Approved: March 1, 2005
Date

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:30 A.M. on January 18, 2005, in Room 123-S of the Capitol.

Committee members absent: David Haley- excused

Committee staff present: Mike Heim, Kansas Legislative Research Department
Jerry Donaldson, Kansas Legislative Research Department
Jill Wolters, Office of Revisor of Statutes
Helen Pedigo, Office of Revisor of Statutes
Nancy Lister, Committee Secretary

Conferees appearing before the committee: Jill Wolters, Office of Revisor of Statutes
Brad Smoot, Legislative Counsel, Blue Cross Blue Shield Of Kansas (written)
Brian Lowe, Principal, Brougham Elementary School, Olathe, KS
Senator Jay Emler
Larrie Ann Lower, Kansas Association of Health Plans (written)

Others attending: See attached list

Chairman Vratil called the meeting to order. There were no bills introduced.

The Chairman opened hearings on:

SB 5 – Trade secret defined as in uniform trade secrets act

Jill Wolters explained that the bill came out of the Special Committee on Local Government, which wanted a uniform definition of trade secrets. A search was made of where "trade secrets" comes up in Kansas statutes. The Revisor made appropriate changes to ensure all listings relate back to the Uniform Trade Secret Act found in K.S.A. 65-3320.

Proponent:

Chairman Vratil shared written testimony from Brad Smoot, Legislative Counsel for Blue Cross Blue Shield of Kansas. (Attachment 1) They are comfortable with the intent of the legislation, however, they are concerned that the language selected creates differing standards for determining what constitutes a trade secret and appears to grant discretionary authority to certain state agencies. Mr. Smoot requests the language be consistent and recommends the language on page 3, lines 5-6. Chairman Vratil concurred that consistent language should be used throughout the bill and it should ensure that decisions of government officials are subject to appeal. Colleen Harrell, Assistant General Counsel with the Kansas Corporation Commission, a guest at the meeting, concurred with Mr. Smoot, and stated that allowing for an appeal process is important.

Chairman Vratil and Ms. Wolters will work together to develop wording that satisfies these concerns with the bill language. The Chair closed the hearing on **SB 5**.

SB 7--In child custody, residency, relevant factors include whether parent residing with registered offender or person convicted of child abuse; notifications to other parent if parent is residing with such offender

Jill Wolters explained that the bill, introduced by Senator Brownlee, is patterned after an Oklahoma statute.

Senator O'Connor asked if children currently are placed with people who have committed the crimes clarified in the bill. Ms. Wolters qualified that nothing in current law prevents a parent from bringing this information up during the initial custody hearing. However, it may not be brought up during the initial placement. The proposed amendment, recognizes that such a situation would be considered a material change of circumstance

and would provide the opportunity to bring the information up in court. Senator Goodwin asked if there were any court cases where this has happened. Ms. Wolters suggested that Senator Brownlee may have a constituent who may be able to speak on that question.

Proponent:

Chairman introduced Brian Lowe. Mr. Lowe provided testimony about his children, who are currently living with a registered sex offender. (Attachment 2) He stated that the two components in the bill, notification and determination of the rebuttable presumption, are very important. He stated that his community had a registered sex offender in the neighborhood. The Parent/Teachers organization at his school had a safety night to help develop strategies for parents to keep their kids safe. As part of researching information, he accessed a website that identifies registered sex offenders and discovered that his ex-wife's fiancée was a registered sex offender. When he approached his wife, he found that she knew this about her fiancée but chose not to divulge this information to Mr. Lowe. Mr. Lowe urged the Committee to pass the bill. He stated that he is currently in the process of a custody suit, and if this law were in place, it would impact his ability to get his children more of the time. The Committee asked several questions about Mr. Lowe's particular situation. The Chairman closed the hearing on **SB 7**.

SB 24--Confidential security records or information, not subject to subpoena or discovery

Ms.Wolters explained that the Joint Committee on Kansas Security introduced this bill to amend the statutes to state that confidential records or information relating to security measures received under three sections of the act are not subject to subpoena, discovery, or other demand in an administrative, criminal, or civil action. Records would be kept confidential and would not be allowed to be discovered in any kind of civil or criminal court proceeding. K.S.A. 45-221 was amended three times last year in three separate bills which is why three sections are being revised. However, the only new language that is being added to law is on page 8, lines 1-4, page 8, lines 41-43, and page 9, on the top, and page 10, lines 20-23.

Chairman Vratil asked if the operative language, which occurs on pages 8-10, would prevent a court from issuing a subpoena for the information in question. Ms. Wolters stated it would if the information in question was deemed confidential information related to security measures. Chairman Vratil questioned whether "confidential information or records" is defined in the bill or who determines what is confidential. Ms. Wolters stated that it would probably be the party holding the records, but that there may need to be a court proceeding to determine whether the records are, in fact, confidential. Someone may have to prove what security measure would be affected if information in question was not kept confidential.

Chairman Vratil asked about the open records language that was chosen for the technical "cleanup." Regarding the three different versions, he questioned what criteria was used by the revisor to determine which version to use. Ms. Wolters stated that the language choice was just an editing process. Chairman Vratil suggested perhaps the legislature, and possibly this Committee, should decide which of the three versions should be used. Ms. Wolters suggested that other state legislatures have given their revisors the power to cure conflicts when they are purely non-substansive, such as in this case. Chairman Vratil clarified further with Ms. Wolters that the differences in the three versions are purely technical differences and not substansive differences.

Proponent:

Senator Emler supplied written testimony (Attachment 3) on behalf of the Joint Committee on Kansas Security. The Joint Committee recommended two specific technical changes, amending Section 1 (a) 42, formerly (45), found on page 6, lines 17 through 30 of the bill, and on page 8, where line 2 refers to subsection (a) (45), which should refer to (a) (42).

Senator O'Connor wanted to clarify whether a public agency could be subpoenaed to provide confidential information during a court case. Senator Emler indicated that this bill only addresses what the private company provides to the public agency.

Senator Allen asked if making these changes would fulfill the recommendations of the interim committee

which studied the issue. Senator Emler affirmed that the committee asked that the three provisions be considered.

