SB 124 Proponent Testimony

I thank this committee so much for starting to address annexation issues in this state. True reform with annexation needs to encompass even more, but this is a start.

Rural residents are learning that cities have way too much power over their property rights and are trying to fight back, but state statutes are blocking us.

I read a little from the minutes from last sessions hearing on SB 124. This statement shocked me but actually didn't surprise me. Hear is just snippet:

"cities need to grow in order to keep a city's economy moving forward. Mr. Warner explained new growth helps pay for the infrastructure and services of the existing population and a city that is unable to grow and add population will see its economy stagnate. (Attachment 7)""""""""

In other words, large cities just need to keep growing, eliminating smaller rural communities so they can maintain themselves? This is exactly what is happening in this country with Corporate America on a Federal level. I think it is also happening on a State level also.

I have actually been told by a few current and former city commissioners, even city managers, that the cities need to annex for more tax dollars to survive.

I fully disagree with this premise. Cities if they want to grow, grow with "TRUE REAL GROWTH". They shouldn't be having to annex property to sustain themselves. If they have to annex to survive, then they are overspending. They need to be able to provide for themselves before any more property is annexed!!!

I feel this is one of the big reasons that property taxes are out of control! FYI - EDC's are pushing this agenda. We as taxpayers cannot afford what EDC's are doing to us and those in local governments refuse to stop this. We as taxpayers have been trying in our area to contain the EDC.

One reason I see that cities need to grow: These EDC's sell corporate America and large industries and businesses tax incentives, tax abatements, water, sewer, school, etc, to bring them into their communities. It is the local property owner covering the "bill". We as property taxpayers are broke!

Corporate America and/or Large companies want to keep growing by eliminating the “little man or woman”. That is not freedom nor liberty. This City power, especially through Home Rule, helps to destroy rural America and smaller communities and city power just keeps growing.

In the Junction City area, we were having a big problem with mass annexation. Over a decade ago, properties outside the city were forcibly annexed. One big problem. Many didn’t get and still don’t have city services.

Well just a couple years ago the previous city manager tried to force annexations again. Thank heavens we had enough new City Commissioners that stood up to the city manager or this would have happened again. Like I stated before, city power needs to be constrained.

One of the current city commissioners, ran for commission because the city would not provide services to a property inside the city limits. Property inside the city limits and the city refused to provide services. Too costly? Why is anyone in this situation forced to be annexed and pay city property tax?

We had one person de-annexed recently. Now that is a rarity. It only happened because of the public outcry.

This individual bought property several years ago, but the property was annexed decades ago. That property was never provided city services. This person wanted to fix up the property. It includes a house and a barn. He asked the city for sewer and water. Well the city would not provide it. He had to drill his own water well and install his own septic system. He doesn’t even have access to a fire hydrant, so he doesn’t even get a break on his insurance.

With the substantial rise in property taxes, he started to stand up to be de-annexed. There are railroad tracks to cross to get to this property which makes this very costly for the city to provide services. It was estimated that it would cost over $100,000 to provide city services and there is no one else in this land locked spot that these services could connect to, to offset the cost. It would take many years for the city to recoup the cost for this one property owner. Like I said this property is land locked. The city is lucky he didn’t just sue

for city services. It was cheaper for the city to de-annex. The city manager did not agree with de-annexation, but thankfully our new commissioners stood up.

Rural residents have a hard time standing up and even fighting city power over them. The city has access to our own tax dollars to force annexation or even eminent domain. That is an impossible fight for the property owner. The property owner loses everything he or she worked their whole lifetime to accumulate without a real voice.

My husband and I, as residents and ranchers in the 3-mile zone, we have no voice in electing those in the city who rule over us. I can't even run for city office.

How is this constitutional? According to a 2024 Attorney's Opinion from Attorney General Kris Kobach which pertains to the 3 mile zone, is very relevant to the annexation premise. The 3 mile zone is basically unconstitutional because our rights have been stolen from us. We have no representation, and we are ruled over by those we cannot vote in or out of office. We cannot hold city office. In my opinion, the same concept applies to annexation.

Here is the link to the Opinion:

https://www.ag.ks.gov/home/showpublisheddocument/10520/638460984624230000

(FYI: The 3 mile zone (another constitutional issue) an issue that should have been heard in Interim Committee last year, but I was told that the hearing was blocked.)

How is city growth ever limited? Do cities need to continue to grow? Or should we ask this question. Should cities be allowed to grow if they cannot sustain themselves without annexation? Have cities just become a giant conglomerate consuming everything in its path to survive?

Why not let the communities surrounding these cities the opportunity to grow on their own? This will never happen with the current powers' cities have as of today. Small communities cannot stand up to large cities!

To summarize, unincorporated rural residents have no voice because they cannot vote in city elections and cannot serve on planning and zoning commissions and cannot hold a city office.

More needs to be done, but this is a start.

Thank you for reading and listening.
Desree Pettera