

HOUSE BILL No. 2418

By Committee on Appropriations

2-15

1 AN ACT concerning certain state programs, boards and commissions;
2 abolishing the study commission for the consolidation of Kansas City,
3 Kansas, and Wyandotte county, consolidation commission of Topeka,
4 Kansas, and Shawnee county, study commission for the consolidation
5 in Greeley county, ~~pediatry review committee, state board of healing
6 arts review committee for each branch of the healing arts, contact lens
7 advisory council, state emergency response commission, naturopathic
8 advisory council, transportation vision task force, special education
9 funding task force, Persian Gulf war veterans health initiative act,
10 Kansas export finance act, community strategic planning assistance act,
11 natural and scientific areas advisory board, public finance transparency
12 board, Kansas film services commission, Kansas bioscience authority,
13 KAN-ED act and department of health and environment advisory
14 committees; amending K.S.A. 12-340, 12-360, 45-229, 65-5702, 65-
15 5728, 65-7406, 66-2010, 74-2916, 74-5210, 74-6603, 74-6609, 74-
16 72,123, 74-99b03, 74-99b33, 74-99b63, 74-99b83 and 75-7403 ~~and
17 K.S.A. 2022 Supp. 65-4915~~ and repealing the existing sections; also
18 repealing K.S.A. 12-341, 12-342, 12-343, 12-350, 12-351, 12-352, 12-
19 353, 12-354, 12-355, 12-356, 12-357, 12-359, 12-361, 12-362, 65-
20 2016, ~~65-2840e, 65-4969, 65-5703, 65-7214, 68-185, 72-3441, 73-
21 1221, 73-1222, 73-1223, 73-1224, 73-1225, 73-1226, 73-1227, 73-
22 1228, 73-1229, 73-1230, 73-1231, 74-5069, 74-5070, 74-5071, 74-
23 5072, 74-5073, 74-5074, 74-5092, 74-5093, 74-5094, 74-5095, 74-
24 5096, 74-5097, 74-5098, 74-5099, 74-50,100, 74-50,101, 74-6614, 74-
25 6615, 74-72,124, 74-9201, 74-99b04, 74-99b05, 74-99b11, 74-99b12,
26 74-99b13, 74-99b17, 75-7221, 75-7222, 75-7223, 75-7224, 75-7225,
27 75-7226 and 75-7227.~~~~

28
29 *Be it enacted by the Legislature of the State of Kansas:*

30 New Section 1. On July 1, 2023, the commission for the
31 consolidation of Kansas City, Kansas, and Wyandotte county,
32 consolidation commission of Topeka, Kansas, and Shawnee county, study
33 commission for the consolidation in Greeley county, ~~pediatry review
34 committee, state board of healing arts review committee for each branch of
35 the healing arts, contact lens advisory council, state emergency response
36 commission, naturopathic advisory council, transportation vision task~~

1 force, special education funding task force, Persian Gulf war veterans
2 health initiative act, Kansas export finance act, community strategic
3 planning assistance act, natural and scientific areas advisory board, public
4 finance transparency board, Kansas film services commission, Kansas
5 bioscience authority, KAN-ED act and department of health and
6 environment advisory committees are hereby abolished.

7 Sec. 2. K.S.A. 12-340 is hereby amended to read as follows: 12-340.
8 As used in the act:

9 (a) "Commission" means the consolidation study commission of
10 Kansas City, Kansas, and Wyandotte county *prior to such commission's*
11 *abolishment.*

12 (b) "City" means Kansas City, Kansas.

13 (c) "County" means Wyandotte county.

14 Sec. 3. K.S.A. 12-360 is hereby amended to read as follows: 12-360.
15 As used in K.S.A. ~~12-364~~ 12-363 through 12-367, and amendments
16 thereto:

17 (a) "Commission" means the unification commission appointed
18 pursuant to K.S.A. 12-361, ~~and amendments thereto~~ *prior to its repeal.*

19 (b) "City" means any city located in Greeley county.

