

HOUSE BILL No. 2390

By Committee on Judiciary

2-12

1 AN ACT concerning public records; relating to disclosure thereof under
2 the open records act; making permanent certain exceptions to
3 disclosure; amending K.S.A. 75-5664 and 75-5665 and K.S.A. 2020
4 Supp. 9-513c, 9-2209, 12-5374, 16-335, 17-1312e, 25-2309, 40-2,118,
5 40-4913, 45-229 and 45-254 and repealing the existing sections.

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

8 Section 1. K.S.A. 2020 Supp. 9-513c is hereby amended to read as
9 follows: 9-513c. (a) Notwithstanding any other provision of law, all
10 information or reports obtained and prepared by the commissioner in the
11 course of licensing or examining a person engaged in money transmission
12 business shall be confidential and may not be disclosed by the
13 commissioner except as provided in subsection (c) or (d).

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

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

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

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

35 (e) The commissioner may accept a report of examination or
36 investigation from another state or federal licensing agency, in which the

1 accepted report is an official report of the commissioner. Acceptance of an
2 examination or investigation report does not waive any fee required by this
3 act.

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

7 ~~(g) The provisions of subsection (a) shall expire on July 1, 2021,~~
8 ~~unless the legislature acts to reauthorize such provisions. The provisions of~~
9 ~~subsection (a) shall be reviewed by the legislature prior to July 1, 2021.~~

10 Sec. 2. K.S.A. 2020 Supp. 9-2209 is hereby amended to read as
11 follows: 9-2209. (a) The commissioner may exercise the following
12 powers:

13 (1) Adopt rules and regulations as necessary to carry out the intent
14 and purpose of this act and to implement the requirements of applicable
15 federal law;

16 (2) make investigations and examinations of the licensee's or
17 registrant's operations, books and records as the commissioner deems
18 necessary for the protection of the public and control access to any
19 documents and records of the licensee or registrant under examination or
20 investigation;

21 (3) charge reasonable costs of investigation, examination and
22 administration of this act, to be paid by the applicant, licensee or
23 registrant. The commissioner shall establish such fees in such amounts as
24 the commissioner may determine to be sufficient to meet the budget
25 requirements of the commissioner for each fiscal year. Charges for
26 administration of this act shall be based on the licensee's loan volume;

27 (4) order any licensee or registrant to cease any activity or practice
28 ~~which~~ that the commissioner deems to be deceptive, dishonest, violative of
29 state or federal law or unduly harmful to the interests of the public;

30 (5) exchange any information regarding the administration of this act
31 with any agency of the United States or any state ~~which~~ that regulates the
32 licensee or registrant or administers statutes, rules and regulations or
33 programs related to mortgage business and to enter into information
34 sharing arrangements with other governmental agencies or associations
35 representing governmental agencies ~~which~~ that are deemed necessary or
36 beneficial to the administration of this act;

37 (6) disclose to any person or entity that an applicant's, licensee's or
38 registrant's application, license or registration has been denied, suspended,
39 revoked or refused renewal;

40 (7) require or permit any person to file a written statement, under oath
41 or otherwise as the commissioner may direct, setting forth all the facts and
42 circumstances concerning any apparent violation of this act, or any rule
43 and regulation promulgated thereunder or any order issued pursuant to this

1 act;

2 (8) receive, as a condition in settlement of any investigation or
3 examination, a payment designated for consumer education to be
4 expended for such purpose as directed by the commissioner;

5 (9) require that any applicant, registrant, licensee or other person
6 successfully passes a standardized examination designed to establish such
7 person's knowledge of mortgage business transactions and all applicable
8 state and federal law. Such examinations shall be created and administered
9 by the commissioner or the commissioner's designee, and may be made a
10 condition of application approval or application renewal;

11 (10) require that any applicant, licensee, registrant or other person
12 complete a minimum number of prelicensing education hours and
13 complete continuing education hours on an annual basis. Prelicensing and
14 continuing education courses shall be approved by the commissioner, or
15 the commissioner's designee, and may be made a condition of application
16 approval and renewal;

17 (11) require fingerprinting of any applicant, registrant, licensee,
18 members thereof if a copartnership or association, or officers and directors
19 thereof if a corporation, or any agent acting on their behalf, or other person
20 as deemed appropriate by the commissioner. The commissioner or the
21 commissioner's designee, may submit such fingerprints to the Kansas
22 bureau of investigation, federal bureau of investigation or other law
23 enforcement agency for the purposes of verifying the identity of such
24 persons and obtaining records of their criminal arrests and convictions. For
25 the purposes of this section and in order to reduce the points of contact
26 ~~which~~ *that* the federal bureau of investigation may have to maintain with
27 the individual states, the commissioner may use the nationwide mortgage
28 licensing system and registry as a channeling agent for requesting
29 information from and distributing information to the department of justice
30 or any governmental agency;

31 (12) refer such evidence as may be available concerning any violation
32 of this act or of any rule and regulation or order hereunder to the attorney
33 general, or in consultation with the attorney general to the proper county or
34 district attorney, who may in such prosecutor's discretion, with or without
35 such a referral, institute the appropriate criminal proceedings under the
36 laws of this state;

