

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairman Senator Janice Hardenburger at 1:30 p.m. on March 9, 2000, in Room 245-N of the Capitol.

All members were present:

Committee staff present: Dennis Hodgins, Legislative Research Department
Mike Heim, Legislative Research Department
Ken Wilke, Revisor of Statutes
Graceanna Wood, Committee Secretary

Conferees appearing before the committee: Representative Larry Campbell
Representative Kent Glasscock (written testimony only)
Janet Stubbs, Exec. Officers, Kansas Building Industry Assn.
Joe Knopp, Attorney, Manhattan

Others attending: See attached list

Chairman Hardenburger opened discussion on **SB 535 concerning extension districts, and repealing the existing section**. She explained several options to the Committee to consider prior to acting on the bill. (Attachment #1)

The Committee discussed having the County Commissioners appoint the members of the extension council, instead of having elections.

Chairman Hardenburger said the Commission only would be appointing seven members who would serve as the council. The council would be responsible for appointing the program development committee. If the County Commission appointed a broad representation in the seven member board, then the seven member board should be able to bring in new members. People who are interested in the extension and its goals and objectives.

Senator Huelskamp said in his county they did not want to change the present system, and would like it to be maintained as the current law.

Staff informed the Committee that if there is an election process in place then there would have to be a transition when the process starts. Having the members appointed by the County Commissioners there would need to be a transition set up to have a cut off and switch over to the new system. The extension council has 24 members. If this is cut down to seven, this would need to have a transition also.

Chairman Hardenburger said they would want to follow this pattern of having the seven appointed and then the seven serve as an extension council or executive board and whereupon they would appoint the remaining people for the program development committee.

Senator Gooch moved that the process of appointing the extension council members by the County Commissioners would replace the language in the bill that relate to elected by the public, seconded by Senator Lawrence. Motion carried.

Senator Huelskamp voted no.

Senator Becker moved to pass out the bill favorably as amended, seconded by Senator Lawrence.

Senator Huelskamp requested substitute amendment to retain the language on Page 1, Lines 18 through 20.

CONTINUATION SHEET

Richard Wootton, Associate Director for Extension in K-State Research and Extension Department, told the Committee that the an advisory council prepared the proposal together with the Secretary of State, and he advised them not to focus on a particular vocabulary such as community development, that would be somewhat confining. In many counties the Research and Extension Department are not aggressively doing community work, other than trying to maintain a significant agricultural base in the community, and some of the terms have become cumbersome.

Senator Huelskamp moved a substitution motion to retain the language struck out on page 1 lines 18 to 20 of the bill, seconded by Senator Lawrence.

The Committee discussed, that by removing the language, it would possibly weaken the program, as every county is different.

Substitute Motion carried.

Motion to pass the bill out favorably as amended carried.

Senator Huelskamp voted no.

Chairman Hardenburger opened hearings on **HB 2646 concerning cities and counties, relating to planning and zoning and repealing the existing sections.**

Staff informed the Committee that the bill designated who was considered in the signing of protest petitions in zoning changes. If the property owner requested the zoning change or agreed to zoning change, it then would be excluded from the area being zoned and triggered a super majority for adopting the change.

Chairman Hardenburger said if there was a block square being re-zoned and those persons in that block fought the re-zoning, then those around the perimeter had to be notified within a certain distance and they would be allowed to petition against the re-zoning, but those in the block would not be allowed to be on that petition.

Representative Larry L. Campbell, gave testimony in favor of **HB 2646**, advising the Committee that the bill would clarify some confusion that has arisen in the interpretation of K.S.A. 12-757 concerning the calculation of the protest area in a re-zoning protest petition. (Attachment #2)

Written testimony from Representative Glasscock was presented to the Committee regarding **HB 2646**. It said Kansas laws has protected property owners by giving them the right to protest when a piece of land next to theirs was proposed for re-zoning. This law stated that surrounding property owners could submit a protest petition to force a super majority vote of the governing body approving the zoning change. (Attachment #3)

Janet Stubbs, Executive Officer of the Kansas Building Industry Association introduced to the Committee Joe Knopp, Attorney, from Manhattan, who presented testimony, opposing the bill. (Attachment #4)

Chairman Hardenburger closed the hearing on **HB 2646**.

Meeting was adjourned at 2:30 p.m. Next meeting is scheduled for March 13, 2000.

SENATE BILL No. 535

By Committee on Elections and Local Government

2-1

9 AN ACT concerning extension districts; amending K.S.A. 2-608, 2-609,
10 2-611, 2-612, 2-613, 2-614, 2-615 and 2-616 and K.S.A. 1999 Supp. 2-
11 610, 2-623 and 2-624 and repealing the existing sections.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2-608 is hereby amended to read as follows: 2-608.
15 If a county extension council has been organized as specified in K.S.A. 2-
16 611 and amendments thereto or an extension district has been established
17 under K.S.A. 2-623 and amendments thereto, for the purpose of giving
18 instruction in agriculture, marketing, home economics, 4-H club and
19 youth work, community and resource development, and economic de-
20 velopment initiatives to the people of the county or extension district, as
21 the case may be, through practical demonstrations, meetings,
22 publications, and otherwise, and the employment of an extension agent
23 or agents to prosecute such instructions, the Kansas state university of
24 agriculture and applied science shall contribute from federal and state
25 funds granted for cooperative extension work an amount of not less than
26 \$1,500, as far as such funds are available, towards the salary of each ex-
27 tension agent employed.

28 Sec. 2. K.S.A. 2-609 is hereby amended to read as follows: 2-609. (a)
29 Before allocations of funds are made by the director of extension of Kan-
30 sas state university of agriculture and applied science pursuant to K.S.A.
31 2-608 and amendments thereto, the county extension council shall pres-
32 ent to the director of extension and to the board of county commissioners
33 of its county, a list of members of the extension council ~~and of its executive~~
34 ~~board~~ and the officers of the governing body, with the statement signed
35 by the chairperson of the ~~board~~ council certifying that these members
36 and officers have been duly elected as specified in K.S.A. 2-611 and
37 amendments thereto.

38 (b) Before allocations of funds are made by the director of extension
39 of Kansas state university of agriculture and applied science pursuant to
40 K.S.A. 2-608 and amendments thereto, the governing body of the exten-
41 sion district shall present to the director of extension a list of members
42 of the governing body of the extension district and the officers of the
43 governing body, with the statement signed by the chairperson of the gov-

1 erning body certifying that these members and officers have been duly
2 elected as specified in K.S.A. 2-624 and amendments thereto.

3 (c) No allocation of funds shall be made by the director of extension
4 of Kansas state university of agriculture and applied science pursuant to
5 K.S.A. 2-608 and amendments thereto for funding for any additional ex-
6 tension agent for the county extension council of any county which cur-
7 rently employs four or more extension agents, unless funds have been
8 allocated by the director of extension for an additional extension agent
9 for each county extension council of each county which currently employs
10 less than two extension agents and which requests funds for an additional
11 extension agent.

