

HOUSE BILL No. 2525

By Committee on Financial Institutions

1-29

1 AN ACT concerning the Kansas money transmitter act; concerning change
2 in controlling interest; relating to notification of state bank
3 commissioner; certain records not required to be open; amending
4 K.S.A. 2013 Supp. 9-508, 9-509, 9-513c, 9-513d and 45-221 and
5 repealing the existing sections.
6

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

8 New Section 1. (a) Each licensee under this act shall within 30 days
9 report to the commissioner any change, for whatever reason, in the
10 executive officers or directors, including in its report a statement of the
11 past and current business and professional affiliations of the new executive
12 officers or directors.

13 (b) The commissioner may require fingerprinting of any new
14 executive officer or director, deemed necessary by the commissioner. Such
15 fingerprints may be submitted to the Kansas bureau of investigation and
16 the federal bureau of investigation for a state and national criminal history
17 record check. The fingerprints shall be used to identify the person and to
18 determine whether the person has a record of arrests and convictions in
19 this state or other jurisdiction.

20 (c) The commissioner may use information obtained from
21 fingerprinting and the criminal history for purposes of verifying the
22 identification of the person and in the official determination of the
23 qualifications and fitness of the person.

24 (d) For purposes of this section and in order to reduce the points of
25 contact which the federal bureau of investigation may have with the
26 individual states, the commissioner may use a nationwide multi-state
27 licensing system and registry for requesting information from and
28 distributing information to the department of justice or any governmental
29 agency.

30 (e) Whenever the commissioner requires fingerprinting, any
31 associated costs shall be paid by the applicant or the parties to the
32 application. If the applicant is a publicly traded corporation or a
33 subsidiary of a publicly traded corporation, no fingerprint check shall be
34 required.

35 ***(f) The provisions of this section shall be part of and supplemental***
36 ***to the Kansas money transmitter act.***

1 Sec. 2. K.S.A. 2013 Supp. 9-508 is hereby amended to read as
2 follows: 9-508. As used in this act:

3 (a) "Agent" means either a person receiving funds from a Kansas
4 resident and forwarding such funds to a licensee to effectuate money
5 transmission or a person designated to otherwise engage in the business of
6 money transmission on behalf of the licensee at one or more physical
7 locations throughout the state or through the internet, regardless of
8 whether such person would be exempt from the act by conducting money
9 transmission on such person's own behalf;

10 (b) "commissioner" means the state bank commissioner;

11 (c) *"control" means the power directly or indirectly to direct*
12 *management or policies of a person engaged in money transmission or to*
13 *vote 25% or more of any class of voting shares of a person engaged in*
14 *money transmission;*

15 ~~(d)~~ (d) "electronic instrument" means a card or other tangible object
16 for the transmission or payment of money, including a prepaid access card
17 or device which contains a microprocessor chip, magnetic stripe or other
18 means for the storage of information, that is prefunded and for which the
19 value is decremented upon each use, but does not include a card or other
20 tangible object that is redeemable by the issuer in goods or services;

21 ~~(e)~~ (e) "licensee" means a person licensed under this act;

22 ~~(f)~~ (f) "nationwide multi-state licensing system and registry" means a
23 licensing system developed and maintained by the conference of state
24 bank supervisors, or its successors and assigns, for the licensing and
25 reporting of those persons engaging in the money transmission;

26 ~~(g)~~ (g) "monetary value" means a medium of exchange, whether or not
27 redeemable in money;

28 ~~(h)~~ (h) "money transmission" means to engage in the business of the
29 sale or issuance of payment instruments or of receiving money or
30 monetary value for transmission to a location within or outside the United
31 States by wire, facsimile, electronic means or any other means, except that
32 money transmission does not include currency exchange where no
33 transmission of money occurs;

34 ~~(i)~~ (i) "outstanding payment instrument" means any payment
35 instrument issued by the licensee which has been sold in the United States
36 directly by the licensee or any money order or instrument issued by the
37 licensee which has been sold by an agent of the licensee in the United
38 States, which has been reported to the licensee as having been sold and
39 which has not yet been paid by or for the licensee;

