A. 12-344, 12-345, K.S.A. 2008 Supp. 12-363
33 and 12-365, and amendments thereto, *and under provisions of this act,*
34 *and amendments thereto*, no person holding any state, county, township
35 or city office shall be eligible to the office of county commissioner in any
36 county in this state.

37 Nothing in this section shall prohibit the appointment of any county
38 commissioner to any state board, committee, council, commission or sim-
39 ilar body which is established pursuant to statutory authority, so long as
40 any county commissioner so appointed is not entitled to receive any pay,
41 compensation, subsistence, mileage or expenses for serving on such body
42 other than that which is provided by law to be paid in accordance with
43 the provisions of K.S.A. 75-3223, and amendments thereto.

1 (c) Except as provided in subsection (d), and in any other statute
2 which specifically exempts bonds from the statutory limitations on bonded
3 indebtedness, the limitation on bonded indebtedness of a consolidated
4 city-county under this act shall be determined by the commission in the
5 plan, but shall not exceed 30% of the assessed value of all tangible taxable
6 property within the county on the preceding August 25.

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

10 (1) Bonds issued for the purpose of refunding outstanding debt, in-
11 cluding outstanding bonds and matured coupons thereof, or judgments
12 thereon;

13 (2) bonds issued pursuant to the provisions of article 46 of chapter
14 19 of the Kansas Statutes Annotated, and amendments thereto;

15 (3) bonds issued for the purpose of financing the construction or re-
16 modeling of a courthouse, jail or law enforcement center facility, which
17 bonds are payable from the proceeds of a retailer's sales tax;

18 (4) bonds issued for the purpose of acquiring, enlarging, extending
19 or improving any storm or sanitary sewer system;

20 (5) bonds issued for the purpose of acquiring, enlarging, extending
21 or improving any municipal utility; and

22 (6) bonds issued to pay the cost of improvements to intersections of
23 streets and alleys or that portion of any street immediately in front of city
24 or school district property.

25 (e) Any bonded indebtedness and interest thereon incurred by the
26 city or cities or county prior to consolidation or refunded thereafter shall
27 remain an obligation of the property subject to taxation for the payment
28 thereof prior to such consolidation.

29 (f) Upon the effective date of the consolidation of the city or cities
30 and county, any retailers' sales tax levied by the city or cities or county in
31 accordance with K.S.A. 12-187 et seq., and amendments thereto, prior to
32 such date shall remain in full force and effect, except that part of the rate
33 attributable to the city or cities to be consolidated shall not apply to retail
34 sales in the cities which are not consolidated with the county.

35 (g) Upon the effective date of the consolidation of the city or cities
36 and county, the territory of the consolidated city-county shall include:

37 (1) All of the territory of the county for purposes of exercising the
38 powers, duties and functions of a county; and

39 (2) all of the territory of the county, except the territory of the cities
40 which are not consolidated with the county and the unincorporated area
41 of the county, for purposes of exercising the powers, duties and functions
42 of a city.

43 (h) For the purposes of section 1 of article 5 of the constitution of

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

4 (1) Include a description of the form, structure, functions, powers
5 and officers and the duties of such officers recommended in the plan;

6 (2) provide for the method of amendment or abandonment of the
7 plan;

8 (3) authorize the election or appointment of officers;

9 (4) authorize the elimination of offices;

10 (5) specify the effective date of the consolidation;

11 (6) in the case of multi-city consolidation with a county, the plan shall
12 include provisions addressing the situation if the plan is approved by the
13 electors of one city, but not all cities to be consolidated under the plan;
14 and

15 (7) include other provisions determined necessary by the
16 commission.

17 (c) If the plan provides for the consolidation of the city or cities and
18 county, in addition to the requirements of subsection (b) the plan shall:

19 (1) Fix the boundaries of the governing body's election districts, pro-
20 vide a method for changing the boundaries from time-to-time, provide
21 any at-large positions on the governing body, fix the number, term and
22 initial compensation of the governing body of the consolidated city-county
23 and the method of election;

24 (2) determine whether elections of the governing body of the reor-
25 ganized city-county shall be partisan or nonpartisan elections and the time
26 at which such elections shall be held;

27 (3) determine the distribution of legislative and administrative duties
28 of the consolidated city-county officials, provide for consolidation or ex-
29 pansion of services as necessary, authorize the appointment of a consol-
30 idated city-county administrator or a city-county manager, if deemed ad-
31 visable, and prescribe the general structure of the consolidated
32 city-county government;

33 (4) provide for the official name of the consolidated city-county;

34 (5) provide for the transfer or other disposition of property and other
35 rights, claims and assets of the county, the city or cities, and other political
36 and taxing subdivisions; and

37 (6) provide for the transfer of the functions of any political or taxing
38 subdivisions approved by voters for consolidation.

39 New Sec. 6. (a) If the voters approve a plan which provides for the
40 consolidation of the city or cities and the county, such consolidated city-
41 county shall be subject to the provisions of this section.

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

1 the county and shall be available to members of the public for inspection
2 upon request. The commission shall continue in existence at least 90 days
3 following the submission of the final plan for approval at an election as
4 provided by subsection (f).

