

SESSION OF 2004

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2889

As Amended by Senate Committee on
Judiciary

Brief*

HB 2889 makes several amendments to the list of exceptions to the Kansas Open Records Act (KORA) which include the following:

- ! No. 4—Personal Records is amended to provide actual compensation and employment contracts must be open;
- ! No. 6—Letters of Reference is amended so this exception does not apply to documents relating to the appointment of persons to fill a vacancy in an elected office;
- ! No. 8—Donor Identity is amended to provide the exception does not apply if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee;
- ! No. 10—Criminal Investigation Records is amended in (10) (B) to add “criminal investigation or prosecution” and to provide that if a public record is discretionarily closed under this exception, the records custodian, upon request, shall provide a written citation to the specific provisions of (A) through (F) that necessitates closure;
- ! No. 38—Risk Based Capital Reports is deleted from KORA since the statutes already prohibit disclosure KSA 40-2c 20 and 4-2d 20;
- ! No. 39—Annual actuarial opinion’s materials is deleted from KORA since KSA 40-409 already prohibits disclosure;

*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>

- ! No. 40—Insurance Disclosure Reports is deleted from KORA since KSA 40-2,156 already prohibits disclosure; and
- ! No. 46—Athletic Agents Information is deleted from KORA since KSA 44-1518 and 44-1520 already prohibit disclosure.

The House Committee reinstated exception No. 35 dealing with medical peer review and risk management records.

The Senate Committee further clarified the amendment to exception No. 4—Personnel records to delete "or agreements" and to provide the employment contracts subject to disclosure are those containing compensation funded in whole or in part by public funds.

Background

The bill was supported by the Kansas Attorney General, the League of Kansas Municipalities, the Kansas Press Association, the Kansas Association of School Boards and the Kansas National Education Association, the Kansas Association of Broadcasters, and the Kansas Association of Counties.

The provision in the bill which would delete exception No. 35 dealing with health care peer review and risk management reports, was opposed by the Kansas Medical Society, the Kansas Hospital Association, and the Kansas Association of Osteopathic Medicine. The Kansas Medical Mutual Insurance Company opposed deletion of exceptions 38, 39, and 40 stating these exceptions protect highly sensitive proprietary information about an insurance companies financial health.

KSA 45-229 provides that all open records exemptions in existence on July 1, 2000, shall sunset on July 1, 2005, unless the Legislature acts to reenact the exceptions. The 2003 interim Special Committee on Local Government began a review of KORA exceptions and recommended various interested groups get together and try and arrive at a consensus on changes needed to KORA. HB 2889 represents the recommendations of these groups, which include the Kansas Press Association, the Kansas Broadcasters Association, the League of Kansas Municipalities, the Kansas Association of Counties,

the Kansas Association of School Boards, the Attorney General's Office, and others.