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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: February 3, 2025
Subject: Bill Brief for HB 2134 (As Introduced)

House Bill 2134 amends the Kansas open records act regarding charges for records in the state executive branch and other public agencies, other than the state legislative and judicial branches, prohibits charges for electronic copies of records and for determining whether a record exists, and limits charges for employee time required to make records available.

The bill amends K.S.A. 45-219, the statute in the open records act related to obtaining copies of public records. Subsection (c) provides that, unless otherwise provided by law, each public agency may prescribe reasonable fees for providing access to or furnishing copies of public records. The bill adds a new provision regarding fees for access to or copies of public records in the state executive branch and other public agencies, other than the state legislative and judicial branches. Fees shall be established by the agency head as follows: (1) For printed copies of public records, a fee that is equal to \$.25 per page; or (2) for the cost of employee time required to provide access to or furnish copies of public records, a fee that shall not exceed the lowest hourly rate of an employee qualified to provide the requested records plus the actual cost of printing copies of public records. No such fee shall be charged for electronic copies.

Subsection (d) provides that any person requesting records within the executive branch may appeal the reasonableness of the fees charged for providing access to or furnishing copies of such records to the secretary of administration, whose decision shall be final. The bill adds that any person requesting records of a political or taxing subdivision may appeal the reasonableness of the fees charged for providing access to or furnishing copies of such records to the governing body of such political or taxing subdivision, whose decision shall be final.

The bill would take effect from and after publication in the statute book, July 1, 2025.