

CORRECTED
SESSION OF 2005

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2095

As Amended by House Committee on
Governmental Organization and Elections

Brief*

HB 2095 would establish the Office of Public Integrity within the Attorney General's (AG) Office for the purpose of providing public information regarding open records and open meetings-related complaints and investigations.

The following powers and duties would be granted to the newly established office:

- The Office of Public Integrity would be required to receive written complaints regarding alleged violations of the Kansas Open Records Act (KORA) and the Kansas Open Meetings Act (KOMA).
- Upon receipt of a complaint, the Public Integrity Officer (PIO) would be permitted to do either of the following:
 - Refer a complaint to the appropriate county or district attorney for investigation and possible action; or
 - Investigate the complaint.
- After investigation, the PIO would be permitted to:
 - Send a letter to the parties if the PIO determines no action need be taken; or
 - Make public via a written statement details regarding the PIO's determination that a violation has occurred.
- Each county and district attorney would be required to report to the AG all KORA and KOMA complaints received during the preceding fiscal year.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- The Attorney General would be required to compile information received and publish a yearly abstract listing by name of the public agencies which are the subject of complaints or investigations.

Background

Representatives of the Office of the Attorney General, the Kansas Press Association, and the Kansas Association of Broadcasters testified in support of the bill. Opposing the bill were representatives of the League of Kansas Municipalities and the Kansas Association of Counties.

A fiscal note on the bill indicated passage of HB 2095 would require an estimated \$97,860 from the State General Fund and 1.0 additional FTE position for FY 2006. This includes funding of \$62,260 for the salary of the PIO and \$35,600 for other operating expenditures. This latter amount, according to testimony, related to clerical assistance.

The House Committee amended the bill to change the annual deadline—from December 31 to January 15—by which county and district attorneys are to report KORA and KOMA complaints to the Attorney General.