

SENATE BILL No. 86

By Committee on Federal and State Affairs

1-25

1 AN ACT concerning the Kansas open records act; relating to openness in
2 government; *{dealing with criminal investigation records;}* *Kansas*
3 *open meetings act; relating to the recording of minutes of meetings;*
4 amending *K.S.A. 45-218 and K.S.A. 2016 Supp. {45-217,}* 45-219,
5 *{45-221,}* 46-1207a and 75-4318 and repealing the existing sections.
6

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

8 New Section 1. (a) Charges for public records requests under the
9 Kansas open records act shall be subject to the following:

10 (1) Charges for copies of public records which may be provided on
11 black and white standard size pages shall not exceed \$.25 per page;

12 (2) all other public records provided shall be charged at no more than
13 the cost to the public agency to provide the public records to the records
14 requestor; and

15 (3) staff time shall be charged at the lowest hourly rate of the person
16 who is qualified to provide the public records.

17 (b) "Standard size" means 8½ x 11 inches or 21.59 x 27.94
18 centimeters.

19 (c) *The provisions of this section shall not apply to charges assessed*
20 *by a public agency for providing records for individuals other than*
21 *citizens of Kansas.*

22 (e) (d) This section shall be a part of and supplemental to the Kansas
23 open records act.

24 *{Sec. 2. K.S.A. 2016 Supp. 45-217 is hereby amended to read as*
25 *follows: 45-217. As used in the open records act, unless the context*
26 *otherwise requires:*

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

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

1 (c) (1) *"Criminal investigation records" means:*~~(1)~~ (A) *Every audio*
2 *or video recording made and retained by law enforcement using a body*
3 *camera or vehicle camera as defined by K.S.A. 2016 Supp. 45-254, and*
4 *amendments thereto; and*~~(2)~~

5 (B) *records of an investigatory agency or criminal justice agency as*
6 *defined by K.S.A. 22-4701, and amendments thereto, compiled in the*
7 *process of preventing, detecting or investigating violations of criminal*
8 *law,*~~but.~~

9 (2) *"Criminal investigation records" does not include: (A) Police*
10 *blotter entries, court records, rosters of inmates of jails or other*
11 *correctional or detention facilities or records pertaining to violations of*
12 *any traffic law other than vehicular homicide as defined by K.S.A. 21-*
13 *3405, prior to its repeal, or K.S.A. 2016 Supp. 21-5406, and amendments*
14 *thereto; and*

15 (B) *criminal investigation records, other than the identity of any*
16 *confidential source or undercover agent, in regard to missing person*
17 *investigations where the person has been missing for more than 25 years*
18 *and such records were collected 15 or more years ago.*

19 (d) *"Custodian" means the official custodian or any person*
20 *designated by the official custodian to carry out the duties of custodian*
21 *of this act.*

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

26 (f) (1) *"Public agency" means the state or any political or taxing*
27 *subdivision of the state or any office, agency or instrumentality thereof,*
28 *or any other entity receiving or expending and supported in whole or in*
29 *part by the public funds appropriated by the state or by public funds of*
30 *any political or taxing subdivision of the state.*

31 (2) *"Public agency" shall not include:*

32 (A) *Any entity solely by reason of payment from public funds for*
33 *property, goods or services of such entity; or (B) any municipal judge,*
34 *judge of the district court, judge of the court of appeals or justice of the*
35 *supreme court.*

36 (g) (1) *"Public record" means any recorded information,*
37 *regardless of form, characteristics or location, which is made,*
38 *maintained or kept by or is in the possession of:*

39 (A) *Any public agency; or*

40 (B) *any officer or employee of a public agency pursuant to the*
41 *officer's or employee's official duties and which is related to the*
42 *functions, activities, programs or operations of any public agency.*

43 (2) *"Public record" shall include, but not be limited to, an*

1 *agreement in settlement of litigation involving the Kansas public*
2 *employees retirement system and the investment of moneys of the fund.*

3 *(3) Notwithstanding the provisions of subsection (g)(1), "public*
4 *record" shall not include:*

5 *(A) Records which are owned by a private person or entity and are*
6 *not related to functions, activities, programs or operations funded by*
7 *public funds. As used in this subparagraph, "private person" shall not*
8 *include an officer or employee of a public agency who is acting pursuant*
9 *to the officer's or employee's official duties;*