5 (f) The final plan shall be submitted to the qualified electors of the
6 county at the next general election of the county held at least 45 days
7 following the adoption of the final plan by the commission. Such election
8 shall be called and held by the county election officer in the manner
9 provided by the general bond law. A summary of the final plan shall be
10 prepared by the commission and shall be published at least once each
11 week for two consecutive weeks in a newspaper of general circulation
12 within the county.

13 If the final plan calls for the consolidation of the county with one or
14 more cities and the consolidation of other political and taxing subdivisions
15 and the final plan calls for a countywide election, the ballot shall contain
16 two questions worded substantially as follows:

17 (1) Shall the county of _____ be consolidated with the city or
18 cities of _____?

19 (2) If the consolidation is approved, shall the following political and
20 taxing subdivisions located entirely within the county be abolished and
21 the functions of these subdivisions transferred to the consolidated city-
22 county: _____?

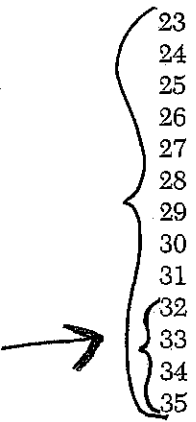
23 If a majority of the qualified electors of the county voting on the plan
24 vote in favor thereof, the reorganization plan shall be implemented in the
25 manner provided by the plan except that no city shall be consolidated
26 with the county and no offices, functions, services or operations of a city
27 shall be consolidated with the county unless such consolidation plan is
28 approved by a majority of the qualified electors of such city voting at the
29 election held on such plan.

30 If such a majority of the electors vote against such plan, the proposed
31 consolidation plan shall not be implemented.

32 If the final plan calls for separate votes of the electorate in the unin-
33 corporated area of the county and within each city to be consolidated,
34 the final plan shall contain the ballot questions which shall be submitted
35 to the electorate.

36 If the commission submits a final plan which does not recommend the
37 consolidation of the city or cities and the county and other political and
38 taxing subdivisions or the consolidation of certain city, county and other
39 political and taxing subdivision offices, functions, services and operations,
40 the provisions of this subsection shall not apply.

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



1 and the county and other political and taxing subdivisions or consolidating
2 certain city or cities and county and other political and taxing subdivision
3 offices, functions, services and operations.

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

7 (c) For the purposes of performing its studies and investigations, the
8 commission or its executive director may administer oaths and affirma-
9 tions, subpoena witnesses, compel their attendance, take evidence, re-
10 quire the production of any books, papers, correspondence, memoranda,
11 agreements or other documents or records which the commission or ex-
12 ecutive director deems relevant or material to its studies and investigation.

13 (d) The commission shall prepare and adopt a preliminary plan ad-
14 dressing the consolidation of the city or cities and the county and other
15 political and taxing subdivisions or the consolidation of certain city and
16 county and other political and taxing subdivision offices, functions, serv-
17 ices and operations it deems advisable.

18 The preliminary plan, if it recommends the consolidation of the county
19 with one or more cities, shall address: (1) The issue of the abolishment
20 of other political and taxing subdivisions located entirely within the county
21 and the transfer of the functions of the above political subdivisions to the
22 reorganized city-county; and, (2) the issue of whether a vote of the elec-
23 torate shall be required countywide or whether separate votes of the
24 electorate will be required in the unincorporated area of the county and
25 within each city proposed to be consolidated.

26 Copies of the preliminary plan shall be filed with the county election
27 officer, city clerk of each city to be reorganized and each public library
28 within the county and shall be available to members of the public for
29 inspection upon request. The commission shall hold at least two public
30 hearings to obtain citizen views concerning the preliminary plan. At least
31 seven days shall elapse between the holding of the hearings. Notice of
32 the hearings shall be published at least once in a newspaper of general
33 circulation within the county. Following the public hearings on the pre-
34 liminary plan, the commission may adopt, or modify and adopt, the pre-
35 liminary plan as the final plan.

36 (e) The final plan shall include the full text and an explanation of the
37 proposed plan, and comments deemed desirable by the commission, a
38 written opinion by an attorney admitted to practice law in the state of
39 Kansas and retained by the executive director for such purpose that the
40 proposed plan is not in conflict with the constitution or the laws of the
41 state, and any minority reports.

42 Copies of the final plan shall be filed with the county election officer,
43 city clerk of each city to be reorganized and each public library within

1 the petition presented to the county clerk contains signatures of not less
2 than 10% of the qualified electors of the city. The petition shall contain
3 the method to be used for the appointment and the number of members
4 of the consolidation study commission.

5 (c) Any resolution adopted pursuant to subsections (a) or (b) shall
6 provide for the establishment of a consolidation study commission and
7 shall provide for the method of appointment and the number of members
8 of the commission. At least $\frac{1}{3}$ of the membership of a consolidation study
9 commission shall be residents of the unincorporated area of the county:
10 ***[unless a greater representation of residents of the unincorporated***
11 ***area is specified by the resolution.]***

12 New Sec. 3. (a) Within 30 days following appointment of members
13 of the consolidation study commission, the chairperson of the board of
14 county commissioners, acting as the temporary chairperson of the com-
15 mission, shall call and hold an organizational meeting of the commission.
16 The commission shall elect a chairperson, vice-chairperson and other of-
17 ficers deemed necessary. The commission may adopt rules governing the
18 conduct of its meetings.

