

Journal of the Senate

SIXTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, April 6, 2018, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Gracious Master, in keeping with how the Disciples were taught to pray in Matthew 6:9-15 and Luke 11:2-4, may Your Name be praised today. May the Holiness of Your Name be maintained and exalted above every other name.

As we praise Your Name, we pray that Your Kingdom, the extent of Your rule, will envelop the activities under this dome to the degree that what You desire from Your Heavenly throne is reflected from each of these desks.

Lord, we daily look to You for the food we need to strengthen, nourish and sustain us. And, Lord, we also look to You for the forgiveness we need when we fail in attitudes and actions. Then help us likewise to forgive others.

Finally, Lord, still in keeping with the Disciples Prayer, lead us in avoiding evil temptations, but rather lead us toward righteousness.

Let it ultimately be said, that upright ethics and Godly morals were represented in our decisions.

Now, govern, guide and keep us safely in Your care throughout the weekend. I humbly submit this prayer in the precious Name of Jesus, Amen.

The Pledge of Allegiance was led by President Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committees as indicated:

Assessment and Taxation: **SB 459**.

MESSAGES FROM THE GOVERNOR

SB 279 approved on April 5, 2018

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2597** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 2, following line 3, by inserting:

"Sec. 3. K.S.A. 12-104 is hereby amended to read as follows: 12-104. In acts granting or limiting executive or administrative powers to city governments, or prescribing procedure, the designation of "the governing body" shall be held to include mayor and council, mayor and commissioners and board of commissioners, as the status of cities affected may require; and the commission to revise the statutes is authorized to substitute the words, "the governing body" for the terms mayor and council, mayor and commissioners or board of commissioners in all acts In commission and commission-manager cities, the mayor shall be considered part of the city governing body in all matters. In mayor-council, modified mayor-council and mayor-council-manager cities, the mayor shall be considered part of the city governing body for the purpose of voting on the passage of a charter ordinance. Whether the mayor is considered part of the governing body for purposes of voting on any other matter shall otherwise be established by ordinance of the city passed by a $\frac{2}{3}$ majority of the council. All existing ordinances and charter ordinances relating to the mayor being considered part of the city governing body shall remain in effect until amended or repealed by such city.

Sec. 4. K.S.A. 19-3419a is hereby amended to read as follows: 19-3419a. The election commissioners in any county shall receive a salary in an amount to be fixed by resolution of the board of county commissioners of the county. On and after January 1, 1977, the compensation so fixed shall be in an amount not less than ten thousand dollars (\$10,000) per annum. Such salary shall be an annual salary payable in equal monthly installments or in the manner as other county officers and employees.

The election commissioner shall receive a car allowance in an amount to be fixed by resolution of the board of county commissioners.

Sec. 5. K.S.A. 19-3420 is hereby amended to read as follows: 19-3420. The election commissioner shall appoint one assistant, known as assistant election commissioner, who shall receive an annual salary to be fixed by the election commissioner and shall be paid in the same manner as other county officers and employees, and in addition the election commissioner shall certify to the board of county commissioners the amount necessary for clerk hire and expense, which amount shall be allowed by the board of county commissioners of said county. The board of county commissioners shall also authorize the statutory mileage allowance provided for in K.S.A. 75-3203 for the assistants of the election commissioner, to provide and maintain means of travel within their county. In counties having a population of more than two hundred thousand (200,000) the election commissioner shall appoint two (2) assistants, known as assistant election commissioners who shall be paid as provided for in this act The election commissioner may appoint one or more assistants, known as assistant election commissioners, who shall receive an annual salary to be fixed by the election commissioner, consistent with the compensation policies and pay plan adopted by the board of county commissioners, and shall be paid in the same manner as other county officers and employees. In addition, the election commissioner may hire additional staff as may be needed to effectively operate the office of election commissioner and to conduct the elections required by law, subject to the adopted policies and procedures of the board of county commissioners. Such staff shall be paid and provided employment benefits in the same manner as other county employees.

