

SENATE BILL No. 260

By Legislative Post Audit Committee

12-21

1 AN ACT concerning audits of state agencies; financial-compliance audits;
2 Kansas lottery security audit; selection of auditor, contracts with;
3 creating the Kansas lottery audit contract committee and the department
4 of administration audit contract committee; creating the department of
5 administration audit services fund; amending K.S.A. 46-1108, 46-1112,
6 46-1115, 46-1116, 46-1122, 46-1123, 46-1125, 46-1126, 46-1127 and
7 74-2424 and K.S.A. 2017 Supp. 39-709b, 46-1106, 46-1114, 46-1118,
8 46-1128, 46-1135, 74-4921, 75-5133 and 79-3234 and repealing the
9 existing sections; also repealing K.S.A. 2017 Supp. 46-1121 and 46-
10 1134.

11

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

13 New Section 1. (a) (1) Beginning in calendar year 2019, and at least
14 once every three years thereafter, there shall be conducted a security audit
15 of the Kansas lottery. Any security audit conducted pursuant to this section
16 shall include a comprehensive study and evaluation of all aspects of
17 security in the operation of such state agency. The firm to conduct a
18 security audit shall be selected and shall perform such audit work as
19 provided in sections 3 through 6, and amendments thereto. The firm
20 selected to perform a security audit shall be experienced in security
21 procedures, including, but not limited to, computer systems and security.
22 A contract to conduct such a security audit required by this subsection
23 shall not be awarded until a background investigation is conducted by the
24 executive director of the Kansas lottery on the person or firm selected to
25 perform the audit. Such background investigation shall include: (A) The
26 vendor to whom the contract is to be awarded; (B) all persons who own a
27 controlling interest in such vendor; and (C) all applicable staff having
28 involvement with the audit.

29 (2) For the purpose of conducting a security audit under this
30 subsection, a person or a firm selected to perform the security audit shall
31 not be limited to a legal entity permitted by law to engage in practice as a
32 certified public accountant.

33 (b) Beginning in calendar year 2019, a financial-compliance audit
34 shall be conducted annually on the accounts and transactions of the Kansas
35 lottery and the Kansas lottery commission. The first financial-compliance
36 audit shall examine the accounts and transactions for fiscal year 2019. The

1 firm to conduct this audit work shall be selected as provided in sections 3
2 and 4, and amendments thereto. The audits required pursuant to this
3 subsection shall be conducted in accordance with generally accepted
4 governmental auditing standards, and shall be conducted as soon after the
5 close of the fiscal year as practicable, but shall be completed no later than
6 the deadlines as set forth in section 6, and amendments thereto.

7 New Sec. 2. (a) There is hereby created the Kansas lottery audit
8 contract committee, which shall consist of the following members: (1) The
9 executive director of the Kansas lottery or a Kansas lottery employee
10 designated by the executive director; (2) the chairperson of the Kansas
11 lottery commission or a commission member designated by the
12 chairperson of the Kansas lottery commission; and (3) the post auditor or a
13 person designated by the post auditor. The executive director of the Kansas
14 lottery or the person designated by the executive director to serve as a
15 member of the Kansas lottery audit contract committee shall be the
16 chairperson of the committee.

17 (b) The Kansas lottery audit contract committee shall meet on the call
18 of the chairperson of such committee. A vote of two members of the
19 committee shall be required for any action of the committee.

20 New Sec. 3. (a) In the procurement of a firm or firms to perform an
21 audit required by section 1, and amendments thereto, the executive
22 director of the Kansas lottery shall encourage firms engaged in the lawful
23 practice of their professions to place their names on a list maintained by
24 the executive director of ~~bidders~~ **firms** to receive ~~invitations for bid~~
25 **requests for proposals** on audit contracts.

26 (b) The executive director of the Kansas lottery shall establish
27 specifications for the conduct by a firm or firms of an audit required by
28 section 1, and amendments thereto. The specifications shall be used in
29 preparing ~~invitations for bid~~ **requests for proposals** and evaluating the ~~bids~~
30 **proposals** received.

31 (c) For all audits required by section 1, and amendments thereto, the
32 executive director of the Kansas lottery shall issue ~~an invitation for bid~~ **a**
33 **request for proposals** to all firms who have requested to be on the ~~bidders~~
34 **firm** list and others who request a copy after notice in the Kansas register.
35 The ~~invitation~~ **request for proposals** shall request information on the firm's
36 qualifications, the qualifications of staff to be assigned to the job, the
37 firm's technical approach to the audit and the fee. The executive director
38 shall evaluate the ~~bids~~ **proposals** received in response to the ~~invitations~~
39 **requests for proposals** and for each audit shall prepare a list of at least
40 three and not more than five firms that are, in the opinion of the executive
41 director, qualified to perform such audit or audits. Such list shall be
42 submitted to the Kansas lottery audit contract committee.

43 New Sec. 4. (a) The Kansas lottery audit contract committee may

1 conduct discussions with each of the firms submitted by the executive
2 director and then shall select a firm or firms from such listing to provide
3 an audit as required by section 1, and amendments thereto.

4 (b) The Kansas lottery audit contract committee shall consider, in
5 making their selection, qualifications of the firm and staff, the technical
6 proposal and fee.

7 (c) If the Kansas lottery audit contract committee is unable to contract
8 with any of the selected firms, the committee shall request the executive
9 director to provide another list of firms to be reviewed by the committee.
10 Upon receipt of such list, the committee shall proceed in accordance with
11 the provisions of this section.

12 New Sec. 5. (a) Each contract for an audit required by section 1, and
13 amendments thereto, entered into under section 3 and section 4, and
14 amendments thereto, shall be entered into between the executive director
15 of the Kansas lottery and the firm or firms selected to perform the audit.
16 Each such contract shall require the firm or firms selected to submit
17 evidence that is satisfactory to the Kansas lottery audit contract committee
18 that the firm has general professional liability insurance or specific
19 liability insurance that is adequate for such audit.

20 (b) In addition to the requirements in subsection (a), each such
21 contract for audit services shall specify the responsibilities undertaken by
22 the firm selected to perform such audit and such firm shall be responsible
23 for all material errors and omissions in the performance of such contract.

24 (c) Such contracts shall not be subject to the provisions of K.S.A. 75-
25 3739 *or* 75-37,102 *or* K.S.A. 2017 *Supp.* 75-37,130 *through* 75-37,135,
26 and amendments thereto.

27 New Sec. 6. (a) The Kansas lottery audit contract committee shall
28 monitor the performance of the firm or firms conducting audits pursuant to
29 a contract entered into under section 5, and amendments thereto, to ensure
30 that such audit is performed in accordance with the specifications
31 developed for the conduct of such audit.

32 (b) (1) The firm selected to perform an audit required by section 1(a),
33 and amendments thereto, shall submit a final written audit report by
34 December 1 of each year to the executive director of the Kansas lottery and
35 the legislative post audit committee.

36 (2) The firm selected to perform an audit required by section 1(b),
37 and amendments thereto, shall submit a preliminary written audit report by
38 September 15 of each year to the executive director of the Kansas lottery
39 and the secretary of administration. A final audit report shall be submitted
40 by October 1 of each year to the executive director of the Kansas lottery,
41 the secretary of administration and the legislative post audit committee.

42 (c) In the performance of such audit, the officers and employees of
43 the firm or firms performing the audit shall be subject to the same duty of

1 confidentiality applicable to the post auditor and officers and employees of
2 the division of post audit under the legislative post audit act, and shall
3 have access to all books, accounts, records, files, documents and
4 correspondence, confidential or otherwise, of any person or state agency
5 subject to the audit.

6 New Sec. 7. Sections 1 through 7, and amendments thereto, shall be
7 part of and supplemental to the Kansas lottery act.

8 New Sec. 8. (a) Beginning in calendar year 2019, a financial-
9 compliance audit shall be conducted annually on the accounts and
10 transactions of the Kansas public employees retirement system. The first
11 financial-compliance audit shall examine the accounts and transactions for
12 fiscal year 2019. The auditor to conduct this audit work shall be selected as
13 provided in subsection (c). The audit required pursuant to this subsection
14 shall be conducted in accordance with generally accepted governmental
15 auditing standards, and shall be conducted as soon after the close of the
16 fiscal year as practicable, but shall be completed no later than the
17 deadlines as set forth in section 9, and amendments thereto.

18 (b) The financial-compliance audit of the Kansas public employees
19 retirement system shall include, but not be limited to, a review of
20 alternative investments of the system with any estimates of permanent
21 impairments to the value of such alternative investments reported by the
22 system pursuant to K.S.A. 74-4907, and amendments thereto, and a review
23 of any internal assessment or examination of alternative investments of the
24 system performed and reported pursuant to K.S.A. 74-4921(12)(a), and
25 amendments thereto.

26 (c) The Kansas public employees retirement system board of trustees
27 shall be responsible for the procurement of an auditing firm under the
28 provisions of K.S.A. 75-37,132, and amendments thereto.

29 New Sec. 9. (a) The executive director of the Kansas public
30 employees retirement system shall monitor the performance of the firm
31 conducting an audit to ensure that such audit is performed in accordance
32 with the specifications developed for the conduct of such audit.

33 (b) The executive director of the Kansas public employees retirement
34 system shall submit a preliminary draft of the management's discussion
35 and analysis and the financial statements by October 1 of each year to the
36 secretary of administration and the firm selected to perform an audit
37 required by section 8, and amendments thereto. The executive director of
38 the Kansas public employees retirement system shall submit the final draft
39 of the management's discussion and analysis and the financial statements
40 by October 15 of each year to the secretary of administration and the firm
41 selected to perform an audit required by section 8, and amendments
42 thereto. The final audit opinion letter shall be submitted by November 1 of
43 each year by the firm selected to perform an audit by section 8, and

1 amendments thereto, to the executive director of the Kansas public
2 employees retirement system, the secretary of administration and the
3 legislative post audit committee.

4 (c) In the performance of such audit, the officers and employees of
5 the firm performing the audit shall be subject to the same duty of
6 confidentiality applicable to the post auditor and officers and employees of
7 the division of post audit under the legislative post audit act, and shall
8 have access to all books, accounts, records, files, documents and
9 correspondence, confidential or otherwise, of any person, any affiliated
10 employer or state agency subject to the audit.

11 New Sec. 10. (a) At least once every three years, the legislative post
12 audit committee shall direct the division of post audit to conduct a
13 performance audit of the Kansas public employees retirement system. In
14 considering performance audit subjects, the legislative post audit
15 committee shall consider recommendations and requests for performance
16 audits relating to the system or the management thereof by the joint
17 committee on pensions, investments and benefits or by any other
18 committee or individual member of the legislature.

19 (b) This section shall be part of and supplemental to the legislative
20 post audit act.