19 (b) The commission shall be subject to the Kansas open meetings act
20 and the Kansas open records act.

21 (c) Members of the commission may be reimbursed for the actual
22 and necessary expenses incurred in the performance of their official
23 duties.

24 (d) The commission may appoint an executive director of the com-
25 mission. The executive director may receive compensation established by
26 the commission. The executive director may employ other staff and may
27 contract with consultants, as the executive director deems necessary to
28 carry out the functions of the commission. Staff employed by the exec-
29 utive director may receive compensation established by the executive di-
30 rector and approved by the commission.

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

33 New Sec. 4. (a) The commission shall prepare and adopt a plan ad-
34 dressing the consolidation of the city or cities and the county and other
35 political or taxing subdivisions or consolidation of certain city, county and
36 other political and taxing subdivision offices, functions, services and op-
37 erations. The commission shall conduct such studies and investigations as
38 it deems appropriate to complete its work. Such studies and investigations
39 shall include, but not be limited to:

40 (1) Studies of the efficiency and effectiveness of the administrative
41 operations of the city or cities and the county and other political and taxing
42 subdivisions.

43 (2) Studies of the costs and benefits of consolidating the city or cities

2009-10
Became Gut and
Cemetery corp.
accounting

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2009

SENATE BILL No. 75

By Committee on Federal and State Affairs

1-22

12 AN ACT concerning governmental consolidation and reorganization;
13 amending K.S.A. 12-3901, 12-3902, 12-3903, 12-3904, 12-3909 and
14 19-205 and repealing the existing sections.

15
16 *Be it enacted by the Legislature of the State of Kansas:*

17 New Section 1. As used in this act:

- 18 (a) "Board" means the board of county commissioners.
- 19 (b) "City" means any city.
- 20 (c) "Commission" means a consolidation study commission selected
21 pursuant to section 2, and amendments thereto.
- 22 (d) "County" means any county.
- 23 (e) "Political and taxing subdivision" means those subdivisions listed
24 in K.S.A. 12-3902, and amendments thereto, which are located entirely
25 within a county.

26 New Sec. 2. (a) The board of county commissioners of a county and
27 the governing body of any city or cities located within such county may
28 adopt a joint resolution providing for the establishment of a consolidation
29 study commission to prepare a plan for the reorganization of the county
30 and such city or cities located in such county, *or the consolidation of*
31 *offices, functions, services and operations*. If the governing body of a
32 city within the county does not adopt such joint resolution, such city shall
33 not be included within nor subject to the provisions of any reorganization
34 plan in regard to the status of such city as a separate entity from the
35 county.

36 (b) As an alternative to subsection (a), the board of county commis-
37 sioners of a county and the governing body of any city or cities located
38 therein shall adopt a joint resolution providing for the establishment of a
39 consolidation study commission to prepare a plan as provided in subsec-
40 tion (a) whenever the county election officer is presented with a petition
41 signed by not less than 10% of the qualified electors of the county re-
42 questing a consolidation study commission be appointed. The governing
43 body of any city shall be required to adopt the joint resolution whenever

2011
Sits in House
Local Gov.
1/24/12

Session of 2011

HOUSE BILL No. 2084

By Committee on Local Government

1-25

1 AN ACT concerning governmental organization; relating to
2 consolidation; amending K.S.A. 12-3901, 12-3902, 12-3903, 12-3904,
3 12-3909 and 19-205 and repealing the existing sections.
4

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

6 New Section 1. As used in sections 1 through 6, and amendments
7 thereto:

- 8 (a) "Board" means the board of county commissioners.
9 (b) "City" means any city.
10 (c) "Commission" means a consolidation study commission selected
11 pursuant to section 2, and amendments thereto.
12 (d) "County" means any county.
13 (e) "Political and taxing subdivision" means those subdivisions
14 listed in K.S.A. 12-3902, and amendments thereto, which are located
15 entirely within a county.

16 New Sec. 2. (a) The board of county commissioners of a county and
17 the governing body of any city or cities located within such county may
18 adopt a joint resolution providing for the establishment of a consolidation
19 study commission to prepare a plan for the consolidation of the county
20 and such city or cities located in such county, or the consolidation of
21 offices, functions, services and operations. If the governing body of a city
22 within the county does not adopt such joint resolution, such city shall not
23 be included within nor subject to the provisions of any consolidation plan
24 in regard to the status of such city as a separate entity from the county.

25 (b) As an alternative to subsection (a), the board of county
26 commissioners of a county and the governing body of any city or cities
27 located therein shall adopt a joint resolution providing for the
28 establishment of a consolidation study commission to prepare a plan as
29 provided in subsection (a) whenever the county election officer is
30 presented with a petition signed by not less than 10% of the qualified
31 electors of the county requesting a consolidation study commission be
32 appointed. The governing body of any city shall be required to adopt the
33 joint resolution whenever the petition presented to the county clerk
34 contains signatures of not less than 10% of the qualified electors of the
35 city. The petition shall contain the method to be used for the appointment
36 and the number of members of the consolidation study commission.



1 (c) Any resolution adopted pursuant to subsections (a) or (b) shall
2 provide for the establishment of a consolidation study commission and
3 shall provide for the method of appointment and the number of members
4 of the commission. At least $\frac{1}{2}$ of the membership of a consolidation study
5 commission shall be residents of the unincorporated area of the county.

