

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Tim Huelskamp at 1:30 P.M. on February 14, 2006 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department
Mike Heim, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes
Zoie Kern, Committee Secretary

Conferees appearing before the committee:

Ann Mah, Representative 53rd District
Vic Miller, Board of Commissioners
Lee Smith, Atchison, Kansas
Kim Bottorff, Atchison, Kansas
Richard Maginot, Township Business Administrator
Robert Booe, Atchison, Kansas
W. Paul Degener, Topeka, Kansas
Don Moler, Executive Director, LKM
Carol G. Green, City of Wichita

Others attending:

See attached list.

Ken Wike, Revisor of Statues summarized **SB 492** - Repealing unilateral annexation procedure.

Ann Mah, House Representative, testified in support of **SB 492** (Attachment 1).

Vic Miller, Topeka Board of Commissioners, testified in support of **SB 492** (Attachment 2).

Lee Smith, A resident of Atchison, Kansas testified in favor of **SB 492** (Attachment 3).

Kim Bottorff, A resident of Atchison, Kansas testified in Favor of **SB 492** (Attachment 4).

Richard Maginot, Township Business Administrator testified in favor of **SB 492** (Attachment 5).

Robert Booe, A resident of Atchison, Kansas, Testified in favor of **SB 492** (Attachment 6).

Paul Degener, Resident of Topeka, gave testimony in favor of **SB 492** (Attachment 7).

Carol Green of Wichita testified in favor of **SB 492** (Attachment 8).

Don Moler, Executive Director of LKM testified as an opponent to **SB 492** (Attachment 9).

Mike Bowen - Written opposition to **SB 492** (Attachment 10).

Gary E. Rebenstorf, Director of Law and City Attorney of Wichita, Kansas - Written opposition to **SB 492** (Attachment 11).

Robert J. Watson, City attorney of Overland Park, Kansas - Written opposition to **SB 492** (Attachment 12).

Discussion closed on **SB 492**.

Motion was made by Senator Reitz and seconded by Senator Betts to accept committee minutes with amendments, from January 31, February 1, February 2 and February 9, 2006.

Motion carried.

Meeting Adjourned.

Respectfully submitted,

Zoie C. Kern

Senate Elections & Local Government Committee
 Daily, 1:30 - 2:30 p.m. Room 423-S
 Senator Tim Huelskamp, Chair

Guest List for February 14, 2006

Please sign in with BLACK Ink.

SB 492

Name	Representing
PAUL DEGENER	SELF
LEE Smith	SELF
Kim Bottorff	Self
David D. Fisher	Soldier Township
Chris Lemon	Mission Township
Wally Whit	
RICHARD MAGINOS	SOLDIER TOWNSHIP
Charles Nicolay	Self
AL WARD	Mission Township
John Smith	Self
Nancy Smith	Self
Robert Booe	Self
Clayton Booe	Self
Whitney Timmon	City of Texas
Brad Bryant	Sec. of State
Jud Burke	City of Olathe
Shannon Bell	Stuart Little
Estelle Montgomery	Hein Law Firm
John E. Maresca	
Vic MILLER	SN CO COMMISSION
Don Moker	LKM

ANN E. MAH

REPRESENTATIVE, 53RD DISTRICT
3351 SE MEADOWVIEW DR.
TOPEKA, KANSAS 66605
(785) 266-9434

DOCKING STATE OFFICE BUILDING—7TH FLOOR
TOPEKA, KANSAS 66612
(785) 296-7668



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
EDUCATION
FEDERAL AND STATE AFFAIRS
WILDLIFE, PARKS AND TOURISM

Testimony SB 492
Committee on Elections and Local Government

Thank you for allowing me to testify today. I represent the 53rd House District. About 30 percent of my constituents live within the city of Topeka, and about 70 percent live outside of the city or in the rural parts of Douglas County. I have heard both sides of this issue. The interesting thing is that most people I talk to, whether inside or outside the city, complain about the annexation process. Most of my city constituents were annexed within the last 20 years and many felt that they were unfairly treated, with inadequate opportunity for input to the process and without a full hearing of their concerns.

I am not against annexation. Cities need an orderly way to grow. I am against unilateral annexation that ignores the concerns of the people being annexed. It is a question of fairness. Kansas is one of only a few states that still allow unilateral annexation, and it is time to change the process.

My constituents' annexation fears were borne out the last time the city of Topeka attempted an annexation in southeast Shawnee County. We felt that our concerns about the water district, fire district, and township in general were not addressed. When the fiscal note was examined, we found that the proposal was even a net revenue loss for the city.

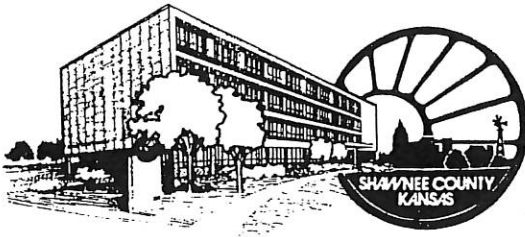
I support SB 492 as it provides a safety net for those being annexed to ensure that concerns of all parties are met and that the plan is in the public interest.

I have a couple of issues you might consider when you work this bill. First, in SB 24 last year we more fully defined the list of issues a city must consider in its annexation plan by adding two more items to the list of 14 found in 12-521 (c). Those two items are 1) the economic impact on the area, and 2) wasteful duplication of services. You might consider adding those to this section.

It also appears that we have removed the right of landowners to request annexation into a city. I'm not sure that should require approval of the county commission.

I appreciate your consideration of this bill and offer my support in any way I can.

Senate Elections and Local
Government Committee
Attachment 1
2-14-06



Shawnee County Board of Commissioners

Rm. B-11, Courthouse Topeka, Kansas 66603-3933

Marice Kane, 1st district

Vic Miller, 2nd district

Theodore D. Ensley, 3rd district

(785) 233-8200 ext. 4040, Fax: 785-291-4914

E-Mail: Commission@co.shawnee,ks.us

Network Address: www.co.shawnee,ks.us

February 14, 2006

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear. Attached you will find my undated testimony offered during the 2003 legislative session in support of HB 2043. Since that legislation essentially mirrored Senate Bill 492 offered today, and since everything improves with age, I again offer that testimony.

Senate Elections and Local
Government Committee
Attachment 2
2-14-06

Mr. Chairman and Members of the Committee:

My name is Vic Miller, and I am Chairman of the Shawnee County Commission. My remarks today are my own, not on behalf of the Commission. Prior to serving on the Commission, I served eight years as a member of the Topeka City Council. I am a Topeka City resident, as are the other two county commissioners. Each of the three commissioners serves a constituency of approximately 2/3 Topeka dwellers and 1/3 otherwise.

I share these demographics with you to underscore the point that there is no reason to believe that the City of Topeka would not receive a fair hearing in presenting its case for unilateral annexation to the Shawnee County Commission.

It is very difficult, however, to convince the township, the water district, the fire district, or the residents to be annexed that they currently receive a fair shake from a body that they have no say in selecting. This is particularly frustrating when many of the councilmembers that are to sit in judgment have a pre-ordained position supporting the annexation.

Last fall a group of Topeka and Shawnee County community leaders visited Springfield, Missouri, to review that community's blueprint for economic growth and prosperity. It was particularly interesting to me to note that, in Missouri, unilateral annexation is not even an option available to cities. The conclusion of our group was that "unilateral annexation is not necessary for the economic growth of a community."

HB 2043 offers a happy medium between unfettered unilateral annexation that cities currently enjoy and the Missouri circumstance where it is not even allowed. I support the bill's passage. A city should be able to make its case to an impartial tribunal before affecting this kind of change on people, townships, fire districts and water districts.

Mr. Chairman and Honored Committee Members:

Thank you for this opportunity to speak before you.

I am not an eloquent speaker, but I do have some thoughts that I would like to bring to your attention.

My wife, Margaret and I live in a development called "Westridge", just outside of Atchison, Kansas. This development began in 1977 and we purchased our home in 1978.

One of the primary reasons we chose to live in Westridge was that it is outside of the city limits, affording us less restrictions and, yes, lower taxes.

Through the years we were able to fight off two attempts of annexation because we were not bordering city property, thus Unilateral Annexation did not apply.

In recent years, Bellevue Country Club made an agreement with the City to be annexed. Our development is adjacent to Bellevue Country Club, making us a prime target for Unilateral Annexation.

We were able to defeat the first attempt of Unilateral Annexation last year because of errors the city made during the process. The city is currently going through the process again

and will be successful unless they once again make enough errors during the process that will allow us to file suit and have it set aside. Under Unilateral Annexation laws, this is the only defense we have.

In my mind this is a prime example of Taxation without Representation. Your bill would allow us to have our County Commissioners and township officials to fight for us against annexation. If the City is successful in annexing all of the properties in their plan, Shannon Township, which we are part of, will be stripped of most of their tax dollars and will have a difficult time remaining in existence.

What we really need is for Unilateral Annexation to be removed from the state laws. If there is some way that you could amend your bill to cover that also. I am told that Kansas and Nebraska are the only states that still have Unilateral Annexation laws.

Our property taxes have more than tripled in the 27 plus years we have lived in Westridge, now the City of Atchison, through annexation, will raise our property taxes approximately 50% and offer us poorer services than we presently have. This we know from observing the services that the present city receives.

They are saying that they can give us the same services without hiring any new personnel or purchasing any new equipment.

In closing, please, we need all of the help that you can give us.

Again, I respectfully thank you for your time and allowing us to speak before you today.

Lee Smith
1300 Grandeur Rd.
Atchison KS 66002

Kim Bottorff
17796 Country Club Road
Atchison, KS 66002

913-367-7174
913-370-0775

RE: SB 492, Repeal of Unilateral Annexation

Today, I am here to represent over 300 Atchison County residents that over 1 year ago formed a group called C.A.N. (Cancel Annexation Now), that began to feel the force of power that the Atchison City Government officials have had placed in their hands by the State of Kansas by allowing unilateral annexation. These laws are being upperhandedly used by our city government to forcefully take, by annexation, county properties into the confines of the city limits without the county residents having any representation in the matter.

Obviously, as county residents we do not vote for City of Atchison commissioners, yet these commissioners have the power to impact the residents of the county with excessive taxes, fees, and utilities by empowering them with unilateral annexation. CAN believes that the city is unconstitutionally using their powers of unilateral annexation to force annexation on county residents that are highly opposed to living within the city limits.

Our group is comprised of citizens from all walks of life including wealthy, newly married, average, retired, disabled, and those on fixed incomes. We also represent 7 businesses located outside of the city limits. One business, currently employing 94 people, has taken stand in front of the city commissioners stating that if his business is annexed, they will have no other choice but to move their facility to another location, because their business will longer benefit from the community of Atchison. This business is looking at an \$80,000 increase in taxes by being annexed into city limits. This increase will destroy the profit the business thrives on, and inevitably the business will move leaving 94 employees jobless.

As property owners, the power of unilateral annexation, would force county residents to pay anywhere from 44% to 60% in higher local property taxes. My property alone would incur additional taxes of over \$1600.00 per year. We would also be forced to pay additional monthly fees to our city for utility services whether we choose to use them or not. Every resident that faces unilateral annexation faces an impact of approximately \$150.00 per month (\$1800.00 per year) in additional taxes and fees.