40 ~~(j)~~ (j) "payment instrument" means any electronic or written check,
41 draft, money order, travelers check or other electronic or written
42 instrument or order for the transmission or payment of money, sold or
43 issued to one or more persons, whether or not such instrument is

1 negotiable. The term "payment instrument" does not include any credit
2 card voucher, any letter of credit or any instrument which is redeemable by
3 the issuer in goods or services;

4 ~~(j)~~(k) "permissible investments" means:

5 (1) Cash;

6 (2) deposits in a demand or interest bearing account with a domestic
7 federally insured depository institution, including certificates of deposit;

8 (3) debt obligations of a domestic federally insured depository
9 institution;

10 (4) any investment bearing a rating of one of the three highest grades
11 as defined by a nationally recognized organization that rates such
12 securities;

13 (5) investment grade bonds and other legally created general
14 obligations of a state, an agency or political subdivision of a state, the
15 United States or an instrumentality of the United States;

16 (6) obligations that a state, an agency or political subdivision of a
17 state, the United States or an instrumentality of the United States has
18 unconditionally agreed to purchase, insure or guarantee and that bear a
19 rating of one of the three highest grades as defined by a nationally
20 recognized organization that rates securities;

21 (7) shares in a money market mutual fund, interest-bearing bills or
22 notes or bonds, debentures or stock traded on any national securities
23 exchange or on a national over-the-counter market, or mutual funds
24 primarily composed of such securities or a fund composed of one or more
25 permissible investments as set forth herein;

26 (8) receivables ~~which~~ that are ~~due payable~~ to a licensee ~~related to~~
27 ~~money transmission~~, *in the ordinary course of business, pursuant to*
28 *contracts which are not past due or doubtful of collection* and which do
29 not exceed in the aggregate ~~20%~~ 40% of the total required permissible
30 investments pursuant to K.S.A. 9-513b, and amendments thereto. *A*
31 *receivable is past due if not remitted to the licensee within 10 business*
32 *days*; or

33 (9) any other investment or security device approved by the
34 commissioner;

35 ~~(k)~~(l) "person" means any individual, partnership, association, joint-
36 stock association, trust, corporation or any other form of business
37 enterprise;

38 ~~(l)~~(m) "resident" means any natural person or business entity located
39 in this state; and

40 ~~(m)~~(n) "tangible net worth" means the physical worth of a licensee,
41 calculated by taking a licensee's assets and subtracting its liabilities and its
42 intangible assets, such as copyrights, patents, intellectual property and
43 goodwill.

1 Sec. 3. K.S.A. 2013 Supp. 9-509 is hereby amended to read as
2 follows: 9-509. (a) No person shall engage in the business of selling,
3 issuing or delivering its payment instrument, check, draft, money order,
4 personal money order, bill of exchange, evidence of indebtedness or other
5 instrument for the transmission or payment of money or otherwise engage
6 in the business of money transmission with a resident of this state, or,
7 except as provided in K.S.A. 9-510, and amendments thereto, act as agent
8 for another in the transmission of money as a service or for a fee or other
9 consideration, unless such person *files an application and* obtains a license
10 from the commissioner.

11 (b) ~~(1) An application for a license shall be submitted in the form and~~
12 ~~manner prescribed by the commissioner. The application shall be~~
13 ~~accompanied by nonrefundable fees established by the commissioner for~~
14 ~~the license and each agent location. At least 30 days prior to expiration of~~
15 ~~the license as reflected on the face of the license certificate, a license shall~~
16 ~~be renewed by filing with the commissioner a complete application and~~
17 ~~nonrefundable application fees. Each license shall expire December 31 of~~
18 each year. A license shall be renewed by filing with the commissioner a
19 complete application and nonrefundable application fee at least 30 days
20 prior to expiration of the license. Expired licenses may be reinstated
21 through February 28 of each year by filing a reinstatement application and
22 paying the appropriate application and late fees. ~~The application shall be~~
23 ~~accompanied by nonrefundable fees established by the commissioner for~~
24 ~~the license and each agent location.~~

