

## 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 March 22, 2005 in Room 519-S of the Capitol.

All members were present except:

Representative Bonnie Huy- excused  
Representative Barbie Craft- excused  
Representative Steve Huebert- 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:

Rep. Shari Weber  
Phillip Cosby  
Doug Anstett, KS Press Assoc.  
Randall Allen, KS Assoc. Of Counties  
Erik Sartorius, City of Overland Park  
Danielle Noe, Johnson County Board of County Commissioners  
Harriet Lange, KS Assoc. Of Broadcasters  
Kim Gulley, League of KS Municipalities  
Jim Edwards, KASB, KNEA

Others attending:

See attached list.

Chairman Vickrey opened the hearing on:

**HB 2529**      **Grand juries; petitions summoning**

Rep. Weber testified in support of the bill (Attachment 1). She said the proposed legislation would alleviate an obstacle that has recently surfaced in the process of petition submission outlined in **K.S.A. 22-3001**.

Phillip Cosby testified in support of the bill (Attachment 2). He said the intent of the proposed legislation is to remove the requirement of "wards and precincts" in the signers' own handwriting as necessary in the filing of a successful Grand Jury Petition.

Chairman Vickrey closed the hearing on **HB 2529**.

Rep. Sawyer made a motion for the favorable passage of HB 2529. Rep. Storm seconded the motion. Motion carried.

Chairman Vickrey opened the hearing on:

**SB 34**      **Continuation of certain exception to disclosure of records**

Doug Anstett, Kansas Press Association, testified in support of the bill (Attachment 3). He explained that they strongly support the definition of "clearly unwarranted invasion of personal privacy" because Exemption 30 in the Kansas Open Records Act has been used as a catchall reason to deny the public access to records.

Randall Allen, Kansas Association of Counties, testified in support of the bill (Attachment 4). He explained that without passage of SB 34 or comparable legislation in this session of the Legislature, public agencies would be required to disclose many documents which are not appropriate to disclose.

Erik Sartorius, City of Overland Park, testified in support of the bill (Attachment 5). He said that the re-authorization of exceptions to the Kansas Open Records Act is a top priority of the City.

Danielle Noe, Johnson County Board of County Commissioners, testified as a proponent of the bill (Attachment 6). She requested, on behalf of the Board of County Commissioners, that the Committee remove the new definition of "clearly unwarranted invasion of personal privacy" and pass the bill as amended.

Harriet Lange, Kansas Association of Broadcasters, testified in support of the bill (Attachment 7). She said they support the proposed definition for "clearly unwarranted invasion of personal privacy" because there is currently no clear standard to guide records custodians. She explained that the proposed definition will provide much needed guidance to the hundreds of record custodians across the state who have differing views of what constitutes "invasion of personal privacy."

Don Moler, League of Kansas Municipalities, appeared in support of the bill (Attachment 8). He said that the 2004 interim committee recommended that the current exceptions be continued and **SB 34** accomplishes this recommendation.

CONTINUATION SHEET

MINUTES OF THE House Governmental Organization and Elections Committee at 3:30 P.M. on March 22, 2005 in Room 519-S of the Capitol.

Jim Edwards, Kansas Association of School Boards, appeared in support of the bill (Attachment 9). He also spoke on behalf of the Kansas National Education Association. Mr. Edwards explained that all of the exceptions included in this bill received a thorough review, full debate, and legislative approve when introduced, and can receive the same prior to the end of the five-year period. He said that a one-year extension would not be sufficient because if a thorough review is held for each of the 240 plus exceptions, at a minimum of 45 minutes per issue, there would have to be more than 180 hours of hearings.

Written testimony in support of **SB 34** was submitted by T.C. Anderson, Kansas Society of Certified Public Accountants (Attachment 10).

Written testimony in support of **SB 34** was submitted by Ashley Sherard, Lenexa Chamber of Commerce (Attachment 11).

Chairman Vickrey closed the hearing on **SB 34**.

Balloon amendments relating to insurance provisions (Attachment 12) and security measure provisions (Attachment 13) were distributed to the committee and discussed.

Rep. Goico made a motion to amend SB 34 to include the provisions relating to insurance, and the security measures found in the balloon amendments (Attachments 12 and 13). Rep. Lane seconded the motion. Motion carried.

A balloon amendment relating to requiring that violations of the Kansas Open Records Act (KORA) and the Kansas Open Meetings Act (KOMA) be reported to the Attorney General (Attachment 14).

Rep. Holland made a motion to amend SB 34 by adopting the balloon amendment relating to reporting requirements on KORA and KOMA (Attachment 14). Rep. Goico seconded the motion. The motion carried.

Rep. Yonally made a motion to amend SB 34 to remove the definition of the term “clearly unwarranted invasion of personal privacy” found in Section 1 (h), and to remove Section 1 of the bill. Rep. Oharah seconded the motion. The motion carried.

Rep. Goico made a motion for the favorable passage of SB 34 as Amended, and that because of the substantial changes to the bill, the bill be made a substitute bill. Rep. Lane seconded the motion. The motion carried.

**HB 2484 Vendors and transient merchant licenses and fees, exceptions**

Rep. Vickrey made a motion to adopt the balloon amendment (Attachment 15), allowing cities to issue a license or permit to vendors and transient merchants engaged in the sale of agricultural, farm, garden or aquacultural products grown by those vendors and transient merchants within the state, and that the license or permit be valid for a period of not less than 60 days from the date of issuance. Rep. Goico seconded the motion. Motion carried.

Rep. Vickrey made a motion for the favorable passage of HB 2484 as Amended. Rep. Sawyer seconded the motion. Motion carried.

**Sub SB 143 Elections; direct recording electronic voting systems**

Rep. Otto made a motion to adopt a balloon amendment (Attachment 16) relating to elections and paper verification for electronic voting machines and to also include a definition of “Accessible.” Rep. Lane seconded the motion. Motion carried.

Rep. Otto made a motion for the favorable passage of SB 143 as Amended, and that because of the substantial changes to the bill, the bill be made a substitute bill. Rep. Lane seconded the motion. The motion carried.

Rep.’s Ohara, F. Miller, and Goico asked to have their votes recorded as “no” votes.

**SB 142 Elections; security of advance voting ballots**

Rep. Faust-Goudeau made a motion for reconsideration of SB 142. Rep Lane seconded the motion. Motion failed.

Rep. Vickrey adjourned the meeting.

This was the last scheduled meeting for the 2005 Session.