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**Senate Judiciary Committee
Office of the Attorney General
Proponent Testimony for HB 2134, as amended
March 3, 2025**

Chairwoman Warren and Members of the Committee,

Thank you for the opportunity to provide testimony in support of HB 2134, as amended. The changes made by the House Judiciary Committee have significantly improved this legislation, ensuring greater transparency while balancing the needs of public agencies and the public. As amended, this bill has garnered the support of the Office of the Attorney General. The Office of the Attorney General has enforcement authority over the open records acts and provides public education on the law. The bill represents a well-negotiated compromise between key stakeholders, including the Kansas Policy Institute and the League of Kansas Municipalities, demonstrating a collective commitment to refining the state's open records laws in a way that serves all Kansans.

One of the most notable amendments to HB 2134 is the removal of the \$0.25 per page charge that could previously be assessed for both paper and electronic records. This change ensures that requesters are not unfairly burdened by arbitrary costs and aligns the state's open records policies with modern standards of transparency. By eliminating this fee, the bill removes financial barriers that may have discouraged public access to important government records.

Additionally, the bill now provides a more precise definition of actual costs associated with fulfilling public records requests. This includes clarification on costs related to reviewing and redacting records, ensuring that public agencies can only charge for expenses directly tied to processing requests.

Another item emphasized in HB 2134 is that it ensures that public agencies charge for the lowest category of staff ability necessary to process a request. By reaffirming this principle, the bill ensures that requesters are not overcharged for higher-level employees when lower-level staff are capable of handling the request. Furthermore, the bill now explicitly defines time-based charges as an employee's salary or hourly wage, excluding benefits. This provides for a clear definition for public agencies to use when completing a request.

The bill also introduces a notification requirement for requests that may exceed \$200 in associated fees. Under this provision, public agencies must notify requesters if their request is expected to exceed this amount, allowing requesters to make informed decisions before incurring high costs. If a requester does not agree to the fee or fails to engage in an interactive communication within three business days, the request will be considered withdrawn. This provides public agencies with needed closure on unresolved requests while also giving requesters a clear process to follow.

In addition to these provisions, I want to highlight two elements from SB 70 that the Office of the Attorney General supports and would like to see incorporated into a final conference committee report or amended bill. First, the full confidentiality for the Batterers Intervention Program is a necessary measure to protect the integrity of this program and the individuals it serves. Second, the open records exception in K.S.A. 45-221(a)(11), which allows records of closed civil investigations where no violation of law was found to remain closed, is a necessary and reasonable measure to ensure fairness for those subject to such investigations. Both provisions reflect the careful balancing act between transparency and privacy, and their inclusion in the final bill would strengthen the state's open records framework. If this bill is part of a conference report, we ask that our previous suggestions regarding the Kansas Open Meetings be included.

In conclusion, HB 2134, as amended, represents a thoughtful and balanced approach to improving Kansas' open records laws. It enhances public access to government records while ensuring that public agencies operate efficiently and fairly in responding to requests. The removal of unnecessary fees, the clear definitions of actual costs, and the fair approach to staff time charges all contribute to a more transparent and equitable system. I urge this committee to advance HB 2134, as amended, and I also encourage consideration of the important provisions from SB 70 in any final legislative action.

Thank you for your time and consideration. I am happy to answer any questions the committee may have.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Matt Bingesser", written in a cursive style.

Matt Bingesser
Administrative Counsel
Office of the Attorney General