Chairman Vratil noted that Larrie Ann Lower, Kansas Association of Health Plans, supplied written testimony which suggests the stricken language on page 5, lines 33-41, should not be stricken but reinserted in the law. (Attachment 4) Ms. Lower was concerned that if these lines remain stricken, it might suggest that the insurance commissioner does not have the ability to refuse disclosure of the records. Mr. Ron Hein, a guest in the meeting, advised that the language in question on page 5 of the bill, lines 33-41, was stricken in legislation last year, and that is why it is shown as deleted.

Senator O'Connor questioned why there was a need to have this clarification in two places when the language is similar and has the same impact. Chairman Vratil suggested it would not be appropriate to allow the insurance commissioner to refuse to disclose confidential records but allow another state agency or public entity to be forced to disclose them. John Campbell, Kansas Insurance Department, a guest in the meeting, stated there are 1,600 insurance companies and another 60 domestic companies that the Insurance Department works with. They have to get information from other states, and states simply will not provide information if it is not protected. The Chairman clarified he wasn't arguing the need for the insurance commissioner to maintain risk-based capital reports and plans as confidential, but rather that if, for example, the Kansas Finance Authority was in possession of risk-based capital reports, it should be allowed to prevent disclosures as well. Mr. Campbell agreed.

Senator O'Connor suggested if similar language is in the two places, why not put it in one place and refer everyone to the open records act. Chairman Vratil stated this situation illustrated language is needed in both places. The Department of Insurance didn't catch the amendment to the Open Records Act. If there had been an attempt to amend the insurance statutes, they would have caught it. That is one argument for having it both places.

Chairman Vratil closed the hearing on **SB 24**.

Senator Betts moved to adjourn, seconded by Senator Donovan, and the motion carried. The meeting was adjourned at 10:30 A.M. The next meeting is scheduled for January 19, 2005.

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 1-18-05

NAME	REPRESENTING
Martha Sue Fields	KMHA
Danielle Noe	Johnson County
Scott Schneider	City of Wichita
Paul O'Dell	Senator Bruce
Danielle Wiant	Sen. Goodwin's intern
Senator Karin Brownlee	
Brian Lowe	
Dan Murray	Federico Consulting
Cindy Lee Jones	KID
Dan Campbell	ITD
Lynne Anderson	KDHE
Colleen Harren	KCC
Vivien Olsen	JJA
Mark Walsh	OJA
Scott Heidner	KADC
Kevin Brosnan	KTLA
Eric Arner	Water District No 1 Johnson County
DAN RILEY	KS DEPT OF AGRICULTURE
Tim Mayo	Foulston Siefkin LLP
Jim Clarke	KBA

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January 17, 2005

The Honorable John Vratil
Chairman
Senate Judiciary Committee
State Capitol
Topeka, Kansas 66612

Subject: 2005 Senate Bill 5

Dear Chairman Vratil:

On behalf of Blue Cross Blue Shield of Kansas, I am writing to advise you and your committee of a drafting concern associated with the language of the above-referenced bill, scheduled for hearing in your committee tomorrow. We are comfortable with the intent of the legislation, namely, to create uniform criteria whenever trade secrets are mentioned in statutes by referring to K.S.A. 65-3320. However, we are concerned that the language selected creates differing standards for the determination of what is a trade secret and appears, maybe unintentionally, to grant discretionary authority to certain state agencies.

In several instances, both with respect to the insurance commissioner and the state corporation commission, among others, the bill uses the formulation: "information which the commissioner (commission or department) determines to be a trade secret pursuant to K.S.A. 65-3320 et seq." See, for example, page 1, lines 23-24. Elsewhere in the bill, the language refers to information which is "entitled to protection as a trade secret under the uniform trade secrets act." See page 3, line 5, for example. Although a state agency's determination that information constitutes a trade secret under the Uniform Trade Secrets Act would presumably have the same consequences for the entity whether the former or latter language were used (i.e., if the entity believed information not determined to be a trade secret were in fact such under the Act, it would apparently be able to challenge such a determination under the Kansas Administrative Procedures Act under either formulation), it is possible that third parties seeking information under judicial process, or in claims relating to intellectual property, could assert that the state agency is the sole source of a determination whether such information constitutes a trade secret.

While this is not a huge issue, the differing phrasing does seem to create some internal inconsistencies and may not represent the true intention of the legislation. We tend to think that the language used on page 3, line 5, may be the preferred choice.

I hope our comments are useful to you and your committee and if we may be of further assistance, please do not hesitate to contact me at your convenience.

Sincerely,

Brad

Brad Smoot
Legislative Counsel
Blue Cross Blue Shield of Kansas

BS:crw

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1-18-05
Attachment 1

1-18

Sen. John Vratil
Room 22-S

BRIAN LOWE

15935 S. Avalon Street
Olathe, Kansas 66062
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January 20, 2005

The Honorable Senator Karin Brownlee and Senate Judiciary Committee
300 SW 10th Avenue
Room 136-N
Topeka, KS 66612-1504

Regarding Senate Bill 7: In child custody/residency, relevant factors include whether parent is residing with registered offender or person convicted of child abuse; notification to other parent if parent is residing with such offender.

Dear Senator Brownlee and Members of the Judiciary Committee,

Thank you for the opportunity to speak before the committee last Tuesday. I appreciated the opportunity to share my passion on this topic and answer questions regarding Senate Bill 7. The following is a review of my testimony, including additional details and supporting materials I hope you find helpful. I have included copies of statutes from other states that have already passed through their respective legislatures regarding this issue. Thank you for your sincere consideration of this extremely important safety bill.

