

SESSION OF 2014

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2182**

As Amended by Senate Committee of the Whole

Brief*

Senate Sub. for HB 2182, as amended, would revise the law concerning exceptions to the Open Records Act. Specifically, the bill would strike a sunset clause that requires the Legislature to reenact an exception for records concerning public adjusters submitted to the Commissioner of Insurance that contain information identified in writing as proprietary. The bill also would provide that the exceptions found in the following statutes would not expire:

- KSA 1-205, concerning testimony and documents gathered by the State Board of Accountancy during the investigation of a complaint;
- KSA 2-2204, concerning the complete formula and any other trade secrets submitted to the Secretary of Agriculture to support an agricultural chemical registration application;
- KSA 8-240 and 8-1324, concerning the social security number of an applicant for a driver's license, instruction permit, or a nondriver's identification card;
- KSA 8-247 and 8-1325, concerning information about the willingness of an applicant for a nondriver's identification card or renewal of a driver's license to be placed on the organ donor registry;

*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 8-255c, concerning reports made to the Division of Motor Vehicles that a person has a mental or physical condition and all medical records reviewed and maintained by the Division;
- KSA 12-17,150, concerning information included in the Secretary of Revenue's report identifying each retailer located in a redevelopment district or transportation development district setting;
- KSA 12-2001, concerning information provided to municipalities and political subdivisions;
- KSA 17-12a607, concerning information held by the Securities Commissioner in connection with certain audits, inspections, and investigations; legally protected trade secrets or confidential information; information not otherwise required to be disclosed that is provided on the condition the record will not be subject to public examination or disclosure; and any social security number, residential address, and residential telephone number contained in a filed record;
- KSA 38-1008, concerning the ability of the Interstate Commission for Juveniles to close a meeting to the public;
- KSA 38-2209, concerning records of children who are the subject of a child in need of care investigation;
- KSA 40-5006, concerning information held by the Commissioner of Insurance related to a viatical settlement;
- KSA 40-5108, concerning any filing relating to insurance scoring models or other insurance scoring processes;

- KSA 41-2905 and 41-2906, concerning records kept by a retailer on the sale of any beer or cereal malt beverage keg;
- KSA 44-706, concerning evidence of whether an individual has experienced domestic violence maintained as part of a Department of Labor determination of eligibility for unemployment benefits;
- KSA 44-1518, concerning information or material received by the Secretary of State pursuant to a subpoena for any material relevant to the administration of the Uniform Athlete Agents Act;
- KSA 45-221(a)(44), concerning the amount of franchise tax paid to the Secretary of Revenue or the Secretary of State by certain business entities;
- KSA 45-221(a)(45), concerning records, other than criminal investigation records, which if disclosed would pose a substantial likelihood of revealing security measures that protect systems, facilities, or equipment used in the production, transmission, or distribution of energy, water, or communications services; transportation and sewer or wastewater treatment systems, facilities, or equipment; or private property or persons, if the records are submitted to the agency;
- KSA 45-221(a)(46), concerning information or material received by the register of deeds of a county from military discharge;
- KSA 45-221(a)(47), concerning information that would reveal the location of a shelter or a safe-house or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged

victims of stalking, domestic violence or sexual assault;

- KSA 45-221(a)(48), concerning policy information provided by an insurance carrier related to the issuance, nonrenewal, or cancellation of a workers compensation insurance policy;
- KSA 50-6a11, concerning information obtained by the Director of Taxation and disclosed to the Attorney General or shared with federal agencies, attorneys general of other states, or directors of taxation or their equivalents of other states for purposes of enforcement of the Tobacco Settlement Agreement, the corresponding federal laws, or the corresponding laws of other states;
- KSA 56-1a610 and 56a-1204, concerning copies of applications for extension of time for filing income tax returns submitted by a limited partnership or limited liability partnership to the Secretary of State;
- KSA 65-1,243, concerning records received and information assembled by the Birth Defects Information System related to congenital anomalies, stillbirths, and abnormal conditions of newborns;
- KSA 65-16,104, concerning methamphetamine precursor recording log information submitted to the Board of Pharmacy;
- KSA 65-3239, concerning organ and tissue donor registry information;
- KSA 74-50,184, concerning information provided to the Department of Commerce's Athletic Commission by the Kansas Bureau of Investigation as part of a background check for the position of Boxing Commissioner;

- KSA 74-8134, concerning the portions of documents and other materials that contain trade secrets submitted to the Secretary of Commerce as part of an application to be approved as a qualified Kansas business;
- KSA 74-99b06, concerning records of the Bioscience Authority when the Board of Directors determines disclosure would be harmful to the competitive position of the Authority;
- KSA 77-503a, concerning the name, address, or other contact information of alleged victims of crime, abuse, domestic violence, or sexual assault in any required notice or order under the Kansas Administrative Procedure Act; and
- KSA 82a-2210, concerning information included in the Secretary of Revenue's report identifying each retailer located in the Horsethief Reservoir Benefit District.

Background

As passed by the House in 2013, HB 2182 would have amended grand jury provisions. These provisions were passed by the 2013 Legislature as part of the Conference Committee report on HB 2164.

The 2014 Senate Committee on Judiciary recommended a substitute bill for HB 2182 containing the provisions of SB 404, related to the Kansas RICO Act, with added language to update the definition of "racketeering activity." The Committee also added the crime of commercial sexual exploitation of a child to this definition.

The Senate Committee of the Whole amended the bill by striking the language of the substitute bill as recommended by the Senate Committee on Judiciary and

replacing it with the language of HB 2489, regarding exceptions to the Open Records Act.

Background of HB 2489

In the House Judiciary Committee, the Kansas Association of Counties submitted written testimony in support of HB 2489.

The House Committee amended the bill to restore an exception related to the Kansas Bioscience Authority that had been removed inadvertently.

The fiscal note prepared by the Division of the Budget indicates passage of HB 2489, as introduced, would have no fiscal effect.