

March 25, 2008

The Honorable Mike Burgess, Chairperson
House Committee on Elections and Governmental Organization
Statehouse, Room 161-W
Topeka, Kansas 66612

Dear Representative Burgess:

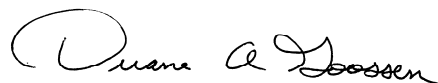
SUBJECT: Fiscal Note for HB 2978 by House Committee on Appropriations

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2978 is respectfully submitted to your committee.

HB 2978 would amend existing law related to hearings held with regard to annexation of land. Current law requires the board of county commissioners to hold a public hearing five years after the annexation of land or the conclusion of litigation relating to an annexation to determine if the city has provided the municipal services agreed to in accordance with state law. If it is determined at the hearing that the city has not provided municipal services, the owner of the land may petition to have the land excluded from the city unless the services are provided within two and one-half years of the finding. HB 2978 would require that a board of county commissioners hold the public hearing three years after annexation, and that the petition for exclusion could proceed if services were not provided within one year of the finding. This land could not be annexed again for three years. The bill would also allow owners of land in areas annexed, in cases where the board of county commissioners refuses to hold such hearings, to bring an action to compel the board to hold a hearing. Attorney fees and courts costs for such an action would be awarded to the landowner.

According to the League of Kansas Municipalities and the Kansas Association of Counties, passage of HB 2978 could have a fiscal effect on counties that fail to hold required public hearings and on cities that fail to provide promised services in land that has been annexed because the counties and cities would have to pay litigation costs. However, neither organization was able to estimate the extent of the fiscal effect. Passage of the bill would have no effect on the state budget.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Larry Baer, League of Kansas Municipalities
Judy Moler, Kansas Association of Counties