

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE.

The meeting was called to order by Chairperson Senator Nancey Harrington at 10:30 a.m. on March 21, 2002 in Room 245-N of the Capitol.

All members were present.

Committee staff present: Russell Mills, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Theresa Kiernan, Office of the Revisor  
Nikki Kraus, Committee Secretary

Conferees appearing before the committee:  
Ben Burgess, Kansas Parole Board  
Chuck Simmons, Secretary of the Department of Corrections  
Trudy Aron, Exec. Dir., American Institute of Architects, Kansas

Others attending: Please see attached

Chairperson Harrington opened the public hearing on:

**SB 634–Kansas Parole Board; parole hearings and parole violation hearings; not subject to open meetings act**

Chairperson Harrington stated that this bill had been assigned to the Judiciary committee, but it was re-assigned to Federal and State Affairs through the request of Ben Burgess.

Ben Burgess, Kansas Parole Board, presented testimony in favor of the bill. ([Attachment 1](#))

Senator Vratil stated that if the Kansas Supreme Court had said that the Kansas administrative regulation had the full force and effect of the law, then this bill is unnecessary.

Mr. Burgess stated that when he had become a member of the Board two years ago, it was in the process of updating its regulations. He stated that during that process, the regulations went through the Attorney General's Office for consideration, and at the time that occurred, the Assistant Attorney General was the guru for the Open Meetings Act; he felt that it applied to these meetings despite our reservations.

In response to another question from Senator Vratil, Mr. Burgess stated that this bill was in response to more than one person in the Attorney General's office. Senator Vratil asked why the bill is amending K.S.A. 22-37-17 instead of adding this exception to the Open Meetings law. He stated that his concern was that if people wanted to know about exceptions to the law, they would go to the law itself, not check another area. Theresa Kiernan, Office of the Revisor, stated that she had placed the bill in this location because under the exceptions in Open Meetings law, it is okay to be closed under special circumstances, dependent on the subject matter and the time of convening. In response to Senator Vratil's concern, Ms. Kiernan stated that they might be able to cite the location of the bill under the Open Meetings section.

Following further discussion, Senator Gooch asked if the Board was going to be in executive session.

Mr. Burgess stated that the bill was designed to apply to parole hearings within the facility.

Senator O'Connor asked if the parole hearings were always in the facility, and Mr. Burgess agreed. Mr. Burgess stated that they were not subject to the Open Meetings law if a quorum of the Board was not present.

Mr. Burgess stated that the meetings were summarized, but that there were no minutes recorded, in response to a question from Senator Barnett.

CONTINUATION SHEET

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Chuck Simmons, Secretary of the Department of Corrections, presented testimony in favor of the bill. (Attachment 2)

A copy of a potential revision of the bill was also provided. (Attachment 3)

Mr. Burgess stated that parole hearings last approximately 15-20 minutes and that the Board was considered a quasi-judicial body, in response to committee questions.

Senator Gooch expressed concern regarding the need for meetings to be recorded.

Mr. Burgess stated that, despite a smaller number of Board members, the members were selected and confirmed.

Senator Vratil stated that he would advise the committee and speak with the Revisor regarding a substitute bill to put an exemption into the Open Meetings Act for the Board.

Mr. Burgess stated that would be acceptable.

Senator Vratil made a motion to offer a substitute bill for SB 634, striking all current provisions in SB 634, and substituting a change to KSA 75-4318 and add to the section exempting administrative bodies performing quasi-judicial functions, and add to that an additional exemption to apply to parole hearings and parole violation hearings conducted by the Kansas Parole Board in a Kansas correctional institution. Senator Barnett seconded the motion. The motion passed.

Senator Vratil made a motion to recommended the Substitute for SB 634 favorable for passage. Senator O'Connor seconded the motion. The motion passed.

Chairperson Harrington stated that Senator Lyon would carry the bill on the floor, with assistance from Senator Vratil.

Chairperson Harrington stated that the committee would consider:

**SB 622–School building construction standards; fire safety**

Ms. Kiernan provided an overview of the balloon amendment to the committee.

Diane Gjerstad, Wichita School District, stated that her organization was comfortable with the changes.

Trudy Aron, Exec. Dir., American Institute of Architects, Kansas, provided written testimony to the committee in favor of the bill. (Attachment 4)

Senator Vratil requested that the minutes reflect the legislative intent of the bill, which is to exempt school buildings from all construction requirements that are inconsistent with the codes specified in the bill. He then withdrew his request following further discussion. Senator Vratil stated that he was concerned with conflicting code requirements.

Senator Gooch stated that he would not want to pass this out of committee without adequate discussion.

Senator O'Connor stated that it seemed the bill was simply updating references to building codes, not changing the law significantly.

Senator Teichman stated that she concurred with Senator O'Connor's statement.

Senator Teichman made a motion to amend the bill and recommend it favorable for passage. Senator Vratil seconded the motions with an explanation that he did not have enough knowledge to crack the language, but that was something which may need to be done later. The motions passed.

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Senator Teichman was assigned to carry the bill on the floor.

The committee considered:

**HB 2741--Inflicting harm, disability, death to search and rescue dogs**

Senator O'Connor made a motion to recommend the bill favorable for passage. Senator Brungardt seconded the motion. The motion passed.

Senator O'Connor was assigned to carry the bill on the floor.

The meeting adjourned at 11:40 a.m. The next meeting will be on March 21, 2002 upon 1<sup>st</sup> Adjournment at the Rail.