



Kansas Press Association, Inc.

Dedicated to serving and advancing the interests of Kansas newspapers

5423 SW Seventh Street • Topeka, Kansas 66606 • Phone (785) 271-5304 • Fax (785) 271-7341 • www.kspress.com

Feb. 18, 2015

To: Sen. Jeff King, chairman, and members of the Senate Judiciary Committee

From: Doug Anstaett, executive director, Kansas Press Association

Re: SB 179

Mr. Chairman and members of the Committee:

I am Doug Anstaett, executive director of the Kansas Press Association. Thank you for the opportunity to discuss our association's support for SB 206.

Thank you for this opportunity to address your committee regarding the Kansas Press Association's support for an act that would create new responsibilities and alternative methods of enforcement in the office of the Kansas Attorney General.

We have worked over the past few years with Attorney General Derek Schmidt to address what we believe is a weakness in the Kansas Open Meetings Act and Kansas Open Records Act. We often run into situations where there is a conflict of interest at the local level or where the merits of a KOMA or KORA complaint become mired in local politics.

The change in law would provide an alternative to those county and district attorneys who believe they are "too close" to the subjects of a complaint and possibly cannot render an unbiased opinion. In addition, it would lend consistency to the process so that the findings across jurisdictions in Kansas would be more uniform.

What we find today is that while the majority of local officials want to follow the letter and spirit of the law, some do not. In fact, some actually take pains to flout the law, causing considerable frustration for some of our local newspapers and broadcast stations and the private citizens who seek access to meetings and records.

This proposal gives the AG the discretion to revolve the problem through mediation, filing of an enforcement action or by a means other than the issuance of a final order.

Right now, those who believe a KORA or KOMA violation has taken place have no alternative other than the filing of a lawsuit if they believe a local district or county attorney's decision on a complaint is in error. The expense of such an action is often beyond the financial reach of private citizens and can cause an undue burden on the media as well.

Could this lead to frivolous actions? Not unless a party wants to pay the court costs of the other side. This bill allows for recovery of costs if complaint "was not in good faith and without a reasonable basis in fact or law."

Since this legislation elevates the importance of KORA and KOMA enforcement, KPA supports it wholeheartedly and asks for the committee's support as well. Thank you.