

HB1296_L.005

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Civic, Military, & Veterans Affairs.

HB24-1296 be amended as follows:

1 Amend printed bill, page 6, strike lines 11 through 26 and substitute:

2 "(d) (I) (A) If a CUSTODIAN, DESPITE EXPENDING REASONABLE
3 EFFORT, IS UNABLE TO DETERMINE OR ACCESS PUBLIC RECORDS THAT MAY
4 BE RESPONSIVE TO A REQUEST BECAUSE THE PUBLIC RECORDS MAY BE IN
5 THE CUSTODY AND CONTROL OF ANOTHER EMPLOYEE, VOLUNTEER,
6 DIRECTOR, AGENT, ELECTED OFFICIAL, OR OTHER PERSON AUTHORIZED TO
7 HAVE CUSTODY AND CONTROL OF THE PUBLIC RECORDS WHO IS ON LEAVE,
8 NOT ON CONTRACT, OR OTHERWISE NOT SCHEDULED TO WORK WITHIN THE
9 THREE-DAY OR FIVE-DAY PERIOD, AS APPLICABLE, THE CUSTODIAN SHALL
10 PROVIDE WITHIN THE PERIODS SET FORTH IN THIS SUBSECTION (3), AS
11 APPLICABLE, ALL OTHER AVAILABLE RESPONSIVE PUBLIC RECORDS IN
12 ACCORDANCE WITH THIS PART 2. THE CUSTODIAN SHALL NOTIFY THE
13 REQUESTER OF THE EARLIEST DATE ON WHICH THE OTHER PERSON WHO
14 MAY HAVE ADDITIONAL POTENTIALLY RESPONSIVE PUBLIC RECORDS, IF
15 ANY, IS EXPECTED TO BE AVAILABLE AND IF THE PERSON'S RETURN DATE
16 IS UNABLE TO BE DETERMINED AT THE TIME OF THE REQUEST, THE
17 CUSTODIAN SHALL NOTIFY THE REQUESTER OF THE DATE OF THE PERSON'S
18 RETURN AS SOON AS IT IS ABLE TO BE DETERMINED OR IF THE PERSON IS
19 NOT EXPECTED TO RETURN TO WORK THE CUSTODIAN SHALL PROVIDE
20 NOTICE TO THE REQUESTER OF THAT. THE REQUESTER MAY SUBMIT A NEW
21 REQUEST FOR ADDITIONAL POTENTIALLY RESPONSIVE PUBLIC RECORDS ON
22 OR AFTER THE DATE THAT THE CUSTODIAN PROVIDES.

23 (B) THIS SUBSECTION (3)(d) IS NOT INTENDED TO BE UTILIZED TO
24 INTENTIONALLY DELAY OR CIRCUMVENT THE RELEASE OF PUBLIC RECORDS
25 AND IT DOES NOT EXEMPT A CUSTODIAN'S RESPONSIBILITY TO MAINTAIN
26 REASONABLE ACCESS TO PUBLIC RECORDS.

27 (II) THE PROVISIONS SET FORTH IN THIS SUBSECTION (3)(d) DO NOT
28 MODIFY THE PROVISIONS SET FORTH IN SUBSECTION (2)(a) OF THIS
29 SECTION."

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