

SENATE BILL No. 415

By Committee on Judiciary

2-5

1 AN ACT concerning legislative review of exceptions to disclosure of
2 public records; amending K.S.A. 2015 Supp. 9-513c, 12-5374, 16-335,
3 17-1312e, 25-2309, 40-2,118, 40-2,118a, 40-4913, 45-229, 75-5664
4 and 75-5665 and repealing the existing sections.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2015 Supp. 9-513c is hereby amended to read as
8 follows: 9-513c. (a) Notwithstanding any other provision of law, all
9 information or reports obtained and prepared by the commissioner in the
10 course of licensing or examining a person engaged in money transmission
11 business shall be confidential and may not be disclosed by the
12 commissioner except as provided in subsection (c) or (d).

13 (b) (1) All confidential information shall be the property of the state
14 of Kansas and shall not be subject to disclosure except upon the written
15 approval of the state bank commissioner.

16 (2) The provisions of this subsection shall expire on June 30, 2019,
17 unless the legislature acts to reenact such provisions. The provisions of this
18 paragraph shall be reviewed by the legislature prior to July 1, 2019.

19 (c) (1) The commissioner shall have the authority to share
20 supervisory information, including reports of examinations, with other
21 state or federal agencies having regulatory authority over the person's
22 money transmission business and shall have the authority to conduct joint
23 examinations with other regulatory agencies.

24 (2) (A) The requirements under any federal or state law regarding the
25 confidentiality of any information or material provided to the nationwide
26 multi-state licensing system, and any privilege arising under federal or
27 state law, including the rules of any federal or state court, with respect to
28 such information or material, shall continue to apply to such information
29 or material after the information or material has been disclosed to the
30 system. Such information and material may be shared with all state and
31 federal regulatory officials with financial services industry oversight
32 authority without the loss of confidentiality protections provided by
33 federal and state laws.

34 (B) The provisions of this paragraph shall expire July 1, 2018, unless
35 the legislature acts to reenact such provisions. The provisions of this
36 section shall be reviewed by the legislature prior to July 1, 2018.

1 (d) The commissioner may provide for the release of information to
2 law enforcement agencies or prosecutorial agencies or offices who shall
3 maintain the confidentiality of the information.

4 (e) The commissioner may accept a report of examination or
5 investigation from another state or federal licensing agency, in which the
6 accepted report is an official report of the commissioner. Acceptance of an
7 examination or investigation report does not waive any fee required by this
8 act.

9 (f) Nothing shall prohibit the commissioner from releasing to the
10 public a list of persons licensed or their agents or from releasing
11 aggregated financial data on such persons.

12 ~~(g) The provisions of subsection (a) shall expire on July 1, 2016,~~
13 ~~unless the legislature acts to reauthorize such provisions. The provisions of~~
14 ~~subsection (a) shall be reviewed by the legislature prior to July 1, 2016.~~

15 Sec. 2. K.S.A. 2015 Supp. 12-5374 is hereby amended to read as
16 follows: 12-5374. (a) Not later than 30 days after the receipt of moneys
17 from providers pursuant to K.S.A. 2015 Supp. 12-5370 and 12-5371, and
18 amendments thereto, and the department pursuant to K.S.A. 2015 Supp.
19 12-5372, and amendments thereto, the LCPA shall distribute such moneys
20 to PSAPs based upon the following distribution method: In a county with a
21 population over 80,000, 82% of the money collected from service users
22 whose place of primary use, as provided by the providers, is within the
23 county shall be distributed to the PSAPs within the county based on place
24 of primary use information; in a county with a population between 65,000
25 and 79,999, 85% of the money collected from service users whose place of
26 primary use, as provided by the providers, is within the county shall be
27 distributed to the PSAPs within the county based on place of primary use
28 information; in a county with a population between 55,000 and 64,999,
29 88% of the money collected from service users whose place of primary
30 use, as provided by the providers, is within the county shall be distributed
31 to the PSAPs within the county based on place of primary use information;
32 in a county with a population between 45,000 and 54,999, 91% of the
33 money collected from service users whose place of primary use, as
34 provided by the providers, is within the county shall be distributed to the
35 PSAPs within the county based on place of primary use information; in a
36 county with a population between 35,000 and 44,999, 94% of the money
37 collected from service users whose place of primary use, as provided by
38 the providers, is within the county shall be distributed to the PSAPs within
39 the county based on place of primary use information; in a county with a
40 population between 25,000 and 34,999, 97% of the money collected from
41 service users whose place of primary use, as provided by the providers, is
42 within the county shall be distributed to the PSAPs within the county
43 based on place of primary use information; and in a county with a

1 population of less than 25,000, 100% of the money collected from service
2 users whose place of primary use, as provided by the providers, is within
3 the county shall be distributed to the PSAPs within the county based on
4 place of primary use information. There shall be a minimum county
5 distribution of \$50,000 and no county shall receive less than \$50,000 of
6 direct distribution moneys. If there is more than one PSAP in a county then
7 the direct distribution allocated to that county by population shall be
8 deducted from the minimum county distribution and the difference shall be
9 proportionately divided between the PSAPs in the county. All moneys
10 remaining after distribution and any moneys which cannot be attributed to
11 a specific PSAP shall be transferred to the 911 state grant fund.

12 (b) All fees remitted to the LCPA shall be deposited in the 911 state
13 fund and for the purposes of this act be treated as if they are public funds,
14 pursuant to article 14 of chapter 9 of the Kansas Statutes Annotated, and
15 amendments thereto.

16 (c) All moneys in the 911 state fund that have been collected from the
17 prepaid wireless 911 fee shall be deposited in the 911 state grant fund
18 unless \$2 million of such moneys have been deposited in any given year
19 then all remaining moneys shall be distributed to the counties in an amount
20 proportional to each county's population as a percentage share of the
21 population of the state. For each PSAP within a county, such moneys shall
22 be distributed to each PSAP in an amount proportional to the PSAP's
23 population as a percentage share of the population of the county. If there is
24 no PSAP within a county, then such moneys shall be distributed to the
25 PSAP providing service to such county. Such moneys distributed to
26 counties and PSAPs only shall be used for the uses authorized in K.S.A.
27 2015 Supp. 12-5375, and amendments thereto.

28 (d) The LCPA shall keep accurate accounts of all receipts and
29 disbursements of moneys from the 911 fees.

30 (e) Information provided by providers to the local collection point
31 administrator or to the 911 coordinating council pursuant to this act will be
32 treated as proprietary records which will be withheld from the public upon
33 request of the party submitting such records.

34 ~~(f) The provisions of subsection (c) shall expire on July 1, 2017,~~
35 ~~unless the legislature acts to reenact such provision. The provisions of~~
36 ~~subsection (c) shall be reviewed by the legislature prior to July 1, 2016.~~

37 ~~(g) This section shall take effect on and after January 1, 2012.~~

38 Sec. 3. K.S.A. 2015 Supp. 16-335 is hereby amended to read as
39 follows: 16-335. (a) Except as provided by this section, all information
40 which the secretary of state shall gather or record in making an
41 investigation and examination of any cemetery corporation, or the
42 reporting by the cemetery corporation or the trustee, shall be deemed to be
43 confidential information, and shall not be disclosed by the secretary of

1 state, any assistant, examiner or employee thereof, except to: (1) Officers
2 and the members of the board of directors of the cemetery corporation
3 being audited; (2) the attorney general, when in the opinion of the
4 secretary of state the same should be disclosed; and (3) the appropriate
5 official for the municipality in which the cemetery resides when in the
6 opinion of the secretary of state the same should be disclosed.

