

House Concurrent Resolution No. 5001

By Special Committee on Assessment and Taxation

12-30

9 A PROPOSITION to amend section 5 of article 12 of the constitution
10 of the state of Kansas, relating to the establishment of classes of cities
11 by the legislature for purposes of imposing limitations and prohibitions
12 as to levying of taxes, fees or charges.
13

14 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
15 *members elected (or appointed) and qualified to the House of Repre-*
16 *sentatives and two-thirds of the members elected (or appointed) and*
17 *qualified to the Senate concurring therein:*

18 Section 1. The following proposition to amend the constitution of the
19 state of Kansas shall be submitted to the qualified electors of the state
20 for their approval or rejection: Section 5 of article 12 of the constitution
21 of the state of Kansas is hereby amended to read as follows:

22 “§ 5. **Cities’ powers of home rule.** (a) The legislature shall provide
23 by general law, applicable to all cities, for the incorporation of cities and
24 the methods by which city boundaries may be altered, cities may be
25 merged or consolidated and cities may be dissolved: *Provided*, That ex-
26 isting laws on such subjects not applicable to all cities on the effective
27 date of this amendment shall remain in effect until superseded by general
28 law and such existing laws shall not be subject to charter ordinance.

29 (b) Cities are hereby empowered to determine their local affairs and
30 government including the levying of taxes, excises, fees, charges and other
31 exactions except when and as the levying of any tax, excise, fee, charge
32 or other exaction is limited or prohibited by enactment of the legislature
33 applicable uniformly to all cities of the same class: *Provided*, That the
34 legislature may establish not to exceed ~~four~~ *ten* classes of cities for the
35 purpose of imposing all such limitations or prohibitions. Cities shall ex-
36 ercise such determination by ordinance passed by the governing body
37 with referendums only in such cases as prescribed by the legislature,
38 subject only to enactments of the legislature of statewide concern appli-
39 cable uniformly to all cities, to other enactments of the legislature appli-
40 cable uniformly to all cities, to enactments of the legislature applicable
41 uniformly to all cities of the same class limiting or prohibiting the levying
42 of any tax, excise, fee, charge or other exaction and to enactments of the
43 legislature prescribing limits of indebtedness. All enactments relating to

1 cities now in effect or hereafter enacted and as later amended and until
2 repealed shall govern cities except as cities shall exempt themselves by
3 charter ordinances as herein provided for in subsection (c).

4 (c) (1) Any city may by charter ordinance elect in the manner pre-
5 scribed in this section that the whole or any part of any enactment of the
6 legislature applying to such city, other than enactments of statewide con-
7 cern applicable uniformly to all cities, other enactments applicable uni-
8 formly to all cities, and enactments prescribing limits of indebtedness,
9 shall not apply to such city.

10 (2) A charter ordinance is an ordinance which exempts a city from
11 the whole or any part of any enactment of the legislature as referred to
12 in this section and which may provide substitute and additional provisions
13 on the same subject. Such charter ordinance shall be so titled, shall des-
14 ignate specifically the enactment of the legislature or part thereof made
15 inapplicable to such city by the adoption of such ordinance and contain
16 the substitute and additional provisions, if any, and shall require a two-
17 thirds vote of the members-elect of the governing body of such city. Every
18 charter ordinance shall be published once each week for two consecutive
19 weeks in the official city newspaper or, if there is none, in a newspaper
20 of general circulation in the city.

21 (3) No charter ordinance shall take effect until sixty days after its final
22 publication. If within sixty days of its final publication a petition signed
23 by a number of electors of the city equal to not less than ten percent of
24 the number of electors who voted at the last preceding regular city elec-
25 tion shall be filed in the office of the clerk of such city demanding that
26 such ordinance be submitted to a vote of the electors, it shall not take
27 effect until submitted to a referendum and approved by a majority of the
28 electors voting thereon. An election, if called, shall be called within thirty
29 days and held within ninety days after the filing of the petition. The gov-
30 erning body shall pass an ordinance calling the election and fixing the
31 date, which ordinance shall be published once each week for three con-
32 secutive weeks in the official city newspaper or, if there be none, in a
33 newspaper of general circulation in the city, and the election shall be
34 conducted as elections for officers and by the officers handling such elec-
35 tions. The proposition shall be: "Shall charter ordinance No. _____, en-
36 titled (title of ordinance) take effect?" The governing body may submit
37 any charter ordinance to a referendum without petition by the same pub-
38 lication of the charter ordinance and the same publication of the ordi-
39 nance calling the election as for ordinances upon petition and such charter
40 ordinance shall then become effective when approved by a majority of
41 the electors voting thereon. Each charter ordinance becoming effective
42 shall be recorded by the clerk in a book maintained for that purpose with
43 a statement of the manner of adoption and a certified copy shall be filed

1 with the secretary of state, who shall keep an index of the same.

2 (4) Each charter ordinance enacted shall control and prevail over any
3 prior or subsequent act of the governing body of the city and may be
4 repealed or amended only by charter ordinance or by enactments of the
5 legislature applicable to all cities.

6 (d) Powers and authority granted cities pursuant to this section shall
7 be liberally construed for the purpose of giving to cities the largest mea-
8 sure of self-government.

9 (e) This amendment shall be effective on and after July 1, ~~1961~~ 2007.”

10 Sec. 2. The following statement shall be printed on the ballot with
11 the amendment as a whole:

12 “*Explanatory statement.* The purpose of this amendment is to allow
13 the legislature to establish up to ten classes of cities for the purposes
14 of imposing limitations and prohibitions as to the levying of taxes,
15 excises, fees, charges and other exactions.

16 “A vote for this proposition would allow the legislature to establish up
17 to ten classes of cities for the purposes of imposing limitations and
18 prohibitions as to the levying of taxes, excises, fees, charges and
19 other exactions. The legislature may currently establish up to four
20 classes of cities for such purposes.

21 “A vote against this proposition would maintain the current authority
22 of the legislature.”

23 Sec. 3. This resolution, if approved by two-thirds of the members
24 elected (or appointed) and qualified to the House of Representatives, and
25 two-thirds of the members elected (or appointed) and qualified to the
26 Senate shall be entered on the journals, together with the yeas and nays.
27 The secretary of state shall cause this resolution to be published as pro-
28 vided by law and shall cause the proposed amendment to be submitted
29 to the electors of the state at the general election on November 7, 2006,
30 unless a special election is called at a sooner date by concurrent resolution
31 of the legislature, in which case it shall be submitted to the electors of
32 the state at the special election.