

As Amended by Senate Committee

As Amended by House Committee

Session of 2006

HOUSE BILL No. 2667

By Committee on Governmental Organization and Elections

1-19

12 AN ACT concerning recreation systems; relating to members of recrea-
13 tion commissions; amending K.S.A. 2005 Supp. 12-1922 and 12-1926
14 and repealing the existing sections.
15

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

17 Section 1. K.S.A. 2005 Supp. 12-1926 is hereby amended to read as
18 follows: 12-1926. (a) Except as provided by subsection (c), recreation
19 commissions shall consist of five members to be appointed as follows: (1)
20 Upon the adoption of the provisions of this act by the city or school district
21 acting independently, the governing body of such city or school district
22 shall appoint four persons who are residents of the taxing district to serve
23 as members of the recreation commission, the first appointee to serve for
24 four years, the second for three years, the third for two years, and the
25 fourth for one year, and the fifth member who also shall serve for four
26 years shall be appointed by the four appointee members of such com-
27 mission; or (2) upon the adoption of the provisions of this act by the city
28 and school district acting jointly, the governing bodies each shall appoint
29 two persons who are residents of the taxing district to serve as members
30 of the recreation commission, and the persons so selected shall select one
31 additional person, and all of such persons shall constitute the recreation
32 commission.

33 Of the members of the commission first selected by the school district,
34 one shall serve for a term of one year, and one for a term of four years;
35 one of those first selected by the governing body of the city shall serve
36 for a term of two years, and one for a term of three years. The additional
37 member shall serve for a term of four years. Thereafter, the members of
38 the commission shall be selected in the same manner as the member such
39 person is succeeding and the term of office of each shall be four years.
40 ~~Any member of the recreation commission may be removed from the~~
41 ~~commission, by the appointing authority, for any cause which would jus-~~
42 ~~tify removal of an appointive officer of the city or school district. Except~~
43 ~~for members first appointed to the commission, all commissioners not~~

1 filling a vacancy shall hold office for a term of four years and until their
2 successors are appointed and qualified. Whenever a vacancy occurs in the
3 membership of the commission, a successor shall be selected to fill such
4 vacancy in the same manner as and for the unexpired term of the member
5 such person is succeeding. The commission shall elect a chairperson and
6 secretary from their membership. The commissioners are hereby em-
7 powered to administer in all respects the business and affairs of the re-
8 creation system. The treasurer of the city or school district to which is
9 certified the budget of the recreation commission shall serve as ex officio
10 treasurer of the recreation commission. Such treasurer shall keep an ac-
11 curate record of all money and property received and disbursed and shall
12 make a report thereof monthly to the commission, or as often as the
13 commission requires. Members of the commission and the ex officio trea-
14 surer of the commission shall serve without compensation.

15 (b) Any recreation commission established pursuant to K.S.A. 12-
16 1901 *et seq.*, and amendments thereto, prior to the effective date of this
17 act may continue as constituted on the effective date of this act or may,
18 upon a majority vote of the commissioners, reorganize into a five-member
19 commission as provided by subsection (a). If the commission continues
20 as constituted on the effective date of this act, upon the expiration of the
21 term of a member, a person shall be appointed to the commission in the
22 same manner as the member such person is succeeding. The term of
23 office shall be four years. Whenever a vacancy occurs in the membership
24 of the commission, a successor shall be selected to fill such vacancy in
25 the same manner as and for the unexpired term of the member such
26 person is succeeding.

27 (c) Any recreation commission having more than five members and
28 established prior to July 1, 2002, may continue as constituted on June 30,
29 2002, or upon a majority vote of such commissioners, may reorganize into
30 a five member district as provided in subsection (a). If a recreation com-
31 mission having more than five members and established prior to July 1,
32 2002, continues as constituted on June 30, 2002, upon the expiration of
33 the term of a member, a person shall be appointed to the recreation
34 commission in the same manner as the member such person is succeed-
35 ing. The term of office shall be four years. Whenever a vacancy occurs in
36 the membership of a recreation commission, a successor shall be selected
37 to fill such vacancy in the same manner as and for the unexpired term of
38 the member such person is succeeding.

39 Sec. 2. K.S.A. 2005 Supp. 12-1922 is hereby amended to read as
40 follows: 12-1922. When used in ~~this act~~ K.S.A. 12-1923 through 12-1934
41 ~~and sections 3 through 14 and 4, and amendments thereto:~~

42 (a) “City” means any city in the state of Kansas;

43 (b) “School district” means any unified school district in the state of

1 Kansas.

2 (c) “Recreation system” means any system of public recreation and
3 playgrounds established pursuant to this act.

4 (d) “Taxing district” means (1) the area within the corporate limits of
5 a city in the case of a city-established recreation system; (2) subject to the
6 provisions of K.S.A. 2005 Supp. 12-1922a, and amendments thereto, the
7 area within the boundary lines of a school district in the case of a school
8 district-established recreation system; or (3) subject to the provisions of
9 K.S.A. 2005 Supp. 12-1922a, and amendments thereto, the area within
10 the corporate limits of a city or the area within the boundary lines of a
11 school district, whichever has the greater assessed valuation, in the case
12 of a jointly established recreation system.

13 New Sec. 3. (a) Any member of the recreation commission ap-
14 pointed pursuant to K.S.A. 12-1926, and amendments thereto, may be
15 removed from the commission, by the appointing authority, for any cause
16 which would justify removal of an appointive officer of the city or school
17 district or as provided by section 4, and amendments thereto.

18 New Sec. 4. (a) In addition to the procedure provided by section 3,
19 and amendments thereto, a member of a recreation commission ap-
20 pointed pursuant to K.S.A. 12-1926, and amendments thereto, may be
21 removed from the commission by petition and election as provided by
22 this section.

23 (b) A petition requesting an election approving the removal of a
24 member of a recreation commission shall be submitted to the governing
25 body of the city or school district which appointed such person *except*
26 *that no petition for the recall of a member of a recreation commis-*
27 *sion may be filed during the last 200 days of the term of such mem-*
28 *ber.* Upon presentation of such a petition signed by qualified voters re-
29 siding in the taxing district equal in number to not less than 5% of the
30 voters in the taxing district who voted for the office of president of the
31 United States at the last preceding general election, the governing body
32 shall adopt a resolution removing such person from the commission. Such
33 resolution shall not be effective until the question has been submitted to
34 and approved by a majority of the voters of the taxing district voting at
35 an election thereon. Such election shall be called and held in the manner
36 provided by the general bond law.

37 Sec. 5. K.S.A. 2005 Supp. 12-1922 and 12-1926 are hereby repealed.

38 Sec. 6. This act shall take effect and be in force from and after its
39 publication in the statute book.