

SESSION OF 2020

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 2137**

As Recommended by Senate Committee on  
Judiciary

**Brief\***

Senate Sub. for HB 2137 would amend the Scrap Metal Theft Reduction Act to remove the requirement that scrap metal dealers photograph the vehicle in which a junk vehicle or other regulated scrap metal property is delivered.

The bill also 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;

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\*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 50-6a11(f), concerning tobacco sales data related to the Master Settlement Agreement;
- KSA 65-6741, concerning court records related to unlawful abortions;
- 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**

As introduced and passed by the House in 2019, HB 2137 would have continued KORA exceptions scheduled to expire in 2019. These contents were enacted in 2019 HB 2290.

On May 20, 2020, the Senate Committee on Judiciary (Senate Committee) recommended a substitute bill for HB 2137, replacing its original contents with the contents of SB 344 (scrap metal vehicle photographs) and SB 427 (2020 KORA exception review).

### ***SB 344 (Scrap Metal Vehicle Photographs)***

SB 344 was introduced by the Senate Committee at the request of Senator Wilborn on behalf of Advantage Metals Recycling (AMR). In the Senate Committee hearing, a representative of AMR testified in support of the bill, stating the requirement to photograph delivery vehicles for every transaction seems overly burdensome and of little or no value in most cases.

Written-only neutral testimony was submitted by the Director of the Kansas Bureau of Investigation (KBI) and a representative of the Kansas Association of Chiefs of Police,

Kansas Peace Officers Association, and Kansas Sheriffs' Association.

The Senate Committee recommended the bill be placed on the Consent Calendar. [*Note:* The bill was stricken from the Senate Calendar on March 4, 2020.]

According to the fiscal note prepared by the Division of the Budget on SB 344, the KBI indicates enactment of the bill would have no fiscal effect on revenues or expenditures.

***SB 427 (2020 KORA Exception Review)***

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.

SB 427 was introduced by the Senate Committee 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.

The bill passed the Senate on February 26, 2020, and was heard by the House Committee on Judiciary on March

12, 2020. Written-only proponent testimony was submitted by the Office of the Attorney General regarding the tobacco sales data exception; by the League of Kansas Municipalities regarding exceptions for juvenile offense records, addresses of judges, prosecutors, and city attorneys, and legislative post audit survey responses; and by the Kansas Association of Counties. On May 14, 2020, the House Committee recommended the bill favorably.

According to the fiscal note prepared by the Division of the Budget on SB 427, enactment of the bill would have no fiscal effect.