

MINUTES OF THE SENATE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Roger Reitz at 9:30 a.m. on March 15, 2011 in Room 159 S of the Capitol.

All committee members were present

Committee staff present:

Mike Heim, Revisor  
Jill Shelley, Kansas Legislative Research Department  
Noell Memmott, Committee Assistant

Conferees appearing before the committee:

Ann Mah, Kansas State Representative, Fifty Third District  
Brad Smoot, Attorney at Law, on behalf of the Annexation Reform Coalition  
Tom Watson  
Cheryl Musick, Member Annexation Reform Coalition and Land Owner  
Kelly Parks  
Sandy Jacquot, Director of Law/General Counsel, League of Kansas Municipalities  
Whitney Damron, on behalf of the City of Topeka  
Jim Washington, on behalf of the City of Basehor, Kansas

Others attending:

See attached list.

Senator Kelsey moved to discuss **SB 131 Making methamphetamine precursors schedule III prescription drugs**. The motion was seconded by Senator Marshall. The motion carried. A brief discussion followed. Senator Kelsey moved to pass **SB 131** out of committee. Senator Reitz seconded the motion. The motion failed.

Jill Shelley, Legislative Research, gave a summary of **SB 2240 Cemetery corporations; trust funds; secretary of state; attorney general enforcement powers**. The bill would permit the Secretary of State to audit trust funds for private cemeteries. The Secretary of State's office would have no power to prosecute.

Senator Kelsey moved to pass **SB 2240** out of committee. The motion was seconded by Senator Marshall. The motion passed.

Mike Heim, Revisor, reviewed **SB 2195 Municipalities; organized solid waste and recycling collection service act**. The bill would establish procedure for municipalities to establish municipal services.

Senator Huntington moved to amend **SB 2195**. On page 3 line 11 there would be a word change to "development" instead of "implementation". The motion was seconded by Senator Kultala. The motion carried.

Senator Huntington moved to amend **SB 2195** so that it would not apply to waste tires. Senator Brungardt seconded the motion. The motion carried.

Senator Huntington moved to pass **SB 2195** out of committee as amended. The motion was seconded by Senator Marshall. The motion passed.

The hearing opened on **SB 2294 Annexation procedures; deannexation board of county commissioners duties; election required when; homestead exemption; appeal process**.

Ann Mah, Kansas Representative, Fifty Third District, testified as proponent of **SB 2294** explaining that a proposed unilateral annexation may be reviewed by the county commission. She also explained the bill would shorten the time by which the county commission holds hearings to review a city's progress in providing services (attachment 1). Brad Smoot, Attorney at Law, on behalf of the Annexation Reform Coalition, cited that **HB 2294** would place some reasonable limits on the authority of cities to annex under section "521" (attachment 2). Tom Watson, land owner, Johnson County, spoke in favor of the bill,

## CONTINUATION SHEET

Minutes of the Senate Local Government Committee at 9:30 a.m. on March 15, 2011, in Room 159 S of the Capitol.

noting increased taxes, limitations imposed by the city and loss of most of their Homestead Exemption ([attachment 3](#)). Cheryl Musick, Member Annexation Reform coalition and Land Owner, also spoke in favor of the bill. The group she represents wants a right to vote on whether the land they own can be annexed and subjected to increased taxes and ordinances in return for fewer services provided ([attachment 4](#)). Kelly Parks testified as a proponent of the bill ([attachment 5](#)).

Written testimony supporting **HB 2294** was submitted by: Derrick Sontag, State Director, Americans for Prosperity-Kansas ([attachment 6](#)); and Brad Harrelson, Kansas Farm Bureau Governmental Relations ([attachment 7](#)); and Anthony Hensley, Kansas Senator, Nineteenth District ([attachment 8](#)).

Testifying in opposition to **HB 2294** was Sandy Jacquot, Director of Law/ General Counsel, League of Municipalities. She said a handful of residents are determining what is best for the community, when the county commissioners are elected to perform that duty and represent those citizens, is bad public policy and should be rejected ([attachment 9](#)). Whitney Damron, on behalf of the City of Topeka, noted the negative effect **HB 2294** would have upon a city's ability to manage its growth and added it would cause significant problems for many cities if enacted into law ([attachment 10](#)). Jim Washington, President, Basehor City Council, addressed the problem of the impact of this legislation on comprehensive development plans for cities and counties throughout the state ([attachment 11](#)).

Written testimony in opposition to **HB 2294** was submitted by: Dale Goter, Government Relations Manager, City of Wichita ([attachment 12](#)); Jennifer Bruning, Vice President, Government Affairs, Overland Park Chamber of Commerce ([attachment 13](#)); Eric Sartorius, Assistant City Manager, City of Overland Park, Kansas ([attachment 14](#)); David Unruh, Chairman, Commissioner-First District, Board of County Commissioners, Sedgwick County, Kansas ([attachment 15](#)); Mike Amyx, Mayor, City of Lawrence, Lawrence, Kansas ([attachment 16](#)); and Ron Fehr, City Manager, City of Manhattan, Manhattan, Kansas ([attachment 17](#)).

The hearing was closed.

The meeting adjourned at 10:30 a.m.

# LOCAL GOVERNMENT GUEST LIST

DATE: March 15, 2011

[illegible]

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HOUSE OF REPRESENTATIVES

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ANN E. MAH  
53RD DISTRICT

SENATE COMMITTEE ON LOCAL GOVERNMENT  
CHAIRMAN – SEN. REITZ  
TESTIMONY – HB 2294

I support HB 2294 in its entirety, but my testimony focuses on two provisions of the bill that came from HB 2065 regarding unilateral annexation. Unilateral annexation has been an issue of contention with Kansas cities for a very long time. Over 70% of my constituents live in townships, largely because they do not want to be part of a city. Under subsections (a) (1), (4), (5), and (6) of KSA 12-520, once a city touches boundaries with a landowner's property, the city may annex that property without the consent of the landowner using a simple city ordinance. This is an intrusion on property rights. Following a unilateral annexation, the county commission is supposed to hold a hearing to be sure the city has provided the municipal services it is supposed to provide. Sometimes these hearings are not held in a timely manner. HB 2294 addresses both of these issues.

CHANGING THE RULES

HB 2294, new Section 2, says a proposed unilateral annexation may be reviewed by the county commission. The county commission has 30 days to approve the annexation, disapprove it, or just do nothing and allow it to become law. In this way, the annexation plan is reviewed by the landowners' elected commissioner. It gives the landowners a voice in the process. It gives the county commission an opportunity to be sure the townships are not gutted to where they cannot provide services. This is a fair approach and is less costly than previous proposals for a boundary commission to approve unilateral annexations. This language has passed the House several times already.

HB 2294 sections 6 and 7 also shorten the time by which the county commission holds hearings to review a city's progress in providing services. Current law says the county will hold hearings five years following an annexation or where there has been litigation relating to annexation. Then there is another hearing 2 ½ years later if services have not been provided. Those timeframes are too long to be effective, so HB 2294 shortens them. There is also a provision to hold the county accountable should it fail to hold these hearings. Similar language was approved by both the House and Senate previously and included in a larger annexation bill vetoed by Gov. Parkinson.

WHAT IT DOES NOT DO

HB 2294 does not interfere with annexation processes where a landowner or developer requests to be annexed or where land is held in trust for a city. Developers often request annexation in order to receive city services and that will continue as is.

