

Approved: 2-17-97
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE.

The meeting was called to order by Chairperson Janice Hardenburger at 1:40 p.m. on February 11, 1997 in Room 529-S of the Capitol.

All members were present except: Senator Huelskamp, excused
Senator Lawrence, excused

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

Conferees appearing before the committee: Senator Stan Clark, District 40
Joyce Coker, Johnson County

Others attending: See attached list

Chairperson Hardenburger asked for approval of the Minutes of February 5 and 6, 1997.

Senator Gooch moved to approve the minutes. Senator Steineger seconded the motion. The motion carried.

Chairperson Hardenburger opened the hearing on **SB 116**.

SB 116 **Concerning records open to the public; relating to the access of certain material**

Senator Clark appeared before the committee in support of the bill. He testified that this bill was introduced at the request of a number of county commissioners from his district and submitted copies of letters from those county commissioners requesting legislative action to prevent these records from being used for fund-raising efforts (Attachment 1). An agency had requested names of owners of homes valued over \$50,000 in 23 counties to use for a direct mail campaign to raise funds. He stated 12 of these counties are in his Senate district.

There was committee discussion about inserting a penalty clause in to the current statute (K.S.A.45-220).

Chairperson Hardenburger closed the hearing on the bill.

Senator Praeger moved to amend the bill to include a misdemeanor penalty. Senator Vidricksen seconded the motion.

There was more discussion on who would be penalized if the statute was violated.

Senator Vidricksen made a substitute motion to pass the bill out favorably as written. Senator Praeger seconded the motion. Upon request by the Chairperson, a voice vote was taken. The vote was 4-3 in favor of the bill. The motion passed.

Chairperson Hardenburger opened the hearing on **SB 133**.

SB 133 **Concerning certain counties; relating to planning and zoning**

Staff gave an overview of the bill stating this bill would eliminate the 60-90 day comment period currently required by "urban counties" in the state in regard to planning and zoning changes. Johnson County is the only county in the state designated an "urban county".

Joyce Coker, Intergovernmental and Community Relations Coordinator for Johnson County, appeared in support of the bill. She testified that Johnson County is the only county in Kansas with this statute and asked for Johnson County laws to be consistent with the time requirements for all other counties in the state to providing a 20-day notice of public hearing to consider amendments to comprehensive plans, zoning

regulations, and subdivision regulations (Attachment 2).

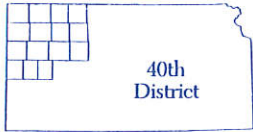
Chairperson Hardenburger closed the hearing on the bill.

Senator Vidricksen made a motion to pass the bill out favorably. Senator Steineger seconded the motion. The motion passed.

The meeting was adjourned at 2:20 p.m.

The next meeting is scheduled for February 12, 1997.

STAN CLARK
STATE SENATOR



COMMITTEE ASSIGNMENTS

VICE CHAIR: UTILITIES
MEMBER: AGRICULTURE
FINANCIAL INSTITUTIONS
AND INSURANCE
RULES AND REGULATIONS
ARTS AND CULTURAL RESOURCES

TOPEKA

SENATE CHAMBER

**TESTIMONY BEFORE THE
SENATE ELECTIONS AND LOCAL GOVERNMENT
COMMITTEE**

SENATE BILL NO. 116

February 11, 1997

Madam Chair and members of the Committee:

The current Kansas Open Records statute prohibits:

1. The person that acquires a list of names and addresses under this statute from using this list for a commercial purpose to sell goods and services.
2. Selling or giving a list of names and addresses to another person who would use the list to sell goods and services.

Senate Bill 116 adds a third prohibition to this list. This bill prohibits the use of this list for the purpose of solicitation of gifts or donations. Last year the Director of Property Valuation received a request from a charity for a list of the names and address of all property owners in 23 counties that owned property valued at \$50,000 or more for the purpose of a holiday direct mail campaign. The request asked that the information be provided on computer disk in ASCII format. PVD provided this information at a cost of \$34 total, not \$34 per county, but \$34 for all 23 counties. 12 of the counties happen to be in my legislative district and many of the county commissioners contacted me about changing the law because they and I feel this is an improper use of property valuation records and should not be used to create mailing lists for solicitation.

I have attached a copy of the letter of request from the nonprofit organization, several letters from county commissioners. I would ask that you move this bill out favorably and would be glad to answer any questions.

