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MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: February 6, 2024
Subject: Bill Brief on HB 2599

HB 2599 prohibits charges for electronic copies and determinations of whether a record exists and limits charges for employee time required to make records available under the Kansas Open Records Act.

The bill amends K.S.A 45-219, the statute that sets out the fees to be collected when producing records under the Kansas Open Records Act. Current law provides that fees for access to or copies of records within the executive branch shall be established by the agency head. The section also provides that a fee for copies that is equal to or less than \$.25 per page is deemed a reasonable fee.

This bill would provide that such fees for records within the executive branch shall be established by the agency head and that (1) for printed copies, the fee must be equal to or less than \$.25 per page and no fee shall be charged for electronic copies of records or (2) for the cost of employee time required to make records available, a fee shall not exceed the lowest hourly rate of an employee qualified to provide the requested records. No fee shall be charged for a search to determine whether the requested records exists or for any employee or administrator review of records. The provision relating to deeming a fee equal to or less than \$.25 to be reasonable is removed.