

HOUSE BILL No. 2287

By Committee on Federal and State Affairs

2-11

1 AN ACT creating the Kansas inspector general act; amending K.S.A. 25-
2 4001 and 25-4002 and K.S.A. 2012 Supp. 21-5904, 45-217, 45-221,
3 46-247, 74-5602, 75-2973 and 75-7024 and repealing the existing
4 sections; also repealing K.S.A. 2012 Supp. 45-221j, 45-221k and 75-
5 7427.

6

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

8 New Section 1. The provisions of sections 1 through 25, and
9 amendments thereto, shall be known and may be cited as the Kansas
10 inspector general act.

11 New Sec. 2. As used in sections 1 through 25, and amendments
12 thereto, unless the context otherwise requires:

13 (a) "Contract" means any agreement entered into for the acquisition,
14 purchase, procurement, sale, lease, assignment, grant or license for any
15 equipment, supplies, materials, goods or services, for any construction,
16 reconstruction, remodel or repair services, including any subcontracts, or
17 for any real or personal property, whether tangible or intangible, and any
18 renewal, extension, amendment, modification or novation thereof.

19 (b) "Person" means an individual, corporation, partnership, limited
20 partnership, limited liability company, association, trust, estate or a public
21 agency.

22 (c) (1) "Public agency" means the state, any state agency, any
23 political or taxing subdivision of the state and any office, officer, agency or
24 instrumentality thereof, and any other entity receiving or expending and
25 supported, in whole or in part, by public funds appropriated by the state or
26 by public funds of any political or taxing subdivision of the state.

27 (2) The term "public agency" shall not include the Kansas supreme
28 court, the Kansas court of appeals or any district or municipal court.

29 (d) "State agency" means any state office, officer, department, board,
30 commission, institution, bureau, agency or authority, or any division or
31 unit thereof.

32 New Sec. 3. (a) There is hereby established the office of the inspector
33 general of Kansas. The office of inspector general shall foster and promote
34 the efficient and effective use of public resources and the values of
35 performance, compliance, public accountability and integrity involving
36 and relating to public agencies and shall counsel or advise the governor as

1 to the activities, duties, functions, management or operation of the state of
2 Kansas and state agencies.

3 (b) The inspector general shall serve as the executive head and chief
4 administrative officer of the office of inspector general and shall have
5 responsibility for the policies of the office, except as otherwise provided
6 by law, and for the administration, control and operation of the duties and
7 functions of the office.

8 New Sec. 4. At the general election held in 2016 and every four years
9 thereafter, there shall be elected an inspector general for the state of
10 Kansas, whose term of office shall be four years beginning on the second
11 Monday in January next succeeding such inspector general's election. In
12 case of a vacancy in such office the governor shall appoint some suitable
13 person to serve for the unexpired term and until a successor is elected and
14 qualified.

15 New Sec. 5. The governor shall appoint some suitable person to serve
16 as inspector general until such time as an inspector general is elected and
17 takes office pursuant to section 4, and amendments thereto. Any inspector
18 general appointed pursuant to this section shall have all of the powers,
19 duties and responsibilities of the office of inspector general as provided for
20 in sections 1 through 25, and amendments thereto, and shall only be
21 removed from office by the governor whose decision shall be confirmed
22 by a majority of the members of both the senate and the house of
23 representatives prior to such removal becoming effective.

24 New Sec. 6. The inspector general shall before entering upon the
25 duties of office take and subscribe the proper official oath, and such
26 official oath shall be filed and recorded in the office of the secretary of
27 state.

28 New Sec. 7. Except as otherwise provided in K.S.A. 75-3111a, and
29 amendments thereto, the inspector general shall receive for services a
30 salary at a biweekly pay rate of \$3,803.89, except that such compensation
31 may be increased but not diminished during such service. The inspector
32 general shall receive travel expenses and subsistence expenses and
33 allowances as provided for members of the legislature in K.S.A. 75-3212,
34 and amendments thereto, when conducting business of the office of
35 inspector general outside of the city of Topeka.

36 New Sec. 8. The inspector general shall give personal presence and
37 attention to the duties of the office of inspector general and shall be:

38 (a) An elector of this state;

39 (b) a person well-versed and experienced in matters of prevention,
40 examination, investigation, audit, detection, elimination and prosecution
41 of fraud, waste and abuse and in matters of governmental efficiency and
42 effectiveness; and

43 (c) a person who is:

1 (1) An inspector general certified by the association of inspectors
2 general;

3 (2) regularly admitted to the practice of law in the state of Kansas; or

4 (3) a certified public accountant with a permit to practice under
5 K.S.A. 1-310, and amendments thereto.

6 New Sec. 9. The inspector general shall procure and keep an official
7 seal, having such appropriate design as the inspector general shall
8 designate to be surrounded by the words "Inspector General – State of
9 Kansas," an impression of which shall be filed in the office of the secretary
10 of state. Such seal shall be used to authenticate all official papers and
11 reports issued by the inspector general. Copies of any papers, records or
12 instruments in the office of the inspector general, certified by such
13 inspector general as true and accurate copies and authenticated by such
14 seal, shall in all cases be evidence equal and like in manner as the original.

15 New Sec. 10. The inspector general is authorized to conduct criminal,
16 civil and administrative investigations, fiscal and performance audits and
17 to examine, inspect, evaluate, review and report on the prevention,
18 detection, elimination and prosecution of waste, inefficiencies,
19 ineffectiveness, mismanagement, misconduct, fraud, abuse or corruption in
20 the duties, functions, management and operation of:

21 (a) Public agencies;

22 (b) all persons who are party to or otherwise obligated to perform any
23 condition or obligation of any contract entered into by a public agency;

24 (c) any person who receives any assignment, grant, gift, license or
25 other conveyance from or through a public agency; and

26 (d) any person who is regulated or licensed by any state agency or
27 who operates or functions for the benefit of any state agency.

28 New Sec. 11. In addition to such other duties imposed by law, the
29 inspector general shall:

30 (a) Engage in education, training and prevention activities to help
31 promote efficiency and effectiveness in public agencies and to eliminate,
32 limit or prevent waste, mismanagement, misconduct, fraud, abuse and
33 corruption in public agencies by:

34 (1) Reviewing statutes, rules, regulations, policies, procedures,
35 processes, guidance documents, transactions, operations and activities
36 pertaining to public agencies, and making recommendations concerning
37 the amendments or improvements thereof;

38 (2) providing for training and education;

39 (3) monitoring state agency operations to ensure such operations are
40 in accordance with legislative intent and gubernatorial directive;

41 (4) monitoring the activities and the performance of contracts with
42 public agencies; and

43 (5) making recommendations to strengthen public integrity laws;

1 (b) receive complaints involving or relating to waste, inefficiency,
2 ineffectiveness, mismanagement, misconduct, fraud, abuse or corruption
3 involving or relating to any public agency and determine whether such
4 complaints warrant investigation by the inspector general or by an
5 appropriate federal, state or local agency, and conduct such investigations
6 as deemed necessary by the inspector general;

7 (c) keep a register of all examinations, investigations, inspections,
8 evaluations, reviews and audits conducted by the office of inspector
9 general and all proceedings relating thereto;

10 (d) submit an annual report on or before January 15 to the governor,
11 the committee on ways and means of the senate and the committee on
12 appropriations of the house of representatives that describes the
13 accomplishments and contributions made by the office of inspector general
14 toward achieving the mission of helping to prevent and detect waste, fraud
15 and abuse in Kansas government;

16 (e) maintain a toll-free fraud hotline number and online portal for
17 anonymous reporting of complaints involving or relating to waste,
18 inefficiency, ineffectiveness, mismanagement, misconduct, fraud, abuse or
19 corruption involving or relating to any public agency;

20 (f) maintain an online site for the purposes of publishing:

21 (1) Final reports of the office of inspector general;

22 (2) governmental best practices and suggestions for improving public
23 agency efficiency and effectiveness and avoiding or deterring fraud, waste,
24 corruption, mismanagement, misconduct or abuse involving or relating to
25 public agencies; and

26 (3) such other matters as the inspector general deems appropriate and
27 advisable; and

28 (g) adopt rules and regulations necessary for the administration of
29 this act.

