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MEMORANDUM

To: Chairman Barker
Members of the House Committee on Federal and State Affairs

From: Jason B. Long, Senior Assistant Revisor

Date: April 6, 2017

Subject: SB 86 – Amendments to KORA and KOMA.

Senate Bill No. 86 (SB 86) makes various amendments to the Kansas Open Records Act (KORA) and the Kansas Open Meetings Act (KOMA).

The first set of amendments creates a new section that fixes the fees public agencies can charge for producing documents pursuant to an open records request under KORA. Under current law such fees are not to exceed the actual cost of furnishing the copies or providing the computer services, including staff time required to make the information available. Under SB 86, the fee for standard black and white copies cannot exceed \$.25 per page, and all other records cannot exceed the cost to the agency to provide them. Also under SB 86, staff time can only be charged at the lowest hourly rate of the person qualified to provide the records.

The Senate Committee on Federal and State Affairs amended SB 86 to make the new fee limitations only applicable to Kansas citizens requesting open records. Section 3 of HB 86 was added by the Committee to amend KORA to limit open records requests to Kansas citizens. Non-citizens must make records requests on behalf of a Kansas citizen, and must include the name, legal address, and signature of such Kansas citizen in the request.

The Senate Committee of the Whole further amended SB 86 to change which criminal investigation records are subject to KORA requests. Generally, under K.S.A. 45-221, criminal investigation records are not subject to disclosure under KORA except by court order upon certain findings. Criminal investigation records are currently defined as audio and video recordings made and retained by law enforcement, and records made by investigatory or criminal justice agencies in the process of preventing, detecting, or investigating criminal violations. Current law, however, excludes police blotter entries, court records, inmate rosters, and traffic

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law violations. SB 86 would further exclude records of missing person investigations where the person has been missing for more than 25 years, and the records were collected at least 15 years ago. Such records would be subject to disclosure, except for the identity of any confidential informant or undercover agent included in such records.

Finally, SB 86 amends KOMA to require the presiding office of a public meeting to ensure that minutes are kept for such meeting.

If enacted the provisions of SB 86 would be effective on July 1, 2017.