21 New Sec. 11. (a) Beginning in calendar year 2019, a financial-
22 compliance audit shall be conducted each year of the general purpose
23 financial statements prepared by the division of accounts and reports of the
24 department of administration for its annual financial report. The first
25 financial-compliance audit shall examine the general purpose financial
26 statements for fiscal year 2019. This audit shall be conducted in
27 accordance with generally accepted governmental auditing standards. The
28 resulting written audit report shall be issued as soon after the end of the
29 fiscal year as is practicable, but shall be completed no later than the
30 deadlines as set forth in section 17, and amendments thereto.

31 (b) (1) Beginning in fiscal year 2020, and once every two years
32 thereafter, separate written audit reports on the financial management
33 practices of the office of the state treasurer and the pooled money
34 investment board shall be prepared addressing the adequacy of financial
35 management practices and compliance with applicable state laws. The
36 separate audit of the pooled money investment board also shall include a
37 comparative investment performance review and an analysis of the
38 investment program, including an evaluation of investment policies and
39 practices and of specific investments in the pooled money investment
40 portfolio. The analysis of the specific investments in the pooled money
41 investment portfolio shall review whether such investments meet the
42 investment priorities of safety, liquidity and performance. The
43 performance of such investments shall be measured by comparison to an

1 appropriate market index. The resulting written audit report shall be
2 completed no later than the deadlines as set forth in section 17, and
3 amendments thereto.

4 (2) In addition, whenever an individual is first elected or appointed
5 and qualified to the office of the state treasurer, there shall be conducted a
6 transition audit within two weeks after the date such individual enters upon
7 the duties of the office of the state treasurer. The purpose of the transition
8 audit shall be to review the assets in the custody of the office of the state
9 treasurer for significant discrepancies at the time of the transition. A
10 separate written report shall be prepared for each transition audit.

11 (3) Any additional costs associated with preparing the separate
12 additional reports on the office of the state treasurer and the pooled money
13 investment board shall be borne by the office of the state treasurer and the
14 pooled money investment board in accordance with section 18, and
15 amendments thereto.

16 (c) (1) Books and accounts of the state treasurer and the director of
17 accounts and reports, including the bond register of the state treasurer, may
18 be examined monthly if the department of administration audit contract
19 committee so determines, and such examination may include detailed
20 checking of every transaction or test checking.

21 (2) Any person receiving tax information under the provisions of
22 subsection (a) or (b) shall be subject to the same duty of confidentiality
23 imposed by law upon the personnel of the department of revenue and shall
24 be subject to any civil or criminal penalties imposed by law for violations
25 of such duty of confidentiality.

26 New Sec. 12. (a) Beginning in fiscal year 2019, the department of
27 administration shall be responsible for procuring and managing audit
28 services for any audit of the financial affairs and transactions of a state
29 agency that is required to comply with federal government audit
30 requirements for receiving federal awards or grants.

31 (b) As used in this section, "state agency" means any state office,
32 officer, department, board, commission, institution, bureau, agency or
33 authority or any division or unit thereof.

34 New Sec. 13. (a) There is hereby created the department of
35 administration contract audit committee, which shall consist of the
36 following members: (1) The secretary of administration or a person
37 designated by the secretary of administration; (2) the director of accounts
38 and reports or a person designated by the director of accounts and reports;
39 (3) the post auditor or a person designated by the post auditor; (4) the state
40 treasurer or a person designated by the state treasurer; and (5) the director
41 of the budget or a person designated by the director of the budget. The
42 secretary of administration or the person designated by the secretary to
43 serve as a member of the department of administration contract audit

1 committee shall be the chairperson of the committee.

2 (b) The department of administration contract audit committee shall
3 meet on the call of the chairperson of such committee. A vote of two
4 members of the committee shall be required for any such action of the
5 committee.

6 New Sec. 14. (a) In the procurement of a firm or firms to perform an
7 audit required by section 11 and section 12, and amendments thereto, the
8 secretary of administration shall encourage firms engaged in the lawful
9 practice of their professions to place their names on a list maintained by
10 the secretary of ~~bidders~~ **firms** to receive ~~invitations for bid~~ **requests for**
11 **proposals** on audit contracts.

12 (b) The secretary of administration shall establish specifications for
13 the conduct by a firm or firms of an audit required by section 11 and
14 section 12, and amendments thereto. The specifications shall be used in
15 preparing ~~invitations for bid~~ **requests for proposals** and evaluating the ~~bids~~
16 **proposals** received.

17 (c) For all audits required by section 11 and section 12, and
18 amendments thereto, the secretary of administration shall issue ~~an~~
19 ~~invitation for bid~~ **a request for proposals** to all firms who have requested
20 to be on the ~~bidders~~ **firm** list and others who request a copy after notice in
21 the Kansas register. The ~~invitation~~ **request for proposals** shall request
22 information on the firm's qualifications, the qualifications of staff to be
23 assigned to the job, the firm's technical approach to the audit and the fee.
24 The secretary shall evaluate the ~~bids~~ **proposals** received in response to the
25 ~~invitations~~ **request for proposals** and for each audit shall prepare a list of
26 at least three and not more than five firms that are, in the opinion of the
27 secretary, qualified to perform such audit. Such list shall be submitted to
28 the department of administration audit contract committee.

29 New Sec. 15. (a) The department of administration audit contract
30 committee may conduct discussions with each of the firms submitted by
31 the secretary of administration and then shall select a firm or firms from
32 such listing to provide an audit as required by section 11 and section 12,
33 and amendments thereto.

34 (b) The department of administration audit contract committee shall
35 consider, in making their selection, qualifications of the firm and staff, the
36 technical proposal and fee.

37 (c) If the department of administration audit contract committee is
38 unable to contract with any of the selected firms, the committee shall
39 request the secretary of administration to provide another list of firms to be
40 reviewed by the committee. Upon receipt of such list, the committee shall
41 proceed in accordance with the provisions of this section.

42 New Sec. 16. (a) Each contract for an audit required by section 11
43 and section 12, and amendments thereto, entered into under section 14 and

1 section 15, and amendments thereto, shall be entered into between the
2 secretary of administration and the firm selected to perform the audit.
3 Each such contract shall require the firm selected to submit evidence that
4 is satisfactory to the department of administration audit contract committee
5 that the firm has general professional liability insurance or specific
6 liability insurance that is adequate for such audit.

7 (b) In addition to the requirements in subsection (a), each such
8 contract for audit services shall specify the responsibilities undertaken by
9 the firm selected to perform such audit and that such firm shall be
10 responsible for all material errors and omissions in the performance of
11 such contract.

12 (c) Such contracts shall not be subject to the provisions of K.S.A. 75-
13 3739 *or* 75-37,102 *or* K.S.A. 2017 *Supp.* 75-37,130 *through* 75-37,135,
14 and amendments thereto.

15 New Sec. 17. (a) The department of administration audit contract
16 committee shall monitor the performance of the firm conducting an audit
17 pursuant to a contract entered into under section 16, and amendments
18 thereto, to ensure that such audit is performed in accordance with the
19 specifications developed for the conduct of such audit.

20 (b) Written reports from audits required by section 11 and section 12,
21 and amendments thereto, shall be issued according to the following
22 deadlines:

23 (1) For an audit of the state financial statements required by section
24 11(a), and amendments thereto, a final written report shall be issued to the
25 secretary of administration and to the legislative post audit committee by
26 December 1 following the audited fiscal year;

27 (2) for a biennial audit of the state treasurer's office and the pooled
28 money investment board required by section 11(b), and amendments
29 thereto, a final written report shall be issued to the state treasurer or the
30 pooled money investment board, as appropriate, and to the secretary of
31 administration and the legislative post audit committee by December 1
32 following the audited fiscal year; and

33 (3) for a federal compliance audit required by section 12, and
34 amendments thereto, a final written report shall be issued to the secretary
35 of administration and the legislative post audit committee not less than 15
36 calendar days before the federal deadline for such report.

37 (c) In the performance of an audit pursuant to section 11 and section
38 12, and amendments thereto, the officers and employees of the firm
39 performing the audit shall be subject to the same duty of confidentiality
40 applicable to the post auditor and officers and employees of the division of
41 post audit under the legislative post audit act, and shall have access to all
42 books, accounts, records, files, documents and correspondence,
43 confidential or otherwise, of any person or state agency subject to the

1 audit.

2 New Sec. 18. (a) Whenever the secretary of administration contracts
3 with a firm to perform any audit work for any state agency to satisfy
4 financial-compliance audit requirements prescribed by section 11 and
5 section 12, and amendments thereto, and incurs costs in addition to those
6 attributable to the operations of the department of administration in
7 performance of other duties and responsibilities, the secretary shall make
8 charges for such additional costs.

9 (b) All moneys received for reimbursement to the department of
10 administration under this section shall be remitted to the state treasurer in
11 accordance with the provisions of K.S.A. 75-4215, and amendments
12 thereto. Upon receipt of each such remittance, the state treasurer shall
13 deposit the entire amount in the state treasury to the credit of the
14 department of administration audit services fund, which fund is hereby
15 created in the state treasury. All expenditures from the department of
16 administration audit services fund shall be made in accordance with
17 appropriation acts upon warrants of the director of accounts and reports
18 issued pursuant to vouchers approved by the secretary of administration or
19 a person or persons designated by the secretary.

20 New Sec. 19. (a) Each state agency awarded a federal grant or other
21 federal financial assistance that is subject to an audit pursuant to section
22 12, and amendments thereto, as a condition of such grant or assistance
23 shall notify the secretary of administration immediately of the award of
24 such grant or assistance. Based on the amount and nature of federal
25 moneys received by the state agency, the secretary shall compute annually
26 the amount of federal moneys reasonably anticipated to be required to
27 provide audit coverage in accordance with federal requirements. The
28 amounts determined for such audits shall be reviewed and approved by the
29 department of administration audit contract committee. Upon such
30 approval, the state agency, in accordance with section 18, and amendments
31 thereto, shall reimburse the secretary of administration for the amount
32 approved by the contract audit committee.

33 (b) The secretary of administration shall compute the amount of
34 money reasonably anticipated to be required to provide a financial-
35 compliance audit as required pursuant to section 12, and amendments
36 thereto. The amounts determined for such audits shall be reviewed and
37 approved by the department of administration contract audit committee.

38 (c) The secretary of administration shall remit all money received
39 under this section to the state treasurer in accordance with the provisions
40 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
41 remittance, the state treasurer shall deposit the entire amount in the state
42 treasury to the credit of the audit services fund.

43 (d) In addition to expenditures that may be made from the department

1 of administration audit services fund under section 18, and amendments
2 thereto, expenditures shall be made from such fund, and from other
3 available appropriations, to pay for the cost of financial-compliance audits
4 performed to comply with federal government audit requirements.

