

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairman Vickrey at 3:30 p.m. on March 18, 2003 in Room 519-S of the Capitol.

All members were present except: Larry Campbell

Committee staff present: Mike Heim, Legislative Research Department
Kathie Sparks, Legislative Research Department
Theresa Kiernan, Office of the Revisor of Statutes
Maureen Stinson, Committee Secretary

Conferees appearing before the committee:

Gary Carson	U.S.D. # 308 Hutchinson Public Schools
Kim Gulley	League of Kansas Municipalities
Meryl Dye	City of Hutchinson
Rep. Tom Sloan	
Leslie Kaufman	Kansas Farm Bureau
Don Moler	League of Kansas Municipalities
Randall Allen	Kansas Association of Counties
Brenda Lorenz	Sedgwick County Farm Bureau
Jane Kelsey	
Marvin Smith	
Greg Dye	
Paul Degener	
Bruce Bodeker	Citizen's Assoc. For Responsible Government
Jack Perrin	Grant Township, Sedgwick County
Daniel Clark	
Rep. Ted Powers	

*Meryl Dye City of Hutchinson

*written testimony only

Others attending: See attached list

The Chairman opened the hearing on:

SB 178 cities; payment for certain improvements

Gary Carson, Associate Superintendent, U.S.D.# 308 Hutchinson Schools, appeared as a proponent of the bill (Attachment 1). He stated that the bill's provisions will enable the school district and the City of Hutchinson to complete a much-needed street improvement project.

Kim Gulley, Director of Policy Development & Communications, League of Kansas Municipalities, spoke in support of the bill (Attachment 2). She testified that if there is a landowner who is seeking the public improvement and who volunteers to pay for the project, we should let them pay. She informed that the bill accomplishes this common sense goal and requested that the committee report the bill favorably for passage.

Written testimony in support of the bill was received from:

- Meryl Dye City of Hutchinson

There were no opponents to the bill.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT at on March 18, 2003 in Room 519-S of the Capitol.

The Chairman closed the hearing on **SB 178**.

The Chairman opened the hearing on:

SB 238 **city-county reorganization; efficiency in local government act**

Don Moler, Executive Director, League of Kansas Municipalities, appeared as a proponent of the bill (Attachment 4). He testified that The Efficiency in Local Government Act would allow cities and counties, and their residents, to determine their own local government organizations and allow them to maximize efficiencies in government as well as modernizing governmental structures in Kansas. He urged the committee to favorably recommend the bill.

Randall Allen, Executive Director, Kansas Association of Counties, testified in support of the bill (Attachment 5). He stated that the bill removes the obstacles for cities and counties to seriously consider the feasibility of reorganizing and restructuring local government. He urged the committee to recommend the bill favorable for passage.

Rep. Sloan provided neutral testimony before the committee (Attachment 6). His recommended amendments were as follows:

- that any county may engage in the study, debate and decision-making regarding the delivery of services and/or restructuring of government operations.
- or, designate Douglas County as an urban area under KSA 12-2680 and may establish a charter commission under KSA 19-2681-KSA 19-2683.

Copies of Rep. Sloan's proposed amendment (Attachment 16) were distributed to the committee.

Leslie Kaufman, State Director, Government Relations, Kansas Farm Bureau, provided neutral testimony on the bill (Attachment 7). She stated that members of their organization firmly believe that city voters should not be allowed to advance a consolidation plan over the objection of the unincorporated areas. She requested that in order for a reorganization plan to be advanced, it must pass a majority of the total unincorporated areas of the county, not just by a majority of the cities and the county.

Brenda Lorenz, President, Sedgwick County Farm Bureau, testified as an opponent to the bill (Attachment 8). She conveyed that the Board of Directors oppose the bill. She informed of the Board's opposition to any bill that would set in place a permanent method of establishing a city and county consolidated government. She requested the committee vote "no" on the proposed act.

Jane Kelsey, Local Government and Policy Committee, Shawnee County Farm Bureau, appeared as an opponent to the bill (Attachment 9). She stated that their group has specific concerns regarding language in the current bill. She urged the committee to not recommend the bill for passage.

Marvin Smith, a rural resident of Shawnee County, testified as an opponent of the bill (Attachment 10). He stated that the proposed legislation omits the opportunity for voters in unincorporated areas to approve or reject a resolution of reorganization. He urged the committee to recommend the bill not favorable for passage.

Greg Dye, a resident of the City of Wichita, appeared as a proponent of the bill (Attachment 11). He stated that the issue of Home Rule Power should be brought up and reviewed. He requested that the bill not be passed out of committee.

Paul Degener, a resident of Shawnee County, testified as an opponent of the bill (Attachment 12). He stated that if the proposed legislation passes, the entire county will be under the control of a governing body which will respond to the preponderance of the population which resides in the urban area. He informed that the proposed legislation also lays the groundwork for an all powerful governing body and allows for too much power in the hands of a few.

Bruce Bodecker, President, Citizen's Association for Responsible Government, appeared as an opponent

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT at on March 18, 2003 in Room 519-S of the Capitol.

of the bill (Attachment 13). He stated that there is no provision in this bill to protect the ability of small jurisdictions to expand as needed into rural areas. He explained that the bill removes political power from small cities. He asked the committee to kill the bill.

Jack Perrin, Trustee of Grant Township, Sedgwick County, testified against the bill on behalf of the Township Association of Sedgwick County (Attachment 14). He testified the proposed legislation would eliminate all township government.

Daniel Clark, resident, City of Wichita, testified in opposition to the bill. He provided no written testimony.

Rep. Powers appeared as an opponent of the bill. He distributed a copy of the "Recommendation Summary" concerning the consolidation of the governments of Wyandotte County and Kansas City (Attachment 15).

Chairman Vickrey closed the hearing on **SB 238**:

The meeting adjourned at 5:20 p.m.

Next meeting is scheduled for March 20, 2003.

HOUSE LOCAL GOVERNMENT

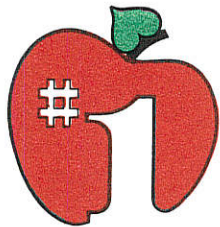
DATE 3-18-2003

NAME	REPRESENTING
DANIEL S. CLARK	Concerned Citizens
Paul Degener	Concerned Citizen
Jane Kelsy	Shawnee Co. Farm Bureau
TED Powers	Unit # 81
Guy Oye	Concerned Citizen
Jeanie Stous	Shawnee Co. Farm Bureau
Bruce Bodecker	C.A.R. 6
JACK PERRIN	TOWNSHIP ASSOC. SEDGWICK COUNTY
Marvin E. Smith	Shawnee County Farmer & F.B. member
Gayle Ross	sedgwick County Farm Bureau
Brenda Lorenz	Sedg. Co. Farm Bureau
Dean Hillman	Morton Township Sedg. Co.
Ray Jones	Grand River Township Sedg. Co.
John Pinegar	Kansas Legislative Policy Group
Leslie Kaufman	16's Farm Bureau
JOHN CATON	WSD # 308
GARY CARSON	USD # 308
Don Moler	LKM
Julie Meber	KAC
Mike Pepon	Sedgwick County
Kim Gulley	LKM

HOUSE LOCAL GOVERNMENT

DATE 3-18-2003

NAME	REPRESENTING
Randall Arlen	KS. Assoc. of Counties



Hutchinson Public Schools

USD 308 ADMINISTRATION CENTER
1520 NORTH PLUM, BOX 1908
HUTCHINSON, KANSAS 67504-1908
TELEPHONE (620) 665-4400
1-800-665-4560
FAX NUMBER (620) 665-4410

DR. WYNONA WINN
SUPERINTENDENT

March 18, 2003

Representative Vickrey and Members
Local Government Committee

Re: Senate Bill 178

On behalf of the Hutchinson public schools and the City of Hutchinson, we urge your support today for the passage of Senate Bill 178. If enacted, the bill's provisions amending the Kansas General Improvement Law, will enable U.S.D. 308 (Hutchinson) and the City of Hutchinson to complete a much-needed street improvement project.

