

SESSION OF 2007

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2128

As Amended by Senate Committee on
Elections and Local Government

Brief*

HB 2128 relates to petitions required or authorized as part of a procedure applicable to the state, any legislative district, or any of several local governments. The bill would change the time frame for the county counselor, county attorney, or district attorney to furnish a written opinion regarding a petition from five calendar days to five business days.

The bill also would amend the recall law applying to elected officials to clarify the time frame when mandamus or injunction proceedings must be brought to "within" 30 days of the completion of the review of the adequacy of the recall petition by the Secretary of State in regard to state elected officials or by the county or district attorney in regard to local elected officials. The bill also would require notice of this recall petition decision be delivered to the officer who is the subject of the recall.

Background

Current law requires that the written opinion regarding the petition from the county attorney, county counselor, or district attorney be furnished within five calendar days following the submission of the petition. Testimony provided indicated this can cause problems in the event of three-day weekends or with counties having a small legal staff. Opinions requiring substantial legal research could require staff to work over weekends, and current law resulted in reduced time to review the opinion. No opponents appeared to testify on this bill.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The House Committee adopted a motion to place the original bill on the consent calendar.

The Senate Committee on Elections and Local Government amended HB 2128 to include contents of SB 99 relating to when mandamus or injunction proceedings must be brought.

The fiscal note on the original bill stated there would be no fiscal impact.