The group C.A.N. fought the battle of unilateral annexation last year, and won the battle after spending \$14,000. of donated funds and a lot of man hours from residents of Atchison county and the city of Atchison. We had to hire an attorney to represent the group since unilateral annexation does not give representation of any kind to county residents. Since the City of Atchison did not follow procedural statutes, the C.A.N. group was able to stop the proposed annexation by filing a lawsuit against the city. The city acknowledged that they did not follow statutes, and the annexation and the lawsuit was dropped. Only for a few months, the City of Atchison has begun their pursuit of unilateral annexation again, only leaving residents with no representation and the choice to only spend more money and more time opposing the unilateral annexation of Atchison county residents.

We, Atchison County residents and members of C.A.N. , feel like we are being robbed. The city is stealing the rights of homeowners in Atchison county, and there is nothing we can do about it, and no one else that can do anything about it for us. They are taking our freedom to live where we chose to purchase our properties, they are taking our ability to afford to live where we choose, and they are taking our freedom as citizens in the state of Kansas. The City of Atchison is taking without asking. Taking without asking is theft, theft is unlawful, why isn't unilateral annexation?

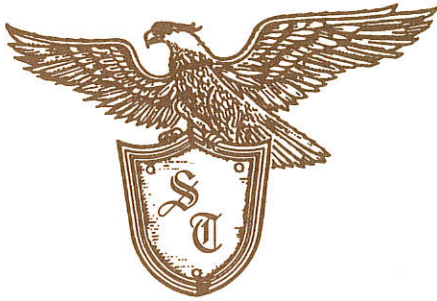
The residents of Atchison County are being treated as 2nd class citizens. We have no rights, no say, and no representation when it comes to unilateral annexation. Our city commissioners continue to state that they have the right to proceed and the lawful right to take action with unilateral annexation, and that annexation will happen no matter what we want, and county residents will be left struggling to save everything they have worked for, and to keep their properties in the county, where we want to be. Unilateral annexation puts people living in the city who don't want to be there for whatever reason. Has anyone ever been forced to do something they didn't want to do, and then had to live with it? No one should ever be treated this way.

Our county commissioners hands are tied by current statutes that do not include them in the process of unilateral annexation. The county residents have no representation and have no rights in unilateral annexation.

Therefore, we ask you to be sensitive to the powers of unilateral annexation and the effects it has upon residents and consider SB 492.

If anyone has any questions about the procedures that were followed and the events that happened with the annexations taking place in Atchison, please call or contact me, I would be more than happy to answer any questions. I have been highly involved in the unilateral annexation procedures as well as a spokesperson for CAN and would be more than grateful to talk with you at greater lengths.

Thanks for your time,
Kim Bottorff



Soldier Township

600 N.W. 46th, Topeka, Kansas 66617

**Elections and Local Government Committee
Testimony on Senate Bill 492
Relating to Unilateral Annexation**
By Richard Maginot, Township Business Administrator
February 14, 2006

The 13,000+ citizens of Soldier Township located in Northeast Shawnee County have for years been under the threat of unilateral annexation. Many hours and dollars have been expended fighting the unjust annexation of property into the City of Topeka by politicians that are not elected by the owners of the property being annexed.

Many citizens in the unincorporated area of Shawnee County would like to see a total ban unilateral annexation. They would suggest that cities put their efforts into "selling" the advantages of the being in the city rather than forcing them to become part of the city. City leaders may counter with an argument that this would not work and would hamper their ability to grow. They should be reminded that Kansas is one of only a handful of states that allow unilateral annexation and cities in other states have found ways to promote growth in their communities.

Barring such a total ban, Senate Bill 492 would as least give the property owner some relief with the final decision on unilateral annexation being made by the County Commission, officials they elected to represent them.

We ask the committee to support the passage of Senate Bill 492 as it is currently written.

Senate Elections and Local
Government Committee
Attachment 5
2-14-06

February 13, 2006

Subject:

Presentation Senate Committee on Election & Local Government on Senate Bill 492.
Called Senate Chairman secretary (Zoie 2/11/05 to be placed on Agenda to testify.
Hearing date Feb 14, 2006 @1:30pm in room 423S

Thank you for giving me the opportunity to give you some of my thoughts
Regarding Unilateral Annexation and SENATE BILL No. 492.

Since early 2004 the Atchison City Commission has been trying to use unilateral
Annexation starting with twelve (12) separate areas in Atchison County Kansas.

They have started into the third phase of its annexation plan. In an effort to try and
Convince property owners this will be a good for all (City and County Residents) a letter
dated June 13, 2005 was sent by certified mail to County Property owners that will
be effected. All though it may be legal to do so, this letter included an offer to these
residents of the following. **This offer is only if you Petition the city for annexation of
your property**. If my property had been in the City at that time, the municipal property
taxes for **that year** would have been **\$1,332.08**. This represents a **50.4%** increase in taxes
from last year, after my taxes had already increased **25.5%** since 2000.

OFFER IS AS FOLLOWS

- 1st year A tax rebate of 75% of taxes based on 2004 city taxes.
- 2nd year A tax rebate of 50% of taxes based on 2004 city taxes.
- 3rd year A tax rebate of 25% of taxes based on ~~2004~~ city taxes
(Rebate paid in full after current taxes paid.)

This is similar to tax breaks given for the Revitalizing property .

The main difference is these tax breaks were given to new housing additions built on
annexed property by the city and percentages were over a ten (10) year period.

No. 4 The city will pay 60% (up to a maximum of \$6,500.00 of the cost of the
sewer main extension necessary to service your property. **This offer is good for a 10
Year period** and will expire if a sewer benefit district (requiring 50% participation) is not
formed and implemented. The cost to connect from the owner to the main service is the
property owners responsibility.

Of the **102 property owner** included in the Phase 3 program, 44 signed the offer or had
previously signed as required by the City to receive water service. (which has a 50%
surcharge). This means **43% approved** the offer and **57% did not approve.**

I am not a lawyer and this may be legal, but it looks a little like bribery to me.

To the best of my knowledge there are only two or three states in the nation that continue
to support unilateral annexation. In my opinion, the concept of unilateral annexation is
unconstitutional in our representative republic. One would ask why is this so, logic would

Senate Elections and Local
Government Committee
Attachment 6
2-14-06

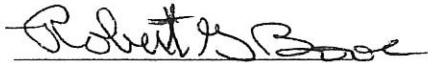
say this is taxation without representation. These property owners can be forced to have increased taxes imposed upon them, by City officials they did not vote for in an election. Their respective county commissioners are powerless to aid them, and the city governing body does not have to answer to them. In other words the City can impose Unilateral Annexation (at the expense of property owners) simply because they can.

I also understand Senate Bill No. 492 may help by giving the County Commissioners input into this matter. **The best solution** is for the **State of Kansas Legislature** to follow the lead of what other states have done and **not allow unilateral annexation** in the State of Kansas.

One only needs to make a search on the Internet for Unilateral Annexation, to see the problems that have resulted by City's having abused this power.

Provide a copy of e-mail sent to all Kansas State Senators.

Provide a copy of the June 13, 2005 Letter from the City of Atchison, ANNEXATION AND INCENTIVE AGREEMENT AND PETITION FOR ANNEXATION.



Robert G. Booe
1303 Westridge Drive
Atchison, Kansas 66002
913.367.3309

Robert Booe

From: "Robert Booe" <abbooe@charter.net>
To: "Wysong, David" <wysong@senate.state.ks.us>; "Wilson, Dennis" <wilson@senate.state.ks.us>;
 "Wagle, Susan" <wagle@senate.state.ks.us>; "Vrtil, John" <vrtil@senate.state.ks.us>;
 "Umbarger, Dwayne" <umbarger@senate.state.ks.us>; "Teichman, Ruth"
 <teichman@senate.state.ks.us>; "Taddiken, Mark" <taddiken@senate.state.ks.us>; "Steiniger,
 Chris" <steiniger@senate.state.ks.us>; "Schodorf, Jean" <schodorf@senate.state.ks.us>;
 "Schmidt, Derek" <schmidt@senate.state.ks.us>; "Reitz, Roger" <reitz@senate.state.ks.us>;
 "Pyle, Dennis" <pyle@senate.state.ks.us>; "Pine, Roger" <pine@senate.state.ks.us>; "Peterson,
 Mike" <peter@senate.state.ks.us>; "Palmer, Peggy" <palmer@senate.state.ks.us>;
 "Ostmeyer, Ralph" <ostmeyer@senate.state.ks.us>; "O'Connor, Kay"
 <oconnor@senate.state.ks.us>; "Morris, Stephen" <morris@senate.state.ks.us>; "McGinn,
 Carolyn" <mcginn@senate.state.ks.us>; "Lee, Janis" <lee@senate.state.ks.us>; "Kelly, Laura"
 <kelly@senate.state.ks.us>; "Journey, Phillip" <journey@senate.state.ks.us>; "Jordan, Nick"
 <jordan@senate.state.ks.us>; "Huelskamp, Tim" <huelskamp@senate.state.ks.us>; "Hensley,
 Anthony" <hensley@senate.state.ks.us>; "Haley, David" <haley@senate.state.ks.us>; "Goodwin,
 Greta" <goodwin@senate.state.ks.us>; "Gilstrap, Mark" <gilstrap@senate.state.ks.us>;
 "Francisco, Marci" <francisco@senate.state.ks.us>; "Emler, Jay" <emler@senate.state.ks.us>;
 "Donovan, Leslie (les)" <donovan@senate.state.ks.us>; "Brungardt, Pete"
 <brungardt@senate.state.ks.us>; "Bruce, Terry" <bruce@senate.state.ks.us>; "Brownlee, Karin"
 <brownlee@senate.state.ks.us>; "Betts, Donald" <Betts@senate.state.ks.us>; "Barone, Jim"
 <barone@senate.state.ks.us>; "Barnett, Jim" <Barnett@senate.state.ks.us>; "Apple, Pat"
 <apple@senate.state.ks.us>; "Allen, Barbara" <allen@senate.state.ks.us>
Cc: "Topeka Capital Journal" <letters@cjonline.com>; "Atchison Daily Globe" <globe@npgco.com>
Sent: Tuesday, February 07, 2006 1:38 PM
Subject: Unilateral Annexation

Robert G. Booe
 1303 Westridge Drive
 Atchison, Kansas 66002
 913-367-3309
 abbooe@charter.net

February 7, 2006

Subject: Unilateral Annexation (Who will be next?)

It has come to my attention that House Bill 2185, which would repeal unilateral annexation, is currently in committee. The purpose of the letter is to urge you and your colleagues to support this legislation.

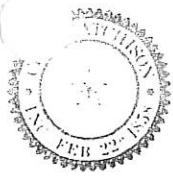
To the best of my knowledge there are only two or three states in the nation that continue to support unilateral annexation. In my opinion, the concept of unilateral annexation is unconstitutional in our representative republic. One would ask why is this so, logic would say this is taxation without representation. These property owners can be forced to have increased taxes imposed upon them, by City Officials they did not vote for in an election. Their respective county commissioners are powerless to aid them, and the city governing body does not have to answer to them. In other words the city can impose Unilateral Annexation (at the expense of property owners) simply because they can.

I also understand Senate Bill No. 492 may help by giving the County Commissioners input into this matter. The best solution is for the State of Kansas Legislatures to follow the lead of what other states have done and not allow unilateral annexation in the State of Kansas.

One only needs to make a search on the internet for Unilateral Annexation, to see the problems that have resulted by City's having abused this power.