30 New Sec. 12. The inspector general is hereby authorized to appoint
31 such deputy and deputy assistant inspectors general as the inspector
32 general may deem necessary. The inspector general may appoint a deputy
33 inspector general, who shall be an attorney regularly admitted to the
34 practice of law in the state of Kansas, to serve as legal counsel for the
35 inspector general. The inspector general is also authorized to appoint such
36 other assistants, clerks, inspectors, accountants, examiners, investigators,
37 auditors, analysts and other employees as may be necessary to discharge
38 the duties of the office of inspector general. Such appointees and
39 employees shall each receive a salary to be established by the inspector
40 general within the limits of available appropriations. All appointees and
41 employees shall be within the unclassified service under the Kansas civil
42 service act, shall serve at the will and pleasure of the inspector general,
43 shall take the oath of office required of public officers and shall do and

1 perform such duties, including general duties, as the inspector general may
2 require. Such appointees and employees shall be covered by the state
3 group health plan and Kansas public employees retirement system to the
4 same extent as other state employees. Such appointees and employees of
5 the office of inspector general shall receive travel expense and subsistence
6 expenses and allowances as provided for other state employees.

7 New Sec. 13. The office of the state inspector general shall adhere to
8 professional standards for initiating and conducting examinations,
9 investigations, inspections, evaluations, reviews and audits and reporting
10 thereon. The inspector general shall develop an operations manual that
11 contains such standards, describes the policies, procedures and practices of
12 the office of inspector general and shall make such manual available to the
13 public.

14 New Sec. 14. (a) In the performance of this act, the inspector general
15 and officers, employees and agents of the office of inspector general shall
16 have and be provided unlimited and unrestricted access to all personnel of
17 any public agency including, but not limited to, the head of any public
18 agency, and all books, data, documents, electronically stored or transmitted
19 information, facilities, installations, property, records and such other
20 tangible things maintained or operated by, in the possession, custody or
21 control of, or made available to any public agency. All officers, employees
22 and agents of a public agency shall extend full cooperation and all
23 reasonable assistance to the inspector general and the officers, employees
24 and agents of the office of inspector general.

25 (b) Notwithstanding any other provision of law, all contracts entered
26 into by a public agency shall contain a clause granting the inspector
27 general and any officers, employees and agents of the office of inspector
28 general access to all personnel and all books, data, documents,
29 electronically stored or transmitted information, facilities, installations,
30 property, records and such other tangible things maintained or operated by,
31 in the possession, custody or control of, or made available to all persons
32 who are party to or otherwise obligated to perform any condition or
33 obligation of any contract entered into by a public agency.

34 (c) For the purposes of this section, the inspector general shall be
35 deemed to be an authorized representative and agent of each public agency
36 for the purposes of:

37 (1) Auditing, evaluating, examining, inspecting, investigating,
38 reviewing and reporting on documents, performance and records of all
39 persons who are party to or otherwise obligated to perform any condition
40 or obligation of any contract entered into by a public agency; and

41 (2) obtaining access to any documents or records including, but not
42 limited to, electronically stored or transmitted information and financial or
43 bank account records, of a public agency or any persons who are party to

1 or otherwise obligated to perform any condition or obligation of any
2 contract entered into by a public agency, which such documents or records
3 are in the possession, custody or control of a third party.

4 New Sec. 15. In the performance of this act, the inspector general and
5 those officers, employees and agents of the office of inspector general
6 authorized by the inspector general to do so may:

7 (a) Seek the issuance of a warrant pursuant to K.S.A. 22-2502 et seq.,
8 and amendments thereto, and participate in the execution of such warrant,
9 and any searches and investigations incident thereto;

10 (b) issue a subpoena compelling cooperation by commanding each
11 person to whom it is directed:

12 (1) To attend and give testimony under oath;

13 (2) to produce and permit inspection, copying, measurement,
14 photography, survey, testing or sampling of public or private records,
15 designated books, documents, electronically stored or transmitted
16 information or tangible things including, but not limited to, writings,
17 drawings, graphs, charts, photographs, sound recordings, images or other
18 data or data compilations, stored in any medium from which information
19 can be obtained either directly or after translation or transcription; or

20 (3) to permit entry onto or into designated land or improvements or
21 access to any designated object, operation or activity thereon.

22 Such a subpoena or subpoena duces tecum shall be issued only upon
23 application for approval of a judge of the district court of Shawnee county
24 upon application in writing by the inspector general. The judge shall issue
25 a written decision granting or denying, in whole or in part, within 72 hours
26 after receipt of such application. Any subpoena for production of private
27 records shall be in compliance with all applicable constitutionally
28 established rights and processes. The subpoena may be served by certified
29 mail, return receipt requested, at the addressee's residence or business
30 address, or by a representative appointed by the inspector general, or may
31 be directed for service to the office of the Kansas highway patrol, the
32 Kansas bureau of investigation or the sheriff of the county in which the
33 person or property subject to the subpoena is believed to be located. If a
34 person refuses to obey a subpoena issued by the inspector general, upon
35 application by the inspector general, the district court of Shawnee county
36 may issue an order to the person requiring the person to appear before the
37 court to show cause why an order shall not be issued ordering such person
38 to obey the subpoena, and the person may be adjudged in contempt of
39 court. Any failure to obey the orders of the court may be punished by the
40 court as a contempt of court;

41 (c) make a written request of each person to whom it is directed:

42 (1) To give statements or testimony which may be under oath;

43 (2) to produce and permit inspection, copying, measurement,

1 photography, survey, testing or sampling of public or private records,
2 designated books, documents, electronically stored or transmitted
3 information or tangible things including, but not limited to, writings,
4 drawings, graphs, charts, photographs, sound recordings, images or other
5 data or data compilations, stored in any medium from which information
6 can be obtained either directly or after translation or transcription; or

7 (3) to permit entry onto or into designated land or improvements or
8 access to any designated object, operation or activity thereon;

9 (d) engage in voluntary processes of discovery by or disclosure to the
10 office of inspector general, provided nothing in this section shall be
11 construed to limit or restrict the use of such voluntary processes;

12 (e) attend meetings of public agencies;

13 (f) conduct joint audits, evaluations, examinations, inspections,
14 investigations, projects, reviews and reports with other oversight or law
15 enforcement agencies;

16 (g) timely report complaints or findings of fraud, abuse or corruption
17 for further civil, criminal or administrative action to the appropriate
18 federal, state or local agency when appropriate and cooperate with such
19 agency in any further action, including the disclosure or provision of such
20 evidence to such agencies deemed necessary;

21 (h) upon detecting a violation of any provision of the state
22 governmental ethics laws, file a complaint with the governmental ethics
23 commission;

24 (i) recommend to the appropriate public agency whether disciplinary
25 action is warranted;

26 (j) request debarment or the initiation of debarment proceedings
27 against any person pursuant to K.S.A. 75-37,103, and amendments thereto;

28 (k) institute an action in the district court of Shawnee county to
29 enforce compliance with an order, request or warrant and, in any such
30 action, recover costs of the action and reasonable attorney fees;

31 (l) upon a published finding of willful misconduct, fraud or
32 corruption, the inspector general shall be entitled and may institute an
33 action in the district court of Shawnee county to recover, on behalf of the
34 state of Kansas, from the person or persons who are the subject of such
35 published finding the costs of any audit, evaluation, examination,
36 inspection, investigation or review conducted to support such finding, any
37 fees or charges for subject matter experts and expert witnesses, any
38 reasonable expenses of the office of inspector general, including per diem
39 expenses and actual travel and lodging expenses for officers, employees
40 and agents of the office of inspector general related to such finding, the
41 costs of the action and reasonable attorney fees;

42 (m) to administer oaths pertaining to all matters relating to the
43 business of the office of inspector general; and

1 (n) make use of any combination of one or more of the powers
2 specified in this or any other section contained in sections 1 through 25,
3 and amendments thereto.

4 New Sec. 16. (a) Officers and employees of the office of inspector
5 general designated by the inspector general are hereby vested with the
6 power and authority of law enforcement officers in the execution of the
7 duties imposed upon the office of inspector general by the provisions of
8 this act.

9 (b) Employees designated pursuant to subsection (a) shall have the
10 authority to:

11 (1) Make arrests, conduct searches and seizures and carry firearms
12 while performing or conducting such employees' duties as determined by
13 the inspector general;

14 (2) make arrests, conduct searches and seizures and generally enforce
15 all criminal laws of the state as violations of such laws are encountered by
16 such employees during the routine performance of such employees' duties;

17 (3) access computer systems and information maintained for the use
18 of law enforcement personnel, and any information contained in the
19 criminal history record and identification files; and

20 (4) issue notices to appear pursuant to K.S.A. 22-2408, and
21 amendments thereto.