6 New Sec. 3. (a) Within 30 days following appointment of members
7 of the consolidation study commission, the chairperson of the board of
8 county commissioners, acting as the temporary chairperson of the
9 commission, shall call and hold an organizational meeting of the
10 commission. The commission shall elect a chairperson, vice-chairperson
11 and other officers deemed necessary. The commission may adopt rules
12 governing the conduct of its meetings.

13 (b) The commission shall be subject to the Kansas open meetings
14 act and the Kansas open records act.

15 (c) Members of the commission may be reimbursed for the actual
16 and necessary expenses incurred in the performance of their official
17 duties.

18 (d) The commission may appoint an executive director of the
19 commission. The executive director may receive compensation
20 established by the commission. The executive director may employ other
21 staff and may contract with consultants, as the executive director deems
22 necessary to carry out the functions of the commission. Staff employed
23 by the executive director may receive compensation established by the
24 executive director and approved by the commission.

25 (e) The commission shall prepare and adopt a budget for the
26 operation and functions of the commission and commission activities.

27 New Sec. 4. (a) The commission shall prepare and adopt a plan
28 addressing the consolidation of the city or cities and the county and other
29 political or taxing subdivisions or consolidation of certain city, county
30 and other political and taxing subdivision offices, functions, services and
31 operations. The commission shall conduct such studies and investigations
32 as it deems appropriate to complete its work. Such studies and
33 investigations shall include, but not be limited to:

34 (1) Studies of the efficiency and effectiveness of the administrative
35 operations of the city or cities and the county and other political and
36 taxing subdivisions.

37 (2) Studies of the costs and benefits of consolidating the city or
38 cities and the county and other political and taxing subdivisions or
39 consolidating certain city or cities and county and other political and
40 taxing subdivision offices, functions, services and operations.

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



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The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures that the financial statements are reliable and can be audited without any discrepancies.

In the second part, the author outlines the steps for reconciling bank statements with the company's ledger. This process involves comparing the bank's records of deposits and withdrawals against the internal accounting records. Any differences should be investigated and explained, such as bank charges or timing differences.

The third section covers the preparation of the profit and loss statement. It details how to calculate the net profit by subtracting all expenses from the total revenue. This statement is crucial for understanding the company's financial performance over a specific period.

Finally, the document concludes with a summary of the key points discussed. It reiterates the importance of regular financial reviews and the use of accurate data to make informed business decisions. The author also mentions that the next document will cover the preparation of the balance sheet.

1 (c) For the purposes of performing its studies and investigations, the
2 commission or its executive director may administer oaths and
3 affirmations, subpoena witnesses, compel their attendance, take evidence,
4 require the production of any books, papers, correspondence,
5 memoranda, agreements or other documents or records which the
6 commission or executive director deems relevant or material to its studies
7 and investigation.

8 (d) The commission shall prepare and adopt a preliminary plan
9 addressing the consolidation of the city or cities and the county and other
10 political and taxing subdivisions or the consolidation of certain city and
11 county and other political and taxing subdivision offices, functions,
12 services and operations it deems advisable.

13 The preliminary plan, if it recommends the consolidation of the county
14 with one or more cities, shall address: (1) The issue of the abolishment of
15 other political and taxing subdivisions located entirely within the county
16 and the transfer of the functions of the above political subdivisions to the
17 reorganized city-county; and, (2) the issue of whether a vote of the
18 electorate shall be required countywide or whether separate votes of the
19 electorate will be required in the unincorporated area of the county and
20 within each city proposed to be consolidated.

21 Copies of the preliminary plan shall be filed with the county election
22 officer, city clerk of each city to be reorganized and each public library
23 within the county and shall be available to members of the public for
24 inspection upon request. The commission shall hold at least two public
25 hearings to obtain citizen views concerning the preliminary plan. At least
26 seven days shall elapse between the holding of the hearings. Notice of the
27 hearings shall be published at least once in a newspaper of general
28 circulation within the county. Following the public hearings on the
29 preliminary plan, the commission may adopt, or modify and adopt, the
30 preliminary plan as the final plan.

31 (e) The final plan shall include the full text and an explanation of
32 the proposed plan, and comments deemed desirable by the commission, a
33 written opinion by an attorney admitted to practice law in the state of
34 Kansas and retained by the executive director for such purpose that the
35 proposed plan is not in conflict with the constitution or the laws of the
36 state, and any minority reports.

37 Copies of the final plan shall be filed with the county election officer,
38 city clerk of each city to be reorganized and each public library within the
39 county and shall be available to members of the public for inspection
40 upon request. The commission shall continue in existence at least 90 days
41 following the submission of the final plan for approval at an election as
42 provided by subsection (f).

43 (f) The final plan shall be submitted to the qualified electors of the



[Faint, illegible text, possibly bleed-through from the reverse side of the page.]

1 county at the next general election of the county held at least 45 days
2 following the adoption of the final plan by the commission. Such election
3 shall be called and held by the county election officer in the manner
4 provided by the general bond law. A summary of the final plan shall be
5 prepared by the commission and shall be published at least once each
6 week for two consecutive weeks in a newspaper of general circulation
7 within the county.

