

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairman Senator Janice Hardenburger at 1:00 p.m. on March 28, 2000, in Room 245-N of the Capitol.

All members were present except:                    Senator Petty  
   Senator Praeger  
   Senator Steineger

Committee staff present:                                Dennis Hodgins, Legislative Research Department  
   Mike Heim, Legislative Research Department  
   Ken Wilke, Revisor of Statutes  
   Graceanna Wood, Committee Secretary

Conferees appearing before the committee:        Ned Valentine, Kansas Press Association, Clay Center Publisher

Others attending:    See attached list

Chairman Hardenburger opened the hearing on **S Sub HB 2864 concerning the open records act; concerning the open meetings acts; establishing the position of public information officer; prescribing the powers and duties, and repealing the existing section.** She said that the most important thing for the Committee to understand the provisions; therefore, she asked staff to explain **S Sub HB 2864.**

Senator Vidricksen said there have never been any complaints about the open records law itself. He stated with the changes being made to the bill, it will not pass this year.

Chairman Hardenburger said that it does put the Committee in a difficult situation with the time frame permitted to conduct hearings and take action on the bill. She stated she wanted to do justice to the bill, but would not do it in a hurry.

Mike Heim, legislative staff presented and explained four (4) attachments to the Committee, which are attached. He handed out a copy of the bill as amended by the House as a Whole, also a memo on the Kansas Open Records Act, a revised supplemental note which provides the changes that were made by the House on the floor, and finally a one page summary, which are the major provisions of **S Sub HB 2864.** (Attachment #1) (Attachment #2) (Attachment #3) (Attachment #4)

Senator Gooch asked if there would be an additional person that would be required in the Attorney General's Office to handle the additional work, and would the fines be a resource that would pay for the additional worker. Mr. Heim said it would not, as the additional funds would be for education of the public on Open Records Act.

The Committee discussed organizations or individuals who want open records for non-profit and were told they could not get it. Senator Gooch said to the Committee he hoped they would get an answer to the situation, before the bill would be passed out of Committee.

The Committee also discussed closed executive meetings.

Chairman Hardenburger introduced Ned Valentine, Publisher of the Clay Center Dispatch to the Committee.

Mr. Valentine presented testimony to the Committee on **Substitute for HB 2864** as a proponent. He said that access to government is critical for the industry - but more importantly, open government is critical for a sense of community. (Attachment #5)

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Chairman Hardenburger asked Mr. Valentine's opinion on the Federal Freedom of Information Act. She said that there are special provisions for the press and the release of information can be expedited if the press makes the request, compared to a citizen, because generally the press can identify what is a common interest to the public to know. She asked if he would support some exceptions for the press in an Open Record Act that would expedite release. Right now this act only allows three business days to release open records, unless it can be proven it requires seven days. In the Federal Freedom of Information Act, you are allowed 20 days to respond to a request, with the exception of the press if they are requesting and proving that it is a common interest.

Mr. Valentine said it would be a benefit to the readers to be able to get the information as rapidly as possible.

Chairman Hardenburger made a request of David Furnas, Kansas Press Association, regarding a "sting" operation, and asked that he bring the information to the Committee in order to make it more clear what the problem really is. She said so many times the legislature responds to one incident in Kansas, and they pass a law to cover the one incident and then everyone has to follow the law. She said the Committee needs to understand what the problem is, how we can respond to the problem.

Meeting was adjourned at 2:00 p.m. Next meeting March 29, 2000.





Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.



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