

BAA

Approved: April 30, 2004
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairperson Barbara Allen at 1:30 p.m. on March 16, 2004 in Room 423-S of the Capitol.

All members were present except:
Senator Derek Schmidt- excused

Committee staff present:
Mike Heim, Legislative Research
Martha Dorsey, Legislative Research
Ken Wilke, Revisor of Statutes
Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee:
Eugene Wolf, Mayor, City of Auburn
Representative Doug Mays
Chuck Engel, past volunteer chair of the Topeka Public Library
David Leamon, Executive Director of the Topeka & Shawnee County Public Library
Tim Peterson, Ph.D., Dean of Continuing Education, Washburn University

Others attending:
See Attached List.

Hearing on:

HB 2605 - Topeka and Shawnee county public library; detachment of certain territory

Vice-Chairperson O'Connor opened the hearing on **HB 2605** and welcomed Eugene Wolf to the committee. Mr. Wolf presented testimony in support of **HB 2605** (Attachment 1).

After presenting testimony at a House hearing Chairperson Allen returned and recognized Speaker Doug Mays. Speaker Mays testified as a proponent of **HB 2605**. He stated there are five incorporated cities in Shawnee County. Silver Lake and Rossville are exempt from the library district which was created by statute in 1995. Speaker Mays stated Auburn has no plans at the present however, would like the option as the others. The passage of HB 205 would offer Auburn this opportunity. He presented no written testimony.

There being no others to testify as a proponent of **HB 2605**, Chairperson Allen asked for those wanting to present testimony in opposition of **HB 2605**.

Charles Engel testified before the committee in opposition to **HB 2605** (Attachment 2).

Chairperson Allen recognized David Leamon to address the committee. Mr. Leamon, Executive Director of the Topeka and Shawnee County Public Library, presented testimony opposing **HB 2605** (Attachment 3).

Tim Peterson, member of the Topeka Shawnee county Public Library (TSCPL) Board of Trustees and former chair of the Board, testified in opposition of **HB 2605** (Attachment 4).

After questions from the committee and having no others to testify on the proposed bill, Chairperson Allen closed the hearing.

CONTINUATION SHEET

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE at 1:30 p.m. on March 16, 2004 in Room 423-S of the Capitol.

Action on:

HB 2600 - counties; sale or disposition of county property

Ken Wilke, Revisor of Statutes, handed out an amendment Senator O'Connor had requested (Attachment 5). Senator O'Connor moved to adopt the amendment. Senator Clark seconded the motion and the motion carried. On HB 2600 as amended Senator O'Connor moved, seconded by Senator Betts to pass HB 2600 out favorably as amended. The motion carried.

HB 2615 - Abatement of nuisances, owner has not exceeding 40 days to abate nuisance; current law 10 days

Senator Clark moved and Senator O'Connor seconded the motion to pass HB 2615 out favorably. The motion carried.

HB 2712 - Fire district property tax levies

An amendment was presented to delete the two acre limitation (Attachment 6). Senator Buhler moved to adopt the amendment. Senator Jackson seconded the motion. Senator Clark made a substitute motion to pass bill favorably, seconded by Senator O'Connor. Senator Clark withdrew his substitute motion. Senator Buhler withdrew his motion to adopt the amendment as well. Senator Jackson presented an amendment on Section 3 of HB 2712 (Attachment 7). Chairperson Allen informed the committee, since this is a major issue and the committee had not had a chance to review the amendment of Senator Jackson, it would take up HB 2712 again at another time.

HB 2774 - Township fire districts; procedure to create

Ken Wilke, Revisor, passed out amendment to **HB 2774** (Attachment 8). On page 4, "delete lines 6,7,8 and part of line 9". Senator Huelskamp move to adopt the amendment with the changes. Senator Clark seconded the motion. The motion carried. Senator Betts move to pass HB 2774 out favorably as amended, seconded by Senator Buhler. The motion carried.

HB 2758 - Open records act; exemptions; military discharge forms

Senator Clark move to adopt the technical amendment, page 6 line 24 strike "after everything after "except" to "pa" on line 25 and insert "that such". Senator Buhler seconded the motion and the motion carried. On HB 2758 as amended, Senator Clark move to pass HB 2758 out favorably, seconded by Senator Buhler. The motion carried.

The meeting adjourned at 2:30 p.m. The next scheduled meeting is Thursday, March 18, 2004.

