

Approved: 2-16-95  
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Kent Glasscock at 1:40 p.m. on February 14, 1995 in Room 521-S of the Capitol.

All members were present except: Representative Carol Beggs - Excused

Committee staff present: Mike Heim, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Fulva Seufert, Committee Secretary

Conferees appearing before the committee: John Metzler, Johnson County Unified Waste Water  
Representative Clyde Graeber  
Norm Wilks, Kansas Association of School Boards  
Don Moler, General Counsel, Kansas League of Municipalities

Others attending: See attached list

The meeting was called to order at 1:40 p.m. by the Chairman Kent Glasscock. The minutes of the February 9, 1995, meeting were distributed and approved.

Chairman Glasscock opened public hearing on **HB 2192 - An Act concerning special benefit districts; relating to the creation or enlargement thereof; amending K.S.A. 19-270 and repealing the existing section.**

The Chairman recognized Mr. John Metzler, Chief Engineer, Johnson County Unified Waste Water, who presented written testimony in the form of an outline and a brief explanation of the three changes that are being made in the bill. He spoke in support of **HB 2192**. Mr. Metzler mentioned that the current statute makes county consideration of six factors relating to development in the benefit district mandatory, and it is proposed that the burden of providing this information fall on cities. Second, the current statute requires district creation within seven days of public hearing, and it is proposed this time frame be set at 30 days. Third, the current statute refers to K.S.A. 12-705 which has been superseded by K.S.A. 12-749, and it is proposed that this reference be updated. (Attachment 1).

The Chairman announced that the public hearing for **HB 2192** was closed.

Chairman Glasscock welcomed Representative Clyde Graeber to the committee who presented written testimony in favor of **HB 2209**.

**HB 2209:** **An Act concerning municipalities; relating to the issuance of certain bonds; amending K.S.A. 25-620 and repealing the existing section.**

Representative Graeber spoke in favor of this bill because he said he likes to refer to it as "truth in bonding" or "bond disclosure bill." It requires government to give taxpayers the same type of disclosure. It would require cities, counties, school districts, townships, and community colleges that desire to issue and sell bonds for any particular project to make full disclosure to the people who will be required to repay those bonds through property taxes. Representative Graeber said that he believes this is a step toward returning government back into the hands of the people. (Attachment 2).

The Chairman welcomed Mr. Norm Wilks, Director of Labor Relations for the Kansas Association of School Boards, who spoke in opposition to **HB 2209**. He provided written testimony stating opposition because the proposal as drafted increases the notice requirements and information included on the ballot. He thinks the result is greater confusion for the voter and has an increased cost. He also said it could increase election challenges and legal expenses if the projected costs change. (Attachment 3).

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT, Room 521-S Statehouse, at 1:30 p.m. on February 14, 1995.

Chairman Glasscock next introduced Mr. Don Moler, General Counsel, League of Kansas Municipalities, who also spoke in opposition to **HB 2209**. He mentioned that the League believes the amendment to K.S.A. 25-620 found in Section 2 of this bill creates an unworkable situation. He said that he hopes the Committee will reject the amendment in Section 2 of **HB 2209**.(Attachment 4).

There being no other conferees, the Chairman declared the public hearing on **HB 2209** closed.

Chairman Glasscock asked the Committee to turn its attention to **HB 2162 and HB 2195**.

**HB 2162:** Open meetings, social gatherings, meetings defined, closed or executive sessions.

**HB 2195:** An Act concerning certain public and quasi-public bodies; relating to public access to meetings and decision-making thereof; concerning notice of certain meetings during declared disaster emergencies; amending K.S.A. 75-4317, 75-4318, 75-4320a and K.S.A. 1994 Supp. 75-4317a and 75-4319 and repealing the existing sections.

The Chairman recognized Representative Sloan and said that the subcommittee has been working diligently on open meetings. Copies of the balloon were passed out. Representative Sloan told the committee that the subcommittee met and blended the two bills together and that they are using **HB 2195** as the vehicle. Basically the subcommittee strengthened the language by removing a provision of the bill that would allow city and county commissions and other agencies to go into closed sessions to discuss appointments to various boards. (Attachment 5).