U.S.D. 308 owns a tract of land generally bounded by Severance Street on the east, by 23rd Avenue on the south and by Cleveland Street on the west. To the north are platted residential subdivisions. Several years ago the District began improving the tract to provide additional baseball and soccer practice fields and an off-street parking area. Access to the athletic fields is via Cleveland Street from 23rd Avenue and via 25th Avenue. Cleveland street presently is an unimproved gravel road that extends from 23rd Avenue north to 25th Avenue. Both 23rd Avenue and 25th Avenue are improved streets. A diagram showing the location of Cleveland Street and the surrounding properties is attached for illustration.

Nearby homeowners began to complain of the dust and dirt that resulted from the increased traffic using Cleveland Street for access to the new athletic fields. The increased traffic also resulted in the need for additional road maintenance work by City crews.

The properties abutting Cleveland Street on the west all are family residences which front on either 23rd or 25th Avenues or on Eastwood Street. None of the properties have frontage on Cleveland Street. The District's property abuts the entire length of Cleveland Street on the East.

To address the problems associated with the increased usage of Cleveland Street U.S.D. 308 submitted a petition to the City of Hutchinson pursuant to the General Improvement Law. The Petition proposed that the City install curbs and gutters and pave Cleveland Street from 23rd Avenue north to 25th Avenue and that the cost of such improvements be assessed against property in an improvement district that included the property owned by U.S.D. 308 but did not include the properties abutting Cleveland Street on the west. The District's Board of Education believed it unfair to burden the owners of the residential properties on the west side of Cleveland Street with the costs of improving access to the District's athletic facilities.

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Date: 3-18-2003
Attachment # 1

Before the Kansas House
Local Government Committee
Re: SB 178
March 18, 2003
Page 2

The District later was informed by City staff personnel that, on the basis of informal discussions, the Attorney General interpreted the General Improvement Law to require that all property benefitted by the a proposed improvement be included in the proposed improvement district and assessed a portion of the costs of the improvement. Since the District was not willing to impose on the other adjoining property owners the costs of improving access to the District's facilities, the District withdrew its improvement petition and Cleveland Street remains unimproved. The Attorney General's informal opinion later was confirmed in Attorney General Opinion 2000-13.


We believe the Attorney General's interpretation of the existing law as expressed in Opinion 2000-13 unnecessarily limits the broad authority the Legislature granted to local governments under the General Improvement Law to fashion and carry out plans for needed public improvements in cooperation with other willing political subdivisions and property owners. We also believe the Attorney General's opinion misconstrues the General Improvement Law and is inconsistent with the Kansas Supreme Court's 1986 decision in *Garvey Elevators, Inc. v. City of Wichita*, 238 Kan.682.

Clearly, cities may not legally impose assessments for improvements upon property which is not benefitted by an improvement or levy assessments which are grossly disproportionate to the benefit conferred by an improvement project. However, when one or more property owners agree to assume the entire cost of a particular improvement, there is no constitutional or other legal mandate that requires that all other property benefitted by an improvement be assessed a portion of the improvement costs

Senate Bill 178, if enacted, will clarify the provisions of the Kansas General Improvement Law, K.S.A. 12-6a01 *et seq.*, and permit one or more willing property owners to petition and pay for needed public improvements without the need to include and impose assessments on other properties which also may be benefitted by the improvement.

The fate of the improvement project proposed by U.S.D. 308 to the City of Hutchinson in 1999 illustrates clearly the need for the proposed legislation. We believe passage of SB 178 will resolve any ambiguities that may exist in the existing provisions of the General Improvement Law in light of the Attorney General's Opinion and will restore to cities the flexibility to address needed public improvements that was envisioned by the legislature when it enacted the General Improvement Law. U.S.D. 308 remains willing to assume responsibility for payment of the costs of the Cleveland Street project to improve access to the District's athletic facilities without burdening the owners of the other abutting properties who will derive little or no real benefit from the improvements.

Thank you for your consideration.



Wynona Winn, Superintendent
U.S.D. 308

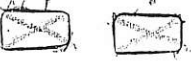


Office

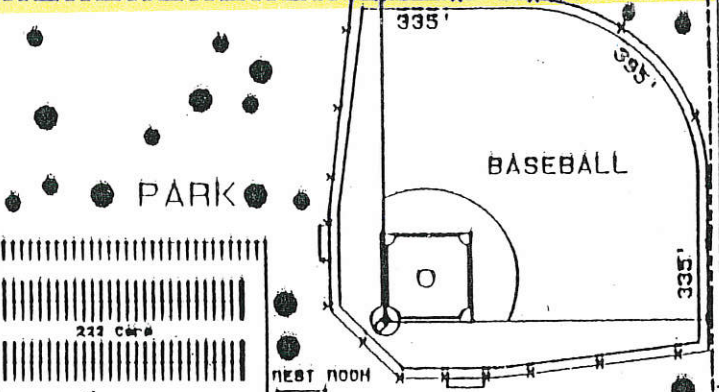


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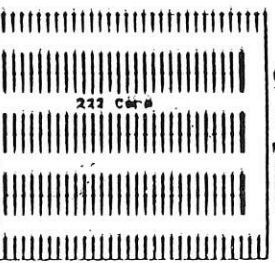
Houses



CHURCH

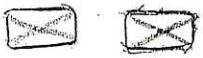


PARK

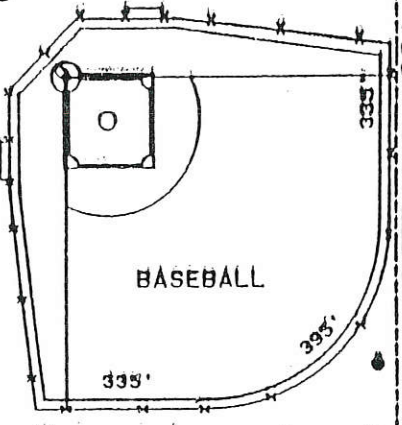
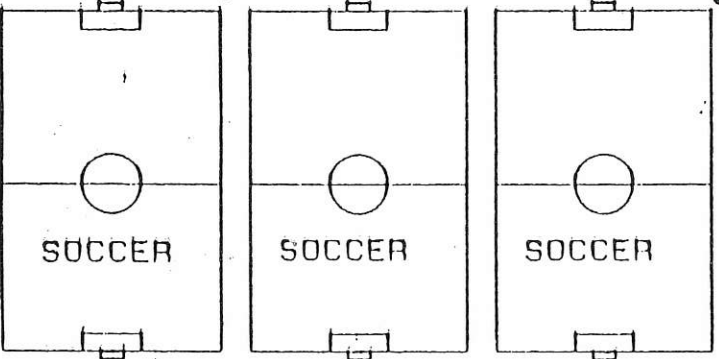


