

Senate Substitute for HOUSE BILL No. 2182

By Committee on Judiciary

2-25

1 ~~AN ACT concerning crimes, punishment and criminal procedure; relating~~
2 ~~to the Kansas racketeer influenced and corrupt organization act;~~
3 ~~amending K.S.A. 2013 Supp. 21-6328 and 21-6329 {legislative review~~
4 ~~of exceptions to open records; amending K.S.A. 2013 Supp. 40-5515,~~
5 ~~45-229 and 74-99b06} and repealing the existing sections.~~
6

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

8 ~~Section 1. K.S.A. 2013 Supp. 21-6328 is hereby amended to read as~~
9 ~~follows: 21-6328. As used in the Kansas racketeer influenced and corrupt~~
10 ~~organization act:~~

11 ~~(a) "Beneficial interest" means:~~

12 ~~(1) The interest of a person as a beneficiary under any trust~~
13 ~~arrangement pursuant to which a trustee holds legal or record title to real~~
14 ~~property for the benefit of such person; or~~

15 ~~(2) the interest of a person under any other form of express fiduciary~~
16 ~~arrangement pursuant to which any other person holds legal or record title~~
17 ~~to real property for the benefit of such person.~~

18 ~~The term "beneficial interest" does not include the interest of a stock~~
19 ~~holder in a corporation or the interest of a partner in either a general~~
20 ~~partnership or a limited partnership. A beneficial interest shall be deemed~~
21 ~~to be located where the real property owned by the trustee is located.~~

22 ~~(b) "Covered person" means any person who:~~

23 ~~(1) Is a criminal street gang member or criminal street gang associate,~~
24 ~~as defined in K.S.A. 2013 Supp. 21-6313, and amendments thereto;~~

25 ~~(2) has engaged in or is engaging in any conduct prohibited by K.S.A.~~
26 ~~2013 Supp. 21-5426, and amendments thereto, human trafficking or~~
27 ~~aggravated human trafficking; or~~

28 ~~(3) has engaged in or is engaging in any conduct prohibited by K.S.A.~~
29 ~~2013 Supp. 21-5703, and amendments thereto, unlawful manufacturing of~~
30 ~~controlled substances, or K.S.A. 2013 Supp. 21-5705, and amendments~~
31 ~~thereto, unlawful cultivation or distribution of controlled substances;~~

32 ~~(c) "Documentary material" means any book, paper, document,~~
33 ~~writing, drawing, graph, chart, photograph, phonorecord, magnetic tape,~~
34 ~~computer printout, other data compilation from which information can be~~
35 ~~obtained or from which information can be translated into usable form, or~~
36 ~~other tangible item.~~

1 ~~(d) "Enterprise" means any individual, sole proprietorship,~~
2 ~~partnership, corporation, business trust, union chartered under the laws of~~
3 ~~this state, or other legal entity, or any unchartered union, association, or~~
4 ~~group of individuals associated in fact although not a legal entity; and it~~
5 ~~includes illicit as well as licit enterprises and governmental, as well as~~
6 ~~other, entities. A criminal street gang, as defined in K.S.A. 2013 Supp. 21-~~
7 ~~6313, and amendments thereto, constitutes an enterprise.~~

8 ~~(e) "Pattern of racketeering activity" means engaging in at least two~~
9 ~~incidents of racketeering activity that have the same or similar intents,~~
10 ~~results, accomplices, victims or methods of commission or that otherwise~~
11 ~~are interrelated by distinguishing characteristics and are not isolated~~
12 ~~incidents, provided at least one of such incidents occurred after the~~
13 ~~effective date of this act and that the last of such incidents occurred within~~
14 ~~5 years, excluding any period of imprisonment, after a prior incident of~~
15 ~~racketeering activity.~~

16 ~~(f) "Racketeering activity" means to commit, attempt to commit,~~
17 ~~conspire to commit or to solicit, coerce or intimidate another person to~~
18 ~~commit.~~

