

SESSION OF 2010

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2445

As Amended by House Committee on
Veterans, Military and Homeland Security

Brief*

HB 2445 would enact new law concerning land use adjacent to or surrounding military installations.

The bill would express the desire of the State of Kansas to promote communication, cooperation, and collaboration between military installations and any municipality adjacent to or surrounding the installation. To increase this communication, cooperation, and collaboration, military installations would be required to:

- Notify and coordinate with municipalities regarding any development, project, or operational change that alters or amends a Joint Land Use Study (JLUS) area, Army Compatible Use Buffer (ACUB), Air Installation Compatible Use Zone (AICUZ), or Environmental Noise Management Plan (ENMP);
- Notify each municipality of any change in the name, contact information, or other related information used for the purpose of communication between the military installation and municipality; and
- Meet and coordinate, at least annually, with representatives of each municipality for the purpose of determining a “critical area” within an area of interest (JLUS, ACUB, AICUZ, or ENMP).

A “critical area” would be defined as an area of interest where future use of such area is set through a coordinated effort between the municipality and military installation to avoid conflict with any military operation or the economic well being of the municipality.

Each municipality adjacent to or surrounding a military installation would be required to:

*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>

- Meet and coordinate, at least annually, with the applicable active duty, National Guard, or Reserve commander to determine critical areas;
- Notify the applicable commander of any change in the name, contact information, or other related information used for the purpose of communication between the military installation and municipality;
- Provide notice to the applicable commander of the adoption of any regulation or amendment to a comprehensive planning document that affects any agreed-upon critical area. The notice would be provided at least 30 days prior to the adoption of such regulation or amendment. Approval of the change would be granted by the commander upon no response being issued to the municipality;
- Provide notice to allow commanders to assess changes to critical areas. The assessments would be offered within the statutorily required notice for public hearing;
- Review and coordinate comprehensive plans or zoning ordinances or regulations affecting any mutually agreed upon critical area;
- Consider the recommendations and studies provided by the military on the protection of public health, safety, and welfare for such plans, ordinances, or regulations. Also included are recommendations and studies on the maintenance of safe military operations and the sustainability of installation missions; and
- Provide notice to individuals receiving a construction permit for improvements within a critical area indicating the land is near military training zone. (The exact language that would be required in the notice may be found in Section 2(b)(2)(J) of the bill.)

Additionally, municipalities would need to consider certain factors based upon information provided by military installations before making a decision regarding a development proposal within an agreed upon critical area. The factors needing consideration would be the potential release of substances into the air impairing or interfering with military operations (substances released through agricultural use would be exempted); electrical emissions interfering with certain

communications and equipment; the potential of projects to attract birds or waterfowl, including the operation of any sanitary landfill and the maintenance of any large scale feeding station; structures interfering with aircraft activity; noise levels; the potential for obstructed visibility or surveillance in relation to certain activities; and whether there will be a violation of stated Federal Aviation Administration guidelines.

The bill states final decisions on “all planning, development, zoning, and land use issues shall be made by each municipality.”

Background

HB 2445 was introduced by the House Committee on Federal and State Affairs.

Testifying in support of the bill were Representatives Tom Hawk and Tom Sloan. Additional testimony in support of the bill was provided by officials with the United States Army, Fort Riley, McConnell Air Force Base, Fort Leavenworth, the Governor’s Military Council, the Riley County Counselor’s Office, Riley County Commissioners, Riley County Planning and Zoning, Kansas National Guard, and the Kansas League of Municipalities. Written testimony in support of the bill was provided by the Great Plains Joint Training Center, the Salina Airport Authority, the Kansas Association of Counties, the City of Derby, and the City of Manhattan. Several of the proponents noted the bill does not contain enforcement language.

Neutral testimony was provided by Representative Sharon Schwartz.

Testimony opposing the bill was provided by Representative Larry Powell and the Kansas Association of Realtors. Written testimony opposing the bill was submitted by the American Stewards of Liberty and the Highlands Livestock Service.

The House Committee on Veterans, Military, and Homeland Security amended the bill to include clarifying language on the cooperation between municipalities and military installations. The Committee also amended the bill to reduce the notice given to commanders from 60 days to 30 days.

The fiscal note on the original HB 2445 indicated the bill's passage could result in a negligible increase in expenditures and that any increases could be absorbed within existing resources.