10 *(B) records which are made, maintained or kept by an individual*
11 *who is a member of the legislature or of the governing body of any*
12 *political or taxing subdivision of the state; or*

13 *(C) records of employers related to the employer's individually*
14 *identifiable contributions made on behalf of employees for workers*
15 *compensation, social security, unemployment insurance or retirement.*
16 *The provisions of this subparagraph shall not apply to records of*
17 *employers of lump-sum payments for contributions as described in this*
18 *subparagraph paid for any group, division or section of an agency.*

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

24 *Sec. 2. {3.} K.S.A. 45-218 is hereby amended to read as follows: 45-*
25 *218. (a) All public records shall be open for inspection by any person*
26 *citizen of the state of Kansas, except as otherwise provided by this act,*
27 *and suitable facilities shall be made available by each public agency for*
28 *this purpose. Records requests made by persons other than citizens of*
29 *Kansas must be made on behalf of a Kansas citizen and include the name,*
30 *legal address and signature of a Kansas citizen who supports the request.*
31 *No person shall ~~remove~~ remove original copies of public records from*
32 *the office of any public agency without the written permission of the*
33 *custodian of the record. The custodian may require the requestor to*
34 *provide their name and legal address.*

35 *(b) Upon request in accordance with procedures adopted under*
36 *K.S.A. 45-220, and amendments thereto, any person may inspect public*
37 *records during the regular office hours of the public agency and during*
38 *any additional hours established by the public agency pursuant to K.S.A.*
39 *45-220, and amendments thereto.*

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

1 *(d) {(1)} Each request for access to a public record shall be acted*
2 *upon as soon as possible, but not later than the end of the third business*
3 *day following the date that the request is received. If access to the public*
4 *record is not granted immediately, the custodian shall give a detailed*
5 *explanation of the cause for further delay and the place and earliest time*
6 *and date that the record will be available for inspection. If the request*
7 *for access is denied, the custodian shall provide, upon request, a written*
8 *statement of the grounds for denial. Such statement shall cite the*
9 *specific provision of law under which access is denied and shall be*
10 *furnished to the requester not later than the end of the third business*
11 *day following the date that the request for the statement is received.*

12 *{(2) For public records requests for those records listed in K.S.A.*
13 *45-217(c)(2)(B), and amendments thereto, the public agency shall*
14 *furnish copies within 30 days of receiving the request. If such request is*
15 *made by a parent, child, sibling or grandparent of the person whom the*
16 *records concern, no fee shall be charged to the person requesting copies*
17 *of such records.}*

18 *(e) The custodian may refuse to provide access to a public record,*
19 *or to permit inspection, if a request places an unreasonable burden in*
20 *producing public records or if the custodian has reason to believe that*
21 *repeated requests are intended to disrupt other essential functions of the*
22 *public agency. However, refusal under this subsection must be sustained*
23 *by preponderance of the evidence.*

24 *(f) A public agency may charge and require advance payment of a*
25 *fee for providing access to or furnishing copies of public records, subject*
26 *to K.S.A. 45-219, and amendments thereto.*

27 ~~Sec. 2-3.~~ *{4.}* K.S.A. 2016 Supp. 45-219 is hereby amended to read
28 as follows: 45-219. (a) Any person may make abstracts or obtain copies of
29 any public record to which such person has access under this act. If copies
30 are requested, the public agency may require a written request and advance
31 payment of the prescribed fee. A public agency shall not be required to
32 provide copies of radio or recording tapes or discs, video tapes or films,
33 pictures, slides, graphics, illustrations or similar audio or visual items or
34 devices, unless such items or devices were shown or played to a public
35 meeting of the governing body thereof, but the public agency shall not be
36 required to provide such items or devices which are copyrighted by a
37 person other than the public agency.

38 (b) Copies of public records shall be made while the records are in
39 the possession, custody and control of the custodian or a person designated
40 by the custodian and shall be made under the supervision of such
41 custodian or person. When practical, copies shall be made in the place
42 where the records are kept. If it is impractical to do so, the custodian shall
43 allow arrangements to be made for use of other facilities. ~~If it is necessary~~

1 to use other facilities for copying, the cost thereof shall be paid by the
2 person desiring a copy of the records. In addition, the public agency may
3 charge the same fee for the services rendered in supervising the copying as
4 for furnishing copies under subsection (c) and may establish a reasonable
5 schedule of times for making copies at other facilities.