5 Sec. 20. On and after July 1, 2019, K.S.A. 2017 Supp. 39-709b is
6 hereby amended to read as follows: 39-709b. (a) Information concerning
7 applicants for and recipients of assistance from the secretary shall be
8 confidential and privileged and shall only be available to the secretary and
9 the officers and employees of the secretary except as set forth in this
10 section. Unless otherwise prohibited by law, such information shall be
11 disclosed to an applicant, recipient or outside source under the following
12 conditions:

13 (1) Information shall be disclosed to the post auditor in accordance
14 with and subject to the provisions of K.S.A. 46-1106~~(g)~~(e), and
15 amendments thereto;

16 (2) information shall be disclosed to an applicant or recipient in
17 accordance with and subject to rules and regulations adopted by the
18 secretary; and

19 (3) information may be disclosed to an outside source if such
20 disclosure:

21 (A) Has been consented to in writing by the applicant or recipient and
22 the applicant or recipient has been granted access by the secretary to the
23 information to be disclosed, except that in an emergency information may
24 be disclosed without a written consent if such disclosure is deemed by the
25 secretary to be in the best interests of the applicant or recipient;

26 (B) is directly connected to the administration of the secretary's
27 program;

28 (C) is directly connected to an investigation, prosecution, or criminal
29 or civil proceeding conducted in connection with the administration of the
30 secretary's program;

31 (D) is authorized by a state plan developed by the secretary pursuant
32 to the federal social security act or any other federal program providing
33 federal financial assistance and services in the field of social welfare; or

34 (E) concerns the intent of an applicant or recipient to commit a crime
35 and in this case such information and the information necessary to prevent
36 the crime shall be disclosed to the appropriate authorities.

37 (b) Nothing in this section shall be construed to prohibit the
38 publication of aggregate non-identifying statistics—~~which~~ *that* are so
39 classified as to prevent the identification of specific applicants or
40 recipients.

41 Sec. 21. On and after July 1, 2019, K.S.A. 2017 Supp. 46-1106 is
42 hereby amended to read as follows: 46-1106. (a)—~~(1) A financial-~~
43 ~~compliance audit shall be conducted each year of the general purpose-~~

1 financial statements prepared by the division of accounts and reports for its
2 annual financial report. This audit shall be conducted in accordance with
3 generally accepted governmental auditing standards. The resulting written
4 audit report shall be issued as soon after the end of the fiscal year as is
5 practicable.

6 (2) ~~In addition, once every two years, separate written audit reports~~
7 ~~on the financial management practices of the office of the state treasurer~~
8 ~~and the pooled money investment board shall be prepared addressing the~~
9 ~~adequacy of financial management practices and compliance with~~
10 ~~applicable state laws. The separate audit of the pooled money investment~~
11 ~~board also shall include a comparative investment performance review and~~
12 ~~an analysis of the investment program, including an evaluation of~~
13 ~~investment policies and practices and of specific investments in the pooled~~
14 ~~money investment portfolio. The analysis of the specific investments in the~~
15 ~~pooled money investment portfolio shall review whether such investments~~
16 ~~meet the investment priorities of safety, liquidity and performance. The~~
17 ~~performance of such investments shall be measured by comparison to an~~
18 ~~appropriate market index.~~

19 (3) ~~In addition, whenever an individual is first elected or appointed~~
20 ~~and qualified to the office of the state treasurer, the legislative division of~~
21 ~~post audit shall conduct a transition audit within two weeks after the date~~
22 ~~such individual enters upon the duties of the office of the state treasurer.~~
23 ~~The purpose of the transition audit shall be to review the assets in the~~
24 ~~custody of the office of the state treasurer for significant discrepancies at~~
25 ~~the time of the transition. A separate written report shall be prepared for~~
26 ~~each transition audit.~~

27 (4) ~~Copies of the reports of audits conducted pursuant to this~~
28 ~~subsection (a) shall be furnished to the governor, director of accounts and~~
29 ~~reports, director of the budget, each state agency, the legislative post audit~~
30 ~~committee and other persons or agencies as may be required by law or by~~
31 ~~the specifications of the audit.~~

32 (5) ~~Any additional costs associated with preparing the separate~~
33 ~~additional reports on the office of the state treasurer and the pooled money~~
34 ~~investment board shall be borne by the office of the state treasurer and the~~
35 ~~pooled money investment board in accordance with K.S.A. 46-1121, and~~
36 ~~amendments thereto.~~

37 (b) ~~Including financial-compliance audit work conducted as part of~~
38 ~~the audit conducted pursuant to subsection (a), financial-compliance Audit~~
39 ~~work shall be conducted at each state agency at least once every three~~
40 ~~years as directed by the legislative post audit committee. Written reports~~
41 ~~on the results of such auditing shall be furnished to the governor, director~~
42 ~~of accounts and reports, director of the budget, the state agency which that~~
43 ~~is audited, the legislative post audit committee and such other persons or~~

1 agencies as may be required by law or by the specifications of the audit.

2 ~~(e) (1) Books and accounts of the state treasurer and the director of~~
3 ~~accounts and reports, including the bond register of the state treasurer, may~~
4 ~~be examined monthly if the legislative post audit committee so determines,~~
5 ~~and such examination may include detailed checking of every transaction~~
6 ~~or test checking.~~

7 ~~(2) Any person receiving tax information under the provisions of~~
8 ~~subsection (a) or (b) shall be subject to the same duty of confidentiality~~
9 ~~imposed by law upon the personnel of the department of revenue and shall~~
10 ~~be subject to any civil or criminal penalties imposed by law for violations~~
11 ~~of such duty of confidentiality.~~

12 ~~(d)(b)~~ The post auditor shall report immediately in writing to the
13 legislative post audit committee, governor and attorney general whenever
14 it appears in the opinion of the post auditor that there may have occurred
15 any violation of penal statutes or any instances of misfeasance,
16 malfeasance or nonfeasance by a public officer or employee disclosed by
17 any audit or audit work conducted under the legislative post audit act *or*
18 *any audit conducted pursuant to section 1, section 8, section 11 or section*
19 *12, and amendments thereto.* The post auditor shall furnish the attorney
20 general all information in the possession of the post auditor relative to any
21 report referred to the attorney general. The attorney general shall institute
22 and prosecute civil proceedings against any such delinquent officer or
23 employee, or upon such officer or employee's official bond, or both, as
24 may be needed to recover for the state any funds or other assets
25 misappropriated. The attorney general shall also prosecute such ouster and
26 criminal proceedings as the evidence in the case warrants. Any person
27 receiving tax information under the provisions of this subsection shall be
28 subject to the same duty of confidentiality imposed by law upon the
29 personnel of the department of revenue and shall be subject to any civil or
30 criminal penalties imposed by law for violations of such duty of
31 confidentiality.

32 ~~(e) (c)~~ The post auditor shall immediately report to the committee on
33 surety bonds and insurance when any audit or audit work conducted under
34 the legislative post audit act *or any audit conducted pursuant to section 1,*
35 *section 8, section 11 or section 12, and amendments thereto,* discloses a
36 shortage in the accounts of any state agency, officer or employee.

37 ~~(f) (d)~~ In the discharge of the duties imposed under the legislative
38 post audit act, the post auditor may require state agencies to preserve and
39 make available their accounts, records, documents, vouchers, requisitions,
40 payrolls, canceled checks or vouchers and coupons, and other evidence of
41 financial transactions.

42 ~~(g) (e)~~ In the discharge of the duties imposed under the legislative
43 post audit act, the post auditor or firm conducting a financial compliance

1 ~~audit or conducting~~ any other audit or audit work *under the legislative post*
2 *audit act* shall have access to all books, accounts, records, files, documents
3 and correspondence, confidential or otherwise, of any person or state
4 agency subject to the legislative post audit act or in the custody of any
5 such person or state agency. Except as otherwise provided in this
6 subsection, the post auditor or firm conducting ~~a financial compliance~~
7 ~~audit or other~~ any audit or audit work under the legislative post audit act
8 and all employees and former employees of the division of post audit or
9 firm performing ~~a financial compliance audit or other~~ any audit or audit
10 work shall be subject to the same duty of confidentiality imposed by law
11 on any such person or state agency with regard to any such books,
12 accounts, records, files, documents and correspondence, and any
13 information contained therein, and shall be subject to any civil or criminal
14 penalties imposed by law for violations of such duty of confidentiality. The
15 duty of confidentiality imposed on the post auditor and on firms
16 conducting ~~financial compliance audits or any other audits~~ *audit* or audit
17 work under the legislative post audit act and all employees of the division
18 of post audit and all employees of such firms shall be subject to the
19 provisions of subsection ~~(d)~~ *(b)*, and the post auditor may furnish all such
20 books, accounts, records, files, documents and correspondence, and any
21 information contained therein to the attorney general pursuant to
22 subsection ~~(d)~~ *(b)*. Upon receipt thereof, the attorney general and all
23 assistant attorneys general and all other employees and former employees
24 of the office of attorney general shall be subject to the same duty of
25 confidentiality with the exceptions that any such information contained
26 therein may be disclosed in civil proceedings, ouster proceedings and
27 criminal proceedings which may be instituted and prosecuted by the
28 attorney general in accordance with subsection ~~(d)~~ *(b)*, and any such
29 books, accounts, records, files, documents and correspondence furnished
30 to the attorney general in accordance with subsection ~~(d)~~ *(b)* may be
31 entered into evidence in any such proceedings. Nothing in this subsection
32 shall be construed to supersede any requirement of federal law.

33 ~~(h)~~ *(f)* Any firm or firms which develop information in the course of
34 conducting ~~a financial compliance audit or other~~ any audit or audit work
35 under the legislative post audit act which the post auditor is required to
36 report under subsection ~~(d) or (e)~~ *(b) or (c)* shall immediately report such
37 information to the post auditor. The post auditor shall then make the report
38 required in subsection ~~(d) or (e)~~ *(b) or (c)*.

39 ~~(i) (1) A financial compliance audit shall be conducted annually on~~
40 ~~the accounts and transactions of the Kansas lottery and the Kansas lottery~~
41 ~~commission, of the Kansas public employees retirement system and of any~~
42 ~~other state agency as may be required by law. The auditor to conduct this~~
43 ~~audit work shall be specified in accordance with K.S.A. 46-1122, and~~

1 amendments thereto. If the legislative post audit committee specifies under
2 such statute that a firm is to perform all or part of such audit work, such
3 firm shall be selected and shall perform such audit work as provided in
4 K.S.A. 46-1123, and amendments thereto, and K.S.A. 46-1125 through 46-
5 1127, and amendments thereto. The audits required pursuant to this
6 subsection shall be conducted in accordance with generally accepted
7 governmental auditing standards, and shall be conducted as soon after the
8 close of the fiscal year as practicable, but shall be completed no later than
9 six months after the close of the fiscal year.

