

As Amended by House Committee

Session of 2016

SENATE BILL No. 415

By Committee on Judiciary

2-5

1 AN ACT concerning **public records; relating to** legislative review of
2 exceptions to disclosure of public records; **disclosure of charitable**
3 **gaming licensee information;** amending K.S.A. 2015 Supp. 9-513c,
4 12-5374, 16-335, 17-1312e, 25-2309, 40-2,118, 40-2,118a, 40-4913,
5 45-229, **75-5133**, 75-5664 and 75-5665 and repealing the existing
6 sections.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

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

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

36 (B) The provisions of this paragraph shall expire July 1, 2018, unless

1 the legislature acts to reenact such provisions. The provisions of this
2 section shall be reviewed by the legislature prior to July 1, 2018.

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

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

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

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

17 **(g) The provisions of subsection (a) shall expire on July 1, 2021,**
18 **unless the legislature acts to reauthorize such provisions. The**
19 **provisions of subsection (a) shall be reviewed by the legislature prior**
20 **to July 1, 2021.**

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

1 the providers, is within the county shall be distributed to the PSAPs within
2 the county based on place of primary use information; in a county with a
3 population between 25,000 and 34,999, 97% of the money collected from
4 service users whose place of primary use, as provided by the providers, is
5 within the county shall be distributed to the PSAPs within the county
6 based on place of primary use information; and in a county with a
7 population of less than 25,000, 100% of the money collected from service
8 users whose place of primary use, as provided by the providers, is within
9 the county shall be distributed to the PSAPs within the county based on
10 place of primary use information. There shall be a minimum county
11 distribution of \$50,000 and no county shall receive less than \$50,000 of
12 direct distribution moneys. If there is more than one PSAP in a county then
13 the direct distribution allocated to that county by population shall be
14 deducted from the minimum county distribution and the difference shall be
15 proportionately divided between the PSAPs in the county. All moneys
16 remaining after distribution and any moneys which cannot be attributed to
17 a specific PSAP shall be transferred to the 911 state grant fund.

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

22 (c) All moneys in the 911 state fund that have been collected from the
23 prepaid wireless 911 fee shall be deposited in the 911 state grant fund
24 unless \$2 million of such moneys have been deposited in any given year
25 then all remaining moneys shall be distributed to the counties in an amount
26 proportional to each county's population as a percentage share of the
27 population of the state. For each PSAP within a county, such moneys shall
28 be distributed to each PSAP in an amount proportional to the PSAP's
29 population as a percentage share of the population of the county. If there is
30 no PSAP within a county, then such moneys shall be distributed to the
31 PSAP providing service to such county. Such moneys distributed to
32 counties and PSAPs only shall be used for the uses authorized in K.S.A.
33 2015 Supp. 12-5375, and amendments thereto.

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

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

40 ~~(f) The provisions of subsection (e) shall expire on July 1, 2017,~~
41 ~~unless the legislature acts to reenact such provision. The provisions of~~
42 ~~subsection (e) shall be reviewed by the legislature prior to July 1, 2016.~~

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

1 **(f) The provisions of subsection (e) shall expire on July 1, 2021,**
2 **unless the legislature acts to reenact such provision. The provisions of**
3 **subsection (e) shall be reviewed by the legislature prior to July 1, 2021.**

4 Sec. 3. K.S.A. 2015 Supp. 16-335 is hereby amended to read as
5 follows: 16-335. (a) Except as provided by this section, all information
6 which the secretary of state shall gather or record in making an
7 investigation and examination of any cemetery corporation, or the
8 reporting by the cemetery corporation or the trustee, shall be deemed to be
9 confidential information, and shall not be disclosed by the secretary of
10 state, any assistant, examiner or employee thereof, except to: (1) Officers
11 and the members of the board of directors of the cemetery corporation
12 being audited; (2) the attorney general, when in the opinion of the
13 secretary of state the same should be disclosed; and (3) the appropriate
14 official for the municipality in which the cemetery resides when in the
15 opinion of the secretary of state the same should be disclosed.

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

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

23 ~~(d) The provisions of subsection (a) shall expire on July 1, 2021,~~
24 ~~unless the legislature acts to reauthorize such provisions. The provisions of~~
25 ~~subsection (a) shall be reviewed by the legislature prior to July 1, 2021.~~

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

28 Sec. 4. K.S.A. 2015 Supp. 17-1312e is hereby amended to read as
29 follows: 17-1312e. (a) Except as provided by this section, all information
30 which the secretary of state shall gather or record in making an
31 investigation and examination of any cemetery corporation, or the
32 reporting by the cemetery corporation or the trustee, shall be deemed to be
33 confidential information, and shall not be disclosed by the secretary of
34 state, any assistant, examiner or employee thereof, except to: (1) Officers
35 and the members of the board of directors of the cemetery corporation
36 being audited; (2) the attorney general, when in the opinion of the
37 secretary of state the same should be disclosed; and (3) the appropriate
38 official for the municipality in which the cemetery resides when in the
39 opinion of the secretary of state the same should be disclosed.

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

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

4 **(c) The provisions of subsection (a) shall expire on July 1, 2021,**
5 **unless the legislature acts to reauthorize such provisions. The**
6 **provisions of subsection (a) shall be reviewed by the legislature prior**
7 **to July 1, 2021.**

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

16 Such application shall be signed by the applicant under penalty of
17 perjury and shall contain the original signature of the applicant or the
18 computerized, electronic or digitized transmitted signature of the
19 applicant. A signature may be made by mark, initials, typewriter, print,
20 stamp, symbol or any other manner if by placing the signature on the
21 document the person intends the signature to be binding. A signature may
22 be made by another person at the voter's direction if the signature reflects
23 such voter's intention.

