

MINUTES OF THE House COMMITTEE ON Federal & State AffairsThe meeting was called to order by Representative Robert H. Miller at
Chairperson1:30 a.m./p.m. on Tuesday, January 10, 1984 in room 526S of the Capitol.

All members were present except:

Representative Brady Representative Peterson

Representative Ott (E)

Representative Hensley (E)

Committee staff present:

Russ Mills, Legislative Research

Mary Torrence, Revisor of Statute's Office

Arden Ensley, Revisor of Statute's Office

Conferees appearing before the committee:

Chairman Miller called the meeting to order. He announced that there were a number of holdover bills that are no longer needed or that have no further support. The committee will be voting on these bills soon.

The committee was given a revised agenda. There will be a hearing on HB2664 - Legislative Post Audit Act - on Thursday, January 12 with a possible vote on Monday.

Arden Ensley, Revisor of Statute's Office, explained a cleanup bill concerning public records which was passed during the last session. (See attachment A).

Representative Matlack made a motion that this clean-up bill be introduced and referred to the Committee of the Whole. Representative Vancrum seconded the motion. The motion carried.

Russ Mills, Research Department, briefed the committee on the Interim Correction bills. Representative Fuller chaired the committee and Representative Smith was a member of the committee. Mr. Mills distributed an Inmate Population Chart (See attachment B) and a summary of committee recommendations (See attachment C). The bills that came out of the committee in Federal and State are H5053 and HB2616.

Chairman Miller announced that these bills have tentatively been scheduled for hearings next week.

The meeting on Wednesday will consist of a presentation by Legislative Post Audit on Classification of inmates in Kansas prisons.

The meeting was adjourned.

HOUSE BILL NO. _____

By

AN ACT concerning public records; reviving and amending K.S.A. 1982 Supp. 75-104 and repealing the existing section; also repealing K.S.A. 45-202, 45-203 and 45-204, K.S.A. 1982 Supp. 45-201, K.S.A. 1982 Supp. 75-104 as amended by section 10 of chapter 171 of the laws of 1983, and K.S.A. 1983 Supp. 21-3913, 44-550a, 45-205, 45-206, 45-207, 45-208, 45-209, 45-210, 45-211, 45-212, 45-213, 45-214, 66-1220 and 74-7405.

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

New Section 1. Sections 1 through 9 shall be known and may be cited as the open records act.

New Sec. 2. (a) It is declared to be the public policy of this state that public records shall be open for inspection by any person unless otherwise provided by this act, and this act shall be liberally construed and applied to promote such policy.

(b) Nothing in this act shall be construed to require the retention of a public record nor to authorize the discard of a public record.

New Sec. 3. As used in the open records act, unless the context otherwise requires:

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

(b) "Criminal investigation records" means records of an investigatory agency or criminal justice agency as defined by K.S.A. 22-4701 and amendments thereto, compiled in the process of preventing, detecting or investigating violations of criminal law, but does not include police blotter entries, court records, rosters of inmates of jails or other correctional or detention

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facilities or records pertaining to violations of any traffic law other than vehicular homicide as defined by K.S.A. 21-3405 and amendments thereto.

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

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

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

(2) "Public agency" shall not include:

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

(f) (1) "Public record" means any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency.

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

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

New Sec. 4. (a) All public records shall be open for inspection by any person, except as otherwise provided by this act, and suitable facilities shall be made available by each public agency for this purpose. No person shall remove original copies of public records from the office of any public agency without the written permission of the custodian of the record.

(b) Upon request in accordance with procedures adopted under section 6, any person may inspect public records during the regular office hours of the public agency and during any additional hours established by the public agency pursuant to section 6.

(c) If the person to whom the request is directed is not the custodian of the public record requested, such person shall so notify the requester and shall furnish the name and location of the custodian of the public record, if known to or readily ascertainable by such person.

(d) Each request for access to a public record shall be acted upon as soon as possible, but not later than the end of the third business day following the date that the request is received. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. If the request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for the denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester not later than the end of the third business day following the date that the request for the statement is received.