8 If the final plan calls for the consolidation of the county with one or
9 more cities and the consolidation of other political and taxing
10 subdivisions and the final plan calls for a countywide election, the ballot
11 shall contain two questions worded substantially as follows:

12 (1) Shall the county of _____ be consolidated with the city or
13 cities of _____?

14 (2) If the consolidation is approved, shall the following political and
15 taxing subdivisions located entirely within the county be abolished and
16 the functions of these subdivisions transferred to the consolidated city-
17 county: _____?

18 If a majority of the qualified electors voting on the plan who reside
19 within the corporate limits of the city and a majority of the qualified
20 electors voting on the plan who reside outside of the corporate limits of
21 the city vote in favor thereof, the consolidation plan shall be implemented
22 in the manner provided by the plan. If a majority of the electors who
23 reside within the corporate limits of the city or a majority of the qualified
24 electors who reside outside of the corporate limits of the city vote against
25 such plan, the proposed consolidation plan shall not be implemented.

26 If the commission submits a final plan which does not recommend the
27 consolidation of the city or cities and the county and other political and
28 taxing subdivisions or the consolidation of certain city, county and other
29 political and taxing subdivision offices, functions, services and
30 operations, the provisions of this subsection shall not apply.

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

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

37 (1) Include a description of the form, structure, functions, powers
38 and officers and the duties of such officers recommended in the plan;

39 (2) provide for the method of amendment or abandonment of the
40 plan;

41 (3) authorize the election or appointment of officers;

42 (4) authorize the elimination of offices;

43 (5) specify the effective date of the consolidation;



1 (6) in the case of multi-city consolidation with a county, the plan
2 shall include provisions addressing the situation if the plan is approved by
3 the electors of one city, but not all cities to be consolidated under the
4 plan; and

5 (7) include other provisions determined necessary by the
6 commission.

7 (c) If the plan provides for the consolidation of the city or cities and
8 county, in addition to the requirements of subsection (b) the plan shall:

9 (1) Fix the boundaries of the governing body's election districts,
10 provide a method for changing the boundaries from time-to-time, provide
11 any at-large positions on the governing body, fix the number, term and
12 initial compensation of the governing body of the consolidated city-
13 county and the method of election;

14 (2) determine whether elections of the governing body of the
15 reorganized city-county shall be partisan or nonpartisan elections and the
16 time at which such elections shall be held;

17 (3) determine the distribution of legislative and administrative duties
18 of the consolidated city-county officials, provide for consolidation or
19 expansion of services as necessary, authorize the appointment of a
20 consolidated city-county administrator or a city-county manager, if
21 deemed advisable, and prescribe the general structure of the consolidated
22 city-county government;

23 (4) provide for the official name of the consolidated city-county;

24 (5) provide for the transfer or other disposition of property and other
25 rights, claims and assets of the county, the city or cities, and other
26 political and taxing subdivisions; and

27 (6) provide for the transfer of the functions of any political or taxing
28 subdivisions approved by voters for consolidation.

29 New Sec. 6. (a) If the voters approve a plan which provides for the
30 consolidation of the city or cities and the county, such consolidated city-
31 county shall be subject to the provisions of this section.

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

34 (c) Except as provided in subsection (d), and in any other statute
35 which specifically exempts bonds from the statutory limitations on
36 bonded indebtedness, the limitation on bonded indebtedness of a
37 consolidated city-county under this act shall be determined by the
38 commission in the plan, but shall not exceed 30% of the assessed value of
39 all tangible taxable property within the county on the preceding August
40 25.

41 (d) The following shall not be included in computing the total
42 bonded indebtedness of the consolidated city-county for the purposes of
43 determining the limitations on bonded indebtedness:



- 1 (1) Bonds issued for the purpose of refunding outstanding debt,
2 including outstanding bonds and matured coupons thereof, or judgments
3 thereon;
- 4 (2) bonds issued pursuant to the provisions of article 46 of chapter
5 19 of the Kansas Statutes Annotated, and amendments thereto;
- 6 (3) bonds issued for the purpose of financing the construction or
7 remodeling of a courthouse, jail or law enforcement center facility, which
8 bonds are payable from the proceeds of a retailer's sales tax;
- 9 (4) bonds issued for the purpose of acquiring, enlarging, extending
10 or improving any storm or sanitary sewer system;
- 11 (5) bonds issued for the purpose of acquiring, enlarging, extending
12 or improving any municipal utility; and
- 13 (6) bonds issued to pay the cost of improvements to intersections of
14 streets and alleys or that portion of any street immediately in front of city
15 or school district property.
- 16 (e) Any bonded indebtedness and interest thereon incurred by the
17 city or cities or county prior to consolidation or refunded thereafter shall
18 remain an obligation of the property subject to taxation for the payment
19 thereof prior to such consolidation.
- 20 (f) Upon the effective date of the consolidation of the city or cities
21 and county, any retailers' sales tax levied by the city or cities or county in
22 accordance with K.S.A. 12-187 et seq., and amendments thereto, prior to
23 such date shall remain in full force and effect, except that part of the rate
24 attributable to the city or cities to be consolidated shall not apply to retail
25 sales in the cities which are not consolidated with the county.
- 26 (g) Upon the effective date of the consolidation of the city or cities
27 and county, the territory of the consolidated city-county shall include:
- 28 (1) All of the territory of the county for purposes of exercising the
29 powers, duties and functions of a county; and
- 30 (2) all of the territory of the county, except the territory of the cities
31 which are not consolidated with the county and the unincorporated area
32 of the county, for purposes of exercising the powers, duties and functions
33 of a city.
- 34 (h) For the purposes of section 1 of article 5 of the constitution of
35 the state of Kansas, the "voting area" for the governing body of the
36 consolidated city-county shall include all the territory within the county.
- 37 (i) Unless otherwise provided by law, the consolidated city-county
38 shall be eligible for the distribution of any funds from the state and
39 federal government as if no consolidation had occurred. Except as
40 provided in this subsection, the population and assessed valuation of the
41 territory of the consolidated city-county shall be considered its population
42 and assessed valuation for purposes of the distribution of moneys from
43 the state or federal government.