25 (c) *It shall be unlawful for a person, acting directly or indirectly or*
26 *through concert with one or more persons, to acquire control of any*
27 *person engaged in money transmission through purchase, assignment,*
28 *pledge or other disposition of voting shares of such money transmitter,*
29 *except with the prior approval of the commissioner. Request for approval*
30 *of the proposed acquisition shall be made by filing an application with the*
31 *commissioner at least 60 days prior to the acquisition.*

32 (d) *All applications shall be submitted in the form and manner*
33 *prescribed by the commissioner. Additionally, the following shall apply to*
34 *all applications:*

35 ~~(2)~~(1) The commissioner may use a nationwide multi-state licensing
36 system and registry for processing applications, renewals, amendments,
37 surrenders, and any other activity the commissioner deems appropriate.
38 The commissioner may also use a nationwide multi-state licensing system
39 and registry for requesting and distributing any information regarding
40 money transmitter licensing to and from any source so directed by the
41 commissioner. The commissioner may establish relationships or contracts
42 with the nationwide multi-state licensing system and registry or other
43 entities to collect and maintain records and process transaction fees or

1 other fees related to applicants, licensees, as may be reasonably necessary
2 to participate in the nationwide multi-state licensing system and registry.
3 The commissioner may report violations of the law, as well as enforcement
4 actions and other relevant information to the nationwide multi-state
5 licensing system and registry. The commissioner may require any
6 applicant or licensee to file reports with the nationwide multi-state
7 licensing system and registry in the form prescribed by the commissioner.

8 (3)(2) An application shall be accompanied by nonrefundable fees
9 established by the commissioner for the license and each agent location.
10 The commissioner shall determine the amount of such fees to provide
11 sufficient funds to meet the budget requirements of administering and
12 enforcing the act for each fiscal year. For the purposes of this subsection,
13 "each agent location" means each physical location within the state where
14 money transmission is conducted, including, but not limited to, branch
15 offices, authorized vendor offices, delegate offices, kiosks and drop boxes.
16 Any person using the multi-state licensing system shall pay all associated
17 costs.

18 (4)(3) (A) The commissioner may require fingerprinting of any
19 individual, officer, director, partner, member, shareholder or any other
20 person related to the application deemed necessary by the commissioner. *If*
21 *the applicant is a publicly traded corporation or a subsidiary of a publicly*
22 *traded corporation, no fingerprint check shall be required.* ~~Such~~
23 Fingerprints may be submitted to the Kansas bureau of investigation and
24 the federal bureau of investigation for a state and national criminal history
25 record check. The fingerprints shall be used to identify the person and to
26 determine whether the person has a record of arrests and convictions in
27 this state or other jurisdiction.

28 (B) The commissioner may use information obtained from
29 fingerprinting and the criminal history for purposes of verifying the
30 identification of the person and in the official determination of the
31 qualifications and fitness of the person ~~to be issued or to maintain a~~
32 ~~license~~, or in the case of an applicant company, the persons associated with
33 the company.

34 (C) For purposes of this section and in order to reduce the points of
35 contact which the federal bureau of investigation may have with the
36 individual states, the commissioner may use a nationwide multi-state
37 licensing system and registry for requesting information from and
38 distributing information to the department of justice or any governmental
39 agency.

