

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairperson Barbara Allen at 1:30 p.m. on February 5, 2004 in Room 423-S of the Capitol.

All members were present except:
Senator Mark Gilstrap- excused

Committee staff present:
Mike Heim, Legislative Research
Martha Dorsey, Legislative Research
Ken Wilke, Revisor of Statutes
Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee:
Norm Furse, Revisor of Statutes

Others attending:
See Attached List.

Chairperson Allen brought the committee's attention to a review of Public Records Exceptions that are in the Kansas Open Records Act. It would be getting the same presentation the House committee received last week.

Norm Furse, Revisor of Statutes, recognized by Chairperson Allen presented the review. He handed out a memo relating to the Public Records Exceptions Review, which is mandated by statute (Attachment 1).

Chairperson Allen returned to discussion of **SB 376** - campaign finance; use of unexpended campaign funds. The Chair made a request to the Ethics Commission to present information on the questions that were raised in committee at the hearing on January 29, 2004. Chairperson Allen recognized Vera Gannaway, Ethics Commission to committee and to explain the three different scenarios on transferring unexpended funds (Attachment 2) with a balloon (Attachment 3).

The meeting adjourned at 2:30 p.m.

SENATE
ELECTIONS AND LOCAL GOVERNMENT
GUEST LIST

Date Thurs Feb 5

Scott Heidner	KS Consulting Engineer
Kennie Leffler	DOB
RD LEBOSCH	KDOT
Ron Seiber	John Law Firm
LARRY R BAER	KM
Judith Moler	KAC
Ryan Paul Underwood	Sen. Oleen
Trent Ludwig	Sen Pres Off
Marta Hoover	Hoover's Capitol Report
Danielle Hae	Jackson County
Erik Sartorius	City of Overland Park
Richard Cannon	KPA
Doug Sainor	Pinegar, Smith & Associates
<u>TOM DAY</u>	KCC
Beth Lange	SRS

MEMORANDUM

TO: House Committee on Local Government

FROM: Norm Furse, Revisor of Statutes

DATE: January 15, 2004

RE: Public Records Exceptions Review

- I. 2003 Interim Study. The Legislative Coordinating Council assigned the following study topic for review by the Special Committee on Local Government: "*Kansas Open Records Act.* Study all exceptions to the Kansas Open Records Act and recommend any needed changes. A 2000 law provided that all exceptions to disclosure in existence on July 1, 2000, and any new exception to disclosure or substantial amendment of an existing exception shall expire on July 1 of the fifth year after enactment unless the Legislature acts to reenact the exception. The Revisor of Statutes currently is in the process of identifying statutes which contain such exceptions."
- II. Legislative Review of Statutory Exceptions. See the attached document "Legislative Review of Statutory Exceptions to Disclosure of Public Records."
- III. Review of K.S.A. 45-229. See attached copy of K.S.A. 45-229.
- IV. Review of the Preparation Process for Identifying Exceptions. Revisor of Statutes review.
- V. Open Records Review List. See the attached preliminary draft "Open Records Review" document to be certified June 1, 2004.
- VI. Open Records Act Exclusion Section. See attached K.S.A. 2003 Supp. 45-221.

Senate Elec + Loc Gov
02-05-04
Attachment 1

Legislative Review of Statutory Exceptions to Disclosure of Public Records

- Under K.S.A. 45-229, all statutory exemptions to disclosure in existence on July 1, 2000, expire on July 1, 2005, unless the legislature acts to reenact the exception.
- New exemptions to disclosure of public records expire on July 1 of the fifth year after enactment unless the legislature acts to reenact the exception.
- In the year before the expiration of an exception, the Revisor of Statutes certifies to the President of the Senate and the Speaker of the House by June 1 the statutory language and statutory citation of each exception which will expire the following year.
- The first such certification of the Revisor of Statutes will be June 1, 2004, for the sections which expire July 1, 2005.
- Under subsection (h) of K.S.A. 45-229, the legislature is directed to “review the exception before its scheduled expiration....”
- Exceptions to disclosure under the open records act which are not subject to review and expiration are exceptions required by federal law and exceptions which apply solely to the legislature or the state court system.

Prepared by Norm Furse, Revisor of Statutes



[Home](#) > [Kansas Statutes](#) > Kansas Statute No. 45-229

45-229

Chapter 45.--PUBLIC RECORDS, DOCUMENTS AND INFORMATION Article 2.--RECORDS OPEN TO PUBLIC

45-229. Legislative review of exceptions to disclosure. (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) All exceptions to disclosure in existence on July 1, 2000, shall expire on July 1, 2005, and 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 reenact 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 June 1, 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.

(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;

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

(D) 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.

History: L. 2000, ch. 156, § 8; July 1.

