

SESSION OF 2024

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR
SENATE BILL NO. 349**

As Recommended by House Committee on
Judiciary

Brief*

House Sub. for SB 349 would continue in existence the following exceptions to the Kansas Open Records Act (KORA):

- KSA 2-3906 and KSA 2-3907, concerning fingerprinting and criminal history record checks under the Industrial Hemp Act;
- KSA 41-511, concerning carriers of alcoholic liquors under the Kansas Liquor Control Act; and
- 50-6,109a, concerning information in the Scrap Metal Theft Reduction Act database.

The bill would also amend the exception found in KSA 74-50,227, concerning information contained in a Secretary of Commerce report to House and Senate Commerce Committees that would be detrimental to the development of a STAR bond project or economic development incentive program. The bill would make such reports open for inspection two years after their submission to the Legislature.

Background

The House Committee on Judiciary recommended a substitute bill incorporating provisions that would extend

*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>

certain exceptions to KORA, originally contained in HB 2805, as amended by the House Committee on Judiciary.

SB 349, as recommended by the Senate Committee on Transportation, would have established an intercity passenger rail service program and made transfers annually into the passenger rail service revolving fund. The provisions pertaining to the passenger rail service program were not retained in the substitute bill. Background information for that bill is contained in the supplemental note for that version of the bill.

HB 2805 (KORA Exceptions)

[*Note:* 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 of enactment. Absent such review, the exceptions 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 Taxation at the request of Representative A. Smith on behalf of the Office of Revisor of Statutes.

House Committee on Judiciary

In the House Committee hearing, an Assistant Revisor of Statutes provided an overview of the bill. No other testimony was provided.

The House Committee amended the bill to make the Secretary of Commerce's report public two years after its

submission and adopted a technical amendment to correct a drafting error.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on HB 2805, as introduced, enactment of the bill would have no fiscal effect.

Kansas Open Records Act; exceptions; review