

MINUTES OF THE HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Jene Vickrey at 3:30 P.M. on February 22, 2005 in Room 519-S of the Capitol.

All members were present except:

Representative Frank Miller- excused
Representative Tom Holland- excused
Representative Oletha Faust-Goudeau- excused
Representative Melody Miller- excused

Committee staff present:

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

Conferees appearing before the committee:

Phill Kline, Attorney General
Doug Anstaett, Kansas Press Association
Mike Kautsch
John Lewis, Kansas Press Association
Harriet Lange, Kansas Association of Broadcasters
Danielle Noe, Johnson County Board of County Commissioners
Mark Tallman, Kansas Association of School Boards
Sandy Jacquot, League of Kansas Municipalities
Sam Alpert, Heartland Apartment Association
Dave Holtwick, Homebuilder's Assoc. Of Greater Kansas City
Chris Erdley, Tower Properties
Rick Oddo, Oddo Development Company
Jim Beverlin, Cohen-Esrey Real Estate Services, Inc.
Chris Wilson, Kansas Building Industry Assoc.
Kim Gulley, League of Kansas Municipalities
Randall Allen, Kansas Association of Counties
Dennis Schwartz, Kansas Rural Water Association
Erik Sartorius, City of Overland Park

Others attending:

See attached list.

HCR 5006 Constitutional amendment providing access to public records and public meetings

Phill Kline, Attorney General, testified in support of the bill (Attachment 1). He explained that the proposed amendment would not open up any meetings/discussions or public records that are currently closed by Kansas or federal laws. He said it would, however, require a 2/3 Legislative vote to enact any new laws creating exceptions to the general requirement that public meetings (as defined by K.S.A. 75-4317a) or public records (as defined by K.S.A. 45-217) be open to the public.

Doug Anstaett, Kansas Press Association, testified in support of the bill (Attachment 2). He said the bill is the result of a cooperative effort between the Kansas Press Association, Kansas Attorney General's Office, and a bipartisan coalition of state legislators and the governor. He explained that the bill reinforces the fundamental right of all citizens to participate as full and equal partners in the governmental process.

Mike Kautsch testified in support of the bill (Attachment 3). He said that if the proposed constitutional amendment is adopted, the state's value on openness would be fully protected.

John Lewis, Kansas Press Association, testified in support of the bill (Attachment 4). He said a constitutional amendment will raise the awareness among citizens and records custodians that open government is not, merely, a statutory privilege, but rather is the public policy of our state.

Harriet Lange, Kansas Association of Broadcasters, testified in support of the bill (Attachment 5). She said the constitutional amendment will increase awareness of the public's right to access and will heighten the importance of open government in public officials' minds.

Danielle Noe, Johnson County Board of County Commissioners, testified in opposition to the bill (Attachment 6). She said they believe that **HCR 5006** will only complicate issues surrounding open records and open meetings rather than solve them.

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Mark Tallman, Kansas Association of School Boards, testified in opposition to the bill (Attachment 7). He said they oppose the measure because they believe it is unnecessary to amend the Kansas Constitution to provide open government.

Sandy Jacquot, League of Kansas Municipalities, testified in opposition to the bill (Attachment 8). She said adopting a constitutional amendment to do what statutes are already doing very effectively is unnecessary.

Chairman Vickrey closed the hearing on **HCR 5006**.

HCR 5006 Constitutional amendment providing access to public records and public meetings

Rep. Goico made a motion for the favorable passage of HCR 5006. Rep. Lane seconded the motion.

Rep. Swenson made a motion to table the motion for the favorable passage of HCR 5006. Rep. Yonally seconded the motion. Motion failed.

Interim Study Topic Request

Rep. Sawyer made a motion to request an interim study topic concerning counties and awarding of contracts, when bids required. Rep. Lane seconded the motion. Motion carried.

HB 2281 **Disposition of gubernatorial records**

Rep. Yonally made a motion to adopt the balloon amendment (Attachment 9) to make several detailed records-related concerns as suggested by the State Archivist. Rep. Goico seconded the motion. The motion carried.

