

Approved Ivan Sand 3/5/85  
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE IVAN SAND at  
Chairperson

1:30 ~~xxx~~ a.m./p.m. on FEBRUARY 26, 1985 in room 521-S of the Capitol.

All members were present except: Rep. George Dean, excused  
Rep. Don Rezac, excused  
Rep. Rick Bowden, excused  
Rep. LeRoy F. Fry, excused  
~~XXXXXXXXXXXXXXXXXXXX~~ Rep. L. V. Roper, excused  
Rep. Mary Jane Johnson, excused  
Rep. Pat Weaver, excused  
Rep. Samuel Sifers, excused

~~XXXXXXXXXXXXXXXXXXXX~~  
Committee staff present: Mike Heim, Legislative Research Dept.  
Mary Hack, Revisor of Statutes Office  
Gloria Leonhard, Secy. to the Committee

Conferees appearing before the committee:  
Rep. Michael Peterson -- HB 2383  
Dr. Carlos Cooper, Wyandotte County Commission -- HB 2383  
Commissioner Patrick Scherzer, Wyandotte County Commission -- HB 2383  
Mr. Chris McKenzie, League of Kansas Municipalities -- HB 2383

Chairman Ivan Sand called for committee discussion on the following bill:

HB 2117, concerning municipalities; relating to annexation.

A balloon bill showing proposed amendments was furnished by Staff. (See Attachment I.)

Rep. Elizabeth Baker explained the proposed bill amendments.

Rep. Ginger Barr, a sponsor of the bill, endorsed the proposed amendments as "a compromise".

The possibility of lowering the proposed 75% requirement to 51% was discussed. It was pointed out that 75% of the property owners would not necessarily be the owners of 75% of the property.

Rep. Elizabeth Baker made a conceptual motion to require not less than 51% of the property and not less than 51% of the owners of the property on a petition requesting denial of annexation.

Rep. Dorothy Nichols seconded the motion. The motion carried with Rep. Carl Holmes being recorded as voting "no."

Rep. Elizabeth Baker made a motion that notice of hearing shall be sent by certified mail to the city proposing annexation, the township, and to the property owners at least five days prior to the publication of the notice of hearing. Rep. Clyde Graeber seconded the motion. The motion carried.

Rep. Elizabeth Baker made a motion that HB 2117 be amended as proposed. Rep. Clyde Graeber seconded the motion. The motion carried.

Rep. Elizabeth Baker made a motion that HB 2117 be passed as amended. Rep. Clyde Graeber seconded the motion. The motion carried with Rep. Dorothy Nichols, Rep. Phil Kline, and Rep. Clinton Acheson being recorded as voting "no."

The discussion on HB 2117 was closed.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

room 521-S, Statehouse, at 1:30 ~~xxx~~ a.m./p.m. on FEBRUARY 26, 1985

HB 2376, concerning municipalities; relating to the issuance of revenue bonds.

Mr. Mike Heim, Staff, gave an overview of the bill.

It was suggested that the word, "commercial," be removed from the bill.

Chairman Sand informed the Committee that the sponsor of the bill, Rep. David Heinemann, could not be present but that he has indicated that certain problems exist in connection with the bill.

The hearing on HB 2376 was closed.

HB 2383, relating to revenue bonds for economic development; concerning issuance of such bonds by counties.

Rep. Michael Peterson, sponsor of the bill, appeared to give background and intent of the bill. Mr. Peterson urged the Committee to support the bill and asked that as a last resort it be limited to Wyandotte County.

It was suggested that the word "commercial" be removed from Line 28 of the bill.

Dr. Carlos Cooper, representing the Board of County Commissioners of Wyandotte County, introduced Commissioner Patrick Scherzer who asked that counties and cities that are working together to attract new industry not be stopped in the middle of a transaction to get funds; that the Committee support the bill. Dr. Carlos Cooper noted that HB 2383 is totally positive; that it may be a key in property development.

Rep. Sand asked if localizing the bill to Wyandotte County would make the entire economic development bond law subject to home rule by cities. Mr. Mike Heim, Staff, suggested requesting an opinion from the Attorney General regarding the question.

Mr. Chris McKenzie, representing the League of Kansas Municipalities, pointed out that cities have limitations and the same limitations are being requested for counties.

It was the general concensus that an Attorney General's opinion should be requested on HB 2383 and that a later request be formed.

The hearing on HB 2383 was closed.

Chairman Sand called for action on SB 12, concerning the limitation of bonded indebtedness. Rep. Robert D. Miller made a motion that SB 12 be passed and placed on the Consent Calendar. Rep. Elizabeth Baker seconded the motion. The motion carried.

The minutes of the meeting of February 21, 1985, were approved as presented.

