

SENATE BILL No. 462

By Committee on Assessment and Taxation

2-20

1 AN ACT concerning sales and compensating use tax; relating to tax
2 information; the Kansas business financial protection act; prohibiting
3 disclosure thereof to taxing officials of other states; amending K.S.A.
4 2019 Supp. 74-2424 and repealing the existing section.
5

6 WHEREAS, The amendment contained in subsection (c) of K.S.A.
7 2019 Supp. 74-2424 in this act shall be named the Kansas business
8 financial protection act.

9 Now, therefore:

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

11 Section 1. K.S.A. 2019 Supp. 74-2424 is hereby amended to read as
12 follows: 74-2424. (a) *Except as otherwise provided in subsection (c)*, the
13 secretary of revenue may make available or furnish to the taxing officials
14 of any other state or the commissioner of internal revenue of the United
15 States or other taxing officials of the federal government, or their
16 authorized representatives, or the director of property valuation,
17 information contained in tax reports, renditions or returns or any audit
18 thereof or the report of any investigation made with respect thereto, filed
19 pursuant to the tax laws. Such information shall not be used for any other
20 purpose than that of the administration of the tax laws of this or another
21 state or of the United States, except that the post auditor shall have access
22 to all such information in accordance with and subject to the provisions of
23 K.S.A. 46-1106(e), and amendments thereto.

24 (b) Notwithstanding the provisions of this section, the secretary of
25 revenue may:

26 (1) Communicate to the executive director of the Kansas lottery
27 information as to whether a person, partnership or corporation is current in
28 the filing of all applicable tax returns and in the payment of all taxes,
29 interest and penalties to the state of Kansas, excluding items under formal
30 appeal, for the purpose of determining whether such person, partnership or
31 corporation is eligible to be selected as a lottery retailer; and

32 (2) communicate to the executive director of the Kansas racing
33 commission information as to whether a person, partnership or corporation
34 has failed to meet any tax obligation to the state of Kansas for the purpose
35 of determining whether such person, partnership or corporation is eligible
36 for a facility owner license or facility manager license pursuant to the

1 Kansas parimutuel racing act.

2 *(c) Notwithstanding the provisions of subsection (a) or K.S.A. 75-*
3 *5133, and amendments thereto, the secretary of revenue shall not make*
4 *available or furnish to the taxing officials of any other state, or their*
5 *authorized representatives, information contained in tax reports,*
6 *renditions or returns, or any audit thereof or the report of any*
7 *investigation made with respect thereto, filed pursuant to or concerning*
8 *the Kansas retailers' sales tax act or the Kansas compensating tax act.*

9 Sec. 2. K.S.A. 2019 Supp. 74-2424 is hereby repealed.

10 Sec. 3. This act shall take effect and be in force from and after its
11 publication in the statute book.