

SENATE BILL No. 367

By Committee on Judiciary

2-2

1 AN ACT concerning juries; relating to jury lists; jury commissioners;
2 access to tax records; amending K.S.A. 43-162 and K.S.A. 2011 Supp.
3 79-3234 and repealing the existing sections; also repealing K.S.A. 2011
4 Supp. 79-3234b.
5

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

7 Section 1. K.S.A. 43-162 is hereby amended to read as follows: 43-
8 162. All jury lists shall be prepared in accordance with the provisions of
9 this act. Jury commissioners shall cause to be prepared under their
10 supervision a list of persons qualified as jurors in each county. Jury lists
11 shall be prepared from voter registration records of the county, lists of
12 licensed drivers residing in the county or enumeration or census records
13 for the county, in accordance with the intent and purposes of this act. On
14 and after January 1, 1985, lists of holders of state-issued nondrivers'
15 identification cards who reside in the county may also be used in the
16 preparation of jury lists. *On and after July 1, 2013, lists of Kansas income*
17 *tax filers who reside in the county may also be used in the preparation of*
18 *jury lists.* Jury lists prepared from multiple sources may be used if one or
19 more of the foregoing records is used as a material source in preparing the
20 list. The commissioners shall cause the jury list of each county to be
21 revised and updated by adding names of qualified jurors and removing
22 names of those who have died, removed from the county, or who have
23 otherwise become disqualified. For the purposes of preparation and
24 revision of jury lists, commissioners shall have access to the voter
25 registration records of the county, records of the division of vehicles
26 pertaining to licensed drivers who reside in the county and enumeration or
27 census records for the county. On and after January 1, 1985,
28 commissioners shall have access to records of the division of vehicles
29 pertaining to nondrivers' identification card holders who reside in the
30 county; for the purposes of preparation and revision of jury lists. *On and*
31 *after July 1, 2013, commissioners may request records of the division of*
32 *taxation pertaining to Kansas income tax filers who reside in the county*
33 *for the purposes of preparation and revision of jury lists. Any*
34 *commissioner receiving such records from the division of taxation shall be*
35 *subject to the confidentiality provisions of K.S.A. 79-3234, and*
36 *amendments thereto.*

1 Sec. 2. K.S.A. 2011 Supp. 79-3234 is hereby amended to read as
2 follows: 79-3234. (a) All reports and returns required by this act shall be
3 preserved for three years and thereafter until the director orders them to be
4 destroyed.

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

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

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

30 (3) provide the post auditor access to all income tax reports or returns
31 in accordance with and subject to the provisions of subsection (g) of
32 K.S.A. 46-1106 or K.S.A. 46-1114, and amendments thereto;

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

37 (5) disclose to the secretary of commerce the following: (A) Specific
38 taxpayer information related to financial information previously submitted
39 by the taxpayer to the secretary of commerce concerning or relevant to any
40 income tax credits, for purposes of verification of such information or
41 evaluating the effectiveness of any tax credit or economic incentive
42 program administered by the secretary of commerce; (B) the amount of
43 payroll withholding taxes an employer is retaining pursuant to K.S.A.

1 2011 Supp. 74-50,212, and amendments thereto; (C) information received
2 from businesses completing the form required by K.S.A. 2011 Supp. 74-
3 50,217, and amendments thereto; and (D) findings related to a compliance
4 audit conducted by the department of revenue upon the request of the
5 secretary of commerce pursuant to K.S.A. 2011 Supp. 74-50,215, and
6 amendments thereto;

7 (6) disclose income tax returns to the state gaming agency to be used
8 solely for the purpose of determining qualifications of licensees of and
9 applicants for licensure in tribal gaming. Any information received by the
10 state gaming agency shall be confidential and shall not be disclosed except
11 to the executive director, employees of the state gaming agency and
12 members and employees of the tribal gaming commission;

13 (7) disclose the taxpayer's name, last known address and residency
14 status to the *Kansas* department of wildlife ~~and parks~~, *parks and tourism*
15 to be used solely in its license fraud investigations;

16 (8) disclose the name, residence address, employer or Kansas
17 adjusted gross income of a taxpayer who may have a duty of support in a
18 title IV-D case to the secretary of the Kansas department of social and
19 rehabilitation services for use solely in administrative or judicial
20 proceedings to establish, modify or enforce such support obligation in a
21 title IV-D case. In addition to any other limits on use, such use shall be
22 allowed only where subject to a protective order which prohibits
23 disclosure outside of the title IV-D proceeding. As used in this section,
24 "title IV-D case" means a case being administered pursuant to part D of
25 title IV of the federal social security act (42 U.S.C. § 651 *et seq.*) and
26 amendments thereto. Any person receiving any information under the
27 provisions of this subsection shall be subject to the confidentiality
28 provisions of subsection (b) and to the penalty provisions of subsection
29 (e);