10 (2) ~~The financial-compliance audit of the Kansas public employees~~
11 ~~retirement system shall include, but not be limited to, a review of~~
12 ~~alternative investments of the system with any estimates of permanent~~
13 ~~impairments to the value of such alternative investments reported by the~~
14 ~~system pursuant to K.S.A. 74-4907, and amendments thereto. The~~
15 ~~financial-compliance audit may include one or more performance audit~~
16 ~~subjects as directed by the legislative post audit committee. In considering~~
17 ~~performance audit subjects to be included in any such financial-~~
18 ~~compliance audit, the legislative post audit committee shall consider~~
19 ~~recommendations and requests for performance audits, relating to the~~
20 ~~system or the management thereof, by the joint committee on pensions,~~
21 ~~investments and benefits or by any other committee or individual member~~
22 ~~of the legislature. The legislative post audit committee shall specify if one~~
23 ~~or more performance audit subjects shall be included in such financial-~~
24 ~~compliance audit, in addition to such other subjects as may be directed to~~
25 ~~be included in such financial-compliance audit by the legislative post audit~~
26 ~~committee. Except as otherwise determined by the legislative post audit~~
27 ~~committee, one or more performance audit subjects specified by the~~
28 ~~legislative post audit committee shall be included at least once every two~~
29 ~~fiscal years in such financial-compliance audit. The legislative post audit~~
30 ~~committee may direct that one or more performance audit subjects are to~~
31 ~~be included in such financial-compliance audit not more than once during~~
32 ~~a specific period of three fiscal years, in lieu of once every two fiscal~~
33 ~~years.~~

34 Sec. 22. On and after July 1, 2019, K.S.A. 46-1108 is hereby
35 amended to read as follows: 46-1108. Audits, ~~in addition to financial-~~
36 ~~compliance audits or other financial-compliance audit work conducted~~
37 ~~pursuant to K.S.A. 46-1106 and amendments thereto,~~ shall be performed
38 by the post auditor only on the direction of the legislative post audit
39 committee. The legislative post audit committee may direct the post
40 auditor to perform additional audits or audit work described in K.S.A. 46-
41 1106, and amendments thereto, of any state agencies, or may direct that
42 any additional audit of a state agency shall be performed to accomplish
43 other objectives than those specified pursuant to K.S.A. 46-1106, and

1 amendments thereto. The legislative post audit committee may direct that
2 any such additional audits shall be conducted to determine:

3 (a) Whether any state agency is carrying out only those activities or
4 programs authorized by the legislature; or

5 (b) whether the programs and activities of a state agency, or a
6 particular program or activity, is being efficiently and effectively operated;
7 or

8 (c) whether any new activity or program is being efficiently and
9 effectively implemented in accordance with the intent of the legislature; or

10 (d) whether there is a need for change in any authorized activity or
11 program of a state agency; or

12 (e) whether any reorganization of a state agency, or group of state
13 agencies, is needed or justified to accomplish the results of programs or
14 activities authorized by the legislature; or

15 (f) any combination of the purposes specified in this or any other
16 section of the legislative post audit act.

17 Sec. 23. On and after July 1, 2019, K.S.A. 46-1112 is hereby
18 amended to read as follows: 46-1112. As used in the legislative post audit
19 act, unless the context otherwise requires:

20 (a) "Person" means an individual, proprietorship, partnership, limited
21 partnership, association, trust, estate, business trust, group, or corporation,
22 whether or not operated for profit, or a governmental agency, unit, or
23 subdivision.

24 (b) "State agency" means any state office, officer, department, board,
25 commission, institution, bureau, agency, or authority or any division or
26 unit thereof.

27 ~~(c) "Financial compliance audit" means an audit of the financial~~
28 ~~affairs and transactions of a state agency required to comply with federal~~
29 ~~government audit requirements for receiving federal grants or an audit of~~
30 ~~the financial affairs and transactions of a state agency otherwise required~~
31 ~~by law to be performed.~~

32 ~~(d) "Firm" means any individual, firm, partnership, corporation,~~
33 ~~association or other legal entity permitted by law to engage in practice as a~~
34 ~~certified public accountant.~~

35 ~~(e) "Federal grant" means moneys received by a state agency under~~
36 ~~any act or appropriation of the federal government or moneys received by~~
37 ~~a state agency under the state and local fiscal assistance act of 1972 and~~
38 ~~amendments thereto.~~

39 Sec. 24. On and after July 1, 2019, K.S.A. 2017 Supp. 46-1114 is
40 hereby amended to read as follows: 46-1114. (a) The legislative post audit
41 committee is hereby authorized to direct the post auditor and the division
42 of post audit to make an audit of any type described in K.S.A. 46-1106 or
43 46-1108, and amendments to these sections *thereto*, of any records or

1 matters of any person specified in this section, and may direct the object in
2 detail of any such audit.

3 (b) Upon receiving any such direction, the post auditor with the
4 division of post audit, shall make such audit and shall have access to all
5 books, accounts, records, files, documents and correspondence,
6 confidential or otherwise, to the same extent permitted under ~~subsection~~
7 ~~(g)~~ of K.S.A. 46-1106(e), and amendments thereto, except that such access
8 shall be subject to the limitations established under subsection (d) ~~of this~~
9 ~~section~~.

10 (c) Audits authorized by this section are the following:

11 (1) Audit of any local subdivision of government or agency or
12 instrumentality thereof which receives any distribution of moneys from or
13 through the state.

14 (2) Audit of any person who receives any grant or gift from or
15 through the state.

16 (3) Audit of the contract relationships and the fiscal records related
17 thereto of any person who contracts with the state.

18 (4) Audit of any person who is regulated or licensed by any state
19 agency or who operates or functions for the benefit of any state institution
20 except that any audit of any person regulated by the state corporation
21 commission shall address only compliance with laws or regulations,
22 collection or remittance of taxes or fees, or other matters related directly to
23 state government programs or functions. Any such audit authorized under
24 this subsection shall not address corporate governance or financial issues
25 except as they may relate directly to state government programs or
26 functions. This subsection shall not apply to public utilities as described in
27 ~~subsection (1)~~ of K.S.A. 66-1,187(l), and amendments thereto.

28 (d) (1) Access to all books, accounts, records, files, documents and
29 correspondence, confidential or otherwise, as authorized under subsection
30 ~~(b) of this section~~ of any nongovernmental person audited under authority
31 of subsection (c)(2) ~~of this section~~ shall be limited to those books,
32 accounts, records, files, documents and correspondence, confidential or
33 otherwise, of such person to which the state governmental agency ~~which~~
34 *that* administers the grant or gift and provides for the disbursement thereof
35 is authorized under law to have access.

36 (2) Access to all books, accounts, records, files, documents and
37 correspondence, confidential or otherwise, as authorized under subsection
38 ~~(b) of this section~~ of any nongovernmental person audited under authority
39 of subsection (c)(3) ~~of this section~~ shall be limited to those books,
40 accounts, records, files, documents and correspondence, confidential or
41 otherwise, of such person to which the state governmental agency ~~which~~
42 *that* contracts with such person is authorized under law to have access.

43 (3) Access to all books, accounts, records, files, documents and

1 correspondence, confidential or otherwise, as authorized under subsection
2 ~~(b) of this section~~ of any nongovernmental person audited under authority
3 of subsection ~~(c)(4) of this section~~ shall be limited to those books,
4 accounts, records, files, documents and correspondence, confidential or
5 otherwise, of such person to which the state governmental agency ~~which~~
6 *that* regulates or licenses such person or the state institution on whose
7 behalf such person operates or functions is authorized under law to have
8 access.

9 Sec. 25. On and after July 1, 2019, K.S.A. 46-1115 is hereby
10 amended to read as follows: 46-1115. Whenever any person fails to make
11 any books, accounts, contracts or records, files, documents and
12 correspondence, confidential or otherwise, related to any of the foregoing
13 available to the post auditor or to a firm performing a financial compliance
14 ~~audit~~ *any audit or audit work under the legislative post audit act* or to any
15 officer or employee of the division of post audit or of such firm within 30
16 days after a request therefor by the post auditor or ~~by a firm performing a~~
17 ~~financial compliance audit~~ or any such officer or employee of the post
18 auditor or of such firm, and such person is entitled under any other statute
19 to receive any state funds, such funds shall be withheld until such person
20 has fully complied with such request. Whenever state funds are to be
21 withheld under this section, the post auditor shall give written notice
22 thereof to the director of accounts and reports, and such director shall issue
23 no warrant for payment of state funds to such person until the post auditor
24 has given such director written notice that such person has acceded to the
25 request of the post auditor. The provisions of this section shall not affect
26 any contract entered into prior to the effective date of this act to the extent
27 that any impairment of such contract occurs.

28 Sec. 26. On and after July 1, 2019, K.S.A. 46-1116 is hereby
29 amended to read as follows: 46-1116. Failure to make records available for
30 post audit is the intentional failure to make any books, accounts, contracts
31 or records, files, documents and correspondence, confidential or otherwise,
32 related to any of the foregoing available to the post auditor or to a firm
33 performing a financial compliance ~~audit~~ *any audit or audit work under the*
34 *legislative post audit act* or any officer or employee of the division of post
35 audit or of such firm upon request of the post auditor or ~~such~~ firm or any
36 such officer or employee for the purpose of post audit as directed by the
37 legislative post audit committee under authority of this act *or as otherwise*
38 *directed pursuant to law*.

39 Failure to make records available for post audit is a class A
40 misdemeanor.

41 Sec. 27. On and after July 1, 2019, K.S.A. 2017 Supp. 46-1118 is
42 hereby amended to read as follows: 46-1118. (a) (1) Except as otherwise
43 provided by statute, whenever the post auditor performs any additional

1 audit work for any state agency to satisfy federal government
2 requirements, and incurs costs in addition to those attributable to the
3 operations of the division of post audit in performance of other duties and
4 responsibilities, the post auditor shall make charges for such additional
5 costs.