20 (c) "County" means Greeley county.

21 Sec. 4. K.S.A. 45-229 is hereby amended to read as follows: 45-229.

22 (a) It is the intent of the legislature that exceptions to disclosure under the
23 open records act shall be created or maintained only if:

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

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

28 (3) the public record affects confidential information.

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

38 (b) Subject to the provisions of subsections (g) and (h), any new
39 exception to disclosure or substantial amendment of an existing exception
40 shall expire on July 1 of the fifth year after enactment of the new
41 exception or substantial amendment, unless the legislature acts to continue
42 the exception. A law that enacts a new exception or substantially amends
43 an existing exception shall state that the exception expires at the end of

1 house of representatives pursuant to subsection (e) during 2016 and that
2 have been reviewed during the 2017 legislative session are hereby
3 continued in existence: 12-5711, 21-2511, 22-4909, 38-2313, 45-221(a)
4 (51) and (52), 65-516, 65-1505, 74-2012, 74-5607, 74-8745, 74-8752, 74-
5 8772, 75-7d01, 75-7d05, 75-5133, 75-7427 and 79-3234.

6 (m) Exceptions contained in the following statutes as certified by the
7 revisor of statutes to the president of the senate and the speaker of the
8 house of representatives pursuant to subsection (e) during 2012 and that
9 have been reviewed during the 2013 legislative session and continued in
10 existence by the legislature as provided in subsection (g) are hereby
11 continued in existence: 12-5811, 40-222, 40-223j, 40-5007a, 40-5009a,
12 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-8268, 75-
13 712 and 75-5366.

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

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

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

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

40 ~~Sec. 5. K.S.A. 2022 Supp. 65-4915 is hereby amended to read as~~
41 ~~follows: 65-4915-(a) As used in this section:~~

42 ~~(1) "Healthcare provider" means: (A) Those persons and entities~~
43 ~~defined as a healthcare provider under K.S.A. 40-3401, and amendments~~

Strike all on pages 7 - 9.

1 to any person or entity and shall not be admissible in evidence in any
2 judicial or administrative proceeding other than a disciplinary proceeding
3 by the state board of healing arts or other healthcare provider licensing or
4 disciplinary boards of this state.

5 (e) A peer review committee or officer may report to and discuss its
6 activities, information and findings to other peer review committees or
7 officers or to a board of directors or an administrative officer of a
8 healthcare provider without waiver of the privilege provided by subsection
9 (b) and the records of all such committees or officers relating to such
10 report shall be privileged as provided by subsection (b).

11 (f) ~~Nothing in this section shall be construed to prevent an insured
12 from obtaining information pertaining to payment of benefits under a
13 contract with an insurance company, a health maintenance organization or
14 an administrator of a health benefits plan.~~

15 Sec. 6. K.S.A. 65-5702 is hereby amended to read as follows: 65-
16 5702. As used in this act:

17 (a) "Commission" means the state emergency response commission
18 on emergency planning and response created by K.S.A. 65-5703, 65-5721,
19 and amendments thereto.

20 (b) "Federal act" means the federal emergency planning and
21 community right-to-know act of 1986 (Title III, P.L. 99-499).

22 Sec. 7. K.S.A. 65-5728 is hereby amended to read as follows: 65-
23 5728. (a) Except as otherwise provided by this order, the powers, duties,
24 and functions of the adjutant general and secretary of health and
25 environment related to approval of local planning districts as provided by
26 K.S.A. 65-5703~~(f)~~ 65-5722~~(f)~~ and (g), and amendments thereto, are hereby
27 transferred to and conferred and imposed upon the commission on
28 emergency planning and response.

29 (b) Except as otherwise provided by this order, whenever the words
30 "adjutant general" or "secretary of health and environment" or words of
31 like effect are referred to or designated by a statute, rule and regulation,
32 contract or other document in connection with the powers, duties, and
33 functions transferred by this order from the adjutant general and the
34 secretary of health and environment to the commission on emergency
35 planning and response, the reference or designation shall be deemed to
36 apply to the commission on emergency planning and response.

