

HOUSE BILL No. 2622

By Committee on Elections

Requested by Representative Bergquist

2-2

1 AN ACT concerning municipal lease-purchase agreements; modifying the
2 protest petition requirements; amending K.S.A. 10-1116c and repealing
3 the existing section.

4

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

6 Section 1. K.S.A. 10-1116c is hereby amended to read as follows: 10-
7 1116c. Any lease-purchase agreement entered into pursuant to this act shall
8 be subject to the following conditions:

9 (a) If the proposed agreement is for a term exceeding the current
10 fiscal year of the municipality, it shall be approved by a majority vote of
11 all members of the governing body.

12 (b) If the proposed agreement involves the acquisition of land or
13 buildings by a municipality other than a county, school district or
14 community college, is for a term of three or more years, and provides for
15 payments in any year in excess of 3% of the total amount budgeted by the
16 municipality for expenditure during the current year, excluding debt
17 service, a notice thereof specifying the purpose and the total of all
18 payments shall be published once each week for two consecutive weeks in
19 a newspaper of general circulation within such municipality. If, within 30
20 days following the last publication of such notice, a petition in opposition
21 to the agreement signed by not less than 5% of the qualified voters of such
22 municipality is filed with the appropriate county election officer, no such
23 agreement shall take effect unless and until the same is approved by a
24 majority of the qualified voters of such municipality voting at an election
25 thereon. Any such election shall be called and held in accordance with the
26 provisions of K.S.A. 10-120, and amendments thereto, or in accordance
27 with the provisions of the mail ballot election act.

28 (c) If the municipality is a county, school district or community
29 college and the proposed agreement involves the acquisition of land or
30 buildings, is for a term exceeding the current fiscal year of the
31 municipality, and provides for annual payments which in the aggregate
32 exceed \$100,000, the governing body of such municipality first shall adopt
33 a resolution stating its intent to enter into such lease-purchase agreement.
34 The resolution shall specify the total of all payments to be made pursuant
35 to the agreement and the purpose for which such agreement is to be

1 entered into. The resolution shall be published once each week for two
2 consecutive weeks in a newspaper of general circulation within the
3 municipality. If a protest petition signed by not less than ~~5%~~ 3% of the
4 qualified voters of the municipality, ~~as determined by the vote for secretary~~
~~of state at the last general election;~~ is filed with the appropriate county
5 election officer within 30 days following the last publication of the
6 resolution, no such agreement shall take effect unless approved by a
7 majority of the qualified voters of the municipality voting at an election
8 thereon. Any such election shall be called and held in the manner provided
9 by K.S.A. 10-120, and amendments thereto, or in accordance with the
10 provisions of the mail ballot election act. If no such protest petition is filed
11 within the time limitation contained herein, the governing body of the
12 municipality may enter into such agreement. If an election is held pursuant
13 to a protest petition and a majority vote is cast in favor of the proposition,
14 the governing body of the municipality shall have authority to enter into
15 such agreement.

16 (d) If the proposed agreement is for a term exceeding the current
17 fiscal year of the municipality, the agreement shall specify the following:
18 (1) The amount or capital cost required to purchase the item if paid for by
19 cash; (2) the annual average effective interest cost; and (3) the amount
20 included in the payments for service, maintenance, insurance or other
21 charges exclusive of the capital cost and interest cost.

22 Sec. 2. K.S.A. 10-1116c is hereby repealed.

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