

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Judiciary** recommends **SB 70**, As Amended by Senate Committee of the Whole, be amended on page 1, in line 23, by striking "but" and inserting "except that"; in line 24, by striking "which" and inserting "that"; in line 29, by striking "When practical" and inserting "Whenever practicable"; in line 30, by striking "impractical" and inserting "not practicable";

On page 2, in line 3, by striking "(f)" and inserting "(h)"; in line 8, by striking "copies" and inserting "the requested records"; in line 9, 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 13, 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 15, after "thereto" by inserting ", and the provisions of this section"; in line 18, after "court" by inserting "and the provisions of this section"; in line 20, after "established" by inserting "in accordance with the provisions of this section"; in line 21, after the period by inserting:

"(d)";

Also on page 2, in line 21, after "records" by inserting "within the executive branch"; by

striking all in lines 25 through 31 and inserting:

"(e) (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and the requester has failed to respond by the end of the third business day, the records request will be deemed to be withdrawn until a subsequent contact has been made by the requester to the public agency.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.";

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

On page 10, following line 31, by inserting:

"(56) Records of a public agency that contain material that is obscene as defined in K.S.A. 21-6401, and amendments thereto.";

On page 14, in line 23, after the period by inserting "An unintentional technological failure or an action taken by the provider of the selected medium that disrupts or prevents such live stream shall not constitute a violation of this subsection."; by striking all in lines 24 through 43;

By striking all on page 15;

On page 16, by striking all in lines 1 through 12; in line 13, by striking the third comma and inserting "and"; also in line 13, by striking "and 75-4319";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking all after the stricken material; in line 3, by striking "records" and inserting "limiting certain charges for furnishing records and employee time required to make records available"; also in line 3, by striking "from disclosure" and inserting "records compiled in the process of"; in line 4, after "violations" by inserting "and records that contain material that is obscene from disclosure"; also in line 4, after "requiring" by inserting "county or"; in line 5, after "attorney" by inserting "general"; by striking all in line 9; in line 10, by striking all before "amending"; in line 11, by striking the comma and inserting "and"; also in line 11, by striking "and 75-4319"; and the bill be passed as amended.

\_\_\_\_\_ Chairperson