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**Testimony to the Senate Federal and State Affairs Committee
Opposing SB98
February 10, 2015**

Chairman Ostmeyer and Committee Members,

Our associations support open government and the availability of information to the public. However, we have some concerns with the provisions of SB98. We believe this issue of fees is best left to the local governing bodies. If the community demands a change in the fees the local elected officials should be the arbiter of addressing those local concerns. However, if the committee chooses to proceed with the provisions of this bill we ask you to consider the following.

Our agencies have very frequent requests for copies of reports such as motor vehicle crash (accident) reports and offense reports. These requests are certainly KORA related but are not handled in a manner requiring a formal KORA request. They are handled either through walk-up windows, mail, or in some cases an automated electronic system. The fees we charge are intended to defray the expense for paper, photocopying equipment and supplies, postage, and personnel expenses for making those copies. For those with electronic retrieval systems the fees go to defray the cost of the IT equipment to make them available. Many of our agencies contract with private companies who handle the distribution of accident reports and charge a fee to the requester for that service. Those agencies having these programs are under contract with those companies and we may have to pay penalties to break the contract if this bill passes, or we need to wait until the end of the contract to halt the practice. We are not clear if it was the intent of this bill to apply to the fees for that type of report or not, but it appears it probably does. If it does, nearly all of these reports will be distributed for free under this bill since nearly all of these reports are under 25 pages. That is, they will be free for the person or insurance company requesting them but the local taxpayers will all be paying for them instead.

We would appreciate consideration to exclude those daily report transactions that are not compiled under a formal KORA request. This would exclude those reports we routinely make available to the public. It would allow us to have established costs for these reports that are reasonable to recover the costs associated with retrieval, copying, and in some cases minor redactions of information from the reports.

For example, a provision could be inserted on page 1 after subsection (a) between lines 13 and 14 as follows:

“Subsection (a) shall not apply to reports under 25 pages requiring less than one hour of staff time requested from municipal agencies provided a reasonable fee, based on cost for retrieval, , processing, production and delivery of the requested report, is established by ordinance or resolution by the governing body.”

Thank you for your consideration.

Frank Denning, Sheriff, Johnson County
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