

SESSION OF 2021

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE
BILL NO. 2049**

As Recommended by House Committee on
Judiciary

Brief*

Sub. for HB 2049 would amend a statute authorizing the Legislative Post Audit Committee to direct the Post Auditor and Legislative Division of Post Audit (LPA) to audit state agencies and other entities specified in the Legislative Post Audit Act. Specifically, the bill would add a provision prohibiting a public agency that is the subject of an audit pursuant to the statute or any other law from charging a fee for copies of or access to certain records described in the statute.

Background

The bill was introduced by the Legislative Post Audit Committee. As introduced, the bill would have amended the Kansas Open Records Act (KORA) to prohibit a public agency from charging a fee for access to or copies of records if the request for access or copies is made by the Post Auditor or an LPA employee for the purpose of conducting an audit under the Legislative Post Audit Act or any other law.

House Committee on Judiciary

In the House Committee hearing on January 21, 2021, the Post Auditor testified as a **proponent**, stating the bill would ensure fees could not be used as a barrier to statutory

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

access to records during an audit, codify an internal policy to not pay for records as part of an audit, and be consistent with other states' approaches to the issue.

A representative of the League of Kansas Municipalities testified as a neutral conferee. Representatives of the Kansas Association of Counties and the City of Overland Park submitted written-only neutral testimony. Generally, the neutral conferees asked that LPA requests not be overly burdensome or that the bill be amended to avoid overly-burdensome requests.

A representative of the Kansas Press Association testified as an **opponent**. A representative of the Kansas Association of Broadcasters provided written-only **opponent** testimony. Generally, the **opponents** stated fee limitations on KORA requests should be expanded to include any request made in the "public interest," rather than limited to an LPA request.

On January 28, 2021, the House Committee recommended a substitute bill to place the fee prohibition in a statute governing LPA audits, rather than in KORA.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, LPA indicates it has never paid a fee for accessing agency records, and enactment of the bill would clarify LPA would not be charged by public agencies in the future. The bill would have no fiscal effect.

Legislative Post Audit; agencies; audits; records; fees