REST ROOM

25th AVENUE
168'



CLEVELAND STREET



SEVERANCE 931.37'

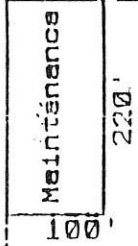
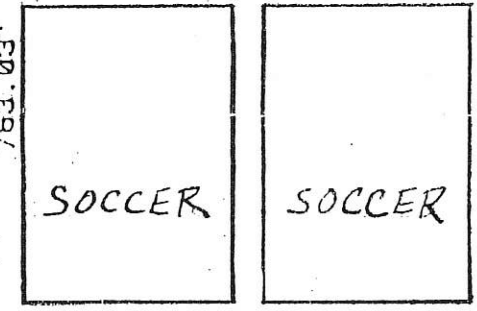
Ditch

one-way

Houses Along Here

1-3

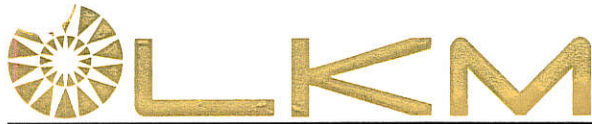
BARN



534'

575.41' 23rd STREET

S&L Ball Fields & Open Int



300 SW 8th Avenue
Topeka, Kansas 66603-3912
Phone: (785) 354-9565
Fax: (785) 354-4186

League of Kansas Municipalities

To: House Local Government
From: Kim Gulley, Director of Policy Development & Communications
Date: March 18, 2003
Re: Support for SB 178

Thank you for the opportunity to appear before you today on behalf of the League of Kansas Municipalities (LKM) and our 556 member cities. We appear today in support of SB 178.

The 12-6a special improvement law currently requires that all properties that would benefit from a particular project, must be included within the benefit district, and must, therefore, contribute to the financing of the project. While we support this general concept, there is a legitimate question as to whether this requirement should apply when there is a particular landowner who petitions the city for the project and is willing to foot the entire bill.

In short, we believe that if there is a landowner who is seeking the public improvement and who volunteers to pay for the project, we should let them pay. SB 178 accomplishes this common sense goal and we respectfully request that the Committee report the bill favorably for passage.

Thank you and I would be happy to stand for questions at the appropriate time.

House Local Government
Date: 3-18-2003
Attachment # 2



P.O. Box 1567 / Hutchinson, KS 67501-1567

Telephone:

Office Of: 620.694.2608

CITY
MANAGER

TESTIMONY OF THE CITY OF HUTCHINSON, KANSAS
BEFORE THE KANSAS SENATE
COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT
(S.B. 178)

FEBRUARY 20, 2003

Kansas law now requires all entities in a benefit district to be assessed for improvements within that district. There are times when one entity is willing to pay the entire cost of an improvement that also benefits others.

The City of Hutchinson supports legislation that would amend the special assessment law under K.S.A. 12-6a01 et seq. to allow a municipality or any one or more persons or entities who or which are willing to pay the cost of a proposed improvement, even though the proposed improvement district would not include all properties which may be deemed to benefit from the proposed improvement.

Presented by:

Meryl Dye, Special Assistant to the City Manager
meryld@hutchgov.com

House Local Government
Date: 3-18-2003
Attachment # 3

~~Senate Elections & Local Gov
02-20-03
Attachment 1~~
Police Fax 620-694-2859
Public Works Fax 620-694-1980
Waste Water Plant Fax 620-694-2604



recycled and recyclable

City Hall Fax 620-694-2673
Central Purchasing Fax 620-694-1971
Fire Fax 620-694-2875

Flood / Refuse Fax 620-694-2650
Inspection Fax 620-694-2691
Municipal Court Fax 620-694-2858

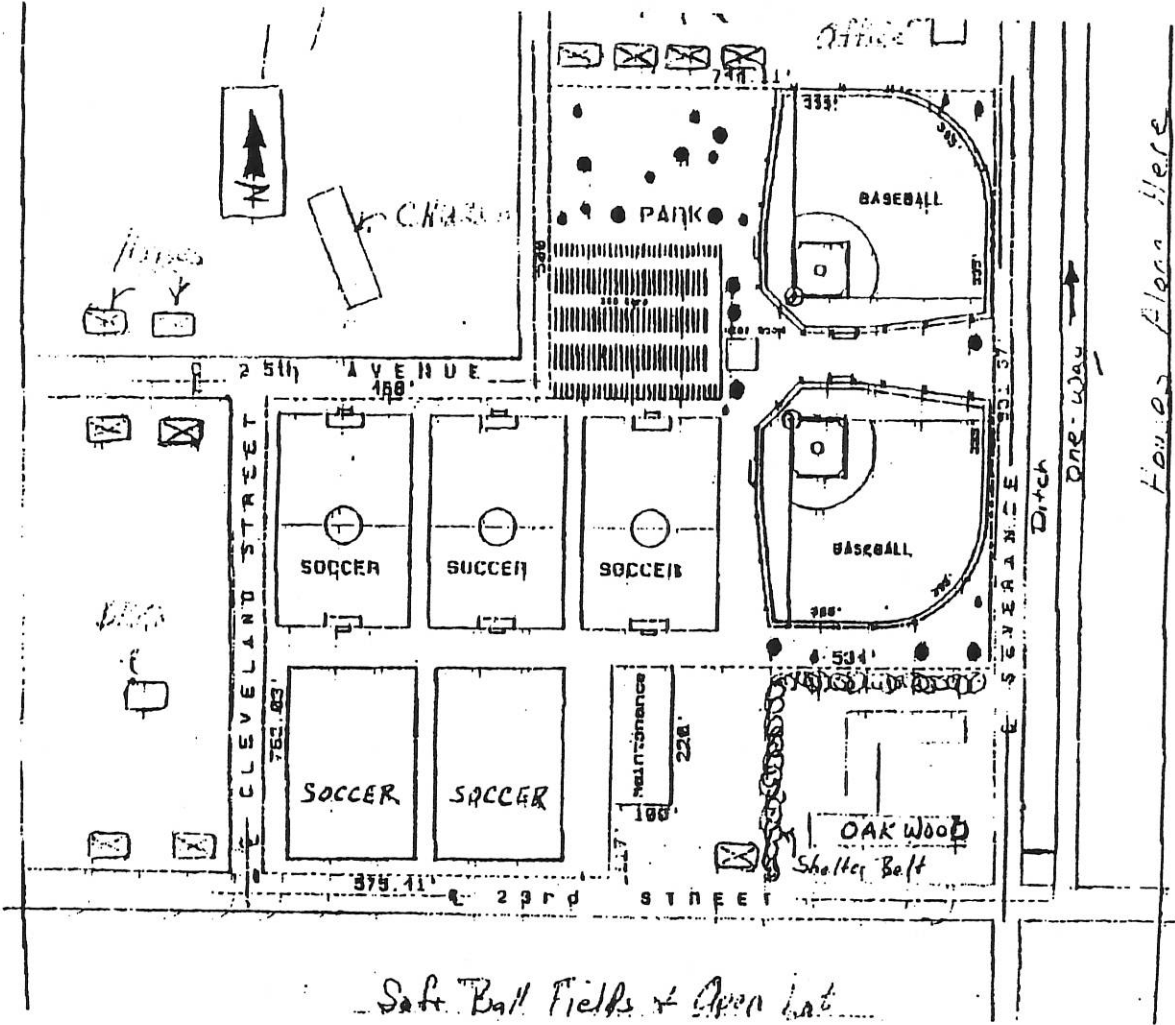
~~2A~~

3-1

FEB-19-2003 08:35

CITY OF RICHMOND

520 594 2573 P.04



Soft Ball Fields + Open Lot

Houses Along Here

3-2



League of Kansas Municipalities

300 SW 8th Avenue
Topeka, Kansas 66603-3912
Phone: (785) 354-9565
Fax: (785) 354-4186

To: House Local Government Committee
From: Don Moler, Executive Director
Re: Support for SB 238
Date: March 18, 2003

First I would like to thank the Committee for allowing the League, a strong advocate of local control, to testify today in strong support of SB 238. Our organizational policies typically focus on the ability of cities to make their own way and to determine their own fate. The Efficiency In Local Government Act would allow cities and counties, and their residents, to determine their own local government organizations and will allow them to maximize efficiencies in government as well as modernizing governmental structures in Kansas.

