



TESTIMONY OF THE KANSAS ASSOCIATION OF COUNTIES
TO THE SENATE FEDERAL & STATE AFFAIRS COMMITTEE
ON SB 86

February 2, 2017

Mr. Chairman and Members of the Committee:

KAC supports open government and we encourage and educate our counties to follow Kansas laws pertaining to open meetings and open records. We believe the current law is good – *it just needs to be enforced.*

Amendments to KOMA - Requirement for Minutes

KAC is not opposed to the requirement that governing bodies take minutes, as required in new subsection (e) on page 5. When we teach parliamentary procedure to county commissioners we include discussion on taking minutes. The County Clerk is required to take minutes of the Board of County Commissioner meetings by statute already (KSA 19-305). We believe minutes are a valuable record for the public to determine what happened at a public meeting.

We would point out to the committee that SB 86 requires *any body* that falls under KOMA to take minutes, including the really small governmental units, like watershed districts, drainage districts, townships, etc. We question whether these small entities will learn of the new law and whether prosecutors will bother prosecuting them for violations. If they are ignorant of the new law and there is no enforcement, then there is little point to the law.

Amendments to KORA – Fees for Service

SB 86 requires a public agency that falls under KORA to provide copies for \$.25 and eliminates many of the cost-recovery provisions of KORA, such as costs incurred if another facility must be used for copying records and the use of staff time in filling open record requests. As currently written, KORA is based on a service fee: the customer who requests the record pays the fee. While we appreciate the viewpoint that county offices should be staffed to the level necessary to provide reduced-cost copies, the reality is that counties do not have employees with this level of free time to make copies. With the addition of a tax lid on counties this year, our budgets are too tight to provide reduced-cost records. The public should cover the actual costs incurred.

If the state legislature decides to advance SB 86, we ask that the committee amend the various state statutes that call for much higher fees for state records. Vital statistic records are a good

example of a common and frequent record request by the public (birth, marriage, death certificates), yet these records cost \$15 and SB 86 does nothing to reduce the cost of these records for the public. Copies from the Secretary of State's Office are priced at \$1 per page. In other words, if the legislature decides to lower the fees associated with county open records, we ask you apply the same standards to state records.

Conclusion

We believe the real problem besmirching open government is lack of enforcement, which ultimately comes from lack of funding. We believe recent legislation that gives prosecutors more authority in open government cases will help ensure reasonable costs. The current KORA requirement for copies is a fee that reflects "actual costs of furnishing copies" with the presumption of \$.25 as a reasonable fee for a copy. The current law is fair and reasonable to both sides.

We appreciate the concerns raised about open government. We want to do our part to ensure open government, but we do not agree with the methods given in SB 86.

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