



Testimony to Senate Federal and State Affairs Committee

SB 70 – Kansas Open Meetings

2 February 2017

James Franko, Vice President/Policy Director

Chairman LaTurner and members of the Committee:

Thank you for your willingness to review the Kansas Open Meetings Act (KOMA). I am testifying today in support of SB 70, but also as a strong supporter for making Kansas government more transparent and open. To start, I believe that any expectation of transparency should extend to all levels of government within the state. From the building in which we are standing and the surrounding state agencies, to county and municipal governments, to the small taxing subdivision in rural Cherokee County. All levels of government should operate under the same presumption of openness. If something is good enough for municipal governments then it is good enough for the Kansas Legislature, and vice versa.

Most of KPI's work on transparency is more related to the Kansas Open Records Act (KORA) but the desire for transparency extends to Open Meetings as well.

SB 70 is a straight-forward attempt to clarify the reasons that a public body may meet in executive or closed session. It does this while still maintaining provision for a relevant body to discuss matters of personnel, certain legal discussions, etc. The change in the language indicating that a public body or agency "may only" meet for the listed reasons is appropriate.

A quick glance at recent news coverage makes clear that both the spirit and letter of KOMA is an issue. The *Topeka Capital-Journal* ran a story on 24 January on the Kansas Corporation Commission and the proposed Westar Energy sale and KOMA. At the beginning of January the *Salina Journal* had a piece on a "meet and greet" hosted by the county commission and city council and whether it violated the "spirit – if not the letter" of KOMA. One need look no further than the superintendent search being undertaken by USD 259, and coverage of the *Wichita Eagle*, to note the obvious KOMA implications.

I would also point out that the "Following the Money 2014" report from the U.S. Public Interest Research Group ranks Kansas' state spending transparency ranking as a "D-."ⁱ Again, this may not deal directly with the issues before you today but it certainly gets to the desire for taxpayers to have ready, affordable access to the goings-on of the affairs of government. Again, this may be mostly a function of Open Records but, to my mind, KORA and KOMA are two sides of the same transparency coin.

SB 70 is a good step in keeping Kansas government accountable. This is not to say that government is not held to account, but more to suggest that it is the responsibility of all Kansans to demand openness and transparency from the governments they elect. Open records and open meetings laws are a vital tool of that responsibility and we should always seek to make that tool more effective and put more power in the hands of watchdog entities, journalists, and everyday Kansans.

ⁱ <http://www.uspirg.org/reports/usp/following-money-2014>