

**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; ***creating exemptions in the open records act for***  
4 ***cybersecurity assessments, plans and vulnerabilities***; amending  
5 K.S.A. 75-5664 and 75-5665 and K.S.A. 2020 Supp. 9-513c, 9-2209,  
6 12-5374, 16-335, 17-1312e, 25-2309, 40-2,118, 40-4913, ***45-217, 45-***  
7 ***221***, 45-229 and 45-254 and repealing the existing sections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (7) require or permit any person to file a written statement, under oath  
43 or otherwise as the commissioner may direct, setting forth all the facts and

1 circumstances concerning any apparent violation of this act, or any rule  
2 and regulation promulgated thereunder or any order issued pursuant to this  
3 act;

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

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

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

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

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

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

1 (14) use the nationwide mortgage licensing system and registry as a  
2 channeling agent for requesting and distributing any information regarding  
3 loan originator or mortgage company licensing to and from any source so  
4 directed by the commissioner;

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

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

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

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

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

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

40 (b) For the purpose of any examination, investigation or proceeding  
41 under this act, the commissioner or any officer designated by the  
42 commissioner may administer oaths and affirmations, subpoena witnesses,  
43 compel such witnesses' attendance, adduce evidence and require the

1 production of any matter—~~which~~ *that* is relevant to the examination or  
2 investigation, including the existence, description, nature, custody,  
3 condition and location of any books, documents or other tangible things  
4 and the identity and location of persons having knowledge of relevant  
5 facts, or any other matter reasonably calculated to lead to the discovery of  
6 relevant information or items.

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

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

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

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

1 county shall be based upon the amount of 911 fees collected from service  
 2 users located in that county, based on place of primary use information  
 3 provided by the providers, by using the following distribution method:

4 Population of county 5 where PSAP is located	6 Percentage of collected 7 911 fees to distribute
8 Over 80,000.....	82%
9 65,000 to 79,999.....	85%
10 55,000 to 64,999.....	88%
11 45,000 to 54,999.....	91%
12 35,000 to 44,999.....	94%
13 25,000 to 34,999.....	97%
14 Less than 25,000.....	100%

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

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

28 (c) All moneys in the 911 state fund that have been collected from the  
 29 prepaid wireless 911 fee shall be deposited in the 911 operations fund  
 30 unless \$3 million of such moneys have been deposited in any given year  
 31 then all remaining moneys shall be distributed to the counties in an amount  
 32 proportional to each county's population as a percentage share of the  
 33 population of the state. For each PSAP within a county, such moneys shall  
 34 be distributed to each PSAP in an amount proportional to the PSAP's  
 35 population as a percentage share of the population of the county. If there is  
 36 no PSAP within a county, then such moneys shall be distributed to the  
 37 PSAP providing service to such county. Such moneys distributed to  
 38 counties and PSAPs only shall be used for the uses authorized in K.S.A.  
 39 2020 Supp. 12-5375, and amendments thereto.

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

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

~~46 (f) The provisions of subsection (e) shall expire on July 1, 2021,  
 47 unless the legislature acts to reenact such provision. The provisions of~~

1 subsection (c) shall be reviewed by the legislature prior to July 1, 2021.

2 Sec. 4. K.S.A. 2020 Supp. 16-335 is hereby amended to read as  
3 follows: 16-335. (a) Except as provided by this section, all information  
4 ~~which~~ *that* the secretary of state shall gather or record in making an  
5 investigation and examination of any cemetery corporation, or the  
6 reporting by the cemetery corporation or the trustee, shall be deemed to be  
7 confidential information; and shall not be disclosed by the secretary of  
8 state; *or* any assistant, examiner or employee thereof, except to:

9 (1) Officers and the members of the board of directors of the  
10 cemetery corporation being audited;

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

13 (3) the appropriate official for the municipality in which the cemetery  
14 resides when in the opinion of the secretary of state the same should be  
15 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, 2021,  
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, 2021.~~

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

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

32 (1) Officers and the members of the board of directors of the  
33 cemetery corporation being audited;

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

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

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

43 ~~(c) The provisions of subsection (a) shall expire on July 1, 2021,~~

1 ~~unless the legislature acts to reauthorize such provisions. The provisions of~~  
2 ~~subsection (a) shall be reviewed by the legislature prior to July 1, 2021.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (3) a statement that if the applicant does register to vote, information  
43 regarding the office to which the application was submitted will remain

1 confidential and be used only for voter registration purposes; and

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

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

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

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

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

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

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

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

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

41 (i) Any registered voter may request that such person's residence  
42 address be concealed from public inspection on the voter registration list  
43 and on the original voter registration application form. Such request shall

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

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

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

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

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

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

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

1 passport;

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

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

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

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

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

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

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

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

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

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

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

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

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

1 opportunity to be represented by counsel at such hearing.

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

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

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

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

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

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

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

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

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

38 (2) swearing under oath that, despite the inconsistency, the applicant  
39 is the individual reflected in the document provided as evidence of  
40 citizenship. However, there shall be no inconsistency between the date of  
41 birth on the document provided as evidence of citizenship and the date of  
42 birth provided on the application for registration. If such an affidavit is  
43 submitted by the applicant, the county election officer or secretary of state

1 shall assess the eligibility of the applicant without regard to any  
2 inconsistency stated in the affidavit.

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

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

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

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

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

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

40 (d) (1) Each insurer shall have antifraud initiatives reasonably  
41 calculated to detect fraudulent insurance acts. Antifraud initiatives may  
42 include fraud investigators, who may be insurer employees or independent  
43 contractors and an antifraud plan submitted to the commissioner ~~no~~ not

1 later than July 1, 2007. Each insurer that submits an antifraud plan shall  
2 notify the commissioner of any material change in the information  
3 contained in the antifraud plan within 30 days after such change occurs.  
4 Such insurer shall submit to the commissioner in writing the amended  
5 antifraud plan.

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

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

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

38 (1) "Amount involved" means the greater of: (A) The actual  
39 pecuniary harm resulting from the fraudulent insurance act; (B) the  
40 pecuniary harm that was intended to result from the fraudulent insurance  
41 act; or (C) the intended pecuniary harm that would have been impossible  
42 or unlikely to occur, such as in a government sting operation or a fraud in  
43 which the claim for payment or other benefit pursuant to an insurance

1 policy exceeded the allowed value. The aggregate dollar amount of the  
2 fraudulent claims submitted to the insurance company shall constitute  
3 prima facie evidence of the amount of intended loss and is sufficient to  
4 establish the aggregate amount involved in the fraudulent insurance act, if  
5 not rebutted; and

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

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

11 Sec. 8. K.S.A. 2020 Supp. 40-4913 is hereby amended to read as  
12 follows: 40-4913. (a) (1) Each insurer shall notify the commissioner  
13 whenever such insurer terminates a business relationship with an insurance  
14 agent if:

15 (A) The termination is for cause;

16 (B) such insurance agent has committed any act ~~which~~ *that* would be  
17 in violation of any provision of K.S.A. 2020 Supp. 40-4909(a), and  
18 amendments thereto; or

19 (C) such insurer has knowledge that such insurance agent is engaged  
20 in any activity ~~which~~ *that* would be in violation of any provision of K.S.A.  
21 2020 Supp. 40-4909(a), and amendments thereto.