2/7/06

6-3

City of Atchison, Kansas

Certified Mail 7005 1160 0005 1032 11
Mailed Jun 15, 05
Received Jun 16, 05

Total Taxes	2000	\$2,105.41	
Total Taxes	2,005	\$2,143.90	= 25.5 %
Taxes Below		\$1,332.08	= 50.4 %
		\$3,975.98	= 88.8 % over 200
	\$1,332.08		
	x 10%		
	\$133,320.8		
		Rebate	
		\$999.06	
		666.04	
		333.02	
		\$1,998.12	

June 13, 2005

Robert G & Alexine A Booe
1303 Westridge Drive
Atchison, KS 66002

Re: Consent to Annexation

Dear Robert G & Alexine A Booe:

The City of Atchison is now entering into the second phase of its annexation plan. We believe that territorial expansion of the city is vital to future economic growth. We believe that adding your property to the City would be beneficial to all involved.

Our records indicate that you are the owner of the property located at 1303 Westridge Drive. We would like for you to consider petitioning the city to annex this property. In addition to the regular city services and amenities available to all our citizens, the City is prepared to offer additional incentives to you should you decide to petition the City for annexation.

We know that you are concerned by any additional tax burden. In order to lessen that burden on you, the City will agree to rebate a significant portion of those taxes to you if you Petition the city for annexation of your property. Our records indicate that your property valuation, as set by Atchison County, was \$23,621 for 2004. If your property had been in the City at that time, the *municipal* property taxes for that year would have been \$1,332.08. If you petition for annexation at this time, the City will rebate 75% of this tax (\$999.06) in the first year following annexation; 50% of this tax (\$666.04) in the second year; and 25% of this tax (\$333.02) in the third year.

Our records indicate that your property is not currently connected to the City's sanitary sewer system. If you petition for annexation, and desire to connect to the City's sewer system, the City will pay 60% of the cost of the sewer main extension necessary to service your property, with the City's

Preserving our past, working for our future

6-4
BEB

share of this cost not to exceed \$6,500.00. There is, of course, no requirement that you connect to the system so long as your current system is working properly.

There are restrictions on these incentives, which are laid out in more detail in the attached ANNEXATION AND INCENTIVE AGREEMENT. Please make certain that you read and understand the incentive package before deciding whether to Petition for annexation.

If you desire to petition the city for annexation, please sign and return the attached ANNEXATION AND INCENTIVE AGREEMENT, as well as the attached PETITION FOR ANNEXATION by the close of business on July 13, 2005. Please note that both documents must be signed by all property owners, with the signatures being notarized. There are several notaries available at City Hall free of charge. Also, the Bank of Atchison has agreed to notarize these documents for you free of charge. For those with difficulty in getting to a notary during regular business hours, please call to see if special arrangements can be made to accommodate you.

If you have any questions, or if you believe our records are somehow in error, please contact me at 367-5500. Thank you for considering executing these documents, and I hope that you will join the city soon.

Very truly yours,



Kelly DeMeritt
City Manager

KM:PEH:jvh:sb

Enclosures

ANNEXATION AND INCENTIVE AGREEMENT

THIS AGREEMENT, made this ____ day of _____, 2005 by and between Robert G & Alexine A Booe, hereinafter referred to as "LANDOWNER" (whether singular or plural) and the City of Atchison, Kansas, hereinafter referred to as "CITY", by Kelly DeMeritt, City Manager.

1. LANDOWNER holds title to real property which adjoins CITY in Atchison County, Kansas, commonly known as 1303 Westridge Drive and described as follows:

Lot One (1), Block Six (6), in West Ridge Estates, a subdivision in the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section Thirty-four (34), Township Five (5) South, Range Twenty (20) East.

2. In addition to providing municipal refuse service, fire protection and police protection as afforded to all residents of the city; the CITY agrees to provide the following incentives to LANDOWNER:
CITY REAL ESTATE TAX REBATE INCENTIVE:

- a. CITY will rebate to LANDOWNER pre-determined taxes utilizing the LANDOWNER'S 2004 assessed valuation, as established by the Atchison County Appraiser, and CITY'S 2004 mill levy. The rebate will be paid no later than July 31 of each year of participation in the program. The rebate will commence the year following the first tax statement that the LANDOWNER receives that includes assessment of CITY taxes. The pre-determined taxes being rebated are based upon a 75% rebate (\$999.06) for year one, 50% rebate (\$666.04) for year two and a 25% rebate (\$333.02) for year three.
- b. LANDOWNER shall not be delinquent on the payment of any real estate taxes within the CITY during the entire length of this program. If at any time during the program LANDOWNER is delinquent, participation shall cease at the time of delinquency. CITY will verify timely payment of all real estate taxes within the City in June of each appropriate year.
- c. The rebate applies only to taxes on Class 1 real property defined in Article 11, Section 1, of the Kansas Constitution, excluding (5) public utility property.
- d. This rebate shall not apply to other kinds of taxes or to taxes levied on behalf of any other taxing jurisdiction.

SANITARY SEWER MAIN EXTENSION INCENTIVE:

- a. CITY will pay 60% of the cost of necessary sewer main extensions on public right of way. LANDOWNER shall be solely responsible for connecting to the public sewer main extension.

CITY's responsibility shall not exceed \$6,500 for the LANDOWNER's property.

- b. In order to take advantage of this incentive LANDOWNER must, within ten years of the date of annexation, petition CITY for the formation of a benefit district. Only property located within a benefit district formed pursuant to K.S.A. 12-6a04 will be eligible for this incentive. The cost assessed to each property within each benefit district may, at the sole discretion of LANDOWNER, be paid in a lump sum or a special assessment over a 10-year period.
- c. Once LANDOWNER connects to the established sewer main, a monthly utility service fee will be charged for use of the municipal sewer in accordance with applicable rates.

3. LANDOWNER agrees to execute PETITION FOR ANNEXATION to have said property annexed into and become a part of the City of Atchison, Kansas.

4. This agreement shall extend to and become binding upon the heirs, executors, administrators, successors, and assigns of LANDOWNER.

LANDOWNER:

Robert G Booe

Alexine A Booe

State Of Kansas)
) ss:
Atchison County)

The foregoing instrument was acknowledged before me this _____ day of _____, 2005, by Robert G & Alexine A Booe as LANDOWNER.

Notary Public

City of Atchison, Kansas

By _____
Kelly DeMeritt
City Manager

State Of Kansas)
) ss:
Atchison County)

The foregoing instrument was acknowledged before me this
____ day of _____, 2005, by Kelly DeMeritt, City Manager, on
behalf of the City of Atchison, Kansas.

Notary Public

6-8
[Handwritten signature]

PETITION FOR ANNEXATION

TO THE CITY COMMISSION OF ATCHISON, KANSAS:

Robert G & Alexine A Booe, the sole owners of the following described land located in Atchison County, Kansas, to-wit:

Lot One (1), Block Six (6), in West Ridge Estates, a subdivision in the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section Thirty-four (34), Township Five (5) South, Range Twenty (20) East.

hereby petition the City Commission of the City of Atchison, Kansas, for annexation of this property into the City of Atchison at the earliest possible date.

Signature of all owners of record and their spouses:

Robert G Booe

Alexine A Booe

State Of Kansas)
) ss:
Atchison County)

The foregoing instrument was acknowledged before me this _____ day of _____, 2005, by Robert G & Alexine A Booe.

Notary Public

W. Paul Degener
518 NW 56th St.
Topeka, KS 66617
(785) 246-0215
e-mail: w.degener@sbcglobal.net

SUBJECT: SB 492, Repeal of Unilateral Annexation

Mr. Chairman, members of the committee, my name is Paul Degener, I am a resident of rural Shawnee County, and appear before this committee in support of SB 492.

In Shawnee County, you cannot talk about consolidation without talking about unilateral annexation.

First I would like to set the stage for my position on this issue. A year or so ago the city of Topeka developed an aggressive annexation plan. Their plan took in the entire perimeter of Topeka, and had it been implemented would have destroyed several of the surrounding townships.

During last year's legislative session, HB 2083 was passed which provided for the consolidation of Topeka and Shawnee County. HB 2083 also provided for a dual majority vote before consolidation could become a reality. The appointed planning commission spent many hours conducting town-hall meetings throughout the county, most of which I attended. There was a lot of useful information presented at these meetings but the one issue that we were presented with, time after time was: "If you do not vote for consolidation, you will be annexed." Before, during and after the failure of consolidation in Shawnee County, the concept of a dual majority vote has been assaulted.

In my opinion, I feel that unilateral annexation is unconstitutional. Contrary to popular belief, our founding fathers did not establish a democracy, they established a representative republic and as such, each citizen should be represented by an elected official. Under existing law those citizens being annexed have no representation. This bill will not eliminate annexation, but it will require city councils to go through their respective county commission before they can annex surrounding land and those being annexed will have some representation through their county commissioners.

Having said all of this, I would like to know why residents throughout this state who reside outside of city limits are looked upon as third class citizens. With the exception of HB 2083, every consolidation bills I have read since 1998 has never provided a separate vote for rural residents. When two counties are considered for consolidation, the votes for each county are counted separately. When city-county consolidation is cities are provided a separate vote, but citizens residing outside of the city limits are denied that right. Under existing law, residents of areas to be annexed are denied representation by their elected officials. Why does the state of Kansas treat us as third-rate citizens?

Senate Elections and Local
Government Committee
Attachment 7
2-14-06

Isn't it time that we treated all Kansans equally under the law? By voting for SB 492, you can begin to correct this shortcoming in our existing law.

Thank you for your time.

To: Kathy Porter
From: Carol G. Green
Re: Records Request
Date: 25 January 2006

Attached find the 2004 Judicial Financial Disclosure Reports for sitting Justices and Judges of the Kansas Appellate Courts. Justice Eric Rosen's report as a district court judge is included. Judge Michael Buser will file his first report for 2005 no later than April 15, 2006.

Carol
City of Wichita

JUDICIAL FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2004

Report required by Supreme Court Rule 601A Relating to Judicial Conduct
Canon 4, Subsections D, E, and H (2004 Kan. Ct. R. Annot. 551 - 557)

Return on or before April 15, 2005, to

Commission on Judicial Qualifications
Attn: Financial Disclosure Reporting
301 SW Tenth Avenue, Room 374
Topeka, Kansas 66612

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APR 08 2005

COMMISSION ON
JUDICIAL QUALIFICATIONS

The instructions accompanying this form are a guide to be followed in preparing your annual financial disclosure report. Please read the instructions before completing the form. Complete all parts, checking "NONE" wherever you have no reportable information. **This report must be typed** but may be completed online at www.kscourts.org, printed and mailed. Sign on the last page.

