

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,

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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.

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