24 (b) Applications made under this section shall give voter eligibility
25 requirements and such information as is necessary to prevent duplicative
26 voter registrations and enable the relevant election officer to assess the
27 eligibility of the applicant and to administer voter registration, including,
28 but not limited to, the following data to be kept by the relevant election
29 officer as provided by law:

- 30 (1) Name;
- 31 (2) place of residence, including specific address or location, and
32 mailing address if the residence address is not a permissible postal address;
- 33 (3) date of birth;
- 34 (4) sex;
- 35 (5) the last four digits of the person's social security number or the
36 person's full driver's license or nondriver's identification card number;
- 37 (6) telephone number, if available;
- 38 (7) naturalization data (if applicable);
- 39 (8) if applicant has previously registered or voted elsewhere,
40 residence at time of last registration or voting;
- 41 (9) when present residence established;
- 42 (10) name under which applicant last registered or voted, if different
43 from present name;

1 (11) an attestation that the applicant meets each eligibility
2 requirement;

3 (12) a statement that the penalty for submission of a false voter
4 registration application is a maximum presumptive sentence of 17 months
5 in prison;

6 (13) a statement that, if an applicant declines to register to vote, the
7 fact that the applicant has declined to register will remain confidential and
8 will be used only for voter registration purposes;

9 (14) a statement that if an applicant does register to vote, the office to
10 which a voter registration application is submitted will remain confidential
11 and will be used only for voter registration purposes;

12 (15) boxes for the applicant to check to indicate whether the applicant
13 is or is not a citizen of the United States, together with the question "Are
14 you a citizen of the United States of America?";

15 (16) boxes for the county election officer or chief state election
16 official to check to indicate whether the applicant has provided with the
17 application the information necessary to assess the eligibility of the
18 applicant, including such applicant's United States citizenship;

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

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

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

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

30 If the application discloses any previous registration in any other
31 county or state, as indicated by paragraph (8) or (10), or otherwise, the
32 county election officer shall upon the registration of the applicant, give
33 notice to the election official of the place of former registration, notifying
34 such official of applicant's present residence and registration, and
35 authorizing cancellation of such former registration. This section shall be
36 interpreted and applied in accordance with federal law. No eligible
37 applicant whose qualifications have been assessed shall be denied
38 registration.

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

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

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

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

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

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

15 (iii) the statement "If you would like help in filling out the voter
16 registration application form, we will help you. The decision whether to
17 seek or accept help is yours. You may fill out the application form in
18 private."; and

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

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

26 (e) A voter registration agency shall transmit the completed
27 registration application to the county election officer not later than five
28 days after the date of acceptance. Upon receipt of an application for
29 registration, the county election officer shall send, by nonforwardable
30 mail, a notice of disposition of the application to the applicant at the postal
31 delivery address shown on the application. If a notice of disposition is
32 returned as undeliverable, a confirmation mailing prescribed by K.S.A. 25-
33 2316c, and amendments thereto, shall occur.

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

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

40 (h) Any registered voter whose residence address is not a permissible
41 postal delivery address shall designate a postal address for registration
42 records. When a county election officer has reason to believe that a voter's
43 registration residence is not a permissible postal delivery address, the

1 county election officer shall attempt to determine a proper mailing address
2 for the voter.

3 (i) Any registered voter may request that such person's residence
4 address be concealed from public inspection on the voter registration list
5 and on the original voter registration application form. Such request shall
6 be made in writing to the county election officer, and shall specify a
7 clearly unwarranted invasion of personal privacy or a threat to the voter's
8 safety. Upon receipt of such a request, the county election officer shall take
9 appropriate steps to ensure that such person's residence address is not
10 publicly disclosed. Nothing in this subsection shall be construed as
11 requiring or authorizing the secretary of state to include on the voter
12 registration application form a space or other provision on the form that
13 would allow the applicant to request that such applicant's residence
14 address be concealed from public inspection.

15 (j) No application for voter registration shall be made available for
16 public inspection or copying unless the information required by ~~paragraph~~
17 ~~(5) of subsection (b)(5)~~ has been removed or otherwise rendered
18 unreadable.

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

26 (l) The county election officer or secretary of state's office shall
27 accept any completed application for registration, but an applicant shall
28 not be registered until the applicant has provided satisfactory evidence of
29 United States citizenship. Evidence of United States citizenship as
30 required in this section will be satisfied by presenting one of the
31 documents listed in ~~paragraphs (1) through (13) of subsection~~ *subsections*
32 *(l)(1) through (l)(13)* in person at the time of filing the application for
33 registration or by including a photocopy of one of the following
34 documents with a mailed registration application. After a person has
35 submitted satisfactory evidence of citizenship, the county election officer
36 shall indicate this information in the person's permanent voter file.
37 Evidence of United States citizenship shall be satisfied by providing one of
38 the following, or a legible photocopy of one of the following documents:

39 (1) The applicant's driver's license or nondriver's identification card
40 issued by the division of vehicles or the equivalent governmental agency
41 of another state within the United States if the agency indicates on the
42 applicant's driver's license or nondriver's identification card that the person
43 has provided satisfactory proof of United States citizenship;

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

4 (3) pertinent pages of the applicant's United States valid or expired
5 passport identifying the applicant and the applicant's passport number, or
6 presentation to the county election officer of the applicant's United States
7 passport;

8 (4) the applicant's United States naturalization documents or the
9 number of the certificate of naturalization. If only the number of the
10 certificate of naturalization is provided, the applicant shall not be included
11 in the registration rolls until the number of the certificate of naturalization
12 is verified with the United States bureau of citizenship and immigration
13 services by the county election officer or the secretary of state, pursuant to
14 8 U.S.C. § 1373(c);

15 (5) other documents or methods of proof of United States citizenship
16 issued by the federal government pursuant to the immigration and
17 nationality act of 1952, and amendments thereto;

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

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

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

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

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

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

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

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

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

39 (1) Any applicant seeking an assessment of evidence under this
40 subsection may directly contact the elections division of the secretary of
41 state by submitting a voter registration application or form as described by
42 this section and any supporting evidence of United States citizenship.
43 Upon receipt of this information, the secretary of state shall notify the state

1 election board, as established under K.S.A. 25-2203, and amendments
2 thereto, that such application is pending.