1. Person Reporting (Last name, first, middle initial)
Beier, Carol A.
2. Title (Indicate active or senior status; full or part-time) Justice, full-time active
3. Court Kansas Supreme Court
4. Judicial Office Address Kansas Judicial Center, 310 SW 10th Ave., Ste. 313, Topeka, KS. 66612
5. Date of Report 04/15/04

I. COMPENSATION [reporting individual (I) and spouse (S); for Honoraria, reporting individual (I) only; see Section I of Instructions and Canon 4H(1)]

 NONE (*No reportable Compensation*)

<u>Date</u>	<u>Name of Payor</u>	<u>Payee (I or S)</u>	<u>Nature of Activity</u>
1/04-12/04	U.S.D. 501	S	Teaching Salary, Benefits, Fees

II. FEES AND COMMISSIONS [reporting individual (I) and spouse (S); see Section II of Instructions and Canon 4H(2)]

NONE (*No reportable Fees and Commissions*)

<u>Name of Client or Customer</u>	<u>Address</u>	<u>Payee (I or S)</u>
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III. OWNERSHIP INTERESTS [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section III of Instructions and Canon 4D(1), (2), (4); 4H(3)]

_____ NONE (*No reportable Ownership Interest*)

<u>Business Name and Address</u> (List address only if not publicly traded)	<u>Type of Business</u>	<u>Description of Interests Held</u>	<u>Held by Whom</u> (I, S, DC)
Rental Condominium in Wichita, KS	Rental	Owners	I, S
Vanguard Group	Individual Retirement Account	Owner	I
Franklin Templeton	Individual Retirement Account	Owner	S

IV. GIFTS, BEQUESTS, OR FAVORS [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section IV of Instructions and Canons 4D(5)(a-h) and 4H(4)]

NONE (*No reportable Gifts, Bequests, or Favors*)

<u>Date</u>	<u>Donor</u>	<u>Recipient (I, S, DC)</u>	<u>Description</u>
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V. POSITIONS [reporting individual (I) only; see Section V of Instructions and Canon 4D(3)(a)(b); 4H(5)]

_____ NONE (*Nothing to report*)

<u>Name of Business/Organization/Entity</u>	<u>Address</u>	<u>Position Held</u>
KU Law Society	Lawrence, KS	President

VI. LIABILITIES [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section VI of Instructions and Canon 4H(6)]

_____ NONE (*No reportable liabilities*)

<u>Creditor</u>	<u>Person Responsible for Liability (I, S, DC)</u>	<u>Description</u>
Washington Mutual Bank - Milwaukee, WI	I, S	Mortgage on Rental Condominium

VII. ADDITIONAL INFORMATION OR EXPLANATIONS (*Indicate section of Report*)

III OWNERSHIP INTERESTS (con.)

Scudder Investments	Individual Retirement Account	Owner	S
Oppenheimer Funds	Individual Retirement Account	Owners	I, S
Putnam Investments	Individual Retirement Account	Owner	S
Learning Quest	Educational Savings Account	Owners	DC, DC

4/8/05

Date



Signature of Reporting Judge

JUDICIAL FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2004

Report required by Supreme Court Rule 601A Relating to Judicial Conduct
Canon 4, Subsections D, E, and H (2004 Kan. Ct. R. Annot. 551 - 557)

Return on or before April 15, 2005, to

Commission on Judicial Qualifications
Attn: Financial Disclosure Reporting
301 SW Tenth Avenue, Room 374
Topeka, Kansas 66612

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COMMISSION ON
JUDICIAL QUALIFICATIONS

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1. Person Reporting (Last name, first, middle initial)

Rosen, Eric S.

2. Title (Indicate active or senior status; full or part-time) District Court Judge - Active

3. Court District Court -- Third Judicial District

4. Judicial Office Address 200 S. E. 7th Street, Div. 4, Topeka, KS 66603

5. Date of Report June 1, 2005

I. COMPENSATION [reporting individual (I) and spouse (S); for Honoraria, reporting individual (I) only; see Section I of Instructions and Canon 4H(1)]

 NONE (*No reportable Compensation*)

<u>Date</u>	<u>Name of Payor</u>	<u>Payee (I or S)</u>	<u>Nature of Activity</u>
Jan.-Dec. 2004	Stormont Vail Healthcare Inc.	Spouse	R.N.

II. FEES AND COMMISSIONS [reporting individual (I) and spouse (S); see Section II of Instructions and Canon 4H(2)]

xx NONE (No reportable Fees and Commissions)

<u>Name of Client or Customer</u>	<u>Address</u>	<u>Payee (I or S)</u>
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III. OWNERSHIP INTERESTS [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section III of Instructions and Canon 4D(1), (2), (4); 4H(3)]

 NONE (No reportable Ownership Interest)

<u>Business Name and Address</u> (List address only if not publicly traded)	<u>Type of Business</u>	<u>Description of Interests Held</u>	<u>Held by Whom</u> (I, S, DC)
Capital City Bank	Bank	C.D.	I, S
Vanguard	Mutual Fund	Shareholder	I, S

IV. GIFTS, BEQUESTS, OR FAVORS [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section IV of Instructions and Canons 4D(5)(a-h) and 4H(4)]

 NONE (No reportable Gifts, Bequests, or Favors)

<u>Date</u>	<u>Donor</u>	<u>Recipient (I, S, DC)</u>	<u>Description</u>
1-04	Brown Commission	I	Richmond, Virginia
3-04	Brown Commission	I	Lawrence, KS -- Commission Meeting
5-04	Sam A. Crow Inns of Court	I	Kansas City, MO -- National Conference
8-04	Kansas Sentencing Comm.	I	Santa Fe, New Mexico -- National Conf.
12-04	Brown Commission	I	Washington, D.C. -- Commission Meeting

V. POSITIONS [reporting individual (I) only; see Section V of Instructions and Canon 4D(3)(a)(b); 4H(5)]

 NONE (*Nothing to report*)

<u>Name of Business/Organization/Entity</u>	<u>Address</u>	<u>Position Held</u>
Jerome Horton Foundation	P.O.Box 67055, Top.,KS 66607-0055	Board Member
Brown Commission	U.S. Dept. of Education 330 C. Street, S.W. Washington, DC 20202	Alt. Commissioner
Site Council	Topeka High School 800 S.W. 10th Street Topeka, KS 66612	Vice-Chair
Sam A. Crow Inns of Court	1700 S.W. College Ave. Topeka, KS 66621	President - 2004

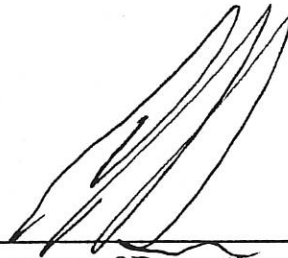
VI. LIABILITIES [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section VI of Instructions and Canon 4H(6)]

 xx NONE (*No reportable liabilities*)

<u>Creditor</u>	<u>Person Responsible for Liability (I, S, DC)</u>	<u>Description</u>
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JUNE 1, 2005

Date



Signature of Reporting Judge

**JUDICIAL FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2004**

Report required by Supreme Court Rule 601A Relating to Judicial Conduct
Canon 4, Subsections D, E, and H (2004 Kan. Ct. R. Annot. 551 - 557)

Return on or before April 15, 2005, to

Commission on Judicial Qualifications
Attn: Financial Disclosure Reporting
301 SW Tenth Avenue, Room 374
Topeka, Kansas 66612

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COMMISSION ON
JUDICIAL QUALIFICATIONS

The instructions accompanying this form are a guide to be followed in preparing your annual financial disclosure report. Please read the instructions before completing the form. Complete all parts, checking "NONE" wherever you have no reportable information. **This report must be typed** but may be completed online at www.kscourts.org, printed and mailed. Sign on the last page.

1. Person Reporting (Last name, first, middle initial)
Rulon, Gary W.
2. Title (Indicate active or senior status; full or part-time) Chief Judge - Active - full time
3. Court Kansas Court of Appeals
4. Judicial Office Address 301 S.W. 10th Ave. Rm. 268 N
5. Date of Report 02/14/05

I. COMPENSATION [reporting individual (I) and spouse (S); for Honoraria, reporting individual (I) only; see Section I of Instructions and Canon 4H(1)]

 NONE (*No reportable Compensation*)

<u>Date</u>	<u>Name of Payor</u>	<u>Payee (I or S)</u>	<u>Nature of Activity</u>
Jan. - Dec. 04	Olathe Medical Center	S	Registered Nurse

CAROL G. GREEN
CLERK APPELLATE COURTS

FEB 17 11:04 AM 2005

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II. FEES AND COMMISSIONS [reporting individual (I) and spouse (S); see Section II of Instructions and Canon 4H(2)]

NONE (No reportable Fees and Commissions)

<u>Name of Client or Customer</u>	<u>Address</u>	<u>Payee (I or S)</u>
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III. OWNERSHIP INTERESTS [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section III of Instructions and Canon 4D(1), (2), (4); 4H(3)]

NONE (No reportable Ownership Interest)

<u>Business Name and Address</u> (List address only if not publicly traded)	<u>Type of Business</u>	<u>Description of Interests Held</u>	<u>Held by Whom</u> (I, S, DC)
Vanguard Group	Investment Bus.	IRAs	I, S
ING	Investment Mgt. Bus.	Deferred Comp.	S
Prudential Financial Inc.	Insurance and Investment Mgt	Shareholder	I
Vanguard Group	Investment Bus.	Shareholder/Money Market funds	I, S

IV. GIFTS, BEQUESTS, OR FAVORS [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section IV of Instructions and Canons 4D(5)(a-h) and 4H(4)]

NONE (No reportable Gifts, Bequests, or Favors)

<u>Date</u>	<u>Donor</u>	<u>Recipient (I, S, DC)</u>	<u>Description</u>
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V. POSITIONS [reporting individual (I) only; see Section V of Instructions and Canon 4D(3)(a)(b); 4H(5)]

NONE (*Nothing to report*)

<u>Name of Business/Organization/Entity</u>	<u>Address</u>	<u>Position Held</u>
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VI. LIABILITIES [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section VI of Instructions and Canon 4H(6)]

NONE (*No reportable liabilities*)

<u>Creditor</u>	Person Responsible for <u>Liability (I, S, DC)</u>	<u>Description</u>
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VII. ADDITIONAL INFORMATION OR EXPLANATIONS (*Indicate section of Report*)

Continuance of Part III "Ownership Interests"

Prudential Retirement Services

Investment Mgt.

Deferred Comp.

