



INDEPENDENCE  
INCLUSION  
INNOVATION

February 12, 2013

TO: Rep. Lance Kinzer, Chair, and Members of the House Judiciary Committee

FR: Tom Laing, Executive Director, InterHab:

The Resource Network for Kansans with Disabilities

RE: House Bill 2188, regarding amendments to the Kansas Open Records Act

Thank you for this hearing on HB 2188, legislation that we respectfully urge the committee to not favorably recommend.

In our opinion the proposed law is uneven in its designed application, would be extraordinarily cumbersome and costly to administer and enforce, and appears to be an unnecessary new requirement for hundreds of Kansas organizations (and the many hundreds of Kansans who serve in governance roles on their boards of directors) for whom the only common denominator appears to be that they serve the interests of Kansans.

A fairness test of the applicability of this legislation seems in order:

Some but not all state vendors are targeted. Why apply this law to not-for-profits but not the work of for-profits? Why exempt some not-for-profits and not others? Why, in our specific case, exempt some long term care services and not others?

There should be a clearly stated purpose why some who do business with the State are exempt and some are not. It seems questionable public policy to propose a law “demanding” transparency but then for reasons not made transparent, to exclude some but not others from the requirements of the law.

Administration and enforcement should be sensible:

The scope of the workload required with this bill shows no recognition of the time and costs involved.

In the organizations targeted by the legislation, literally millions of expenditures take place annually. That each of the millions of transactions should then be separately noted and expensively data-organized on two different web sites by check number, date and description of expenditure, would be incredibly time-consuming and expensive for the State and the organizations involved.

We encourage legislators to respect the basic honesty and integrity of their neighbors who run and govern local service organizations. If there is an underlying concern in the lack of integrity, generally, in our society, then perhaps these requirements should first be imposed for every branch of State government, beginning with the Legislature.

The rights and responsibilities of the State's vendors:

The principal responsibility of any party doing business with the State is that they should fulfill the agreements into which they have entered. There should also be a right on the part of vendors of the State that doing business of the State should not make them the targets of unevenly applied, unreasonable and burdensome laws.

If the vendor fulfills the terms of an agreement with the State, and is paid for that work, at that point the transaction is complete. If the work is done in accordance with such agreements, what then is the purpose of this legislation?

Legislators, for example, are paid similarly – just as vendors of the State are paid for work they agree to perform, you are paid for work you have been elected to perform. You are not then asked to consider your income as “public money”. Under the philosophy of this bill, even after having done the work agreed upon, the reimbursements somehow remain “public dollars”. We disagree with such a premise.

State agencies are obliged to assure to taxpayers that the services or products purchased with tax dollars have been received or completed. State agencies have great powers to recoup funding, anytime a vendor transaction is shown to have resulted in an unsatisfactory outcome.

We therefore believe that the existing administrative role of the State and laws of the State are sufficient to assure the protection of the public monies used to purchase goods and services for the State, and we oppose the new costs and burdensome requirements suggested in HB 2188.