22 (2) The notification shall:

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

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

26 (C) contain:

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

28 (ii) the reason for the termination of the business relationship with  
29 such insurer.

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~~ *that* would have been reportable under paragraph (1), the insurer  
36 shall forward such additional information to the commissioner within 30  
37 days of its discovery.

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

41 (2) The notification shall:

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

43 (B) be submitted to the commissioner within 30 days of the date of

1 the termination of the business relationship.

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

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

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

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

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

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

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

40 (A) The NAIC;

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

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

43 (5) (A) The sharing or exchanging of documents, materials or other

1 information under this subsection shall be conditioned upon the recipient's  
2 authority and agreement to maintain the confidential and privileged status,  
3 if any, of the documents, materials or other information being shared or  
4 exchanged.

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

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

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

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

19 ~~(g)~~(f) Any insurance entity, including any authorized representative of  
20 such insurance entity, that fails to report to the commissioner as required  
21 under the provisions of this section or that is found by a court of  
22 competent jurisdiction to have failed to report in good faith, after notice  
23 and hearing, may have its license or certificate of authority suspended or  
24 revoked and may be fined in accordance with K.S.A. 2020 Supp. 40-4909,  
25 and amendments thereto.

26 ***Sec. 9. K.S.A. 2020 Supp. 45-217 is hereby amended to read as***  
27 ***follows: 45-217. As used in the open records act, unless the context***  
28 ***otherwise requires:***

29 (a) ***"Business day" means any day other than a Saturday, Sunday***  
30 ***or day designated as a holiday by the congress of the United States, by***  
31 ***the legislature or governor of this state or by the respective political***  
32 ***subdivision of this state.***

33 (b) ***"Clearly unwarranted invasion of personal privacy" means***  
34 ***revealing information that would be highly offensive to a reasonable***  
35 ***person, including information that may pose a risk to a person or***  
36 ***property and is not of legitimate concern to the public.***

37 (c) ***"Criminal investigation records" means: (1) Every audio or***  
38 ***video recording made and retained by law enforcement using a body***  
39 ***camera or vehicle camera as defined by K.S.A. 2020 Supp. 45-254, and***  
40 ***amendments thereto; and (2) records of an investigatory agency or***  
41 ***criminal justice agency as defined by K.S.A. 22-4701, and amendments***  
42 ***thereto, compiled in the process of preventing, detecting or investigating***  
43 ***violations of criminal law, but does not include police blotter entries,***

1 *court records, rosters of inmates of jails or other correctional or*  
2 *detention facilities or records pertaining to violations of any traffic law*  
3 *other than vehicular homicide as defined by K.S.A. 21-3405, prior to its*  
4 *repeal, or K.S.A. 2020 Supp. 21-5406, and amendments thereto.*

5 *(d) "Custodian" means the official custodian or any person*  
6 *designated by the official custodian to carry out the duties of custodian*  
7 *of this act.*

8 *(e) "Cybersecurity assessment" means an investigation undertaken by*  
9 *a person, governmental body or other entity to identify vulnerabilities in*  
10 *cybersecurity plans.*

11 *(f) "Cybersecurity plan" means information about a person's*  
12 *information systems, network security, encryption, network mapping,*  
13 *access control, passwords, authentication practices, computer hardware*  
14 *or software or response to cybersecurity incidents.*

15 *(g) "Cybersecurity vulnerability" means a deficiency within computer*  
16 *hardware or software, or within a computer network or information*  
17 *system, that could be exploited by unauthorized parties for use against an*  
18 *individual computer user or a computer network or information system.*

19 *(h) "Official custodian" means any officer or employee of a public*  
20 *agency who is responsible for the maintenance of public records,*  
21 *regardless of whether such records are in the officer's or employee's*  
22 *actual personal custody and control.*

23 ~~(i)~~ *(1) "Public agency" means the state or any political or taxing*  
24 *subdivision of the state or any office, agency or instrumentality thereof,*  
25 *or any other entity receiving or expending and supported in whole or in*  
26 *part by the public funds appropriated by the state or by public funds of*  
27 *any political or taxing subdivision of the state.*

28 *(2) "Public agency" shall does not include:*

29 *(A) Any entity solely by reason of payment from public funds for*  
30 *property, goods or services of such entity; or (B) any municipal judge,*  
31 *judge of the district court, judge of the court of appeals or justice of the*  
32 *supreme court.*

33 ~~(j)~~ *(1) "Public record" means any recorded information,*  
34 *regardless of form, characteristics or location, which is made,*  
35 *maintained or kept by or is in the possession of:*

36 *(A) Any public agency; or*

37 *(B) any officer or employee of a public agency pursuant to the*  
38 *officer's or employee's official duties and which is related to the*  
39 *functions, activities, programs or operations of any public agency.*

40 *(2) "Public record" shall include includes, but is not be limited to,*  
41 *an agreement in settlement of litigation involving the Kansas public*  
42 *employees retirement system and the investment of moneys of the fund.*

43 *(3) Notwithstanding the provisions of subsection ~~(g)~~ (j)(1), "public*

1 *record" shall does not include:*

2 (A) *Records which that are owned by a private person or entity and*  
3 *are not related to functions, activities, programs or operations funded by*  
4 *public funds. As used in this subparagraph, "private person" shall does*  
5 *not include an officer or employee of a public agency who is acting*  
6 *pursuant to the officer's or employee's official duties;*

7 (B) *records which that are made, maintained or kept by an*  
8 *individual who is a member of the legislature or of the governing body*  
9 *of any political or taxing subdivision of the state; or*

10 (C) *records of employers related to the employer's individually*  
11 *identifiable contributions made on behalf of employees for workers*  
12 *compensation, social security, unemployment insurance or retirement.*  
13 *The provisions of this subparagraph shall not apply to records of*  
14 *employers of lump-sum payments for contributions as described in this*  
15 *subparagraph paid for any group, division or section of an agency.*

16 (H)(k) *"Undercover agent" means an employee of a public agency*  
17 *responsible for criminal law enforcement who is engaged in the*  
18 *detection or investigation of violations of criminal law in a capacity*  
19 *where such employee's identity or employment by the public agency is*  
20 *secret.*

21 *Sec. 10. K.S.A. 2020 Supp. 45-221 is hereby amended to read as*  
22 *follows: 45-221. (a) Except to the extent disclosure is otherwise required*  
23 *by law, a public agency shall not be required to disclose:*