S

2/17/05
Date

Amy W. Rubin
Signature of Reporting Judge

**JUDICIAL FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2004**

Report required by Supreme Court Rule 601A Relating to Judicial Conduct
Canon 4, Subsections D, E, and H (2004 Kan. Ct. R. Annot. 551 - 557)

Return on or before April 15, 2005, to

Commission on Judicial Qualifications
Attn: Financial Disclosure Reporting
301 SW Tenth Avenue, Room 374
Topeka, Kansas 66612

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MAY 24 2005
COMMISSION ON
JUDICIAL QUALIFICATIONS

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1. Person Reporting (Last name, first, middle initial)
Elliott, Jerry G.
2. Title (Indicate active or senior status; full or part-time) active; full-time
3. Court Kansas Court of Appeals
4. Judicial Office Address 324 Ks. Judic. Ctr. Topeka 66612
5. Date of Report 05/23/05

I. COMPENSATION [reporting individual (I) and spouse (S); for Honoraria, reporting individual (I) only; see Section I of Instructions and Canon 4H(1)]

 NONE (*No reportable Compensation*)

<u>Date</u>	<u>Name of Payor</u>	<u>Payee (I or S)</u>	<u>Nature of Activity</u>
Jan-Dec 04	Ks. Animal Health Dept	S	Public Serv. Exec II
Jan-Dec 04	NCRA	I	working interest, oil & gas prod

II. FEES AND COMMISSIONS [reporting individual (I) and spouse (S); see Section II of Instructions and Canon 4H(2)]

NONE (No reportable Fees and Commissions)

<u>Name of Client or Customer</u>	<u>Address</u>	<u>Payee (I or S)</u>
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III. OWNERSHIP INTERESTS [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section III of Instructions and Canon 4D(1), (2), (4); 4H(3)]

NONE (No reportable Ownership Interest)

<u>Business Name and Address</u> (List address only if not publicly traded)	<u>Type of Business</u>	<u>Description of Interests Held</u>	<u>Held by Whom</u> (I, S, DC)
Foulston, Siefkin Main @Broadway Wichita 67202	former law firm	401k plan, managed by Vanguard	I
Bank of America	bank	IRA account	I

IV. GIFTS, BEQUESTS, OR FAVORS [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section IV of Instructions and Canons 4D(5)(a-h) and 4H(4)]

NONE (No reportable Gifts, Bequests, or Favors)

<u>Date</u>	<u>Donor</u>	<u>Recipient (I, S, DC)</u>	<u>Description</u>
-------------	--------------	-----------------------------	--------------------

V. POSITIONS [reporting individual (I) only; see Section V of Instructions and Canon 4D(3)(a)(b); 4H(5)]

 NONE (*Nothing to report*)

<u>Name of Business/Organization/Entity</u>	<u>Address</u>	<u>Position Held</u>
Kansas Bar Ass'n	Topeka	Bd of Editors, Kan. Bar J
Judge Hugh Means Inn of Court	Laawrence	CLE chair
Kansas Legal Services Corp	Topeka	bd of directors

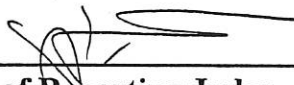
VI. LIABILITIES [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section VI of Instructions and Canon 4H(6)]

NONE (*No reportable liabilities*)

<u>Creditor</u>	<u>Person Responsible for Liability (I, S, DC)</u>	<u>Description</u>
-----------------	--	--------------------

VII. ADDITIONAL INFORMATION OR EXPLANATIONS (*Indicate section of Report*)

23 May 05
Date

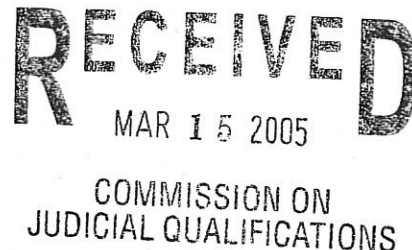

Signature of Reporting Judge

JUDICIAL FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2004

Report required by Supreme Court Rule 601A Relating to Judicial Conduct
Canon 4, Subsections D, E, and H (2002 Kan. Ct. R. Annot. 551 - 557)

Return on or before April 15, 2005, to:

Clerk of the Appellate Courts
301 SW Tenth Avenue, Room 374
Topeka, Kansas 66612



The instructions accompanying this form are a guide to be followed in preparing your annual financial disclosure report. Please read the instructions before completing the form. Complete all parts, checking "NONE" wherever you have no reportable information. This report must be typed but may be completed online at www.kscourts.org, printed and mailed. Sign on the last page.

1. Person Reporting (Last name, first, middle initial) Pierron, George J.
2. Title (Indicate active or senior status; full or part-time) Judge, active, full
3. Court Court of Appeals
4. Judicial Office Address 301 SW 10th, Topeka, Kansas, 66612
5. Date of Report April 15, 2004

I. COMPENSATION [reporting individual (I) and spouse (S); for Honoraria, reporting individual (I) only; see Section I of Instructions and Canon 4H(1)]

X NONE (No reportable Compensation)

<u>Date</u>	<u>Name of Payor</u>	<u>Payee (I or S)</u>	<u>Nature of Activity</u>
-------------	----------------------	-----------------------	---------------------------

II. FEES AND COMMISSIONS [reporting individual (I) and spouse (S); see Section II of Instructions and Canon 4H(2)]

X NONE (No reportable Fees and Commissions)

<u>Name of Client or Customer</u>	<u>Address</u>	<u>Payee (I or S)</u>
-----------------------------------	----------------	-----------------------

III. OWNERSHIP INTERESTS [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section III of Instructions and Canon 4D(1), (2), (4); 4H(3)]

___ NONE (*No reportable Ownership Interest*)

<u>Business Name and Address</u> (List address only if not publicly traded)	<u>Type of Business</u>	<u>Description of Interests Held</u>	<u>Held by Whom</u> (I, S, DC)
Individual Retirement Account through Edward Jones Company Putnam Voyager Fund CL A		owned	I
TIAA-CREF Retirement Fund		owned	S
Annuities			
Olathe Health System (tax deferred) Edward Jones		owned	I
Lincoln National Life-Shareholders Advantage		owned	I
Best of America		owned	S
Jackson National		owned	S
Residence			
Lawrence, Ks 66047		owned	I/S
Family Trust	Trust	Trustee	I
Municipal Bonds			
Butler & Sedgwick Cnty Ks			
Chicago Ill. Midway Arprt. Rev.			
Douglas County Kansas Uni SC			
Kansas Dept. Transn Hwy. Rev.			
Kansas Div. Fin Auth Reven Sisters of Charity of Leavenworth			
Reno Cnty KS USC #308			
Saline Ks Hosp. Rev			
Sedgwick Cnty. KS Uni Sch Dis			
Topeka Kans Pub Bldg Comm R			
Family Trust	Trust	Trustee	family member
Edward Jones Company			
Municipal Bonds			
Brazoria Cnty Tex Mun Util			
Daviess Cnty In Building Cor			
JEA Fla Water & Sewer Sys Re			
Monroe La Sales & Tax Re			
Corporate Bonds			
Bank of Am Copr Internotes			

Intl Business Machs Corp SR NT
 Natl Rural Utils Coop Fin No
 Credit Suisse First Boston USA
 MBNA Amer BK NA Newark Del
 Government and Agency Securities
 Federal Home Loan Mortgage Corp Medium Term Note

Family Trust	Trust	Trustee	DC
A.G. Edwards			
U.S. Treas Security			
SFING Corp. CPN FICO Strips			
Mutual Funds			
Capital World Growth and Income Fund			
Growth Fund of America Inc.			
New Economy Fund			

Family Trust	Trust	Trustee	DC
A.G. Edwards			
U.S. Treas Security			
SFING Corp. CPN FICO Strips			
Mutual Funds			
Capital World Growth and Income Fund			
Growth Fund of America Inc.			
New Economy Fund			

Capital Allocation & Management	mutual funds	owned	S
Blue Vase Securities	mutual funds	owned	S

IV. GIFTS, BEQUESTS, OR FAVORS [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section IV of Instructions and Canons 4D(5)(a-h) and 4H(4)]

X NONE (*No reportable Gifts, Bequests, or Favors*)

<u>Date</u>	<u>Donor</u>	<u>Recipient (I, S, DC)</u>	<u>Description</u>
-------------	--------------	-----------------------------	--------------------

V. POSITIONS [reporting individual (I) only; see Section V of Instructions and Canon 4D(3)(a)(b); 4H(5)]

NONE (*Nothing to report*)

<u>Name of Business/Organization/Entity</u>	<u>Address</u>	<u>Position Held</u>
Kids Voting Kansas	P.O. Box 735 Topeka, KS 66601	Chair
Rotary of Topeka	420 SE 6th	member

Topeka, KS 66601

Douglas County Inn of Court

member

International Relations Council

2000 Commerce Bank Bldg member
911 Main
Kansas City, MO 64105

VI. LIABILITIES [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section VI of Instructions and Canon 4H(6)]

 NONE (*No reportable liabilities*)

<u>Creditor</u>	<u>Person Responsible for Liability (I, S, DC)</u>	<u>Description</u>
Northwestern Mutual Life Company	I	Loans against Insurance policies

VII. ADDITIONAL INFORMATION OR EXPLANATIONS (*Indicate section of Report*)

March 15, 2005
Date


Signature of Reporting Judge

JUDICIAL FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2004

Report required by Supreme Court Rule 601A Relating to Judicial Conduct
Canon 4, Subsections D, E, and H (2004 Kan. Ct. R. Annot. 551 - 557)

Return on or before April 15, 2005, to:

Commission on Judicial Qualifications
Attn: Financial Disclosure Reporting
301 SW Tenth Avenue, Room 374
Topeka, Kansas 66612

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MAR 30 2005

COMMISSION ON
JUDICIAL QUALIFICATIONS

The instructions accompanying this form are a guide to be followed in preparing your annual financial disclosure report. Please read the instructions before completing the form. Complete all parts, checking "NONE" wherever you have no reportable information. **This report must be typed** but may be completed online at www.kscourts.org, printed and mailed. Sign on the last page.

1. Person Reporting (Last name, first, middle initial)

GREEN, HENRY W.

2. Title (Indicate active or senior status; full or part-time) Appellate Court Judge (active)

3. Court Kansas Court of Appeals

4. Judicial Office Address 301 W. 10th, Topeka, KS 66612-1507

5. Date of Report March 30, 2005

I. COMPENSATION [reporting individual (I) and spouse (S); for Honoraria, reporting individual (I) only; see Section I of Instructions and Canon 4H(1)]

 NONE (*No reportable Compensation*)

<u>Date</u>	<u>Name of Payor</u>	<u>Payee (I or S)</u>	<u>Nature of Activity</u>
Jan.-Sept. 2004	Leavenworth Housing Authority	S	Rental Income

II. FEES AND COMMISSIONS [reporting individual (I) and spouse (S); see Section II of Instructions and Canon 4H(2)]

NONE (No reportable Fees and Commissions)

<u>Name of Client or Customer</u>	<u>Address</u>	<u>Payee (I or S)</u>
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III. OWNERSHIP INTERESTS [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section III of Instructions and Canon 4D(1), (2), (4); 4H(3)]

NONE (No reportable Ownership Interest)

<u>Business Name and Address</u> <small>(List address only if not publicly traded)</small>	<u>Type of Business</u>	<u>Description of Interests Held</u>	<u>Held by Whom</u> <u>(I, S, DC)</u>
Rental property in Leavenworth, KS	Single family rental	Owner	I, S
Prudential Financial	Mutual Fund (IRA)	Shareholder	I, S

IV. GIFTS, BEQUESTS, OR FAVORS [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section IV of Instructions and Canons 4D(5)(a-h) and 4H(4)]

NONE (No reportable Gifts, Bequests, or Favors)

<u>Date</u>	<u>Donor</u>	<u>Recipient (I, S, DC)</u>	<u>Description</u>
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V. POSITIONS [reporting individual (I) only; see Section V of Instructions and Canon 4D(3)(a)(b); 4H(5)]

 NONE (*Nothing to report*)

<u>Name of Business/Organization/Entity</u>	<u>Address</u>	<u>Position Held</u>
University of Kansas Law Society Board of Governors	Green Hall 1535 W. 15th Lawrence, KS 66045-7577	Member

VI. LIABILITIES [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section VI of Instructions and Canon 4H(6)]

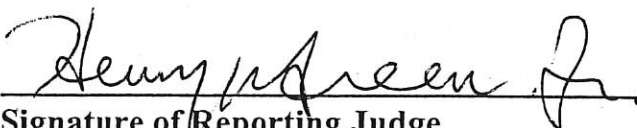
 X NONE (*No reportable liabilities*)

<u>Creditor</u>	<u>Person Responsible for Liability (I, S, DC)</u>	<u>Description</u>
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VII. ADDITIONAL INFORMATION OR EXPLANATION (Indicate section of Report)

March 30, 2005

Date


Signature of Reporting Judge

JUDICIAL FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2004

Report required by Supreme Court Rule 601A Relating to Judicial Conduct
Canon 4, Subsections D, E, and H (2004 Kan. Ct. R. Annot. 551 - 557)

Return on or before April 15, 2005, to:

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Commission on Judicial Qualifications
Attn: Financial Disclosure Reporting
301 SW Tenth Avenue, Room 374
Topeka, Kansas 66612

COMMISSION ON
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1. Person Reporting (Last name, first, middle initial)

Marquardt, Christel E.

