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MEMORANDUM

To: House Committee on Judiciary
From: Scott Abbott, Assistant Revisor of Statutes
Date: February 11, 2019
Re: House Bill No. 2137

House Bill No. 2137 is the annual legislative review of exceptions to disclosure of public records under the Kansas open records act.

Under the Kansas open records act, any new or substantially amended exception to disclosure expires on July 1 five years after enactment of the new or substantially amended exception, unless the legislature acts to continue the exception. In the year before an exception expires, the Revisor of Statutes certifies to the Senate President and the House Speaker the statutory language and citation of each exception that will expire in the next ensuing year.

Under K.S.A. 45-229(h), the legislature is required to review each exception before its expiration and consider the following factors:

1. What specific records are affected by the exception;
2. whom does the exception uniquely affect, as opposed to the general public;
3. what is the identifiable public purpose or goal of the exception; and
4. whether the information contained in the records may be obtained readily by alternative means and how it may be obtained.

This year, two exceptions expire by separate statute: K.S.A. 9-513c and 40-3407. The remaining exceptions are all listed in the amendments to K.S.A. 45-229 on page 6 of the bill.

Two documents are attached to this memorandum: The document entitled "Open Records Exception Review – New and Substantially Amended Exceptions" is a list of the statute numbers containing the exceptions. The document entitled "Statutory Text of New and Substantially Amended Kansas Open Records Exceptions" contains those statutes with the language creating or amending the open records exception highlighted within each statute.

If enacted, HB 2139 would take effect upon publication in the statute book, July 1, 2019.