

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairman Vickrey at 3:30 p.m. on February 18, 2003 in Room 519-S of the Capitol.

All members were present except:

Committee staff present: Mike Heim, Legislative Research Department  
Kathie Sparks, Legislative Research Department  
Theresa Kiernan, Office of the Revisor of Statutes  
Maureen Stinson, Committee Secretary

Conferees appearing before the committee:

Marilyn Chapman	Sedgwick County
Karen Hartenbower	Lyon County
Rep. Toelkes	
Sen. Jackson	
Sen. Hensley	
Vic Miller	
Dennis Schwartz	Rural Water District No. 8
Ed Peck	Tecumseh Township
Mike Goodwin	Shawnee County Resident
Whitney Damron	City of Topeka
Don Moler	League of Kansas Municipalities
Mike Taylor	City of Wichita
Don Seifert	City of Olathe
Bart Budetti	City of Overland Park

Others attending: See attached list

Chairman Vickrey opened the hearing on:

**HB 2212 cities; relating to annexation; time of publication before election**

Marilyn Chapman, Election Commissioner, Sedgwick County, appeared as a proponent of the bill (Attachment 1). She stated that election commissioners under KSA 19-3426 are required to publish wards and precincts once at least 30 days before any election, whereas KSA 12-523 allows cities to annex properties and have these properties included within the city up to 30 days before an election. She explained these two statutes are not compatible since city annexation can affect election wards and precinct boundaries.

Karen Hartenbower, County Clerk & Election Official, Lyon County, testified in support of the bill. She provided no written testimony. Ms. Hartenbower serves as Chair of the Kansas County Clerks and Election Officials and as Chair of the Election Committee. She informed the committee that the proposed legislation is a priority item for the county clerks and election officials.

There were no opponents to the bill.

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The Chairman closed the hearing on **HB 2212**.

**HB 2086 County roads; opening; minimum road bed and drainage standards**

Rep. Yonally made a motion for the favorable passage of **HB 2086**. Rep. Reitz seconded the motion. Rep. Peterson made a substitute motion to amend the bill on page 1, in line 16, by striking "state and"; in line 28, by striking "state and." Rep. Gilbert seconded the substitute motion to amend the bill. The substitute motion to amend the bill carried. Rep. Yonally made a motion for the favorable passage of **HB 2086** as amended. Rep. Reitz seconded the motion. The motion carried.

**HB 2112 Enforcement of county codes and resolutions**

Rep. Campbell made a motion for the favorable passage of **HB 2112**. Rep. Thull seconded the motion. The motion carried.

**HB 2201 Fire and fire protection; investigations of fires and explosions**

Rep. Storm made a motion to amend the bill as proposed in the balloon amendment (Attachment 14). Rep. Reitz seconded the motion. The motion to amend the bill carried.

Rep. Gilbert made a motion for favorable passage of the bill as amended. Rep. Peterson seconded the motion. The motion carried.

Chairman Vickrey opened the hearing on:

**HB 2043 annexation of territory by cities; requiring approval of the board of county commissioners**

Rep. Toelkes appeared as a proponent of the bill (Attachment 2). He stated that the proposed legislation does not change any of the laws and procedures of cities annexing property outside the city limits. He explained that the proposed legislation addresses unilateral annexation without the consent of the county commissioners who are duly elected by the voters of the area subject to be annexed. Rep. Toelkes testified that the proposed legislation makes a change in the annexation laws to allow the residents in the area to be annexed a voice in the process through their elected officials, the county commissioners.

Sen. Jackson testified before the committee as a proponent of the bill (Attachment 3). He said that as unilateral annexation works now, city council members have the power to choose a government without a choice by those being annexed. He stated that taxation without representation is what results and our ancestors found the Revolutionary War over this very issue. He testified that with the passage of this bill, unfettered economic development can and will occur and citizens can select their own form of government. He asked for the committee for their support of the bill.

Vic Miller, Chairman of the Shawnee County Commission, appeared on his own, not on behalf of the county commission. He testified in support of the bill (Attachment 4). He explained that last fall, a group of Topeka and Shawnee County community leaders visited Springfield, Missouri, to review that community's blueprint

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for economic growth and prosperity. Commissioner Miller noted that in Missouri, unilateral annexation is not even an option available to cities and that the conclusion of their group was that “unilateral annexation is not necessary for the economic growth of a community.” He said the proposed legislation offers a happy medium between unfettered unilateral annexation that cities currently enjoy and the Missouri circumstance where it is not even allowed.

