

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2395

As Recommended by House Committee on
Judiciary

Brief*

HB 2395 would continue in existence the following exceptions to the Kansas Open Records Act (KORA):

- KSA 2-3902, concerning criminal history information under the Industrial Hemp Act;
- KSA 9-512, concerning informal orders under the Kansas Money Transmitter Act;
- KSA 40-4308, concerning examinations of captive insurance companies;
- KSA 40-4350, concerning records relating to captive insurance companies;
- KSA 65-177, concerning records of maternal death investigations;
- KSA 66-2020, concerning petitioner addresses and phone numbers under certain protective orders;
- KSA 74-5611a, concerning the registry of all Kansas police officers or law enforcement officers;
- KSA 75-7240, concerning internal information technology (IT) security assessments;
- KSA 75-7241, concerning IT security; and

*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 65-28b08, concerning certified nurse-midwife impairment records.

[*Note:* The exception contained in KSA 65-28b08 concerning certified nurse-midwife records was not reenacted in 2022. KSA 45-229(e) provides that for any exception that is set to expire but is not reenacted, the exception does not expire on the date specified in statute and directs the Revisor of Statutes to include that exception in the following year's certification.]

The bill would also make technical amendments to ensure consistency in statutory phrasing.

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 of 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 House Committee on Judiciary at the request of Representative Patton.

House Committee on Judiciary

In the House Committee hearing on February 14, 2023, an Assistant Revisor of Statutes provided an overview of the bill. No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, enactment of the bill would not have a fiscal effect.

Kansas Open Records Act; exceptions; review