

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

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

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

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

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

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

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

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

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

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

38 ~~(i)~~(j) "payment instrument" means any electronic or written check,
39 draft, money order, travelers check or other electronic or written
40 instrument or order for the transmission or payment of money, sold or
41 issued to one or more persons, whether or not such instrument is
42 negotiable. The term "payment instrument" does not include any credit
43 card voucher, any letter of credit or any instrument which is redeemable by

1 the issuer in goods or services;

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

3 (1) Cash;

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

6 (3) debt obligations of a domestic federally insured depository
7 institution;

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

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

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

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

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

31 (9) any other investment or security device approved by the
32 commissioner;

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

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

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

42 Sec. 3. K.S.A. 2013 Supp. 9-509 is hereby amended to read as
43 follows: 9-509. (a) No person shall engage in the business of selling,

1 issuing or delivering its payment instrument, check, draft, money order,
2 personal money order, bill of exchange, evidence of indebtedness or other
3 instrument for the transmission or payment of money or otherwise engage
4 in the business of money transmission with a resident of this state, or,
5 except as provided in K.S.A. 9-510, and amendments thereto, act as agent
6 for another in the transmission of money as a service or for a fee or other
7 consideration, unless such person *files an application and* obtains a license
8 from the commissioner.

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

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

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

33 ~~(2)(1)~~ The commissioner may use a nationwide multi-state licensing
34 system and registry for processing applications, renewals, amendments,
35 surrenders, and any other activity the commissioner deems appropriate.
36 The commissioner may also use a nationwide multi-state licensing system
37 and registry for requesting and distributing any information regarding
38 money transmitter licensing to and from any source so directed by the
39 commissioner. The commissioner may establish relationships or contracts
40 with the nationwide multi-state licensing system and registry or other
41 entities to collect and maintain records and process transaction fees or
42 other fees related to applicants, licensees, as may be reasonably necessary
43 to participate in the nationwide multi-state licensing system and registry.

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

6 (3)(2) An application shall be accompanied by nonrefundable fees
7 established by the commissioner for the license and each agent location.
8 The commissioner shall determine the amount of such fees to provide
9 sufficient funds to meet the budget requirements of administering and
10 enforcing the act for each fiscal year. For the purposes of this subsection,
11 "each agent location" means each physical location within the state where
12 money transmission is conducted, including, but not limited to, branch
13 offices, authorized vendor offices, delegate offices, kiosks and drop boxes.
14 Any person using the multi-state licensing system shall pay all associated
15 costs.

16 (4)(3) (A) The commissioner may require fingerprinting of any
17 individual, officer, director, partner, member, shareholder or any other
18 person related to the application deemed necessary by the commissioner. *If*
19 *the applicant is a publicly traded corporation or a subsidiary of a publicly*
20 *traded corporation, no fingerprint check shall be required.* ~~Such~~
21 Fingerprints may be submitted to the Kansas bureau of investigation and
22 the federal bureau of investigation for a state and national criminal history
23 record check. The fingerprints shall be used to identify the person and to
24 determine whether the person has a record of arrests and convictions in
25 this state or other jurisdiction.

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

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

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

42 (5)(4) *Each application shall include audited financial statements for*
43 *each of the two fiscal years immediately preceding the date of the*

1 application and an interim financial statement, as of a date not more than
2 90 days prior to the date of the filing of an application. Any person not in
3 business two years prior to the filing of the application shall submit a
4 statement in the form and manner prescribed by the commissioner
5 sufficient to demonstrate compliance with subsection (e).

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

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

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

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

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

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

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

40 (2) payment to the commissioner for satisfaction of any expenses,
41 fines, fees or refunds due pursuant to this act, levied by the commissioner
42 or that become lawfully due pursuant to a final judgment or order.

43 ~~(d)~~(g) The aggregate liability of the surety for all breaches of the

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

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

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

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

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

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

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

40 (2) (A) The requirements under any federal or state law regarding the
41 confidentiality of any information or material provided to the nationwide
42 multi-state licensing system, and any privilege arising under federal or
43 state law, including the rules of any federal or state court, with respect to

1 such information or material, shall continue to apply to such information
2 or material after the information or material has been disclosed to the
3 system. Such information and material may be shared with all state and
4 federal regulatory officials with financial services industry oversight
5 authority without the loss of confidentiality protections provided by
6 federal and state laws.

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

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

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

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

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

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

29 (b) The commissioner is hereby authorized to adopt rules and
30 regulations necessary to administer and implement the Kansas money
31 transmitter act.

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

35 (1) Records the disclosure of which is specifically prohibited or
36 restricted by federal law, state statute or rule of the Kansas supreme court
37 or rule of the senate committee on confirmation oversight relating to
38 information submitted to the committee pursuant to K.S.A. 2013 Supp. 75-
39 4315d, and amendments thereto, or the disclosure of which is prohibited or
40 restricted pursuant to specific authorization of federal law, state statute or
41 rule of the Kansas supreme court or rule of the senate committee on
42 confirmation oversight relating to information submitted to the committee
43 pursuant to K.S.A. 2013 Supp. 75-4315d, and amendments thereto, to

1 restrict or prohibit disclosure.