24 (1) *Records the disclosure of which is specifically prohibited or*  
25 *restricted by federal law, state statute or rule of the Kansas supreme*  
26 *court or rule of the senate committee on confirmation oversight relating*  
27 *to information submitted to the committee pursuant to K.S.A. 75-4315d,*  
28 *and amendments thereto, or the disclosure of which is prohibited or*  
29 *restricted pursuant to specific authorization of federal law, state statute*  
30 *or rule of the Kansas supreme court or rule of the senate committee on*  
31 *confirmation oversight relating to information submitted to the*  
32 *committee pursuant to K.S.A. 75-4315d, and amendments thereto, to*  
33 *restrict or prohibit disclosure.*

34 (2) *Records which that are privileged under the rules of evidence,*  
35 *unless the holder of the privilege consents to the disclosure.*

36 (3) *Medical, psychiatric, psychological or alcoholism or drug*  
37 *dependency treatment records which that pertain to identifiable patients.*

38 (4) *Personnel records, performance ratings or individually*  
39 *identifiable records pertaining to employees or applicants for*  
40 *employment, except that this exemption shall not apply to the names,*  
41 *positions, salaries or actual compensation employment contracts or*  
42 *employment-related contracts or agreements and lengths of service of*  
43 *officers and employees of public agencies once they are employed as*

1 *such.*

2 (5) *Information ~~which~~—that would reveal the identity of any*  
3 *undercover agent or any informant reporting a specific violation of law.*

4 (6) *Letters of reference or recommendation pertaining to the*  
5 *character or qualifications of an identifiable individual, except*  
6 *documents relating to the appointment of persons to fill a vacancy in an*  
7 *elected office.*

8 (7) *Library, archive and museum materials contributed by private*  
9 *persons, to the extent of any limitations imposed as conditions of the*  
10 *contribution.*

11 (8) *Information ~~which~~—that would reveal the identity of an*  
12 *individual who lawfully makes a donation to a public agency, if*  
13 *anonymity of the donor is a condition of the donation, except if the*  
14 *donation is intended for or restricted to providing remuneration or*  
15 *personal tangible benefit to a named public officer or employee.*

16 (9) *Testing and examination materials, before the test or*  
17 *examination is given or if it is to be given again, or records of individual*  
18 *test or examination scores, other than records ~~which~~ that show only*  
19 *passage or failure and not specific scores.*

20 (10) *Criminal investigation records, except as provided herein. The*  
21 *district court, in an action brought pursuant to K.S.A. 45-222, and*  
22 *amendments thereto, may order disclosure of such records, subject to*  
23 *such conditions as the court may impose, if the court finds that*  
24 *disclosure:*

25 (A) *Is in the public interest;*

26 (B) *would not interfere with any prospective law enforcement*  
27 *action, criminal investigation or prosecution;*

28 (C) *would not reveal the identity of any confidential source or*  
29 *undercover agent;*

30 (D) *would not reveal confidential investigative techniques or*  
31 *procedures not known to the general public;*

32 (E) *would not endanger the life or physical safety of any person;*  
33 *and*

34 (F) *would not reveal the name, address, phone number or any other*  
35 *information ~~which~~—that specifically and individually identifies the victim*  
36 *of any sexual offense in article 35 of chapter 21 of the Kansas Statutes*  
37 *Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas*  
38 *Statutes Annotated, and amendments thereto.*

39 *If a public record is discretionarily closed by a public agency*  
40 *pursuant to this subsection, the record custodian, upon request, shall*  
41 *provide a written citation to the specific provisions of ~~paragraphs~~*  
42 *subparagraphs (A) through (F) that necessitate closure of that public*  
43 *record.*

1       (11) *Records of agencies involved in administrative adjudication or*  
2 *civil litigation, compiled in the process of detecting or investigating*  
3 *violations of civil law or administrative rules and regulations, if*  
4 *disclosure would interfere with a prospective administrative adjudication*  
5 *or civil litigation or reveal the identity of a confidential source or*  
6 *undercover agent.*

7       (12) *Records of emergency or security information or procedures of*  
8 *a public agency, if disclosure would jeopardize public safety, including*  
9 *records of cybersecurity plans, cybersecurity assessments and*  
10 *cybersecurity vulnerabilities or procedures related to cybersecurity plans,*  
11 *cybersecurity assessments and cybersecurity vulnerabilities, or plans,*  
12 *drawings, specifications or related information for any building or*  
13 *facility ~~which that is used for purposes requiring security measures in or~~*  
14 *around the building or facility or ~~which that is used for the generation or~~*  
15 *transmission of power, water, fuels or communications, if disclosure*  
16 *would jeopardize security of the public agency, building or facility.*

17       (13) *The contents of appraisals or engineering or feasibility*  
18 *estimates or evaluations made by or for a public agency relative to the*  
19 *acquisition of property, prior to the award of formal contracts therefor.*

20       (14) *Correspondence between a public agency and a private*  
21 *individual, other than correspondence ~~which that is intended to give~~*  
22 *notice of an action, policy or determination relating to any regulatory,*  
23 *supervisory or enforcement responsibility of the public agency or ~~which~~*  
24 *that is widely distributed to the public by a public agency and is not*  
25 *specifically in response to communications from such a private*  
26 *individual.*

27       (15) *Records pertaining to employer-employee negotiations, if*  
28 *disclosure would reveal information discussed in a lawful executive*  
29 *session under K.S.A. 75-4319, and amendments thereto.*

30       (16) *Software programs for electronic data processing and*  
31 *documentation thereof, but each public agency shall maintain a register,*  
32 *open to the public, that describes:*

33       (A) *The information ~~which that the agency maintains on computer~~*  
34 *facilities; and*

35       (B) *the form in which the information can be made available using*  
36 *existing computer programs.*

37       (17) *Applications, financial statements and other information*  
38 *submitted in connection with applications for student financial*  
39 *assistance where financial need is a consideration for the award.*

40       (18) *Plans, designs, drawings or specifications ~~which that are~~*  
41 *prepared by a person other than an employee of a public agency or*  
42 *records ~~which that are the property of a private person.~~*

43       (19) *Well samples, logs or surveys ~~which that the state corporation~~*

1 *commission requires to be filed by persons who have drilled or caused to*  
2 *be drilled, or are drilling or causing to be drilled, holes for the purpose*  
3 *of discovery or production of oil or gas, to the extent that disclosure is*  
4 *limited by rules and regulations of the state corporation commission.*

5 (20) *Notes, preliminary drafts, research data in the process of*  
6 *analysis, unfunded grant proposals, memoranda, recommendations or*  
7 *other records in which opinions are expressed or policies or actions are*  
8 *proposed, except that this exemption shall not apply when such records*  
9 *are publicly cited or identified in an open meeting or in an agenda of an*  
10 *open meeting.*

