

Approved February 11, 1986  
Date

MINUTES OF THE Senate COMMITTEE ON Local Government

The meeting was called to order by Senator Don Montgomery at  
Chairperson

9:00 a.m./~~p.m.~~ on February 5, 1986 in room 531-N of the Capitol.

All members were present except: Senator Steineger who was excused

Committee staff present: Mike Heim, Emalene Correll, Theresa Kiernan, Lila McClaflin

Conferees appearing before the committee: Karen McClain, Kansas Association of Realtors  
Gordon Bower, Douglas County  
Scott Lambers, City of Overland Park  
Rep. Charles Laird, 59th District, Topeka  
Rep. Ginger Barr, 51st District, Auburn  
Hannes Zacharias, City of Lawrence  
Frank Williams

Hearing on S.B. 424 - deannexation bill.

Staff reviewed the bill, this bill would allow for a hearing to be held and an area could be excluded from the city if after 7½ years services had not been extended. There was some question concerning the language in lines 58-60, these lines state that if the land is deannexed it is not liable for the city general taxes. Staff was asked to check on this.

The Chairman stated he had strong feelings that this bill was needed, it was recommended by the summer task force and the testimony before the interim committee and this committee support the concept. Discussion followed on the possibility of merging this bill with H.B. 2117, which is what Senator Bogina's amendment of yesterday would do.

Gordon Bower, Douglas County, testified in support of the bill. In response to a question, he said, when their area was annexed in November of 1985, they were given a summary of when services would be extended.

Karen McClain spoke in opposition to the bill as it stands. Her association supports the amendments proposed yesterday on H.B. 2117. (Attachment I)

Committee discussion followed on the time limit before deannexation procedures can be started and whether a hearing after five years serves any purpose.

S.B. 425 - Creation of special benefit districts.

The bill prohibits the establishment or creation of special benefit districts in fringe areas of any city unless approved by at least a 3/4 majority vote of the Board of County Commissioners. Staff suggested groundwater districts and cemetery districts be removed from the bill. The Chairman stated due to a number of request from the people serving these districts, he thought they should be struck from the bill.

Senator Mulich moved to strike groundwater management districts and cemetery districts. Senator Bogina seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Local Government,  
room 521-N, Statehouse, at 9:00 a.m./~~p.m.~~<sup>XX</sup> on February 5, 1986, 19    .

S.B. 426 - This bill would make all of the provisions in S.B. 427 retroactive to August 15, 1986.

Scott Lambers testified in opposition to the bill. He asked that the date be changed to coincide with the letter sent out to the cities from Senator Montgomery and Rep. Ivan Sand, which was August 28, 1986. As the bill is drafted it would include Overland Park's annexation by one day and they started their annexation proceedings in early spring.

Rep. Charles Laird stated everyone knew last spring that annexation would be studied. City fathers looked at the letter and laughed.

Rep. Ginger Barr supported the bill, she feels that there is no recourse but to have a retroactive bill.

Gordon Bowers urged the committee to come up with something that would work.

Hannes Zacharias spoke in opposition, Lawrence's annexation originally started well before August 15.

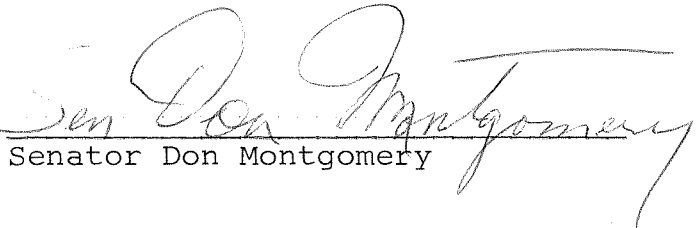
Frank William stated he favored the bill, if it would stand the constitutional test.

Several members expressed reservations at making it retroactive, they did not think that was good public policy.

Senator Langworthy moved to report the bill adversely. Senator Gaines seconded the motion. Discussion followed. Tie vote resulted, motion failed.

Senator Mulich moved to amend the date to September 1, 1985. Senator Bogina seconded the motion. The motion carried.

The meeting adjourned until 9:00 a.m., February 6, 1986.