7 (b) Upon request, the secretary of state may disclose to any person
8 whether a cemetery corporation maintains a cemetery merchandise trust
9 fund under K.S.A. 16-322, and amendments thereto, and whether such
10 funds are maintained in compliance with the provisions of such laws.

11 ~~(c) The provisions of subsection (a) shall expire on July 1, 2016,~~
12 ~~unless the legislature acts to reauthorize such provisions. The provisions of~~
13 ~~subsection (a) shall be reviewed by the legislature prior to July 1, 2016.~~

14 ~~(d)~~—This section shall be part of and supplemental to article 3 of
15 chapter 16 of the Kansas Statutes Annotated, and amendments thereto.

16 Sec. 4. K.S.A. 2015 Supp. 17-1312e is hereby amended to read as
17 follows: 17-1312e. (a) Except as provided by this section, all information
18 which the secretary of state shall gather or record in making an
19 investigation and examination of any cemetery corporation, or the
20 reporting by the cemetery corporation or the trustee, shall be deemed to be
21 confidential information, and shall not be disclosed by the secretary of
22 state, any assistant, examiner or employee thereof, except to: (1) Officers
23 and the members of the board of directors of the cemetery corporation
24 being audited; (2) the attorney general, when in the opinion of the
25 secretary of state the same should be disclosed; and (3) the appropriate
26 official for the municipality in which the cemetery resides when in the
27 opinion of the secretary of state the same should be disclosed.

28 (b) Upon request, the secretary of state may disclose to any person
29 whether a cemetery corporation maintains a permanent maintenance fund
30 under K.S.A. 17-1311, and amendments thereto, and whether such funds
31 are maintained in compliance with the provisions of such laws.

32 ~~(e) The provisions of subsection (a) shall expire on July 1, 2016,~~
33 ~~unless the legislature acts to reauthorize such provisions. The provisions of~~
34 ~~subsection (a) shall be reviewed by the legislature prior to July 1, 2016.~~

35 Sec. 5. K.S.A. 2015 Supp. 25-2309 is hereby amended to read as
36 follows: 25-2309. (a) Any person may apply in person, by mail, through a
37 voter registration agency, or by other delivery to a county election officer
38 to be registered. Such application shall be made on: (1) A form approved
39 by the secretary of state, which shall be provided by a county election
40 officer or chief state election official upon request in person, by telephone
41 or in writing; or (2) the national mail voter registration form issued
42 pursuant to federal law.

43 Such application shall be signed by the applicant under penalty of

1 perjury and shall contain the original signature of the applicant or the
2 computerized, electronic or digitized transmitted signature of the
3 applicant. A signature may be made by mark, initials, typewriter, print,
4 stamp, symbol or any other manner if by placing the signature on the
5 document the person intends the signature to be binding. A signature may
6 be made by another person at the voter's direction if the signature reflects
7 such voter's intention.

8 (b) Applications made under this section shall give voter eligibility
9 requirements and such information as is necessary to prevent duplicative
10 voter registrations and enable the relevant election officer to assess the
11 eligibility of the applicant and to administer voter registration, including,
12 but not limited to, the following data to be kept by the relevant election
13 officer as provided by law:

- 14 (1) Name;
- 15 (2) place of residence, including specific address or location, and
16 mailing address if the residence address is not a permissible postal address;
- 17 (3) date of birth;
- 18 (4) sex;
- 19 (5) the last four digits of the person's social security number or the
20 person's full driver's license or nondriver's identification card number;
- 21 (6) telephone number, if available;
- 22 (7) naturalization data (if applicable);
- 23 (8) if applicant has previously registered or voted elsewhere,
24 residence at time of last registration or voting;
- 25 (9) when present residence established;
- 26 (10) name under which applicant last registered or voted, if different
27 from present name;
- 28 (11) an attestation that the applicant meets each eligibility
29 requirement;
- 30 (12) a statement that the penalty for submission of a false voter
31 registration application is a maximum presumptive sentence of 17 months
32 in prison;
- 33 (13) a statement that, if an applicant declines to register to vote, the
34 fact that the applicant has declined to register will remain confidential and
35 will be used only for voter registration purposes;
- 36 (14) a statement that if an applicant does register to vote, the office to
37 which a voter registration application is submitted will remain confidential
38 and will be used only for voter registration purposes;
- 39 (15) boxes for the applicant to check to indicate whether the applicant
40 is or is not a citizen of the United States, together with the question "Are
41 you a citizen of the United States of America?";
- 42 (16) boxes for the county election officer or chief state election
43 official to check to indicate whether the applicant has provided with the

1 application the information necessary to assess the eligibility of the
2 applicant, including such applicant's United States citizenship;

3 (17) boxes for the applicant to check to indicate whether or not the
4 applicant will be 18 years of age or older on election day, together with the
5 question "Will you be 18 years of age on or before election day?";

6 (18) in reference to paragraphs (15) and (17) the statement "If you
7 checked 'no' in response to either of these questions, do not complete this
8 form.";

9 (19) a statement that the applicant shall be required to provide
10 identification when voting; and

11 (20) political party affiliation declaration, if any. An applicant's
12 failure to make a declaration will result in the applicant being registered as
13 an unaffiliated voter.

14 If the application discloses any previous registration in any other
15 county or state, as indicated by paragraph (8) or (10), or otherwise, the
16 county election officer shall upon the registration of the applicant, give
17 notice to the election official of the place of former registration, notifying
18 such official of applicant's present residence and registration, and
19 authorizing cancellation of such former registration. This section shall be
20 interpreted and applied in accordance with federal law. No eligible
21 applicant whose qualifications have been assessed shall be denied
22 registration.

23 (c) Any person who applies for registration through a voter
24 registration agency shall be provided with, in addition to the application
25 under subsection (b), a form which includes:

26 (1) The question "If you are not registered to vote where you live
27 now, would you like to apply to register to vote here today?";

28 (2) a statement that if the applicant declines to register to vote, this
29 decision will remain confidential and be used only for voter registration
30 purposes;

31 (3) a statement that if the applicant does register to vote, information
32 regarding the office to which the application was submitted will remain
33 confidential and be used only for voter registration purposes; and

34 (4) if the agency provides public assistance: (i) The statement
35 "Applying to register or declining to register to vote will not affect the
36 amount of assistance that you will be provided by this agency.";

37 (ii) boxes for the applicant to check to indicate whether the applicant
38 would like to register or declines to register to vote, together with the
39 statement "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE
40 CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE
41 AT THIS TIME.";

42 (iii) the statement "If you would like help in filling out the voter
43 registration application form, we will help you. The decision whether to

1 seek or accept help is yours. You may fill out the application form in
2 private."; and

3 (iv) the statement "If you believe that someone has interfered with
4 your right to register or to decline to register to vote, your right to privacy
5 in deciding whether to register or in applying to register to vote, or your
6 right to choose your own political party or other political preference, you
7 may file a complaint with the Kansas Secretary of State."

8 (d) If any person, in writing, declines to register to vote, the voter
9 registration agency shall maintain the form prescribed by subsection (c).

10 (e) A voter registration agency shall transmit the completed
11 registration application to the county election officer not later than five
12 days after the date of acceptance. Upon receipt of an application for
13 registration, the county election officer shall send, by nonforwardable
14 mail, a notice of disposition of the application to the applicant at the postal
15 delivery address shown on the application. If a notice of disposition is
16 returned as undeliverable, a confirmation mailing prescribed by K.S.A. 25-
17 2316c, and amendments thereto, shall occur.

18 (f) If an application is received while registration is closed, such
19 application shall be considered to have been received on the next
20 following day during which registration is open.