22 (c) No employee of the office of inspector general shall be certified to
23 carry firearms under the provisions of this section without having first
24 successfully completed the firearms training course or courses prescribed
25 for law enforcement officers under subsection (a) of K.S.A. 74-5604a, and
26 amendments thereto. The inspector general may adopt rules and
27 regulations prescribing additional training required for such employees.

28 New Sec. 17. (a) The inspector general and all deputy inspector
29 generals and deputy assistant inspector generals shall file a written
30 statement pursuant to K.S.A. 46-247 et seq., and amendments thereto,
31 regarding any substantial interests that each may hold.

32 (b) Any officer, employee or agent of the office of inspector general
33 who has a pecuniary interest in any matter under audit, evaluation,
34 examination, inspection, investigation or review by the office of the
35 inspector general shall:

36 (1) Disclose such interest in writing to the inspector general;

37 (2) file a written statement of substantial interest pursuant to K.S.A.
38 46-247 et seq., and amendments thereto; and

39 (3) not participate in the conduct of such audit, evaluation,
40 examination, inspection, investigation, review or report.

41 New Sec. 18. (a) When any employee of a public agency has reason
42 to suspect fraud, waste or corruption involving or relating to any public
43 agency or any contract with a public agency, such employee shall report

1 the matter promptly as provided in this section.

2 (b) The report may be made orally and shall be followed by a written
3 report if requested by the inspector general. To the extent known, every
4 report shall contain: (1) The employee's name and the public agency such
5 employee is employed by; (2) the reason or reasons why the employee
6 suspects fraud, waste or corruption; (3) the identity of any persons who
7 may be responsible for the fraud, waste or corruption; and (4) any other
8 information that the employee believes might be helpful in establishing
9 that fraud, waste or corruption has occurred and the identity of any persons
10 responsible. Employees are expected to cooperate fully with the inspector
11 general and law enforcement throughout any investigation and any
12 subsequent legal process.

13 (c) Reports made pursuant to this section shall be made to the
14 inspector general, except reports of suspected fraud, waste or corruption
15 involving the inspector general or the office of inspector general. Reports
16 of suspected fraud, waste or corruption involving the inspector general or
17 the office of inspector general shall be made to the office of attorney
18 general.

19 (d) (1) Willful and knowing failure to make a report required by this
20 section is a class B misdemeanor. It shall not be a defense to a charge of
21 willful and knowing failure to make a report that another employee of a
22 public agency made a report based on the same suspicions of fraud, waste
23 or corruption.

24 (2) Intentionally preventing or interfering with the making of a report
25 required by this section is a class B misdemeanor.

26 (3) Any person who willfully and knowingly makes a false report
27 pursuant to this section or makes a report that such person knows lacks
28 factual foundation is guilty of a class B misdemeanor.

29 (e) Any person who, without malice, participates in the making of a
30 report to the inspector general relating to a suspicion of fraud, waste or
31 corruption involving or relating to any public agency or any contract with
32 a public agency, who participates in any activity or investigation relating to
33 such report, or who participates in any judicial proceeding resulting from
34 such report shall be immune from any civil liability that might otherwise
35 be incurred or imposed on such person.

36 New Sec. 19. (a) Notwithstanding any other provision of law, except
37 for final reports released or published pursuant to this act, all documents,
38 papers, records, data, information and work-product prepared or obtained
39 by the inspector general in connection with any audit, evaluation,
40 examination, inspection, investigation or review conducted by the office of
41 inspector general shall be deemed confidential and shall not be subject to
42 public disclosure. No privilege established by law shall be deemed waived
43 on any such documents, papers, records, data, information or work-product

1 obtained by the office of inspector general.

2 (b) Any such documents, papers, records, data, information or work-
3 product obtained by the office of inspector general that is confidential
4 pursuant to any other provision of law shall remain confidential, and
5 violation of this section shall be an unclassified misdemeanor punishable
6 by a fine of not more than \$2,000 or imprisonment for not more than one
7 year, or both.

8 (c) Nothing herein shall be interpreted to prevent public access to
9 public records from other public agencies during the course of an inspector
10 general investigation. The custodian of any public record shall provide that
11 record to any person having the right to examine public records. If the only
12 copy of the public record is in the hands of the inspector general, the
13 custodian of that record shall so certify and the requestor may examine and
14 copy the record at the office of the inspector general. The inspector general
15 shall have the legal custody of all records, data, information, memoranda,
16 writings, entries, prints, representations or combinations thereof of any act,
17 investigation, examination, transaction, occurrence or event of the office of
18 inspector general.

19 (d) The provisions of subsections (a) and (b) shall expire July 1,
20 2018, unless the legislature acts to reenact such provisions. The provisions
21 of this section shall be reviewed by the legislature prior to July 1, 2018.

22 New Sec. 20. (a) The inspector general shall:

23 (1) Provide a public agency or any person an opportunity to respond
24 to any findings and conclusions of the office of inspector general prior to
25 the publication of such in a final report unless the inspector general, in
26 conjunction with a United States attorney, the attorney general or a district
27 or county attorney determines that supplying such affected public agency
28 or person with such report will jeopardize a pending or potential criminal
29 investigation;

30 (2) publish all final reports of audits, evaluations, examinations,
31 investigations, inspections and reviews conducted by the office of
32 inspector general; and

33 (3) provide a copy of all final reports of examinations, investigations,
34 inspections, evaluations, reviews, and audits conducted by the office of the
35 inspector general to the governor, the committee on ways and means of the
36 senate and the committee on appropriations of the house of
37 representatives.

38 (b) Notwithstanding any other provision of law, preliminary or
39 interim findings or reports involving or relating to audits, evaluations,
40 examinations, inspections, investigations or reviews made by the office of
41 inspector general that are submitted to the governor as a part of the
42 inspector general's duties as counselor or advisor to the governor are
43 confidential and shall not be subject to public disclosure.

1 (c) The provisions of subsection (b) shall expire July 1, 2018, unless
2 the legislature acts to reenact such provisions. The provisions of this
3 section shall be reviewed by the legislature prior to July 1, 2018.

4 New Sec. 21. The inspector general shall, in consultation with the
5 governor, develop an annual audit and investigation plan.

6 New Sec. 22. During the first week of each regular session of the
7 legislature, the inspector general may submit to the legislature any
8 recommendations for legislative action involving or relating to:

9 (a) Improvements in the efficient and effective use of public
10 resources;

11 (b) performance, compliance, public accountability and integrity of
12 public agencies and public agency officers, employees or agents; or

13 (c) activities, duties, functions, management or operation of the state
14 of Kansas and state agencies.

15 New Sec. 23. (a) It shall be the duty of the inspector general to remit
16 to the state treasurer in accordance with K.S.A. 75-4215, and amendments
17 thereto, all fees and allowances of every kind and character paid to the
18 inspector general pursuant to law and every other fee or allowance in any
19 civil or criminal case whatsoever, whether specifically mentioned in this
20 act or not. Upon receipt of such remittance the state treasurer shall deposit
21 the entire amount in the state treasury and credit it to the state general
22 fund.

23 New Sec. 24. Nothing in this act shall be construed to limit or prevent
24 the post auditor or the division of legislative post audit from performing
25 those duties and functions authorized under K.S.A. 46-1101 et seq., and
26 amendments thereto.

27 New Sec. 25. The provisions of sections 1 through 25, and
28 amendments thereto, shall be liberally construed to effectuate the purposes
29 of such sections. If any provision of sections 1 through 25, and
30 amendments thereto, or the application thereof to any person or
31 circumstances is held invalid, such invalidity shall not affect the validity of
32 the remaining provisions which can be given effect without the invalid
33 provision, and to this end the provisions of sections 1 through 25, and
34 amendments thereto, are declared to be severable.

