

SENATE BILL No. 427

By Committee on Ways and Means

1-23

9 AN ACT concerning the consolidation of certain counties and the polit-
10 ical and taxing subdivisions therein; amending K.S.A. 18-146 and 18-
11 1,105 and K.S.A. 2005 Supp. 19-205 and repealing the existing
12 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) "Commission" means the consolidation study commission of
17 Johnson county and Wyandotte county.

18 (b) "County" means Johnson county and Wyandotte county.

19 (c) (1) "Political subdivision" or "taxing subdivision" means any city,
20 township, library district, fire district or other political or taxing subdivi-
21 sion within the county and any office, agency, department or instrumen-
22 tality of the county or any political or taxing subdivision therein.

23 (2) "Political subdivision" or "taxing subdivision" shall not mean a
24 school district or community college.

25 (d) "Office" means any elected or appointed office.

26 (e) "Municipality" means the governmental entity created by the con-
27 solidation of Johnson and Wyandotte county pursuant to this act.

28 New Sec. 2. This act is an alternative to all other laws which author-
29 ize the consolidation of counties, cities, townships and other political and
30 taxing subdivisions thereof and the functions, services and operations
31 thereof.

32 New Sec. 3. (a) Within 10 days of the effective date of this act, the
33 governor shall appoint a nine-member consolidation study commission.
34 No more than five members of the commission shall be from the same
35 political party. Members of the commission shall include, but not be lim-
36 ited to, persons with experience in accounting, business management,
37 municipal finance, law, education, political science or public administra-
38 tion. No elected official of the counties or any political or taxing subdivi-
39 sion, nor any person appointed to fill a vacancy in an elected office of
40 such counties or any political or taxing subdivision, shall serve on the
41 commission. No full-time paid employee of the counties or any political
42 or taxing subdivision shall serve on the commission. Members of the com-
43 mission shall be residents of Wyandotte county or Johnson county, but

1 no more than five members shall be from the same county.

2 (b) Members of the commission shall be paid compensation, subsis-
3 tence allowances, mileage and other expenses as provided by K.S.A. 75-
4 3223, and amendments thereto.

5 (c) The governor shall appoint an executive director of the commis-
6 sion. The executive director shall receive compensation established by
7 the governor, within the limits of appropriations for that purpose. The
8 executive director shall employ other staff and may contract with con-
9 sultants, as the executive director deems necessary to carry out the func-
10 tions of the commission. Staff employed by the executive director shall
11 receive compensation established by the executive director and approved
12 by the governor, within the limits of appropriations for that purpose.

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

17 New Sec. 4. (a) The commission shall prepare and adopt a plan ad-
18 dressing the consolidation of the counties and any political or taxing sub-
19 division or certain functions, services and operations of such counties or
20 political or taxing subdivisions. The commission shall conduct such studies
21 and investigations as it deems appropriate to complete its work. Such
22 studies and investigations shall include, but not be limited to:

23 (1) Studies of the efficiency and effectiveness of the administrative
24 operations of the counties and political and taxing subdivisions.

25 (2) Studies of the costs and benefits of consolidating such counties
26 and any political or taxing subdivision or certain functions, services and
27 operations of such counties or political or taxing subdivisions.

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

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

37 (d) On or before November 30, 2006, the commission shall prepare
38 and adopt a preliminary consolidation plan. Copies of the preliminary plan
39 shall be filed with the county election officer, city clerk and each public
40 library within each county and shall be available to members of the public
41 for inspection upon request. The commission shall hold at least one public
42 hearing in each county to obtain citizen views concerning the preliminary
43 plan. Notice of such hearing or hearings shall be published at least once

1 in a newspaper of general circulation within each county. Following the
2 public hearings on the preliminary plan, the commission may adopt, or
3 modify and adopt, the preliminary plan as the final plan.

