

SESSION OF 2006

SUPPLEMENTAL NOTE ON SENATE BILL NO. 379

As Amended by House Committee of the Whole

Brief*

SB 379 would amend several laws dealing with city-city consolidation, political and taxing subdivision consolidation, city-county consolidation and county-county consolidation; establish a process for a possible city-county unification in Greeley County; expand who may vote in drainage district elections and hold the office of director; and allow a newspaper with unpaid circulation to be designated as the official county newspaper. The bill does the following:

City-City Consolidation

The bill would delete the requirement from the law dealing with city-city consolidation that the cities be "adjacent" thus permitting cities whose boundaries do not touch to consolidate.

The bill also would reduce the petition requirement to bring the issue before voters from 10 percent to 5 percent of the qualified electors (defined broadly to cover most local units of government).

Political and Taxing Subdivision Consolidation and City-County Consolidation

The bill would expand the consolidation of functions, operations and procedures law that applies to the political and taxing subdivisions to permit the actual consolidation of two or more political or taxing subdivisions.

The bill would require electors of political or taxing subdivisions to approve the consolidation.

The bill would provide that when such consolidation involves a city and county, the consolidated city-county shall be considered a county and a city of the first class and shall be eligible for the distribution of funds from the state or federal government as if the

*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>

consolidation had not occurred.

County-County Consolidation

The bill would simplify the procedures for the consolidation of two or more counties.

The bill would delete the provision of current law requiring more than half of the “legal voters” in each county to petition for the consolidation or boundary change. The bill would provide instead the issue could be brought before voters of each county either by the passage of resolution by each county or by petition of at least 5 percent of the qualified electors of each county calling for an election on the issue.

City-County Unification in Greeley County

The bill would authorize a process whereby Greeley County and at least one of its incorporated cities - the City of Tribune - could form a unified government. Among other items, the bill would:

- Require a unification commission be appointed within 10 days of the act's effective date.
- Set the commission's membership to include:
 - One member appointed by the City of Tribune's governing body;
 - One member appointed by the City of Horace's governing body;
 - Two members appointed by the Greeley County board of county commissioners; and
 - One member appointed by the other four commission members, who shall serve as Chairperson of the Commission.
- Allow the commission to be paid compensation and expenses and appoint an executive director, who may be compensated as determined by the commission, employ other staff and contract with consultants.
- Require the commission to:
 - Meet within 30 days following appointment of all members;
 - Prepare and adopt a plan addressing the unification (Details regarding the process of preparing the plan are specified);
 - Submit the final plan to the qualified electors of the county at

- the next regular general election held in November of an even-numbered year; and
- Publish the final plan twice before the election is held.
 - Establish provisions for the election, including:
 - Allowance for a mail ballot election;
 - Requirement of a separate ballot question, if the mandated duties of an elective office are to be eliminated or if the office itself is to be eliminated and the duties transferred to a nonelective office;
 - Require a special public hearing be held prior to voting if the proposed unification plan eliminates an elective office. Notice of the hearing is required to be published in a general circulation newspaper twice before the hearing.
 - Require the City of Horace to continue in existence and operation as if no unification had occurred, if (a) the final plan provides for Horace's unification with the county and (b) a majority of Horace's qualified voters do not vote in favor of the unification.
 - Limit what is included in computing the total bonded indebtedness of the unified city-county.
 - Require that a majority of the voters of both the county and the city or cities involved vote in favor of the unification in order for the unification election to be successful.
 - Establish the territory of the unified city-county to include:
 - The county;
 - The City of Tribune; and
 - The City of Horace, if a majority of the qualified voters of both the county and the City of Horace vote favorably.
 - Prohibit any city which is part of the study considering the unification to initiate annexation procedures unless by petition of the owners of the land.

Drainage Districts

The bill would amend three drainage district acts to expand those persons who are considered qualified electors and those persons who may be eligible to hold the office of director. The bill provides that in two of the acts (K.S.A. 24-409 and K.S.A. 24-506) that if there are no residents within the district who are owners of land, any owner of land

located within the district shall be a qualified voter and eligible to hold the office of director. In regard to K.S.A. 24-484, the bill provides that in the situation where there are no residents in the district, any owner of land within the district shall be a qualified elector and shall be eligible to hold the office of director.

Designation of Official County Newspaper

The bill would allow a newspaper without paid circulation to be designated as the official county newspaper.

Background

Proponents of the original bill included Representative Mike O'Neal, Dave Kerr, and representatives from the Kansas Association of Counties, the League of Kansas Municipalities, the Emporia Chamber of Commerce, the Topeka Chamber of Commerce, Greeley County, the First National Bank of Goodland, Kansas and civilians.

Opponents of the bill included representatives of the Kansas Farm Bureau, the Kansas Sheriff's Association and the Kansas County Official's Association, and others.

The fiscal note from the Director of Budget states that, based upon the opinion of the League of Kansas Municipalities and the Kansas Association of Counties, the bill would save money from the efficiencies consolidation would provide, but neither was able to estimate the savings.

The House Committee amended the bill to add the provisions of SB 427 dealing with the Consolidation Study Commission of Johnson County and Wyandotte County.

The House Committee of the Whole amended the bill to do the following:

- Insert the contents of HB 2809, as amended by the House Committee on Governmental Organization and Elections, dealing with a possible city-county unification in Greeley County.
- Add the provisions dealing with the qualifications of drainage district voters.
- Delete the provisions of SB 427 requiring the appointment of a

Consolidation Study Commission of Johnson County and
Wyandotte County.