

Approved February 20, 1987
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

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

9:09 a.m./~~p.m.~~ on February 19, 1987 in room 531-N of the Capitol.

All members were present except: Senators: Mulich and Winter

Committee staff present: Mike Heim, Theresa Kiernan and Lila McClaflin

Conferees appearing before the committee:

Representative Ginger Barr, 51st District, Auburn, Ks.
Bernard E. St. Louis, Jr., Co-Chairman Citizens Against Unilateral Annexation
Ernie Mosher, The Kansas League of Municipalities

Ernie Mosher stated the bill had been introduced at the request of the League, they support the bill with reluctance, the bill was worked out as a compromise. In answer to a question, Mr. Mosher stated he strongly opposes a section being added to the bill that would allow for annexed areas to bring a suit if a service timetable was not met. He thought it would probably be unconstitutional anyway. It is not a legal obligation for governments to provide any public services, and he did not know of any place in the nation where they had such legislation.

The hearing for the opponents of S.B. 246 was opened.

Rep. Ginger Barr testified in opposition to the bill. She stated if Senator Montgomery and Senator Bogina's amendments were adopted and the amendment that she offered on page 17, in line 625, striking "statute book" and inserting "Kansas Register", she could reluctantly support it. (Attachment I)

The Chairman stated many of the same provisions of last years bill have been incorporated in this bill, many people have had input in this bill.

Bernard E. St. Louis, Jr., opposed the bill as it is written. He proposed some recommendations and stated he supported Rep. Barr's amendments. He further stated some reasonable and constructive recommendations proposed by others should also be included in S.B. 246. (Attachment II)

The hearing was closed.

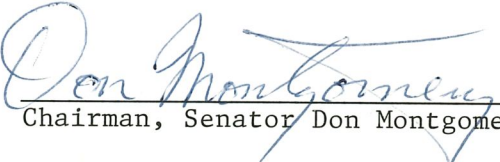
Senator Montgomery's amendment is (Attachment III) of these minutes.

Senator Bogina offered an amendment (Attachment IV)

Senator Bogina moved that his amendment be adopted. The motion was seconded by Senator Daniels. Committee discussion followed.

Senator Gaines moved to adopt the minutes of February 18, 1987. The motion was seconded by Senator Bogina. The motion carried.

Senator Montgomery stated the discussion would continue at the next meeting, on February 20, 1987. The meeting adjourned at 9:58 a.m.


Chairman, Senator Don Montgomery

Date: February 19, 1987

GUEST REGISTER

SENATE

LOCAL GOVERNMENT

NAME	ORGANIZATION	ADDRESS
Marcia St Louis	Citizens Against Unilateral Control (CAUA)	3920 SW Gamwell Topeka Ks
Bob Bradley	Ks Assoc of Counties	Topeka
W. Mosher	League of Cities	Topeka
Kevin B. Wickliffe	Senator Mulick	Lawrence
Mark Riberstein	Sen. Burke	Emporia
Bernie St Louis	Citizens Against Unilateral Assumption	3920 S.W. Gamwell Topeka, Ks 66610
Denny Burgess	KFC	Topeka
Leland May	CAUA	Topeka
John Springer	Budget	"
W. Whit	CAUA	Topeka
Rep Marvin E. Smith	Rep	Topeka
Jim J. Williams Jr	CAUA	TOPEKA
James H. Martin	CAUA	Topeka
Bill Anderson	Water Dist #1 of So Co	Mission
Sherry Ray	Johnson & Gunn	Olathe
Judy Brumby	Senate W + M	
James Stubbins	NBAK	Topeka
Guys Baw	Representative	Cuburn
SCOTT CAMPBELL	CITY OF OVERLAND PARK	OVERLAND PARK

Proposed Amendments to SB 246

On page 6, in line 228, before the period, by inserting "which timetable shall provide for the extension of services not later than five years from the effective date of annexation";

On page 11, following "granting", by inserting "or denying petitions for";

On page 13, in line 476, by striking "may" and inserting "shall"; in line 480, by striking "one year" and inserting "five years"; in line 484, by striking all following "county"; by striking all in line 485; in line 486, by striking "exclusion" and inserting "and"; in line 488, following the period, by inserting "The city shall be responsible for the payment of any costs of such recordings.";

On page 17, in line 625, by striking "statute book" and inserting "Kansas register";

February 19, 1987

Testimony of
Mr. Bernard E. St. Louis, Jr., Co-Chairman
Citizens Against Unilateral Annexation

Thank you for this opportunity to express our views regarding Senate Bill 246 as it is currently written.