40 (D) Whenever the commissioner requires fingerprinting, any
41 associated costs shall be paid by the applicant or the parties to the
42 application. ~~If the applicant is a publicly traded corporation or a subsidiary~~
43 ~~of a publicly traded corporation, no fingerprint check shall be required.~~

1 ~~(5)~~(4) *Each application shall include audited financial statements for*
2 *each of the two fiscal years immediately preceding the date of the*
3 *application and an interim financial statement, as of a date not more than*
4 *90 days prior to the date of the filing of an application. Any person not in*
5 *business two years prior to the filing of the application shall submit a*
6 *statement in the form and manner prescribed by the commissioner*
7 *sufficient to demonstrate compliance with subsection (e).*

8 (e) In addition, each person submitting an application shall meet the
9 following requirements:

10 ~~(A)~~(1) The tangible net worth of such person shall be at all times not
11 less than \$250,000, as shown by an audited financial statement and
12 certified to by an owner, a partner or officer of the corporation or other
13 entity filed in the form and manner prescribed by the commissioner. A
14 consolidated financial statement from an applicant's holding company may
15 be accepted by the commissioner. The commissioner may require any
16 person to file a statement at any other time upon request;

17 ~~(B)~~(2) such person shall deposit and at all times keep on deposit with
18 the state treasurer, or a bank in this state approved by the commissioner,
19 cash or securities satisfactory to the commissioner in an amount not less
20 than \$200,000. The commissioner may increase the amount of cash or
21 securities required up to a maximum of \$500,000 upon the basis of the
22 impaired financial condition of a person, as evidenced by a reduction in
23 net worth, financial losses or other relevant criteria as determined by the
24 commissioner;

25 ~~(C)~~(3) in lieu of the deposit of cash or securities required by
26 paragraph (B), such person may give a surety bond in an amount equal to
27 that required for the deposit of cash or securities, in a form satisfactory to
28 the commissioner and issued by a company authorized to do business in
29 this state, which bond shall be payable to the office of the state bank
30 commissioner and be filed with the commissioner; and

31 ~~(D)~~(4) such person shall submit a list to the commissioner of the
32 names and addresses of other persons who are authorized to act as agents
33 for transactions with Kansas residents.

34 ~~(e)~~(f) The deposit of cash, securities or surety bond required by this
35 section shall be subject to:

36 (1) Payment to the commissioner for the protection and benefit of
37 purchasers of money transmission services, purchasers or holders of
38 payment instruments furnished by such person, and those for whom such
39 person has agreed to act as agent in transmission of monetary value and to
40 secure the faithful performance of the obligations of such person in respect
41 to the receipt, handling, transmission and payment of monetary value; and

42 (2) payment to the commissioner for satisfaction of any expenses,
43 fines, fees or refunds due pursuant to this act, levied by the commissioner

1 or that become lawfully due pursuant to a final judgment or order.

2 ~~(d)~~(g) The aggregate liability of the surety for all breaches of the
3 conditions of the bond, in no event, shall exceed the amount of such bond.
4 The surety on the bond shall have the right to cancel such bond upon
5 giving 30 days' notice to the commissioner and thereafter shall be relieved
6 of liability for any breach of condition occurring after the effective date of
7 the cancellation. The commissioner or any aggrieved party may enforce
8 claims against such deposit of cash or securities or surety bond. So long as
9 the depositing person is not in violation of this act, such person shall be
10 permitted to receive all interest and dividends on the deposit and shall
11 have the right to substitute other securities satisfactory to the
12 commissioner. If the deposit is made with a bank, any custodial fees shall
13 be paid by such person.

14 ~~(e)~~(h) (1) The commissioner shall have the authority to examine the
15 books and records of any person operating in accordance with the
16 provisions of this act, at such person's expense, to verify compliance with
17 state and federal law.

18 (2) For purposes of investigation, examination or other proceeding
19 under this act, the commissioner may administer or cause to be
20 administered oaths, subpoena witnesses and documents, compel the
21 attendance of witnesses, take evidence and require the production of any
22 document that the commissioner determines to be relevant to the inquiry.

23 (i) *Except as authorized with regard to the appointment of agents, a*
24 *licensee is prohibited from transferring, assigning, allowing another*
25 *person to use the licensee's license, or aiding any person who does not*
26 *hold a valid license under this act in engaging in the business of money*
27 *transmission.*

28 Sec. 4. K.S.A. 2013 Supp. 9-513c is hereby amended to read as
29 follows: 9-513c. (a) Notwithstanding any other provision of law, all
30 information or reports obtained and prepared by the commissioner in the
31 course of licensing or examining a person engaged in money transmission
32 business shall be confidential and may not be disclosed by the
33 commissioner except as provided in subsection ~~(b)~~ or (c) or (d).

