

Approved: February 21, 1997  
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Mike Harris at 10:16 a.m. on February 13, 1997 in Room 514-S of the Capitol.

All members were present except: Senator Petty (excused)  
Senator Bond (excused)

Committee staff present: Mike Heim, Legislative Research Department  
Jerry Donaldson, Legislative Research Department  
Gordon Self, Revisor of Statutes  
Mary Blair, Committee Secretary (excused)

Conferees appearing before the committee: David Bybee, Kansas Dept. of Commerce and Housing

Others attending:

**SB 72 - Disclosure of certain records relating to correctional inmates or released inmates**

Conferee Bybee testified on a proposed amendment to **SB 72** concerning an additional exclusion to the Kansas Open Record Act. (Attachment 1) Committee took no action on this proposed amendment.

Senator Harris discussed **SB 72** with committee. Senator Emert made a motion recommending **SB 72** favorable for passage. Senator Schraad seconded. Senator Feleciano made a substitute motion to amend **SB 72**. Senator Gilstrap seconded. Following discussion, Senator Emert proposed that Senator Feleciano's motion be stricken from the record. After further discussion and clarification, Senator Feleciano withdrew his motion to amend. Senator Gilstrap withdrew his second. Original motion by Senator Harris to pass **SB 72** out favorably, carried.

Meeting adjourned at 10:35 a.m. The next meeting will be Monday, February 24, 1997

3.3.00 2/13/97 AM

**Proposed Amendment to SB72 Concerning an Additional Exclusion  
to the Kansas Open Records Act**

by David Bybee  
Kansas Department of Commerce & Housing

A number of state programs, particularly those in which the state has a direct interest in the future viability of a business in connection with loan repayments and job creation or retention, require the state as part of its due diligence process to examine records that businesses and their owners consider to be of a confidential nature.

In an effort to encourage businesses to use the state programs established to aid in business growth, the state would like to be able to offer further assurance that sensitive materials provided by the business to satisfy our fiduciary duties will not be released to other, inappropriate parties through the Kansas Open Records Act.

Therefore, we ask that you consider amending Senate Bill 72 to include the following additional exclusion to Section 1 of the Kansas Open Records Act (KSA 1996 Supp. 45-221):

**(45) Personal financial data; historical and projected business financial data; business marketing information and strategies; business proprietary information; business trade secrets; or other such information provided by individuals and businesses to state personnel in their official capacities, when the secretary of the Kansas department of commerce & housing determines that the release of such information could give an unfair advantage to competitors.**

*Senate Judiciary  
attachment 1  
2-13-97*