



January 30, 2025

Re: Opposition to HB 2134 - Open Records Fee Limitation

Chairman and Members of the Kansas House Judiciary Committee,

Thank you for the opportunity to provide a written testimony today on behalf of the City of Maize in opposition to HB 2134. While we recognize the importance of transparency and public access to government records, we believe that the proposed bill imposes unnecessary limitations that will adversely affect local governments and their ability to efficiently serve the public.

The City of Maize is committed to ensuring transparency in our operations at all levels of government. We regularly respond to open records requests, and we work diligently to provide requested information as promptly as possible. However, we face challenges when the requests are vague, expansive, or from businesses that are conducting market research or seeking to become vendors. We don't always have the information packaged the way that requests come in. These requests often require significant staff time and resources to fulfill, and the process of compiling the data can take several hours or even days.

Currently, when information is easily accessible and does not involve protected or confidential data—such as utility customer information—we make every effort to provide it as quickly as possible. However, when requests involve large amounts of data or require significant staff involvement, it becomes necessary to assess the cost of providing such records. The time spent by our employees gathering, organizing, and verifying the information is valuable, and HB 2134's proposed limitations on how much a city can charge to fulfill these requests would unfairly burden local governments like ours.

If enacted, this bill could prevent the City of Maize from fully recovering the costs associated with processing open records requests. The bill's provision that limits the charge to the lowest hourly rate of an employee qualified to provide the records fails to account for the complexities of the work involved. Often, fulfilling these requests requires input from multiple departments and staff members, and the actual cost can be significantly higher than the proposed cap. Sometimes the lowest paid qualified person to do the work may have a heavy workload to complete the job. This means that local taxpayers could ultimately bear the cost of providing

records that are often requested by individuals or businesses that stand to benefit from the information.

Additionally, the bill's mechanism for challenging the reasonableness of the fees introduces unnecessary administrative burdens. Having to process appeals regarding fees would divert city staff from their primary focus of serving citizens and could further strain limited resources.

We believe that current law already strikes an appropriate balance by allowing cities to charge fees that reflect the actual cost of producing records. The existing framework ensures that cities are not overburdened by requests while still upholding the public's right to access information. HB 2134 threatens to undermine that balance by imposing arbitrary limits on fees and creating an additional layer of bureaucracy for local governments.

In conclusion, the City of Maize is committed to transparency and ensuring that the public has access to government records. However, HB 2134 represents an unnecessary and unworkable restriction that could divert resources away from essential public services and place an undue burden on local governments like Maize. We respectfully urge the committee to reject this bill.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Gregory', with a stylized, flowing script.

Nick Gregory
City Manager
City of Maize