I. The Kansas Open Records Act (KORA)

Who benefits from KORA?

KORA entitles any person to inspect and copy government records.

What is the purpose of KORA?

The legislature passed KORA “to insure public confidence in government by increasing the access of the public to government and its decision-making processes.” The Kansas Supreme Court has stated that “the public policy of the state is that public records are to be open for inspection unless expressly exempted, and that the act is to be liberally construed and applied to promote this policy.”

II. Public Records

What is a public record?

KORA defines a public record as “any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency . . . .”

A “public agency” is one of the following:

- “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.”

Thus, court records and those of the executive and legislative branches are subject to KORA. In addition, advisory boards and commissions, non-governmental bodies, and multi-state and regional bodies are subject to KORA if supported in whole or part by public funds.

What public records are not open for inspection and copying?

Records are not open if they are:

- “owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds . . .
“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”

“records of employers related to the employer’s individually identifiable contributions
made on behalf of employees for workers compensation, social security, unemployment
insurance or retirement.”

In addition, KORA identifies three entities whose records are not subject to KORA:

“[a]ny entity solely by reason of payment from public funds for property, goods or
services of such entity;

“any municipal judge, judge of the district court, judge of the court of appeals or justice
of the supreme court;” or

“any officer or employee of the state or 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.”

KORA also excludes records of an entity that merely does business with a public agency. An
example is the National Collegiate Athletic Association (NCAA). The NCAA is not required to
open its records under KORA. The NCAA is simply providing specific services to state colleges
and universities in exchange for the public funds it receives.

III. Access to Public Records

What records must be open to public inspection?

Public records are open for inspection by any person unless closed by specific legal authority.

What information must a public agency provide upon request for a record?

Upon request of any person, a public agency must disclose:

• “The principal office of the agency, its regular office hours and any additional hours
  established by the agency . . . .

• “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.
• “The fees, if any, charged for access to or copies of the agency's records.
• “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 the hours established by the agency . . . .”

In addition, public agencies must maintain a register, open to the public, that describes the following:

• The information the agency maintains on computers and

• “the form in which the information can be made available using existing computer programs.”

What is the procedure for requesting access to public records?

Each public agency must adopt procedures for requesting access to its records. The procedures must provide full and timely access to the requested records. The same procedure should be used for all requests. Any officer or employee of a public agency who is responsible for the maintenance of records is an official custodian. If a request for records is not made to an official custodian, the person who receives the request must provide the name and location of the official custodian if known or readily ascertainable.

When must a public agency respond to a request for access?

After receiving a request, an agency must provide access “as soon as possible, but not later than the end of the third business day following the date that the request is received.”

Who is available to assist the media, along with the public, when they seek access to records?

The governing body of every agency, which maintains public records, must have a local freedom of information officer. The duties of the freedom of information officer include the following:

• prepare and provide information about KORA,

• assist in resolving KORA disputes,

• respond to questions about KORA and

• provide a brochure listing the requirements to obtain a copy of public records, rights of a requester, and the responsibility of the public agency.

May a public agency require a written request for records?
An agency has discretion only to require that a request for records be written. It must not require that a request, regardless of whether it is written, be made in a particular form.

**What information must a person give to an agency when requesting access to information?**

An agency has discretion to require that requesters give their name and address and prove their identity. In addition, the agency may require only enough information to determine which records are being requested and to establish whether the requester does not have a right of access.

**How does KORA require public agencies to respond to a request?**

The agency’s records custodian must respond by:

- granting immediate access;
- delaying a decision and giving a detailed explanation of the cause for delay, along with the time, date, and place that the records will be available; or
- denying access and providing a written explanation, if requested, including the legal reason for denial.

**Must an agency grant access to records regardless of the requester’s purpose?**

In general, requesters have no right of access to records comprising lists of names and addresses that they intend to use for the purpose of soliciting buyers of goods and services. For example, requesters who plan a commercial solicitation do not have a right of access to a list of voter registrants.

However, if requesters plan to solicit support for an election campaign, they do have a right to voter registration records. In addition, regardless of whether requesters have a commercial use in mind, they have a right of access to certain lists such as the names and addresses of motor vehicle registrants, licensed professionals, and applicants for a license to practice a profession.

**When may a person inspect public records?**

A person may inspect public records during the regular office hours of a public agency and during any additional hours established by that agency.

If the agency does not have regular office hours, it must establish reasonable hours when persons may inspect records. An agency without regular office hours may require 24-hour notification from any person who wants to inspect records. Notice is not required in writing.
May a public agency charge a fee for providing access to records?

An agency may charge a reasonable fee for providing access to public records. The agency may require advance payment of the fee. Specifically, when providing access to computer files, the agency’s fee must only be for the costs of computer services and staff time.

