



CITY OF TOPEKA

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To: House Committee on Judiciary
From: Amanda Stanley, City Attorney
Date: February 6, 2024
Re: Oral - Opposition Testimony for HB 2599

I would like to thank Chairwoman Humphries and the Committee for allowing the City of Topeka the opportunity to provide written neutral testimony on HB 2599. As written, this bill only applies to the executive branch of the state government. As it does not have an effect on the City of Topeka, we refrain from taking any opinion of the policy issue being looked at. However, we are submitting testimony to make clear the City would strongly oppose any amendment to make this legislation applicable to the City of Topeka.

The City of Topeka receives numerous requests every year for records that need to be thoroughly vetted to ensure records that are mandated to be closed are not released, especially in high profile issues. Additionally, the City takes pride in ensuring the privacy of our employees and citizens are protected by using discretionary exemptions when applicable and necessary. This is not possible without the review of the records. As record requests get increasing complicated and electronic records continue to proliferate, the time spent searching for records can be significant. That is time our network engineer must take away from other vital job duties.

Staff in multiple departments spend several hundred hours each year retrieving, reviewing and redacting requested records. For the majority of requests, this is less than an hour and often less than 15 minutes. However, it is increasing becoming more common to request all electronic and text message communications on an issue over a broad time frame. Last year's records show a range of estimated time on some of the larger requests between six hours and 190 hours. The City already has deeply discounted staff time compared to actual cost. The hourly rate for KORA for an attorney in Topeka is only \$35 an hour. This in no way recoups the City's time. The requests are often from out of state media so the taxpayers of Topeka are the ones subsidizing these requests. I am sure the taxpayers would rather having their city employees working on issues for their behalf than spending their tax dollars to respond to out of state record requests or even local requests that are bogging down staff's time to respond to other critical issues. Legislation to prohibiting the recoupment of costs needed to review records in order to make them available, or to even search for their existence, would only make the burden worse for our taxpayers.