6 ~~(2) Except as otherwise provided by statute, whenever the post~~
7 ~~auditor performs any audit work for any state agency to satisfy financial-~~
8 ~~compliance audit requirements prescribed by or pursuant to subsection (a)~~
9 ~~(1) of K.S.A. 46-1106, and amendments thereto, and incurs costs in~~
10 ~~addition to those attributable to the operations of the division of post audit~~
11 ~~in performance of other duties and responsibilities, the post auditor shall~~
12 ~~make charges for such additional costs.~~

13 ~~(3) The legislative post audit committee may authorize the post~~
14 ~~auditor to perform additional financial-related audit work at the request of~~
15 ~~a state agency. Upon the authorization and in accordance with the direction~~
16 ~~of the legislative post audit committee, the post auditor may make charges~~
17 ~~for costs incurred for the performance of such financial-related audit work.~~

18 ~~(4) The post auditor shall compute the reasonably anticipated cost of~~
19 ~~providing audits pursuant to K.S.A. 2017 Supp. 46-1134, and amendments~~
20 ~~thereto, subject to review and approval by the contract audit committee.~~
21 ~~Upon such approval, the state agency that is receiving the audit services~~
22 ~~shall reimburse the division of post audit for the amount approved by the~~
23 ~~contract audit committee.~~

24 ~~(5)(3) The furnishing of any such audit services by the division of~~
25 ~~post audit shall be a transaction between the post auditor and the state~~
26 ~~agency receiving such services and such transaction shall be settled in~~
27 ~~accordance with the provisions of K.S.A. 75-5516, and amendments~~
28 ~~thereto.~~

29 (b) All moneys received for reimbursement ~~of~~ to the division of post
30 audit under this section shall be remitted to the state treasurer in
31 accordance with the provisions of K.S.A. 75-4215, and amendments
32 thereto. Upon receipt of each such remittance, the state treasurer shall
33 deposit the entire amount in the state treasury to the credit of the audit
34 services fund, which fund is hereby created in the state treasury. All
35 expenditures from the audit services fund shall be made in accordance
36 with appropriation acts upon warrants of the director of accounts and
37 reports issued pursuant to vouchers approved by the post auditor or a
38 person or persons designated by the post auditor.

39 Sec. 28. On and after July 1, 2019, K.S.A. 46-1122 is hereby
40 amended to read as follows: 46-1122. ~~The legislative post audit committee~~
41 ~~shall specify whether a financial-compliance audit of or financial-~~
42 ~~compliance audit work at a state agency is to be conducted: (a) By a firm~~
43 ~~or firms qualified to perform such audit or audit work; or (b) by the post~~

1 ~~auditor.~~ If the legislative post audit committee specifies that a firm or firms
2 is to perform ~~such an~~ audit or audit work, such firm or firms shall be
3 selected and shall perform such audit or audit work as provided in K.S.A.
4 46-1123, and amendments thereto, and K.S.A. 46-1125 ~~to through~~ 46-
5 1127, ~~inclusive~~, and amendments thereto. If the legislative post audit
6 committee specifies that the post auditor is to perform such audit or audit
7 work, the post auditor shall perform such audit or audit work as directed
8 by the legislative post audit committee pursuant to K.S.A. 46-1106, and
9 amendments thereto, and, if the audit or audit work is performed to
10 comply with federal government audit requirements, in accordance with
11 specifications for the conduct of such audit or audit work established by
12 the contract audit committee.

13 Sec. 29. On and after July 1, 2019, K.S.A. 46-1123 is hereby
14 amended to read as follows: 46-1123. (a) In the procurement of a firm or
15 firms to perform ~~a financial-compliance~~ *an audit or audit work*, the post
16 auditor shall encourage firms engaged in the lawful practice of their
17 profession to place their names on the list maintained by the post auditor
18 of bidders to receive invitations for bid on post audit contracts.

19 (b) The post auditor shall establish specifications, with the advice of
20 the head of each state agency to be audited, for the conduct by a firm or
21 firms of the ~~financial-compliance~~ audit. The specifications shall be used in
22 preparing invitations for bid and evaluating the bids received.

23 (c) ~~For all financial-compliance audits of state agencies~~ to be
24 performed by a firm or firms, the post auditor shall issue an invitation for
25 bid to all firms who have requested to be on the bidders' list and others
26 who request a copy after notice in the Kansas register. The invitation shall
27 request information on the firm's qualifications, the qualifications of staff
28 to be assigned to the job, the firm's technical approach to the audit and the
29 fee. The post auditor shall evaluate the bids received in response to the
30 invitations and for each audit shall prepare a list of at least three and not
31 more than five firms which are, in the opinion of the post auditor, qualified
32 to perform such audit. Such list shall be submitted to the contract audit
33 committee.

34 (d) Two or more separate ~~financial-compliance~~ audits may be
35 combined by the contract audit committee for the purpose of procuring
36 audit services for all such audits from a single firm, and in each such case
37 such combined audits shall be construed to be a single audit for all
38 purposes under K.S.A. 46-1123, and amendments thereto, and K.S.A. 46-
39 1125 ~~to through~~ 46-1127, ~~inclusive~~, and amendments thereto.

40 Sec. 30. On and after July 1, 2019, K.S.A. 46-1125 is hereby
41 amended to read as follows: 46-1125. (a) The contract audit committee
42 may conduct discussions with each of the firms submitted by the post
43 auditor and then shall select a firm or firms from such listing to provide

1 the ~~financial-compliance~~ audit in accordance with the legislative post audit
2 act.

3 (b) The contract audit committee shall consider, in making their
4 selection, qualifications of the firm and staff, the technical proposal and
5 fee.

6 (c) If the contract audit committee is unable to contract with any of
7 the selected firms, the contract audit committee shall request the post
8 auditor to provide another list of firms to be reviewed by the contract audit
9 committee and, upon receipt of such list, the contract audit committee shall
10 proceed in accordance with the provisions of this section.

11 Sec. 31. On and after July 1, 2019, K.S.A. 46-1126 is hereby
12 amended to read as follows: 46-1126. (a) Each contract for ~~a financial-~~
13 ~~compliance audit of a~~ *an audit* state agency entered into under K.S.A. 46-
14 1123 and 46-1125, and amendments ~~to these sections~~ *thereto*, shall be
15 entered into between the post auditor and the firm selected to perform the
16 ~~financial-compliance~~ audit. Each such contract shall require the firm
17 selected to perform the ~~financial-compliance~~ audit to submit evidence
18 which is satisfactory to the contract audit committee that the firm has
19 general professional liability insurance or specific professional liability
20 insurance which is adequate for such audit.

21 (b) In addition to the requirements in subsection (a), each such
22 contract for ~~financial-compliance~~ audit services shall specify the
23 responsibilities undertaken by the firm selected to perform such audit and
24 that such firm shall be responsible for all material errors and omissions in
25 the performance of such contract.

26 (c) Such contracts shall not be subject to the provisions of K.S.A. 75-
27 3739, and amendments thereto.

28 Sec. 32. On and after July 1, 2019, K.S.A. 46-1127 is hereby
29 amended to read as follows: 46-1127. (a) The contract audit committee
30 shall monitor the performance of the firm or firms conducting ~~a financial-~~
31 ~~compliance~~ *an* audit pursuant to a contract entered into under K.S.A. 46-
32 1126, and amendments thereto, to insure that such audit is performed in
33 accordance with the specifications developed for the conduct of such audit.
34 The firm or firms selected to perform such audit shall submit a written
35 audit report at the conclusion of the audit to the post auditor who shall
36 distribute the complete audit report to members of the legislative post audit
37 committee, the governor, the director of accounts and reports, the director
38 of the budget, the secretary of administration, ~~the~~ *any* state agency which
39 is audited and other persons or agencies as may be required by the
40 specifications.

41 (b) In the performance of such audit, the officers and employees of
42 the firm or firms performing the audit shall be subject to the same duty of
43 confidentiality applicable to the post auditor and officers and employees of

1 the division of post audit under the legislative post audit act and shall have
2 access to all books, accounts, records, files, documents and
3 correspondence, confidential or otherwise, of any person or state agency
4 subject to the ~~financial-compliance~~ audit.

5 Sec. 33. On and after July 1, 2019, K.S.A. 2017 Supp. 46-1128 is
6 hereby amended to read as follows: 46-1128. (a) Except as provided by
7 subsections (b), (c) and (d) of this section and by K.S.A. 46-1106~~(d), (e)~~
8 ~~and (g)(b), (c) and (e)~~, and amendments thereto, each audit report prepared
9 by the division of post audit or by a firm under the legislative post audit
10 act, and each finding, conclusion, opinion or recommendation contained in
11 the audit report, shall be confidential and shall not be disclosed pursuant to
12 the provisions of the open records act or under any other law until: (1) The
13 time of the next scheduled meeting of the legislative post audit committee
14 held after distribution of the report to members of such committee; or (2)
15 the time of the next scheduled meeting of another legislative committee
16 held after distribution of the report to the members of such committee as
17 authorized by the legislative post audit committee.

18 (b) The legislative post audit committee may authorize a specific
19 confidential distribution of any audit report, prior to any such presentation
20 of the audit report, by motion adopted by the legislative post audit
21 committee or by rule adopted by the committee, in accordance with such
22 motion or rule. Each person who receives an audit report pursuant to any
23 such motion or rule authorizing a specific confidential distribution of the
24 audit report shall keep the audit report and each finding, conclusion,
25 opinion or recommendation contained in the audit report confidential until
26 the audit report is presented to the legislative post audit committee or
27 another legislative committee at an open meeting of the committee.

28 (c) The post auditor, or the post auditor's designee may make a
29 limited distribution of preliminary audit findings, conclusions or
30 recommendations to any person affected by the audit as part of the process
31 of conducting the audit. Such preliminary audit findings, conclusions,
32 opinions or recommendations shall be confidential and shall not be subject
33 to disclosure pursuant to the provisions of the open records act or any
34 other law, except as provided in K.S.A. 46-1106~~(d), (e) and (g)(b), (c) and~~
35 ~~(e)~~, and amendments thereto.

36 (d) The legislative post auditor may report in writing outside of a
37 regularly scheduled meeting to the legislative post audit committee, the
38 joint committee on information technology, and the chief information
39 technology officers of the executive, legislative and judicial branches,
40 when, in the opinion of the post auditor, it appears that an information
41 technology project being audited under K.S.A. 2017 Supp. 46-1135, and
42 amendments thereto, is at risk due to a failure to meet key milestones, or
43 failure to receive sufficient deliverables after a contract payment,

1 significant cost overruns, or when the post auditor finds the project is not
2 being efficiently and effectively implemented in accordance with its
3 original stated purpose and goals.

4 (e) As used in this section, "audit report" means the written report of
5 any ~~financial-compliance-audit~~, performance audit; or any other audit or
6 audit work conducted under the legislative post audit act by the division of
7 post audit or by a firm under the legislative post audit act; and any other
8 words and phrases used in this section shall have the meanings
9 respectively ascribed thereto by K.S.A. 46-1112, and amendments thereto.

10 (f) This section shall be part of and supplemental to the legislative
11 post audit act.

12 Sec. 34. On and after July 1, 2019, K.S.A. 2017 Supp. 46-1135 is
13 hereby amended to read as follows: 46-1135. (a) The legislative division of
14 post audit shall conduct information technology audits as directed by the
15 legislative post audit committee. Audit work performed under this section
16 may include:

17 (1) Assessment of security practices of information technology
18 systems maintained or administered by any state agency or any entity
19 subject to audit under the provisions of K.S.A. 46-1114(c), and
20 amendments thereto; and

21 (2) continuous audits of ongoing information technology projects by
22 any state agency or any entity subject to audit under the provisions of
23 K.S.A. 46-1114(c), and amendments thereto, including systems
24 development and implementation.