4 (e) On or before January 8, 2007, the commission shall submit its
5 final plan to the governor and legislature. The final plan shall include the
6 full text and an explanation of the proposed plan, and comments deemed
7 desirable by the commission, a written opinion by an attorney admitted
8 to practice law in the state of Kansas and retained by the executive di-
9 rector for such purpose that the proposed plan is not in conflict with the
10 constitution or the laws of the state, and any minority reports. Copies of
11 the final plan shall be filed with the county election officer of each county
12 and each public library and each library branch within the counties and
13 shall be available to members of the public for inspection upon request.
14 The commission shall continue in existence at least 90 days following the
15 submission of the final plan pursuant to this subsection.

16 (f) Unless the legislature, by concurrent resolution adopted on or
17 before February 6, 2007, rejects such plan, the plan shall be submitted
18 to the qualified electors of the county at the school district general elec-
19 tion on April 3, 2007. Such election shall be called and held by the county
20 election officer in the manner provided by the general bond law. A sum-
21 mary of the final plan shall be prepared by the commission and shall be
22 published once each week for two consecutive weeks in a newspaper of
23 general circulation within each county. If a majority of the electors voting
24 on the plan vote in favor thereof, the consolidation plan shall be imple-
25 mented in the manner provided by the plan. If a majority of the electors
26 vote against such plan, the proposed consolidation plan shall not be
27 implemented.

28 If the commission submits a final plan which does not recommend the
29 consolidation of the counties and political and taxing subdivisions or cer-
30 tain functions, services and operations of such counties or political and
31 taxing subdivisions, the provisions of this subsection shall not apply.

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

35 (b) If the commission submits a plan providing for the consolidation
36 of certain offices, functions, services and operations, the 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 of the plan.

40 (3) Authorize the appointment of, or elimination of elective officials
41 and offices.

42 (4) Specify the effective date of the consolidation.

43 (5) Include other provisions determined necessary by the

1 commission.

2 (c) If the plan provides for the creation of a municipality through the
3 consolidation of counties and political and taxing subdivisions, in addition
4 to the requirements of subsection (b) the plan shall:

5 (1) Fix the boundaries of the municipality.

6 (2) Fix the boundaries of the governing body's election districts, pro-
7 vide a method for changing the boundaries from time-to-time, any at-
8 large positions on the governing body, fix the number, term and initial
9 compensation of the governing body of the municipality and the method
10 of election.

11 (3) Determine whether elections of the governing body of the mu-
12 nicipality shall be partisan or nonpartisan elections and the time at which
13 such elections shall be held.

14 (4) Determine the distribution of legislative and administrative duties
15 of the municipality officials, provide for consolidation or expansion of
16 services as necessary, authorize the appointment of a municipality man-
17 ager, if deemed advisable, and prescribe the general structure of the
18 government of the municipality.

19 (5) Provide for the official name of the municipality.

20 (6) Provide for the transfer or other disposition of property and other
21 rights, claims and assets of the county and political and taxing
22 subdivisions.

23 (7) Fix the rate of any retailers' sales tax.

24 New Sec. 6. (a) If the voters approve a plan which provides for the
25 consolidation of the county and political and taxing subdivisions, such
26 municipality shall be subject to the provisions of this section.

27 (b) The municipality is hereby designated an urban area, as author-
28 ized under the provisions of section 17 of article 2 of the constitution of
29 the state of Kansas, for the purpose of granting to such municipality and
30 urban area powers of local government and consolidation of local
31 government.

32 (c) The municipality shall be subject to the cash-basis and budget
33 laws of the state of Kansas.

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

39 (e) The following shall not be included in computing the total bonded
40 indebtedness of the municipality for the purposes of determining the
41 limitations on bonded indebtedness:

42 (1) Bonds issued for the purpose of refunding outstanding debt, in-
43 cluding outstanding bonds and matured coupons thereof, or judgments

1 thereon.

2 (2) Bonds issued pursuant to the provisions of article 46 of chapter
3 19 of the Kansas Statutes Annotated, and amendments thereto.

