

# Kansas

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Kansas ranks (5th) among the states in number of local governments, with (3,887) as of June 2002.

## **COUNTY GOVERNMENTS (104)**

There are no areas in Kansas lacking county government. The county governing body is called the board of county commissioners.

## **SUBCOUNTY GENERAL PURPOSE GOVERNMENTS (1,926)**

The (1,926) subcounty general purpose governments in Kansas comprise the (627) municipal (city) governments and the (1,299) township governments.

### **Municipal Governments (627)**

All of the municipal governments in Kansas are locally designated as cities. Cities are divided by general law into the following size classes:

- First class—15,000 inhabitants or more
- Second class—2,000 to 14,999 inhabitants
- Third class—fewer than 2,000 inhabitants

However, second class cities may continue as such until they reach a population of 25,000, when they are required by law to become first class cities; similarly, third class cities may remain as such until they reach a population of 5,000. A 1963 law specifies a minimum population requirement of 300 or more inhabitants for incorporation or 300 platted lots each served by water and sewer lines owned by a nonprofit corporation. Also, a territory designated as a national landmark by the Congress of the United States may incorporate without meeting other requirements for incorporation. Population in existing cities may fall below designated population minimums for their class designation without falling back in class. Third class cities exist within township areas, but first and second class cities exist outside the area of any township.

### **Township Governments (1,299)**

The entire area of Kansas is covered by townships except for areas where first and second class cities exist. In recent years, a number of township governments in Kansas have become inactive. These inactive townships are not counted as governments for census purposes. At present, active township governments exist in (97) of the 105 Kansas counties.

## **PUBLIC SCHOOL SYSTEMS (324)**

### **School District Governments (324)**

The following types of school districts in Kansas are counted as separate governments for census purposes:

- Unified school districts
- Community college districts
- Municipal universities

An elected board of education, or “school board,” governs each unified school district, except for the Fort Leavenworth School District. The board of that district is appointed by the commanding general of Fort Leavenworth. An elected board of trustees governs each community college district.

Municipal universities are governed by boards of regents, with four members appointed by the mayor with approval of the governing body of the city, three members appointed by the governor, one member selected by the state board of regents from its membership, and the mayor of the city serving ex officio. Washburn University of Topeka was the only municipal university reported in operation as of fiscal year 1997. The board of regents of Washburn University of Topeka may impose a county-wide retailers’ sales tax. Kansas statutes also provide for municipal universities whose taxing district encompasses an entire county, but none were reported in operation as of fiscal year 1997.

All school district governments in Kansas may levy ad valorem school taxes and issue bonds with the approval of the voters.

### **Dependent Public School Systems (0)**

Kansas has no dependent public school systems.

### **Other Educational Activities**

Agencies providing special education and related services may be established by an “interlocal agreement” between two or more school districts. A board of directors governs each such agency; the number of representatives from each participating school district is specified in the agreement. The agency may receive contributions from participating school districts, and state and federal grants. These agencies are classified as joint agencies of the participating school districts, and are not counted as separate governments. As of June 1997, there were (17) interlocal agencies of this type reported in operation.

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Area vocational-technical schools are established by one or more boards of school districts operating a high school, junior college, or institution of higher learning after the State Board of Education conducts a public hearing, and upon approval of a plan presented to the State Board of Vocational Education. A board of control administers each area vocational-technical school; it may be the board of the school district in which the school is located, or one or more representatives from the school board of each participating school district. The participating school districts may levy local ad valorem taxes to finance these schools. For census reporting, area vocational-technical schools are classified as joint educational service agencies of the participating school districts, and are not counted as separate governments. As of June 1997, there were (11) area vocational-technical schools reported in operation.

Educational service centers may be established by agreement between two or more school districts. A board of directors, appointed according to terms specified in the agreement, administers each center. The participating school districts contribute funds for the support of the centers. For census purposes, educational service centers are classified as joint educational service agencies of the participating school districts, and are not counted as separate governments. There were (11) educational service centers reported in operation as of June 1997.

Special education cooperatives are formed by agreement between two or more school districts. One of the participating districts sponsors the programs of the cooperative under the agreement; the other participating districts make contributions to the cooperative under contract. These cooperatives are classified as joint educational service agencies of the participating school districts, and are not counted as separate governments. As of June 1997, there were (28) special education cooperatives reported in operation.

The Kansas City public library was established by special act and resolution of the board of the Unified School District 500. The library is governed by the board of education, ex officio. The board of education may levy ad valorem taxes on behalf of the library.

