

SESSION OF 2021

SUPPLEMENTAL NOTE ON SENATE BILL NO. 88

As Recommended by Senate Committee on
Local Government

Brief*

SB 88 would amend law regarding the process for vacation of city streets or other public easements and would add law regarding challenging a street vacation ordinance.

Time Limit for Challenge of an Ordinance

The bill would allow any landowner aggrieved by the decision of a city governing body to vacate certain property to bring action in a district court challenging the reasonableness of such decision within 30 days following publication of the vacation ordinance.

Authorization

The bill would amend a statute to remove redundancy with continuing law and make conforming changes. Continuing laws (KSA 13-334, 14-423, and 15-427) provide processes for local governments to request street vacations based on a city's classification.

The bill would authorize cities to utilize the process of the bill by following the notice and public hearing requirements established in the bill.

*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>

Public Hearing

The bill would clarify that, when a resident makes a petition to vacate a street, the governing body must give public notice of the request and, in the notice, specify whether the hearing on the petition will be conducted by the governing body or the planning commission. The bill would require all interested persons to be given an opportunity to be heard on the petition.

If a city chooses to use the same process to deannex land, the bill would require the hearing to be held before the city governing body.

The bill would require the city governing body to enact an ordinance containing an order to vacate if, at the hearing, it was determined the request of the petitioner should be granted.

Background

The bill was introduced by the Senate Committee on Local Government at the request of a representative of the League of Kansas Municipalities (LKM).

[*Note:* In sections 2 and 3, SB 88 contains provisions the same as those of 2020 HB 2583 as it passed the House, with the addition of authorization for cities to initiate and utilize the process in the bill.]

Senate Committee on Local Government

In the Senate Committee hearing, **proponent** testimony was provided by a representative of the LKM. The proponent generally stated the purpose of the bill is to provide a statutory process easier for local elected officials and citizens to understand than the current processes in statute for each class of city.

No neutral or **opponent** testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration states enactment of the bill could increase the number of district court cases and thus, the docket fees collected. However, an estimate of the additional revenues could not be estimated. The LKM stated that the bill would have no fiscal impact on municipalities.

Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Local government; vacation of city streets; vacation of easements