11 (21) *Records of a public agency having legislative powers, which*  
12 *records pertain to proposed legislation or amendments to proposed*  
13 *legislation, except that this exemption shall not apply when such records*  
14 *are:*

15 (A) *Publicly cited or identified in an open meeting or in an agenda*  
16 *of an open meeting; or*

17 (B) *distributed to a majority of a quorum of any body ~~which~~ that*  
18 *has authority to take action or make recommendations to the public*  
19 *agency with regard to the matters to which such records pertain.*

20 (22) *Records of a public agency having legislative powers, which*  
21 *records pertain to research prepared for one or more members of such*  
22 *agency, except that this exemption shall not apply when such records*  
23 *are:*

24 (A) *Publicly cited or identified in an open meeting or in an agenda*  
25 *of an open meeting; or*

26 (B) *distributed to a majority of a quorum of any body ~~which~~ that*  
27 *has authority to take action or make recommendations to the public*  
28 *agency with regard to the matters to which such records pertain.*

29 (23) *Library patron and circulation records ~~which~~ that pertain to*  
30 *identifiable individuals.*

31 (24) *Records ~~which~~ that are compiled for census or research*  
32 *purposes and which pertain to identifiable individuals.*

33 (25) *Records ~~which~~ that represent and constitute the work product*  
34 *of an attorney.*

35 (26) *Records of a utility or other public service pertaining to*  
36 *individually identifiable residential customers of the utility or service.*

37 (27) *Specifications for competitive bidding, until the specifications*  
38 *are officially approved by the public agency.*

39 (28) *Sealed bids and related documents, until a bid is accepted or*  
40 *all bids rejected.*

41 (29) *Correctional records pertaining to an identifiable inmate or*  
42 *release, except that:*

43 (A) *The name; photograph and other identifying information;*

1 *sentence data; parole eligibility date; custody or supervision level;*  
2 *disciplinary record; supervision violations; conditions of supervision,*  
3 *excluding requirements pertaining to mental health or substance abuse*  
4 *counseling; location of facility where incarcerated or location of parole*  
5 *office maintaining supervision and address of a releasee whose crime*  
6 *was committed after the effective date of this act shall be subject to*  
7 *disclosure to any person other than another inmate or releasee, except*  
8 *that the disclosure of the location of an inmate transferred to another*  
9 *state pursuant to the interstate corrections compact shall be at the*  
10 *discretion of the secretary of corrections;*

11 *(B) the attorney general, law enforcement agencies, counsel for the*  
12 *inmate to whom the record pertains and any county or district attorney*  
13 *shall have access to correctional records to the extent otherwise*  
14 *permitted by law;*

15 *(C) the information provided to the law enforcement agency*  
16 *pursuant to the sex offender registration act, K.S.A. 22-4901 et seq., and*  
17 *amendments thereto, shall be subject to disclosure to any person, except*  
18 *that the name, address, telephone number or any other information*  
19 *which specifically and individually identifies the victim of any offender*  
20 *required to register as provided by the Kansas offender registration act,*  
21 *K.S.A. 22-4901 et seq., and amendments thereto, shall not be disclosed;*  
22 *and*

23 *(D) records of the department of corrections regarding the*  
24 *financial assets of an offender in the custody of the secretary of*  
25 *corrections shall be subject to disclosure to the victim, or such victim's*  
26 *family, of the crime for which the inmate is in custody as set forth in an*  
27 *order of restitution by the sentencing court.*

28 *(30) Public records containing information of a personal nature*  
29 *where the public disclosure thereof would constitute a clearly*  
30 *unwarranted invasion of personal privacy.*

31 *(31) Public records pertaining to prospective location of a business*  
32 *or industry where no previous public disclosure has been made of the*  
33 *business' or industry's interest in locating in, relocating within or*  
34 *expanding within the state. This exception shall not include those*  
35 *records pertaining to application of agencies for permits or licenses*  
36 *necessary to do business or to expand business operations within this*  
37 *state, except as otherwise provided by law.*

38 *(32) Engineering and architectural estimates made by or for any*  
39 *public agency relative to public improvements.*

40 *(33) Financial information submitted by contractors in*  
41 *qualification statements to any public agency.*

42 *(34) Records involved in the obtaining and processing of*  
43 *intellectual property rights that are expected to be, wholly or partially*

1 *vested in or owned by a state educational institution, as defined in K.S.A.*  
2 *76-711, and amendments thereto, or an assignee of the institution*  
3 *organized and existing for the benefit of the institution.*

4 *(35) Any report or record ~~which that~~ is made pursuant to K.S.A. 65-*  
5 *4922, 65-4923 or 65-4924, and amendments thereto, and ~~which that~~ is*  
6 *privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments*  
7 *thereto.*

8 *(36) Information ~~which that~~ would reveal the precise location of an*  
9 *archeological site.*

10 *(37) Any financial data or traffic information from a railroad*  
11 *company, to a public agency, concerning the sale, lease or rehabilitation*  
12 *of the railroad's property in Kansas.*

13 *(38) Risk-based capital reports, risk-based capital plans and*  
14 *corrective orders including the working papers and the results of any*  
15 *analysis filed with the commissioner of insurance in accordance with*  
16 *K.S.A. 40-2c20 and 40-2d20, and amendments thereto.*

17 *(39) Memoranda and related materials required to be used to*  
18 *support the annual actuarial opinions submitted pursuant to K.S.A. 40-*  
19 *409(b), and amendments thereto.*

20 *(40) Disclosure reports filed with the commissioner of insurance*  
21 *under K.S.A. 40-2,156(a), and amendments thereto.*

22 *(41) All financial analysis ratios and examination synopses*  
23 *concerning insurance companies that are submitted to the commissioner*  
24 *by the national association of insurance commissioners' insurance*  
25 *regulatory information system.*

26 *(42) Any records the disclosure of which is restricted or prohibited*  
27 *by a tribal-state gaming compact.*

28 *(43) Market research, market plans, business plans and the terms*  
29 *and conditions of managed care or other third-party contracts,*  
30 *developed or entered into by the university of Kansas medical center in*  
31 *the operation and management of the university hospital ~~which that~~ the*  
32 *chancellor of the university of Kansas or the chancellor's designee*  
33 *determines would give an unfair advantage to competitors of the*  
34 *university of Kansas medical center.*

35 *(44) The amount of franchise tax paid to the secretary of revenue*  
36 *or the secretary of state by domestic corporations, foreign corporations,*  
37 *domestic limited liability companies, foreign limited liability companies,*  
38 *domestic limited partnership, foreign limited partnership, domestic*  
39 *limited liability partnerships and foreign limited liability partnerships.*