12 Sec. 3. K.S.A. 1999 Supp. 2-610 is hereby amended to read as fol-
13 lows: 2-610. (a) On or before July 15 each year, the ~~executive board of~~
14 ~~the~~ county extension council shall file with the county commissioners in
15 the office of the county clerk:

16 (1) A list of current members of the county extension council ~~and its~~
17 ~~executive board;~~

18 (2) a certification of election of officers as provided in subsection (c)
19 of K.S.A. 2-611, and amendments thereto;

20 (3) a certificate by the director of extension of Kansas state university
21 of agriculture and applied science that the county extension council is
22 properly functioning and entitled to receive the appropriations provided
23 by law; and

24 (4) a proposed budget prepared in cooperation with the director of
25 extension of Kansas state university of agriculture and applied science for
26 the ensuing calendar year.

27 (b) If the commission does not approve the proposed budget within
28 10 days after receipt thereof, it shall return the budget to the ~~board coun-~~
29 ~~cil~~. Upon receipt of the returned budget, the ~~board council~~ shall consider
30 amendments or modifications and may consult with the commission con-
31 cerning the budget. Within 10 days after receipt of the returned budget,
32 the ~~board council~~ shall resubmit its proposed budget, with or without
33 amendment or modification, to the commission. Within 10 days after
34 resubmission of the proposed budget, the commission shall approve, or
35 amend or modify and approve as amended or modified, such proposed
36 budget. The commission shall adopt the proposed budget as approved
37 and shall make the same a part of the regular county budget. The board
38 of county commissioners shall make an appropriation and certify to the
39 county clerk the amount of tax necessary to be levied on all tangible
40 taxable property of the county sufficient to provide a program of county
41 extension work and to pay a portion of the principal and interest on bonds
42 issued under the authority of K.S.A. 12-1774, and amendments thereto,
43 by cities located in the county.

1 Sec. 4. K.S.A. 2-611 is hereby amended to read as follows: 2-611. (a)
 2 ~~Except as otherwise provided in this section, the citizens of voting age~~
 3 ~~residing in each of the county commissioner districts in each county in~~
 4 ~~this state are qualified to participate in the meeting which shall be held~~
 5 ~~in each such district in each year not earlier than September 1, and at~~
 6 ~~least 10 days before the annual meeting of the county extension council~~
 7 ~~upon a date and at a time and place determined and fixed by the executive~~
 8 ~~board of the county extension council and shall elect annually from among~~
 9 ~~their number four members of the county extension council. In Leaven-~~
 10 ~~worth county, such election shall be held at the time of the annual~~
 11 ~~Leavenworth county fair. Of the four members, one shall be elected to~~
 12 ~~represent agriculture and shall be actively engaged in agricultural pur-~~
 13 ~~suits, one shall be elected to represent home economics work, one shall~~
 14 ~~be elected to represent 4-H club and youth work, and one shall be elected~~
 15 ~~to represent educational programs in economic development initiatives.~~
 16 ~~The county extension council executive board members of each county~~
 17 ~~may choose to hold a countywide election meeting in lieu of holding a~~
 18 ~~meeting in each district. Prior to adjournment of the countywide meeting~~
 19 ~~the citizens of each county commissioner district shall separate into~~
 20 ~~groups for the purpose of electing the county extension council members~~
 21 ~~who shall represent the district on the county extension council. The~~
 22 ~~countywide meeting shall be subject to the same conditions hereinabove~~
 23 ~~provided for county commissioner district election meetings.~~
 24 ~~(b) The executive board of the county extension council, as provided~~
 25 ~~for in subsection (f), may choose, as an alternate method of electing~~
 26 ~~county extension council members, to mail a ballot to each citizen of~~
 27 ~~voting age residing in the county at least three weeks before the annual~~
 28 ~~meeting of the county extension council. The ballots shall contain the~~
 29 ~~names and resident addresses of all persons who are candidates for county~~
 30 ~~extension council membership. The incumbent county extension council~~
 31 ~~members shall select not less than two persons as candidates for each~~
 32 ~~position to be filled. After the ballot has been marked, each voter shall~~
 33 ~~mail or otherwise transmit the ballot to the county extension office of the~~
 34 ~~county at least seven days prior to the annual meeting of the county~~
 35 ~~extension council.~~
 36 ~~(c) In any county having three county commissioner districts, the cit-~~
 37 ~~izens may elect county extension council members at large or by county~~
 38 ~~commissioner district as determined by the executive board of the county~~
 39 ~~extension council for the county. In any county having other than three~~
 40 ~~county commissioner districts, the citizens shall elect county extension~~
 41 ~~council members at large. A county extension council elected at large~~
 42 ~~shall also have a total elected membership of 24, with six members elected~~
 43 ~~to represent agriculture who shall be actively engaged in agricultural pur-~~

Except as otherwise
 provided in this section, the citizens of voting
 age residing in each of the county commissioner
 districts in each county in this state are
 qualified to participate in the meeting which
 shall be held in each such district in each year
 not earlier than September 1, and at least 10
 days before the annual meeting of the county
 extension council upon a date and at a time and
 place determined and fixed by ~~the executive board~~
 of ~~the county extension council~~ and shall elect
 annually from among their number four members of
 the county extension council. In Leavenworth
 county, such election shall be held at the time
 of the annual Leavenworth county fair. Of the
 four members, one shall be elected to represent
 agriculture and shall be actively engaged in
 agricultural pursuits, one shall be elected to
 represent home economics work, one shall be
 elected to represent 4-H club and youth work, and
 one shall be elected to represent educational
 programs in economic development initiatives. The
 county extension council ~~executive board~~ members
 of each county may choose to hold a countywide
 election meeting in lieu of holding a meeting in
 each district. Prior to adjournment of the
 countywide meeting the citizens of each county
 commissioner district shall separate into groups
 for the purpose of electing the county extension
 council members who shall represent the district
 on the county extension council. The countywide
 meeting shall be subject to the same conditions
 hereinabove provided for county commissioner
 district election meetings.

(b) The ~~executive board of the~~ county
 extension council, as provided for in subsection
 (f), may choose, as an alternate method of
 electing county extension council members, to
 mail a ballot to each citizen of voting age
 residing in the county at least three weeks
 before the annual meeting of the county extension

1 suits, six members elected to represent home economics, six members
 2 elected to represent 4-H club and youth work, and six members elected
 3 to represent educational programs in economic development initiatives.
 4 When county extension council members are elected at large, 12 shall be
 5 elected annually, three of whom shall represent agriculture, three of
 6 whom shall represent home economics, three of whom shall represent 4-
 7 H club and youth work, and three of whom shall represent educational
 8 programs in economic development initiatives. County extension council
 9 members elected at large shall serve under the same conditions as county
 10 extension council members elected by county commissioner districts, ex-
 11 cept the provision that three members of the executive board shall be
 12 elected from each county commissioner district shall not apply. The
 13 county extension council shall be composed of seven members. Initially
 14 the county executive board existing on June 1, 2000, shall appoint seven
 15 members of the county extension council. The terms of each member so
 16 appointed shall commence on July 1 following such member's appoint-
 17 ment. Each member so appointed shall be a resident of the county. Of the
 18 members so appointed four members shall serve for terms ending upon
 19 the election and qualification of such members' successors at an election
 20 held on the first Tuesday in April of the first odd-numbered year following
 21 such members' appointment and three members shall serve for terms end-
 22 ing upon the election and qualification of such members' successors at an
 23 election held on the first Tuesday in April of the second odd-numbered
 24 year following such members' appointment. At the conclusion of the terms
 25 of the first members first appointed to membership on the county exten-
 26 sion council, the seven members shall be elected in a county-wide election
 27 by the qualified electors of the county.

