

SESSION OF 2005

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 78**

As Amended by House Committee of the Whole

**Brief\***

The bill would amend the Kansas Open Records Act (KORA), the Kansas Open Meetings Act, and the State Governmental Ethics Law and makes other changes as follows:

- Extend for five years (until July 1, 2010) the life of over 240 KORA exceptions scheduled to expire this July 1 if the Legislature does not continue these exceptions.
- Change from June 1 to July 15 the date the Revisor of Statutes is required to certify the list of KORA exceptions scheduled to expire on the following July 1.
- Delete the requirement that KORA exceptions be "reenacted" to provide instead the exceptions be "continued."
- Amend the Kansas Open Records Act exemptions statute, the Kansas Open Meetings Act executive session statute, and a statute dealing with proceedings before the Kansas Corporation Commission to provide that any confidential records or information relating to security measures provided or received shall not be subject to subpoena, discovery, or other demand in any administrative, criminal, or civil action. The bill also amends an open records exception to expand this exception to include records that reveal security measures designed to protect private property or persons if these records are submitted to a public agency.
- Require that on or before January 15, of each year, the county or district attorney of each county would be required to report to the Attorney General all complaints received during the preceding fiscal year concerning violations of the Open Records Act and

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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>

Open Meetings Act and the disposition of each complaint. The Attorney General would be required to publish a yearly abstract of such information listing by name the public agencies which are the subject of such complaints or investigations.

- Amend the State Governmental Ethics Law requiring filing of statements of substantial interest to cover on and after January 1, 2006, faculty members of state universities.
- Revise the personnel records exception to the Kansas Open Records Act (KORA) to clarify that public agency employment contracts and related agreements are not exempt from the KORA. The amendment provides an exception to the exemption from disclosure for most personnel records, such as performance ratings or individually identifiable records regarding employees or job applicants. The names of employees, their positions, and salaries are now open records.

## **Background**

The House Committee of the Whole amended the bill to insert provisions of SB 34 as amended by the House Committee and SB 24 as amended by the Senate Committee of the Whole. The House Committee of the Whole also added an amendment to the Kansas Governmental Ethics Law.

Representatives of the Office of the Attorney General, the *Lawrence Journal World*, and the Kansas Association of Broadcasters testified in favor of the original SB 78.

According to testimony received, the purpose of the relevant language change is to codify the finding of the Douglas County District Court in the case of *World Company v. University of Kansas*. The lawsuit was brought against the University when the athletic department refused to disclose the terms of employment of KU Athletic Director Lew Perkins.

SB 34, as introduced, was recommended by the 2004 interim Special Committee on Local Government and would have extended a number of Kansas Open Records Act exceptions scheduled to sunset July 1, 2005.

SB 24, as introduced was recommended by the Joint Committee on Kansas Security. The bill would have amended the Kansas Open Records Act and the Kansas Open Meetings Act in regard to confidentiality of security measures.