### **SPECIAL DISTRICT GOVERNMENTS (1,533)**

Kansas statutes authorize the creation of a variety of special districts or authorities that are counted as governments. These are discussed in detail below.

#### **Boards of Public Utilities (in Cities Having Over 100,000 Population)**

These districts are established by the legislature to supply water and electric power. An elected board of commissioners governs the district. The district may fix water and electricity fees and, after voter approval, issue bonds. In addition, a city served by a board of public utilities may

transfer control and operation of its municipal airport to the board. The Kansas City Board of Public Utilities is the only entity organized under this law.

#### **Cemetery Districts**

The following types of cemetery districts are counted as governments for census purposes:

**Cemetery district associations**—established by petition of voters to the county commissioners or by resolution of the county commissioners after a hearing; governed by elected directors.

**Cemetery districts (joint city and township)**—composed of a second or third class city in conjunction with one or more townships and established by petition of voters to the county commissioners and resolution by the city governing body, with administration by a board of trustees composed of the township trustees and the city mayor.

**Cemetery districts (township)**—established by petition of voters to the county commissioners plus resolution adopted by township; governed by elected directors.

**Cemetery districts (abandoned cemeteries)**—established by resolution passed by the governing body upon petition of voters and governed by a board of trustees composed of township trustees and mayor. All of the above types of cemetery districts may levy an ad valorem tax. Cemetery district associations may issue bonds.

#### **City-County Airport Authorities**

In any county with a population between 125,000 and 200,000, an authority may be established by referendum to acquire, operate, and develop a surplus Air Force base. A board of five directors governs each authority, including two appointed by the county commissioners and three appointed by the mayor. The authority may levy ad valorem taxes, fix charges, and issue bonds. The Metro Topeka Airport Authority was formed under this act.

#### **Community Building Districts**

General law authorizes any city of the third class together with its surrounding area to be organized as a community building district on petition of voters to the board of county commissioners. An elected board of directors governs each district. The districts may levy ad valorem taxes.

#### **Conservation Districts**

These districts are established upon petition of land occupiers to the Kansas State Conservation Commission, after referendum. A board of five elected supervisors governs

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each district. The districts may require contributions and accept Federal, state, and county assistance. County grants may be made from either the county general fund or a special county tax levy.

### **Drainage Districts**

There are four general laws authorizing drainage districts in Kansas. A 1905 law provides for establishment by the county commissioners on petition of taxpayers; two 1911 laws provide for establishment by the district court on petition of landowners; and a 1963 law authorizes joint drainage districts in two or more counties upon petition of landowners filed with the secretary of state, plan approval by the chief engineer of the Kansas State Division of Water, and referendum. The joint drainage districts and those established under the 1905 law are governed by elected boards of directors, while under the 1911 laws, administration is either an elected board of supervisors or an elected board of directors, depending on the particular statute under which the district was established. Each of these types of districts may levy ad valorem taxes or benefit assessments. Bond issues must be approved by the voters.

### **Ground Water Management Districts**

These districts are established on petition of users to the chief engineer of the State Division of Water Resources and the secretary of state. Establishment is subject to plan approval and district referendum. An elected board of directors governs each district. The district may levy special assessments, fix charges for its services, and, after voter approval, issue bonds.

### **Hospital Districts—1984 Law**

Districts to provide hospital facilities are established by petition to the board of county commissioners. An elected board governs the district. The district may fix rates and fees, levy ad valorem taxes, accept grants and gifts, and, with voter approval, may issue bonds. Hospital districts organized under former laws repealed in 1984 may continue to operate under provisions of this 1984 law.

### **Housing Authorities**

Housing authorities may be created by resolution of the city or county governing body. The authority commissioners are appointed by the mayor or the board of county commissioners. Housing authorities may fix rentals, accept federal and local contributions, and issue bonds.

As an alternative, cities may exercise the powers of a housing authority. In cities exercising this option, the housing authority is not counted as a separate government.

### **Improvement Districts**

Districts for the purpose of planning and constructing public works and improvements necessary for public health, convenience, or welfare are formed on petition of

taxpayers to the county commissioners and after public hearing. An elected board of directors governs each district. The districts may levy ad valorem taxes and special benefit assessments. Improvement districts may also receive federal aid, charge rates and fees, and issue bonds.

### **Industrial Districts**

Under general law, industrial districts may be established by the board of county commissioners on petition of landowners and after a public hearing. An elected board of directors governs each district. The districts may levy ad valorem taxes, accept grants, and issue bonds.

