



KANSAS
ASSOCIATION OF
COUNTIES

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House Judiciary Committee
February 6, 2024
HB 2599

Kansas Association of Counties
Opponent Testimony

Chairwoman Humphries and members of the Committee:

Thank you for allowing the Kansas Association of Counties to offer opponent testimony on HB 2599, which would limit fees for copying and staff time under the Kansas Open Records Act (KORA).

The Kansas Association of Counties supports open and transparent government. In fact, KAC provides annual training opportunities on the Kansas Open Records Act to our membership to help encourage open government and transparency. KAC cannot, however, support HB 2599.

The majority of open records requests are fairly simple and do not result in fees being charged because there is little, if any search time, staff time, copy time or other effort for these requests. For these requests, KAC encourages member counties to simply provide the information at that time at no cost.

For printed copies, KAC would ask to maintain a reasonableness standard, which includes the presumption that fees below \$0.25 are reasonable, rather than restricting the fee to no more than \$0.25 per page as HB 2599 proposes.

Some records requests require significant staff time to search for the records (or to see if records exist) because the request is complex, confusing, involves multiple departments, involves a large volume of records, or involves records that are potentially protected under KORA. Some of these searches may be handled relatively quickly. Others may be much more time consuming. Counties should be able to charge for search time. It is not in the public interest to potentially not identify records that are responsive to the request, give out information that should otherwise be protected, or pass these costs on to other taxpayers.

Case law has stated that staff time for redacting private information can be included in the costs.¹ This is important, particularly as identity theft has increased. Counties have a responsibility to protect the personally identifiable information of all individuals. Counties must also make sure that private business or personal information is protected when providing open records. Ensuring that information is properly redacted prior to turning over records is a critical function of county government. This may often mean that the person that reviews the records is an attorney, rather than a frontline staff person, which can increase costs. The legislature should be aware of this, as this helps protect both employees and the public at large.

¹ *Data Tree, L.L.C. v. Meek*, 279 Kan. 445 (2005).

Thank you for the time and consideration of these comments. Please feel free to contact KAC with any questions that you may have.

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