



CITY OF TOPEKA

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To: House Committee on Judiciary
From: Amanda Stanley, City of Topeka
Date: February 3, 2025
Re: Opponent Testimony for HB 2134

Chair Humphries, distinguished members of the Committee, thank you for the opportunity to provide testimony on behalf of the City of Topeka in opposition to House Bill 2134. We appreciate your consideration of our concerns regarding the potential unintended consequences this bill could have on both the city and its taxpayers.

At first glance, HB 2134 appears to address some of the issues raised by the City during last year's legislative session, specifically with regard to recouping staff time for processing records requests. However, we believe there are still significant ambiguities in the bill's language—particularly in lines 20 and 21 on page two—that could have serious implications if not clarified. As it stands, it is unclear whether the cost of employee time can only be charged for printed copies of records. It must be clarified that employee time can be charged for both printed and electronic copies.

The City of Topeka processes thousands of records requests each year. These requests are not just a routine task but a labor-intensive process that demands significant time and resources to ensure compliance with not only the open records law but also privacy laws to protect sensitive information. Many of these requests originate from out-of-state media outlets, which places an undue burden on our local taxpayers who ultimately bear the cost of fulfilling these requests.

As the number of records requests continues to rise and the complexity of those requests increases—particularly with the growing volume of electronic records—the time spent by our staff to process them is becoming increasingly burdensome. In fact, last year alone, the City of Topeka processed 7,332 records requests. Even if we conservatively estimate that each request took just 5 minutes to fulfill, that amounts to over 611 hours of staff time dedicated solely to processing these requests. In reality, however, many requests take much longer—sometimes as long as 190 hours for a single request. These staff hours are spread across multiple departments and include time spent retrieving, reviewing, and redacting documents to ensure compliance with the law.

It's also important to note that the City's current rate for processing records requests is already deeply discounted compared to actual costs. For instance, the hourly rate for a city attorney working on Kansas Open Records Act (KORA) requests is just \$35 an hour, which is far below the actual cost of providing legal and administrative support for these processes. The current system does not fully recover the costs associated with processing records, but it does help to mitigate some of the financial impact on taxpayers.

If HB 2134 were to pass in its current form and prohibit the recovery of costs associated with processing records requests, the burden on local governments—especially in Topeka—would only increase. The current framework strikes an important balance between ensuring transparency and maintaining fiscal responsibility. By allowing cities like Topeka to recover at least a portion of the staff time required to process these requests, the current system helps prevent undue strain on municipal resources while still upholding the public’s right to access information.

In conclusion, we believe that the existing framework for handling records requests is both fair and efficient. Any changes that further limit the ability to recoup staff costs would not only strain local governments, but could also inadvertently reduce the quality of public services and transparency. We urge the Committee to carefully consider the potential negative impacts of HB 2134 and to refrain from making modifications to the open records law that would undermine the current system.

Thank you once again for your attention to this matter. We remain committed to working collaboratively with the Committee to ensure that public policy continues to serve the best interests of all Kansans.