35 Sec. 26. K.S.A. 2012 Supp. 21-5904 is hereby amended to read as
36 follows: 21-5904. (a) Interference with law enforcement is:

37 (1) Falsely reporting to a law enforcement officer or state
38 investigative agency:

39 (A) That a particular person has committed a crime, knowing that
40 such information is false and intending that the officer or agency shall act
41 in reliance upon such information; or

42 (B) any information, knowing that such information is false and
43 intending to influence, impede or obstruct such officer's or agency's duty;

1 (2) concealing, destroying or materially altering evidence with the
2 intent to prevent or hinder the apprehension or prosecution of any person;
3 ~~or~~

4 (3) knowingly obstructing, resisting or opposing any person
5 authorized by law to serve process in the service or execution or in the
6 attempt to serve or execute any writ, warrant, process or order of a court,
7 or in the discharge of any official duty; *or*

8 (4) *knowingly obstructing, resisting or opposing the inspector*
9 *general or any officer or employee of the office of inspector general*
10 *designated as a law enforcement officer pursuant to section 16, and*
11 *amendments thereto.*

12 (b) (1) Interference with law enforcement as defined in subsection (a)
13 (1) ~~or~~, (a)(2) *or (a)(4)* is a class A nonperson misdemeanor, except as
14 provided in subsection (b)(2).

15 (2) Interference with law enforcement as defined in:

16 (A) Subsection (a)(1)(A) or (a)(2) is a severity level 8, nonperson
17 felony in the case of a felony; and

18 (B) subsection (a)(1)(B) is a severity level 9, nonperson felony in the
19 case of a felony.

20 (3) Interference with law enforcement as defined in subsection (a)(3)
21 is a:

22 (A) Severity level 9, nonperson felony in the case of a felony, or
23 resulting from parole or any authorized disposition for a felony; and

24 (B) class A nonperson misdemeanor in the case of a misdemeanor, or
25 resulting from any authorized disposition for a misdemeanor, or a civil
26 case.

27 Sec. 27. K.S.A. 25-4001 is hereby amended to read as follows: 25-
28 4001. The governor, lieutenant governor, secretary of state, attorney
29 general, state treasurer, *inspector general* and commissioner of insurance
30 shall be elected for terms of four (~~4~~) years, to begin on the second Monday
31 of January next after their election, and until their successors are elected
32 and qualified.

33 Sec. 28. K.S.A. 25-4002 is hereby amended to read as follows: 25-
34 4002. Except as otherwise provided in this act, election laws applicable to
35 other state officers elected from the state as a whole shall apply to the
36 nomination and election of the governor and lieutenant governor, secretary
37 of state ~~and~~, attorney general *and inspector general*.

38 Sec. 29. K.S.A. 2012 Supp. 45-217 is hereby amended to read as
39 follows: 45-217. As used in the open records act, unless the context
40 otherwise requires:

41 (a) "Business day" means any day other than a Saturday, Sunday or
42 day designated as a holiday by the congress of the United States, by the
43 legislature or governor of this state or by the respective political

1 subdivision of this state.

2 (b) "Clearly unwarranted invasion of personal privacy" means
3 revealing information that would be highly offensive to a reasonable
4 person, including information that may pose a risk to a person or property
5 and is not of legitimate concern to the public.

6 (c) "Criminal investigation records" means records of *the office of*
7 *inspector general*, an investigatory agency or a criminal justice agency as
8 defined by K.S.A. 22-4701, and amendments thereto, compiled in the
9 process of preventing, detecting or investigating violations of criminal law,
10 but does not include police blotter entries, court records, rosters of inmates
11 of jails or other correctional or detention facilities or records pertaining to
12 violations of any traffic law other than vehicular homicide as defined by
13 K.S.A. 21-3405, prior to its repeal, or K.S.A. 2012 Supp. 21-5406, and
14 amendments thereto.

15 (d) "Custodian" means the official custodian or any person designated
16 by the official custodian to carry out the duties of custodian of this act.

17 (e) "Official custodian" means any officer or employee of a public
18 agency who is responsible for the maintenance of public records,
19 regardless of whether such records are in the officer's or employee's actual
20 personal custody and control.

21 (f) (1) "Public agency" means the state or any political or taxing
22 subdivision of the state or any office, officer, agency or instrumentality
23 thereof, or any other entity receiving or expending and supported in whole
24 or in part by the public funds appropriated by the state or by public funds
25 of any political or taxing subdivision of the state.

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

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

34 (g) (1) "Public record" means any recorded information, regardless of
35 form or characteristics, which is made, maintained or kept by or is in the
36 possession of any public agency including, but not limited to, an
37 agreement in settlement of litigation involving the Kansas public
38 employees retirement system and the investment of moneys of the fund.

39 (2) "Public record" shall not include records which are owned by a
40 private person or entity and are not related to functions, activities,
41 programs or operations funded by public funds or records which are made,
42 maintained or kept by an individual who is a member of the legislature or
43 of the governing body of any political or taxing subdivision of the state.

1 (3) "Public record" shall not include records of employers related to
2 the employer's individually identifiable contributions made on behalf of
3 employees for workers compensation, social security, unemployment
4 insurance or retirement. The provisions of this subsection shall not apply
5 to records of employers of lump-sum payments for contributions as
6 described in this subsection paid for any group, division or section of an
7 agency.

8 (h) "Undercover agent" means an employee of a public agency
9 responsible for criminal law enforcement who is engaged in the detection
10 or investigation of violations of criminal law in a capacity where such
11 employee's identity or employment by the public agency is secret.

12 Sec. 30. K.S.A. 2012 Supp. 45-221 is hereby amended to read as
13 follows: 45-221. (a) Except to the extent disclosure is otherwise required
14 by law, a public agency shall not be required to disclose:

15 (1) Records the disclosure of which is specifically prohibited or
16 restricted by federal law, state statute or rule of the Kansas supreme court
17 or rule of the senate committee on confirmation oversight relating to
18 information submitted to the committee pursuant to K.S.A. 2012 Supp. 75-
19 4315d, and amendments thereto, or the disclosure of which is prohibited or
20 restricted pursuant to specific authorization of federal law, state statute or
21 rule of the Kansas supreme court or rule of the senate committee on
22 confirmation oversight relating to information submitted to the committee
23 pursuant to K.S.A. 2012 Supp. 75-4315d, and amendments thereto, to
24 restrict or prohibit disclosure.

25 (2) Records which are privileged under the rules of evidence, unless
26 the holder of the privilege consents to the disclosure.

27 (3) Medical, psychiatric, psychological or alcoholism or drug
28 dependency treatment records which pertain to identifiable patients.

29 (4) Personnel records, performance ratings or individually identifiable
30 records pertaining to employees or applicants for employment, except that
31 this exemption shall not apply to the names, positions, salaries or actual
32 compensation employment contracts or employment-related contracts or
33 agreements and lengths of service of officers and employees of public
34 agencies once they are employed as such.

35 (5) Information which would reveal the identity of any undercover
36 agent or any informant reporting a specific violation of law.

37 (6) Letters of reference or recommendation pertaining to the character
38 or qualifications of an identifiable individual, except documents relating to
39 the appointment of persons to fill a vacancy in an elected office.

40 (7) Library, archive and museum materials contributed by private
41 persons, to the extent of any limitations imposed as conditions of the
42 contribution.

43 (8) Information which would reveal the identity of an individual who

1 lawfully makes a donation to a public agency, if anonymity of the donor is
2 a condition of the donation, except if the donation is intended for or
3 restricted to providing remuneration or personal tangible benefit to a
4 named public officer or employee.

5 (9) Testing and examination materials, before the test or examination
6 is given or if it is to be given again, or records of individual test or
7 examination scores, other than records which show only passage or failure
8 and not specific scores.

9 (10) Criminal investigation records, except as provided herein. The
10 district court, in an action brought pursuant to K.S.A. 45-222, and
11 amendments thereto, may order disclosure of such records, subject to such
12 conditions as the court may impose, if the court finds that disclosure:

13 (A) Is in the public interest;

14 (B) would not interfere with any prospective law enforcement action,
15 criminal investigation or prosecution;

16 (C) would not reveal the identity of any confidential source or
17 undercover agent;

18 (D) would not reveal confidential investigative techniques or
19 procedures not known to the general public;

20 (E) would not endanger the life or physical safety of any person; and

21 (F) would not reveal the name, address, phone number or any other
22 information which specifically and individually identifies the victim of any
23 sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated,
24 prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes
25 Annotated, and amendments thereto.

26 If a public record is discretionarily closed by a public agency pursuant
27 to this subsection, the record custodian, upon request, shall provide a
28 written citation to the specific provisions of paragraphs (A) through (F)
29 that necessitate closure of that public record.

30 (11) Records of agencies involved in administrative adjudication or
31 civil litigation, compiled in the process of detecting or investigating
32 violations of civil law or administrative rules and regulations, if disclosure
33 would interfere with a prospective administrative adjudication or civil
34 litigation or reveal the identity of a confidential source or undercover
35 agent.