SENATE
ELECTIONS AND LOCAL GOVERNMENT
GUEST LIST

Date Jues 3/16/04

Judy Malar	KAC
Tim Peterson	TSCPL
Richard Hargrave	KPA
Kerry Brennan	Kaw Valley Drainage
Steve Dailey	Fairfax Drainage District
JAMES L JENKINS	KAW VALLEY DRAINAGE DISTRICT
EUGENE F. WOLF	CITY OF AUBURN
Rosanne Goble	Kansas Library Association
John Gynal	TSCPL
Kim Lane	TSCPL
David Leaman	TSCPL
Mike Taylor	Unified Government
Chuck Engel	TSCPL Volunteer
Judy Malar	KAC
Danielle Noe ED JASKINIA	Johnson County TALK

To: Elections and Local Government Committee
Barbara Allen- Chair
Kay O'Connor- Vice Chair
Committee members

From: Eugene Wolf
Mayor- City of Auburn

Re: HB2605

I am before you today as a proponent of House Bill 2605. As the elected leader of the City of Auburn, I come as a representative of my constituents. I feel this bill would give the citizens of Auburn the opportunity to have a choice and a voice in how their tax money is distributed. At the current time, we support the Topeka and Shawnee County Public Library and all of the services they provide to our citizens. I, and my family, use these services on a frequent basis.

The City of Auburn supports the Library with just over \$42,000.00 in tax payments each year. The question became, as we grow and expand our city, would we ever be able to establish our own library. At the current time, the City of Auburn is not in a position to spend the resources necessary to make that happen. However, for future plans and growth, we feel that having the option to vote for a resolution to redirect those tax payments back to our community for local use is appropriate.

The City of Auburn is well aware of the fiscal impact that a measure such as this could have on the Topeka and Shawnee County Public Library. It is not our intention to create budgetary concerns for them, but only to seek out what is best for our community and our citizens.

The Auburn City Council has discussed this measure and has met with representatives of the library board. At this time, all members of the Auburn City Council give their support to this bill.

Thank You,

Eugene F. Wolf
Mayor, City of Auburn

Senate Elec & Loc Gov
03-16-04
Attachment 1

CHARLES T. ENGEL
2824 S.W. Plass Avenue
Topeka, Kansas 66611

March 16, 2004

Testimony in opposition to HB 2605
Senate Elections and Local Government Committee

Dear Chair and Members of the Committee.

I am Chuck Engel, who served as the volunteer chair of the Topeka Public Library in 1992, when the Legislature enacted legislation to create the Topeka and Shawnee County Public Library. I appear today in opposition of HB 2605, because it undoes what the legislature began twelve years ago.

When the enabling legislation (1992 K.S.A. 12-1260) was being considered, it was quite important to the legislature that rural residents of Shawnee County outside of Topeka and Rossville and Silver Lake Townships, demonstrate their support for the countywide library district by requiring a bifurcated election. That is, the citizens of Topeka had to approve of the new library district, as did the electorate in rural Shawnee County. If either the rural citizens or the citizens of Topeka rejected the issue, the Topeka and Shawnee County Public Library would not have been created. Therefore, in November, 1992, the electorate of Topeka and the rural citizens of Shawnee County both voted to create the Topeka and Shawnee County Public Library. It is quite important that the bifurcated election included only two populations, the city and the affected rural areas. The vote was not by township or by incorporated city.

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Attachment 2

The affect of HB 2605 is to allow three members of the Auburn City Council to effectively change the 1992 election. By allowing those three persons to eliminate the City of Auburn from the library district, HB 2605 eliminates the voice of the citizens of the rest of Shawnee County regarding the property to be included in their library district. The citizens of Topeka and Shawnee County created the library district by their votes in 1992. If there is to be any change in their library district, I believe in fairness that the same electorate should have the voice.

HB 2605 creates a horrible precedent by allowing a few to override the decision of thousands. I would respectfully request that you recommend HB 2605 unfavorably.

March 16, 2004

Members of the Senate Elections and Local Government Committee

Good Afternoon:

My Name is David Leamon, and I am the Executive Director of the Topeka and Shawnee County Public Library.

I am here today to speak in reference to HB2605 that is currently before the Elections and Local Government Committee. We have great concern for the impact that this bill will have on the citizens of the City of Auburn, Kansas, and on the Topeka and Shawnee County Public Library. We were unaware of this bill until the day of the Hearing in the House Committee, as no one had ever expressed a negative concern about the Library service being provided to the citizens of the City of Auburn. That is because few people in the City or Township of Auburn know that HB2605 exists.

