

To: House Federal and State Affairs Committee  
From: Eric B. Smith, Deputy General Counsel  
Date: March 27, 2017  
RE: Neutral testimony on SB 70

I want to thank Chairman Barker and the Committee members for allowing the League of Kansas Municipalities to provide neutral testimony on SB 70.

The League strongly supports open government and believes city business should be conducted in an open meeting. There are times, however, when a city governing body needs to discuss confidential matters in an executive session. Under current law, a motion to recess into executive session requires a statement including: (1) the justification for closing the meeting; (2) the subjects to be discussed; (3) and the time and place the open meeting will resume. The League consistently educates cities on the proper motion to recess into executive session and believes it is well established law that governing bodies follow. The following statement is an example motion provided in the League's *Kansas Open Meetings Manual*: "I move the city council recess into executive session pursuant to the nonelected personnel matters exception, K.S.A. 75-4319(b)(1), in order to discuss a performance matter involving a city employee, the open meeting to resume in the city council chamber at 7:25 p.m."

This bill would amend current law to require: (1) a statement describing the subjects to be discussed; (2) the justification for closing the meeting; and (3) the time and place the open meeting will resume. The real change this bill makes is the addition of the words "statement describing" when referring to the subject to be discussed in executive session. As you can tell from the example motion in the above paragraph, the League has always recommended there be a statement explaining the subject and not just a one word subject. The League does not have any issue with this change. The bill also makes a necessary statutory cleanup by eliminating (b)(10) and (16) relating to repealed statutes.

Thank you for this opportunity for the League to testify on this bill.