

SENATE BILL No. 282

By Committee on Ways and Means

3-1

9 AN ACT concerning counties; relating to the county commissioners;
10 amending K.S.A. 19-201 and 19-202 and repealing the existing
11 sections.
12

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

14 New Section 1. The purpose of this act is to authorize counties to
15 provide an alternative method for selecting and increasing the number of
16 members of the board of county commissioners.

17 New Sec. 2. The board of county commissioners of any county, by
18 resolution, may propose the division of the county into three, five, seven
19 or nine commissioner districts and provide for the nomination of each
20 commissioner from such districts and the election on an at-large basis by
21 all the voters of the county. The resolution shall specify the number of
22 districts from which such commissioners shall be nominated. The reso-
23 lution shall not be effective until the question has been submitted to and
24 approved by a majority of the qualified voters of the county voting at an
25 election thereon. Such election shall be called and held in the manner
26 provided by the general bond law.

27 New Sec. 3. Upon the presentation of a petition to the board of
28 county commissioners, signed by electors equal in number to not less
29 than 3% of the qualified voters of the county and verified by the county
30 election officer, requesting that the county be divided into three, five,
31 seven or nine commissioner districts and providing for the nomination of
32 commissioners by district and their election at large, the board of county
33 commissioners shall cause such proposition to be submitted to the voters
34 of the county. The resolution shall not be effective until the question has
35 been submitted to and approved by a majority of the qualified voters of
36 the county voting at an election thereon. Such election shall be called and
37 held in the manner provided by the general bond law. If more than one
38 such petition is presented to the board requiring an election, and any of
39 such petitions conflicts with any other petition, the board shall decide
40 which of the propositions shall be submitted to the voters at such election.

41 New Sec. 4. At least 30 days prior to the date of an election at which
42 is to be submitted a resolution which would increase the number of mem-
43 bers on the board of county commissioners, the board shall adopt a res-

1 olution fixing the amount of compensation to be paid to the members of
2 the board during the first year of office following the approval of the
3 resolution by the voters.

4 New Sec. 5. (a) If a majority of the voters voting at such election
5 approve the proposition, the board of county commissioners shall adopt
6 a resolution dividing the county into the number of commissioner districts
7 approved by the voters. Districts shall be as compact and equal as pos-
8 sible. Thereafter, districts shall be subject to alteration at least once every
9 three years. Each district shall be designated numerically and serially
10 beginning with number 1. The resolution shall be adopted on or before
11 January 1 immediately following the election.

12 (b) If the board fails to adopt such resolution within the time pre-
13 scribed in subsection (a), the chief judge of the district court of the
14 county, on or before the following January 31, shall order the county
15 divided into the appropriate number of districts.

16 New Sec. 6. (a) One county commissioner shall reside in each com-
17 missioner district within the county. During the time that any person is
18 a candidate for nomination or election to office as a member of the board
19 of commissioners and during the term of office of the commissioner, such
20 candidate or commissioner shall be and remain a qualified elector who
21 resides in such person's district.

22 New Sec. 7. Vacancies created by an increase in the number of com-
23 missioner districts in a county as a result of an election held under this
24 act shall be filled by appointment of the governor in the same manner
25 that other vacancies in the office of commissioner are appointed. The
26 governor shall make such appointments within 30 days of the date of the
27 adoption of the resolution dividing the county into commissioner districts
28 or within 30 days of the date of the order of the district court dividing
29 the county into commissioner districts as required by section 5, and
30 amendments thereto. Such appointees shall serve until successors are
31 elected and qualified at the next general election. Such successors shall
32 assume office on the second Monday of January next following their elec-
33 tion. If at the next general election following such appointments, more
34 than a simple majority of commissioners are elected, persons elected to
35 the positions created by an increase in the number of districts shall be
36 elected for two-year terms and until their successors are qualified. There-
37 after, such members shall be elected to four-year terms and until their
38 successors are qualified.

39 New Sec. 8. Except as provided by section 7, and amendments
40 thereto, terms of office for the members of the board of county commis-
41 sioners shall be staggered in such a way that no more than a simple
42 majority of commissioners is elected at any general election.

43 New Sec. 9. Except as provided by section 7, and amendments

1 thereto, all county commissioners shall hold office for a term of four years
2 from the second Monday of January next following their election and until
3 their successors are qualified.

4 New Sec. 10. If the proposition to elect the board of county com-
5 missioners as described in sections 2 and 3, and amendments thereto, is
6 approved, all qualified electors who reside in the member-district may
7 vote at primary elections for the commissioner from such district. All
8 qualified electors of the county may vote at general elections for all com-
9 missioners nominated at a primary election.

10 Sec. 11. K.S.A. 19-201 is hereby amended to read as follows: 19-201.
11 *Except as provided by sections 2 and 3, and amendments thereto*, each
12 county in the state of Kansas shall have three (~~3~~), five (~~5~~) or seven (~~7~~)
13 commissioner districts, which shall be designated numerically and serially
14 beginning with number 1.

15 The provisions of this section may be modified by the adoption of a
16 charter for county government in any county which has established a
17 charter commission pursuant to law.

18 Sec. 12. K.S.A. 19-202 is hereby amended to read as follows: 19-202.

19 (a) *Except as provided by sections 2 and 3, and amendments thereto*, the
20 board of county commissioners of each county shall consist of three, five
21 or seven qualified electors.

22 (b) One county commissioner shall reside in and represent each com-
23 missioner district within the county. During the time that any person is
24 a candidate for nomination or election to office as a member of the board
25 of county commissioners and during the term of office of the county
26 commissioner, such candidate or county commissioner shall be and re-
27 main a qualified elector who resides in such person's district.

28 (c) Except as provided by K.S.A. 19-203, and amendments thereto,
29 terms of office for the board of county commissioners shall be staggered
30 in such a way that no more than a simple majority of commissioners is
31 elected at any general election.

32 (d) Except as provided by K.S.A. 19-203, and amendments thereto,
33 all county commissioners shall hold office for a term of four years from
34 the second Monday of January next after their election and until their
35 successors are qualified.

36 (e) The provisions of subsections (a), (c) and (d) of this section may
37 be modified by the adoption of a charter for county government in any
38 county which has established a charter commission pursuant to law.

39 Sec. 13. K.S.A. 19-201 and 19-202 are hereby repealed.

40 Sec. 14. This act shall take effect and be in force from and after its
41 publication in the statute book.