Rep. Goico made a motion for the favorable passage of HB 2281 as amended. Rep. Oharah seconded the motion. The motion carried.

HB 2230 **Unilateral annexation; boundary commission**

At the Chairman's request, the Committee discussed an attachment submitted by Dennis Schwartz (Attachment 10) relating to unilateral annexation.

Rep. Lane made a motion for the favorable passage of HB 2230. Rep. Otto seconded the motion.

Rep. Lane withdrew his motion.

Rep. Lane made a motion to adopt the balloon amendment (Attachment 11) to require the three members representing the landowners be selected by the board of county commissioners in the county, and require the seventh member be selected by the other six members. Rep. Otto seconded the motion. The motion carried.

Rep. Lane made a motion for the favorable passage of HB 2230 as amended. Rep. Beamer seconded the motion. The motion carried.

Chairman Vickrey opened the hearing on:

HB 2321 **Municipalities; user fees or charges**

Sam Alpert, Heartland Apartment Association, testified in support of the bill (Attachment 12). He said the measure illustrates a way in which state government can best assure its citizens that local "user fees", regularly enacted to augment general tax revenues in support of public services and infrastructure, are being equitably conceived and justly administered. Included in his testimony are suggested amendments to the bill.

Dave Holtwick, Homebuilder's Association of Greater Kansas City, testified in support of the bill (Attachment 13). He said adoption of the bill would be a major step forward for providing a measure that would remind municipalities of their responsibilities to invest their tax dollars prudently, and that there are no simple funding remedies for irresponsibility.

Chris Erdley, Overland Park, testified in support of the bill (Attachment 14). He said the adoption of the bill would be a major step forward for providing a measure that would remind municipalities of their responsibilities to invest their tax dollars prudently and that there are no simple funding remedies for irresponsibility.

Rick Oddo, Oddo Development Company testified in support of the bill (Attachment 15). He said municipalities are increasing and adding user fees on many occasions as revenue increasers, and they are not always applied fairly nor are they able to justify what the fees are for.

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Jim Beverlin, Cohen-Esrey Real Estate Services, Inc. testified in support of the bill ([Attachment 16](#)). He distributed to the Committee information concerning sample user fees for their business.

Chris Wilson, Kansas Building Industry Association, testified in support of the bill ([Attachment 17](#)). She said the bill requires that municipalities think through the costs of providing service and determine at what level a service fee should be in order to recoup the cost of providing the service. She offered an amendment within her testimony allowing analysis to be done by any staff member or officer of the city.

Kim Gulley, League of Kansas Municipalities, testified in opposition to the bill ([Attachment 18](#)). She said the bill would have a serious, negative impact on all of the 627 cities in the State.

Danielle Noe, Johnson County Board of County Commissioners, testified in opposition to the bill ([Attachment 19](#)). She said that Counties, like other municipalities, often use more than one funding stream to pay for services.

Randall Allen, Kansas Association of Counties, testified in opposition to the bill ([Attachment 20](#)). He urged the Committee to reject the bill, and allow local accountability in local government to continue to work.

Dennis Schwartz, Kansas Rural Water Association, testified in opposition to the bill ([Attachment 21](#)). He said the bill appears to require for, yet, further analysis by another accountant, thus adding further to the cost of public water systems' operations.

Mark Tallman, Kansas Association of School Boards, testified in opposition to the bill ([Attachment 22](#)). He said because the bill defines "municipalities" as any political subdivision of the State, it would appear to apply to school districts.

Erik Sartorius, City of Overland Park, testified in opposition to the bill ([Attachment 23](#)). He said they believe the legislation will needlessly drive up the cost of government while not providing any measurable benefits to taxpayers.

Written testimony in opposition to the bill was submitted by Michael Boehm, Mayor, City of Lenexa ([Attachment 24](#)).

Chairman Vickrey adjourned the meeting.

The next meeting will be Thursday, March 3, 2005.

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