25 (b) Written reports on the results of such auditing shall be furnished
26 to:

27 (1) The entity which is being audited;

28 (2) the chief information technology officer of the branch of
29 government that the entity being audited is part of;

30 (3) (A) the governor, if the entity being audited is an executive branch
31 entity;

32 (B) the legislative coordinating council, if the entity being audited is a
33 legislative entity; or

34 (C) the chief justice of the Kansas supreme court, if the entity being
35 audited is a judicial entity;

36 (4) the legislative post audit committee;

37 (5) the joint committee on information technology; and

38 (6) such other persons or agencies as may be required by law or by
39 the specifications of the audit or as otherwise directed by the legislative
40 post audit committee.

41 (c) The provisions of K.S.A. 46-1106~~(g)~~(e), and amendments thereto,
42 shall apply to any audit or audit work conducted pursuant to this section.

43 (d) This section shall be part of and supplemental to the legislative

1 post audit act.

2 Sec. 35. On and after July 1, 2019, K.S.A. 74-2424 is hereby
3 amended to read as follows: 74-2424. (a) The secretary of revenue may
4 make available or furnish to the taxing officials of any other state or the
5 commissioner of internal revenue of the United States or other taxing
6 officials of the federal government, or their authorized representatives, or
7 the director of property valuation, information contained in tax reports,
8 renditions or returns or any audit thereof or the report of any investigation
9 made with respect thereto, filed pursuant to the tax laws. Such information
10 shall not be used for any other purpose than that of the administration of
11 the tax laws of this or another state or of the United States, except that the
12 post auditor shall have access to all such information in accordance with
13 and subject to the provisions of ~~subsection (g)~~ of K.S.A. 46-1106(e), and
14 amendments thereto.

15 (b) Notwithstanding the provisions of this section, the secretary of
16 revenue may:

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

23 (2) communicate to the executive director of the Kansas racing
24 commission information as to whether a person, partnership or corporation
25 has failed to meet any tax obligation to the state of Kansas for the purpose
26 of determining whether such person, partnership or corporation is eligible
27 for a facility owner license or facility manager license pursuant to the
28 Kansas parimutuel racing act.

29 Sec. 36. On and after July 1, 2019, K.S.A. 2017 Supp. 74-4921 is
30 hereby amended to read as follows: 74-4921. (1) There is hereby created in
31 the state treasury the Kansas public employees retirement fund. All
32 employee and employer contributions shall be deposited in the state
33 treasury to be credited to the Kansas public employees retirement fund.
34 The fund is a trust fund and shall be used solely for the exclusive purpose
35 of providing benefits to members and member beneficiaries and defraying
36 reasonable expenses of administering the fund. Investment income of the
37 fund shall be added or credited to the fund as provided by law. All benefits
38 payable under the system, refund of contributions and overpayments,
39 purchases or investments under the law and expenses in connection with
40 the system unless otherwise provided by law shall be paid from the fund.
41 The director of accounts and reports is authorized to draw warrants on the
42 state treasurer and against such fund upon the filing in the director's office
43 of proper vouchers executed by the chairperson or the executive director of

1 the board. As an alternative, payments from the fund may be made by
2 credits to the accounts of recipients of payments in banks, savings and loan
3 associations and credit unions. A payment shall be so made only upon the
4 written authorization and direction of the recipient of payment and upon
5 receipt of such authorization such payments shall be made in accordance
6 therewith. Orders for payment of such claims may be contained on (a) a
7 letter, memorandum, telegram, computer printout or similar writing, or (b)
8 any form of communication, other than voice, which is registered upon
9 magnetic tape, disc or any other medium designed to capture and contain
10 in durable form conventional signals used for the electronic
11 communication of messages.

12 (2) The board shall have the responsibility for the management of the
13 fund and shall discharge the board's duties with respect to the fund solely
14 in the interests of the members and beneficiaries of the system for the
15 exclusive purpose of providing benefits to members and such member's
16 beneficiaries and defraying reasonable expenses of administering the fund
17 and shall invest and reinvest moneys in the fund and acquire, retain,
18 manage, including the exercise of any voting rights and disposal of
19 investments of the fund within the limitations and according to the powers,
20 duties and purposes as prescribed by this section.

21 (3) Moneys in the fund shall be invested and reinvested to achieve the
22 investment objective which is preservation of the fund to provide benefits
23 to members and member beneficiaries, as provided by law and accordingly
24 providing that the moneys are as productive as possible, subject to the
25 standards set forth in this act. No moneys in the fund shall be invested or
26 reinvested if the sole or primary investment objective is for economic
27 development or social purposes or objectives.

28 (4) In investing and reinvesting moneys in the fund and in acquiring,
29 retaining, managing and disposing of investments of the fund, the board
30 shall exercise the judgment, care, skill, prudence and diligence under the
31 circumstances then prevailing, which persons of prudence, discretion and
32 intelligence acting in a like capacity and familiar with such matters would
33 use in the conduct of an enterprise of like character and with like aims by
34 diversifying the investments of the fund so as to minimize the risk of large
35 losses, unless under the circumstances it is clearly prudent not to do so,
36 and not in regard to speculation but in regard to the permanent disposition
37 of similar funds, considering the probable income as well as the probable
38 safety of their capital.

39 (5) Notwithstanding subsection (4): (a) Total investments in common
40 stock may be made in the amount of up to 60% of the total book value of
41 the fund;

42 (b) the board may invest or reinvest moneys of the fund in alternative
43 investments if the following conditions are satisfied:

1 (i) The total of the annual net commitment to alternative investments
2 does not exceed 5% of the total market value of investment assets of the
3 fund as measured from the end of the preceding calendar year;

4 (ii) if in addition to the system, there are at least two other qualified
5 institutional buyers, as defined by section (a)(1)(i) of rule 144A, securities
6 act of 1933;

7 (iii) the system's share in any individual alternative investment is
8 limited to an investment representing not more than 20% of any such
9 individual alternative investment;

10 (iv) the system has received a favorable and appropriate
11 recommendation from a qualified, independent expert in investment
12 management or analysis in that particular type of alternative investment;

13 (v) the alternative investment is consistent with the system's
14 investment policies and objectives as provided in subsection (6);

15 (vi) the individual alternative investment does not exceed more than
16 2.5% of the total alternative investments made under this subsection. If the
17 alternative investment is made pursuant to participation by the system in a
18 multi-investor pool, the 2.5% limitation contained in this subsection is
19 applied to the underlying individual assets of such pool and not to
20 investment in the pool itself. The total of such alternative investments
21 made pursuant to participation by the system in any one individual multi-
22 investor pool shall not exceed more than 20% of the total of alternative
23 investments made by the system pursuant to this subsection. Nothing in
24 this subsection requires the board to liquidate or sell the system's holdings
25 in any alternative investments made pursuant to participation by the
26 system in any one individual multi-investor pool held by the system on the
27 effective date of this act, unless such liquidation or sale would be in the
28 best interest of the members and beneficiaries of the system and be
29 prudent under the standards contained in this section. The 20% limitation
30 contained in this subsection shall not have been violated if the total of such
31 investment in any one individual multi-investor pool exceeds 20% of the
32 total alternative investments of the fund as a result of market forces acting
33 to increase the value of such a multi-investor pool relative to the rest of the
34 system's alternative investments; however, the board shall not invest or
35 reinvest any moneys of the fund in any such individual multi-investor pool
36 until the value of such individual multi-investor pool is less than 20% of
37 the total alternative investments of the fund;

38 (vii) the board has received and considered the investment manager's
39 due diligence findings submitted to the board as required by subsection (6)
40 (c);

41 (viii) prior to the time the alternative investment is made, the system
42 has in place procedures and systems to ensure that the investment is
43 properly monitored and investment performance is accurately measured;

1 and

2 (ix) the total of alternative investments does not exceed 15% of the
3 total investment assets of the fund. The 15% limitation contained in this
4 subsection shall not have been violated if the total of such alternative
5 investments exceeds 15% of the total investment assets of the fund, based
6 on the fund total market value, as a result of market forces acting to
7 increase the value of such alternative investments relative to the rest of the
8 system's investments. However, the board shall not invest or reinvest any
9 moneys of the fund in alternative investments until the total value of such
10 alternative investments is less than 15% of the total investment assets of
11 the fund based on the market value. If the total value of the alternative
12 investments exceeds 15% of the total investment assets of the fund, the
13 board shall not be required to liquidate or sell the system's holdings in any
14 alternative investment held by the system, unless such liquidation or sale
15 would be in the best interest of the members and beneficiaries of the
16 system and is prudent under the standards contained in this section.

17 For purposes of this act, "alternative investment" includes a broad
18 group of investments that are not one of the traditional asset types of
19 public equities, fixed income, cash or real estate. Alternative investments
20 are generally made through limited partnership or similar structures, are
21 not regularly traded on nationally recognized exchanges and thus are
22 relatively illiquid, and exhibit lower correlations with more liquid asset
23 types such as stocks and bonds. Alternative investments generally include,
24 but are not limited to, private equity, private credit, hedge funds,
25 infrastructure, commodities and other investments which have the
26 characteristics described in this paragraph; and

27 (c) except as otherwise provided, the board may invest or reinvest
28 moneys of the fund in real estate investments if the following conditions
29 are satisfied:

30 (i) The system has received a favorable and appropriate
31 recommendation from a qualified, independent expert in investment
32 management or analysis in that particular type of real estate investment;

33 (ii) the real estate investment is consistent with the system's
34 investment policies and objectives as provided in subsection (6); and

35 (iii) the system has received and considered the investment manager's
36 due diligence findings.

37 (6) Subject to the objective set forth in subsection (3) and the
38 standards set forth in subsections (4) and (5) the board shall formulate
39 policies and objectives for the investment and reinvestment of moneys in
40 the fund and the acquisition, retention, management and disposition of
41 investments of the fund. Such policies and objectives shall include:

42 (a) Specific asset allocation standards and objectives;

43 (b) establishment of criteria for evaluating the risk versus the

1 potential return on a particular investment;

2 (c) a requirement that all investment managers submit such manager's
3 due diligence findings on each investment to the board or investment
4 advisory committee for approval or rejection prior to making any
5 alternative investment;

6 (d) a requirement that all investment managers shall immediately
7 report all instances of default on investments to the board and provide the
8 board with recommendations and options, including, but not limited to,
9 curing the default or withdrawal from the investment; and

10 (e) establishment of criteria that would be used as a guideline for
11 determining when no additional add-on investments or reinvestments
12 would be made and when the investment would be liquidated.

13 The board shall review such policies and objectives, make changes
14 considered necessary or desirable and readopt such policies and objectives
15 on an annual basis.

