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ATTORNEY GENERAL OPINION NO. 91-118

The Honorable Clyde Graeber  
State Representative, Forty-First District  
2400 Kingman  
Leavenworth, Kansas 66048-4230

Re: Cities and Municipalities--Governmental  
Organization--Consolidation of Operations,  
Procedures and Functions by a Political and Taxing  
Subdivision or by Two or More Subdivisions;  
Procedure

Synopsis: A city and school district having a common  
geographical area may utilize the procedures of  
K.S.A. 12-3901 et seq. to provide for the  
consolidation of maintenance and repair services  
associated with buildings and equipment owned by  
them. Cited herein: K.S.A. 12-3901; 12-3902;  
K.S.A. 1990 Supp. 12-3903, as amended by L. 1991,  
ch. 61, § 1.

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Dear Representative Graeber:

You inquire concerning the availability of K.S.A. 12-3901 et seq. for consolidation of maintenance and repair services by a school district and city having a common geographic area.

K.S.A. 12-3901 defines the purpose of the act as follows:

"It is the purpose of this act to  
authorize and permit political and taxing  
subdivisions of this state to more

efficiently and effectively serve the needs of their constituents by consolidating or cooperating in the consolidation of operations, procedures and functions of offices and agencies of such subdivisions which may be more efficiently and effectively exercised or provided by a single office or agency."

Subsection (a) of K.S.A. 1990 Supp. 12-3903, as amended by L. 1991, ch. 61, § 1, provides as follows:

"Whenever the governing body of any political or taxing subdivision of this state shall by resolution determine that duplication exists in the operations, procedures or functions of any of the offices or agencies of such subdivision or that the operations, procedures or functions of any of the offices or agencies thereof can be more efficiently and effectively exercised or provided as a consolidated activity performed by a single office or agency, or whenever the governing body of any two or more political or taxing subdivisions of this state shall by the passage of identical resolutions determine that duplication exists in the operations, procedures or functions of offices or agencies of such subdivisions or that the operations, procedures or functions of any the offices or agencies thereof can be more efficiently and effectively exercised or provided as a consolidated activity performed by a single intergovernmental office or agency or by a single office or agency of one of the participating political or taxing subdivisions, such governing body or governing bodies are hereby authorized to consolidate any or all of the operations, procedures or functions performed or carried on by such offices or agencies by the passage of a resolution or identical resolutions setting out the time, form and manner of consolidation and designating the surviving office or agency."

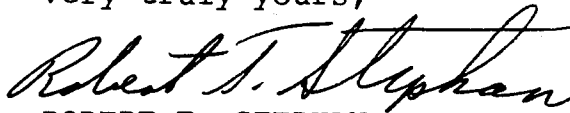
Representative Clyde Graeber

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The term "political and taxing subdivisions of this state" is defined to include both cities and school districts. K.S.A. 12-3902.

In accordance with the above-quoted statutory provisions, a city and school district may consolidate maintenance and repair services for buildings and equipment owned by them by the adoption of appropriate identical resolutions. Any such consolidation is, of course, subject to all the provisions of K.S.A. 12-3901 to 12-3909.

Very truly yours,



ROBERT T. STEPHAN  
Attorney General of Kansas



Terrence R. Hearshman  
Assistant Attorney General

RTS:JLM:TRH:jm