

SESSION OF 2013

SUPPLEMENTAL NOTE ON SENATE BILL NO. 81

As Amended by Senate Committee on Judiciary

Brief*

SB 81, as amended, would amend exemptions from the Kansas Open Records Act (KORA) related to law enforcement officers, parole officers, probation officers, courts services officers, community correctional officers, federal judges, Supreme Court justices, Court of Appeals judges, district judges, district magistrate judges, U.S. attorneys, the Kansas Attorney General, assistant attorneys general, and county and district attorneys. Specifically, the bill would amend the exemption from KORA for the home address or home ownership records of such persons to restrict the exemption to records on a public website that are searchable by a keyword search. The bill would extend from seven to ten days the length of time a public agency has to restrict such information from public access after receiving a request to do so.

Additionally, the bill would strike a provision allowing agency heads or employers to make such requests under these exemptions on behalf of their officers or employees. The bill would establish that the restrictions under this exemption would expire after five years, requiring persons covered by the exemption to file a new request to continue the restriction.

The bill would create a new exemption prohibiting a public agency from disclosing the name, home address, e-mail address, phone numbers, or other contact information for any person licensed to carry concealed handguns, any person who has enrolled in or completed weapons training for

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

concealed carry licensure, or any person who has applied for a concealed carry license.

The bill also would resolve two conflicts between different versions of the statute by striking a reference to the Ombudsman of Corrections and by repealing a version of the statute containing an exemption for the contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the disposal of property.

Background

The bill was introduced by the Senate Judiciary Committee at the request of Senator Smith. In the Senate Judiciary Committee, representatives of the Kansas Land Title Association, Kansas Association of Chiefs of Police, Kansas Sheriffs Association, Kansas Peace Officers Association, Kansas Press Association, Johnson County Department of Records and Tax Administration, and Kansas Association of Counties testified in support of the bill. A Riley County commissioner and the Riley County counselor testified as neutral conferees. Representatives of the Kansas Bankers Association and Kansas Bar Association submitted written proponent testimony.

The Senate Committee amended the bill to add the concealed carry exemption, strike the authority for agency heads or employers to request restriction of information, establish the sunset period for restrictions, and resolve the conflict regarding disposal of property by a public agency by repealing the conflicting version of the statute without incorporating the additional language from that version in this bill. The Committee recommended the bill be passed as amended.

The fiscal note prepared by the Division of the Budget on the bill, as introduced, indicates it would have no fiscal effect.