

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Sharon Schwartz at 3:30 p.m. on February 10, 2009, in Room 446-N of the Capitol.

All members were present except:

Representative Ann Mah- excused
Representative Michael Peterson - excused

Committee staff present:

Ken Wilke, Office of the Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Carol Bertram, Committee Assistant

Conferees appearing before the committee:

Representative Vince Wetta
Representative Pete DeGraaf
Don Moler, Executive Director, League of Kansas Municipalities
Michael Shultz, City of Overland Park
Ben Sciortino, City of Mulvane
Vic Miller, Shawnee County
Whitney Damron, City of Topeka

Others attending:

See attached list.

Representative Schwartz, Chair, opened the hearing on **HB 2084** - **Cities; annexation; strip annexations restricted.**

Ken Wilke, Office of the Revisor of Statutes, presented an overview of **HB 2084** explaining amendments contained in the bill.

Questions and answers followed.

Proponents:

Representative Vince Wetta appeared before the Committee and presented testimony in support of **HB 2084** (Attachment 1). He stated that **HB 2084** would clarify existing law and make certain types of annexation illegal. As part of his testimony, he distributed a map (Attachment 2) showing a recent annexation and K-53 highway, which is the county line between Sedgwick and Sumner Counties. He said voters north of the highway in Sedgwick County voted against allowing a casino and south of the highway in Sumner County voters approved gambling. He went on to identify several individuals from Wellington who also were present and in support of **HB 2084**.

Questions and answers followed.

Representative Pete DeGraaf appeared before the committee and presented testimony in support of **HB 2084** (Attachment 3). He stated this bill does not address “flag pole” or “strip” annexation. Its intent is to clarify and make illegal annexation that some call “ribbon” or “shoe string” annexation. He preferred to call it “snaking” annexation. He remarked that this is a Kansas issue and that citizens across the state need this clarification. Representative DeGraaf went on to read excerpts from letters from people who had submitted written only testimony in support of **HB 2084**: Kent and Rebecca Ott (Attachment 4), Shawn Townson (Attachment 5), Les Sims (Attachment 6), Paul Sutherland (Attachment 7), Kristy Sutherland (Attachment 8), Jacque Farnsworth (Attachment 9), Susan Pierce (Attachment 10), Darrell and Barbara Zimmerman (Attachment 11), Dean and Dorothy Mills (Attachment 12), Dusty Tavares (Attachment 13) and Graham Hamilton (Attachment 14).

Questions and answers followed.

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The Chair recognized Gus Collins, City Manager of Wellington, Kansas, who appeared before the committee in support of **HB 2084** (Attachment 15). He stated that annexation is critical to all local units of government to be able to grow and develop, and that **HB 2084** will assist in the clarification of the statute that eliminates the “shoestring annexation”.

Opponents:

Don Moler, Executive Director, League of Kansas Municipalities, appeared before the Committee in opposition to **HB 2084** (Attachment 16). He stated **HB 2084** is unwarranted and unnecessary, and he would strongly urge the Committee to reject this bill.

Michael Shultz, City of Overland Park, appeared before the Committee to offer testimony in opposition to **HB 2084** (Attachment 17). He stated the problem with **HB 2084** is that it would prohibit a landowner from consenting to the annexation of a portion of his tract for development in the city. He said it would directly interfere with the rights of landowners who want to annex into a city.

The Chair recognized Ben Sciortino, City of Mulvane, who appeared before the committee to offer testimony in opposition to **HB 2084** (Attachment 18). In his testimony, he concluded that **HB 2084** would limit and impair a landowner’s right to voluntarily allow portions of land he or she owns to be annexed by a city, and that it is simply bad policy to set a retroactive date to undo something that has been done in accordance with current state statutes.

There being no further conferees to testify before the Committee in regard to **HB 2084**, Chair Schwartz closed the hearing on **HB 2084**.

Chair Schwartz opened the hearing on **HB 2032** - Cities; annexation; deannexation procedures.

Ken Wilke, Office of the Revisor of Statutes, presented an overview of **HB 2032**, stating it deals with annexation and is similar in many ways to **HB 2029**.

Questions and answers followed.

Proponents:

Representative Vince Wetta appeared before the committee to read written testimony submitted by Representative Mah in support of **HB 2032** (Attachment 19).

Written testimony in support of **HB 2032** was received from Vic Miller, Shawnee County (Attachment 20).

Kelly Parks, Sedgwick County, appeared before the committee in support of **HB 2032**. No written testimony was submitted.

Opponents:

Don Moler, Executive Director, League of Kansas Municipalities, appeared before the Committee in opposition to **HB 2032** (Attachment 21). He stated this bill is unwarranted and unnecessary, and that to undertake this type of significant change to an existing statute is not appropriate. He strongly urged the Committee to reject this bill.

Michael Shultz, City of Overland Park, appeared in opposition to **HB 2032** (Attachment 22). He stated **HB 2032** would turn the annexation process from a carefully considered planning decision into a purely political decision by the board of county commissioners.

Whitney Damron, City of Topeka, appeared before the Committee to submit testimony in opposition to **HB 2032** (Attachment 23). He stated the City of Topeka does not support changes to existing laws relating to annexation and thinks current law allows for dispute resolution, in the rare instances it comes up, to be handled at the local level.

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Written testimony in opposition to **HB 2032** was received from Jack Whitson, City Administrator, Park City, Kansas (Attachment 24).

There being no other conferees to appear before the Committee Chair Schwartz closed the hearing on **HB 2032**.

There had been reference made to a court opinion for Sumner County. Chair Schwartz informed the Committee that copies it would be available in her office at 161-W.

The next meeting is scheduled for February 12, 2009.

The meeting was adjourned at 5:40 p.m.

Representative Sharon Schwartz, Chair