

HOUSE BILL No. 2204

By Committee on Local Government

2-5

AN ACT concerning planning and zoning; relating to planning commissions; amending K.S.A. 12-744 and repealing the existing section.

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

Section 1. K.S.A. 12-744 is hereby amended to read as follows: 12-744. (a) The governing body of any city, by adoption of an ordinance, may create a planning commission for such city and the board of county commissioners of any county, by adoption of a resolution, may create a planning commission for the county. Any such planning commission shall be composed of not less than five members. The number of members of a planning commission may be determined by ordinance or resolution. If a city planning commission plans, zones or administers subdivision regulations outside the city limits, at least two members of such commission *either* shall reside outside of but within three miles of the corporate limits of the city *or own property located within three miles of corporate limits of the city and reside within the unincorporated area of the county*. A majority of the members of a county planning commission shall reside outside the corporate limits of any incorporated city in the county. A county, metropolitan or regional planning commission may serve as the planning commission for a city.

(b) The governing body shall provide by ordinance or resolution for the term of the members of the planning commission and for the filling of vacancies. Members of the commission shall serve without compensation. The governing body may adopt rules and regulations providing for removal of members of the planning commission.

(c) Any two or more cities or counties of this state may cooperate, pursuant to written agreement, in the exercise and performance of planning powers, duties and functions. Any city or county of this state may cooperate, pursuant to written agreement, with any city or county of any other state having adjoining planning jurisdiction in the exercise and performance of any planning powers, duties and functions provided by state law for cities and counties of this state and to the extent that the laws of such other state permit such joint cooperation. Any agreement entered pursuant to this subsection shall be subject to the provisions of K.S.A. 12-2901 et seq., and amendments thereto. If such agreement provides

1 for the adoption of a comprehensive plan, the agreement shall include a
2 provision concerning the approval of the comprehensive plan which is
3 consistent with the provisions of K.S.A. 12-747, *and amendments thereto*.

4 When two or more of such cities or counties, by ordinance of each city
5 and by resolutions of the boards of county commissioners enter into
6 agreements providing for such joint planning cooperation, there may be
7 established a joint planning commission for the metropolitan area or re-
8 gion comprising that portion of the areas of planning jurisdiction of the
9 cities or counties cooperating jointly as shall be designated by the joint
10 ordinances and resolutions. Such a joint planning commission for the
11 metropolitan area or region may be empowered to carry into effect such
12 provisions of state law relating to planning which are authorized for such
13 joining cities or counties and which each may under existing laws sepa-
14 rately exercise and perform.

15 Any city or county, whenever the governing body of the city or the
16 board of commissioners of the county deems necessary, may join and
17 cooperate in two or more metropolitan area or regional planning com-
18 missions. Any regional or metropolitan planning commission in existence
19 on the effective date of this act shall continue in existence, but shall be
20 governed by the provisions of this act.

21 ~~(d) The provisions of this section shall become effective on and after~~
22 ~~January 1, 1992.~~

23 Sec. 2. K.S.A. 12-744 is hereby repealed.

24 Sec. 3. This act shall take effect and be in force from and after its
25 publication in the statute book.

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