

Approved: Mar. 8 1999
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Lisa Benlon on March 3, 1999 in Room 521-S of the Capitol.

Committee staff present: Mary Galligan - Research, Dennis Hodgins - Research, Theresa Kiernan
Secretary June Constable

Proponents appearing: Rep. David Atkins, Carol Williams, Don Moller, Stacey Farmer

Opponents: Harriet Lange

Others attending: See Guest List, attached to these Minutes.

Silent roll for the House Committee was taken by the Secretary. All committee members were present except Melanie Barnes was absent.

Chair Lisa Benlon opened the hearing on **SB 68**:

Revisor Theresa Kiernan briefed the committee on the provisions of **SB 68**. Several legislators asked questions.

Proponent Rep. David Atkins testified on the bill. No written testimony was provided. Questions were asked by Rep. Powers, Rep. Horst, and Representative Johnston.

In the absence of one of the testifying proponents of the bill, the Chair suspended the hearing until that proponent would arrive at the meeting.

The Chair opened the hearing on **SB 62**:

Theresa Kiernan gave an overview to the committee on the bill, explaining how the bill relates to agencies and the open meeting laws. Questions were asked by Rep. Powers, Rep. Horst, Rep. Storm, Rep. O'Connor, Rep. Toplikar and Rep. Shriver.

Proponent Don Moller of the League of Kansas Municipalities appeared and gave testimony and written testimony (Attachment #1). Questions were asked by Rep. Powers and Rep. Storm.

Proponent Stacey Farmer, of Kansas Association of School Boards testified and furnished written testimony (Attachment #2). No questions were asked by the legislators.

Opponent Harriet Lange, of Kansas Association of Broadcasters testified and provided written testimony (Attachment #3). Questions were asked of Ms Lange by Rep. Johnston, Rep. Welshimer, Rep. Powers, Rep. O'Connor and Rep. Horst.

There being no further questions from the legislators, and no further testimony, Chair Lisa Benlon Closed the hearing on **SB 62**.

Thereupon, the Chair resumed the hearing on **SB 68**:

Proponent Carol Williams spoke to the committee and provided written testimony (Attachment #4), explaining that the bill clarifies present law and that it provided the correct statutory language. Questions were asked by Rep. O'Connor, Rep. Powers and Rep. Johnston..

There being no further questions from the legislators, and no further testimony, Chair Lisa Benlon closed the hearing on **SB 68**.

Minutes for February 22 were passed out to the committee to be approved. Rep. O'Connor moved that the Minutes be approved as written. Rep. Horst seconded. The motion carried.

Chair Benlon announced that the next meeting scheduled for Monday, March 8, 1999 would include, among other items, the working of re-referred **HB 2077**, concerning splitting KDHE. Theresa Kiernan explained to the committee that there were problems in the bill having to do with the repealer section and there were corrections necessary to accomplish the provisions of the bill. Rep. Benlon suggested that Sec. Graber and someone from the Governors office be brought in to help with information in working the bill. At that time, there being no further business, the meeting was adjourned.



**League
of Kansas
Municipalities**

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LEGISLATIVE TESTIMONY

TO: House Governmental Organization and Elections Committee
FROM: Don Moler, General Counsel
RE: Support for SB 62
DATE: March 3, 1999

First I would like to thank the Committee for allowing the League to testify today on SB 62. As you all know, the League has taken a strong interest in the Open Meetings Act over the years and today is no exception. We are here today to support SB 62 and suggest it is a necessary addition to the Kansas Open Meetings Act.

The ability to maintain safety in public buildings, and for public officials and functions, is a key element in maintaining a free society. There may be no area in which the need for private communication among and between elected public officials may be more significant than in the area of security information regarding the security of a public body or agency, building or facility. The provision that this exception to the KOMA could only be used "if disclosure would jeopardize security of the public body or agency, building or facility" provides adequate safeguards for the use of the proposed exception to the act. As such, we wholeheartedly support the amendment to the Open Meetings Act contained in SB 62 and believe it represents sound public policy.

Once again I would like to thank the Committee for the opportunity to appear before you today and offer testimony regarding SB 62 and the Kansas Open Meetings Act.

*House Gov. Org.
March 3, 1999
Attachment # 1*

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
785-273-3600

TO: House Governmental Organization and Elections
FROM: Stacey Farmer
Governmental Relations Specialist
DATE: March 3, 1999
RE: Senate Bill No. 62

Madame Chair and Members of the Committee:

We appreciate the opportunity to appear before you on behalf of the member boards of education of the Kansas Association of School Boards to express our support for SB 62. While our members have not had the opportunity to formally express their opinion on this specific measure, they have spent a considerable amount of time in the past year reviewing and addressing issues related to school safety and security. In fact, a resolution encouraging school districts to adopt crisis management plans was introduced in the House of Representatives earlier this session. It seems reasonable to insure that the parts of these plans that are designed to deter or identify intruders not be made public knowledge.

