

**SENATE BILL No. 81**

By Committee on Judiciary

1-28

1 AN ACT concerning open records; relating to public officials' identifying  
2 information; amending K.S.A. 2012 Supp. 45-221 and repealing the  
3 existing section; also repealing K.S.A. 2012 Supp. 45-221j and 45-  
4 221k.

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

6 Section 1. K.S.A. 2012 Supp. 45-221 is hereby amended to read as  
7 follows: 45-221. (a) Except to the extent disclosure is otherwise required  
8 by law, a public agency shall not be required to disclose:

9 (1) Records the disclosure of which is specifically prohibited or  
10 restricted by federal law, state statute or rule of the Kansas supreme court  
11 or rule of the senate committee on confirmation oversight relating to  
12 information submitted to the committee pursuant to K.S.A. 2012 Supp. 75-  
13 4315d, and amendments thereto, or the disclosure of which is prohibited or  
14 restricted pursuant to specific authorization of federal law, state statute or  
15 rule of the Kansas supreme court or rule of the senate committee on  
16 confirmation oversight relating to information submitted to the committee  
17 pursuant to K.S.A. 2012 Supp. 75-4315d, and amendments thereto, to  
18 restrict or prohibit disclosure.

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

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

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

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

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

34 (7) Library, archive and museum materials contributed by private  
35 persons, to the extent of any limitations imposed as conditions of the  
36

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Attachment 17

1 facility.

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

Strike " or disposal"

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

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

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

17 (A) The information which the agency maintains on computer  
18 facilities; and

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

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

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

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

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

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

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