



**Senate Committee on Federal & State Affairs
Hearing on Senate Bill 86
Hearing Date- February 2, 2017**

**Written Testimony in Opposition of SB 86 on behalf of the City of Manhattan
By Kiel Mangus, Assistant City Manager**

Good morning Chair LaTurner, Vice Chair Estes and Honorable Members of the Senate Federal and State Affairs Committee. My name is Kiel Mangus and I am the Assistant City Manager for Manhattan.

The City of Manhattan OPPOSES SB 86. The City of Manhattan opposes this legislation that limits the ability of the City to charge accurate costs for open records requests and limits who can provide open records.

- The bill only allows the City to charge staff time at the lowest hourly rate of the person who is qualified to provide records. The language in the bill is vague and doesn't properly define how someone is classified as "qualified" or not. That qualified person may not typically provide open records as part of their job description or may not be available at the time of the request.
- The bill strips the ability of the City to recover costs associated with unique records requests. The City may have to utilize different computer services or use an alternate printing facility if necessary to respond to the request. This legislation would not allow the City to recover those extra costs. That extra cost burden would then fall upon the taxpayers to subsidize.
- In 2016 the City of Manhattan City Clerk's Office handled 123 open records requests. There is a significant amount of time and energy spent in fulfilling those requests. Each City Department also maintains some of their own records so even more time is spent by staff regarding requests.
- This legislation is not necessary. The Kansas Open Records Act already has language that does not allow a public agency to charge unreasonable fees for requests. The agency may only charge the actual cost of responding to a request. The current rules in place already do a good job of handling the records request process.

For all the above reasons the City of Manhattan opposes SB 86. Thanks for your time and consideration.