

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Jene Vickrey at 3:30 p.m. on March 16, 2004 in Room 519-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Legislative Research Department
Mike Heim Legislative Research Department
Theresa Kiernan, Office of the Revisor of Statutes
Maureen Stinson, Committee Secretary

Conferees appearing before the committee:

Doug Anstaett, Kansas Press Association
Mike Merriam, Kansas Press Association
Harriet Lange, Kansas Association of Broadcasters

Others attending:

See Attached List.

The Chairman opened the hearing on:

HB 2922 public records; exceptions to disclosure

Proponents of the bill were scheduled to appear at today's meeting. Those conferees offering testimony in opposition and also those taking neutral positions will be appearing at the March 18, 2004 meeting.

Doug Anstaett, Executive Director, Kansas Press Association, presented the testimony of Rick Thames, *The Wichita Eagle*, in support of the bill (Attachment 1). He said the change regarding personnel records will allow a judge to consider times when it may be in the public's best interest to open portions of personnel records. He stated that the change pertaining to notes and preliminary drafts assumes that the public has a right to see material that is distributed to a majority of a quorum of a public body. Mr. Anstaett informed that the change concerning invasion of privacy allows the state attorney general to develop some reasonable rules to help custodians of records to determine what constitutes an unwarranted invasion of personal privacy.

Mike Merriam, Kansas Press Association, testified in support of the bill (Attachment 2). He explained that the bill came from discussions with representatives of the Kansas Press Association, Kansas Association of Broadcasters, Kansas Sunshine Coalition and the Attorney General's Office. Proposed amendments to the exceptions are as follows:

- Personnel records - Documentation of disciplinary measures, including termination, of public employees whose duties are a matter of the public trust, should be excluded from the personnel records exception;

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- Reference letters - The issue has arisen with some frequency in recent years when elected officials have resigned or been ousted from office and partisan party caucuses elect their successors. While making such caucuses subject to the Kansas Open Meetings Act would be a laudable goal, this provision simply addresses reference letters pertaining to the filling of such elected offices;
- Donations - This change is intended to compliment exception 4, which already makes public the salaries of public employees (and as amended by HB 2889, "actual compensation"). The change would cover employees who effectively receive consideration for their employment from other than public funds;
- Criminal Investigation Records - This measure would require only a citation to that portion of the disclosure criteria relied upon by the custodian;
- Correspondence - This measure is intended to address the problem of influence peddling. It retains the exception for constituent originated correspondence;
- Notes, drafts, data - The amendment here is intended to be supplemented with repeal of exceptions 21 and 22, consolidating the three exceptions;
- Public services - This repeal is based on a policy view that the provision of public services is inherently public;
- Personal privacy - This amendment delegates to the Attorney General rule making authority to guide custodians in determining what "clearly unwarranted invasion" means in matters of personal privacy.

Harriet Lange, President/Executive Director, Kansas Association of Broadcasters, appeared in support of the bill (Attachment 3). She explained that this bill reflects the items that were not agreed upon between the members of the working group who brought forth **HB 2889**. She said that the Kansas Association of Broadcasters is in agreement with testimony offered by Mike Merriam, Kansas Press Association.

The Chairman closed the hearing on: **HB 2922**

SB 461 limitations on acquisition of land by eminent domain by a port authority and county

Letters from Sen. Goodwin (Attachment 4) and Rep. Shriver (Attachment 5) were distributed to the Committee. Both their letters included a letter written jointly by two of the three Cowley County Commissioners in support of **SB 461**. The letter from the two Cowley County Commissioners urged passage of the bill.

Rep. Yonally made a motion to amend **SB 461** in sections 1 and 3 to make the language specific to only Cowley County. Rep. Lane seconded the motion. The motion carried.

Rep. Ostmeyer made a motion for the favorable passage of **SB 461** as amended. Rep. Yonally seconded the motion. The motion carried.

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Rep. E. Johnson made a motion to approve the minutes of the March 11, 2004 meeting. Rep. Lane seconded the motion. The motion carried.

The meeting was adjourned at 4:35 p.m.

The next meeting is scheduled for March 18, 2004.