

Approved: 3-3-99  
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairman Senator Janice Hardenburger at 1:30 p.m. on February 16, 1999 in Room 529-S of the Capitol.

All members were present except: Senators Praeger, Lawrence and Huelskamp

Committee staff present: Dennis Hodgins, Legislative Research Department  
Mike Heim, Legislative Research Department  
Ken Wilke, Revisor of Statutes  
Graceanna Wood, Committee Secretary

Conferees appearing before the committee: None

Others attending: See attached list

Chairman Hardenburger continued hearings on **SB 7 concerning cities and counties; relating to consolidation**. She informed the Committee that Mike Heim, Legislative Research Department had met with two individuals from Sedgwick County, who thought the 10% petition for a vote on consolidation would create an unbalance between the city and county votes. A suggested amendment would be to eliminate (b) under New Sec. 2 which would provide the petition approach. In this way the only way the city and county consolidation would be a vote by joint resolution of the cities and the county officials.

Opponents from Sedgwick County testified that the townships were not being protected in this process. However, it was pointed out in Committee discussion that the bill on page 6, line 33, specifically says "except for the consolidated city-county and unless otherwise provided by law, other political subdivisions of the county shall not be affected by consolidation of the city or cities and county. Such other political subdivisions shall continue in existence and operation." All the other districts that have been formed would not be effected unless that was part of the proposal by the board.

The Committee discussed the question about one-third of the members of the board representing the unincorporated areas. One county suggested that should be changed to a proportional number.

Senator Steineger moved that the amendment to remove (b) under New Section 2 of SB 7 be approved, seconded by Senator Becker. Motion carried.

Chairman Hardenburger said that protecting local government was the intent of the bill and to enable them to decide what they want to do at home without legislative involvement. She said right now they can consolidate functions and services.

Senator Gooch informed the Committee that **SB 7** is being misunderstood and hearing the problems coming from city-county situations is that the Committee forgets that we elect County Commissioners, which includes the entire county, including the ones in the city who also vote to elect the County Commissioners. Those in the county seem to think when we get on issues like this, the people within the incorporated part of the city do not represent any part of the county. When this bill is in place, only the people who decide between the city and the county that they want to do something will do it.

Mike Heim, Research Staff discussed the meeting held with two individual from Sedgwick County. They suggested two amendments, they were in favor of deleting the petition, and also wanted to exclude Sedgwick County from the bill. Another request was for a clarification statement that city-county consolidation would not effect the responsibilities, functions and powers of other local units of government within the county. They also wanted the township specifically listed. They liked the idea of saying that consolidation, would not effect any other city, township, school district, fire district, they wanted listed in terms of their functions. They wanted to continue operating as they would before the consolidation.

Chairman Hardenburger said that she would have continue hearings on Wednesday, February 17.

CONTINUATION SHEET

Chairman Hardenburger advised the Committee that the Secretary of State asked for some corrections on **SB 229 concerning elections, relating to appointment procedures for precinct committee persons being nominated after a vacancy.** (Attachment #1)

Brad Bryant, Deputy Assistant Secretary of State, suggested changing County Clerk to "County Election Officer". Secondly, the third word from the end "elected". Also, amend 19-2606 to require the person resigning to send copy of resignation letter to County Election Officer.

The Committee discussed when and how a resignation should be handled, who it should be sent to and if the County Clerk should be in charge of receiving it. The Committee amended the bill by deleting the word "elected" in the bill.

Senator Vidricksen moved that amendment to SB 229 be approved favorably, seconded by Senator Becker. Motion carried.

Senator Vidricksen moved that SB 229 be moved out as amended, seconded by Senator Becker. Motion carried.

Meeting was adjourned at 2:30 p.m. Next meeting scheduled for February 17, 1999.



# SENATE BILL No. 229

By Committee on Elections and Local Government

2-3

9 AN ACT concerning elections; relating to appointment procedures for  
10 precinct committees; amending K.S.A. 25-3801 and repealing the ex-  
11 isting section.

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 25-3801 is hereby amended to read as follows: 25-  
14 3801. (a) At each primary election, the members of the party residing in  
15 each precinct in each county of the state shall elect a man of their number  
16 as precinct committeeman and a woman of their number as precinct  
17 committeewoman. No person shall be eligible to be a candidate for or  
18 hold the office of precinct committeeman or precinct committeewoman  
19 of a party in any precinct unless such person actually lives, resides and  
20 occupies a place of abode in such precinct, and is in all other respects a  
21 qualified elector and is shown as a member of such party on the party  
22 affiliation list, in the office of the county election officer. Except as pro-  
23 vided in subsection (b), vacancies occurring in the office of precinct com-  
24 mitteeman or committeewoman shall be promptly filled by appointment  
25 by the county chairperson, except that any vacancy which occurs because  
26 the party had no candidate at such primary election shall not be filled  
27 until the county central committee has elected or reelected its chairper-  
28 son under K.S.A. 25-3802 and amendments thereto. Not later than three  
29 days after appointment of precinct committeemen and committeewomen,  
30 the county chairperson making the appointments shall notify the county  
31 election officer of such appointments. The county election officer shall  
32 make such appointments public immediately upon receipt thereof. As  
33 used in this act, "primary election" means the statewide election held in  
34 August of even-numbered years.

35  
36 (b) When a convention is to be held under article 39 of chapter 25  
37 of Kansas Statutes Annotated to fill a vacancy, no appointments shall be  
38 made under subsection (a) ~~after notice calling the convention has been~~  
39 ~~given until the convention has been held and the person to fill the vacancy~~  
40 ~~has been elected by the convention a vacancy has occurred or after the~~  
41 ~~county chairperson receives notice that a vacancy will occur until the~~  
42 ~~convention has been held and the person to fill the vacancy has been~~  
43 ~~elected by the convention. The county chairperson has notice when (1)~~

- (a) after the county chairperson has received notice from the county clerk of a vacancy or pending vacancy in a county elected office, or
- (b) after each county chairperson within a legislative district has received notice from the secretary of state of a vacancy or pending vacancy in an elected legislative office.

Senate Elections & Local Government  
Attachment: # 1-1  
Date: 2-16-99