Passage of this measure would allow the governing body of the school district to be briefed on security arrangements without jeopardizing the integrity of those arrangements. Thank you for your consideration.

*House Gov. Org.
March 3, 1999
Attachment # 2*



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House Committee on Governmental Organization and Elections
Wednesday, March 3, 1999
Regarding SB 62

Madam Chair and Members of the Committee, I am Harriet Lange, president and executive director of Kansas Association of Broadcasters. We serve a membership of free, over-the-air radio and television stations in Kansas. We appreciate the opportunity to appear on SB 62.

We question that there is a demonstrated need to give yet another exemption or excuse for local public bodies to meet outside of public view.

When balancing the public's access to a public body's decision-making process against the minute chance that the disclosure of security matters might result in harm, we feel you must come down on the side of openness. Why now is there a need to close meetings for this purpose?

We cannot legislate away all of the risks of living in an open and free society. When we do, we no longer have a free and open society.

We urge you not to pass SB 62. Thank you for your consideration.

*House Gov. Org.
March 3, 1999
Attachment #3*



GOVERNMENTAL ETHICS COMMISSION

**Testimony before Senate Elections and Local Government
in Support of Senate Bill 68
by Carol Williams
January 27, 1999**

Senate Bill 68 amends K.S.A. 1998 Supp. 46-236 which is a provision of the Governmental Ethics Laws. The Commission recommended this bill in its 1998 Annual Report and Recommendations.

The Commission believes this bill to be a technical clean-up bill. Currently, K.S.A. 1998 Supp. 46-236 references K.S.A. 17-1749 on line 28, and K.S.A. 17-1741 on line 30. Both of these provisions have been repealed. The necessary references are now included in K.S.A. 17-1761 and K.S.A. 17-1762. Therefore, the Commission requests 46-236 be amended to refer to the current statutory citations for charitable organizations.

The Commission urges passage of SB 68.

*Howe Gov. Org.
March 3, 1999
Attachment # 41*

mental agency or other source, unless such contributions are received in conjunction with a solicitation drive.

History: L. 1988, ch. 96, § 2; L. 1990, ch. 84, § 1; July 1.

17-1761. Same; registration of charitable organizations. Except for charitable organizations which are exempted under K.S.A. 17-1762, no charitable organization shall solicit funds in this state, nor employ a professional fund raiser or professional solicitor to solicit funds in this state, for any charitable purpose unless such charitable organization, and each professional fund raiser or professional solicitor employed by such charitable organization have filed all registrations and reports required by K.S.A. 17-1763, 17-1764 and 17-1765.

History: L. 1988, ch. 96, § 3; Jan. 1, 1989.

17-1762. Same; exemptions from registration. The following persons shall not be required to register with the secretary of state:

(a) State educational institutions under the control and supervision of the state board of regents, unified school districts, educational interlocals, educational cooperatives, area vocational-technical schools, all educational institutions that are accredited by a regional accrediting association or by an organization affiliated with the national commission of accrediting, any foundation having an established identity with any of the aforementioned educational institutions, any other educational institution confining its solicitation of contributions to the student body, alumni, faculty and trustees of such institution, and their families, or a library established under the laws of this state, provided that the annual financial report of such institution or library shall be filed with the attorney general;

(b) fraternal, patriotic, social, educational, alumni organizations and historical societies when solicitation of contributions is confined to their membership. This exemption shall be extended to any subsidiary of a parent or superior organization exempted by this subsection where such solicitation is confined to the membership of the subsidiary, parent or superior organization;

(c) persons requesting any contributions for the relief or benefit of any individual, specified by name at the time of the solicitation, if the contributions collected are turned over to the named beneficiary, first deducting reasonable expenses for costs of banquets, or social gatherings, if any,

provided all fund raising functions are carried on by persons who are unpaid, directly or indirectly, for such services;

(d) any charitable organization which does not intend to solicit and receive and does not actually receive contributions in excess of \$10,000 during such organization's tax period, as defined by K.S.A. 17-7501 and amendments thereto, if all of such organization's fund-raising functions are carried on by persons who are unpaid for such services. However, if the gross contributions received by such charitable organization during any such tax period is in excess of \$10,000, such organization, within 30 days after the end of such tax period, shall register with the secretary of state as provided in K.S.A. 17-1763 and amendments thereto;