Sec. 6. K.S.A. 19-3424 is hereby amended to read as follows: 19-3424. (a) The

election commissioner, in the conduct of elections, shall operate under the general supervision of the secretary of state and shall comply with the statutes, rules and regulations and standards and directives that relate to the registration of voters and the conduct of elections. The election commissioner, as a part of his or her official duties shall have and exercise the following powers and authority:

(a)(1) Such commissioner shall Establish and fix the boundaries of wards and precincts within the county and in all cities the greater part of the population of which is located in said the county. Such The commissioner shall accept and file nomination and declaration papers of candidates and declarations of party affiliation.;

(b)(2) Such commissioner shall give notice by publication in the official county paper, at least fifteen (15) 15 days before the holding of any election, except as otherwise provided by law, of the time of holding such the election, and the officers at that time to be chosen, and any other matters to be voted upon.;

(c)(3) Such commissioner shall publish notice giving the proper party designation if required by law, the title of each office, the names and addresses of all persons seeking national and state offices and as certified to such the county election officer by the secretary of state, as provided by law, and of all persons from whom nomination papers or declarations have been filed with such the election officer as provided by law, giving the name and address of each, the title to such the office, the day of the election, the hours during which the polls will be open and the location of the voting place in each precinct or area, and mail to all persons whose nomination or declaration papers are on file with such the election officer, a copy of the first issue containing such the publication notice.;

(d)(4) Such commissioner shall have charge of the printing of the ballots for all elections to which this act applies held within the county, or held within any city, school district, township or drainage district located in said the county. Such The commissioner shall conduct negotiations for the letting of the contract to print such ballots and shall let the contract, with the approval of the board of county commissioners.;

(e)(5) Such commissioner shall be the clerk of the court for the trial of contested elections except national and state elections, and all intentions to contest any election shall be filed with said the election commissioner, and shall proceed in accordance with any laws of the state dealing with the subject.

On or before July 15 of each year, the election commissioner shall certify to the board of county commissioners an itemized statement showing the amount necessary to pay the salary of the election commissioner, the deputy election commissioner and other employees in the office of the election commissioner and other expenses of said office during the next ensuing budget year and the county commissioners shall cause the same to be included in the county budget for such ensuing budget year

(b) In the administration of the office of the election commissioner, any action taken by the election commissioner shall be subject to the following provisions established by the board of county commissioners applicable to all county departments, agencies and officials:

- (1) Personnel policies and procedures;
- (2) any pay plan, compensation plan and benefits for county employees;
- (3) purchasing policies and procedures;
- (4) budgeting policies and procedures;
- (5) financial policies and procedures; and

(6) auditing policies and procedures.

(c) Each year, consistent with the county's budgeting procedures, the election commissioner shall submit to the board of county commissioners a requested budget for the office of the election commissioner showing the amount of funding deemed necessary to pay the costs for salaries of the election commissioner, any deputy or assistant election commissioners, and other employees of the office, together with the projected costs and expenses of the office for the next ensuing budget year. The board of county commissioners shall consider the request in the same manner as other departments and agencies of the county and shall approve and adopt a budget for the office of election commissioner within the county budget in an amount determined by the board of county commissioners to be sufficient and adequate for the performance of the duties of the office and the conduct of elections as required by law.;

Also on page 2, in line 4, after "K.S.A." by inserting "12-104,"; also in line 4, by striking "and" and inserting a comma; also in line 4, after "19-2654" by inserting ", 19-3419a, 19-3420 and 19-3424"; in line 6, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before "amending" and inserting "local government; relating to urban areas; city governing bodies; county commission authority concerning election commissioners,."; also in line 3, after "K.S.A." by inserting "12-104,"; also in line 3, by striking the first "and" and inserting a comma; also in line 3, after "19-2654" by inserting ", 19-3419a, 19-3420 and 19-3424";

And your committee on conference recommends the adoption of this report.

