

## HOUSE BILL No. 2567

By Committee on Judiciary

2-6

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1 AN ACT concerning public records; relating to the open records act;  
2 definitions; amending K.S.A. 2013 Supp. 45-217 and repealing the  
3 existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2013 Supp. 45-217 is hereby amended to read as  
7 follows: 45-217. As used in the open records act, unless the context  
8 otherwise requires:

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

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

17 (c) "Criminal investigation records" means records of an  
18 investigatory agency or criminal justice agency as defined by K.S.A. 22-  
19 4701, and amendments thereto, compiled in the process of preventing,  
20 detecting or investigating violations of criminal law, but does not include  
21 police blotter entries, court records, rosters of inmates of jails or other  
22 correctional or detention facilities or records pertaining to violations of  
23 any traffic law other than vehicular homicide as defined by K.S.A. 21-  
24 3405, prior to its repeal, or K.S.A. 2013 Supp. 21-5406, and amendments  
25 thereto.

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

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

32 (f) (1) "Public agency" means the state or any political or taxing  
33 subdivision of the state or any office, officer, agency or instrumentality  
34 thereof, or any other entity receiving or expending and supported in whole  
35 or in part by the public funds appropriated by the state or by public funds  
36 of any political or taxing subdivision of the state. *Further, on and after*

1 *July 1, 2014, "public agency" shall include any nonprofit organization*  
2 *supported in whole or in part by public funds, which organizations are*  
3 *engaged in economic development, tourism or general marketing activities*  
4 *for the state or any political or taxing subdivision of the state or any*  
5 *office, officer, agency or instrumentality thereof.*

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

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

14 (g) (1) "Public record" means any recorded information, regardless of  
15 form or characteristics, which is made, maintained or kept by or is in the  
16 possession of any public agency including, but not limited to, an  
17 agreement in settlement of litigation involving the Kansas public  
18 employees retirement system and the investment of moneys of the fund.  
19 *Further, on and after July 1, 2014, "public record" includes any recorded*  
20 *information, regardless of form or characteristics, which is made on and*  
21 *after July 1, 2014, by any nonprofit organization supported in whole or in*  
22 *part by public funds, and engaged in economic development, tourism or*  
23 *general marketing activities for the state or any political or taxing*  
24 *subdivision of the state, or any office, officer, agency or instrumentality*  
25 *thereof.*

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

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

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

42 Sec. 2. K.S.A. 2013 Supp. 45-217 is hereby repealed.

43 Sec. 3. This act shall take effect and be in force from and after its

- 1 publication in the statute book.