(e) any incorporated community chest, united fund, united way or any charitable organization receiving an allocation from an incorporated community chest, united fund or united way;

(f) a bona fide organization of volunteer firemen, or a bona fide auxiliary or affiliate of such organization, if all fund-raising activities are carried on by members of such organization or an affiliate thereof and such members receive no compensation, directly or indirectly, therefor;

(g) any charitable organization operating a nursery for infants awaiting adoption if all fund-raising activities are carried on by members of such an organization or an affiliate thereof and such members receive no compensation, directly or indirectly, therefor;

(h) any corporation established by the federal congress that is required by federal law to submit annual reports of such corporation's activities to congress containing itemized accounts of all receipts and expenditures after being duly audited by the department of defense or other federal department;

(i) any girls' club which is affiliated with the girls' club of America, a corporation chartered by congress, if such an affiliate properly files the reports required by the girls' club of America and that the girls' club of America files with the government of the United States the reports required by such federal charter;

(j) any boys' club which is affiliated with the boys' club of America, a corporation chartered by congress, if such an affiliate properly files the reports required by the boys' club of America and that the boys' club of America files with the gov-

ernment of the United States the reports required by such federal charter;

(k) any corporation, trust or organization incorporated or established for religious purposes, or established for charitable, hospital or educational purposes and engaged in effectuating one or more of such purposes, that is affiliated with, operated by or supervised or controlled by a corporation, trust or organization incorporated or established for religious purposes, or to any other religious agency or organization which serves religion by the preservation of religious rights and freedom from persecution or prejudice or by fostering religion, including the moral and ethical aspects of a particular religious faith;

(l) the boy scouts of America and the girl scouts of America, including any regional or local organization affiliated therewith;

(m) the young men's christian association and the young women's christian association, including any regional or local organization affiliated therewith;

(n) any licensed medical care facility which is organized as a nonprofit corporation under the laws of this state;

(o) any licensed community mental health center or licensed mental health clinic;

(p) any licensed community mental retardation center and its affiliates as determined by the department of social and rehabilitation services;

(q) any charitable organization of employees of a corporation whose principal gifts are made to an incorporated community chest, united fund or united way, and whose solicitation is limited to such employees;

(r) any community foundation or community trust to which deductible contributions can be made by individuals, corporations, public charities and private foundations, as well as other charitable organizations and governmental agencies for the overall purposes of the foundation or to particular charitable and endowment funds established under agreement with the foundation or trust for the charitable benefit of the people of a specific geographic area and which is a nonprofit organization exempt from federal income taxation pursuant to section 501(a) of the internal revenue code of 1986, as in effect on the effective date of this act, by reason of qualification under section 501(c)(3) of the internal revenue code of 1986, as in effect on the effective date of this act, and which is deemed a publicly supported organization and not a private foundation within the mean-

ing of section 509(a)(1) of the internal revenue code of 1986, as in effect on the effective date of this act;

(s) any charitable organization which does not intend to or does not actually solicit or receive contributions from more than 100 persons;

(t) any charitable organization the funds of which are used to support an activity of a municipality of this state; and

(u) the junior league, including any local community organization affiliated therewith.

History: L. 1988, ch. 96, § 4; L. 1989, ch. 76, § 1; July 1.

17-1763. Same; registration statement; audited financial statement; issuance of license and identification number; fee; rules and regulations. (a) Except for charitable organizations exempt under K.S.A. 17-1762 and amendments thereto, no charitable organization shall solicit funds in this state, nor employ a professional fund raiser to solicit funds in this state, for any charitable purpose, unless such organization has filed with the office of the secretary of state of the state of Kansas, a registered statement prior to solicitation.

(b) The secretary of state shall prescribe registration forms which shall be signed and sworn to by two authorized officers of the organization, including the chief fiscal officer, and which shall include the following information about such organization's activities in this state:

(1) The name of the organization and the name or names under which it intends to solicit;

(2) the purpose for which such organization was organized;

(3) the principal mailing address and street address of the organization and the mailing addresses and street addresses of any offices in this state;

(4) the names and mailing addresses and street addresses of any subsidiary or subordinate chapters, branches or affiliates in this state;

(5) the place where and the date when the organization was legally established, the form in which such organization is organized and a reference to any determination of such organization's tax-exempt status, if any, under the federal internal revenue code of 1986;

(6) the names and mailing addresses and street addresses of the officers, directors, trustees and principal salaried employees of the organization;