BACKGROUND: My name is Brian Lowe, an elementary school principal in Olathe, Kansas and father of two wonderful children. I was divorced in November of 2001. Since then, I have remarried as well as my ex-wife Erin. The purpose of this communication is to seek your support for Senate Bill 7. The sex offender in question is Mr. Brett Ricky, a registered sex offender in Kansas since August, 2002. Mr. Ricky remains on intensive probation for another 11 months. The following is a quick review of my situation:

- I found out in October, 2003 that my children were living with a registered sex offender. I found out through my role as principal of Brougham Elementary in Olathe. As a principal, my primary role is to protect the safety and welfare of children. We regularly hold safety meetings for parents in which we talk about strategies to keep kids safe. We have had an extra emphasis at Brougham because a sex offender lives within our neighborhood and my Parent Teacher Organization requested additional programs aimed at keeping kids safe. I found out about Mr. Ricky by surfing the accesskansas website. My ex-wife, Erin, did not disclose this information to me. She had been dating this man for over 8 months.
- An emergency hearing was held in late October with Judge Larry McClain. Judge McClain did not grant me immediate custody (basically just said we need to get along), and sent us to mediation. The legal process is still continuing to this day, complicated by the fact our judge

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retired, our guardian ad litem is moving on to a new position, and the fact there is no statute that addresses such an issue.

- We conducted depositions on March 8th, 2004 involving Mr. Ricky. Shortly after March 8th, 2004 the severity of the case increased. It was at that time I discovered Mr. Ricky was a REPEAT sex offender. I learned he abused a 12 year-old girl at Oceans of Fun. I have confirmed the 1988 case is on microfilm at the Clay County, MO Courthouse in Liberty. I couldn't gain access to that file as it is a closed case. I do have newspaper articles from that arrest which I have included. He is obviously a repeat sex offender in my mind. Our guardian ad litem investigated these concerns and ruled that Mr. Ricky should undergo an evaluation to determine if he is a pedophile and to assess his risk factor. My concern is that even if that evaluation turns out to be "low risk" that is not good enough. His past behavior is strong evidence of his criminal tendencies. My children, or any child, shouldn't have to be in the presence of a convicted sex offender in my opinion. The Supreme Court has ruled that sex offenders, in essence, aren't allowed to a hearing to determine if they are at low risk. Mr. Ricky has yet to take the test.

CONCLUSION: I've spent the last fourteen months researching sex offenders. As Supreme Court Justice Anthony M. Kennedy has said, "Sex offenders are a serious threat in this nation." Research suggests sex offenders are more likely to repeat offenses more than any other type of crime. Other states have passed legislation aimed at protecting children from these dangerous individuals relating to child custody situations. I have one around my children on a daily basis. I am at a loss to explain why it has to take so much for me to get my children. I am an elementary school principal that dedicates my life to children. My wife is an award-winning fourth-grade teacher in Olathe. We must do everything we can in the state of Kansas to protect children, especially from convicted child molesters. This situation will happen again, and it can be prevented with the passage of this bill.

Thank you so much for your time. We share a common concern: the safety and welfare of children. Thank you for serving on a daily basis and I thank you for your support of this vital bill. Please let me know if I can be of any further assistance. I will eagerly follow the status of this bill and urge you to give it your highest consideration.

Sincerely yours,

Brian Lowe

(enclosures)

Oklahoma

§43-112.2. Evidence of ongoing domestic abuse or child abuse - Determinations relating to convicted sex offenders - Presumption.

A. In every case involving the custody of, guardianship of or visitation with a child, the court shall consider for determining the custody of, guardianship of or the visitation with a child:

1. Evidence of ongoing domestic abuse which is properly brought before it. If the occurrence of ongoing domestic abuse is established by clear and convincing evidence, there shall be a rebuttable presumption that it is not in the best interests of the child to have custody, guardianship or unsupervised visitation granted to the abusive person;

2. Evidence of child abuse as such term is defined by the Oklahoma Child Abuse Reporting and Prevention Act pursuant to this paragraph. If the parent requesting custody of a child has been convicted of any crime defined by the Oklahoma Child Abuse Reporting and Prevention Act or the child has been adjudicated deprived pursuant to the provisions of the Oklahoma Children's Code as a result of the acts of the parent requesting custody and the requesting parent has not successfully completed the service and treatment plan required by the court, there shall be a rebuttable presumption that it is not in the best interests of the child for such parent to have sole custody, guardianship or unsupervised visitation; and

3. Whether any person seeking custody or who has custody of, guardianship of or visitation with a child:

a. is or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act or any similar act in any other state,

b. is residing with an individual who is or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act or any similar act in any other state, or

c. is residing with a person who has been previously convicted of a crime listed in Section 582 of Title 57 of the Oklahoma Statutes.

B. There shall be a rebuttable presumption that it is not in the best interests of the child to have custody, guardianship or unsupervised visitation granted to a person who is:

1. Subject to or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act or any similar act in any other state;

2. Residing with a person who is or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act or any similar act in any other state; or

3. Residing with a person who has been previously convicted of a crime listed in Section 582 of Title 57 of the Oklahoma Statutes.

[1]Added by Laws 1991, c. 113, § 2, eff. Sept. 1, 1991. Amended by Laws 2002, c. 445, § 19, eff. Nov. 1, 2002; Laws 2003, c. 3, § 25,

§10-21.1. Custody or guardianship - Order of preference - Death of custodial parent - Preference of child - Evidence of domestic abuse - Registered sex offenders.

A. Custody should be awarded or a guardian appointed in the following order of preference according to the best interests of the child to:

1. A parent or to both parents jointly except as otherwise provided in subsection B of this section;

2. A grandparent;

3. A person who was indicated by the wishes of a deceased parent;

4. A relative of either parent;

5. The person in whose home the child has been living in a wholesome and stable environment including but not limited to a foster parent; or

6. Any other person deemed by the court to be suitable and able to provide adequate and proper care and guidance for the child.

