

SESSION OF 2005

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE SUBSTITUTE FOR SENATE BILL NO. 24**

As Agreed to March 31, 2005

**Brief \***

House Sub. for SB 24 would amend the city annexation law dealing with unilateral annexation to expand the scope of review that a court may make of these decisions and to require cities to consider 16 different factors when annexing land unilaterally.

The bill would give any city whose boundary line is located within one-half mile of the land being annexed and any owner of land annexed to the city (the latter provision is current law) the ability to challenge the annexation in district court.

The bill would require the court, when a unilateral annexation is challenged, to determine whether the annexation is reasonable and the service plan adequate, and the effect the annexation would have on future growth of any city challenging the annexation.

**Conference Committee Action**

In Conference Committee, the Senate conferees agreed to the House amendments to the bill, with the following exception:

- Delete a provision that would have reduced the length of time, from five years to three years, following an annexation that must elapse before the board of county commissioners must call a hearing to review the provision of city services.

---

\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org>

## Background

The House Committee deleted the contents of SB 24 and placed these provisions into SB 34. The House Committee inserted the contents of HB 2229, dealing with city annexation, into SB 24 and added a provision allowing another city to challenge an annexation.

The original bill was supported by Representative Ann Mah, the Kansas Farm Bureau, and two residents of Atchison County.

The bill was opposed by the League of Kansas Municipalities, the cities of Topeka and Overland Park, and the Shawnee County Farm Bureau.

Fourteen of the 16 factors are currently a part of the separate annexation procedure utilized by cities by appearing before the board of county commissioners to seek county approval of an annexation which either the city cannot accomplish under its unilateral annexation powers or otherwise the city desires the board of county commissioners to decide the issue.

Under current law, city unilateral annexation decisions are considered legislative in nature and thus are subject to a very limited review by the courts. The ability to challenge these decisions in court is limited to:

- Arguing the land to be annexed does not fit the geographic criteria the law requires in order for a city to annex the land unilaterally; or
- There was a fatal flaw in the annexation proceedings.

The Kansas Supreme Court in *Clark v City of Wichita*, 218 Kan. 334 (1975), stated that a court when reviewing unilateral annexation decisions of cities “does not examine the wisdom, necessity or advisability of the annexation.” Basically, this decision would be changed by HB 2229 which requires that a court must determine the “reasonableness” of city unilateral annexation decisions.

The bill has no fiscal effect on the state but may have a fiscal impact on cities.