40 *(45) Records, other than criminal investigation records, the*  
41 *disclosure of which would pose a substantial likelihood of revealing*  
42 *security measures that protect: (A) Systems, facilities or equipment used*  
43 *in the production, transmission or distribution of energy, water or*

1 *communications services; (B) transportation and sewer or wastewater*  
2 *treatment systems, facilities or equipment; or (C) private property or*  
3 *persons, if the records are submitted to the agency. For purposes of this*  
4 *paragraph, security means measures that protect against criminal acts*  
5 *intended to intimidate or coerce the civilian population, influence*  
6 *government policy by intimidation or coercion or to affect the operation*  
7 *of government by disruption of public services, mass destruction,*  
8 *assassination or kidnapping. Security measures include, but are not*  
9 *limited to, intelligence information, tactical plans, resource deployment*  
10 *and vulnerability assessments.*

11 *(46) Any information or material received by the register of deeds*  
12 *of a county from military discharge papers, DD Form 214. Such papers*  
13 *shall be disclosed: To the military dischargée; to such dischargée's*  
14 *immediate family members and lineal descendants; to such dischargée's*  
15 *heirs, agents or assigns; to the licensed funeral director who has custody*  
16 *of the body of the deceased dischargée; when required by a department*  
17 *or agency of the federal or state government or a political subdivision*  
18 *thereof; when the form is required to perfect the claim of military service*  
19 *or honorable discharge or a claim of a dependent of the dischargée; and*  
20 *upon the written approval of the commissioner of veterans affairs, to a*  
21 *person conducting research.*

22 *(47) Information that would reveal the location of a shelter or a*  
23 *safehouse or similar place where persons are provided protection from*  
24 *abuse or the name, address, location or other contact information of*  
25 *alleged victims of stalking, domestic violence or sexual assault.*

26 *(48) Policy information provided by an insurance carrier in*  
27 *accordance with K.S.A. 44-532(h)(1), and amendments thereto. This*  
28 *exemption shall not be construed to preclude access to an individual*  
29 *employer's record for the purpose of verification of insurance coverage*  
30 *or to the department of labor for their business purposes.*

31 *(49) An individual's e-mail address, cell phone number and other*  
32 *contact information ~~which~~ that has been given to the public agency for*  
33 *the purpose of public agency notifications or communications which are*  
34 *widely distributed to the public.*

35 *(50) Information provided by providers to the local collection point*  
36 *administrator or to the 911 coordinating council pursuant to the Kansas*  
37 *911 act, and amendments thereto, upon request of the party submitting*  
38 *such records.*

39 *(51) Records of a public agency on a public website ~~which~~ that are*  
40 *searchable by a keyword search and identify the home address or home*  
41 *ownership of a law enforcement officer as defined in K.S.A. 2020 Supp.*  
42 *21-5111, and amendments thereto, parole officer, probation officer, court*  
43 *services officer or community correctional services officer. Such*

1 *individual officer shall file with the custodian of such record a request to*  
2 *have such officer's identifying information restricted from public access*  
3 *on such public website. Within 10 business days of receipt of such*  
4 *requests, the public agency shall restrict such officer's identifying*  
5 *information from such public access. Such restriction shall expire after*  
6 *five years and such officer may file with the custodian of such record a*  
7 *new request for restriction at any time.*

8 (52) *Records of a public agency on a public website ~~which~~ that are*  
9 *searchable by a keyword search and identify the home address or home*  
10 *ownership of a federal judge, a justice of the supreme court, a judge of*  
11 *the court of appeals, a district judge, a district magistrate judge, a*  
12 *municipal judge, the United States attorney for the district of Kansas, an*  
13 *assistant United States attorney, a special assistant United States*  
14 *attorney, the attorney general, an assistant attorney general, a special*  
15 *assistant attorney general, a county attorney, an assistant county*  
16 *attorney, a special assistant county attorney, a district attorney, an*  
17 *assistant district attorney, a special assistant district attorney, a city*  
18 *attorney, an assistant city attorney or a special assistant city attorney.*  
19 *Such person shall file with the custodian of such record a request to*  
20 *have such person's identifying information restricted from public access*  
21 *on such public website. Within 10 business days of receipt of such*  
22 *requests, the public agency shall restrict such person's identifying*  
23 *information from such public access. Such restriction shall expire after*  
24 *five years and such person may file with the custodian of such record a*  
25 *new request for restriction at any time.*

26 (53) *Records of a public agency that would disclose the name, home*  
27 *address, zip code, e-mail address, phone number or cell phone number*  
28 *or other contact information for any person licensed to carry concealed*  
29 *handguns or of any person who enrolled in or completed any weapons*  
30 *training in order to be licensed or has made application for such license*  
31 *under the personal and family protection act, K.S.A. 75-7c01 et seq., and*  
32 *amendments thereto, shall not be disclosed unless otherwise required by*  
33 *law.*

34 (54) *Records of a utility concerning information about cyber*  
35 *security threats, attacks or general attempts to attack utility operations*  
36 *provided to law enforcement agencies, the state corporation commission,*  
37 *the federal energy regulatory commission, the department of energy, the*  
38 *southwest power pool, the North American electric reliability*  
39 *corporation, the federal communications commission or any other*  
40 *federal, state or regional organization that has a responsibility for the*  
41 *safeguarding of telecommunications, electric, potable water, waste water*  
42 *disposal or treatment, motor fuel or natural gas energy supply systems.*

43 (55) *Records of a public agency containing information or reports*

1 *obtained and prepared by the office of the state bank commissioner in*  
2 *the course of licensing or examining a person engaged in money*  
3 *transmission business pursuant to K.S.A. 9-508 et seq., and amendments*  
4 *thereto, shall not be disclosed except pursuant to K.S.A. 9-513c, and*  
5 *amendments thereto, or unless otherwise required by law.*

6 *(b) Except to the extent disclosure is otherwise required by law or*  
7 *as appropriate during the course of an administrative proceeding or on*  
8 *appeal from agency action, a public agency or officer shall not disclose*  
9 *financial information of a taxpayer ~~which~~ that may be required or*  
10 *requested by a county appraiser or the director of property valuation to*  
11 *assist in the determination of the value of the taxpayer's property for ad*  
12 *valorem taxation purposes; or any financial information of a personal*  
13 *nature required or requested by a public agency or officer, including a*  
14 *name, job description or title revealing the salary or other compensation*  
15 *of officers, employees or applicants for employment with a firm,*  
16 *corporation or agency, except a public agency. Nothing contained herein*  
17 *shall be construed to prohibit the publication of statistics, so classified as*  
18 *to prevent identification of particular reports or returns and the items*  
19 *thereof.*

20 *(c) As used in this section, the term "cited or identified" ~~shall~~ does*  
21 *not include a request to an employee of a public agency that a document*  
22 *be prepared.*

