

Approved 3/30/84
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Edward F. Reilly, Jr. at
Chairperson

11:00 a.m./~~noon~~ March 29, 1984 in room 254-E of the Capitol.

All members were present. ~~except~~

Committee staff present:

Fred Carman, Assistant Revisor of Statutes
Russell Mills, Legislative Research
Emalene Correll, Legislative Research
June Windscheffel, Secretary to the Committee

Conferees appearing before the committee:

Charles Simmons, Legal Counsel, Kansas Department of Corrections
David Plummer, U. S. Office of Personnel Management, St. Louis, Missouri

The Chairman asked for consideration of the Minutes before the Committee. Senator Francisco moved that the Minutes of the Meetings of February 20, February 21, March 27 and March 28, 1984, be approved. 2d by Senator Morris. Motion carried.

The Chairman recognized Senator Gannon who requested introduction of a bill concerning open public meetings for the transaction of governmental business. Copy of the proposed legislation is 3RS2889, and is a part of these Minutes as Attachment #1. Senator Gannon moved that the Committee introduce the proposed bill as a Committee bill and that it be sent directly to the floor. 2d by Senator Francisco. Motion carried.

HB2791 - records relating to inmates of correctional institutions.

The Chairman introduced Charles Simmons who appeared as a proponent for HB2791. He distributed copies of a statement from Secretary Michael Barbara, Secretary of Corrections in support of the bill, which is a part of these Minutes as Attachment #2. Mr. Simmons also answered questions from the Committee.

Senator Pomeroy moved that HB2791 be reported favorably. 2d by Senator Meyers. Motion carried.

The Chairman recognized Philip J. Kopman of the U.S. Office of Personnel Management of Kansas City, along with David Plummer of the St. Louis Office. Mr. Plummer appeared as a proponent of proposed legislation relating to criminal history records. A copy of the proposed bill is a part of these Minutes as 3RS2879, and is Attachment #3. Mr. Plummer stated that their organization does much of the investigating for the Department of Justice, and they feel this legislation is needed to clarify their need for criminal history records. Senator Roitz moved that the bill be introduced by the Committee. 2d by Senator Vidricksen. Following discussion Senator Roitz withdrew his motion. The Chairman stated that he hopes to meet later today with Senator Pomeroy, Senator Winter, Mr. Carman and Mr. Mills to work out suggested legislation.

SB867 - concerning bingo.

The Chairman called the Committee's attention to SB867, which was introduced as a Committee bill yesterday. Senator Meyers made the motion that no locations or registered premises shall be used for the management, operation or conduct of bingo games on more than five calendar days in any one week.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room 254-E, Statehouse, at 11:00 a.m./~~p.m.~~ on March 29, 1984

2d by Senator Parrish. Motion failed. Senator Meyers then moved that no locations or registered premises shall be used for the management, operation or conduct of bingo games on more than four calendar days in any one week. 2d by Senator Parrish. Motion failed.

Senator Gannon moved that SB867 be recommended favorably. 2d by Senator Parrish. Motion carried.

The meeting was adjourned at noon.

SENATE BILL NO. _____

By Committee on Federal and State Affairs

AN ACT concerning open public meetings for the transaction of governmental business; amending K.S.A. 1983 Supp. 75-4318 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1983 Supp. 75-4318 is hereby amended to read as follows: 75-4318. (a) Except as otherwise provided by state or federal law or by rules of the house or senate, and except with respect to any impeachment inquiry or other impeachment matter referred to any committee of the house of representatives prior to the report of such committee to the full house of representatives, all meetings for the conduct of the affairs of, and the transaction of business by, all legislative and administrative bodies and agencies of the state and political and taxing subdivisions thereof, including boards, commissions, authorities, councils, committees, subcommittees, conference committees of the legislature and other subordinate groups thereof, receiving or expending and supported in whole or in part by public funds shall be open to the public and no binding action by such bodies shall be by secret ballot, but any administrative body that is authorized by law to exercise quasi-judicial functions shall not be required to have open meetings when such body is deliberating matters relating to a decision involving such quasi-judicial functions.

(b) Notice of the date, time and place of any regular or special meeting of a public body designated hereinabove shall be furnished to any person requesting such information, except that:

(1) If notice is requested by petition, the petition shall designate one person to receive notice on behalf of all persons named in the petition, and notice to such person shall constitute

notice to all persons named in the petition; and

(2) if notice is furnished to an executive officer of an employees' organization or trade association, such notice shall be deemed to have been furnished to the entire membership of such organization or association; and

(3) Prior notice of the time and place of meetings of conference committees of the legislature shall be either announced on the floor of both houses of the legislature or posted upon the bulletin boards provided for the posting of notices of meetings of legislative committees not less than one hour preceding the holding of meetings of such conference committees.

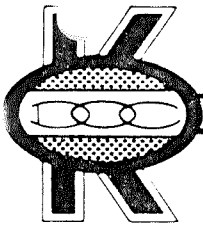
(c) It shall be the duty of the presiding officer or other person calling the meeting, if the meeting is not called by the presiding officer, to furnish the information required by subsection (b).

(d) Prior to any meeting hereinabove mentioned, any agenda relating to the business to be transacted at such meeting shall be made available to any person requesting said agenda.

(e) The use of cameras, photographic lights and recording devices shall not be prohibited at any meeting mentioned by subsection (a) of this section, but such use shall be subject to reasonable rules designed to insure the orderly conduct of the proceedings at such meeting.

Sec. 2. K.S.A. 1983 Supp. 75-4318 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.



KANSAS DEPARTMENT OF CORRECTIONS

JOHN CARLIN — GOVERNOR

MICHAEL A. BARBARA — SECRETARY

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TO: SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
FROM: MICHAEL A. BARBARA, SECRETARY OF CORRECTIONS
RE: H.B. 2791
DATE: MARCH 29, 1984

BILL SUMMARY

H.B. 2791 provides that:

1. Certain records and reports obtained by members of the Kansas Adult Authority or employees of the department of corrections be confidential.
2. The records may be released by the court, adult authority, or secretary of corrections when the best interests or welfare of the inmate or defendant would be served.

BACKGROUND

The current statute provides that certain records obtained by Kansas Adult Authority be considered confidential. The same records are also obtained by employees of the department of corrections and are, in fact, maintained in files which are in the custody of the department. The existing statute is a carryover from the period when parole officers were assigned to the Adult Authority.

DEPARTMENT POSITION

The department believes the statute should be amended to include reference to records obtained by employees of the department. The records are the same and should be handled consistently. Additionally, since the records are contained in files which are in the custody of the department, the secretary should have authority to release those records.

MAB:CES/pa

PROPOSED BILL NO. _____

By Committee on Federal and State Affairs

AN ACT relating to criminal history records; concerning dissemination of nonconviction record information.

Be it enacted by the Legislature of the State of Kansas:

Section 1. Dissemination of nonconviction criminal history record information. Criminal justice agencies may provide nonconviction criminal history record information to the following:

- (a) Other criminal justice agencies;
- (b) those authorized by court order or subpoena; and
- (c) the United States office of personnel management for such investigative purposes as authorized by statute or presidential executive order.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.