



TESTIMONY OF THE KANSAS ASSOCIATION OF COUNTIES
TO THE SENATE JUDICIARY COMMITTEE
ON SB 361

FEBRUARY 2, 2016

Mr. Chairman and Members of the Committee:

Thank you for the opportunity for KAC to testify in support of SB 361.

KAC was privileged to participate in the Judicial Council's study committee on this issue. The committee spent several meetings under the leadership of Senator Baumgardner studying Kansas law, the law of other states, and all consequential issues arising if the law is changed.

KAC supports the effort of SB 361 to create greater transparency for Kansas citizens. Public records should include all records that touch on public and official business so that the citizens can access the information and be informed about their elected officials. The concept of open government should not be dependent on the location of the public record.

We believe the new definition of "public record" in SB 361 is a good one. It is based on language found in other states, and therefore we get the benefit of the states' case law and analysis of the definition. It also uses similar language found in the Kansas Public Records Preservation Act, thus keeping our definition of records consistent in Kansas law. Most importantly, the definition no longer defines a public record by its location within a public agency but instead by the content of the record.

We ask that you support the legislation. Thank you for your time, and I am happy to answer any questions.

Melissa Wangemann, General Counsel