Representative Sloan moved that the Committee recommend **HB 2195** favorably for passage with the cleanup language that needs to be made by the Advisor's Office. Representative Feuerborn seconded.

Representative Mays moved to amend **HB 2195** to remove the language on page four of the balloon in section 4(g)(12) Representative Ott seconded. Motion passed.

Representative Sloan moved that **HB 2195** as amended be recommended favorably for passage. Representative Feuerborn seconded. Motion passed. Representative Ott wanted her "no" vote recorded. The Chairman thanked the subcommittee.

Chairman Glasscock recognized Representative Tomlinson who chaired the subcommittee on mandates. He passed out a three part report from the subcommittee on Mandates. There were 15 bills in Section 1, the first 13 of them are mandates that were presented to them where the statutes could be repealed. The Chairman reaffirmed his request that the committee approve introduction of the subcommittee bills as specified in the subcommittee's report.

Representative Ott moved to approve the subcommittee's report and introduce the first 13 non-controversial mandate bills as recommended. Representative Toplikar seconded. Motion passed.

Representative Tomlinson made a motion to consider the amendments to delete the offensive mandate language cut not strike the sections as a whole in the following: **KS 17-1102, 17-1103; K 12-1401, 12-1402.** Representative Toplikar seconded. Motion passed.

Representative Tomlinson asked the committee to direct its attention to Section II. The subcommittee recommended further study on these mandates. In addition, the report included a list of mandates that will require an in-depth study. The subcommittee also recommended some immediate follow-through and hearings on 1) Mandate waiver programs and implementation in Kansas; 2) Home rule sections of the Kansas Constitution and how it applies to mandates.(Attachment 6)

The Chairman thanked Representative Tomlinson and his subcommittee for an excellent job. In summarizing, Chairman Glasscock said that the committee should continue looking at certain mandates of a more controversial nature and after the turn around and as they have time, they should hold hearings regarding mandate waiver programs and home rule sections.

The Chairman asked the committee to direct its attention to **HB 2224 -An Act concerning local governments; relating to health care benefits plan; providing for spouse; amending K.S.A. 12-5040 and repealing the existing section.**

Representative Powers moved that **HB 2224** be amended to limit the time to 36 months that a spouse could

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT, Room 521-S Statehouse, at 1:30 p.m. on February 14, 1995.

stay on the plan, to change shall to may in line 38, and applicable only if the spouse has been a member on the plan. Representative Glasscock seconded. Motion passed.

Representative Powers moved that the amended **HB 2224** which now has may instead of shall back to shall. Representative Welshimer seconded. The motion did not pass.

Representative Tomlinson moved that the committee table **HB 2224** for further study. Representative Powers seconded. Motion passed.

The meeting adjourned at 3:20 p.m.

The next meeting is scheduled for February 15, 1995.

# LOCAL GOVERNMENT COMMITTEE GUEST LIST

DATE: TUESDAY, FEBRUARY 14, 1995

NAME	REPRESENTING
Norm Wilkes	KASB
Anne Spiess	KS. Assoc of Counties
Gussey Ray	Johnson County
John Metzler	Johnson County
Alex Wampler	LH To Tomlinson
Jim Reason	Kansas Assn of Counties
Don Moler	League of KS Municipalities
Machell Kent	Treasurers Office
John Hanna	Associated Press
Mike Montero	Allen Cobb
Kelley Martie	Sedgewick County
Frances Ellis	Riley County
Carolee Stark	League of Women Voters
Chris Wilson	KS Governmental Consulting
Brod Smoot	KCCC
Kathryn Peterson	self
Spide Morse	Munh/Riley Co League of Women Voters

OUTLINE OF TESTIMONY BEFORE  
HOUSE LOCAL GOVERNMENT COMMITTEE  
IN SUPPORT OF HOUSE BILL NO. 2192

Presented by John Metzler, Chief Engineer  
Johnson County Unified Wastewater Districts  
February 14, 1995