6 (c) Except as provided by subsection (f) or where fees for inspection
7 or for copies of a public record are prescribed by statute, each public
8 agency may prescribe reasonable fees for providing access to or furnishing
9 copies of public records, subject to the following:

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

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

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

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

22 (5) Fees for access to or copies of public records of a public agency
23 within the executive branch of the state government shall be established by
24 the agency head. Any person requesting records may appeal the
25 reasonableness of the fees charged for providing access to or furnishing
26 copies of such records to the secretary of administration whose decision
27 shall be final. A fee for copies of public records which is equal to or less
28 than \$.25 per page shall be deemed a reasonable fee pursuant to section 1,
29 and amendments thereto.

30 (d) Except as otherwise authorized pursuant to K.S.A. 75-4215, and
31 amendments thereto, each public agency within the executive branch of
32 the state government shall remit all moneys received by or for it from fees
33 charged pursuant to this section to the state treasurer in accordance with
34 K.S.A. 75-4215, and amendments thereto. Unless otherwise specifically
35 provided by law, the state treasurer shall deposit the entire amount thereof
36 in the state treasury and credit the same to the state general fund or an
37 appropriate fee fund as determined by the agency head.

38 (e) Each public agency of a political or taxing subdivision shall remit
39 all moneys received by or for it from fees charged pursuant to this act to
40 the treasurer of such political or taxing subdivision at least monthly. Upon
41 receipt of any such moneys, such treasurer shall deposit the entire amount
42 thereof in the treasury of the political or taxing subdivision and credit the
43 same to the general fund thereof, unless otherwise specifically provided by

1 law.

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

6 (g) Nothing in the open records act shall require a public agency to
7 electronically make copies of public records by allowing a person to obtain
8 copies of a public record by inserting, connecting or otherwise attaching
9 an electronic device provided by such person to the computer or other
10 electronic device of the public agency.

11 *{Sec. 5. K.S.A. 2016 Supp. 45-221 is hereby amended to read as*
12 *follows: 45-221. (a) Except to the extent disclosure is otherwise required*
13 *by law, a public agency shall not be required to disclose:*

14 *(1) Records the disclosure of which is specifically prohibited or*
15 *restricted by federal law, state statute or rule of the Kansas supreme*
16 *court or rule of the senate committee on confirmation oversight relating*
17 *to information submitted to the committee pursuant to K.S.A. 2016 Supp.*
18 *75-4315d, and amendments thereto, or the disclosure of which is*
19 *prohibited or restricted pursuant to specific authorization of federal law,*
20 *state statute or rule of the Kansas supreme court or rule of the senate*
21 *committee on confirmation oversight relating to information submitted*
22 *to the committee pursuant to K.S.A. 2016 Supp. 75-4315d, and*
23 *amendments thereto, to restrict or prohibit disclosure.*

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

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

28 *(4) Personnel records, performance ratings or individually*
29 *identifiable records pertaining to employees or applicants for*
30 *employment, except that this exemption shall not apply to the names,*
31 *positions, salaries or actual compensation employment contracts or*
32 *employment-related contracts or agreements and lengths of service of*
33 *officers and employees of public agencies once they are employed as*
34 *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*
38 *character or qualifications of an identifiable individual, except*
39 *documents relating to the appointment of persons to fill a vacancy in an*
40 *elected office.*

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

1 **(8) Information which would reveal the identity of an individual**
2 **who lawfully makes a donation to a public agency, if anonymity of the**
3 **donor is a condition of the donation, except if the donation is intended**
4 **for or restricted to providing remuneration or personal tangible benefit**
5 **to a named public officer or employee.**

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

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

15 ~~(A)~~(i) **Is in the public interest;**

16 ~~(B)~~(ii) **would not interfere with any prospective law enforcement**
17 **action, criminal investigation or prosecution;**

18 ~~(C)~~(iii) **would not reveal the identity of any confidential source or**
19 **undercover agent;**

