

SESSION OF 2020

SUPPLEMENTAL NOTE ON SENATE BILL NO. 427

As Recommended by Senate Committee on
Judiciary

Brief*

SB 427 would continue in existence the following exceptions to the Kansas Open Records Act (KORA):

- KSA 38-2310(c), concerning law enforcement records identifying victims of certain crimes;
- KSA 45-221(a)(52), concerning public records identifying the home address of certain officials;
- KSA 59-29a22(b)(10), concerning treatment records in the possession of a treatment facility;
- KSA 9-1810(b), concerning the Kansas Bank Commissioner's informal agreements with banks or trust companies;
- KSA 40-409(j)(2), concerning records related to certain insurance policy valuations;
- KSA 40-6007(a), concerning documents related to insurer's own risk and solvency assessments;
- KSA 50-6a11(f), concerning tobacco sales data related to the Master Settlement Agreement;
- KSA 65-6741, concerning court records related to unlawful abortions;

*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 40-223j(c), concerning insurance actuarial reports used for counseling and discipline; and
- KSA 46-1129, concerning survey responses to audits conducted under the Legislative Post Audit Act.

Background

A sunset provision for all exceptions to KORA was added in 2000, requiring a review of existing exceptions within five years and of any new exception or substantial amendment to an exception by July 1 of the fifth year after enactment. Absent such review, the exceptions would expire. The law also required any exceptions continued after legislative review to be reviewed again five years later; however, 2013 HB 2012 modified the requirement so that exceptions would no longer be subject to review and expiration if the Legislature reviews and continues the exception during the 2013 Session or thereafter.

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Wilborn.

In the Senate Committee hearing, a representative of the League of Kansas Municipalities provided proponent testimony, stating its support for the continuation of exceptions in three statutes under review. Written-only proponent testimony was submitted by the Office of the Attorney General, stating its support for the continuation of the exception related to tobacco sales data. No neutral or opponent testimony was provided.

According to the fiscal note prepared by the Division of the Budget on the bill, enactment of the bill would have no fiscal effect.