



Kansas County Commissioners  
Association

*An Affiliate of the Kansas Association of Counties*

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TESTIMONY OF THE KANSAS COUNTY COMMISSIONERS ASSOCIATION  
TO THE HOUSE FEDERAL & STATE AFFAIRS COMMITTEE ON SB 10

Dear Chairman Brunk and Members of the Committee:

Thank you for holding a hearing on SB 10 and offering local officials the opportunity to speak to this legislation. On behalf of county commissioners across the state, I stand opposed to SB 10.

We do not oppose the open records concept of this bill. Any citizen of a city, county, school district, or any tax-funded entity that determines they need a copy of some publicly-created document should know that they can make a request from their specific freedom of information officer and that request will be completed.

SB 10, however, provides no distinction between Kansas citizens and non-citizens. We question why SB 10 should allow a non-taxpaying person, nonresident of that taxing entity, or possibly even the State, to acquire any document created by the above-mentioned units of government without those same being allowed to collect fees that would cover the cost of providing that service. We would agree those fees should be reasonable, but be determined by the local freedom of information officer and those local elected officials who serve that tax-funded unit.

Across the State Of Kansas, for-profit businesses currently in the process of doing business, access documents that are used to perform or complete their respective business transactions. Is it the intent of SB 10 to use local taxes to supplement a business by not allowing the local elected officials to determine what is needed for repayment?

SB 10 requires a county (and all public agencies that fall under the law) to provide free copies and free staff time in filling open record requests. The bill does not consider the size of the county staff in its universal solution to filling open record requests. There are many county offices that are staffed by one or two people who do not have the ability to meet this bill's requirements. This bill will strain county budgets by requiring the hiring of additional staff. Under current law, counties can recoup some of their costs of filling record requests, but SB 10 eliminates the recoupment of costs for the first hour or first 25 pages, and sets mandated fees for accessing, reviewing and processing the record request. Current law simply allows counties to charge a reasonable fee and recoup actual costs.

The bill also does not consider those customers who intentionally request records over and over again from a public agency. A requirement for free staff time and free copies will simply exacerbate that problem.

As to the provision relating to minutes, the County Clerk is already required by state law to take minutes of the County Commissioner meetings. As local elected officials, we want to determine the format of our minutes and what meets the needs of our citizens: we do not need a state official dictating to us the proper format for minutes.

I ask that you consider the comments of local officials and stop this bill from advancing further. I appreciate your consideration of my testimony and would be happy to answer questions.

Rob Roberts, Miami County Commissioner

President of Kansas County Commissioners Association