

To: Senate Judiciary Committee
From: John Goodyear, General Counsel
Date: February 3, 2024
RE: Testimony in Support of SB 70

I want to thank Chairwoman Warren and the members of the Committee for affording the League of Kansas Municipalities the opportunity to provide testimony in support of SB 70 as written.

The League and our member cities support the transparencies guaranteed by the Open Records Act and Open Meetings Act. Good government operates in the light of day. A significant portion of our educational efforts as state organization that exists to support the cities of the state is to educate them on these laws and encourage good practices.

Section 1 of SB 70 establishes a reasonable charge, by the page, for the electronic copies. This provision gives guidance in an area that has otherwise been murky and preserves the ability of public agencies to recoup the actual costs associated with filling open records requests. We support the continued ability of local governments to assess reasonable fees for the provision of records, to include the costs associated with review of the record and redaction. Because this change gives clarity and does not infringe on that ability, we think it is a good change to the law.

The League also stands in support of the changes made in section 6 allowing for limited leniency in the timing of a return from an executive session. This change allows the law to account for human nature in a way it did not before. It is not uncommon to take a look at the minutes of a meeting and see that a body recessed into executive session until a set time and then see, notated in the minutes, that the open meeting reconvened two minutes later than stated in the motion. These two minutes that were unaccounted for are technically a violation of KOMA. These two minutes are not nefarious – maybe it took some time to let people back into the room, or maybe someone needed to step outside for a moment. The allowance made in SB 70 to account for this is a common-sense fix.

We are grateful for the opportunity to provide comments in support of SB 70 as drafted and would ask that the Committee recommend the bill favorably for passage.