

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 9:00 a.m. on May 1, 2008 in Room 431-N of the Capitol.

All members were present except:
Senator John Vratil- excused

Committee staff present:
Kathie Sparks, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Melissa Doeblin, Revisor of Statutes Office
Theresa Kiernan, Revisor of Statutes Office
Connie Burns, Committee Assistant

Conferees appearing before the committee:
Representative Judy Morrison
Don Moler, League of Kansas Municipalities
Judy Moler, Kansas Association of Counties
Kimberly Winn, League of Kansas Municipalities
Doug Anstaett, Kansas Press Association

Others attending:
See attached list.

HCR 5033 - Concurrent resolution urging Congress to withdraw from Security and Prosperity Partnership and NAFTA

Chairman Brungardt opened the hearing on **HCR 5033**.

Representative Judy Morrison appeared in favor of the current resolution. (Attachment 1) Representative Morrison stated that it is for our own economic good and security to withdraw from the Security and Prosperity Partnership.

Information was provided by Congress Representative Nancy Boyda against the NAFTA SuperCorridor. Congress Representative Jerry Moran has sponsored Resolution 40 that expresses Congress' opposition to entering a North American Union as well as the proposed Superhighway through the U.S. and stated that the sovereignty and safety of the United States must be protected from foreign interests. Information was provided from the hearing in the House Federal and State Affairs Committee.

Representative Morrison stated that an amendment is to remove any mention of the North American Free Trade Agreement (NAFTA).

Chairman Brungardt closed the hearing on **HCR 5033**

HB 2947 - Open meetings; serial meetings

Chairman Brungardt opened the hearing on **HB 2947**

Don Moler, League of Kansas Municipalities, spoke in favor of the bill. (Attachment 2) The bill includes two changes to current law:

1. Clarification regarding the definition of a meeting; this is to clarify the term "interactive communications" and to increase the number of individuals that can talk to one another without implicating KOMA. Most cities in Kansas those with five member councils and separately elected mayors, two council members cannot even speak to one another about city business. This requirement places an undue burden on cities and simply lacks a common-sense approach to governing.
2. Certain serial meetings must be open and would add a requirement that a series of meetings by a majority of the membership of the body, discussing the business of the body, and for the purpose of coming to an agreement, would have to be open.

The league believes that this language represents a common-sense compromise, and we would ask that the

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 9:00 a.m. on May 1, 2008 in Room 431-N of the Capitol.

Committee report this bill favorably for passage.

Judy Moler, Kansas Association of Counties, appeared in favor of the bill. (Attachment 3) The bill represents a meeting of the minds among the Kansas Press Association, the League of Kansas Municipalities and the Kansas Association of Counties. The bill before the committee is a compromise forged by the aforementioned parties in meetings over the past week.

Doug Anstaett, Kansas Press Association, spoke in favor of the bill. (Attachment 4) The bill would codify a 1998 Kansas Attorney General's Opinion that serial meetings are a violation of the Kansas Open Meetings Act and should therefore be banned. The Kansas Press Association has reached an agreement with the League of Kansas Municipalities and the Kansas Association of Counties on the language presented. It is a compromise that helps clarify the definition of interactive communication and also adds the serial meeting ban in 4318(g).

Kimberly Winn, League of Kansas Municipalities, stated that the bill would define "meeting" as a gathering or assembly in person or through the use of a telephone or any other medium or any other interactive communication by a majority of the membership of a body or agency subject to each for the purpose of discussing the business of a body or agency. All meetings in a series to be open if they collectively involve a majority of the membership to reach an agreement that requires bonding action.

Mark Tallman, Kansas Association of School Boards, stated that the Association was not part of the discussions and the concern is that the intent of the bill is for someone who deliberately tried to circumvent the process is the guilty party, not the innocent party that did not know how many other people had been contacted or talked to.

The committee discussed to delay the penalty being imposed to July 1, 2009.

Chairman Brungardt closed the hearing on **HB 2947**

Final Action:

HB 2947 - Open meetings; serial meetings

An conceptual amendment striking section c on page 3, lines 11 through 13 and inserting language that changes the date for a penalty or fine being imposed prior to July 1, 2009.

Senator Barnett moved the amendment. Senator Brownlee seconded the motion. The motion carried.

Senator Reitz moved to pass **Senate Sub for HB 2947** out favorable as amended.. Senator Lynn seconded the motion. The motion carried.

The meeting was adjourned at 10 am.