

As Amended by House Committee

Session of 2024

HOUSE BILL No. 2599

By Committee on K-12 Education Budget

Requested by Representative Thomas

1-25

1 AN ACT concerning the open records act; relating to charges for public  
2 records requested thereunder; prohibiting charges for electronic copies  
3 and determinations of whether a record exists; limiting charges for  
4 employee time required to make records available; **authorizing**  
5 **agencies to charge the full cost of providing records to**  
6 **nonresidents**; amending K.S.A. 45-219 and repealing the existing  
7 section.  
8

9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. 45-219 is hereby amended to read as follows: 45-  
11 219. (a) Any person may make abstracts or obtain copies of any public  
12 record to which such person has access under this act. If copies are  
13 requested, the public agency may require a written request and advance  
14 payment of the prescribed fee. A public agency shall not be required to  
15 provide copies of radio or recording tapes or discs, video tapes or films,  
16 pictures, slides, graphics, illustrations or similar audio or visual items or  
17 devices, unless such items or devices were shown or played to a public  
18 meeting of the governing body thereof, but the public agency shall not be  
19 required to provide such items or devices ~~which~~ *that* are copyrighted by a  
20 person other than the public agency.

21 (b) Copies of public records shall be made while the records are in  
22 the possession, custody and control of the custodian or a person designated  
23 by the custodian and shall be made under the supervision of such  
24 custodian or person. When practical, copies shall be made in the place  
25 where the records are kept. If it is impractical to do so, the custodian shall  
26 allow arrangements to be made for use of other facilities. If it is necessary  
27 to use other facilities for copying, the cost thereof shall be paid by the  
28 person desiring a copy of the records. In addition, the public agency may  
29 charge the same fee for the services rendered in supervising the copying as  
30 for furnishing copies under subsection (c) and may establish a reasonable  
31 schedule of times for making copies at other facilities.

32 (c) Except as provided by subsection (f) or where fees for inspection  
33 or for copies of a public record are prescribed by statute, each public  
34 agency may prescribe reasonable fees for providing access to or furnishing  
35 copies of public records, subject to the following:

1 (1) In the case of fees for copies of records, the fees shall not exceed  
2 the actual cost of ~~furnishing copies~~ *copying*, including the cost of staff  
3 time required to make the information available.

4 (2) In the case of fees for providing access to records maintained on  
5 computer facilities, the fees shall include only the cost of any computer  
6 services, including staff time required.

7 (3) Fees for access to or copies of public records of public agencies  
8 within the legislative branch of the state government shall be established in  
9 accordance with K.S.A. 46-1207a, and amendments thereto.

10 (4) Fees for access to or copies of public records of public agencies  
11 within the judicial branch of the state government shall be established in  
12 accordance with rules of the supreme court.

13 (5) **Except as provided in subsection (d):**

14 (A) Fees for access to or copies of public records of a public agency  
15 ~~within the executive branch of the state government~~ **not described in**  
16 **paragraph (3) or (4)** shall be established by the agency head *as follows*:

17 (i) *For printed copies of public records, a fee that is equal to or less*  
18 *than \$.25 per page. No such fee shall be charged for electronic copies of*  
19 *records; or*

20 (ii) *for the cost of employee time required to ~~make records available~~*  
21 **provide access to or furnish copies of public records, a fee that shall not**  
22 **exceed the lowest hourly rate of an employee qualified to provide the**  
23 **requested records.**

24 (B) **No fee shall be charged if the total cost of the records request**  
25 **is \$100 or less.**

26 (C) *No fees shall be charged for ~~a~~ the initial search to determine*  
27 *whether ~~the requested~~ any records exist ~~or~~ that are responsive to the*  
28 **request.**

29 (D) *For any reasonably necessary employee or administrator review*  
30 *of records, such costs shall not exceed the lowest hourly rate of an*  
31 **employee qualified to provide the requested records or \$30 per hour,**  
32 **whichever is less.**

33 ~~(E)~~(E) Any person requesting records may appeal the reasonableness  
34 of the fees charged for providing access to or furnishing copies of such  
35 records to the secretary of administration whose decision shall be final.

36 A fee for copies of public records which is equal to or less than \$.25 per  
37 page shall be deemed a reasonable fee.

38 (d) **If the person making a request for records does not reside in**  
39 **the state of Kansas or is not registered with the secretary of state and**  
40 **authorized to do business in the state of Kansas, a public agency may**  
41 **charge a fee for access to or copies of public records that reflects the**  
42 **full cost to the agency for providing such records. The agency may**  
43 **request verification that the person resides in the state of Kansas or**

1 **that the entity is registered with the secretary of state and authorized**  
2 **to do business in the state of Kansas.**

3 (e) Except as otherwise authorized pursuant to K.S.A. 75-4215, and  
4 amendments thereto, each public agency within the executive branch of  
5 the state government shall remit all moneys received by or for it from fees  
6 charged pursuant to this section to the state treasurer in accordance with  
7 K.S.A. 75-4215, and amendments thereto. Unless otherwise specifically  
8 provided by law, the state treasurer shall deposit the entire amount thereof  
9 in the state treasury and credit the same to the state general fund or an  
10 appropriate fee fund as determined by the agency head.

11 ~~(e)~~(f) Each public agency of a political or taxing subdivision shall  
12 remit all moneys received by or for it from fees charged pursuant to this  
13 act to the treasurer of such political or taxing subdivision at least monthly.  
14 Upon receipt of any such moneys, such treasurer shall deposit the entire  
15 amount thereof in the treasury of the political or taxing subdivision and  
16 credit the same to the general fund thereof, unless otherwise specifically  
17 provided by law.

18 ~~(f)~~(g) Any person who is a certified shorthand reporter may charge  
19 fees for transcripts of such person's notes of judicial or administrative  
20 proceedings in accordance with rates established pursuant to rules of the  
21 Kansas supreme court.

22 ~~(g)~~(h) Nothing in the open records act shall require a public agency to  
23 electronically make copies of public records by allowing a person to obtain  
24 copies of a public record by inserting, connecting or otherwise attaching  
25 an electronic device provided by such person to the computer or other  
26 electronic device of the public agency.

27 Sec. 2. K.S.A. 45-219 is hereby repealed.

28 Sec. 3. This act shall take effect and be in force from and after its  
29 publication in the statute book.