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

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

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

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

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

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

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

(B) The provisions of this paragraph shall expire July 1, 2018, unless the legislature acts to reenact such provisions. The provisions of this section shall be reviewed by the legislature prior to July 1, 2018.
(d) The commissioner may provide for the release of information to law enforcement agencies or prosecutorial agencies or offices who shall maintain the confidentiality of the information.

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

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

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

Sec. 2. K.S.A. 2015 Supp. 12-5374 is hereby amended to read as follows: 12-5374. (a) Not later than 30 days after the receipt of moneys from providers pursuant to K.S.A. 2015 Supp. 12-5370 and 12-5371, and amendments thereto, and the department pursuant to K.S.A. 2015 Supp. 12-5372, and amendments thereto, the LCPA shall distribute such moneys to PSAPs based upon the following distribution method: In a county with a population over 80,000, 82% of the money collected from service users whose place of primary use, as provided by the providers, is within the county shall be distributed to the PSAPs within the county based on place of primary use information; in a county with a population between 65,000 and 79,999, 85% of the money collected from service users whose place of primary use, as provided by the providers, is within the county shall be distributed to the PSAPs within the county based on place of primary use information; in a county with a population between 55,000 and 64,999, 88% of the money collected from service users whose place of primary use, as provided by the providers, is within the county shall be distributed to the PSAPs within the county based on place of primary use information; in a county with a population between 45,000 and 54,999, 91% of the money collected from service users whose place of primary use, as provided by the providers, is within the county shall be distributed to the PSAPs within the county based on place of primary use information; in a county with a population between 35,000 and 44,999, 94% of the money collected from service users whose place of primary use, as provided by the providers, is within the county shall be distributed to the PSAPs within the county based on place of primary use information; in a county with a population between 25,000 and 34,999, 97% of the money collected from service users whose place of primary use, as provided by the providers, is within the county shall be distributed to the PSAPs within the county based on place of primary use information; and in a county with a population...
population of less than 25,000, 100% of the money collected from service
users whose place of primary use, as provided by the providers, is within
the county shall be distributed to the PSAPs within the county based on
place of primary use information. There shall be a minimum county
distribution of $50,000 and no county shall receive less than $50,000 of
direct distribution moneys. If there is more than one PSAP in a county then
the direct distribution allocated to that county by population shall be
deducted from the minimum county distribution and the difference shall be
proportionately divided between the PSAPs in the county. All moneys
remaining after distribution and any moneys which cannot be attributed to
a specific PSAP shall be transferred to the 911 state grant fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) other documents or methods of proof of United States citizenship issued by the federal government pursuant to the immigration and
nationality act of 1952, and amendments thereto;
(6) the applicant's bureau of Indian affairs card number, tribal treaty
card number or tribal enrollment number;
(7) the applicant's consular report of birth abroad of a citizen of the
United States of America;
(8) the applicant's certificate of citizenship issued by the United
States citizenship and immigration services;
(9) the applicant's certification of report of birth issued by the United
States department of state;
(10) the applicant's American Indian card, with KIC classification,
issued by the United States department of homeland security;
(11) the applicant's final adoption decree showing the applicant's
name and United States birthplace;
(12) the applicant's official United States military record of service
showing the applicant's place of birth in the United States; or
(13) an extract from a United States hospital record of birth created at
the time of the applicant's birth indicating the applicant's place of birth in
the United States.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(s) The secretary of state may adopt rules and regulations to in order
to implement the provisions of this section.
(t) Nothing in this section shall prohibit an applicant from providing, or the secretary of state or county election officer from obtaining satisfactory evidence of United States citizenship, as described in subsection (1), at a different time or in a different manner than an application for registration is provided, as long as the applicant's eligibility can be adequately assessed by the secretary of state or county election officer as required by this section.