Citizens Against Unilateral Annexation was formed last year as a group of concerned citizens throughout Shawnee County who felt the Kansas annexation laws needed revision. This disagreement with these laws stems from the fact that residents in areas proposed for annexation have no representation or meaningful voice in the annexation process.

One of the freedoms we enjoy as Americans is the independent opportunity for each of us to participate in the type of municipal government we so desire. The decision to reside within the boundaries of a city and to participate as a citizen of that city is as fundamentally individual as choosing to reside outside of a city's boundary. This concept, freedom of choice, is basic to the American way of life. It is ironic that residents of areas outside of city boundaries are not afforded the opportunity to exercise this freedom when annexation is the issue.

We would like to state that we feel cities should be able to grow, however we also think we deserve the right to representation and the right to choose whether or not we are annexed.

(ATTACHMENT II) LOCAL GO 2/19/87

Last year, both houses of the Kansas Legislature passed House Bill 2117, which promised to make tremendous progress toward providing representation to citizens being threatened by unilateral annexation. You should feel proud that each of you played an important part in drafting and passing legislation of this nature. Unfortunately, Governor Carlin did not sign House Bill 2117 into law.

Senate Bill 246 is another attempt at reforming the present laws of the state that pertain to unilateral annexation. It is similar to House Bill 2117, however a few of the provisions that made that bill meaningful were omitted. We propose the following recommendations be included in Senate Bill 246 to make annexation laws more equitable to all.

1) Under Section 2 of the bill, no mention is made of the maximum number of acres that could be annexed when the land was platted and some part of the land adjoined the city. House Bill 2117 fairly set a maximum number of acres at twenty-one (21). Although all residents should be given the right to determine whether or not they are annexed, we feel twenty-one (21) acres is a fair compromise.

2) Also under Section 2, Senate Bill 246 does not contain a provision that prohibits the dividing or splitting of a tract or plat to make the land eligible for annexation. By allowing cities to be able to split plats or tracts, the most desirable portions of neighborhoods and subdivisions could be divided and annexed, leaving the remainder to be serviced by the township.

In effect this would provide a means for cities to annex the higher valued properties, leaving the lower valued property outside the city limits and severely reducing the tax base of the township. We recommend that no tract or plat be split or divided.

3) Under Section 15 of Senate Bill 246, we recommend that this act take effect and be in force from and after its publication in the Kansas Register.

Our goal is to support efforts to obtain positive legislation that will provide representation with annexation. We respectfully request that you consider these recommendations and take favorable action on Senate Bill 246 to include the changes we have suggested. Reasonable and constructive recommendations proposed by others should also be included that provides representation to persons in areas being considered for annexation.

Respectfully submitted,



Bernard E. St. Louis, Jr.
3920 S. W. Gamwell Road
Topeka, Kansas 66610
(913) 478-4243

Committee on Local Government

Proposed Amendment to SB 246

On page 4, following line 129, by inserting:

"(g) No city may annex, pursuant to this section, any improvement district created pursuant to K.S.A 19-2753 et seq., and amendments thereto, or land within such an improvement district."

Proposed Amendments to SB 246

On page 3, following line 102, by inserting a new subsection:

"(c) No city may annex any land lying within any taxing subdivision in any one year pursuant to this section which in the aggregate equals 10% or more of the taxable tangible valuation of such taxing subdivision.";

By relettering subsections (c) to (f) as subsections (d) to (g), respectively;