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

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

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

19 (l) The governing body of the consolidated city-county may create
20 special service districts within the city-county and may levy taxes for
21 services provided in such districts.

22 Sec. 7. K.S.A. 12-3901 is hereby amended to read as follows: 12-
23 3901. *This act is an alternative to all other laws which authorize the*
24 *consolidation of political and taxing subdivisions of this state or the*
25 *consolidation of the operations, procedures and functions of offices and*
26 *agencies of such subdivisions.* It is the purpose of this act to authorize
27 and permit political and taxing subdivisions of this state to more
28 efficiently and effectively serve the needs of their constituents by
29 consolidating or cooperating in the consolidation of *such subdivisions or*
30 *the consolidation of the operations, procedures and functions of offices*
31 *and agencies of such subdivisions which may be more efficiently and*
32 *effectively exercised or provided by a single office or agency.*

33 Sec. 8. K.S.A. 12-3902 is hereby amended to read as follows: 12-
34 3902. For the purposes of this act all references to "political and taxing
35 subdivisions of this state" shall mean and include counties, townships,
36 cities, school districts, library districts, park districts, road districts,
37 drainage or levee districts, sewer districts, water districts, fire districts
38 and taxing subdivisions created and established under the laws of the
39 state of Kansas.

40 *The terms "like subdivisions" or "like political and taxing*
41 *subdivisions" shall mean subdivisions of the same type and function.*

42 Sec. 9. K.S.A. 12-3903 is hereby amended to read as follows: 12-
43 3903. (a) Whenever the governing body of any political or taxing



[The text in this section is extremely faint and illegible. It appears to be a multi-paragraph document, possibly a letter or a report, but the specific words and sentences cannot be discerned.]

1 subdivision of this state shall by resolution determine that duplication
2 exists in the operations, procedures or functions of any of the offices or
3 agencies of such subdivision or that the operations, procedures or
4 functions of any of the offices or agencies thereof can be more efficiently
5 and effectively exercised or provided as a consolidated activity performed
6 by a single office or agency, or whenever the governing body of any two
7 or more political or taxing subdivisions of this state shall by the passage
8 of identical resolutions determine that duplication exists in the operations,
9 procedures or functions of offices or agencies of such subdivisions or that
10 the operations, procedures or functions of any of the offices or agencies
11 thereof can be more efficiently and effectively exercised or provided as a
12 consolidated activity performed by a single intergovernmental office or
13 agency or by a single office or agency of one of the participating political
14 or taxing subdivisions desires to consolidate with like subdivisions or to
15 consolidate the operations, procedures and functions of the offices and
16 agencies of political and taxing subdivisions, such governing body or
17 governing bodies are hereby authorized to consolidate with like
18 subdivisions or consolidate any or all of the operations, procedures or
19 functions performed or carried on by such offices or agencies of political
20 and taxing subdivisions by the passage of a resolution or identical
21 resolutions setting out the time, form and manner of consolidation and
22 designating the surviving political or taxing subdivisions or the office or
23 agency.

24 (b) The consolidation of like subdivisions or the elimination of an
25 elective office by consolidation under the provisions of this act shall be
26 subject to the approval of a majority of not be effective unless the
27 question of such consolidation or elimination of office has been submitted
28 to and approved by the electors of the political or taxing subdivision
29 served by such office, voting in subdivisions proposed to be consolidated
30 or served by the office proposed to be eliminated. Such question shall be
31 submitted at the next regular general election of the county in which the
32 office of governor is elected, and no elective office shall be eliminated
33 prior to such election held in November of an even-numbered year.

34 If the office is to be eliminated and the duties transferred to a
35 nonelective office, the question of elimination of the elective office shall
36 be submitted to the voters as a separate ballot question. Any such
37 proposed consolidation which eliminates any such an elective office shall
38 provide that the elimination of such office shall become effective upon
39 the date of normal expiration of the term of such office.

40 Any such proposed consolidation which eliminates any such of like
41 political or taxing subdivisions or any proposal which eliminates an
42 elective office shall not be voted on by the governing body of the political
43 or taxing subdivision until a special public hearing is held within the



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1 political or taxing ~~subdivision~~ *subdivisions affected by the proposal.*
2 Notice of such special hearing shall be published in a newspaper of
3 general circulation in the political or taxing ~~subdivision~~ *subdivisions*
4 *affected at least* once each week for two consecutive weeks prior to the
5 hearing. The first publication shall not be less than 21 days prior to such
6 hearing. Any elected officer whose office would be eliminated in such
7 consolidation and any other interested party shall be given an opportunity
8 to appear and offer testimony at any of such hearings.