3 (2) The state election board shall give the applicant an opportunity for
4 a hearing and an opportunity to present any additional evidence to the state
5 election board. Notice of such hearing shall be given to the applicant at
6 least five days prior to the hearing date. An applicant shall have the
7 opportunity to be represented by counsel at such hearing.

8 (3) The state election board shall assess the evidence provided by the
9 applicant to determine whether the applicant has provided satisfactory
10 evidence of United States citizenship. A decision of the state election
11 board shall be determined by a majority vote of the election board.

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

16 (5) If the state election board finds that the evidence presented by
17 such applicant constitutes satisfactory evidence of United States
18 citizenship, such applicant will have met the requirements under this
19 section to provide satisfactory evidence of United States citizenship.

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

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

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

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

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

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

1 (2) swearing under oath that, despite the inconsistency, the applicant
2 is the individual reflected in the document provided as evidence of
3 citizenship. However, there shall be no inconsistency between the date of
4 birth on the document provided as evidence of citizenship and the date of
5 birth provided on the application for registration. If such an affidavit is
6 submitted by the applicant, the county election officer or secretary of state
7 shall assess the eligibility of the applicant without regard to any
8 inconsistency stated in the affidavit.

9 (r) All documents submitted as evidence of citizenship shall be kept
10 confidential by the county election officer or the secretary of state and
11 maintained as provided by Kansas record retention laws. **The provisions**
12 **of this subsection shall expire on July 1, 2021, unless the legislature**
13 **reviews and reenacts this provision prior to July 1, 2021.** ~~The~~
14 ~~provisions of this subsection shall expire on July 1, 2016, unless the~~
15 ~~legislature reviews and reenacts this provision pursuant to K.S.A. 45-229,~~
16 ~~and amendments thereto, prior to July 1, 2016.~~

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

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

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

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

41 (b) An insurer that has knowledge or a good faith belief that a
42 fraudulent insurance act is being or has been committed shall provide to
43 the commissioner, on a form prescribed by the commissioner, any and all

1 information and such additional information relating to such fraudulent
2 insurance act as the commissioner may require.

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

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

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

20 **The requirement for submitting any antifraud plan, or any**
21 **amendment thereof, to the commissioner shall expire on the date**
22 **specified in subsection (d)(2) unless the legislature reviews and**
23 **reenacts the provisions of subsection (d)(2) prior to such date.**

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**
31 **shall expire on July 1, 2021, unless the legislature reviews and reenacts**
32 **this provision prior to July 1, 2021.** ~~The provisions of this paragraph~~
33 ~~shall expire on July 1, 2016, unless the legislature reviews and reenacts~~
34 ~~this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to~~
35 ~~July 1, 2016.~~

36 (e) Except as otherwise specifically provided in K.S.A. 2015 Supp.
37 21-5812(a), and amendments thereto, and K.S.A. 44-5,125, and
38 amendments thereto, a fraudulent insurance act shall constitute a severity
39 level 6, nonperson felony if the amount involved is \$25,000 or more; a
40 severity level 7, nonperson felony if the amount is at least \$5,000 but less
41 than \$25,000; a severity level 8, nonperson felony if the amount is at least
42 \$1,000 but less than \$5,000; and a class C nonperson misdemeanor if the
43 amount is less than \$1,000. Any combination of fraudulent acts as defined

1 in subsection (a) which occur in a period of six consecutive months which
2 involves \$25,000 or more shall have a presumptive sentence of
3 imprisonment regardless of its location on the sentencing grid block.

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

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

11 Sec. 7. K.S.A. 2015 Supp. 40-2,118a is hereby amended to read as
12 follows: 40-2,118a. From and after July 1, 2011, (a) For purposes of this
13 act a "fraudulent insurance act" means an act committed by any person
14 who, knowingly and with intent to defraud, presents, causes to be
15 presented or prepares with knowledge or belief that it will be presented to
16 or by an insurer, purported insurer, broker or any agent thereof, any written
17 statement as part of, or in support of, an application for the issuance of, or
18 the rating of an insurance policy for personal or commercial insurance, or
19 a claim for payment or other benefit pursuant to an insurance policy for
20 commercial or personal insurance which such person knows to contain
21 materially false information concerning any fact material thereto; or
22 conceals, for the purpose of misleading, information concerning any fact
23 material thereto.

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

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

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

43 ~~The requirement for submitting any antifraud plan, or any amendment~~

1 ~~thereof, to the commissioner shall expire on the date specified in~~
2 ~~paragraph (2) of this subsection unless the legislature reviews and reenacts~~
3 ~~the provisions of paragraph (2) pursuant to K.S.A. 45-229, and~~
4 ~~amendments thereto.~~

5 **The requirement for submitting any antifraud plan, or any**
6 **amendment thereof, to the commissioner shall expire on the date**
7 **specified in subsection (d)(2) unless the legislature reviews and**
8 **reenacts the provisions of subsection (d)(2) prior to such date.**