The League has for a number of years supported permissive statutory language to allow local reorganization. We have further held the belief that the issue of reorganization is inherently a local one and that the voters should be allowed to determine whether reorganization with another unit of government should occur. As a result we are fully supportive of SB 238 and the provisions that require the proposal for reorganization to be placed before the voters of the local governmental units involved in the proposed reorganization. Any unit whose electors vote against the reorganization would not be included in such reorganization.

In these hard economic times, it brings into sharp focus the need for governments, at all levels, to look to maximizing public resources and to minimizing public expenses. We believe that SB 238 provides a mechanism which will allow the people of Kansas, in cities and counties across the state, to make choices about the structure and organization of their governments. As a result we strongly support SB 238 and would urge the Committee's favorable recommendation of the bill to the full Senate. I will be happy to answer any questions the Committee may have on the League's position on SB 238.

House Local Government
Date: 3-18-2003
Attachment # 4



TESTIMONY
concerning Senate Bill No. 238
EFFICIENCY IN LOCAL GOVERNMENT ACT
House Local Government Committee

Presented by Randall Allen, Executive Director
Kansas Association of Counties
March 18, 2003

Chairman Vickrey and members of the committee, my name is Randall Allen, Executive Director of the Kansas Association of Counties. I am here to express support for Senate Bill No. 238, the Efficiency in Local Government Act, which provides a mechanism and public process for cities and counties to consider and then implement alternative organizational structures without first seeking legislative approval on a case by case basis. The Kansas Association of Counties neither supports nor opposes consolidation of city and county governments in Kansas per se. Our current legislative policy statement concerning consolidation, adopted by our membership, is as follows:

"The Kansas Association of Counties opposes mandatory consolidation of local government units and/or services. Counties presently share provision of numerous services with cities and other counties, but they should not be forced to do so. A more positive approach is to seek legislative changes that remove statutory limitations to consolidation of functions or services."

Cities and counties are currently prohibited from effecting governmental consolidation on their own without first seeking specific statutory authorization. As such, the framework of SB 238 is positive in direction because it gives local governments an opportunity to devise a system of local government which best meets their needs without seeking legislative approval on a case by case basis. This is the essence of home rule and local control which the Association has supported forever, a philosophy clearly reflected in SB 238. SB 238 is very similar to a work product of a 1998 interim study committee which subsequently passed the Senate in the 1999 session (i.e. SB 7). We do not believe that passage of SB 238 would unleash a widespread consolidation of cities and counties across Kansas. However, it removes the obstacles for cities and counties to seriously consider the feasibility of reorganizing and restructuring local government. We believe SB 238 is good public policy and urge you to recommend it favorably for passage.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to Randall Allen or Judy Moler by calling (785) 272-2585.

6206 SW 9th Terrace
Topeka, KS 66615
785•272•2585
Fax 785•272•3585
email kac@ink.org

House Local Government
Date: 3-18-2003
Attachment # 5

TOM SLOAN
 REPRESENTATIVE, 45TH DISTRICT
 DOUGLAS COUNTY

STATE CAPITOL BUILDING
 ROOM 446-N
 TOPEKA, KANSAS 66612-1504
 (785) 296-7677
 1-800-432-3924

772 HWY 40
 LAWRENCE, KANSAS 66049-4174
 (785) 841-1526
 sloan@house.state.ks.us



TOPEKA
 HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENT
 CHAIRMAN: HIGHER EDUCATION
 MEMBER: UTILITIES
 ENVIRONMENT
 GENERAL GOVERNMENT &
 HUMAN RESOURCES
 BUDGET

Testimony on SB 238 to the House Local Government Committee

Mr. Chairman, Committee Members. SB 238 provides a mechanism by which a county and its cities may hold dialogues about consolidating operations.

Existing statutes permit a county to examine efficiency of county operations on an individual basis (e.g., what is the appropriate number of County Commissioners, should the county assume responsibility for maintaining township roads).

However, neither SB 238 nor existing statutes permit any county except Johnson to engage in extensive discussions and possible decisions regarding what structure of county government is most appropriate to most effectively deliver the services citizens want in the 21st century. Johnson and Wyandotte Counties have statutorily been named an "urban area" and may adopt and from time to time amend, a charter for the government of such county (KSA 19-2680). The statute, among other things, permits the fixation of the number of commissioners, determine the administrative duties of county officials, provides for the consolidation or expansion of services as necessary, and prescribes the general structure of county government.

Douglas County Commissioners are publicly discussing the desirability of creating a committee of citizens to examine the very nature of how county services are administered and delivered. No statutory means exists for such discussions to occur on a comprehensive basis in non-urban area counties.

KSA 19-2684 details that recommendations from a charter commission must be submitted to the voters for approval prior to any changes in county operations or organization being implemented.

Regardless of other committee action on SB 238, I request that the bill be amended:

- 1) so that any county may engage in the study, debate, and decision-making regarding the delivery of services and/or restructuring of government operations. Such proposals as may be recommended by the county commission following opportunities for public input to be put before the voters for a decision; or
- 2) if you do not wish to make the option available to all counties, please designate that Douglas County shall be an urban area under KSA 19-2680 and may establish a charter commission under

House Local Government
 Date: 3-18-2003
 Attachment # 6

KSA 19-2681-KSA 19-2683, such charter commission to submit its recommendations to the County Commission which may submit one or more proposals to the voters (KSA 19-2685).

At the present time, Douglas County and Lawrence, Lecompton, Eudora, and Baldwin City officials do not wish to merge as Kansas City, Kansas and most of Wyandotte County did. Thus SB 238 does not benefit our residents.

I appreciate your consideration of this request to help Douglas County residents decide how best to operate county governments and most efficiently provide the services desired.



Kansas Farm Bureau

2627 KFB Plaza, Manhattan, Kansas 66503-8508 • 785.587.6000 • Fax 785.587.6914 • www.kfb.org
800 S.W. Jackson, Suite 817, Topeka, Kansas 66612 • 785.234.4535 • Fax 785.234.0278

PUBLIC POLICY STATEMENT

HOUSE COMMITTEE ON LOCAL GOVERNMENT

RE: SB 238 – Consolidating units of government.

**March 18, 2003
Topeka, Kansas**

**Leslie J. Kaufman, State Director
KFB Governmental Relations**

Chairman Vickery and members of the House Committee on Local Government, thank you for the opportunity to appear today and comment on behalf of the members of Kansas Farm Bureau (KFB) on SB 238. I am Leslie Kaufman and I serve KFB as the State Director for Governmental Relations. Kansas Farm Bureau is the state's largest general farm organization, representing more than 41,000 members through the 105 local county farm bureaus across Kansas.

