

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Sharon Schwartz at 3:30 p.m. on January 21, 2010, in Room 144-S of the Capitol.

All members were present except:

Representative Delia Garcia, Ranking Minority - Absent  
Representative Mario Goico - Excused  
Representative Steve Huebert - Excused  
Representative Michael Peterson - Absent.

Committee staff present:

Mike Heim, Office of the Revisor of Statutes  
Kristen Kellems, Office of the Revisor of Statutes  
Martha Dorsey, Kansas Legislative Research Department  
Jill Shelley, Kansas Legislative Research Department  
Carol Bertram, Committee Assistant

Conferees appearing before the Committee:

Representative David Crum, District 77

Others attending:

See attached list.

Previous to the meeting, Committee members were e-mailed the minutes of January 14, 2010, for their review. Chair Schwartz asked for a motion to approve those minutes. Representative Mah moved the minutes of January 14, 2010, Local Government Committee meeting be approved as written, seconded by Representative Otto. The motion passed.

**Bill Introductions**

Representative David Crum requested the Committee introduce a conceptual bill that would prohibit a township board member from also serving as an employee of the township. It was moved by Representative Otto, seconded by Vice Chair Holmes that the Committee introduce such a bill. The motion carried.

Representative Otto moved the Committee introduce a bill that would amend the Kansas Open Meetings Act relating to the recording of executive sessions. The motion was seconded by Vice Chair Holmes. The motion carried.

Representative Otto moved the Committee introduce a bill having to do with illegal immigration issues. The motion was seconded by Vice Chair Holmes. The motion carried.

**Update on Committee Bills**

Chair Schwartz recognized Martha Dorsey, Legislative Research Department, who presented the Committee with an update on all 2009 bills still in Committee, and all the annexation-issue bills, both 2009 and new 2010 bills. Ms. Dorsey informed the Committee this information was recorded in Vote Tracker, which is a comprehensive legislative tracking service with the most current information on the status of bills (Attachment 1). While giving her in-depth report, Ms. Dorsey answered various questions from the Committee.

Before adjourning, Chair Schwartz informed Committee members they had several items in their folders for their information: 1) Membership List, 2) Information Concerning Conferees, and 3) 2010 Committee Rules.

The next meeting is scheduled for Tuesday, January 26, 2010.

The meeting adjourned at 4:00 p.m.

S.S.

Representative Sharon Schwartz, Chair



# Local Gov't. Conference '09

Status - End of 2009 Session

## Bills in Local Gov't. Conference

HB 2155 Land banks

Current  
Status

**APPROVED** by  
Gov.

## Bills in Local Gov't/Other Conference

\*SB 35 Municipal bonds; temporarily increase interest rates caps

**APPROVED** by  
Gov.

SB 51 FINAL: Annexation - Amalgamation of several bills, issues  
<McGinn, Vratil, Francisco>...<Schwartz, Kinzer, Svaty>

**VETOED** by  
Gov.

### Bills/Issues Contained:

**HB 2029** - Reduction of time frame of hearings on service plan  
(further amended by Conference Committee).

**HB 2030** - Prohibit the annexation, *via* approval by the board of  
county commissioners, of any portion of any unplatted  
agricultural land of 65 acres or more without the written  
consent of the landowner (as further amended by Conference  
Committee: 21 acres increased to 65).

**Sub. SB 254 (portion only) (HB 2084)** - Prohibition of "strip" or  
"snake" annexation beginning July 1, 2009 (as further amended by  
Conference Committee).

**Limitation on spending tax proceeds** - Require city annexing land  
(under either of two statutes) to spend all proceeds from property  
taxes levied for one year from date of annexation to provide  
infrastructure and services, other than police and fire, to annexed  
area.

**HB 2283** - Dealing with the process of transfer of water service  
when a city annexes property where a rural water district is  
providing service (as further amended by Conference Committee -  
no Section 7 re: Intensive Groundwater Use Control Areas).

SB 91 Community planning - placement of sexually violent predators; zoning  
- vesting of development rights

Concurred;  
**APPROVED** by  
Gov.

SB 253 Rezoning - exemption from supermajority vote for mining operations  
(Now includes SB 254 - JoCo rezoning/mining ops bill)  
<Reitz, Wagle, Kultala>...<Powell, Fund, Svaty>

Concurred;  
**APPROVED** by  
Gov.

