

SESSION OF 2025

SUPPLEMENTAL NOTE ON SENATE BILL NO. 70

As Amended by Senate Committee of the Whole

Brief*

SB 70, as amended, would exempt disclosure of certain closed investigations, change the date for counties or district attorneys to report complaints regarding the Kansas Open Records Act (KORA) and the Kansas Open Meetings Act (KOMA), amend law concerning fees that may be charged for public records, and make changes to certain procedural rules regarding public meetings.

Fees for Public Records

The bill would provide that, if a fee is charged for the cost of staff time, then no fee for printed copies could be charged. The bill would specify that the \$0.25 per page fee for copies in continuing law would apply only when such copies are printed and would prohibit public agencies from charging a per page or copy fee for electronic copies of records.

Certain Records Not Subject to Disclosure

The bill would exempt the disclosure of formally closed investigations of violations of civil law or administrative rules and regulations when no violations were found.

*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 <https://klrd.gov/>

Reports of KORA and KOMA Complaints

The bill would change the date from January 15 to October 15 of each year by which the county or district attorney of each county must report to the Attorney General all KORA and KOMA complaints received during the previous fiscal year.

Rules Applicable to Public Meetings

Subordinate Groups Subject to KOMA

The bill would provide that whenever a majority of a subcommittee or other subordinate group created by a public body or agency meets, such subcommittee or group meeting would be considered an open meeting subject to KOMA.

A private entity would be considered a subordinate group of a legislative or administrative body of the State or a political and taxing subdivision only if they are under the direct or indirect control of such body.

Live Streaming

The bill would provide that a public body or agency that voluntarily elects to live stream a meeting must ensure that all aspects of the meeting are available through the selected medium for the public to observe.

Closed or Executive Sessions

The bill would allow for public bodies or agencies that enter a closed or executive meeting to not be in violation if such closed or executive meeting concludes five minutes earlier or later than provided for in the motion.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Shane.

Senate Committee on Judiciary

In the Senate Committee hearing, representatives of the Kansas Association of Counties and League of Kansas Municipalities and five private citizens provided **proponent** testimony. The proponents generally stated the bill would improve transparency in local government and bring fees charged for electronic copies in line with fees charged for physical copies.

Written-only proponent testimony was provided by a private citizen.

Neutral testimony was provided by representatives of the Office of the Attorney General and the Kansas Association of School Boards. The neutral conferees generally stated the bill would require some clarification and suggested changes to that effect.

Written-only neutral testimony was provided by representatives of the cities of Topeka and Overland Park.

Opponent testimony was provided by a representative of the Kansas Policy Institute. The opponent stated the bill would allow taxpayers to be charged for receiving electronic copies of documents and this should not be allowed.

No other testimony was provided.

The Senate Committee amended the bill to:

- Remove a provision concerning what fee may be charged for electronic copies;

- Add a provision clarifying when fees may be charged for staff time, electronic copies, and printed copies;
- Change the date by which the county or district attorney of each county shall report KORA and KOMA complaints received during the previous fiscal year;
- Clarify a provision providing rules for determining a majority in subordinate groups.

Senate Committee of the Whole

The Senate Committee of the Whole adopted a technical amendment to update the name of an agency referenced in the bill.

Fiscal Information

According to the fiscal note provided by the Division of the Budget on the bill, as introduced, the Department of Revenue, Department of Wildlife and Parks, Department of Insurance, Board of Nursing, Department for Children and Families, Office of the Secretary of State, and Department of Corrections indicate enactment of the bill would have a minimal fiscal effect on the agencies.

The Office of the Attorney General, Department of Administration, Department of Health and Environment, Kansas Department for Aging and Disability Services, State Board of Healing Arts, Department of Labor, Kansas Bureau of Investigation, Kansas Highway Patrol, State Department of Education, and Legislative Administrative Services indicate enactment of the bill would have no fiscal effect on the agencies.

The Kansas Association of Counties and the League of Kansas Municipalities indicate enactment of the bill could have some fiscal effect on the counties and cities but such effect cannot be estimated.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2026 Governor's Budget Report*.

Judiciary; Kansas Open Records Act; Kansas Open Meetings Act; disclosure; public records; fees