

SENATE BILL No. 415

By Committee on Judiciary

2-5

Proposed Amendments to SB 415
House Judiciary
March 8, 2016
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Office of Revisor of Statutes

1 AN ACT concerning legislative review of exceptions to disclosure of
2 public records; amending K.S.A. 2015 Supp. 9-513c, 12-5374, 16-335,
3 17-1312e, 25-2309, 40-2,118, 40-2,118a, 40-4913, 45-229, 75-5664
4 and 75-5665 and repealing the existing sections.
5

public records; relating to

disclosure of charitable gaming licensee information;

75-5133.

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

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

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

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

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

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

(B) The provisions of this paragraph shall expire July 1, 2018, unless the legislature acts to reenact such provisions. The provisions of this section shall be reviewed by the legislature prior to July 1, 2018.

1 2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48),
 2 50-6a11, 56-1a610, 56a-1204, 65-1,243, 65-16,104, 65-3239, 74-50,184,
 3 74-8134, 74-99b06, 77-503a and 82a-2210.

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

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

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

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

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

38 (2) One member shall be licensed to practice osteopathic medicine
 39 appointed by the governor. At least 30 days prior to the expiration of the
 40 term of the member appointed under this section, the Kansas association of
 41 osteopathic medicine shall submit to the governor a list of three persons of
 42 recognized ability and qualification. The governor shall consider such list
 43 of persons in making appointments to the board under this paragraph.

Insert Attachment

And by renumbering sections accordingly

1 to and discuss activities, information and findings of the council which
2 relate to incidents of trauma injury or trauma care with the secretary of
3 health and environment and make reports as provided in this section
4 without waiver of the privilege provided by this subsection~~(b)~~ and K.S.A.
5 65-4915, and amendments thereto, and the records and findings of such
6 council or officer which are privileged under this subsection~~(b)~~ and
7 K.S.A. 65-4915, and amendments thereto, shall remain privileged as
8 provided by this subsection~~(b)~~ and K.S.A. 65-4915, and amendments
9 thereto.

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

13 Sec. 12. K.S.A. 2015 Supp. 9-513c, 12-5374, 16-335, 17-1312e, 25-
14 2309, 40-2,118, 40-2,118a, 40-4913, 45-229, 75-5664 and 75-5665 are
15 hereby repealed.

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

75-5133,

Sec. 10. K.S.A. 2015 Supp. 75-5133 is hereby amended to read as follows: 75-5133.(a) Except as otherwise more specifically provided by law, all information received by the secretary of revenue, the director of taxation or the director of alcoholic beverage control from returns, reports, license applications or registration documents made or filed under the provisions of any law imposing any sales, use or other excise tax administered by the secretary of revenue, the director of taxation, or the director of alcoholic beverage control, or from any investigation conducted under such provisions, shall be confidential, and it shall be unlawful for any officer or employee of the department of revenue to divulge any such information except in accordance with other provisions of law respecting the enforcement and collection of such tax, in accordance with proper judicial order or as provided in K.S.A. 74-2424, and amendments thereto.

(b) The secretary of revenue or the secretary's designee may:

- (1) Publish statistics, so classified as to prevent identification of particular reports or returns and the items thereof;
- (2) allow the inspection of returns by the attorney general or the attorney general's designee;
- (3) provide the post auditor access to all such excise tax reports or returns in accordance with and subject to the provisions of K.S.A. 46-1106(g), and amendments thereto;
- (4) disclose taxpayer information from excise tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;
- (5) provide information from returns and reports filed under article 42 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, to county appraisers as is necessary to ensure proper valuations of property. Information from such returns and reports may also be exchanged with any other state agency administering and collecting conservation or other taxes and fees imposed on or measured by mineral production;
- (6) provide, upon request by a city or county clerk or treasurer or finance officer of any city or county receiving distributions from a local excise tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month, and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number;
- (7) provide information from returns and applications for registration filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-3601, and amendments thereto, to a city or county treasurer or clerk or finance officer to explain the basis of statistics contained in reports provided by subsection (b)(6);
- (8) disclose the following oil and gas production statistics received by the department of revenue in accordance with K.S.A. 79-4216 et seq., and amendments thereto: Volumes of production by well name, well number, operator's name and identification number assigned by the state corporation commission, lease name, leasehold property description, county of production or zone of production, name of purchaser and purchaser's tax identification number assigned by the department of revenue, name of transporter, field code number or lease code, tax period, exempt production volumes by well name or lease, or any combination of this information;
- (9) release or publish liquor brand registration information provided by suppliers, farm wineries, microdistilleries and microbreweries in accordance with the liquor control act. The information to be released is limited to: Item number, universal numeric code, type status, product description, alcohol percentage, selling units, unit size, unit of measurement, supplier number, supplier name, distributor number and distributor name;
- (10) release or publish liquor license information provided by liquor licensees, distributors, suppliers, farm wineries, microdistilleries and microbreweries in accordance with the liquor control act. The information to be released is limited to: County name, owner, business name, address, license type, license number, license expiration date and the process agent contact information;
- (11) release or publish cigarette and tobacco license information obtained from cigarette and tobacco licensees in accordance with the Kansas cigarette and tobacco products act. The information to be released is limited to: County name, owner, business name, address, license type and license number;
- (12) provide environmental surcharge or solvent fee, or both, information from returns and applications for registration filed pursuant to K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secretary of health and environment or the secretary's designee for the sole purpose of ensuring that retailers collect the environmental surcharge tax or solvent fee, or both;
- (13) provide water protection fee information from returns and applications for registration filed pursuant to K.S.A. 82a-954, and amendments thereto, to the secretary of the state board of agriculture or the secretary's designee and the secretary of the Kansas water office or the secretary's designee for the sole purpose of verifying revenues deposited to the state water plan fund;
- (14) provide to the secretary of commerce copies of applications for project exemption certificates sought by any taxpayer under the enterprise zone sales tax exemption pursuant to K.S.A. 79-3606(cc), and amendments thereto;

Attachment cont.

- (15) disclose information received pursuant to the Kansas cigarette and tobacco act and subject to the confidentiality provisions of this act to any criminal justice agency, as defined in K.S.A. 22-4701(c), and amendments thereto, or to any law enforcement officer, as defined in K.S.A. 2015 Supp. 21-5111, and amendments thereto, on behalf of a criminal justice agency, when requested in writing in conjunction with a pending investigation;
- (16) provide to retailers tax exemption information for the sole purpose of verifying the authenticity of tax exemption numbers issued by the department;
- (17) provide information concerning remittance by sellers, as defined in K.S.A. 2015 Supp. 12-5363, and amendments thereto, of prepaid wireless 911 fees from returns to the local collection point administrator, as defined in K.S.A. 2015 Supp. 12-5363, and amendments thereto, for purposes of verifying seller compliance with collection and remittance of such fees;
- (18) release or publish charitable gaming information obtained in ~~bingo~~ charitable gaming licensee and registration applications and renewals in accordance with the ~~bingo act~~, K.S.A. 79-4701 Kansas charitable gaming act, K.S.A. 2015 Supp. 75-5171 et seq., and amendments thereto. The information to be released is limited to: The name, address, phone number, license registration number and email address of the organization, distributor or of premises; and
- (19) provide to the attorney general confidential information for purposes of determining compliance with or enforcing K.S.A. 50-6a01 et seq, and amendments thereto, the master settlement agreement referred to therein and all agreements regarding disputes under the master settlement agreement. The secretary and the attorney general may share the information specified under this subsection with any of the following:
- (A) Federal, state or local agencies for the purposes of enforcement of corresponding laws of other states; and
- (B) a court, arbitrator, data clearinghouse or similar entity for the purpose of assessing compliance with or making calculations required by the master settlement agreement or agreements regarding disputes under the master settlement agreement, and with counsel for the parties or expert witnesses in any such proceeding, if the information otherwise remains confidential.
- (c) Any person receiving any information under the provisions of subsection (b) shall be subject to the confidentiality provisions of subsection (a) and to the penalty provisions of subsection (d).
- (d) Any violation of this section shall be a class A, nonperson misdemeanor, and if the offender is an officer or employee of this state, such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute any violation of this section if the offender is a city or county clerk or treasurer or finance officer of a city or county.