9 (2) Any antifraud plan, or any amendment thereof, submitted to the
10 commissioner for informational purposes only shall be confidential and
11 not be a public record and shall not be subject to discovery or subpoena in
12 a civil action unless following an in camera review, the court determines
13 that the antifraud plan is relevant and otherwise admissible under the rules
14 of evidence set forth in article 4 of chapter 60 of the Kansas Statutes
15 Annotated, and amendments thereto. **The provisions of this paragraph**
16 **shall expire on July 1, 2021, unless the legislature reviews and reenacts**
17 **this provision prior to July 1, 2021.** ~~The provisions of this paragraph~~
18 ~~shall expire on July 1, 2016, unless the legislature reviews and reenacts~~
19 ~~this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to~~
20 ~~July 1, 2016.~~

21 (e) Except as otherwise specifically provided in K.S.A. 21-3718, and
22 amendments thereto, and K.S.A. 44-5,125, and amendments thereto, a
23 fraudulent insurance act shall constitute a severity level 6, nonperson
24 felony if the amount involved is \$25,000 or more; a severity level 7,
25 nonperson felony if the amount is at least \$5,000 but less than \$25,000; a
26 severity level 8, nonperson felony if the amount is at least \$1,000 but less
27 than \$5,000; and a class C nonperson misdemeanor if the amount is less
28 than \$1,000. Any combination of fraudulent acts as defined in subsection
29 (a) which occur in a period of six consecutive months which involves
30 \$25,000 or more shall have a presumptive sentence of imprisonment
31 regardless of its location on the sentencing grid block.

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

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

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

43 (A) The termination is for cause;

1 (B) such insurance agent has committed any act which would be in
2 violation of any provision of ~~subsection (a)~~ of K.S.A. 2015 Supp. 40-
3 4909(a), and amendments thereto; or

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

7 (2) The notification shall:

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

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

11 (C) contain:

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

13 (ii) the reason for the termination of the business relationship with
14 such insurer.

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

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

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

26 (2) The notification shall:

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

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

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

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

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

41 (d) (1) No insurance entity, or any agent or employee thereof acting
42 on behalf of such insurance entity, regulatory official, law enforcement
43 official or the insurance regulatory official of another state who provides

1 information to the commissioner in good faith pursuant to this section shall
2 be subject to a civil action for damages as a result of reporting such
3 information to the commissioner. For the purposes of this section,
4 insurance entity shall mean any insurer, insurance agent or organization to
5 which the commissioner belongs by virtue of the commissioner's office.

6 (2) Any document, material or other information in the control or
7 possession of the department that is furnished by an insurance entity or an
8 employee or agent thereof acting on behalf of such insurance entity, or
9 obtained by the insurance commissioner in an investigation pursuant to
10 this section shall be kept confidential by the commissioner. Such
11 information shall not be made public or subject to subpoena, other than by
12 the commissioner and then only for the purpose of enforcement actions
13 taken by the commissioner pursuant to this act or any other provision of
14 the insurance laws of this state.

15 (3) Neither the commissioner nor any person who received
16 documents, materials or other information while acting under the authority
17 of the commissioner shall be required to testify in any private civil action
18 concerning any confidential documents, materials or information subject to
19 paragraph (2).

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

24 (A) The NAIC;

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

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

27 (5) (A) The sharing or exchanging of documents, materials or other
28 information under this subsection shall be conditioned upon the recipient's
29 authority and agreement to maintain the confidential and privileged status,
30 if any, of the documents, materials or other information being shared or
31 exchanged.

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

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

40 ~~(e) The provisions of paragraph (2) of subsection (d) shall expire on~~
41 ~~July 1, 2016, unless the legislature acts to reenact such provision. The~~
42 ~~provisions of paragraph (2) of subsection (d) shall be reviewed by the~~
43 ~~legislature prior to July 1, 2016.~~

1 ~~(f)~~— **The provisions of subsection (d)(2) shall expire on July 1,**
2 **2021, unless the legislature acts to reenact such provision. The**
3 **provisions of subsection (d)(2) shall be reviewed by the legislature**
4 **prior to July 1, 2021.**

5 **(f)** For the purposes of this section, insurance entity shall mean any
6 insurer, insurance agent or organization to which the commissioner
7 belongs by virtue of the commissioner's office.

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

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

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

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

23 (3) the public record affects confidential information.

24 The maintenance or creation of an exception to disclosure must be
25 compelled as measured by these criteria. Further, the legislature finds that
26 the public has a right to have access to public records unless the criteria in
27 this section for restricting such access to a public record are met and the
28 criteria are considered during legislative review in connection with the
29 particular exception to disclosure to be significant enough to override the
30 strong public policy of open government. To strengthen the policy of open
31 government, the legislature shall consider the criteria in this section before
32 enacting an exception to disclosure.

33 (b) Subject to the provisions of subsections (g) and (h), any new
34 exception to disclosure or substantial amendment of an existing exception
35 shall expire on July 1 of the fifth year after enactment of the new
36 exception or substantial amendment, unless the legislature acts to continue
37 the exception. A law that enacts a new exception or substantially amends
38 an existing exception shall state that the exception expires at the end of
39 five years and that the exception shall be reviewed by the legislature
40 before the scheduled date.

41 (c) For purposes of this section, an exception is substantially
42 amended if the amendment expands the scope of the exception to include
43 more records or information. An exception is not substantially amended if

1 the amendment narrows the scope of the exception.

2 (d) This section is not intended to repeal an exception that has been
3 amended following legislative review before the scheduled repeal of the
4 exception if the exception is not substantially amended as a result of the
5 review.

6 (e) In the year before the expiration of an exception, the revisor of
7 statutes shall certify to the president of the senate and the speaker of the
8 house of representatives, by July 15, the language and statutory citation of
9 each exception which will expire in the following year which meets the
10 criteria of an exception as defined in this section. Any exception that is not
11 identified and certified to the president of the senate and the speaker of the
12 house of representatives is not subject to legislative review and shall not
13 expire. If the revisor of statutes fails to certify an exception that the revisor
14 subsequently determines should have been certified, the revisor shall
15 include the exception in the following year's certification after that
16 determination.