19 ~~(1) Any felony or misdemeanor violation of: The felony provisions of~~
20 ~~K.S.A. 8-1568, and amendments thereto, fleeing or attempting to elude a~~
21 ~~police officer; K.S.A. 9-508 et seq., and amendments thereto, Kansas~~
22 ~~money transmitter act; article 12a of chapter 17 of the Kansas Statutes~~
23 ~~Annotated, and amendments thereto, Kansas uniform securities act; K.S.A.~~
24 ~~2013 Supp. 21-5401, and amendments thereto, capital murder; K.S.A.~~
25 ~~2013 Supp. 21-5402, and amendments thereto, murder in the first degree;~~
26 ~~K.S.A. 2013 Supp. 21-5403, and amendments thereto, murder in the~~
27 ~~second degree; K.S.A. 2013 Supp. 21-5408, and amendments thereto,~~
28 ~~kidnapping or aggravated kidnapping; K.S.A. 2013 Supp. 21-5412, and~~
29 ~~amendments thereto; K.S.A. 2013 Supp. 21-5413, and amendments~~
30 ~~thereto; K.S.A. 2013 Supp. 21-5414, and amendments thereto, domestic~~
31 ~~battery; K.S.A. 2013 Supp. 21-5415, and amendments thereto, criminal~~
32 ~~threat or aggravated criminal threat; K.S.A. 2013 Supp. 21-5420, and~~
33 ~~amendments thereto, robbery or aggravated robbery; K.S.A. 2013 Supp.~~
34 ~~21-5421, and amendments thereto, terrorism; K.S.A. 2013 Supp. 21-5422,~~
35 ~~and amendments thereto, illegal use of weapons of mass destruction;~~
36 ~~K.S.A. 2013 Supp. 21-5423, and amendments thereto; K.S.A. 2013 Supp.~~
37 ~~21-5426, and amendments thereto, human trafficking or aggravated human~~
38 ~~trafficking; K.S.A. 2013 Supp. 21-5428, and amendments thereto,~~
39 ~~blackmail; K.S.A. 2013 Supp. 21-5510, and amendments thereto, sexual~~
40 ~~exploitation of a child; K.S.A. 2013 Supp. 21-5601, and amendments~~
41 ~~thereto, endangering a child or aggravated endangering a child; K.S.A.~~
42 ~~2013 Supp. 21-5602, and amendments thereto, abuse of a child; K.S.A.~~
43 ~~2013 Supp. 21-5603, and amendments thereto, contributing to a child's~~

1 misconduct or deprivation; subsection (b) of K.S.A. 2013 Supp. 21-5607;
2 and amendments thereto, furnishing alcoholic beverages to a minor for
3 illicit purposes; article 57 of chapter 21 of the Kansas Statutes Annotated,
4 and amendments thereto, crimes involving controlled substances; K.S.A.
5 2013 Supp. 21-5801, and amendments thereto, theft; K.S.A. 2013 Supp.
6 21-5803, and amendments thereto, criminal deprivation of property;
7 K.S.A. 2013 Supp. 21-5805, and amendments thereto; K.S.A. 2013 Supp.
8 21-5807, and amendments thereto, burglary or aggravated burglary;
9 K.S.A. 2013 Supp. 21-5812, and amendments thereto, arson or aggravated
10 arson; K.S.A. 2013 Supp. 21-5813, and amendments thereto, criminal
11 damage to property; K.S.A. 2013 Supp. 21-5814, and amendments thereto,
12 criminal use of an explosive; K.S.A. 2013 Supp. 21-5818, and
13 amendments thereto, tampering with a pipeline; K.S.A. 2013 Supp. 21-
14 5821, and amendments thereto, giving a worthless check; K.S.A. 2013
15 Supp. 21-5823, and amendments thereto, forgery; K.S.A. 2013 Supp. 21-
16 5824, and amendments thereto, making false information; K.S.A. 2013
17 Supp. 21-5825, and amendments thereto, counterfeiting; K.S.A. 2013
18 Supp. 21-5826, and amendments thereto, destroying written instrument;
19 K.S.A. 2013 Supp. 21-5828, and amendments thereto, criminal use of a
20 financial card; K.S.A. 2013 Supp. 21-5838, and amendments thereto,
21 conducting a pyramid promotional scheme; K.S.A. 2013 Supp. 21-5839,
22 and amendments thereto; K.S.A. 2013 Supp. 21-5903, and amendments
23 thereto, perjury; K.S.A. 2013 Supp. 21-5904, and amendments thereto,
24 interference with law enforcement; K.S.A. 2013 Supp. 21-5905, and
25 amendments thereto, interference with the judicial process; K.S.A. 2013
26 Supp. 21-5909, and amendments thereto, intimidation of a witness or
27 victim or aggravated intimidation of a witness or victim; K.S.A. 2013
28 Supp. 21-5912, and amendments thereto, aiding escape; K.S.A. 2013
29 Supp. 21-5913, and amendments thereto, obstructing apprehension or
30 prosecution; K.S.A. 2013 Supp. 21-5918, and amendments thereto; K.S.A.
31 2013 Supp. 21-6001, and amendments thereto, bribery; K.S.A. 2013 Supp.
32 21-6002, and amendments thereto, official misconduct; K.S.A. 2013 Supp.
33 21-6301, and amendments thereto, criminal use of weapons; K.S.A. 2013
34 Supp. 21-6302, and amendments thereto, criminal carrying of a weapon;
35 K.S.A. 2013 Supp. 21-6303, and amendments thereto, criminal
36 distribution of firearms to a felon; K.S.A. 2013 Supp. 21-6304, and
37 amendments thereto, criminal possession of a firearm by a convicted felon;
38 K.S.A. 2013 Supp. 21-6305, and amendments thereto, aggravated weapons
39 violation by a convicted felon; K.S.A. 2013 Supp. 21-6306, and
40 amendments thereto, defacing identification marks of a firearm; K.S.A.
41 2013 Supp. 21-6308, and amendments thereto, criminal discharge of a
42 firearm; K.S.A. 2013 Supp. 21-6310, and amendments thereto, unlawful
43 endangerment; K.S.A. 2013 Supp. 21-6312, and amendments thereto;