As a farm association, our members are particularly interested in measures that impact rural (unincorporated) areas of the state. We appear today in conceptual support of components of the bill, have suggestions on other parts and register concern with another provision. Our members have adopted the following policy on consolidating units of government:

When consolidation is proposed for two or more units of government which have a common tax base, the voters in each city within the county, the county and the unincorporated area of the county must approve the consolidation.

The tax levy limits should be retained for the consolidated unit of government.

New section 6(e) in the Senate Committee of the Whole version of the bill (pg. 5, lines 40-43) seeks to retain bonded indebtedness obligations on the property that was originally subject to the tax prior to reorganization. We see that as consistent with the policy noted above on retaining tax levy limits for the consolidated units of government and appreciate its inclusion in this proposal.

We also recognize the bill's specific inclusion of at least 1/3 membership of the study commission residing in the unincorporated area of a county. We do think significant membership from these rural areas is essential on the study commission.

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Attachment # 7

We also appreciate the public comment opportunities woven throughout the study/consolidation process. The items the study must contain parallel the general guidelines our organization supports in regulatory matters including gathering factual information and conducting economic impact studies. Essential to the public hearing process is the ability to review the reorganization study preliminary plan prior to hearing. The bill provides for this (pg. 3, lines 5-17) but it does not delineate a minimum time frame for which the document should be available prior to the first public hearing. That may be something the committee would like to consider.

As we read the bill, new section 7 (pg. 7, lines 13-20) provides for the levying of up to one mill for financing the reorganization study commission. Although it is inherent in the duties of local government to levy taxes, we would suggest that since the bill specifically provides for a levy to support the study commission that the legislation also provide for the expiration of that specific levy once the commission is dissolved.

We noted our KFB policy on consolidation above. Our members firmly believe that city voters should not be allowed to advance a consolidation plan over the objection of the unincorporated areas. The bill at hand essentially gives cities a "veto" power over being included in the reorganization plan. Our members desire the same treatment for the unincorporated areas. We appreciate that those in the "county" do get to vote under this bill, but without the unincorporated areas being separated out and given the same treatment provided cities, municipalities could dictate reorganization on unincorporated areas in many counties. We would respectfully request that in order for a reorganization plan to be advanced, it must pass by a majority of the total unincorporated areas of the county, not just by a majority of the cities and the county.

We appreciate the opportunity to share these concerns with you. We hope you will be receptive to them. At the time of this writing, we understand that some of our members, either individually or on behalf of their local county farm bureau, may also be commenting. There may be areas they comment on that we, as a state organization, are not commenting on. Under our structure, the county farm bureaus may adopt local policies that our state policy does not address. As a local entity, their county board may have taken positions on portions of the bill where our state policy is silent.

We look forward to working with you on this important legislative matter. Thank you for your consideration.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

RE: SB 238 – LOCAL GOVERNMENT

March 18, 2003
Topeka, Kansas

Prepared by:

Brenda J. Lorenz, President
Sedgwick County Farm Bureau

House Local Government
Date: 3-18-2003
Attachment # 8

SB 238 Efficiency in Local Government Committees

March 18, 2003

Chairperson Vickrey and members of the committee, I appreciate this opportunity to speak in opposition to Senate Bill 238.

My name is Brenda Lorenz, I serve as President of Sedgwick County Farm Bureau Association in Wichita, Kansas. Sedgwick County Farm Bureau represents over 12,000 members in Sedgwick County. My message is to convey that our Board of Directors voted to oppose SB 238.

We are opposed to any bill that would set in place a permanent method for establishing a city and county consolidated government. Consolidation has been on rerun for many years. The City of Wichita has been working to consolidate governing bodies of the county, cities and towns. Many studies have been made and the results are that it is not feasible. Consolidation was placed on the ballot in the 1998 primary election and was defeated by a large margin. To circumvent the process with this approach through SB 238 we oppose.

“The most efficient and responsive government is that government which is closest to the people”. We respect the efforts by this committee, but we can all see the difference when we compare governing agencies, the larger the agency the less efficient and responsive it becomes.

The Sedgwick County Farm Bureau Association on behalf of it's 12,000 plus members and the Board of Directors request that you do not approve this bill out of committee. We have several issues with SB 238 that I have attached to this memo for the committee to read and would be too lengthy to address. Thank you for allowing me this opportunity to voice opposition to SB 238.

Sedgwick County Farm Bureau has concerns and opposes this proposed act.

1. It allows for the establishment of a study commission on setting up a consolidated government. This commission may be funded by a special tax to cover costs. This study commission is established by a joint resolution of county commissioners and the governing body of any city or cities. Thus only one city and the county commission could start the planning for a consolidated government. Any city not part of the joint resolution is not included in the reorganization plan.

If the consolidation plan comes to the voters:

1. Incorporated areas (cities) have the option of “opt out” of participating in a consolidated government even if they signed the joint resolution. However as currently written it appears any city voting to “opt out” would have their city boundaries set and would not be able to change them as long as the consolidated government was in place.
2. Unincorporated areas in the county would not have a separate vote for “opting out” as would each of the individual incorporated area. Unincorporated areas would only vote in the county as a whole vote. Thus unincorporated areas are excluded from the “opt out” vote available to cities.
3. Bond indebtedness currently in place would not be assumed by the new consolidated government, but would remain in place on the property owners to which it applied. The new consolidated government then has the right to establish additional bond indebtedness up to 30% of the assessed value of all tangible property.

Members of this committee, we request that you vote “no” to this proposed act. Thank you for taking time to read these concerns on behalf of our members and Board of Directors.

Sincerely,

Brenda J. Lorenz, President
Sedgwick County Farm Bureau Association

March 18, 2003
Kansas House of Representatives
Local Government Committee

Jane Kelsey
Shawnee County Farm Bureau
Local Government and Policy Committee

Thank you for the time today to address several concerns regarding S.B. 238. Shawnee County Farm Bureau wishes to express their opposition to this proposal, as we do not believe that it will provide for a quantifiable reduction in the cost of government or an equitable provision of services to the residents of a consolidated area.

Specific concerns regarding language in the current bill.

Page 2, Line 4: **We believe** that ½ of all members on the joint commission should be from the unincorporated areas of the county. This should help to provide a more equitable voice for residents in the unincorporated areas.

Page 3, Line 1-4: Subpoena power. Why is there an unlimited power to subpoena any books, papers, correspondence, memoranda, agreement or other documents or records? This is a commission to study consolidation of government. Many of the above-mentioned documents would fall under the open records law, thus why would unlimited subpoena power be needed?

Page 3, Line 5-17: In addition to the locations mentioned in the existing language we **would encourage** a copy of the preliminary plan be placed on the website of each city and the county participating in the joint commission.

There is no statement as to a set time for public review from time of release of the preliminary plan to the time and date of the first hearing. **We encourage** at a minimum a 30-day public review period to allow the public to study the plan in detail.

We would suggest that at least two legal notices be published in all general interest newspapers in the county; news releases informing the media and the public of the availability of the preliminary plan including the website URLs and physical locations to obtain a copy of the plan. The news release should include dates and time of public meetings and be sent to all media outlets in the county and cities involved.

