

SESSION OF 2010

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 369**

As Agreed to March 26, 2010

Brief*

SB 369, as amended, would amend the Kansas Open Records Act (KORA) as follows:

- Reconcile an exception that was amended twice during the 2009 Legislative Session;
- Eliminate certain references regarding domestic corporations, foreign corporations, domestic limited partnerships, foreign limited partnerships, domestic limited liability partnerships, and foreign limited liability partnerships;
- Allow the social file of a juvenile offender to be disclosed to the juvenile's *guardian ad litem*;
- Provide that a public agency would not be required to disclose an individual's e-mail address, cell phone number, and other contact information which has been given to the public agency for the public agency's notification or communications which are widely distributed to the public;
- Continue the exception regarding real estate validation questionnaires found in KSA 79-1437f until July 1, 2015; and
- Clarify that a public agency would not be required to electronically make copies of public records by allowing a person to obtain copies of a public record by inserting,

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connecting, or otherwise attaching an electronic device provided by such person to the computer or other electronic device of the public agency.

Conference Committee Action

The Conference Committee tentatively agreed to the House amendments with additional language clarifying that a public agency would not be required to electronically make copies of public records by allowing a person to obtain copies of a public record by inserting, connecting, or otherwise attaching an electronic device provided by such person to the computer or other electronic device of the public agency.

Background

A staff member of the Office of the Revisor of Statutes explained to the Senate Committee that the list of KORA exceptions found in KSA 2009 Supp. 45-221 is the version adopted in 2009 HB 2099 (2009 SL Ch. 125, Sec. 1). The list of KORA exceptions found in KSA 2009 Supp. 45-221i is the version adopted in 2009 SB 336 (2009 SL Ch. 143, Sec. 17). SB 369 repeals KSA 45-221i, leaving KSA 45-221 as the law.

There were no proponents or opponents of the bill, as introduced, who presented testimony in the Senate Committee. The Committee found the bill to be of a noncontroversial nature and placed the bill on the Consent Calendar.

According to the fiscal note on SB 369, as introduced, passage of the bill would have no fiscal effect.

There were no proponents or opponents of the bill, as amended by the Senate Committee, who presented testimony in the House Committee. The Committee amended SB 369 by adding the provision of HB 2529 and Sub. for HB 2583.

HB 2529

HB 2529 would eliminate certain references to corporations and limited partnerships, and also would allow the social file of a juvenile offender to be disclosed to the *guardian ad litem*.

In the House Judiciary Committee, Representative Lance Kinzer appeared as a proponent of the bill and a representative of the Kansas Association of Realtors recommended that the current exception to KORA in KSA 79-1437f on real estate validation questionnaires, which had been deleted, should be restored as an exception. The Committee made technical amendments to the bill, including striking the provision that would repeal KSA 79-1437f.

The fiscal note on HB 2529 indicated no fiscal effect.

Sub. for HB 2583

Sub. for HB 2583 would allow a public agency to safeguard an individual's e-mail address, cell phone number, and other contact information from an open records' request.

In the House Judiciary Committee, Representative Kay Wolf, sponsor, spoke in favor of the bill. Also appearing in support of the original bill were conferees from the cities of Prairie Village, Overland Park, and Lenexa; the Unified Government of Wyandotte County; and the League of Kansas Municipalities.

Originally, the bill dealt only with e-mail addresses, but the House Judiciary Committee's substitute bill includes e-mail addresses, cell phone numbers, and other contact information.

The House Committee of the Whole made two amendments to the bill. The first would add KSA 79-1437f to the list of statutes that would be continued until July 1, 2015. The second amendment clarifies that public agencies are not required to allow a person to obtain copies of a public record by

inserting, connecting, or otherwise attaching an electronic device to a computer or other electronic device of the public agency.

The fiscal note on the original HB 2583 indicates the fiscal effect would be difficult to estimate, because it is not known how many requests would be made or how many individuals would allow or prohibit the disclosure of their e-mail address.

Kansas Open Records Act KORA disclosure