21 (g) A person who completes an application for voter registration shall
22 be considered a registered voter when the county election officer adds the
23 applicant's name to the county voter registration list.

24 (h) Any registered voter whose residence address is not a permissible
25 postal delivery address shall designate a postal address for registration
26 records. When a county election officer has reason to believe that a voter's
27 registration residence is not a permissible postal delivery address, the
28 county election officer shall attempt to determine a proper mailing address
29 for the voter.

30 (i) Any registered voter may request that such person's residence
31 address be concealed from public inspection on the voter registration list
32 and on the original voter registration application form. Such request shall
33 be made in writing to the county election officer, and shall specify a
34 clearly unwarranted invasion of personal privacy or a threat to the voter's
35 safety. Upon receipt of such a request, the county election officer shall take
36 appropriate steps to ensure that such person's residence address is not
37 publicly disclosed. Nothing in this subsection shall be construed as
38 requiring or authorizing the secretary of state to include on the voter
39 registration application form a space or other provision on the form that
40 would allow the applicant to request that such applicant's residence
41 address be concealed from public inspection.

42 (j) No application for voter registration shall be made available for
43 public inspection or copying unless the information required by ~~paragraph~~

1 ~~(5)~~ of subsection (b)(5) has been removed or otherwise rendered
2 unreadable.

3 (k) If an applicant fails to answer the question prescribed in
4 ~~paragraph (15)~~ of subsection (b)(15), the county election officer shall send
5 the application to the applicant at the postal delivery address given on the
6 application, by nonforwardable mail, with a notice of incompleteness. The
7 notice shall specify a period of time during which the applicant may
8 complete the application in accordance with K.S.A. 25-2311, and
9 amendments thereto, and be eligible to vote in the next election.

10 (l) The county election officer or secretary of state's office shall
11 accept any completed application for registration, but an applicant shall
12 not be registered until the applicant has provided satisfactory evidence of
13 United States citizenship. Evidence of United States citizenship as
14 required in this section will be satisfied by presenting one of the
15 documents listed in ~~paragraphs (1) through (13)~~ of subsection *subsections*
16 *(1)(1) through (1)(13)* in person at the time of filing the application for
17 registration or by including a photocopy of one of the following
18 documents with a mailed registration application. After a person has
19 submitted satisfactory evidence of citizenship, the county election officer
20 shall indicate this information in the person's permanent voter file.
21 Evidence of United States citizenship shall be satisfied by providing one of
22 the following, or a legible photocopy of one of the following documents:

23 (1) The applicant's driver's license or nondriver's identification card
24 issued by the division of vehicles or the equivalent governmental agency
25 of another state within the United States if the agency indicates on the
26 applicant's driver's license or nondriver's identification card that the person
27 has provided satisfactory proof of United States citizenship;

28 (2) the applicant's birth certificate that verifies United States
29 citizenship to the satisfaction of the county election officer or secretary of
30 state;

31 (3) pertinent pages of the applicant's United States valid or expired
32 passport identifying the applicant and the applicant's passport number, or
33 presentation to the county election officer of the applicant's United States
34 passport;

35 (4) the applicant's United States naturalization documents or the
36 number of the certificate of naturalization. If only the number of the
37 certificate of naturalization is provided, the applicant shall not be included
38 in the registration rolls until the number of the certificate of naturalization
39 is verified with the United States bureau of citizenship and immigration
40 services by the county election officer or the secretary of state, pursuant to
41 8 U.S.C. § 1373(c);

42 (5) other documents or methods of proof of United States citizenship
43 issued by the federal government pursuant to the immigration and

1 nationality act of 1952, and amendments thereto;

2 (6) the applicant's bureau of Indian affairs card number, tribal treaty
3 card number or tribal enrollment number;

4 (7) the applicant's consular report of birth abroad of a citizen of the
5 United States of America;

6 (8) the applicant's certificate of citizenship issued by the United
7 States citizenship and immigration services;

8 (9) the applicant's certification of report of birth issued by the United
9 States department of state;

10 (10) the applicant's American Indian card, with KIC classification,
11 issued by the United States department of homeland security;

12 (11) the applicant's final adoption decree showing the applicant's
13 name and United States birthplace;

14 (12) the applicant's official United States military record of service
15 showing the applicant's place of birth in the United States; or

16 (13) an extract from a United States hospital record of birth created at
17 the time of the applicant's birth indicating the applicant's place of birth in
18 the United States.

19 (m) If an applicant is a United States citizen but does not have any of
20 the documentation listed in this section as satisfactory evidence of United
21 States citizenship, such applicant may submit any evidence that such
22 applicant believes demonstrates the applicant's United States citizenship.

23 (1) Any applicant seeking an assessment of evidence under this
24 section may directly contact the elections division of the secretary of
25 state by submitting a voter registration application or form as described by
26 this section and any supporting evidence of United States citizenship.
27 Upon receipt of this information, the secretary of state shall notify the state
28 election board, as established under K.S.A. 25-2203, and amendments
29 thereto, that such application is pending.

30 (2) The state election board shall give the applicant an opportunity for
31 a hearing and an opportunity to present any additional evidence to the state
32 election board. Notice of such hearing shall be given to the applicant at
33 least five days prior to the hearing date. An applicant shall have the
34 opportunity to be represented by counsel at such hearing.

35 (3) The state election board shall assess the evidence provided by the
36 applicant to determine whether the applicant has provided satisfactory
37 evidence of United States citizenship. A decision of the state election
38 board shall be determined by a majority vote of the election board.

39 (4) If an applicant submits an application and any supporting
40 evidence prior to the close of registration for an election cycle, a
41 determination by the state election board shall be issued at least five days
42 before such election date.

43 (5) If the state election board finds that the evidence presented by

1 such applicant constitutes satisfactory evidence of United States
2 citizenship, such applicant will have met the requirements under this
3 section to provide satisfactory evidence of United States citizenship.

4 (6) If the state election board finds that the evidence presented by an
5 applicant does not constitute satisfactory evidence of United States
6 citizenship, such applicant shall have the right to appeal such
7 determination by the state election board by instituting an action under 8
8 U.S.C. § 1503. Any negative assessment of an applicant's eligibility by the
9 state election board shall be reversed if the applicant obtains a declaratory
10 judgment pursuant to 8 U.S.C. § 1503, demonstrating that such applicant is
11 a national of the United States.

12 (n) Any person who is registered in this state on the effective date of
13 this amendment to this section is deemed to have provided satisfactory
14 evidence of citizenship and shall not be required to resubmit evidence of
15 citizenship.

16 (o) For purposes of this section, proof of voter registration from
17 another state is not satisfactory evidence of United States citizenship.

18 (p) A registered Kansas voter who moves from one residence to
19 another within the state of Kansas or who modifies such voter's
20 registration records for any other reason shall not be required to submit
21 evidence of United States citizenship.

22 (q) If evidence of citizenship is deemed to be unsatisfactory due to an
23 inconsistency between the document submitted as evidence and the name
24 or sex provided on the application for registration, such applicant may sign
25 an affidavit:

26 (1) Stating the inconsistency or inconsistencies related to the name or
27 sex, and the reason therefor; and

28 (2) swearing under oath that, despite the inconsistency, the applicant
29 is the individual reflected in the document provided as evidence of
30 citizenship. However, there shall be no inconsistency between the date of
31 birth on the document provided as evidence of citizenship and the date of
32 birth provided on the application for registration. If such an affidavit is
33 submitted by the applicant, the county election officer or secretary of state
34 shall assess the eligibility of the applicant without regard to any
35 inconsistency stated in the affidavit.