20 ~~(D)~~(iv) **would not reveal confidential investigative techniques or**
21 **procedures not known to the general public;**

22 ~~(E)~~(v) **would not endanger the life or physical safety of any person;**
23 **and**

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

29 **If a public record is discretionarily closed by a public agency**
30 **pursuant to this subsection, the record custodian, upon request, shall**
31 **provide a written citation to the specific provisions of ~~paragraphs (A)~~**
32 **subparagraphs (i) through ~~(F)~~ (vi) that necessitate closure of that public**
33 **record.**

34 **(B) Paragraph (A) shall not apply to records listed in K.S.A. 45-**
35 **217(c)(2)(B), and amendments thereto.**

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

42 **(12) Records of emergency or security information or procedures of**
43 **a public agency, or plans, drawings, specifications or related**

1 *information for any building or facility which is used for purposes*
2 *requiring security measures in or around the building or facility or*
3 *which is used for the generation or transmission of power, water, fuels*
4 *or communications, if disclosure would jeopardize security of the public*
5 *agency, building or facility.*

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

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

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

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

21 *(A) The information which the agency maintains on computer*
22 *facilities; and*

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

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

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

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

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

42 *(21) Records of a public agency having legislative powers, which*
43 *records pertain to proposed legislation or amendments to proposed*

1 *legislation, except that this exemption shall not apply when such records*
2 *are:*

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

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

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

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

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

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

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

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

23 *(26) Records of a utility or other public service pertaining to*
24 *individually identifiable residential customers of the utility or service.*

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

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

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

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

42 *(B) the attorney general, law enforcement agencies, counsel for the*
43 *inmate to whom the record pertains and any county or district attorney*

1 *shall have access to correctional records to the extent otherwise*
2 *permitted by law;*

3 *(C) the information provided to the law enforcement agency*
4 *pursuant to the sex offender registration act, K.S.A. 22-4901 et seq., and*
5 *amendments thereto, shall be subject to disclosure to any person, except*
6 *that the name, address, telephone number or any other information*
7 *which specifically and individually identifies the victim of any offender*
8 *required to register as provided by the Kansas offender registration act,*
9 *K.S.A. 22-4901 et seq., and amendments thereto, shall not be disclosed;*
10 *and*

11 *(D) records of the department of corrections regarding the*
12 *financial assets of an offender in the custody of the secretary of*
13 *corrections shall be subject to disclosure to the victim, or such victim's*
14 *family, of the crime for which the inmate is in custody as set forth in an*
15 *order of restitution by the sentencing court.*

16 *(30) Public records containing information of a personal nature*
17 *where the public disclosure thereof would constitute a clearly*
18 *unwarranted invasion of personal privacy.*

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

26 *(32) Engineering and architectural estimates made by or for any*
27 *public agency relative to public improvements.*

28 *(33) Financial information submitted by contractors in*
29 *qualification statements to any public agency.*

30 *(34) Records involved in the obtaining and processing of*
31 *intellectual property rights that are expected to be, wholly or partially*
32 *vested in or owned by a state educational institution, as defined in K.S.A.*
33 *76-711, and amendments thereto, or an assignee of the institution*
34 *organized and existing for the benefit of the institution.*

35 *(35) Any report or record which is made pursuant to K.S.A. 65-*
36 *4922, 65-4923 or 65-4924, and amendments thereto, and which is*
37 *privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments*
38 *thereto.*

39 *(36) Information which would reveal the precise location of an*
40 *archeological site.*

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

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

5 (39) *Memoranda and related materials required to be used to*
6 *support the annual actuarial opinions submitted pursuant to K.S.A. 40-*
7 *409(b), and amendments thereto.*

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

10 (41) *All financial analysis ratios and examination synopses*
11 *concerning insurance companies that are submitted to the commissioner*
12 *by the national association of insurance commissioners' insurance*
13 *regulatory information system.*

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

16 (43) *Market research, market plans, business plans and the terms*
17 *and conditions of managed care or other third-party contracts,*
18 *developed or entered into by the university of Kansas medical center in*
19 *the operation and management of the university hospital which the*
20 *chancellor of the university of Kansas or the chancellor's designee*
21 *determines would give an unfair advantage to competitors of the*
22 *university of Kansas medical center.*

