

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2012

As Amended by House Committee on Judiciary

Brief*

HB 2012 would extend to July 1, 2018, the following Open Records Act exceptions set to expire July 1, 2013:

- KSA 12-5811. Documents and records related to contract negotiations or civil proceedings to which the DeSoto/Johnson County Riverfront Authority is a party;
- KSA 40-222. Preliminary examination reports or results, examination reports, or matters relating thereto performed by the Commissioner of Insurance of any insurance company in the process of organizing or applying for admission to do business in the state;
- KSA 40-223j. Documents, materials, or other information furnished to the Insurance Department pursuant to the Property and Casualty Actuarial Opinion Letter Law or obtained in an investigation pursuant to this section;
- KSA 40-5007a, KSA 40-5009a, and KSA 40-5012a. Various documents related to viatical settlement contracts and the Viatical Settlements Act of 2002;
- KSA 65-1685. Prescription Monitoring Program database, all information contained therein, and

*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>

any records maintained by the Board of Pharmacy or any entity contracting with the Board, submitted to, maintained, or stored as a part of the database;

- KSA 65-1695. Portions of the administrative record of Board of Pharmacy disciplinary proceedings;
- KSA 65-2838a. Non-disciplinary resolutions adopted by the Board of Healing Arts or a peer review committee;
- KSA 66-1251. Information provided by providers of wireless, wireline, cable-modem and other technological means of providing high speed internet access to the Broadband Deployment Reporting Program (Act set to expire pursuant to KSA 66-1254);
- KSA 66-1805. Data or information provided by an operator of a tier 1, 2, or 3 facility to the Underground Utility Damage Prevention Notification Center;
- KSA 72-60c01. Information or official records of the Compact on Educational Opportunity for Military Children that would adversely affect personal privacy rights or proprietary interests and all minutes and documents of a closed meeting;
- KSA 75-712. Information received by the Kansas Bureau of Investigation as part of background investigations for appointees to positions subject to confirmation by the Senate and, at the direction of the Governor, all judicial appointments; and
- KSA 75-5366. Agreements between the Secretary of the Department for Children and Families and an

entity engaged in the business of matching information about child support debtors and insurance claimants.

The bill also would provide that an exception no longer would be subject to review and expiration if the Legislature twice has reviewed and continued the exception in existence or reviews and continues the exception during the 2013 Legislative Session or thereafter.

Background

In the House Committee on Judiciary, a representative of the Kansas Association of Counties submitted written testimony in support of the bill. No others presented testimony.

The House Committee adopted an amendment to modify the requirement that Open Records Act exceptions be reviewed every five years.

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