

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chair Sharon Schwartz at 3:30 p.m. on February 2, 2010, in Room 144-S of the Capitol.

All members were present except
Representative Michael Peterson, Excused

Committee staff present:
Mike Heim, Office of the Revisor of Statutes
Kristen Kellems, 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 Vincent Wetta, 80th District
Representative Peter DeGraaf, 81st District
Don Moler, Executive Director, League of Kansas Municipalities
Whitney Damron, City of Topeka
Erik Sartorius, City of Overland Park

Others attending:
See attached list.

Chair Schwartz drew the Committee's attention to the minutes of January 21, 2010, which had been distributed by e-mail earlier. It was moved by Representative Huebert, seconded by Representative Slattery that the January 21, 2010, minutes be approved as written. The motion carried.

Chair Schwartz stated that unless there is a change in the time of the meeting or the meeting room she does not plan to announce an upcoming Local Government Committee meeting after Session.

Chair Schwartz opened the hearing on **HB 2471 - Cities; annexation; strip annexation restricted.**

Martha Dorsey, Legislative Research Department, presented the Committee with an overview of **HB 2471**. She stated this bill would prevent a city from annexing only a portion of an individual's tract of land, or from annexing a narrow corridor of land in order in order to gain access to noncontiguous tracts of land.

Questions from the Committee followed.

Proponents

Chair Schwartz recognized Representative Vince Wetta, 80th District, who presented testimony in favor of **HB 2471** (Attachment #1). He stated the intent of the bill is not to limit a city's ability to annex, but to clarify the current law. He encouraged the Committee to pass this bill favorably. Questions from the Committee followed.

Representative Peter DeGraaf, 81st District, presented testimony in support of **HB 2471**, and encouraged the Committee to send this bill quickly to the House Floor for passage (Attachment #2).

There being no further proponents to present testimony, Chair Schwartz drew the Committee's attention to six written-only testimonies: Gus Collins, City Manager, City of Wellington (Attachment #3); Kristy Sutherland, private citizen (Attachment #4); Paul Sutherland, private citizen (Attachment #5); Shawn Townson, private citizen (Attachment #6); Graham A. Hamilton, private citizen (Attachment #7); and Terry Holdren, Government Relations, Kansas Farm Bureau (Attachment #8).

Opponents

Don Moler, Executive Director, League of Kansas Municipalities, stated **HB 2471** is unwarranted and

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unnecessary. To undertake this type of significant change to an existing statute, in an effort to resolve a dispute concerning the location of a gaming facility, is not appropriate, and he strongly urged the Committee to reject the bill (Attachment #9). Questions and answers followed.

Whitney Damron, City of Topeka, presented testimony in opposition to **HB 2471** (Attachment #10). He stated the City of Topeka had two concerns with the bill as written. (1) The bill proposes to restrict or otherwise prohibit an annexation that is agreed upon by a property owner and the city. (2) New section 2 (h) of the bill attempts to define what is prohibited, but that definition is vague and likely will lead to litigation.

Questions by the Committee and discussion followed.

Erik Sartorius, City of Overland Park, appeared in opposition to **HB 2471** (Attachment #11). He stated the state's annexation policy should not be driven by an isolated instance where the annexation statutes might have been used in a way that some critics believe is wrong. There should be careful consideration of this issue with a weighing of the pluses and minuses of prohibiting annexations where a landowner consents to annexation, and where a city council or commission finds that the annexation will promote the health, safety and welfare of its citizens. Questions and answers followed.

Chair Schwartz drew the Committee's attention to two written-only opponent testimonies, from Kent Hixson, City Administrator, City of Mulvane (Attachment #12) and Jennifer Bruning, Overland Park Chamber of Commerce (Attachment #13).

There being no further conferees to appear before the Committee, Chair Schwartz closed the hearing on **HB 2471 - Cities; annexation; strip annexation restricted.**

Chair Schwartz opened the hearing on **HB 2478 - Cities; annexation; county approval of certain annexations.**

Martha Dorsey, Legislative Research, presented the Committee with an overview of **HB 2478**, pointing out certain aspects of the bill.

Proponents

Representative Ann Mah, 53rd District, presented testimony in support of **HB 2478** (Attachment #14). She asked the Committee to support the concepts of **HB 2478** as a common-sense solution to a problem that has continued far too long.

Kelly Parks, West Valley, presented testimony in support of **HB 2478** (Attachment #15). He said it could be a first step in burying outdated and archaic law allowing unilateral annexation that only two states in the nation have left in state law. He went on to urge the Committee to pass a comprehensive annexation law that protects the right to own property by rural citizens. Questions and answers followed.

There being no further proponents to testify, Chair Schwartz drew the Committee's attention to six written-only testimonies: (1) State Senator Anthony Hensley, 19th District (Attachment #16); (2) Mark and Debbie Hudson, private citizens (Attachment #17); (3) Dennis F. Schwartz, private citizen (Attachment #18); (4) Terry Holdren, Government Relations, Kansas Farm Bureau (Attachment #19); (5) Representative Mike Burgess, 51st District (Attachment #20); and Fred and Jane Mosteller. Private citizens (Attachment #21).

Opponents

Don Moler, Executive Director, League of Kansas Municipalities, spoke in opposition to **HB 2478**. He stated this bill is unwarranted and unnecessary and that to undertake this type of significant change to an existing statute is not appropriate. The League of Kansas Municipalities would strongly urge the Committee to reject the bill (Attachment #22). Questions and answers followed.

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Whitney Damron, City of Topeka, spoke in opposition to **HB 2478**. He stated this bill would effectively prohibit the use of unilateral annexation authority by a city, that annexation is intended to allow for the orderly growth of a city to meet the needs of both its citizens and those who are located close to the city, and that most annexations occur in Kansas through consensual annexations between cities and property owners. Under current law he said, a city can utilize unilateral annexation authority only under certain circumstances based upon well-established criteria and statutory provisions (Attachment #23).

Erik Sartorius, City of Overland Park, appeared in opposition to **HB 2478** stating that the bill is not needed. That the current statute already imposes enormous burdens on cities that wish to annex under the statute, and that the bill would turn the annexation process from a carefully considered planning decision into a purely political decision by the board of county commissioners (Attachment #24). Questions and answers followed.

There being no further opponents present to testify, Chair Schwartz drew the Committee's attention to four written-only testimonies in opposition to **HB 2478**: (1) Robert W. Parnacott, Assistant County Counselor, Sedgwick County (Attachment #25); (2) Dale Goter, Government Relations Manager, City of Wichita (Attachment #26); (3) Jennifer Bruning, Overland Park Chamber of Commerce (Attachment #27); and (4) Kent Hixson, City Administrator, City of Mulvane (Attachment #28).

Chair Schwartz closed the hearing on **HB 2478**

The next meeting is scheduled for February 4, 2010.

The meeting was adjourned at 5:00 p.m.

Representative Sharon Schwartz, Chair