9 (c) Whenever the statutorily mandated duties of any elected county
10 official are proposed for elimination, by transfer or otherwise, the
11 question of the elimination of any such duties shall be considered as an
12 elimination of the elective office itself within the meaning of this section,
13 and shall be subject to an election prior to such elimination as required by
14 subsection (b). The provisions of this subsection shall not preclude the
15 transfer of duties of an elected office with the consent of the affected
16 elected official.

17 Sec. 10. K.S.A. 12-3904 is hereby amended to read as follows: 12-
18 3904. Whenever a petition, signed by not less than 10% of the qualified
19 electors of any political or taxing subdivision of this state or any two or
20 more political or taxing subdivisions of this state, shall be filed with the
21 governing body of such subdivision or subdivisions requesting that a
22 proposition for the consolidation of *such like subdivisions or the*
23 *consolidation of* specified operations, procedures and functions of
24 designated offices or agencies of *any* such subdivision or subdivisions be
25 submitted to the electors thereof, such governing body or governing
26 bodies shall submit such proposition at an election called and held for
27 such purpose in the manner provided by the general bond law. The
28 wording of such a petitioned-for proposition affecting the *consolidation*
29 *of two or more like subdivisions or the consolidation of the operations,*
30 *procedures and functions of any two or more subdivisions* shall be
31 expressed in general terms. If the proposition is approved by a majority of
32 the electors voting thereon, the governing body or governing bodies shall
33 develop and implement a plan for the consolidation consistent with the
34 intent of the proposition. If such proposition eliminates an elective office
35 by consolidation, the governing body of such subdivision or subdivisions
36 shall provide for the hearing *required* by K.S.A. 12-3903, and
37 amendments thereto. The governing body shall submit, *in accordance*
38 *with K.S.A. 12-3903, and amendments thereto,* such proposition at the
39 next regular general election ~~of the county in which the office of governor~~
40 ~~is elected in accordance with K.S.A. 12-3903, and amendments thereto.~~
41 *held in November of an even-numbered year.*

42 Sec. 11. K.S.A. 12-3909 is hereby amended to read as follows: 12-
43 3909. ~~Nothing in this act shall be construed as authorizing the~~



1 ~~consolidation of any political or taxing subdivision with any other~~
2 ~~political or taxing subdivision.~~ Nothing in this act shall be construed to
3 authorize the closing or the change of use of any school or attendance
4 facility.

5 Sec. 12. K.S.A. 19-205 is hereby amended to read as follows: 19-
6 205. Except as provided by K.S.A. 12-344, 12-345, K.S.A. ~~2007~~ 2010
7 Supp. 12-363 and 12-365, and amendments thereto, *and under provisions*
8 *of this act, and amendments thereto*, no person holding any state, county,
9 township or city office shall be eligible to the office of county
10 commissioner in any county in this state.

11 Nothing in this section shall prohibit the appointment of any county
12 commissioner to any state board, committee, council, commission or
13 similar body which is established pursuant to statutory authority, so long
14 as any county commissioner so appointed is not entitled to receive any
15 pay, compensation, subsistence, mileage or expenses for serving on such
16 body other than that which is provided by law to be paid in accordance
17 with the provisions of K.S.A. 75-3223, and amendments thereto.

18 Sec. 13. K.S.A. 12-3901, 12-3902, 12-3903, 12-3904, 12-3909 and
19 19-205 are hereby repealed.

20 Sec. 14. This act shall take effect and be in force from and after its
21 publication in the statute book.
22



COMPARISON OF CITY-COUNTY CONSOLIDATION BILLS

Provision	2005 HB 2083 (in statute)	2007 HB 2130 (introduced) (died)	2008 SB 454 (Senate Committee) (died)	2009-10 SB 75 (SCOW)(Now: cemeteries)	2011 HB 2084 (in Committee)
COMMISSION MAKEUP	<p>Must be Shawnee County residents. No total number specified.</p> <p>Governor - 1, Seives as chair, Senate President - 1; House Speaker - 1.</p> <p>No more than three from same political party.</p> <p>Members include but not limited to: Accounting, Business Management, Municipal Finance, Law, Education, Political Science, OR Public Administration. No elected/appointed official or paid employee from Auburn, Rossville, Silver Lake, Topeka, Willard, or Shawnee County. [KSA 12-351(a)]</p>	<p>(b) The board of county commissioners (BCC) and city governing body/bodies may adopt joint resolution; OR must do so upon petition signed by at least 10 percent county electors; same for city; i.e., 10 percent city electors.</p> <p>(c) Any resolution adopted shall provide for method of appointment and number of commission members.</p> <p>(also in (c)) At least 1/3 of the membership shall be residents of unincorporated area. [Sec 2]</p>	<p>(b) The board of county commissioners (BCC) and city governing body/bodies may adopt joint resolution; OR must do so upon petition signed by at least 10 percent county electors; same for city; i.e., 10 percent city electors.</p> <p>(c) Any resolution adopted shall provide for method of appointment and number of commission members.</p> <p>(also in (c)) At least 1/3 of the membership shall be residents of unincorporated area. [Sec 2]</p>	<p>(b) The board of county commissioners (BCC) and city governing body/bodies may adopt joint resolution; OR must do so upon petition signed by at least 10 percent county electors; same for city; i.e., 10 percent city electors.</p> <p>(c) Any resolution adopted shall provide for method of appointment and number of commission members.</p> <p>(also in (c)) At least 1/3 of the membership shall be residents of unincorporated area unless a greater rerepresentation is specified by the resolution. [Sec 2]</p>	<p>(b) The board of county commissioners (BCC) and city governing body/bodies may adopt joint resolution; OR must do so upon petition signed by at least 10 percent county electors; same for city; i.e., 10 percent city electors.</p> <p>(c) Any resolution adopted shall provide for method of appointment and number of commission members.</p> <p>(also in (c)) At least 1/3 of the membership shall be residents of unincorporated area. [Sec 2]</p>

