



**Written neutral testimony on**

**HB 2599**

**Prohibiting charges for electronic copies and determinations of whether a record exists and limiting charges for employee time required to make records available under the Kansas open records act.**

**By**

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House Judiciary Committee

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Chair Humphries and members of the committee,

Thank you for the opportunity to submit neutral written-only testimony on HB 2599. Our member-adopted permanent policies provide:

*KASB supports the current requirements and exceptions in the Kansas Open Meetings and Kansas Open Records Acts.*

We support the values of transparency and open government embodied by the Kansas Open Records Act. We provide neutral testimony on HB 2599 because it primarily addresses changes to requirements for open records responses by the executive branch and executive branch agencies. These changes largely do not directly impact our members.

However, one seemingly minor proposed change in the bill has the potential to significantly adversely impact our members when they are responding to open records requests. KASB highlights for the committee our concerns about the language change in line 35, page 1. By changing the language from “furnishing copies” to “copying,” the statute may be

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interpreted to prevent districts from collecting reasonable and appropriate compensation for the staff time taken to thoroughly review, compile, and respond to an open records request.

Districts have experienced, in recent years, a notable increase in open records requests that require a substantial amount of staff time to appropriately identify and compile responsive district records (either paper or digital). While this may not be the intent of the proposed new language, the line 35 change could create a situation where a district may only charge for the staff time needed to make photocopies of paper records. Such a change would place a substantial fiscal burden on districts when responding to (increasingly frequent) extensive records requests.

KASB suggests the committee consider using the term “furnishing records” on line 35, page 1, rather than “copying.” Or, in the alternative, we suggest leaving the phrase “furnishing copies” in the statute as it is currently written.

Thank you for your consideration of these concerns and our proposed language changes to HB 2599.