

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Ralph Ostmeyer at 10:30 am on Tuesday, February 10, 2015, 144-S of the Capitol.

All members were present

Committee staff present:

Heather O'Hara, Legislative Research Department
Connie Burns, Kansas Legislative Committee Assistant
Joanna Wochner, Legislative Research Department
Matt Sterling, Office of Revisor of Statutes
Mike Heim, Office of Revisor of Statutes

Conferees appearing before the Committee:

Richard Cram, Department of Revenue
Nicole Proulx-Aiken, League of Kansas Municipalities
Melissa Wangemann, Kansas Association of Counties
Susan Shuster, Kansas Register of Deeds Association, Inc.
Rebecca Seeman, Saline County Register of Deeds
Frank Denning, Sheriff, Johnson County

Others in attendance:

[See Attached List](#)

Introduction of bills

Richard Cram, Department of Revenue, requested a committee bill introduction concerning Cigarette and Tobacco Products Acts, amendments; authorizing governor to enter into compacts with native American tribes

Senator Wolf moved that the request should be introduced as a committee bill. Senator Faust-Goudeau seconded the motion. The motion carried.

Senator Faust-Goudeau requested three bill introductions:

1. Prohibiting retaliation or discrimination by an employer against a parent for taking time off to attend certain court proceedings involving children.

Senator Faust-Goudeau moved that the request should be introduced as a committee bill. Senator LaTurner seconded the motion. The motion carried.

2. Protecting the total amount of time for visitation granted to a person under the revised Kansas code for care of children

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Senator Faust-Goudeau moved that the request should be introduced as a committee bill. Senator LaTurner seconded the motion. The motion carried.

3. Investigation and review of deaths involving law enforcement officers act.

Senator Faust-Goudeau moved that the request should be introduced as a committee bill. Senator Wilborn seconded the motion. The motion carried.

Senator LaTurner requested a committee bill introduction concerning horse racing.

Senator LaTurner moved that the request should be introduced as a committee bill. Senator Olson seconded the motion. The motion carried.

SB 98 Open records, charges limited; open meetings; minutes required

Chairman Ostmeyer opened the hearing on **SB 98**.

Staff provided an overview of the bill.

Proponents:

Senator LaTurner appeared before the committee as a proponent on the bill. ([Attachment 1](#)) The Kansas Open Records Act allows for governmental institutions to charge excessive fees when it comes to requests; this bill address that issue as well as requiring minutes to be taken at any meeting where the Kansas Open Meetings Act applies.

Written testimony provided by the following in support of the bill:

Doug Anstaett, Executive Director, Kansas Press Association, Inc.. ([Attachment 2](#))
James Franko, Vice President/Policy Director, Kansas Policy Institute. ([Attachment 3](#))

Opponents:

Nicole Proulx Aiken, Legal Counsel, League of Kansas Municipalities, (LKM) appeared as an opponent of the bill. ([Attachment 4](#)) The League opposes the bill because it mandates the fees cities can charge for open records requests and regulates the minutes kept at every meeting. Current law requires cities to charge reasonable fees for open records requests, and the League offers yearly trainings on the Kansas Open Records Act (KORA). It has been the Leagues experience that cities respect and obey this law. In addition the bill mandates that cities take minutes at every meeting and that the Secretary of State determine the format of such minutes. Making it a KOMA violation to not use a state-approved minutes form for the numerous kinds of meetings is an unreasonable burden on

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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Kansas 626 city governments.

Melissa Wangemann, General Counsel/Director of Legislative Services, Kansas Association of Counties, (KAC) spoke in opposition to the bill. [\(Attachment 5\)](#) KAC supports open government and encourages and educates the counties to follow Kansas laws pertaining to open meetings and open records. KAC believes the current law is good it just needs to be enforced. KAC would support legislation that creates an Open Government Unit within the Attorney General's Office, or budgetary enhancements to the Attorney General to cover the cost of investigation and enforcement. Amended language was provided.

Susan Shuster, President, Kansas Register of Deeds Association, appeared as an opponent to the bill. [\(Attachment 6\)](#) The bill mandates to provide copies free of charge which would put an undue burden on Register offices across the state and would result in local taxpayers subsidizing the expenses of out of county and out of state companies that utilize our offices on a regular basis; many of the individuals that appear at our offices requesting documents do not request more than 25 pages. Therefore, under the mandate of this bill, the majority of those served would be getting copies free of charge, and the cost to produce the copies is not free to the county, and the local taxpayers must then pick up the slack to keep their county offices open to the public.

Rebecca Seeman, Saline County Register of Deeds, spoke in opposition [\(Attachment 7\)](#) The hourly language in the bill does not even touch the reality of what is done, and the number of people that are already assisted every day just in phone conversations. On average the Saline County office provides 40 copies per day with the average documents being 1-2 pages long, and does not include the copies for the three local abstractors.

Frank Denning, Sheriff, Johnson County, on behalf of Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and the Kansas Peace Officers Association, appeared in opposition to the bill. [\(Attachment 8\)](#) The issue of fees is best left to the local governing bodies, if the community demands a change in the fees the local elected officials should be the arbiter of addressing those local concerns. If the committee chooses to proceed with the provisions of this bill amended language was provided.

Written testimony was provided in opposition to the bill:

Kansas Highway Patrol, (KHP) stated the impact of the bill if passed would be dire to the KHP, and every other state and local government agency. [\(Attachment 9\)](#)

Mike Taylor, Public Relations Director, Unified Government of Wyandotte County/Kansas City, has concerns about the portion of the bill which allows the Secretary of State to set the standard and format for minutes taken at meetings of the Unified Government Commission and other public bodies. [\(Attachment 10\)](#)

Katie Killen, Assistant City Manager, City of Shawnee, has issues in the bill that have the potential to

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create an unfunded mandate as well as diminish home rule with regard to minute format. ([Attachment 11](#))

Rush County Commission stated that it is the opinion of this commission that the bill should be opposed. The concern is the bill is an attempt to micromanage the counties and clearly deprives the commission of its authority to make policy. The testimony was signed by all three members of the Rush County Commission. ([Attachment 12](#))

Dick Carter, on behalf of the City of Overland Park; the City of Overland Park opposes the bill which would amend the current KORA by limiting the amount a public agency may charge for copies of public records; and would prohibit the reasonable recovery of any fees charged for staff time utilized to fulfill a KORA request. ([Attachment 13](#))

Kelly B. Arnold, Sedgwick County Clerk, is neutral on most of the bill; but would like the committee to consider a change to the language requiring the Secretary of State to determine a format for minutes; and offered amended language ([Attachment 14](#))

Nolan Sunderman, Assistant to the City Administrator, the City of Prairie Village, has concerns the way the bill is written; the bill would significantly limit the ability to recover costs associated with public information requests. ([Attachment 15](#))

Robert D. Wyatt, Norton County Clerk and Election Official, asked the consideration of the Committee to leave open record fees and county minute recordings to the local government. ([Attachment 16](#))

Chairman Ostmeier closed the hearing on **SB 98**.

The next meeting is scheduled February 11, 2015. The meeting was adjourned at 11:20 a.m.