36 (12) Records of emergency or security information or procedures of a
37 public agency, or plans, drawings, specifications or related information for
38 any building or facility which is used for purposes requiring security
39 measures in or around the building or facility or which is used for the
40 generation or transmission of power, water, fuels or communications, if
41 disclosure would jeopardize security of the public agency, building or
42 facility.

43 (13) The contents of appraisals or engineering or feasibility estimates

1 or evaluations made by or for a public agency relative to the acquisition *or*
2 *disposal* of property, prior to the award of formal contracts therefor.

3 (14) Correspondence between a public agency and a private
4 individual, other than correspondence which is intended to give notice of
5 an action, policy or determination relating to any regulatory, supervisory or
6 enforcement responsibility of the public agency or which is widely
7 distributed to the public by a public agency and is not specifically in
8 response to communications from such a private individual.

9 (15) Records pertaining to employer-employee negotiations, if
10 disclosure would reveal information discussed in a lawful executive
11 session under K.S.A. 75-4319, and amendments thereto.

12 (16) Software programs for electronic data processing and
13 documentation thereof, but each public agency shall maintain a register,
14 open to the public, that describes:

15 (A) The information which the agency maintains on computer
16 facilities; and

17 (B) the form in which the information can be made available using
18 existing computer programs.

19 (17) Applications, financial statements and other information
20 submitted in connection with applications for student financial assistance
21 where financial need is a consideration for the award.

22 (18) Plans, designs, drawings or specifications which are prepared by
23 a person other than an employee of a public agency or records which are
24 the property of a private person.

25 (19) Well samples, logs or surveys which the state corporation
26 commission requires to be filed by persons who have drilled or caused to
27 be drilled, or are drilling or causing to be drilled, holes for the purpose of
28 discovery or production of oil or gas, to the extent that disclosure is
29 limited by rules and regulations of the state corporation commission.

30 (20) Notes, preliminary drafts, research data in the process of
31 analysis, unfunded grant proposals, memoranda, recommendations or
32 other records in which opinions are expressed or policies or actions are
33 proposed, except that this exemption shall not apply when such records are
34 publicly cited or identified in an open meeting or in an agenda of an open
35 meeting.

36 (21) Records of a public agency having legislative powers, which
37 records pertain to proposed legislation or amendments to proposed
38 legislation, except that this exemption shall not apply when such records
39 are:

40 (A) Publicly cited or identified in an open meeting or in an agenda of
41 an open meeting; or

42 (B) distributed to a majority of a quorum of any body which has
43 authority to take action or make recommendations to the public agency

1 with regard to the matters to which such records pertain.

2 (22) Records of a public agency having legislative powers, which
3 records pertain to research prepared for one or more members of such
4 agency, except that this exemption shall not apply when such records are:

5 (A) Publicly cited or identified in an open meeting or in an agenda of
6 an open meeting; or

7 (B) distributed to a majority of a quorum of any body which has
8 authority to take action or make recommendations to the public agency
9 with regard to the matters to which such records pertain.

10 (23) Library patron and circulation records which pertain to
11 identifiable individuals.

12 (24) Records which are compiled for census or research purposes and
13 which pertain to identifiable individuals.

14 (25) Records which represent and constitute the work product of an
15 attorney.

16 (26) Records of a utility or other public service pertaining to
17 individually identifiable residential customers of the utility or service,
18 except that information concerning billings for specific individual
19 customers named by the requester shall be subject to disclosure as
20 provided by this act.

21 (27) Specifications for competitive bidding, until the specifications
22 are officially approved by the public agency.

23 (28) Sealed bids and related documents, until a bid is accepted or all
24 bids rejected.

25 (29) Correctional records pertaining to an identifiable inmate or
26 release, except that:

27 (A) The name; photograph and other identifying information;
28 sentence data; parole eligibility date; custody or supervision level;
29 disciplinary record; supervision violations; conditions of supervision,
30 excluding requirements pertaining to mental health or substance abuse
31 counseling; location of facility where incarcerated or location of parole
32 office maintaining supervision and address of a releasee whose crime was
33 committed after the effective date of this act shall be subject to disclosure
34 to any person other than another inmate or releasee, except that the
35 disclosure of the location of an inmate transferred to another state pursuant
36 to the interstate corrections compact shall be at the discretion of the
37 secretary of corrections;

38 (B) ~~the ombudsman of corrections~~, the attorney general, law
39 enforcement agencies, counsel for the inmate to whom the record pertains
40 and any county or district attorney shall have access to correctional records
41 to the extent otherwise permitted by law;

42 (C) the information provided to the law enforcement agency pursuant
43 to the sex offender registration act, K.S.A. 22-4901 et seq., and

1 amendments thereto, shall be subject to disclosure to any person, except
2 that the name, address, telephone number or any other information which
3 specifically and individually identifies the victim of any offender required
4 to register as provided by the Kansas offender registration act, K.S.A. 22-
5 4901 et seq., and amendments thereto, shall not be disclosed; and

6 (D) records of the department of corrections regarding the financial
7 assets of an offender in the custody of the secretary of corrections shall be
8 subject to disclosure to the victim, or such victim's family, of the crime for
9 which the inmate is in custody as set forth in an order of restitution by the
10 sentencing court.

11 (30) Public records containing information of a personal nature where
12 the public disclosure thereof would constitute a clearly unwarranted
13 invasion of personal privacy.

14 (31) Public records pertaining to prospective location of a business or
15 industry where no previous public disclosure has been made of the
16 business' or industry's interest in locating in, relocating within or
17 expanding within the state. This exception shall not include those records
18 pertaining to application of agencies for permits or licenses necessary to
19 do business or to expand business operations within this state, except as
20 otherwise provided by law.

21 (32) Engineering and architectural estimates made by or for any
22 public agency relative to public improvements.

23 (33) Financial information submitted by contractors in qualification
24 statements to any public agency.

25 (34) Records involved in the obtaining and processing of intellectual
26 property rights that are expected to be, wholly or partially vested in or
27 owned by a state educational institution, as defined in K.S.A. 76-711, and
28 amendments thereto, or an assignee of the institution organized and
29 existing for the benefit of the institution.

30 (35) Any report or record which is made pursuant to K.S.A. 65-4922,
31 65-4923 or 65-4924, and amendments thereto, and which is privileged
32 pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

33 (36) Information which would reveal the precise location of an
34 archeological site.

35 (37) Any financial data or traffic information from a railroad
36 company, to a public agency, concerning the sale, lease or rehabilitation of
37 the railroad's property in Kansas.

38 (38) Risk-based capital reports, risk-based capital plans and
39 corrective orders including the working papers and the results of any
40 analysis filed with the commissioner of insurance in accordance with
41 K.S.A. 40-2c20 and 40-2d20, and amendments thereto.

42 (39) Memoranda and related materials required to be used to support
43 the annual actuarial opinions submitted pursuant to subsection (b) of

1 K.S.A. 40-409, and amendments thereto.

2 (40) Disclosure reports filed with the commissioner of insurance
3 under subsection (a) of K.S.A. 40-2,156, and amendments thereto.

4 (41) All financial analysis ratios and examination synopses
5 concerning insurance companies that are submitted to the commissioner by
6 the national association of insurance commissioners' insurance regulatory
7 information system.

8 (42) Any records the disclosure of which is restricted or prohibited by
9 a tribal-state gaming compact.

10 (43) Market research, market plans, business plans and the terms and
11 conditions of managed care or other third-party contracts, developed or
12 entered into by the university of Kansas medical center in the operation
13 and management of the university hospital which the chancellor of the
14 university of Kansas or the chancellor's designee determines would give an
15 unfair advantage to competitors of the university of Kansas medical center.

16 (44) The amount of franchise tax paid to the secretary of revenue or
17 the secretary of state by domestic corporations, foreign corporations,
18 domestic limited liability companies, foreign limited liability companies,
19 domestic limited partnership, foreign limited partnership, domestic limited
20 liability partnerships and foreign limited liability partnerships.

21 (45) Records, other than criminal investigation records, the disclosure
22 of which would pose a substantial likelihood of revealing security
23 measures that protect: (A) Systems, facilities or equipment used in the
24 production, transmission or distribution of energy, water or
25 communications services; (B) transportation and sewer or wastewater
26 treatment systems, facilities or equipment; or (C) private property or
27 persons, if the records are submitted to the agency. For purposes of this
28 paragraph, security means measures that protect against criminal acts
29 intended to intimidate or coerce the civilian population, influence
30 government policy by intimidation or coercion or to affect the operation of
31 government by disruption of public services, mass destruction,
32 assassination or kidnapping. Security measures include, but are not limited
33 to, intelligence information, tactical plans, resource deployment and
34 vulnerability assessments.