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Revised January 14, 2004

OPEN RECORDS REVIEW – EXCEPTIONS EXISTING JULY 1, 2000

RE: K.S.A. 45-229

To Be Certified June 1, 2004

Exceptions Expire July 1, 2005

1-401	C.P.A. peer review data confidential
2-1202	Fertilizers – sec. <u>not</u> disclose business operations of applicant
5-512	Dispute resolution – privilege of communications
9-1137	Banking – compliance review documents – confidential
9-1712	Banking – investigations & examinations – confidential
9-2217	Banking – mortgage business – exam & reports – confidential
10-630	Municipal bonds – registration – exempt from public inspection etc.
11-306	Census – confidential information
12-189	City-County sales tax – reports to director confidential
12-1,108	Intangibles tax – returns etc confidential
12-1694	Transient guest tax – report by director confidential
12-1698	Transient guest tax – report by director confidential
12-2819	Metro transit authority – documents open except those used in negotiations
12-4516	Municipal courts – expungement – disclosure exceptions
16-715	Pawnbrokers & precious metal dealers – report of property pledged
16a-2-304	U.C.C.C. – annual report confidential
17-1312e	Cemetery corp. – Sec. State exam records confidential
17-2227	Credit unions – adm. – investigations – information confidential
17-5832	Savings & loan – compliance review documents – confidential
17-7503	Corporations – domestic – franchise tax – amount <u>not</u> disclosed by Sec. State
17-7505	Corporations – foreign – franchise tax – amount <u>not</u> disclosed by Sec. State
17-7511	Corporations – income tax – return <u>not</u> disclosed by Sec. State
17-7514	Corporations – time extension – Sec. State confidential file
17-7515	Corporations – annual report – part confidential (section now repealed)
17-7656	Limited liability co. – annual report – part confidential (section now repealed)
17-7690	Limited liability co. – certain info – part confidential
17-76,139	Limited liability co. – certain info – part confidential
19-4321	Sheriff – civil service bd. – info open to public as prescribed by board
21-2511	Criminal investigations – genetic marker information confidential
22-3711	Parole board – certain info – reports confidential
22-4707	KBI criminal history record info – restricted dissemination
22-4909	Sex offender registration – certain info not disclosed
22a-243	Coroner – child death review board – records – confidential
22a-244	Coroner – child death review board – records – confidential
23-605	Domestic dispute mediation – privileged information
23-9,312	Interstate family support – nondisclosure

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25-4161 Elections – campaign finance – complaint confidential
25-4165 Elections – campaign finance – records of investigation confidential
25-4171 Elections – campaign finance – violating confidentiality
31-405 Arson reporting – information confidential
34-251 Grain warehousing – inspection certain info confidential
38-1508 Code for care of children – abuse & neglect not disclosed
38-1520 Code for care of children – information system confidential – reports
38-1565 Placement of child – report confidential
38-1609 Juvenile offender code – diagnostic – medical records, confidential
38-1610 Juvenile offender code – expungement – confidential
38-1618 Juvenile justice code – information system confidential
38-1664 Juvenile justice code – foster parents report confidential
39-709b Welfare assistance – confidential – exceptions
39-719e Welfare assistance – medical benefit providers – confidential – not under open records
39-934 Adult care homes – confidential info
39-1434 S.R.S. statewide register – abuse & neglect reporting – certain confidential – not under open records

39-1704 S.R.S. – regional interagency councils – confidentiality
40-222 Insurance – condition of company – report confidential
40-2,156 Insurance – acquisition & disposition of assets report confidential
40-2,177 Insurance – viator – confidential (section now repealed)
40-2,178 Insurance – viator – confidential (section now repealed)
40-2,180 Insurance – viator – settlement – medical info – confidential (section now repealed)
40-2c20 Insurance – risk based capital – report confidential
40-2c21 Insurance – risk based capital – publication prohibited
40-2d20 Insurance – risk based capital – reports confidential
40-2d21 Insurance – risk based capital – HMO manage care org.
40-409 Insurance – life – actuary opinion – mem supporting confidential
40-956 Insurance – fire – rating org – info for exam confidential
40-1128 Insurance – liability – health care provider
40-2807 Insurance – disclosure – tax reports & returns
40-3012 Insurance – impaired insurer – reports etc confidential
40-3304 Insurance – holding companies – lender confidential
40-3305 Insurance – holding companies – registration of insurers, disclosure
40-3308 Insurance – holding companies – exam – registration of insurers, disclosure
40-3403b Insurance – health care stabilization fund – committee – registration of insurers, disclosure
40-3421 Insurance – mortgage guaranty – insurer report confidential
40-3613 Insurance – impaired or insolvent insurer confidential not subject to act
40-3805 Insurance – trade secrets confidential
40-4205 Insurance – prepaid legal & dental – trade secrets – confidential
44-510j Worker comp. – utilization & peer review – privileged
44-550b Worker comp. – open record – except (list)
44-594 Worker comp. – employer financial info confidential