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

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

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

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

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

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

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

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

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

33 (A) Is in the public interest;

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

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

38 (D) would not reveal confidential investigative techniques or
39 procedures not known to the general public;

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

41 (F) would not reveal the name, address, phone number or any other
42 information which specifically and individually identifies the victim of any
43 sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated,

1 prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes
2 Annotated, and amendments thereto.

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

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

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

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

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

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

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

35 (A) The information which the agency maintains on computer
36 facilities; and

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

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

42 (18) Plans, designs, drawings or specifications which are prepared by
43 a person other than an employee of a public agency or records which are

1 the property of a private person.

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

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

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

17 (A) Publicly cited or identified in an open meeting or in an agenda of
18 an open meeting; or

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

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

25 (A) Publicly cited or identified in an open meeting or in an agenda of
26 an open meeting; or

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

30 (23) Library patron and circulation records which pertain to
31 identifiable individuals.

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

34 (25) Records which represent and constitute the work product of an
35 attorney.

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

38 (27) Specifications for competitive bidding, until the specifications
39 are officially approved by the public agency.

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

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

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

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

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

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

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

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

38 (32) Engineering and architectural estimates made by or for any
39 public agency relative to public improvements.

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

42 (34) Records involved in the obtaining and processing of intellectual
43 property rights that are expected to be, wholly or partially vested in or

1 owned by a state educational institution, as defined in K.S.A. 76-711, and
2 amendments thereto, or an assignee of the institution organized and
3 existing for the benefit of the institution.

4 (35) Any report or record which is made pursuant to K.S.A. 65-4922,
5 65-4923 or 65-4924, and amendments thereto, and which is privileged
6 pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

7 (36) Information which would reveal the precise location of an
8 archeological site.

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

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

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

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

21 (41) All financial analysis ratios and examination synopses
22 concerning insurance companies that are submitted to the commissioner by
23 the national association of insurance commissioners' insurance regulatory
24 information system.

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

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

33 (44) The amount of franchise tax paid to the secretary of revenue or
34 the secretary of state by domestic corporations, foreign corporations,
35 domestic limited liability companies, foreign limited liability companies,
36 domestic limited partnership, foreign limited partnership, domestic limited
37 liability partnerships and foreign limited liability partnerships.

38 (45) Records, other than criminal investigation records, the disclosure
39 of which would pose a substantial likelihood of revealing security
40 measures that protect: (A) Systems, facilities or equipment used in the
41 production, transmission or distribution of energy, water or
42 communications services; (B) transportation and sewer or wastewater
43 treatment systems, facilities or equipment; or (C) private property or

1 persons, if the records are submitted to the agency. For purposes of this
2 paragraph, security means measures that protect against criminal acts
3 intended to intimidate or coerce the civilian population, influence
4 government policy by intimidation or coercion or to affect the operation of
5 government by disruption of public services, mass destruction,
6 assassination or kidnapping. Security measures include, but are not limited to,
7 intelligence information, tactical plans, resource deployment and
8 vulnerability assessments.

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

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

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

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

33 (50) Information provided by providers to the local collection point
34 administrator or to the 911 coordinating council pursuant to the Kansas
35 911 act, and amendments thereto, upon request of the party submitting
36 such records.

37 (51) Records of a public agency on a public website which are
38 searchable by a keyword search and identify the home address or home
39 ownership of a law enforcement officer as defined in K.S.A. 2013 Supp.
40 21-5111, and amendments thereto, parole officer, probation officer, court
41 services officer or community correctional services officer. Such
42 individual officer shall file with the custodian of such record a request to
43 have such officer's identifying information restricted from public access on

1 such public website. Within 10 business days of receipt of such requests,
2 the public agency shall restrict such officer's identifying information from
3 such public access. Such restriction shall expire after five years and such
4 officer may file with the custodian of such record a new request for
5 restriction at any time.

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

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

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

37 *(55) Records of a public agency containing information or reports*
38 *obtained and prepared by the office of the state bank commissioner in the*
39 *course of licensing or examining a person engaged in money transmission*
40 *business pursuant to 9-508 et seq., and amendments thereto, shall not be*
41 *disclosed except pursuant to K.S.A. 9-513c, and amendments thereto, or*
42 *unless otherwise required by law.*

43 (b) Except to the extent disclosure is otherwise required by law or as

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

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

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

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

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

37 (g) Any confidential records or information relating to security
38 measures provided or received under the provisions of subsection (a)(45)
39 shall not be subject to subpoena, discovery or other demand in any
40 administrative, criminal or civil action.

41 Sec. 8. K.S.A. 2013 Supp. 9-508, 9-509, 9-513c, 9-513d and 45-221
42 are hereby repealed.

43 Sec. 9. This act shall take effect and be in force from and after its

- 1 publication in the statute book.