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

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

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

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

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

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

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

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

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

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

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

(b) An insurer that has knowledge or a good faith belief that a
fraudulent insurance act is being or has been committed shall provide to
the commissioner, on a form prescribed by the commissioner, any and all
information and such additional information relating to such fraudulent
insurance act as the commissioner may require.
(c) Any other person that has knowledge or a good faith belief that a
fraudulent insurance act is being or has been committed may provide to
the commissioner, on a form prescribed by the commissioner, any and all
information and such additional information relating to such fraudulent
insurance act as the commissioner may request.
(d) (1) Each insurer shall have antifraud initiatives reasonably
calculated to detect fraudulent insurance acts. Antifraud initiatives may
include: Fraud investigators, who may be insurer employees or
independent contractors; or an antifraud plan submitted to the
commissioner no later than July 1, 2007. Each insurer that submits an
antifraud plan shall notify the commissioner of any material change in the
information contained in the antifraud plan within 30 days after such
change occurs. Such insurer shall submit to the commissioner in writing
the amended antifraud plan.
The requirement for submitting any antifraud plan, or any amendment
thereof, to the commissioner shall expire on the date specified in-
paragraph (2) of this subsection unless the legislature reviews and reenacts
the provisions of paragraph (2) pursuant to K.S.A. 45-229, and
amendments thereto.
(2) Any antifraud plan, or any amendment thereof, submitted to the
commissioner for informational purposes only shall be confidential and
not be a public record and shall not be subject to discovery or subpoena in
a civil action unless following an in camera review, the court determines
that the antifraud plan is relevant and otherwise admissible under the rules
of evidence set forth in article 4 of chapter 60 of the Kansas Statutes
Annotated, and amendments thereto. The provisions of this paragraph shall
expire on July 1, 2016, unless the legislature reviews and reenacts this
provision pursuant to K.S.A. 45-229, and amendments thereto, prior to
July 1, 2016.
(e) Except as otherwise specifically provided in K.S.A. 21-3718, and
amendments thereto, and K.S.A. 44-5,125, and amendments thereto, a
fraudulent insurance act shall constitute a severity level 6, nonperson
felony if the amount involved is $25,000 or more; a severity level 7,
nonperson felony if the amount is at least $5,000 but less than $25,000; a
severity level 8, nonperson felony if the amount is at least $1,000 but less
than $5,000; and a class C nonperson misdemeanor if the amount is less
than $1,000. Any combination of fraudulent acts as defined in subsection
(a) which occur in a period of six consecutive months which involves
$25,000 or more shall have a presumptive sentence of imprisonment
regardless of its location on the sentencing grid block.

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

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

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

(A) The termination is for cause;

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

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

(2) The notification shall:

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

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

(C) contain:

(i) The name of the insurance agent; and

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

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

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

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

(2) The notification shall:

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

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

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

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

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

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

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

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

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

(A) The NAIC;

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

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

(5) (A) The sharing or exchanging of documents, materials or other information under this subsection shall be conditioned upon the recipient's authority and agreement to maintain the confidential and privileged status, if any, of the documents, materials or other information being shared or
(B) No waiver of an existing privilege or claim of confidentiality in the documents, materials or information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized by paragraph (1) of subsection (d)(1).

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

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

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

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

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

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

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

(3) the public record affects confidential information.

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

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

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

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

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

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

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

(1) Is required by federal law;

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

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

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

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

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

(B) whom does the exception uniquely affect, as opposed to the general public;
what is the identifiable public purpose or goal of the exception;

whether the information contained in the records may be obtained readily by alternative means and how it may be obtained;

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

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

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

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

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

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

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

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2010 the 2016 legislative session are hereby continued in existence until July 1, 2016, at which time such exceptions shall expire: 12-5358, 12-5611, 22-4906, 22-4909, 38-2310, 38-2311, 38-2326, 40-955, 44-1132, 45-221(a)(10)(F) and (a)(50), 60-3333, 65-4a05, 65-445(g), 65-6154, 71-218, 75-457, 75-7c06.
2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48), 50-6a11, 56-1a610, 56a-1204, 65-1,243, 65-16,104, 65-3239, 74-50,184, 74-8134, 74-99b06, 77-503a and 82a-2210.

