

SESSION OF 2009

**SUPPLEMENTAL NOTE ON  
SUBSTITUTE FOR SENATE BILL NO. 89**

As Recommended by Senate Committee on  
Financial Institutions and Insurance

**Brief\***

Sub. for SB 89 would amend the list of provisions in the Kansas Open Records that are not required to be disclosed to include policy information provided by an insurance carrier pursuant to a filing requirement in KSA 44-532 (applicable to insurance carriers writing workers compensation insurance). This exemption to disclosure is not to be construed to preclude access to the records of an individual employer for the purpose of verification of coverage or to the Department of Labor for its business purposes.

**Background**

The Senate Committee on Financial Institutions and Insurance recommended the introduction of a substitute bill. The substitute was presented to the Committee by a representative of the Kansas Association of Insurance Agents. The substitute incorporates modified language of the original bill and 2008 SB 639.

The original bill was introduced at the request of the Kansas Association of Insurance Agents whose representative indicated that the Association did not realize that workers compensation records of all businesses in Kansas were open records and subject to a request for the entire database from the Division of Workers Compensation. The representative noted there would be information on the workers compensation

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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>

policy of a firm that businesses and agents would consider confidential. The representative requested a substitute to create the exemption through the Kansas Open Records Act. The Kansas Building Industry Association testified as an opponent to the original bill citing a concern about certain information being made available on the Kansas Department of Labor website.

The fiscal note prepared by the Division of the Budget on the original bill states that the Kansas Department of Labor and the Kansas Insurance Department both indicate there would be no fiscal effect and would implement the bill within their existing resources.