

SESSION OF 2003

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 79**

As Amended by House Committee of the Whole

**Brief\***

SB 79 amends a law dealing with city building code enforcement outside city boundaries; another law dealing with the effective date of annexation ordinances; and a third law dealing with the appointment of a charter commission by certain counties.

SB 79 amends the law which establishes a protest petition and election procedure to be held in the area outside and within three miles of the corporate limits of a city, when a city adopts an ordinance providing for the enforcement of building codes in this unincorporated area.

The bill reduces the protest petition from 20 percent to 10 percent, effective January 1, 2003. The protest petition must be filed within 90 days of the effective date of the bill or 90 days of the effective date of the ordinance. If a majority vote in favor of rejecting the building code regulation, the city must modify its ordinance to exclude the area and the city may not adopt any ordinance extending building codes to this area for at least four years.

The law dealing with the effective date of a city annexation ordinance is amended to provide the ordinance is effective 60 days (current law is 30 days) after publication if a primary or general election is to be held within this 60-day period. Such ordinances otherwise are effective upon publication.

The bill also designates Douglas County an urban area for purposes of establishing a county charter commission for developing a charter for county government. In Douglas County, if the board of county commissioners rejects the proposed charter it shall not be

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/klrd>

submitted to voters. Further, a member of the charter commission in Douglas County would be allowed to be elected to the office of county commission if the charter is adopted by voters.

## **Background**

The bill was supported by a Shawnee County Commissioner, a representative of the Kansas Association of Realtors and the Topeka Builder-Realtor Coalition, and others who said a lower protest petition percentage was needed.

Representatives of the City of Topeka and the League of Kansas Municipalities opposed the bill.

The Shawnee County Election Commissioner suggested several clarifying amendments.

The bill has no fiscal impact.