

To: Senate Federal and State Affairs Committee
From: Eric B. Smith, Deputy General Counsel
Date: February 2, 2017
RE: Opposition to SB 86

I want to thank Chairman LaTurner and the Committee members for allowing the League of Kansas Municipalities to provide testimony in opposition to SB 86.

Current law, K.S.A. 45-219(c), requires cities to charge reasonable fees for open records requests. The League offers yearly KORA trainings and educates city officials and staff that fees charged for open records requests should be set at an amount for the city to recoup the costs to comply with the request; cities should not make money off of open records requests or charge high fees to deter requests. It has been our experience that cities respect and obey this law.

Mandating the fees cities can charge for open records requests not only erodes local control, but it creates an unfunded mandate on local governments. If cities are not able to set appropriate and reasonable fees to recoup costs, the cost for open records requests will be paid by every tax payer through increases in sales tax or property tax or decreases in other services. A one-size-fits-all approach is not appropriate, because costs vary from city to city.

In addition to the open records fees, SB 86 mandates that cities take minutes at every meeting. The League encourages the taking of minutes at all meetings but making it a KOMA violation for failing to assure minutes are taken is an unreasonable burden. It is important to remember that the definition of a meeting under KOMA is very broad and covers many gatherings that are difficult to maintain minutes for.

Based on the above reasons, the League of Kansas Municipalities respectfully requests the Committee **not** pass SB 86 out of Committee.