

KANSAS OFFICE of  
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LEGISLATURE of THE STATE of KANSAS  
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**MEMORANDUM**

To: Chairman Barker  
Members of the House Committee on Federal and State Affairs

From: Jason B. Long, Senior Assistant Revisor

Date: January 31, 2017

Subject: HCR 5004 – Constitutional amendment to provide county home rule.

House Concurrent Resolution No. 5004 (HCR 5004) would add new Section 6 to Article 9 of the Constitution of the State of Kansas. New Section 6 would grant counties the power of home rule in the same manner as cities currently have home rule under Section 5 of Article 12 of the Constitution.

Subsection (a) of Section 6 empowers counties to determine their local affairs except in matters where the law applies uniformly to all counties. A law must have non-uniform application for a county to exercise its home rule authority. This same limitation currently applies to cities.

Subsection (b) governs how a county may exercise its home rule authority. To exempt itself from a non-uniform state law, the county must adopt a charter resolution in accordance with subsection (b). The resolution must be approved by  $\frac{2}{3}$  of the members of the board of county commissioners. The resolution also must specifically state what state laws are being made inapplicable to the county, and be published once a week for two consecutive weeks in a newspaper of general circulation in the county.

The board of county commissioners may submit the charter resolution to the electorate of the county for approval. If the resolution is not directly submitted to an election for approval, then it will become effective 60 days after its final publication, unless 10% or more of the electorate of the county sign a petition requesting that the resolution be submitted to an election for approval. A charter resolution may only be amended or repealed by a subsequent charter resolution or any a uniform enactment of the Legislature.

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As with all amendments to the Constitution of the State of Kansas, HCR 5004 must first be approved by  $\frac{2}{3}$  of the members of each legislative House. It would then be submitted to the voters at the general election held in 2018. If approved by the voters at that general election, the amendment would become effective.