36 (r) All documents submitted as evidence of citizenship shall be kept
37 confidential by the county election officer or the secretary of state and
38 maintained as provided by Kansas record retention laws. ~~The provisions of
39 this subsection shall expire on July 1, 2016, unless the legislature reviews
40 and reenacts this provision pursuant to K.S.A. 45-229, and amendments
41 thereto, prior to July 1, 2016.~~

42 (s) The secretary of state may adopt rules and regulations ~~to~~ in order
43 to implement the provisions of this section.

1 (t) Nothing in this section shall prohibit an applicant from providing,
2 or the secretary of state or county election officer from obtaining
3 satisfactory evidence of United States citizenship, as described in
4 subsection (1), at a different time or in a different manner than an
5 application for registration is provided, as long as the applicant's eligibility
6 can be adequately assessed by the secretary of state or county election
7 officer as required by this section.

8 ~~(u) The proof of citizenship requirements of this section shall not~~
9 ~~become effective until January 1, 2013.~~

10 Sec. 6. K.S.A. 2015 Supp. 40-2,118 is hereby amended to read as
11 follows: 40-2,118. (a) For purposes of this act a "fraudulent insurance act"
12 means an act committed by any person who, knowingly and with intent to
13 defraud, presents, causes to be presented or prepares with knowledge or
14 belief that it will be presented to or by an insurer, purported insurer, broker
15 or any agent thereof, any written, electronic, electronic impulse, facsimile,
16 magnetic, oral, or telephonic communication or statement as part of, or in
17 support of, an application for the issuance of, or the rating of an insurance
18 policy for personal or commercial insurance, or a claim for payment or
19 other benefit pursuant to an insurance policy for commercial or personal
20 insurance which such person knows to contain materially false information
21 concerning any fact material thereto; or conceals, for the purpose of
22 misleading, information concerning any fact material thereto.

23 (b) An insurer that has knowledge or a good faith belief that a
24 fraudulent insurance act is being or has been committed shall provide to
25 the commissioner, on a form prescribed by the commissioner, any and all
26 information and such additional information relating to such fraudulent
27 insurance act as the commissioner may require.

28 (c) Any other person that has knowledge or a good faith belief that a
29 fraudulent insurance act is being or has been committed may provide to
30 the commissioner, on a form prescribed by the commissioner, any and all
31 information and such additional information relating to such fraudulent
32 insurance act as the commissioner may request.

33 (d) (1) Each insurer shall have antifraud initiatives reasonably
34 calculated to detect fraudulent insurance acts. Antifraud initiatives may
35 include fraud investigators, who may be insurer employees or independent
36 contractors and an antifraud plan submitted to the commissioner no later
37 than July 1, 2007. Each insurer that submits an antifraud plan shall notify
38 the commissioner of any material change in the information contained in
39 the antifraud plan within 30 days after such change occurs. Such insurer
40 shall submit to the commissioner in writing the amended antifraud plan.

41 ~~The requirement for submitting any antifraud plan, or any amendment~~
42 ~~thereof, to the commissioner shall expire on the date specified in~~
43 ~~subsection (d)(2) unless the legislature reviews and reenacts the provisions~~

1 of subsection (d)(2) pursuant to K.S.A. 45-229, and amendments thereto.

2 (2) Any antifraud plan, or any amendment thereof, submitted to the
3 commissioner for informational purposes only shall be confidential and
4 not be a public record and shall not be subject to discovery or subpoena in
5 a civil action unless following an in camera review, the court determines
6 that the antifraud plan is relevant and otherwise admissible under the rules
7 of evidence set forth in article 4 of chapter 60 of the Kansas Statutes
8 Annotated, and amendments thereto. ~~The provisions of this paragraph shall
9 expire on July 1, 2016, unless the legislature reviews and reenacts this
10 provision pursuant to K.S.A. 45-229, and amendments thereto, prior to
11 July 1, 2016.~~

12 (e) Except as otherwise specifically provided in K.S.A. 2015 Supp.
13 21-5812(a), and amendments thereto, and K.S.A. 44-5,125, and
14 amendments thereto, a fraudulent insurance act shall constitute a severity
15 level 6, nonperson felony if the amount involved is \$25,000 or more; a
16 severity level 7, nonperson felony if the amount is at least \$5,000 but less
17 than \$25,000; a severity level 8, nonperson felony if the amount is at least
18 \$1,000 but less than \$5,000; and a class C nonperson misdemeanor if the
19 amount is less than \$1,000. Any combination of fraudulent acts as defined
20 in subsection (a) which occur in a period of six consecutive months which
21 involves \$25,000 or more shall have a presumptive sentence of
22 imprisonment regardless of its location on the sentencing grid block.

23 (f) In addition to any other penalty, a person who violates this statute
24 shall be ordered to make restitution to the insurer or any other person or
25 entity for any financial loss sustained as a result of such violation. An
26 insurer shall not be required to provide coverage or pay any claim
27 involving a fraudulent insurance act.

28 (g) This act shall apply to all insurance applications, ratings, claims
29 and other benefits made pursuant to any insurance policy.

30 Sec. 7. K.S.A. 2015 Supp. 40-2,118a is hereby amended to read as
31 follows: 40-2,118a. From and after July 1, 2011, (a) For purposes of this
32 act a "fraudulent insurance act" means an act committed by any person
33 who, knowingly and with intent to defraud, presents, causes to be
34 presented or prepares with knowledge or belief that it will be presented to
35 or by an insurer, purported insurer, broker or any agent thereof, any written
36 statement as part of, or in support of, an application for the issuance of, or
37 the rating of an insurance policy for personal or commercial insurance, or
38 a claim for payment or other benefit pursuant to an insurance policy for
39 commercial or personal insurance which such person knows to contain
40 materially false information concerning any fact material thereto; or
41 conceals, for the purpose of misleading, information concerning any fact
42 material thereto.

43 (b) An insurer that has knowledge or a good faith belief that a

1 fraudulent insurance act is being or has been committed shall provide to
2 the commissioner, on a form prescribed by the commissioner, any and all
3 information and such additional information relating to such fraudulent
4 insurance act as the commissioner may require.

5 (c) Any other person that has knowledge or a good faith belief that a
6 fraudulent insurance act is being or has been committed may provide to
7 the commissioner, on a form prescribed by the commissioner, any and all
8 information and such additional information relating to such fraudulent
9 insurance act as the commissioner may request.

10 (d) (1) Each insurer shall have antifraud initiatives reasonably
11 calculated to detect fraudulent insurance acts. Antifraud initiatives may
12 include: Fraud investigators, who may be insurer employees or
13 independent contractors; or an antifraud plan submitted to the
14 commissioner no later than July 1, 2007. Each insurer that submits an
15 antifraud plan shall notify the commissioner of any material change in the
16 information contained in the antifraud plan within 30 days after such
17 change occurs. Such insurer shall submit to the commissioner in writing
18 the amended antifraud plan.