37 (c) All rules and regulations, orders, and directives of the adjutant
38 general and of the secretary of health and environment relating to the
39 powers, duties, and functions transferred to the commission on emergency
40 planning and response by this order shall continue to be effective and shall
41 be deemed to be rules and regulations, orders, and directives of the
42 commission on emergency planning and response until revised, amended
43 or nullified pursuant to law.

Renumber remaining sections accordingly.

1 nanotechnology, biodefense, biocomputing, bioinformatics and future
2 developments associated with biotechnology.

3 ~~(f)~~ "Life sciences" means, without limitation, the areas of medical
4 sciences, pharmaceutical sciences, biological sciences, zoology, botany,
5 horticulture, ecology, toxicology, organic chemistry, physical chemistry,
6 physiology and any future advances associated with life sciences.

7 ~~(g)~~ "State" means the state of Kansas.

8 ~~(h)~~ "This act" means the bioscience research matching funds act.

9 Sec. 19. K.S.A. 75-7403 is hereby amended to read as follows: 75-
10 7403. (a) The secretary of health and environment is hereby authorized to
11 establish policies and to adopt rules and regulations for the implementation
12 and administration of the powers, duties and functions prescribed for or
13 transferred to the department as provided by law.

14 (b) The secretary of health and environment may enter into contracts
15 as may be necessary to perform the powers, duties and functions of *the*
16 department and as provided by law. As provided by this act or as otherwise
17 the secretary of health and environment may enter into contracts with other
18 state agencies or with local governmental entities for the coordination of
19 health services, including care and prevention programs and activities, and
20 public health programs.

21 ~~(e) The secretary of health and environment may appoint advisory~~
22 ~~committees as deemed necessary by the secretary. The advisory~~
23 ~~committees shall consult with and advise the secretary of health and~~
24 ~~environment regarding the matters referred thereto by the department.~~
25 ~~Members of any advisory committee created under this section attending~~
26 ~~meetings of such committee or attending a subcommittee meeting thereof~~
27 ~~authorized by such committee shall be paid subsistence allowances,~~
28 ~~travel and other expenses as provided in K.S.A. 75-2222, and~~
29 ~~amendments thereto, but shall receive no compensation for services as~~
30 ~~members of such advisory committee.~~

31 Sec. 20. K.S.A. 12-340, 12-341, 12-342, 12-343, 12-350, 12-351, 12-
32 352, 12-353, 12-354, 12-355, 12-356, 12-357, 12-359, 12-360, 12-361, 12-
33 362, 45-229, ~~65-2016, 65-2840e, 65-4969, 65-5702, 65-5703, 65-5728,~~
34 ~~65-7214, 65-7406, 66-2010, 68-185, 72-3441, 73-1221, 73-1222, 73-1223,~~
35 ~~73-1224, 73-1225, 73-1226, 73-1227, 73-1228, 73-1229, 73-1230, 73-~~
36 ~~1231, 74-2916, 74-5069, 74-5070, 74-5071, 74-5072, 74-5073, 74-5074,~~
37 ~~74-5092, 74-5093, 74-5094, 74-5095, 74-5096, 74-5097, 74-5098, 74-~~
38 ~~5099, 74-50,100, 74-50,101, 74-5210, 74-6603, 74-6609, 74-6614, 74-~~
39 ~~6615, 74-72,123, 74-72,124, 74-9201, 74-99b03, 74-99b04, 74-99b05, 74-~~
40 ~~99b11, 74-99b12, 74-99b13, 74-99b17, 74-99b33, 74-99b63, 74-99b83,~~
41 ~~75-7221, 75-7222, 75-7223, 75-7224, 75-7225, 75-7226, 75-7227 and 75-~~
42 ~~7403 and K.S.A. 2022 Supp. 65-4915 are hereby repealed.~~

43 Sec. 21. This act shall take effect and be in force from and after its

1 publication in the statute book.