

City Hall
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Overland Park, Kansas 66212
www.opkansas.org

Date: January 27, 2021
To: Chairwoman Bowers & the Senate Committee on Transparency and Ethics
From: City of Overland Park
Re: Written Testimony on SB 17 – Neutral with concerns

Thank you for allowing the City of Overland Park to submit neutral testimony on SB 17. Although we do not oppose the primary goal of the legislation, we request that an amendment be considered to balance that goal with the ability of municipalities to devote resources to their community needs and the public services required to meet those needs.

It is common for a City the size of Overland Park to receive overly broad open record requests that would require hundreds of staff hours and hundreds of documents to be produced. These requests can potentially cost tens of thousands of dollars in staff time and supplies. For these exact reasons, the Kansas Open Records Act (KORA) prevents record requestors from overburdening municipal operations with overly broad requests by allowing municipalities to request advance payment of fees to reimburse for the cost of staff time required to fulfill those requests. By requiring advance payment for these overly broad requests, requestors typically make a new request that is more narrowly tailored to the information the requestor is actually seeking.

By removing these controls for requests from Legislative Post Audit (LPA), SB 17 would potentially allow LPA to interrupt municipal operations with their requests. For example, there is nothing in the legislation that would prevent LPA from requesting all records related to a specific matter over the last twenty (20) years. This type of request would require the City to expend hundreds of hours of staff time in fulfilling that request. Unlike other requests, the City would not be able to be reimbursed for its staff time or encourage Legislative Post Audit to narrow the scope of its request. The City deeply respects and supports LPA's mission, but no state agency should have unfettered discretion to unilaterally affect municipal operations in order to fulfill their own mission. The City's primary mission is to serve the interests of its residents and businesses, and SB 17 could result in essentially an unfunded mandate where cities may be interrupted from their missions and indirectly subsidizing the operations of a state agency.

For these reasons, the City respectfully requests that the Committee adopt an amendment to SB 17, which amends the Legislative Post Audit Act rather than the KORA, which allows a reasonable, but limited amount of free staff time and a limited amount of document production (pages of free copies) from all agencies each year for fulfilling their requests.

Thank you for allowing the City to submit testimony on this legislation. We respectfully request that the Committee adopt an amendment to SB 17 and balance the mission of LPA with the ability of local municipalities to use local resources for community needs and public services.