Provision	2005 HB 2083 (in statute)	2007 HB 2130 (introduced) (died)	2008 SB 454 (Senate Committee) (died)	2009-10 SB 75 (SCOW)(law: ceremonies)	2011 HB 2084 (in Committee)
DUAL MAJORITY	Dual majority (majority within county but outside city <i>and</i> majority within city...") [KSA 12-352(e)]	Dual majority, but language is different - majority of entire county and majority within city. [Sec. 4(f)(2)]	Dual majority, but language is different - majority of entire county and majority within city. [Sec. 4(f)(2)]	Dual majority, but language is different - majority of entire county and majority within city. ALSO ADDED: "IF FINAL PLAN CALLS FOR SEPARATE VOTES... SHALL CONTAIN BALLOT QUESTIONS..." [Sec. 4(f)(2)]	Dual majority (majority within county but outside city <i>and</i> majority within city...") [Sec. 4(f)(2)]

Provision

<p>(b) Subject to cash basis and budget provisions</p> <p>(c) Bond debt application is 30 percent (except in (d) below and other specific statutory exemptions)</p> <p>(d) Not included in computing total bond debt are bonds issued:</p> <ul style="list-style-type: none"> (1) for refunding outstanding debt; (2) for county hospitals; (3) for financing construction of law enforcement facilities paid by sales tax proceeds; (4) for acquiring and improving a sanitary sewer system; (5) for acquiring and improving municipal utility; (6) to pay for certain street improvements; (7) for bond debt stays with city or county; (8) prior sales tax to remedy shall not apply to other not contained in the plan (SS-6) 	<p>(b) Subject to cash basis and budget provisions</p> <p>(c) Bond debt application is 30 percent (except in (d) below and other specific statutory exemptions)</p> <p>(d) Not included in computing total bond debt are bonds issued:</p> <ul style="list-style-type: none"> (1) for refunding outstanding debt; (2) for county hospitals; (3) for financing construction of law enforcement facilities paid by sales tax proceeds; (4) for acquiring and improving a sanitary sewer system; (5) for acquiring and improving municipal utility; (6) to pay for certain street improvements; (7) for bond debt stays with city or county; (8) prior sales tax to remedy shall not apply to other not contained in the plan (SS-6) 	<p>(b) Subject to cash basis and budget provisions</p> <p>(c) Bond debt application is 30 percent (except in (d) below and other specific statutory exemptions)</p> <p>(d) Not included in computing total bond debt are bonds issued:</p> <ul style="list-style-type: none"> (1) for refunding outstanding debt; (2) for county hospitals; (3) for financing construction of law enforcement facilities paid by sales tax proceeds; (4) for acquiring and improving a sanitary sewer system; (5) for acquiring and improving municipal utility; (6) to pay for certain street improvements; (7) for bond debt stays with city or county; (8) prior sales tax to remedy shall not apply to other not contained in the plan (SS-6) 	<p>(b) Subject to cash basis and budget provisions</p> <p>(c) Bond debt application is 30 percent (except in (d) below and other specific statutory exemptions)</p> <p>(d) Not included in computing total bond debt are bonds issued:</p> <ul style="list-style-type: none"> (1) for refunding outstanding debt; (2) for county hospitals; (3) for financing construction of law enforcement facilities paid by sales tax proceeds; (4) for acquiring and improving a sanitary sewer system; (5) for acquiring and improving municipal utility; (6) to pay for certain street improvements; (7) for bond debt stays with city or county; (8) prior sales tax to remedy shall not apply to other not contained in the plan (SS-6) 	<p>(b) Subject to cash basis and budget provisions</p> <p>(c) Bond debt application is 30 percent (except in (d) below and other specific statutory exemptions)</p> <p>(d) Not included in computing total bond debt are bonds issued:</p> <ul style="list-style-type: none"> (1) for refunding outstanding debt; (2) for county hospitals; (3) for financing construction of law enforcement facilities paid by sales tax proceeds; (4) for acquiring and improving a sanitary sewer system; (5) for acquiring and improving municipal utility; (6) to pay for certain street improvements; (7) for bond debt stays with city or county; (8) prior sales tax to remedy shall not apply to other not contained in the plan (SS-6)
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