



To: Senate Committee on Federal and State Affairs
From: Kim Winn, Deputy Director
Date: March 13, 2013
Re: Opposition to SB 10

Thank you for allowing the League of Kansas Municipalities (LKM) to testify in opposition of SB 10. We believe that this bill is an unfunded mandate on local governments and unnecessarily regulates minute-keeping.

Current law requires that municipalities not charge more than “reasonable” fees for open records requests. K.S.A. 45-219(c). Municipalities respect and obey this law. However, because of KORA exceptions and various privacy laws, open records requests can require legal review and days’ worth of work by staff. Current law allows for fees to cover the cost of staff time spent in redacting open from closed information. *Data Tree*, 279 Kan. 445 (2005). Under SB 10, staff time and other expenses could not be charged to the requestor of a record. This means that the remaining taxpayers in a community would ultimately be paying the expenses for an individual requestor.

Fees for staff time are also a mechanism to deter frivolous or unduly burdensome requests. City clerks are occasionally asked for records that could only be produced by a long-term commitment by all office staff. Some individuals use KORA as a way to disrupt operations. Under the current law, public agencies are allowed to let the requestor know in advance what the cost of the request will be. In the most extreme cases, this acts as a deterrent to frivolous requests.

It is important to also remember that both KOMA and KORA apply to state agencies. And, state agencies have been actively encouraged to utilize records fees as a mechanism to fund their agency. For example, it currently costs \$15 to receive a copy of a death certificate. This is a simple piece of paper that is produced with a click of the mouse. The cost of the paper is clearly less than \$15. The agency can justify the \$15 only when one takes into account the staff time required to maintain the records and the office. We would argue that local governments should not be treated differently than state agencies in this case.

SB 10 also mandates that there be minutes taken at all meetings and that the Secretary of State determines the format of such minutes. This is an unnecessary intrusion into local affairs. Further, the requirement that minutes be kept for all meetings ignores the wide scope of gatherings that fall under KOMA’S definition of “meeting.” Work sessions, conference calls, and emergency meetings do not lend themselves to minute-keeping, but qualify as meetings under the Act. Making it a KOMA violation to not use a State-approved minute form for the numerous kinds of meetings is an unreasonable burden on Kansas’s 626 city governments.

Thank you for allowing the League to testify on this important topic. We respectfully request that SB 10 not be passed out of committee. I would be happy to stand for questions at the appropriate time.