- A. K.S.A. 19-270 stipulates certain requirements for creation of benefit districts in unincorporated areas within three miles of city boundaries.
- B. Three proposed changes to K.S.A. 19-270 and why they are needed:
  - 1. Current statute makes county consideration of six factors relating to development in the benefit district mandatory. It is proposed that the burden of providing this information fall on cities.
    - a. Some factors, such as annexation plans, can only be provided by the affected city
    - b. Some cities have refused to provide information on some or all of the factors
    - c. The absence of this information creates doubt on the district creation.
  - 2. Current statute requires district creation within seven days of public hearing. It is proposed this time frame be set at 30 days.
    - a. State law on county sewer districts (K.S.A. 19-27a01 et. seq.) allows 365 days
    - b. Charter Resolution 29-92 on Johnson County sewer districts allows 120 days
    - c. 30 days would permit Board of County Commissioners a more reasonable time frame and would be consistent with intent of K.S.A. 19-270.
  - 3. Current statute refers to K.S.A. 12-705, which has been superseded by K.S.A. 12-749. It is proposed that this reference be updated.

ksm:7395P053

House Local Government  
2-14-95  
Attachment 1

TESTIMONY BEFORE  
HOUSE LOCAL GOVERNMENT COMMITTEE  
IN SUPPORT OF HOUSE BILL 2192

February 14, 1995

I am John Metzler, Chief Engineer for the Johnson County Unified Wastewater Districts. This is a position I have held since 1983. We are the largest provider of sewer services in Johnson County, serving approximately 275,000 people.

I have provided you with both an outline and the full text of my testimony. We support House Bill 2192, which makes three changes to K.S.A. 19-270. This statute stipulates certain requirements for the creation of sewer and other types of benefit districts in unincorporated areas within three miles of a city boundary. I will describe each proposed change and why we support these changes below.

1. The current statute can be interpreted to require that the Board of County Commissioners consider six factors relating to development in the benefit district before they can approve the benefit district. Several of these factors, such as the city's annexation plans and the impact of the benefit district on the community, can only be provided by the affected city. It has been our experience in attempting to comply with this statute that beyond giving their consent for creation of a benefit district within their boundaries, most cities have no interest in providing this information. When this occurs, the Board cannot consider all six factors and the district creation is brought into question. The proposed revision states that the Board of County Commissioners shall consider any testimony offered concerning these factors, but that the burden of providing this information falls on the affected cities, not on the Board of County Commissioners.
2. K.S.A. 19-270 provides only a seven day time frame from the public hearing to consideration of district creation. This is a very short time frame. In fact, the state law relating to county sewer districts, K.S.A. 19-27a01 et. seq., allows a full year for board consideration between the public hearing and district creation. Charter Resolution No. 29-92, amending these provisions in state law for Johnson County sewer districts, calls for 120 days. To fulfill the intent of K.S.A. 19-270 and allow the Board of County Commissioners more time to consider all of the testimony and concerns raised at the public hearing, we have recommended a 30 day period.
3. K.S.A. 19-270 currently makes reference to K.S.A. 12-705, which was repealed in 1992 and superseded by K.S.A. 12-749. The reference has now been updated to reflect the revised statute number.

Thank you for this opportunity to provide testimony in support of House Bill No. 2192. I will be happy to answer any questions.

ksm:7395P051

TESTIMONY ON HB2209  
Rep. Clyde Graeber

If any of you went into a bank, a savings and loan institution, a credit union or an automobile agency and applied for and obtained a loan to purchase a new automobile, you would be given what is referred to as a disclosure statement. That statement would list for you all of the facts and information concerning your loan, it would list the principal amount you were borrowing, the interest rate, how much total interest you would pay over the life of the loan, how much your monthly payment would be, how much of your payment would be principal, and how much would be interest. It would also list how much you would pay in any additional charges, for example, charges for recording your loan documents or lien, the cost of credit life insurance and how much it would cost to pay your loan off before the maturity date. All of this information must be given to you and is required by law and gives you a full disclosure of your loan, its charges and costs.