35 (46) Any information or material received by the register of deeds of
36 a county from military discharge papers, DD Form 214. Such papers shall
37 be disclosed: To the military dischargee; to such dischargee's immediate
38 family members and lineal descendants; to such dischargee's heirs, agents
39 or assigns; to the licensed funeral director who has custody of the body of
40 the deceased dischargee; when required by a department or agency of the
41 federal or state government or a political subdivision thereof; when the
42 form is required to perfect the claim of military service or honorable
43 discharge or a claim of a dependent of the dischargee; and upon the written

1 approval of the commissioner of veterans affairs, to a person conducting
2 research.

3 (47) Information that would reveal the location of a shelter or a
4 safehouse or similar place where persons are provided protection from
5 abuse or the name, address, location or other contact information of
6 alleged victims of stalking, domestic violence or sexual assault.

7 (48) Policy information provided by an insurance carrier in
8 accordance with subsection (h)(1) of K.S.A. 44-532, and amendments
9 thereto. This exemption shall not be construed to preclude access to an
10 individual employer's record for the purpose of verification of insurance
11 coverage or to the department of labor for their business purposes.

12 (49) An individual's e-mail address, cell phone number and other
13 contact information which has been given to the public agency for the
14 purpose of public agency notifications or communications which are
15 widely distributed to the public.

16 (50) Information provided by providers to the local collection point
17 administrator or to the 911 coordinating council pursuant to the Kansas
18 911 act, and amendments thereto, upon request of the party submitting
19 such records.

20 (51) Records of a public agency which identify the home address or
21 home ownership of a law enforcement officer as defined in K.S.A. 2012
22 Supp. 21-5111, and amendments thereto, parole officer, probation officer,
23 court services officer or community correctional services officer. The
24 agency head of such law enforcement office, parole office, probation
25 office, court services office or community correctional services office or
26 such individual officer shall file with the custodian of such record a
27 request to have such officer's identifying information removed from public
28 access. Within seven days of receipt of such requests, the public agency
29 shall remove such officer's identifying information from such public
30 access.

31 (52) Records of a public agency which identify the home address or
32 home ownership of a federal judge, a justice of the supreme court, a judge
33 of the court of appeals, a district judge, a district magistrate judge, the
34 United States attorney for the district of Kansas, an assistant United States
35 attorney, the attorney general, an assistant attorney general, a district
36 attorney or county attorney or an assistant district attorney or assistant
37 county attorney. Such person or such person's employer shall file with the
38 custodian of such record a request to have such person's identifying
39 information removed from public access. Within seven days of receipt of
40 such requests, the public agency shall remove such person's identifying
41 information from such public access.

42 (53) (A) *Records of the office of inspector general which pertain to*
43 *any audit, evaluation, examination, inspection, investigation or review*

1 *conducted by the office of inspector general, including all documents,*
2 *papers, records, data, information and work-product prepared or obtained*
3 *by the office of inspector general in connection with any such audit,*
4 *evaluation, examination, inspection, investigation or review, which are*
5 *deemed confidential under section 19, and amendments thereto.*

6 *(B) Records of the office of inspector general which are preliminary*
7 *or interim findings or reports pertaining to audits, evaluations,*
8 *examinations, inspections, investigations or reviews conducted by the*
9 *office of inspector general that are submitted to the governor and are*
10 *deemed confidential under section 20, and amendments thereto.*

11 (b) Except to the extent disclosure is otherwise required by law or as
12 appropriate during the course of an administrative proceeding or on appeal
13 from agency action, a public agency or officer shall not disclose financial
14 information of a taxpayer which may be required or requested by a county
15 appraiser or the director of property valuation to assist in the determination
16 of the value of the taxpayer's property for ad valorem taxation purposes; or
17 any financial information of a personal nature required or requested by a
18 public agency or officer, including a name, job description or title
19 revealing the salary or other compensation of officers, employees or
20 applicants for employment with a firm, corporation or agency, except a
21 public agency. Nothing contained herein shall be construed to prohibit the
22 publication of statistics, so classified as to prevent identification of
23 particular reports or returns and the items thereof.

24 (c) As used in this section, the term "cited or identified" shall not
25 include a request to an employee of a public agency that a document be
26 prepared.

27 (d) If a public record contains material which is not subject to
28 disclosure pursuant to this act, the public agency shall separate or delete
29 such material and make available to the requester that material in the
30 public record which is subject to disclosure pursuant to this act. If a public
31 record is not subject to disclosure because it pertains to an identifiable
32 individual, the public agency shall delete the identifying portions of the
33 record and make available to the requester any remaining portions which
34 are subject to disclosure pursuant to this act, unless the request is for a
35 record pertaining to a specific individual or to such a limited group of
36 individuals that the individuals' identities are reasonably ascertainable, the
37 public agency shall not be required to disclose those portions of the record
38 which pertain to such individual or individuals.

39 (e) The provisions of this section shall not be construed to exempt
40 from public disclosure statistical information not descriptive of any
41 identifiable person.

42 (f) Notwithstanding the provisions of subsection (a), any public
43 record which has been in existence more than 70 years shall be open for

1 inspection by any person unless disclosure of the record is specifically
2 prohibited or restricted by federal law, state statute or rule of the Kansas
3 supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and
4 amendments thereto.

5 (g) Any confidential records or information relating to security
6 measures provided or received under the provisions of subsection (a)(45)
7 shall not be subject to subpoena, discovery or other demand in any
8 administrative, criminal or civil action.

9 Sec. 31. K.S.A. 2012 Supp. 46-247 is hereby amended to read as
10 follows: 46-247. The following individuals shall file written statements of
11 substantial interests, as provided in K.S.A. 46-248 to 46-252, inclusive,
12 and amendments thereto:

13 (a) Legislators and candidates for nomination or election to the
14 legislature.

15 (b) Individuals holding an elected office in the executive branch of
16 this state, and candidates for nomination or election to any such office.

17 (c) State officers, employees and members of boards, councils and
18 commissions under the jurisdiction of the head of any state agency who
19 are listed as designees by the head of a state agency pursuant to K.S.A. 46-
20 285, and amendments thereto.

21 (d) Individuals whose appointment to office is subject to confirmation
22 by the senate whether or not such individual is a state officer or employee.

23 (e) General counsels for state agencies irrespective of how
24 compensated.

25 (f) The administrator or executive director of the education
26 commission of the states, the interstate compact on agricultural grain
27 marketing, the Mo-Kan metropolitan development district and agency
28 compact, the Kansas City area transportation district and authority
29 compact, the midwest nuclear compact, the central interstate low-level
30 radioactive waste compact, the multistate tax compact, the Kansas-
31 Oklahoma Arkansas river basin compact, the Kansas-Nebraska Big Blue
32 river compact, and the multistate lottery.

33 (g) Private consultants under contract with any agency of the state of
34 Kansas to evaluate bids for public contracts or to award public contracts.

35 (h) Any faculty member or other employee of a postsecondary
36 educational institution as defined by K.S.A. 74-3201b, and amendments
37 thereto, who provides consulting services and who, on behalf of or for the
38 benefit of the person for which consulting services are provided:

39 (1) Promotes or opposes action or nonaction by any federal agency,
40 any state agency as defined by K.S.A. 46-224, and amendments thereto, or
41 any political subdivision of the state or any agency of such political
42 subdivision or a representative of such state agency, political subdivision
43 or agency; or

1 (2) promotes or opposes action or nonaction relating to the
2 expenditure of public funds of the federal government, the state or political
3 subdivision of the state or agency of the federal government, state or
4 political subdivision of the state.

5 (i) Except as provided by K.S.A. 2012 Supp. 46-247a, and
6 amendments thereto, any faculty member who receives an annual salary of
7 \$150,000 or more, other than an adjunct faculty member, who is employed
8 by a state education institution as defined by K.S.A. 76-711, and
9 amendments thereto.

10 (j) *Deputy and deputy assistant inspectors general appointed*
11 *pursuant to section 17, and amendments thereto.*

12 Sec. 32. K.S.A. 2012 Supp. 74-5602 is hereby amended to read as
13 follows: 74-5602. As used in the Kansas law enforcement training act:

14 (a) "Training center" means the law enforcement training center
15 within the university of Kansas, created by K.S.A. 74-5603, and
16 amendments thereto.

