

Testimony to House Judiciary Committee as proponent of
HB 2188: Open records act; not-for profit organizations
Bob Weeks, February 12, 2013

Chairman Kinzer and members of the Committee:

Thank you for this opportunity to present a citizen's perspective on the Kansas Open Records Act. As citizen watchdogs, I and others need access to information and data. The City of Wichita, however, has created several not-for-profit organizations that are largely funded by tax money. The three I am concerned with are the Wichita Downtown Development Corporation, Go Wichita Convention and Visitors Bureau, and Greater Wichita Economic Development Coalition.

I have asked each organization for checkbook-level spending data. Each has refused to comply, using the reasoning that they are not "public agencies" as defined in the Kansas Open Records Act. But consider the WDDC: In every year but one, its percent of revenue derived from taxes is well over 90 percent. In many years the only income WDDC received was from taxes and a small amount of interest earned.

The Wichita city attorney backs these organizations and their interpretation of the law. So do almost all city council members. After 14 months investigating this matter, the Sedgwick County District Attorney agreed with the city's position. The only course of action open to me is to raise thousands of dollars to fund a lawsuit.

Citizen watchdogs and others need the ability to examine the spending of tax money. When government creates quasi-governmental bodies that are almost totally funded through taxes, and then refuses to disclose how that money is spent, we have to wonder why the city doesn't want citizens to know how this money is spent.

An example of why this is important is the case of Mike Howerter, a trustee of Labette Community College in Parsons. He noticed that a check number was missing from a register. Upon his inquiry, it was revealed that the missing check was used to reimburse the college president for a political campaign contribution. While the college president committed no violation by making this political contribution using college funds, this is an example of the type of information that citizens may want regarding the way public funds are spent.

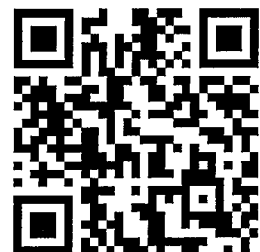
In Wichita, because of a loophole in the Kansas Open Records Act, a large amount of tax money is spent without this type of scrutiny. I ask that this committee recommend HB 2188 favorably.

I have created a portal on my website that holds additional information on this topic, including video of presentations made to the Wichita City Council and discussions on the KAKE Television public affairs program *This Week in Kansas*. Visit here or scan the code at the end of this page:

wichitaliberty.org/open-records

Thank you,

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HOUSE JUDICIARY

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ATTACHMENT 13