B. Subject to subsection E of this section, when a parent having physical custody and providing support to a child becomes deceased or when the custody is judicially removed from such parent, the court may only deny the noncustodial parent custody of the child or guardianship of the child if:

1. a. For a period of at least twelve (12) months out of the last fourteen (14) months immediately preceding the determination of custody or guardianship action, the noncustodial parent has willfully failed, refused, or neglected to contribute to the child's support:

(1) in substantial compliance with a support provision or an order entered by a court of competent jurisdiction adjudicating the duty, amount, and manner of support, or

(2) according to such parent's financial ability to contribute to the child's support if no provision for support is provided in a decree of divorce or an order of modification subsequent thereto, and

b. The denial of custody or guardianship is in the best interest of the child;

2. The noncustodial parent has abandoned the child as such term is defined by Section 7006-1.1 of this title;

3. The parental rights of the noncustodial parent have been terminated;

4. The noncustodial parent has been convicted of any crime defined by the Oklahoma Child Abuse Reporting and Prevention Act or any crime against public decency and morality pursuant to Title 21 of the Oklahoma Statutes;

5. The child has been adjudicated deprived pursuant to the Oklahoma Children's Code as a result of the actions of the noncustodial parent and such parent has not successfully completed any required service or treatment plan required by the court; or

6. The court finds it would be detrimental to the health or

guardianship or unsupervised visitation granted to the abusive person.

E. 1. In every case involving the custody of, guardianship of or visitation with a child, the court shall determine whether any individual seeking custody or who has custody of, guardianship of or visitation with a child:

a. is or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act or any similar act in any other state,

b. is residing with a person who is or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act or any similar act in any other state, or

c. is residing with a person who has been previously convicted of a crime listed in Section 582 of Title 57 of the Oklahoma Statutes.

2. There shall be a rebuttable presumption that it is not in the best interests of the child to have custody, guardianship or unsupervised visitation granted to:

a. a person who is or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act or any similar act in any other state,

b. a person who is residing with an individual who is or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act or any similar act in any other state, or

c. a person who is residing with a person who has been previously convicted of a crime listed in Section 582 of Title 57 of the Oklahoma Statutes.

[1]Added by Laws 1983, c. 269, § 2, operative July 1, 1983. Amended by Laws 1988, c. 238, § 5, emerg. eff. June 24, 1988; Laws 1991, c. 113, § 1, eff. Sept. 1, 1991; Laws 1997, c. 386, § 1, emerg. eff. June 10, 1997; Laws 2001, c. 141, § 1, emerg. eff. April 30, 2001; Laws 2002, c. 445, § 1, eff. Nov. 1, 2002; Laws 2003, c. 3, § 3, emerg. eff. March 19, 2003.

NOTE: Laws 2002, c. 413, § 1 repealed by Laws 2003, c. 3, § 4, emerg. eff. March 19, 2003.

[2]

Texas

FAMILY CODE

CHAPTER 153. CONSERVATORSHIP, POSSESSION, AND ACCESS

SUBCHAPTER A. GENERAL PROVISIONS

§ 153.001. PUBLIC POLICY. (a) The public policy of this state is to:

(1) assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child;

(2) provide a safe, stable, and nonviolent environment for the child; and

(3) encourage parents to share in the rights and duties of raising their child after the parents have separated or dissolved their marriage.

(b) A court may not render an order that conditions the right of a conservator to possession of or access to a child on the payment of child support.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995. Amended by Acts 1995, 74th Leg., ch. 751, § 25, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 787, § 2, eff. Sept. 1, 1999.

§ 153.002. BEST INTEREST OF CHILD. The best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995.

§ 153.003. NO DISCRIMINATION BASED ON SEX[0] OR MARITAL STATUS. The court shall consider the qualifications of the parties without regard to their marital status or to the sex[0] of the party the child in determining:

(1) which party to appoint as sole managing conservator;

(2) whether to appoint a party as joint managing conservator; and

(3) the terms and conditions of conservatorship and possession of and access to the child.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995.

§ 153.004. HISTORY OF DOMESTIC VIOLENCE. (a) In determining whether to appoint a party as a sole or joint managing conservator, the court shall consider evidence of the intentional use of abusive physical force by a party against the party's spouse, a parent of the child, or any person younger than 18 years of age committed within a two-year period preceding the filing of the suit or during the pendency of the suit.

(b) The court may not appoint joint managing conservators if credible evidence is presented of a history or pattern of past or present child neglect, or physical or sexual abuse by one parent directed against the other parent, a spouse, or a child, including a sexual assault in violation of Section 22.011 or 22.021, Penal Code, that results in the other parent becoming pregnant with the child. A history of sexual abuse includes a sexual assault that results in the other parent becoming pregnant with the child, regardless of the prior relationship of the parents. It is a rebuttable presumption that the appointment of a parent as the sole managing conservator of a child or as the conservator who has the exclusive right to determine the primary residence of a child is not in the best interest of the child if credible evidence is presented of a history or pattern of past or present child neglect, or physical or sexual abuse by that parent directed against the other parent, a spouse, or a child.

(c) The court shall consider the commission of family violence in determining whether to deny, restrict, or limit the possession of a child by a parent who is appointed as a possessory conservator.

(d) The court may not allow a parent to have access to a child for whom it is shown by a preponderance of the evidence that there is a history or pattern of committing family violence during the two years preceding the date of the filing of the suit or during the pendency of the suit, unless the court:

(1) finds that awarding the parent access to the child would not endanger the child's physical health or emotional welfare and would be in the best interest of the child; and

(2) renders a possession order that is designed to protect the safety and well-being of the child and any other person who has been a victim of family violence committed by the parent and that may include a requirement that:

(A) the periods of access be continuously supervised by an entity or person chosen by the court;

(B) the exchange of possession of the child occu in a protective setting;

(C) the parent abstain from the consumption of alcohol or a controlled substance, as defined by Chapter 481, Health and Safety Code, within 12 hours prior to or during the period of access to the child; or

(D) the parent attend and complete a battering intervention and prevention program as provided by Article 42.141, Code of Criminal Procedure, or, if such a program is not available, complete a course of treatment under Section 153.010.

(e) It is a rebuttable presumption that it is not in the best interest of a child for a parent to have unsupervised visitation with the child if credible evidence is presented of a history or pattern of past or present child neglect or physical or sexual abuse by that parent directed against the other parent, a spouse, or a child.

(f) In determining under this section whether there is credible evidence of a history or pattern of past or present child neglect or physical or sexual abuse by a parent directed against the other parent, a spouse, or a child, the court shall consider whether a protective order was rendered under Chapter 85, Title 4, against the parent during the two-year period preceding the filing of the suit or during the pendency of the suit.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995. Amended by Acts 1999, 76th Leg., ch. 774, § 1, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 787, § 3, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 586, § 1, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 642, § 1, eff. Sept. 1, 2003.