(e) The custodian may refuse to provide access to a public

record, or to permit inspection, if a request places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency. However, refusal under this subsection must be sustained by a preponderance of the evidence.

(f) A public agency may charge and require advance payment of a fee for providing access to or furnishing copies of public records, subject to section 5.

New Sec. 5. (a) Any person may make abstracts or obtain copies of any public record to which such person has access under this act. If copies are requested, the public agency may require a written request and advance payment of the prescribed fee. A public agency shall not be required to provide copies of radio or recording tapes or discs, video tapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices, unless such items or devices were shown or played to a public meeting of the governing body thereof, but the public agency shall not be required to provide such items or devices which are copyrighted by a person other than the public agency.

(b) Copies of public records shall be made while the records are in the possession, custody and control of the custodian or a person designated by the custodian and shall be made under the supervision of such custodian or person. When practical, copies shall be made in the place where the records are kept. If it is impractical to do so, the custodian may allow arrangements to be made for use of other facilities. If it is necessary to use other facilities for copying, the cost thereof shall be paid by the person desiring a copy of the records. In addition, the public agency may charge the same fee for the services rendered in supervising the copying as for furnishing copies under subsection (c) and may establish a reasonable schedule of times for making copies at other facilities.

(c) Except as provided by subsection (f) or where fees for inspection or for copies of a public record are prescribed by

statute, each public agency may prescribe reasonable fees for providing access to or furnishing copies of public records, subject to the following:

(1) In the case of fees for copies of records, the fees shall not exceed the actual cost of furnishing copies, including the cost of staff time required to make the information available.

(2) In the case of fees for providing access to records maintained on computer facilities, the fees shall include only the cost of any computer services, including staff time required.

(3) Fees for access to or copies of public records of public agencies within the legislative branch of the state government shall be established in accordance with K.S.A. 46-1207a and amendments thereto.

(4) Fees for access to or copies of public records of public agencies within the judicial branch of the state government shall be established in accordance with rules of the supreme court.

(5) Fees for access to or copies of public records of a public agency within the executive branch of the state government shall be subject to approval by the director of accounts and reports.

(d) Except as otherwise authorized pursuant to K.S.A. 75-4215 and amendments thereto, each public agency within the executive branch of the state government shall remit all moneys received by or for it from fees charged pursuant to this section to the state treasurer in accordance with K.S.A. 75-4215 and amendments thereto. Unless otherwise specifically provided by law, the state treasurer shall deposit the entire amount thereof in the state treasury and credit the same to the state general fund, except that the cost of charges for the services of the division of computer services may be credited to the fee fund of the agency to defray such cost.

(e) Each public agency of a political or taxing subdivision shall remit all moneys received by or for it from fees charged

pursuant to this act to the treasurer of such political or taxing subdivision at least monthly. Upon receipt of any such moneys, such treasurer shall deposit the entire amount thereof in the treasury of the political or taxing subdivision and credit the same to the general fund thereof, unless otherwise specifically provided by law.

(f) Any person who is a certified shorthand reporter may charge fees for transcripts of such person's notes of judicial or administrative proceedings in accordance with rates established pursuant to rules of the Kansas supreme court.

New Sec. 6. (a) Each public agency shall adopt procedures to be followed in requesting access to and obtaining copies of public records, which procedures shall provide full access to public records, protect public records from damage and disorganization, prevent excessive disruption of the agency's essential functions, provide assistance and information upon request and insure efficient and timely action in response to applications for inspection of public records.

(b) A public agency may require a written request for inspection of public records but shall not otherwise require a request to be made in any particular form. A public agency shall not require that a request contain more information than the requester's name and address and the information necessary to ascertain the records to which the requester desires access. A public agency may require proof of identity of any person requesting access to a public record. No request shall be returned, delayed or denied because of any technicality unless it is impossible to determine the records to which the requester desires access.

(c) A public agency shall establish, for business days when it does not maintain regular office hours, reasonable hours when persons may inspect and obtain copies of the agency's records. The public agency may require that any person desiring to inspect or obtain copies of the agency's records during such hours so notify the agency, but such notice shall not be required to be in

writing and shall not be required to be given more than 24 hours prior to the hours established for inspection and obtaining copies.

