

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2054

As Amended by Senate Committee on Judiciary

Brief*

HB 2054, as amended, would amend provisions in the Employment Security Law regarding access to information and law related to the Kansas Sentencing Commission.

Employment Security Law

The bill would amend a provision in the Employment Security Law (Law) regarding information obtained by the Secretary of Labor pursuant to administration of the Law to allow disclosure of such information to public officials or the agents or contractors of a public official in the performance of their official duties. (Under current law, such information may be disclosed only to public employees in the performance of their public duties.) A provision prohibiting further disclosure of information disclosed under the Law would be amended to permit further disclosure for use in the performance of a party's official duties. Those persons subject to penalties for violating the disclosure provisions would be broadened from "the secretary or any officer or employee of the secretary" to "any individual."

The bill would define "performance of official duties" to include the administration or enforcement of law or the execution of the official responsibilities of a federal, state, or local official; collection of debts owed to courts; enforcement of child support on behalf of a state or local official; or research related to the law administered by the public official. The definition would specify it does not include solicitation of

*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>

contributions or expenditures to or on behalf of a candidate for public or political office or a political party.

Kansas Sentencing Commission

The bill would amend law related to the Kansas Sentencing Commission (Commission) to require the Commission to gather data and information from state agencies to carry out its duties and functions. It would also require state agencies to provide data or information requested by the Commission for the above purpose, unless otherwise prohibited by law. "State agency" would be defined for purposes of this provision.

[*Note:* The bill would also make a technical amendment removing a reference to the Juvenile Justice Authority (Authority), which was abolished by 2013 Executive Reorganization Order (ERO) No. 42. The Authority's duties were transferred by the ERO to the Department of Corrections.]

Background

HB 2054

HB 2054 was introduced by the House Committee on Judiciary. As introduced, the bill contained the provisions regarding access to information under the Employment Security Law. In the House Committee on Judiciary hearing, an attorney who contracts with Kansas judicial districts to perform collections work testified in support of the bill. No other testimony was provided.

The House Committee of the Whole adopted an amendment changing the term "public" to "official" in the phrase "public duties" and defining "performance of official duties."

In the Senate Committee on Judiciary hearing, a representative of the same conferee who appeared before the House Committee testified in support of the bill. A Shawnee County District Court judge submitted written-only testimony supporting the bill.

The Senate Committee amended the bill to add the provisions of HB 2084, regarding the Kansas Sentencing Commission. Further background regarding HB 2084 is provided below.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Department of Labor indicates HB 2054 would have no fiscal effect. Fiscal note information for HB 2084 is provided below.

HB 2084

HB 2084 was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Commission. In the House Committee on Corrections and Juvenile Justice and Senate Committee on Judiciary hearings, a representative of the Commission testified in support of the bill. No opponent or neutral testimony was provided.

According to the fiscal note prepared by the Division of the Budget, the Commission indicates enactment of HB 2084 would have no fiscal effect on the Commission. Requests from the Commission would incur increased costs on agencies receiving such requests, but it is anticipated any increase would be absorbed within existing resources.