

To: House Local Government Committee

From: Erik Sartorius, Executive Director

Date: February 2, 2022

RE: Testimony in opposition to House Bill 2518

I would like to thank the Chairman and members of the Committee for allowing the League of Kansas Municipalities the opportunity to provide testimony in opposition to House Bill 2518.

We have heard recently of a few instances where residents have felt caught off-guard that they were in a benefit district. As the benefit – frequently road improvements – is completed, the cost of the said benefit is then assessed against the landowners within the benefit district.

A significant change in the bill removes one of the conditions by which a property owner may seek a benefit district. Currently, a majority of the resident owners whose property would be in the benefit district OR resident owners with more than half of the area that would be in the benefit district may file petitions. HB 2518 removes this second option. While this appears to be an attempt to prohibit a large landowner from seeking a benefit district on others, this change in law would make the converse true: owners with a minority of land could seek to impose a benefit district on a single landowner with the majority of land in the benefit district.

The key item to consider is that the city's governing body is tasked with evaluating a petition for a benefit district with several criteria laid out in Section 1(c). They are not a rubber stamp. By making the changes found in HB 2518, petitions from certain landowners would no longer even make it to the process where advantages and disadvantages of a benefit district would be weighed.

Section 2 of the bill creates a process that appears to be new to Kansas law. We are not aware of any current statute that prohibits a local ordinance from taking effect until mailed to third parties. Given that consideration of a benefit district occurs at a regular meeting of the governing body and the vote occurs in public, the result of any action or inaction of the city's governing body is readily available. We do not believe this provision should be retained.

Returning to Section 1, we would recommend some clarifications as not every subsection requires a public hearing. So as to not create confusion as to when noticing provisions are applied to the subsections, we suggest two changes for Section 1(a):

- First, on page 1, line 12: “*Unless otherwise stated in this section, before any contract...*”
- Second, on page 1, line 15: “*If a hearing is required, except as provided in subsections (f) and (g), notice of the hearing...*”

We do understand the concerns raised by proponents of HB 2518. However, we do believe changes can be made to the bill which achieves their goals while also making the legislation more workable for all parties. We gladly would participate in efforts to do that. Absent changes to the legislation, the League remains opposed to HB 2518.