ELAINE BOWERS

STEVE FITZGERALD

OLETHA FAUST GOUDEAU

Conferees on part of Senate

KRISTEY WILLIAMS

JACK THIMESCH

JOHN ALCALA

Conferees on part of House

Senator Bowers moved the Senate adopt the Conference Committee Report on **HB 2597**.

On roll call, the vote was: Yeas 29; Nays 10; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Berger, Billinger, Bowers, Denning, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hilderbrand, Kelly, Kerschen, Longbine, Masterson, McGinn, Petersen, Pettey, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Baumgardner, Bollier, Doll, Hensley, Lynn, Olson, Pilcher-Cook, Pyle, Rogers, Tyson.

Present and Passing: Holland.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Madam President: I cannot vote for **HB 2597**. I have long supported the right of my constituents to vote for their election commissioner like 101 other counties get to do. We've already heard of a conflict when county commissioners discussed canceling a postcard notice to all voters planned by an election commissioner. The compromise of reporting to both the Secretary of State and the County Commission is bad policy. It is always difficult to serve two masters. It provides no benefits to our state.—LYNN ROGERS

CHANGE OF CONFERENCE

The President appointed Senators Baumgardner, Denning, and Hensley to replace Senators McGinn, Billinger, and Kelly as members of the conference committee on **H Sub SB 109**.

The President appointed Senator Francisco to replace Senator Holland as a member of the conference committee on **HB 2488**.

The President appointed Senator Francisco to replace Senator Holland as a member of the conference committee on **HB 2492**.

The President appointed Senators Baumgardner and Denning to replace Senators Denning and McGinn as members of the conference committee on **S Sub HB 2186**.

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

The Senate met pursuant to recess with President Wagle in the chair.

ORIGINAL MOTION

Senator Denning moved to advance **S Sub HB 2228** to the first item of business on the Calendar under the heading of General Orders. The motion was rejected.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2597**.

The House not adopts the Conference Committee report on **HB 2280**, requests a conference and appoints Representatives Barker, Highland and Ruiz as second conferees on the part of the House.

The House concurs in Senate amendments to **HB 2232**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2599**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2477**.

The House adopts the Conference Committee report on **SB 217**.

The House adopts the Conference Committee report on **SB 282**.

The House adopts the Conference Committee report on **H Sub SB 307**.

The House adopts the Conference Committee report on **SB 348**.

The House adopts the Conference Committee report to agree to disagree on **SB 375**, and has appointed Representatives Proehl, Francis and Lusker as third conferees on the part of the House.

The House announced the appointment of Representatives Patton, Huebert and Trimmer as conferees on **H Sub SB 109**

ORIGINAL MOTION

On motion of Senator Estes, the Senate acceded to the request of the House for a conference on **HB 2280**.

The President appointed Senators Estes, Olson and Faust-Goudeau as second conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 375** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

RICHARD PROEHL
SHANNON FRANCIS
ADAM J. LUSKER, SR.

Conferees on part of House

MIKE PETERSEN
DAN GODDARD
PAT PETTEY

Conferees on part of Senate

On motion of Senator Petersen the Senate adopted the conference committee report on **SB 375**, and requested a new conference be appointed.

The President appointed Senators Petersen, Goddard and Pettey as a third Conference Committee on the part of the Senate on **SB 375**.

On motion of Senator Denning, the Senate recessed until 5:00 p.m.

The Senate met pursuant to recess with President Wagle in the chair.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2444**, and requests return of the bill.

The House adopts the Conference Committee report on **SB 331**.

REPORTS OF STANDING COMMITTEES

Committee on **Utilities** begs leave to submit the following:
The following appointment was referred to and considered by the committee and you committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Commissioner, State Corporation Commission: K.S.A 74-601
Dwight D. Keen, to fill a term expiring on March 15, 2022.

REPORT ON ENROLLED BILLS

SB 324, **SB 394**, **SB 410** reported correctly enrolled, properly signed and presented to the Governor on April 6, 2018.

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SR 1785, SR 1786, SR 1787, SR 1788 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 6, 2018.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Saturday, April 7, 2018.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*
COREY CARNAHAN, *Secretary of the Senate.*