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

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

24 (1) Is required by federal law;

25 (2) applies solely to the legislature or to the state court system;

26 (3) has been reviewed and continued in existence twice by the
27 legislature; or

28 (4) has been reviewed and continued in existence by the legislature
29 during the 2013 legislative session and thereafter.

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

32 (A) What specific records are affected by the exception;

33 (B) whom does the exception uniquely affect, as opposed to the
34 general public;

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

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

38 (2) an exception may be created or maintained only if it serves an
39 identifiable public purpose and may be no broader than is necessary to
40 meet the public purpose it serves. An identifiable public purpose is served
41 if the legislature finds that the purpose is sufficiently compelling to
42 override the strong public policy of open government and cannot be
43 accomplished without the exception and if the exception:

1 (A) Allows the effective and efficient administration of a
2 governmental program, which administration would be significantly
3 impaired without the exception;

4 (B) protects information of a sensitive personal nature concerning
5 individuals, the release of which information would be defamatory to such
6 individuals or cause unwarranted damage to the good name or reputation
7 of such individuals or would jeopardize the safety of such individuals.
8 Only information that would identify the individuals may be excepted
9 under this paragraph; or

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

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

21 (i) (1) Exceptions contained in the following statutes as continued in
22 existence in section 2 of chapter 126 of the 2005 Session Laws of Kansas
23 and which have been reviewed and continued in existence twice by the
24 legislature as provided in subsection (g) are hereby continued in existence:
25 1-401, 2-1202, 5-512, 9-1137, 9-1712, 9-2217, 10-630, 11-306, 12-189,
26 12-1,108, 12-1694, 12-1698, 12-2819, 12-4516, 16-715, 16a-2-304, 17-
27 1312e, 17-2227, 17-5832, 17-7511, 17-7514, 17-76,139, 19-4321, 21-
28 2511, 22-3711, 22-4707, 22-4909, 22a-243, 22a-244, 23-605, 23-9,312,
29 25-4161, 25-4165, 31-405, 34-251, 38-2212, 39-709b, 39-719e, 39-934,
30 39-1434, 39-1704, 40-222, 40-2,156, 40-2c20, 40-2c21, 40-2d20, 40-2d21,
31 40-409, 40-956, 40-1128, 40-2807, 40-3012, 40-3304, 40-3308, 40-3403b,
32 40-3421, 40-3613, 40-3805, 40-4205, 44-510j, 44-550b, 44-594, 44-635,
33 44-714, 44-817, 44-1005, 44-1019, 45-221(a)(1) through (43), 46-256, 46-
34 259, 46-2201, 47-839, 47-844, 47-849, 47-1709, 48-1614, 49-406, 49-427,
35 55-1,102, 58-4114, 59-2135, 59-2802, 59-2979, 59-29b79, 60-3333, 60-
36 3336, 65-102b, 65-118, 65-119, 65-153f, 65-170g, 65-177, 65-1,106, 65-
37 1,113, 65-1,116, 65-1,157a, 65-1,163, 65-1,165, 65-1,168, 65-1,169, 65-
38 1,171, 65-1,172, 65-436, 65-445, 65-507, 65-525, 65-531, 65-657, 65-
39 1135, 65-1467, 65-1627, 65-1831, 65-2422d, 65-2438, 65-2836, 65-2839a,
40 65-2898a, 65-3015, 65-3447, 65-34,108, 65-34,126, 65-4019, 65-4922,
41 65-4925, 65-5602, 65-5603, 65-6002, 65-6003, 65-6004, 65-6010, 65-
42 67a05, 65-6803, 65-6804, 66-101c, 66-117, 66-151, 66-1,190, 66-1,203,
43 66-1220a, 66-2010, 72-996, 72-4311, 72-4452, 72-5214, 72-53,106, 72-

1 5427, 72-8903, 73-1228, 74-2424, 74-2433f, 74-4905, 74-4909, 74-
2 50,131, 74-5515, 74-7308, 74-7338, 74-8104, 74-8307, 74-8705, 74-8804,
3 74-9805, 75-104, 75-712, 75-7b15, 75-1267, 75-2943, 75-4332, 75-4362,
4 75-5133, 75-5266, 75-5665, 75-5666, 75-7310, 76-355, 76-359, 76-493,
5 76-12b11, 76-3305, 79-1119, 79-1437f, 79-3234, 79-3395, 79-3420, 79-
6 3499, 79-34,113, 79-3614, 79-3657, 79-4301 and 79-5206.

7 (2) Exceptions contained in the following statutes as certified by the
8 revisor of statutes to the president of the senate and the speaker of the
9 house of representatives pursuant to subsection (e) and which have been
10 reviewed during the 2015 legislative session and continued in existence by
11 the legislature as provided in subsection (g) are hereby continued in
12 existence: 17-2036, 40-5301, 45-221(a)(45), (46) and (49), 48-16a10, 58-
13 4616, 60-3351, 72-972a, 74-50,217, 74-99d05 and 75-53,105.

14 (j) (1) Exceptions contained in the following statutes as continued in
15 existence in section 1 of chapter 87 of the 2006 Session Laws of Kansas
16 and which have been reviewed and continued in existence twice by the
17 legislature as provided in subsection (g) are hereby continued in existence:
18 1-501, 9-1303, 12-4516a, 39-970, 65-525, 65-5117, 65-6016, 65-6017 and
19 74-7508.