19 ~~The requirement for submitting any antifraud plan, or any amendment~~
20 ~~thereof, to the commissioner shall expire on the date specified in~~
21 ~~paragraph (2) of this subsection unless the legislature reviews and reenacts~~
22 ~~the provisions of paragraph (2) pursuant to K.S.A. 45-229, and~~
23 ~~amendments thereto.~~

24 (2) Any antifraud plan, or any amendment thereof, submitted to the
25 commissioner for informational purposes only shall be confidential and
26 not be a public record and shall not be subject to discovery or subpoena in
27 a civil action unless following an in camera review, the court determines
28 that the antifraud plan is relevant and otherwise admissible under the rules
29 of evidence set forth in article 4 of chapter 60 of the Kansas Statutes
30 Annotated, and amendments thereto. ~~The provisions of this paragraph shall~~
31 ~~expire on July 1, 2016, unless the legislature reviews and reenacts this~~
32 ~~provision pursuant to K.S.A. 45-229, and amendments thereto, prior to~~
33 ~~July 1, 2016.~~

34 (e) Except as otherwise specifically provided in K.S.A. 21-3718, and
35 amendments thereto, and K.S.A. 44-5,125, and amendments thereto, a
36 fraudulent insurance act shall constitute a severity level 6, nonperson
37 felony if the amount involved is \$25,000 or more; a severity level 7,
38 nonperson felony if the amount is at least \$5,000 but less than \$25,000; a
39 severity level 8, nonperson felony if the amount is at least \$1,000 but less
40 than \$5,000; and a class C nonperson misdemeanor if the amount is less
41 than \$1,000. Any combination of fraudulent acts as defined in subsection
42 (a) which occur in a period of six consecutive months which involves
43 \$25,000 or more shall have a presumptive sentence of imprisonment

1 regardless of its location on the sentencing grid block.

2 (f) In addition to any other penalty, a person who violates this statute
3 shall be ordered to make restitution to the insurer or any other person or
4 entity for any financial loss sustained as a result of such violation. An
5 insurer shall not be required to provide coverage or pay any claim
6 involving a fraudulent insurance act.

7 (g) This act shall apply to all insurance applications, ratings, claims
8 and other benefits made pursuant to any insurance policy.

9 Sec. 8. K.S.A. 2015 Supp. 40-4913 is hereby amended to read as
10 follows: 40-4913. (a) (1) Each insurer shall notify the commissioner
11 whenever such insurer terminates a business relationship with an insurance
12 agent if:

13 (A) The termination is for cause;

14 (B) such insurance agent has committed any act which would be in
15 violation of any provision of ~~subsection (a)~~ of K.S.A. 2015 Supp. 40-
16 4909(a), and amendments thereto; or

17 (C) such insurer has knowledge that such insurance agent is engaged
18 in any activity which would be in violation of any provision of ~~subsection~~
19 ~~(a)~~ of K.S.A. 2015 Supp. 40-4909(a), and amendments thereto.

20 (2) The notification shall:

21 (A) Be made in a format prescribed by the commissioner;

22 (B) be submitted to the commissioner within 30 days of the date of
23 the termination of the business relationship; and

24 (C) contain:

25 (i) The name of the insurance agent; and

26 (ii) the reason for the termination of the business relationship with
27 such insurer.

28 (3) Upon receipt of a written request from the commissioner, each
29 insurer shall provide to the commissioner any additional data, documents,
30 records or other information concerning the termination of the insurer's
31 business relationship with such agent.

32 (4) Whenever an insurer discovers or obtains additional information
33 which would have been reportable under paragraph (1) ~~of this subsection~~,
34 the insurer shall forward such additional information to the commissioner
35 within 30 days of its discovery.

36 (b) (1) Each insurer shall notify the commissioner whenever such
37 insurer terminates a business relationship with an insurance agent for any
38 reason not listed in subsection (a).

39 (2) The notification shall:

40 (A) Be made in a format prescribed by the commissioner;

41 (B) be submitted to the commissioner within 30 days of the date of
42 the termination of the business relationship.

43 (3) Upon receipt of a written request from the commissioner, each

1 insurer shall provide to the commissioner any additional data, documents,
2 records or other information concerning the termination of the insurer's
3 business relationship with such agent.

4 (4) Whenever an insurer discovers or obtains additional information
5 which would have been reportable under paragraph (1) ~~of this subsection~~,
6 the insurer shall forward such additional information to the commissioner
7 within 30 days of its discovery.

8 (c) For the purposes of this section, the term "business relationship"
9 shall include any appointment, employment, contract or other relationship
10 under which such insurance agent represents the insurer.

11 (d) (1) No insurance entity, or any agent or employee thereof acting
12 on behalf of such insurance entity, regulatory official, law enforcement
13 official or the insurance regulatory official of another state who provides
14 information to the commissioner in good faith pursuant to this section shall
15 be subject to a civil action for damages as a result of reporting such
16 information to the commissioner. For the purposes of this section,
17 insurance entity shall mean any insurer, insurance agent or organization to
18 which the commissioner belongs by virtue of the commissioner's office.

19 (2) Any document, material or other information in the control or
20 possession of the department that is furnished by an insurance entity or an
21 employee or agent thereof acting on behalf of such insurance entity, or
22 obtained by the insurance commissioner in an investigation pursuant to
23 this section shall be kept confidential by the commissioner. Such
24 information shall not be made public or subject to subpoena, other than by
25 the commissioner and then only for the purpose of enforcement actions
26 taken by the commissioner pursuant to this act or any other provision of
27 the insurance laws of this state.

28 (3) Neither the commissioner nor any person who received
29 documents, materials or other information while acting under the authority
30 of the commissioner shall be required to testify in any private civil action
31 concerning any confidential documents, materials or information subject to
32 paragraph (2).

33 (4) The commissioner may share or exchange any documents,
34 materials or other information, including confidential and privileged
35 documents referred to in ~~paragraph (2) of subsection (d)(2)~~, received in the
36 performance of the commissioner's duties under this act, with:

37 (A) The NAIC;

38 (B) other state, federal or international regulatory agencies; and

39 (C) other state, federal or international law enforcement authorities.

40 (5) (A) The sharing or exchanging of documents, materials or other
41 information under this subsection shall be conditioned upon the recipient's
42 authority and agreement to maintain the confidential and privileged status,
43 if any, of the documents, materials or other information being shared or

1 exchanged.

2 (B) No waiver of an existing privilege or claim of confidentiality in
3 the documents, materials or information shall occur as a result of
4 disclosure to the commissioner under this section or as a result of sharing
5 as authorized by ~~paragraph (1)~~ of subsection (d)(1).

6 (6) The commissioner of insurance is hereby authorized to adopt such
7 rules and regulations establishing protocols governing the exchange of
8 information as may be necessary to implement and carry out the provisions
9 of this act.

10 (e) ~~The provisions of paragraph (2) of subsection (d) shall expire on~~
11 ~~July 1, 2016, unless the legislature acts to reenact such provision. The~~
12 ~~provisions of paragraph (2) of subsection (d) shall be reviewed by the~~
13 ~~legislature prior to July 1, 2016.~~

14 ~~(f)~~—For the purposes of this section, insurance entity shall mean any
15 insurer, insurance agent or organization to which the commissioner
16 belongs by virtue of the commissioner's office.

17 ~~(g)~~ (f) Any insurance entity, including any authorized representative
18 of such insurance entity, that fails to report to the commissioner as
19 required under the provisions of this section or that is found by a court of
20 competent jurisdiction to have failed to report in good faith, after notice
21 and hearing, may have its license or certificate of authority suspended or
22 revoked and may be fined in accordance with K.S.A. 2015 Supp. 40-4909,
23 and amendments thereto.

24 Sec. 9. K.S.A. 2015 Supp. 45-229 is hereby amended to read as
25 follows: 45-229. (a) It is the intent of the legislature that exceptions to
26 disclosure under the open records act shall be created or maintained only
27 if:

28 (1) The public record is of a sensitive or personal nature concerning
29 individuals;

30 (2) the public record is necessary for the effective and efficient
31 administration of a governmental program; or

32 (3) the public record affects confidential information.