Public meetings: The bill states two meetings seven days apart. We would recommend a minimum of two with additional meetings as needed to ensure all interested residents have the opportunity to ask questions and to be heard. The meeting places should be adequate to meet the needs of all parties to hear and see the proceedings.

Page 3-4: Voting: Any city has the right to "opt out" by not passing a joint resolution. At the

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time of the county city vote each incorporated city has a right to vote and may vote not to participate in a consolidated county government. The unincorporated areas of the county should have the same privilege and right to have their votes heard and counted the same way.

Page 6-7: As we understand the proposal, the new consolidated government is both a city and county with all the powers, functions and duties of each. This is a tremendous amount of power to vest in one political entity.

Page 7, Line 13-20: This authorizes a tax to cover the cost of the commission, but we do not see that the tax "sunsets" with the completion of the work of the commission. A sunset provision should be included.

The name of this proposed act is Efficiency in Local Government. The new political entity will still have all the statutory duties, functions and responsibilities of both city and county. Expenses of separate statutory requirements cannot be merged by changing the name of the political entity and expanding the indebtedness level of the new government.

Have our cities and counties explored all of the alternatives to reduce the cost of government, such as joint purchasing of supplies and equipment? There are units of government that have cooperated in the past in joint pools or even taken advantage of purchasing on the state contract.

We believe that most Kansans are happy with their current local government. If there are problems in efficiency in our current system, let's fix the problems, don't create new ones. We hope the committee will recommend this bill S.B. 238 not favorable for passage.

March 18, 2003

Kansas Law Local Government Committee

RE: Senate Bill 238

Mr Chairman and members of the Committee

I am Marwin E. Smith and live in northeast Shawnee County. Senate Bill 238 appears to be an identical twin to SB #7 four years ago. This proposal alludes to efficiency in local government. But some residents in Wyandotte County identify the arrangement of City/County 'BIG GOVERNMENT' and less participation by residents and voters.

Here in Shawnee County approximately 90% of area is unincorporated, and 25-30% population is rural and suburbia. Shawnee County has about 160 voting precincts. In Soldier Township we have 10 precincts. Our Fox precinct has over 1000 registered voters and over 800 voted in November 2002.

This proposal seems to have omitted the opportunity for voters in unincorporated areas to approve or reject a resolution of reorganization. Yet a city within the County (line 26-29 page 1) shall not be included, if city does not adopt a joint resolution to reorganize.

The proposal provides the Study Commission shall either the members be appointed or that the members be elected (line 36-37 page 1). It would be improved wording by only elected! It would be improved wording by only elected. Line (29-31 page 3) are flawed by having an election at least 45 days following the adoption of the final plan of Commission. Why not have the election at the November election of even numbered years??

The provision could be improved by including on line (39 page 3) following no city, voters in the unincorporated areas, and (line 42 page 3) such city and unincorporated areas voting at the election held on such plan.

New Section 6 line 20 shall providing bonding up to 30%. This appears like a blank check.

SB 238 wording seems designed to be a formula for 'BIG GOVERNMENT' with less opportunity for citizen and voter participation.

I would urge the Committee to recommend SB 238 not favorable passage.

Respectfully submitted
Marwin E. Smith

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Testimony Greg Dye
Wichita

Thank you chairman and members of this committee for allowing me to speak on the efficiency in local government act proposal. I'm a concerned citizen and not a professional speaker. Something has been happening that many view with alarm. The issue of Home Rule Power should be brought up and reviewed.

Regional consolidation

Home Rule Power and charter governance and Metro and other forms of regional government are in violation of the U.S. Constitution. The Home Rule Power in the Amendment in our state Constitution, in 1961 is unconstitutional.

Kansas State Constitution

Quote- Home Rule and charter ordinance is an ordinance which exempts a city from whole or part of any enactment of the legislature as referred in section 5 last paragraph of the amendment referred to in section B. Powers and authority granted cities pursuant to this section shall be liberally construed for the purpose of giving to cities largest measure of self rule.

Quote- Article 4 Section 3 of the U.S. Constitution

"New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress." End Quote. Home Rule Power creates a state within a state. What Constitutional protections can we expect under color of home rule? Judging by the conditions extant in our cities, do we really want their power to blanket our state? With the influence that they could wield, would those outside of those cities find themselves forced to foot the bill for a city they may never have contact with? Could this be why the mayors of the large cities are the backers of these merger plans? It is imperative that we all understand the ramifications of this issue.

In 2001, 2002 Wichita City Council under home rule with private and public partnership that allowed public money to be invested in the Hyatt Hotel and it went bankrupt. Approximately 3 million dollars lost. Also Home Rule Power the council passed 5 ordinances to collect fines from poor people who could not pay. These misdemeanor charges the court put 7,000 citizens in jail and did not allow them due process in court and violated their constitutional rights. The inmates filed a class action lawsuit and the city settled out of court for 9.2 million dollars. City admitting no wrong doing the savings under Home Rule was a big loss of tax payers money.

The U.S. Supreme Court ruled long ago that "All sovereign authority within the geographical limits of the U.S. resides either with the Government of the United States, or the states of the Union; there exists within the broad domain of sovereignty by these two. There may be cities, countries and other organized bodies with limited legislative functions, but they are all derived from, or exist in, subordination to one or other of these." Thus chartered forms of regional appointed governance violates our right to representative government. Under these types of proposals, all real decision making is held by an appointed County Executive.

Also, The U.S. Supreme Court has ruled, "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them...(Miranda vs. Arizona), and law repugnant to the Constitution is void...(Maybury vs. Madison).

Please do not allow Bill 238 to be passed.

House Local Government

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Signed Concerned Citizen



Paul Degener
518 NW 56th St.
Topeka, KS 66617
(785) 246-0215

SUBJECT: SB 238, City-County Consolidation (Reorganization)

Mr. Chairman, Members of the committee, thank you for allowing me to testify in opposition to this bill. My name is Paul Degener, and I am a resident of Shawnee County.

I would like to bring to your attention some facts bearing on this bill. On February 17, 2003, SB 238, City-County Reorganization, was introduced in the Senate. On February 18, 2003, the next day, SB 238 was assigned to the Senate Committee on Elections and Local Government. That very same afternoon, February 18, the committee held hearings on this bill. I was under the impression that our system of committee hearings was established to provide committees an opportunity to hear all aspects of a piece of legislation. The manner in which this was handled did not allow the opposition the opportunity to know about this bill let alone to present testimony. (See Full History at Encl 1). I would like to invite your attention to Enclosure 2. This is the current full history of SB 238. You will find that the hearing date of February 18 has been omitted. Anyone researching this bill will be unable to obtain the complete picture. I have to question why was this bill handled in this manner. This is not the way our form of government is supposed to operate.

Inequities of SB 238.

1. SB 238 provides for the establishment of a reorganization study commission. It provides that 1/3 of the planning committee be residents of the unincorporated portion of the county. (Ref. Page 2, line 3) It is reasonable to assume that the unincorporated portion of the county will not be equally represented during the reorganization planning phase. At a minimum, at least 1/2 of the planning commission should be citizens of the unincorporated portion of the county. Even though the preponderance of the population of Shawnee County reside within the confines of Topeka, those residents living outside of the city limits should have equal representation. This same principle should hold true for any county in Kansas.

