

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE.

The meeting was called to order by Chairperson Representative Don Myers at 3:30 p.m. on February 12, 2003 in Room 521-S of the Capitol.

All members were present.

Committee staff present: Ken Wilke, Revisor
Dennis Hodgins, Research
Kathie Sparks, Research
Shirley Weideman, Secretary

Conferees appearing before the committee:

HB 2149 Proponents:

Harriet Lange, Kansas Association of Broadcasters
Rick Thames, Editor, The Wichita Eagle
Senator Jean Schodorf (written testimony only)
Representative Jo Ann Pottorff (written testimony only)
Dan Dillon, News Director, KFDI Radio, Wichita (written testimony only)
Will Kennedy, Exec. Editor, Topeka Capital-Journal (written testimony only)
Richard Brack, Lawrence Journal-World (written testimony only)

Opponent:

Don Moler, Exec. Director, League of Kansas Municipalities

Others attending: See attached list.

Chairman Myers ask Revisor Ken Wilke to give the committee an overview of **HB 2149**. Ken said that this bill deals with task forces, advisory committees or sub-committees of advisory committees for elected officials. Once they have been elected and certified by the board of canvassers and the secretary of state's office, from that date until the date of swearing in, all advisory committees and task forces created by the elected official will be subject to this act. Ken responded to questions asked by committee members.

Committee Chair Myers opened the hearing on **HB 2149 - Open meetings; inclusion of advisory committees of newly elected officials.**

Harriet Lange, Kansas Association of Broadcasters appeared before the committee as a proponent of **HB 2149**. Ms. Lange said that as a plaintiff in "*The Associated Press, et al v. Kathleen Sebelius and The Governor Elect Transition Office*", she and the KAB appreciate the opportunity to clarify the Kansas Open Meetings Act. Ms. Lange said that **HB 2149** will: 1) stipulate in statute that all governmental task forces, advisory committees and subcommittees are subject to KOMA; and 2) extend KOMA to all newly elected public officials and task forces and advisory committees they may appoint. Ms. Lange quoted from Judge Rosen's decision ".....KOMA's purpose and design rests on the premise that the foundation of our government is dependent upon an informed electorate. When meetings that directly impact public policy of our state occur out of the public eye or ear, our democracy is put in jeopardy." (Attachment 1) Ms. Lange responded to questions asked by committee members.

CONTINUATION SHEET

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE at on February 12, 2003 in Room 521-S of the Capitol.

Ms. Lange brought written testimony from Dan Dillon, News Director of KFDI, Wichita as a proponent for **HB 2149**. His view is that it is the news media's job to let viewers, listeners and readers know that budget-review sessions are not policy and no hard evidence of future budget cuts. Mr. Dillon said that the news media would have emphasized that in their reporting, so the people in the group meeting shouldn't feel that they can't be frank when the meeting is open to the public. (Attachment 2)

Chairman Myers brought the committee's attention to the written testimony from Senator Jean Schodorf. She is a proponent for **HB 2149**. She states in her testimony that Statute K.S.A.75-4317 declares open meetings as the policy of the state and this proposed legislation brings any meetings of task forces, advisory committees or subcommittees of an incoming governor under the open meetings law. Also in her testimony, she has an example of the governor's BEST team recommendation to cut money and eliminate positions from a particular department, when the department affected didn't know why there was this recommendation or the background of it. (Attachment 3)

The committee's attention was also brought by Chairman Myers to the written testimony of Representative JoAnn Pottorff in support of **HB 2149**. In her testimony, she indicated that she supports the Kansas Open Meetings Act which contains a body of minimum standards for conducting open government meetings. Representative Pottorff also wrote that closed meetings should only be held in very limited circumstances. (Attachment 4)

James Bloom, editor and publisher of The Hutchinson News appeared before the committee as a proponent of **HB 2149**. He is in favor of clarifying the law so that all elected officials conduct the public's business in the open. In his testimony, he said that then Governor-elect Sebelius claimed that she had not taken the oath of office, and was not yet a public official, but she still had the Kansas Attorney General's office argue the case on her behalf in court. Mr. Bloom also indicated that Governor-elect Sebelius also tapped a state budget of \$150,000 to pay for expenses incurred by the transition team, moved the gubernatorial transition employees into offices on the East wing of the 2nd floor of the State House, and borrowed state employees from other government offices and agencies to work on her transition team while they were still on the state payroll. (Attachment 5) Mr. Bloom answered questions from the committee regarding newspapers affecting public opinion, members of the transition team fearing retaliation, and protection for whistle blowers.

The next proponent for **HB 2149** was Rick Thames, editor of The Wichita Eagle. He said he is speaking on behalf of the 230 daily and weekly newspapers that make up the Kansas Press Association. Mr. Thames also said that the intention behind this bill is that task forces or committees that meet and consider government matters on behalf of an elected official or government agency should conduct their meetings in public. He indicated that the act allows certain exceptions for sensitive matters. (Attachment 6) Mr. Thames responded to questions asked by committee members.

Two other proponents of **HB 2149** sent their written testimony. Richard Brack, Lawrence Journal World as a proponent of **HB 2149** questions how an office holder-elect can maintain a level of trust from the electorate if any meetings regarding public business are held in secret. (Attachment 7) Will Kennedy, executive editor of The Topeka Capital-Journal, sent written testimony in favor of **HB 2149**. He indicated that while some think that closed meetings encourage participants to speak more openly, open

CONTINUATION SHEET

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE at on February 12, 2003 in Room 521-S of the Capitol.

meetings bring in more people and , consequently more ideas and more discussion of those ideas. He wrote that he believes that **HB 2149** will close a loophole in the Kansas Open Meetings Act. (Attachment 8)

Don Moler, League of Kansas Municipalities, appeared before the committee as an opponent to **HB 2149**. He said he and his organization support the Kansas Open Meetings Act, but object to a subsection of **HB 2145**, (1)(2) of K.S.A. 75-4318, as it applies to city officials. He said that this legislation is directed at the power of an incoming Governor to create task forces, advisory committees or subcommittees of advisory committees, which would be subject to the KOMA. Mr. Moler also said the legislation should be limited to that specific issue. (Attachment 9) Mr. Moler answered questions asked by committee members.

Chairman Myers closed the hearing on **HB 2149**.

Chair Myers brought the committee's attention to the 5 sets of minutes for January 22, 27, 29 and February 3, 5 that they received at the last meeting. Representative Huebert moved that the minutes for these meetings be approved. Representative Huff seconded the motion. Motion passed..

The meeting was adjourned at 4:55 p.m. The next scheduled meeting is February 17.