The meeting was adjourned.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

DATE 2-26-85

NAME	ADDRESS	REPRESENTING
Phil Anderson	-	BUDGET DIV.
James Shockey	1112 N. 4th St. KCK	CITY OF KCK
Tom Groneman	6900 Parallel	K. C. K.
Larry Deaton	5417 Sutton	KCK WY. Co.
Fred Allen	Topeka	P.A.C.
Paul M. Kopp	K.C. KCK	WY. C. C. IMPROVEMENT
Nathaniel Johnson	4001 W 97th. K.C.K.	W. Co. Comm.
Ray Mink	Capital	W. Co. Comm.
Don Tracy	Seidenbach family commission	
KC Dewey	WICMITA	SERKICK CO.
Almeda Edwards	Ottawa	7th Co Farm Bureau
Lesley Ross	Atlatla	7th Co Commissioners
John S. Owens	Lawrence	CITY OF LAWRENCE
James Zachary	Lawrence	CITY OF LAWRENCE
Harold Shoaf	Topeka	KEC
Bev BRADLEY	LAWRENCE	KS Assoc. Counties
Dave Toplikar	Lawrence	Lawrence Journal-World
Ed Reuert	Topeka	Self
Rich Brown	Reg. - Auburn	
Harry Brown	Reg. 27th Dist.	
Chris McKenzie	Topeka	League of Ks. Municipalities
WARREN PORTER	EMPORIA	CITY OF EMPORIA

## HOUSE BILL No. 2117

By Representatives Barr, Brown, Laird, Littlejohn,  
D. Miller and Smith

1-30

0018 AN ACT concerning municipalities; relating to annexation;  
0019 amending K.S.A. 12-520 and repealing the existing section.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 12-520 is hereby amended to read as fol-  
0022 lows: 12-520. (a) Except as ~~otherwise~~ hereinafter provided, the  
0023 governing body of any city ~~may~~ by ordinance *may* annex land to  
0024 such city if any one or more of the following conditions exist:

0025 ~~(a)~~ (1) The land is platted, and some part of ~~such~~ *the* land  
0026 adjoins the city.

0027 ~~(b)~~ (2) The land is owned by or held in trust for the city or  
0028 any agency thereof.

0029 ~~(c)~~ (3) The land adjoins the city and is owned by or held in  
0030 trust for any governmental unit other than another city, except  
0031 that no city may annex land owned by a county which has  
0032 primary use as a county-owned and operated airport, or other  
0033 aviation related activity, without the express permission of the  
0034 board of county commissioners of ~~such~~ *the* county.

0035 ~~(d)~~ (4) The land lies within or mainly within the city and has  
0036 a common perimeter with the city boundary line of more than  
0037 ~~fifty percent (50%)~~ 50%.

0038 ~~(e)~~ (5) The land if annexed will make the city boundary line  
0039 straight or harmonious and some part thereof adjoins the city,  
0040 except no land in excess of ~~twenty (20)~~ 20 acres shall be annexed  
0041 for this purpose.

0042 ~~(f)~~ (6) The tract is so situated that ~~two-thirds (2/3)~~ <sup>(3/3)</sup> 2/3 of any  
0043 boundary line adjoins the city, except no tract in excess of ~~twenty~~  
0044 ~~(20)~~ 20 acres shall be annexed under this condition.

0045 ~~(g)~~ (7) The land adjoins the city and a written petition for or

(ATTACHMENT I)

2/26/85

Attachment 1

0046 consent to annexation is filed with the city by the owner.

0047 No unplatted tract of land of ~~forty-five (45)~~ 55 acres or more  
0048 which is used only for agricultural purposes shall be annexed by  
0049 any city under the authority of this section without the written  
0050 consent of the owner thereof. *In order to prevent piece-meal*  
0051 *annexation, no city shall annex any portion of such agricultural*  
0052 *land without the written consent of the owner thereof.*

0053 Whenever any city shall ~~annex~~ annexes any land under the  
0054 authority of subsection (b) of this section paragraph (2) of this  
0055 subsection which does not adjoin the city, tracts of land adjoining  
0056 the land so annexed shall not be deemed to be adjoining the city  
0057 for the purpose of annexation under the authority of this section  
0058 until such the adjoining land or the land so annexed adjoins the  
0059 remainder of the city by reason of the annexation of the inter-  
0060 vening territory.

0061 No city shall be authorized to annex the right-of-way of any  
0062 highway under the authority of this section unless at the time of  
0063 such the annexation the abutting property upon one or both sides  
0064 thereof is already within the city or is annexed to the city in the  
0065 same proceeding.

0066 The governing body of any city may by one ordinance may  
0067 annex one or more separate tracts or lands each of which con-  
0068 forms to any one or more of the foregoing conditions. The  
0069 invalidity of the annexation of any tract or land in one ordinance  
0070 shall not affect the validity of the remaining tracts or lands which  
0071 are annexed by such the ordinance and which conform to any  
0072 one or more of the foregoing conditions.

0073 Any owner of land annexed by a city under the authority of this  
0074 section may subsection, within thirty (30) 30 days next following  
0075 the publication of the ordinance annexing such the land, may  
0076 maintain an action in the district court of the county in which  
0077 such the land is located challenging the authority of the city to  
0078 annex such lands the land and the regularity of the proceedings  
0079 had in connection therewith.