COPY



2120 W 25th St. Ste. B
Lawrence, KS 66047
913/843-3550
913/843-0328 fax

August 5, 1996

Director of Property Evaluations
Kansas Department of Revenue
915 SW Harrison St.
Docking State Office 4th Floor
Topeka, KS 66612-1585

Dear Sirs:

I am making an open records request of individual property owners with property valued at \$50,000 and more in the following counties:

Chase, Cherokee, Cheyenne, Clark, Clay, Comanche, Decatur, Ellis, Ford, Gove, Graham, Gray, Hodgeman, Linn, Logan, Meade, Norton, Rawlins, Sheridan, Sherman, Thomas, Trego and Wallace.

I am requesting that the list be provided on computer disk in ASCII format.

The names will be used for a holiday direct mail campaign to raise funds in the counties for American Red Cross services including Armed Forces Emergency Services, single-family fire and other disaster assistance. If you have any questions, please call me at 913/843-0550. Thank you for your assistance.

Sincerely,

Nancy K. Dettmer
Kansas Financial Development Specialist

*Need HR to
legislate -
suggested language
for change*

cc: County Tax Assessment Office in Chase, Cherokee, Cheyenne, Clark, Clay, Comanche, Decatur, Ellis, Ford, Gove, Graham, Gray, Hodgeman, Linn, Logan, Meade, Norton, Rawlins, Sheridan, Sherman, Thomas, Trego and Wallace Counties.

45-220

el B. Betts
B. Brown
Ralph D. Unger
Commissioners
913-475-8101

Marilyn Horn
County Clerk
913-475-8102

Pat Fringer
County Treasurer
913-475-8103

Steven W. Hirsch
County Attorney
913-475-8104

Patricia M. Whetzel
Register Of Deeds
913-475-8105

Ken Badsky
County Sheriff
913-475-8100

Bert Cool
EPA Director
913-475-8100

John E. Bremer
Magistrate Judge
913-475-8108

Janet Meitl
Clerk Of The District Court
913-475-8107

Tim Stallman
Road Supervisor
913-475-8111

Gaylen Huntley
County Weed Director
913-475-8128

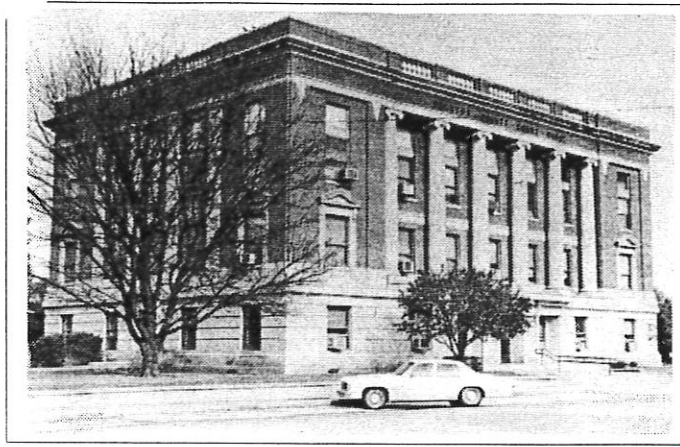
Eugene W. Wurm
County Appraiser
913-475-8109

Marilyn Gamblin
Health Administrator
913-475-8118

John Barrett
Ambulance Director
913-475-8126

Jeanne Pachner
Chief Dispatcher
913-475-8110

Bill Cathcart
Fire Chief
913-475-8100



County Cl. Decatur

P.O. Box 28,

Oberlin, Kansas 67749-0028

August 20, 1996

Senator Stan Clark
205 US #83
Oakley KS 67748

John Faber
RR
Brewster KS 67732

Gentlemen:

Enclosed is a copy of a letter our county received from the American Red Cross at Lawrence, indicating to us that the American Red Cross is going to be using property owner records in a number of counties in Kansas to develop a direct funds solicitation for their organization. It is our understanding that PVD has provided these records to the American Red Cross for all 23 counties at a cost of \$34 total; not \$34 per county but \$34 for all 23 counties.

We think that the use of these lists for funds solicitation is not what the Legislature intended public records to be used for. Currently the Open Records prohibition does not allow people to use public records for purposes of selling goods or services, or solicitation for sale of goods or services; but, there is nothing in the statute right now that prohibits, as near as we can tell, a solicitation for charitable giving.