SB 254 NOW: Contents of HB 2084 - Prohibit unilateral/consent annexation  
of a narrow corridor of land to gain access to noncontiguous tracts of  
land (JoCo rezoning/mining ops provisions now in SB 253)

Left in  
Conference

Local Government

Date: 1-21-10

Attachment # 1

Bill Number and Sponsor	Bill Subject	Current Status	Last Action
SB 75 Senate Federal and State Affairs Committee	Governmental consolidation and reorganization	In House Local Government	<b>03/24/2009 - House:</b> Referred to Local Government <b>03/23/2009 - House:</b> Received and introduced <b>03/19/2009 - Senate:</b> Committee of the Whole: Committee Report be adopted; be further amended; be passed as amended; Emergencied to Final Action: Passed as amended; Yeas 27, Nays 11
City-County consolidation (study commission.  P3 L18 - The preliminary plan, if it recommends the consolidation of the county with one or more cities, shall address: ... the issue of whether a vote of the electorate shall be required countywide or whether separate votes of the electorate will be required in the unincorporated area of the county and within each city proposed to be consolidated.			
SB 118 Senate Ethics and Elections Committee	Elections; relating to campaign finance	In House Local Government	<b>03/17/2009 - House:</b> Withdrawn from Elections; referred to Local Government <b>03/04/2009 - House:</b> Scheduled Hearing: Wednesday, 3/11/2009, 3:30 PM, Rm 446-N <b>02/16/2009 - House:</b> Referred to Elections
E-filing of regular campaign finance reports by candidates for offices elected on a statewide basis.			
HB 2030 Special Committee on Eminent Domain in Condemnation of Water Rights	Cities; relating to annexation	In House Local Government	<b>01/28/2009 - House:</b> Scheduled Hearing: Thursday, 2/5/2009, 3:30 PM, Rm 446-N <b>01/21/2009 - House:</b> Referred to Local Government <b>01/20/2009 - House:</b> Introduced
Would prohibit bilateral annexation of land (board of co. commissioners approval)devoted to ag. use of 21 acres or more without landowner's written consent.			
HB 2031 Special Committee on Eminent Domain in Condemnation of Water Rights	Annexation of territory by cities	In House Local Government	<b>01/28/2009 - House:</b> Scheduled Hearing: Thursday, 2/5/2009, 3:30 PM, Rm 446-N <b>01/21/2009 - House:</b> Referred to Local Government <b>01/20/2009 - House:</b> Introduced
Require mail ballot election for bilateral annexations (board of co. commissioners approval).			
HB 2083 House Local Government Committee	Historic preservation; pertaining to environs review	In House Local Government	<b>02/24/2009 - House:</b> Withdrawn from Appropriations; rereferred to Local Government <b>02/19/2009 - House:</b> Withdrawn from Local Government; referred to Appropriations <b>02/04/2009 - House:</b> Scheduled Hearing: Thursday, 2/12/2009, 3:30 PM, Rm 446-N

Eliminate requirement to contact state historic preservation officer (and associated penalties) when the state/political subdivision/instrumentality is undertaking any project to damage or destroy any historic property included in the national or state register of historic places. Eliminate prohibition to undertake such projects if they encroach upon such properties.

HB 2124 House Local Government Committee	Planning and zoning; dealing with certain easements	In House Local Government	02/17/2009 - <b>House:</b> Withdrawn from Federal and State Affairs; referred to Local Government 02/12/2009 - <b>House:</b> Withdrawn from Local Government; referred to Federal and State Affairs 01/29/2009 - <b>House:</b> Referred to Local Government
---	---	---------------------------	---

Would make a blanket easement of an approved subdivision void against public policy and unenforceable under certain circumstances.

HB 2247 House Taxation Committee	Cities; relating to rehabilitation of abandoned houses	In House Local Government	02/25/2009 - <b>House:</b> Scheduled Hearing: Thursday, 3/5/2009, 3:30 PM, Rm 446-N 02/05/2009 - <b>House:</b> Referred to Local Government 02/04/2009 - <b>House:</b> Introduced
-------------------------------------	--	---------------------------	---

Change definition of abandoned property (drop 2-year tax delinquency period); other changes to turn abandoned properties over faster.

HB 2253 House Local Government Committee	Homeowners' associations and associations of apartment owners; relating to certain duties, required procedures, attorney fees, dispute resolution and duties of the Attorney General	In House Local Government	03/25/2009 - <b>House:</b> Withdrawn from Calendar; rereferred to Local Government 03/24/2009 - <b>House:</b> Committee of the Whole: Be passed over and retain a place on the Calendar 03/20/2009 - <b>House:</b> Committee Report: Be passed as amended by Local Government
---	--	---------------------------	---

Homeowners' associations bill

HB 2282 House Energy and Utilities Committee	Water districts; relating to lands annexed by cities	In House Local Government	02/18/2009 - <b>House:</b> Withdrawn from Appropriations; rereferred to Local Government 02/13/2009 - <b>House:</b> Withdrawn from Local Government; Referred to Appropriations 02/06/2009 - <b>House:</b> Referred to Local Government
---	--	---------------------------	---

Annexing land within certain rural water districts.

HB 2450 Clay Aurand, R-109th	Beloit juvenile correctional facility; authorizing the Secretary of the Department of Administration to convey a certain tract of real estate for and on behalf of the Juvenile Justice Authority	In House Local Government	01/15/2010 - <b>House:</b> Referred to Local Government 01/14/2010 - <b>House:</b> Introduced
---------------------------------	---	---------------------------	--

Authorize Secretary of Administration to convey the Beloit Juvenile Correctional Facility real estate to the City of Beloit on behalf of the Juvenile Justice Authority.