(d) Each official custodian of public records shall designate such persons as necessary to carry out the duties of custodian under this act and shall ensure that a custodian is available during regular business hours of the public agency to carry out such duties.

(e) Each public agency shall provide, upon request of any person, the following information:

(1) The principal office of the agency, its regular office hours and any additional hours established by the agency pursuant to subsection (c).

(2) The title and address of the official custodian of the agency's records and of any other custodian who is ordinarily available to act on requests made at the location where the information is displayed.

(3) The fees, if any, charged for access to or copies of the agency's records.

(4) The procedures to be followed in requesting access to and obtaining copies of the agency's records, including procedures for giving notice of a desire to inspect or obtain copies of records during hours established by the agency pursuant to subsection (c).

New Sec. 7. (a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court to restrict or prohibit disclosure.

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

disclosure.

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

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.

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

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual.

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

(8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation.

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

(10) Criminal investigation records, except that the district court, in an action brought pursuant to section 8, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:

(A) Is in the public interest;

(B) would not interfere with any prospective law enforcement action;

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

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

(E) would not endanger the life or physical safety of any person.

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

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

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

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

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

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

(A) The information which the agency maintains on computer

facilities; and

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

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

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

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

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

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

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

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

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

apply when such records are:

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

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

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

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

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

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

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

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

(29) Correctional records pertaining to an identifiable inmate, except that:

(A) The name, sentence data, parole eligibility date, disciplinary record, custody level and location of an inmate shall be subject to disclosure to any person other than another inmate; and

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

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a

clearly unwarranted invasion of person privacy.

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

(32) The bidder's list of contractors who have requested bid proposals for construction projects from any public agency, until a bid is accepted or all bids rejected.

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

(34) Financial information submitted by contractors in qualification statements to any public agency.

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

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

(d) The provisions of this section shall not be construed

to exempt from public disclosure statistical information not descriptive of any identifiable person.

(e) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214 and amendments thereto.

New Sec. 8. (a) The district court of any county in which public records are located shall have jurisdiction to enforce the purposes of this act with respect to such records, by injunction, mandamus or other appropriate order, on application of any person.

(b) In any action hereunder, the court shall determine the matter de novo. The court on its own motion, or on motion of either party, may view the records in controversy in camera before reaching a decision.

(c) In any action hereunder, the court may award attorney fees to the person seeking access to a public record if the court finds that the agency's denial of such person's access was not in good faith and without a reasonable basis in fact or law. The award shall be assessed against the public agency that the court determines to be responsible for the violation.

(d) In any action hereunder in which the defendant is the prevailing party, the court may award to the defendant attorney fees if the court finds that the plaintiff maintained the action frivolously, not in good faith or without a reasonable basis in fact or law.

(e) Except as otherwise provided by law, proceedings arising under this section shall be assigned for hearing and trial at the earliest practicable date.

New Sec. 9. No public agency nor any officer or employee of a public agency shall be liable for damages resulting from the failure to provide access to a public record in violation of this act.

Sec. 10. K.S.A. 1982 Supp. 75-104 is hereby revived and amended to read as follows: 75-104. (a) The governor shall keep and maintain a full and complete record of the following applications or petitions made to the governor:

(1) Applications or petitions for executive pardon, commutation of sentence or clemency;

(2) applications or petitions for the appointment of a named individual to public office when a vacancy occurs and when the governor is restricted to the appointment of nominees so submitted;

(3) applications or petitions for the appointment of a person from a list of persons submitted by an association, agency or committee where the governor is limited to make an appointment only from that list;

(4) applications for the approval of grants where the governor's approval is a condition precedent to the making of such grants either by a state agency or by the federal government;

(5) applications or petitions for declarations of emergency;

(6) petitions for the calling of a special session of the legislature pursuant to section 5 of article 1 of the constitution of the state of Kansas; and

(7) applications or petitions directed to the governor and requesting that he or she take action in accordance with subsection (c) of K.S.A. 75-3711 and amendments thereto and exercise a function otherwise specified by statute for the state finance council.

