

HOUSE BILL No. 2177

By Committee on Local Government

1-28

1 AN ACT concerning municipalities; relating to the dissolution of special
2 districts and assumption of responsibilities by cities or counties.

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

5 Section 1. (a) It is the purpose of sections 1 through 3, and
6 amendments thereto, to establish a procedure for any city or county to
7 assume the powers, responsibilities and duties of any special district
8 located within the city's corporate limits or the county's boundaries and to
9 provide for the dissolution of the special district. No such dissolution shall
10 take place until approved by a joint resolution adopted by the city or
11 county and the special district as provided in section 2, and amendments
12 thereto.

13 (b) For purposes of sections 1 through 3, and amendments thereto,
14 "special district" includes airport authorities, cemetery districts, drainage
15 districts, fire districts, industrial districts, library districts, port authorities,
16 rural water districts, sewer districts and rural watershed districts.

17 Sec. 2. (a) The governing bodies of any special district and any city
18 or county that have reached an agreement that the city or county shall
19 assume all powers, responsibilities and duties of the special district shall
20 pass a joint resolution stating their intent to bring about such dissolution
21 and setting the time and place for a joint public hearing on this issue. The
22 joint resolution shall be published once each week for two consecutive
23 weeks in a newspaper of general circulation in the county or counties
24 where the city or county and special district are located. Once the
25 governing bodies have passed the joint resolution stating their intent to
26 bring about the dissolution, the special district shall not issue new debt
27 without first notifying the governing body of the city or county and having
28 the new debt approved by the city or county governing body by resolution.

29 (b) Following the public hearing, the governing bodies of the special
30 district and the city or county shall decide to proceed with or abandon the
31 proposed dissolution. If both governing bodies agree to proceed with the
32 dissolution and assumption of the powers and responsibilities of the
33 special district by the city or county, as evidenced by formal action of each
34 body, the city or county shall adopt an ordinance or county resolution
35 dissolving the special district and assuming all powers, responsibilities and
36 duties of the special district. The special district shall be deemed dissolved

1 on the effective date of the ordinance or county resolution. A copy of the
2 ordinance or county resolution shall be provided to the county clerk.

3 Sec. 3. (a) Upon the dissolution of the special district, the city or
4 county shall acquire the property of the special district subject to any
5 leases or agreements duly and validly made by the district. The city or
6 county shall be responsible for the payment or retirement of any special
7 district debts or obligations. All property, funds and assets of the district
8 shall be vested in the city or county.

9 (b) The city or county shall be the successor in every way to the
10 powers, duties and functions of the special district. Every act performed in
11 the exercise of such transferred powers, duties and functions by the city or
12 county shall be deemed to have the same force and effect as if performed
13 by the special district.

14 (c) Whenever the special district, or words of like effect, are referred
15 to or designated by a contract or other document and such reference is in
16 regard to any of the powers, duties and functions transferred to the city or
17 county, such reference or designation shall be deemed to apply to the city
18 or county as the context requires.

19 (d) The city or county shall have the legal custody of all records,
20 memoranda, writings, entries, prints, representations, electronic data or
21 combinations thereof of any act, transaction, occurrence or event of the
22 special district.

23 (e) No suit, action or other proceeding, judicial or administrative,
24 lawfully commenced, or that could have been commenced, by or against
25 the special district prior to its dissolution or by or against any officer of the
26 district, prior to its dissolution in such officer's official capacity or in
27 relation to the discharge of such officer's official duties, shall abate by
28 reason of the governmental reorganization effected under the provisions of
29 this act. The court may allow any such suit, action or other proceeding to
30 be maintained by or against the successor of the district or of any such
31 officer.

32 Sec. 4. This act shall take effect and be in force from and after its
33 publication in the statute book.