

Approved: 3/22/07 Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Vice-Chairman Senator Reitz at 1:30 P.M. on February 28, 2007 in Room 423-S of the Capitol.

All members were present except Senator Huelskamp and Senator Donovan who were excused .

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department
Ken Wilke, Revisor of Statute Office
Zoie Kern, Committee Secretary

Conferees appearing before the committee:

Representative Virginia Beamer
Brad Bryant - Secretary of States Office
Mary Buhl - Assistant Johnson County Counselor
Doug Vance - Executive Director Kansas Parks and Recreation Association

Others attending:

See attached list.

Ken Wilke gave summary of **HB 2021 Townships; transfer of certain moneys.**

Representative Virginia Beamer gave testimony on **HB 2021 (Attachment 1).**

Discussion.

Hearing Closed.

Ken Wilke gave summary on **HB 2128 Election petitions; time frames for advisory opinion.**

Brad Bryant gave testimony in favor of **HB 2128 (Attachment 2).**

Discussion.

Written testimony in support of **HB 2128** was submitted by Mary Buhl Assistant Johnson County Counselor (**Attachment 3).**

Written testimony in support of **HB 2128** was submitted for Judy Moler, Legislated Services Director (**Attachment 4).**

Discussion.

Hearing closed.

Ken Wilke gave summary on **HB 2081 Recreation commissions, removal of members.**

Virginia Beamer gave testimony in favor of **HB 2081 (Attachment 5).**

Doug Vance, Executive Director of Kansas Parks and Recreation testified as an opponent against **HB 2081 (Attachment 6).**

Discussion.

Hearing closed.

Senator Petersen moved and second by Senator Lynn to place HB 2021 on Senate Calendar.

Motion carried.

Meeting adjourned.

Respectfully submitted,

Zoie Kern, Committee Secretary

Senate Elections and Local Government Committee

Daily, 1:30 - 2:30 p.m. Room 423S

Senator Tim Huelskamp, Chair

Guest List for 2/28, 2007

Please print in BLACK ink.

Name

Representing

Meagan Wright	Hiawatha High School
Chelsea Rosenberger	Hiawatha High School
Michaela Brown	Hiawatha High School
Pat Lehman	KR PA
Doug Vance	KRPA
Begun Kenig	Huelskamp's Intern
Judy Miller	KAC
Mary Fuhl	Johnson County
Brad Bryant	Sec. of State

STATE OF KANSAS
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VIRGINIA B. BEAMER
118TH DISTRICT

Testimony on **HB2021**
before the
House Elections & Government Organizations Committee

February 28, 2007

Chairman Heulskamp and Members of the House Elections & Government Organizations Committee:

Thank You for allowing me the opportunity to appear before you today and tell you of a concern of Harrison Township in Wallace County.

A number of years ago when a country school closed they sold their school building to the township for a \$1.00. The building was used infrequently and was sold to a farmer for storage. The funds were then put in an interest bearing account. The township really has little use for the funds as their only mill levy is about \$600 for prairie dog eradication. They would like to donate the funds to a non-profit 501 © (3) organization and this bill would enable them to do so.

We decided not to set this up just for Harrison Township in case another township had a similar situation.

Thank You for your consideration in this matter and I will be glad to answer any question you may have.

Senate Elections and Local
Government Committee
2-28-07
Attachment /

RON THORNBURGH
Secretary of State



Memorial Hall, 1st Floor
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STATE OF KANSAS
Senate Committee on Elections and Local Government

Testimony on House Bill 2128

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

February 28, 2007

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of House Bill 2128. This bill was proposed by the Secretary of State and others to allow a county or district attorney, or the county counselor, more time to review proposed petitions to determine their validity. The bill would lengthen the review period from five *calendar* days to five *business* days.

The law requires petitions to be reviewed by the county's legal authority before the petitions may be circulated for signatures. The purpose of the review is to determine if the format of the petition meets statutory requirements. Depending on the timing of the submission of the petition, in some cases it is difficult to review applicable statutes and issue an opinion in five calendar days, especially when the petition is submitted before a three-day weekend.

Our office hears from county attorneys and counselors who are involved in reviewing petitions that the current law does not allow enough time to thoroughly and carefully review petitions. In counties where one county attorney handles all the county legal concerns, that attorney may be in court during those five calendar days. Without holidays and weekends excluded from the time period, the five-day period may be reduced to three. Occasionally the petition contains an issue unfamiliar to the attorney such as a tax question or even a constitutional issue, which requires thoughtful research and careful consideration. Extending the time period from five calendar days to five business days would allow for a more careful review of the petition.

