

**HOUSE BILL No. 2495**

By Committee on Judiciary

1-19

Proposed Amendment to HB 2495 - proponent balloon  
House Judiciary Committee  
Prepared by the Office of Revisor of Statutes  
March 14, 2022

1 AN ACT concerning records; relating to personal information about  
2 affiliation with ~~organizations exempt from federal income taxation~~  
3 ~~under section 501(c) of the federal internal revenue code~~; prohibiting a  
4 public agency from disclosing information related to such affiliation  
5 and providing exemptions.  
6

certain nonprofit

strike

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

8 Section 1. (a) A public agency shall not:

9 (1) Require an individual to provide the public agency with personal  
10 information or compel the release of personal information;

a nonprofit organization

11 (2) require ~~any entity that is exempt from federal income taxation~~  
12 ~~under section 501(c) of the federal internal revenue code~~ to provide the  
13 public agency with personal information or compel the release of personal  
14 information;

15 (3) release or publicly disclose personal information in the possession  
16 of such public agency; or

17 (4) request or require a current or prospective contractor or grant  
18 recipient to provide the public agency with a list of ~~entities that are exempt~~  
19 ~~from federal income taxation under section 501(c) of the federal internal~~  
20 ~~revenue code~~ to which the contractor or grantee has provided financial or  
21 nonfinancial support.

nonprofit organizations

22 (b) Personal information shall be confidential and shall not be subject  
23 to the open records act, K.S.A. 45-215 et seq., and amendments thereto.  
24 The provisions of this subsection shall expire on July 1, 2027, unless the  
25 legislature reviews and reenacts this provision pursuant to K.S.A. 45-229,  
26 and amendments thereto.

27 (c) The provisions of this section shall not apply to:

A

28 (1) ~~Any report~~ or disclosure required by article 41 of chapter 25 or  
29 article 2 of chapter 46 of the Kansas Statutes Annotated, and amendments  
30 thereto;

31 (2) a valid warrant issued for personal information by a court of  
32 competent jurisdiction;

33 (3) a lawful request for discovery of personal information in litigation  
34 if the person making such request:

35 (A) Demonstrates a compelling need for the personal information by  
36 clear and convincing evidence; and

1 (B) obtains a protective order barring disclosure of the personal  
 2 information to any person not named in the litigation;  
 3 (4) admission of personal information as relevant evidence before a  
 4 court of competent jurisdiction, except that no court shall disclose personal  
 5 information unless such court makes a finding of good cause; and  
 6 (5) a national securities association as defined in section 15A of the  
 7 securities exchange act of 1934, as in effect on July 1, 2022, or any  
 8 regulations adopted thereunder.  
 9 (d) (1) A person alleging a violation of this section may bring a civil  
 10 action for injunctive relief or damages. Damages awarded pursuant to this  
 11 section shall be not less than \$7,500 for each violation of this section.  
 12 (2) The court may award reasonable attorney fees and costs to the  
 13 complainant when the court determines such award is appropriate.  
 14 (3) A person who knowingly violates the provisions of this section is  
 15 guilty of a class C nonperson misdemeanor.  
 16 (e) For the purposes of this section:  
 17 (1) "Personal information" means any list, record, register, registry,  
 18 roll, roster or other compilation of data of any kind that directly or  
 19 indirectly identifies a person as a member, supporter or volunteer of or  
 20 donor of financial or non-financial support to ~~any entity that is exempt from~~  
 21 ~~federal income taxation pursuant to section 501(c) of the federal internal~~  
 22 ~~revenue code;~~ and  
 23 (2) "public agency" means the state or any political or taxing  
 24 subdivision of the state or any office, agency or instrumentality thereof.  
 25 (f) This section shall be known and may be cited as the charitable  
 26 privacy act.  
 27 Sec. 2. This act shall take effect and be in force from and after its  
 28 publication in the statute book.

strike

;  
 (6) any adult care home as defined in K.S.A. 39-923, and amendments thereto;  
 (7) information provided to the attorney general as part of the registration process, or  
 collected as part of the enforcement of, the charitable organizations and solicitations  
 act, K.S.A. 17-1759 et seq., and amendments thereto, except that information that  
 directly identifies an individual as a donor of financial support to a nonprofit  
 organization shall not be disclosed without the consent of the donor;  
 (8) information provided to the attorney general by any person including, but not  
 limited to, a consumer, supplier or related witness, collected as part of the enforcement  
 of the Kansas consumer protection act, K.S.A. 50-623 et seq., and amendments thereto,  
 except that information that directly identifies an individual as a donor of financial  
 support to a nonprofit organization shall not be disclosed without the consent of the  
 donor;  
 (9) information concerning the staff, officers and the individuals designated to control  
 funding needed to process and verify a request for a grant of funds from or a contract  
 for goods or services with any public agency, except that information that directly  
 identifies an individual as a donor of financial support to a nonprofit organization is not  
 subject to disclosure;  
 (10) a request by the department of revenue for information required for an audit,  
 examination or investigation, except that such information shall only be used in  
 connection with the specific audit, examination or investigation and for any related  
 proceedings; and  
 (11) the collection of information related to boards of directors, officers, resident  
 agents, incorporators and large capital holders of an organization in any report or  
 disclosure required by any statute to be made with the secretary of state with the  
 intent that it becomes a public record, except that information that directly identifies  
 an individual as a donor of a financial support to a nonprofit organization is not subject  
 to disclosure.

Redesignate subelements

"Nonprofit organization" means an organization that is exempt from  
 federal income taxation pursuant to section 501(c) of the federal internal  
 revenue code, has submitted an application with the internal revenue  
 service for recognition of an exemption under section 501(c) of the  
 federal internal revenue code or is a not-for-profit business entity  
 organized under the Kansas general corporation code;  
 (2)

a nonprofit organization