While certainly the American Red Cross is a very worthwhile charity, we think it is objectionable to use public records for the purpose of solicitations and fund-raising. We would respectfully request that you review this letter and attempt to have legislation adopted in the next session of the Legislature which would close this loophole.

Sincerely yours,

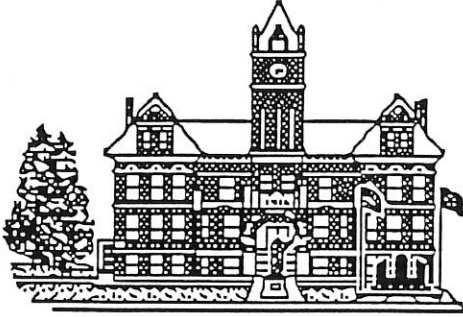
BOARD OF COMMISSIONERS



Ralph D. Unger, Chairman

RDU:ps

cc: County Commissioners in Chase, Cherokee, Cheyenne, Clark, Clay, Comanche, Ellis, Ford, Gove, Graham, Gray, Hodgeman, Linn, Logan, Meade, Norton, Rawlins, Sheridan, Sherman, Thomas, Trego and Wallace Counties



ROSALIE SEEMANN
THOMAS COUNTY CLERK
300 N. COURT
COLBY, KS. 67701

August 30, 1996

Senator Stan Clark
205 US#83
Oakley KS 67748


Senator Clark:

The Thomas County Commissioners wholeheartedly agree with the letter the Decatur County Commissioners sent concerning the American Red Cross asking for and getting a copy of chosen landowners of several counties.

We also agree the American Red Cross is a very worthwhile charity, records should not be used for this purpose.

If we can be of assistance in promoting legislation for this purpose we will be happy to do so.

Sincerely,

Thomas County Commissioners
Glen Kersenbrock
Duane Dawes
Ron Evans
By County Clerk 
Rosalie Seemann

CC: County Commissioners of Northwest Kansas
Southwest Kansas Commissioners
Representative Jim Morrison

d Meets Every Mon
Claims Paid Last Business Day
of Each Month

Board of
County Commissioners
Trego County
Telephone 913-743-5775 (meetings)
743-5773 (Clerk)
FAX 743-2461
216 Main Street
WaKeeney, Kansas 67672

Arlene Eveleigh
Leary J. Johnson, WaKeeney
Gleyn A. Lowe, WaKeeney
Kathleen Conness, County Clerk

August 29, 1996

Senator Stan Clark
205 US Highway
Oakley, KS 67748

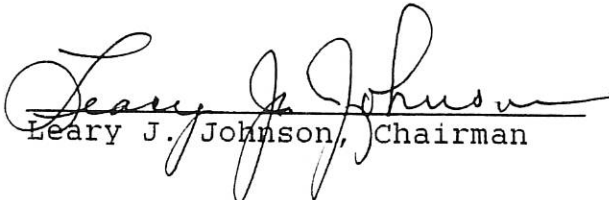
Dear Senator Clark:

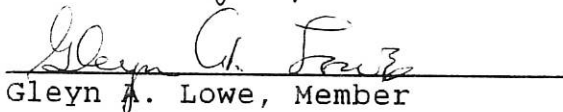
The County Commissioners share the same concerns that are indicated
in this letter from Decatur County.

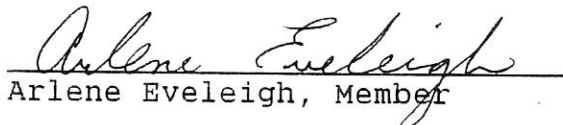
We respectfully request your action on this matter.

Sincerely,

BOARD OF COUNTY COMMISSIONERS


Leary J. Johnson, Chairman


Gleyn A. Lowe, Member


Arlene Eveleigh, Member

rs
Enclosure

RAWLINS COUNTY

Atwood, Kansas 67755

607 Main

FAX # 913-626-9019

MEREDITH HRNCHIR County Clerk
CHERYL WEDERSKI County Treasurer
CAROLYN MARSHALL Register of Deeds
H. SCOTT BEIMS County Attorney
JACK MARIS Sheriff
AUDREY DIXSON County Appraiser



CHARLES E. UNGER County Commissioner
WILLIAM H. LEWIS County Commissioner
GORDON R. HAWKINS County Commissioner

September 16, 1996

Senator Stan Clark
205 US #83
Oakley, Kansas 67748

Dear Senator Clark:

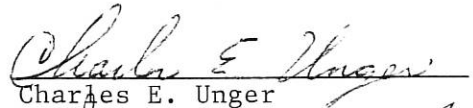
The Rawlins County Commissioners wholeheartedly agree with the letter sent by Decatur County Commissioners regarding the American Red Cross asking for and getting a copy of chosen landowners of several counties from Property Valuation Department.

