

February 13, 2018

Madame Chair and Members of the Committee,

On behalf of the Sedgwick County Board of County Commissioners, thank you for the opportunity to provide testimony in support of H.B. 2597. This legislation would very simply designate Sedgwick County as an urban area as provided by Article 2, Section 17 of the Kansas Constitution.

This designation would allow the Kansas Legislature to pass laws specific to Sedgwick County without impacting and possibly harming the operations of the state's other 104 counties.

Attached to my testimony is a letter written to me by Sedgwick County Counselor, Eric R. Yost, explaining the history of the designation, the constitutional amendment from 1957 that allows for the designation and for what purposes other Kansas counties, cities and townships have used the designation. I would refer you to that letter and as such, will keep my written testimony brief.

I would point out that Johnson, Wyandotte, Shawnee and Greeley counties all already have such a designation. Additionally, there also several cities and townships in Johnson County that also have the designation.

I would also emphasize for the Committee's consideration and deliberation that this designation does not allow a recipient of such designation to do anything beyond request of the legislature legislation specific to said designated area.

Once again, thank you for the opportunity to appear before you today and we would request that the Committee report H.B. 2597 favorable for passage. I would be happy to stand for questions at the appropriate time.

Very truly yours,

Jason P. Watkins

## Office of the County Counselor

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January 19, 2018

Mr. Jason Watkins  
100 SE 9<sup>th</sup> St, Suite 100  
Topeka, KS 66612

**Re: The designation of Sedgwick County as an urban area, as contemplated by Article II, Sec 17 of the Kansas constitution**

Dear Jason:

I'd like to briefly explain why Sedgwick County is asking that it be designated as an "urban area," as contemplated by the Kansas constitution (Article II, Sec. 17). Previously, the counties of Johnson, Wyandotte, Shawnee and Greeley have already been so designated.

### **Brief background**

Our state constitution originally prohibited the enactment of "special laws," meaning that laws could not be adopted for the sole benefit of one county. Our founders did not want a patchwork of laws across Kansas which would have the effect of having a different set of laws for every community.

However, it became increasingly difficult to craft "one size fits all" statutes that could assist urban areas in addressing the challenges that stem from significant population growth, while at the same time doing no harm to other communities. So, in 1954, the legislature submitted to the voters a change to the constitution which acknowledged that solutions that might work in some communities might not work in others---and the voters approved that change. Article II, Sec. 17 was thus amended to permit the legislature to designate urban areas for whom special legislation would be helpful.

Today, Article II, Sec. 17 provides as follows: **"Uniform operation of laws of a general nature. All laws of a general nature shall have a uniform operation throughout the state: *Provided*, The legislature may designate areas in counties that have become urban in character as "urban areas" and enact special laws giving to any one or more of such**

**counties or urban areas such powers of local government and consolidation of local government as the legislature may deem proper.”**

### **Effect of “urban area” designation**

Article II, Sec. 17 speaks for itself. This provision of the constitution permits the legislature to designate a county (or areas within a county) as an urban area, and once that occurs, such a designation empowers the legislature to adopt special legislation for that community. Being designated an urban area does not, in and of itself, confer any new powers on a county or city. Instead, any legislative enactment that is adopted pursuant to this constitutional provision must go through the same legislative process as any other.

The “special laws” that can be enacted on behalf of a particular county or city can relate to the powers of local government, or to the consolidation of local government. But it need not be confined to issues of consolidation. Indeed, much of the legislation that has been enacted on behalf of designated counties has nothing to do with consolidation.

### **A handful of examples of what Johnson County has done**

Johnson County was designated many years ago (1961) as an urban area. So was the City of Overland Park (1965), as well as three townships within Johnson County: Shawnee Township (1957), Mission Township (1957) and Oxford Township (1965). The designation of these communities as urban areas enabled the legislature to adopt special legislation for them which fit their particular needs.

In 1965, the legislature enacted a change to the annexation laws as they pertain to Overland Park which streamlined the process by which landowners can voluntarily be annexed by the city. See K.S.A. 19-2657. Also in 1965, the legislature made it easier for Johnson County to obtain land or buildings which were needed to conduct county business, and allowed for the bonding of those purchases. See K.S.A. 15,108. And in 1961, rather than requiring each city within Johnson County to fend for itself in locating reliable sources of water, the legislature enacted legislation that permitted Johnson County to take a county wide approach to dealing with the future water needs of all its citizens. See K.S.A. 19-3522, et seq.

There is little doubt that these legislative enactments contributed to the steady, planned growth of Johnson County. They fit the particular needs of Johnson County without burdening the other 104 counties with laws that might not have been appropriate for those other communities. That’s the beauty of the urban area designation.

## **Conclusion**

Article II, Sec. 17 of the Kansas constitution permits the Kansas legislature to designate a particular county (or areas within a county) as an urban area. Once that is done, the legislature can then enact legislation that can apply solely to that county, which protects the other counties and cities within Kansas from a one-size-fits-all solution that may not be what is best for all of them. What has worked best in Johnson County, for example, might not have worked at all in the other 104 counties of Kansas.

There simply is no downside to any other community or governmental entity to designating Sedgwick County as an urban area. This designation would not, in and of itself, empower Sedgwick County to do anything. It would merely enable the legislature to adopt legislation that could be uniquely crafted for Sedgwick County without creating any constitutional issues. And any legislation enacted for Sedgwick County would still have to go through the usual legislative process.

I hope this has explained our position on this matter, and if you have additional questions, please do not hesitate to contact me.

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Eric R. Yost  
County Counselor