2. Title (Indicate active or senior status; full or part-time) Judge, active

3. Court Kansas Court of Appeals

4. Judicial Office Address 301 SW 10th, Topeka, KS 66612

5. Date of Report 03/10/05

I. COMPENSATION [reporting individual (I) and spouse (S); for Honoraria, reporting individual (I) only; see Section I of Instructions and Canon 4H(1)]

NONE (No reportable Compensation)

Date

Name of Payor

Payee (I or S)

Nature of Activity

II. FEES AND COMMISSIONS [reporting individual (I) and spouse (S); see Section II of Instructions and Canon 4H(2)]

NONE (*No reportable Fees and Commissions*)

Name of Client or Customer Address Payee (I or S)

III. OWNERSHIP INTERESTS [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section III of Instructions and Canon 4D(1), (2), (4); 4H(3)]

NONE (*No reportable Ownership Interest*)

<u>Business Name and Address</u> (List address only if not publicly traded)	<u>Type of Business</u>	<u>Description of Interests Held</u>	<u>Held by Whom</u> (I, S, DC)
Ameren	Energy company	Stock	I
American Electric Power	Energy company	Stock	I
Conocophillips	Gas and Oil	Stock	I
Pepsico	Soft drink, etc	Stock	I

IV. GIFTS, BEQUESTS, OR FAVORS [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section IV of Instructions and Canons 4D(5)(a-h) and 4H(4)]

NONE (*No reportable Gifts, Bequests, or Favors*)

<u>Date</u>	<u>Donor</u>	<u>Recipient (I, S, DC)</u>	<u>Description</u>
Various	American Bar Assn.	I	Reimbursement of travel expenses
August	Kansas Bar Assn.	I	Reimbursement of travel expenses
November	Appellate Judges Education Institute at SMU	I	Reimbursement of institute expenses

V. POSITIONS [reporting individual (I) only; see Section V of Instructions and Canon 4D(3)(a)(b); 4H(5)]

_____ NONE (*Nothing to report*)

<u>Name of Business/Organization/Entity</u>	<u>Address</u>	<u>Position Held</u>
American Bar Association	321 N. Clark St. Chicago, IL 60610	various committees
Kansas Bar Association	1200 SW Harrison Topeka, KS	Board of Governors
Topeka Symphony	2100 SE 29th, Topeka, KS 66609	Board of Governors

VI. LIABILITIES [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section VI of Instructions and Canon 4H(6)]

_____ NONE (*No reportable liabilities*)

<u>Creditor</u>	<u>Person Responsible for Liability (I, S, DC)</u>	<u>Description</u>
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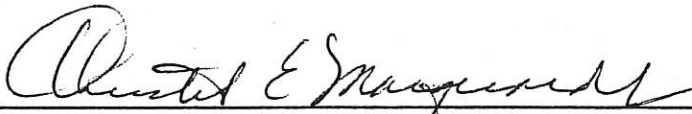
VII. ADDITIONAL INFORMATION OR EXPLANATIONS *(Indicate section of Report)*

IV. continued

Sprint, communications, stock, I; Sprint PCS, communications, stock, I; Conagra, manufacturer, stock, I; Reliant Energy, energy, stock, I; Colgate Polmolive, manufacturere, stock, I; Security Benefit Companies, investments, mutual and cash funds, I; American Funds, investments, various funds, I; Fidelity Investments, various fund investments, I; Johnson County, bond, I; Securities America, cash fund, I; and Washburn University, bond, I.

3-10-05

Date



Signature of Reporting Judge

**JUDICIAL FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2004**

Report required by Supreme Court Rule 601A Relating to Judicial Conduct
Canon 4, Subsections D, E, and H (2004 Kan. Ct. R. Annot. 551 - 557)

Return on or before April 15, 2005, to:

Commission on Judicial Qualifications
Attn: Financial Disclosure Reporting
301 SW Tenth Avenue, Room 374
Topeka, Kansas 66612

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1. Person Reporting (Last name, first, middle initial)

Johnson, Lee A.

2. Title (Indicate active or senior status; full or part-time) Judge, active, full-time

3. Court Kansas Court of Appeals

4. Judicial Office Address 301 S.W. 10th Avenue, Topeka, KS 66612-1507

5. Date of Report 04/11/05

I. COMPENSATION [reporting individual (I) and spouse (S); for Honoraria, reporting individual (I) only; see Section I of Instructions and Canon 4H(1)]

 NONE (*No reportable Compensation*)

<u>Date</u>	<u>Name of Payor</u>	<u>Payee (I or S)</u>	<u>Nature of Activity</u>
Jan-Sept, 2004	U.S. Bankruptcy Court	S	Office clerk

V. POSITIONS [reporting individual (I) only; see Section V of Instructions and Canon 4D(3)(a)(b); 4H(5)]

NONE (*Nothing to report*)

<u>Name of Business/Organization/Entity</u>	<u>Address</u>	<u>Position Held</u>
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VI. LIABILITIES [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section VI of Instructions and Canon 4H(6)]

NONE (*No reportable liabilities*)

<u>Creditor</u>	<u>Person Responsible for Liability (I, S, DC)</u>	<u>Description</u>
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VII. ADDITIONAL INFORMATION OR EXPLANATIONS (*Indicate section of Report*)

Section III:

Family Trust #1 holds 4 parcels of agricultural real estate in Sumner County, Kansas, and a checking account with The Stock Exchange Bank, Caldwell, Kansas.

Family Trust #2 holds 5 parcels of agricultural real estate in Sumner County, Kansas and 1 parcel in Grant County, Oklahoma; savings and checking account with The Stock Exchange Bank, Caldwell, Kansas; small account from liquidation of Edward Jones investment account (now closed); stock and accumulated patronage dividends with Farmer's Cooperative Grain Ass'n, Caldwell, Kansas.

4-11-05

Date

Lee A. Johnson

Signature of Reporting Judge

JUDICIAL FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2004

Report required by Supreme Court Rule 601A Relating to Judicial Conduct
Canon 4, Subsections D, E, and H (2004 Kan. Ct. R. Annot. 551 - 557)

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Commission on Judicial Qualifications
Attn: Financial Disclosure Reporting
301 SW Tenth Avenue, Room 374
Topeka, Kansas 66612

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1. Person Reporting (Last name, first, middle initial)

Malone, Thomas E.

2. Title (Indicate active or senior status; full or part-time) Court of Appeals Judge, Active

3. Court Kansas Court of Appeals, Position 11

4. Judicial Office Address Kansas Judicial Center, Topeka, Kansas 66612

5. Date of Report 02/01/05

I. COMPENSATION [reporting individual (I) and spouse (S); for Honoraria, reporting individual (I) only; see Section I of Instructions and Canon 4H(1)]

NONE (*No reportable Compensation*)

Date

Name of Payor

Payee (I or S)

Nature of Activity

V. POSITIONS [reporting individual (I) only; see Section V of Instructions and Canon 4D(3)(a)(b); 4H(5)]

NONE (*Nothing to report*)

<u>Name of Business/Organization/Entity</u>	<u>Address</u>	<u>Position Held</u>
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VI. LIABILITIES [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section VI of Instructions and Canon 4H(6)]

NONE (*No reportable liabilities*)

<u>Creditor</u>	<u>Person Responsible for Liability (I, S, DC)</u>	<u>Description</u>
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VII. ADDITIONAL INFORMATION OR EXPLANATIONS (*Indicate section of Report*)

III.

Growth Fund of America	Mutual Fund	Shareholder	I, S
A.G. Edwards Roth IRA	IRA	Shareholder	I
A.G. Edwards Roth IRA	IRA	Shareholder	S

2-8-05

Date

Tom Malone

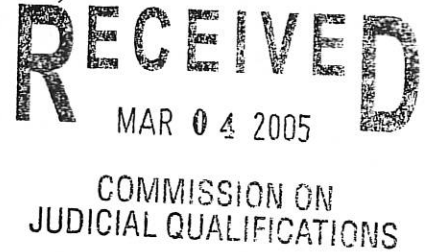
Signature of Reporting Judge

**JUDICIAL FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2004**

Report required by Supreme Court Rule 601A Relating to Judicial Conduct Canon 4,
Subsections D, E, and H (2004 Kan. Ct. r. Annot. 551 - 557)

Return on or before April 15, 2005, to:

Commission on Judicial Qualifications
Attn: Financial Disclosure Reporting
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Topeka, Kansas 66612



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1. Person Reporting (Last name, first, middle initial)

Greene, Richard, D.

2. Title (Indicate active or senior status; full or part-time) Appellate Judge, active, fulltime

3. Court Kansas Court of Appeals

4. Judicial Office Address 301 SW 10th Ave, Topeka, KS 66612

5. Date of Report 3-03-05

I. COMPENSATION [reporting individual (I) and spouse (S); for Honoraria, reporting individual (I) only; see Section I of Instructions and Canon 4H(1)]

 NONE (*No reportable Compensation*)

<u>Date</u>	<u>Name of Payor</u>	<u>Payee (I or S)</u>	<u>Nature of Activity</u>
Jan - Dec 2003	Mary Sue Smith Insurance Agency, Inc.	S	Insurance agent

II. FEES AND COMMISSIONS [reporting individual (I) and spouse (S); see Section II of Instructions and Canon 4H(2)]

 NONE (*No reportable Fees and Commissions*)

<u>Name of Client or Customer</u>	<u>Address</u>	<u>Payee (I or S)</u>
State Farm Insurance Companies	12222 State Farm Blvd Tulsa, OK 74146 (regional office)	S

III. OWNERSHIP INTERESTS [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section III of Instructions and Canon 4D(1), (2), (4); 4H(3)]

 NONE [No reportable Ownership Interest]

<u>Business Name and Address</u> (List address only if not publicly traded)	<u>Type of Business</u>	<u>Description of Interests Held</u>	<u>Held by Whom (I, S, DC)</u>
Mary Sue Smith Insurance Agency, Inc. 1000 N. Tyler Rd. Wichita, KS 67212	Insurance	Sole Shareholder	S
State Farm Mutual Funds	Investments	Owner	S
The Principal Group, Morris Laing, Trustee 300 N. Mead # 200 Wichita, KS 67202	Deferred Retirement Accounts	Vested Owner	I
ING 151 Farmington Ave Hartford, CT 06156-1277	Deferred Retirement Accounts	Vested Owner	I

IV. GIFTS, BEQUESTS, OR FAVORS [reporting individual (I), spouse S(S), dependent child or dependent step child (DC); see Section IV of Instruction and Canons 4D(5)(a-h) and 4H(4)]

 X NONE

<u>Date</u>	<u>Donor</u>	<u>Recipient (I, S, DC)</u>	<u>Description</u>
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V. POSITIONS [reporting individual (I) only; see Section V of Instructions and Canon 4D(3)(a)(b); 4H(5)]

NONE (*Nothing to report*)

<u>Name of Business/Organization/Entity</u>	<u>Address</u>	<u>Position Held</u>
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VI. LIABILITIES [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section VI of Instruction and Canon 4H(6)]

NONE (*No reportable liabilities*)

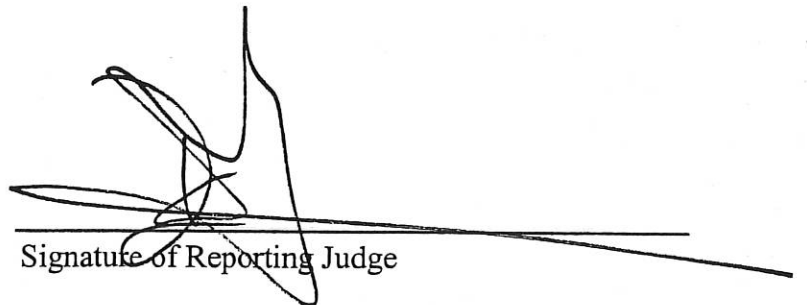
<u>Creditor</u>	<u>Person Responsible for Liability (I, S, DC)</u>	<u>Description</u>
Emprise Bank	I	Unsecured Loan
State Farm Credit Union	I, S	Unsecured Loans

VII. ADDITIONAL INFORMATION OR EXPLANATIONS *(Indicate section of Report)*

NONE

3/03/05

Date



Signature of Reporting Judge

JUDICIAL FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2004

Report required by Supreme Court Rule 601A Relating to Judicial Conduct
Canon 4, Subsections D, E, and H (2004 Kan. Ct. R. Annot. 551 - 557)

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1. Person Reporting (Last name, first, middle initial)

Hill, Stephen D.