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

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

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

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

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

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

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

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

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

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

(8) The secretary of health and environment or the secretary's designee of an appropriately qualified person shall be an ex officio representative of the department of health and environment.
(9) The chairperson of the board of emergency medical services or the chairperson's designee shall be an ex officio member.

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

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

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

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

(f) (1) Any meeting of the advisory committee or any part of a meeting of the advisory committee during which a review of incidents of trauma injury or trauma care takes place shall be conducted in closed session. The advisory committee and officers thereof when acting in their official capacity in considering incidents of trauma injury or trauma care shall constitute a peer review committee and peer review officers for all purposes of K.S.A. 65-4915, and amendments thereto.
(2) The advisory committee or an officer thereof may advise, report
to and discuss activities, information and findings of the committee which
relate to incidents of trauma injury or trauma care with the secretary of
health and environment as provided in subsections (a) and (e) without
waiver of the privilege provided by this subsection (f) and K.S.A. 65-4915,
and amendments thereto, and the records and findings of such committee
or officer which are privileged under this subsection (f) and K.S.A. 65-
4915, and amendments thereto, shall remain privileged as provided by this
subsection (f) and K.S.A. 65-4915, and amendments thereto, prior to July
1, 2016.

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

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

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

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

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

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

(B) minimize bureaucracy;

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

(D) promote cost effectiveness;

(E) encourage participation by groups affected by the system;
(F) emphasize medical direction and involvement at all levels of the system;
(G) rely on accurate data as the basis for system planning and development; and
(H) facilitate education of health care providers in trauma care;
(3) plan, develop and administer a trauma registry to collect and analyze data on incidence, severity and causes of trauma and other pertinent information which may be used to support the secretary's decision-making and identify needs for improved trauma care;
(4) provide all technical assistance to the regional councils as necessary to implement the provisions of this act;
(5) collect data elements for the trauma registry that are consistent with the recommendations of the American college of surgeons committee on trauma and centers for disease control;
(6) designate trauma facilities by level of trauma care capabilities after considering the American college of surgeons committee on trauma standards and other states' standards except that trauma level designations shall not be based on criteria that place practice limitations on registered nurse anesthetists which are not required by state law;
(7) develop a phased-in implementation schedule for each component of the trauma system, including the trauma registry, which considers the additional burden placed on the emergency medical and trauma providers;
(8) develop standard reports to be utilized by the regional trauma councils and those who report data to the registry in performing their functions;
(9) assess the fiscal impact on all components of the trauma system, and thereafter recommend other funding sources for the trauma system and trauma registry;
(10) prepare and submit an annual budget in accordance with the provisions of this act. Such budget shall include costs for the provision of technical assistance to the regional trauma councils and the cost of developing and maintaining the trauma registry and analyzing and reporting on the data collected; and
(11) enter into contracts as deemed necessary to carry out the duties and functions of the secretary under this act.

(b) (1) Any meeting of a regional trauma council or any part of a meeting of such a council during which a review of incidents of trauma injury or trauma care takes place shall be conducted in closed session. A regional trauma council and the officers thereof when acting in their official capacity in considering incidents of trauma injury or trauma care shall constitute a peer review committee and peer review officers for all purposes of K.S.A. 65-4915, and amendments thereto.
(2) A regional trauma council or an officer thereof may advise, report
to and discuss activities, information and findings of the council which
relate to incidents of trauma injury or trauma care with the secretary of
health and environment and make reports as provided in this section
without waiver of the privilege provided by this subsection (b) and K.S.A.
65-4915, and amendments thereto, and the records and findings of such
council or officer which are privileged under this subsection (b) and
K.S.A. 65-4915, and amendments thereto, shall remain privileged as
provided by this subsection (b) and K.S.A. 65-4915, and amendments
thereto.

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

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

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