

MINUTES OF THE SENATE ETHICS AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Vicki Schmidt at 9:30 a.m. on January 22, 2009, in Room 446-N of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department
Reed Holwegner, Kansas Legislative Research Department
Mike Heim, Office of the Revisor of Statutes
Ken Wilke, Office of the Revisor of Statutes
Carolyn Long, Committee Assistant

Conferees appearing before the committee:

Rebecca Bossemeyer, Geary County Clerk
Whitney Damron, Kansas Gas Service
Carol Williams, Director, Governmental Ethics Commission

Others attending:

See attached list.

Introduction of Proposed Legislation

Rebecca Bossemeyer, Geary County Clerk, requested introduction of a bill that would change the filing deadline from June 10 to May 10. As written, there are only 45 days to mail ballots to federal service individuals prior to an election, not allowing any additional time should there be objections to the filings. Senator Reitz moved, Senator Faust-Goudeau seconded to introduce the bill. Motion carried.

Ms. Bossemeyer also requested a change in the language currently in 2008 SB 562, Sections 4, 5, and 6. Senator Schmidt asked that a bill be drafted to reinstate the original language contained in the bill.

Whitney Damron appeared on behalf of Kansas Gas Service and introduced Mick Urban, Manager of Governmental Affairs for Kansas Gas Service. Mr. Damron requested introduction of a bill to amend K.S.A. 15809 relating to cities of the third class and the sale of electric light, waterworks or gas systems (Attachment 1). Senator Reitz moved, Senator Brungardt seconded. Motion carried.

The chair thanked both Ms. Bossemeyer and Mr. Damron for appearing before the committee.

Presentation of Speaker

The Chair introduced Carol Williams, Director, Governmental Ethics Commission. After a brief outline of legislation passed in 2008 and its impact on the Commission, Ms. Williams stated that the Commission would like legislation introduced that would add additional terminology to Regulation 19-20-4 to include web sites and e-mail. Senator Reitz moved, Senator Apple seconded. Motion carried.

She would also like to make electronic filing mandatory for the six (6) state-wide positions. Senator Reitz moved and Senator Kultala seconded. Motion carried.

There being no further discussion, the Chair thanked Ms. Williams for her presentation.

Adjournment

The meeting was adjourned at 10:11 a.m. The next meeting is scheduled for January 28, 2009.



REQUEST FOR BILL INTRODUCTION

TO: The Honorable Vicki Schmidt, Chair
And Members of the Senate Committee on Ethics and Elections

FROM: Whitney Damron
On Behalf of Kansas Gas Service

Mick Urban
Manager of Governmental Affairs
Kansas Gas Service

RE: Request for Bill Introduction

DATE: January 22, 2009

Madam Chair Schmidt and Members of the Senate Committee on Ethics and Elections:

Good morning Madam Chair and Members of the Committee. I am Whitney Damron and I appear before you today on behalf of Kansas Gas Service to request introduction of a bill to amend K.S.A. 15-809 relating to cities of the third class and the sale of electric light, waterworks or gas systems. With me today is Mick Urban, Manager of Governmental Affairs for Kansas Gas Service.

Under current law, should a city of the third class decide to sell its electric, water or gas utility system, K.S.A. 15-809 requires the city to seek the approval of a majority of the qualified electors of the city, not a majority of the votes cast in such an election. That can be a difficult, if not impossible standard to meet, given registered voter lists, voter turnout and related factors affecting any election.

We have provided the Revisor's office with a copy of our proposed change and believe a bill draft is forthcoming. We have also reviewed this proposal with the Kansas Corporation Commission and the League of Kansas Municipalities and have found no objection to this proposal.

On behalf of Kansas Gas Service, we respectfully request the introduction of this measure and look forward to the opportunity to further substantiate the need for this change in statute during the hearing process.

I would be pleased to respond to any questions you might have at this time.

Thank you.

Whitney Damron/Mick Urban

Attachment

15-809

Chapter 15.--CITIES OF THE THIRD CLASS
PART I.--GOVERNMENT BY MAYOR AND COUNCIL AND GENERAL LAWS
APPLICABLE TO CITIES OF THE THIRD CLASS
Article 8.--PUBLIC UTILITIES

15-809. Sale of electric light, waterworks or gas system; election; application of proceeds. Any city of the third class in the state of Kansas which owns an electric light or waterworks plant, electric transmission line, or water, gas or electric distribution system may sell the same except that the sale shall not be made until the proposition of whether to sell has been submitted to a vote of the qualified electors of the city. If a majority of the ~~qualified electors of the city vote~~ in favor of the sale, the governing body may dispose of the plant, transmission line or distribution system, according to the proposition voted on at the election. The proposition submitted to the electors shall contain a statement of the proposed sale price and the name of the purchaser.

votes cast at such election are

When the governing body decides to put the proposition to a vote, it shall pass an ordinance calling an election to be held within 40 days after the passage of the ordinance. The mayor shall cause a notice of the election to be published once a week for two consecutive weeks, the first publication to be not less than 21 days preceding the election. The notice shall state the purpose of the election, giving the sale price and the name of the purchaser, the date of the election, and the places of voting. The proposed purchaser shall bear all the expenses of the election.

All sales shall be for cash, and the proceeds of the sale shall be applied upon the payment of any outstanding bonds or obligations incurred in the purchase, erection or improvement of the property sold. The excess, if any, shall be paid into the general fund of such city. If the city is unable to purchase the unmatured bonds issued for the purchase, erection or improvement of the property sold, the governing body may invest the money necessary to take up such bonds at maturity in investments authorized by K.S.A. 12-1675 and amendments thereto in the manner prescribed therein or in any municipal bonds of this state, which shall become due prior to the due date of the bonds issued for the purchase, erection or improvement of the property sold, or in government bonds or federal landbank bonds. The purchase price and proceeding of the sale shall be filed with the state corporation commission.

History: L. 1923, ch. 102, § 1; R.S. 1923, § 15-809; L. 1929, ch. 135, § 1; L. 1931, ch. 135, § 1; L. 1939, ch. 141, § 1; L. 1951, ch. 189, § 1; L. 1977, ch. 54, § 20; L. 1981, ch. 173, § 53; July 1.

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