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Senator Ralph Ostmeyer
Chairman, Senate Standing Committee on Federal and State Affairs
% Connie Burns, Committee Secretary
Room 136-E
Kansas State Capitol Building
Topeka, KS 66612

Dear Chairman Ostmeyer and members of the committee:

Thank you for the opportunity to submit written testimony regarding my official opposition to SB 10. My name is Donna Zimmerman and I am the Barton County Clerk.

There are two issues. The first is costs to make copies to comply with open records requests. The second is a requirement the Secretary of State provide guidance and as I understand it some oversight over the keeping of county minutes.

KSA 45-219 provides the keeper of records may charge a reasonable fee. Barton County reduced its fees in 2008 and now charges 50 cents per page for the first 20 pages and 25 cents per page for every page thereafter. These fees were set after we performed a study to determine actual costs to produce records. This fee schedule includes staff time. County Clerks are often appointed the Freedom of Information Officers in their respective counties and have a history of responding quickly and accurately to KORA requests. We have not had any complaints regarding the fees Barton County charges for records. Some of these requests are for significant amounts of material. Such requests take considerable staff time to answer. A large request can take an employee an entire day to complete, rendering them unable to perform other daily activities likely resulting in overtime costs. Wear and tear on copy machines is proportional to the number of KORA requests, and should be a factor when determining fees. We periodically review our costs to ensure Barton County is charging a reasonable fee.

The Commission agenda meeting minutes are approved and adopted by the Boards of County Commissioners. The minutes must fairly and accurately represent the actions taken by their boards. Local constituents should be able to provide input directly to their boards and county clerks if they need information in a different format. It is difficult to see any scenario where there needs to be oversight from the Secretary of State regarding keeping of minutes.

Thank you for the opportunity to submit written testimony in opposition to SB 10. I respectfully request that the committee reject SB 10 for the reasons I have outlined.

Sincerely,

Donna Zimmerman, Barton County clerk