37 (13) issue and apply to enforce subpoenas in this state at the request
38 of a comparable official of another state if the activities constituting an
39 alleged violation for which the information is sought would be a violation
40 of the Kansas mortgage business act if the activities had occurred in this
41 state;

42 (14) use the nationwide mortgage licensing system and registry as a
43 channeling agent for requesting and distributing any information regarding

1 loan originator or mortgage company licensing to and from any source so
2 directed by the commissioner;

3 (15) establish relationships or contracts with the nationwide mortgage
4 licensing system and registry or other entities to collect and maintain
5 records and process transaction fees or other fees related to applicants,
6 licensees, registrants or other persons subject to this act and to take such
7 other actions as may be reasonably necessary to participate in the
8 nationwide mortgage licensing system and registry. The commissioner
9 shall regularly report violations of law, as well as enforcement actions and
10 other relevant information to the nationwide mortgage licensing system
11 and registry;

12 (16) require any licensee or registrant to file reports with the
13 nationwide mortgage licensing system and registry in the form prescribed
14 by the commissioner or the commissioner's designee;

15 (17) receive and act on complaints, take action designed to obtain
16 voluntary compliance with the provisions of the Kansas mortgage business
17 act or commence proceedings on the commissioner's own initiative;

18 (18) provide guidance to persons and groups on their rights and duties
19 under the Kansas mortgage business act;

20 (19) enter into any informal agreement with any mortgage company
21 for a plan of action to address violations of law. The adoption of an
22 informal agreement authorized by this paragraph shall not be subject to the
23 provisions of K.S.A. 77-501 et seq., and amendments thereto, or K.S.A.
24 77-601 et seq., and amendments thereto. Any informal agreement
25 authorized by this paragraph shall not be considered an order or other
26 agency action, and shall be considered confidential examination material
27 pursuant to K.S.A. 9-2217, and amendments thereto. All such examination
28 material shall also be confidential by law and privileged, shall not be
29 subject to the open records act, K.S.A. 45-215 et seq., and amendments
30 thereto, shall not be subject to subpoena and shall not be subject to
31 discovery or admissible in evidence in any private civil action. ~~The~~
32 ~~provisions of this paragraph shall expire on July 1, 2021, unless the~~
33 ~~legislature reviews and reenacts this provision pursuant to K.S.A. 45-229,~~
34 ~~and amendments thereto, prior to July 1, 2021; and~~

35 (20) issue, amend and revoke written administrative guidance
36 documents in accordance with the applicable provisions of the Kansas
37 administrative procedure act.

38 (b) For the purpose of any examination, investigation or proceeding
39 under this act, the commissioner or any officer designated by the
40 commissioner may administer oaths and affirmations, subpoena witnesses,
41 compel such witnesses' attendance, adduce evidence and require the
42 production of any matter ~~which~~ *that* is relevant to the examination or
43 investigation, including the existence, description, nature, custody,

1 condition and location of any books, documents or other tangible things
2 and the identity and location of persons having knowledge of relevant
3 facts, or any other matter reasonably calculated to lead to the discovery of
4 relevant information or items.

5 (c) In case of contumacy by, or refusal to obey a subpoena issued to
6 any person, any court of competent jurisdiction, upon application by the
7 commissioner, may issue to that person an order requiring the person to
8 appear before the commissioner, or the officer designated by the
9 commissioner, there, to produce documentary evidence if so ordered or to
10 give evidence touching the matter under investigation or in question. Any
11 failure to obey the order of the court may be punished by the court as a
12 contempt of court.

13 (d) No person is excused from attending and testifying or from
14 producing any document or record before the commissioner or in
15 obedience to the subpoena of the commissioner or any officer designated
16 by the commissioner or in any proceeding instituted by the commissioner,
17 on the ground that the testimony or evidence, documentary or otherwise,
18 required of the person may tend to incriminate the person or subject the
19 person to a penalty or forfeiture. No individual may be prosecuted or
20 subjected to any penalty or forfeiture for or on account of any transaction,
21 matter or thing concerning which such person is compelled, after claiming
22 privilege against self-incrimination, to testify or produce evidence,
23 documentary or otherwise, except that the individual so testifying shall not
24 be exempt from prosecution and punishment for perjury committed in so
25 testifying.

26 (e) Except for refund of an excess charge, no liability is imposed
27 under the Kansas mortgage business act for an act done or omitted in
28 conformity with a rule and regulation or written administrative
29 interpretation of the commissioner in effect at the time of the act or
30 omission, notwithstanding that after the act or omission, the rule and
31 regulation or written administrative interpretation may be determined by
32 judicial or other authority to be invalid for any reason.