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

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

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

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

14 (f) Any bonded indebtedness and interest thereon incurred by a
15 county or any political or taxing subdivision prior to consolidation shall
16 remain an obligation of the property subject to taxation for the payment
17 thereof prior to such consolidation.

18 (g) The municipality shall be a class D city for the purposes of levying
19 a retailers' sales tax pursuant to K.S.A. 12-187 et seq., and amendments
20 thereto.

21 (h) Upon the effective date of the consolidation of the territory of the
22 municipality shall include:

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

25 (2) All of the territory of the municipality located within the corporate
26 limits of a city for purposes of exercising the powers, duties and functions
27 of a city.

28 (i) For the purposes of section 1 of article 5 of the constitution of the
29 state of Kansas, the "voting area" for the governing body of the municipi-
30 pality shall include all the territory within the municipality.

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

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

43 The governing body of the municipality shall be responsible for any

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

5 (l) The municipality shall be a city of the first class. The governing
6 body of the municipality shall have all the powers, functions and duties
7 of a city of the first class and may exercise home rule powers in the
8 manner and subject to the limitations provided by article 12 of section 5
9 of the constitution of the state of Kansas and other laws of this state.

10 (m) The governing body of the municipality may create special serv-
11 ice districts within the municipality and may levy taxes for services pro-
12 vided in such districts.

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

17 New Sec. 7. (a) The governing body of a municipality may not annex
18 any land located outside the county.

19 (b) The governing body of a municipality may not initiate annexation
20 procedures of land located within the county, but may annex land upon
21 petition of the owners of any such land.

22 Sec. 8. K.S.A. 18-146 is hereby amended to read as follows: 18-146.
23 *Subject to the provisions of section 5, and amendments thereto*, the county
24 of Johnson is bounded as follows: Commencing at the point where the
25 north line of township twelve south intersects the west boundary line of
26 the state of Missouri; thence west on ~~said~~ *such* township line, to its in-
27 tersection with the main channel of the Kansas river in range twenty-four
28 east; thence up ~~said~~ *such* river, in the middle of the main channel thereof,
29 to an intersection with the line between the second and third tiers of
30 sections in range twenty-one east; thence south on section lines, to the
31 corner of sections fourteen, fifteen, twenty-two and twenty-three, in
32 township fifteen south, of range twenty-one east; thence east on section
33 lines, to the western boundary line of the state of Missouri; thence north
34 on ~~said~~ *such* boundary line, to the place of beginning.

35 Sec. 9. K.S.A. 18-1,105 is hereby amended to read as follows: 18-
36 1,105. *Subject to the provisions of section 5, and amendments thereto*, the
37 county of Wyandotte is bounded as follows: Commencing at a point on
38 the west line of the state of Missouri, opposite the mouth of the Kansas
39 river; thence south on the west boundary line of the state of Missouri, to
40 the south line of township eleven south, being the northeast corner of
41 Johnson county; thence west on township line, to the middle of the main
42 channel of the Kansas river, in range twenty-four east; thence up ~~the said~~
43 *such* river, in the middle of the main channel thereof, to the intersection

1 with the east line of range twenty-two east; thence north on ~~said~~ *such*
2 range line, to the old Delaware reservation lines, the same being the
3 dividing line between the original Delaware reserve and Delaware trust
4 lands; thence east on ~~said~~ *such* line, to the west boundary line of the state
5 of Missouri; thence southeasterly with the ~~said~~ *such* western boundary
6 line of the state of Missouri, to the place of beginning.

7 Sec. 10. K.S.A. 2005 Supp. 19-205 is hereby amended to read as
8 follows: 19-205. Except as provided by K.S.A. 12-344 ~~and~~, 12-345, *section*
9 *5 and 6, and amendments thereto*, no person holding any state, county,
10 township or city office shall be eligible to the office of county commis-
11 sioner in any county in this state.

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

19 Sec. 11. K.S.A. 18-146 and 18-1,105 and K.S.A. 2005 Supp. 19-205
20 are hereby repealed.

21 Sec. 12. This act shall take effect and be in force from and after its
22 publication in the Kansas register.