2. Title (Indicate active or senior status; full or part-time) Court of Appeals Judge

3. Court Kansas Court of Appeals

4. Judicial Office Address 301 SW 10th Topeka, KS 66612-1507

5. Date of Report 4/4/05

I. COMPENSATION [reporting individual (I) and spouse (S); for Honoraria, reporting individual (I) only; see Section I of Instructions and Canon 4H(1)]

 NONE (No reportable Compensation)

<u>Date</u>	<u>Name of Payor</u>	<u>Payee (I or S)</u>	<u>Nature of Activity</u>
Jan - July 2004	USD #308	S	School Librarian
Aug - Dec. 2004	USD #501	S	School Librarian

V. POSITIONS [reporting individual (I) only; see Section V of Instructions and Canon 4D(3)(a)(b); 4H(5)]

NONE (*Nothing to report*)

<u>Name of Business/Organization/Entity</u>	<u>Address</u>	<u>Position Held</u>
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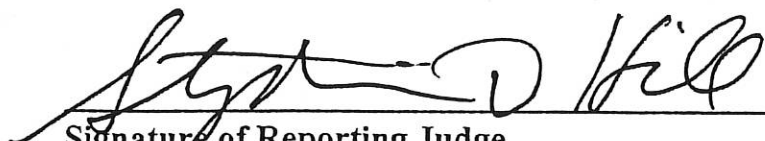
VI. LIABILITIES [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section VI of Instructions and Canon 4H(6)]

NONE (*No reportable liabilities*)

<u>Creditor</u>	Person Responsible for <u>Liability (I, S, DC)</u>	<u>Description</u>
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VII. ADDITIONAL INFORMATION OR EXPLANATION *Indicate section of Report*

4/4/05
Date


Signature of Reporting Judge

**JUDICIAL FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2004**

Report required by Supreme Court Rule 601A Relating to Judicial Conduct
Canon 4, Subsections D, E, and H (2004 Kan. Ct. R. Annot. 551 - 557)

Return on or before April 15, 2005, to:

Commission on Judicial Qualifications
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301 SW Tenth Avenue, Room 374
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1. Person Reporting (Last name, first, middle initial)
McAnany, Patrick D.
2. Title (Indicate active or senior status; full or part-time) Judge - full time, active
3. Court Kansas Court of Appeals
4. Judicial Office Address Kansas Judicial Center, 301 SW 10th Avenue, Topeka, KS 66612
5. Date of Report 04/11/05

I. COMPENSATION [reporting individual (I) and spouse (S); for Honoraria, reporting individual (I) only; see Section I of Instructions and Canon 4H(1)]

 NONE (*No reportable Compensation*)

<u>Date</u>	<u>Name of Payor</u>	<u>Payee (I or S)</u>	<u>Nature of Activity</u>
2004	Nuterra Health Systems	S	Risk Manager/Corporate Compliance
2004	University of Kansas	I	Teaching - K.U. Law School

II. FEES AND COMMISSIONS [reporting individual (I) and spouse (S); see Section II of Instructions and Canon 4H(2)]

 NONE (*No reportable Fees and Commissions*)

<u>Name of Client or Customer</u>	<u>Address</u>	<u>Payee (I or S)</u>
Arthur J. Gallagher Company	2325 Grand Avenue Kansas City, Mo.	S

III. OWNERSHIP INTERESTS [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section III of Instructions and Canon 4D(1), (2), (4); 4H(3)]

 NONE (*No reportable Ownership Interest*)

<u>Business Name and Address</u> (List address only if not publicly traded)	<u>Type of Business</u>	<u>Description of Interests Held</u>	<u>Held by Whom</u> (I, S, DC)
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See Attachment A

IV. GIFTS, BEQUESTS, OR FAVORS [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section IV of Instructions and Canons 4D(5)(a-h) and 4H(4)]

NONE (*No reportable Gifts, Bequests, or Favors*)

<u>Date</u>	<u>Donor</u>	<u>Recipient (I, S, DC)</u>	<u>Description</u>
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V. POSITIONS [reporting individual (I) only; see Section V of Instructions and Canon 4D(3)(a)(b); 4H(5)]

NONE (*Nothing to report*)

<u>Name of Business/Organization/Entity</u>	<u>Address</u>	<u>Position Held</u>
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VI. LIABILITIES [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section VI of Instructions and Canon 4H(6)]

NONE (*No reportable liabilities*)

<u>Creditor</u>	<u>Person Responsible for Liability (I, S, DC)</u>	<u>Description</u>
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VII. ADDITIONAL INFORMATION OR EXPLANATIONS *(Indicate section of Report)*

4/11/05
Date


Signature of Reporting Judge

ATTACHMENT A

III. OWNERSHIP INTERESTS

Business Name and Address (if not publicly traded)	Type of Business	Description of Interest Held	Held by Whom
UMB Financial Corp.	Finance/Banking	shareholder	S, I
Exxon Mobil Corp.	Energy	shareholder	S, I
Alliance Bernstein Mid-Cap Value Fund	Mutual Fund	shareholder	I, S
Fidelity Adv Diversified Int'l Fund	Mutual Fund	shareholder	I, S
Pioneer Mid Cap Value Fund	Mutual Fund	shareholder	I
Fidelity Floating Rate High Income Fund	Mutual Fund	shareholder	I
MFS Individual Management Large Value Fund	Mutual Fund	shareholder	I
Alliance Capital Fund	Mutual Fund	shareholder	I
MLIM L.P. Traditional	Mutual Fund	shareholder	I

Growth			
Alliance Capital	Mutual Fund	shareholder	I
Neuberger Taxable LTD.	Mutual Fund	shareholder	I
MLIM Balanced	Mutual Fund	shareholder	S
Calamos Growth Fund	Mutual Fund	shareholder	S
Franklin Rising Dividends Fund	Mutual Fund	shareholder	S
MFS Value Fund	Mutual Fund	shareholder	S
Pioneer Oak Ridge Large Cap Growth Fund	Mutual Fund	shareholder	S
Vanguard Index 500 Fund	Mutual Fund	shareholder	S
Fidelity Investors Service	ESOP	shareholder	S
St. Paul Fire & Marine Ins. Co.	ESOP	shareholder	S
Fidelity Floating Rate High Income Fund	Mutual Fund	shareholder	S
Fidelity Adv Short Term Fixed Income Fund	Mutual Fund	shareholder	S

Altria Group, Inc		Shareholder	I
Bank of America, Inc.	Banking	Shareholder	I
Citigroup, Inc.,	Financial Services	Shareholder	I
Goldman Sachs Group, Inc	Financial Services	Shareholder	I
Arcelor		Shareholder	I
BP	Energy	Shareholder	I
Canon, Inc.	Photo Equipment	Shareholder	I
Honda Motor Corp.	Automobiles	Shareholder	I
ING Corp.	Financial Services	Shareholder	I
Sumitomo Mitsu Financial	Automobiles/ Financial Services	Shareholder	I
General Electric	Consumer /Industrial Goods	Shareholder	I
Johnson & Johnson	Consumer Goods	Shareholder	I
Amazon Com, Inc	Computer Services	Shareholder	I
American Express Co.	Financial Services	Shareholder	I

JUDICIAL FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2004

Report required by Supreme Court Rule 601A Relating to Judicial Conduct
Canon 4, Subsections D, E, and H (2004 Kan. Ct. R. Annot. 551 - 557)

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1. Person Reporting (Last name, first, middle initial)
Caplinger, Nancy L.
2. Title (Indicate active or senior status; full or part-time) Judge (Active)
3. Court Kansas Court of Appeals
4. Judicial Office Address 301 SW 10th Topeka, Kansas 66612
5. Date of Report 04/15/05

I. COMPENSATION [reporting individual (I) and spouse (S); for Honoraria, reporting individual (I) only; see Section I of Instructions and Canon 4H(1)]

 NONE (*No reportable Compensation*)

<u>Date</u>	<u>Name of Payor</u>	<u>Payee (I or S)</u>	<u>Nature of Activity</u>
Jan. - Sept. '04	U.S. Dept. of Justice	I	Employment (Asst. U.S. Attorney)
Jan. - Dec. '04	J.M. Caplinger, Chtd.	S	Employment (Attorney)

V. POSITIONS [reporting individual (I) only; see Section V of Instructions and Canon 4D(3)(a)(b); 4H(5)]

_____ NONE (*Nothing to report*)

<u>Name of Business/Organization/Entity</u>	<u>Address</u>	<u>Position Held</u>
Washburn Law School Board of Governors	Topeka, KS	Board Member
Kansas Continuing Legal Education Commn.	Topeka, KS	Board Member

VI. LIABILITIES [reporting individual (I), spouse (S), dependent child or dependent step child (DC); see Section VI of Instructions and Canon 4H(6)]

_____ NONE (*No reportable liabilities*)

<u>Creditor</u>	<u>Person Responsible for Liability (I, S, DC)</u>	<u>Description</u>
Commerce Bank	S	Real Estate Loan
MBNA	I	Credit Card
Capitol One	I	Credit Card

VII. ADDITIONAL INFORMATION OR EXPLANATIONS *(Indicate section of Report)*

Section III-Ownership Interests

Federal Thrift Savings Plan- Owner of Account

4-15-05

Date


Signature of Reporting Judge



League of Kansas Municipalities

TO: Senate Elections and Local Government Committee

FROM: Don Moler, Executive Director

DATE: February 14, 2006

RE: Opposition to SB 492

First, I would like to thank the Committee for allowing the League to testify today in strong opposition to SB 492. This bill would totally eliminate the ability of cities to unilaterally annex territory into the city, regardless of the circumstances. Thus, for any currently allowed annexation, including a requested consent annexation or an annexation for city-owned property such as a sewer plant, the city would have to seek the consent of the county. In some cases, this requirement could totally stop the orderly and well-planned growth of the city, leaving the decision with another unit of government not charged with such planning. This process is onerous and unnecessary under the current law.