33 Sec. 3. K.S.A. 2020 Supp. 12-5374 is hereby amended to read as
34 follows: 12-5374. (a) (1) Except for the amounts withheld by the LCPA
35 pursuant to K.S.A. 2020 Supp. 12-5368(b), and amendments thereto, and
36 any amounts withheld pursuant to K.S.A. 2020 Supp. 12-5364(l), and
37 amendments thereto, not later than 30 days after the receipt of moneys
38 from providers pursuant to K.S.A. 2020 Supp. 12-5370 and 12-5371, and
39 amendments thereto, and the department pursuant to K.S.A. 2020 Supp.
40 12-5372, and amendments thereto, the LCPA shall distribute such moneys
41 to the PSAPs. The amount of money distributed to the PSAPs in each
42 county shall be based upon the amount of 911 fees collected from service
43 users located in that county, based on place of primary use information

1 provided by the providers, by using the following distribution method:

2 Population of county	Percentage of collected
3 where PSAP is located	911 fees to distribute
4 Over 80,000.....	82%
5 65,000 to 79,999.....	85%
6 55,000 to 64,999.....	88%
7 45,000 to 54,999.....	91%
8 35,000 to 44,999.....	94%
9 25,000 to 34,999.....	97%
10 Less than 25,000.....	100%

11 (2) There shall be a minimum county distribution of \$60,000 and no
 12 county shall receive less than \$60,000 of direct distribution moneys. If
 13 there is more than one PSAP in a county then the direct distribution
 14 allocated to that county by population shall be deducted from the
 15 minimum county distribution and the difference shall be proportionately
 16 divided between the PSAPs in the county. All moneys remaining after
 17 distribution, moneys withheld pursuant to K.S.A. 2020 Supp. 12-5368(b)
 18 (1), and amendments thereto, and any moneys that cannot be attributed to
 19 a specific PSAP shall be transferred to the 911 operations fund.

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

24 (c) All moneys in the 911 state fund that have been collected from the
 25 prepaid wireless 911 fee shall be deposited in the 911 operations fund
 26 unless \$3 million of such moneys have been deposited in any given year
 27 then all remaining moneys shall be distributed to the counties in an amount
 28 proportional to each county's population as a percentage share of the
 29 population of the state. For each PSAP within a county, such moneys shall
 30 be distributed to each PSAP in an amount proportional to the PSAP's
 31 population as a percentage share of the population of the county. If there is
 32 no PSAP within a county, then such moneys shall be distributed to the
 33 PSAP providing service to such county. Such moneys distributed to
 34 counties and PSAPs only shall be used for the uses authorized in K.S.A.
 35 2020 Supp. 12-5375, and amendments thereto.

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

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

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

45 Sec. 4. K.S.A. 2020 Supp. 16-335 is hereby amended to read as

1 follows: 16-335. (a) Except as provided by this section, all information
2 ~~which~~ *that* the secretary of state shall gather or record in making an
3 investigation and examination of any cemetery corporation, or the
4 reporting by the cemetery corporation or the trustee, shall be deemed to be
5 confidential information; and shall not be disclosed by the secretary of
6 state; *or* any assistant, examiner or employee thereof, except to:

7 (1) Officers and the members of the board of directors of the
8 cemetery corporation being audited;

9 (2) the attorney general, when in the opinion of the secretary of state
10 the same should be disclosed; and

11 (3) the appropriate official for the municipality in which the cemetery
12 resides when in the opinion of the secretary of state the same should be
13 disclosed.

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

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

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

23 Sec. 5. K.S.A. 2020 Supp. 17-1312e is hereby amended to read as
24 follows: 17-1312e. (a) Except as provided by this section, all information
25 ~~which~~ *that* the secretary of state shall gather or record in making an
26 investigation and examination of any cemetery corporation, or the
27 reporting by the cemetery corporation or the trustee, shall be deemed to be
28 confidential information; and shall not be disclosed by the secretary of
29 state; *or* any assistant, examiner or employee thereof, except to:

30 (1) Officers and the members of the board of directors of the
31 cemetery corporation being audited;

32 (2) the attorney general, when in the opinion of the secretary of state
33 the same should be disclosed; and

34 (3) the appropriate official for the municipality in which the cemetery
35 resides when in the opinion of the secretary of state the same should be
36 disclosed.

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

41 ~~(c) The provisions of subsection (a) shall expire on July 1, 2021,~~
42 ~~unless the legislature acts to reauthorize such provisions. The provisions of~~
43 ~~subsection (a) shall be reviewed by the legislature prior to July 1, 2021.~~

1 Sec. 6. K.S.A. 2020 Supp. 25-2309 is hereby amended to read as
2 follows: 25-2309. (a) Any person may apply in person, by mail, through a
3 voter registration agency, or by other delivery to a county election officer
4 to be registered. Such application shall be made on: (1) A form approved
5 by the secretary of state, ~~which~~ *and such form* shall be provided by a
6 county election officer or chief state election official upon request in
7 person, by telephone or in writing; or (2) the national mail voter
8 registration form issued pursuant to federal law.

9 Such application shall be signed by the applicant under penalty of
10 perjury and shall contain the original signature of the applicant or the
11 computerized, electronic or digitized transmitted signature of the
12 applicant. A signature may be made by mark, initials, typewriter, print,
13 stamp, symbol or any other manner if by placing the signature on the
14 document the person intends the signature to be binding. A signature may
15 be made by another person at the voter's direction if the signature reflects
16 such voter's intention.