HB 2470  House Local Government Committee	Cities; relating to annexation	In House Local Government	01/20/2010 - House: Referred to Local Government 01/19/2010 - House: Introduced
(1) In bilateral annexations (i.e., those requesting board of county commissioner approval pursuant to KSA 12-521): (a) prohibit the annexation of any portion of any unplatted agricultural land of 21 acres or more without the written consent of the landowner; and (b) require a mail ballot election. (2) Require a copy of the service plan be sent to the board of county commissioners at least 10 days prior to the annexation public hearing. (3) Reduce time frame regarding hearings on service plan.			
HB 2471  House Local Government Committee	Cities; relating to annexation of territory	In House Local Government	01/20/2010 - House: Referred to Local Government 01/19/2010 - House: Introduced
Prohibition of "strip" or "snake" annexation.			
HB 2478  House Local Government Committee	Cities; relating to annexation	In House Local Government	01/20/2010 - House: Referred to Local Government 01/19/2010 - House: Introduced
Prohibit unilateral annexation unless board of county commissioners determines the proposed annexation will not have an adverse effect on the county.			
HB 2479  Bill Otto, R-9th	Cities; relating to changes in the form of government	In House Local Government	
Would prohibit any city governing body from passing a charter to change the form of government unless at least 2 years have elapsed since the form of government was changed by a vote of the electorate.			
HB 2487  House Local Government Committee	Land use; relating to military installations and adjacent areas	In House Local Government	
Deals with factors a city, county, or airport authority ("municipality") should consider before making changes in land use in certain areas next to Fort Riley, McConnell Air Force Base, Fort Leavenworth, Forbes Field (Topeka), or the Smoky Hill facility (Saline County) that are considered by the military to be critical to the mission of the installation; deems such areas vital to national security and the economic well-being of the state. Would require the municipality to consider such factors as the height of a structure in a military flight path, release of substances or light that could interfere with military training or operations, and military recommendations before making a final decision on a development proposal located within an agreed-upon critical area. Would require the municipality and the military installation to meet at least annually and share information regarding critical areas.			

1-5

## Annexation Bills: 2009-2010 Biennium

As of February 20, 2010

BILL #	DESCRIPTION	CURRENT STATUS
<b><u>2009</u></b>		
SB 51	Amalgamation of several annexation bills/issues, as further amended by Conference Committee (See "Local Gov't. Conference '09" - attached - for explanation)	<b>CCR VETOED</b>
SB 204	Prohibit the unilateral annexation of land unless the board of county commissioners adopts a resolution stating the proposed annexation will not have an adverse effect on the county.	<b>H:</b> FA 77-46 <b>S:</b> Ruled materially changed; referred to S-FSA
SB 254	Effective retroactively to January 1, 2008, prohibit the unilateral or consent annexation of a narrow corridor of land to gain access to noncontiguous tracts of land.	Conference Committee
HB 2029	H-Loc. Gov. amended to contain all provisions of the 3 municipal annexation bills recommended by the 2008 Special Committee on Eminent Domain in Condemnation of Water Rights: <b>HB 2029</b> - Reduce time frame regarding hearings on service plan; <b>HB 2030</b> - Prohibit the annexation, <i>via</i> approval by the board of county commissioners, of any portion of any unplatted agricultural land of 21 acres or more without the written consent of the landowner; and <b>HB 2031</b> - Require an election be held for any annexation proposed to be made <i>via</i> approval by the board of county commissioners, if voters reside in the proposed area.	<b>S:</b> Local Gov't.
HB 2030	Prohibit the annexation, <i>via</i> approval by the board of county commissioners, of any portion of any unplatted agricultural land of 21 acres or more without the written consent of the landowner.	<b>H:</b> Local Gov't.

1-1

BILL #	DESCRIPTION	CURRENT STATUS
HB 2031	Require an election be held for any annexation proposed to be made <i>via</i> approval by the board of county commissioners, if voters reside in the proposed area.	<u>H</u> : Local Gov't.
HB 2084	Prohibit "strip" or "snake" annexation.	<u>S</u> : Judiciary
<b><u>2010</u></b>		
HB 2470	(1) In bilateral annexations ( <i>i.e.</i> , those requesting board of county commissioner approval pursuant to KSA 12-521): (a) prohibit the annexation of any portion of any unplatted agricultural land of 21 acres or more without the written consent of the landowner; and (b) require a mail ballot election. (2) Require a copy of the service plan be sent to the board of county commissioners at least 10 days prior to the annexation public hearing. (3) Reduce time frame regarding hearings on service plan.	<u>H</u> : Local Gov't.
HB 2471	Prohibition of "strip" or "snake" annexation.	<u>H</u> : Local Gov't.
HB 2478	Prohibit unilateral annexation unless board of county commissioners determines the proposed annexation will not have an adverse effect on the county.	<u>H</u> : Local Gov't.