17 (b) "Commission" means the Kansas commission on peace officers'
18 standards and training, created by K.S.A. 74-5606, and amendments
19 thereto, or the commission's designee.

20 (c) "Chancellor" means the chancellor of the university of Kansas, or
21 the chancellor's designee.

22 (d) "Director of police training" means the director of police training
23 at the law enforcement training center.

24 (e) "Director" means the executive director of the Kansas commission
25 on peace officers' standards and training.

26 (f) "Law enforcement" means the prevention or detection of crime
27 and the enforcement of the criminal or traffic laws of this state or of any
28 municipality thereof.

29 (g) "Police officer" or "law enforcement officer" means a full-time or
30 part-time salaried officer or employee of the state, a county or a city,
31 whose duties include the prevention or detection of crime and the
32 enforcement of the criminal or traffic laws of this state or of any
33 municipality thereof. Such terms shall include, but not be limited to: The
34 sheriff, undersheriff and full-time or part-time salaried deputies in the
35 sheriff's office in each county; deputy sheriffs deputized pursuant to
36 K.S.A. 19-2858, and amendments thereto; conservation officers of the
37 Kansas department of wildlife, parks and tourism; university police
38 officers, as defined in K.S.A. 22-2401a, and amendments thereto; campus
39 police officers, as defined in K.S.A. 22-2401a, and amendments thereto;
40 law enforcement agents of the director of alcoholic beverage control; law
41 enforcement agents designated by the secretary of revenue pursuant to
42 K.S.A. 2012 Supp. 75-5157, and amendments thereto; law enforcement
43 agents of the Kansas lottery; law enforcement agents of the Kansas racing

1 commission; deputies and assistants of the state fire marshal having law
2 enforcement authority; capitol police, existing under the authority of
3 K.S.A. 75-4503, and amendments thereto; special investigators of the
4 juvenile justice authority; ~~and~~ law enforcement officers appointed by the
5 adjutant general pursuant to K.S.A. 48-204, and amendments thereto; *and*
6 *deputy and deputy assistant inspectors general designated as law*
7 *enforcement officers by the inspector general pursuant to section 16, and*
8 *amendments thereto*. Such terms shall also include railroad policemen
9 appointed pursuant to K.S.A. 66-524, and amendments thereto; school
10 security officers designated as school law enforcement officers pursuant to
11 K.S.A. 72-8222, and amendments thereto; the manager and employees of
12 the horsethief reservoir benefit district pursuant to K.S.A. 2012 Supp. 82a-
13 2212, and amendments thereto; and the director of the Kansas commission
14 on peace officers' standards and training and any other employee of such
15 commission designated by the director pursuant to K.S.A. 74-5603, and
16 amendments thereto, as a law enforcement officer. Such terms shall not
17 include any elected official, other than a sheriff, serving in the capacity of
18 a law enforcement or police officer solely by virtue of such official's
19 elected position; any attorney-at-law having responsibility for law
20 enforcement and discharging such responsibility solely in the capacity of
21 an attorney; any employee of the commissioner of juvenile justice who is
22 employed solely to perform correctional, administrative or operational
23 duties related to juvenile correctional facilities; any employee of the
24 secretary of corrections, any employee of the secretary of social and
25 rehabilitation services; any deputy conservation officer of the Kansas
26 department of wildlife, parks and tourism; or any employee of a city or
27 county who is employed solely to perform correctional duties related to
28 jail inmates and the administration and operation of a jail; or any full-time
29 or part-time salaried officer or employee whose duties include the issuance
30 of a citation or notice to appear provided such officer or employee is not
31 vested by law with the authority to make an arrest for violation of the laws
32 of this state or any municipality thereof, and is not authorized to carry
33 firearms when discharging the duties of such person's office or
34 employment. Such term shall include any officer appointed or elected on a
35 provisional basis.

36 (h) "Full-time" means employment requiring at least 1,000 hours of
37 law enforcement related work per year.

38 (i) "Part-time" means employment on a regular schedule or
39 employment which requires a minimum number of hours each payroll
40 period, but in any case requiring less than 1,000 hours of law enforcement
41 related work per year.

42 (j) "Misdemeanor crime of domestic violence" means a violation of
43 domestic battery as provided by K.S.A. 21-3412a, prior to its repeal, or

1 K.S.A. 2012 Supp. 21-5414, and amendments thereto, or any other
2 misdemeanor under federal, municipal or state law that has as an element
3 the use or attempted use of physical force, or the threatened use of a
4 deadly weapon, committed by a current or former spouse, parent, or
5 guardian of the victim, by a person with whom the victim shares a child in
6 common, by a person who is cohabiting with or has cohabited with the
7 victim as a spouse, parent or guardian, or by a person similarly situated to
8 a spouse, parent or guardian of the victim.

9 (k) "Auxiliary personnel" means members of organized nonsalaried
10 groups who operate as an adjunct to a police or sheriff's department,
11 including reserve officers, posses and search and rescue groups.

12 (l) "Active law enforcement certificate" means a certificate which
13 attests to the qualification of a person to perform the duties of a law
14 enforcement officer and which has not been suspended or revoked by
15 action of the Kansas commission on peace officers' standards and training
16 and has not lapsed by operation of law as provided in K.S.A. 74-5622, and
17 amendments thereto.

18 Sec. 33. K.S.A. 2012 Supp. 75-2973 is hereby amended to read as
19 follows: 75-2973. (a) This section shall be known and may be cited as the
20 Kansas whistleblower act.

21 (b) As used in this section:

22 (1) "Auditing agency" means the: (A) Legislative post auditor;; (B)
23 any employee of the division of post audit;; (C) any firm performing audit
24 services pursuant to a contract with the post auditor;; (D) *the inspector*
25 *general created under section 3, and amendments thereto;* (E) *any*
26 *employee of the office of inspector general;* or (F) any state agency or
27 federal agency or authority performing auditing or other oversight
28 activities under authority of any provision of law authorizing such
29 activities, ~~or (E) the inspector general created under K.S.A. 2012 Supp.~~
30 ~~75-7427, and amendments thereto.~~

31 (2) "Disciplinary action" means any dismissal, demotion, transfer,
32 reassignment, suspension, reprimand, warning of possible dismissal or
33 withholding of work.

34 (3) "State agency" and "firm" have the meanings provided by K.S.A.
35 46-1112, and amendments thereto.

36 (c) No supervisor or appointing authority of any state agency shall
37 prohibit any employee of the state agency from discussing the operations
38 of the state agency or other matters of public concern, including matters
39 relating to the public health, safety and welfare either specifically or
40 generally, with any member of the legislature or any auditing agency.

41 (d) No supervisor or appointing authority of any state agency shall:

42 (1) Prohibit any employee of the state agency from reporting any
43 violation of state or federal law or rules and regulations to any person,

1 agency or organization; or

2 (2) require any such employee to give notice to the supervisor or
3 appointing authority prior to making any such report.

4 (e) This section shall not be construed as:

5 (1) Prohibiting a supervisor or appointing authority from requiring
6 that an employee inform the supervisor or appointing authority as to
7 legislative or auditing agency requests for information to the state agency
8 or the substance of testimony made, or to be made, by the employee to
9 legislators or the auditing agency, as the case may be, on behalf of the state
10 agency;

11 (2) permitting an employee to leave the employee's assigned work
12 areas during normal work hours without following applicable rules and
13 regulations and policies pertaining to leaves, unless the employee is
14 requested by a legislator or legislative committee to appear before a
15 legislative committee or by an auditing agency to appear at a meeting with
16 officials of the auditing agency;

17 (3) authorizing an employee to represent the employee's personal
18 opinions as the opinions of a state agency; or

19 (4) prohibiting disciplinary action of an employee who discloses
20 information which: (A) The employee knows to be false or which the
21 employee discloses with reckless disregard for its truth or falsity;; (B) the
22 employee knows to be exempt from required disclosure under the open
23 records act;; or (C) is confidential or privileged under statute or court rule.

