

**UPDATED**  
*SESSION OF 2019*

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2137**

As Recommended by House Committee on  
Judiciary

**Brief\***

HB 2137 would continue in existence the following exceptions to the Kansas Open Records Act (KORA):

- KSA 9-513c, concerning information or reports obtained and prepared by the State Bank Commissioner in the course of licensing or examining a person engaged in money transmission business (the bill would also remove an expiration provision in KSA 9-513c);
- KSA 40-3407, concerning Health Care Stabilization Fund payments for certain fees and costs related to claims (the bill would also remove an expiration provision in KSA 40-3407);
- KSA 21-2511(h)(2), concerning biological sample profile records maintained by the Kansas Bureau of Investigation;
- KSA 21-5905(a)(7), concerning interference with the judicial process by making available personal information about a judge or a judge's immediate family member;
- KSA 22-2302(b) and (c), concerning affidavits or sworn testimony supporting an arrest warrant;

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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 22-2502(d) and (e), concerning affidavits or sworn testimony supporting a search warrant;
- KSA 40-222(k)(7), concerning materials related to the Commissioner of Insurance's financial examination of insurance companies;
- KSA 44-714(e), concerning employment security appeals records and decisions and information;
- KSA 45-221(a)(55), concerning information or reports obtained and prepared by the Office of the State Bank Commissioner in the court of licensing or examining a person engaged in money transmission business;
- KSA 46-1106(g) regarding 46-1106(i), concerning confidentiality related to audits of the Kansas Lottery and the Kansas Public Employees Retirement System conducted by the Legislative Post Auditor or firm under the Legislative Post Audit Act;
- KSA 65-2836(i), concerning impairment of a licensee under the Kansas Healing Arts Act;
- KSA 65-2839a(c), concerning criminal and background investigation information received by the State Board of Healing Arts;
- KSA 65-2842(d), concerning records of the State Board of Healing Arts in investigation or disciplinary proceedings related to impairment;
- KSA 65-28a05(n), concerning information relating to impairment of physician assistants;
- Article 6(d) of KSA 65-6230, concerning information and data collected under the Health Care Compact relating to the health information of any individual;

- KSA 72-6314(a), concerning student data submitted to and maintained by a statewide longitudinal data system; and
- KSA 74-7047(b), concerning various records submitted to or generated by peer review related to technical professions.

The bill also would make technical amendments to ensure consistency in statutory phrasing.

### **Background**

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, they 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.

The bill was introduced by the House Committee on Judiciary at the request of Representative Patton. In the House Committee hearing, staff presented an overview of the bill. No other testimony was provided. The House Committee recommended the bill favorably for passage.

The bill was subsequently referred to the House Committee on Appropriations on February 27, 2019. The bill was then rereferred to the House Committee on Judiciary on March 6, 2019. On March 18, 2019, the House Committee again voted to recommend the bill favorably for passage.

According to the fiscal note prepared by the Division of the Budget, the Office of the State Bank Commissioner indicates enactment of the bill would have no fiscal effect.