

Kansas Press Association, Inc.

Dedicated to serving and advancing the interests of Kansas newspapers

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March 20, 2019

To: Sen. Rick Wilborn, chair, Sen. Eric Rucker, vice chair, and Sen. Vic Miller, ranking member of the Senate Judiciary Committee, and committee members
From: Doug Anstaett, consultant and lobbyist, Kansas Press Association, and on behalf of Kent Cornish, executive director of the Kansas Association of Broadcasters
Re: Testimony in support of Senate Bill 213

Chair Wilborn and members of the Committee:

I am Doug Anstaett, consultant and lobbyist for the Kansas Press Association. I'm here today to express my 200-member association's support and also that of the Kansas Association of Broadcasters for the concepts outlined in Senate Bill 213.

I realize this bill has aroused the suspicions of the judicial branch, so what I'll try to do is explain why we in the news media think it has merit.

The Kansas Attorney General's Office sought and was granted expanded tools in 2015 to work through Kansas Open Records Act and Kansas Open Meetings Act complaints. Both our organizations supported HB 2256. Those tools include graduated enforcement options and consent agreements. While not everything is as we would like it, we think a number of those tools have proven valuable. The number of cases handled by the Attorney General's office has increased.

Typically, when reporters for a newspaper or broadcast station seek a record or have a concern about an open meetings violation, they are initially really seeking only one remedy: compliance. While we are after compliance in most cases, and not punishment, we sometimes get neither. The fine for a violation of either act is a maximum of \$500, possibly no small sum for a clerk but not the kind of sanction that deters some public officials from skirting the law.

To hire expensive outside counsel in most of these cases is absurd and a burden the taxpayers of Kansas shouldn't have to bear.

In those limited cases where more is at stake, certainly taxpayer-funded legal assistance has merit, and we would support that as well as long as the decision was made in good faith.

KORA and KOMA are settled law in the state of Kansas. They aren't suggestions, yet we deal with public officials every day who believe they have the discretion to say "yes" or "no" to requests with impunity.

Our concern always has been that the Kansas attorney general has an inherent conflict of interest because he is charged with prosecuting KORA and KOMA complaints and with providing defense when state agencies or employees are accused of a violation.

If there are flaws in SB 213 that need attention, let's resolve them now. We support the Senate Judiciary Committee moving forward this year on the bill.