1 ~~K.S.A. 2013 Supp. 21-6313 through 21-6316, and amendments thereto;~~
2 ~~K.S.A. 2013 Supp. 21-6401, and amendments thereto; K.S.A. 2013 Supp.~~
3 ~~21-6404, and amendments thereto, gambling; K.S.A. 2013 Supp. 21-6405,~~
4 ~~and amendments thereto, illegal bingo operation; K.S.A. 2013 Supp. 21-~~
5 ~~6406, and amendments thereto, commercial gambling; K.S.A. 2013 Supp.~~
6 ~~21-6407, and amendments thereto, dealing in gambling devices; K.S.A.~~
7 ~~2013 Supp. 21-6408, and amendments thereto; K.S.A. 2013 Supp. 21-~~
8 ~~6409, and amendments thereto, installing communication facilities for~~
9 ~~gamblers; subsections (a) or (b) of K.S.A. 2013 Supp. 21-6414, and~~
10 ~~amendments thereto, unlawful conduct of dog fighting or unlawful~~
11 ~~possession of dog fighting paraphernalia; subsections (a) or (b) of K.S.A.~~
12 ~~2013 Supp. 21-6417, and amendments thereto, unlawful conduct of~~
13 ~~cockfighting or unlawful possession of cockfighting paraphernalia; K.S.A.~~
14 ~~2013 Supp. 21-6419, and amendments thereto, prostitution *selling sexual*~~
15 ~~*relations*; K.S.A. 2013 Supp. 21-6420, and amendments thereto,~~
16 ~~promoting prostitution *promoting the sale of sexual relations*; K.S.A. 2013~~
17 ~~*Supp. 21-6422, and amendments thereto, commercial sexual exploitation*~~
18 ~~*of a child*; K.S.A. 2013 Supp. 21-6501, and amendments thereto,~~
19 ~~extortion; K.S.A. 2013 Supp. 21-6502, and amendments thereto, debt~~
20 ~~adjusting; K.S.A. 2013 Supp. 21-6504, and amendments thereto, equity~~
21 ~~skimming; K.S.A. 2013 Supp. 21-6506, and amendments thereto,~~
22 ~~commercial bribery; K.S.A. 2013 Supp. 21-6507, and amendments thereto,~~
23 ~~sports bribery; K.S.A. 2013 Supp. 21-6508, and amendments thereto,~~
24 ~~tampering with a sports contest; K.S.A. 39-720, and amendments thereto;~~
25 ~~social welfare service fraud; K.S.A. 40-2,118, and amendments thereto;~~
26 ~~fraudulent insurance acts; K.S.A. 41-101 et seq., and amendments thereto,~~
27 ~~Kansas liquor control act; K.S.A. 44-5,125, and amendments thereto;~~
28 ~~workers' compensation act; K.S.A. 65-1657, and amendments thereto,~~
29 ~~nonresident pharmacy registration; K.S.A. 65-3441, and amendments~~
30 ~~thereto, hazardous waste; K.S.A. 65-4167, and amendments thereto,~~
31 ~~trafficking in counterfeit drugs; article 88 of chapter 74 of the Kansas~~
32 ~~Statutes Annotated, and amendments thereto, Kansas parimutuel racing~~
33 ~~act; or K.S.A. 79-3321, and amendments thereto, Kansas cigarette and~~
34 ~~tobacco products act; or~~