33 The maintenance or creation of an exception to disclosure must be
34 compelled as measured by these criteria. Further, the legislature finds that
35 the public has a right to have access to public records unless the criteria in
36 this section for restricting such access to a public record are met and the
37 criteria are considered during legislative review in connection with the
38 particular exception to disclosure to be significant enough to override the
39 strong public policy of open government. To strengthen the policy of open
40 government, the legislature shall consider the criteria in this section before
41 enacting an exception to disclosure.

42 (b) Subject to the provisions of subsections (g) and (h), any new
43 exception to disclosure or substantial amendment of an existing exception

1 shall expire on July 1 of the fifth year after enactment of the new
2 exception or substantial amendment, unless the legislature acts to continue
3 the exception. A law that enacts a new exception or substantially amends
4 an existing exception shall state that the exception expires at the end of
5 five years and that the exception shall be reviewed by the legislature
6 before the scheduled date.

7 (c) For purposes of this section, an exception is substantially
8 amended if the amendment expands the scope of the exception to include
9 more records or information. An exception is not substantially amended if
10 the amendment narrows the scope of the exception.

11 (d) This section is not intended to repeal an exception that has been
12 amended following legislative review before the scheduled repeal of the
13 exception if the exception is not substantially amended as a result of the
14 review.

15 (e) In the year before the expiration of an exception, the revisor of
16 statutes shall certify to the president of the senate and the speaker of the
17 house of representatives, by July 15, the language and statutory citation of
18 each exception which will expire in the following year which meets the
19 criteria of an exception as defined in this section. Any exception that is not
20 identified and certified to the president of the senate and the speaker of the
21 house of representatives is not subject to legislative review and shall not
22 expire. If the revisor of statutes fails to certify an exception that the revisor
23 subsequently determines should have been certified, the revisor shall
24 include the exception in the following year's certification after that
25 determination.

26 (f) "Exception" means any provision of law which creates an
27 exception to disclosure or limits disclosure under the open records act
28 pursuant to K.S.A. 45-221, and amendments thereto, or pursuant to any
29 other provision of law.

30 (g) A provision of law which creates or amends an exception to
31 disclosure under the open records law shall not be subject to review and
32 expiration under this act if such provision:

- 33 (1) Is required by federal law;
- 34 (2) applies solely to the legislature or to the state court system;
- 35 (3) has been reviewed and continued in existence twice by the
36 legislature; or
- 37 (4) has been reviewed and continued in existence by the legislature
38 during the 2013 legislative session and thereafter.

39 (h) (1) The legislature shall review the exception before its scheduled
40 expiration and consider as part of the review process the following:

- 41 (A) What specific records are affected by the exception;
- 42 (B) whom does the exception uniquely affect, as opposed to the
43 general public;

1 (C) what is the identifiable public purpose or goal of the exception;

2 (D) whether the information contained in the records may be obtained
3 readily by alternative means and how it may be obtained;

4 (2) an exception may be created or maintained only if it serves an
5 identifiable public purpose and may be no broader than is necessary to
6 meet the public purpose it serves. An identifiable public purpose is served
7 if the legislature finds that the purpose is sufficiently compelling to
8 override the strong public policy of open government and cannot be
9 accomplished without the exception and if the exception:

10 (A) Allows the effective and efficient administration of a
11 governmental program, which administration would be significantly
12 impaired without the exception;

13 (B) protects information of a sensitive personal nature concerning
14 individuals, the release of which information would be defamatory to such
15 individuals or cause unwarranted damage to the good name or reputation
16 of such individuals or would jeopardize the safety of such individuals.
17 Only information that would identify the individuals may be excepted
18 under this paragraph; or

19 (C) protects information of a confidential nature concerning entities,
20 including, but not limited to, a formula, pattern, device, combination of
21 devices, or compilation of information which is used to protect or further a
22 business advantage over those who do not know or use it, the disclosure of
23 which information would injure the affected entity in the marketplace.

24 (3) Records made before the date of the expiration of an exception
25 shall be subject to disclosure as otherwise provided by law. In deciding
26 whether the records shall be made public, the legislature shall consider
27 whether the damage or loss to persons or entities uniquely affected by the
28 exception of the type specified in paragraph (2)(B) or (2)(C) of this
29 subsection (h) would occur if the records were made public.

30 (i) (1) Exceptions contained in the following statutes as continued in
31 existence in section 2 of chapter 126 of the 2005 Session Laws of Kansas
32 and which have been reviewed and continued in existence twice by the
33 legislature as provided in subsection (g) are hereby continued in existence:
34 1-401, 2-1202, 5-512, 9-1137, 9-1712, 9-2217, 10-630, 11-306, 12-189,
35 12-1,108, 12-1694, 12-1698, 12-2819, 12-4516, 16-715, 16a-2-304, 17-
36 1312e, 17-2227, 17-5832, 17-7511, 17-7514, 17-76,139, 19-4321, 21-
37 2511, 22-3711, 22-4707, 22-4909, 22a-243, 22a-244, 23-605, 23-9,312,
38 25-4161, 25-4165, 31-405, 34-251, 38-2212, 39-709b, 39-719e, 39-934,
39 39-1434, 39-1704, 40-222, 40-2,156, 40-2c20, 40-2c21, 40-2d20, 40-2d21,
40 40-409, 40-956, 40-1128, 40-2807, 40-3012, 40-3304, 40-3308, 40-3403b,
41 40-3421, 40-3613, 40-3805, 40-4205, 44-510j, 44-550b, 44-594, 44-635,
42 44-714, 44-817, 44-1005, 44-1019, 45-221(a)(1) through (43), 46-256, 46-
43 259, 46-2201, 47-839, 47-844, 47-849, 47-1709, 48-1614, 49-406, 49-427,

1 55-1,102, 58-4114, 59-2135, 59-2802, 59-2979, 59-29b79, 60-3333, 60-
 2 3336, 65-102b, 65-118, 65-119, 65-153f, 65-170g, 65-177, 65-1,106, 65-
 3 1,113, 65-1,116, 65-1,157a, 65-1,163, 65-1,165, 65-1,168, 65-1,169, 65-
 4 1,171, 65-1,172, 65-436, 65-445, 65-507, 65-525, 65-531, 65-657, 65-
 5 1135, 65-1467, 65-1627, 65-1831, 65-2422d, 65-2438, 65-2836, 65-2839a,
 6 65-2898a, 65-3015, 65-3447, 65-34,108, 65-34,126, 65-4019, 65-4922,
 7 65-4925, 65-5602, 65-5603, 65-6002, 65-6003, 65-6004, 65-6010, 65-
 8 67a05, 65-6803, 65-6804, 66-101c, 66-117, 66-151, 66-1,190, 66-1,203,
 9 66-1220a, 66-2010, 72-996, 72-4311, 72-4452, 72-5214, 72-53,106, 72-
 10 5427, 72-8903, 73-1228, 74-2424, 74-2433f, 74-4905, 74-4909, 74-
 11 50,131, 74-5515, 74-7308, 74-7338, 74-8104, 74-8307, 74-8705, 74-8804,
 12 74-9805, 75-104, 75-712, 75-7b15, 75-1267, 75-2943, 75-4332, 75-4362,
 13 75-5133, 75-5266, 75-5665, 75-5666, 75-7310, 76-355, 76-359, 76-493,
 14 76-12b11, 76-3305, 79-1119, 79-1437f, 79-3234, 79-3395, 79-3420, 79-
 15 3499, 79-34,113, 79-3614, 79-3657, 79-4301 and 79-5206.