23 (44) *The amount of franchise tax paid to the secretary of revenue*
24 *or the secretary of state by domestic corporations, foreign corporations,*
25 *domestic limited liability companies, foreign limited liability companies,*
26 *domestic limited partnership, foreign limited partnership, domestic*
27 *limited liability partnerships and foreign limited liability partnerships.*

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

42 (46) *Any information or material received by the register of deeds*
43 *of a county from military discharge papers, DD Form 214. Such papers*

1 *shall be disclosed: To the military dischargee; to such dischargee's*
2 *immediate family members and lineal descendants; to such dischargee's*
3 *heirs, agents or assigns; to the licensed funeral director who has custody*
4 *of the body of the deceased dischargee; when required by a department*
5 *or agency of the federal or state government or a political subdivision*
6 *thereof; when the form is required to perfect the claim of military service*
7 *or honorable discharge or a claim of a dependent of the dischargee; and*
8 *upon the written approval of the commissioner of veterans affairs, to a*
9 *person conducting research.*

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

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

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

23 (50) *Information provided by providers to the local collection point*
24 *administrator or to the 911 coordinating council pursuant to the Kansas*
25 *911 act, and amendments thereto, upon request of the party submitting*
26 *such records.*

27 (51) *Records of a public agency on a public website which are*
28 *searchable by a keyword search and identify the home address or home*
29 *ownership of a law enforcement officer as defined in K.S.A. 2016 Supp.*
30 *21-5111, and amendments thereto, parole officer, probation officer, court*
31 *services officer or community correctional services officer. Such*
32 *individual officer shall file with the custodian of such record a request to*
33 *have such officer's identifying information restricted from public access*
34 *on such public website. Within 10 business days of receipt of such*
35 *requests, the public agency shall restrict such officer's identifying*
36 *information from such public access. Such restriction shall expire after*
37 *five years and such officer may file with the custodian of such record a*
38 *new request for restriction at any time.*

39 (52) *Records of a public agency on a public website which are*
40 *searchable by a keyword search and identify the home address or home*
41 *ownership of a federal judge, a justice of the supreme court, a judge of*
42 *the court of appeals, a district judge, a district magistrate judge, a*
43 *municipal judge, the United States attorney for the district of Kansas, an*

1 *assistant United States attorney, a special assistant United States*
2 *attorney, the attorney general, an assistant attorney general, a special*
3 *assistant attorney general, a county attorney, an assistant county*
4 *attorney, a special assistant county attorney, a district attorney, an*
5 *assistant district attorney, a special assistant district attorney, a city*
6 *attorney, an assistant city attorney or a special assistant city attorney.*
7 *Such person shall file with the custodian of such record a request to*
8 *have such person's identifying information restricted from public access*
9 *on such public website. Within 10 business days of receipt of such*
10 *requests, the public agency shall restrict such person's identifying*
11 *information from such public access. Such restriction shall expire after*
12 *five years and such person may file with the custodian of such record a*
13 *new request for restriction at any time.*

14 (53) *Records of a public agency that would disclose the name, home*
15 *address, zip code, e-mail address, phone number or cell phone number*
16 *or other contact information for any person licensed to carry concealed*
17 *handguns or of any person who enrolled in or completed any weapons*
18 *training in order to be licensed or has made application for such license*
19 *under the personal and family protection act, K.S.A. 2016 Supp. 75-7c01*
20 *et seq., and amendments thereto, shall not be disclosed unless otherwise*
21 *required by law.*

22 (54) *Records of a utility concerning information about cyber*
23 *security threats, attacks or general attempts to attack utility operations*
24 *provided to law enforcement agencies, the state corporation commission,*
25 *the federal energy regulatory commission, the department of energy, the*
26 *southwest power pool, the North American electric reliability*
27 *corporation, the federal communications commission or any other*
28 *federal, state or regional organization that has a responsibility for the*
29 *safeguarding of telecommunications, electric, potable water, waste water*
30 *disposal or treatment, motor fuel or natural gas energy supply systems.*

31 (55) *Records of a public agency containing information or reports*
32 *obtained and prepared by the office of the state bank commissioner in*
33 *the course of licensing or examining a person engaged in money*
34 *transmission business pursuant to K.S.A. 9-508 et seq., and amendments*
35 *thereto, shall not be disclosed except pursuant to K.S.A. 9-513c, and*
36 *amendments thereto, or unless otherwise required by law.*