44-635 Sec. human resources – interrogatories & testimony – confidential
 44-714 Employment security – employing unit records & reports – confidential
 44-817 Employer – employee relations, mediators – communication confidential
 44-1005 Human rights comm. – investigations – agreement – not disclosed
 44-1019 Human rights comm. – investigations – agreement – not disclosed
 44-1514 Athlete agents – Sec. State investigation – confidential (section now repealed)
 45-221 Open records act – exceptions (a)(1) through (a)(43)
 46-256 Governmental ethics – complaint – confidentiality
 46-259 Governmental ethics – investigations – records & proceedings confidential
 46-2201 Joint committee on pensions, investments etc – information concerning trustees – confidential
 47-839 Veterinarian – care – confidentiality
 47-844 Veterinarian – payment of civil penalty – constitutes satisfaction for purposes of public disclosure
 47-849 Veterinarian – impaired – investigation confidential
 47-1709 Animal dealers – complaint – confidentiality
 48-1614 Nuclear energy development & control – trade secrets not disclosed
 49-406 Mined land – permits – analysis of coal – confidential
 49-427 Mined land – commercial & financial info
 55-1,102 Corp. comm. – gas gathering – not required to disseminate data
 56-1a606 Limited partnership – domestic – Sec. State – franchise tax – not disclosed
 56-1a607 Limited partnership – foreign – Sec. State – franchise tax – not disclosed
 56a-1201 Limited liability partnership – domestic – Sec. State – franchise tax – not disclosed
 56a-1202 Limited liability partnership – foreign – Sec. State – franchise tax – not disclosed
 58-4114 Real estate appraisers – address not disclosed
 59-2135 Adoption – files not open – except
 59-2802 Personal representatives – reports to county welfare etc confidential
 59-2979 Care & treatment – mentally ill – records & reports confidential
 59-29b79 Alcohol & substance abuse – records privileged – exceptions
 60-3333 Environmental audits – audit report – privilege
 60-3335 Environmental audits – procurement by court
 60-3336 Environmental audits – information – no privilege
 60-3337 Environmental audits – statutory or common law privilege
 65-102b Sec. health & environ. – noninfectious diseases – confidential
 65-118 Local health care providers – contagious diseases – report confidential
 65-119 Local health care providers – communications – report confidential
 65-153f Prenatal serological tests – confidential reports
 65-170g Sec. health & environ. – discharge water pollutants – trade secrets confidential
 65-177 Medical research studies – confidentiality
 65-1,106 Sickle cell testing – confidential
 65-1,113 Health manpower planning – confidential
 65-1,116 Diabetes mellitus – confidential – exceptions
 65-1,117 Diabetes mellitus – disclosure – penalty

65-1,157a	Newborn infant hearing – screen – confidential
65-1,163	Pregnant women – prenatal substance abuse info – confidential
65-1,165	Pregnant women – prenatal substance abuse info – confidential
65-1,168	Cancer registry – data confidential
65-1,169	Cancer registry – data confidential
65-1,171	Cancer registry – data confidential
65-1,172	Cancer registry – data confidential
65-436	Hospitals – licensing – confidentiality
65-445	Abortion – confidentiality
65-507	Maternal & child care centers – records – confidentiality
65-525	Maternal & child care centers – records – exceptions
65-531	Immunization records – certain disclosures
65-657	Health & environ. – food & drug – trade secrets
65-1135	Nursing – complaint & investigation of licensee confidential
65-1467	Dentists – complaint & investigation of licensee confidential
65-1627	Pharmacists – license – revocation investigation confidential
65-1831	Barber bd & officers – investigations etc confidential
65-2422d	Vital statistics – certain info <u>not</u> disclosed
65-2438	Dead bodies – diseases – confidential
65-2836	Healing arts – licensure – revocation – investigate – confidential
65-2836a	Healing arts – licensure – revocation – investigate – confidential (section now repealed)
65-2839a	Healing arts – investigations info – confidential
65-2898a	Healing arts – malpractice reports – confidential
65-3015	Air quality control – trade secrets – confidential
65-3447	Hazardous waste – trade secrets – confidential
65-34,108	Storage tanks – trade secrets – confidential
65-34,126	Storage tanks – 3rd party liability insurance – confidential
65-4019	Alcoholism – intox treatment – info – confidential
65-4608	Drug abuse – intox treatment – info – confidential
65-4922	Medical care facilities – reports & records – confidential
65-4925	Health care provider – impaired provider reports privileged
65-5602	Mental health facilities – treatment etc privilege
65-5603	Mental health facilities – treatment etc privilege – exceptions
65-6002	Sec. health & environ. – HIV – reporting – confidentiality
65-6003	Sec. health & environ. – HIV – reporting – investigations – confidentiality
65-6004	Sec. health & environ. – HIV – reporting – physician disclosure – confidentiality
65-6005	Sec. health & environ. – HIV – disclosure – penalties
65-6010	Sec. health & environ. – court order – tests – confidential
65-67a05	Fetal organs & tissue – info – confidential
65-6803	Health care data board – data – confidential
65-6804	Health care data board – data – confidential
66-101c	Corp. comm. – electric public utilities – contracts – confidential
66-117	Corp. comm. – electric – tariff, schedules, etc determined confidential

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66-151 Corp. comm. – electric – tariff, schedules, etc determined confidential
66-1,190 Corp. comm. – telecommunications – contracts determined confidential
66-1,203 Corp. comm. – natural gas – contracts determined confidential
66-1220a Corp. comm. – trade secrets & commercial information confidential
66-2010 Universal service fund adm. – info – carriers & utilities
72-996 School dispute resolution – info confidential
72-4311 Sec. S.R.S. voc. rehab. – rules & regs protection of confidential records
72-4452 Voc. ed & proprietary schools – info state board – confidential
72-5214 Health assessments – confidential
72-53,106 Pupil identification – information confidential
72-5427 Mediation – confidential communications
72-8202f School dist. employment – criminal history records confidential (section now expired)
72-8903 Suspension & expulsion – pupils – disclosure limited
73-1228 Gulf war veterans syndrome – survey confidential
74-2424 Sec. revenue – tax information disclosure limited
74-2433f Bd. tax appeals – small claims – certain documents confidential
74-4905 KPERS bd. members – KBI investigation – information to senate confidential
74-4909 KPERS bd. members – member accounts & records confidential
74-50,131 Commerce & housing – certain info not subject to 45-215
74-5515 Developmental disabilities protection agency confidential
74-7308 Crime victims bd. – records & basis of claim confidential
74-7338 Crime victims bd. – name & address – victim – confidential
74-7405a Corrections ombudsman – complaints by inmates – employees not disclosed
74-8104 KTEC – client proprietary info confidential
74-8307 Venture capital co. – documents submitted by companies not public
74-8705 State lottery – info on major contracts – confidential
74-8804 Parimutuel racing – investigation licenses & employees – confidential
74-9805 Tribal gaming – employees – licensees criminal history records confidential
75-104 Governors records – certain not disclosed
75-712 K.B.I. – gubernatorial appointees investigation – confidential
75-7b15 Private investigators – AG subpoena – confidentiality
75-1267 Bldg. specs & documents – correctional institutions not open to public
75-2943 Civil service – performance ratings & reports – sec. adm. determine extent open
75-4332 Officer – employee relations – mediation – information confidential
75-4362 State drug screening program – test results confidential
75-5133 Dir. of taxation – licensure, registration & tax returns – confidentiality
75-5266 Correctional facilities, psychiatric evaluation reports – confidentiality
75-5665 Statewide trauma system – certain info confidential
75-5666 Statewide trauma system – certain info confidential
75-7310 Long term care ombudsman – record & reports of residents confidential
76-355 Medical center records – identity of patient not disclosed
76-359 Medical center records – identity of patient not disclosed
76-493 K.S.U. med center – peer review committee – privileged

