

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: 15-
6 116. (a) When a petition for the incorporation of a city, signed by 50 or
7 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 which
10 the greater or greatest area lies if the territory lies in two or more
11 counties, the requirements and proceedings shall be as hereinafter stated.

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

18 Each page of signatures shall bear the following heading:

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

24 *Signatures*

Addresses"

25 ~~If registration for voting purposes is required in all or any part of the~~
26 ~~area, signers in the registration area must sign their names the same as~~
27 ~~they are shown on the registration books. The signatures of signers in~~
28 ~~registration areas shall be checked against the voter registration books by~~
29 ~~the county election officer in charge of registration. Where all or a part of~~
30 ~~the territory is not in a registration area, an elector who signs the petition~~
31 ~~shall make an affidavit that to the best of the elector's knowledge and~~
32 ~~belief, the persons who signed the petition and who are not in a~~
33 ~~registration area are electors of the territory. The affidavit shall be~~
34 ~~attached to the petition before the petition is filed. Any person desiring to~~
35 ~~withdraw their name from the petition may do so by filing in person with~~
36 ~~the county clerk of the county where the petition will be filed, and before~~

1 the petition is filed, a statement substantially as follows: "I the
2 undersigned, hereby withdraw my name as a signer of the petition for the
3 incorporation of the territory proposed to be called the city of
4 _____." The county clerk shall sign and endorse on the face of
5 the statement the month, day, year and hour of the filing and, if and when
6 the petition is filed, shall attach such withdrawal statement thereto.

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

10 (b) No territory shall be incorporated as a city except as provided in
11 subsection (d)(2) unless it has ~~300~~ 250 or more inhabitants or has ~~300~~
12 250 or more platted lots each of which is served by water and sewer lines
13 owned by a nonprofit corporation. The number of inhabitants shall be
14 determined by an enumeration by a qualified signer of the petition who
15 shall make an affidavit that an enumeration has been made of the
16 inhabitants of the territory after the beginning of the circulation of the
17 petition, and stating the number of inhabitants found, and specifying the
18 dates when it was begun and when completed. The number of platted lots
19 served by water and sewer lines owned by a nonprofit corporation shall
20 be determined by the county engineer, who shall state the findings by
21 affidavit. ~~Such~~ The affidavits shall be attached to the petition before it is
22 filed. The board of county commissioners may cause another enumeration
23 to be made if it believes the number of inhabitants may be less than ~~300~~
24 250.

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

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

35 There shall also be attached a statement of the assessed valuation of
36 the platted real property and improvements and unplatted real property
37 and improvements and the assessed valuation or an estimate thereof of
38 the tangible personal property for each county in which any area lies,
39 certified by the county clerk or county assessor.

40 (d) No territory shall be incorporated as a city unless: (1) The
41 inhabitants of the territory number ~~300~~ 250 or more or the territory
42 contains ~~300~~ 250 or more platted lots each served by water and sewer
43 lines owned by a nonprofit corporation, and 50 or more electors of the

1 territory have signed a petition; or (2) the territory has been designated a
2 national landmark by the congress of the United States.

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

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

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

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

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