35 ~~(2) any conduct defined as "racketeering activity" under 18 U.S.C. §~~
36 ~~1961(1);~~

37 ~~(g) "Real property" means any real property or any interest in such~~
38 ~~real property, including, but not limited to, any lease of or mortgage upon~~
39 ~~such real property;~~

40 ~~(h) "Trustee" means:~~

41 ~~(1) Any person acting as trustee pursuant to a trust in which the~~
42 ~~trustee holds legal or record title to real property;~~

43 ~~(2) any person who holds legal or record title to real property in~~

1 which any other person has a beneficial interest; or

2 (3) any successor trustee or trustees to any or all of the foregoing
3 persons;

4 The term "trustee" does not include any person appointed or acting as a
5 personal representative as defined in K.S.A. 59-102, and amendments
6 thereto, or appointed or acting as a trustee of any testamentary trust or as a
7 trustee of any indenture of trust under which any bonds have been or are to
8 be issued;

9 (i) "Unlawful debt" means any money or other thing of value
10 constituting principal or interest of a debt that is legally unenforceable in
11 this state in whole or in part because the debt was incurred or contracted;

12 (1) In violation of any of the following provisions of law: Article 88
13 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto,
14 Kansas parimutuel racing act; K.S.A. 2013 Supp. 21-6404, and
15 amendments thereto, gambling; K.S.A. 2013 Supp. 21-6405, and
16 amendments thereto, illegal bingo operation; K.S.A. 2013 Supp. 21-6406,
17 and amendments thereto, commercial gambling; K.S.A. 2013 Supp. 21-
18 6407, and amendments thereto, dealing in gambling devices; K.S.A. 2013
19 Supp. 21-6408, and amendments thereto; or K.S.A. 2013 Supp. 21-6409,
20 and amendments thereto, installing communication facilities for gamblers;
21 or

22 (2) in gambling activity in violation of federal law or in the business
23 of lending money at a rate usurious under state or federal law;

24 Sec. 2. K.S.A. 2013 Supp. 21-6329 is hereby amended to read as
25 follows: 21-6329. (a) *Except as provided in subsection (b), it is unlawful*
26 *for any covered person:*

27 (1) Who has with criminal intent received any proceeds derived,
28 directly or indirectly, from a pattern of racketeering activity or through the
29 collection of an unlawful debt to use or invest, whether directly or
30 indirectly, any part of such proceeds, or the proceeds derived from the
31 investment or use thereof, in the acquisition of any title to, or any right,
32 interest, or equity in, real property or in the establishment or operation of
33 any enterprise;

34 (2) through a pattern of racketeering activity or through the collection
35 of an unlawful debt, to acquire or maintain, directly or indirectly, any
36 interest in or control of any enterprise or real property; or

37 (3) employed by, or associated with, any enterprise to conduct or
38 participate, directly or indirectly, in such enterprise through a pattern of
39 racketeering activity or the collection of an unlawful debt;

40 (b) *It is not unlawful for a covered person to violate subsection (a)*
41 *through the collection of an unlawful debt if such person was not a*
42 *participant in a violation described in subsection (i) of K.S.A. 2013 Supp.*
43 *21-6328, and amendments thereto, which created such unlawful debt.*

