



**Kansas Sheriffs Association**

PO Box 1122  
Pittsburg, KS 66762  
(620) 687-1206



**Kansas Association of Chiefs of Police**

PO Box 2163  
Hutchinson, KS 67504  
(620) 899-4122

**Testimony to the House Judiciary Committee  
In Opposition to HB2134  
February 3, 2025**

Chair Humphries and Committee Members,

Our associations are supportive of open government. However, as in any endeavor there must be balance between competing interests, including covering the costs of generating open records documents.

We are concerned with the provisions of HB2134 found on page 2, lines 17-21, concerning the cost of producing records. One of the issues we see is that the language seems to be centered around paper documents or electronic files of simple documents. But many of our records are more complex. The language is not clear on how we charge for varying levels of expertise needed with different kinds of records. Some requests involve different levels of knowledge within the same request.

While an entry level records clerk can just find and print out many records, this is not always the case. In many cases, preparing records in response to a KORA request involves more than simply retrieving a document and supplying a copy. For example, some information is required to have certain information redacted. The review of some records must involve more than one person to apply all of the variable areas of expertise to determine what may be released and what may be excluded from release. This may include a case investigator in consultation with prosecutors. Some requests involve large volumes of e-mails requiring IT professionals being involved to search large volumes of stored data to be reviewed by others for content. Prior to release, many requests require a legal review to assure the records are following the Opens Record Act and have not jeopardized active cases.

This is not as simple as saying the lowest paid employee "qualified." It also needs to include the various levels of expertise and professional/technological skills required. Under the wording of the bill, the employee with the lowest rate of pay that is qualified may not be available to conduct the work, but we would still have to use that salary level to calculate the cost. The language doesn't include consideration of availability or who actually does the work.

The bill does not include variations in the type of record and the additional costs of redactions. For example, video and photographic records. These things require technology and special training and skills to complete the redaction. For our smaller agencies, they could incur contract services expenses. For example, an attorney review or redaction of video which requires specialized equipment not all agencies can afford.

While we want to be fair to the requester of records, we also must be fair to the taxpayers who will pay for the lapse in true costs vs. recovered cost. This bill needs more clarity concerning the variety of records and the variety of level of review before release.

In addition to those concerns, we do not believe the provision “No such fee shall be charged for electronic copies” on page 2, lines 20-21 is appropriate. While we agree that a lower per page fee when supplying the record electronically is appropriate, to do this at no cost is problematic. You might take a look at SB70, page 2, lines 24-26, where a lower fee is proposed. With electronic records we still have the cost of the storage device to supply it to the requester. This cost can vary substantially depending on the volume of materials requested. Good security procedure to prevent data attacks on our systems includes not allowing data storage devices from the public to be connected to our IT systems. These requests also still involve staff time to prepare.

We believe this bill needs further work to address the variables in the real world of processing open records without adding to the tax burdens on our communities. We urge you to not move it forward.

Jeff Easter, Sheriff, Sedgwick County  
Legislative Committee Chair