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Attachment 1

#### WE'VE BEEN HERE BEFORE

Over twenty years ago the Legislature recommended a boundary commission process to give landowners a voice in unilateral annexation situations, but no bill was passed. Finally, two bills passed in 2003 and 2004 attempted in different ways to limit or eliminate unilateral annexation. Those were both vetoed by the Governor because they were limited to one or two counties and did not apply statewide. However, their passage demonstrates that the Legislature supported the idea of giving the people a voice in the annexation process. In 2005 and 2006 we were successful in getting some additional requirements added to city annexation plans, but did not get any substantive changes to the process itself. All of the decisions are made by one party – the city.

#### ANNEXATION – AS BIG AS YOU THINK

I sensed last session that some legislators felt that unilateral annexation was not a big deal and should be left alone. In reality, unilateral annexations can be quite extensive in scope. A copy of a unilateral annexation map proposed in Topeka in 2004 is attached. They are a big deal.

#### TWENTY YEARS IS ENOUGH TO DELIBERATE

The annexation compromise of the 1980's is still unresolved. It was recommended that those being annexed be given more of a voice in the process. More than twenty years later that is still an open issue. There is nothing more basic than property rights. If you look at other corresponding processes – like consolidation, incorporation, or expansion of city codes – a vote or protest process is provided. Yet Kansas continues to be one of the few states that clings to the undemocratic unilateral annexation process for “growing” its cities.

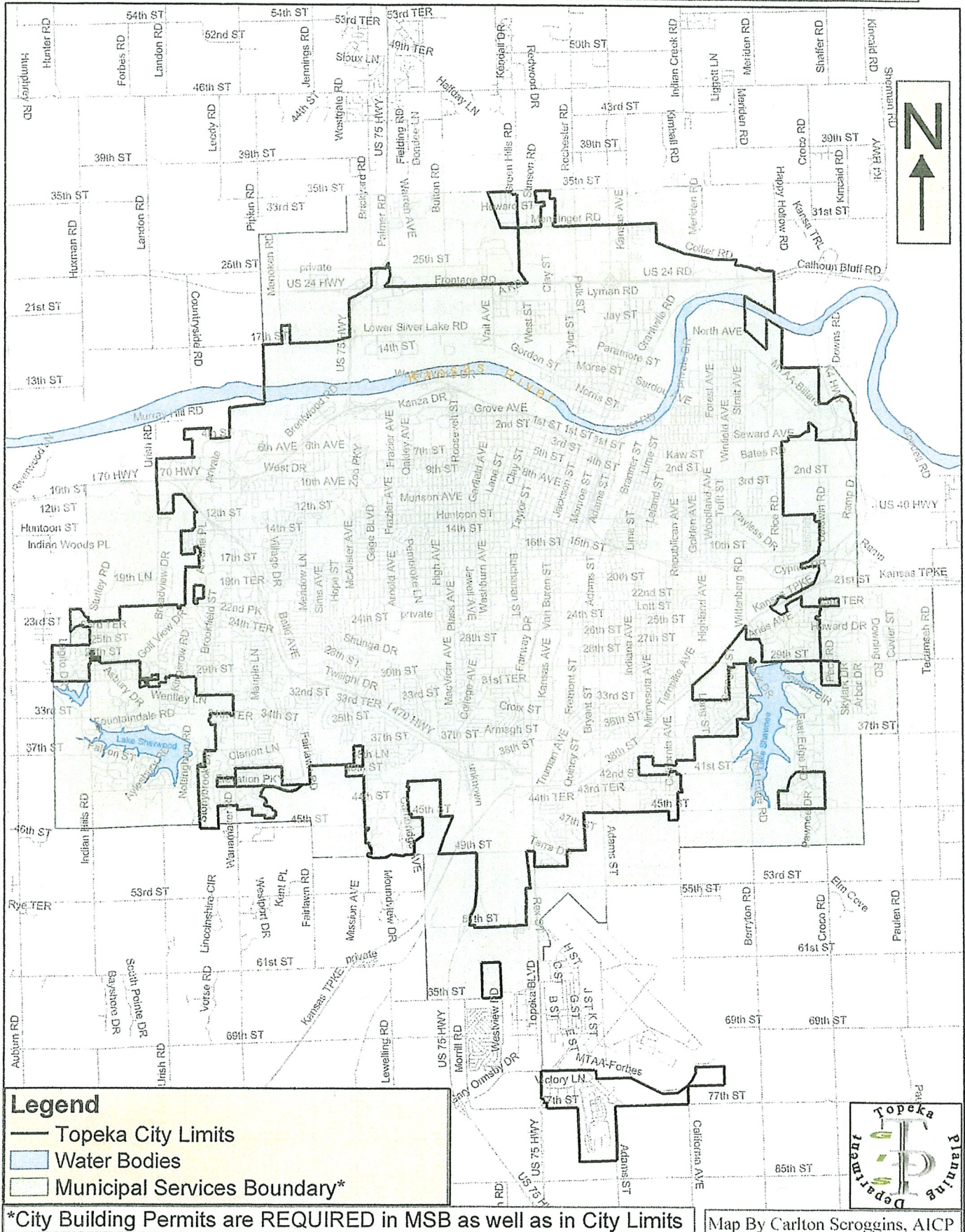
Others say that we should not fix something that isn't broken – that the process works. Yes, it works well for cities that don't want to be bothered with those pesky landowners who would like something more than a tax increase and a list of services they will no longer receive once annexed. But it doesn't work worth a hoot for those landowners being annexed without a real say in the process.

It's time to give the people a voice. When you have lived outside a city for 20, 30, or 40 years, it is unconscionable to allow a city to take your home inside its boundaries without your permission. Cities can learn to be partners with township residents, but today they have no reason to do so. They hold all the cards in a rigged game.

I am asking the Committee to support all of the provisions of HB 2294. It is a common sense solution to a problem that has continued far too long.



# Municipal Services Boundary & Topeka City Limits



STATEMENT OF BRAD SMOOT  
LEGISLATIVE COUNSEL  
ANNEXATION REFORM COALITION  
SENATE LOCAL GOVERNMENT COMMITTEE  
REGARDING 2011 HOUSE BILL 2294  
March 15, 2011

Mr. Chairman and Members:

On behalf of the Annexation Reform Coalition, a group of rural landowners whose land was annexed into the city of Overland Park in 2008, we thank you for this opportunity to discuss HB 2294. This bill is the result of years of study by the Kansas Legislature. The Special Committee on Eminent Domain in Condemnation of Water Rights recommended the contents of HB 2294 in 2008 and the House Local Government Committee combined all three into a bill in 2009 and passed it to the Senate. A version of this bill (House Sub for SB 51) was passed by both houses but vetoed by Governor Parkinson.

As Committee members probably know, Kansas law has two statutes that allow municipal annexations. One, K.S.A. 12-520, contains several specific situations in which annexation is allowed (for example, when the owner consents) and some limitations (such as when the land to be annexed involves more than 21 acres). K.S.A. 12-520 is the statute used by most cities most of the time and the one with which most of you may be very familiar. The other statute, K.S.A. 12-521, gives cities authority to annex land of any size, without owner consent and without a public vote of those to be annexed. All that is required is approval by the county commission. With the exception of Overland Park, only a few cities have even used the "521" annexation procedure.