  
Senator Don Montgomery

Date: February 5, 1986

GUEST REGISTER

SENATE

LOCAL GOVERNMENT

NAME	ORGANIZATION	ADDRESS
Eileen Ernst	CAUA	1315 Daisy Dr, Topeka, Ks.
Dorothy Conway	CAUA	1300 NW Daisy Dr Topeka Ks
Betty D. Child	CAUA	925 NE Hilltop Dr. Topeka, Ks
Joseph Beiter	CAUA	2720 NE FOREST DR. TOPEKA.
Margaret Beiter	CAUA	2730 NE FOREST DR. TOPEKA, Ks.
Kanna McIntyre	CAUA	2701 SE 33rd
Thomas McElroy	CAUA	2701 SE 33rd ST
Dr. J. L.		2216 Willow, Olathe
Judy Anderson	City of Wichita	Wichita
Madon Bower	Lawrence	Lawrence
Killie Mathis	Sedgewick Co. Bel. Plan.	Wichita
Mary Davis	CAUA	Rt #1, Tecumseh, Ks
John Davis	CAUA	Rt 1, Tecumseh Ks
Dorothy Mitchell	CAUA	Topeka Kansas
Wilna Everist	CAUA	Tecumseh Twp. Topeka, Ks.
Sarah A. Stephens	CAUA	Tecumseh Topeka, Ks
Karl W. Howland	CAUA	3467 Crestview Topeka
Eugene H. Ellingboe	CAUA	1020 NE 27, Topeka, Ks
Dorothy L. Howland	CAUA	3524 SE SHREWOOD DR, TOPEKA,
Charles L. Daco	CAUA	3521 SE ISLAND CIR TOP
A. L. Dams	CAUA	3461 S. Crestview Dr
John W. Godfrey	CAUA	3339 Nottingham, Topeka,





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TO: SENATE LOCAL GOVERNMENT COMMITTEE  
FROM: KAREN MCCLAIN, DIRECTOR, GOVERNMENTAL AFFAIRS  
DATE: FEBRUARY 5, 1986  
SUBJECT: DEANNEXATION, SB 424

On behalf of the Kansas Association of REALTORS® I appear today to speak in opposition to SB 424 as it now stands.

As we testified last week, we feel very strongly that the decision of whether or not land should be annexed, should be left in the hands of the cities, not a boundary commission or the county commission. The long range planning for a city is most effective if done by the city, and nothing should be done to hamper that power, now that economic development is becoming such an important factor in the economy of Kansas.

However, we feel that the citizens who are annexed should have some means to hold the city accountable for carrying out the plans which were promised prior to the annexation. We support the amendments proposed yesterday to HB 2117, which provide for a review of the extension of services promised prior to the annexation, after five years, and then if the city hasn't met the requirements within seven years, the landowners may petition the county commission to have the land "deannexed". This method provides a time and method of review of what exactly the city has done, and what it has not, prior to the "deannexation."

The Kansas Association of REALTORS® feels that the deannexation proposal presented in yesterday's committee discussion, in conjunction with the annexation procedure discussed along with it, is a much preferable method of handling this issue, over handling the issue through the separate bills in SB 424 and 427.

Accordingly, we ask that you do not pass SB 424 as it now stands, and that you pass the amended form of HB 2117 as presented yesterday.

(Attachment I) 2/5/86 S. LG

Fiscal Note

Bill No.

1986 Session

January 28, 1986

The Honorable Donald Montgomery, Chairperson  
Committee on Local Government  
Senate Chamber  
Third Floor, Statehouse

Dear Senator Montgomery:

SUBJECT: Fiscal Note for Senate Bill No. 424 by Special  
Committee on Local Government

In accordance with K.S.A. 75-3715a, the following fiscal note concerning Senate Bill No. 424 is respectfully submitted to your committee.

This bill allows a county commission to deannex land, previously annexed by the city, upon petition by the landowner, if the city fails to provide municipal services in accordance with the timetable established under an annexation plan.

The provisions apply for seven and one-half years following the annexation or for seven and one-half years following the conclusion of any litigation relating to the annexation.

The bill would take force and be in effect upon publication in the Kansas Register.

The fiscal effect of Senate Bill No. 424 would be a reduction in the tax base for those cities where deannexation would occur, as well as any impact associated with capital improvements that may have been undertaken. However, a reliable estimate of the fiscal impact cannot be made as the number and character of situations to which provisions of the act apply is not known.



Gary L. Stotts

Acting Director of the Budget

GLS:JS:sr