28 (b) At the conclusion of the terms of the members first appointed to
 29 membership on the county extension council, each member of the council
 30 shall hold office for a term of four years and until such member's successor
 31 is elected and qualified. Each such term of office shall commence on the
 32 date of receipt of certification of election by the member elected and shall
 33 continue until the member's successor is elected and qualified.

34 (c) (1) Except as otherwise provided in this act, an election to elect
 35 successors to members of the council whose terms are expiring shall be
 36 held on the first Tuesday in April in each odd-numbered year.

37 (2) Except as otherwise provided in this act, elections to choose mem-
 38 bers of the county extension council shall be conducted, the returns made
 39 and the results ascertained in the manner provided by law for general
 40 county elections. Each person desiring to be a candidate for membership
 41 on the council, in any election, shall file a declaration of candidacy with
 42 the county election officer at the same time required for other offices
 43 elected in April in an odd-numbered year.

council. The ballots shall contain the names and
 resident addresses of all persons who are
 candidates for county extension council
 membership. The incumbent county extension
 council members shall select not less than two
 persons as candidates for each position to be
 filled. After the ballot has been marked, each
 voter shall mail or otherwise transmit the ballot
 to the county extension office of the county at
 least seven days prior to the annual meeting of
 the county extension council.

(c) In any county having three county
 commissioner districts, the citizens may elect
 county extension council members at large or by
 county commissioner district as determined by [the
 executive board of] the county extension council
 for the county. In any county having other than
 three county commissioner districts, the citizens
 shall elect county extension council members at
 large. A county extension council elected at
 large shall also have a total elected membership
 of 24, with six members elected to represent
 agriculture who shall be actively engaged in
 agricultural pursuits, six members elected to
 represent home economics, six members elected to
 represent 4-H club and youth work, and six
 members elected to represent educational programs
 in economic development initiatives. When county
 extension council members are elected at large,
 12 shall be elected annually, three of whom shall
 represent agriculture, three of whom shall
 represent home economics, three of whom shall
 represent 4-H club and youth work, and three of
 whom shall represent educational programs in
 economic development initiatives. County
 extension council members elected at large shall
 serve under the same conditions as county
 extension council members elected by county
 commissioner districts, except the provision that
 three members of the executive board shall be
 elected from each county commissioner district

1 (3) Any vacancy in the membership of the council shall be filled by
2 appointment by the council for the unexpired term of office.

3 (4) The county extension council shall organize annually in July by
4 electing from among its members a chairperson, vice-chairperson, secre-
5 tary and treasurer.

6 (d) The ~~24~~ seven members so elected in the three county commis-
7 sioner districts, or at large, in any county shall constitute and be the county
8 extension council, and it shall be the duty of the council to plan the
9 educational extension programs of the county.

10 (e) At the annual meeting of the county extension council, the council
11 members elected to represent agricultural pursuits, home economics
12 work, 4-H club and youth work or educational programs in economic
13 development initiatives, may meet separately and elect a group chairper-
14 son. The county extension council shall appoint three or more program
15 development committees to develop educational program plans on exten-
16 sion work. Each program development committee shall be chaired by a
17 member of the county extension council. Each group shall meet as nec-
18 essary for the purpose of developing educational program plans on ex-
19 tension work in agricultural pursuits, in home economics work, in 4-H
20 club and youth work, or economic development initiatives. All program
21 plans shall be subject to final approval by the executive board of the
22 county extension council.

23 (f) The county extension council shall meet annually not earlier than
24 October 1, and not later than December 20, and shall elect from among
25 its own members an executive board consisting of a chairperson, a vice-
26 chairperson, a secretary and a treasurer and five additional members. The
27 date, time and place of the annual meeting shall be determined and fixed
28 by the executive board. No more than three members of the executive
29 board shall be elected from any county commissioner district, and at least
30 one member shall be elected from each county extension council member
31 group namely, agricultural pursuits, home economics, 4-H club and youth
32 work, and educational programs in economic development initiatives. The
33 executive board of the county extension council is authorized to transact
34 all business of the council, shall have control of all the property of the
35 council, and may employ and fix the compensation of such persons as are
36 necessary for the conduct of the business of the council, except as herein
37 otherwise expressly provided.

38 (g) Members of the county extension council and of the executive
39 board shall receive no compensation for their services as members of the
40 council or of the executive board. The members of the executive board
41 county extension council, after their election and prior to entering upon
42 the duties of their respective offices, shall take and sign the usual oath of
43 public officers and the same shall be filed in the office of the county clerk.

shall not apply.]

(d) The 24 members so elected in the three county commissioner districts, or at large, in any county shall constitute and be the county extension council, and it shall be the duty of the council to plan the educational extension programs of the county.

(e) At the annual meeting of the county extension council, the council members elected to represent agricultural pursuits, home economics work, 4-H club and youth work or educational programs in economic development initiatives, may meet separately and elect a group chairperson. Each group shall meet as necessary for the purpose of developing educational program plans on extension work in agricultural pursuits, in home economics work, in 4-H club and youth work, or economic development initiatives. All program plans shall be subject to final approval by [the executive board of] the county extension council.

(f) The county extension council shall meet annually not earlier than October 1, and not later than December 20, and shall elect from among its own members an executive board consisting of a chairperson, a vice-chairperson, a secretary and a treasurer and five additional members. The date, time and place of the annual meeting shall be determined and fixed by the [executive board]. No more than three members of the executive board shall be elected from any county commissioner district, and at least one member shall be elected from each county extension council member group namely, agricultural pursuits, home economics, 4-H club and youth work, and educational programs in economic development initiatives. The [executive board of the] county extension council is authorized to transact all business of the council, shall have control of all the property of the council, and may employ and fix the compensation of such persons as are necessary for

} county extension council

(h) (1) The treasurer of the ~~executive board~~ *county extension council* after election as treasurer and before entering upon the duties of the office as treasurer shall execute to the council a corporate surety bond, of 100% of the amount as nearly as can be ascertained that shall be in the treasurer's hands at any one time. All the bonds shall be conditioned to the faithful discharge of the duties of the office of treasurer. The amount and sufficiency of all bonds shall be determined by the county clerk, and, upon the county clerk's approval endorsed on the bond, shall be filed with the county clerk, who shall immediately notify the secretary of the ~~executive board~~ *county extension council* and the county treasurer of the approval and filing. The cost of any corporate surety bond so furnished shall be paid by the ~~executive board~~ *county extension council*. In the event of the breach of any condition thereof, the chairperson of the ~~executive board~~ *county extension council* shall, and if the chairperson does not, any member of the county extension council may, cause a suit to be commenced thereon in the member's own name for the benefit of the council, in which suit it shall not be necessary to include the treasurer as a party to the suit and the money collected shall be applied to the use of the council, as the same should have been applied by the treasurer.