HB 2294 is an effort to place some reasonable limits on the nearly unbridled authority of cities to annex under section "521." As previously noted, there is no limit on the amount of land that may be annexed under this provision. For example, the city of Overland Park attempted to annex about 15 square miles of rural land in 2008, probably the largest city land grab in state history. The Johnson County Commission disallowed about half the annexation but still the annexation was enormous and unusual by any standard. Many of your colleagues who have reviewed this issue, some of them former city or county officials, are stunned to realize that "521" annexations do not contain the 21 acre limitation found in the more commonly used "520" annexation statute. Since nothing in the "521" statute limits the size of the annexed territory, the interim committee and the House have recommended the 21 acres limit on unplatted agricultural land. See Section 5(b). It's worth noting that even this limitation only applies if the land is "agricultural" and "unplatted."

A second safeguard for "521" annexations is built into a new election process (see Section 5(f)). The electors in the area to be annexed would be given an opportunity to vote by mail ballot on whether the annexation should be approved with the decision being

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Attachment 2

made by majority rule. Again, many lawmakers are surprised to learn that Kansas law doesn't permit elections on a matter as important as annexation. We have reviewed the laws of other states and can only find a handful of states that allow such annexations without consent or the right to vote. Lawmakers have found it odd that Kansas voters are allowed to express themselves at the ballot box on issues such as city/county consolidation; city incorporation; expansion of city services to unincorporated areas; creation of a variety of service districts like water and libraries, etc., but not involuntary annexations. Voters even have a say in noxious weed control but no say in whether they will be forced against their will into the zoning, traffic and taxing obligations of a city. See attached list of statutes relating to similar municipal powers where a vote is allowed.

Another recommendation of the interim committee was to shorten the time in which counties must review whether a city has met its obligations to provide municipal services to a newly annexed area. See Section 7. Previous law required the review after 5 years and the amendment contained in HB 2294 shortens that period to 3 years. We also support this provision. Newly annexed landowners shouldn't have to wait 5 years before a city is held accountable for providing the promised services.

During the Overland Park annexation litigation, it was discovered that the annexation of large chunks of unplatted farm land raised a disturbing question about the loss of one's constitutional Homestead Exemption rights. First adopted by our Kansas convention in 1859, Article 15, Section 9 grants protection from debt collectors for 160 acres of land in the county and 1 acre in an incorporated city. When a rural resident's land is annexed by a city, the constitutional protections are reduced from up to 160 acres to 1 – a loss of up to 159 acres of constitutional security provided to Kansas farm families and rural residents. While this may not be a problem when the annexation is consensual as under K.S.A. 12-520, it is an alarming result when farmers and other landowners are dragged unwillingly into the city limits without consent or even the right to vote. The District Court of Johnson County recently ruled that such is the current state of the law. Section 9 is an attempt to address that issue by preserving the Homestead Exemption for such rural landowners at least until the property is sold after annexation. Of all the injustices created by the current "521" annexation process, the destruction of constitutional Homestead Exemption rights may be the most shocking.

You are likely to be told that HB 2294 will cripple economic development although few, if any, specific illustrations of this claim have been provided. Since most states either don't allow involuntary annexations or allow landowners the right to vote and most cities don't even use the "521" statute, we fail to understand why this bill creates the "sky is falling" catastrophe the opponents have alleged. Instead, we think it is time Kansas got in line with other states in protecting its property owners from unwarranted and unlimited municipal land grabs. Thank you for consideration of our views.



## Kansas Statutes Authorizing Local Government Elections by Voters or Electors

Subject	Statute
Agricultural Societies and Fairs	KSA 2-131f
Noxious Weeds	KSA 2-1333
National Defense Operations	KSA 3-401
Consolidation of Municipalities	KSA 12-362
City-Manager Plan	KSA 12-1019
City-Manager Plan	KSA 12-1038
Law Enforcement	KSA 12-11a01
Libraries	KSA 12-1215
Libraries	KSA 12-1236
Buildings, Structures and Grounds	KSA 12-1761
Industrial and Economic Development	KSA 12-3806
Child Care Centers	KSA 12-4801
Municipal Universities	KSA 13-13a24
Changing Classification of City	KSA 14-901
Commission Form of Government	KSA 14-1807
Public Improvements	KSA 15-720
Cemeteries	KSA 15-1015
County Homes	KSA 19-2107
Improvement and Service Districts	KSA 19-2786i
Parks, Museums, Lakes and Recreational Grounds	KSA 19-2801
Water Supply and Distribution Districts	KSA 19-3507a
Fire Protection	KSA 19-3610
Detention and Parental Homes or Farms	KSA 38-523
Licensing and Related Provisions	KSA 41-302
Liquor by the Drink	KSA 41-2646
Irrigation Districts	KSA 42-713
Consolidation of Community Colleges	KSA 71-1304
Disorganization of School Districts	KSA 72-7305
School District Contracts	KSA 72-8157
Consolidation of School Districts	KSA 72-8704
Kansas Lottery	KSA 74-8737
Kansas Lottery	KSA 74-8743
Limitations on Tax Levies	KSA 79-1964
Fire Department or Company	KSA 80-1918a
Sewage Systems	KSA 80-2005
Hospitals and Health Care Facilities	KSA 80-2503
Hospitals and Health Care Facilities	KSA 80-2516

STATEMENT OF TOM WATSON  
SENATE LOCAL GOVERNMENT COMMITTEE  
Regarding 2011 House Bill 2294  
March 15, 2011

Mr. Chairman and Members:

I am a long time Kansas resident. My wife and I own a farm and wildlife preserve in southern Johnson County, Kansas. Against our wishes, our farm, home and game preserve were annexed into the city of Overland Park in 2008. Our land was part of a huge "521" annexation of 15 square miles of rural, sparsely populated lands. Along with my neighbors, I made my opposition to this annexation known to officials of the city and the county governments. Despite our opposition, our land was part of the 8 square miles of property taken into the boundaries of Overland Park with the approval of the county commission.

While we are challenging this annexation in court over procedural errors and omissions committed by the city and county, we believe that the issue of Kansas' annexation law deserves your immediate attention for the benefit of other Kansans. We just think it is wrong for a city to subject a homeowner, business or other landowner to its taxing and legal authority without consent or at least an opportunity to vote on the annexation. Kansas is in the clear minority of states that allow such annexations. This would not have happened to us if we lived in Missouri or some 40 other states.

We were pleased with the services provided by our county, township, water and fire districts. Now, however, our lives and property are subject to new taxes and new limitations imposed by the city of Overland Park but without any noticeable benefit. What's also important is what we've lost. We've lost most of our Homestead Exemption. On being involuntarily dragged into the city limits, the 150 year old constitutional exemption has been reduced from 160 acres to 1, a loss of 159 acres. This is a huge loss of one of our most basic property rights. A loss that affects rural residents statewide. I cannot imagine that the Kansas Legislature would want this obvious wrong to go uncorrected.

Finally, we all understand that "someday" all of Johnson County may be included in a city. However, if you could see our rural land today, with its farms, ranches and hay fields, you would probably agree with us that "someday" is not today. I hope you will also agree that your fellow Kansans shouldn't be annexed into a city without consent or the right to vote. I urge you to support HB 2294. Thank you for considering my comments.