(b) The record required to be kept under subsection (a) and all records of the financial affairs and transactions regarding the receipt and expenditure of state moneys shall remain on file in the office of each governor during the governor's term of office and for a period of three years following the expiration of such term.

(c) Following the three-year period prescribed in

subsection (b), all records kept and maintained pursuant to subsection (a) shall be transferred to the custody of the state historical society and the records of the financial affairs and transactions kept and maintained pursuant to subsection (b) shall be kept in the office of the governor, subject to disposal as may be authorized by the state records board.

~~(d) All records, correspondence and other papers of the governor which are not required to be kept and maintained under subsections (a) or (b) shall be the personal property of the governor and shall not constitute official public records of the state. No person shall have access to such records, correspondence or other papers during the governor's term of office except upon the consent of the governor.~~

(d) Records, correspondence and other papers of the governor which are not required to be kept and maintained under subsections (a) or (b) shall not be subject to review or audit by the legislative post auditor under the legislative post audit act.

(e) Upon completion of the term of office as governor, a ~~former governor shall determine which~~ all records, correspondence and other papers of the former governor not required to be kept and maintained under subsections (a) or (b) which relate to the former governor's public duties while governor. ~~The records, correspondence and other papers which the former governor determines relate to the former governor's public duties while governor shall be transferred to the custody of an institution of higher education in the regents system of state universities in Kansas designated by the former governor or, if the former governor does not designate an institution of higher education in the regent system of state universities in Kansas as the depository, such records, correspondence and other papers shall be transferred to the custody of an institution of post-secondary education designated by the former governor or, if the former governor does not designate an institution of post-secondary education as the depository, such records, correspondence and~~

~~other papers shall be transferred to the custody of the state historical society. During the lifetime of the former governor, no person shall have access to such records, correspondence and other papers except upon the consent of the former governor. Two years after the death of the former governor, such records, correspondence and other papers shall become public records.~~
During the lifetime of the former governor, no person shall have access to any such records, correspondence or other papers which are not required to be disclosed under section 7, except upon consent of the former governor, and the former governor shall be considered the official custodian of such records, correspondence and other papers which are not required to be disclosed.

(f) Upon the death of a governor while in office, all records, correspondence and other papers of such deceased governor not required to be kept and maintained under subsections (a) or (b) which relate to such governor's duties while governor shall be transferred to the custody of the an institution of higher post-secondary education in--Kansas designated by such governor or, if such governor did not designate an institution of higher post-secondary education in-Kansas as the depository, such records, correspondence and other papers shall be transferred to the custody of the state historical society. ~~Two years after the death of such governor, such records, correspondence and other papers shall become public records.~~

X (g) The provisions of this section, as amended by the legislature at its regular session held in 1984, shall apply only to persons elected or succeeding to the office of governor on or after the effective date of this act. Any person elected or succeeding to the office of governor prior to the effective date of this act shall be governed by the provisions of this section prior to this amendment.

(h) As used in this section, "institution of post-secondary education" means state educational institutions under the control and supervision of the state board of regents, community colleges organized and operated under laws of this state, any municipal

university established under article 13a of chapter 13 of the Kansas Statutes Annotated and any private institution of post-secondary education which is approved by the state board of regents to award academic degrees.

New Sec. 11. (a) Except to the extent otherwise authorized by law, no person shall knowingly sell, give or receive, for the purpose of selling or offering for sale any property or service to persons listed therein, any list of names and addresses contained in or derived from public records of the division of motor vehicles of the department of revenue. *reference was dropped*

(b) Violation of this section is a class C misdemeanor.

New Sec. 12. (a) All records provided to be maintained under K.S.A. 44-550 and amendments thereto shall be open to public inspection.

(b) This section shall be part of and supplemental to the workmen's compensation act.

New Sec. 13. If any provisions of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application and, to this end, the provisions of this act are severable.

New Sec. 14. Records of the office of the ombudsman of corrections or of the corrections ombudsman board which relate to complaints by correctional inmates or employees shall not be disclosed directly or indirectly to any person except as authorized by the ombudsman of corrections or by a majority vote of the corrections ombudsman board.