(2) ~~Public notices of each annual election meeting or mail ballot election for county commissioner districts or at large, and the annual meeting of the county extension council provided for in this section shall be published once at least one week but not more than three weeks prior to the date fixed for such election or annual council meeting in a newspaper having general circulation in the county. The executive board shall call each of the annual election meetings and the annual meeting of the extension council and shall cause the notices of meetings to be published as herein required. The notices shall state the date, time and place of the meeting. The cost of publishing the notices shall be paid by the executive board of the county extension council.~~

(3) ~~The elected officers and the members of the executive board shall hold office for one year and until their successors are elected and qualify qualified. Vacancies in the membership of the executive board county extension council shall be filled for the unexpired term from by the remaining members of the county extension council by the executive board. Vacancies among the officers of the executive board county extension council shall be filled for the unexpired term by election from the remaining members of the executive board. Each year not earlier than January 2, and not later than January 15, the retiring executive board shall meet with the newly elected executive board at a time and place designated by the chairperson of the retiring executive board. At the meeting the retiring executive board shall conclude all business of the past year and pay all lawful bills for the year in which it has served and provide the~~

the conduct of the business of the council, except as herein otherwise expressly provided.

(g) Members of the county extension council [and of the executive board] shall receive no compensation for their services as members of the council [or of the executive board]. The members of the [executive board], after their election and prior to entering upon the duties of their respective offices, shall take and sign the usual oath of public officers and the same shall be filed in the office of the county clerk.

(h) (1) The treasurer of the [executive board], after election as treasurer and before entering upon the duties of the office as treasurer shall execute to the council a corporate surety bond, of 100% of the amount as nearly as can be ascertained that shall be in the treasurer's hands at any one time. All the bonds shall be conditioned to the faithful discharge of the duties of the office of treasurer. The amount and sufficiency of all bonds shall be determined by the county clerk, and, upon the county clerk's approval endorsed on the bond, shall be filed with the county clerk, who shall immediately notify the secretary of the [executive board] and the county treasurer of the approval and filing. The cost of any corporate surety bond so furnished shall be paid by the executive board. In the event of the breach of any condition thereof, the chairperson of the [executive board] shall, and if the chairperson does not, any member of the county extension council may, cause a suit to be commenced thereon in the member's own name for the benefit of the council, in which suit it shall not be necessary to include the treasurer as a party to the suit and the money collected shall be applied to the use of the council, as the same should have been applied by the treasurer.

(2) Public notices of each annual election meeting or mail ballot election for county

county extension council

county extension council

county extension council

county extension council

new executive board with all reports, records and other information which may be necessary to the operation of the county extension program during the ensuing year *county extension council*.

(4) (3) Members of the county extension council shall hold office for a term of ~~two~~ four years and until their successors are elected and qualify, and no member of the council shall hold office for more than two consecutive terms *qualified*. Vacancies in the membership of the county extension council shall be filled by appointment by the executive board *remaining members of the county extension council* for the unexpired term of office.

(i) ~~Notwithstanding any other provision of this section, the terms of all members of any county extension council serving on the effective date of this act shall expire in 1987, and 24 members shall be elected to constitute and be the county extension council by one of the election methods authorized by this section. Of the members elected to the county extension in 1987, six members shall be elected to represent agriculture who shall be actively engaged in agricultural pursuits, six members shall be elected to represent home economics, six members shall be elected to represent 4-H club and youth work and six members shall be elected to represent educational programs in economic development initiatives. Three of each of the six members elected to represent each county extension council member group shall hold office for a one year term and until their successors are elected and qualify, and three of each six member group shall hold office for a two year term and until their successors are elected and qualify.~~

Sec. 5. K.S.A. 2-612 is hereby amended to read as follows: 2-612. All moneys received by the treasurer for the council ~~or executive board~~ shall be deposited by the treasurer in a bank designated by the ~~executive board~~ *county extension council* and authorized to receive public deposits. The treasurer shall pay out, on the warrant of the secretary of the ~~executive board~~ *county extension council*, or by a combination warrant check, in either case, signed by the chairperson of the ~~executive board~~ *county extension council* all moneys which shall come to the treasurer's hands for the use of the council ~~or executive board~~, and the treasurer shall not pay any sum from the funds of the council ~~or executive board~~ in any other manner. The treasurer shall keep a record of all the moneys received and disbursed, specifying the person or persons from whom received and to whom paid, and the object for which same has been paid out. The treasurer shall present to the executive board at each regular meeting of the board a report in writing containing a statement of all moneys received from the county treasurer and from any other source since the last regular meeting of the ~~executive board~~ *county extension council*; and of the disbursements made with the items of such disbursements, and exhibit the

for more than two consecutive terms. Vacancies in the membership of the county extension council shall be filled by appointment by the ~~executive board~~ for the unexpired term of office.

(i) Notwithstanding any other provision of this section, the terms of all members of any county extension council serving on the effective date of this act shall expire in 1987, and 24 members shall be elected to constitute and be the county extension council by one of the election methods authorized by this section. Of the members elected to the county extension in 1987, six members shall be elected to represent agriculture who shall be actively engaged in agricultural pursuits, six members shall be elected to represent home economics, six members shall be elected to represent 4-H club and youth work and six members shall be elected to represent educational programs in economic development initiatives. Three of each of the six members elected to represent each county extension council member group shall hold office for a one-year term and until their successors are elected and qualify, and three of each six-member group shall hold office for a two-year term and until their successors are elected and qualify.]

remaining members of the county extension council

1 warrants or checks or combination warrants and checks therefor, which
 2 report shall be recorded by the secretary of the ~~executive board~~ *county*
 3 *extension council*; and at the close of the treasurer's term of office shall
 4 settle with the ~~executive board~~ *county extension council*; and shall hand
 5 over to the successor all records and papers received as treasurer, to-
 6 gether with all moneys remaining in the hands of the treasurer.

7 Sec. 6. K.S.A. 2-613 is hereby amended to read as follows: 2-613.
 8 The county treasurer shall pay to the treasurer of the ~~executive board of~~
 9 ~~the county extension council~~ of the county treasurer's county all moneys
 10 in the county treasury belonging to said council, upon the order of the
 11 treasurer of the ~~executive board of the~~ council countersigned by the sec-
 12 retary of the ~~executive board~~ *county extension council*. ~~Provided, That~~
 13 ~~the~~ The county treasurer shall not pay to ~~said the~~ treasurer of the ~~executive~~
 14 ~~board~~ *county extension council* any such moneys unless and until the
 15 county treasurer has been notified by the county clerk that ~~said the~~ trea-
 16 surer of the ~~executive board~~ *county extension council* has filed ~~his or her~~
 17 *such treasurer's* bond and same has been approved by the county clerk.

18 Sec. 7. K.S.A. 2-614 is hereby amended to read as follows: 2-614.
 19 The secretary of the ~~executive board~~ *county extension council* shall: (1)
 20 Record the proceedings of all meetings of the ~~executive board~~ *county*
 21 *extension council* in books provided for that purpose within 20 days fol-
 22 lowing the meeting; (2) prepare and submit to each meeting of the ~~ex-~~
 23 ~~ecutive board~~ *county extension council* a report on the work and activities
 24 of the county extension council since ~~the the~~ *the council's* last meeting ~~of the~~
 25 ~~board~~; and (3) perform such other duties as are usually performed by
 26 secretaries and as may be prescribed by the ~~executive board~~ *county ex-*
 27 *ension council*. The records of the secretary shall be open to public in-
 28 spection at all reasonable times.

