

SESSION OF 2005

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2229**

As Recommended by House Committee on  
Governmental Organization and Elections

**Brief\***

HB 2229 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 require that a court, when a unilateral annexation is challenged, to determine whether the annexation is reasonable and whether the proceedings were regular.

**Background**

The 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

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

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.