



TO: House Local Government Committee

FROM: Eric B. Smith, Legal Counsel

Date: January 20, 2015

RE: Opposition to HB 2003

I want to thank the Chair and Committee members for allowing the League of Kansas Municipalities to testify in opposition to HB 2003. The current statutory process for annexation in the state of Kansas was established through negotiation and compromise over several years and the League supports the current statutory framework.

Under the current statutes, if a city owns property that is located outside of its boundary lines then the city can annex the land without seeking any other entity's authority. This process allows a city to enforce its own police powers on its own property. The current statutes already have a protection built in so that a city cannot use this annexation to further affect future annexations. K.S.A. 2014 Supp. 12-520(e) establishes that no land surrounding this city-owned property can be considered adjoining the city for annexation purposes.

The League is also concerned that the proposed amendments to K.S.A. 12-520c would greatly restrict the ability to annex any land that does not adjoin a city. There are times that individuals wish to have city services and consent to annexation in exchange for those services. Section 2 of this bill, by requiring a unanimous vote of a county commission, establishes an extraordinary obstacle for the parties involved. In addition to the unanimous vote requirement, this amendment establishes a requirement of proof that the annexation would not cause manifest injury to the owners of land surrounding the land to be annexed. This language appears to be borrowed from K.S.A. 12-521, which provides the procedure for annexation without landowner consent. However, per K.S.A. 12-521, the county commission determines if the annexation will cause manifest injury to the property that is being annexed, not the surrounding property.

By making the amendments to K.S.A 12-520c the ability of normal growth and expansion of cities will be hampered. 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.

The League of Kansas Municipalities respectfully requests that this committee reject this attempt to restrict reasonable growth of cities and vote NO on HB 2003.