STATEMENT OF CHERYL MUSICK  
MEMBER ANNEXATION REFORM COALITION AND LAND OWNER  
SENATE LOCAL GOVERNMENT COMMITTEE  
REGARDING 2011 HB 2294  
March 15, 2011

Good morning Mr. Chairman and Members of the Committee.

I am Cheryl Musick. We appreciate this opportunity to speak to you regarding HB 2294. I have been in and out of these rooms in the Capitol building for several years now and have never spoken in front of a Legislative Committee. I was a schoolteacher for the Shawnee Mission School District for 38 years. My husband and I own 2 acres in Bucyrus, KS, in rural Johnson, County. We have a 3 bedroom, 2 1/2 bath ranch home with a little workshop out back. We strongly support HB 2294.

We are simply requesting a right to vote on whether the land we own can be annexed and subjected to increased taxes and ordinances in return for fewer services provided. Only a handful of states allow annexations without the landowners consent or without a right to vote by the people most affected by an annexation. So when representatives of cities and the League of Municipalities say that cities cannot thrive and develop if they allow citizens to vote on annexation, I must question this statement considering so many other states allow this basic fundamental right.

The opponents claim that we already have a voice since we help elect the Board of County Commissioners. As you may recall from the previous hearing on SB 94, Norman Pishny, who is here with us again today, reported that 544 postcards were sent out to get input from people being annexed in our area. 477 postcards were returned--- about 90%. Of 477 postcards, 471 people---99%--- opposed the annexation and 6 people---1%-- were in favor. It is obvious that those affected most by this annexation were very much opposed to this annexation. How could our voices not be heard? How much louder do you need us to be? Obviously we were ignored as most of us were annexed anyway.

As I mentioned earlier I have been coming to Topeka for several years requesting the Legislature address this issue. I applaud all of the efforts and time devoted to this issue. At the end of the day, my husband and I just have our 3 BR ranch on 2 acres-----but we still believe that true democracy is as simple as having the right to vote on something as important as being subjected to increased costs, taxes, ordinances in return for less services. Please support this bill giving us a voice that will be heard in this important matter.

Senate Local Government

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Attachment 4

H. B. 2294 – Proponent  
Local Government Committee  
Testimony of Kelly Parks, 159-S

Senators:

This is the fifth year I have testified concerning an annexation bill. Five years ago when we all knew this archaic and outdated law needed to be changed, there were 9 states that still allowed unilateral annexation. Now there are 2 or 3, depending on whom you ask. Are we holding out to be the last and only state to allow our rural residents no say in wanting to be inside a city? Or, are we just hoping someone will write a sequel to the book “What’s the matter with Kansas”? Most of you have heard the arguments, but these abusive annexations are NOT of new developments, they are of 40 or 50 year old homes that have acreage with their own sewer and water systems and they don’t need any city services. I will have to commend one city in Johnson County. A few years back they had a “Service Plan” that was 30 pages long. But I’m here to tell you that some abusive land grabbing cities, have a half page with essentially no promises, EXCEPT to increase the taxes by replacing the township mill levy with a city one. In the case of the unincorporated neighborhoods of West Valley – that goes from 9 ½ to 49 ½, a 40 mill increase. WAKE UP KANSAS!!!!

Kelly Parks  
8005 N. Hoover Rd,  
Valley Center, KS 67147

Senate Local Government

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Attachment 5





# AMERICANS FOR PROSPERITY

## K A N S A S

March 15, 2011

House Bill 2294  
Senate Local Government Committee

Mr. Chairman and members of the committee,

I am proud to provide testimony today, in representing the more than 41,000 members of Americans for Prosperity-Kansas.

AFP Kansas supports HB 2294 relating to annexation. We support the bill because it protects private property rights and ensures Kansas' citizens rights of self-determination.

Cities should not be void of the application of the democracy the country was founded upon. The principle of consent of the governed has been a hallmark of America for more than 230 years.

Democratic rights and freedoms shouldn't be sacrificed upon the questionably applied mantle of "economic growth." Territory growth of a municipality is not economic growth. If it were, Kansas would be an economic giant as our laws have few limits on unilateral annexation.

Government growth is hardly a precursor of economic growth; it is the free market and individual decision making that has fueled our nation's and state's economy.

Governments should not be allowed to impose its will without consequence and without any boundaries.

Allowing for a mail ballot vote of the citizens impacted by the proposed annexation is an appropriate safeguard against over zealous annexation.

Thank you for the opportunity to provide testimony in support of HB 2294.

Derrick Sontag  
State Director  
Americans For Prosperity-Kansas

Senate Local Government

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Attachment 6



*PUBLIC POLICY STATEMENT*

SENATE COMMITTEE ON LOCAL GOVERNMENT

RE: HB 2294; Restrictions on annexation

**March 15, 2011**

**Testimony Submitted by:  
Brad Harrelson  
KFB Governmental Relations**

Chairman Reitz and members of the Senate Committee on Local Government, thank you for the opportunity to share the policy developed and adopted by our members. I am Brad Harrelson, State Policy Director – Governmental Relations for Kansas Farm Bureau. We represent farmers, ranchers and rural residents totaling more than 110,000 who live and work in each of the state's 105 counties.

KFB members continually express a great deal of concern regarding the practices of cities seeking to annex surrounding lands. These practices have numerous negative consequences for agricultural operations and rural landowners, including but certainly not limited to financial impacts on land values and homeowners who will undoubtedly face higher tax bills for services they may not receive benefits from.

We wholeheartedly support the revisions suggested by SB 180. The measure would provide increased transparency in the process of extending services and in the review of those efforts by County Commissions.

We also strongly support codification in state statute of the constitutional Homestead Exemption provisions contained in this bill. We would view passage of this section of the bill alone as a significant improvement in the current state of the law. This provision would provide protection for owners of large tracts of land devoted to agricultural use.

Thank you once again for the opportunity to comment on this issue. We respectfully ask for your favorable consideration and stand ready to assist as you seek solutions for all Kansans.

Senate Local Government

3.15.2011

Attachment 7

For more information please contact:

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785.234.4535  
[harrelsonb@kfb.org](mailto:harrelsonb@kfb.org)

*Kansas Farm Bureau represents grass roots agriculture. Established in 1919,  
this non-profit advocacy organization supports farm families who earn their  
living in a changing industry.*

# State of Kansas

## Senate Chamber

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### COMMITTEE ASSIGNMENTS

VICE-CHAIRMAN: CONFIRMATION OVERSIGHT  
RANKING MINORITY MEMBER: EDUCATION  
INTERSTATE COOPERATION  
MEMBER: LABOR EDUCATION CENTER  
ADVISORY COUNCIL  
LEGISLATIVE COORDINATING  
COUNCIL  
LEGISLATIVE POST AUDIT  
STATE FINANCE COUNCIL  
WORKERS COMPENSATION  
FUND OVERSIGHT  
PENSIONS, INVESTMENTS  
AND BENEFITS  
TRANSPORTATION  
ASSESSMENT AND TAXATION

LEGISLATIVE HOTLINES  
1-800-432-3924  
TTY (785) 296-8430

## **Statement in Support of HB 2294 By Senator Anthony Hensley March 15, 2011**

Mr. Chairman and Committee Members:

I would like to voice my strong support for House Bill 2294, which would make a number of changes to the state's current annexation statutes.

As a lifelong resident of Topeka, and a legislator for more than 30 years, I know that too often annexations divide a community and involve significant tax increases for those property owners being annexed. This issue has been especially difficult for farmers and landowners living near our growing communities.