1 ~~(c) The culpable mental state required for a violation of subsection:~~
2 ~~(a) is the culpable mental state required for the underlying offense of~~
3 ~~racketeering activity or unlawful debt, as defined in K.S.A. 2013 Supp. 21-~~
4 ~~6328, and amendments thereto, and no additional culpable mental state is~~
5 ~~required for a violation of subsection (a).~~

6 ~~(b) (d) Violation of this section or conspiracy to commit a violation of~~
7 ~~this section is a severity level 2, person felony.~~

8 ~~(e) (e) The provisions of subsection (d) of K.S.A. 2013 Supp. 21-~~
9 ~~5302, and amendments thereto, shall not apply to conspiracy to commit a~~
10 ~~violation of this section.~~

11 ~~(d) (f) (1) Notwithstanding the provisions of K.S.A. 2013 Supp. 21-~~
12 ~~6611, and amendments thereto, any person convicted of engaging in~~
13 ~~conduct in violation of this section, through which the person derived~~
14 ~~pecuniary value, or by which the person caused personal injury or property~~
15 ~~damage or other loss, may be sentenced to pay a fine that does not exceed~~
16 ~~three times the gross value gained or three times the gross loss caused,~~
17 ~~whichever is the greater, plus court costs and the costs of investigation and~~
18 ~~prosecution, reasonably incurred.~~

19 ~~(2) The court shall hold a hearing to determine the amount of the fine~~
20 ~~authorized by this subsection.~~

21 ~~(3) For the purposes of this subsection, "pecuniary value" means:~~

22 ~~(A) Anything of value in the form of money, a negotiable instrument,~~
23 ~~or a commercial interest or anything else the primary significance of which~~
24 ~~is economic advantage; and~~

25 ~~(B) any other property or service that has a value in excess of \$100.~~

26 ~~(e) (g) For persons arrested and charged under this section, bail shall~~
27 ~~be at least \$50,000 cash or surety, unless the court determines on the~~
28 ~~record that the defendant is not likely to re-offend, an appropriate intensive~~
29 ~~pretrial supervision program is available and the defendant agrees to~~
30 ~~comply with the mandate of such pretrial supervision. Notwithstanding~~
31 ~~any other provision of law, any person arrested and charged under this~~
32 ~~section shall not be released upon the person's own recognizance pursuant~~
33 ~~to K.S.A. 22-2802, and amendments thereto.~~

34 ~~{Sec. 3. K.S.A. 2013 Supp. 21-6328 and 21-6329 are hereby~~
35 ~~repealed.}~~

36 ~~{Section 1. K.S.A. 2013 Supp. 40-5515 is hereby amended to read as~~
37 ~~follows: 40-5515. (a) A public adjuster shall maintain a complete record~~
38 ~~of each transaction as a public adjuster. The records required by this~~
39 ~~section shall include the following:~~

40 ~~(1) Name of the insured;~~

41 ~~(2) date, location and amount of the loss;~~

42 ~~(3) copy of the contract between the public adjuster and insured;~~

43 ~~(4) name of the insurer and the amount, expiration date and~~

1 *number of each policy carried by the insured with respect to the loss;*

2 *(5) itemized statement of the insured's recoveries;*

3 *(6) itemized statement of all compensation received by the public*
4 *adjuster, from any source whatsoever, in connection with the loss;*

5 *(7) a register of all moneys received, deposited, disbursed or*
6 *withdrawn in connection with a transaction with an insured, including*
7 *fees, transfers and disbursements from a trust account and all*
8 *transactions concerning all interest-bearing accounts;*

9 *(8) name of public adjuster who executed the contract;*

10 *(9) name of the attorney representing the insured, if applicable, and*
11 *the name of the claims representatives of the insurance company; and*

12 *(10) evidence of financial responsibility in the format prescribed by*
13 *the commissioner.*

14 *(b) Records shall be maintained for at least five years after the*
15 *termination of the transaction with an insured and shall be open to*
16 *examination by the commissioner at all times.*

17 *(c) Records submitted to the commissioner in accordance with this*
18 *section that contain information identified in writing as proprietary by*
19 *the public adjuster shall be treated as confidential by the commissioner*
20 *and shall not be open for inspection under the Kansas open records act.*