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76-12b11	M.R. institutions – patient records privileged – exceptions
76-3305	KU hospital authority – certain info not subject to open records
79-1119	Bank, trust & savings & loan – taxation – reports & statements etc confidential
79-1437f	Real estate sales validation questionnaire
79-15,118	Estate tax – disclosure prohibited – exceptions
79-3234	Revenue dept – tax information – limits on disclosure
79-3395	Cigarette & tobacco tax – imported – statement confidential
79-3420	Motor vehicle fuels – reports – confidential
79-3499	L.P. gas – reports – investigations confidential
79-34,113	Interstate motor fuel users – reports etc – confidential
79-3614	Sales tax – returns & investigations – confidential
79-3657	Multistate state tax – returns – confidential
79-4301	Multistate tax compact audits – confidential
79-5206	Marijuana & controlled substances – report & returns confidential

SUBSTANTIALLY AMENDED YEAR 2000 OPEN RECORD EXCEPTIONS

Exceptions Enacted After 2000 Expire
July 1 of the Fifth Year after Enactment

SUBSTANTIALLY AMENDED 2000 SECTIONS – 2001 SESSION

1-501	C.P.A. peer review
12-4516a	Expungement – municipal courts
25-2309	Voter registration – address (federal law exemption)
38-1692	Infectious disease – testing
40-2404	Insurance – deceptive acts – nonpublic personal info (federal law exemption)
45-221	Open records – exceptions (a)(44)
65-525	Maternity centers – child care facilities – records
65-6016	Infectious disease – disclosure
65-6017	Infectious disease – disclosure

SUBSTANTIALLY AMENDED 2000 SECTIONS – 2002 SESSION

45-221	Open records – exemption (a)(45)
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SUBSTANTIALLY AMENDED 2000 SECTIONS – 2003 SESSION

39-1411	Sec. of Aging – abuse and neglect reporting
39-1436	Records subject to confidentiality under 39-1434
45-221	Open records – exception (a)(46)
65-4915	Health care providers – peer review reports (am. 2003, eff 4/04)

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COURTS

(exempt 7-1-2000)

20-319	Juvenile justice system – disclosure
20-1204a	Indirect contempt – information subject to gag order
20-2205	Judicial council – operation of courts etc.
21-3525	Evidence – complaining witness – prior sexual conduct
21-4619	Expungement – disclosure – when
21-4714	Presentence investigation report – disclosure
22-2410	Expungement – disclosure – when
22-2515	Interception of communications – privilege
22-2516	Interception of communications – privilege
22-3012	Grand jury – disclosure
22-3212	Discovery and inspection – restrictions by court
22-3434	Child victim – testimony – videotape
23-130	Artificial insemination – consent filed in district court
38-1128	Birth certificate – paternity confidential file
38-1356	Child custody – disclosure
38-1506	Code for care of children – reports – privilege
38-1507	Code for care of children – reports
38-1514	Code for care of children – reports – witness or file
38-1554	Code for care of children – reports – privilege
38-1597	Code for care of children – file – privilege
38-1607	Juvenile justice code – file – privilege
38-1608	Juvenile justice code – file – privilege
40-3615	Insurance – delinquency proceeding confidential
45-222	Public records – review
59-212	Probate – docket – mentally ill and adoptions
59-214	Probate – records – except adoptions
59-2122	Probate – records – except adoptions
59-2965	Care and treatment – mentally ill
59-29b65	Alcohol and substance abuse – privilege
59-3013	Guardian and conservator – evidence (section now repealed)
59-3018a	Guardian and conservator – placement of ward (section now repealed)
60-226	Civil procedure – discovery
60-237	Civil procedure – discovery – disclosure
60-243	Civil procedure – evidence – privilege – witness
60-245	Civil procedure – subpoenas – confidential or privileged information
60-423	Civil procedure – evidence – accused – privilege of witness
60-426	Civil procedure – evidence – lawyer-client privilege
60-427	Civil procedure – evidence – physician-patient privilege
60-428	Civil procedure – evidence – marital privilege