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

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

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

1 examinations with other regulatory agencies.

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

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

15 ~~(e)~~(d) The commissioner may provide for the release of information
16 to law enforcement agencies or prosecutorial agencies or offices who shall
17 maintain the confidentiality of the information.

18 ~~(d)~~(e) The commissioner may accept a report of examination or
19 investigation from another state or federal licensing agency, in which the
20 accepted report is an official report of the commissioner. Acceptance of an
21 examination or investigation report does not waive any fee required by this
22 act.

23 ~~(e)~~(f) Nothing shall prohibit the commissioner from releasing to the
24 public a list of persons licensed or their agents or from releasing
25 aggregated financial data on such persons.

26 ~~(f)~~(g) The provisions of subsection (a) shall expire on July 1, 2016,
27 unless the legislature acts to reauthorize such provisions. The provisions of
28 subsection (a) shall be reviewed by the legislature prior to July 1, 2016.

29 Sec. 5. K.S.A. 2013 Supp. 9-513d is hereby amended to read as
30 follows: 9-513d. (a) The provisions of K.S.A. 9-508 through 9-513, and
31 amendments thereto, ~~and~~ K.S.A. 2013 Supp. 9-513a through 9-513d, and
32 amendments thereto, *and section 1, and amendments thereto*, shall be
33 known as and may be cited as the Kansas money transmitter act.

34 (b) The commissioner is hereby authorized to adopt rules and
35 regulations necessary to administer and implement the Kansas money
36 transmitter act.

37 Sec. 6. ~~Sec. 7.~~K.S.A. 2013 Supp. 45-221 is hereby amended to read
38 as follows: 45-221. (a) Except to the extent disclosure is otherwise
39 required by law, a public agency shall not be required to disclose:

40 (1) Records the disclosure of which is specifically prohibited or
41 restricted by federal law, state statute or rule of the Kansas supreme court
42 or rule of the senate committee on confirmation oversight relating to
43 information submitted to the committee pursuant to K.S.A. 2013 Supp. 75-

1 4315d, and amendments thereto, or the disclosure of which is prohibited or
2 restricted pursuant to specific authorization of federal law, state statute or
3 rule of the Kansas supreme court or rule of the senate committee on
4 confirmation oversight relating to information submitted to the committee
5 pursuant to K.S.A. 2013 Supp. 75-4315d, and amendments thereto, to
6 restrict or prohibit disclosure.

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

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

11 (4) Personnel records, performance ratings or individually identifiable
12 records pertaining to employees or applicants for employment, except that
13 this exemption shall not apply to the names, positions, salaries or actual
14 compensation employment contracts or employment-related contracts or
15 agreements and lengths of service of officers and employees of public
16 agencies once they are employed as such.

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

19 (6) Letters of reference or recommendation pertaining to the character
20 or qualifications of an identifiable individual, except documents relating to
21 the appointment of persons to fill a vacancy in an elected office.

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

25 (8) Information which would reveal the identity of an individual who
26 lawfully makes a donation to a public agency, if anonymity of the donor is
27 a condition of the donation, except if the donation is intended for or
28 restricted to providing remuneration or personal tangible benefit to a
29 named public officer or employee.

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

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

38 (A) Is in the public interest;

39 (B) would not interfere with any prospective law enforcement action,
40 criminal investigation or prosecution;

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

43 (D) would not reveal confidential investigative techniques or

1 procedures not known to the general public;

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

3 (F) would not reveal the name, address, phone number or any other
4 information which specifically and individually identifies the victim of any
5 sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated,
6 prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes
7 Annotated, and amendments thereto.

8 If a public record is discretionarily closed by a public agency pursuant
9 to this subsection, the record custodian, upon request, shall provide a
10 written citation to the specific provisions of paragraphs (A) through (F)
11 that necessitate closure of that public record.

