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# TESTIMONY

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## **House Judiciary Committee Hearing on House Bill 2188 3:30 p.m. Tuesday, Feb. 12, 2013 Opposition Testimony by City of Wichita**

The City of Wichita is a strong supporter of public engagement as assured by the Kansas Open Records Act (KORA) and the Kansas Open Meetings Act (KOMA). It is our firm belief that governments function at their highest level when citizens have maximum access to public records and public meetings. Informed citizens are the cornerstone of effective and efficient government.

Local governments also are responsible for maximizing the quality of life of their citizens. On limited occasions, the disclosure of some publicly-funded activities must be tempered with recognition of the public's interest. Disclosure that compromises the mission of local government and hampers its ability to compete in multi-state environments is not in the public interest.

As evidence of our commitment to public engagement, the City of Wichita responded to 233 KORA requests in 2012. Only 43 were denied, and each and every one of those was the result of statutory protection of certain information such as criminal investigations, personnel information or undisclosed sealed bids.

With regard to the financial records of non-profits receiving public funds, the City of Wichita has made a concerted effort to stay within the legal boundaries of current law. Those efforts have been validated by our legal staff as well as the District Attorney.

HB2188 seeks to broaden those boundaries and provide full public access to the records of publicly-funded non-profit organizations. Well-intended as that effort may be, it would seriously compromise the mission of these organizations, placing the citizens of the City of Wichita at a competitive disadvantage by allowing outside agencies to encourage predatory efforts on our current and future businesses.

The contracts for service with non-profit organizations such as the Greater Wichita Economic Development Corporation (GWEDC), Wichita Downtown Development Corporation (WDDC) and Go Wichita result in tremendous value for the citizens of Wichita. These functions could not be performed as effectively if they were kept under the direct control of government, which is a driving reason the City of Wichita has chosen this outsourcing option. In essence, this strategy privatizes functions such as business and convention recruitment, resulting in far greater outcomes than if they remained a government function. These organizations serve an essential role in business retention, as well as business recruitment. HB2188 would unnecessarily hamper their efforts at the expense of job creation and economic growth.

The mission of the Go Wichita Convention and Visitors Bureau is to market and sell the greater Wichita area to leisure and business travelers. These business travelers who visit our city for meetings, trade shows or conventions produce millions of dollars in consumer spending. Governments at the city, county and state level benefit from increased tax revenue and local businesses realize a direct benefit.

Cities often bid against each other across state lines for the same national convention. Confidentiality is an absolute necessity. If this amendment passes, we would lose any competitive advantage and virtually 'tip our hand' to our competitors. Competing cities would access to our recruitment activity and gain a tremendous advantage at our taxpayers' expense.

The Wichita City Council has a unified commitment to bringing more jobs and a higher quality of life to our community, a goal shared by the State of Kansas. The activities of these non-profit organizations support our existing businesses and existing convention/entertainment venues while searching for new opportunities to broaden our economic and cultural base.

If we lose this important business and convention recruitment tool, the losers and victims will be the citizens of Wichita and the State of Kansas. Other states and communities without those restrictions will benefit at our expense. We need to protect the professional integrity of these organizations and the Board members who dedicate their service to the progress of our community.

In this fragile economic climate, no opportunity for an expanded job base can be ignored.

Passage of HB2188 would cripple Wichita's efforts (and every other city and county in Kansas) to secure our existing businesses, expand our existing businesses, and recruit new businesses. This is NOT in the best interest of our City, our citizens, and the entire State of Kansas. Please respect the existing business practices that comply with current law regarding the protection of confidential information.