Unilateral annexation allows a few to decide what is best for thousands – even though effected property owners have never had the privilege or opportunity to elect any council member as their representative. In plain words, homeowners have absolutely no say in the process except to remonstrate.

House Bill 2294 would permanently change Kansas statute, allowing those residents whose land is within a proposed annexation area to vote by mail ballot whether the annexation plan should be approved. If a majority of landowners vote against the annexation, it would not be allowed.

HB 2294 also requires that within three years following an annexation, county commissions determine whether the city has provided the municipal services set forth in its original plan. If a hearing is not held within the allotted time, a landowner would have the right to bring legal action against the commission.

While we must continue to promote economic growth in our state, we must first and foremost respect the important rights of property owners. House Bill 2294 would help ensure that the voices of landowners are heard and that their rights are the highest priority.

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Senate Local Government

3-15-2011

Attachment 8





TO: Senate Local Government Committee

FROM: Sandy Jacquot, Director of Law/General Counsel

DATE: March 15, 2011

RE: Opposition to HB 2294

Thank you for allowing the League of Kansas Municipalities to testify in opposition to HB 2294. The history of the annexation statutes in Kansas is a long one, full of compromises and hard fought concessions on the part of many stakeholders. The important thing to remember regarding these statutes is that a major conflict over annexation occurred in the 1980s, which was resolved by the compromise. The League was a major player in this struggle and worked with many interested parties to arrive at the annexation statutes as they are today. As far as the League knows, the annexation statutes have worked well over the past 24 years, and we believe they continue to work well today. HB 2294, if enacted, would effectively eliminate most annexations in Kansas, a policy change that will have a lasting negative impact on this state. Without cities' ability to grow and have a tax base that enables them to respond to the needs of their citizens, taxpayers in Kansas are the real losers.

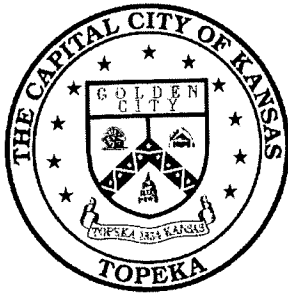
First, the language from HB 2065 was amended into this bill. It would require that the county commission approve any unilateral annexation under K.S.A. 12-520(a)(1), (4), (5), and (6), which cover such matters as squaring up city boundaries, having two-thirds of the boundary line adjoining the city (less than 21 acres), the land lies mainly within the city and has a common boundary, and platted land adjoining the city. In effect, HB 2294 takes this decision away from the elected officials of the city and delegates it to the county commission. The only exceptions would be for land owned by the government and consent annexations of land adjoining the city.

Second and part of the original HB 2294, this bill would effectively eliminate annexations petitioned for by a city. Under K.S.A. 12-521, the county commission now has the ability to review and approve or reject proposed city annexations in whole or in part. It would replace the decision making of the county commission under K.S.A. 12-521 with a vote of the people who live in the area, who would be largely motivated by self-interest, not what is best for the community-at-large. The idea that a handful of residents should be determining what is best for the community, when the county commissioners are elected to perform that duty and represent those citizens, is bad public policy and should be rejected.

The League of Kansas Municipalities respectfully requests that this committee reject these attempts to eliminate annexation in Kansas and NOT pass HB 2294.

Senate Local Government

3-15-2011Attachment 9



# CITY OF TOPEKA

---

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City Manager and CEO  
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Topeka, Kansas 66603  
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## TESTIMONY

TO: The Honorable Roger Reitz, Chairman  
And Members of the Senate Committee on Local Government

FROM: Whitney Damron  
On behalf of the City of Topeka

RE: HB 2294 – An Act concerning cities; relating to annexation.

DATE: March 15, 2011

Good morning Chairman Reitz and Members of the Committee. I am Whitney Damron and I appear before you today on behalf of the City of Topeka in opposition to HB 2294 that would make dramatic changes a city's ability to utilize annexation authority by petition to its county commission, also known as 12-521 annexation and eliminate unilateral annexation authority altogether, also known as 12-520 annexation.

Earlier this year I appeared before the House Local Government Committee on two occasions in opposition to annexation bills. Specifically, the changes to 12-520 annexations were contained in HB 2065 and changes to 12-521 annexations were contained in HB 2294. During committee deliberations, the primary components of both bills were melded into HB 2294, which is before you today.

Our concerns with the bill as currently drafted are as follows:

1. New Section 2, found on page one, lines 12-22 effectively eliminates unilateral annexation authority for a city by requiring a county commission to consider whether the annexation will have "an adverse effect on the county."

Comment: With county veto authority, this is no longer unilateral annexation at all and for all practical purposes, it becomes a 12-521 annexation by petition to the county commission. Unilateral annexations are only allowed under limited circumstances and while not used much in our state, such authority may ultimately be necessary in certain, limited instances to effectuate proper growth by a city.

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2. Section 5, (b) found on page five, lines 2-5 prohibits the annexation of more than 21 acres of unplatted agriculture land by petition to the county commissioner without approval of the landowner.

Comment: The 21 acre limitation is found in 12-520 (unilateral annexation authority) and has no applicability to 12-521 annexations, as the county commission is in place to safeguard property owner interests. A 21 acre limitation on petition annexations is an arbitrary number and would be highly detrimental to a city's ability to manage its growth.

1. Section 5. (f) found on page seven, lines 21-39 provides for an election on the annexation following approval by the county commission of the qualified electors within the area to be annexed.

Comment: Qualified voters and property owners are represented by their county commissioner or commissioners where the property is located. Lack of an elected representative is often cited as a reason to repeal or limit unilateral annexation authority. Such is not the case with a 12-521 annexation. An additional factor for consideration is that under HB 2294, the person or persons allowed to vote for or against an annexation may not be the property owner and could create a situation where a property owner requested land be annexed into a city, but a tenant, apartment dwellers or non-owner residents vote it down. If proponents would like for an election, the voters in the city annexing the land should also be included, as they are the ones ultimately held responsible for the extension of services. And to be clear, the City would support one vote by all affected parties, not dual votes like we have seen proposed in consolidation legislation.

### **Closing Remarks.**

As we testified on HB 2065, the City of Topeka has generally not opposed changes to various annexation notice provisions, efforts to compel a hearing by a county commission, shortened timelines for production of an extension of services plan or limitations upon future annexation attempts if an attempt to annexation fails or land is de-annexed. We do not oppose those changes found in HB 2294, either.

We have also heard testimony on several occasions this year in regard to efforts by proponents to expand homestead rights by granting or continuing the rights available to a property owner living outside a city once they are annexed into a city. We don't necessarily have an opinion on that section, found on Page 9, Section 9, lines 2-17. However, we have heard enough from the Revisor's to believe there are serious constitutional questions to be considered and furthermore, in advancing this change in law, the proponents have cited a third party who may or may not be declaring bankruptcy. Two points come to mind: 1) Should the state be considering substantive changes to debtor/creditor law based upon second and third hand speculation; and, 2) Should the state choose to proceed down this path, should any creditors of such person be made aware that the Legislature is considering changes to state law that might impact their ability to recover on debts?

The City of Topeka is strongly opposed to the changes to both 12-520 and 12-521 annexations proposed in HB 2294. Annexation bills are generally brought to the Legislature as a result of local disputes that have or are being worked through the legal process. By and large, annexation laws are working; both 12-520 (unilateral) and 12-521 (petition) and no changes are needed.

