

## 2021 Kansas Statutes

74-50,227. **Same; format; internet access; information to be published; exceptions, reports to legislative committees, confidentiality under Kansas open records and Kansas open meetings acts.** (a) The department of commerce shall collect incentive data from economic development incentive programs that provide more than \$50,000 of annual incentives from administering agencies as required by this section. Such data shall be collected from administering agencies and be stored in a database that is available to the public in a digital format. The database shall contain information from multiple years and must be searchable, printable and available to access over the internet on the department of commerce's website on a permanently accessible web page that may be accessed via a conspicuous link to that web page placed on the front page of the department's website. Information included in the database shall be updated by the department of commerce on an annual basis and such update shall be completed prior to the end of the following fiscal year in which such incentive was earned or distributed.

(b) The database required to be created by subsection (a) shall contain the following information or shall contain a link by which the user can access such information:

(1) User information for each economic development incentive program, including the:

(A) Names and addresses, including county, of recipients receiving benefits from the program and, for sales tax and revenue bonds issued under the STAR bond financing act, K.S.A. 2021 Supp. 12-17,162 et seq., and amendments thereto, the names of principals and officers for each project developer;

(B) annual amount of incentives claimed, distributed to or received by each recipient and any remaining balance of the total amount of incentives claimed or awarded to the recipient;

(C) qualification criteria for the economic development incentive program, including, if available, qualification criteria specific to the recipient. Qualification criteria shall include, but not be limited to, any requirements regarding the number of jobs created or the amount of initial or annual capital improvement;

(D) required benchmarks for continued participation in the economic development incentive program and progress made toward the benchmarks; and

(E) years for which the recipient has received benefits under the economic development incentive program;

(2) descriptive information for each economic development program, which shall include:

(A) A description and history of the program, including its inception date;

(B) the purpose or goals of the program and the criteria for qualification;

(C) applications for the program, if any, and relevant resources or contacts;

(D) the program cost and return on investment, including assumptions used to calculate the return on investment;

(E) the program compliance rate;

(F) annual reports, if required by statute; and

(G) evaluations of the program, if any; and

(3) annual data, which shall be organized by recipient, county and program and shall include the:

(A) Total amount of annual incentives from a program claimed or received by a recipient;

(B) total amount of incentives received by recipients in each county; and

(C) total amount of incentives distributed by each program.

(c) Data collected pursuant to this section must be aggregated and provided by program, recipient and county.

(d) Except as otherwise provided in this subsection, and notwithstanding any information publication requirements listed in this section, no information shall be disclosed by the secretary of commerce under this section if such disclosure would:

- (1) Violate any federal law;
- (2) violate the confidentiality provisions of any agreement executed before July 1, 2019;
- (3) in the discretion of the secretary of commerce, be detrimental to the development of a STAR bond project or jeopardize an economic development incentive program or project; or
- (4) disclose the names or other personally identifying information of individuals who have made contributions or investments pursuant to the provisions of an economic development incentive program for the purpose of receiving a tax credit.

Information that is otherwise publicly available shall not be considered confidential and shall be subject to publication as provided in this section.

(e) (1) The secretary of commerce shall report in writing to the standing committee on commerce, labor and economic development of the house of representatives and the standing committee on commerce of the senate any information not disclosed by the secretary pursuant to subsection (d)(3) and the reason the information was not disclosed. Any testimony or oral presentation before the committee or discussion by the committee with respect to the report shall be considered the discussion of data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships pursuant to the provisions of K.S.A. 75-4319(b)(4), and amendments thereto, for purposes of the Kansas open meetings act, and shall be closed to the public.

(2) The report of the secretary pursuant to subsection (e)(1) shall be confidential and shall not be subject to the provisions of the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this paragraph shall expire on July 1, 2024, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2024.

**History:** L. 2019, ch. 60, § 3; July 1.