



8500 Santa Fe Drive
Overland Park, Kansas 66212
www.opkansas.org

Date: March 12th, 2025
To: Chairwoman Humphries and the House Committee on Judiciary
From: City of Overland Park
Re: SB 70 – Neutral with concerns (Written)

Thank you for allowing the City of Overland Park to submit testimony on SB 70.

The City of Overland Park has concerns with several parts of SB 70.

Live Streaming (Section 5.(j))

Regarding the Kansas Open Meeting Act (KOMA), SB 70 would require a public body that live streams its public meetings to “ensure all aspects of the public meeting are available” though the live streaming. This requirement to “ensure all aspects of the public meeting are available” is vague and places undue burdens on local governments who are already taking proactive and voluntary steps to make sure their meetings are open and transparent to the public. This does not take into account that certain local governments may have technological or spatial restrictions in their live streaming of meetings. This requirement could result in local governments choosing not to live stream their meetings in order to avoid this vague and unclear requirement.

The City of Overland Park would suggest an amendment to Section 5.(j) of SB 70, utilizing the language previously suggested by the Kansas Attorney General’s Office. This language would replace the currently proposed section (j) with the following: ***“The open portion of a public meeting shall be made accessible to the public whether broadcast, livestreamed, or attended in person.”*** As the Kansas Attorney General’s Office has previously explained, this revised wording aligns more closely with the terms and interpretations already established in KOMA analysis, and we believe it will help avoid any confusion or challenges to the provision's enforcement.

Subordinate Group (Section 5.(i))

SB 70 states that a private entity will be considered a subordinate group of a governmental entity if the private entity is under the direct or indirect control of the governmental entity. SB 70 fails to define what constitutes “direct” or “indirect” control, which would lead to confusion, non-uniform application and potential litigation regarding what entities are considered subordinate groups of governmental bodies. The City of Overland Park would request the proposed language in Section 5.(i) of the bill be stricken.



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Copying Costs (Section 1.(c)(6))

SB 70 proposes language stating “*if a fee is charged for the costs of staff time required to make information available, no fee for printed copies of public records shall be charged pursuant to this paragraph*” This will place an undue financial burden on local municipalities and governmental subdivisions when both extensive amounts of staff time to compile records, and large paper production, are required to respond to a record request. Local tax payers would have to shoulder the burden of these costs associated with this new unfunded mandate. The City of Overland Park would request that the above quoted language in Section 1(c)(6) of the bill be stricken.

Thank you for allowing the City to submit testimony on SB 70.