In 1992, the Topeka Public Library Board of Trustees decided to approach the residents of Shawnee County with a LIBRARY REFEREDUM on November 3, 1992. For over 100 years, residents of Shawnee County had enjoyed the free, open use of the Topeka Public Library. The cost for operating the library, however, had always been born by the citizens of the City of Topeka. The issue was based on the question of "Fairness in Funding," meaning that if you use the library it's only "fair" that you share in its base of support. The Referendum would create a larger library taxing district and services would be available to any resident of Shawnee County. If the issue should have failed, county residents would have to pay a per-capita fee to get an annual library card. Every person 21 years and older had the opportunity to vote on the issue and it was approved by the voters that the county would join the city in ownership, support, and use of the library. Two Township Libraries, Silver Lake, and Rossville already had established millages and libraries, and both were recognized by the State Library as legal libraries. They were exempted from the vote and grandfathered with their local support and their respective facilities. The Topeka and Shawnee County entered into a reciprocal agreement with them that if our residents could freely use their libraries, their residents could likewise use ours.

- In that Referendum vote, every Township in Shawnee County [except Rossville and Silver Lake Townships] had a say in becoming a part of the new Topeka and Shawnee County Public Library.
- **HB 2605 gives no vote to the residents of the City of Auburn and the City Council can withdraw from the current Topeka & Shawnee County Public Library Taxing District by a yes vote of only a majority of their 6-member Council.**
- The majority of the citizens of the City of Auburn are unaware of the action being sought by their City Council, and they are not aware of what they will lose should the City Council be awarded the option to withdraw from the current library taxing district.
- **Citizens in Auburn that have learned about this impending action have clearly expressed to library staff that they do NOT want to lose the many, valued library services they now receive. The volunteer librarian in the local lending library has expressed the same sentiment, saying that they "can't begin to provide services to the elderly, school children, and the people who meet daily at the lunch site.**
- The Topeka and Shawnee County Public Library Board of Trustees visited with the City Council meeting and spoke to the issue of the "option to withdraw." The members of the City Council emphatically stated that they did not request that this action be taken to the legislature, but that the question had been asked of them by the Representative who introduced the bill to the 2004 legislature for consideration. However, the City Council stated that they would not request its withdrawal either.
- **Should the Auburn City Council through state legislative action receive the "option" to withdraw from the Taxing District of the Topeka and Shawnee County**

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Attachment 3

Public Library, they would be the only 3rd Class City in the State of Kansas to hold such authority. We see this as opening the flood gates to other 3rd Class Cities to follow suit in withdrawing from a library taxing district or other taxing districts as they might choose. It opens the way for the disintegration of governmental entities and services across the state. To give only one city the option to withdraw from the library Taxing District is clearly discriminatory towards other cities should they not receive the same consideration.

The Citizens of the City of Auburn, Kansas will be the losers. The amount of money that the City of Auburn could collect would amount to approximately **\$42,000**. Should the Auburn City Council then elect to be removed from the library Taxing District, the citizens would still continue to pay on the Bonded Indebtedness for the Library building for the remainder of the 20 year period, but not be allowed to use the facility without paying an annual user fee. Other services that will be lost to the City of Auburn residents include:

- **Weekly bookmobile service** –carrying an inventory of library materials and online services equal to \$100,000
- **Red Carpet Services** to the Auburn Meal Site for Senior Citizens every other week.
- **Red Carpet Services** for the elderly at the Valley Springs Assisted Living Center every other week.
- **Books-by-mail Services** providing access to the entire library collection simply by calling the library or logging onto our on-line catalog.
- **Access to 650,000 volumes and approximately 59,000 DVD's, CD's, and Videos.**
- **AdventureMobile Services**, the children's mobile library, provides library collections and special programs for children for 10 weeks each summer.
- **Special School Programs** provided by the Bookmobile staff that are often curriculum related for grade levels.
- **24-hour access** to electronic resources that are available with a TSCPL library card.
- **Over 100 databases** representing a wide range of subjects are available through your home computer.
- **Services at the Library in Topeka** with 170 public access terminals to Internet resources, word processing, and spreadsheet software.
- **Special adaptive computers, vision, and hearing devices** available to assist physically challenged patrons.
- **Telephone Reference Service** available 78 hours a week direct from your home.
- **Free Homework Help** provided by certified teachers and volunteers Monday through Thursday afternoons and on Sundays.
- **Extensive Programming on subjects and topics of interest for people of all ages.**
- **Free Computer Training** in the public training center provided by professional staff offering a variety classes offered seven days per week.
- **...and the list goes on.**