29 Sec. 8. K.S.A. 2-615 is hereby amended to read as follows: 2-615. (a)
 30 Except as otherwise provided for jointly employed agents, ~~the executive~~
 31 ~~board of~~ the county extension council or the governing body of the ex-
 32 tension district, as the case may be, and the director of extension, or the
 33 director's authorized representative, shall appoint an extension agent and
 34 determine the amount of the extension agent's compensation. The exten-
 35 sion agent shall be under the general supervision of the ~~executive board~~
 36 *county extension council* or the governing body of the extension district,
 37 as the case may be, and the director of extension. The director of exten-
 38 sion of Kansas state university of agriculture and applied science shall
 39 determine the qualifications of each extension agent.

(b) ~~The executive boards of~~ Two or more county extension councils
 and the director of extension, or the director's authorized representative,
 may enter into an agreement to jointly employ an extension agent or
 43 agents under like conditions as the ~~executive board~~ *county extension*

1 *council* of a single county. Any such agreement may determine the
 2 amount of compensation to be paid for each such agent by each ~~executive~~
 3 ~~board of the~~ county extension council and the director of extension, the
 4 program and service priorities that will be applicable to each such agent
 5 and the time each such agent is to spend in each county. In any case
 6 where one or more extension agents are to be jointly employed pursuant
 7 to such an agreement, each such agent may be employed and supervised
 8 by a multicounty extension governing board and the director of extension,
 9 or the director's authorized representative, in accordance with the agree-
 10 ment entered into by the ~~executive boards of the~~ county extension coun-
 11 cils of the respective counties. Any such multicounty extension governing
 12 board shall be composed of the chairperson, vice-chairperson, secretary
 13 and treasurer of each ~~executive board~~ *county extension council* entering
 14 into the agreement.

15 (c) All accounts and all expenditures of funds of the county extension
 16 council or the governing body of an extension district, as the case may
 17 be, from whatever source derived shall be subject to the approval of the
 18 ~~executive board~~ *county extension council* and the director of extension of
 19 Kansas state university of agriculture and applied science.

20 Sec. 9. K.S.A. 2-616 is hereby amended to read as follows: 2-616. (a)
 21 Each county extension council or extension district shall have for its sole
 22 purpose the giving of instruction and practical demonstrations in ~~agri-~~
 23 ~~culture, marketing, home economics, 4-H club and youth work, com-~~
 24 ~~munity and resource development, and economic development initiatives~~
 25 to all persons in the county or extension district, as the case may be, and
 26 the imparting to such persons of information ~~on those subjects~~ through
 27 practical demonstrations, meetings, publications, or otherwise, in accord-
 28 ance with the program and service prescribed by the council or the gov-
 29 erning body of the extension district, as the case may be. Extension coun-
 30 cils and extension districts shall not engage in commercial or other private
 31 enterprises, legislative programs, or other activities not authorized by this
 32 act and shall not give preferred service to any individual, group or
 33 organization.

34 (b) County extension councils and the governing bodies of extension
 35 districts may collect fees for specific services which require special equip-
 36 ment or personnel, such as a soil testing laboratory, seed testing service
 37 or other educational service, but such councils and governing bodies shall
 38 not collect membership dues nor shall such councils and governing bodies
 39 collect dues for or pay dues to any local, state or national organization or
 40 association. The furnishing of supplies or services deemed necessary by
 41 the director of extension and the ~~executive board of the~~ county extension
 42 council or the governing body of the extension district, as the case may
 43 be, to the conduct of any educational program authorized under this act

1 shall not be considered private enterprise or commercial activity within
2 the meaning of this act.

3 (c) Nothing in this act or any act amendatory thereof shall prevent
4 any county extension council, any multicounty extension governing board,
5 or any extension district, or any extension agents employed by such coun-
6 cil, board or district, from using or seeking opportunities to reach an
7 audience of persons interested in extension work through the help of
8 interested farm organizations, civic organizations or any other group. In
9 using or seeking such opportunities the county extension council, multi-
10 county extension governing board, or extension district, or the agents
11 employed by such council, board or district, shall make available to all
12 groups and organizations in the county, multicounty area or extension
13 district, as the case may be, equal opportunity to cooperate in the edu-
14 cational extension program. Extension agents shall not require uniform
15 bylaws, rules, regulations and methods of procedure in groups, clubs or
16 organizations wishing to do extension work. This prohibition shall not
17 prevent extension agents from suggesting bylaws, regulations and meth-
18 ods of procedure for such groups, clubs or organizations.

19 Sec. 10. K.S.A. 1999 Supp. 2-623 is hereby amended to read as fol-
20 lows: 2-623. (a) Prior to July 1 of any year, any two or more county ex-
21 tension councils may establish an extension district composed of all of the
22 counties of such councils by entering into an agreement in accordance
23 with this section to combine the extension programs for each county in-
24 volved into one extension program serving the extension district. No such
25 agreement shall be effective unless such agreement has received the prior
26 approval of (1) the board of county commissioners of each county in-
27 cluded in the proposed extension district, subject to the provisions of
28 subsection (i); (2) ~~the executive board of~~ the extension council of each
29 county included in the proposed extension district and the director of
30 extension of Kansas state university of agriculture and applied science, or
31 the director's authorized representative, acting together as a body; and
32 (3) the attorney general in accordance with subsection (h).

33 (b) Prior to July 1 of any year, one or more county extension councils
34 and the governing body of any existing extension district may establish a
35 new extension district by entering into an agreement in accordance with
36 this section to combine the extension programs for each such county and
37 such district into one extension program serving a new extension district
38 composed of all counties represented by such county extension councils
39 and the area served by the existing extension district. No such agreement
40 shall be effective unless such agreement has received the prior approval
41 of (1) the board of county commissioners of each county being added to
42 the existing extension district, subject to the provisions of subsection (i);
43 (2) ~~the executive board of~~ the county extension council of each county

1 being added to the existing extension district, the governing body of the
2 existing extension district and the director of extension of Kansas state
3 university of agriculture and applied science, or the director's authorized
4 representative, acting together as a body; and (3) the attorney general in
5 accordance with subsection (h).

6 (c) On July 1 after the approval under subsection (a) or (b) of an
7 agreement to establish an extension district, such extension district is
8 hereby established and shall constitute a body corporate and politic pos-
9 sessed the usual powers of a corporation for public purposes under the
10 name of "extension district no. ____ (the number designated by the
11 director of extension), ____ counties (naming the counties included
12 within the district), state of Kansas." Each extension district is a taxing
13 subdivision and has the power to contract, sue and be sued and to acquire,
14 hold and convey real and personal property in accordance with law.

15 (d) Upon the establishment of an extension district under subsection
16 (a) or (b), all of the personnel and property of each of the extension
17 programs which are combined into the new district extension programs
18 shall be transferred to the new extension district and shall be subject to
19 the authority of the governing body of the extension district in accordance
20 with the agreement to establish the extension district.