20 (2) Exceptions contained in the following statutes as certified by the
21 revisor of statutes to the president of the senate and the speaker of the
22 house of representatives pursuant to subsection (e) during ~~2010~~ *the 2016*
23 *legislative session* are hereby continued in existence ~~until July 1, 2016, at~~
24 ~~which time such exceptions shall expire~~ **until July 1, 2021, at which time**
25 **such exceptions shall expire:** ~~12-5358, 12-5611, 22-4906, 22-4909, 38-~~
26 ~~2310, 38-2311, 38-2326, 40-955, 44-1132, 45-221(a)(10)(F) and (a)(50),~~
27 ~~60-3333, 65-4a05, 65-445(g), 65-6154, 71-218, 75-457, 75-712c, 75-723~~
28 ~~and 75-7c06.~~

29 (k) 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) and which have been
32 reviewed during the 2014 legislative session and continued in existence by
33 the legislature as provided in subsection (g) are hereby continued in
34 existence: 1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-
35 17,150, 12-2001, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-
36 2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48),
37 50-6a11, 56-1a610, 56a-1204, 65-1,243, 65-16,104, 65-3239, 74-50,184,
38 74-8134, 74-99b06, 77-503a and 82a-2210.

39 (l) Exceptions contained in the following statutes as certified by the
40 revisor of statutes to the president of the senate and the speaker of the
41 house of representatives pursuant to subsection (e) during 2011 are hereby
42 continued in existence until July 1, 2017, at which time such exceptions
43 shall expire: 12-5711, 21-2511, 38-2313, 65-516, 74-8745, 74-8752, 74-

1 8772 and 75-7427.

2 (m) Exceptions contained in the following statutes as certified by the
3 revisor of statutes to the president of the senate and the speaker of the
4 house of representatives pursuant to subsection (e) during 2012 and which
5 have been reviewed during the 2013 legislative session and continued in
6 existence by the legislature as provided in subsection (g) are hereby
7 continued in existence: 12-5811, 40-222, 40-223j, 40-5007a, 40-5009a,
8 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-60c01, 75-
9 712 and 75-5366.

10 **Sec. 10. K.S.A. 2015 Supp. 75-5133 is hereby amended to read as**
11 **follows: 75-5133. (a) Except as otherwise more specifically provided by**
12 **law, all information received by the secretary of revenue, the director**
13 **of taxation or the director of alcoholic beverage control from returns,**
14 **reports, license applications or registration documents made or filed**
15 **under the provisions of any law imposing any sales, use or other excise**
16 **tax administered by the secretary of revenue, the director of taxation,**
17 **or the director of alcoholic beverage control, or from any investigation**
18 **conducted under such provisions, shall be confidential, and it shall be**
19 **unlawful for any officer or employee of the department of revenue to**
20 **divulge any such information except in accordance with other**
21 **provisions of law respecting the enforcement and collection of such**
22 **tax, in accordance with proper judicial order or as provided in K.S.A.**
23 **74-2424, and amendments thereto.**

24 (b) The secretary of revenue or the secretary's designee may:

25 (1) Publish statistics, so classified as to prevent identification of
26 particular reports or returns and the items thereof;

27 (2) allow the inspection of returns by the attorney general or the
28 attorney general's designee;

29 (3) provide the post auditor access to all such excise tax reports or
30 returns in accordance with and subject to the provisions of K.S.A. 46-
31 1106(g), and amendments thereto;

32 (4) disclose taxpayer information from excise tax returns to
33 persons or entities contracting with the secretary of revenue where the
34 secretary has determined disclosure of such information is essential
35 for completion of the contract and has taken appropriate steps to
36 preserve confidentiality;

37 (5) provide information from returns and reports filed under
38 article 42 of chapter 79 of the Kansas Statutes Annotated, and
39 amendments thereto, to county appraisers as is necessary to ensure
40 proper valuations of property. Information from such returns and
41 reports may also be exchanged with any other state agency
42 administering and collecting conservation or other taxes and fees
43 imposed on or measured by mineral production;

1 **(6) provide, upon request by a city or county clerk or treasurer or**
2 **finance officer of any city or county receiving distributions from a**
3 **local excise tax, monthly reports identifying each retailer doing**
4 **business in such city or county or making taxable sales sourced to such**
5 **city or county, setting forth the tax liability and the amount of such tax**
6 **remitted by each retailer during the preceding month, and identifying**
7 **each business location maintained by the retailer and such retailer's**
8 **sales or use tax registration or account number;**

9 **(7) provide information from returns and applications for**
10 **registration filed pursuant to K.S.A. 12-187, and amendments thereto,**
11 **and K.S.A. 79-3601, and amendments thereto, to a city or county**
12 **treasurer or clerk or finance officer to explain the basis of statistics**
13 **contained in reports provided by subsection (b)(6);**

14 **(8) disclose the following oil and gas production statistics received**
15 **by the department of revenue in accordance with K.S.A. 79-4216 et**
16 **seq., and amendments thereto: Volumes of production by well name,**
17 **well number, operator's name and identification number assigned by**
18 **the state corporation commission, lease name, leasehold property**
19 **description, county of production or zone of production, name of**
20 **purchaser and purchaser's tax identification number assigned by the**
21 **department of revenue, name of transporter, field code number or**
22 **lease code, tax period, exempt production volumes by well name or**
23 **lease, or any combination of this information;**

24 **(9) release or publish liquor brand registration information**
25 **provided by suppliers, farm wineries, microdistilleries and**
26 **microbreweries in accordance with the liquor control act. The**
27 **information to be released is limited to: Item number, universal**
28 **numeric code, type status, product description, alcohol percentage,**
29 **selling units, unit size, unit of measurement, supplier number, supplier**
30 **name, distributor number and distributor name;**

