

HOUSE BILL No. 2207

By Committee on Governmental Efficiency and Technology

Revisor's Technical Amendments
2/10/07

1-25

9 AN ACT relating to public finance; creating the taxpayer transparency
10 act; defining terms; requiring the secretary of administration to de-
11 velop and operate a specified website; enumerating information which
12 shall be made available on such website; establishing a time period
13 covered for information on such website; requiring specified agencies
14 to provide certain information; providing for nondisclosure of certain
15 information; amending K.S.A. 2006 Supp. 75-5133 and repealing the
16 existing section.

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

19 New Section 1. This act shall be known and may be cited as the
20 “taxpayer transparency act.”

21 New Sec. 2. (a) As used in the taxpayer transparency act:

22 (1) “Searchable website” means a website that allows the public to
23 search and aggregate information identified in subsection (b) of this sec-
24 tion; and

25 (2) “Expenditure of state funds” means the expenditure of all appro-
26 priated or nonappropriated funds by a state entity from the state treasury
27 in forms including, but not limited to:

28 (A) Grants;

29 (B) contracts;

30 (C) subcontracts;

31 (D) tax refunds, rebates or credits, excluding those which result from
32 the overpayment of income tax pursuant to **K.S.A. 79-1701 and 79-1702**
33 **and K.S.A. 2006 Supp. 79-1705**, and amendments thereto;

79-3201 et seq.

34 (E) payments made under the Kansas investments in major projects
35 and comprehensive training act, K.S.A. 74-50,102 et seq., and amend-
36 ments thereto; and

37 (F) expenditures pursuant to any compact between the Governor and
38 a federally recognized Indian tribe or nation in this state.

39 (3) “Expenditure of state funds” shall not mean the transfer of funds
40 between two state agencies or payments of state or federal assistance to
41 an individual.

42 (b) No later than January 1, 2008, the secretary of administration shall
43 develop and operate a single, searchable website accessible by the public

1 at no cost to access, that includes:

2 (1) For each expenditure, information including, but not limited to:

3 (A) The name and principal location or residence of the entity or
4 recipient, or both, of the funds;

5 (B) the amount of state funds expended;

6 (C) the type of transaction;

7 (D) the funding or expending agency;

8 (E) the budget program source;

9 (F) a descriptive purpose of the funding action or expenditure; and

10 (G) any other relevant information specified by the secretary of ad-
11 ministration; and

12 (2) the complete contents of the tax expenditure **information or** re-
13 port prepared by the department of revenue.

14 (c) The single website provided for in subsection (b) of this section
15 shall include data for the fiscal year 2007 and each fiscal year thereafter.
16 Such data shall be available on the single website no later than 30 days
17 after the last day of the preceding fiscal year.

18 (d) The department of revenue, state treasurer and any other state
19 agency shall provide to the secretary of administration such information
20 as is necessary to accomplish the purposes of this act.

21 (e) Nothing in this act shall require the disclosure of information
22 which is considered confidential by state or federal law.

23 Sec. 3. K.S.A. 2006 Supp. 75-5133 is hereby amended to read as
24 follows: 75-5133. (a) Except as otherwise more specifically provided by
25 law, all information received by the secretary of revenue, the director of
26 taxation or the director of alcoholic beverage control from returns, re-
27 ports, license applications or registration documents made or filed under
28 the provisions of any law imposing any sales, use or other excise tax ad-
29 ministered by the secretary of revenue, the director of taxation, or the
30 director of alcoholic beverage control, or from any investigation con-
31 ducted under such provisions, shall be confidential, and it shall be unlaw-
32 ful for any officer or employee of the department of revenue to divulge
33 any such information except in accordance with other provisions of law
34 respecting the enforcement and collection of such tax, in accordance with
35 proper judicial order or as provided in K.S.A. 74-2424, and amendments
36 thereto.

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

38 (1) Publish statistics, so classified as to prevent identification of par-
39 ticular reports or returns and the items thereof;

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

42 (3) provide the post auditor access to all such excise tax reports or
43 returns in accordance with and subject to the provisions of subsection (g)

1 of K.S.A. 46-1106, and amendments thereto;

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

6 (5) provide information from returns and reports filed under article
7 42 of chapter 79 of the Kansas Statutes Annotated to county appraisers
8 as is necessary to insure proper valuations of property. Information from
9 such returns and reports may also be exchanged with any other state
10 agency administering and collecting conservation or other taxes and fees
11 imposed on or measured by mineral production;