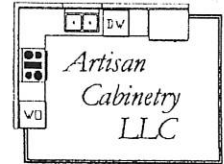
During the 2005 legislative session, the League of Kansas Municipalities worked on compromise legislation to address the concerns of parties who came to the Legislature seeking to narrow cities' annexation authority. As a result, H Sub. 24 amended K.S.A. 12-520 and K.S.A.12-520a to extend to unilateral annexations the requirement that cities make findings regarding the advisability of the annexation, much like what the county is required to do on annexations needing county approval. This was a significant piece of legislation that the League supported to alleviate the endless parade of annexation bills that have appeared in the past few years. As a result of the agreement, the League was assured that this compromise would be given an opportunity to work without having to address another anti-annexation bill for several years. First, a few months is hardly giving a large piece of legislation an opportunity to see if it addresses the concerns of the majority of the parties. Second, why would the League continue to compromise on issues where we believe there is not a problem statewide, only to have a bill be heard the next session on the very issue of compromise?

In cities where the city and county have a good relationship, the process of seeking approval will be merely an unnecessary step. In a city that has a more contentious relationship with its county, however, the county could totally preempt the city's ability to grow its boundaries. There are numerous studies that reflect the need for elasticity of city boundaries and, in those areas where that is not the case, the inner city begins to suffer from decay. The policy behind having both unilateral and county approved annexations is a good one. In situations where the city has a greater interest, such as land bordering its boundaries, consent annexations and city-owned property for example, the city may make the annexation decision. In other situations, such as non-contiguous parcels, the county is allowed to consider the advisability of the annexation by

considering pertinent factors. This strikes a balance that addresses all of the parties' interests. Thus, what happens when that balance is removed is one unit of government, the county, is given total discretion to make decisions that are best left to the affected unit, the city. This is not good public policy.

The League urges this Committee to reject SB 492 and allow the 2005 compromise the opportunity to work. Thank you again for allowing the League to testify in opposition to SB 492. I would be happy to answer any questions at the appropriate time.

Artisan Cabinetry LLC



2/13/2006

Senate Elections and Local Government Committee

Dear Committee Members:

We are rural property owners faced with the possibility of unilateral annexation. We own both residential and commercial property in Atchison County. We would like to state that we are strongly against unilateral annexation because we believe it is extremely unfair to property owners to have something this important forced upon them without having any real options to prevent it.

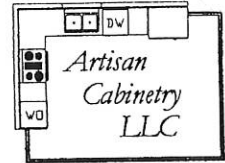
Here are some of our circumstances that we believe are unfair:

1. We have been told by the City of Atchison that they will provide services equal to or better than we currently receive from the county. We think it is highly debatable as to whether the city can provide adequate police and fire protection to any more than it is currently doing now. They say they do not anticipate increasing the size of the police or fire departments.
2. As for street maintenance, currently the maintenance done by the county is quite adequate. The snow removal is excellent. Our road is always cleared of snow very soon after any storm. We hear numerous complaints from current city residents about the lack of adequate snow removal. We do not believe the city can begin to match the service we currently have with snow removal.
3. The city is supposed to provide certain things - paved streets, lighting, fire hydrants, etc. within a certain period of time after annexation. However, we have heard from numerous residents that have been annexed in the past, who say that the city has never lived up to promises made to them. Why should we believe things will be any different in our case?
4. We are currently on a septic tank system. We fear that if we should ever have problems with it, the city might force us to hook up to the city sewer system. According to the estimate provided with our service plan, the cost to bring sewer to our area is \$270,000. There are only three properties being considered for annexation in our area. It is totally impossible that the few property owners in our area could afford to put in the sewer.
5. We operate a business on commercial property next to our residence. We are concerned as to what effect both higher taxes and city codes will have on our business.
6. We are being offered all these supposed improved city services at a substantial increase in taxes. Even if we had confidence in the city's ability to provide them & believed they were worth the increase in taxes, they are not something that we want. We chose to live in the county and would prefer to remain there.

From our observations it seems that the vast majority of rural property owners faced with the prospect of unilateral annexation are quite unhappy about it, feeling that it is very unfair. And while it seems that many

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current city residents are in favor of it now, we can't help but wonder if they would feel the same way if similar things were being force upon them, with no recourse.

For these reasons, we ask that you please put an end to unilateral annexation. Thank you for your consideration of this important matter.

Respectfully submitted,

Michael W. Bowen

Member/Manager

Linda L. Bowen

Member/Manager

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February 14, 2006

Chairperson Tim Huelskamp
And members of the Senate Election & Local Government Committee
Room 423-S, State Capitol
Topeka, Kansas

Re: SB 492 – Annexation

Dear Chairperson Huelskamp:

The City Council of the City of Wichita has adopted the following statement on annexation legislation:

“The City of Wichita’s ability to grow by annexation is necessary for the economic well being of the region, and it is a matter of equity and fairness in financing the costs of services used by residents living on the fringes of the urban city. The City of Wichita believes that the current laws adequately protect this municipal power while balancing the interests of private citizens and surrounding communities.”

The City of Wichita is opposed to SB 492, which is before the Committee today. Annexation procedures have been amended by the Legislature in recent years to clarify the process and to further protect the rights of property owners. There has been no showing of a need for further change at this time; the recent amendments should be given the opportunity to work.

This bill proposes a sweeping change that has the effect of completely abolishing unilateral annexation, no matter what the circumstances in an individual case might be. The interaction of cities and counties, as well as the needs of the many different sizes and locations of cities, vary widely across the State. This proposed legislation does not take those needs and conditions into consideration. The City of Wichita only undertakes annexation in those highly urbanized areas on the fringes of the City where the City is able to provide services. This proposal would choke off the ability of Wichita and similarly situated cities to grow with that spreading urbanization. Thank you for your consideration.

Sincerely,

/s/ Gary E. Rebenstorf

Gary E. Rebenstorf

Director of Law and City Attorney

Department of Law

Gary E. Rebenstorf, Director of Law and City Attorney
City Hall 13th Floor 455 North Main Wichita, Kansas 67202-

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Senate Elections and Local
Government Committee
Attachment 11
2-14-06

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TESTIMONY IN OPPOSITION TO SENATE BILL 492

TO: The Honorable Tim Huelskamp, Chair
Members of the Senate Committee on Elections and Local Government
Room 423-S

Date: February 14, 2006

RE: Senate Bill 492 – Proposed legislation that would repeal the unilateral
annexation powers of cities, especially the power to annex contiguous land at
the request of the property owners.

Ladies and Gentlemen:

The City of Overland Park strongly opposes SB 492 because it would repeal cities' unilateral annexation powers, especially the power to annex contiguous land at the request of the property owners.

The unilateral annexation powers of cities in Kansas have existed in the laws of Kansas in one form or another for nearly 100 years¹. More recently, in 1967, the Kansas Legislature enacted a general annexation law in compliance with the mandate of the constitutional Home Rule Amendment and as a result of the findings and recommendations of the Kansas Legislative Council. Like the 1907 law, the 1967 law also contained a strong unilateral annexation component.

The unilateral annexation powers of cities in Kansas are already very narrow. These powers allow a city to unilaterally annex land only in cases where it is undeniable that the area proposed to be annexed already is urban in its character and likely already enjoys the benefits of being in proximity to the city. For example, the land proposed to be unilaterally annexed must adjoin the City. In addition, it must already be platted into lots and blocks, or it must be owned by the City or some other governmental unit, or it must already be surrounded

¹ See, 1907 Session Laws of Kansas, Ch. 114, Sec. 8: "Whenever any land adjoining or touching the limits of any city has been subdivided into blocks and lots, or whenever any unplatted piece of land lies within (or mainly within) any city, or any tract not exceeding twenty acres is so situated that two-thirds of any line or boundary thereof lies upon or touches the boundary-line of such city, said lands, platted or unplatted, may be added to, taken into and made a part of such city by ordinance duly passed...."

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by or lie within or mainly within the city, or it must have a common perimeter with the city boundary line of more than 50%. Thus, it appears to the City of Overland Park that there already is enough protection in the existing statutes against cities' pre-mature unilateral annexation of land.

These strong unilateral annexation powers have served the State and its municipalities well. The City of Overland Park has responsibly used those powers many times over the years since its incorporation in 1960 to achieve the long-term public interest of the entire community in which it exists.

The City of Overland Park, along with the National League of Cities, rejects the untenable notion that owners of land or residents on land in fringe areas of cities "should be given a veto power over the geographic, economic and governmental destiny of the city that is the source of the area's economy and whose proximity solely gives affected properties whatever tangible and intangible desirability they have as places of residence or economic activity."² Many persons other than residents of the area proposed to be annexed have a substantial interest in the outcome of a unilateral annexation. The orderly development of existing cities is at stake.

As urbanized areas expand, especially in areas of rapid growth, that area of expansion "invariably spills over the originally established municipal boundaries. The question then becomes whether these new areas should be incorporated as new municipalities or should be absorbed into and served by the existing municipality that spawned their growth in the first place."³ The policy of Kansas for many years has been to favor absorption of urbanizing areas into the existing municipalities. Annexation allows the cost of wider use of basic services, such as fire and police protection to be spread over a greater base. SB 492 would turn that long-established policy on its head and would favor balkanization over orderly growth.

ALTHOUGH THE ENTIRETY OF SB 492 IS TROUBLING TO THE CITY OF OVERLAND PARK, THE MOST TROUBLING FEATURE OF THE BILL FOR THE CITY IS THAT IT WOULD PROHIBIT THE CITY FROM UNILATERALLY ANNEXING LAND WHOSE OWNERS HAVE ASKED TO BE ANNEXED. THE CITY OF OVERLAND PARK HAS ANNEXED MUCH LAND OVER THE YEARS AT THE REQUEST OF ITS OWNERS. THE LOSS OF THIS POWER WOULD BE NONSENSICAL. IF THE OWNERS OF THE LAND HAVE CONSENTED TO OR

² *Adjusting Municipal Boundaries*, Department of Urban Studies, National League of Cities, (December, 1966), page 64.

³ *Urban Planning and Land Development Control Law*, Donald G. Hagman and Julian Conrad Juergensmeyer, 2nd Edition, West Publishing Co., (1986), p. 679.

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QED

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PETITIONED FOR ITS ANNEXATION, THAT LAND IS PROPERLY SUBJECT TO
ANNEXATION BY UNILATERAL ACT OF THE CITY.

The City feels that SB 492 would be bad public policy. The bill is intended to cure local Topeka and Wichita problems. Why should cities that have used their unilateral annexation powers responsibly over the years be punished because of a couple of local issues? Local problems should be cured locally, not through inadvisable bills such as SB 492.

Finally, property owners already have a voice in the unilateral annexation process. The current law requires that cities prepare a service extension plan, give notice and hold a public hearing. Last year even more safeguards were added into the statute. Yet the ink is barely dry on last year's legislation before we are here again this year having to deal once again with an effort to repeal unilateral annexation altogether. The due process already in the statutes is all that is needed under the circumstances of unilateral annexations.

Because of the dramatic changes SB 492 would make to longstanding Kansas law, the City of Overland Park requests that you oppose Senate Bill 492.

Thank you for your consideration.



Robert J. Watson
City Attorney

RJW/rjw

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