16 (7) The board may enter into contracts with one or more persons
17 whom the board determines to be qualified, whereby the persons undertake
18 to perform the functions specified in subsection (2) to the extent provided
19 in the contract. Performance of functions under contract so entered into
20 shall be paid pursuant to rates fixed by the board subject to provisions of
21 appropriation acts and shall be based on specific contractual fee
22 arrangements. The system shall not pay or reimburse any expenses of
23 persons contracted with pursuant to this subsection, except that after
24 approval of the board, the system may pay approved investment related
25 expenses subject to provisions of appropriation acts. The board shall
26 require that a person contracted with to obtain commercial insurance
27 which provides for errors and omissions coverage for such person in an
28 amount to be specified by the board, provided that such coverage shall be
29 at least the greater of \$500,000 or 1% of the funds entrusted to such person
30 up to a maximum of \$10,000,000. The board shall require a person
31 contracted with to give a fidelity bond in a penal sum as may be fixed by
32 law or, if not so fixed, as may be fixed by the board, with corporate surety
33 authorized to do business in this state. Such persons contracted with the
34 board pursuant to this subsection and any persons contracted with such
35 persons to perform the functions specified in subsection (2) shall be
36 deemed to be agents of the board and the system in the performance of
37 contractual obligations.

38 (8) (a) In the acquisition or disposition of securities, the board may
39 rely on the written legal opinion of a reputable bond attorney or attorneys,
40 the written opinion of the attorney of the investment counselor or
41 managers, or the written opinion of the attorney general certifying the
42 legality of the securities.

43 (b) The board shall employ or retain qualified investment counsel or

1 counselors or may negotiate with a trust company to assist and advise in
2 the judicious investment of funds as herein provided.

3 (9) (a) Except as provided in subsection (7) and this subsection, the
4 custody of money and securities of the fund shall remain in the custody of
5 the state treasurer, except that the board may arrange for the custody of
6 such money and securities as it considers advisable with one or more
7 member banks or trust companies of the federal reserve system or with one
8 or more banks in the state of Kansas, or both, to be held in safekeeping by
9 the banks or trust companies for the collection of the principal and interest
10 or other income or of the proceeds of sale. The services provided by the
11 banks or trust companies shall be paid pursuant to rates fixed by the board
12 subject to provisions of appropriation acts.

13 (b) The state treasurer and the board shall collect the principal and
14 interest or other income of investments or the proceeds of sale of securities
15 in the custody of the state treasurer and pay same when so collected into
16 the fund.

17 (c) The principal and interest or other income or the proceeds of sale
18 of securities as provided in clause (a) of this subsection (9) shall be
19 reported to the state treasurer and the board and credited to the fund.

20 (10) The board shall with the advice of the director of accounts and
21 reports establish the requirements and procedure for reporting any and all
22 activity relating to investment functions provided for in this act in order to
23 prepare a record monthly of the investment income and changes made
24 during the preceding month. The record will reflect a detailed summary of
25 investment, reinvestment, purchase, sale and exchange transactions and
26 such other information as the board may consider advisable to reflect a
27 true accounting of the investment activity of the fund.

28 (11) The board shall provide for an examination of the investment
29 program annually. The examination shall include an evaluation of current
30 investment policies and practices and of specific investments of the fund in
31 relation to the objective set forth in subsection (3), the standard set forth in
32 subsection (4) and other criteria as may be appropriate, and
33 recommendations relating to the fund investment policies and practices
34 and to specific investments of the fund as are considered necessary or
35 desirable. The board shall include in its annual report to the governor as
36 provided in K.S.A. 74-4907, and amendments thereto, a report or a
37 summary thereof covering the investments of the fund.

38 (12) (a) Any internal assessment or examination of alternative
39 investments of the system performed by any person or entity employed or
40 retained by the board which evaluates or monitors the performance of
41 alternative investments shall be reported to the legislative post auditor so
42 that such report may be reviewed in accordance with the annual financial-
43 compliance audits conducted pursuant to ~~K.S.A. 46-1106~~ *section 8*, and

1 amendments thereto.

2 (b) The board shall prepare and submit an alternative investment
3 report to the joint committee on pensions, investments and benefits prior to
4 January 1, 2016. Such report shall include a review of alternative
5 investments of the system with an emphasis on the effects of changes in
6 law pursuant to this act and includes specific investment cost and market
7 value information of each individual alternative investment.

8 Sec. 37. On and after July 1, 2019, K.S.A. 2017 Supp. 75-5133 is
9 hereby amended to read as follows: 75-5133. (a) Except as otherwise more
10 specifically provided by law, all information received by the secretary of
11 revenue, the director of taxation or the director of alcoholic beverage
12 control from returns, reports, license applications or registration
13 documents made or filed under the provisions of any law imposing any
14 sales, use or other excise tax administered by the secretary of revenue, the
15 director of taxation, or the director of alcoholic beverage control, or from
16 any investigation conducted under such provisions, shall be confidential,
17 and it shall be unlawful for any officer or employee of the department of
18 revenue to divulge any such information except in accordance with other
19 provisions of law respecting the enforcement and collection of such tax, in
20 accordance with proper judicial order or as provided in K.S.A. 74-2424,
21 and amendments thereto.

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

23 (1) Publish statistics, so classified as to prevent identification of
24 particular reports or returns and the items thereof;

25 (2) allow the inspection of returns by the attorney general or the
26 attorney general's designee;

27 (3) provide the post auditor access to all such excise tax reports or
28 returns in accordance with and subject to the provisions of K.S.A. 46-
29 1106~~(g)~~(e), and amendments thereto;

30 (4) disclose taxpayer information from excise tax returns to persons
31 or entities contracting with the secretary of revenue where the secretary
32 has determined disclosure of such information is essential for completion
33 of the contract and has taken appropriate steps to preserve confidentiality;

34 (5) provide information from returns and reports filed under article 42
35 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto,
36 to county appraisers as is necessary to ensure proper valuations of
37 property. Information from such returns and reports may also be
38 exchanged with any other state agency administering and collecting
39 conservation or other taxes and fees imposed on or measured by mineral
40 production;

41 (6) provide, upon request by a city or county clerk or treasurer or
42 finance officer of any city or county receiving distributions from a local
43 excise tax, monthly reports identifying each retailer doing business in such

1 city or county or making taxable sales sourced to such city or county,
2 setting forth the tax liability and the amount of such tax remitted by each
3 retailer during the preceding month, and identifying each business location
4 maintained by the retailer and such retailer's sales or use tax registration or
5 account number;

6 (7) provide information from returns and applications for registration
7 filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-
8 3601, and amendments thereto, to a city or county treasurer or clerk or
9 finance officer to explain the basis of statistics contained in reports
10 provided by subsection (b)(6);

11 (8) disclose the following oil and gas production statistics received by
12 the department of revenue in accordance with K.S.A. 79-4216 et seq., and
13 amendments thereto: Volumes of production by well name, well number,
14 operator's name and identification number assigned by the state
15 corporation commission, lease name, leasehold property description,
16 county of production or zone of production, name of purchaser and
17 purchaser's tax identification number assigned by the department of
18 revenue, name of transporter, field code number or lease code, tax period,
19 exempt production volumes by well name or lease, or any combination of
20 this information;

21 (9) release or publish liquor brand registration information provided
22 by suppliers, farm wineries, microdistilleries and microbreweries in
23 accordance with the liquor control act. The information to be released is
24 limited to: Item number, universal numeric code, type status, product
25 description, alcohol percentage, selling units, unit size, unit of
26 measurement, supplier number, supplier name, distributor number and
27 distributor name;

28 (10) release or publish liquor license information provided by liquor
29 licensees, distributors, suppliers, farm wineries, microdistilleries and
30 microbreweries in accordance with the liquor control act. The information
31 to be released is limited to: County name, owner, business name, address,
32 license type, license number, license expiration date and the process agent
33 contact information;

34 (11) release or publish cigarette and tobacco license information
35 obtained from cigarette and tobacco licensees in accordance with the
36 Kansas cigarette and tobacco products act. The information to be released
37 is limited to: County name, owner, business name, address, license type
38 and license number;

39 (12) provide environmental surcharge or solvent fee, or both,
40 information from returns and applications for registration filed pursuant to
41 K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secretary
42 of health and environment or the secretary's designee for the sole purpose
43 of ensuring that retailers collect the environmental surcharge tax or solvent

1 fee, or both;

2 (13) provide water protection fee information from returns and
3 applications for registration filed pursuant to K.S.A. 82a-954, and
4 amendments thereto, to the secretary of the state board of agriculture or the
5 secretary's designee and the secretary of the Kansas water office or the
6 secretary's designee for the sole purpose of verifying revenues deposited to
7 the state water plan fund;

8 (14) provide to the secretary of commerce copies of applications for
9 project exemption certificates sought by any taxpayer under the enterprise
10 zone sales tax exemption pursuant to K.S.A. 79-3606(cc), and
11 amendments thereto;

12 (15) disclose information received pursuant to the Kansas cigarette
13 and tobacco act and subject to the confidentiality provisions of this act to
14 any criminal justice agency, as defined in K.S.A. 22-4701(c), and
15 amendments thereto, or to any law enforcement officer, as defined in
16 K.S.A. 2017 Supp. 21-5111, and amendments thereto, on behalf of a
17 criminal justice agency, when requested in writing in conjunction with a
18 pending investigation;

19 (16) provide to retailers tax exemption information for the sole
20 purpose of verifying the authenticity of tax exemption numbers issued by
21 the department;

22 (17) provide information concerning remittance by sellers, as defined
23 in K.S.A. 2017 Supp. 12-5363, and amendments thereto, of prepaid
24 wireless 911 fees from returns to the local collection point administrator,
25 as defined in K.S.A. 2017 Supp. 12-5363, and amendments thereto, for
26 purposes of verifying seller compliance with collection and remittance of
27 such fees;

28 (18) release or publish charitable gaming information obtained in
29 charitable gaming licensee and registration applications and renewals in
30 accordance with the Kansas charitable gaming act, K.S.A. 2017 Supp. 75-
31 5171 et seq., and amendments thereto. The information to be released is
32 limited to: The name, address, phone number, license registration number
33 and email address of the organization, distributor or of premises; and

34 (19) provide to the attorney general confidential information for
35 purposes of determining compliance with or enforcing K.S.A. 50-6a01 et
36 seq., and amendments thereto, the master settlement agreement referred to
37 therein and all agreements regarding disputes under the master settlement
38 agreement. The secretary and the attorney general may share the
39 information specified under this subsection with any of the following:

40 (A) Federal, state or local agencies for the purposes of enforcement
41 of corresponding laws of other states; and

42 (B) a court, arbitrator, data clearinghouse or similar entity for the
43 purpose of assessing compliance with or making calculations required by

1 the master settlement agreement or agreements regarding disputes under
2 the master settlement agreement, and with counsel for the parties or expert
3 witnesses in any such proceeding, if the information otherwise remains
4 confidential.