Proponents suggest there must be problems with this area of law, as we have seen a large number of bills introduced in the past 5-10 years. We would respectfully suggest they are essentially all the same bills introduced by the same interests and the sheer volume and persistence of the proponents does not merit a change in annexation laws.

Legislation such as HB 2294 affects all cities and counties in Kansas – 627 cities and 105 counties, of which representatives of only a few are before you today seeking change. While the Legislature may not be hearing from many of these cities and counties, the changes proposed in HB 2294 will have a dramatic impact upon a city's ability to manage its growth and will cause significant problems for many cities if enacted into law.

On behalf of the City of Topeka, we ask for you to reject changes to longstanding annexation laws and not pass HB 2294. I would be pleased to stand for questions at the appropriate time.

Thank you.

WBD



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Basehor, KS 66007-9316  
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14 March 2011

## **TESTIMONY    a Tale of Two Cities**

TO: Senator     Roger Reitz  
                      And Members of the Standing Committee on Local Government  
FROM:            Jim Washington  
                      On Behalf of the City of Basehor  
  
RE:                HB 2294 –An Act Concerning Cities Relating to Annexation.

Mr. Chairman, Members of the committee:

My name is Jim Washington and I am here today as the President of the Basehor City Council to submit to you the resolution of our governing body opposing HB 2249 and similar legislation. I am accompanied by Mr. Mark Loughery who is our City Administrator.

Other cities who have submitted testimony have pointed out the legal and procedural flaws in this bill much better than I can so, in my testimony today, I would like to address the damage that this legislation does to cities in a somewhat different way.

With apologies to Charles Dickens –I'd like to relate a tale of two cities.

Before God smiled on us and we immigrated to his country of Kansas in 1979 we lived in Ohio. The experience of two cities in that state shows the impact of access to annexation. Columbus had it, Cleveland didn't. In 1950 Cleveland was 915,000 and Columbus was 375,000; today Cleveland has shrunk to 396,000.

Ohio law didn't permit easy annexation but both cities controlled the public water infrastructure. For some reason the City of Cleveland allowed connection to their system without requiring annexation, while to the maximum extent possible Columbus made joining the city a condition of connection. Cleveland was a city locked in by surrounding corporations and unable to preserve their tax base or expand rationally as the area grew. Columbus grew and prospered to the point that today they are the largest city in Ohio.

As you can well imagine this population discrepancy is only a marker, the differences go through every aspect of social and economic life of the cities – and the shrinkage of Cleveland has substantial negative impacts on the entire state, as well.

Annexation and municipal expansion are much easier in Kansas than in Ohio. KSA 12-5 provides a set of rules which provides for rational and ordered expansion of cities. It makes certain that services are extended without expensive undue duplication. And it provides levels of protection

Senate Local Government

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for folks who want to live with a country atmosphere on individual properties as well as protecting Kansas' traditional embrace of agriculture.

The proposed legislation completely changes Kansas long time support for flexible and fair process for growth and development. While it purports to be a modification of involuntary annexation rules to make them more "fair," it is not that at all. It is rather a complete rescinding of the ability of cities to exercise that right. If the legislature wishes to rescind the right of cities to expand rationally in the face of occasional opposition, it should have the political courage to write simple clear legislation and properly label it as doing so.

In the case of this bill, people and the press have focused on the necessity to submit a proposed involuntary annexation to the County Commission, as is currently the case with voluntary island annexations. However, what has not been focused on is that, even after a confirmation by the County Commission, the action has to be submitted to a vote of the residents within the annexed tracts. I would like to ask, What part of "involuntary" did the crafters of this legislation not understand? City Administrator Loughery pointed out to us at the time we passed our resolution that this legislation could result in the bizarre situation where a voluntary annexation could be overturned by vote. His example showed how the owner of a rental property development could petition for voluntary annexation only to be denied by a vote of his tenants.

In our resolution we cite the problem of the impact of this legislation on comprehensive development plans for cities and counties throughout the state. CDPs are required to be maintained several places in the statutes. It appears to us that the legislature thus far has not considered the unknown financial and developmental impacts on these plans. The fiscal note accompanying this legislation makes no mention of them. We have provided the CDPs for both our city and Leavenworth County to be included in our testimony today. We feel that this legislation, if not making our comprehensive plan invalid, will leave it in some kind of limbo and we will have to address amending or rewriting it at a cost of some tens of thousands of dollars.

Finally, we are well aware of the history of annexation conflict between the group who proposed this legislation and the cities of Johnson County. Anyone familiar with the long history of the over reach by the City of Overland Park in their southward expansion fully recognizes that it has often gone well beyond the spirit of this legislation. The multi-square mile land grab three years ago was just the latest in a long series. I was first aware of this when Overland Park annexed the area south of the City of Leawood about 1985, effectively sealing off that town's ability to continue to grow.

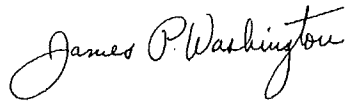
In recent years this situation has been characterized by a three cornered battle between Overland Park, Olathe and groups of very influential and well-to-do property owners in South Johnson County. This legislation in emotional reaction to that situation risks setting back responsible urban development three quarters of a century in the remainder of our state. Surely, there are ways to address this local situation other than this sledge hammer approach.

March 14, 2011

Please reject this bill so that while these Elephants continue their dance, we mice don't get trampled.

Thank you,

Sincerely,

A handwritten signature in cursive script that reads "James P. Washington".

James P. Washington  
President  
Basehor City Council



## Resolution 2011-04

**TO:** The Kansas Senate Standing Committee on Local Government: Senator Robert Reitz – Chairman.

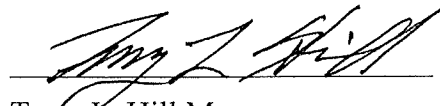
**WHEREAS,** The governing body of the City of Basehor wishes to make the Committee aware that it is strongly opposed to House Bill 2294: AN ACT concerning cities; relating to annexation; amending K.S.A.12-519, 12-520b, 12-521, 12-531, 12-532 and 60-2301 and K.S.A. 2010 Supp. 25-432 and repealing the existing sections.

**WHEREAS,** the provisions of KSA 12-5 provide for comprehensive, adequate, and fair rules for orderly growth by annexation for the cities of the State of Kansas, that they have done so for many years and should not be altered as contemplated by this legislation.

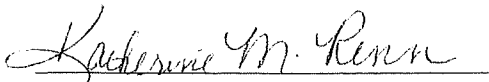
**WHEREAS,** the City of Basehor, other cities in the County of Leavenworth, the county itself, and other cities and counties in the State of Kansas have invested vast amounts of time and sums of money in the creation of Comprehensive Development Plans as required by this statute and that this legislation will obsolete those plans by eliminating one of the fundamental underlying assumptions of those plans.

**NOW THEREFORE BE IT RESOLVED,** that the Governing Body of the City of Basehor, Kansas asks that the Standing Committee on Local Government reject this and any similar legislation allowing the provisions of Article 12 Section 5 of the Kansas Statutes to continue in force to work fairly and efficiently for fair and orderly growth of Kansas cities as they have for many years.

**ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAY, this 12<sup>th</sup> day of March, 2011.**

  
Terry L. Hill Mayor  
CITY OF BASEHOR

ATTEST:

  
Katherine M. Renn, Assistant City Clerk







Dale Goter  
Government Relations Manager

# TESTIMONY

City of Wichita  
455 N Main, Wichita, KS. 67202  
Wichita Phone: 316.352.4876  
dgoter@wichita.gov

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## Senate Local Government Committee Opposition to HB2294

Chairman Reitz and members of the committee:

Current annexation laws are the product of years of debate and compromise. As such, they have served the City of Wichita well for the past several decades and continue to provide a mechanism for the orderly growth of our community.

The changes prescribed in HB2294 would undermine the current process for annexation that has served our community well during the notable growth that has taken place in recent years. Annexation will always generate some degree of controversy, and current law provides adequate safeguards to balance the interests of private landowners and local governments.

Any significant change in state statute, as would be the case with HB2294, should be prefaced by a comprehensive evaluation of all annexation issues. A strategy of "fixing" annexation with legislation that takes a piecemeal approach will only result in more harm than good to the public's interest.

The City of Wichita echoes the concerns voiced by the League of Kansas Municipalities and our fellow communities around the state. HB2294 would do more harm than good and should be rejected.

Senate Local Government

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Attachment 12



## **Testimony in opposition to HB 2294**

### **Senate Local Government Committee**

**Tuesday, March 15, 2011**

Chairman Reitz and Committee Members:

My name is Jennifer Bruning, and I am Vice President of Government Affairs with the Overland Park Chamber of Commerce. I am submitting written testimony today in opposition to House Bill 2294 on behalf of our Board of Directors and our nearly 1,000 member companies.

One of the standing priorities of the Overland Park Chamber is to oppose changes to statutes further restricting a city's ability to annex unincorporated land needed for growth. Our Chamber has witnessed the successful growth of Overland Park for many years, and we believe it is due in large part to the city's willingness and ability to plan strategically to accommodate growth.

Throughout our history of development and growth, annexation has been a tool used by area cities to successfully allow our area to grow. Planning for growth is a fundamental responsibility of cities, and we believe HB 2294 will severely impact that ability should the proposed election requirements and annexation restrictions be implemented.

First, we see several possible issues associated with the election provisions of this bill. Residents already have a "vote" in the process because they elect the county commissioners who are involved in determining if the annexation should go forward or not. Elected officials in cities and counties are committed to serve the public interest, and we believe the process currently in place has been shown to work well and provides multiple opportunities for review and evaluation before annexation moves forward.

Second, the proposed agricultural land restriction (21 acres or more) could cause future growth in cities and counties to have unnatural gaps in an otherwise orderly development pattern by causing "leap frog development," thus leaving holes in a city where annexation consent is lacking from a landowner. This results in inefficient development. These fragmented and non-contiguous land uses can result in higher development costs and higher service costs resulting in higher taxes to citizens in the area.

HB 2294 would impede a city's ability to plan for and accommodate growth, causing the natural growth that is going to occur to be less efficient and more costly. In our area, policies and procedures are in place now to allow for the planning and future use of large parcels of land whether they are currently devoted to agricultural purposes or simply vacant. Good planning is done comprehensively, not on a piecemeal basis. For all these stated reasons, we urge you to oppose HB 2294. Thank you very much for your consideration.

Senate Local Government

3-15-2011

Attachment 13



ABOVE AND BEYOND. BY DESIGN.

8500 Santa Fe Drive  
Overland Park, Kansas 66212  
913-895-6000 | www.opkansas.org

Testimony before the  
Senate Local Government Committee  
Regarding House Bill 2294  
By Erik Sartorius

March 15, 2011

The City of Overland Park appreciates the opportunity to appear before the committee and present testimony in opposition to House Bill 2294. For over 100 years, Kansas has allowed its elective representatives to determine whether a city should be able to annex land, and there has never been a referendum on annexations.

As this committee has already heard Senate Bill 180, which is essentially identical legislation, we wish to present you more abbreviated testimony. Simply, the City takes issue with this proposed legislation for several reasons:

- It is based upon the erroneous assumption that we cannot trust local elected officials to do their jobs and make decisions that are in the best interest of the people they serve. In our system of government, officials are elected to represent the people and to make decisions on their behalf, in most instances without any right of referendum.
- The voting procedure would narrowly define who has an interest in whether an area is annexed. Non-resident landowners and current city residents both have an interest in an annexation that is at least equal to that of residents in an area proposed for annexation. The law requires that this broader perspective be considered when an annexation is proposed.
- Additional limits on agricultural land do not make sense. The board of county commissioners considers 14 factors in deciding whether to allow an annexation. The amount of agricultural ground in the proposed area is the first of those factors, but it is not the only factor that should be weighed. The mere fact that agricultural ground is annexed by a city does not mean its uses are altered.
- The bill, as amended, also affects annexations allowed under K.S.A. 12-520. Annexations under this statute are already narrowly structured, and asking a board of county commissioners to consider within 30 days whether to veto such an annexation is unwarranted.

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As we noted in testimony on Senate Bill 180, these bills bring some common sense reforms to the annexation process in Sections 5 and 6. Reducing the years before which the board of county commissioners' review an annexation makes sense. A city needs to abide by its plan for extending services, and residents should not have to wait 5 years after a city annexes land to determine whether the city is doing so. Further, the City also believes the service plans should contain significant detail. The City has submitted three petitions for annexations to the Johnson County Board of Commissioners during the course of Overland Park's 50 years of existence, and the accompanying service plans have ranged in size from 11 pages in 1985 to 63 pages in 2002 to 87 pages in 2007.

House Bill 2294 will needlessly complicate an annexation process that has suited the state well for over forty years in its current version – over 100 years overall. The legislature carefully crafted statutes that recognize the need of cities to grow while placing proper oversight with counties to weigh the benefits of larger annexations on the community as a whole. The City of Overland Park disagrees with proponents who say this will not harm cities, and asks that the committee reject House Bill 2294.



**DAVE UNRUH**  
**Chairman**  
**Commissioner - First District**

**BOARD OF COUNTY COMMISSIONERS**  
**SEDGWICK COUNTY, KANSAS**

COUNTY COURTHOUSE • SUITE 320 • 525 NORTH MAIN • WICHITA, KANSAS 67203-3759  
TELEPHONE (316) 660-9300 • FAX (316) 383-8275  
e-mail: [dunruh@sedgwick.gov](mailto:dunruh@sedgwick.gov)

**TESTIMONY IN OPPOSITION TO HB 2294**  
**Senate Committee on Local Government**  
**March 15, 2011**

Chairperson Reitz and members of the committee, my name is David M. Unruh. I am the Chairman of the Sedgwick County Board of County Commissioners. Thank you for the opportunity to provide this written testimony on behalf of the Board of County Commissioners of Sedgwick County (the Board).

Regarding New Section 2 of HB 2294, the Board does not support legislation that would have the county commission approve all unilateral annexations. However, the Board would support some form of independent review of the proposed service plan prior to the public hearing required as provided for in K.S.A. 12-520a.

Regarding Section 6, amending K.S.A. 12-531, in 2010 the Board held a post-annexation hearing required by that statute. Based on the testimony received, a majority of the Board made a finding the city had not provided the landowners with services in accordance with the service plan prepared for the annexation. The city appealed that finding to the district court, and the court subsequently found in favor of the city. The Board has been directed to hold a new hearing in the matter.