Because of the creation of the Topeka and Shawnee County Public Library District, services available to the residents of Shawnee County are outstanding. The voters in 1992 removed all of the barriers that in-effect separated the library by city or county residents. By unifying the area of support, we are able to provide excellent library services, collections and programs for the residents of Shawnee County. To allow **HB2605 TO THE CITY OF AUBURN**, we see the beginning of erosion that could ultimately undermine this library, and the citizens there would no longer have access to one of the best libraries in the State of Kansas.

I would urge you to consider the losses of the Citizens of the City of Auburn who would at no time have a VOTE on the action to be given by HB2605 to a simple majority of the City Council of Auburn. At a time when jobs are disappearing and costs are rising, the Library becomes a haven for children, families, and people who are seeking access to computer training and job information. Help libraries to remain strong.

Timothy W. Peterson, Ph.D.
1729 SW Oakley
Topeka, Kansas 66604

March 16, 2004

Testimony in opposition to HB 2605
Senate Elections and Local Government Committee

Dear Chair and Members of the Committee:

I am Tim Peterson, a current member of the Topeka Shawnee County Public Library (TSCPL) Board of Trustees and a former chair of the Board. I appreciate the opportunity to testify against HB 2605.

As stewards of public funds, the Board is concerned about any issues that affect the Library's budget and finances. There are three issues to consider with respect to this bill.

First is that the Library tax district was created 12 years ago by the voters of Shawnee County and the City of Topeka as an investment. An investment in our county, our community, and our future. That vote made possible one of the crown jewels of the County today. The Library is one of the finest in the State, if not the country. If you haven't seen it, I invite you to visit it at your convenience. It's a short distance away on 10th Street.

As the Auburn Mayor indicated, members of the Library board did attend a recent City Council meeting to visit about this issue. They all indicated that they were pleased with the services provided by the Library, that they did not initiate this legislation, and that they had no intention of opting out of the tax district. So, we were a bit puzzled by the bill. However, one member indicated that there was some concern about the taxpayers' return on investment. I don't know how many of you have been to Barnes and Noble recently, but you probably know that \$40 won't buy you much there. That's roughly the cost per Auburn resident per year to support the TSCPL. I think it's a pretty good return on investment.

The second consideration is risk. Although the Speaker indicated that this is not a trend, we are concerned that the bill would set a dangerous precedent. It not only threatens the future of the Library, but it represents a risk for every local taxing authority across the State.

The third issue is fairness. As Mr. Engel and Mr. Leamon have testified, it was the rural voters of the County and the voters of the City that created the tax district. Although we oppose this bill, if it were to move forward, it should allow the same electorate that created the tax district to decide the issue rather than three members of the Auburn City Council.

The Mayor indicated that all of the Council members supported the bill, and that he thought most of the citizens of Auburn did, too. But we have not heard of any such support for the bill from a single resident of Auburn.

I urge you to consider these issues in your deliberations, and I thank you for your time and attention regarding our opposition to the bill.

Senate Elec & Loc Gov
03-16-04
Attachment 4

HOUSE BILL No. 2600

By Committee on Local Government

amending 1-26

10 AN ACT [repealing] K.S.A. 19-211; relating to the sale or disposition of
11 property by counties.

and repealing the existing section

12
13 *Be it enacted by the Legislature of the State of Kansas:*

See balloon attached

2 14 Section 1, K.S.A. 19-211 is hereby repealed.

3 15 Sec. 2. This act shall take effect and be in force from and after its
16 publication in the statute book.

*Senate Elec & Loc Gov
03-16-04
Attachment 5*

Sec. 1. K.S.A. 19-211 is hereby amended to read as follows: 19-211. (a) ~~Except for any~~ property belonging to a county law enforcement department and as otherwise provided in this section, no property, the value of which is more than \$50,000, belonging to any county shall be sold or disposed of by any board of county commissioners without a unanimous vote of such commissioners and public notice of such sale or disposition. Such notice shall state the time or date of the sale or disposition or the date after which the property will be offered for sale or disposal, the place of the sale or disposition and the terms and conditions of the sale or disposition. Such notice shall be published at least once each week for three consecutive weeks prior to the sale or disposition in the official newspaper of the county. The property shall be sold or disposed of publicly, in the manner deemed prudent by the board of county commissioners, to the person or entity tendering the highest and best bid as determined by the board. The board of county commissioners shall have the right to reject any or all bids.