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60-433	Civil procedure – evidence – secretary of state – privilege
60-434	Civil procedure – official information – privilege
60-435	Civil procedure – evidence – communications to grand jury
60-436	Civil procedure – evidence – identity of informer
60-437	Civil procedure – evidence – waiver of privilege
60-438	Civil procedure – evidence – disclosure wrongfully compelled
60-452a	Civil procedure – dispute resolution – privilege
60-3104	Civil procedure – protection from abuse – address and telephone
60-3324	Civil procedure – trade secrets – protection
60-3504	Professional malpractice screening panels
60-4106	Asset seizure and forfeiture – compelled disclosure
60-4109	Asset seizure and forfeiture
60-4118	Asset seizure and forfeiture
60-4119	Asset seizure and forfeiture
61-3604	Execution – disclosure of property
65-6705	Abortion – identity & record – confidential
75-7023	Juvenile intake & assessment – records – confidential

FEDERAL LAW (exempt 7-1-2000)

11-204	Census – information confidential (U.S.C. Title 13)
22-2515	Interception of communications – privilege
25-2309	Elections – voter registration – application confidential
25-2352	Elections – voter registration (motor-voter) – application confidential
39-759	Absent parents – info concerning
39-7,136	Paternity and child support – information confidential (Title IV D)
40-2404	Insurance – unfair competition – nonpublic personal info
40-3226	Insurance – impaired insurer – medical info confidential
65-1,108a	Tests performed under 42 CFR part 493
65-5704	Emergency planning and community right-to-know – trade secrets – federal act
72-6214	Schools – educational institutions etc – student privacy – federal law
74-2012	Division of vehicles – certain records confidential
75-5649	Early intervention services (health & environment) (P.L. 102-119, part H)
75-5742	Directory of new hires (Act of 1996) except as otherwise permitted by
75-5945	Long-term care – confidentiality as required by federal law

45-221. Certain records not required to be open; separation of open and closed information required; statistics and records over 70 years old open. (a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court to restrict or prohibit disclosure.

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

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

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information which would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual.

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

(8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation.

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

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

(A) Is in the public interest;

(B) would not interfere with any prospective law enforcement action;

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

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

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

(F) would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

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

(12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for purposes requiring security measures in or around the building or facility or which is used for the

generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

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

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

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

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

(A) The information which the agency maintains on computer facilities; and

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

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

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

(19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

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

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

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

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

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

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

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

(23) Library patron and circulation records which pertain to identifiable individuals.

(24) Records which are compiled for census or research purposes and which pertain to

identifiable individuals.

(25) Records which represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service, except that information concerning billings for specific individual customers named by the requester shall be subject to disclosure as provided by this act.

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

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

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

(A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations; conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where incarcerated or location of parole office maintaining supervision and address of a releasee whose crime was committed after the effective date of this act shall be subject to disclosure to any person other than another inmate or releasee, except that the disclosure of the location of an inmate transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections;

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

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

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

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

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

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

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

(34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

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

(36) Information which would reveal the precise location of an archeological site.

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

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

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

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

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

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

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

(44) The amount of franchise tax paid to the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign limited partnership, domestic limited liability partnerships and foreign limited liability partnerships.

(45) Records the disclosure of which would pose a substantial likelihood of revealing security measures that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; or (B) sewer or wastewater treatment systems, facilities or equipment. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping.

(46) Any information or material received by the secretary of state pursuant to subsection (b) of K.S.A. 2003 Supp. 44-1518, and amendments thereto, except when such information is required to be submitted in an application pursuant to K.S.A. 2003 Supp. 44-1520, and amendments thereto.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with

a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

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

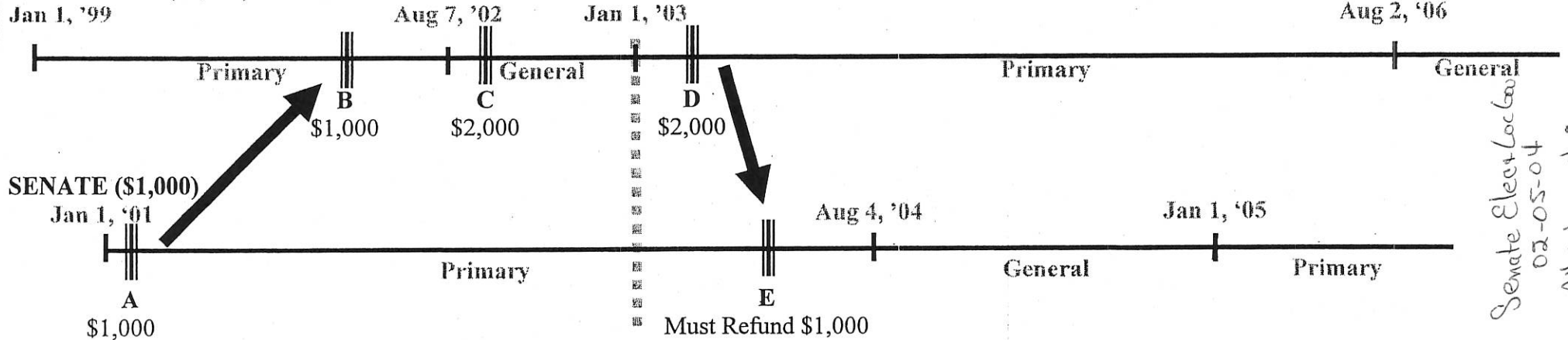
(d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is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