37 (b) *Except to the extent disclosure is otherwise required by law or*
38 *as appropriate during the course of an administrative proceeding or on*
39 *appeal from agency action, a public agency or officer shall not disclose*
40 *financial information of a taxpayer which may be required or requested*
41 *by a county appraiser or the director of property valuation to assist in*
42 *the determination of the value of the taxpayer's property for ad valorem*
43 *taxation purposes; or any financial information of a personal nature*

1 *required or requested by a public agency or officer, including a name,*
2 *job description or title revealing the salary or other compensation of*
3 *officers, employees or applicants for employment with a firm,*
4 *corporation or agency, except a public agency. Nothing contained herein*
5 *shall be construed to prohibit the publication of statistics, so classified as*
6 *to prevent identification of particular reports or returns and the items*
7 *thereof.*

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

11 *(d) If a public record contains material which is not subject to*
12 *disclosure pursuant to this act, the public agency shall separate or delete*
13 *such material and make available to the requester that material in the*
14 *public record which is subject to disclosure pursuant to this act. If a*
15 *public record is not subject to disclosure because it pertains to an*
16 *identifiable individual, the public agency shall delete the identifying*
17 *portions of the record and make available to the requester any*
18 *remaining portions which are subject to disclosure pursuant to this act,*
19 *unless the request is for a record pertaining to a specific individual or to*
20 *such a limited group of individuals that the individuals' identities are*
21 *reasonably ascertainable, the public agency shall not be required to*
22 *disclose those portions of the record which pertain to such individual or*
23 *individuals.*

24 *(e) The provisions of this section shall not be construed to exempt*
25 *from public disclosure statistical information not descriptive of any*
26 *identifiable person.*

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

33 *(g) Any confidential records or information relating to security*
34 *measures provided or received under the provisions of subsection (a)(45)*
35 *shall not be subject to subpoena, discovery or other demand in any*
36 *administrative, criminal or civil action,}*

37 ~~Sec. 3-4 {6.}~~ K.S.A. 2016 Supp. 46-1207a is hereby amended to read
38 as follows: 46-1207a. (a) The legislative coordinating council may provide
39 for sale or other disposition of copies of any publication, document or
40 other paper, information or record, regardless of form or characteristics,
41 produced by or under the legislative branch, whether such copies are
42 printed or reproduced in any other manner. Such council may fix charges
43 for sale of any such copies, and such charges may include costs of mailing,

1 ~~reproduction and other expenses pursuant to section 1, and amendments~~
2 ~~thereto.~~ Whenever such council provides for the sale of copies under this
3 section, the same shall be sold and distributed by or through the director of
4 legislative administrative services or such other state officer as such
5 council specifies. All amounts received under this section by or for any
6 such sales shall be remitted to the state treasurer in accordance with the
7 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
8 each such remittance, the state treasurer shall deposit the entire amount in
9 the state treasury to the credit of the legislative special revenue fund. The
10 provisions of this section shall not apply to the sale or distribution of the
11 Kansas Statutes Annotated, the session laws of Kansas or other
12 publications, documents or papers the sale of which is specifically
13 provided for by law.

14 (b) At the conclusion of each legislative session, the officers of each
15 house may deposit for safekeeping with the secretary of state such
16 legislative documents and other papers as they may determine.

17 (c) All moneys received by the director of legislative administrative
18 services for the disposition of surplus property of any office or agency of
19 the legislative branch shall be deposited in the state treasury to the credit
20 of the legislative special revenue fund.

21 (d) The legislative coordinating council may provide for additional
22 legislative stationery or other printed material supplies for members of the
23 legislature to be provided at cost as determined by the council. All moneys
24 received by the director of legislative administrative services under this
25 subsection shall be remitted to the state treasurer in accordance with the
26 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
27 each such remittance, the state treasurer shall deposit the entire amount in
28 the state treasury to the credit of the legislative special revenue fund.