0080 (b) If, within 60 days after the last publication of an annex-  
0081 ation ordinance, a petition signed by at least 5% of the qualified  
0082 ~~voters residing within the area proposed to be annexed is filed~~

And 5190 of 1978  
51 of 1978  
"the owners of not less than 75% of the property within  
the area proposed to be annexed is filed with the county clerk  
who shall certify that the petition contains the names of not  
less than 75% of the property owners in the area to be annexed.  
The petition shall: (1) Be addressed to the board of county  
commissioners in which the land sought to be annexed is located;  
(2) contain the names of property owners within the area sought  
to be annexed, including a general description of the boundaries  
of their property; (3) request that the board of county  
commissioners deny the petition for annexation.

Upon certification of the petition by the county clerk, the  
board of county commissioners shall fix a date and give notice of  
a public hearing to be held thereon. The date fixed for such  
public hearing shall be not less than 30 days following the date  
of the certification of the petition requesting denial of the  
annexation. Notice of the time and place of the hearing,  
together with a legal description of the land sought to be  
annexed and the names of the owners thereof, shall be published  
in the official county newspaper or any other newspaper of  
general circulation in the county, not less than one week and not  
more than two weeks preceding the date for such hearing. The  
hearing shall be held at the county courthouse in the county  
where the petition is filed.

Notice of receipt of the petition requesting denial of  
annexation shall be sent by certified mail to the city proposing  
annexation upon certification of such petition. Notice of the  
date of the hearing shall be mailed to the city at least five  
days prior to publication of the notice of the hearing. Notice  
of such hearing also shall be mailed to the township in whose  
boundaries the territory proposed to be annexed lies and to the  
property owners in the area proposed to be annexed.

The hearing shall be conducted in a judicious manner,  
presided over by the chairman of the board of county  
commissioners. The hearing may be adjourned from time to time.  
Time shall be set aside for the proponents of the proposed  
annexation to be heard and to present documentary evidence and  
briefs supporting the contention that the annexation should be  
allowed. Following the time set aside for proponents, time shall  
be set aside for the opponents of the proposed legislation to be  
heard and to present documentary evidence and briefs supporting  
the contention that the annexation should be denied. All those  
wishing to be heard and to present documentary evidence or briefs  
shall be allowed to do so.

As a guide in determining the advisability of the proposed  
annexation, the board of county commissioners shall consider the  
following factors among others:

0083 with the county election officer, the land shall not be annexed  
 0084 until the proposal has been submitted for approval at an elec-  
 0085 tion by the qualified voters residing within the area proposed to  
 0086 be annexed. Except as provided herein, the election shall be held  
 0087 at the next school district or county primary or general election.  
 0088 Notice of the election shall be given in the manner provided by  
 0089 the general election law. If there is no school district or county  
 0090 primary or general election within 60 days after the petition is  
 0091 filed, then the question shall be submitted by a mail ballot  
 0092 election in the manner provided by K.S.A. 25-431 et seq., and  
 0093 amendments thereto. A 51% majority vote against the proposal  
 0094 shall be required to defeat the proposal.

0095 Any suit, action or other proceeding, judicial or administra-  
 0096 tive, relating to the power and authority of cities to annex  
 0097 unincorporated territory which is pending prior to the effective  
 0098 date of this act shall be subject to the provisions of this act.

0099 Notwithstanding any provision of this subsection, a city shall  
 0100 be authorized to annex land which adjoins the city and for  
 0101 which a written petition for or consent to annexation is filed  
 0102 with such city by the owner.

0103 Sec. 2. K.S.A. 12-520 is hereby repealed.

0104 Sec. 3. This act shall take effect and be in force from and  
 0105 after its publication in the statute book.

(continued from page 2)  
 (1) Population and population density of the area proposed to be annexed;

(2) area of platted land relative to unplatted and assessed value of platted land relative to assessed value of unplatted areas;

(3) likelihood of significant growth in the area and in adjacent areas during the next five years;

(4) the present cost and adequacy of governmental services and controls in the area;

(5) the proposed cost, extent and necessity of governmental services to be provided by the city proposing annexation and the estimated length of time to extend 100% of such services;

(6) present level of direct reliance of the area upon services provided by the city proposing annexation;

(7) past growth of the area in terms of population and the extent of business, commercial and industrial development;

(8) effect of the proposed annexation on adjacent areas, including other cities, improvement districts or industrial districts; and

(9) topography, natural boundaries, drainage basins, transportation links, or any other physical characteristics which may be an indication of the existence or absence of common interest of the city and the area proposed to be annexed.

The board of county commissioners shall render a judgment within seven days after the hearing has been adjourned sine die. If a majority of the board of county commissioners conclude that the annexation should be allowed, they shall grant the annexation by resolution and the city may proceed to annex the land by ordinance. Orders of the board of county commissioners denying petitions for annexation shall require a majority vote of the members of the board. When an order denying a petition for annexation is issued, it shall be by resolution, which shall be sent by certified mail to the city proposing the annexation. Such city may not submit a subsequent petition for annexation of any portion of the land sought to be annexed for a period of five years following the date of receipt of the resolution denying the petition for annexation."