

HOUSE BILL No. 3001

By Committee on Taxation

3-7

9 AN ACT concerning the open records act; relating to definitions; amend-
10 ing K.S.A. 2005 Supp. 45-217 and repealing the existing section.

11

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

13 Section 1. K.S.A. 2005 Supp. 45-217 is hereby amended to read as
14 follows: 45-217. As used in the open records act, unless the context oth-
15 erwise requires:

16 (a) "Business day" means any day other than a Saturday, Sunday or
17 day designated as a holiday by the congress of the United States, by the
18 legislature or governor of this state or by the respective political subdi-
19 vision of this state.

20 (b) "Clearly unwarranted invasion of personal privacy" means re-
21 vealing information that would be highly offensive to a reasonable person,
22 including information that may pose a risk to a person or property and is
23 not of legitimate concern to the public, *except that such phrase shall not*
24 *be construed to include information which is made, maintained or kept*
25 *by or is in the possession of any county register of deeds as a public record.*

26 (c) "Criminal investigation records" means records of an investigatory
27 agency or criminal justice agency as defined by K.S.A. 22-4701 and
28 amendments thereto, compiled in the process of preventing, detecting or
29 investigating violations of criminal law, but does not include police blotter
30 entries, court records, rosters of inmates of jails or other correctional or
31 detention facilities or records pertaining to violations of any traffic law
32 other than vehicular homicide as defined by K.S.A. 21-3405 and amend-
33 ments thereto.

34 (d) "Custodian" means the official custodian or any person desig-
35 nated by the official custodian to carry out the duties of custodian of this
36 act.

37 (e) "Official custodian" means any officer or employee of a public
38 agency who is responsible for the maintenance of public records, regard-
39 less of whether such records are in the officer's or employee's actual
40 personal custody and control.

41 (f) (1) "Public agency" means the state or any political or taxing sub-
42 division of the state or any office, officer, agency or instrumentality
43 thereof, or any other entity receiving or expending and supported in

1 whole or in part by the public funds appropriated by the state or by public
2 funds of any political or taxing subdivision of the state.

3 (2) "Public agency" shall not include:

4 (A) Any entity solely by reason of payment from public funds for
5 property, goods or services of such entity; (B) any municipal judge, judge
6 of the district court, judge of the court of appeals or justice of the supreme
7 court; or (C) any officer or employee of the state or political or taxing
8 subdivision of the state if the state or political or taxing subdivision does
9 not provide the officer or employee with an office which is open to the
10 public at least 35 hours a week.

11 ~~(f) (1)~~ (g) (1) "Public record" means any recorded information, re-
12 gardless of form or characteristics, which is made, maintained or kept by
13 or is in the possession of any public agency including, but not limited to,
14 an agreement in settlement of litigation involving the Kansas public em-
15 ployees retirement system and the investment of moneys of the fund.

16 (2) "Public record" shall not include records which are owned by a
17 private person or entity and are not related to functions, activities, pro-
18 grams or operations funded by public funds or records which are made,
19 maintained or kept by an individual who is a member of the legislature
20 or of the governing body of any political or taxing subdivision of the state.

21 (3) "Public record" shall not include records of employers related to
22 the employer's individually identifiable contributions made on behalf of
23 employees for workers compensation, social security, unemployment in-
24 surance or retirement. The provisions of this subsection shall not apply
25 to records of employers of lump-sum payments for contributions as de-
26 scribed in this subsection paid for any group, division or section of an
27 agency.

28 (h) "Undercover agent" means an employee of a public agency re-
29 sponsible for criminal law enforcement who is engaged in the detection
30 or investigation of violations of criminal law in a capacity where such
31 employee's identity or employment by the public agency is secret.

32 Sec. 2. K.S.A. 2005 Supp. 45-217 is hereby repealed.

33 Sec. 3. This act shall take effect and be in force from and after its
34 publication in the statute book.