Based on our experience with petitions, we believe this legislation will benefit county and district attorneys without delaying the petition process unnecessarily.

Thank you for your consideration.



JOHNSON COUNTY LEGAL DEPARTMENT

Testimony in support of House Bill 2128

presented to the

Senate Committee on Elections and Local Government

by

Mary Buhl
Assistant Johnson County Counselor

February 28, 2007

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to present written testimony in support of House Bill 2128, regarding the time permitted for the statutory review, by a county attorney or county counselor, of the form of a petition question.

Kansas statutes contain many provisions for petitioning a governmental body. Some examples or topics which are subject to petition are: charter ordinances, certain tax levy statutes, hours of cereal malt beverage and alcohol sales, and method of election of school board members.

K.S.A. 25-3601 requires that anyone who wishes to circulate a petition must submit the petition form to the office of the county attorney or, in the some counties, the office of the county counselor, for a review of the form of the question. The statute requires that the legal opinion be given within 5 *calendar* days. An opinion that approves the form of a question conveys the presumption of validity as to that issue. If no opinion is issued within five *calendar* days, the petition question form is presumed to be valid, even without the opinion. This provision includes weekends and holidays in the count and, therefore, sometimes only permits one or two days for the review and opinion.

House Bill 2128 would amend K.S.A. 25-3601 to permit 5 *business* days for the attorney review of the form of the question. We believe that five *business* days would allow a more reasonable time for the counties' attorneys to provide a complete and thorough review of the applicable law and to issue an opinion, yet not cause undue delay for the petitioners, who are preparing to circulate the petition for signatures.

(Note that recall petitions are, in general, governed by a separate section of Chapter 25, which does not have the restrictive reference to five "calendar" days. K.S.A. 25-4301, et seq.)

We appreciate your consideration of this bill. Thank you.

Senate Elections and Local
Government Committee



Written Testimony on HB 2128
Senate Elections and Local Government Committee
By Judy A. Moler, Legislative Services Director
February 28, 2007

The Kansas Association of Counties supports HB 2128 which allows would change the time frame for advisory **opinions for certain petitions from calendar days to business days** The purpose of this “tweaking” of the statute is to allow sufficient time for those in the county counselors or county attorneys office to review the petition without penalizing staff by the requirement to work week-ends or holidays. It is a simple change with no harm to any party and a help to those reviewing the petition.

The Kansas Association of Counties urges you to support HB 2128.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services, and a wide range of information services to its member counties. Inquiries concerning this testimony should be directed to Randall Allen or Judy Moler by calling (785) 272-2585.

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Senate Elections and Local
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VIRGINIA B. BEAMER
118TH DISTRICT

Testimony in Support of HB 2081
House Elections and Governmental Organization Committee
February 28, 2007

Chairman Huelskamp and Members of the Committee:

This bill concerns Recreation Commissions which are established by the city or school district. Members of the board are appointed by the governing body of the city or school board which established the recreation district. In order to fund programs of the recreation district, the recreation board with the approval of the appointing authority, levies taxes for that purpose.

Removal of members currently is by the appointing authority. Because the recreation board has the ability to levy taxes, it only makes sense that citizens should also be able to remove members of the board. This bill would allow for petition and election. The petition would need to have signatures of 5% of the number of qualified voters in the taxing district who voted in the last presidential election to bring the removal of a member to a vote of the electorate.

Thank You for the opportunity to speak to you on this issue and I will be happy to answer questions.

Senate Elections and Local
Government Committee
2-28-07
Attachment

**Testimony on HB 2081-Removal of members of Recreation Commissions
To the
Senate Committee on Local Government
By
Doug Vance
Executive Director
Kansas Recreation and Park Association**

February 28, 2007

Mr. Chairman and members of the committee, thank you for the opportunity to provide testimony on HB 2081. I'm here today not as an opponent or advocate of House Bill 2081. However, I would like to raise a few questions concerning the concepts this bill would put into place.

First, since commission members are appointed, I would question if this proposed change would be setting a precedent for appointed members of other organizations such as park boards, library boards and planning commissions as examples. It would seem to me that recreation commissions should not be treated in a different manner in this respect.

Also, I don't see any language which would indicate who would pay for an election if the petition was successful nor when it would be held?

I would also question if it would be appropriate to have an election to remove one or more commissioners if the commission members are not originally elected to the board. Could not the governing body replace them at the end of their term, unless there was just cause for removal as stated in b. 1?

These questions are being raised in the spirit of gaining a better understanding of if this bill is appropriate and how it will be administered.

Senate Elections and Local
Government Committee

2-28-07

Attachment

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