31 **(10) release or publish liquor license information provided by**
32 **liquor licensees, distributors, suppliers, farm wineries,**
33 **microdistilleries and microbreweries in accordance with the liquor**
34 **control act. The information to be released is limited to: County name,**
35 **owner, business name, address, license type, license number, license**
36 **expiration date and the process agent contact information;**

37 **(11) release or publish cigarette and tobacco license information**
38 **obtained from cigarette and tobacco licensees in accordance with the**
39 **Kansas cigarette and tobacco products act. The information to be**
40 **released is limited to: County name, owner, business name, address,**
41 **license type and license number;**

42 **(12) provide environmental surcharge or solvent fee, or both,**
43 **information from returns and applications for registration filed**

1 pursuant to K.S.A. 65-34,150 and 65-34,151, and amendments thereto,
2 to the secretary of health and environment or the secretary's designee
3 for the sole purpose of ensuring that retailers collect the
4 environmental surcharge tax or solvent fee, or both;

5 (13) provide water protection fee information from returns and
6 applications for registration filed pursuant to K.S.A. 82a-954, and
7 amendments thereto, to the secretary of the state board of agriculture
8 or the secretary's designee and the secretary of the Kansas water
9 office or the secretary's designee for the sole purpose of verifying
10 revenues deposited to the state water plan fund;

11 (14) provide to the secretary of commerce copies of applications
12 for project exemption certificates sought by any taxpayer under the
13 enterprise zone sales tax exemption pursuant to K.S.A. 79-3606(cc),
14 and amendments thereto;

15 (15) disclose information received pursuant to the Kansas
16 cigarette and tobacco act and subject to the confidentiality provisions
17 of this act to any criminal justice agency, as defined in K.S.A. 22-
18 4701(c), and amendments thereto, or to any law enforcement officer,
19 as defined in K.S.A. 2015 Supp. 21-5111, and amendments thereto, on
20 behalf of a criminal justice agency, when requested in writing in
21 conjunction with a pending investigation;

22 (16) provide to retailers tax exemption information for the sole
23 purpose of verifying the authenticity of tax exemption numbers issued
24 by the department;

25 (17) provide information concerning remittance by sellers, as
26 defined in K.S.A. 2015 Supp. 12-5363, and amendments thereto, of
27 prepaid wireless 911 fees from returns to the local collection point
28 administrator, as defined in K.S.A. 2015 Supp. 12-5363, and
29 amendments thereto, for purposes of verifying seller compliance with
30 collection and remittance of such fees;

31 (18) release or publish charitable gaming information obtained in
32 ~~bingo~~ *charitable gaming* licensee and registration applications and
33 renewals in accordance with the ~~bingo~~ act, K.S.A. 79-4701 *Kansas*
34 *charitable gaming act*, K.S.A. 2015 Supp. 75-5171 et seq., and
35 amendments thereto. The information to be released is limited to: The
36 name, address, phone number, license registration number and email
37 address of the organization, distributor or of premises; and

38 (19) provide to the attorney general confidential information for
39 purposes of determining compliance with or enforcing K.S.A. 50-6a01
40 et seq., and amendments thereto, the master settlement agreement
41 referred to therein and all agreements regarding disputes under the
42 master settlement agreement. The secretary and the attorney general
43 may share the information specified under this subsection with any of

1 the following:

2 (A) Federal, state or local agencies for the purposes of
3 enforcement of corresponding laws of other states; and

4 (B) a court, arbitrator, data clearinghouse or similar entity for
5 the purpose of assessing compliance with or making calculations
6 required by the master settlement agreement or agreements regarding
7 disputes under the master settlement agreement, and with counsel for
8 the parties or expert witnesses in any such proceeding, if the
9 information otherwise remains confidential.

10 (c) Any person receiving any information under the provisions of
11 subsection (b) shall be subject to the confidentiality provisions of
12 subsection (a) and to the penalty provisions of subsection (d).

13 (d) Any violation of this section shall be a class A, nonperson
14 misdemeanor, and if the offender is an officer or employee of this
15 state, such officer or employee shall be dismissed from office. Reports
16 of violations of this paragraph shall be investigated by the attorney
17 general. The district attorney or county attorney and the attorney
18 general shall have authority to prosecute any violation of this section if
19 the offender is a city or county clerk or treasurer or finance officer of
20 a city or county.

21 Sec. ~~10~~ 11. K.S.A. 2015 Supp. 75-5664 is hereby amended to read as
22 follows: 75-5664. (a) There is hereby established an advisory committee
23 on trauma. The advisory committee on trauma shall be advisory to the
24 secretary of health and environment and shall be within the division of
25 public health of the department of health and environment as a part
26 thereof.

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

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

41 (2) One member shall be licensed to practice osteopathic medicine
42 appointed by the governor. At least 30 days prior to the expiration of the
43 term of the member appointed under this section, the Kansas association of

1 osteopathic medicine shall submit to the governor a list of three persons of
2 recognized ability and qualification. The governor shall consider such list
3 of persons in making appointments to the board under this paragraph.

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

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

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

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

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

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

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

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

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

26 (d) The advisory committee shall meet quarterly and at the call of the
27 chairperson or at the request of a majority of the members. At the first
28 meeting of the advisory committee after July 1 each year, the members
29 shall elect a chairperson and vice-chairperson who shall serve for terms of
30 one year. The vice-chairperson shall exercise all of the powers of the
31 chairperson in the absence of the chairperson. ~~The chairperson and vice-~~
32 ~~chairperson serving on the effective date of this act shall be among the~~
33 ~~members appointed to the advisory committee under subsection (b) and~~
34 ~~shall continue to serve as chairperson and vice-chairperson of the advisory~~
35 ~~committee until the first meeting of the advisory committee after July 1,~~
36 ~~2002.~~

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

40 (f) (1) Any meeting of the advisory committee or any part of a
41 meeting of the advisory committee during which a review of incidents of
42 trauma injury or trauma care takes place shall be conducted in closed
43 session. The advisory committee and officers thereof when acting in their

1 official capacity in considering incidents of trauma injury or trauma care
2 shall constitute a peer review committee and peer review officers for all
3 purposes of K.S.A. 65-4915, and amendments thereto.

