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MEMORANDUM

To: Senate Committee on Judiciary

From: Office of Revisor of Statutes

Date: March 3, 2025

Subject: Bill Brief on HB 2166

Summary

House Bill 2166 is the annual legislative review of exceptions to disclosure of public records under the Kansas open records act.

Under the Kansas open records act, any new or substantially amended exception to disclosure expires on July 1 five years after enactment of the new or substantially amended exception, unless the legislature acts to continue the exception. Before an exception expires, the Revisor of Statutes certifies to the President of the Senate and the Speaker of the House of Representatives the statutory language and citation of each exception that will expire in the ensuing year.

Under K.S.A. 45-229(h), the legislature is directed to review each exception before its expiration and consider the following factors:

1. What specific records are affected by the exception;
2. whom does the exception uniquely affect, as opposed to the general public;
3. what is the identifiable public purpose or goal of the exception; and
4. whether the information contained in the records may be obtained readily by alternative means and how it may be obtained.

Two documents are attached to this memorandum: The document entitled "2020 New and Substantially Amended Kansas Open Records Exceptions" is a list of the statute numbers containing the exceptions and the subject of the records. The document entitled "Statutory Text of 2020 New and Substantially Amended Kansas Open Records Exceptions" contains the text of those statutes with the language creating or amending the open records exception highlighted within each statute.

If enacted, HB 2166 would take effect upon publication in the statute book, July 1, 2025.