

MINUTES OF THE HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Jene Vickrey at 3:30 P.M. on February 3, 2005 in Room 519-S of the Capitol.

All members were present except:

Representative Sue Storm- excused

Committee staff present:

Mike Heim, Legislative Research Department
Martha Dorsey, Legislative Research Department
Theresa Kiernan, Revisor of Statutes Office
Maureen Stinson, Committee Secretary
Norm Furse, Revisor of Statutes Office

Conferees appearing before the committee:

Rep. Mah
Terry Holdren, Kansas Farm Bureau
Kim Botoroff
Julie Beehler
Eric Sartorius, City of Overland Park
Bob Haselwood
Don Moler, League of Kansas Municipalities
Scott Schneider, City of Wichita

Others attending:

See attached list.

Bill Introductions

Chairman Vickrey informed the committee that Rep. Newton has requested a committee bill that would require that any municipality authorized to impose user fees or charges conduct an audit that includes details of the costs directly related to the service for which the user fee or charge would be imposed.

Without objection, the request will be accepted as a committee bill.

Scott Schneider, City of Wichita, requested a committee bill addressing how the City reports its fire code inspections to the State.

Without objection, the request will be accepted as a committee bill.

Rep. Holland requested a committee bill relating to redistricting of legislative districts, state board of education districts and congressional districts.

Without objection, the request will be accepted as a committee bill.

Rep. Feuerborn requested a committee bill relating to annexation and mineral leaseholders. He is seeking to amend the statute that defines terms used in state annexation laws in order to provide protection for a lessee on that property.

Without objection, the request will be accepted as a committee bill.

Chairman Vickrey opened the hearing on:

HB 2229 **Cities; unilateral annexation; factors to consider prior to annexation**

HB 2230 **Unilateral annexation; boundary commission**

Rep. Ann Mah testified in support of **HB 2230** (Attachment 1). She said that the proposed legislation provides

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a safety net for those parties being annexed to ensure that concerns of all parties are met and that the plan is in the public interest.

Terry Holdren, Kansas Farm Bureau, testified in support of **HB 2229 and HB 2230** (Attachment 2). He explained that **HB 2229** significantly increases the factors that a city must document before it moves forward with a proposed annexation. He said that **HB 2230** provides the residents in a proposed annexation area an avenue to participate in the process and offer their views in a meaningful and constructive manner.

Kim Botoroff testified in support of **HB 2229 and HB 2230** (Attachment 3). She spoke on behalf of 300 plus residents of Atchison County and explained that the current unilateral annexation laws are being used by city government to actively take county properties into the confines of the city limits without discussion, permission, or representation. She said that the county commissioners hands are tied by current statutes not including them in the process of unilateral annexation and that county residents have no representation nor rights in the unilateral annexation process.

Julie Beehler, resident of Atchison County, testified in support of **HB 2229 and HB 2230**. No written testimony was provided.

Eric Sartorius, City of Overland Park, testified in opposition to **HB 2229 and HB 2230** (Attachment 4). He explained that under both bills a district could be asked to determine whether the annexation was “reasonable.” He said it is unclear in the proposed legislation what the court would review in order to judge the “reasonableness” of an annexation.

Bob Haselwood testified in opposition to **HB 2229 and HB 2230** (Attachment 5). He explained that he is a farmer, member of the Shawnee County Farm Bureau Board of Directors, Clerk of Topeka Township, and a board member of the Shawnee Heights Fire District. He said that members of the Shawnee County Farm Bureau Board of Directors feel that when annexation occurs, the remaining county residents will often times be forced to pay higher taxes just to maintain the services that they presently receive or pay higher taxes and receive substantially reduced services.

Don Moler, League of Kansas Municipalities, testified in opposition to **HB 2230** (Attachment 6). He said legislation is unwarranted and unnecessary. Mr. Moler also testified in a neutral position concerning **HB 2229** (Attachment 7). He said they are concerned with further amendments which are found in the bill and would be very concerned if additional amendments were added which would further limit the unilateral annexation authority of cities and hamper the ability of cities to grow in an orderly fashion.

Scott Schneider, City of Wichita, testified in opposition to **HB 2230** (Attachment 8). He testified they oppose the bill because it, ultimately, place the decision of Wichita’s growth into the hands of one unelected, unaccountable appointee.

James McClinton, Mayor of Topeka, submitted written testimony (Attachment 9).

Chairman Vickrey closed the hearing on **HB 2229 and HB 2230**.

The Chairman adjourned the meeting.

Next meeting is scheduled for Tuesday, February 8, 2005.