### **Irrigation Districts**

Irrigation districts may be established under an 1891 law on petition of landowners to the board of county commissioners, or a 1941 law requiring petition to the Division of Water Resources of the State Board of Agriculture and a public hearing. An elected board of commissioners administers each district under the 1891 law; an elected board of directors governs each district under the 1941 law. Both types of districts may collect rates and charges, levy taxes on the lands benefited, and issue bonds with the approval of the voters.

### **Johnson County Park and Recreation District**

The budget of this district is now subject to county approval. Therefore, this district is no longer counted as a special district government. See “Subordinate Agencies and Areas,” below.

### **Joint Port Authorities**

Joint port authorities may be created by agreement between any combination of cities and/or counties. Composition of the appointed board of directors is specified in the agreement. These authorities may receive grants, issue revenue bonds, and, subject to referendum, levy ad valorem taxes.

Authorities serving a single city or county are not counted as separate governments for census purposes. See “Subordinate Agencies and Areas,” below.

### **Kansas City Area Transportation Authority**

This authority is counted under “Missouri—Special District Governments.”

### **Kansas and Missouri Metropolitan Culture District**

This district is counted under “Missouri—Special District Governments.”

### **Kansas Municipal Energy Agency**

This agency is now listed under “Municipal Energy Agencies.”

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## Library Districts

Kansas statutes authorize the following types of library districts:

**Library boards in Hutchinson and Salina.** These three library boards operate under special provisions not applicable to other library boards. Each of these three boards is appointed by the mayor with the consent of the council. The directors may levy an annual ad valorem tax.

**Library boards in third class cities and townships.** These districts may be created on petition of voters to the board of county commissioners after referendum. A board of elected directors governs each district. The districts may levy ad valorem taxes and issue bonds upon voter approval.

**Regional library system boards—1965 law.** Any one or more local library boards may petition the State Library Advisory Commission for establishment of a regional library system board. The counties and the member libraries to be served are specified in the petition. The system board consists of one or more representatives of each member library board, and one or more representatives appointed by the governor to represent areas within the system boundaries but not served by a member library board. Regional library system boards may accept state and federal grants and may levy ad valorem taxes.

**Topeka and Shawnee County Library District.** This library district was created by resolution of the board of trustees of the Topeka public library. An appointed board of trustees elected by the city and county governs the district. The district may levy ad valorem taxes, issue bonds, and receive state and federal grants.

## Municipal Energy Agencies

Agencies to provide electric utilities and energy projects are established by an agreement between two or more municipalities; a referendum is required only if voters petition for one. A board of directors governs each agency; the composition is specified in the agreement creating the agency. The agency may fix rates and charges for its services, and may issue revenue bonds. The Kansas Municipal Energy Agency was created under this law.

## Public Building Commissions

Public building commissions may be established by ordinance by any city or county to acquire public buildings and lease them to other governments. The composition of the commission is specified in the establishing ordinance. A commission may fix rates, rentals, and charges. After providing voters an opportunity to petition for a referendum, a commission may issue revenue bonds.

## Public Wholesale Water Supply Districts

Any county, township, city, town, water district, or state agency may form a district of this type by agreement, subject to approval by the attorney general. The sponsoring governments appoint the members of the district governing body. The districts may collect fees and charges, accept grants and gifts, and issue revenue bonds.

## Reading Fire Benefit District

The district was created by resolution of the board of county commissioners upon petition of voters. An elected board of directors governs the district. The board of directors may levy ad valorem taxes and issue bonds.

## Shawnee County Fair Association

The Shawnee County Fair Association was established by special act. The association is governed by an elected board of directors. The board of county commissioners of Shawnee county may levy ad valorem taxes on behalf of the association.

## Watershed Districts

These districts are established by petition of landowners to the secretary of state and chief engineer of the Division of Water Resources of the State Board of Agriculture after referendum. An elected board of directors governs each district. The districts may levy an ad valorem tax and special benefit assessments, and issue bonds after voter approval.

## Water Supply Districts

Kansas statutes authorize the following types of water supply districts:

**Rural water districts—1957 law.** Districts organized under this law are created on petition of landowners to the board of county commissioners and after public hearing. An elected board of directors governs each district. The districts may levy benefit assessments, accept federal aid and gifts, and issue revenue bonds.

**Rural water supply districts—1941 law.** Districts organized under this law are established by petition of landowners to the board of county commissioners. The landowners within the district constitute the district board of directors. The district may levy benefit assessments and may issue bonds.