23 *(d) If a public record contains material ~~which~~ that is not subject to*  
24 *disclosure pursuant to this act, the public agency shall separate or delete*  
25 *such material and make available to the requester that material in the*  
26 *public record ~~which~~ that is subject to disclosure pursuant to this act. If a*  
27 *public record is not subject to disclosure because it pertains to an*  
28 *identifiable individual, the public agency shall delete the identifying*  
29 *portions of the record and make available to the requester any*  
30 *remaining portions ~~which~~ that are subject to disclosure pursuant to this*  
31 *act, unless the request is for a record pertaining to a specific individual*  
32 *or to such a limited group of individuals that the individuals' identities*  
33 *are reasonably ascertainable, the public agency shall not be required to*  
34 *disclose those portions of the record ~~which~~ that pertain to such*  
35 *individual or individuals.*

36 *(e) The provisions of this section shall not be construed to exempt*  
37 *from public disclosure statistical information not descriptive of any*  
38 *identifiable person.*

39 *(f) Notwithstanding the provisions of subsection (a), any public*  
40 *record ~~which~~ that has been in existence more than 70 years shall be*  
41 *open for inspection by any person unless disclosure of the record is*  
42 *specifically prohibited or restricted by federal law, state statute or rule of*  
43 *the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-*

1 **6214, and amendments thereto.**

2 **(g) Any confidential records or information relating to security**  
3 **measures provided or received under the provisions of subsection (a)(45)**  
4 **shall not be subject to subpoena, discovery or other demand in any**  
5 **administrative, criminal or civil action.**

6 Sec. ~~9~~ 11. K.S.A. 2020 Supp. 45-229 is hereby amended to read as  
7 follows: 45-229. (a) It is the intent of the legislature that exceptions to  
8 disclosure under the open records act shall be created or maintained only  
9 if:

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

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

14 (3) the public record affects confidential information.

15 The maintenance or creation of an exception to disclosure must be  
16 compelled as measured by these criteria. Further, the legislature finds that  
17 the public has a right to have access to public records unless the criteria in  
18 this section for restricting such access to a public record are met and the  
19 criteria are considered during legislative review in connection with the  
20 particular exception to disclosure to be significant enough to override the  
21 strong public policy of open government. To strengthen the policy of open  
22 government, the legislature shall consider the criteria in this section before  
23 enacting an exception to disclosure.

24 (b) Subject to the provisions of subsections (g) and (h), any new  
25 exception to disclosure or substantial amendment of an existing exception  
26 shall expire on July 1 of the fifth year after enactment of the new  
27 exception or substantial amendment, unless the legislature acts to continue  
28 the exception. A law that enacts a new exception or substantially amends  
29 an existing exception shall state that the exception expires at the end of  
30 five years and that the exception shall be reviewed by the legislature  
31 before the scheduled date.

32 (c) For purposes of this section, an exception is substantially  
33 amended if the amendment expands the scope of the exception to include  
34 more records or information. An exception is not substantially amended if  
35 the amendment narrows the scope of the exception.

36 (d) This section is not intended to repeal an exception that has been  
37 amended following legislative review before the scheduled repeal of the  
38 exception if the exception is not substantially amended as a result of the  
39 review.

40 (e) In the year before the expiration of an exception, the revisor of  
41 statutes shall certify to the president of the senate and the speaker of the  
42 house of representatives, by July 15, the language and statutory citation of  
43 each exception that will expire in the following year that meets the criteria

1 of an exception as defined in this section. Any exception that is not  
2 identified and certified to the president of the senate and the speaker of the  
3 house of representatives is not subject to legislative review and shall not  
4 expire. If the revisor of statutes fails to certify an exception that the revisor  
5 subsequently determines should have been certified, the revisor shall  
6 include the exception in the following year's certification after that  
7 determination.

8 (f) "Exception" means any provision of law that creates an exception  
9 to disclosure or limits disclosure under the open records act pursuant to  
10 K.S.A. 45-221, and amendments thereto, or pursuant to any other  
11 provision of law.

12 (g) A provision of law that creates or amends an exception to  
13 disclosure under the open records law shall not be subject to review and  
14 expiration under this act if such provision:

15 (1) Is required by federal law;  
16 (2) applies solely to the legislature or to the state court system;  
17 (3) has been reviewed and continued in existence twice by the  
18 legislature; or

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

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

23 (A) What specific records are affected by the exception;  
24 (B) whom does the exception uniquely affect, as opposed to the  
25 general public;

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

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

29 (2) an exception may be created or maintained only if it serves an  
30 identifiable public purpose and may be no broader than is necessary to  
31 meet the public purpose it serves. An identifiable public purpose is served  
32 if the legislature finds that the purpose is sufficiently compelling to  
33 override the strong public policy of open government and cannot be  
34 accomplished without the exception and if the exception:

35 (A) Allows the effective and efficient administration of a  
36 governmental program that would be significantly impaired without the  
37 exception;

38 (B) protects information of a sensitive personal nature concerning  
39 individuals, the release of such information would be defamatory to such  
40 individuals or cause unwarranted damage to the good name or reputation  
41 of such individuals or would jeopardize the safety of such individuals.  
42 Only information that would identify the individuals may be excepted  
43 under this paragraph; or

1 (C) protects information of a confidential nature concerning entities,  
2 including, but not limited to, a formula, pattern, device, combination of  
3 devices, or compilation of information that is used to protect or further a  
4 business advantage over those who do not know or use it, if the disclosure  
5 of such information would injure the affected entity in the marketplace.

6 (3) Records made before the date of the expiration of an exception  
7 shall be subject to disclosure as otherwise provided by law. In deciding  
8 whether the records shall be made public, the legislature shall consider  
9 whether the damage or loss to persons or entities uniquely affected by the  
10 exception of the type specified in paragraph (2)(B) or (2)(C) would occur  
11 if the records were made public.