17 (b) Applications made under this section shall give voter eligibility
18 requirements and such information as is necessary to prevent duplicative
19 voter registrations and enable the relevant election officer to assess the
20 eligibility of the applicant and to administer voter registration, including,
21 but not limited to, the following data to be kept by the relevant election
22 officer as provided by law:

- 23 (1) Name;
- 24 (2) place of residence, including specific address or location, and
25 mailing address if the residence address is not a permissible postal address;
- 26 (3) date of birth;
- 27 (4) sex;
- 28 (5) the last four digits of the person's social security number or the
29 person's full driver's license or nondriver's identification card number;
- 30 (6) telephone number, if available;
- 31 (7) naturalization data ~~(, if applicable)~~;
- 32 (8) if applicant has previously registered or voted elsewhere,
33 residence at time of last registration or voting;
- 34 (9) when present residence established;
- 35 (10) name under which applicant last registered or voted, if different
36 from present name;
- 37 (11) an attestation that the applicant meets each eligibility
38 requirement;
- 39 (12) a statement that the penalty for submission of a false voter
40 registration application is a maximum presumptive sentence of 17 months
41 in prison;
- 42 (13) a statement that, if an applicant declines to register to vote, the
43 fact that the applicant has declined to register will remain confidential and

1 will be used only for voter registration purposes;

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

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

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

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

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

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

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

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

32 (c) Any person who applies for registration through a voter
33 registration agency shall be provided with, in addition to the application
34 under subsection (b), a form ~~which~~ *that* includes:

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

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

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

43 (4) if the agency provides public assistance: (i) The statement

1 "Applying to register or declining to register to vote will not affect the
2 amount of assistance that you will be provided by this agency.";

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

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

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

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

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

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

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

33 (h) Any registered voter whose residence address is not a permissible
34 postal delivery address shall designate a postal address for registration
35 records. When a county election officer has reason to believe that a voter's
36 registration residence is not a permissible postal delivery address, the
37 county election officer shall attempt to determine a proper mailing address
38 for the voter.

39 (i) Any registered voter may request that such person's residence
40 address be concealed from public inspection on the voter registration list
41 and on the original voter registration application form. Such request shall
42 be made in writing to the county election officer, and shall specify a
43 clearly unwarranted invasion of personal privacy or a threat to the voter's

1 safety. Upon receipt of such a request, the county election officer shall take
2 appropriate steps to ensure that such person's residence address is not
3 publicly disclosed. Nothing in this subsection shall be construed as
4 requiring or authorizing the secretary of state to include on the voter
5 registration application form a space or other provision on the form that
6 would allow the applicant to request that such applicant's residence
7 address be concealed from public inspection.

8 (j) No application for voter registration shall be made available for
9 public inspection or copying unless the information required by subsection
10 (b)(5) has been removed or otherwise rendered unreadable.

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

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

31 (1) The applicant's driver's license or nondriver's identification card
32 issued by the division of vehicles or the equivalent governmental agency
33 of another state within the United States if the agency indicates on the
34 applicant's driver's license or nondriver's identification card that the person
35 has provided satisfactory proof of United States citizenship;

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

39 (3) pertinent pages of the applicant's United States valid or expired
40 passport identifying the applicant and the applicant's passport number, or
41 presentation to the county election officer of the applicant's United States
42 passport;

43 (4) the applicant's United States naturalization documents or the

1 number of the certificate of naturalization. If only the number of the
2 certificate of naturalization is provided, the applicant shall not be included
3 in the registration rolls until the number of the certificate of naturalization
4 is verified with the United States bureau of citizenship and immigration
5 services by the county election officer or the secretary of state, pursuant to
6 8 U.S.C. § 1373(c);

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

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

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

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

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

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

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

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

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

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

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

38 (2) The state election board shall give the applicant an opportunity for
39 a hearing and an opportunity to present any additional evidence to the state
40 election board. Notice of such hearing shall be given to the applicant at
41 least five days prior to the hearing date. An applicant shall have the
42 opportunity to be represented by counsel at such hearing.

43 (3) The state election board shall assess the evidence provided by the

1 applicant to determine whether the applicant has provided satisfactory
2 evidence of United States citizenship. A decision of the state election
3 board shall be determined by a majority vote of the election board.

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

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

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

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

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

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

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

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

36 (2) swearing under oath that, despite the inconsistency, the applicant
37 is the individual reflected in the document provided as evidence of
38 citizenship. However, there shall be no inconsistency between the date of
39 birth on the document provided as evidence of citizenship and the date of
40 birth provided on the application for registration. If such an affidavit is
41 submitted by the applicant, the county election officer or secretary of state
42 shall assess the eligibility of the applicant without regard to any
43 inconsistency stated in the affidavit.

1 (r) All documents submitted as evidence of citizenship shall be kept
2 confidential by the county election officer or the secretary of state and
3 maintained as provided by Kansas record retention laws. ~~The provisions of
4 this subsection shall expire on July 1, 2021, unless the legislature reviews
5 and reenacts this provision prior to July 1, 2021.~~

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

8 (t) Nothing in this section shall prohibit an applicant from providing,
9 or the secretary of state or county election officer from obtaining
10 satisfactory evidence of United States citizenship, as described in
11 subsection ~~(t)~~ (l), at a different time or in a different manner than an
12 application for registration is provided, as long as the applicant's eligibility
13 can be adequately assessed by the secretary of state or county election
14 officer as required by this section.