2. Cities may exclude/vote themselves out of plan.

A. The governing body of cities within a county would not be required to adopt a proposed joint reorganization (consolidation) resolution. Therefore, cities such as Silver Lake or Rossville may simply decide to opt out of the reorganization plan. (Ref: Page 1, line 24).

B. If the voters of a city vote in opposition to a reorganization plan, that city will not be included in the city county reorganization (consolidation). This provides cities two (2) opportunities to opt out of reorganization (consolidation) of city and county government.

3. Unincorporated Portion of County.

A. Citizens of the unincorporated portion of the county however, are not afforded

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the same luxury as cities by being able to vote themselves out. The votes of the residents of the unincorporated portion of the county would not be counted separately from the city/cities. In my view this is another inequity of this proposed legislation. This inequity exists today between the city of Topeka and those residing outside of the city limits because the preponderance of the county population resides in Topeka and consequently control the vote.

The greatest danger of this legislation can be found on page 4, line 19 (b) "If the commission submits a plan providing for the reorganization of certain city and county offices, functions, and operations, the plan shall:

(3) "Authorize the election, appointment or elimination of elective officials and offices."

This portion of the bill is in direct contravention of Article 4, Section 4 of the United States Constitution, which states in part, "The United States shall guarantee to every State in this Union a republican form of government, This provision alone can disenfranchise the people of the respective counties if this legislation becomes law. If the governing body of a county were to be appointed, as provided for in this legislation, the groundwork will be laid for a body which is not answerable to the people. This is untenable.

Finally, I would like to make this point. Those citizens who live in the city have a different agenda and a different life style than those of us living in the outlying county. Those of us who live outside of the city limits need a level of government answerable to us. If this legislation passes, the entire county will be under the control of a governing body which will respond to the preponderance of the population which resides in the urban area. What we have is not perfect, but at least the cities have their own governing body, which the county commission does not need to be burdened with.

This legislation also lays the groundwork for an all powerful governing body. It allows for too much power in the hands of a few. This legislation from the time of it's inception to it's final conclusion appears to be a power grab by a group of elitists.

Thank you for your time.



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Full history of bill 238

Bill by Ways and Means

City-county reorganization; efficiency in Local Government Act.

Effective date: Statue Bk.

02/17/2003 S Introduced -SJ 125

02/18/2003 S Referred to Elections and Local Government -SJ 129; Hearing:
2/18/2003, Tues., 1:30 pm, Rm 245-N

See [Bill History Legend](#) for abbreviations and explanations.

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Full history of bill 238

Bill by Ways and Means

City-county reorganization; efficiency in Local Government Act.

Effective date: Statue Bk.

02/17/2003 S Introduced -SJ 125

02/18/2003 S Referred to Elections and Local Government -SJ 129

02/24/2003 S CR: Be passed by Elections and Local Government -SJ 157

02/26/2003 S COW: Be am.; be passed as am. -SJ 188; EFA: Passed as am.; Yeas 37
Nays 3 -SJ 193

02/27/2003 S Engrossed -SJ 212

02/27/2003 H Received and introduced -HJ 229

02/28/2003 H Referred to Local Government -HJ 248

03/12/2003 H Hearing: Tues., 3/18/2003, 3:30 pm, Rm 519-S

See [Bill History Legend](#) for abbreviations and explanations.

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Gov't Entity	County Population	City/Village Population
Shawnee County	165,100	
Auburn, Kansas		908
Rossville, Kansas		1,052
Silver Lake Kansas		1,390
Topeka, Kansas		125,000
Willard, Kansas		110
City/Village Population		128,460
Unincorporated Pop	36,640	29.31% of Topeka

12-5

Good afternoon congressmen and congresswomen. My name is Bruce Bodecker. I live in rural Butler County, one mile from the Butler-Sedgwick county line. Today I represent a group whose acronym is CARG, Citizens Association for Responsible Government. Our mailing list comprises about eight hindered mostly rural property owners in Eastern Sedgwick and Western Butler County. CARG is opposed to Senate Bill No. 238.

More political power in fewer hands. The brilliance of our founding fathers is demonstrated in the Senate and House at the federal level, and of course the Kansas Senate and Kansas House of Representatives at the State level. At the local level City and County Governments mimic this system of sharing political power. But as the cities becomes larger in comparison to the county population the political power of an individual rural voter becomes less and less. While the political power of the individual city voter becomes greater and greater, because the city voter gets to vote in both city and county elections while the rural voter only votes in the county election. The "Commission" established in section 2 only amplifies these political inequalities. Given the spirit of the Brilliance of Philadelphia we all should detest and resist any loss of political power to any political group, especially a political minority. I would suggest that county voters in section 2(a) be defined as county voters who are not also eligible to vote in city elections. Should the Kansas House of Representatives give up its political power to the Kansas Senate without a fair vote? We have the example of Nebraska's system of State governance, unicameral. Maybe that would save some money for this state. Hmmmmm?

Small towns lose the ability to grow. What a tragedy. There is no provision in this bill to protect the ability of small jurisdictions to expand as needed into rural areas. Would a benevolent city-county commission allow that to happen? Probably not. Should this be allowed? Absolutely not! Especially not without their political consent. This bill removes political power from small cities, another political minority.


Townships disappear in this bill. Townships are the smallest and apparently the least appreciated local government in the state. But at the local level, in the rural areas of the counties they are the glue that binds us together. I cannot believe in a Republican State in a Republican legislature that one would find a bill that would remove a local element of government. Again this is unacceptable.

Rural water districts are not addressed in this bill. Oh boy what a can of worms. Rural water districts have debt and areas to service. They have a need to expand. There is a body of law that regulates their operation and the political rights of their service area. Are those laws sacrificed to this city-county government? Again unacceptable.

County zoning protects rural property values. County zoning is not addressed in this bill. And again, in the face of city political power, a minority political power that should not be lost in such an easy fashion.

CARG came into being because the City of Wichita purchased a large number of acres of rural farm ground. And had the dream of using that ground to build a municipal landfill. It has been a decade long nightmare that just won't go away. We have witnessed the rampage of the so-called eight hundred pound gorilla in our rural community. The only political protection that we have to protect our rights has been the county commission. Please do not take that away from us. Do not take it away from other rural Kansans with the likes of this bill. In this Country, in this State we all should be protective of minority political rights. Someday we may be the minority. The idea of this bill is a tragedy. It will sacrifice too much by too few. It is an insult to the understanding of the brilliance of our founding fathers to democratize, but yet to defuse political power. Kill it. Drive a stake in its heart. Honor those who have gone before us.

Thank you for your time,


Bruce Bodecker
President, CARG

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Date: 3-18-2003
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House Local Government
Date: _____
Attachment # _____

March 18, 2003 Subject matter: Senate Bill # 238

I am Jack Perrin. I am trustee of Grant Township, Sedgwick County, Ks & am here today representing the Township Assn of Sedgwick County.

After reading this bill thru, many questions come to mind which I will try to cover a few for your consideration.

1. With all sections of government, state, county, city, and townships in stress financially, where are the finances for said commissions to operate on coming from?
2. I believe this bill would eliminate all township government. Township government operates on the smallest budgets of all agencies and are able to solve problems within the township much quicker than big government.
3. If commissions are formed, we believe all members should be by election and not by appointment. Let the people speak.
4. As written there is no limit to the spending of said commission of any kind. This is not sound government behavior.

5. While I believe the intent of this bill is to have more efficient government the following questions come forward.

Why should I be represented by fewer representatives in government at city - county level.