24 (f) Any officer or employee of a state agency who is in the classified
25 service and has permanent status under the Kansas civil service act may
26 appeal to the state civil service board whenever the officer or employee
27 alleges that disciplinary action was taken against the officer or employee
28 in violation of this act. The appeal shall be filed within 90 days after the
29 alleged disciplinary action. Procedures governing the appeal shall be in
30 accordance with subsections (f) and (g) of K.S.A. 75-2949, and
31 amendments thereto, and K.S.A. 75-2929d through 75-2929g, and
32 amendments thereto. If the board finds that disciplinary action taken was
33 unreasonable, the board shall modify or reverse the agency's action and
34 order such relief for the employee as the board considers appropriate. If
35 the board finds a violation of this act, it may require as a penalty that the
36 violator be suspended on leave without pay for not more than 30 days or,
37 in cases of willful or repeated violations, may require that the violator
38 forfeit the violator's position as a state officer or employee and disqualify
39 the violator for appointment to or employment as a state officer or
40 employee for a period of not more than two years. The board may award
41 the prevailing party all or a portion of the costs of the proceedings before
42 the board, including reasonable attorney fees and witness fees. The
43 decision of the board pursuant to this subsection may be appealed by any

1 party pursuant to law. On appeal, the court may award the prevailing party
2 all or a portion of the costs of the appeal, including reasonable attorney
3 fees and witness fees.

4 (g) Each state agency shall prominently post a copy of this act in
5 locations where it can reasonably be expected to come to the attention of
6 all employees of the state agency.

7 (h) Any officer or employee who is in the unclassified service under
8 the Kansas civil service act who alleges that disciplinary action has been
9 taken against such officer or employee in violation of this section may
10 bring an action pursuant to the Kansas judicial review act within 90 days
11 after the occurrence of the alleged violation. The court may award the
12 prevailing party in the action all or a portion of the costs of the action,
13 including reasonable attorney fees and witness fees.

14 (i) Nothing in this section shall be construed to authorize disclosure
15 of any information or communication that is confidential or privileged
16 under statute or court rule.

17 Sec. 34. K.S.A. 2012 Supp. 75-7024 is hereby amended to read as
18 follows: 75-7024. In addition to other powers and duties provided by law,
19 in administering the provisions of the revised Kansas juvenile justice code,
20 the commissioner of juvenile justice shall:

21 (a) Establish divisions which include the following functions in the
22 juvenile justice authority:

23 (1) Operations. The commissioner shall operate the juvenile intake
24 and assessment system as it relates to the juvenile offender; provide
25 technical assistance and help facilitate community collaboration; license
26 juvenile correctional facilities, programs and providers; assist in
27 coordinating a statewide system of community based service providers;
28 establish pilot projects for community based service providers; and operate
29 the juvenile correctional facilities.

30 (2) Research and prevention. The commissioner shall generate,
31 analyze and utilize data to review existing programs and identify effective
32 prevention programs; to develop new program initiatives and restructure
33 existing programs; and to assist communities in risk assessment and
34 effective resource utilization.

35 (3) Contracts. The commissioner shall secure the services of direct
36 providers by contracting with such providers, which may include
37 nonprofit, private or public agencies, to provide functions and services
38 needed to operate the juvenile justice authority. The commissioner shall
39 contract with local service providers, when available, to provide twenty-
40 four-hour-a-day intake and assessment services. Nothing provided for
41 herein shall prohibit local municipalities, through interlocal agreements,
42 from corroborating with and participating in the intake and assessment
43 services established in K.S.A. 75-7023, and amendments thereto. AH-

1 ~~contracts entered into by the commissioner to secure the services of direct~~
2 ~~providers shall contain a clause allowing the inspector general unlimited~~
3 ~~access to such facility, records or personnel pursuant to subsection (a)(4)~~
4 ~~(B).~~

5 (4) Performance audit. ~~(A)~~ The commissioner randomly shall audit
6 contracts to determine that service providers are performing as required
7 pursuant to the contract.

8 ~~(B) Within the division conducting performance audits, the~~
9 ~~commissioner shall designate a staff person to serve in the capacity of~~
10 ~~inspector general. Such inspector general, or such inspector general's~~
11 ~~designee, shall have the authority to: (i) Enforce compliance with all~~
12 ~~contracts; (ii) perform audits as necessary to ensure compliance with the~~
13 ~~contracts. The inspector general shall have unlimited access to any and all~~
14 ~~facilities, records or personnel of any provider that has contracted with the~~
15 ~~commissioner to determine that such provider is in compliance with the~~
16 ~~contracts; and (iii) establish a statewide juvenile justice hotline to respond~~
17 ~~to any complaints or concerns that have been received concerning juvenile~~
18 ~~justice.~~

19 (b) Adopt rules and regulations necessary for the administration of
20 this act.

21 (c) Administer all state and federal funds appropriated to the juvenile
22 justice authority and may coordinate with any other agency within the
23 executive branch expending funds appropriated for juvenile justice.

24 (d) Administer the development and implementation of a juvenile
25 justice information system.

26 (e) Administer the transition to and implementation of juvenile justice
27 system reforms.

28 (f) Coordinate with the judicial branch of state government any duties
29 and functions which effect the juvenile justice authority.

30 (g) Serve as a resource to the legislature and other state policymakers.

31 (h) Make and enter into all contracts and agreements and do all other
32 acts and things necessary or incidental to the performance of functions and
33 duties and the execution of powers under this act. The commissioner may
34 enter into memorandums of agreement or contractual relationships with
35 state agencies, other governmental entities or private providers as
36 necessary to carry out the commissioner's responsibilities pursuant to the
37 revised Kansas juvenile justice code.

38 (i) Accept custody of juvenile offenders so placed by the court.

39 (j) Assign juvenile offenders placed in the commissioner's custody to
40 juvenile correctional facilities based on information collected by the
41 reception and diagnostic evaluation, intake and assessment report,
42 pursuant to K.S.A. 75-7023, and amendments thereto, and the
43 predispositional investigation report, pursuant to K.S.A. 2012 Supp. 38-

1 2360, and amendments thereto.

2 (k) Establish and utilize a reception and diagnostic evaluation for all
3 juvenile offenders to be evaluated prior to placement in a juvenile
4 correctional facility.

5 (l) Assist the judicial districts in establishing community based
6 placement options, juvenile community correctional services and aftercare
7 transition services for juvenile offenders.

8 (m) Review, evaluate and restructure the programmatic mission and
9 goals of the juvenile correctional facilities to accommodate greater
10 specialization for each facility.

11 (n) Adopt rules and regulations as are necessary to encourage the
12 sharing of information between individuals and agencies who are involved
13 with the juvenile.

14 (o) Designate in each judicial district an entity which shall be
15 responsible for juvenile justice field services not provided by court
16 services officers in the judicial district. The commissioner shall contract
17 with such entity and provide grants to fund such field services.

18 (p) Monitor placement trends and minority confinement.

19 (q) Develop and submit to the joint committee on corrections and
20 juvenile justice oversight a recommendation to provide for the financial
21 viability of the Kansas juvenile justice system. Such recommendation shall
22 include a formula for the allocation of state funds to community programs
23 and a rationale in support of the recommendation. The commissioner shall
24 avoid pursuing construction or expansion of state institutional capacity
25 when appropriate alternatives to such placements are justified. The
26 commissioner's recommendations shall identify a revenue source sufficient
27 to appropriately fund expenditures anticipated to be incurred subsequent to
28 expansion of community-based capacity and necessary to finance
29 recommended capital projects.

30 (r) Report monthly to the joint committee on corrections and juvenile
31 justice oversight. The commissioner shall review with the committee any
32 contracts or memorandums of agreement with other state agencies prior to
33 the termination of such agreements or contracts.

34 (s) Have the authority to designate all or a portion of a facility for
35 juveniles under the commissioner's jurisdiction as a:

36 (1) Nonsecure detention facility;

37 (2) facility for the educational or vocational training and related
38 services;

39 (3) facility for temporary placement pending other arrangements
40 more appropriate for the juvenile's needs; and

41 (4) facility for the provision of care and other services and not for the
42 detention of juveniles.

43 (t) After June 30, 2002, subject to appropriation acts, implement a

1 program to make grants for the juvenile justice programs, pursuant to
2 K.S.A. 75-7033, and amendments thereto, on a two-year funding cycle.

3 Sec. 35. K.S.A. 25-4001 and 25-4002 and K.S.A. 2012 Supp. 21-
4 5904, 45-217, 45-221, 45-221j, 45-221k, 46-247, 74-5602, 75-2973, 75-
5 7024 and 75-7427 are hereby repealed.

6 Sec. 36. This act shall take effect and be in force from and after its
7 publication in the statute book.