15 Sec. 7. K.S.A. 2020 Supp. 40-2,118 is hereby amended to read as
16 follows: 40-2,118. (a) For purposes of this act a "fraudulent insurance act"
17 means an act committed by any person who, knowingly and with intent to
18 defraud, presents, causes to be presented or prepares with knowledge or
19 belief that it will be presented to or by an insurer, purported insurer, broker
20 or any agent thereof, any written, electronic, electronic impulse, facsimile,
21 magnetic, oral, or telephonic communication or statement as part of, or in
22 support of, an application for the issuance of, or the rating of an insurance
23 policy for personal or commercial insurance, or a claim for payment or
24 other benefit pursuant to an insurance policy for commercial or personal
25 insurance ~~which~~ that such person knows to contain materially false
26 information concerning any fact material thereto; or conceals, for the
27 purpose of misleading, information concerning any fact material thereto.

28 (b) An insurer that has knowledge or a good faith belief that a
29 fraudulent insurance act is being or has been committed shall 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 require.

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

38 (d) (1) Each insurer shall have antifraud initiatives reasonably
39 calculated to detect fraudulent insurance acts. Antifraud initiatives may
40 include fraud investigators, who may be insurer employees or independent
41 contractors and an antifraud plan submitted to the commissioner ~~no~~ not
42 later than July 1, 2007. Each insurer that submits an antifraud plan shall
43 notify the commissioner of any material change in the information

1 contained in the antifraud plan within 30 days after such change occurs.
2 Such insurer shall submit to the commissioner in writing the amended
3 antifraud plan.

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

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

17 (e) Except as otherwise specifically provided in *K.S.A. 44-5,125, and*
18 *amendments thereto, and K.S.A. 2020 Supp. 21-5812(a), and amendments*
19 ~~thereto, and K.S.A. 44-5,125, and amendments thereto,~~ a fraudulent
20 insurance act shall constitute a severity level 6, nonperson felony if the
21 amount involved is \$25,000 or more; a severity level 7, nonperson felony
22 if the amount involved is at least \$5,000 but less than \$25,000; a severity
23 level 8, nonperson felony if the amount involved is at least \$1,000 but less
24 than \$5,000; and a class C nonperson misdemeanor if the amount involved
25 is less than \$1,000. Any combination of fraudulent acts as defined in
26 subsection (a) ~~which~~ that occur in a period of six consecutive months
27 ~~which involves and that involve~~ \$25,000 or more shall have a presumptive
28 sentence of imprisonment regardless of its location on the sentencing grid
29 block.

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

35 (g) For the purposes of this section:

36 (1) "Amount involved" means the greater of: (A) The actual
37 pecuniary harm resulting from the fraudulent insurance act; (B) the
38 pecuniary harm that was intended to result from the fraudulent insurance
39 act; or (C) the intended pecuniary harm that would have been impossible
40 or unlikely to occur, such as in a government sting operation or a fraud in
41 which the claim for payment or other benefit pursuant to an insurance
42 policy exceeded the allowed value. The aggregate dollar amount of the
43 fraudulent claims submitted to the insurance company shall constitute

1 prima facie evidence of the amount of intended loss and is sufficient to
2 establish the aggregate amount involved in the fraudulent insurance act, if
3 not rebutted; and

4 (2) "pecuniary harm" means harm that is monetary or that otherwise
5 is readily measurable in money, and does not include emotional distress,
6 harm to reputation or other non-economic harm.

7 (h) 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. 2020 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~~ *that* would be
15 in violation of any provision of K.S.A. 2020 Supp. 40-4909(a), and
16 amendments thereto; or

17 (C) such insurer has knowledge that such insurance agent is engaged
18 in any activity ~~which~~ *that* would be in violation of any provision of K.S.A.
19 2020 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~~ *that* would have been reportable under paragraph (1), the insurer
34 shall forward such additional information to the commissioner within 30
35 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~~ *that* would have been reportable under paragraph (1), the insurer
6 shall forward such additional information to the commissioner within 30
7 days of its discovery.

8 (c) For the purposes of this section, the term "business relationship"
9 ~~shall include~~ *includes* any appointment, employment, contract or other
10 relationship 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~~ *means* any insurer, insurance agent or
18 organization to which the commissioner belongs by virtue of the
19 commissioner's office.

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

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

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

38 (A) The NAIC;

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

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

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

1 if any, of the documents, materials or other information being shared or
2 exchanged.

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

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

11 ~~(e) The provisions of subsection (d)(2) shall expire on July 1, 2021,~~
12 ~~unless the legislature acts to reenact such provision. The provisions of~~
13 ~~subsection (d)(2) shall be reviewed by the legislature prior to July 1, 2021.~~

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

17 ~~(g)~~(f) Any insurance entity, including any authorized representative of
18 such insurance entity, that fails to report to the commissioner as required
19 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. 2020 Supp. 40-4909,
23 and amendments thereto.

24 Sec. 9. K.S.A. 2020 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 that will expire in the following year that meets the criteria
19 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 that creates an exception
27 to disclosure or limits disclosure under the open records act pursuant to
28 K.S.A. 45-221, and amendments thereto, or pursuant to any other
29 provision of law.