Since it appears the law is not law until it has been tested in our courts, why not have these commissions use the staff of the State Attorney General's office to handle legal matters instead of allowing each commission to hire staff.

Please, lets be financially responsible.

I thank you for your time.

Jack Perrin
2722 E. 101st North
Valley Center, KS 67147

Recommendation Summary

The existing governments of Wyandotte County and Kansas City, Kansas will be replaced by:

I. Legislative Branch : Ten Commissioners: Eight nominated and elected in new districts with boundaries based on population. Two Commissioners elected at-large and nominated from newly created districts: north & south.

Elections: non partisan, held in April, four year staggered terms of office - first election determines terms of office - two or four years.

Compensation: in-district commissioners will receive \$1000 per month; at-large commissioners will receive \$1200 per month due to extra duties and committee assignments; all receive reimbursement for car expenses, paid medical and dental insurance; all may participate in life insurance at own expense.

Duties: approve codes, ordinances and budgets; make policies affecting the functioning of the government; serve as Mayor Pro Tem; adopt a Code of Ethics.

II. Executive Branch: Chief Executive/Mayor: Elected at-large; Four year term of office

Compensation: at current rate with benefits of Kansas City, KS Mayor; use of a government car.

Duties: presides over the Unified Board of Commissioners; has veto power which can be overridden by 2/3 majority of Board; breaks ties by casting a deciding vote; appoints and removes County Administrator with consent of Board.

Other Officials: Elected: Sheriff - chief law enforcement officer, head of juvenile detention center, in non-partisan elections; District Attorney - as current duties, partisan election; Register of Deeds - as current duties, non-partisan election.

Appointed: Legislative Auditor (currently County Auditor) - performance and financial auditing; routine financial auditing done by Chief Financial Auditor on staff of County Administrator.

Formerly Elected positions -- will be combined and appointed to Unified Administration: County Clerk & City Clerk to be Unified Clerk; County Treasurer & City Treasurer to be Unified Treasurer; County Surveyor - assimilated into Administration; Public Administrator - assimilated into Judicial Branch.

County Administrator: Appointed by Chief Executive/Mayor with consent of Unified Board of Commissioners; Reviewed by Board annually; Reports to Chief Executive/Mayor; Selects and supervises key division heads; Executes policies developed by Unified Board; Uses activity based budgeting and accounting; Uses attrition to reduce employee numbers during transition period.

III. Judicial Branch: Municipal courts are part of the Unified Government; District Court Judges are elected in partisan elections; the elected office of Public Administrator is eliminated; District Court Judges appoint the Legislative Auditor; District Court Judges appoint an Ethics Commission.

IV. Unified Government Integrity: Checks and Balances; All branches have elected officers; Consent to County Administrator resides in Legislative branch; a legislative auditor is appointed by the judicial branch; Ethics Commission: administers Code of Ethics adopted by Unified Board; all elected officials, applicable appointed board and commission members and committee members are subject to Code; Commission can censure violators; serve a single, full four-year term of office; can recommend Code improvements to Unified Board; recommends sanctions in cases of violation of Code; subpoena power; can swear witnesses

V. Managed Transition: An interim period - April 1, 1997 to October 1, 1997; Joint Transition Committee - A transition team of Kansas City, KS City Administrator and Wyandotte County Auditor to co-chair Committee; chief financial officers of both City and County, City Attorney, County Counselor, and other members as required will constitute the Committee.

Duties: establish procedures for transfer of authority; recommend priorities for policy formulation; set a date for functional consolidation;

Transfer of Authority: upon swearing in new consolidated government will assume existing authority of City ordinances and County resolutions; six permanent appointed committees recommend policy concerning community life; a study of consolidation issues concerning the BPU and the Unified Board will be made by a joint committee.

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Proposed Amendment to SB 238
 (As Amended by Senate Committee of the Whole)

On page 8, following line 9, by inserting:

"New Sec. 12. The area comprising the county of Douglas is hereby designated as an urban area as permitted by section 17 of article 2 of the constitution of the state of Kansas.

Sec. 13. K.S.A. 19-2680 is hereby amended to read as follows: 19-2680. Any county which has been declared to be an urban area under the provisions of K.S.A. 19-2654 ~~is--hereby authorized--to~~ or section 12, and amendments thereto, may adopt, and from time to time amend, a charter for the government of such county. Such charter shall provide for the exercise of powers of local legislation and administration not inconsistent with general law or the constitution of the state of Kansas, and may:

(a) Fix the boundaries of each county commissioner's district, provide a method for changing them from time to time, and fix the number, term, and compensation of the commissioners and their method of election, and shall define and outline duties and powers of the county commissioners;

(b) provide for the exercise of such powers similar or identical to the powers permitted under K.S.A. 19-101 and ~~article 39-of-chapter-12-of-the--Kansas--Statutes--Annotated~~ 12-3901 et seq., and amendments thereto;

(c) provide in the charter a method for its amendment;

(d) determine the distribution of legislative and administrative duties of the county officials, provide for consolidation or expansion of services as necessary, authorize the appointment of a county administrator or a county manager, and prescribe the general structure of county government ; and

(e) authorize the appointment of or elimination of elective officials and offices within the charter similar or identical to that authorization permitted the board of county commissioners under ~~article--39-of-chapter-12-of-the-Kansas-Statutes-Annotated~~ K.S.A. 12-3901 et seq., and amendments thereto.

Sec. 14. K.S.A. 2002 Supp. 19-2681 is hereby amended to read as follows: 19-2681. (a) The board of county commissioners of any county which has been declared to be an urban area under the provisions of K.S.A. 19-2654 or section 12, and amendments thereto, may establish a charter commission for such county for the purpose of studying, proposing, drafting or amending a charter for the government of such county. The charter commission shall be established by resolution and shall be appointed in the manner and have the powers and duties as hereinafter provided.

(b) A new charter commission shall not be established until four years after the date of the establishment of a prior commission.

Sec. 15. K.S.A. 2002 Supp. 19-2685 is hereby amended to read as follows: 19-2685. (a) The proposed charter shall be submitted by the charter commission to the board of county commissioners and. Subject to the provisions of subsection (b), the board of county commissioners shall submit the proposed charter to the electors of the county at the general election next following submission of the final report in which all qualified electors of the county are eligible to vote. In submitting such proposed charter to the board of county commissioners, the charter commission may submit alternative sections or articles to the board of county commissioners. Any alternative sections or articles shall be submitted by the board of county commissioners for approval or rejection by the electors. Any section or article of a proposed charter which affects the size or structure of the board of county commissioners may be submitted at the same election at which the proposed charter is submitted but shall be submitted as a separate question on the ballot. An affirmative vote of a majority of the qualified electors voting on the question shall be required for the adoption of such charter.

(b) The board of county commissioners of a county designated an urban area pursuant to section 17, and amendments thereto, may reject a proposed charter submitted to such board pursuant to

subsection (a). If the board rejects the proposed charter, the charter shall not be submitted for approval to the electors of the county and such proposed charter shall not be adopted.

Sec. 16. K.S.A. 19-2686 is hereby amended to read as follows: 19-2686. (a) No member of the charter commission shall be eligible for election to the office of county commissioner in the first election for county commissioner under the charter if adopted by the electorate.

(b) The provisions of subsection (a) shall not apply to a county designated an urban area pursuant to section 17, and amendments thereto."

By renumbering sections accordingly;

Repealer; Title changes