§ 153.005. APPOINTMENT OF SOLE OR JOINT MANAGING CONSERVATOR. (a) In a suit, the court may appoint a sole managing conservator or may appoint joint managing conservators. If the parents are or will be separated, the court shall appoint at least one managing conservator.

(b) A managing conservator must be a parent, a competent adult, an authorized agency, or a licensed child-placing agency.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995.

§ 153.006. APPOINTMENT OF POSSESSORY CONSERVATOR. (a) If a managing conservator is appointed, the court may appoint one or more possessory conservators.

(b) The court shall specify the rights and duties of a person appointed possessory conservator.

(c) The court shall specify and expressly state in the order the times and conditions for possession of or access to the child, unless a party shows good cause why specific orders would not be in the best interest of the child.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995.

§ 153.007. AGREEMENT CONCERNING CONSERVATORSHIP. (a) To promote the amicable settlement of disputes between the parties to a suit, the parties may enter into a written agreement containing provisions for conservatorship and possession of the child and for modification of the agreement, including variations from the standard possession order.

(b) If the court finds that the agreement is in the child's best interest, the court shall render an order in accordance with

(5) to consult with school officials concerning the child's welfare and educational status, including school activities;

(6) to attend school activities;

(7) to be designated on the child's records as a person to be notified in case of an emergency;

(8) to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child; and

(9) to manage the estate of the child to the extent the estate has been created by the parent or the parent's family.

(b) The court shall specify in the order the rights that a parent retains at all times.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995. Amended by Acts 1995, 74th Leg., ch. 751, § 29, eff. Sept. 1, 1995; Acts 2003, 78th Leg., ch. 1036, § 6, eff. Sept. 1, 2003.

§ 153.074. RIGHTS AND DUTIES DURING PERIOD OF POSSESSION. Unless limited by court order, a parent appointed as a conservator of a child has the following rights and duties during the period that the parent has possession of the child:

(1) the duty of care, control, protection, and reasonable discipline of the child;

(2) the duty to support the child, including providing the child with clothing, food, shelter, and medical and dental care not involving an invasive procedure;

(3) the right to consent for the child to medical and dental care not involving an invasive procedure; and

(4) the right to direct the moral and religious training of the child.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995. Amended by Acts 1995, 74th Leg., ch. 751, § 30, eff. Sept. 1, 1995; Acts 2003, 78th Leg., ch. 1036, § 7, eff. Sept. 1, 2003.

§ 153.075. DUTIES OF PARENT NOT APPOINTED CONSERVATOR. The court may order a parent not appointed as a managing or a possessory conservator to perform other parental duties, including paying child support.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995.

§ 153.076. DUTY TO PROVIDE INFORMATION. (a) The court shall order that each conservator of a child has a duty to inform the other conservator of the child in a timely manner of significant information concerning the health, education, and welfare of the child.

(b) The court shall order that each conservator of a child has the duty to inform the other conservator of the child if the

conservator resides with for at least 30 days, marries, or intends to marry a person who the conservator knows:

(1) is registered as a sex[0] offender[0] under Chapter Code of Criminal Procedure; or

(2) is currently charged with an offense for which on conviction the person would be required to register under that chapter.

(c) The notice required to be made under Subsection (b) must be made as soon as practicable but not later than the 40th day after the date the conservator of the child begins to reside with the person or the 10th day after the date the marriage occurs, as appropriate. The notice must include a description of the offense that is the basis of the person's requirement to register as a sex[0] offender[0] or of the offense with which the person is charged.

(d) A conservator commits an offense if the conservator fails to provide notice in the manner required by Subsections (b) and (c). An offense under this subsection is a Class C misdemeanor.

Added by Acts 1995, 74th Leg., ch. 751, § 31, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 330, § 1, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 1036, § 8, eff. Sept. 1, 2003.

SUBCHAPTER C. PARENT APPOINTED AS SOLE OR JOINT MANAGING CONSERVATOR

§ 153.131. PRESUMPTION THAT PARENT TO BE APPOINTED MANAGING CONSERVATOR.

(a) Subject to the prohibition in Section 153.004, unless the court finds that appointment of the parent or parents would not be in the best interest of the child because the appointment would significantly impair the child's physical health or emotional development, a parent shall be appointed sole managing conservator or both parents shall be appointed as joint managing conservators of the child.

(b) It is a rebuttable presumption that the appointment of the parents of a child as joint managing conservators is in the best interest of the child. A finding of a history of family violence involving the parents of a child removes the presumption under this subsection.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995. Amended by Acts 1995, 74th Leg., ch. 751, § 32, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1193, § 20, eff. Sept. 1, 1997.

§ 153.132. RIGHTS AND DUTIES OF PARENT APPOINTED SOLE MANAGING CONSERVATOR.

Unless limited by court order, a parent appointed as sole managing conservator of a child has the rights and duties provided by Subchapter B and the following exclusive rights:

(1) the right to designate the primary residence of the child;

Nebraska

29-4002
Legislative findings.

The Legislature finds that sex offenders present a high risk to commit repeat offenses. The Legislature further finds that efforts of law enforcement agencies to protect their communities, conduct investigations, and quickly apprehend sex offenders are impaired by the lack of available information about individuals who have pleaded guilty to or have been found guilty of sex offenses and who live, work, or attend school in their jurisdiction. The Legislature further finds that state policy should assist efforts of local law enforcement agencies to protect their communities by requiring sex offenders to register with local law enforcement agencies as provided by the Sex Offender Registration Act.

Source:
Laws 1996, LB 645, § 2; Laws 2002, LB 564, § 2.
Effective date July 20, 2002.

3020. (a) The Legislature finds and declares that it is the public policy of this state to assure that the health, safety, and welfare of children shall be the court's primary concern in determining the best interest of children when making any orders regarding the physical or legal custody or visitation of children. The Legislature further finds and declares that the perpetration of child abuse or domestic violence in a household where a child resides is detrimental to the child.