30 (g) A provision of law that 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 that would be significantly impaired without the
12 exception;

13 (B) protects information of a sensitive personal nature concerning
14 individuals, the release of such 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 that is used to protect or further a
22 business advantage over those who do not know or use it, if the disclosure
23 of such 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) would occur
29 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 that 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, 72-2232, 72-3438, 72-6116, 72-6267, 72-9934, 73-
10 1228, 74-2424, 74-2433f, 74-32,419, 74-4905, 74-4909, 74-50,131, 74-
11 5515, 74-7308, 74-7338, 74-8104, 74-8307, 74-8705, 74-8804, 74-9805,
12 75-104, 75-712, 75-7b15, 75-1267, 75-2943, 75-4332, 75-4362, 75-5133,
13 75-5266, 75-5665, 75-5666, 75-7310, 76-355, 76-359, 76-493, 76-12b11,
14 76-12c03, 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 that 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, 72-3415, 74-50,217 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 that 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 2015 and that
32 have been reviewed during the 2016 legislative session are hereby
33 continued in existence: 12-5611, 22-4906, 22-4909, 38-2310, 38-2311, 38-
34 2326, 40-955, 44-1132, 45-221(a)(10)(F) and (a)(50), 60-3333, 65-4a05,
35 65-445(g), 65-6154, 71-218, 75-457, 75-712c, 75-723 and 75-7c06.

36 (k) Exceptions contained in the following statutes as certified by the
37 revisor of statutes to the president of the senate and the speaker of the
38 house of representatives pursuant to subsection (e) and that have been
39 reviewed during the 2014 legislative session and continued in existence by
40 the legislature as provided in subsection (g) are hereby continued in
41 existence: 1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-
42 17,150, 12-2001, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-
43 2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48),

1 50-6a11, 56-1a610, 56a-1204, 65-1,243, 65-16,104, 65-3239, 74-50,184,
2 74-8134, 74-99b06, 77-503a and 82a-2210.

3 (l) Exceptions contained in the following statutes as certified by the
4 revisor of statutes to the president of the senate and the speaker of the
5 house of representatives pursuant to subsection (e) during 2016 and that
6 have been reviewed during the 2017 legislative session are hereby
7 continued in existence: 12-5711, 21-2511, 22-4909, 38-2313, 45-221(a)
8 (51) and (52), 65-516, 65-1505, 74-2012, 74-5607, 74-8745, 74-8752, 74-
9 8772, 75-7d01, 75-7d05, 75-5133, 75-7427 and 79-3234.

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 that
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, 72-8268, 75-
17 712 and 75-5366.

18 (n) Exceptions contained in the following statutes as certified by the
19 revisor of statutes to the president of the senate and the speaker of the
20 house of representatives pursuant to subsection (e) and that have been
21 reviewed during the 2018 legislative session are hereby continued in
22 existence: 9-513c(c)(2), 39-709, 45-221(a)(26), (53) and (54), 65-6832,
23 65-6834, 75-7c06 and 75-7c20.

24 (o) Exceptions contained in the following statutes as certified by the
25 revisor of statutes to the president of the senate and the speaker of the
26 house of representatives pursuant to subsection (e) that have been
27 reviewed during the 2019 legislative session are hereby continued in
28 existence: 21-2511(h)(2), 21-5905(a)(7), 22-2302(b) and (c), 22-2502(d)
29 and (e), 40-222(k)(7), 44-714(e), 45-221(a)(55), 46-1106(g) regarding 46-
30 1106(i), 65-2836(i), 65-2839a(c), 65-2842(d), 65-28a05(n), article 6(d) of
31 65-6230, 72-6314(a) and 74-7047(b).

32 (p) Exceptions contained in the following statutes as certified by the
33 revisor of statutes to the president of the senate and the speaker of the
34 house of representatives pursuant to subsection (e) that have been
35 reviewed during the 2020 legislative session are hereby continued in
36 existence: 38-2310(c), 40-409(j)(2), 40-6007(a), 45-221(a)(52), 46-1129,
37 59-29a22(b)(10) and 65-6747.

38 (q) *Exceptions contained in the following statutes as certified by the*
39 *revisor of statutes to the president of the senate and the speaker of the*
40 *house of representatives pursuant to subsection (e) that have been*
41 *reviewed during the 2021 legislative session are hereby continued in*
42 *existence: 22-2302(c)(4)(J) and (c)(6)(B), 22-2502(e)(4)(J) and (e)(6)(B)*
43 *and 65-6111(d)(4).*

1 Sec. 10. K.S.A. 2020 Supp. 45-254 is hereby amended to read as
2 follows: 45-254. (a) Every audio or video recording made and retained by
3 law enforcement using a body camera or a vehicle camera shall be
4 considered a criminal investigation record as defined in K.S.A. 45-217,
5 and amendments thereto. ~~The provisions of this subsection shall expire on~~
6 ~~July 1, 2021, unless the legislature reviews and reenacts this provision~~
7 ~~pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2021.~~

8 (b) In addition to any disclosure authorized pursuant to the open
9 records act, K.S.A. 45-215 et seq., and amendments thereto, a person
10 described in subsection (c) may make a request in accordance with
11 procedures adopted under K.S.A. 45-220, and amendments thereto, to
12 listen to an audio recording or to view a video recording made by a body
13 camera or a vehicle camera. The law enforcement agency shall allow the
14 person to listen to the requested audio recording or to view the requested
15 video recording within 20 days after making the request, and may charge a
16 reasonable fee for such services provided by the law enforcement agency.

