

SESSION OF 2015

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2003**

As Amended by Senate Committee on Local  
Government

**Brief\***

HB 2003 would amend law regarding unilateral annexation of land by a city in two ways.

- It would require express consent of the board of county commissioners by resolution adopted within 30 days following the date of the city's required hearing on the proposed annexation under these circumstances: if the land to be annexed is platted and some part adjoins the city, if the land lies at least mainly within the city and has a common perimeter with the city boundary line of more than 50 percent, if the land to be annexed is no more than 21 acres and the annexation will make the city boundary line straight or harmonious, or if the land to be annexed is no more than 21 acres and two-thirds of any boundary line adjoins the city. In continuing law, county approval is not required for annexation when the land adjoins the city and the land:
  - is owned by or held in trust for the city,
  - is owned by or held in trust for any governmental unit other than another city or a county, or
  - the owner has consented to annexation.
- The bill also would amend law regarding unilateral annexation of highway right-of-way by making

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\*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>

notification language consistent with language authorizing the annexation.

The bill also would amend law related to annexation of noncontiguous land by a city, sometimes called “island” annexation. Specifically, the bill would change authority for unilateral annexation of land owned by or held in trust for a city by adding a requirement that the land adjoin the city. The bill also would change provisions regarding consent annexation of noncontiguous land to require the affirmative vote of two-thirds of the members of the Board of County Commissioners, rather than a simple majority.

The bill would be in effect upon publication in the *Kansas Register*.

### **Background**

The bill was requested by Representative Houser in response to a situation in Cherokee County in which land in the county, not contiguous to the City of Galena, came into city ownership and was annexed by the city for use as a landfill. He testified this process provides no checks and balances and fails to protect the rights of property owners in areas surrounding the land to be annexed. Additional testimony in support of the bill in the House Committee was provided by the Chairman of the Board of County Commissioners of Cherokee County and six private citizens. Written testimony in support of the bill was submitted by 32 private citizens. Proponents expressed concern that unilateral annexation of noncontiguous land owned by a city denies county residents representation in the process, and the proposed use of the annexed land for a landfill would diminish property values and pose health and environmental risks to the community.

Written neutral testimony was provided by the Chairman of the Board of County Commissioners of Sedgwick County.

A representative of the League of Kansas Municipalities (LKM) testified in opposition to the bill, noting the current annexation process in Kansas was established through negotiation and compromise over several years. The representative expressed concern the proposed requirement for a unanimous vote by the Board of County Commissioners would greatly restrict the ability of a city to annex any land that does not adjoin the city.

The House Committee on Local Government amended the bill to remove provisions regarding consent annexation of noncontiguous land that would have required both a unanimous vote of the Board of County Commissioners and a finding by the Board that the annexation would not cause manifest injury to the owners of the land surrounding the land proposed to be annexed.

The House Committee of the Whole amended notification language regarding highway right-of-way annexation.

In the hearing before the Senate Local Government Committee, Senator LaTurner, Representative Houser, and a representative of Cherokee County Farm Bureau and Kansas Farm Bureau provided testimony in support of the bill. Written proponent testimony was provided by two residents of Galena. The LKM Executive Director offered neutral testimony on the bill as amended by the House Committee of the Whole. A representative of the Salina City Commission provided written testimony in support of the amendment regarding right of way annexation. There was no other testimony.

The Senate Local Government Committee amended the bill to require county commission approval of unilateral annexation under most circumstances and to make the bill effective upon publication in the *Kansas Register*.

The fiscal note prepared by the Division of the Budget on the original bill indicates LKM was unable to determine

what the fiscal effect of the bill might be on cities. LKM noted there is potential for litigation between a city and county with regard to the county's determination of an annexation; if so, such litigation could result in a significant fiscal effect. The Kansas Association of Counties anticipates no fiscal effect on counties.