(b) The Legislature finds and declares that it is the public policy of this state to assure that children have frequent and continuing contact with both parents after the parents have separated or dissolved their marriage, or ended their relationship, and to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy, except where the contact would not be in the best interest of the child, as provided in Section 3011.

(c) Where the policies set forth in subdivisions (a) and (b) of this section are in conflict, any court's order regarding physical or legal custody or visitation shall be made in a manner that ensures the health, safety, and welfare of the child and the safety of all **family** members.

3021. This part applies in any of the following:

(a) A proceeding for dissolution of marriage.

(b) A proceeding for nullity of marriage.

(c) A proceeding for legal separation of the parties.

(d) An action for exclusive custody pursuant to Section 3120.

(e) A proceeding to determine physical or legal custody or for visitation in a proceeding pursuant to the Domestic Violence Prevention Act (Division 10 (commencing with Section 6200)).

In an action under Section 6323, nothing in this subdivision shall be construed to authorize physical or legal custody, or visitation rights, to be granted to any party to a Domestic Violence Prevention Act proceeding who has not established a parent and child relationship pursuant to paragraph (2) of subdivision (a) of Section 6323.

(f) A proceeding to determine physical or legal custody or visitation in an action pursuant to the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12).

(g) A proceeding to determine physical or legal custody or visitation in an action brought by the district attorney pursuant to Section 17404.

3022. The court may, during the pendency of a proceeding or at any time thereafter, make an order for the custody of a child during minority that seems necessary or proper.

3022.5. A motion by a parent for reconsideration of an existing child custody order shall be granted if the motion is based on the fact that the other parent was convicted of a crime in connection

with falsely accusing the moving parent of child abuse.

3023. (a) If custody of a minor child is the sole contested issue, the case shall be given preference over other civil cases, except matters to which special precedence may be given by law, for assigning a trial date and shall be given an early hearing.

(b) If there is more than one contested issue and one of the issues is the custody of a minor child, the court, as to the issue of custody, shall order a separate trial. The separate trial shall be given preference over other civil cases, except matters to which special precedence may be given by law, for assigning a trial date.

3024. In making an order for custody, if the court does not consider it inappropriate, the court may specify that a parent shall notify the other parent if the parent plans to change the residence of the child for more than 30 days, unless there is prior written agreement to the removal. The notice shall be given before the contemplated move, by mail, return receipt requested, postage prepaid, to the last known address of the parent to be notified. A copy of the notice shall also be sent to that parent's counsel of record. To the extent feasible, the notice shall be provided within a minimum of 45 days before the proposed change of residence so as to allow time for mediation of a new agreement concerning custody. This section does not affect orders made before January 1, 1989.

3025. Notwithstanding any other provision of law, access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, shall not be denied to a parent because that parent is not the child's custodial parent.

3026. **Family** reunification services shall not be ordered as a part of a child custody or visitation rights proceeding. Nothing in this section affects the applicability of Section 16507 of the Welfare and Institutions **Code**.

3027. (a) If allegations of child sexual abuse are made during a child custody proceeding and the court has concerns regarding the child's safety, the court may take any reasonable, temporary steps as the court, in its discretion, deems appropriate under the circumstances to protect the child's safety until an investigation can be completed. Nothing in this section shall affect the applicability of Section 16504 or 16506 of the Welfare and Institutions **Code**.

(b) If allegations of child sexual abuse are made during a child custody proceeding, the court may request that the local child welfare services agency conduct an investigation of the allegations pursuant to Section 328 of the Welfare and Institutions **Code**. Upon completion of the investigation, the agency shall report its findings to the court.

3027.1. (a) If a court determines, based on the investigation described in Section 3027 or other evidence presented to it, that an accusation of child abuse or neglect made during a child custody proceeding is false and the person making the accusation knew it to be false at the time the accusation was made, the court may impose reasonable money sanctions, not to exceed all costs incurred by the party accused as a direct result of defending the accusation, and reasonable attorney's fees incurred in recovering the sanctions, against the person making the accusation. For the purposes of this section, "person" includes a witness, a party, or a party's attorney.

(b) On motion by any person requesting sanctions under this section, the court shall issue its order to show cause why the requested sanctions should not be imposed. The order to show cause shall be served on the person against whom the sanctions are sought and a hearing thereon shall be scheduled by the court to be conducted at least 15 days after the order is served.

(c) The remedy provided by this section is in addition to any other remedy provided by law.

3027.5. (a) No parent shall be placed on supervised visitation, or be denied custody of or visitation with his or her child, and no custody or visitation rights shall be limited, solely because the parent (1) lawfully reported suspected sexual abuse of the child, (2) otherwise acted lawfully, based on a reasonable belief, to determine if his or her child was the victim of sexual abuse, or (3) sought treatment for the child from a licensed mental health professional for suspected sexual abuse.

(b) The court may order supervised visitation or limit a parent's custody or visitation if the court finds substantial evidence that the parent, with the intent to interfere with the other parent's lawful contact with the child, made a report of child sexual abuse, during a child custody proceeding or at any other time, that he or she knew was false at the time it was made. Any limitation of custody or visitation, including an order for supervised visitation, pursuant to this subdivision, or any statute regarding the making of a false child abuse report, shall be imposed only after the court has determined that the limitation is necessary to protect the health, safety, and welfare of the child, and the court has considered the state's policy of assuring that children have frequent and continuing contact with both parents as declared in subdivision (b) of Section 3020.

3028. (a) The court may order financial compensation for periods when a parent fails to assume the caretaker responsibility or when a parent has been thwarted by the other parent when attempting to exercise custody or visitation rights contemplated by a custody or visitation order, including, but not limited to, an order for joint physical custody, or by a written or oral agreement between the parents.

(b) The compensation shall be limited to (1) the reasonable expenses incurred for or on behalf of a child, resulting from the other parent's failure to assume caretaker responsibility or (2) the reasonable expenses incurred by a parent for or on behalf of a child, resulting from the other parent's thwarting of the parent's efforts to exercise custody or visitation rights. The expenses may include the value of caretaker services but are not limited to the cost of services provided by a third party during the relevant period.

