

## SENATE BILL No. 10

By Senator Haley

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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.

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

29 Sec. 2. K.S.A. 12-344 is hereby amended to read as follows: 12-344.

30 (a) Any plan submitted by the commission shall provide for the exercise of  
31 powers of local legislation and administration not inconsistent with the  
32 constitution or other laws of this state.

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

36 (1) Include a description of the form, structure, functions, powers and

- 1 officers and the duties of such officers recommended in the plan-;
- 2 (2) provide for the method of amendment of the plan-;
- 3 (3) authorize the appointment of, or elimination of elective officials  
4 and offices-;
- 5 (4) specify the effective date of the consolidation-; *and*
- 6 (5) include other provisions determined necessary by the commission.
- 7 (c) If the plan provides for the consolidation of the city and county, in  
8 addition to the requirements of subsection (b), the plan shall:
- 9 (1) Fix the boundaries of the governing body's election districts,  
10 provide a method for changing the boundaries from time-to-time, any at-  
11 large positions on the governing body, fix the number, term and initial  
12 compensation of the governing body of the consolidated city-county and  
13 the method of election-;
- 14 (2) determine whether elections of the governing body of the  
15 consolidated city-county shall be partisan or nonpartisan elections and the  
16 time at which such elections shall be held-;
- 17 (3) determine the distribution of legislative and administrative duties  
18 of the consolidated city-county officials, provide for consolidation or  
19 expansion of services as necessary, authorize the appointment of a  
20 consolidated city-county administrator or a city-county manager, if  
21 deemed advisable, and prescribe the general structure of the consolidated  
22 city-county government-;
- 23 (4) provide for the official name of the consolidated city-county-; *and*
- 24 (5) provide for the transfer or other disposition of property and other  
25 rights, claims and assets of the county and city.
- 26 *(d) Vacancies in the governing body shall be filled as provided in*  
27 *section 1, and amendments thereto.*
- 28 Sec. 3. K.S.A. 2014 Supp. 12-363 is hereby amended to read as  
29 follows: 12-363. (a) Any plan submitted by the commission shall provide  
30 for the exercise of powers of local legislation and administration not  
31 inconsistent with the constitution or other laws of this state.
- 32 (b) If the commission submits a plan providing for the unification of  
33 certain city and county offices, functions, services and operations, the plan  
34 shall:
- 35 (1) Include a description of the form, structure, functions, powers and  
36 officers and the duties of such officers recommended in the plan-;
- 37 (2) provide for the method of amendment of the plan-;
- 38 (3) specify the effective date of the unification-; *and*
- 39 (4) include other provisions determined necessary by the commission.
- 40 (c) If the plan provides for the unification of the city and county, in  
41 addition to the requirements of subsection (b) the plan shall:
- 42 (1) Provide that the members of the governing body be elected from  
43 districts or on an at-large basis and fix the number, term and initial

1 compensation of the governing body of the unified city-county and the  
2 method of election;:

3 (2) determine whether elections of the governing body of the unified  
4 city-county shall be partisan or nonpartisan elections and the time at which  
5 such elections shall be held;:

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

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

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

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

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

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

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