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

(f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

#1

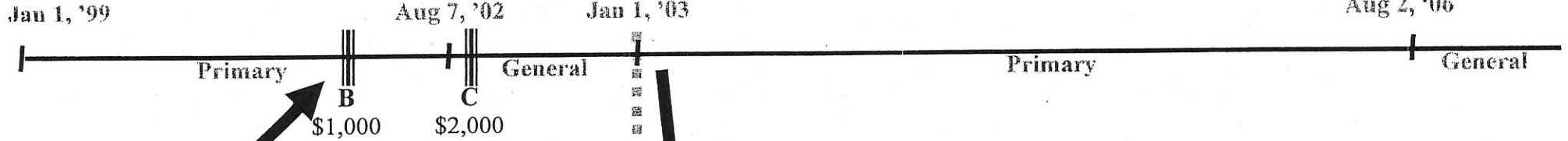
STATEWIDE (\$2,000)



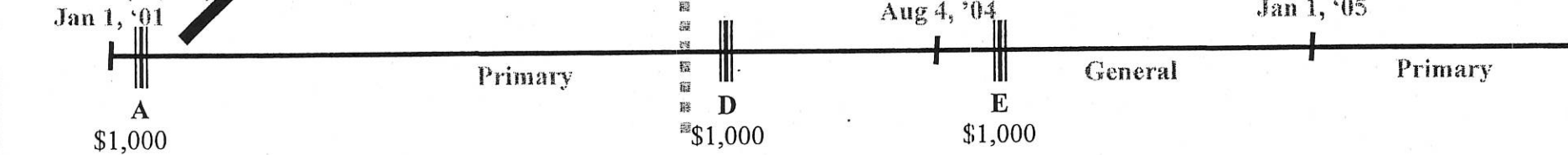
- A. **January 10, 2001:** JB gives Candidate for Senate \$1,000.
- B. **September 10, 2001:** Senate Candidate transfers all money to Statewide race and closes Senate Account. JB gives Candidate for Statewide race another \$1,000 for Statewide Primary Election cycle.
- C. **August 10, 2002:** JB gives Candidate for Statewide office \$2,000 for Statewide General Election Cycle.
- January 1, 2003:** New Statewide Election cycle begins.
- D. **January 10, 2003:** JB gives Statewide Candidate \$2,000 for Statewide Primary election cycle.
- E. **January 11, 2003:** Statewide Candidate closes statewide account and transfers all residual funds to a New Senate Account. Candidate must refund JB \$1,000 because all money given by JB prior to January 1, 2003 was allocated to the statewide election cycle in which it was given. The \$2,000 given by JB on January 10, 2003 will be allocated to the Senate primary election cycle and JB may only give the Senate candidate \$1,000 during the Senate Primary Election cycle.

#2

STATEWIDE (\$2,000)



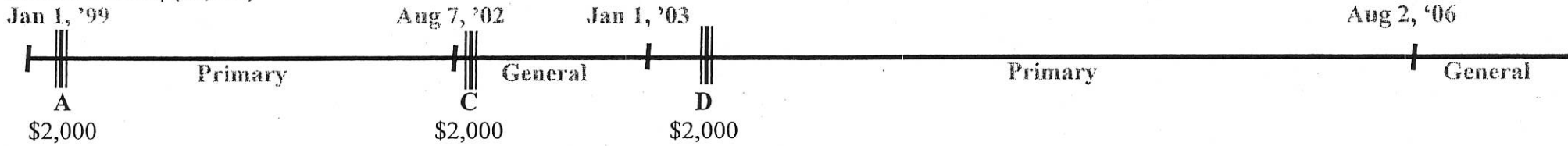
SENATE (\$1,000)



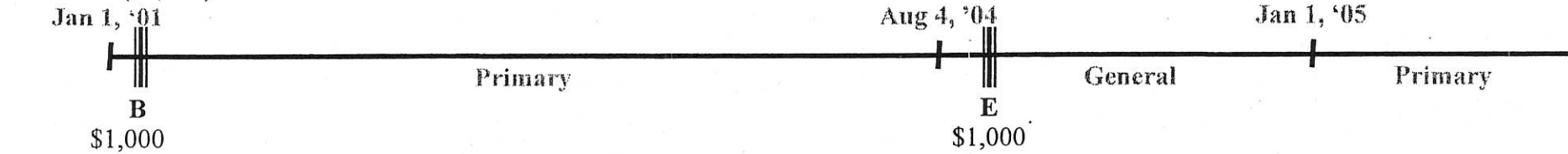
- A. **January 10, 2001:** JB gives Candidate for Senate \$1,000.
- B. **September 10, 2001:** Senate Candidate transfers all money to Statewide race and closes Senate Account. JB gives Candidate for Statewide race another \$1,000 for Statewide Primary Election cycle.
- C. **August 10, 2002:** JB gives Candidate for Statewide race \$2,000 for Statewide General Election Cycle
- D. **January 10, 2003:** Statewide Candidate closes Statewide account and transfers all money to a New Senate Account. Candidate does not need to refund any money because all money given by JB prior to January 1, 2003 was allocated to the statewide election cycle in which it was given. JB may give the Senate Candidate \$1,000 for the Senate Primary Election cycle.
- E. **August 10, 2004:** JB gives Senate Candidate \$1,000 for the Senate General Election Cycle.