New Sec. 15. (a) The state corporation commission shall not disclose to or allow inspection by anyone, including but not limited to parties to a regulatory proceeding before the commission, any trade secret or confidential commercial information of a corporation, partnership or individual proprietorship regulated by the commission unless the commission finds that disclosure is warranted after consideration of the

following factors:

(1) Whether disclosure will significantly aid the commission in fulfilling its functions;

(2) the harm or benefit which disclosure will cause to the public interest;

(3) the harm which disclosure will cause to the corporation, partnership or sole proprietorship; and

(4) alternatives to disclosure that will serve the public interest and protect the corporation, partnership or sole proprietorship.

(b) If the state corporation commission finds that disclosure is warranted pursuant to subsection (a), the commission shall give the corporation, partnership or individual proprietorship notice before disclosing the trade secret or confidential commercial information.

New Sec. 16. All fees, schedules of times for making of copies, hours during which public records may be inspected or copies obtained, procedures for requesting access to or obtaining copies of public records or other policies or procedures which were prescribed or adopted by any public agency pursuant to chapter 171 of the session laws of 1983, insofar as the same are authorized or in accordance with the provisions of this act, shall constitute the fees, schedules, hours and policies or procedures of such public agency for the purposes of this act until changed, modified or revoked by the public agency in accordance with the provisions of this act.

Sec. 17. K.S.A. 45-202, 45-203 and 45-204, K.S.A. 1982 Supp. 45-201, K.S.A. 1982 Supp. 75-104, as revived, K.S.A. 1982 Supp. 75-104 as amended by section 10 of chapter 171 of the laws of 1983, and K.S.A. 1983 Supp. 21-3913, 44-550a, 45-205, 45-206, 45-207, 45-208, 45-209, 45-210, 45-211, 45-212, 45-213, 45-214, 66-1220 and 74-7405 are hereby repealed.

Sec. 18. This act shall take effect and be in force on and after its publication in the Kansas register.

INMATE POPULATION COUNT
January, 1982 to December, 1983

Date	KSP	KSIR	SRDC	KCVTC	KCIL	Honor Camps	Work Release	Other	GRAND TOTAL	Total Male	Total Female
Jan., 1982	1,271	911	126	209 (71)	110 (62)	63	100 (9)	30 (3)	2,820	2,675	145
Feb., 1982	1,295	905	124	209 (75)	110 (64)	69	97 (9)	30 (3)	2,839	2,688	151
Mar., 1982	1,314	891	121	208 (77)	116 (68)	84	106 (6)	29 (3)	2,869	2,715	154
Apr., 1982	1,354	915	124	214 (80)	114 (68)	90	105 (9)	28 (2)	2,944	2,787	157
May, 1982	1,392	897	126	202 (77)	114 (66)	96	115 (11)	28 (2)	2,970	2,814	156
June, 1982	1,407	926	119	208 (77)	114 (66)	96	112 (12)	26 (3)	3,008	2,850	158
July, 1982	1,392	910	126	197 (76)	111 (63)	107	114 (15)	37 (2)	2,994	2,838	156
Aug., 1982	1,365	932	124	211 (85)	110 (65)	112	111 (15)	39 (2)	3,004	2,837	167
Sept., 1982	1,397	959	127	209 (82)	107 (61)	110	121 (14)	41 (4)	3,071	2,910	161
Oct., 1982	1,419	966	129	205 (83)	110 (64)	106	115 (13)	40 (3)	3,090	2,927	163
Nov., 1982	1,424	976	130	208 (81)	114 (67)	110	101 (10)	40 (2)	3,103	2,943	160
Dec., 1982	1,410	995	132	200 (82)	108 (65)	119	112 (12)	42 (1)	3,118	2,958	160
Jan., 1983	1,437	1,034	121	206 (84)	112 (66)	113	115 (12)	44 (1)	3,182	3,019	163
Feb., 1983	1,424	1,057	126	193 (78)	116 (68)	117	116 (14)	46 (1)	3,197	3,036	161
Mar., 1983	1,481	1,046	121	196 (79)	118 (68)	122	119 (15)	44 (2)	3,247	3,083	164
Apr., 1983	1,530	1,044	123	199 (81)	113 (66)	116	124 (13)	41 (2)	3,290	3,128	162
May, 1983	1,567	1,079	126	208 (85)	119 (70)	113	119 (13)	39 (0)	3,370	3,202	168
June, 1983	1,575	1,076	126	205 (80)	131 (81)	119	117 (13)	41 (0)	3,390	3,216	174
July, 1983	1,587	1,106	123	193 (75)	144 (94)	117	122 (11)	38 (0)	3,430	3,250	180
Aug., 1983	1,613	1,072	124	197 (63)	157 (108)	116	117 (13)	37 (0)	3,433	3,249	184
Sept., 1983	1,634	1,108	128	195 (49)	170 (121)	117	120 (12)	37 (1)	3,509	3,326	183
Oct., 1983	1,662	1,162	130	191 (39)	179 (137)	116	120 (13)	35 (1)	3,595	3,405	190
Nov., 1983	1,689	1,194	127	193 (38)	185 (148)	118	116 (13)	37 (1)	3,659	3,459	200
Dec., 1983	1,742	1,182	135	198 (38)	186 (153)	115	113 (13)	37 (0)	3,708	3,504	204

