



Testimony of the Kansas Association of Counties to the
House Committee on Judiciary
Opponent for HB 2219 • February 18, 2019

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify regarding of House Bill 2219, which would require the audio or video recording of all meetings subject to the Kansas Open Meetings Act (KOMA). Additionally, the bill would require that these recordings be made available to the public within 24 hours.

The Kansas Association of Counties is a strong supporter of the Kansas Open Meetings Act, and open government in general. It is critical that citizens have access to information about their government, and the decisions that are made within their government. The Kansas Association of Counties is also a strong supporter of fiscal responsibility and efficiency within local government. As stewards of our citizens tax dollars, the members of the Association of Counties must be responsible with each dollar that is spent.

It is in balancing those two responsibilities that the Kansas Association of Counties must regrettably oppose HB 2219. While HB 2219 would grant easier access to government for citizens, this would come at a significant cost to taxpayers, both initially and on an ongoing basis.

The initial costs to comply with this bill would be to ensure that each room in which open meetings are held is properly equipped with audio or video recording equipment in order to capture the meeting in an adequate quality to produce something that is useful to the public. While some of the county commission meeting rooms throughout the state may already be able to do this, some certainly do not have a level of technology to support compliance with this bill. For counties without that technology, it would be necessary to make such an investment to be in compliance upon publication in the statute book. Even if other changes were made to this bill, it would be necessary to allow a grace period of at least three years prior to enforcement to allow any facility upgrades to be completed.

Not only would county commission rooms need to be upgraded, but any room that held a zoning or planning meeting, a township, fire district, drainage district, or other open meeting would need to be equipped to comply with this requirement.

In addition to the initial costs associated with making meeting rooms compliant, the committee must consider the ambiguity of the bill. The bill does not specify whether the information must be placed online, made available at a central location, or disseminated in some other way. At present, the method for complying with the requirement to make these meetings publicly available is ambiguous at best. Additionally, there is no schedule within the bill to identify how long each meeting must be kept. Again, this bill affects all open meetings. Many of our townships, fire districts, drainage districts and other smaller taxing entities may not have the capability to store files of this nature, or make them available in any meaningful way.

Whatever media the information made available in, there will be a cost associated with the storage of that media. With no clear retention period, meetings may have to be stored in perpetuity, making the potential cost of storage outright unbearable for even larger governmental entities.

Finally, this bill would potentially be crippling to smaller boards such as township, drainage, water and fire districts. While these entities are subject to KOMA, many of their budgets are so small that the cost of recording and storing meetings would far exceed their current budget over time. This would not be an effective use of the resources of those entities.

Please consider the costs of compliance and reject HB 2219. While making government available to citizens is important, the cost of compliance should not be so high as to make that unmanageable. Thank you for your time and consideration.

Respectfully,



Jay Hall

Kansas Association of Counties