(c) The compensation may be requested by noticed motion or an

order to show cause, which shall allege, under penalty of perjury, (1) a minimum of one hundred dollars ($100) of expenses incurred or (2) at least three occurrences of failure to exercise custody or visitation rights or (3) at least three occurrences of the thwarting of efforts to exercise custody or visitation rights within the six months before filing of the motion or order.

(d) Attorney's fees shall be awarded to the prevailing party upon a showing of the nonprevailing party's ability to pay as required by Section 270.

3029. An order granting custody to a parent who is receiving, or in the opinion of the court is likely to receive, assistance pursuant to the **Family** Economic Security Act of 1982 (Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions **Code**) for the maintenance of the child shall include an order pursuant to Chapter 2 (commencing with Section 4000) of Part 2 of Division 9 of this **code**, directing the noncustodial parent to pay any amount necessary for the support of the child, to the extent of the noncustodial parent's ability to pay.

3030. (a) No person shall be granted physical or legal custody of, or unsupervised visitation with, a child if the person is required to be registered as a **sex** offender under Section 290 of the Penal **Code** where the victim was a minor, or if the person has been convicted under Section 273a, 273d, or 647.6 of the Penal **Code**, unless the court finds that there is no significant risk to the child and states its reasons in writing or on the record.

(b) No person shall be granted custody of, or visitation with, a child if the person has been convicted under Section 261 of the Penal **Code** and the child was conceived as a result of that violation.

(c) No person shall be granted custody of, or unsupervised visitation with, a child if the person has been convicted of murder in the first degree, as defined in Section 189 of the Penal **Code**, and the victim of the murder was the other parent of the child who is the subject of the order, unless the court finds that there is no risk to the child's health, safety, and welfare, and states the reasons for its finding in writing or on the record. In making its finding, the court may consider, among other things, the following:

(1) The wishes of the child, if the child is of sufficient age and capacity to reason so as to form an intelligent preference.

(2) Credible evidence that the convicted parent was a victim of abuse, as defined in Section 6203, committed by the deceased parent. That evidence may include, but is not limited to, written reports by law enforcement agencies, child protective services or other social welfare agencies, courts, medical facilities, or other public agencies or private nonprofit organizations providing services to victims of domestic abuse.

(3) Testimony of an expert witness, qualified under Section 1107 of the Evidence **Code**, that the convicted parent suffers from the effects of battered women's syndrome.

Unless and until a custody or visitation order is issued pursuant to this subdivision, no person shall permit or cause the child to visit or remain in the custody of the convicted parent without the consent of the child's custodian or legal guardian.

(d) The court may order child support that is to be paid by a person subject to subdivision (a), (b), or (c) to be paid through the local child support agency, as authorized by Section 4573 of the **Family Code** and Division 17 (commencing with Section 17000) of this

code.

(e) The court shall not disclose, or cause to be disclosed, the custodial parent's place of residence, place of employment, or the child's school, unless the court finds that the disclosure would be in the best interest of the child.

3031. (a) Where the court considers the issue of custody or visitation the court is encouraged to make a reasonable effort to ascertain whether or not any emergency protective order, protective order, or other restraining order is in effect that concerns the parties or the minor. The court is encouraged not to make a custody or visitation order that is inconsistent with the emergency protective order, protective order, or other restraining order, unless the court makes both of the following findings:

(1) The custody or visitation order cannot be made consistent with the emergency protective order, protective order, or other restraining order.

(2) The custody or visitation order is in the best interest of the minor.

(b) Whenever custody or visitation is granted to a parent in a case in which domestic violence is alleged and an emergency protective order, protective order, or other restraining order has been issued, the custody or visitation order shall specify the time, day, place, and manner of transfer of the child for custody or visitation to limit the child's exposure to potential domestic conflict or violence and to ensure the safety of all **family** members. Where the court finds a party is staying in a place designated as a shelter for victims of domestic violence or other confidential location, the court's order for time, day, place, and manner of transfer of the child for custody or visitation shall be designed to prevent disclosure of the location of the shelter or other confidential location.

(c) When making an order for custody or visitation in a case in which domestic violence is alleged and an emergency protective order, protective order, or other restraining order has been issued, the court shall consider whether the best interest of the child, based upon the circumstances of the case, requires that any custody or visitation arrangement shall be limited to situations in which a third person, specified by the court, is present, or whether custody or visitation shall be suspended or denied.

3032. (a) The Judicial Council shall establish a state-funded one-year pilot project beginning July 1, 1999, in at least two counties, including Los Angeles County, pursuant to which, in any child custody proceeding, including mediation proceedings pursuant to Section 3170, any action or proceeding under Division 10 (commencing with Section 6200), any action or proceeding under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12), and any proceeding for dissolution or nullity of marriage or legal separation of the parties in which a protective order as been granted or is being sought pursuant to Section 6221, the court shall, notwithstanding Section 68092 of the Government **Code**, appoint an interpreter to interpret the proceedings at court expense, if both of the following conditions are met:

(1) One or both of the parties is unable to participate fully in the proceeding due to a lack of proficiency in the English language.

(2) The party who needs an interpreter appears in forma pauperis,

pursuant to Section 68511.3 of the Government **Code**, or the court otherwise determines that the parties are financially unable to pay the cost of an interpreter. In all other cases where an interpreter is required pursuant to this section, interpreter fees shall be paid as provided in Section 68092 of the Government **Code.**

(3) This section shall not prohibit the court doing any of the following when an interpreter is not present:

(A) Issuing an order when the necessity for the order outweighs the necessity for an interpreter.

(B) Extending the duration of a previously issued temporary order if an interpreter is not readily available.

(C) Issuing a permanent order where a party who requires an interpreter fails to make appropriate arrangements for an interpreter after receiving proper notice of the hearing, including notice of the requirement to have an interpreter present, along with information about obtaining an interpreter.