#3

STATEWIDE | (\$2,000)



SENATE (\$1,000)



- A. **January 10, 1999:** JB gives Candidate for Statewide office \$2,000 for Primary Election cycle.
- B. **January 10, 2001:** JB gives Candidate for Senate \$1,000 for Primary Election cycle
- C. **August 10, 2002:** JB gives Candidate for Statewide race \$2,000 for General Election Cycle. Candidate loses in the election but decides to keep account open and run again in '06 (or retire debt from '03 election).
- D. **January 10, 2003:** JB gives Candidate for Statewide race \$2,000 for Primary Election Cycle
- E. **August 10, 2004:** JB gives Candidate for Senate \$1,000 for General Election cycle

2-3

Senate Election Law Gov
02-05-04
Attachment 3

1 (B) Any advance, conveyance, deposit, distribution, gift, loan or pay-
2 ment of money or any other thing of value made to expressly advocate
3 the nomination, election or defeat of a clearly identified candidate for a
4 state or local office;

5 (C) a transfer of funds between any two or more candidate commit-
6 tees, party committees or political committees;

7 (D) the payment, by any person other than a candidate, candidate
8 committee, party committee or political committee, of compensation to
9 an individual for the personal services rendered without charge to or for
10 a candidate's campaign or to or for any such committee;

11 (E) the purchase of tickets or admissions to, or advertisements in
12 journals or programs for, testimonial events;

13 (F) a mailing of materials designed to expressly advocate the nomi-
14 nation, election or defeat of a clearly identified candidate, which is made
15 and paid for by a party committee with the consent of such candidate.

16 (2) "Contribution" does not include:

17 (A) The value of volunteer services provided without compensation;

18 (B) costs to a volunteer related to the rendering of volunteer services
19 not exceeding a fair market value of \$50 during an allocable election
20 period as provided in K.S.A. 25-4149, and amendments thereto;

21 (C) payment by a candidate or candidate's spouse for personal meals,
22 lodging and travel by personal automobile of the candidate or candidate's
23 spouse while campaigning;

24 (D) the value of goods donated to events such as testimonial events,
25 bake sales, garage sales and auctions by any person not exceeding a fair
26 market value of \$50 per event; or

27 (E) *[the transfer, in accordance with K.S.A. 25-4157a, and amend-*
28 *ments thereto, of residual funds not otherwise obligated for the payment*
29 *of expenses incurred in a campaign or the holding of office.]*

the transfer of campaign funds to a bona fide
successor committee in accordance with K.S.A. 25-
4157a and amendments thereto

30 (f) "Election" means:

31 (1) A primary or general election for state or local office; and

32 (2) a convention or caucus of a political party held to nominate a
33 candidate for state or local office.

34 (g) (1) "Expenditure" means:

35 (A) Any purchase, payment, distribution, loan, advance, deposit or
36 gift of money or any other thing of value made by a candidate, candidate
37 committee, party committee or political committee for the express pur-
38 pose of nominating, electing or defeating a clearly identified candidate
39 for a state or local office.

40 (B) Any purchase, payment, distribution, loan, advance, deposit or
41 gift of money or any other thing of value made to expressly advocate the
42 nomination, election or defeat of a clearly identified candidate for a state
43 or local office;

1 (5) not more than one political committee established by the state
 2 committee of any such political party and designated as a recognized
 3 political committee for the house of representatives; or
 4 (6) not more than one political committee per congressional district
 5 established by the state committee of a political party regulated under
 6 article 38 of chapter 25 of the Kansas Statutes Annotated, and amend-
 7 ments thereto, and designated as a congressional district party committee.
 8 (j) "Person" means any individual, committee, corporation, partner-
 9 ship, trust, organization or association.
 10 (k) (1) "Political committee" means any combination of two or more
 11 individuals or any person other than an individual, a major purpose of
 12 which is to expressly advocate the nomination, election or defeat of a
 13 clearly identified candidate for state or local office or make contributions
 14 to or expenditures for the nomination, election or defeat of a clearly
 15 identified candidate for state or local office.
 16 (2) "Political committee" shall not include a candidate committee or
 17 a party committee.
 18 (l) "Receipt" means a contribution or any other money or thing of
 19 value, but not including volunteer services provided without compensa-
 20 tion, received by a treasurer in the treasurer's official capacity.
 21 (m) "Public office" means a state or local office.
 22 (n) "Local office" means ~~a member of the governing body of a city of~~
 23 ~~the first class, any elected office of a unified school district having 35,000~~
 24 ~~or more pupils regularly enrolled in the preceding school year, a county~~
 25 ~~or of the board of public utilities.~~
 26 ~~(m)~~ (o) "State office" means any state office as defined in K.S.A. 25-
 27 2505, and amendments thereto.
 28 ~~(n)~~ (p) "Testimonial event" means an event held for the benefit of
 29 an individual who is a candidate to raise contributions for such candidate's
 30 campaign. Testimonial events include but are not limited to dinners,
 31 luncheons, rallies, barbecues and picnics.
 32 ~~(o)~~ (q) "Treasurer" means a treasurer of a candidate or of a candidate
 33 committee, a party committee or a political committee appointed under
 34 the campaign finance act or a treasurer of a combination of individuals
 35 or a person other than an individual which is subject to paragraph (2) of
 36 subsection (a) of K.S.A. 25-4172, and amendments thereto.
 37 ~~(p)~~ "Local office" means ~~a member of the governing body of a city~~
 38 ~~of the first class, any elected office of a unified school district having~~
 39 ~~35,000 or more pupils regularly enrolled in the preceding school year, a~~
 40 ~~county or of the board of public utilities.~~
 41 Sec. 3. K.S.A. 25-4157a is hereby amended to read as follows: 25-
 42 4157a. (a) No moneys received by any candidate or candidate commit-
 43 tee of any candidate as a contribution under this act shall be used or be

- (1) A member of the governing body of a city of the first class;
- (2) an elected office of:
 - (A) A unified school district having 35,000 or more pupils regularly enrolled in the preceding school year city of the first class;
 - (B) a county; or
 - (C) the board of public utilities.