If, within 45 days after the first publication of the notice of sale or disposition a petition signed by not less than 2% of the qualified electors of the county is filed with the county election officer, such property shall not be sold or disposed of unless the proposition of sale or disposal of such property is submitted to a vote of the electors of the county at a question submitted election called therefor. The election shall be called, noticed and held in the manner provided by K.S.A. 10-120, and amendments thereto, or at a general election. If a majority of the votes cast at any such election authorizes any sale or disposition, such sale or disposition shall be made upon the notice

Except as provided in subsection (b): (1)

hereinbefore prescribed by publication, to the person or entity tendering the highest and best bid, as determined by the board. The board of county commissioners shall have the right to reject any or all bids.

- (2) [(b)], If the board of county commissioners rejects all bids or if no bids are received, the board may proceed to sell or dispose of the property publicly, in the manner deemed prudent by the board, to the person or entity tendering the highest and best bid or offer as determined by the board. If the notice of sale or disposition has been previously published in the manner set forth in subsection (a), no further notice of sale shall be published before the property is sold or disposed of pursuant to this subsection. When property of the county is sold or disposed of pursuant to this subsection, the board shall cause to be published as a part of the statement required by K.S.A. 19-227, and amendments thereto, a detailed account of such sale or disposition which shall list such property, the person who acquired the property and the purchase price.
- (3) [(c)], If the value of the property does not exceed \$1,000, such notice by publication shall not be required prior to the sale or disposition of such property. When property of the county having a value of more than \$50 but not more than \$1,000 is sold or disposed of, the board of county commissioners shall cause to be published as a part of the statement required by K.S.A. 19-227, and amendments thereto, a detailed account of such sale or disposition which shall list such property, the person who acquired the property and the purchase price.
- (4) [(d)], Upon a finding by the board that any property is no longer required, or cannot prudently be used for public purposes of the county, the board, by a unanimous vote, may

sell or dispose of such property, the value of which does not exceed \$50,000, by public or private sale or by negotiation, as determined by the board. Notice of the board's intent to sell or dispose of such property shall be published at least two times in the official county newspaper. Such notice shall include the time, place and conditions of such sale or disposition.

(5) (e) The board, by unanimous vote, may sell or dispose of any real property interest belonging to the county, including any interest derived through dedication, plat, condemnation, reversion, abandonment, reservation or tax foreclosure, which the board determines, after notice and public hearing, to be surplus property not required for public use, and to be unmarketable property. Such property interest may be sold or disposed of by the county by the adoption of a resolution providing that the interest of the county shall be vacated and transferring by quitclaim, without benefit of warranties of title, whatever right, title or interest the county has or may have in the property. The resolution shall provide for the reservation to the county and the owners of any lesser property rights for public utilities, the rights-of-way and easements for public service facilities which are in existence and in use across the property. Upon adoption of the resolution, the property interests vacated and conveyed shall revert to and vest in the owners of the real estate immediately abutting thereon, in proportion to the frontage of such land, except in cases where such land may have been acquired for public use in a different proportion, in which event it shall revert and vest in the owner of the adjoining real estate in the same proportion that it was acquired.

Following the adoption of the resolution, the county clerk shall record the conveyance

upon the transfer records of the county and shall cause a notice of the transfer to be published at least two times in the official county newspaper and to be sent by certified mail to each owner of the adjoining real estate to whom the property is being transferred, at the address where the owner's tax statement is sent. A copy of the transfer and the notice shall be recorded with the register of deeds of the county, and no fee shall be charged by the county clerk or the register of deeds recording the transfer.

(b) ~~(f)~~ In the event of any sale or disposition of real property pursuant to the authority under this section, the board, in its discretion, may enter into and execute contracts for sale or lease-purchase agreements for a term of not more than five years.

(c) ~~(g)~~ The provisions of this section shall not apply to or restrict the conveyance of real property by any county to the state of Kansas, the title to which was previously conveyed to such county by the state of Kansas.

