

To: House Committee on Local Government
From: Spencer Duncan, Government Affairs Director
Date: February 8, 2023
RE: HB 2150 – 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 2150 is not a simple change to Kansas law, but an overhaul of more than 50 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 2150. The League of Kansas Municipalities asks you to vote NO on HB 2150.

A change of this magnitude needs significant study before consideration. The impact of this change would be long-lasting, impact the lives of tens-of-thousands of Kansans and alter a myriad of ways cities and counties currently 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 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 the 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 provides agreement and cooperation between cities and counties. It property 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 a 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 say 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 2150 at this time. If there is serious desire by this Legislature to consider the issue, then we ask that you give it the true due diligence it deserves.

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

A handwritten signature in blue ink that reads "Spencer".

Spencer Duncan

Government Affairs Director

League of Kansas Municipalities

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