

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT:

The Committee on **Federal and State Affairs** recommends **SB 86** be amended

On page 1, following line 16, by inserting:

"(c) The provisions of this section shall not apply to charges assessed by a public agency for providing records for individuals other than citizens of Kansas.";

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

Also, on page 1, following line 18, by inserting:

"Sec. 2. K.S.A. 45-218 is hereby amended to read as follows: 45-218. (a) All public records shall be open for inspection by any ~~person~~ citizen of the state of Kansas, except as otherwise provided by this act, and suitable facilities shall be made available by each public agency for this purpose. Records requests made by persons other than citizens of Kansas must be made on behalf of a Kansas citizen and include the name, legal address and signature of a Kansas citizen who supports the request. No person shall ~~removal~~ remove original copies of public records from the office of any public agency without the written permission of the custodian of the record. The custodian may require the requestor to provide their name and legal address.

(b) Upon request in accordance with procedures adopted under K.S.A. 45-220, and amendments thereto, any person may inspect public records during the regular office hours of the public agency and during any additional hours established by the public agency pursuant to K.S.A. 45-220, and amendments thereto.

(c) If the person to whom the request is directed is not the custodian of the public record requested, such person shall so notify the requester and shall furnish the name and

location of the custodian of the public record, if known to or readily ascertainable by such person.

(d) Each request for access to a public record shall be acted upon as soon as possible, but not later than the end of the third business day following the date that the request is received. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. If the request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester not later than the end of the third business day following the date that the request for the statement is received.

(e) The custodian may refuse to provide access to a public record, or to permit inspection, if a request places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency. However, refusal under this subsection must be sustained by preponderance of the evidence.

(f) A public agency may charge and require advance payment of a fee for providing access to or furnishing copies of public records, subject to K.S.A. 45-219, and amendments thereto.";

On page 5, in line 32, before "K.S.A" by inserting "K.S.A. 45-218 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "Kansas open meetings act; relating to the recording of minutes of meetings;"; also in line 2, after "amending" by inserting "K.S.A. 45-218 and"; and the bill be passed as amended.

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Chairperson