(d) ~~(h)~~ The provisions of this section shall not apply to or restrict the conveyance of real property by any county to a nonprofit corporation organized under the laws of Kansas if such real property is acquired and conveyed by the county for the purpose of development of an industrial or business park on such real property comprised of businesses engaged in: (1) Manufacturing articles of commerce; (2) conducting research and development; or (3) storing or processing goods or commodities. If the real property is to be conveyed for an amount which is less than the amount the county paid to acquire such property, the board of county commissioners shall publish a notice of its intent to convey such property. The notice shall include a description of the property, the cost of acquiring the property and the

(b) (1) In lieu of following the procedures established in subsection(a), a county commission may adopt a resolution establishing an alternate methodology for disposal of property. Such alternate methodology for the disposal of property shall contain, at a minimum, procedures for:

(A) Notification of the public of the property to be sold;

(B) describing the property to be sold; and

(C) the method of sale, including but not limited to, fixed price, negotiated bid, sealed bid, public auction or auction or any other method of sale which allows public participation.

(2) Any methodology for the disposal of property established pursuant to this subsection may contain different procedures for real property and personal property.

amount for which such property is to be conveyed. Such notice shall be published once each week for three consecutive weeks in the official county newspaper. If, within 45 days after the first publication of such notice a petition signed by not less than 2% of the qualified electors of the county is filed with the county election officer, such property shall not be conveyed unless the proposition of sale or disposal of such property is submitted to and approved by a majority of the qualified voters of the county at an election called therefor. The election shall be called, noticed and held in the manner provided by K.S.A. 10-120, and amendments thereto, or at a general election.

(2) [(i)] The provisions of this section shall not apply to or restrict the conveyance of real property by any county to a port authority if such real property is acquired and conveyed by the county for the purpose of development of an industrial, commercial or business park on such real property. The board of county commissioners shall publish a notice of its intent to convey such property. The notice shall include a description of the property, the cost of acquiring the property and the amount for which the property is to be conveyed. Such notice also shall include the time and date of the public hearing at which the board proposes to consider the conveyance of such property. Such notice shall be published at least once in the official county newspaper. Following the public hearing, the board of county commissioners may convey such property.

(4) [(j)] Whenever it is required by this section that the board of county commissioners approve a sale or disposition of property by unanimous vote and a county has a five-member board, such board may approve a sale or

disposition of property by a 4/5 majority.
(g) [(k)], The provisions of this section shall
~~not apply~~ to the conveyance of property
pursuant to K.S.A. 2-1319, and amendments
thereto.

1 board of each township shall have power to ~~procure not to exceed~~
2 ~~three acres of~~ *acquire* land for the township, and to build thereon
3 permanent buildings, or to purchase school building or grounds
4 or both the building and grounds the same to be used for public
5 purposes, such as meetings relating to township business, political
6 gatherings, township fairs, entertainments, whether for free use
7 or for hire and profit, at which an admission price may be charged,
8 and such other meetings as may be authorized by the township
9 board. The board may join with any corporation, association, so-
10 ciety or lodge in the construction or purchase of such building,
11 upon such terms and conditions as may be agreed upon by the
12 board and corporation, association, society or lodge. If such build-
13 ing is so constructed or purchased it shall be for the joint use of
14 the township and the corporation, association, society or lodge
15 joining in the construction or purchase thereof upon such terms
16 and conditions as are mutually agreed upon. Except as provided
17 by subsection (b), the board shall not acquire any land or erect
18 buildings thereon or purchase such schoolhouse or appropriate
19 any of the moneys of the township or levy any tax therefor without
20 first submitting the question to a vote of the electors of the town-
21 ship. Such election shall be governed by and the returns thereof
22 made in accordance with the laws governing the election of town-
23 ship officers. Funds authorized by such election may be used in
24 the joint construction or purchase of a building as herein provided.

25 [(b) The township board may ~~procure~~ *acquire*, either by pur-
26 chase or by lease, ~~not to exceed two acres of~~ land for the township
27 and build thereon ~~sheds and buildings that may be necessary for the~~
28 ~~storage and protection of tools, implements and machinery without such~~
29 election. The cost of such land may be paid out of the general fund
30 of the township or from the general road fund of the township, or
31 from either or both of the funds.

32 [The township board may accept land in the form of a gift, do-
33 nation or devise without first submitting the question to a vote of
34 the electors of the county.

