

SENATE BILL No. 118

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

Be it enacted by the Legislature of the State of Kansas:

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

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

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

(b) Following the public hearing, the governing bodies of the special district and the city or county shall decide to proceed with or abandon the proposed dissolution. If both governing bodies agree to proceed with the dissolution and assumption of the powers and responsibilities of the special district by the city or county, as evidenced by formal action of each body, the city or county shall adopt an ordinance or county resolution dissolving the special district and assuming all powers, responsibilities and duties of the special district. The special district shall be deemed dissolved on the effective date of the ordinance or county resolution. A copy of the ordinance or county resolution shall be provided to the county clerk.

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

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

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

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

special district.

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

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

I hereby certify that the above BILL originated in the
SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.