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

18 (12) Records of emergency or security information or procedures of a
19 public agency, or plans, drawings, specifications or related information for
20 any building or facility which is used for purposes requiring security
21 measures in or around the building or facility or which is used for the
22 generation or transmission of power, water, fuels or communications, if
23 disclosure would jeopardize security of the public agency, building or
24 facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (24) Records which are compiled for census or research purposes and
38 which pertain to identifiable individuals.

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

41 (26) Records of a utility or other public service pertaining to
42 individually identifiable residential customers of the utility or service.

43 (27) Specifications for competitive bidding, until the specifications

1 are officially approved by the public agency.

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

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

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

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

21 (C) the information provided to the law enforcement agency pursuant
22 to the sex offender registration act, K.S.A. 22-4901 et seq., and
23 amendments thereto, shall be subject to disclosure to any person, except
24 that the name, address, telephone number or any other information which
25 specifically and individually identifies the victim of any offender required
26 to register as provided by the Kansas offender registration act, K.S.A. 22-
27 4901 et seq., and amendments thereto, shall not be disclosed; and

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

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

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

43 (32) Engineering and architectural estimates made by or for any

1 public agency relative to public improvements.

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

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

9 (35) Any report or record which is made pursuant to K.S.A. 65-4922,
10 65-4923 or 65-4924, and amendments thereto, and which is privileged
11 pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

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

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

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

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

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

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

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

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

38 (44) The amount of franchise tax paid to the secretary of revenue or
39 the secretary of state by domestic corporations, foreign corporations,
40 domestic limited liability companies, foreign limited liability companies,
41 domestic limited partnership, foreign limited partnership, domestic limited
42 liability partnerships and foreign limited liability partnerships.

43 (45) Records, other than criminal investigation records, the disclosure

1 of which would pose a substantial likelihood of revealing security
2 measures that protect: (A) Systems, facilities or equipment used in the
3 production, transmission or distribution of energy, water or
4 communications services; (B) transportation and sewer or wastewater
5 treatment systems, facilities or equipment; or (C) private property or
6 persons, if the records are submitted to the agency. For purposes of this
7 paragraph, security means measures that protect against criminal acts
8 intended to intimidate or coerce the civilian population, influence
9 government policy by intimidation or coercion or to affect the operation of
10 government by disruption of public services, mass destruction,
11 assassination or kidnapping. Security measures include, but are not limited
12 to, intelligence information, tactical plans, resource deployment and
13 vulnerability assessments.

14 (46) Any information or material received by the register of deeds of
15 a county from military discharge papers, DD Form 214. Such papers shall
16 be disclosed: To the military dischargee; to such dischargee's immediate
17 family members and lineal descendants; to such dischargee's heirs, agents
18 or assigns; to the licensed funeral director who has custody of the body of
19 the deceased dischargee; when required by a department or agency of the
20 federal or state government or a political subdivision thereof; when the
21 form is required to perfect the claim of military service or honorable
22 discharge or a claim of a dependent of the dischargee; and upon the written
23 approval of the commissioner of veterans affairs, to a person conducting
24 research.

25 (47) Information that would reveal the location of a shelter or a
26 safehouse or similar place where persons are provided protection from
27 abuse or the name, address, location or other contact information of
28 alleged victims of stalking, domestic violence or sexual assault.

29 (48) Policy information provided by an insurance carrier in
30 accordance with subsection (h)(1) of K.S.A. 44-532, and amendments
31 thereto. This exemption shall not be construed to preclude access to an
32 individual employer's record for the purpose of verification of insurance
33 coverage or to the department of labor for their business purposes.

34 (49) An individual's e-mail address, cell phone number and other
35 contact information which has been given to the public agency for the
36 purpose of public agency notifications or communications which are
37 widely distributed to the public.

38 (50) Information provided by providers to the local collection point
39 administrator or to the 911 coordinating council pursuant to the Kansas
40 911 act, and amendments thereto, upon request of the party submitting
41 such records.