17 (c) Any of the following may make a request under subsection (b):

18 (1) A person who is a subject of the recording;

19 (2) any parent or legal guardian of a person under 18 years of age
20 who is a subject of the recording;

21 (3) an heir at law, when a decedent is a subject of the recording; and

22 (4) an attorney for a person described in this subsection.

23 (d) As used in this section:

24 (1) "Body camera" means a device that is worn by a law enforcement
25 officer that electronically records audio or video of such officer's activities.

26 (2) "Heir at law" means:

27 (A) An executor or an administrator of the decedent;

28 (B) the spouse of the decedent, if living;

29 (C) if there is no living spouse of the decedent, an adult child of the
30 decedent, if living; or

31 (D) if there is no living spouse or adult child of the decedent, a parent
32 of the decedent, if living.

33 (3) "Vehicle camera" means a device that is attached to a law
34 enforcement vehicle that electronically records audio or video of law
35 enforcement officers' activities.

36 Sec. 11. K.S.A. 75-5664 is hereby amended to read as follows: 75-
37 5664. (a) There is hereby established an advisory committee on trauma.
38 The advisory committee on trauma shall be advisory to the secretary of
39 health and environment and shall be within the division of public health of
40 the department of health and environment as a part thereof.

41 ~~(b) On July 1, 2001, the advisory committee on trauma in existence~~
42 ~~immediately prior to July 1, 2001, is hereby abolished and a new advisory~~
43 ~~committee on trauma is created in accordance with this section. The terms~~

1 of all members of the advisory committee on trauma in existence prior to
2 July 1, 2001, are hereby terminated. On and after July 1, 2001, The
3 advisory committee on trauma shall be composed of 24 members
4 representing both rural and urban areas of the state appointed as follows:

5 (1) Two members shall be persons licensed to practice medicine and
6 surgery appointed by the governor. At least 30 days prior to the expiration
7 of terms described in this section, for each member to be appointed under
8 this section, the Kansas medical society shall submit to the governor a list
9 of three names of persons of recognized ability and qualification. The
10 governor shall consider such list of persons in making appointments to the
11 board under this paragraph.

12 (2) One member shall be licensed to practice osteopathic medicine
13 appointed by the governor. At least 30 days prior to the expiration of the
14 term of the member appointed under this section, the Kansas association of
15 osteopathic medicine shall submit to the governor a list of three 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 (3) Three members shall be representatives of hospitals appointed by
19 the governor. At least 30 days before the expiration of terms described in
20 this section, for each member to be appointed under this section, the
21 Kansas hospital association shall submit to the governor a list of three
22 names of persons of recognized ability and qualification. The governor
23 shall consider such list of persons in making appointments to the board
24 under this paragraph.

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

32 (5) Two members shall be emergency medical service providers as
33 defined in K.S.A. 65-6112, and amendments thereto, who are on the roster
34 of an ambulance service permitted by the board of emergency medical
35 services. At least 30 days prior to the expiration of one of these positions,
36 the Kansas emergency medical services association shall submit to the
37 governor a list of three persons of recognized ability and qualification. The
38 governor shall consider such list of persons in making this appointment to
39 the board. For the other member appointed under this section, at least 30
40 days prior to the expiration of the term of such member, the Kansas
41 emergency medical technician association shall submit a list of three
42 persons of recognized ability and qualification. The governor shall
43 consider such list of persons in making appointments to the board under

1 this paragraph.

2 (6) Two members shall be administrators of ambulance services, one
3 rural and one urban, appointed by the governor. At least 30 days prior to
4 the expiration of the terms of such members, the Kansas emergency
5 medical services association and Kansas emergency medical technician
6 association in consultation shall submit to the governor a list of four
7 persons of recognized ability and qualification. The governor shall
8 consider such list of persons in making this appointment to the board
9 under this paragraph.

10 (7) Six members shall be representatives of regional trauma councils,
11 one per council, appointed by the governor. At least 30 days prior to the
12 expiration of one of these positions, the relevant regional trauma council
13 shall submit to the governor a list of three persons of recognized ability
14 and qualification. The governor shall consider such list of persons in
15 making these appointments to the board.

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

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

21 (10) Four legislators selected as follows shall be members: The
22 chairperson and ranking minority member or their designees of the
23 committee on health and human services of the house of representatives,
24 and the chairperson and ranking minority member or their designees from
25 the committee on public health and welfare of the senate shall be
26 members.

27 (c) All members shall be residents of the state of Kansas. Particular
28 attention shall be given so that rural and urban interests and geography are
29 balanced in representation. Organizations that submit lists of names to be
30 considered for appointment by the governor under this section shall insure
31 that names of people who reside in both rural and urban areas of the state
32 are among those submitted. At least one person from each congressional
33 district shall be among the members. Of the members appointed under
34 subsection (b)(1) through (b)(7): Six shall be appointed to initial terms of
35 two years; six shall be appointed to initial terms of three years; and six
36 shall be appointed to initial terms of four years. Thereafter members shall
37 serve terms of four years and until a successor is appointed and qualified.
38 In the case of a vacancy in the membership of the advisory committee, the
39 vacancy shall be filled for the unexpired term in like manner as that
40 provided in subsection (b).

