

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Mark Parkinson at 9:30 a.m. on February 10, 1994, in Room 531-N of the Capitol.

All members were present except:

Committee staff present: Michael Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: None.

Others attending: See attached list

HB 2784--Relating to the definition of open meetings

The hearing was continued from February 8. The Chairman offered comments and suggestions regarding the bill. He explained that the problem with the bill in its current form is that it is awkward at best. Section 1 (c) does not belong there, and Section 2 (b) was included because the Attorney General has had a problem with the issue of prearranged meetings, therefore, an attempt was made to define "prearranged" statutorily. The Chairman feels the most logical solution to the problem is to eliminate the requirement that it be prearranged. He suggested eliminating lines 24-26 on page 1, eliminating "prearranged" on line 28, and eliminating lines 34-42 which would not be needed if "prearranged" is deleted. The two other alternatives would be to pass the House version or not take out the word "prearranged."

Sen. Ramirez agreed that the word "prearranged" has caused considerable problems. Sen. Ramirez made a motion to amend the bill by deleting lines 24-26, eliminating "prearranged" on line 28, and deleting lines 34-42, Sen. Tillotson seconded the motion.

Sen. Feleciano began a short discussion regarding the deletion of language on lines 37 and 38 dealing with "a pattern or practice or other conduct showing an implicit understanding that a meeting is to occur." He felt that perhaps this language should not be stricken. The Chairman responded that this is already illegal under the open meetings act.

On a call for a vote on Sen. Ramirez' motion to amend HB 2784, the motion carried.

Mr. Heim recalled the testimony of Don Moler of the League of Kansas Municipalities with regard to Mr. Moler's thought that the committee should carefully consider the intent of including "written communication." The question arose as to if the Legislature would want to define "meeting" as letters or memos. Sen. Gooch raised a question regarding the Mayor of a city sending a message to a city council member through the personal computer of the council member. He asked if this would be considered as a violation. Sen. Tillotson commented that perhaps if the press were sent the same message, it would not be a violation. After further discussion, the Chairman suggested striking "written communication" and inserting "any other means of interactive communication", Sen. Tillotson made a motion to so amend on lines 29 and 30, Sen. Langworthy seconded, and the motion carried.

Sen. Ramirez made a motion to report HB 2784 favorable for passage as amended, Sen. Tillotson seconded, and the motion carried.

The meeting was adjourned at 9:57 a.m.

The next meeting is scheduled for February 15.

Date: February 10, 1944

GUEST REGISTER

**SENATE
LOCAL GOVERNMENT**

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