

## Substitute for SENATE BILL No. 80

By Committee on Elections and Local Government

3-16

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9 AN ACT concerning certain public funds; relating to records concerning  
10 the receipt and expenditure thereof.

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

13 Section 1. From and after January 1, 2006: (a) Each not-for-profit  
14 entity that receives public funds shall be required to document the receipt  
15 and expenditure of such funds. Subject to the provisions of subsection  
16 (b), each not-for-profit entity which receives public funds shall, upon  
17 request, make available to any requester a copy of documentation of the  
18 receipt and expenditure of all public funds received by such not-for-profit  
19 entity. If such not-for-profit entity's accounting practice does not segre-  
20 gate public funds from other fund sources, the not-for-profit entity's en-  
21 tire accounting of its expenditures and receipts shall be open to the public.

22 (b) (1) Except as provided in paragraph (3), any not-for-profit entity  
23 that receives public funds that is required by law or the terms of a grant,  
24 contract or other agreement to file a written financial report which in-  
25 cludes the receipt of public funds and the expenditure of such funds with  
26 an agency of the United States, an agency of this state or any political or  
27 taxing subdivision thereof, shall be deemed to have fulfilled the require-  
28 ments of this section upon filing such report. Otherwise an itemized in-  
29 voice or statement by the not-for-profit entity of the amount of public  
30 funds received and the expenditure thereof shall be deemed to have com-  
31 plied with the requirements of this section when such itemized invoice  
32 or statement is filed with an agency of the United States, an agency of  
33 this state or any political or taxing subdivision thereof, that provided the  
34 public funds to the not-for-profit entity.

35 (2) Any report referred to in paragraph (1) of this subsection, shall  
36 be deemed to be a public record of the agency of this state or any political  
37 or taxing subdivision thereof and subject to inspection or disclosure in  
38 accordance with the Kansas open records act.

39 (3) Any not-for-profit entity which receives public funds may file in  
40 the office of the secretary of state or make available for review in such  
41 not-for-profit entity's office, a copy of the detailed audit or accounting of  
42 public funds received by such not-for-profit entity.

43 (c) Each not-for-profit entity may charge and require advance pay-

1 ment of a reasonable fee for providing access to or furnishing copies of  
2 documentation of the receipt and expenditure of public funds as required  
3 by this section. Such fee shall be determined in the same manner as for  
4 a public agency pursuant to K.S.A. 45-219 and amendments thereto. A  
5 fee for copies of documentation of the receipt and expenditure of public  
6 funds which is equal to or less than \$.25 per page shall be deemed a  
7 reasonable fee.

8 (d) The provisions of this section shall not apply to any:

- 9 (1) Health care provider;  
10 (2) individual person;  
11 (3) for profit corporation; or  
12 (4) partnership.

13 (e) For the purposes of this section: (1) "Health care provider" shall  
14 have the meaning ascribed to it in K.S.A. 65-4915 and amendments  
15 thereto. Health care provider shall also include any:

16 (A) Not-for-profit dental service corporation doing business in this  
17 state pursuant to K.S.A. 40-19a01 et seq. and amendments thereto;

18 (B) not-for-profit medical and hospital corporation doing business in  
19 this state pursuant to K.S.A. 40-19c01 et seq. and amendments thereto;

20 (C) indigent health care clinic as such term is defined in K.S.A. 75-  
21 6102 and amendments thereto; and

22 (D) adult care home as such term is defined in K.S.A. 39-923 and  
23 amendments thereto.

24 (2) "Public funds" means any moneys received from the United  
25 States, the state of Kansas or any political or taxing subdivision thereof,  
26 or any officer, board, commission or agency thereof.

27 Sec. 2. This act shall take effect and be in force from and after its  
28 publication in the statute book.