

Approved 1-30-90  
Date

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs

The meeting was called to order by Senator Bill Morris at  
Chairperson

11:05 a.m./p.m. on January 23, 1990 in room 254-E of the Capitol

All members were present except:

Senator Reilly, Senator Vidricksen, and  
Senator Yost

Committee staff present:

Mary Ann Torrence, Revisor of Statutes Office  
Mary Galligan, Legislative Research  
Deanna Willard, Committee Secretary

Conferees appearing before the committee:

Theresa Nuckolls, Assistant Attorney General

Hearing on: HB 2376 - amending the open records act; concerning  
remedies for violations thereof

Theresa Nuckolls, Assistant Attorney General, presented testimony  
in favor of HB 2376. (Attachment 1)

A motion was made by Senator Daniels and seconded by Senator McClure  
that HB 2376 be reported favorably. The motion carried.

The minutes of the January 16, 1990, meeting were approved.

The meeting was adjourned at 11:10 a.m.





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Senate Committee on Federal and State Affairs  
House Bill No. 2376

Testimony Presented by  
Theresa Marcel Nuckolls  
Assistant Attorney General  
January 23, 1990

Madam Chair and Members of the Committee:

On behalf of Attorney General Stephan, I am here to testify in favor of House Bill No. 2376.

HB #2376 amends the Kansas Open Records Act (KORA) to give the Attorney General and county or district attorney authority to enforce the provisions of the Kansas Open Records Act. In general, the KORA gives individuals the right of access to public records.

If a person has been denied access to a record which is required to be open, the KORA provides that the person may make application with the district court to enforce the law. Unlike the Kansas Open Meetings Act, the Attorney General and county or district attorney do not have authority to bring an action to enforce the open records law.

Senate F&SA  
1-23-90  
Attachment 1

The law as it presently stands presents difficulties for the ordinary citizen who is generally without resources to file suit against a governmental body in order to obtain access to a public record. Our office receives many complaints from individuals who have been unlawfully denied access to, or copies of public records. The complaints range from minutes of school board meetings to budgets of county commissions, and not infrequently involve state agencies.

Often a phone call or letter from our office to the public agency will settle the situation. However, we believe that giving the Attorney General and county or district attorney power to prosecute will act as a deterrent against KORA violations. Public agencies will be more likely to cooperate and enter into agreements if they know we have authority to enforce the law.

The Attorney General is of the opinion that the bill will not have a fiscal impact on our office. We do not intend to become the central clearinghouse for all records requests made to public agencies. Rather, we believe the option of a suit by the county or district attorney or by the Attorney General (which we will exercise should the situation warrant) will help prevent violations of the law. For this reason the Attorney General supports the bill.