

## MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Jene Vickrey at 3:30 p.m. on February 17, 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:

Rep. Brenda Landwehr, Kansas House  
Rep. Tom Sawyer, Kansas House  
Doug Anstaett, Kansas Press Association  
Marjorie Blaufuss, Kansas National Education Association  
Jim Edwards, Kansas Association of School Boards  
Rep. Carol Beggs, Kansas House  
Marilyn Nichols, Kansas Register of Deeds  
Justin Dragosani-Brantingham

Others attending:

See Attached List.

The Chairman opened the hearing on:

### **HB 2767 open meetings: time to pursue penalties extended to 180 days**

Rep. Landwehr testified in support of the bill. She provided no written testimony. She said the bill which amends the Kansas Open Meetings Act (KOMA) extends the time period from 10 to 180 days for the Attorney General or a county or district attorney to bring an action in court to void any binding action taken by the public body or agency taken in violation of KOMA.

Rep. Tom Sawyer testified in support of the bill (Attachment 1). He said that under the current law which requires that any challenge be made within 10 days of the meeting in which the violation occurred, a "catch 22" situation is created, making it almost impossible for a suit to be filed in cases where a governing body hid their actions from the public.

Doug Anstaett, Kansas Press Association appeared in support of the bill. He provided no written testimony.

Marjorie Blaufuss, Kansas National Education Association, testified in support of the bill (Attachment 2). She said that the purpose of the Kansas Open Meetings Act is to ensure that governmental affairs and the

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transaction of governmental business are conducted in the open allowing the public an opportunity to participate in the process.

Jim Edwards, Governmental Relations Specialist, Kansas Association of School Boards, appeared in opposition to the bill (Attachment 3). He noted the following reasons for their opposition:

- Innocent third parties would be penalized rather than those violating the statute;
- Most providing services, undertaking construction projects or contracting for sales of items would be unwilling to do anything until the 6-month deadline passes;
- The added costs for these delays hurt both sides in the contract, and in the end, the patrons of the district.

The Chairman closed the hearing on: **HB 2767**

### **HB 2600**      **counties, sale or disposition of county property**

Rep. Lane made a motion for the favorable passage of **HB 2600**. Rep. Reitz seconded the motion. The motion carried.

### **HB 2605**      **Topeka and Shawnee county public library; detachment of certain territory**

Rep. Lane made a motion for the favorable passage of **HB 2605**. Rep. Huy seconded the motion. Rep. Yonally made a motion to amend **HB 2605** to include the provision that the Legislature shall not meet past midnight at any time during the Legislative Session. Chairman Vickrey ruled the motion by Rep. Yonally to be not germane to the bill. The vote was taken on the original motion by Rep. Lane for the favorable passage of **HB 2605**. The motion carried.

### **HB 2654**      **Annexation by cities, election; extension of municipal services required; procedure to deannex**

Rep. Toelkes made a motion to amend **HB 2654** as per the balloon amendment (Attachment 4). Rep. Gilbert seconded the motion. The motion to amend the bill carried. Rep. Lane made a motion for the favorable passage of **HB 2654** as amended. Rep. Toelkes seconded the motion. The motion failed.

The Chairman opened the hearing on:

### **HB 2758**      **open records act; exemptions; military discharge forms**

Rep. Beggs testified in support of the bill. He provided no written testimony. Rep. Beggs said he was appearing also as the Legislative Liaison for the Retiree Counsel of Ft. Riley. He said the bill would amend the Kansas Open Records Act (KORA) to add an exception from the openness requirement for military discharge papers. He stated that the bill is needed to protect the privacy of veterans, e.g., their social security numbers and other personal information when they voluntarily file discharge papers (DD Form 214) with the Register of Deeds.

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Marilyn Nichols, Kansas Register of Deeds Association, testified in support of the bill ([Attachment 5](#)). She explained that the Register of Deeds is responsible for the recording of various instruments concerning real estate transactions for each respective county. She said that requests made for copies of DD 214's are sometimes made by various persons or by certain entities that assists the veteran or are family members. She requested an amendment clarifying that certain persons would have access to the information.

Doug Anstaett, Kansas Press Association, testified in opposition to the bill ([Attachment 6](#)). He said that there is no public purpose to file a veteran's DD Form 214 with the Register of Deeds. He stated that the bill would require the register of deeds to mix public and private records in the same office and to close a portion of those records to the public.

Justin Dragosani-Brantingham testified in opposition to the bill ([Attachment 7](#)). He said that the solution is not a restriction of the document, but redaction of the Social Security number by the Register of Deeds. He explained that the Register of Deeds can already charge a reasonable fee for this service under the Kansas Open Records Act. He said that the language of this bill would allow complete closure of a record that has never been legally restricted in Register of Deeds offices.

Written testimony in opposition to the bill was submitted by:

- Jane Kelsey ([Attachment 8](#))
- John Lewis ([Attachment 9](#))

The Chairman closed the hearing on: **HB 2758**

The meeting was adjourned at 5:15 p.m.

The next scheduled meeting is February 19, 2004.