This proposed legislation, which I refer to as "truth in bonding" or "bond disclosure bill", requires government to give taxpayers the same type of disclosure.

This proposed legislation would require cities, counties, school districts, townships, community colleges, that desire to issue and sell bonds for any particular project, where a vote of the people is required, that they make full disclosure to the people, who will be required to repay those bonds through property taxes--all of the facts concerning the proposed bond issue.

If you look at your bill copy you'll see that it would require that the disclosure statement list for the taxpayers the total dollar amount of the bond issue to include all principal, interest and all other related charges. It requires that a separate disclosure be made of the principal amount required for the project, how much will the interest be over the life of the bonds, what is the projected interest rate and that can be a projected amount based on recent like bond sales in like size communities for like

projects, how much will the attorneys' fees be, how much will the bond underwriters' fees and charges be, how much must the annual dollar payment be to retire the bonds over a fifteen or twenty year period and how much will that annual payment be when converted to an annual mill levy.

I'm sure all of you have heard of bond sales where there was not full disclosure to the people and not all of the pertinent facts and information revealed to those taxpayers in a particular city or district and who would be required to pay the bonds and that is wrong. Taxpayers should be given all pertinent information so that they know how any proposed bond issue will affect them, how much their taxes will increase and how it might affect their monthly real estate loan payment on their home due to required escrow amounts.

The second part of the bill would require that this disclosure information be printed on the ballot when the bond question is voted on by the people.

This year we, as legislators, hear many times that government should be given back or put more in the hands of the people. This is a step in that direction where government says we intend to be totally straight forward and disclose all information voters should have before being asked to vote on any bond issue that will affect them and their families for a number of years. I'll stand for questions.





**Testimony on H.B. 2209  
before the  
House Committee on Local Government**

by

**Norm Wilks, Director of Labor Relations  
Kansas Association of School Boards**

**February 14, 1995**

Mister Chairman and members of the Committee, on behalf of the unified school boards of education that are members of the Kansas Association of School Boards, we thank you for the opportunity to express our opposition to H.B. 2209.

The proposal as drafted increases the notice requirements and information included on the ballot. We believe the result is greater confusion for the voter and increased cost.

We have not experienced problems of lack of notice. Boards have provided public information regarding the proposed project.

To require notice of the detail expense prior to complete knowledge may increase election challenges and legal expenses if the projected costs change.

Current law allows voters to make a decision based on the maximum amount of bonds to be issued. The voter is provided with complete and accurate information that represents the maximum exposure for the taxpayer.

For the reasons discussed, we are opposed to H.B. 2209.

House Local Government  
2-14-95  
Attachment 3



**League  
of Kansas  
Municipalities**

LEGAL DEPARTMENT · 112 S.W. 7TH TOPEKA, KS 66603 · TELEPHONE (913) 354-9565 · FAX (913) 354-4186

**LEGISLATIVE TESTIMONY**

**TO:** House Local Government Committee

**FROM:** Don Moler, General Counsel

**RE:** Opposition to HB 2209

**DATE:** February 14, 1995

The League would like to thank the Committee for allowing us to testify today in opposition to HB 2209. We believe the amendment to K.S.A. 25-620, found in Section 2 of this bill creates a virtually unworkable situation in which the ballot question for a bond issue could become interminably long and could in fact obscure what the public is voting on in the bond issue. Specifically, there is a new requirement in subsection (b) that "When the proposition or question to be submitted to the voters relates to the issuance of bonds, in addition to the requirements found in subsection (a), the information required to be published pursuant to Section (1) shall also be printed on the ballot." It is our opinion that this requirement would make the ballot unwieldy and inhibit the proper conduct of a bond election. We oppose any statutory language requiring all of the disclosures found in new Section 1 of HB 2209 to be contained on the ballot question.

We are unsure of the need for the requirements in new Section 1 which are required to be included in the notice of an election on a bond issue since most are public records and may be obtained by the public at any time pursuant to the open records act. We believe that it simply creates another hurdle for a municipality to step over and mandates certain actions at the local level.

