

HOUSE BILL No. 2188

By Committee on Federal and State Affairs

1-31

1 AN ACT concerning the open records act; amending K.S.A. 2012 Supp.
2 45-240 and repealing the existing section.

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

5 Section 1. K.S.A. 2012 Supp. 45-240 is hereby amended to read as
6 follows: 45-240. (a) Each not-for-profit entity that receives public funds in
7 an aggregated amount of \$350 or more per year shall be required to
8 document the receipt and expenditure of such funds. Subject to the
9 provisions of subsection (b), each not-for-profit entity which receives
10 public funds in an aggregated amount of \$350 or more per year, shall,
11 upon request, make available to any requester a copy of documentation of
12 the receipt and expenditure of such public funds received by such not-for-
13 profit entity. *Documentation of the expenditure of such public funds*
14 *received by such not-for-profit entity shall be published on such not-for-*
15 *profit entity's web site and on the web site of the government entity*
16 *providing such public funds in a downloadable and searchable format.*
17 *Documentation of the expenditure of such public funds received by such*
18 *not-for-profit entity shall include a complete listing of all expenditures,*
19 *including the check number, expenditure date, expenditure amount, payee*
20 *name and a description that explains the nature of each expenditure; the*
21 *description of a single expenditure for multiple items, such as a credit card*
22 *bill, must disclose the nature of each individual item, which may be in the*
23 *form of a separate identifiable listing. If such not-for-profit entity's*
24 *accounting practice does not segregate public funds from other fund*
25 *sources, the not-for-profit entity's entire accounting of its expenditures and*
26 *receipts shall be open to the public and subject to all reporting*
27 *requirements in this section. The reporting requirements of this section*
28 *shall commence on the first day of the fiscal year of such not-for-profit*
29 *entity which occurs on or after July 1, 2005, and continue for each fiscal*
30 *year thereafter.*

31 (b) ~~(1) Except as provided in paragraph (3), any not-for-profit entity~~
32 ~~that receives public funds that is required by law or the terms of a grant,~~
33 ~~contract or other agreement to file a written financial report which~~
34 ~~includes the receipt of public funds and the expenditure of such funds with~~
35 ~~an agency of the United States, an agency of this state or any political or~~
36 ~~taxing subdivision thereof, shall be deemed to have fulfilled the~~

1 requirements of this section upon filing such report. Otherwise an itemized
2 invoice or statement by the not-for-profit entity of the amount of public
3 funds received and the expenditure therefor shall be deemed to have
4 complied with the requirements of this section when such itemized invoice
5 or statement is filed with an agency of the United States, an agency of this
6 state or any political or taxing subdivision thereof, that provided the public
7 funds to the not-for-profit entity.

8 (2) Any report referred to in paragraph (1) of this subsection (a), shall
9 be deemed to be a public record of the agency of this state or any political
10 or taxing subdivision thereof and subject to inspection or disclosure in
11 accordance with the Kansas open records act.

12 (3) Any not-for-profit entity which receives public funds may file in
13 the office of the secretary of state or make available for review in such not-
14 for-profit entity's office, a copy of the detailed audit or accounting of
15 public funds received by such not-for-profit entity.

16 (c) Each not-for-profit entity may charge and require advance
17 payment of a reasonable fee for providing access to or furnishing copies of
18 documentation of the receipt and expenditure of public funds as required
19 by this section. Such fee shall be determined in the same manner as for a
20 public agency pursuant to K.S.A. 45-219, and amendments thereto. A fee
21 for copies of documentation of the receipt and expenditure of public funds
22 which is equal to or less than \$.25 per page shall be deemed a reasonable
23 fee.

24 (d) The provisions of this section shall not apply to any:

25 (1) Health care provider;

26 (2) individual person;

27 (3) for-profit corporation, *except that the provisions of this section*
28 *shall apply to a for-profit entity that is owned or controlled by a not-for-*
29 *profit entity; or*

30 (4) partnership.

31 (e) For the purposes of this section: (1) "Health care provider" shall
32 have the meaning ascribed to it in K.S.A. 65-4915, and amendments
33 thereto. Health care provider shall also include any:

34 (A) Not-for-profit dental service corporation doing business in this
35 state pursuant to K.S.A. 40-19a01 et seq., and amendments thereto;

36 (B) not-for-profit medical and hospital corporation doing business in
37 this state pursuant to K.S.A. 40-19c01 et seq., and amendments thereto;

38 (C) indigent health care clinic as such term is defined in K.S.A. 75-
39 6102, and amendments thereto; and

40 (D) adult care home as such term is defined in K.S.A. 39-923, and
41 amendments thereto.

42 (2) "Public funds" means any moneys received from the United
43 States, the state of Kansas or any political or taxing subdivision thereof, or

1 any officer, board, commission or agency thereof.

2 Sec. 2. K.S.A. 2012 Supp. 45-240 is hereby repealed.

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

4 publication in the statute book.