

**To:** House Committee on Local Government  
**From:** Spencer Duncan, Government Affairs Director  
**Date:** January 29, 2025  
**RE:** HB 2025 – Elimination of the 3-mile Zone  
*In Opposition – Verbal Testimony*

Thank you to the Chair and Committee for the opportunity to provide this testimony.

HB 2025 is not a simple change to Kansas law, but an overhaul of more than 60 years of statutes used by cities and counties to make planning decisions and investments. Changing the law comes with significant consequences, none of which are accounted for in HB 2025. The League of Kansas Municipalities asks you to vote NO on HB 2025, with the caveat that we ask you to request an interim committee to further examine the issue.

A change of this magnitude needs significant study before consideration. The impact of this change will be long-lasting, impact the lives of hundreds of thousands of Kansans and alter a myriad of ways cities and counties operate. For example, The League is concerned about the impact to:

- Municipal utility agreements and arrangements
- Interlocal agreements
- Projects currently bonded or in planning stages
- State and Federal regulatory practices, particularly utility and telecommunications
- Metropolitan or Regional Planning Commissions
- Joint City and County infrastructure agreements within the 3-mile zone

We know there will be impacts to these, and other areas. While we do not believe any change is warranted, we caution that any consideration of such elimination requires extensive research by the Legislature. This would include an interim study, more information from Legislative research and an opportunity for municipalities, counties, utilities, and other stakeholders to have time to see what changes would have to be made in planning and zoning operations, among other considerations.

Subdivision regulation is important for controlling land use. This includes everything from street location to parks to flood protection. State law regulates the ability of cities and counties to enact these regulations within the 3-mile boundary, also known as ETJ (extraterritorial jurisdiction).

The EJT is not just in place to benefit cities, as is a common perception. It also exists to protect counties from unfettered expansion of a city's boundaries. The rules and regulations in place within this zone provide agreement and cooperation between cities and counties. It properly discourages cities from just annexing these areas.

A city wishing to adopt subdivision regulations in the zone must notify the county a minimum of 20 days prior to acting. At that point, the County (by vote of the Commissioners) can stop a city from acting within the ETJ. City planning commissions that regulate within the ETJ must have at least two members on the commission that reside within the ETJ (*K.S.A. 12-744*). The current system is collaborative and gives the County authority and input over the process.

If there are counties not actively engaged in the process, that needs addressed with them. Every citizen in a County who lives in an ETJ has representation through their County Commissioners, who have direct oversight into the processes and actions taken by cities in the zone. If a County or County Commissioner indicates otherwise, that is an issue with those elected officials, not the ETJ and current laws in place.

We ask you to vote NO on HB 2025 at this time, give this issue the true due diligence it deserves and request an interim committee be formed between now and the 2026 Legislative Session.

Thank you for your time and consideration of these issues. I am always available to provide additional information and answer any questions you have.



**Spencer Duncan**

*Government Affairs Director, League of Kansas Municipalities*

*785-383-8825      sduncan@lkm.org*