16 (2) Exceptions contained in the following statutes as certified by the
 17 revisor of statutes to the president of the senate and the speaker of the
 18 house of representatives pursuant to subsection (e) and which have been
 19 reviewed during the 2015 legislative session and continued in existence by
 20 the legislature as provided in subsection (g) are hereby continued in
 21 existence: 17-2036, 40-5301, 45-221(a)(45), (46) and (49), 48-16a10, 58-
 22 4616, 60-3351, 72-972a, 74-50,217, 74-99d05 and 75-53,105.

23 (j) (1) Exceptions contained in the following statutes as continued in
 24 existence in section 1 of chapter 87 of the 2006 Session Laws of Kansas
 25 and which have been reviewed and continued in existence twice by the
 26 legislature as provided in subsection (g) are hereby continued in existence:
 27 1-501, 9-1303, 12-4516a, 39-970, 65-525, 65-5117, 65-6016, 65-6017 and
 28 74-7508.

29 (2) Exceptions contained in the following statutes as certified by the
 30 revisor of statutes to the president of the senate and the speaker of the
 31 house of representatives pursuant to subsection (e) during ~~2010~~ *the 2016*
 32 *legislative session* are hereby continued in existence ~~until July 1, 2016, at~~
 33 ~~which time such exceptions shall expire:~~ 12-5358, 12-5611, 22-4906, 22-
 34 4909, 38-2310, 38-2311, 38-2326, ~~40-955~~, 44-1132, ~~45-221(a)(10)(F) and~~
 35 ~~(a)(50)~~, 60-3333, ~~65-4a05~~, ~~65-445(g)~~, 65-6154, 71-218, 75-457, 75-712c,
 36 75-723 and 75-7c06.

37 (k) Exceptions contained in the following statutes as certified by the
 38 revisor of statutes to the president of the senate and the speaker of the
 39 house of representatives pursuant to subsection (e) and which have been
 40 reviewed during the 2014 legislative session and continued in existence by
 41 the legislature as provided in subsection (g) are hereby continued in
 42 existence: 1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-
 43 17,150, 12-2001, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-

1 2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48),
2 50-6a11, 56-1a610, 56a-1204, 65-1,243, 65-16,104, 65-3239, 74-50,184,
3 74-8134, 74-99b06, 77-503a and 82a-2210.

4 (l) Exceptions contained in the following statutes as certified by the
5 revisor of statutes to the president of the senate and the speaker of the
6 house of representatives pursuant to subsection (e) during 2011 are hereby
7 continued in existence until July 1, 2017, at which time such exceptions
8 shall expire: 12-5711, 21-2511, 38-2313, 65-516, 74-8745, 74-8752, 74-
9 8772 and 75-7427.

10 (m) Exceptions contained in the following statutes as certified by the
11 revisor of statutes to the president of the senate and the speaker of the
12 house of representatives pursuant to subsection (e) during 2012 and which
13 have been reviewed during the 2013 legislative session and continued in
14 existence by the legislature as provided in subsection (g) are hereby
15 continued in existence: 12-5811, 40-222, 40-223j, 40-5007a, 40-5009a,
16 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-60c01, 75-
17 712 and 75-5366.

18 Sec. 10. K.S.A. 2015 Supp. 75-5664 is hereby amended to read as
19 follows: 75-5664. (a) There is hereby established an advisory committee
20 on trauma. The advisory committee on trauma shall be advisory to the
21 secretary of health and environment and shall be within the division of
22 public health of the department of health and environment as a part
23 thereof.

24 (b) On July 1, 2001, the advisory committee on trauma in existence
25 immediately prior to July 1, 2001, is hereby abolished and a new advisory
26 committee on trauma is created in accordance with this section. The terms
27 of all members of the advisory committee on trauma in existence prior to
28 July 1, 2001, are hereby terminated. On and after July 1, 2001, the
29 advisory committee on trauma shall be composed of 24 members
30 representing both rural and urban areas of the state appointed as follows:

31 (1) Two members shall be persons licensed to practice medicine and
32 surgery appointed by the governor. At least 30 days prior to the expiration
33 of terms described in this section, for each member to be appointed under
34 this section, the Kansas medical society shall submit to the governor a list
35 of three names of persons of recognized ability and qualification. The
36 governor shall consider such list of persons in making appointments to the
37 board under this paragraph.

38 (2) One member shall be licensed to practice osteopathic medicine
39 appointed by the governor. At least 30 days prior to the expiration of the
40 term of the member appointed under this section, the Kansas association of
41 osteopathic medicine shall submit to the governor a list of three persons of
42 recognized ability and qualification. The governor shall consider such list
43 of persons in making appointments to the board under this paragraph.

1 (3) Three members shall be representatives of hospitals appointed by
2 the governor. At least 30 days before the expiration of terms described in
3 this section, for each member to be appointed under this section, the
4 Kansas hospital association shall submit to the governor a list of three
5 names of persons of recognized ability and qualification. The governor
6 shall consider such list of persons in making appointments to the board
7 under this paragraph.

8 (4) Two members shall be licensed professional nurses specializing in
9 trauma care or emergency nursing appointed by the governor. At least 30
10 days before the expiration of terms described in this section, for each
11 member to be appointed under this section, the Kansas state nurses
12 association shall submit to the governor a list of three names of persons of
13 recognized ability and qualification. The governor shall consider such list
14 of persons in making appointments to the board under this paragraph.

15 (5) Two members shall be attendants as defined in K.S.A. 65-6112,
16 and amendments thereto, who are on the roster of an ambulance service
17 permitted by the board of emergency medical services. At least 30 days
18 prior to the expiration of one of these positions, the Kansas emergency
19 medical services association shall submit to the governor a list of three
20 persons of recognized ability and qualification. The governor shall
21 consider such list of persons in making this appointment to the board. For
22 the other member appointed under this section, at least 30 days prior to the
23 expiration of the term of such member, the Kansas emergency medical
24 technician association shall submit a list of three persons of recognized
25 ability and qualification. The governor shall consider such list of persons
26 in making appointments to the board under this paragraph.

27 (6) Two members shall be administrators of ambulance services, one
28 rural and one urban, appointed by the governor. At least 30 days prior to
29 the expiration of the terms of such members, the Kansas emergency
30 medical services association and Kansas emergency medical technician
31 association in consultation shall submit to the governor a list of four
32 persons of recognized ability and qualification. The governor shall
33 consider such list of persons in making this appointment to the board
34 under this paragraph.

35 (7) Six members shall be representatives of regional trauma councils,
36 one per council, appointed by the governor. At least 30 days prior to the
37 expiration of one of these positions, the relevant regional trauma council
38 shall submit to the governor a list of three persons of recognized ability
39 and qualification. The governor shall consider such list of persons in
40 making these appointments to the board.

41 (8) The secretary of health and environment or the secretary's
42 designee of an appropriately qualified person shall be an ex officio
43 representative of the department of health and environment.

1 (9) The chairperson of the board of emergency medical services or
2 the chairperson's designee shall be an ex officio member.

3 (10) Four legislators selected as follows shall be members: The
4 chairperson and ranking minority member or their designees of the
5 committee on health and human services of the house of representatives,
6 and the chairperson and ranking minority member or their designees from
7 the committee on public health and welfare of the senate shall be
8 members.