30 (9) permit the commissioner of internal revenue of the United States,
31 or the proper official of any state imposing an income tax, or the
32 authorized representative of either, to inspect the income tax returns made
33 under this act and the secretary of revenue may make available or furnish
34 to the taxing officials of any other state or the commissioner of internal
35 revenue of the United States or other taxing officials of the federal
36 government, or their authorized representatives, information contained in
37 income tax reports or returns or any audit thereof or the report of any
38 investigation made with respect thereto, filed pursuant to the income tax
39 laws, as the secretary may consider proper, but such information shall not
40 be used for any other purpose than that of the administration of tax laws of
41 such state, the state of Kansas or of the United States;

42 (10) communicate to the executive director of the Kansas lottery
43 information as to whether a person, partnership or corporation is current in

1 the filing of all applicable tax returns and in the payment of all taxes,
2 interest and penalties to the state of Kansas, excluding items under formal
3 appeal, for the purpose of determining whether such person, partnership or
4 corporation is eligible to be selected as a lottery retailer;

5 (11) communicate to the executive director of the Kansas racing
6 commission as to whether a person, partnership or corporation has failed
7 to meet any tax obligation to the state of Kansas for the purpose of
8 determining whether such person, partnership or corporation is eligible for
9 a facility owner license or facility manager license pursuant to the Kansas
10 parimutuel racing act;

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

16 (13) (i) provide taxpayer information of persons suspected of
17 violating K.S.A. 2011 Supp. 44-766, and amendments thereto, to the
18 secretary of labor or such secretary's designee for the purpose of
19 determining compliance by any person with the provisions of K.S.A. 44-
20 703(i)(3)(D) and K.S.A. 2011 Supp. 44-766, and amendments thereto. The
21 information to be provided shall include all relevant information in the
22 possession of the department of revenue necessary for the secretary of
23 labor to make a proper determination of compliance with the provisions of
24 K.S.A. 44-703(i)(3)(D) and K.S.A. 2011 Supp. 44-766, and amendments
25 thereto, and to calculate any unemployment contribution taxes due. Such
26 information to be provided by the department of revenue shall include, but
27 not be limited to, withholding tax and payroll information, the identity of
28 any person that has been or is currently being audited or investigated in
29 connection with the administration and enforcement of the withholding
30 and declaration of estimated tax act, K.S.A. 79-3294 *et seq.*, and
31 amendments thereto, and the results or status of such audit or
32 investigation.

33 (ii) Any person receiving tax information under the provisions of this
34 paragraph shall be subject to the same duty of confidentiality imposed by
35 law upon the personnel of the department of revenue and shall be subject
36 to any civil or criminal penalties imposed by law for violations of such
37 duty of confidentiality.

38 (iii) Each of the secretary of labor and the secretary of revenue may
39 adopt rules and regulations necessary to effect the provisions of this
40 paragraph;

41 (14) *provide such information to the state treasurer for the sole*
42 *purpose of carrying out the provisions of K.S.A. 58-3934, and amendments*
43 *thereto. Such information shall be limited to current and prior addresses*

1 *of taxpayers or associated persons who may have knowledge as to the*
2 *location of an owner of unclaimed property. For the purposes of this*
3 *paragraph, "associated persons" includes spouses or dependents listed on*
4 *income tax returns; and*

5 *(15) disclose the name, last known address and residency status of*
6 *Kansas income tax filers who reside in the county to the jury*
7 *commissioner of such county, as defined in K.S.A. 43-157, and*
8 *amendments thereto, to be used solely for the purposes of preparation and*
9 *revision of jury lists pursuant to K.S.A. 43-162, and amendments thereto.*

10 (d) Any person receiving information under the provisions of
11 subsection (c) shall be subject to the confidentiality provisions of
12 subsection (b) and to the penalty provisions of subsection (e).

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

16 (f) Nothing in this section shall be construed to allow disclosure of
17 the amount of income or any particulars set forth or disclosed in any
18 report, return, federal return or federal return information, where such
19 disclosure is prohibited by the federal internal revenue code as in effect on
20 September 1, 1996, and amendments thereto, related federal internal
21 revenue rules or regulations, or other federal law.

22 Sec. 3. K.S.A. 43-162 and K.S.A. 2011 Supp. 79-3234 and 79-3234b
23 are hereby repealed.

24 Sec. 4. This act shall take effect and be in force from and after its
25 publication in the statute book.