

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Judiciary** recommends **HB 2134** be amended on page 1, in line 31, by striking "(f)" and inserting "(h)";

On page 2, in line 1, by striking "copies" and inserting "the requested records"; in line 2, after the period by inserting "Actual costs may include the cost to review and redact the requested records but shall not include incidental costs incurred by the public agency that are not attributable to furnishing the requested records."; in line 6, after "(3)" by inserting "If the public agency incurs costs for staff time to provide access to or furnish copies of public records, the agency shall use in good faith the lowest-cost category of staff reasonably necessary to provide access to or furnish copies of public records. Charges for staff time shall be based on the employee's salary or hourly wage. Charges for staff time shall not include the costs of employee benefits.

(4)";

Also on page 2, in line 8, after "thereto" by inserting ", and the provisions of this section"; in line 11, after "court" by inserting "and the provisions of this section"; in line 13, by striking "not described in"; by striking all in lines 14 through 20; in line 21, by striking all before the period and inserting "within the executive branch of the state government shall be established in accordance with the provisions of this section by the agency head"; in line 22, by striking "(1)"; by striking all in lines 27 through 30; in line 31, after "(e)" by inserting "(1) When the staff time needed to respond to a records request will exceed five hours or the estimated actual cost for staff time needed to fill the request exceeds \$200, the public agency shall make reasonable

efforts to contact the requester and engage in interactive communication about mitigating costs to fill the request. The requester is not obligated to mitigate costs.

(2) If a public agency has made reasonable efforts to contact the requester pursuant to this section and the requester has failed to respond by the end of the third business day, the records request will be deemed to be withdrawn until a subsequent contact has been made by the requester to the public agency.

(3) As used in this subsection, "reasonable efforts to contact the requester" means contacting the requester through the means of communication that the requester provided to be used by the agency to respond to the request.

(f)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

And the bill be passed as amended.

\_\_\_\_\_Chairperson