9 (c) All members shall be residents of the state of Kansas. Particular
10 attention shall be given so that rural and urban interests and geography are
11 balanced in representation. Organizations that submit lists of names to be
12 considered for appointment by the governor under this section shall insure
13 that names of people who reside in both rural and urban areas of the state
14 are among those submitted. At least one person from each congressional
15 district shall be among the members. Of the members appointed under
16 ~~paragraphs (1) through (7) of subsection (b);~~ *(1) through (b)(7):* Six shall
17 be appointed to initial terms of two years; six shall be appointed to initial
18 terms of three years; and six shall be appointed to initial terms of four
19 years. Thereafter members shall serve terms of four years and until a
20 successor is appointed and qualified. In the case of a vacancy in the
21 membership of the advisory committee, the vacancy shall be filled for the
22 unexpired term in like manner as that provided in subsection (b).

23 (d) The advisory committee shall meet quarterly and at the call of the
24 chairperson or at the request of a majority of the members. At the first
25 meeting of the advisory committee after July 1 each year, the members
26 shall elect a chairperson and vice-chairperson who shall serve for terms of
27 one year. The vice-chairperson shall exercise all of the powers of the
28 chairperson in the absence of the chairperson. ~~The chairperson and vice-~~
29 ~~chairperson serving on the effective date of this act shall be among the~~
30 ~~members appointed to the advisory committee under subsection (b) and~~
31 ~~shall continue to serve as chairperson and vice-chairperson of the advisory~~
32 ~~committee until the first meeting of the advisory committee after July 1,~~
33 ~~2002.~~

34 (e) The advisory committee shall be advisory to the secretary of
35 health and environment on all matters relating to the implementation and
36 administration of this act.

37 (f) (1) Any meeting of the advisory committee or any part of a
38 meeting of the advisory committee during which a review of incidents of
39 trauma injury or trauma care takes place shall be conducted in closed
40 session. The advisory committee and officers thereof when acting in their
41 official capacity in considering incidents of trauma injury or trauma care
42 shall constitute a peer review committee and peer review officers for all
43 purposes of K.S.A. 65-4915, and amendments thereto.

1 (2) The advisory committee or an officer thereof may advise, report
2 to and discuss activities, information and findings of the committee which
3 relate to incidents of trauma injury or trauma care with the secretary of
4 health and environment as provided in subsections (a) and (e) without
5 waiver of the privilege provided by this subsection~~(f)~~ and K.S.A. 65-4915,
6 and amendments thereto, and the records and findings of such committee
7 or officer which are privileged under this subsection~~(f)~~ and K.S.A. 65-
8 4915, and amendments thereto, shall remain privileged as provided by this
9 subsection~~(f)~~ and K.S.A. 65-4915, and amendments thereto, ~~prior to July~~
10 ~~1, 2016.~~

11 ~~(3) The provisions of this subsection (f) shall expire on July 1, 2016,~~
12 ~~unless the legislature reviews and reenacts this provision pursuant to~~
13 ~~K.S.A. 45-229, and amendments thereto.~~

14 (g) Members of the advisory committee attending meetings of the
15 advisory committee or attending a subcommittee of the advisory
16 committee or other authorized meeting of the advisory committee shall not
17 be paid compensation but shall be paid amounts provided in ~~subsection (e)~~
18 ~~of K.S.A. 75-3223(e)~~, and amendments thereto.

19 Sec. 11. K.S.A. 2015 Supp. 75-5665 is hereby amended to read as
20 follows: 75-5665. (a) The secretary of health and environment, after
21 consultation with and consideration of recommendations from the advisory
22 committee, shall:

23 (1) Develop rules and regulations necessary to carry out the
24 provisions of this act, including fixing, charging and collecting fees from
25 trauma facilities to recover all or part of the expenses incurred in the
26 designation of trauma facilities pursuant to subsection (f) ~~of this section~~;

27 (2) develop a statewide trauma system plan including the
28 establishment of regional trauma councils, using the 2001 Kansas EMS-
29 Trauma Systems Plan study as a guide and not more restrictive than state
30 law. The secretary shall ensure that each council consist of at least six
31 members. Members of the councils shall consist of persons chosen for
32 their expertise in and commitment to emergency medical and trauma
33 services. Such members shall be chosen from the region and include
34 prehospital personnel, physicians, nurses and hospital personnel involved
35 with the emergency medical and trauma services and a representative of a
36 county health department. The plan should:

37 (A) Maximize local and regional control over decisions relating to
38 trauma care;

39 (B) minimize bureaucracy;

40 (C) adequately protect the confidentiality of proprietary and personal
41 health information;

42 (D) promote cost effectiveness;

43 (E) encourage participation by groups affected by the system;

1 (F) emphasize medical direction and involvement at all levels of the
2 system;

3 (G) rely on accurate data as the basis for system planning and
4 development; and

5 (H) facilitate education of health care providers in trauma care;

6 (3) plan, develop and administer a trauma registry to collect and
7 analyze data on incidence, severity and causes of trauma and other
8 pertinent information which may be used to support the secretary's
9 decision-making and identify needs for improved trauma care;

10 (4) provide all technical assistance to the regional councils as
11 necessary to implement the provisions of this act;

12 (5) collect data elements for the trauma registry that are consistent
13 with the recommendations of the American college of surgeons committee
14 on trauma and centers for disease control;

15 (6) designate trauma facilities by level of trauma care capabilities
16 after considering the American college of surgeons committee on trauma
17 standards and other states' standards except that trauma level designations
18 shall not be based on criteria that place practice limitations on registered
19 nurse anesthetists which are not required by state law;

20 (7) develop a phased-in implementation schedule for each component
21 of the trauma system, including the trauma registry, which considers the
22 additional burden placed on the emergency medical and trauma providers;

23 (8) develop standard reports to be utilized by the regional trauma
24 councils and those who report data to the registry in performing their
25 functions;

26 (9) assess the fiscal impact on all components of the trauma system,
27 and thereafter recommend other funding sources for the trauma system and
28 trauma registry;

29 (10) prepare and submit an annual budget in accordance with the
30 provisions of this act. Such budget shall include costs for the provision of
31 technical assistance to the regional trauma councils and the cost of
32 developing and maintaining the trauma registry and analyzing and
33 reporting on the data collected; and

34 (11) enter into contracts as deemed necessary to carry out the duties
35 and functions of the secretary under this act.

36 (b) (1) Any meeting of a regional trauma council or any part of a
37 meeting of such a council during which a review of incidents of trauma
38 injury or trauma care takes place shall be conducted in closed session. A
39 regional trauma council and the officers thereof when acting in their
40 official capacity in considering incidents of trauma injury or trauma care
41 shall constitute a peer review committee and peer review officers for all
42 purposes of K.S.A. 65-4915, and amendments thereto.

43 (2) A regional trauma council or an officer thereof may advise, report

1 to and discuss activities, information and findings of the council which
2 relate to incidents of trauma injury or trauma care with the secretary of
3 health and environment and make reports as provided in this section
4 without waiver of the privilege provided by this subsection~~(b)~~ and K.S.A.
5 65-4915, and amendments thereto, and the records and findings of such
6 council or officer which are privileged under this subsection~~(b)~~ and
7 K.S.A. 65-4915, and amendments thereto, shall remain privileged as
8 provided by this subsection~~(b)~~ and K.S.A. 65-4915, and amendments
9 thereto.

10 ~~(3) The provisions of this subsection (b) shall expire on July 1, 2016,~~
11 ~~unless the legislature reviews and reenacts this provision pursuant to~~
12 ~~K.S.A. 45-229, and amendments thereto, prior to July 1, 2016.~~

13 Sec. 12. K.S.A. 2015 Supp. 9-513c, 12-5374, 16-335, 17-1312e, 25-
14 2309, 40-2,118, 40-2,118a, 40-4913, 45-229, 75-5664 and 75-5665 are
15 hereby repealed.

16 Sec. 13. This act shall take effect and be in force from and after its
17 publication in the statute book.