**Water Assurance Districts—1986 Law.** Districts to provide water from Army Corps of Engineer operated reservoirs are established by petition to the secretary of state, and with the approval of the chief engineer of the Kansas Water Office and subject to referendum. An elected board of directors governs each district. The district may impose

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charges. The Kansas Water Office may issue revenue bonds for reservoir projects, payable through revenue obtained from contracts with the district.

**Water supply and distribution districts in Franklin, Johnson, Miami, and Wayndotte Counties.** Boards organized under this law are established by the county commissioners on petition of the voters and after a public hearing. An elected district board governs each district. The districts may fix water rates and issue revenue bonds after voter approval.

**Waterworks boards in cities over 15,000 population with an adjacent military reservation.** This law applies to the city of Leavenworth. Boards under this law are established by petition to the city clerk, after referendum. The waterworks board is elected. The board may fix rates. Bonds, which require voter approval, are issued in the name of the city.

### **SUBORDINATE AGENCIES AND AREAS**

Shown below are various governmental designations in Kansas that have certain characteristics of governmental units but that are classified in census statistics as subordinate agencies of the state or local governments and are not counted as governments. Legal provisions for some of the larger of these are discussed below (see “Public School Systems,” above, regarding educational agencies of this nature).

Among the subordinate agencies and areas listed below, some represent “special taxing areas” within the territory of an established government. This method of financing additional services in limited areas by property taxation, while also used by some municipal and township governments in a few states, is more widely utilized by county governments. In the listing below of authorized county-related agencies, a bullet (▪) appears for each entity of this kind—i.e., any that may individually serve a portion rather than all of a county and for which a tax may be levied against the assessed value of property in the area served.

**Kansas Turnpike Authority (state).** This authority was established by special act. The authority board consists of two members appointed by the governor with the consent of the senate, plus the state secretary of transportation and the chairpersons of the senate committee on transportation and utilities and the house transportation committee, ex officio. The authority may collect tolls and charges, and issue revenue bonds.

**Urban renewal agencies (municipal).** These agencies are created by resolution of the municipal governing body. A board of commissioners appointed by the mayor with the consent of the governing body administers each agency. The sponsoring municipality may appropriate

funds, levy ad valorem taxes and special assessments, issue bonds for urban renewal purposes, and accept contributions from the federal government and other sources.

Other examples include:

### **State**

Capitol Area Plaza Authority  
Extension districts  
Information Network of Kansas  
Kansas, Inc.  
Kansas Development Finance Authority  
Kansas Technology Enterprise Corporation  
University of Kansas Hospital Authority

### **County<sup>1</sup>**

Benefit districts for fire protection, street lights, storm and sanitary sewers, and road improvement (county-created)  
Benefit road districts  
County extension councils  
▪County fire districts  
County hospital boards—1984 law  
County library boards  
County park boards of trustees  
County port authorities  
County sports authorities  
Fire Districts in Johnson County  
Johnson County Park and Recreation District  
Johnson County Wholesale Water Supply District  
▪Joint county fire protection districts  
Levee districts  
Regional library boards—1951 law  
Rural Housing Incentive Districts  
Sewer districts  
▪Storm drainage districts  
▪Water districts (counties of fewer than 100,000 inhabitants and adjoining a federal reservoir flood control project)  
Zoning districts

### **Municipal**

Airport authorities (cities with 250,000 or more inhabitants)  
Benefit districts for sidewalk, street, or alley improvements, sewers, and parking stations (city-created)  
Business improvement districts  
City library boards (except Hutchinson, Salina, and Topeka)  
City port authorities

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<sup>1</sup>Authorizing legislation for the following types of districts has been repealed: Ambulance districts (in 1988); area-wide sewage disposal districts—1975 law (in 1083); county sewer districts—2945 and 1953 laws (in 1983); county storm and sanitary sewer districts (in 1983); and sewer districts—1927 law (in 1983).

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Hospital boards in first and second class cities  
Joint storm drainage districts  
Lighting districts  
Metropolitan transit authorities  
Municipal improvement districts (Lawrence)  
Municipal parking authorities  
Municipal transit systems  
Natural gas authorities  
Public Airport Authorities  
Recreation commissions  
Redevelopment districts—1989 law  
Rural Housing Incentive Districts  
Self-supported municipal improvement districts  
Sewerage or drainage districts

Storm drainage districts (first class cities with 50,000 or more inhabitants)  
Zoning districts

**Township**

Benefit districts for fire protection and lighting (township-created)  
Regional library boards  
Special fire protection districts  
Township library boards  
Township sewerage districts

Kansas statutes also provide for various types of local areas for election purposes and administration of justice.