

Chairperson Warren and Members of the Committee,

We are pleased to provide testimony opposing SB 70, which makes several revisions to the Open Meetings rules and one change to the charges for Open Records requests.

We take no position on the Open Meetings changes, but taxpayers should not be charged for receiving electronic copies of documents.

K.S.A. 45-219(c)(1) says fees for copies of records “shall not exceed the actual cost” of fulfilling KORA requests. The KORA statute also says, “A fee for copies of public records which is equal to or less than \$.25 per page shall be deemed a reasonable fee.” The average cost to print a page on a laser printer is around 5 to 8 cents for black and white and between 12- and 15 cents for color laser prints.¹ Since fees cannot exceed actual costs and the cost of printing a page is far less than \$.25 per page, it seems that the legislative intent of allowing \$.25 per page would cover the cost of printing and employee time.

The same logic applies to per-page charges for electronic copies. Charging for employee time to produce records is reasonable, but there is no incremental cost of attaching a file to an email.

Currently, some public agencies charge \$.25 per page for printed copies (or \$.125 per page for electronic copies) plus employee time. Other instances of excess charges include:

- Charging hourly rates for highly compensated employees when the work can be performed by employees who are paid less.
- Imposing per-page charges for electronic copies, which cost nothing to send.

[USD 257](#) Iola charges \$1 per page to individuals and a \$300 corporate flat fee.

USD 231 Gardner-Edgerton charged us an hourly rate of \$69.28 for pay and benefits, even though the district has no increased cost for employee benefits as a result of a KORA request. They charged for a paper print we did not request or receive, and charged \$.12 for a one-page email.

Breakdown of Costs

- 1 hour of labor (Admin. Research) @ the staff member’s fully-loaded hourly rate: 1 hour at \$69.28=\$69.28
- .25c X # pages (1) for printed copies up to 8 1/2 by 11 inch = \$.25
- .12c X # pages (1) for electronic copies = \$.12

Total Cost = \$69.53 for printed copies or \$69.40 for electronic copies

These are just a few examples of government agencies charging more than the actual cost to fulfill KORA requests.

We could support the bill with these changes:

- ✓ No per-page charge for electronic copies.
- ✓ \$.25 per page may be charged but not in addition to employee time, or the actual cost of printing plus employee time.
- ✓ Employee time to be charged at the lowest hourly rate of an employee who is qualified to fulfill the request.

We appreciate your consideration.

¹ <https://www.tonerbuzz.com/blog/printing-costs/#:~:text=Cost%20Per%20Page%3A%20Laser%20Printers,cents%20for%20color%20laser%20prints.>