

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Jene Vickrey at 3:30 p.m. on January 29, 2004 in Room 519-S of the Capitol.

All members were present except:

Representative Deena Horst- excused

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:

John Douglass, City of Overland Park
Eric Sartorius, City of Overland Park
Kim Gulley, League of Kansas Municipalities
Harriet Lange, Kansas Association of Broadcasters
Doug Anstaett, Kansas Press Association
Mike Merriam, Kansas Press Association
Rick Thames, Kansas Press Association

Others attending:

See Attached List.

Bill Introductions

None

The Chairman opened the hearing on:

HB 2489 open meetings act, closed meetings for discussing security issues

AND

HB 2490 open records act, closed records, security issues

John Douglass, Chief of Police, City of Overland Park, testified in support of both bills (Attachment 1). He stated that the bills provide exceptions to the Open Records Act and the Open Meetings Act to allow for matters of Homeland Security to be discussed privately with elected governing bodies and to protect sensitive written documents from disclosure. He testified that these changes would clarify for state and local public entities the instances in which records and meetings concerning homeland security could be

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shielded.

Eric Sartorius, Legislative Consultant for the City of Overland Park, testified in support of the bills (Attachment 2). He explained that the language used in the bills came from **HB 2959** as amended by the Senate. **HB 2959** was, eventually, signed into law as **House Substitute for SB 112** and included language that dealt with records that could affect the security of utilities.

Kim Gulley, Director of Policy Development and Communications, League of Kansas Municipalities, appeared in support of the bills (Attachment 3). She stated that the changes which have been proposed in **HB 2489** and **HB 2490** are necessary in order to continue the process of reviewing and updating our security procedures at the local level.

Mike Pepoon, Director, Government Relations, Sedgwick County, testified in support of the two bills (Attachment 4). He explained that HB 2489 amends the Kansas Open Meetings Law to allow a public body to go into closed or executive sessions for matters relating to security measures "...if the discussion of such matters at an open meetings would jeopardize the safety and security of the lives, physical safety or property of the citizens of the state." He stated that **HB 2490** uses similar language to exempt records from public disclosure under the Kansas Open Records Act, and in accordance with the same criteria.

Danielle Noe, Intergovernmental Relations Coordinator, Johnson County, submitted written testimony in support of both bills (Attachment 5). She stated that Johnson County believes that the new language offered in both **HB 2489** and **HB 2490** provides a clear guideline for local units of government to follow when making the important decisions of whether or not to meet in executive session or to close certain records.

Judy Moler, General Counsel/Legislative Services Director, submitted written testimony in support of the bills. She stated that the Kansas Association of Counties would like to see the language in the bills broadened to include meetings and records which deal with potential actions taken or discussed in the event of terrorism or dealing with homeland security (Attachment 6). She advised that this broadened approach would extend to the records needed to make such decisions.

Harriet Lange, Kansas Association of Broadcasters, appeared in opposition to the bills (Attachment 7). She said the legislation in both bills has unintended consequences by allowing for broad interpretation of what constitutes "security measures."

Doug Anstaett, Executive Director, Kansas Press Association, presented testimony in opposition on behalf of John Montgomery, President, Kansas Press Association (Attachment 8). He said that they feel the legislation is a knee-jerk reaction to fears of terrorism, or, worse, another attempt to take advantage of these fears and further close the door to the people's access to their government's activities.

Mike Merriam, a Topeka attorney, appeared on behalf of the Kansas Press Association in opposition to the bills (Attachment 9). He stated that they agree that the Terrorist War has awakened us all to a new sensitivity to security measures but if we effectively reject the principle of an informed electorate as a

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consequence, we only exchange one evil for another.

Rick Thames, editor, *The Wichita Eagle* and legislative chair, Kansas Press Association, appeared before the committee (Attachment 10). He said the bills would conceal measures that might help “prevent” terrorism.

Written testimony was submitted by:

M.A. “Mike” Kautsch, Kansas Sunshine Coalition for Open Government (Attachment 11)

The Chairman closed the hearing.

Rep. Campbell made the motion to approve the minutes of the January 22, 2004 meeting. Rep. Lane seconded the motion. The motion carried.

The meeting was adjourned.

The next meeting is scheduled for February 3, 2004.