

To: House Judiciary Committee
From: John Goodyear, General Counsel
Date: February 6, 2024
RE: Neutral Testimony on HB 2599 – Written Only

I want to thank Chairwoman Humphries and the members of the Committee for affording the League of Kansas Municipalities the opportunity to provide thoughts on HB 2599 today.

The League and our member cities support the transparencies guaranteed by the Open Records Act. We support the continued ability of local governments to assess reasonable fees for the provision of record and support current provisions in law that limit fees to the actual cost of furnishing records, to include the costs associated with review of the record and redaction. The costs to perform these reviews should be borne by the requester, not the local taxpayers. Because this legislation does not directly impact cities or threaten the ability to recoup costs, we stand neutral at this time.

One consideration though that does impact all public agencies subject to KORA is found in section (c)(1) of the legislation. The League would request that the Committee retain the current language of “furnishing copies” to prevent future confusion on what costs cities may assess. With the move toward providing records digitally in lieu of physical copies, it should remain clear that staff time needed to compile, review, and redact sensitive information from records is included in the actual costs that an agency can assess to the requester. By amending that section to say “copying” it is possible that that there will be confusions surrounding costs otherwise included in the production and provision of records. While the second half of the sentence makes it clear that copying fees include costs of staff time required to make the information available which would include staff time needed for review and redaction, current statutory language of “furnishing copies” likely better reflects the current digital age than does the proposed language of “copying.”

We are grateful for the opportunity to provide comments on HB 2599 and would ask that the Committee consider returning to the original statutory language in section (c)(1) in line 35 of page 1 of the bill.