We would request the Committee to specifically reject the amendments in Section 2 of HB 2209.

Thank you for allowing the League to appear today before the Committee.

House Local Government  
2-14-95  
Attachment 4

**TOM SLOAN**  
 REPRESENTATIVE, 45TH DISTRICT  
 DOUGLAS COUNTY

STATE CAPITOL BUILDING  
 ROOM 446-N  
 TOPEKA, KANSAS 66612-1504  
 (913) 296-7677  
 1-800-432-3924

772 HWY 40  
 LAWRENCE, KANSAS 66049-4174  
 (913) 841-1526



TOPEKA

HOUSE OF  
 REPRESENTATIVES

## Memorandum

### COMMITTEE ASSIGNMENTS

MEMBER: AGRICULTURE  
 LOCAL GOVERNMENT  
 ENERGY & NATURAL RESOURCES

**TO:** Governmental Organization and Elections Committee Members  
**FROM:** Representative Tom Sloan  
**DATE:** February 10, 1995  
**RE:** HB 2088 - Removing requirement that classified state employees resign before seeking elective office

Thank you for your attention during the hearing Wednesday, February 7, 1995, on HB 2088. From the questions asked, the committee appeared to have two questions:

1. Why were classified employees excluded?
2. What consequences would ensue if the prohibition were repealed?

1. Committee staff will formally report that all states created mini "Hatch Acts" based on federal statutes to protect civil servants from the pressure of politics. If my history lessons are correctly remembered, it was designed to combat the excesses of "Boss politics" (e.g., Tammany Hall in New York City, Pendergast in Kansas City) and to develop a permanent technically proficient administrative corps that would implement the policies enacted by the elected officials.

2. If HB 2088 becomes law, 29,000 individuals will have the right to seek elective office without first resigning their jobs. If the original goal was to protect classified employees from the vagaries of politics, that goal has been circumvented by moving groups of persons into and out of classified status for economic or administrative reasons (K.U. registered nurses). Please remember that Regents faculty receive tenure to protect them from political storms, yet they may freely seek elective office.

Classified employees only seek the same opportunities that unclassified state employees, school teachers, and private sector employees have - the opportunity to seek elective office, take unpaid leaves while serving, and return to their careers at the end of their public service.

Classified employees have no greater nor lesser potential for conflicts of interest than do unclassified state employees or persons employed in the private sector. If the committee wishes to address the conflict of interest statutes, you may. But please do not exclude classified employees from the opportunities which other "minority groups" have won.

Research staff has a memorandum from former Governor Finney indicating that special restrictions were placed on members of the highway patrol (KSA 74-2113) and employees engaged in the administration of the Employment Security Act (KSA 44-714(e)(2)).

The committee may or may not wish to address those specific groups, but I trust that at least the other classified state employees will be permitted to enjoy the political rights of other Kansas citizens.

I ask you to recommend HB 2088 favorably for passage. If you have additional questions or concerns, please do not hesitate to contact me.

House Local Government  
 2-14-95  
 Attachment 5

# HOUSE BILL No. 2195

By Representative Lawrence

1-25

9 AN ACT concerning certain public, ~~public or quasi-public~~ bodies; relating to  
 10 public access to meetings and decision-making thereof; concerning  
 11 notice of certain meetings during declared disaster emergencies;  
 12 amending K.S.A. 75-4317, 75-4318, 75-4320 and 75-4320a and K.S.A.  
 13 1994 Supp. 75-4317a and 75-4319 and repealing the existing sections.

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

15 Section 1. K.S.A. 75-4317 is hereby amended to read as follows: 75-  
 16 4317. (a) *This act shall be known and may be cited as the Kansas open*  
 17 *meetings act.*

18 (b) In recognition of the fact that a representative government is de-  
 19 pendent upon an informed electorate *and that access to the decision-*  
 20 *making process of government is an important part of having an informed*  
 21 *electorate*, it is declared to be the policy of this state that meetings ~~for~~  
 22 ~~the conduct of governmental affairs and the transaction of governmental~~  
 23 ~~business~~ be open to the public.