29 (e) Except as otherwise specifically provided by statute on or after the
30 effective date of this act, all moneys received by the director of legislative
31 administrative services on or after November 18, 1991, under this or any
32 other statute shall be remitted to the state treasurer in accordance with the
33 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
34 each such remittance, the state treasurer shall deposit the entire amount in
35 the state treasury to the credit of the legislative special revenue fund and
36 any such moneys deposited in the state treasury to the credit of the state
37 general fund shall be transferred from the state general fund to the
38 legislative special revenue fund by the director of accounts and reports
39 upon certification by the director of legislative administrative services of
40 the amount to be transferred.

41 ~~Sec. 4-5. {7.}~~ K.S.A. 2016 Supp. 75-4318 is hereby amended to read
42 as follows: 75-4318. (a) Subject to the provisions of subsection ~~(g)~~ (h), all
43 meetings for the conduct of the affairs of, and the transaction of business

1 by, all legislative and administrative bodies and agencies of the state and
2 political and taxing subdivisions thereof, including boards, commissions,
3 authorities, councils, committees, subcommittees and other subordinate
4 groups thereof, receiving or expending and supported in whole or in part
5 by public funds shall be open to the public and no binding action by such
6 public bodies or agencies shall be by secret ballot. Meetings of task forces,
7 advisory committees or subcommittees of advisory committees created
8 pursuant to a governor's executive order shall be open to the public in
9 accordance with this act.

10 (b) Notice of the date, time and place of any regular or special
11 meeting of a public body or agency designated in subsection (a) shall be
12 furnished to any person requesting such notice, except that:

13 (1) If notice is requested by petition, the petition shall designate one
14 person to receive notice on behalf of all persons named in the petition, and
15 notice to such person shall constitute notice to all persons named in the
16 petition;

17 (2) if notice is furnished to an executive officer of an employees'
18 organization or trade association, such notice shall be deemed to have been
19 furnished to the entire membership of such organization or association;
20 and

21 (3) the public body or agency may require that a request to receive
22 notice must be submitted again to the public body or agency prior to the
23 commencement of any subsequent fiscal year of the public body or agency
24 during which the person wishes to continue receiving notice, but, prior to
25 discontinuing notice to any person, the public body or agency must notify
26 the person that notice will be discontinued unless the person resubmits a
27 request to receive notice.

28 (c) It shall be the duty of the presiding officer or other person calling
29 the meeting, if the meeting is not called by the presiding officer, to furnish
30 the notice required by subsection (b).

31 (d) Prior to any meeting mentioned by subsection (a), any agenda
32 relating to the business to be transacted at such meeting shall be made
33 available to any person requesting the agenda.

34 (e) *It shall be the duty of the presiding officer of the meeting to*
35 *ensure that minutes are kept at each meeting and to determine the format*
36 *of the minutes.*

37 (f) The use of cameras, photographic lights and recording devices
38 shall not be prohibited at any meeting mentioned by subsection (a), but
39 such use shall be subject to reasonable rules designed to insure the orderly
40 conduct of the proceedings at such meeting.

41 (g) Except as provided by section 22 of article 2 of the constitution
42 of the state of Kansas, interactive communications in a series shall be open
43 if they collectively involve a majority of the membership of the public

1 body or agency, share a common topic of discussion concerning the
2 business or affairs of the public body or agency, and are intended by any or
3 all of the participants to reach agreement on a matter that would require
4 binding action to be taken by the public body or agency.

5 ~~(g)~~ (h) The provisions of the open meetings law shall not apply:

6 (1) To any administrative body that is authorized by law to exercise
7 quasi-judicial functions when such body is deliberating matters relating to
8 a decision involving such quasi-judicial functions;

9 (2) to the prisoner review board when conducting parole hearings or
10 parole violation hearings held at a correctional institution;

11 (3) to any impeachment inquiry or other impeachment matter referred
12 to any committee of the house of representatives prior to the report of such
13 committee to the full house of representatives; and

14 (4) if otherwise provided by state or federal law or by rules of the
15 Kansas senate or house of representatives.

16 Sec. ~~5-6~~, {8.} **K.S.A. 45-218** and K.S.A. 2016 Supp. {45-217,} 45-
17 219, {45-221,} 46-1207a and 75-4318 are hereby repealed.

18 Sec. ~~6-7~~, {9.} This act shall take effect and be in force from and after
19 its publication in the statute book.