5 (c) Any person receiving any information under the provisions of
6 subsection (b) shall be subject to the confidentiality provisions of
7 subsection (a) and to the penalty provisions of subsection (d).

8 (d) Any violation of this section shall be a class A, nonperson
9 misdemeanor, and if the offender is an officer or employee of this state,
10 such officer or employee shall be dismissed from office. Reports of
11 violations of this paragraph shall be investigated by the attorney general.
12 The district attorney or county attorney and the attorney general shall have
13 authority to prosecute any violation of this section if the offender is a city
14 or county clerk or treasurer or finance officer of a city or county.

15 Sec. 38. On and after July 1, 2019, K.S.A. 2017 Supp. 79-3234 is
16 hereby amended to read as follows: 79-3234. (a) All reports and returns
17 required by this act shall be preserved for three years and thereafter until
18 the director orders them to be destroyed.

19 (b) Except in accordance with proper judicial order, or as provided in
20 subsection (c) or in K.S.A. 17-7511, ~~subsection (g) of~~ K.S.A. 46-1106(e),
21 K.S.A. 46-1114, or K.S.A. 79-32,153a, and amendments thereto, it shall be
22 unlawful for the secretary, the director, any deputy, agent, clerk or other
23 officer, employee or former employee of the department of revenue or any
24 other state officer or employee or former state officer or employee to
25 divulge, or to make known in any way, the amount of income or any
26 particulars set forth or disclosed in any report, return, federal return or
27 federal return information required under this act; and it shall be unlawful
28 for the secretary, the director, any deputy, agent, clerk or other officer or
29 employee engaged in the administration of this act to engage in the
30 business or profession of tax accounting or to accept employment, with or
31 without consideration, from any person, firm or corporation for the
32 purpose, directly or indirectly, of preparing tax returns or reports required
33 by the laws of the state of Kansas, by any other state or by the United
34 States government, or to accept any employment for the purpose of
35 advising, preparing material or data, or the auditing of books or records to
36 be used in an effort to defeat or cancel any tax or part thereof that has been
37 assessed by the state of Kansas, any other state or by the United States
38 government.

39 (c) The secretary or the secretary's designee may: (1) Publish
40 statistics, so classified as to prevent the identification of particular reports
41 or returns and the items thereof;

42 (2) allow the inspection of returns by the attorney general or other
43 legal representatives of the state;

- 1 (3) provide the post auditor access to all income tax reports or returns
2 in accordance with and subject to the provisions of ~~subsection (g) of~~
3 K.S.A. 46-1106(e) or K.S.A. 46-1114, and amendments thereto;
- 4 (4) disclose taxpayer information from income tax returns to persons
5 or entities contracting with the secretary of revenue where the secretary
6 has determined disclosure of such information is essential for completion
7 of the contract and has taken appropriate steps to preserve confidentiality;
- 8 (5) disclose to the secretary of commerce the following: (A) Specific
9 taxpayer information related to financial information previously submitted
10 by the taxpayer to the secretary of commerce concerning or relevant to any
11 income tax credits, for purposes of verification of such information or
12 evaluating the effectiveness of any tax credit or economic incentive
13 program administered by the secretary of commerce; (B) the amount of
14 payroll withholding taxes an employer is retaining pursuant to K.S.A.
15 2017 Supp. 74-50,212, and amendments thereto; (C) information received
16 from businesses completing the form required by K.S.A. 2017 Supp. 74-
17 50,217, and amendments thereto; and (D) findings related to a compliance
18 audit conducted by the department of revenue upon the request of the
19 secretary of commerce pursuant to K.S.A. 2017 Supp. 74-50,215, and
20 amendments thereto;
- 21 (6) disclose income tax returns to the state gaming agency to be used
22 solely for the purpose of determining qualifications of licensees of and
23 applicants for licensure in tribal gaming. Any information received by the
24 state gaming agency shall be confidential and shall not be disclosed except
25 to the executive director, employees of the state gaming agency and
26 members and employees of the tribal gaming commission;
- 27 (7) disclose the taxpayer's name, last known address and residency
28 status to the Kansas department of wildlife, parks and tourism to be used
29 solely in its license fraud investigations;
- 30 (8) disclose the name, residence address, employer or Kansas
31 adjusted gross income of a taxpayer who may have a duty of support in a
32 title IV-D case to the secretary of the Kansas department for children and
33 families for use solely in administrative or judicial proceedings to
34 establish, modify or enforce such support obligation in a title IV-D case. In
35 addition to any other limits on use, such use shall be allowed only where
36 subject to a protective order which prohibits disclosure outside of the title
37 IV-D proceeding. As used in this section, "title IV-D case" means a case
38 being administered pursuant to part D of title IV of the federal social
39 security act, 42 U.S.C. § 651 et seq., and amendments thereto. Any person
40 receiving any information under the provisions of this subsection shall be
41 subject to the confidentiality provisions of subsection (b) and to the
42 penalty provisions of subsection (e);
- 43 (9) permit the commissioner of internal revenue of the United States,

1 or the proper official of any state imposing an income tax, or the
2 authorized representative of either, to inspect the income tax returns made
3 under this act and the secretary of revenue may make available or furnish
4 to the taxing officials of any other state or the commissioner of internal
5 revenue of the United States or other taxing officials of the federal
6 government, or their authorized representatives, information contained in
7 income tax reports or returns or any audit thereof or the report of any
8 investigation made with respect thereto, filed pursuant to the income tax
9 laws, as the secretary may consider proper, but such information shall not
10 be used for any other purpose than that of the administration of tax laws of
11 such state, the state of Kansas or of the United States;

12 (10) communicate to the executive director of the Kansas lottery
13 information as to whether a person, partnership or corporation is current in
14 the filing of all applicable tax returns and in the payment of all taxes,
15 interest and penalties to the state of Kansas, excluding items under formal
16 appeal, for the purpose of determining whether such person, partnership or
17 corporation is eligible to be selected as a lottery retailer;

18 (11) communicate to the executive director of the Kansas racing
19 commission as to whether a person, partnership or corporation has failed
20 to meet any tax obligation to the state of Kansas for the purpose of
21 determining whether such person, partnership or corporation is eligible for
22 a facility owner license or facility manager license pursuant to the Kansas
23 parimutuel racing act;

24 (12) provide such information to the executive director of the Kansas
25 public employees retirement system for the purpose of determining that
26 certain individuals' reported compensation is in compliance with the
27 Kansas public employees retirement act, K.S.A. 74-4901 et seq., and
28 amendments thereto;

29 (13) (i) provide taxpayer information of persons suspected of
30 violating K.S.A. 2017 Supp. 44-766, and amendments thereto, to the
31 secretary of labor or such secretary's designee for the purpose of
32 determining compliance by any person with the provisions of ~~subsection~~
33 ~~(i)(3)(D)~~ of K.S.A. 44-703(i)(3)(D) and K.S.A. 2017 Supp. 44-766, and
34 amendments thereto. The information to be provided shall include all
35 relevant information in the possession of the department of revenue
36 necessary for the secretary of labor to make a proper determination of
37 compliance with the provisions of ~~subsection (i)(3)(D)~~ of K.S.A. 44-703(i)
38 (3)(D) and K.S.A. 2017 Supp. 44-766, and amendments thereto, and to
39 calculate any unemployment contribution taxes due. Such information to
40 be provided by the department of revenue shall include, but not be limited
41 to, withholding tax and payroll information, the identity of any person that
42 has been or is currently being audited or investigated in connection with
43 the administration and enforcement of the withholding and declaration of

1 estimated tax act, K.S.A. 79-3294 et seq., and amendments thereto, and the
2 results or status of such audit or investigation;

3 (ii) any person receiving tax information under the provisions of this
4 paragraph shall be subject to the same duty of confidentiality imposed by
5 law upon the personnel of the department of revenue and shall be subject
6 to any civil or criminal penalties imposed by law for violations of such
7 duty of confidentiality; and

8 (iii) each of the secretary of labor and the secretary of revenue may
9 adopt rules and regulations necessary to effect the provisions of this
10 paragraph;

11 (14) provide such information to the state treasurer for the sole
12 purpose of carrying out the provisions of K.S.A. 58-3934, and
13 amendments thereto. Such information shall be limited to current and prior
14 addresses of taxpayers or associated persons who may have knowledge as
15 to the location of an owner of unclaimed property. For the purposes of this
16 paragraph, "associated persons" includes spouses or dependents listed on
17 income tax returns; and

18 (15) after receipt of information pursuant to subsection (f), forward
19 such information and provide the following reported Kansas individual
20 income tax information for each listed defendant, if available, to the state
21 board of indigents' defense services in an electronic format and in the
22 manner determined by the secretary: (A) The defendant's name; (B) social
23 security number; (C) Kansas adjusted gross income; (D) number of
24 exemptions claimed; and (E) the relevant tax year of such records. Any
25 social security number provided to the secretary and the state board of
26 indigents' defense services pursuant to this section shall remain
27 confidential.

28 (d) Any person receiving information under the provisions of
29 subsection (c) shall be subject to the confidentiality provisions of
30 subsection (b) and to the penalty provisions of subsection (e).

31 (e) Any violation of subsection (b) or (c) is a class A nonperson
32 misdemeanor and, if the offender is an officer or employee of the state,
33 such officer or employee shall be dismissed from office.

34 (f) For the purpose of determining whether a defendant is financially
35 able to employ legal counsel under the provisions of K.S.A. 22-4504, and
36 amendments thereto, in all felony cases with appointed counsel where the
37 defendant's social security number is accessible from the records of the
38 district court, the court shall electronically provide the defendant's name,
39 social security number, district court case number and county to the
40 secretary of revenue in the manner and format agreed to by the office of
41 judicial administration and the secretary.

42 (g) Nothing in this section shall be construed to allow disclosure of
43 the amount of income or any particulars set forth or disclosed in any

1 report, return, federal return or federal return information, where such
2 disclosure is prohibited by the federal internal revenue code as in effect on
3 September 1, 1996, and amendments thereto, related federal internal
4 revenue rules or regulations, or other federal law.

5 Sec. 39. On and after July 1, 2019, K.S.A. 46-1108, 46-1112, 46-
6 1115, 46-1116, 46-1122, 46-1123, 46-1125, 46-1126, 46-1127 and 74-2424
7 and K.S.A. 2017 Supp. 39-709b, 46-1106, 46-1114, 46-1118, 46-1121, 46-
8 1128, 46-1134, 46-1135, 74-4921, 75-5133 and 79-3234 are hereby
9 repealed.

10 Sec. 40. This act shall take effect and be in force from and after its
11 publication in the statute book.