24 (b) (c) It is declared hereby to be against the public policy of this  
 25 state for any such meeting to be adjourned to another time or place, *or*  
 26 *other action taken*, in order to subvert the policy of ~~open public meetings~~  
 27 ~~giving public access to the decision-making process~~ as pronounced in sub-  
 28 section ~~(a)~~ (b). *This act shall be liberally construed to protect and en-*  
 29 *courage the public's right of access to the decision-making process of gov-*  
 30 *ernment through open public meetings.*

31 Sec. 2. K.S.A. 1994 Supp. 75-4317a is hereby amended to read as  
 32 follows: 75-4317a. ~~(a)~~ As used in this ~~act~~, section and K.S.A. 75-4317, 75-  
 33 4318, 75-4319, 75-4320 and 75-4320a, and amendments thereto

34 (a) "Meeting" means any gathering, assembly, telephone call or any  
 35 other means of interactive communication by a majority of a quorum of  
 36 the membership of a body or agency subject to this ~~act~~ public or quasi-  
 37 public body for the purpose of discussing ~~the business or affairs of the~~  
 38 body or agency

39 (b) ~~"Public body" means any legislative or administrative body or~~  
 40 ~~agency of the state or of any political or taxing subdivision thereof, or any~~  
 41 ~~subordinate group thereof, receiving or expending and supported in whole~~  
 42 ~~or in part by public funds.~~

as defined in K.S.A. 75-4317a, and amendments thereto,

(d) Nothing in this act shall be construed to prohibit social gatherings.

, conducting or transacting

House Local Government  
 2-14-95  
 Attachment 5

~~(c) "Quasi-public body" means an entity, or subordinate group of an entity, whether or not a corporation, which is created or incorporated by a public body or is created by an interlocal agreement of two or more public bodies pursuant to K.S.A. 12-2901 et seq. and amendments thereto.~~

~~(d) "Subordinate group" means any board, commission, authority, council, committee, advisory body or other subordinate group of a public body or quasi-public body.~~

Sec. 3. K.S.A. 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 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 ~~quasi-public~~ body designated hereinabove shall be furnished to any person requesting such notice, 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,

(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) the public ~~quasi-public~~ body may require that a request to receive notice must be submitted again to the body prior to the commencement of any subsequent fiscal year of the body during which the person wishes to continue receiving notice, but, prior to discontinuing notice to any person, the public body must notify the person that notice will be discontinued unless the person resubmits a request to receive notice; and

(4) when a proclamation declaring a state of disaster emergency has been issued pursuant to K.S.A. 12-2901 and amendments thereto and the

(b) "Subordinate group" includes, but is not limited to, an entity, whether or not a corporation, which is created or incorporated by ordinance, statute, resolution or proclamation of a public body or is created by an interlocal agreement of two or more public bodies pursuant to K.S.A. 12-2901 et seq., and amendments thereto.

as defined in K.S.A. 75-4317a by all legislative and administrative bodies and agencies of the state and political and taxing subdivisions thereof, including boards, commissions, authorities, councils, committees, subcommittees 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

1 state of disaster emergency has not been terminated, a public or quasi-  
 2 public body having jurisdiction in an area or areas threatened or affected  
 3 by the disaster, as stated in the proclamation, shall not be required to give  
 4 the notice provided for by this section for meetings at which only admin-  
 5 istrative actions ~~are discussed or taken. The provisions of this paragraph~~ ✓  
 6 ~~shall apply only to those administrative actions~~ ✓ authorized by the disaster  
 7 emergency plan adopted pursuant to K.S.A. 48-929 or 48-930, and  
 8 amendments thereto.