35 [(c) Whenever any township is authorized by virtue of an elec-
36 tion to construct or purchase township buildings, general obliga-
37 tion bonds may be issued for such purpose in accordance with the
38 provisions of the general bond law.]

39 Sec. ~~2~~ [3.] K.S.A. 19-3610 ~~is~~ [and K.S.A. 2003 Supp. 80-104 are]
40 hereby repealed.

41 Sec. ~~3~~ [4.] This act shall take effect and be in force from and after
42 its publication in the statute book.

Senate Elec & Loc Gov
03-16-04
Attachment 6

"New Sec.³. (a) No land located in a township shall be annexed pursuant to subsection (a) (1) of K.S.A. 12-520, and amendments thereto, unless the city adopts a resolution stating its intent to annex such land. Such resolution shall be published at least once in a newspaper of general circulation within the city and in the area sought to be annexed. If within 30 days after the publication of such resolution, a petition requesting the appointment of an annexation review board signed by at least 40% of the landowners in the area sought to be annexed is filed with the city clerk, no land shall be annexed unless such annexation, or portion thereof, is approved by an annexation review board as provided by this section.

(b) The mayor shall convene a review board composed of the following persons:

(1) The mayor of the city desiring to annex such land or the mayor's designee.

(2) A landowner in the area sought to be annexed appointed by majority vote of the landowners in the area sought to be annexed.

(3) The chairperson of the board of county commissioners of the county in which the land sought to be annexed is located or the chairperson's designee.

(c) The review board shall determine whether the proposed annexation is in the public interest and in the best interest of the city, county and other political subdivisions in the area sought to be annexed. The governing bodies of the city, county and other political subdivisions in the area sought to be annexed shall assist the board in making its decision. Such governing bodies shall provide all relevant information and records requested by the review board. In making its determination the review board shall be guided, but not be limited to, by its findings with respect to the following factors:

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Attachment 7

- (1) The immediate and prospective populations of the area to be annexed.
 - (2) The assessed valuation of the area to be annexed, and its relationship to population.
 - (3) The history of and prospects for construction of improvements in the area to be annexed.
 - (4) The needs and possibilities for geographical expansion of the city.
 - (5) The present and anticipated need for governmental services in the area proposed to be annexed, including but not limited to, water supply, sewage and garbage disposal, zoning, streets and alleys, curbs, sidewalks, police and fire protection, playgrounds, parks and other municipal services, and transportation and drainage.
 - (6) The relative capabilities of the city, county, and other political subdivisions in the area sought to be annexed to provide or obtain governmental services when needed.
 - (7) The existence of benefit districts within the area proposed to be annexed, and the impact of annexation upon such districts.
 - (8) The elimination of isolated unincorporated areas existing without adequate economical governmental services.
 - (9) The immediate and potential revenues that would be derived by the city as a result of annexation, and their relation to the cost of providing service to the area.
- (d) The board shall make its determination either approving or disapproving the annexation, or a portion thereof, within 90 days of the appointment of the first member of the annexation review board. The board specifically shall state its reasons and findings for its determination. Such findings need not include specific data on every finding made, but shall indicate that all factors listed in subsection (c) were considered. A copy of the board's determination shall be filed with the mayor of the city seeking to make such annexation and with the board of county commissioners.
- (e) The city may annex the land sought to be annexed to the extent approved by the

annexation review board under subsection (d).

(f) All costs incurred pursuant to this section shall be paid by the city if the annexation is not approved. If the annexation of a part, but not all, of the land sought to be annexed is approved by the board, the city shall pay costs in an amount which is proportionate to the amount approved to be annexed. All costs incurred pursuant to this section shall be paid by the landowners whose land is annexed pursuant to the approval of the board.

Sec. . K.S.A. 12-520 is hereby amended to read as follows: 12-520. (a) ~~Except as hereinafter provided;~~ The governing body of any city, by ordinance, may annex land to such city if any one or more of the following conditions exist:

(1) Subject to the provisions of section , and amendments thereto, the land is platted, and some part of the land adjoins the city.

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

(3) The land adjoins the city and is owned by or held in trust for any governmental unit other than another city, except that no city may annex land owned by a county which has primary use as a county-owned and operated airport, or other aviation related activity or which has primary use as a county owned and operated zoological facility, recreation park or exhibition and sports facility without the express permission of the board of county commissioners of the county.

