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MEMORANDUM

To: Senate Committee on Judiciary

From: Office of Revisor of Statutes

Date: February 3, 2025

Subject: Bill Brief on SB 70

Senate Bill 70 provides for reasonable fees for electronic copies of records under the open records act, exempts from disclosure formally closed investigations with no found violations, requires county or district attorneys to file reports of violations in December instead of January, determines the membership calculation of subordinate groups under the open meetings act, requires public bodies or agencies that live stream meetings to ensure that the public is able to observe and provides for a five minute deviation to resume an open meeting at the conclusion of an executive session.

Section 1 amends K.S.A. 45-219, the statute that provides for the fees for copies of records, to provide that a fee for electronic copies of public records that is \$.125 per page or less shall be deemed a reasonable fee.

Section 2 amends K.S.A. 45-221, to provide that an agency shall not be required to disclose records of agencies involved in administrative adjudication or civil litigation, complied in the process of detecting or investigating violations of civil law or administrative rules and regulations if the investigation is formally closed and the agency determines that no violation occurred.

Section 3 amends K.S.A. 75-7d01, the statute that provides for the batterer intervention program certification unit. Current law provides that "Except as otherwise provided by law, the books, documents, papers, records or other sources of information obtained and the investigations conducted by the unit shall be confidential as required by state or federal law." This bill removes the phrase, "Except as otherwise provided by law."

Section 4 amends K.S.A. 75-753, the statute that requires the county or district attorney to report to the attorney general all open records act or open meetings act complaints they have

received during the preceding fiscal year. Current law requires them to make that report by January 15, and this bill would move that to December 15.

Section 5 amends K.S.A. 75-4318, the statute in the open meetings act that requires meetings to be open. A provision is added that when a public body subdivides itself into subordinate groups, the total membership of the subordinate group shall be used to determine if a majority of membership participated in the meeting. Another provided is added stating that unless otherwise stated in law, a private entity will only be considered a subordinate group of a legislative or administrative body if such group is under the control, whether directly or indirectly, of such legislative or administrative body of the state or a political and taxing subdivision. Finally, a subsection is added to provide that if a public body or agency voluntarily elects to live stream a meeting, such body shall ensure that all aspects of the open meeting are available through the live streaming medium for the public to observe.

Section 6 amends K.S.A. 75-4319, the statute about closed or executive meetings, to provide that a public body or agency that has entered a closed to executive meeting shall not be guilty of a violation if such closed or executive meeting concludes five minutes earlier or later than provided in the motion.