21 (e) Upon the establishment of an extension district under subsection
22 (a), the board of county commissioners of each county joining in the
23 establishing of an extension district shall appoint four qualified electors
24 *chosen from the membership of each county extension council in existence*
25 *on the day before such extension district is created*, to membership on
26 the governing body of the district. The terms of all members so appointed
27 shall commence on July 1 following their appointment. *Each unappointed*
28 *member of each county extension in existence on the day before such*
29 *extension district is created, at such member's discretion, may serve out*
30 *the remainder of such member's term as an ex officio nonvoting member*
31 *of the extension district*. Of the members so appointed two members shall
32 serve for terms ending upon the election and qualification of their suc-
33 cessors at an election held on the first Tuesday in April of the first odd-
34 numbered year following their appointment and two members shall serve
35 for terms ending upon the election and qualification of their successors
36 at an election held on the first Tuesday in April of the second odd-num-
37 bered year following their appointment.

38 (f) In the case of one or more counties being included in an existing
39 extension district under subsection (b), the board of county commission-
40 ers of each county being included in an existing extension district shall
41 appoint four qualified electors of the county to membership on the gov-
42 erning body of the expanded district. The terms of all members so ap-
43 pointed shall commence on July 1 following their appointment. Of the

1 members so appointed two members shall serve for terms ending upon
2 the election and qualification of their successors at an election held on
3 the first Tuesday in April of the first odd-numbered year following their
4 appointment and two members shall serve for terms ending upon the
5 election and qualification of their successors at an election held on the
6 first Tuesday in April of the second odd-numbered year following their
7 appointment. The offices of the members of the governing body of the
8 existing extension district shall continue in existence and the persons in
9 such offices shall be members of the governing body of the expanded
10 extension district which is established on July 1 for the remainder of their
11 existing terms of office.

12 (g) In addition to other required provisions, each agreement entered
13 into under this section shall specify the permissible method or methods
14 to be employed in disposing of the assets and liabilities of the extension
15 district in the event that one or more counties withdraw from the exten-
16 sion district under K.S.A. 2-628 and amendments thereto.

17 (h) Each agreement entered into under this section or under K.S.A.
18 2-628 and amendments thereto, prior to and as a condition precedent to
19 its entry into force, shall be submitted to the attorney general who shall
20 determine whether the agreement is in proper form and compatible with
21 this act and the other laws of Kansas. The attorney general shall approve
22 any agreement submitted for approval under this section or K.S.A. 2-628
23 and amendments thereto unless the attorney general finds that the sub-
24 mitted agreement does not meet the requirements of this act. In such
25 case, the attorney general shall specify in writing to the proposed parties
26 to the agreement and to each other entity required to approve the agree-
27 ment, the specific respects in which the proposed agreement fails to meet
28 the requirements of law. Failure by the attorney general to disapprove
29 an agreement submitted pursuant to this subsection within 90 days of its
30 submission shall constitute approval of the agreement by the attorney
31 general.

32 (i) Prior to approving an agreement under this section, the board of
33 county commissioners of each county to be included in a proposed ex-
34 tension district under subsection (a) or to be added to an existing exten-
35 sion district under subsection (b), as the case may be, shall adopt a res-
36 olution stating the intention of the board of county commissioners to
37 approve such agreement and specifying the counties that are to be in-
38 cluded in the extension district. Such resolution shall be published once
39 each week for two consecutive weeks in the official county newspaper.
40 If, within 60 days following the last publication of the resolution, a petition
41 in opposition to the approval of the agreement and the inclusion of the
42 county in the extension district is signed by not less than 5% of the qual-
43 ified electors of the county and is filed with the county election officer

1 such board of county commissioners shall not approve such agreement
2 and the county shall not be included in the extension district unless and
3 until the same is approved by a majority of the qualified electors of the
4 county voting thereon at a primary election or general election or at a
5 special election called and held for such purpose. Any such special elec-
6 tion shall be called, noticed and held in accordance with the provisions
7 of K.S.A. 10-120, and amendments thereto.

8 Sec. 11. K.S.A. 1999 Supp. 2-624 is hereby amended to read as fol-
9 lows: 2-624. (a) The governing body of each extension district shall be
10 composed of four representatives from each county included in the ex-
11 tension district. At the conclusion of the terms of the members first ap-
12 pointed to membership on the governing body of the district, the four
13 members representing each county in an extension district shall be
14 elected in a county-wide election by the qualified electors of the county.

15 (b) At the conclusion of the terms of the members first appointed to
16 membership on the governing body of the district, each member of the
17 governing body shall hold office for a term of four years and until such
18 member's successor is elected and qualified. Each such term of office
19 shall commence on the date of receipt of certification of election by the
20 member elected and shall continue until the member's successor is
21 elected and qualified.

22 (c) (1) Except as otherwise provided in this act, an election to elect
23 successors to members of the governing body whose terms are expiring
24 shall be held on the first Tuesday in April in each odd-numbered year.

25 (2) Elections to choose members of the governing body of an exten-
26 sion district shall be conducted, the returns made and the results ascer-
27 tained in the manner provided by law for general county elections except
28 as otherwise provided by this act. Not later than ~~12:00~~ 12 noon of the
29 ~~Wednesday next following the Tuesday,~~ *five Tuesday preceding by 10*
30 ~~weeks preceding~~ the first Tuesday in April in odd-numbered years, each
31 person desiring to be a candidate for membership on the governing body,
32 in any election, shall file a declaration of candidacy with the county elec-
33 tion officer of the county represented by the member of the governing
34 body whose successor is to be elected, as a candidate in such election.
35 The county election officer in making up the ballots and in placing the
36 names thereon shall place the names on the ballots in alphabetical order.

37 (3) The county election officer of each county within the extension
38 district shall appoint election boards as provided by law for other elections
39 and shall designate places for holding the election. The county election
40 officer shall cause to be ascertained the names of all persons within the
district who are qualified electors, and shall furnish lists thereof to the
judges of the election. Notice of the time and place of holding each elec-
tion, signed by the county election officer, shall be given in a newspaper

- 1 published in the county and posted in a conspicuous place in the office
- 2 of the governing body at least five days before the holding thereof.
- 3 (4) All election expenses shall be paid by the extension district. Elec-
- 4 tion officials shall receive the same compensation as provided under the
- 5 general election laws.
- 6 (e) Any vacancy in the membership of the governing body of an ex-
- 7 tension district shall be filled by appointment by the governing body for
- 8 the unexpired term of office. Each member so appointed shall be a res-
- 9 ident of the county which was represented by the member creating the
- 10 vacancy.
- 11 (f) The governing body of each extension district shall organize an-
- 12 nually in July by electing from among its members a chairperson, vice-
- 13 chairperson, secretary and treasurer. ↑

New Sec. 12(a) The county commission may by resolution, and shall, upon presentation of a petition signed by ten percent of the qualified electors of such county determined upon the basis of the total vote cast for the secretary of state at the last preceding general election, cause to be submitted to the voters of such county at the first local or general election thereafter, or if the petition so requires, at a special election called for that purpose, the question of whether the county extension council of such county shall be organized as required by this section. If a majority of the votes cast at such election on such proposition shall be in the affirmative, the county extension council shall be organized as required by this section. Any county extension council organized under this section shall be exempt from the provisions of K.S.A. 2-611 and amendments thereto.

(b) The county extension council shall be composed of seven members. Initially the county executive board existing on June 1, after such election, shall appoint seven members of the county extension council. The terms of each member so appointed shall commence on July 1 following such member's appointment. Each member so appointed shall be a resident of the county. Of the members so appointed four members shall serve for terms ending upon the election and qualification of such members' successors at an election held on the first Tuesday in April of the first odd-numbered year following such members' appointment and three members shall serve for terms ending upon the election and qualification of such members' successors at an election held on the first Tuesday in April of the second odd-numbered year following such members' appointment. At the conclusion of the terms of the first members first appointed to membership on the county extension council, the seven members shall be elected in a county-wide election by the qualified electors of the county.