(4) The land lies within or mainly within the city and has a common perimeter with the city boundary line of more than 50%.

(5) The land if annexed will make the city boundary line straight or harmonious and some part thereof adjoins the city, except no land in excess of 21 acres shall be annexed for this purpose.

(6) The tract is so situated that 2/3 of any boundary line adjoins the city, except no tract in excess of 21 acres shall be annexed under this condition.

(7) The land adjoins the city and a written petition for or consent to annexation is filed with the city by the owner.

(b) No portion of any unplatted tract of land devoted to agricultural use of 21 acres or more shall be annexed by any city under the authority of this section without the written consent of the owner thereof.

(c) No city may annex, pursuant to this section, any improvement district incorporated and organized pursuant to K.S.A 19-2753 *et seq.*, and amendments thereto, or any land within such improvement district. The provisions of this subsection shall apply to such improvement districts for which the petition for incorporation and organization was presented on or before January 1, 1987.

(d) Subject to the provisions of this section and subsection (e) of K.S.A. 12-520a, and amendments thereto, a city may annex, pursuant to this section, any fire district or any land within such fire district.

(e) Whenever any city annexes any land under the authority of paragraph 2 of subsection (a) which does not adjoin the city, tracts of land adjoining the land so annexed shall not be deemed to be adjoining the city for the purpose of annexation under the authority of this section until the adjoining land or the land so annexed adjoins the remainder of the city by reason of the annexation of the intervening territory.

(f) No city may annex the right-of-way of any highway under the authority of this section unless at the time of the annexation the abutting property upon one or both sides thereof is already within the city or is annexed to the city in the same proceeding.

(g) The governing body of any city by one ordinance may annex one or more separate tracts or lands each of which conforms to any one or more of the foregoing conditions. The invalidity of the annexation of any tract or land in one ordinance shall not affect the validity of the remaining

tracts or lands which are annexed by the ordinance and which conform to any one or more of the foregoing conditions.

(h) Any owner of land annexed by a city under the authority of this section, within 30 days next following the publication of the ordinance annexing the land, may maintain an action in the district court of the county in which the land is located challenging the authority of the city to annex the land, the reasonableness of the annexation and the regularity of the proceedings had in connection therewith.

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

By renumbering the remaining section accordingly;

Title changes

Senate Elec & Loc Gov
03-16-04
Attachment 8

1 governing body of such fire district until a successor is appointed. Any
2 vacancy, ~~by way of death, resignation or for other reasons~~ shall be filled
3 by the township or city of the third class from which such vacancy occurs.

4 [New Sec. 4. (a) If any township has no residents, as certified
5 by the county clerk of the county in which such township is located,
6 or if any township officer position is vacant due to a lack of candi-
7 dates for such offices for two consecutive township elections, as
8 certified by the election commissioner of the county in which such
9 township is located,] the board of county commissioners, by reso-
10 lution, may disorganize the township or consolidate the township
11 with the next geographically closest township, within such county,
12 having a functioning township board. Prior to the adoption of such
13 resolution, the board of county commissioners shall conduct a pub-
14 lic hearing on the advisability of adopting such resolution. Until
15 such time as the disorganization or consolidation is completed, the
16 board of county commissioners may exercise all of the statutory
17 powers of the township board deemed necessary and advisable by
18 such board of county commissioners.

19 [(b) All books, papers, records, moneys and other assets be-
20 longing to any township proposed to be disorganized or consoli-
21 dated under subsection (a) shall be delivered by the persons in
22 possession thereof to the board of county commissioners. The
23 board of county commissioners may dispose of any assets of such
24 township in the manner provided by this section. If at the time of
25 its disorganization or consolidation, the townships has any out-
26 standing indebtedness, the board of county commissioners shall
27 place any moneys together with the proceeds of any assets of such
28 township into a special fund that shall be used for the purpose of
29 paying such indebtedness. Moneys and assets in excess of that re-
30 quired for the payment of outstanding indebtedness either shall
31 be transferred to the township with which the disorganized town-
32 ship is consolidated or shall be disposed of in such other manner
33 as determined by the board of county commissioners to be in the
34 best interests of the former residents or property owners of such
35 township.]

36 Sec. 4 [5.] K.S.A. 80-1540, 80-1541 and 80-1542 are hereby
37 repealed.

38 Sec. 5 [6.] This act shall take effect and be in force from and after
39 its publication in the statute book.