



## *Synopsis of Senate Committee Amendments\**

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### **Sub. H.B. 9**

126th General Assembly  
(S. Judiciary Civil Justice)

The committee amended the As Passed by the House version of the bill to do the following:

1. Removes the provisions from the bill regarding the creation of and all references to the Public Access Counselor;
2. Restores the definitions of "record" and "public record" to current law;
3. Provides that if a requester makes an overly broad request for a public record the public office may deny the request but must provide the requester with an opportunity to revise the request;
4. Provides that nothing in the Public Records Law requires a public office or person responsible for the public records to allow the person seeking a copy of the public record to make the copies of the public record;
5. Restores a current law provision that would have been eliminated by the House version that allows a public office, in the public office's policy and procedures, to limit the number of records requested by a person that the office will transmit by United States mail to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes;
6. Provides that a person who transmits a written request by hand delivery or certified mail is entitled to recover statutory damages if a court determines that the public office or person responsible for public records failed to comply with an obligation under the Public Records Law and removes the requirement that the public office or person responsible for public records comply with a request within ten business days.
7. Allows the court to reduce an award of statutory damages or not award statutory damages if the court determines both of the following:

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\* This synopsis does not address amendments that may have been adopted on the Senate floor.

(a) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation under the Public Records Law and that was the basis of a mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation under the Public Records Law;

(b) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct;

8. Provides that if the court renders a judgment that orders the public office or person responsible for the public records to comply with an obligation under the Public Records Law the court may award reasonable attorney's fees subject to reduction; and provides that the court must award reasonable attorney's fees subject to reduction when the public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request or the public office or person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

9. Allows a journalist to submit to a sheriff a signed, written request to view the name, county of residence, and date of birth of each person for whom the sheriff has suspended or revoked a license to carry a concealed handgun or a temporary emergency license to carry a concealed handgun; provides that, if the journalist submits a request to view the name, county of residence, and date of birth of each person to whom the sheriff has issued a license or replacement license to carry a concealed handgun, renewed a license to carry a concealed handgun, issued a temporary emergency license or replacement temporary emergency license to carry a concealed handgun, or the name, county of residence, and date of birth of each person for whom the sheriff has suspended or revoked a license to carry a concealed handgun or a temporary emergency license to carry a concealed handgun, the sheriff must grant the journalist's request;

10. Prohibits a journalist from copying the name, county of residence, or date of birth of each person to and for whom the sheriff has issued, suspended, or revoked a license as described in 10, above;

11. Removes the provision from the House version that prohibited a sheriff who is otherwise required to disclose to a journalist the name, county of residence, and date of birth of persons to whom the sheriff has issued a valid license, replacement license, temporary emergency license, or replacement temporary emergency license to carry a

concealed handgun from disclosing that information to a journalist if the person with a valid license to carry a concealed handgun either notifies the sheriff in writing that the person does not want that information disclosed to a journalist or has indicated on the person's application for a license or for renewal of a license that the person does not want that information disclosed to a journalist;

12. Removes the requirement from the House version that the application for a license to carry a concealed weapon or for the renewal of a license of that nature contain a provision that allows an applicant to opt out of release of the applicant's name, county of residence, and date of birth to a journalist;

13. Restores current law regarding the provision in the Accountants Law that provides that, generally, statements, records, schedules, working papers, and memoranda made by a public accountant or certified public accountant incident to or in the course of an audit of a public office or private entity are not a public record;

14. Creates a school district records commission in each local and joint vocational school district;

15. Provides that if the contracting state agency, political subdivision, or other public or private entity charges an elected official or an elected official's appropriate designee a registration fee for attending a Public Records Law training program or seminar conducted pursuant to a contract entered into with the AG by that contracting agency, political subdivision, or entity, the public office for which the elected official was appointed or elected to represent may use the public office's own funds to pay for the cost of the registration fee;

16. Allows county treasurers to use certain public records training to satisfy part of their continuing education requirement;

17. Provides that a member of a board of county commissioners will serve as the chairperson of a county records commission, rather than the president of the board;

18. Extends the deadline for the local Government Public Notice Task Force Report to May 1, 2008;

19. Makes other technical changes.