(c) At the conclusion of the terms of the members first appointed to membership on the county extension council, each member of the council shall hold office for a term of four years and until such member's successor is elected and qualified. Each such term of office shall commence on the date of receipt of certification of election by the member elected and shall continue until the member's successor is elected and qualified.

(d) (1) Except as otherwise provided in this act, an election to elect successors to members of the council whose terms are expiring shall be held on the first Tuesday in April in each odd-numbered year.

(2) Except as otherwise provided in this act, elections to choose members of the county extension council shall be conducted, the returns made and the results ascertained in the manner provided by law for general county elections. Each person desiring to be a candidate for membership on the council, in any election, shall file a declaration of candidacy with the county election officer at the same time required for other offices elected in April in an odd-numbered year.

(3) Any vacancy in the membership of the council shall be filled by appointment by the council for the unexpired term of office.

(4) The county extension council shall organize annually in July by electing from among its members a chairperson, vice-chairperson, secretary and treasurer.

(e) The seven members so elected in any county shall constitute the county extension council, and it shall be the duty of the council to plan the educational extension programs of the county.

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TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 HOUSE TAXATION COMMITTEE
 HOUSE ECONOMIC DEVELOPMENT
 KANSAS 2000
 TOURISM

To: Members of the Senate Elections and Local Government Committee

From: Representative Larry L. Campbell
 Donald R. Seifert, Management Services Director, City of Olathe

Subject: HB 2646; Zoning Protest Petitions

Date: March 9, 2000

We would characterize HB 2646 as a “technical correction” measure, but one that has significant implications on the rezoning process. The bill would clarify some confusion that has arisen in the interpretation of K.S.A. 12-757 concerning the calculation of the protest area in a rezoning protest petition.

The right of adjacent landowners to be notified and protest nearby rezoning decisions has existed in Kansas law since the early part of the 20th century. A sufficient protest petition, typically representing 20% of the area within 200 feet of the land being rezoned, triggers the requirement for a supermajority vote of the governing body to approve a rezoning. Historically, the area to be rezoned was not included in the calculation of the 20% area.

The 1991 legislature, in a comprehensive recodification of zoning laws, enacted K.S.A. 12-757, which provided that the protest area would include the owners of record who were required to receive written notice of a proposed rezoning of a specific property. As enacted, the 1991 notice area included property owners within 200 feet of the rezoning.

In 1995, the legislature made further changes to K.S.A. 12-757. Subsection (b) was amended to require that owners of the property to be altered also receive written notice. This amendment was intended to address a specific situation in which a tract was downzoned at a city’s initiative without notice to the individual owners of the property. The legislative history of this amendment indicates the intent was to change the written notice, not the protest petition requirements set forth in subsection (f). However, by extending the written notice requirement to the property to be altered, the legislature may have unintentionally changed the protest area to also include the area being altered.

Senate Elections & Local Government
 Date: 3-9-00
 Attachment # 2-1

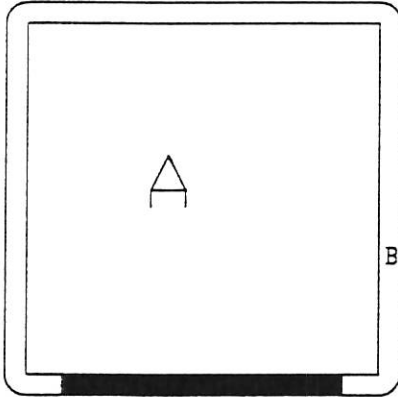
Recently in several Kansas communities, the 1995 amendment has been interpreted by attorneys for land developers to include the area to be rezoned in the 20% protest area calculation. This interpretation would effectively dilute, and in some cases, totally eliminate the mathematical possibility of a successful protest petition. The city of Olathe believes this consequence was unintended, and that the legislature should act to correct this interpretation. Protest petitions are relatively rare, but when they occur, cities need clear direction on the proper calculation. Please support HB 2646 to clarify the petition sufficiency language and restore the full right of citizens to protest rezoning decisions as it existed before the 1995 change.

Thank you for the opportunity to bring this bill before you.

Senate Elections & Local Government
Date: 3-9-00
Attachment # 2-2

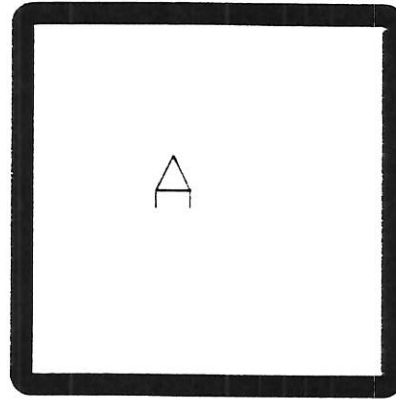
200 Foot Buffer Calculations 20 Percent Protest Area Comparison

1: A = 258 acres



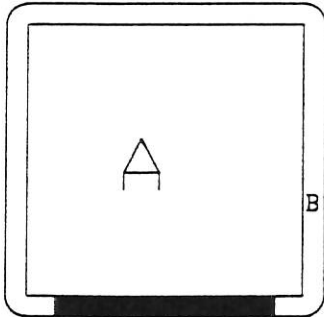
3,355' x 3,355'
A+B = 323 ac.; B = 20%, A = 80%

1: A = 258 acres



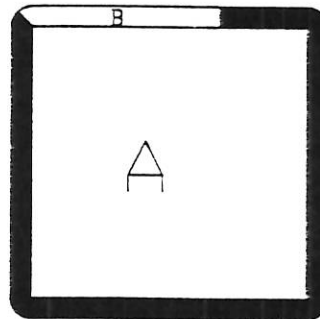
3,355' x 3,355'
A+B = 323 ac.; B = 20%, A = 80%

2: A = 160 acres



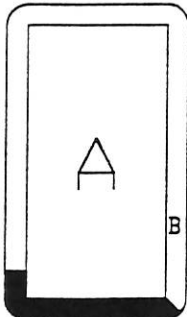
2,640' x 2,640'
A+B = 211 ac.; B = 24%, A = 76%

2: A = 160 acres



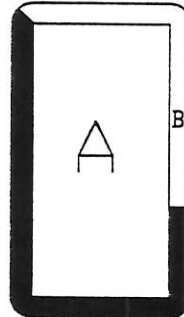
2,640' x 2,640'
A+B = 211 ac.; B = 24%, A = 76%

4: A = 80 acres



1,320' x 2,640'
A+B = 119 ac.; B = 33%, A = 67%

4: A = 80 acres

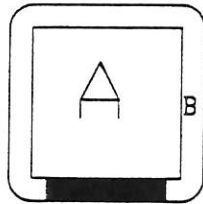


1,320' x 2,640'
A+B = 119 ac.; B = 33%, A = 67%

200 Foot Buffer Calculations

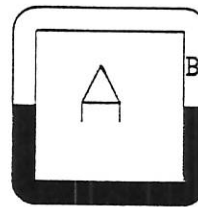
20 Percent Protest Area Comparison

3: A = 40 acres



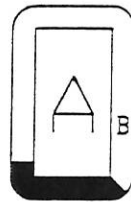
1,320' x 1,320'
A+B = 67 ac.; B = 40%, A = 60%

