



Testimony of the Kansas Association Of Counties
To the Senate Judiciary Committee
Proponent for SB 206 (Enforcement of KORA/KOMA)

February 18, 2015

Mr. Chairman and Members of the Committee:

Thank you for holding a hearing on this bill. I appreciate the opportunity to offer testimony in support of SB 206.

SB 206 creates an open government fund within the Attorney General's Office to help fund investigations and prosecutions of Kansas Open Records Act (KORA) and Kansas Open Meetings Act (KOMA) cases. The bill does not inhibit the ability of the local prosecutor to continue handling KORA and KOMA cases; the Attorney General is granted additional investigative and enforcement mechanisms to also enforce these important laws. We support a system that retains local control while also allowing the Attorney General to step in to investigate open government violations, thus granting a secondary opportunity for the public to address their concerns.

On occasion, the county attorney will encounter a conflict where a complaint has been filed against the Board of County Commissioners. Under Kansas law the county attorney is responsible for advising the county commissioners. The county attorney is also responsible for investigating and prosecuting KORA and KOMA violations. While current law allows the county attorney to offload the KORA or KOMA prosecution to the Attorney General or to retain outside counsel, SB 206 offers a direct fix to the conflict.

SB 206 also promotes training throughout the state on KORA and KOMA. Most violations of these laws arise from ignorance of the acts' legal requirements. Therefore, training is a huge help to reducing the number of violations.

KAC believes in, and supports, the Kansas Open Records Act and the Kansas Open Meetings Act. We educate our county officials on the importance of these acts, and the mechanics of these acts. We would appreciate the committee's support of SB 206. Thank you for your time today.

Respectfully,
Nathan Eberline
Legal Counsel