

As Amended by Senate Committee

Session of 2011

SENATE BILL No. 150

By Committee on Ways and Means

2-8

1 AN ACT concerning cities; relating to incorporation; amending K.S.A.
2 15-116, 15-117 and 15-124 and repealing the existing sections.
3

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

5 Section 1. K.S.A. 15-116 is hereby amended to read as follows:
6 15-116. (a) When a petition for the incorporation of a city, signed by 50
7 or more electors of the territory described therein, and containing the
8 information hereafter required, is filed with the county clerk if all the
9 territory is within one county, or the county clerk of the county in
10 which the greater or greatest area lies if the territory lies in two or more
11 counties, the requirements and proceedings shall be as hereinafter
12 stated.

13 The petition shall: (1) Be addressed to the board of county
14 commissioners, or where the territory lies in two or more counties, to
15 the board of commissioners of the county having the greater or greatest
16 area; (2) describe the territory by metes and bounds; *and* (3) request the
17 incorporation of the territory as a city by the name of "the city of
18 _____" (giving name).

19 Each page of signatures shall bear the following heading:

20 "I, whose name appears as one of the signers below, state that I
21 reside in and am an elector of the territory petitioned to become the city
22 of _____; that I signed my name in my own handwriting;
23 that I read the description of the metes and bounds of said territory or
24 saw the map of the territory attached as an exhibit to the petition.

25 *Signatures* *Addresses"*

26 ~~If registration for voting purposes is required in all or any part of the~~
27 ~~area, signers in the registration area must sign their names the same as~~
28 ~~they are shown on the registration books. The signatures of signers in~~
29 ~~registration areas shall be checked against the voter registration books~~
30 ~~by the county election officer in charge of registration. Where all or a~~
31 ~~part of the territory is not in a registration area, an elector who signs the~~
32 ~~petition shall make an affidavit that to the best of the elector's~~
33 ~~knowledge and belief, the persons who signed the petition and who are~~

1 ~~not in a registration area are electors of the territory. The affidavit shall~~
2 ~~be attached to the petition before the petition is filed.~~ Any person
3 desiring to withdraw their name from the petition may do so by filing
4 in person with the county clerk of the county where the petition will be
5 filed, and before the petition is filed, a statement substantially as
6 follows: "I the undersigned, hereby withdraw my name as a signer of
7 the petition for the incorporation of the territory proposed to be called
8 the city of _____." The county clerk shall sign and endorse
9 on the face of the statement the month, day, year and hour of the filing
10 and, if and when the petition is filed, shall attach such withdrawal
11 statement thereto.

12 The sufficiency of the number of petitioners shall be determined as
13 of the day of the filing of the petition by registration books, if any, and
14 as of the date of the affidavit as to persons in nonregistration area.

15 (b) No territory shall be incorporated as a city except as provided
16 in subsection (d)(2) unless it has ~~300~~ 250 or more inhabitants or has
17 ~~300~~ 250 or more platted lots each of which is served by water and
18 sewer lines owned by a nonprofit corporation. The number of
19 inhabitants shall be determined by an enumeration by a qualified signer
20 of the petition who shall make an affidavit that an enumeration has
21 been made of the inhabitants of the territory after the beginning of the
22 circulation of the petition, and stating the number of inhabitants found,
23 and specifying the dates when it was begun and when completed. The
24 number of platted lots served by water and sewer lines owned by a
25 nonprofit corporation shall be determined by the county engineer, who
26 shall state the findings by affidavit. ~~Such~~ The affidavits shall be
27 attached to the petition before it is filed. The board of county
28 commissioners may cause another enumeration to be made if it believes
29 the number of inhabitants may be less than ~~300~~ 250.

30 (c) The petition shall have attached thereto a statement containing
31 the following information regarding the proposed city: (1) Quantity of
32 land embraced, platted and unplatted; (2) a brief description of existing
33 facilities and services currently received by the area, including water
34 supply, sewage disposal, fire and police protection; and (3) reasons for
35 desiring city government and services.

36 There shall also be attached to the petition a map of the territory
37 showing the location of the proposed city within the county or counties
38 and the more densely built-up area or areas and designating in general
39 the platted and unplatted areas.

1 There shall also be attached a statement of the assessed valuation of
2 the platted real property and improvements and unplatted real property
3 and improvements and the assessed valuation or an estimate thereof of
4 the tangible personal property for each county in which any area lies,
5 certified by the county clerk or county assessor.

6 (d) No territory shall be incorporated as a city unless:

7 (1) The inhabitants of the territory number ~~300~~ 250 or more ~~or~~ **and**
8 **50 or more electors of the territory have signed a petition;**

9 (2) the territory contains ~~300~~ 250 or more platted lots each served
10 by water and sewer lines owned by a nonprofit corporation, and 50 or
11 more electors of the territory have signed a petition; or

12 ~~(2)~~ (3) the territory has been designated a national landmark by the
13 congress of the United States.

14 Sec. 2. K.S.A. 15-117 is hereby amended to read as follows: 15-
15 117. The county clerk shall examine the petition, if such a petition is
16 required, signatures and attached matter as prescribed by K.S.A. 15-
17 116, as amended, and if it appears the petition is in proper form, that
18 the inhabitants of the territory number ~~300~~ 250 or more ~~or~~ **and 50 or**
19 **more electors of the territory have signed a petition**, that the territory
20 contains ~~300~~ 250 or more platted lots each served by water and sewer
21 lines owned by a nonprofit corporation; and that 50 or more electors of
22 the territory have signed the petition, or that the territory has been
23 designated as a national landmark, the county clerk shall so report to
24 the board of county commissioners at its next regular meeting and it
25 shall designate a time and place for a hearing on the petition, such time
26 to be not less than 30 nor more than 90 days from the date the petition
27 was filed. The place of the hearing shall be at a place convenient for
28 most of the inhabitants of the territory.

29 Sec. 3. K.S.A. 15-124 is hereby amended to read as follows: 15-
30 124. The city, regardless of the number of inhabitants (~~three hundred~~
31 ~~(300) or more~~), ~~250 or more~~, at the time of incorporation, shall operate
32 as a mayor-council city of the third class and the statutes relating
33 thereto and home rule powers under the constitution until such time as
34 by proper proceedings the class is changed or form of government
35 changed.

36 Sec. 4. K.S.A. 15-116, 15-117 and 15-124 are hereby repealed.

37 Sec. 5. This act shall take effect and be in force from and after its
38 publication in the statute book.

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