

Approved: 3/25/08
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Tim Huelskamp at 1:30 P.M. on March 25, 2008 in Room 423-S of the Capitol.

All members were present except Senator Wilson.

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes
Jerry Donaldson, Legislative Assistant
Zoie Kern, Committee Assistant

Conferees appearing before the committee:

None

Others attending:

See attached list.

Opened meeting with **HB 2331**.

Senator Reitz moved to amend **HB 2331** (Attachment 1). Motion seconded by Senator Barone.

Discussion.

Motion carried.

Senator Huelskamp asked if there were any additional amendments.

Senator Baron moved and Senator Pyle seconded to strike lines 17-19 on page 3 and lines 13-15 on page 4 of **HB 2331**.

Motion carried.

Senator Reitz moved and was seconded by Senator Lynn to move out **HB 2331** favorably as amended.

Working **HB 2648**.

Discussion.

Working **HB 2307**.

Ken Wilke distributed amendment (Attachment 2) to **HB 2307** as per requested by Sherman County Commissioners.

Discussion.

Senator Reitz moved and Senator Barone seconded to adopt amendment to **HB 2307**.

Motion carried.

Senator Betts moved and Senator Reitz seconded to report **HB 2307** out favorably.

Motion carried.

Senator Reitz moved and Senator Donovan motioned to except Committee minutes.

Motion carried.

Meeting adjourned.

Respectfully submitted,

Zoie Kern Committee Assistant

①
With proper editing by the Revisor, including but not limited to, title, repealer, and line renumbering;

I move to amend HB 2331 on page 4 following line 15.

Amend 75-4317a and add a new subsection (b) as follows:

75-4317a. Meeting defined. (a) As used in this act, "meeting" means any gathering, assembly, telephone call or any other means of interactive communication by a majority of a quorum of the membership of a body or agency subject to this act for the purpose of discussing the business or affairs of the body or agency.

(b) Any meeting by persons who are members of a political or taxing subdivision of the state subject to this act and who constitute less than a majority of a quorum of a body or agency of the political or taxing subdivision of the state shall be open to the public if such meeting is one in a series that (1) collectively involve a majority of a quorum; (2) share a common topic of discussion of the business or affairs of the body or agency; (3) are intended by any participant or participants to determine, influence or develop consensus of a majority of a quorum of the body or agency in preparation for binding action concerning the common topic; and (4) are intended to subvert the policy of open public meetings as pronounced in subsection (a) of K.S.A. 75-4317, and amendments thereto. This subsection shall not be construed to prohibit meetings by less than a majority of a quorum of such members except when such meetings occur in a series with intent as specified herein.

*Elections and Fiscal
Government 3-25-08
Attachment 1*

HOUSE BILL No. 2307

By Committee on Elections and Governmental Organization

1-31

9 AN ACT concerning counties; amending K.S.A. 19-202 and repealing the
10 existing section.

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

12 Section 1. K.S.A. 19-202 is hereby amended to read as follows: 19-
13 202. (a) The board of county commissioners of each county shall consist
14 of three, five or seven qualified electors.

15 (b) One county commissioner shall reside in and represent each com-
16 missioner district within the county. During the time that any person is
17 a candidate for nomination or election to office as a member of the board
18 of county commissioners and during the term of office of the county
19 commissioner, such candidate or county commissioner shall be and re-
20 main a qualified elector who resides in such person's district.

21 (c) Except as provided by K.S.A. 19-203, and amendments thereto,
22 terms of office for the board of county commissioners shall be staggered
23 in such a way that no more than a simple majority of commissioners is
24 elected at any general election.

25 (d) Except as provided by K.S.A. 19-203, and amendments thereto,
26 all county commissioners shall hold office for a term of four years from
27 the second Monday of January next after their election and until their
28 successors are qualified.

29 (e) The provisions of subsections (a), (c) and (d) of this section may
30 be modified by the adoption of a charter for county government in any
31 county which has established a charter commission pursuant to law.

32 (f) *[The board of county commissioners of Sherman county may be*
33 *elected at large. Any such change in the method of electing such commis-*
34 *sioners shall be subject to the procedures set forth in subsections (c) and*
35 *(d) of K.S.A. 2006 Supp. 19-204, and amendments thereto.]*

36 37 Sec. 2. K.S.A. 19-202 is hereby repealed.

37 38 Sec. 3. This act shall take effect and be in force from and after its
38 39 publication in the statute book.

(f) From and after January 1, 2010, the board of county commissioners of Sherman county shall be elected in accordance with section 2, and amendments thereto, upon the adoption of a resolution by the board of county commissioners regarding the method of election thereof, and the approval thereof by the voters of Sherman county, Kansas.

New Sec. 2. (a)(1) The board of county commissioners of Sherman county, Kansas, may adopt a resolution proposing to change the method of election of county commissioners in such county. The method of election of county commissioners contained in the resolution specified in paragraph (2) shall be used in Sherman county, Kansas notwithstanding any provision of law to the contrary contained in article 2 of chapter 19 of the Kansas statutes annotated and acts amendatory thereof or supplemental thereto.

(2) The proposed method of election shall be as follows:

(A) The board of county commissioners shall consist of three positions numbered one two and three respectively. Each county commissioner and each candidate for the position of county commissioner shall reside in the county.

(B) Notwithstanding any other provision of law to the contrary, each registered voter in Sherman county shall be permitted to vote for each candidate for the position of county commissioner.

(C) Elections for the position of county commissioner shall be conducted in accordance with the election laws of this state which do not conflict with this provision.

(D) The resolution shall specify the order in which the existing county commissioners shall be elected for county commissioner positions one, two and three under the procedure contained in the resolution.

(E) Upon approval by the qualified electors of Sherman county, Kansas, this method of electing county commissioners shall be used in all elections from and after January 1, 2010.

(b) If adopted, the resolution referenced in paragraph (1) of subsection (a) shall be submitted to the qualified electors of Sherman county, Kansas, at the general election in 2008, for their approval or rejection.

*Elections and Local
Government 3-25-08
Attachment 2*