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

12 (d) Prior to any meeting ~~hereinafter~~ mentioned above, any agenda  
 13 relating to the business to be transacted at such meeting shall be made  
 14 available to any person requesting ~~and~~ such agenda

15 (e) The use of cameras, photographic lights and recording devices  
 16 shall not be prohibited at any meeting mentioned by subsection (a), but  
 17 such use shall be subject to reasonable rules designed to insure the or-  
 18 derly conduct of the proceedings at such meeting.

19 Sec. 4. K.S.A. 1994 Supp. 75-4319 is hereby amended to read as  
 20 follows: 75-4319 (a) Upon formal motion made, seconded and carried,  
 21 ~~all bodies and agencies~~ a public or quasi-public body subject to this act  
 22 may recess, but not adjourn, open meetings for closed or executive meet-  
 23 ings. Any motion to recess for a closed or executive meeting shall include  
 24 a statement of (1) the justification for closing the meeting, (2) the subjects  
 25 to be discussed during the closed or executive meeting and (3) the time  
 26 and place at which the open meeting shall resume. Such motion, including  
 27 the required statement, shall be recorded in the minutes of the meeting  
 28 and shall be maintained as a part of the permanent records of the body  
 29 ~~or agency~~. Discussion during the closed or executive meeting shall be  
 30 limited to those subjects stated in the motion.

31 (b) No subjects shall be discussed at any closed or executive meeting,  
 32 except the following:

- 33 (1) Personnel matters of nonelected personnel;
- 34 (2) consultation with an attorney for the body ~~or agency~~ which would
- 35 be deemed privileged in the attorney-client relationship;
- 36 (3) matters relating to employer-employee negotiations whether or
- 37 not in consultation with the representative or representatives of the body
- 38 ~~or agency~~;
- 39 (4) confidential data relating to financial affairs or trade secrets of
- 40 corporations, partnerships, trusts, and individual proprietorships;
- 41 (5) matters relating to actions adversely or favorably affecting a per-
- 42 son as a student, patient or resident of a public institution, except that
- 43 any such person shall have the right to a public hearing if requested by

- 1 the person;
- 2 (6) preliminary discussions relating to the acquisition of real property;
- 3 (7) matters permitted to be discussed in a closed or executive meeting
- 4 pursuant to K.S.A. 74-8804 and amendments thereto;
- 5 (8) matters permitted to be discussed in a closed or executive meeting
- 6 pursuant to subsection (a)(2)(J) of K.S.A. 38-1507 and amendments
- 7 thereto or subsection (f) of K.S.A. 38-1508 and amendments thereto;
- 8 (9) matters permitted to be discussed in a closed or executive meeting
- 9 pursuant to subsection (f) of K.S.A. 1994 Supp. 22a-243 and amendments
- 10 thereto;
- 11 (10) matters permitted to be discussed in a closed or executive meet-
- 12 ing pursuant to subsection (e) of K.S.A. 44-596 and amendments thereto;
- 13 ~~and~~
- 14 (11) matters permitted to be discussed in a closed or executive meet-
- 15 ing pursuant to subsection (g) of K.S.A. 1994 Supp. 39-7,119 and amend-
- 16 ments thereto-<sup>1</sup>

; and

17 (c) No binding action shall be taken during closed or executive recesses, and such recesses shall not be used as a subterfuge to defeat the purposes of this act.

20 Sec. 5. K.S.A. 75-4320 is hereby amended to read as follows: 75-  
 21 4320. (a) Any member of a ~~body or agency subject to this act~~ *public or*  
 22 *quasi-public body* who knowingly violates any of the provisions of this act  
 23 or who intentionally fails to furnish information as required by subsection  
 24 (b) of K.S.A. 75-4318 *and amendments thereto* shall be liable for the  
 25 payment of a civil penalty in an action brought by the attorney general or  
 26 county or district attorney, in a sum set by the court of not to exceed ~~five~~  
 27 ~~hundred dollars (\$500)~~ \$500 for each violation. In addition, any binding  
 28 action which is taken at a meeting not in substantial compliance with the  
 29 provisions of this act shall be voidable in any action brought by the attor-  
 30 ney general or county or district attorney in the district court of the county  
 31 in which the meeting was held within ~~ten (10) days~~ *of 10 days after* the  
 32 meeting, and the court shall have jurisdiction to issue injunctions or writs  
 33 of mandamus to enforce the provisions of this act.