12 (6) provide, upon request by a city or county clerk or treasurer or
13 finance officer of any city or county receiving distributions from a local
14 excise tax, monthly reports identifying each retailer doing business in such
15 city or county or making taxable sales sourced to such city or county,
16 setting forth the tax liability and the amount of such tax remitted by each
17 retailer during the preceding month, and identifying each business loca-
18 tion maintained by the retailer and such retailer's sales or use tax regis-
19 tration or account number;

20 (7) provide information from returns and applications for registration
21 filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-
22 3601, and amendments thereto, to a city or county treasurer or clerk or
23 finance officer to explain the basis of statistics contained in reports pro-
24 vided by subsection (b)(6);

25 (8) disclose the following oil and gas production statistics received by
26 the department of revenue in accordance with K.S.A. 79-4216 et seq. and
27 amendments thereto: Volumes of production by well name, well number,
28 operator's name and identification number assigned by the state corpo-
29 ration commission, lease name, leasehold property description, county of
30 production or zone of production, name of purchaser and purchaser's tax
31 identification number assigned by the department of revenue, name of
32 transporter, field code number or lease code, tax period, exempt produc-
33 tion volumes by well name or lease, or any combination of this
34 information;

35 (9) release or publish liquor brand registration information provided
36 by suppliers, farm wineries and microbreweries in accordance with the
37 liquor control act. The information to be released is limited to: Item
38 number, universal numeric code, type status, product description, alcohol
39 percentage, selling units, unit size, unit of measurement, supplier num-
40 ber, supplier name, distributor number and distributor name;

41 (10) release or publish liquor license information provided by liquor
42 licensees, distributors, suppliers, farm wineries and microbreweries in
43 accordance with the liquor control act. The information to be released is

1 limited to: County name, owner, business name, address, license type,
 2 license number, license expiration date and the process agent contact
 3 information;

4 (11) release or publish cigarette and tobacco license information ob-
 5 tained from cigarette and tobacco licensees in accordance with the Kansas
 6 cigarette and tobacco products act. The information to be released is
 7 limited to: County name, owner, business name, address, license type and
 8 license number;

9 (12) provide environmental surcharge or solvent fee, or both, infor-
 10 mation from returns and applications for registration filed pursuant to
 11 K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secre-
 12 tary of health and environment or the secretary's designee for the sole
 13 purpose of ensuring that retailers collect the environmental surcharge tax
 14 or solvent fee, or both;

15 (13) provide water protection fee information from returns and ap-
 16 plications for registration filed pursuant to K.S.A. 82a-954, and amend-
 17 ments thereto, to the secretary of the state board of agriculture or the
 18 secretary's designee and the secretary of the Kansas water office or the
 19 secretary's designee for the sole purpose of verifying revenues deposited
 20 to the state water plan fund;

21 (14) provide to the secretary of commerce copies of applications for
 22 project exemption certificates sought by any taxpayer under the enter-
 23 prise zone sales tax exemption pursuant to subsection (cc) of K.S.A. 79-
 24 3606, and amendments thereto;

25 (15) disclose information received pursuant to the Kansas cigarette
 26 and tobacco act and subject to the confidentiality provisions of this act to
 27 any criminal justice agency, as defined in subsection (c) of K.S.A. 22-
 28 4701, and amendments thereto, or to any law enforcement officer, as
 29 defined in subsection (c)(10) of K.S.A. 21-3110, and amendments thereto,
 30 on behalf of a criminal justice agency, when requested in writing in con-
 31 junction with a pending investigation; and

32 (16) provide to retailers tax exemption information for the sole pur-
 33 pose of verifying the authenticity of tax exemption numbers issued by the
 34 department.

35 (c) *The secretary of revenue or the secretary's designee shall disclose*
 36 *specific information as required by subsections (b) and (d) of section 1,*
 37 *and amendments thereto.*

38 (d) Any person receiving any information under the provisions of sub-
 39 section (b) shall be subject to the confidentiality provisions of subsection
 40 (a) and to the penalty provisions of subsection (d).

41 ~~(e)~~ (e) Any violation of this section shall be a class A, nonperson mis-
 42 demeanor, and if the offender is an officer or employee of this state, such
 43 officer or employee shall be dismissed from office. Reports of violations

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1 of this paragraph shall be investigated by the attorney general. The district
2 attorney or county attorney and the attorney general shall have authority
3 to prosecute any violation of this section if the offender is a city or county
4 clerk or treasurer or finance officer of a city or county.

5 Sec. 4. K.S.A. 2006 Supp. 75-5133 is hereby repealed.

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