

HOUSE BILL No. 2249

By Representative Merrick

2-2

9 AN ACT concerning the incorporation of cities; amending K.S.A. 15-123
10 and repealing the existing section.

11

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

13 Section 1. K.S.A. 15-123 is hereby amended to read as follows: 15-
14 123. After the hearing has been adjourned *sine die*, the board or joint
15 board of county commissioners shall consider the matter. It may request
16 the director of the division of community development of the department
17 of economic development to make a study of the general area in which
18 the territory is located, information in possession of the county board and
19 other sources, and render an opinion as to the advisability of the proposed
20 incorporation. The petition for incorporation shall be denied if it is de-
21 termined that present or future annexation to an adjacent city, or the
22 creation of an authorized special service district, or districts, would better
23 serve the interest of the area or that the proposed incorporation would
24 be otherwise contrary to the public interest. If the board or joint board
25 determines that the territory should not be incorporated, it shall make an
26 order so stating. ~~In addition to other requirements, if any of the territory~~
27 ~~wholly within one county is within five miles of an existing city, the ter-~~
28 ~~ritory shall not be incorporated except by the unanimous vote of the~~
29 ~~commissioners.~~ If the board or joint board determines that the territory
30 should be incorporated, it shall prepare an order or joint order incorpo-
31 rating the territory as a city by the name of "the city of _____"
32 as stated in the petition and describing the metes and bounds thereof.
33 When the order has been adopted, the inhabitants within such bounds
34 and such further territory as from time to time may be lawfully added
35 thereto shall be a body politic and corporate by that name, and they and
36 their successors (except such corporation be lawfully dissolved) shall have
37 perpetual succession. The order shall be adopted at the next regular meet-
38 ing of the board. Where two counties are involved, the board of each
39 county shall adopt the joint order at its next regular meeting and not less
40 than two commissioners of each county shall vote in favor thereof; ~~except~~
41 ~~that in addition to other requirements, if any of the territory is within five~~
42 ~~miles of an existing city, the territory shall not be incorporated except by~~
43 ~~the unanimous vote of the commissioners of each county involved.~~ The

1 order or joint order so incorporating the city shall order the first election
2 in the city for city officers. The order or joint order shall be entered at
3 length upon the journal of the proceedings of the board or boards of
4 county commissioners and shall be published once in some newspaper
5 printed or in general circulation in the city at least one week before the
6 city election. Nomination papers for candidates for city office shall be
7 filed with the county election officer of the county where the petition for
8 incorporation was filed and the county election officer shall conduct such
9 election.

10 Sec. 2. K.S.A. 15-123 is hereby repealed.

11 Sec. 3. This act shall take effect and be in force from and after its
12 publication in the statute book.