34 (b) Civil penalties sued for and recovered hereunder by the attorney  
 35 general shall be paid into the state general fund. Civil penalties sued for  
 36 and recovered hereunder by a county or district attorney shall be paid  
 37 into the general fund of the county where the proceedings were insti-  
 38 gated.

Sec. 6. K.S.A. 75-4320a is hereby amended to read as follows: 75-  
 4320a. (a) The district court of any county in which a meeting is held  
 shall have jurisdiction to enforce the purposes of K.S.A. 75-4318 and 75-  
 4319, and amendments thereto, with respect to such meetings by injunc-

(12) matters relating to the discussion of appoint-  
 ments to nonelected boards, commissions, committees,  
 councils, authorities or other similar bodies.

BOB TOMLINSON  
REPRESENTATIVE 24TH DISTRICT  
STATE CAPITOL  
TOPEKA, KS 66612-1504  
913 296-7640  
  
5722 BIRCH  
ROELAND PARK, KS 66205  
913 831-1905



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER: EDUCATION  
LOCAL GOVERNMENT  
JOINT COMMITTEE ON PLANNING EDUCATION

Report to the Local Government Committee  
from  
Subcommittee on Mandates

Section I.

The committee recommends that bills be drafted and introduced to repeal the following sections and the complete acts where applicable:

KSA 2-116, 2-117  
KSA 3-501  
KSA 19-2414  
KSA 12-832, 12-833  
KSA 12-1656  
KSA 12-2115, 12-2118, 12-2121  
KSA 12-2202  
KSA 12-2302, 12-2303, 12-2304  
KSA 72-2136, 72-2137  
KSA 68-1124  
KSA 29-502, 29-505, 29-506  
KSA 19-235  
KSA 72-7801, 72-7802

We further recommend that the committee consider amendments to:

KSA 17-1102, 17-1103  
KSA 12-1401, 12-1402

Section II.

Further study should be considered for repealing the following sections:

House Local Government  
2-14-95  
Attachment 6



KSA 2-301, 2-302, 2-304  
KSA 3-705, 3-706  
KSA 8-148  
KSA 8-174  
KSA 10-113  
KSA 10-114  
KSA 10-1004  
KSA 10-1203  
KSA 12-1222, 12-1223  
KSA 12-1236, 12-1237, 12-1238  
KSA 12-1617c, 12-1618d  
KSA 18-209, 18-210, 18-211, 18-212  
KSA 19-104  
KSA 19-105  
KSA 19-108  
KSA 19-110, 19-111, 19-112, 19-113  
KSA 42-358, 42-359, 42-364, 42-379, 42-381  
KSA 58-314, 58-320  
KSA 42-366, 42-367, 42-368, 42-369, 42-370

Further, we have heard testimony on the following issues which require in-depth study we were not able to give but should be undertaken.

Mandates concerning:

1. State Preemption from Imposing State or Excise Taxes on Cigarettes or Cereal Malt Beverages. KSA 12-142
2. Tax Levy on Vehicles. KSA 12-143-146
3. State Preemption from Levying Excise Taxes. KSA 12-194
4. Group Health Care Benefits for Retired Employees. KSA 5040
5. Veterans Affairs and Related Local Mandates. KSA 73-301, 73-302, 73-303, 73-207, 73-208
6. Abatements of Irrigation Districts. KSA 42-3,107, KSA 42-3,108

These sections reflect mandates which are controversial but need to

be discussed as mandates.

Section III.

The subcommittee also recommends some immediate follow-through and hearings on:

1. Mandate waiver programs and implementation in Kansas.
2. Home rule sections of the Kansas constitution and how it applies to mandates.

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Bob Tomlinson, Chairperson

Reps. Ott *B. Ott*  
Weber *W. Weber*  
Thimesch *J. Thimesch*  
Toelkes *R. Toelkes*