12 (i) (1) Exceptions contained in the following statutes as continued in  
13 existence in section 2 of chapter 126 of the 2005 Session Laws of Kansas  
14 and that have been reviewed and continued in existence twice by the  
15 legislature as provided in subsection (g) are hereby continued in existence:  
16 1-401, 2-1202, 5-512, 9-1137, 9-1712, 9-2217, 10-630, 11-306, 12-189,  
17 12-1,108, 12-1694, 12-1698, 12-2819, 12-4516, 16-715, 16a-2-304, 17-  
18 1312e, 17-2227, 17-5832, 17-7511, 17-7514, 17-76,139, 19-4321, 21-  
19 2511, 22-3711, 22-4707, 22-4909, 22a-243, 22a-244, 23-605, 23-9,312,  
20 25-4161, 25-4165, 31-405, 34-251, 38-2212, 39-709b, 39-719e, 39-934,  
21 39-1434, 39-1704, 40-222, 40-2,156, 40-2c20, 40-2c21, 40-2d20, 40-2d21,  
22 40-409, 40-956, 40-1128, 40-2807, 40-3012, 40-3304, 40-3308, 40-3403b,  
23 40-3421, 40-3613, 40-3805, 40-4205, 44-510j, 44-550b, 44-594, 44-635,  
24 44-714, 44-817, 44-1005, 44-1019, 45-221(a)(1) through (43), 46-256, 46-  
25 259, 46-2201, 47-839, 47-844, 47-849, 47-1709, 48-1614, 49-406, 49-427,  
26 55-1,102, 58-4114, 59-2135, 59-2802, 59-2979, 59-29b79, 60-3333, 60-  
27 3336, 65-102b, 65-118, 65-119, 65-153f, 65-170g, 65-177, 65-1,106, 65-  
28 1,113, 65-1,116, 65-1,157a, 65-1,163, 65-1,165, 65-1,168, 65-1,169, 65-  
29 1,171, 65-1,172, 65-436, 65-445, 65-507, 65-525, 65-531, 65-657, 65-  
30 1135, 65-1467, 65-1627, 65-1831, 65-2422d, 65-2438, 65-2836, 65-2839a,  
31 65-2898a, 65-3015, 65-3447, 65-34,108, 65-34,126, 65-4019, 65-4922,  
32 65-4925, 65-5602, 65-5603, 65-6002, 65-6003, 65-6004, 65-6010, 65-  
33 67a05, 65-6803, 65-6804, 66-101c, 66-117, 66-151, 66-1,190, 66-1,203,  
34 66-1220a, 66-2010, 72-2232, 72-3438, 72-6116, 72-6267, 72-9934, 73-  
35 1228, 74-2424, 74-2433f, 74-32,419, 74-4905, 74-4909, 74-50,131, 74-  
36 5515, 74-7308, 74-7338, 74-8104, 74-8307, 74-8705, 74-8804, 74-9805,  
37 75-104, 75-712, 75-7b15, 75-1267, 75-2943, 75-4332, 75-4362, 75-5133,  
38 75-5266, 75-5665, 75-5666, 75-7310, 76-355, 76-359, 76-493, 76-12b11,  
39 76-12c03, 76-3305, 79-1119, 79-1437f, 79-3234, 79-3395, 79-3420, 79-  
40 3499, 79-34,113, 79-3614, 79-3657, 79-4301 and 79-5206.

41 (2) Exceptions contained in the following statutes as certified by the  
42 revisor of statutes to the president of the senate and the speaker of the  
43 house of representatives pursuant to subsection (e) and that have been

1 reviewed during the 2015 legislative session and continued in existence by  
2 the legislature as provided in subsection (g) are hereby continued in  
3 existence: 17-2036, 40-5301, 45-221(a)(45), (46) and (49), 48-16a10, 58-  
4 4616, 60-3351, 72-3415, 74-50,217 and 75-53,105.

5 (j) (1) Exceptions contained in the following statutes as continued in  
6 existence in section 1 of chapter 87 of the 2006 Session Laws of Kansas  
7 and that have been reviewed and continued in existence twice by the  
8 legislature as provided in subsection (g) are hereby continued in existence:  
9 1-501, 9-1303, 12-4516a, 39-970, 65-525, 65-5117, 65-6016, 65-6017 and  
10 74-7508.

11 (2) Exceptions contained in the following statutes as certified by the  
12 revisor of statutes to the president of the senate and the speaker of the  
13 house of representatives pursuant to subsection (e) during 2015 and that  
14 have been reviewed during the 2016 legislative session are hereby  
15 continued in existence: 12-5611, 22-4906, 22-4909, 38-2310, 38-2311, 38-  
16 2326, 40-955, 44-1132, 45-221(a)(10)(F) and (a)(50), 60-3333, 65-4a05,  
17 65-445(g), 65-6154, 71-218, 75-457, 75-712c, 75-723 and 75-7c06.

18 (k) 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 2014 legislative session and continued in existence by  
22 the legislature as provided in subsection (g) are hereby continued in  
23 existence: 1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-  
24 17,150, 12-2001, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-  
25 2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48),  
26 50-6a11, 56-1a610, 56a-1204, 65-1,243, 65-16,104, 65-3239, 74-50,184,  
27 74-8134, 74-99b06, 77-503a and 82a-2210.

28 (l) Exceptions contained in the following statutes as certified by the  
29 revisor of statutes to the president of the senate and the speaker of the  
30 house of representatives pursuant to subsection (e) during 2016 and that  
31 have been reviewed during the 2017 legislative session are hereby  
32 continued in existence: 12-5711, 21-2511, 22-4909, 38-2313, 45-221(a)  
33 (51) and (52), 65-516, 65-1505, 74-2012, 74-5607, 74-8745, 74-8752, 74-  
34 8772, 75-7d01, 75-7d05, 75-5133, 75-7427 and 79-3234.

35 (m) Exceptions contained in the following statutes as certified by the  
36 revisor of statutes to the president of the senate and the speaker of the  
37 house of representatives pursuant to subsection (e) during 2012 and that  
38 have been reviewed during the 2013 legislative session and continued in  
39 existence by the legislature as provided in subsection (g) are hereby  
40 continued in existence: 12-5811, 40-222, 40-223j, 40-5007a, 40-5009a,  
41 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-8268, 75-  
42 712 and 75-5366.

43 (n) Exceptions contained in the following statutes as certified by the

1 revisor of statutes to the president of the senate and the speaker of the  
2 house of representatives pursuant to subsection (e) and that have been  
3 reviewed during the 2018 legislative session are hereby continued in  
4 existence: 9-513c(c)(2), 39-709, 45-221(a)(26), (53) and (54), 65-6832,  
5 65-6834, 75-7c06 and 75-7c20.

6 (o) Exceptions contained in the following statutes as certified by the  
7 revisor of statutes to the president of the senate and the speaker of the  
8 house of representatives pursuant to subsection (e) that have been  
9 reviewed during the 2019 legislative session are hereby continued in  
10 existence: 21-2511(h)(2), 21-5905(a)(7), 22-2302(b) and (c), 22-2502(d)  
11 and (e), 40-222(k)(7), 44-714(e), 45-221(a)(55), 46-1106(g) regarding 46-  
12 1106(i), 65-2836(i), 65-2839a(c), 65-2842(d), 65-28a05(n), article 6(d) of  
13 65-6230, 72-6314(a) and 74-7047(b).

14 (p) Exceptions contained in the following statutes as certified by the  
15 revisor of statutes to the president of the senate and the speaker of the  
16 house of representatives pursuant to subsection (e) that have been  
17 reviewed during the 2020 legislative session are hereby continued in  
18 existence: 38-2310(c), 40-409(j)(2), 40-6007(a), 45-221(a)(52), 46-1129,  
19 59-29a22(b)(10) and 65-6747.