41 (d) The advisory committee shall meet quarterly and at the call of the
42 chairperson or at the request of a majority of the members. At the first
43 meeting of the advisory committee after July 1 each year, the members

1 shall elect a chairperson and vice-chairperson who shall serve for terms of
2 one year. The vice-chairperson shall exercise all of the powers of the
3 chairperson in the absence of the chairperson.

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

7 (f) (1) Any meeting of the advisory committee or any part of a
8 meeting of the advisory committee during which a review of incidents of
9 trauma injury or trauma care takes place shall be conducted in closed
10 session. The advisory committee and officers thereof when acting in their
11 official capacity in considering incidents of trauma injury or trauma care
12 shall constitute a peer review committee and peer review officers for all
13 purposes of K.S.A. 65-4915, and amendments thereto.

14 (2) The advisory committee or an officer thereof may advise, report
15 to and discuss activities, information and findings of the committee that
16 relate to incidents of trauma injury or trauma care with the secretary of
17 health and environment as provided in subsections (a) and (e) without
18 waiver of the privilege provided by this subsection and K.S.A. 65-4915,
19 and amendments thereto, and the records and findings of such committee
20 or officer that are privileged under this subsection and K.S.A. 65-4915,
21 and amendments thereto, shall remain privileged as provided by this
22 subsection and K.S.A. 65-4915, and amendments thereto, ~~prior to July 1,~~
23 ~~2021.~~

24 ~~(3) The provisions of this subsection shall expire on July 1, 2021,~~
25 ~~unless the legislature reviews and reenacts this provision prior to July 1,~~
26 ~~2021.~~

27 (g) Members of the advisory committee attending meetings of the
28 advisory committee or attending a subcommittee of the advisory
29 committee or other authorized meeting of the advisory committee shall not
30 be paid compensation but shall be paid amounts provided in K.S.A. 75-
31 3223(e), and amendments thereto.

32 Sec. 12. K.S.A. 75-5665 is hereby amended to read as follows: 75-
33 5665. (a) The secretary of health and environment, after consultation with
34 and consideration of recommendations from the advisory committee, shall:

35 (1) Develop rules and regulations necessary to carry out the
36 provisions of this act, including fixing, charging and collecting fees from
37 trauma facilities to recover all or part of the expenses incurred in the
38 designation of trauma facilities pursuant to subsection (f);

39 (2) develop a statewide trauma system plan including the
40 establishment of regional trauma councils, using the 2001 Kansas EMS-
41 Trauma Systems Plan study as a guide and not more restrictive than state
42 law. The secretary shall ensure that each council consist of at least six
43 members. Members of the councils shall consist of persons chosen for

1 their expertise in and commitment to emergency medical and trauma
2 services. Such members shall be chosen from the region and include
3 prehospital personnel, physicians, nurses and hospital personnel involved
4 with the emergency medical and trauma services and a representative of a
5 county health department. The plan should:

6 (A) Maximize local and regional control over decisions relating to
7 trauma care;

8 (B) minimize bureaucracy;

9 (C) adequately protect the confidentiality of proprietary and personal
10 health information;

11 (D) promote cost effectiveness;

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

13 (F) emphasize medical direction and involvement at all levels of the
14 system;

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

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

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

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

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

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

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

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

38 (9) assess the fiscal impact on all components of the trauma system,
39 and thereafter recommend other funding sources for the trauma system and
40 trauma registry;

41 (10) prepare and submit an annual budget in accordance with the
42 provisions of this act. Such budget shall include costs for the provision of
43 technical assistance to the regional trauma councils and the cost of

1 developing and maintaining the trauma registry and analyzing and
2 reporting on the data collected; and

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

5 (b) (1) Any meeting of a regional trauma council or any part of a
6 meeting of such a council during which a review of incidents of trauma
7 injury or trauma care takes place shall be conducted in closed session. A
8 regional trauma council and the officers thereof when acting in their
9 official capacity in considering incidents of trauma injury or trauma care
10 shall constitute a peer review committee and peer review officers for all
11 purposes of K.S.A. 65-4915, and amendments thereto.

12 (2) A regional trauma council or an officer thereof may advise, report
13 to and discuss activities, information and findings of the council which
14 relate to incidents of trauma injury or trauma care with the secretary of
15 health and environment and make reports as provided in this section
16 without waiver of the privilege provided by this subsection and K.S.A. 65-
17 4915, and amendments thereto, and the records and findings of such
18 council or officer which are privileged under this subsection and K.S.A.
19 65-4915, and amendments thereto, shall remain privileged as provided by
20 this subsection and K.S.A. 65-4915, and amendments thereto.

21 ~~(3) The provisions of this subsection shall expire on July 1, 2021,~~
22 ~~unless the legislature reviews and reenacts this provision prior to July 1,~~
23 ~~2021.~~

24 Sec. 13. K.S.A. 75-5664 and 75-5665 and K.S.A. 2020 Supp. 9-513c,
25 9-2209, 12-5374, 16-335, 17-1312e, 25-2309, 40-2,118, 40-4913, 45-229
26 and 45-254 are hereby repealed.

27 Sec. 14. This act shall take effect and be in force from and after its
28 publication in the statute book.