

HOUSE BILL No. 2308

By Representative Helgerson

2-13

1 AN ACT concerning city-county consolidation; authorizing the
2 consolidation of the city of Wichita and Sedgwick county.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. As used in sections 1 through 9, and amendments thereto:

6 (a) "Commission" means the consolidation commission of Wichita,
7 Kansas, and Sedgwick county.

8 (b) "City" means Wichita, Kansas.

9 (c) "County" means Sedgwick county.

10 Sec. 2. (a) Within 10 days of the effective date of this act, a
11 consolidation commission shall be appointed. Each of the following
12 officers shall appoint a member to the commission: The governor, the
13 president and minority leader of the senate and the speaker and minority
14 leader of the house of representatives. The person appointed by the
15 governor shall serve as the chairperson of the commission. No more than
16 three members of the commission shall be from the same political party.
17 Members of the commission shall include, but not be limited to, persons
18 with experience in accounting, business management, municipal finance,
19 law, education, political science or public administration. No elected or
20 appointive official shall serve on the commission. No paid employee of
21 any city or Sedgwick county shall serve on the commission. Members of
22 the commission shall be residents of Sedgwick county.

23 (b) Members of the commission shall be paid compensation,
24 subsistence allowances, mileage and other expenses as provided by K.S.A.
25 75-3223, and amendments thereto.

26 (c) The members of the consolidation commission shall appoint an
27 executive director of the commission. The executive director shall receive
28 compensation established by the commission. The executive director shall
29 employ other staff and may contract with consultants, as the executive
30 director deems necessary, to carry out the functions of the commission.
31 Staff employed by the executive director shall receive compensation
32 established by the executive director.

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

1 Sec. 3. (a) The commission shall prepare and adopt a plan addressing
2 the consolidation of the city and county or certain city and county offices,
3 functions, services and operations. The commission shall conduct such
4 studies and investigations as it deems appropriate to complete its work.
5 Such studies and investigations shall include, but not be limited to, studies
6 of the costs and benefits of consolidating the city and county or certain city
7 and county offices, functions, services and operations.

8 (b) The commission shall hold public hearings for the purpose of
9 receiving information and materials that will aid in the drafting of the plan.

10 (c) Within 60 days following the appointment of all members of the
11 commission, the commission shall prepare and adopt a preliminary plan
12 addressing the consolidation of the city and county or certain city and
13 county offices, functions, services and operations it deems advisable.
14 Copies of the preliminary plan shall be filed with the county election
15 officer, city clerk, each public library within the county and any other
16 place designated by the commission. Copies of such plan shall be available
17 to members of the public for inspection upon request. The commission
18 shall hold at least two public hearings to obtain citizen views concerning
19 the preliminary plan. Notice of such hearings shall be published at least
20 twice in a newspaper of general circulation within the county. Following
21 the public hearings on the preliminary plan, the commission may adopt, or
22 modify and adopt, the preliminary plan as the final plan.

23 (d) Within 30 days of the last public hearing held on the preliminary
24 plan, the commission shall adopt its final plan. The final plan shall include
25 the full text and an explanation of the proposed plan, and comments
26 deemed desirable by the commission, a written opinion by an attorney
27 admitted to practice law in the state of Kansas and retained by the
28 executive director for such purpose that the proposed plan is not in conflict
29 with the constitution or the laws of the state, and any minority reports.
30 Copies of the final plan shall be filed with the county election officer, city
31 clerk, each public library within the county and any other place designated
32 by the commission. Copies of such plan shall be available to members of
33 the public for inspection upon request. The commission shall continue in
34 existence at least 90 days following the submission of the final plan
35 pursuant to this subsection.

36 (e) The final plan shall be submitted to the qualified electors of the
37 county at an election called and held thereon. Such election shall be called
38 and held by the county election officer in the manner provided by the
39 general bond law. Such election maybe conducted by mail ballot. A
40 summary of the final plan shall be prepared by the commission and shall
41 be published once each week for two consecutive weeks in a newspaper of
42 general circulation within the county. If a majority of the qualified electors
43 voting on the plan who reside within the corporate limits of the city and a

1 majority of the qualified electors voting on the plan who reside outside of
2 the corporate limits of the city vote in favor thereof, the consolidation plan
3 shall be implemented in the manner provided by the plan. If a majority of
4 the electors who reside within the corporate limits of the city or a majority
5 of the qualified electors who reside outside of the corporate limits of the
6 city vote against such plan, the proposed consolidation plan shall not be
7 implemented.

8 If the commission submits a final plan that does not recommend the
9 consolidation of the city and county or certain city and county offices,
10 functions, services and operations, the provisions of this subsection shall
11 not apply.

12 Sec. 4. (a) Any plan submitted by the commission shall provide for
13 the exercise of powers of local legislation and administration not
14 inconsistent with the constitution or other laws of this state.

15 (b) If the commission submits a plan providing for the consolidation
16 of certain city and county offices, functions, services and operations, the
17 plan shall:

18 (1) Include a description of the form, structure, functions, powers and
19 officers and the duties of such officers recommended in the plan.

20 (2) Provide for the method of amendment of the plan.

21 (3) Authorize the appointment of, or elimination of elected officials
22 and offices.

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

24 (5) Include other provisions determined necessary by the
25 commission.

26 (c) If the plan provides for the consolidation of the city and county, in
27 addition to the requirements of subsection (b) the plan shall:

28 (1) Fix the boundaries of the governing body's election districts,
29 provide a method for changing the boundaries from time to time, any at-
30 large positions on the governing body, fix the number, term and initial
31 compensation of the governing body of the consolidated city-county and
32 the method of election.

