

To: House Judiciary Committee  
From: John Goodyear, General Counsel  
Date: March 12, 2024  
RE: Neutral Testimony on SB 70

I want to thank Chairwoman Humphries and the members of the Committee for affording the League of Kansas Municipalities the opportunity to provide thoughts on HB 2134 today.

The League and our member cities support the transparencies guaranteed by the Open Records Act. We support the continued ability of local governments to assess reasonable fees for the provision of record and support current provisions in law that limit fees to the actual cost of furnishing records, to include the costs associated with review of the record and redaction. The costs to perform these reviews should be borne by the requester, not the local taxpayers.

Sec 1 of SB 70 makes slight modifications to the fee structure of the Open Records Act. This Committee will recall HB 2134 touched on KORA costs as well. We are grateful to this Committee for allowing the League and our member cities to weigh in on that bill and to work with the groups on the other side of the issue to find amendments that were beneficial and workable to both requesters and the public agency responding to the request. We would ask that the Committee consider amending Sec 1 of SB 70 to incorporate the compromise language adopted by this Committee and passed by the House.

The League is neutral or supportive of the rest of the changes in the bill but would request a slight amendment in Sec 5 of the bill, amending part of the Open Meetings Act. In new section (j) on page 14 lines 20-23 we would request that the Committee consider adopting the language proposed by the Attorney General's office in their testimony in the Senate Committee. I have copied that language here:

*(j) The open portion of a public meeting shall be made accessible to the public whether broadcast, livestreamed, or attended in person.*

This revised wording aligns more closely with the Attorney General's Office interpretations and the understanding of cities. A strict reading of the current phrasing may cause inadvertent violations of the new provision that are not the fault of the public agency. Would a city violate the requirement that "all aspects of the open meeting" be available if their camera is slow to shift

from a member of the public speaking at the podium to a council member that responds? Would it violate the Act to show a Powerpoint presentation on screen, but not the presenter? We believe that this amendment reflects the intent of the new section and adds clarity necessary for implementation and enforcement.

Thank you for the opportunity to give our thoughts on SB 70. We would respectfully ask that the Committee consider implementing the compromise language from HB 2134 into Sec 1 of the bill if this bill moves forward. We would also request that the Committee consider the clarifying amendment to Sec 5 of the legislation.