



**STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL**

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**House Judiciary Committee
Office of the Attorney General
Written Only Neutral Testimony for SB 70
March 12, 2025**

Chairwoman Humphries and Members of the Committee,

The Office of the Attorney General is charged with enforcing the Kansas Open Records Act (KORA) and the Kansas Open Meetings Act (KOMA), as well as providing public education about both statutes. Our office is committed to promoting government transparency and accountability while ensuring that agencies and officials can operate efficiently and effectively.

Senate Bill 70 proposes updates to both KORA and KOMA. These statutes, originally enacted in the 1980s, have not always kept pace with rapid technological advancements. In today's digital landscape, modernizing these laws is necessary to maintain their effectiveness. SB 70, when considered alongside the language found in HB 2134, as amended, represents a reasonable effort to address these evolving challenges and improve government transparency while ensuring the government can continue to function effectively.

The Office of the Attorney General believes SB 70 can be significantly enhanced by incorporating the compromise language from HB 2134, as amended. This bill reflects a well-negotiated agreement among key stakeholders, including the Kansas Policy Institute and the League of Kansas Municipalities, demonstrating a collective effort to refine the state's open records laws in a way that serves all Kansans.

Additionally, the Office of the Attorney General strongly supports SB 70's provision allowing for the full confidentiality of records related to the Batterers Intervention Program. The proposed revisions to K.S.A. 75-7d01 ensure that sensitive and graphic materials remain confidential, protecting both the integrity of the program and the privacy of those involved. Many records associated with our agency's victim services offerings are already completely closed to public disclosure as a matter of law, and this provision aligns with these existing protections.

Another key revision in SB 70 pertains to K.S.A. 45-221(a)(11), which introduces an exception for records compiled during investigations of potential violations of civil law or administrative rules. This amendment would permit agencies to close records if an investigation has been formally closed and no violation was found. This change is crucial for both government agencies and private businesses that cooperate with investigations but are concerned about the public release of their

records when no wrongdoing has been identified. Enhancing confidentiality in these cases fosters cooperation between businesses and government agencies, ultimately strengthening consumer protection enforcement and other legal compliance efforts.

The Office of the Attorney General also recommends an amendment to SB 70 to create a new exception under KORA allowing government agencies to withhold or redact records containing obscene content. A clear definition of obscenity should focus on the depiction of sex, body parts, or similar material to ensure proper application of this provision. This change is requested to ensure the Office of the Attorney General can redact records submitted to our office under SB 394, a bill passed during the 2024 legislative session that requires the Office of the Attorney General to investigate obscene websites that do not have age verification.


Regarding the Kansas Open Meetings Act, the proposed amendments to K.S.A. 75-4318 provide necessary clarifications. One such revision explicitly states that subdivisions of a governing body, such as committees, must comply with KOMA requirements. This clarification addresses a misunderstanding that some governing bodies have and ensures governing bodies are not able to evade public meeting obligations by dividing themselves into smaller groups. The addition of the language in subsection (h) strengthens public confidence by ensuring these smaller groups remain subject to KOMA when making decisions or conducting business on behalf of the larger governing body.

Additionally, if the committee intends to retain the provisions requiring open meetings that are broadcast on an electronic medium to be streamed in their entirety or allowing a five-minute extension for governing bodies returning from executive sessions, we request more clearly defined parameters. Providing greater structure for these provisions would assist our office in effectively enforcing these requirements.

In conclusion, SB 70 represents a meaningful step forward in modernizing KORA and KOMA. The bill makes important progress in promoting government transparency and accountability while ensuring that confidentiality protections remain in place where necessary. The Office of the Attorney General supports this bill with the proposed amendments and looks forward to collaborating with the committee to refine it further.

Thank you for your time and consideration of our testimony.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Matt Bingesser". The signature is fluid and cursive, with the first name "Matt" and last name "Bingesser" clearly distinguishable.

Matt Bingesser
Administrative Counsel
Office of the Attorney General