(b) The Judicial Council shall submit its findings and recommendations with respect to the pilot project to the Legislature by January 31, 2001. Measurable objectives of the program may include increased utilization of the court by parties not fluent in English, increased efficiency in proceedings, increased compliance with orders, enhanced coordination between courts and culturally relevant services in the community, increased client satisfaction, and increased public satisfaction.

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This information is being provided to the public pursuant to **Chapter 21 Article 35,Cod Kansas,** to protect members of the public from potential harm.

This public notification is to inform you that this person is registered with the Johnson Cc Sheriff's Office and resides in your community.

Registrants are required by law to inform the sheriff's office of their current address. Be this registrant has provided the address listed below.

Click **Here** for more information about Kansas Sex Offender Registration Requirements.

NAME: RICKY, BRETT SHANNON
Address: 10003 W. 98 TERR.
OVERLAND PARK, KS 66212
Sex: Male
Race: White
Height: UNK
Weight: UNK
Date of Birth: 01/10/1963
Hair Color: UNK
Eye Color: UNK
Level: UNK

Conviction	Date Registered	Attending School Only	Employed
INDECENT LIBERTIES	08/22/2002	Not Applicable	Not Ap

Any action taken by you against this person, including vandalism of property, verbal or written thre physical assault against this person, his or her family or employer can result in your arrest and pro:

You must contact your local police department or sheriff's office immediately if you believe a crime will be committed. If you have any questions regarding this matter, contact the Johnson County Sh at 913-791-5200.

Around Kansas City

The Times Staff

Man charged with molesting girl at Oceans of Fun

A Mission man was charged Thursday with sexually abusing a 12-year-old girl at Oceans of Fun.

Brett Rickey, 25, of 4900 Broadmoor St., remained in the Clay County Jail on Thursday night unable to post $7,500 bond.

Kansas City Police Sgt. Linda Benson said Rickey and the girl were in the water park's wave pool Wednesday night watching a special showing of the movie "Jaws."

The girl was in an inner tube and Rickey allegedly touched her in "inappropriate places," Benson said.

Benson said the 12-year-old, who is from Raytown, reported the incident to the park's security guard. She pointed out the suspect, who had remained in the pool, and he was arrested at the scene.

The girl and an 11-year-old friend apparently had been at the park alone, Benson said. She said that the girls did not know Rickey and that Rickey does not work at Oceans of Fun.

Clay County Prosecutor John Newberry said that if convicted, Rickey could face a prison term of up to five years and a fine of up to $5,000.

9-year-old girl drowns in residential swimming pool

A Kansas City girl was found floating near the bottom of a residential swimming pool Thursday afternoon and was pronounced dead about an hour later.

The 9-year-old, whose identity was withheld until relatives could be notified, was with her mother at 645 W. 56th St. and apparently was playing near a side-yard pool shortly before she was found.

Her mother was inside the house and noticed her daughter at the bottom of the pool, Kansas City police said. A neighbor tried to resuscitate the girl until paramedics arrived about 1:10 p.m. and rushed her to St. Luke's Hospital.

Kansas City Police Sgt. Laura Mulloy said neither the girl nor her mother could swim.

The girl and her mother, who is a housekeeper at the residence, were the only ones at the house but do not live there.

King hospital plan

2-19

Senate Judiciary Committee
January 18, 2005

Testimony of Jay Scott Emler
Chairman
Joint Committee on Kansas Security

Mr. Chairman and members of the Senate Judiciary Committee, I appear in front of you today as the immediate past chairman of the Joint Committee on Kansas Security. It was the recommendation of that Committee that SB 24 be drafted and presented to the 2005 Legislature.

I will only focus on the parts of the bill that the Committee specifically recommended and mention two technical clean-up suggestions.

During the course of testimony in front of the Committee, conferees indicated that fully eighty-five percent (85%) of the infrastructure in the United States is privately owned. Many conferees also indicated a reluctance on the part of private companies to divulge sensitive security information because public agencies could not maintain the secrecy of the information. In order to address the concerns of both private industry and those charged with maintaining security, the Committee first recommended amending Section 1 (a) (42), formerly (45). That section is found on page 6, lines 17 through 30 of the bill.

The next three changes requested by the Committee are basically the same. The first is found on page 8, lines 1 through 4. Similar language is found starting on line 41 of that page, and on page 10 at lines 20 through 23. Basically, the request is to protect any records or information provided to the public agency by exempting such records or information from subpoena, discovery or demand in any administrative, criminal or civil action. It is important to note that the only information that

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is exempt is that which is in the files of the public agency. Company records in their own right are not exempted by these changes.

The language on page 8, line 2 refers to subsection (a)(45). It should refer to subsection (a)(42). Additionally, the language on page 4, line 33 refers to "the ombudsman of corrections." It is my understanding that there is no longer an ombudsman of corrections and that language may need to be corrected here and in other statutes.

This has been a brief review of the Security Committee concerns, but I will be happy to stand for questions.

Respectfully submitted,

Jay Scott Emler

Kansas Association of Health Plans

Written Testimony submitted by Larrie Ann Lower
Senate Judiciary Committee
SB 24
January 18, 2005

Chairman Vratil and members of the Committee. Thank you for allowing me to submit written testimony on SB 24 on behalf of the Kansas Association of Health Plans (KAHP).

The KAHP is a nonprofit association dedicated to providing the public information on managed care health plans. Members of the KAHP are Kansas licensed health maintenance organizations, preferred provider organizations and other entities that are connected to managed care. KAHP members serve most all of the Kansans enrolled in a Kansas licensed HMO. KAHP members also serve the Kansans enrolled in HealthWave and medicaid managed care and also many of the Kansans enrolled in PPO's and self insured plans.

KAHP respectfully requests section 1(a)(38-40) on page 5 lines 33 through 41 be amended back in to the bill. These sections concern the open records exemptions for certain insurance reports submitted to the Kansas Insurance Department. These exemptions were among many discussed during the interim and it is our understanding these exemptions as well as other open records exemptions are going to be discussed in a separate bill.

Although these exemptions arguably are repetitive since the insurance statutes also provide protections, it is our desire these exemptions remain in the open records act for clarity and consistency.

Thank you for your consideration.

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