

Kansas Open Government Research Project

The Sunshine Coalition for Open Government is committed to providing statewide education about citizens' rights of access to information about government. To further that goal, the Coalition has pursued funding for what it hopes will be the portal for open government in Kansas. In 2004, the National Freedom of Information Coalition awarded a grant to advance the Sunshine Coalition's educational effort. The Sunshine Coalition then arranged for legal research and analyses to be done under the auspices of the Media, Law and Policy Program at the University of Kansas School of Law. The results of the research, which is on-going, will soon be available on this Web site. What follows is an update from Coalition board member and KU law professor Mike Kautsch.

11/9/05

To: Ron Keefover

From: Mike Kautsch

Re: Open-records research project

Since I my last report, dated September 15, our law student researchers have analyzed 9 exceptions to open records in Kansas. In addition, a student with technical skills joined the team and took steps toward achievement of our ultimate goal—creation of a Web-based, open-government educational program for Kansas.

As always, I am deeply grateful to Carolyn Clark, the law librarian who trains and coordinates the student researchers. Her time with the students constitutes a very significant in-kind contribution to the project. Of course, as I've noted before, my time also is an in-kind contribution. In addition, my Media, Law and Policy research assistant also has worked on the project, providing another in-kind contribution.

The student researchers continued to focus on Type I research—on-line and manual library research of exceptions to open records under the Kansas Open Records Act (KORA). The students' focus, as in the past, was on the exceptions that the Kansas Press Association helped identify as particularly significant. No attempts were made to undertake Type II research, defined as field work in Topeka to uncover certain aspects of legislative intent and public policy behind the exceptions.

In my opinion, the existing budget of proposed expenditures needs to be adjusted in favor of Type I research.

I. As of 10/4/04, this was the list of priority KORA exceptions to be researched; this list is unchanged since March 10. One exception that remains to be researched is underlined.

17-1312e	65-1627
22a-243	65-2836
22a-244	65-4922
22-3711	65-4925
22-4707	65-5602
25-4161	72-53,106
25-4165	72-8903
34-251	74-7338
38-1508	74-7405a
40-2,156	
<u>40-2c20</u>	
40-2c21	
40-2d20	
40-222	
40-3304	
40-3308	
47-844	
47-849	
47-1709	
65-1,163	
65-1,165	
65-436	
65-445	
65-525	
65-531	
65-1135	

II. Following are the names of student team members who have participated, or expressed interest, in Type I research. The names of researchers who completed work thus far this fall appear in bold-face type.

1. **John Avondet** – submitted research results for two open-records exceptions before March 10, and completed three more thereafter. He completed analysis of an additional exception this fall.
2. **Brendan Burke** - after receiving training, analyzed five of six KORA exceptions that were assigned to him.
3. Patrick Broxterman - joined the research team after March 10, and statutes were assigned for research by him. However, because of his academic and work schedule, he was unable to submit results before graduating, and his statutes were reassigned.

5. **Pam Diego** - analyzed three KORA exceptions.
6. Mark Dodd - received training, and statutes were assigned to him this summer. However, he had to discontinue participation in the KORA research project because of his academic and other work responsibilities.
7. Mark Eldridge – did not submit research results before March 10 because of his heavy academic and work schedule, and discontinued participation after graduation.
8. Larkin Evans – submitted results for three exceptions before March 10. After graduation in May, she remained available this summer to consult, edit and write synopses of findings, but now is working full time..
9. Carly Farrell - discontinued participation for lack of time
10. Ryan Hudson – submitted no research results before March 10 and discontinued participation for lack of time
11. Katrina Hull – submitted results for three exceptions before March 10; although she has graduated and now is not participating.
12. Alexess Rea – submitted results for two exceptions before March 10 and her results were used as a model for training researchers; she graduated, and she has not participated further.
13. Ray Rojas – submitted no research results before March 10 because of his heavy academic and work schedule; he graduated and discontinued participation
14. Marshon Robinson – submitted results for four exceptions before March 10 and completed five more by May 13th, and he assists as a research assistant in Media, Law and Policy..
15. Chris Schulz - has received training since the spring semester, and statutes were assigned to him.
16. David Hague - received and completed assignments for 12 KORA exceptions this summer.
17. Yonne Tiger - joined and has been on stand-by to do research as needed..

III. Other project participants are identified below. Bold-face type signifies participants who assisted this fall.

Carolyn Clark, library staff member – engaged in pilot Type I research and submitted results for three statutes before March 10; she continued to train and coordinate student researches this fall.

Allen Doyel - joined as a technical specialist and has begun to develop a prototype Web site for presentation of research results and support of the Kansas Sunshine Coalition.

Dan Osman - a KU law alumnus may be available but has not yet been engaged, to do Type II research

David Vermooten - a currently enrolled law student consulted on technology matters during the spring semester after March 10, but has not been able to continue this year because of his academic and work schedule.

Leita Walker – as my research assistant, engaged in pilot Type I research and submitted results for two statutes before March 10; she is editor of the law review and has not been able to participate this year.

IV. KORA exceptions that have been researched are listed below. There are 47. Some of the exceptions are not on the foregoing priority list in Part I, above, but nonetheless were deemed worthy of research. Exceptions below that are on the priority list are marked with an asterisk. NOTE: The list below includes some changes from past lists in the order of exceptions and also includes minor corrections in designations of two statutes. The list below supersedes all previous lists.

1-401 (analyzed as part of pilot research by Carolyn Clark)

2-1202 (pilot research by Carolyn Clark)

5-512 (pilot research by Carolyn Clark)

9-1712 (Marshon Robinson)

9-2217 (Marshon Robinson)

10-630 (John Avondet)

11-306 (John Avondet)

12-1694 (John Avondet)

12-1698 (John Avondet)

12-2819 (John Avondet)

16-715 (Marshon Robinsons)

16A-2-304 (Marshon Robinson)

17-1312e (Marshon Robinson) *

17-2227 (Marshon Robinson)

22a-243 (David Hague) *

22a-244 (David Hague) *

22-3711 (Larkin Evans) *

22-4707 (Larkin Evans) *

25-4161 (Larkin Evans) *

25-4165 (Marshon Robinson) *

34-251 (David Hague) *

38-1508 (pilot research by Leita Walker) *

40-2,156 (David Hague) *

40-2c21 (David Hague) *

40-2d20 (Pam Diego) *

40-222 (David Hague) *

40-3012 (Marshon Robinson)

40-3304 (Pam Diego) *

40-3308 (Pam Diego) *

47-844 (Marshon Robinson) *

47-849 (David Hague) *

47-1709 (David Hague) *

65-1,163 (Alexess Rea) *

64-1,165 (Alexess Rea) *

65-436 (Brendan Burke) *

65-445 (Brendan Burke) *

65-525 (Brendan Burke) *

65-531 (John Avondet) *

65-1135 (Brendan Burke) *

65-1627 (Brendan Burke) *

65-2836 (David Hague) *

65-4922/65-4925 (Katrina Hull) *

65-5602 (Katrina Hull) *

72-53,106 (David Hague) *

72-8903 (David Hague) *

74-7338 (David Hague) *

74-7405a (pilot research by Leita Walker) *