

SENATE BILL No. 10

By Senator Haley

1-5

1 AN ACT concerning municipalities; dealing with filling vacancies in  
2 governing bodies; amending K.S.A. 12-344 and K.S.A. 2014 Supp. 12-  
3 363 and repealing the existing sections.

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

6 New Section 1. (a) The purpose of this section is to provide an  
7 orderly and prompt means of filling vacancies in the governing body of a  
8 municipality. Prolonged vacancies in the governing body of a  
9 municipality deprive citizens of their right to representation and act as  
10 impediments to the orderly function of government of municipalities.

11 (b) As used in this section, the following terms are defined as  
12 follows:

13 (1) "Governing body" shall include the mayor and members of the  
14 council, the mayor and commissioners or the chairman and members of  
15 the board of supervisors, depending on the form of government of the city  
16 or the consolidated city and county.

17 (2) "Municipality" means any city or any consolidated city and  
18 county.

19 (c) ***Except as provided in subsection (d),*** the governing body of any  
20 municipality where a vacancy exists shall appoint, by a majority vote of  
21 the remaining members, a person to fill the vacancy within ~~30~~ **60** days of  
22 the vacancy. If the appointment is not made within the ~~30-day~~ **60-day** time  
23 frame, the governing body shall pass a resolution calling for a special  
24 election to fill such vacancy to be held within 45 days of the passage of  
25 such resolution. Candidates for the vacant office shall file for such office  
26 as provided in K.S.A. 25-2110a, and amendments thereto. The special  
27 election shall be conducted by the county election officer. The candidate  
28 receiving the highest number of votes for the vacant position shall assume  
29 such office upon certification of the election results.

30 ***(d) The provisions of subsection (c) shall not apply to any***  
31 ***municipality which has a procedure for filling vacancies in its governing***  
32 ***body and which has filled such vacancies within 60 days.***

33 Sec. 2. K.S.A. 12-344 is hereby amended to read as follows: 12-344.  
34 (a) Any plan submitted by the commission shall provide for the exercise of  
35 powers of local legislation and administration not inconsistent with the  
36 constitution or other laws of this state.

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

4 (1) Include a description of the form, structure, functions, powers and  
5 officers and the duties of such officers recommended in the plan-;

6 (2) provide for the method of amendment of the plan-;

7 (3) authorize the appointment of, or elimination of elective officials  
8 and offices-;

9 (4) specify the effective date of the consolidation-; *and*

10 (5) include other provisions determined necessary by the commission.

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

13 (1) Fix the boundaries of the governing body's election districts,  
14 provide a method for changing the boundaries from time-to-time, any at-  
15 large positions on the governing body, fix the number, term and initial  
16 compensation of the governing body of the consolidated city-county and  
17 the method of election-;

18 (2) determine whether elections of the governing body of the  
19 consolidated city-county shall be partisan or nonpartisan elections and the  
20 time at which such elections shall be held-;

21 (3) determine the distribution of legislative and administrative duties  
22 of the consolidated city-county officials, provide for consolidation or  
23 expansion of services as necessary, authorize the appointment of a  
24 consolidated city-county administrator or a city-county manager, if  
25 deemed advisable, and prescribe the general structure of the consolidated  
26 city-county government-;

27 (4) provide for the official name of the consolidated city-county-; *and*

28 (5) provide for the transfer or other disposition of property and other  
29 rights, claims and assets of the county and city.

30 (d) *Vacancies in the governing body shall be filled as provided in*  
31 *section 1, and amendments thereto.*

32 Sec. 3. K.S.A. 2014 Supp. 12-363 is hereby amended to read as  
33 follows: 12-363. (a) Any plan submitted by the commission shall provide  
34 for the exercise of powers of local legislation and administration not  
35 inconsistent with the constitution or other laws of this state.

36 (b) If the commission submits a plan providing for the unification of  
37 certain city and county offices, functions, services and operations, the plan  
38 shall:

39 (1) Include a description of the form, structure, functions, powers and  
40 officers and the duties of such officers recommended in the plan-;

41 (2) provide for the method of amendment of the plan-;

42 (3) specify the effective date of the unification-; *and*

43 (4) include other provisions determined necessary by the commission.

1 (c) If the plan provides for the unification of the city and county, in  
2 addition to the requirements of subsection (b) the plan shall:

3 (1) Provide that the members of the governing body be elected from  
4 districts or on an at-large basis and fix the number, term and initial  
5 compensation of the governing body of the unified city-county and the  
6 method of election-;

7 (2) determine whether elections of the governing body of the unified  
8 city-county shall be partisan or nonpartisan elections and the time at which  
9 such elections shall be held-;

10 (3) determine the distribution of legislative and administrative duties  
11 of the unified city-county officials, provide for unification or expansion of  
12 services as necessary, authorize the appointment of a city-county  
13 administrator or manager, if deemed advisable, and prescribe the general  
14 structure of the unified city-county government-;

15 (4) provide for the official name of the unified city-county-;

16 (5) provide for the transfer or other disposition of property and other  
17 rights, claims and assets of the county and city-; *and*

18 (6) fix the rate of the retailers' sales tax, if any.

19 (d) *Vacancies in the governing body shall be filled as provided in*  
20 *section 1, and amendments thereto.*

21 Sec. 4. K.S.A. 12-344 and K.S.A. 2014 Supp. 12-363 are hereby  
22 repealed.

23 Sec. 5. This act shall take effect and be in force from and after its  
24 publication in the Kansas register.