

SESSION OF 2016

SUPPLEMENTAL NOTE ON SENATE BILL NO. 415

As Amended by House Committee on Judiciary

Brief*

SB 415 would amend law related to public records.

Kansas Open Records Act Exceptions Review

The bill would continue in existence until July 1, 2021, the following exceptions to the Kansas Open Records Act (KORA):

- KSA 2015 Supp. 40-955, concerning insurance rate filings;
- KSA 2015 Supp. 45-221(a)(10)(F), concerning victims of sexual offenses;
- KSA 2015 Supp. 45-221(a)(50), concerning information provided to 911 Coordinating Council;
- KSA 2015 Supp. 65-4a05, concerning individual identification licensing of abortion clinics;
- KSA 2015 Supp. 65-445(g), concerning child sexual abuse reports;
- KSA 2015 Supp. 9-513c, concerning licensing persons engaged in money transmission;
- KSA 2015 Supp. 12-5374, concerning emergency communications services;

*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>

- KSA 2015 Supp. 16-335, concerning cemetery corporations investigations;
- KSA 2015 Supp. 17-1312e, concerning investigations of cemetery corporations;
- KSA 2015 Supp. 25-2309, concerning voter registration documents;
- KSA 2015 Supp. 40-2,118, concerning fraudulent insurance acts;
- KSA 2015 Supp. 40-2,118a, concerning fraudulent insurance acts;
- KSA 2015 Supp. 40-4913, concerning termination of certain business relationships;
- KSA 2015 Supp. 75-5664, concerning the Advisory Committee on Trauma;
- KSA 2015 Supp. 75-5665, concerning the Regional Trauma Council;
- KSA 2015 Supp. 12-5611, concerning the Topeka/Shawnee County Riverfront Authority;
- KSA 2015 Supp. 22-4906, concerning criminal offender registration;
- KSA 2015 Supp. 22-4909, concerning criminal offender registration;
- KSA 2015 Supp. 38-2310, concerning records concerning certain juveniles;
- KSA 2015 Supp. 38-2311, concerning juvenile treatment records;
- KSA 2015 Supp. 38-2326, concerning juvenile offender information systems;

- KSA 2015 Supp. 44-1132, concerning discrimination in employment;
- KSA 2015 Supp. 60-3333, concerning environmental audit reports;
- KSA 2015 Supp. 65-6154, concerning emergency medical services reports;
- KSA 2015 Supp. 71-218, concerning community colleges and employee evaluation documents;
- KSA 2015 Supp. 75-457, concerning substitute mailing addresses;
- KSA 2015 Supp. 75-712c, concerning reports of missing persons;
- KSA 2015 Supp. 75-723, concerning the Abuse, Neglect, and Exploitation of Persons Unit in the Office of the Attorney General; and
- KSA 2015 Supp. 75-7c06, concerning concealed firearm records.

The bill would remove an exception concerning audits of VoIP providers, as the underlying statute, KSA 12-5358, was repealed during the 2011 Session.

Release of Charitable Gaming Information

The bill also would amend a statute allowing the Secretary of Revenue or the Secretary's designee to release or publish certain charitable gaming information obtained in bingo licensee and registration applications and renewals pursuant to the Bingo Act. The applications from which such information may be drawn would be expanded to include any charitable gaming application and the reference to the Bingo Act would be updated to reference the Kansas Charitable Gaming Act.

Background

As introduced, the bill contained provisions continuing certain KORA exceptions indefinitely. A sunset provision for all KORA exceptions was added in 2000, requiring a review of exceptions within five years or they would expire. The law also required any exceptions continued after legislative review to be reviewed again five years later. More recently, 2013 HB 2012 modified the review requirement so that exceptions will no longer be subject to review and expiration if the Legislature reviews and continues the exception during the 2013 Session or thereafter. (Note: as described below, the House Committee added a sunset date of July 1, 2021, to the exceptions reviewed in this bill.)

In the Senate Committee on Judiciary, written testimony in support of the bill was submitted by the Kansas Department of Health and Environment, the Kansas Emergency Medical Services Association, and the Kansas State Nurses Association.

No conferees testified in the hearing before the House Committee on Judiciary. A representative of State Farm Insurance Companies submitted written testimony supporting the bill. The House Committee amended the bill to add a sunset date of July 1, 2021, to each of the KORA exceptions in the bill. The House Committee also added the provisions of HB 2484, regarding release of charitable gaming information. Further background regarding HB 2484 is included below.

The fiscal note prepared by the Division of the Budget indicates enactment of the bill, as introduced, would have no fiscal effect on state revenues or expenditures.

Background of HB 2484

The 2015 Legislature enacted Sub. for HB 2155, which repealed the Bingo Act and created the Kansas Charitable Gaming Act, regulating bingo and raffles.

HB 2484 was introduced by the House Committee on Federal and State Affairs at the request of Representative Hineman. At the hearing before the House Committee, the Kansas Department of Revenue testified in support of the bill. There were no opposing or neutral conferees on the bill.

According to the fiscal note prepared by the Division of the Budget on HB 2484, the Department of Revenue indicates the bill would have no fiscal effect.