4 (2) The advisory committee or an officer thereof may advise, report
5 to and discuss activities, information and findings of the committee which
6 relate to incidents of trauma injury or trauma care with the secretary of
7 health and environment as provided in subsections (a) and (e) without
8 waiver of the privilege provided by this subsection~~(f)~~ and K.S.A. 65-4915,
9 and amendments thereto, and the records and findings of such committee
10 or officer which are privileged under this subsection~~(f)~~ and K.S.A. 65-
11 4915, and amendments thereto, shall remain privileged as provided by this
12 subsection~~(f)~~ and K.S.A. 65-4915, and amendments thereto, ~~prior to July~~
13 ~~1, 2016, prior to July 1, 2021.~~

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

17 **(3) The provisions of this subsection shall expire on July 1, 2021,**
18 **unless the legislature reviews and reenacts this provision prior to July**
19 **1, 2021.**

20 (g) Members of the advisory committee attending meetings of the
21 advisory committee or attending a subcommittee of the advisory
22 committee or other authorized meeting of the advisory committee shall not
23 be paid compensation but shall be paid amounts provided in ~~subsection (e)~~
24 ~~of K.S.A. 75-3223(e)~~, and amendments thereto.

25 Sec. ~~11~~ 12. K.S.A. 2015 Supp. 75-5665 is hereby amended to read as
26 follows: 75-5665. (a) The secretary of health and environment, after
27 consultation with and consideration of recommendations from the advisory
28 committee, shall:

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

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

43 (A) Maximize local and regional control over decisions relating to

- 1 trauma care;
- 2 (B) minimize bureaucracy;
- 3 (C) adequately protect the confidentiality of proprietary and personal
- 4 health information;
- 5 (D) promote cost effectiveness;
- 6 (E) encourage participation by groups affected by the system;
- 7 (F) emphasize medical direction and involvement at all levels of the
- 8 system;
- 9 (G) rely on accurate data as the basis for system planning and
- 10 development; and
- 11 (H) facilitate education of health care providers in trauma care;
- 12 (3) plan, develop and administer a trauma registry to collect and
- 13 analyze data on incidence, severity and causes of trauma and other
- 14 pertinent information which may be used to support the secretary's
- 15 decision-making and identify needs for improved trauma care;
- 16 (4) provide all technical assistance to the regional councils as
- 17 necessary to implement the provisions of this act;
- 18 (5) collect data elements for the trauma registry that are consistent
- 19 with the recommendations of the American college of surgeons committee
- 20 on trauma and centers for disease control;
- 21 (6) designate trauma facilities by level of trauma care capabilities
- 22 after considering the American college of surgeons committee on trauma
- 23 standards and other states' standards except that trauma level designations
- 24 shall not be based on criteria that place practice limitations on registered
- 25 nurse anesthetists which are not required by state law;
- 26 (7) develop a phased-in implementation schedule for each component
- 27 of the trauma system, including the trauma registry, which considers the
- 28 additional burden placed on the emergency medical and trauma providers;
- 29 (8) develop standard reports to be utilized by the regional trauma
- 30 councils and those who report data to the registry in performing their
- 31 functions;
- 32 (9) assess the fiscal impact on all components of the trauma system,
- 33 and thereafter recommend other funding sources for the trauma system and
- 34 trauma registry;
- 35 (10) prepare and submit an annual budget in accordance with the
- 36 provisions of this act. Such budget shall include costs for the provision of
- 37 technical assistance to the regional trauma councils and the cost of
- 38 developing and maintaining the trauma registry and analyzing and
- 39 reporting on the data collected; and
- 40 (11) enter into contracts as deemed necessary to carry out the duties
- 41 and functions of the secretary under this act.
- 42 (b) (1) Any meeting of a regional trauma council or any part of a
- 43 meeting of such a council during which a review of incidents of trauma

1 injury or trauma care takes place shall be conducted in closed session. A
2 regional trauma council and the officers thereof when acting in their
3 official capacity in considering incidents of trauma injury or trauma care
4 shall constitute a peer review committee and peer review officers for all
5 purposes of K.S.A. 65-4915, and amendments thereto.

6 (2) A regional trauma council or an officer thereof may advise, report
7 to and discuss activities, information and findings of the council which
8 relate to incidents of trauma injury or trauma care with the secretary of
9 health and environment and make reports as provided in this section
10 without waiver of the privilege provided by this subsection~~(b)~~ and K.S.A.
11 65-4915, and amendments thereto, and the records and findings of such
12 council or officer which are privileged under this subsection~~(b)~~ and
13 K.S.A. 65-4915, and amendments thereto, shall remain privileged as
14 provided by this subsection~~(b)~~ and K.S.A. 65-4915, and amendments
15 thereto.

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

19 **(3) The provisions of this subsection shall expire on July 1, 2021,**
20 **unless the legislature reviews and reenacts this provision prior to July**
21 **1, 2021.**

22 Sec. ~~12~~ **13.** K.S.A. 2015 Supp. 9-513c, 12-5374, 16-335, 17-1312e,
23 25-2309, 40-2,118, 40-2,118a, 40-4913, 45-229, **75-5133**, 75-5664 and 75-
24 5665 are hereby repealed.

25 Sec. ~~13~~ **14.** This act shall take effect and be in force from and after
26 its publication in the statute book.