21 ~~*(d) The provisions of subsection (c) shall expire on July 1, 2014,*~~
22 ~~*unless the legislature acts to reenact such provisions. The provisions of*~~
23 ~~*subsection (c) shall be reviewed by the legislature prior to July 1, 2014.*~~

24 *Sec. 2. K.S.A. 2013 Supp. 45-229 is hereby amended to read as*
25 *follows: 45-229. (a) It is the intent of the legislature that exceptions to*
26 *disclosure under the open records act shall be created or maintained*
27 *only if:*

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

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

32 *(3) the public record affects confidential information.*

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

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

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

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

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

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

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

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

33 *(1) Is required by federal law;*

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

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

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

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

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

43 *(B) whom does the exception uniquely affect, as opposed to the*

1 *general public;*

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

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

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

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

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

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

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

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

1 44-635, 44-714, 44-817, 44-1005, 44-1019, subsections (a)(1) through
2 (43) of 45-221, 46-256, 46-259, 46-2201, 47-839, 47-844, 47-849, 47-
3 1709, 48-1614, 49-406, 49-427, 55-1,102, 58-4114, 59-2135, 59-2802, 59-
4 2979, 59-29b79, 60-3333, 60-3336, 65-102b, 65-118, 65-119, 65-153f, 65-
5 170g, 65-177, 65-1,106, 65-1,113, 65-1,116, 65-1,157a, 65-1,163, 65-
6 1,165, 65-1,168, 65-1,169, 65-1,171, 65-1,172, 65-436, 65-445, 65-507,
7 65-525, 65-531, 65-657, 65-1135, 65-1467, 65-1627, 65-1831, 65-2422d,
8 65-2438, 65-2836, 65-2839a, 65-2898a, 65-3015, 65-3447, 65-34,108, 65-
9 34,126, 65-4019, 65-4922, 65-4925, 65-5602, 65-5603, 65-6002, 65-6003,
10 65-6004, 65-6010, 65-67a05, 65-6803, 65-6804, 66-101c, 66-117, 66-151,
11 66-1,190, 66-1,203, 66-1220a, 66-2010, 72-996, 72-4311, 72-4452, 72-
12 5214, 72-53,106, 72-5427, 72-8903, 73-1228, 74-2424, 74-2433f, 74-
13 4905, 74-4909, 74-50,131, 74-5515, 74-7308, 74-7338, 74-8104, 74-8307,
14 74-8705, 74-8804, 74-9805, 75-104, 75-712, 75-7b15, 75-1267, 75-2943,
15 75-4332, 75-4362, 75-5133, 75-5266, 75-5665, 75-5666, 75-7310, 76-355,
16 76-359, 76-493, 76-12b11, 76-3305, 79-1119, 79-1437f, 79-3234, 79-
17 3395, 79-3420, 79-3499, 79-34,113, 79-3614, 79-3657, 79-4301 and 79-
18 5206.

19 (2) *Exceptions contained in the following statutes as certified by the*
20 *revisor of statutes to the president of the senate and the speaker of the*
21 *house of representatives pursuant to subsection (e) during 2009 are*
22 *hereby continued in existence until July 1, 2015, at which time such*
23 *exceptions shall expire: 17-2036, 40-5301, subsections (a)(45) and (a)*
24 *(46) of 45-221, 60-3351, 72-972a, 74-99d05 and 75-53,105.*

25 (j) (1) *Exceptions contained in the following statutes as continued*
26 *in existence in section 1 of chapter 87 of the 2006 Session Laws of*
27 *Kansas and which have been reviewed and continued in existence twice*
28 *by the legislature as provided in subsection (g) are hereby continued in*
29 *existence: 1-501, 9-1303, 12-4516a, 39-970, 65-525, 65-5117, 65-6016,*
30 *65-6017 and 74-7508.*

31 (2) *Exceptions contained in the following statutes as certified by the*
32 *revisor of statutes to the president of the senate and the speaker of the*
33 *house of representatives pursuant to subsection (e) during 2010 are*
34 *hereby continued in existence until July 1, 2016, at which time such*
35 *exceptions shall expire: 12-5358, 12-5611, 22-4906, 22-4909, 38-2310,*
36 *38-2311, 38-2326, 44-1132, 60-3333, 65-6154, 71-218, 75-457, 75-712c,*
37 *75-723 and 75-7c06.*