20 (q) *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) that have been*  
23 *reviewed during the 2021 legislative session are hereby continued in*  
24 *existence: 22-2302(c)(4)(J) and (c)(6)(B), 22-2502(e)(4)(J) and (e)(6)(B)*  
25 *and 65-6111(d)(4).*

26 ~~Sec. 10. 12.~~ K.S.A. 2020 Supp. 45-254 is hereby amended to read as  
27 follows: 45-254. (a) Every audio or video recording made and retained by  
28 law enforcement using a body camera or a vehicle camera shall be  
29 considered a criminal investigation record as defined in K.S.A. 45-217,  
30 and amendments thereto. ~~The provisions of this subsection shall expire on~~  
31 ~~July 1, 2021, unless the legislature reviews and reenacts this provision~~  
32 ~~pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2021.~~

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

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

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

- 1 (2) any parent or legal guardian of a person under 18 years of age
- 2 who is a subject of the recording;
- 3 (3) an heir at law, when a decedent is a subject of the recording; and
- 4 (4) an attorney for a person described in this subsection.

5 (d) As used in this section:

- 6 (1) "Body camera" means a device that is worn by a law enforcement
- 7 officer that electronically records audio or video of such officer's activities.
- 8 (2) "Heir at law" means:
- 9 (A) An executor or an administrator of the decedent;
- 10 (B) the spouse of the decedent, if living;
- 11 (C) if there is no living spouse of the decedent, an adult child of the
- 12 decedent, if living; or
- 13 (D) if there is no living spouse or adult child of the decedent, a parent
- 14 of the decedent, if living.

15 (3) "Vehicle camera" means a device that is attached to a law

16 enforcement vehicle that electronically records audio or video of law

17 enforcement officers' activities.

18 Sec. ~~11~~ **13**. K.S.A. 75-5664 is hereby amended to read as follows:

19 75-5664. (a) There is hereby established an advisory committee on trauma.

20 The advisory committee on trauma shall be advisory to the secretary of

21 health and environment and shall be within the division of public health of

22 the department of health and environment as a part thereof.

23 ~~(b) On July 1, 2001, the advisory committee on trauma in existence~~

24 ~~immediately prior to July 1, 2001, is hereby abolished and a new advisory~~

25 ~~committee on trauma is created in accordance with this section. The terms~~

26 ~~of all members of the advisory committee on trauma in existence prior to~~

27 ~~July 1, 2001, are hereby terminated. On and after July 1, 2001, The~~

28 advisory committee on trauma shall be composed of 24 members

29 representing both rural and urban areas of the state appointed as follows:

30 (1) Two members shall be persons licensed to practice medicine and

31 surgery appointed by the governor. At least 30 days prior to the expiration

32 of terms described in this section, for each member to be appointed under

33 this section, the Kansas medical society shall submit to the governor a list

34 of three names of persons of recognized ability and qualification. The

35 governor shall consider such list of persons in making appointments to the

36 board under this paragraph.

37 (2) One member shall be licensed to practice osteopathic medicine

38 appointed by the governor. At least 30 days prior to the expiration of the

39 term of the member appointed under this section, the Kansas association of

40 osteopathic medicine shall submit to the governor a list of three persons of

41 recognized ability and qualification. The governor shall consider such list

42 of persons in making appointments to the board under this paragraph.

43 (3) Three members shall be representatives of hospitals appointed by

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

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

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

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

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

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

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

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

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

23 (d) The advisory committee shall meet quarterly and at the call of the  
24 chairperson or at the request of a majority of the members. At the first  
25 meeting of the advisory committee after July 1 each year, the members  
26 shall elect a chairperson and vice-chairperson who shall serve for terms of  
27 one year. The vice-chairperson shall exercise all of the powers of the  
28 chairperson in the absence of the chairperson.

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

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

39 (2) The advisory committee or an officer thereof may advise, report  
40 to and discuss activities, information and findings of the committee that  
41 relate to incidents of trauma injury or trauma care with the secretary of  
42 health and environment as provided in subsections (a) and (e) without  
43 waiver of the privilege provided by this subsection and K.S.A. 65-4915,

1 and amendments thereto, and the records and findings of such committee  
2 or officer that are privileged under this subsection and K.S.A. 65-4915,  
3 and amendments thereto, shall remain privileged as provided by this  
4 subsection and K.S.A. 65-4915, and amendments thereto, ~~prior to July 1,~~  
5 ~~2021.~~

6 ~~(3) The provisions of this subsection shall expire on July 1, 2021,~~  
7 ~~unless the legislature reviews and reenacts this provision prior to July 1,~~  
8 ~~2021.~~

9 (g) Members of the advisory committee attending meetings of the  
10 advisory committee or attending a subcommittee of the advisory  
11 committee or other authorized meeting of the advisory committee shall not  
12 be paid compensation but shall be paid amounts provided in K.S.A. 75-  
13 3223(e), and amendments thereto.

14 ~~Sec. 12.~~ **14.** K.S.A. 75-5665 is hereby amended to read as follows:  
15 75-5665. (a) The secretary of health and environment, after consultation  
16 with and consideration of recommendations from the advisory committee,  
17 shall:

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

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

32 (A) Maximize local and regional control over decisions relating to  
33 trauma care;

34 (B) minimize bureaucracy;

35 (C) adequately protect the confidentiality of proprietary and personal  
36 health information;

37 (D) promote cost effectiveness;

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

39 (F) emphasize medical direction and involvement at all levels of the  
40 system;

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

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

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

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

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

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

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

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

21 (9) assess the fiscal impact on all components of the trauma system,  
22 and thereafter recommend other funding sources for the trauma system and  
23 trauma registry;

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

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

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

38 (2) A regional trauma council or an officer thereof may advise, report  
39 to and discuss activities, information and findings of the council which  
40 relate to incidents of trauma injury or trauma care with the secretary of  
41 health and environment and make reports as provided in this section  
42 without waiver of the privilege provided by this subsection and K.S.A. 65-  
43 4915, and amendments thereto, and the records and findings of such

1 council or officer which are privileged under this subsection and K.S.A.  
2 65-4915, and amendments thereto, shall remain privileged as provided by  
3 this subsection and K.S.A. 65-4915, and amendments thereto.

4 ~~(3) The provisions of this subsection shall expire on July 1, 2021,~~  
5 ~~unless the legislature reviews and reenacts this provision prior to July 1,~~  
6 ~~2021.~~

7 Sec. ~~13~~. **15.** K.S.A. 75-5664 and 75-5665 and K.S.A. 2020 Supp. 9-  
8 513c, 9-2209, 12-5374, 16-335, 17-1312e, 25-2309, 40-2,118, 40-4913,  
9 **45-217, 45-221**, 45-229 and 45-254 are hereby repealed.

10 Sec. ~~14~~. **16.** This act shall take effect and be in force from and after  
11 its publication in the statute book.