

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT

The meeting was called to order by Chairman Tim Huelskamp at 1:30 P.M. on February 16, 2005 in Room 423-S of the Capitol.

All members were present.

Committee staff present: Martha Dorsey, Kansas Legislative Research Department
Mike Heim, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes
Janet Engel, Committee Secretary

Conferees appearing before the committee:

Phill Kline, Attorney General
Brad Bryant, Secretary of State's Office
Michael Byington, KS Assn for the Blind & Visually Impaired, Inc.
Kevin Siek, Topeka Independent Living Resource Center
Michael Donnelly, Disability Rights Center of KS

Others attending: See attached list.

Presentation

Senator Huelskamp invited the Attorney General to visit with the committee about open meetings. Given some of the topics the committee discussed dealing with open meetings or open records, it is appropriate to hear from General Kline for a little insight into things we've been reading about during the last few days concerning meetings with board of education members.

Phill Kline, Kansas Attorney General, addressed the committee about open meetings law and activities and fielded questions. He explained what happened related to his meetings with state board of education members. He checked with his staff before the meetings to make sure they complied with open meetings law. The meetings would not have taken place if there had been any question about the appropriateness of what was planned. During those meetings, he provided guidance about constitutionality of action they were considering. Meeting were open and have been openly discussed since the meetings.

He stated that he takes open government very seriously. Has released more information than predecessors and provided office space to the media. He also defined terminology related to open meetings.

When questioned about why he sought guidance before the meetings, the General explained that he know it would be a violation if he called a meeting of the board or met with very many at once. When he offered to meet with some board members, he told his staff to make sure the meetings complied with state law. Checking to make sure is something his office generally does in such situations.

Chairman Huelskamp thanked General Kline, expressing his appreciation for the explanation and the discussion. He offered thanks on his behalf, and for others, for the vision General Kline provided for many years, not just this year, but the many years they have worked together on open records issues and personal privacy issues, as well as the time spent the legislature."

Senator Betts expressed that the group is proud of General Kline and thanked him for a good job for the state of Kansas. Senator Betts went on to ask if it is fair that, as the top law enforcement official in Kansas, the General is held to higher standards under the state law than regular Kansans, and how has he met the higher standards?

General Kline replied that he met the higher standard by ensuring compliance with the law. And secondly by speaking openly about the nature of the meetings.

Senator Francisco questioned why General Kline met with just part of the state board of education instead of sharing his views with everyone at their regular meeting that evening.

General Kline did not know there was a state board of education meeting that day. He asked his staff to

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put the meetings together in compliance with the law. He also anticipated that the discussion content would be made known and had no problem with that.

Chairman Huelskamp thanked the Attorney General for his willingness to discuss the events surrounding his meetings with members of the State Board of Education. Following the comments of the General, the Chairman indicated his confidence that there was no violation of the intent or the spirit of the Kansas Open Meetings Act. In fact, the General's public openness is a model to be imitated by other public officials, including legislators and other executive officers. He also expressed appreciation of bills that the Attorney General's office has worked closely with the Kansas Press Association to introduce to the Kansas Legislature.

Hearing on SB 142 - Elections; security of advance voting ballots.

Ken Wilke, committee staff, summarized the bill. It is partly cleanup from the 2004 session and partly related to ballot security.

Proponents

Brad Bryant provided testimony (Attachment 1) and answered questions. It is the intent of line 28 on page 3 that voters will still sign for themselves if they can.

Michael Byington provided testimony (Attachment 2) and answered questions.

Opponents

Kevin Siek provided testimony (Attachment 3) and answered questions.

Michael Donnelly provided testimony (Attachment 4) and (Attachment 5) and answered questions.

Senator Huelskamp closed the hearing.

Hearing on SB 143 - Elections; direct recording electronic voting systems

This hearing was rescheduled for February 17, 2005, due to lack of time. Attachments distributed for the hearing will be attached to those minutes.

Discussion of SB 78 - Open records; exceptions; personnel records; reconciling conflicts in duplicate statutes.

Discussion was held on this motion which was heard February 3. It was moved by Senator O'Connor and seconded by Senator Betts to favorably pass this bill as amended. Motion carried.

Closing

The next meeting is Thursday, February 17, 2005.

The meeting was adjourned at 2:35 p.m.