38 (k) *Exceptions contained in the following statutes as certified by the*
39 *revisor of statutes to the president of the senate and the speaker of the*
40 *house of representatives pursuant to subsection (e) during 2006, 2007*
41 *and 2008 and which have been reviewed during the 2014 legislative*
42 *session and continued in existence by the legislature as provided in*
43 *subsection (g) are hereby continued in existence until July 1, 2014, at*

1 which time such exceptions shall expire: 1-205, 2-2204, 8-240, 8-247, 8-
 2 255c, 8-1324, 8-1325, 12-17,150, 12-2001, ~~12-5332~~, 17-12a607, 38-1008,
 3 38-2209, 40-5006, 40-5108, 41-2905, 41-2906, 44-706, 44-1518,
 4 subsections (a)(44), (45), (46) ~~and~~, (47) and (48) of 45-221, 50-6a11, 56-
 5 1a610, 56a-1204, 65-1,243, 65-16,104, 65-3239, ~~66-1233~~, 74-50,184, 74-
 6 8134, 74-99b06, 77-503a and 82a-2210.

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

13 (m) Exceptions contained in the following statutes as certified by
 14 the revisor of statutes to the president of the senate and the speaker of
 15 the house of representatives pursuant to subsection (e) during 2012 and
 16 which have been reviewed during the 2013 legislative session and
 17 continued in existence by the legislature as provided in subsection (g)
 18 are hereby continued in existence: 12-5811, 40-222, 40-223j, 40-5007a,
 19 40-5009a, 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-
 20 60c01, 75-712 and 75-5366.

21 Sec. 3. K.S.A. 2013 Supp. 74-99b06 is hereby amended to read as
 22 follows: 74-99b06. (a) All resolutions and orders of the board shall be
 23 recorded and authenticated by the signature of the secretary or any
 24 assistant secretary of the board. The book of resolutions, orders, minutes
 25 of open meetings, annual reports and annual financial statements of the
 26 authority shall be public records as defined by K.S.A. 45-215 et seq., and
 27 amendments thereto. All public records shall be subject to regular audit
 28 as provided in K.S.A. 46-1106, and amendments thereto.

29 (b) ~~(1)~~ Notwithstanding any provision of K.S.A. 45-215 et seq., and
 30 amendments thereto, to the contrary, the following records of the
 31 authority shall not be subject to the provisions of the Kansas open
 32 records act, when in the opinion of the board, the disclosure of the
 33 information in the records would be harmful to the competitive position
 34 of the authority:

35 ~~(A)~~(1) Proprietary information gathered by or in the possession of
 36 the authority from third parties pursuant to a promise of confidentiality;

37 ~~(B)~~(2) contract cost estimates prepared for confidential use in
 38 awarding contracts for research development, construction, renovation,
 39 commercialization or the purchase of goods or services; and

40 ~~(C)~~(3) data, records or information of a proprietary nature
 41 produced or collected by or for the authority, its employees, officers or
 42 members of its board; financial statements not publicly available that
 43 may be filed with the authority from third parties; the identity, accounts

1 *or account status of any customer of the authority; consulting or other*
2 *reports paid for by the authority to assist the authority in connection*
3 *with its strategic planning and goals; and the determination of*
4 *marketing and operational strategies where disclosure of such strategies*
5 *would be harmful to the competitive position of the authority.*

6 ~~(2) The provisions of this subsection shall expire on July 1, 2009.~~
7 ~~Prior to such date the legislature shall review the provisions of this~~
8 ~~subsection.~~

9 *(c) Notwithstanding any provision of this section to the contrary,*
10 *the authority may claim the benefit of any other exemption to the Kansas*
11 *open records act listed in K.S.A. 45-215 et seq., and amendments thereto.*

12 *Sec. 4. K.S.A. 2013 Supp. 40-5515, 45-229 and 74-99b06 are hereby*
13 *repealed.*}

14 ~~Sec. 4. {5.}~~ This act shall take effect and be in force from and after its
15 publication in the statute book.