42 (51) Records of a public agency on a public website which are
43 searchable by a keyword search and identify the home address or home

1 ownership of a law enforcement officer as defined in K.S.A. 2013 Supp.
2 21-5111, and amendments thereto, parole officer, probation officer, court
3 services officer or community correctional services officer. Such
4 individual officer shall file with the custodian of such record a request to
5 have such officer's identifying information restricted from public access on
6 such public website. Within 10 business days of receipt of such requests,
7 the public agency shall restrict such officer's identifying information from
8 such public access. Such restriction shall expire after five years and such
9 officer may file with the custodian of such record a new request for
10 restriction at any time.

11 (52) Records of a public agency on a public website which are
12 searchable by a keyword search and identify the home address or home
13 ownership of a federal judge, a justice of the supreme court, a judge of the
14 court of appeals, a district judge, a district magistrate judge, the United
15 States attorney for the district of Kansas, an assistant United States
16 attorney, the attorney general, an assistant attorney general, a district
17 attorney or county attorney or an assistant district attorney or assistant
18 county attorney. Such person shall file with the custodian of such record a
19 request to have such person's identifying information restricted from
20 public access on such public website. Within 10 business days of receipt of
21 such requests, the public agency shall restrict such person's identifying
22 information from such public access. Such restriction shall expire after
23 five years and such person may file with the custodian of such record a
24 new request for restriction at any time.

25 (53) Records of a public agency that would disclose the name, home
26 address, zip code, e-mail address, phone number or cell phone number or
27 other contact information for any person licensed to carry concealed
28 handguns or of any person who enrolled in or completed any weapons
29 training in order to be licensed or has made application for such license
30 under the personal and family protection act, K.S.A. 2013 Supp. 75-7c01
31 et seq., and amendments thereto, shall not be disclosed unless otherwise
32 required by law.

33 (54) Records of a utility concerning information about cyber security
34 threats, attacks or general attempts to attack utility operations provided to
35 law enforcement agencies, the state corporation commission, the federal
36 energy regulatory commission, the department of energy, the southwest
37 power pool, the North American electric reliability corporation, the federal
38 communications commission or any other federal, state or regional
39 organization that has a responsibility for the safeguarding of
40 telecommunications, electric, potable water, waste water disposal or
41 treatment, motor fuel or natural gas energy supply systems.

42 (55) *Records of a public agency containing information or reports*
43 *obtained and prepared by the office of the state bank commissioner in the*

1 *course of licensing or examining a person engaged in money transmission*
2 *business pursuant to 9-508 et seq., and amendments thereto, shall not be*
3 *disclosed except pursuant to K.S.A. 9-513c, and amendments thereto, or*
4 *unless otherwise required by law.*

5 (b) Except to the extent disclosure is otherwise required by law or as
6 appropriate during the course of an administrative proceeding or on appeal
7 from agency action, a public agency or officer shall not disclose financial
8 information of a taxpayer which may be required or requested by a county
9 appraiser or the director of property valuation to assist in the determination
10 of the value of the taxpayer's property for ad valorem taxation purposes; or
11 any financial information of a personal nature required or requested by a
12 public agency or officer, including a name, job description or title
13 revealing the salary or other compensation of officers, employees or
14 applicants for employment with a firm, corporation or agency, except a
15 public agency. Nothing contained herein shall be construed to prohibit the
16 publication of statistics, so classified as to prevent identification of
17 particular reports or returns and the items thereof.

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

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

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

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

42 (g) Any confidential records or information relating to security
43 measures provided or received under the provisions of subsection (a)(45)

1 shall not be subject to subpoena, discovery or other demand in any
2 administrative, criminal or civil action.

3 ~~Sec. 8.~~ 7. K.S.A. 2013 Supp. 9-508, 9-509, 9-513c, 9-513d and 45-
4 221 are hereby repealed.

5 ~~Sec. 9.~~ 8. This act shall take effect and be in force from and after its
6 publication in the statute book.