1 made available for the personal use of the candidate and no such moneys
2 shall be used by such candidate or the candidate committee of such can-
3 didate except for:

- 4 (1) Legitimate campaign purposes;
- 5 (2) expenses of holding political office ;
- 6 (3) contributions to the party committees of the political party of
7 which such candidate is a member;
- 8 (4) any membership dues or donations paid to a community service
9 or civic organization in the name of the candidate or candidate committee
10 of any candidate;
- 11 (5) expenses incurred in the purchase of tickets to meals and special
12 events sponsored by any organization the major purpose of which is to
13 promote or facilitate the social, business, commercial or economic well
14 being of the local community; or
- 15 (6) expenses incurred in the purchase and mailing of greeting cards
16 to voters and constituents.

17 For the purpose of this subsection, expenditures for "personal use"
18 shall include expenditures to defray normal living expenses for the candi-
19 didate or the candidate's family and expenditures for the personal benefit
20 of the candidate having no direct connection with or effect upon the
21 campaign of the candidate or the holding of public office.

22 (b) No moneys received by any candidate or candidate committee of
23 any candidate as a contribution shall be used to pay interest or any other
24 finance charges upon moneys loaned to the campaign by such candidate
25 or the spouse of such candidate.

26 (c) No candidate or candidate committee shall accept from any other
27 candidate or candidate committee for any candidate for local, state or
28 national office, any moneys received by such candidate or candidate com-
29 mittee as a campaign contribution. The provisions of this subsection shall
30 not be construed to prohibit:

31 (1) A candidate or candidate committee from accepting moneys from
32 another candidate or candidate committee if such moneys constitute a
33 reimbursement for one candidate's proportional share of the cost of any
34 campaign activity participated in by both candidates involved. Such re-
35 imbursement shall not exceed an amount equal to the proportional share
36 of the cost directly benefiting and attributable to the personal campaign
37 of the candidate making such reimbursement; or

38 (2) *[the transfer of campaign funds, pursuant to paragraph (1) of sub-*
39 *section (d), to a different campaign fund established by the same candidate*
40 *for the purpose of being elected to a different public office.*

41 ~~(d) At the time of the termination of any campaign and prior to the~~
42 ~~filing of a termination report in accordance with K.S.A. 25-4157, and~~
43 ~~amendments thereto, all residual funds otherwise not obligated for the~~

— [, charitable

1 ~~payment of expenses incurred in such campaign or the holding of office~~
 2 ~~shall be contributed to a charitable organization, as defined by the laws~~
 3 ~~of the state, contributed to a party committee or returned as a refund in~~
 4 ~~whole or in part to any contributor or contributors from whom received~~
 5 ~~or paid into the general fund of the state; (1) At the time of the termi-~~
 6 ~~nation of any campaign and prior to the filing of a termination report in~~
 7 ~~accordance with K.S.A. 25-4157, and amendments thereto, all residual~~
 8 ~~funds not otherwise obligated for the payment of expenses incurred in~~
 9 ~~such campaign or the holding of office, or any portion of such funds, may~~

10 be:

- (1) 11 ~~[(A)]~~, Contributed to a charitable organization, as defined by the laws
 12 of the state;
- (2) 13 ~~[(B)]~~, contributed to a party committee;
- (3) 14 ~~[(C)]~~, returned as a refund in whole or in part to any contributor or
 15 contributors from whom such funds were received; ~~[or]~~
- (4) 16 ~~[(D)]~~, paid into the general fund of the state; or
- (5) 17 ~~[(E)]~~, transferred to a bona fide successor committee or candidacy es-
 18 tablished by the candidate.

19 ~~Whenever campaign funds are transferred to a bona fide successor com-~~
 20 ~~mittee or candidacy pursuant to this section, all monies must be trans-~~
 21 ~~ferred from the original campaign fund within 10 days after the date such~~
 22 ~~transfer is made.]~~

23 (e) For the purposes of this section, "bona fide successor committee
 24 or candidacy" means the candidate's campaign committee or candidacy
 25 for an elected public office different from the elected public office held by
 26 the candidate at the time such transfer was made.

27 New Sec. 4. (a) For the period commencing on January 1, 1976, and
 28 ending on the day preceding the effective date of this act, any candidate
 29 who transferred campaign funds to a bona fide successor candidacy, as
 30 such term is defined in section 3, shall be deemed to have made such
 31 transfer in compliance with the provisions of the campaign finance act in
 32 existence at the time of such transfer regardless of when the original
 33 campaign fund is closed after the date such transfer is made and such
 34 transfer is hereby validated.

35 (b) This section shall be part of and supplemental to the campaign
 36 finance act.

37 Sec. 5. K.S.A. 25-4142 and 25-4157a and K.S.A. 2003 Supp. 25-4143
 38 are hereby repealed.

39 Sec. 6. This act shall take effect and be in force from and after its
 40 publication in the Kansas register.

A candidate or candidate committee from transferring campaign funds to a bona fide successor committee or candidacy established by the candidate.

Whenever a transfer to a bona fide successor committee or candidacy is made, all monies shall be transferred to the bona fide successor committee or candidacy.

RP(d)

or sought

and amendments thereto,