Note: A number in parentheses indicates the number of females in the population.

The institutional references used in the table are as follows: Kansas State Penitentiary (KSP); Kansas State Industrial Reformatory (KSIR); State Reception and Diagnostic Center (SRDC); Kansas Correctional-Vocational Training Center (KCVTC); Kansas Correctional Institution at Lansing (KCIL); honor camps are located at Toronto and El Dorado; work release programs are located in Topeka, Wichita, Hutchinson plus contracted work release. The "Other" category includes inmates assigned to Larned State Hospital and Contract Jail Placement.

Source: Planning, Research, Evaluation, and Accreditation Section, Kansas Department of Corrections.

Atch. B

CORRECTIONS

Correctional Facility Consolidation (Proposal No. 12) and Correctional Facility Overcrowding (Proposal No. 13). The Committee proposes several recommendations concerning additional facilities to accommodate the increasing inmate population. The Committee endorses the concept of pre-release centers at Topeka State Hospital and Winfield State Hospital for class D and E felons only who are classified as minimum security. The Committee supports a program expansion at Larned State Hospital to treat mentally ill inmates. The Committee also supports the renovation and expansion of Outside Dormitory No. 2 at the Kansas State Penitentiary, the expansion of the Wichita Work Release Center, the construction of at least two additional honor camps at minimal costs, and improvement of the Kansas Correctional Institution at Lansing through additional maintenance and renovation work.

The Committee endorses the concept that all inmates should be provided work opportunities. The Committee also recommends that community corrections be expanded where possible, that the appropriate standing committees of the 1984 Legislature review the effects of 1982 H.B. 3104 (minimum sentencing), and requested that the Post Audit Committee conduct a study to determine if there is duplication of services between the Kansas State Penitentiary and the Kansas Correctional Institution at Lansing.

The Committee also directed that three resolutions be drafted. The first resolution directs the Department of Corrections and the Department of Social and Rehabilitation Services to examine Norton State Hospital for the long-term needs of the Department of Corrections. The Committee also directed that the resolution include the Department of Corrections' examination of the mission of all correctional institutions for better utilization. The report will be presented to the 1984 Legislature no later than March 1, 1984. The second resolution directs the Department of Corrections to annually report the status of furloughs prior to January 1 of each year to the members of the Legislature and to county and district attorneys. The third resolution urges the Department of Corrections to discontinue co-corrections, which is the practice of housing and confining male and female inmates in the same correctional institution.

The Committee directed that a bill be drafted that would: (1) prohibit male felons from being housed and confined at the Kansas Correctional Institution at Lansing; (2) permit the performance of diagnostic services for incoming inmates at receiving correctional institutions; and (3) prohibit inmates from receiving compensation from the state for work within the correctional system, however the inmate could receive compensation from employment by the private sector.

Atch. C