During the litigation several issues arose that are not clearly addressed in the statute, for example:

- 1) K.S.A. 12-531 does not expressly state whether the city has the right to appeal from a finding made by the county commission at the five year postannexation hearing rather than only at the end of the additional 2 ½ year period under K.S.A. 12-532 if the landowners file a petition for deannexation. The court found the city could appeal from a finding made after the K.S.A. 12-531 hearing, even though K.S.A. 12-531 does not specifically provide for the right to appeal.
- 2) K.S.A. 12-531 does not expressly indicate whether the city has to comply with the bond requirement imposed in K.S.A. 19-223. The court ruled the city was exempt from the bond requirement.
- 3) Whether the county commission's role in making the required finding is limited to simply finding: "yes, the city did provide services," or "no, the city did not provide services." The court determined the Board is limited to only making a limited finding regarding whether the services were provided, and could not include in the finding any additional comments on the services provided, or to be provided.

The committee may want to consider whether the statute should be clarified to address these and other issues arising out of the postannexation hearing process.

Thank you again, Chairperson Reitz for this opportunity to present testimony.

Senate Local Government

3-15-2011

Attachment 15



# City of Lawrence KANSAS

## CITY COMMISSION

MAYOR  
MIKE AMYX

COMMISSIONERS  
ARON E. CROMWELL  
LANCE M. JOHNSON  
MICHAEL DEVER  
ROBERT CHESTNUT

DAVID L. CORLISS  
CITY MANAGER

City Offices  
Box 708 66044-0708  
TDD 785-832-3205

6 East 6<sup>th</sup>  
785-832-3000  
FAX 785-832-3405

[www.lawrenceks.org](http://www.lawrenceks.org)

Honorable Roger Reitz  
Chair – Senate Standing Committee on Local Government  
Room 223-E  
Kansas State Capitol  
10<sup>th</sup> & Jackson  
Topeka, KS 66612

March 14, 2011

Via Electronic Mail

Dear Senator Reitz:

On behalf of the governing body of the City of Lawrence, I am writing to express opposition to HB 2294, as amended, which makes a number of changes to the annexation statutes. These changes will harm our ability to effectively grow the City of Lawrence in an orderly fashion. Growing cities like Lawrence contribute to the overall economic well being of the State of Kansas. Changing the annexation statutes now while many communities continue to be challenged by the economic downturn is not wise.

To require most unilateral annexations under K.S.A. 12-520 to be approved by the board of county commissioners will harm cities and burden counties. Cities, and not counties, have the greatest interest in whether land is annexed. Giving the county the ability to determine alone whether an annexation under K.S.A. 12-520 will have an adverse effect on the county will transform a long-term planning decision into a short-term political one. The amendments are not necessary because a city's ability to annex land under current law is already restricted. Moreover, current law already imposes substantial procedural requirements on cities attempting unilateral annexations.

The City of Lawrence also strongly objects to the provisions of HB 2294 which subject petitioned-for annexations under K.S.A. 12-521 to a vote of people who live in the area annexed. Under such a scheme, the community's interests will be in the hands of a few who may be motivated by self interest rather than the public's interest. Elected Douglas County officials have exercised their authority under K.S.A. 12-521 judiciously and with appropriate regard for the interests of the annexed property owners. To amend the annexation statutes so drastically when the existing statutes are working well is not appropriate.

Senate Local Government

3-15-2011



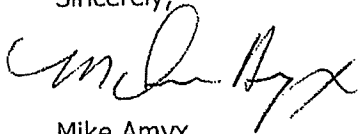
We are committed to providing excellent city services that enhance the quality of

Attachment 16

Finally, the City of Lawrence objects to the provision which prohibits annexations approved by the board of county commissioners of any portion of unplatted agricultural land of 21 or more acres without the landowner's written consent. It is often in a community's best interests to plan for and extend municipal services in a comprehensive manner rather than piecemeal. This provision will unnecessarily hamper a city's ability to plan for and develop large tracts of land. When cities cannot grow and prosper, the whole state stands to suffer.

For these reasons, the City of Lawrence respectfully requests that you not recommend HB 2294, as amended, be passed. If you would like more information about the City's position on this legislation, please contact our City Manager, David Corliss, at [dcorliss@lawrenceks.org](mailto:dcorliss@lawrenceks.org) or by telephone at (785) 832-3400.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Amyx", written over a horizontal line.

Mike Amyx  
Mayor

Cc: City Commission  
David L. Corliss, City Manager



**Senate Committee on Local Government**

**Hearing on House Bill 2294**

**Tuesday, March 15, 2011**

**Written Testimony of Ron R. Fehr**

**City Manager, City of Manhattan, Kansas**

Good morning Chair Reitz and Honorable Members of the Senate Local Government Committee. My name is Ron Fehr, and I am the City Manager for the City of Manhattan. I want to thank you for this opportunity to provide written testimony to the Committee regarding the importance of annexation for our community.

The City of Manhattan opposes House Bill 2294 because it would effectively end annexation in Kansas. The bill will require unilateral annexations to be approved by the county commission. Currently these are only approved by the city. Annexations that are currently approved by the county commission would now require a vote of the residents in the area proposed for annexation. We reject the notion that a handful of landowners should be able to decide what is in the best interest of the entire community, rather than elected officials who represent the community at-large. The cost of holding these elections is also a concern.

Annexation is an important tool for the economic growth and vitality of our local communities and the entire State of Kansas. The City of Manhattan is currently in a sustained growth period due largely to the ongoing expansion and buildup at Fort Riley. By Fiscal Year 2013, the combined military and civilian workforce at Fort Riley is expected to grow to nearly 21,000 from a pre-BRAC baseline of 11,800. The City is helping to meet the housing needs of our soldiers and their families. Since 2002, Manhattan has added nearly 4,000 residential units to the community as recorded by building permits.

We manage our growth in accordance with sound urban planning principles, despite the expansion pressures from neighboring Fort Riley. Growth opportunities to the west are largely limited to prevent encroachment on the military installation. To meet our growth needs, we must have flexibility to expand in other directions. Specifically, the City has worked in cooperation with Riley and Pottawatomie Counties to extend infrastructure along growth corridors including K-177 to the southeast, K-18 to the southwest, and US-24 to the north and east. Without annexation, businesses and residents will expand into these areas without sharing any of the tax burden to help pay for the improvements. This will encourage sprawl and put existing commercial businesses at a competitive disadvantage.

Site preparation is now well underway for the future home of the \$720 million National Bio and Agro-Defense Facility (NBAF) adjacent to the campus of Kansas State University. The decision to locate NBAF in Kansas solidifies our place as a leader in animal health research, and its economic impact cannot be understated. Last July, Kansas was ranked #5 on *Business Facilities'* Top 10 list of states in the nation for biotechnology strength. Now is the time to aggressively support economic development around our biotechnology and research strengths. Please maintain the local tools we need to effectively respond to the residential and commercial growth anticipated from NBAF and its spin-off developments.

Thank you for your consideration, and I would be happy to answer any questions. I may be reached by mail at City Hall, City of Manhattan, 1101 Poyntz Avenue, Manhattan, KS 66502, by phone at (785) 587-2404, or by email at [fehr@ci.manhattan.ks.us](mailto:fehr@ci.manhattan.ks.us).