33 (2) Determine whether elections of the governing body of the
34 consolidated city-county shall be partisan or nonpartisan elections and
35 when such elections shall be held.

36 (3) Determine the distribution of legislative and administrative duties
37 of the consolidated city-county officials, provide for consolidation or
38 expansion of services as necessary, authorize the appointment of a
39 consolidated city-county administrator or a city-county manager, if
40 deemed advisable, and prescribe the general structure of the consolidated
41 city-county government.

42 (4) Provide for the official name of the consolidated city-county.

43 (5) Provide for the transfer or other disposition of property and other

1 rights, claims and assets of the county and city.

2 Sec. 5. (a) If the voters approve a plan that provides for the
3 consolidation of the city and county, such consolidated city-county shall be
4 subject to the provisions of this section.

5 (b) The consolidated city-county shall be subject to the cash-basis and
6 budget laws of the state of Kansas.

7 (c) Except as provided in subsection (e), and in any other statute that
8 specifically exempts bonds from the statutory limitations on bonded
9 indebtedness, the limitation on bonded indebtedness of a consolidated city-
10 county under this act shall be 30% of the assessed value of all tangible
11 taxable property within such county on the preceding August 25.

12 (d) The following shall not be included in computing the total bonded
13 indebtedness of the consolidated city-county for the purposes of
14 determining the limitations on bonded indebtedness:

15 (1) Bonds issued for the purpose of refunding outstanding debt,
16 including outstanding bonds and matured coupons thereof, or judgments
17 thereon.

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

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

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

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

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

30 (e) Any bonded indebtedness and interest thereon incurred by the city
31 or county prior to consolidation shall remain an obligation of the property
32 subject to taxation for the payment thereof prior to such consolidation.

33 (f) Upon the effective date of the consolidation of the city and county,
34 any retailers' sales tax levied by the city or county in accordance with
35 K.S.A. 12-187 et seq., and amendments thereto, prior to such date shall
36 remain in full force and effect, except that part of the rate attributable to
37 the former city shall not apply to retail sales in any other city located in
38 whole or part in Sedgwick county.

39 (g) Upon the effective date of the consolidation of the city and
40 county, the territory of the consolidated city-county shall include:

41 (1) All of the territory of the county for purposes of exercising the
42 powers, duties and functions of a county.

43 (2) All of the territory of the city of Wichita, except the territory of

1 any other city located in whole or part in Sedgwick county and the
2 unincorporated area of the county, for purposes of exercising the powers,
3 duties and functions of a city.

4 (h) For the purposes of section 1 of article 5 of the constitution of the
5 state of Kansas, the "voting area" for the governing body of the
6 consolidated city-county shall include all the territory within Sedgwick
7 county.

8 (i) Except for the consolidated city-county and unless otherwise
9 provided by law, other political subdivisions of the county shall not be
10 affected by consolidation of the city and county. Such other political
11 subdivisions shall continue in existence and operation.

12 (j) Unless otherwise provided by law, the consolidated city-county
13 shall be eligible for the distribution of any funds from the state and federal
14 government as if no consolidation had occurred. Except as provided in this
15 subsection, the population and assessed valuation of the territory of the
16 consolidated city-county shall be considered its population and assessed
17 valuation for purposes of the distribution of moneys from the state or
18 federal government.

19 (k) The consolidated city-county shall be a county. The governing
20 body of the consolidated city-county shall be considered county
21 commissioners for the purposes of section 2 of article 4 of the constitution
22 of the state of Kansas and shall have all the powers, functions and duties of
23 a county and may exercise home rule powers in the manner and subject to
24 the limitations provided by K.S.A. 19-101a, and amendments thereto, and
25 other laws of this state.

26 The governing body of the consolidated city-county shall be
27 responsible for any duties or functions imposed by the constitution of the
28 state of Kansas and other laws of this state upon any county office
29 abolished by the consolidation plan. Such duties may be delegated by the
30 governing body or as provided in the consolidation plan.

31 (l) The consolidated city-county shall be a city of the first class. The
32 governing body of the consolidated city-county shall have all the powers,
33 functions and duties of a city of the first class and may exercise home rule
34 powers in the manner and subject to the limitations provided by section 5
35 of article 12 of the constitution of the state of Kansas and other laws of this
36 state.

37 (m) The governing body of the consolidated city-county may create
38 special service districts within the city-county and may levy taxes for
39 services provided in such districts.

40 (n) Changes in the form of government approved by the voters in
41 accordance with the consolidation plan are hereby declared to be
42 legislative matters and subject to initiative and referendum in accordance
43 with K.S.A. 12-3013 et seq., and amendments thereto.

1 Sec. 6. (a) The governing body of a consolidated city-county may not
2 annex any land located outside the county.

3 (b) The governing body of a consolidated city-county may not initiate
4 annexation procedures of land located within the county, but may annex
5 land upon petition of the owners of any such land.

6 Sec. 7. All costs incurred or authorized by the consolidation
7 commission and all other costs incurred by the city and county pursuant to
8 this act shall be paid by the city and county.

9 Sec. 8. If any provision of this act is held to be invalid or
10 unconstitutional, it shall be presumed conclusively that the legislature
11 would have enacted the remainder of this act without such invalid or
12 unconstitutional provision.

13 Sec. 9. This act shall take effect and be in force from and after July 1,
14 2020, and its publication in the statute book.