3: A = 40 acres



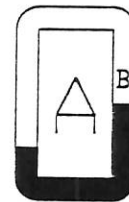
1,320' x 1,320'
A+B = 67 ac.; B = 40%, A = 60%

5: A = 20 acres



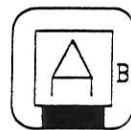
660' x 1,320'
A+B = 41 ac.; B = 50%, A = 50%

5: A = 20 acres



660' x 1,320'
A+B = 41 ac.; B = 50%, A = 50%

6: A = 10 acres



660' x 660'
A+B = 25 ac.; B = 60%, A = 40%

6: A = 10 acres



660' x 660'
A+B = 25 ac.; B = 60%, A = 40%

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HOUSE OF REPRESENTATIVES

**Testimony
Submitted by
House Majority Leader Kent Glasscock
on House Bill 2646
to the
Senate Elections and Local Government Committee**

Today, Chairperson Hardenburger, I would like to ask for your committee's support of House Bill 2646. For years, Kansas law has protected property owners by giving them the right to protest when a piece of land next to theirs was proposed for rezoning. For decades, the law stated that surrounding property owners could submit a protest petition to force a supermajority vote of the governing body approving the zoning change. Kansans are accustomed to having a say in what happens in their neighborhood. Unfortunately, the unintended consequence of a 1995 change in zoning law has put that protection of Kansas property owners at risk.

In 1995, a concern rose about how to protect property owners from unwanted zoning changes requested by the city or county. The legislature's answer was to provide property owners of the actual area to be rezoned, as well as the property owners surrounding the area in question, with the right to protest the change. This took great strides to protect citizens from unsolicited actions by cities or counties.

However, in doing so, the legislature inadvertently tipped the scales in favor of developers. It is good public policy to allow the property owner of an area to be rezoned to have protest rights when the local governing body has introduced the proposed change in zoning against their will. But, when a developer has instituted the request for a change in zoning, we are finding that regular citizens surrounding the area in question are being denied protest rights. These are the citizens that Kansas law has always tried to protect.

How does that happen you ask? Already Manhattan and Olathe have concrete examples of the situation. In Manhattan last summer, a developer purchased a piece of property so large that it became effectively impossible for the residents surrounding the proposed development to get enough signatures for the protest petition. Current law states that 20% of those who receive notice regarding the proposed rezoning must sign the protest petition for it to be valid. In Manhattan, the developer's property was so large, it constituted more than 80% of the total area in question. In short, there was no way the surrounding property owners could come up with 20% of the signatures. The developer was given a veto vote.

Senate Elections & Local Government
Date: 3-9-00
Attachment # 3-1

This bill evens out the scales again so the interests of citizens and developers are treated equally. In the bill, we retain the change made in 1995 for cases when cities or counties request the rezoning. However, when developers make the request for the zoning change, they are omitted from the protest petition calculation. Only the surrounding area gets a vote.

The need for this change is pressing – the loop-hole must be closed before developers all over Kansas use it to side-step opposition to zoning changes. This bill solves the problem by reinstating the protections surrounding property owners have always had when rezoning requests are in a Kansas citizen's backyard. I hope you will support this effort to create a level playing field for property owners, both big and small. Thank you.

LEGISLATIVE



TESTIMONY



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SENATE ELECTIONS & LOCAL GOVERNMENT COMMITTEE HB 2646 March 9, 2000

Madam Chair and Members of the Committee:

My name is Janet Stubbs, Executive Officer of the Kansas Building Industry Association. I am appearing today to present the written testimony of Mr. Joe Knopp, an attorney in Manhattan, who addressed the issue of the change in HB 2646, at the request of the president of the KBIA, a Manhattan resident.

We have discussed this and written about this issue in our weekly legislative newsletter mailed to all Local HBA's around the State. Apparently, the Wichita area does not include the property which is the center of the rezoning and the Planning Director stated his opposition to the protest petition. Therefore, he would be in agreement with removal of the super majority requirement.

As we understand, this legislation was prompted by a dispute in the Manhattan area. We have found that the Legislature has been adverse to enacting legislation in other instances when a problem was solved by the local authorities and/or taxpayers of that area. Why should this be any different?

I thank you for the opportunity to present Mr. Knopp's testimony and would be glad to refer any questions to those with legal credentials regarding platting and protest petitions than I for their response.

Senate Elections & Local Government
Date: 3-9-00
Attachment # 4-1

To: House Local Government Committee

From: Joe Knopp, Manhattan, Kansas

Thank you for letting me express my concerns about protest petitions in re-zoning matters. This issue goes to the core of our democracy and representative government. The issue really is when does our society allow a small minority of citizens to impose a super-majority requirement on our community's government and thereby stifle the elected majority's will?

In a democracy, a simple majority (in many cases a plurality) elects our officials. In Manhattan, this means that a dedicated neighborhood can "bullet" their support to elect commissioner(s) to the City Commission. Local commissioners understand that their decision can have a significant political impact on their future public service when voting on emotional zoning issues that affect a neighborhood.

Thus in the struggle between a development that is warmly supported by a majority of the entire community and hotly opposed by a few local neighbors, the developer is at a political disadvantage... even on a level playing field where the majority rules. By allowing a protest petition to impose a super majority, the legislature is stacking the deck even further against the orderly development of a community. Proponents of this legislation argue that it creates "equality". Equality would really mean that we decide development issues just as we do all other issues... by majority rule. Requiring a super majority violates the equal protection guarantees of our constitution.

"Equal Protection under the Law" suggests that all citizens are to be treated equally. Neither side should have an advantage. Yet this legislation empowers one side to tip the scales of justice significantly in their favor.

Why is a super majority so offensive? In many communities, the 3/4 majority is really means 4 out of the 5 commissioners must vote in favor of the development. There are few issues that can pass with a 4/5 majority. Is this a fair and equal treatment of all persons?

Why should anyone be afraid of a simple majority? It has been suggested that larger tracts of land give the large developer an unfair advantage. The truth is that the larger the development, the closer the city will scrutinize its value to the community. The larger the development, the more likely that there will be significant public discussion by neighbors in the affected area and the community at large. This is the best that we can expect from the public decision making process. Do we need to impose a super-majority on top of that? Only if you do *not* believe that the constitutionally guaranteed right of equal protection under the law apply to both the developer and neighbor.

Impose a super-majority requirement only if you believe that a majority of the city commission is not competent to make these decisions. Using the logic and rational of the proponents of this legislation, perhaps we should expand the situations when a super majority is required... raising taxes, commitment to construct new buildings with bonds, any eminent domain actions, issuing IRBs and tax abatements to industry. All of these are examples of major decisions in a community's life, yet we do not require super majorities for those decisions.

If you must have a protest petition and super majority, do it in the cases of "small" developments that might escape the vigilant eye of the city commissions in large communities in order to "protect" neighbors from a small, seemingly innocuous, zoning change. In larger developments, like other important community issues, a simple majority should prevail according to our constitution.

Senate Elections & Local Government
Date: 3-9-00
Attachment # 4-2