

To: Senate Judiciary Committee
From: John Goodyear, General Counsel
Date: March 3, 2024
RE: Testimony in Support of HB 2134

I want to thank Chairwoman Warren and the members of the Committee for affording the League of Kansas Municipalities the opportunity to provide thoughts on HB 2134 today.

The League and our member cities support the transparencies guaranteed by the Open Records Act. We support the continued ability of local governments to assess reasonable fees for the provision of record and support current provisions in law that limit fees to the actual cost of furnishing records, to include the costs associated with review of the record and redaction. The costs to perform these reviews should be borne by the requester, not the local taxpayers.

The compromise legislation before you today preserves the ability to collect actual costs and clarifies how those costs should be calculated. The legislation also codifies and requires a “best practice” that many government agencies were already doing – engaging in interactive communication with the requester in an effort to refine requests and mitigate costs. These provisions serve to clarify the law and will serve to contain KORA costs in a way that is workable for the public agencies filling records requests.

Thank you for the opportunity to give our thoughts on HB 2134. We are grateful to the other Conferees who worked together to find a compromise on this bill and grateful to the House Committee for implementing the agreement that we reached. We would respectfully ask that the Committee recommend this bill to the full Senate, favorable for passage.