

MINUTES OF THE SENATE ETHICS AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Vicki Schmidt at 9:30 a.m. on February 12, 2009, in Room 446-N of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the committee:

Ralph Ostmeyer, Kansas State Senator
Janet Chubb, Assistant Secretary of State
Brenda McCants, Sherman County

Others attending:

See attached list.

The Chair opened the hearing on **SB 168–Uniform electronic transactions act; failure to register unlawful**. Ken Wilke, office of the Revisor of Statutes, explained that this bill parallels HB 2042 and came originally from the joint committee on administrative Rules and Regulations as a result of examining some proposed regulations offered by the Secretary of State’s office pertaining to electronic transactions. It would make it unlawful for any person who has not been approved and registered by the Secretary of State as a registered certification authority to advertise, offer for sale, sell, or perform any service providing certification of a digital signature within the state. There needs to be an additional technical amendment on line 37 to the internal reference that is incorrect.

Janet Chubb, Assistant Secretary of State, spoke in favor of the bill stating that this was strictly a legislative issue concerning the language. The Uniform Transactions Act relates to digital signatures and this bill makes it clear that any state agencies must do business with a registered business in Kansas (Attachment 1).

There being no further questions the hearing was closed on **SB 168**

The hearing on **SB 171–Sherman county; election of county commissioners** was opened. The Chair asked for an explanation of the bill by the Revisor’s Office. It was stated that this bill would make technical changes to existing law concerning the election of county commissioners in Sherman County by extending the option of electing at-large members for the Sherman County Commissioners to coincide with that of at-large members for city commissioners and school board. This would require a resolution so that this could be put on the ballot, hopefully as early as April. This also includes a sunset provision of 2010 giving Sherman County 18 months to get this on the ballot. This is a re-generation of **HB 2307**.

Senator Ralph Ostmeyer, sponsor of the bill, was introduced and referenced his written testimony (Attachment 2). In response to a question from Senator Wysong, the senator stated that **HB 2307** got hung-up in conference committee previously. According to Senator Ostmeyer, it is clear that this is the desire of the community as they have already established at-large positions for the school board. The Senator also introduced a letter from Lowell Coon (Attachment 3).

The Chair introduced Brenda McCants, representing Janet R. Rumpel, Sherman County Election Officer, who spoke in favor of the bill and presented written testimony from herself, Ms. Rumpel and others in favor of the bill (Attachment 4)

Written testimony in support of **SB 171** was also submitted by:

Kevin Rasure, Rasure Lumber, Inc. (Attachment 5)

The Chair thanked those appearing and closed the hearing on **SB 171**.

CONTINUATION SHEET

Minutes of the Senate Ethics And Elections Committee at 9:30 a.m. on February 12, 2009, in Room 446-N of the Capitol.

Chairman Schmidt called for final action on **SB 117–Elections; certain political advertising; disclosure requirements.** The Chair reminded the committee that Carol Williams submitted a substitute bill to **SB 117** and that the language is in KAR-19-20-4 and they are seeking to put the language in a statute as that is where the majority of people would look for clarification. The new language actually amends the statute and reconciles 2541-56 and 2541-56(a). Subsection C is not new. It is current law.

Senator Brungardt moved, Senator Reitz seconded, to recommend substitute for **SB 117** as amended favorably for passage. Motion carried.

SB 103–Elections; certain local units of government; primaries was opened for final action . This returns that language back to the original 2007 language. An amendment was introduced by the Secretary of State's office with the goal to decrease the amount of primaries. Currently if there are three candidates for a position a primary is held.

Senator Kultala moved that **SB 103** be passed as originally written with the intent that we take a year to look at appropriate language and possibilities, seconded by Senator Brungardt. Motion carried.

Hearing on **SB 79–Election; changing filing deadlines for candidates.** Federal ballots are currently mailed before the filing deadline and the desire is to move the deadline from June 10 to May 10.

Senator Brungardt felt moving this date 30 days would limit some candidates from filing and moved the deadline be moved two weeks earlier from June 10th, seconded by Senator Reitz. Motion carried.

Senator Reitz moved to recommend **SB 79** favorably for passage as amended. Seconded by Senator Apple. Motion carried.

Senator Schmidt called for final action on **SB 168–Uniform electronic transactions act; failure to register unlawful.**

Senator Kultala moved that **SB 168** be moved out favorably for passage with the inclusion of a technical amendment on line 37 as suggested by the Revisor's Office, seconded by Senator Reitz. Motion passed.

Senator Apple moved, Senator Brungardt seconded that **SB 171–Sherman county; election of county commissions** be moved out favorable. Motion carried.

The meeting adjourned at 10:24 a.m. The next meeting is scheduled for February 18, 2009.