Dennis Schwartz, General Manager of Rural Water District No. 8, testified in support of the bill (Attachment 5). He noted that under present law, the action of a city may be totally unilateral and made by members of a governing body not representing those property owners who are proposed to be annexed. He stated that this method is totally contrary to any resemblance of representative governing. He testified that he has seen the frustration of citizens standing before a governing body, feeling powerless as the fate of their property rests in the hands of political leaders for whom they never had the ability to vote upon. He requested restoring the democratic process to the method by which land may be attached to a city and asked the committee to approve **HB 2043**.

Sen. Hensley appeared as a proponent of the bill (Attachment 6). He noted unified efforts showing city/county cooperation in past years:

- In the early 1990's county and city voters agreed on a quarter-cent sales tax for a new combined law enforcement center in downtown Topeka and for county bridge repair.
- In 1996, county and city voters agreed on the extension of this tax for the local share of the Oakland Expressway and Kansas Turnpike construction project and for county bridge repair.
- In 2000, county and city voters agreed to extend this tax again for the financing of economic development and bridge repair in Shawnee County.
- Recent expansion of the Goodyear Plant and the Construction of the new Target Distribution Center. The Goodyear Plant expansion was a combined effort of city, county and state.

He stated that concerned citizens appearing today before the committee believe that unilateral annexation is unfair, inequitable, unjust and unreasonable and that as their state senator, he agrees with them. He expressed dismay that residents of Shawnee County felt they had no other choice but to ask the Kansas Legislature to repeal the Kansas Law that allows cities the powers of unilateral annexation.

Edgar Peck, Treasurer of the Tecumseh Township and member of the Topeka Tecumseh Fire Department Board, testified in support of the bill (Attachment 7). He stated that in being involved in recent opposition to proposed annexation, he saw and felt first hand the right to have a voice or to have representation in the outcome was in essence nonexistent. He testified that objections voiced about higher taxation and fewer services didn't seem to be of interest to most of the city council members. He informed that neither the township nor the fire district was consulted on what effect annexation would have on these local units of government. He strongly encouraged the committee to consider the proposed legislation which would give all persons representation through their county commissioner.

Mike Goodwin, resident of southeast Shawnee county, testified in support of the bill (Attachment 8). He testified that upon analysis of the City's Annexation Service Plan, it became obvious that the cost of providing services to the proposed annexation area would exceed the tax revenues generated and that the city's taxpayers would pay higher taxes if the county neighborhoods were annexed. He informed that residents of neighborhoods in the proposed annexation would experience a tax increase of 20 percent, offset only partially by decreased utility. He explained that according to the level of expenditures in the Annexation Service Plan

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that the city could not provide services to the neighborhoods proposed to be annexed at a level “equal to or better” than residents now enjoy as required by KSA 12-520b(2). He urged support of the bill.

Whitney Damron, lobbyist for the City of Topeka, appeared as an opponent of the bill (Attachment 9). He testified that the proposed legislation would be an impediment to the orderly growth of the cities of Kansas and eliminate the long-standing right of a city to control its own growth through annexation. He stated that the city council and the city’s administration are opposed to the change put forth in the proposed legislation.

Don Moler, Executive Director, League of Kansas Municipalities, testified in opposition to the bill (Attachment 10). He stated that the change proposed in the bill is a massive change in public policy and one which should not be undertaken lightly. He said that to adopt the language found in the bill would effectively obliterate all of the unilateral annexation statutes and completely reverse many years of public policy in this state and that no longer would cities be able to annex property, even property they own, without the consent of the county commission. He strongly urged the committee to reject the bill.

Mike Taylor, Government Relations Director, City of Wichita, testified in opposition to the bill (Attachment 11). He stated that the bill is about the Legislature once again being asked to inject itself into the politics and affairs of a local community. He urged the committee to decline the invitation.

Don Seifert, Policy Development Leader, City of Olathe, appeared as an opponent of the bill (Attachment 12). He stated that the City of Olathe, opposes legislation that would further restrict the ability of cities to annex and urged the committee to oppose the bill.

Bart Budetti, City of Overland Park, testified in opposition to the bill (Attachment 13). He stated that given the dramatic changes the bill makes to longstanding Kansas law, the City of Overland Park requests the committee oppose the bill.

The Chairman closed the hearing on **HB 2043**.

Rep. Gilbert made a motion to approve the Minutes of the January 23, 2003. Rep. Yonally seconded the motion. The motion carried.

The meeting was adjourned.

Next meeting is scheduled for February 20, 2003.