

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2165

As Amended by House Committee on Local
Government

Brief*

HB 2165 would amend law regarding appointments to vacancies in the office of a director of an improvement district. The bill would create specific provisions for the Peck Improvement District located in Sumner and Sedgwick Counties.

The bill would require, when a vacancy occurs in the office of a director of the Peck Improvement District, the Sumner County Commission would appoint a resident of Sumner County or Sedgwick County to hold the office until the next election. If the Sedgwick County Commission does not reject the appointment within 30 days, the appointment would be considered approved. If the appointment is rejected, the appointment process would be repeated until a director is selected.

Continuing law, which would apply to all other improvement districts, specifies when a vacancy occurs in the office of director of an improvement district, the remaining directors appoint a person to fill the vacancy until the next election.

The bill would be in effect upon publication in the *Kansas Register*.

*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>

Background

In the House Committee on Local Government Representative Trimmer testified in support of the bill, explaining the change would affect only one improvement district, and is needed because the directors of the district have either resigned or are unwilling to serve. The Assistant County Counselor for Sumner County also testified in support of the bill and provided the following explanation. He said the Peck Improvement District was created in 2003 to provide sewer services to its members. At the most recent election, three candidates were elected – two candidates were on the ballot and one was a write-in candidate. The directors named on the ballot submitted resignations and the write-in candidate has not agreed, as of the time of the Committee's hearing, to sign an oath of office. However, the needs of the district to continue basic operation of the sewer system remain, notwithstanding the lack of a Board. The two counties have provided informal assistance but are legally prohibited from, and have no interest in, assuming control of the improvement district. A representative of Sedgwick County testified the County supports the bill but proposes an amendment to more clearly define the County's right to approve or disapprove Sumner County's appointment of a director.

The House Committee amended the bill to include provisions that further specify the appointment process.

The fiscal note prepared by the Division of the Budget on the introduced version of the bill indicated the Kansas Association of Counties does not expect enactment of the bill to have a fiscal effect on any Kansas County.