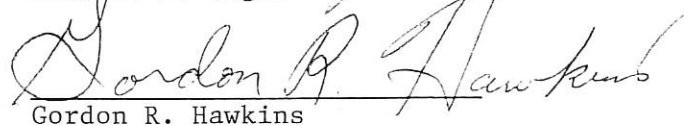
We also agree that although the American Red Cross is a very worthwhile charity, records should not be used for this purpose.

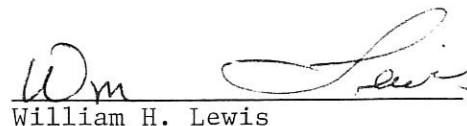
If we can be of assistance in promoting legislation for this purpose, we will be happy to do so.

Sincerely,

RAWLINS COUNTY COMMISSIONERS:


Charles E. Unger


Gordon R. Hawkins


William H. Lewis

COUNTY OF SHERIDAN
OFFICE OF THE COUNTY CLERK

PAULA BIELSER
COUNTY CLERK

PO BOX 899
HOXIE, KANSAS 67740

SHIRLEY MIERMEIER
DEPUTY

PHONE 913-675-3361 FAX 913-675-3050

LEA HERL
DEPUTY

Senator Stan Clerk
205 US 83 Hwy
Oakley, Ks 67748

Senator Clerk:

The Sheridan County Commissioners would like to express their disapproval in allowing the property valuation department to comply with the request made by the American Red Cross to obtain names of property owners from their data files supplied to them by Kansas counties.

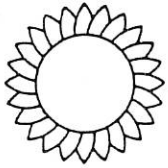
Although these records are considered to be "open records", we feel they should possess some degree of confidentiality.

We would be happy to assist with any legislative action to prevent these records from being used for anything other than governmental purposes.

Respectfully,

Sheridan County Commissioners
Norman Kliever
Dean Thomas
Stanley Rogers
By Paula Bielser
County Clerk

cc: Morrison, Bodenkamper, John Graves



Senate Elections and Local Government Committee
Testimony regarding SB 133
February 11, 1997

Submitted by
Joyce Coker, Intergovernmental and
Community Relations Coordinator
for Johnson County

Madam Chairwoman and members of the committee, my name is Joyce Coker, Intergovernmental and Community Relations coordinator for Johnson County. I am representing the Johnson County Board of Commissioners today to ask you to consider a procedural change as described in SB 133.

As the only county in Kansas designated an "urban county," Johnson County follows a unique state statute (K.S.A. 19-2958) that governs the procedure the county must use to notify the public before amending its comprehensive plan and zoning regulations. State statute for "urban counties" currently requires that Johnson County provide a 60- to 90-day comment period--the only county in the state required to do so. Johnson County would like to eliminate this comment period so that the amount of time required to pass an amendment is consistent with the time required for all other counties and cities in Kansas.

Presently, cities and counties in Kansas, including Johnson County, must provide a 20-day notice of public hearing to consider amendments to comprehensive plans, zoning regulations, and subdivision regulations. We believe this is ample time. After the Planning Commission makes a recommendation, however, Johnson County is the only county required to wait an additional 60 to 90 days before the County Commission can act.

Because the county believes it is important to notify neighboring entities and interested parties so they are able to provide feedback on changes being considered, the county shares agendas of upcoming commission meetings with neighboring jurisdictions and frequently sends advance copies of staff reports and applications to neighboring cities when an issue will affect them. Our Planning Director Roger Kroh, who is here with me today to help answer questions, has consulted with city administrators or planning directors of the cities that abut our unincorporated area. None of them object to our proposed elimination of the 60- to 90-day comment period because the county and cities all continue to exchange agendas and notices.

We believe that eliminating the 60- to 90-day comment period in a manner consistent with the time requirements for other counties in Kansas would allow Johnson County to streamline its notification/ amendment procedure and eliminate delays for both the county and for its developers and other citizens.

Thank you for allowing us to share this testimony. We would be happy to answer your questions.

SENATE ELECTIONS + LOCAL GOVERNMENT
2-11-97
ATTACHMENT 2