Under KORA, a coordinating council has the authority to prescribe a reasonable fee for access to legislative records. If research of legislative records is done by a staff member of Legislative Administrative Services, the cost is $5 for each 30 minutes.

Agency heads set the fees for access to the records of state administrative agencies. The amount may be appealed to the secretary of the State Department of Administration.

The Supreme Court has the authority to set access fees for Kansas court records. A court clerk’s time costs $10.80 an hour.

When an agency collects fees, its treasurer must deposit the money in the agency’s general fund, unless a law specifies otherwise.

Why are public agencies allowed to establish procedures for gaining access to public records?

Public agencies may establish access procedures to:

- fulfill their statutory duty to 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.”

For what reasons may access to a record be denied?

When denying access, custodians may explain that the records either:

- are not public or
- are public but nevertheless specifically exempt from disclosure under KORA.
In addition, custodians have discretion to deny access to records that are public if the request would impose “an unreasonable burden” on an agency or is intended to cause disruption.

IV. Copying Public Records

May an agency require a written request for copying records?

Once the media and the public have access to records, they generally also have the right to make or receive copies of those records. An agency has the discretion to require that requests for copies be written.

May a public agency refuse to make copies of any type of record?

The only requests that may be denied are those for “…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 . . . .” The agency is not required to provide copies of tapes and other such materials if it does not own the copyright.

Must the agency provide a place to make copies?

Copies must be made while records are in a custodian’s possession and control. Alternatively, a custodian may delegate responsibility for the records to another person. Copies should be made where the records are usually kept. If this is impractical, the custodian must allow arrangements for copying elsewhere. However, records must not be removed from the office of the public agency without the custodian’s written permission.

V. Closed Records

What public records does KORA exempt from disclosure?

KORA contains forty-six exceptions to public disclosure. A public agency need not disclose a record if it is identified in the exemptions and if there is no specific legal mandate to open it. The exemptions, as presented in the statute, are:

(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 a 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 certain cases, 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;

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

(F) would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense [as provided by law].

(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 [as provided by law].

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

(B) the ombudsman of corrections, 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;

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act,¹⁵⁵ shall be subject to disclosure to any person, except that the name, address, telephone number or any other information which specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act¹⁵⁶ shall not be disclosed; and

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

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

(31) Public records pertaining to 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) Engineering and architectural estimates made by or for any public agency relative to public improvements.

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

(34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined by law,¹⁵⁷ or an assignee of the institution organized and existing for the benefit of the institution.

(35) Any report or record which is made under certain laws and is privileged.¹⁵⁸

(36) Information which would reveal the precise location of an archeological site.
(37) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(38) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance as provided by law.\textsuperscript{lxix}

(39) Memoranda and related materials required to be used to support the annual actuarial opinions submitted as provided by law.\textsuperscript{lxx}

(40) Disclosure reports filed with the commissioner of insurance as provided by law.\textsuperscript{lxxi}

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

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

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

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

(45) Records the disclosure of which would pose a substantial likelihood of revealing security measures that protect:

(A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services;

(B) sewer or wastewater treatment systems, facilities or equipment.

For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping.
(46) Any information or material received by the secretary of state relevant to administration of the Uniform Athlete Agents Act except when such information is required to be submitted in an application pursuant to certain law.

B. What records are generally exempt from public disclosure under Kansas and federal laws and the state Supreme Court rules?

1. The Kansas Attorney General has identified a number of laws that KORA’s first exemption incorporates. They are:

a. Child abuse records and reports.

b. Juvenile offense records.

c. Individually identifiable drug abuse treatment records.

d. Financial information of an identifiable taxpayer filed with the county appraiser.

e. Criminal history record information.

f. Ballots. However, election petitions are open.

g. Unexecuted search or arrest warrants (disclosing unexecuted warrants is a crime).

h. Presentence reports.

i. Grand jury proceeding records.

j. Adult Authority preparole report and supervision history.

k. Commitment and treatment records of the mentally ill.

l. Long-term care facility residents’ information.

m. Peer review records.

n. Adoptions.

o. Income tax reports and returns.

p. Background checks by the Kansas Bureau of Investigation for the Racing Commission.

q. Kansas Department of Health and Environment vital statistics including marriage, birth, and death certificates.
r. Results of inquiries into complaints filed with the Kansas Human Rights Commission.

s. Records and information given to the Crime Victim Compensation Board.

t. District court diversion agreements.

u. Social Security numbers.

v. Educational records and certain student information.

2. The Revisor of Statutes has developed a preliminary list of records that are closed, under a variety of state and federal statutes, for legislative review (see Appendix).

C. Does a public agency have discretion to allow the inspection and copying of any records that KORA exempts from disclosure?

KORA does not absolutely forbid agencies from allowing the inspection and copying of the records in its forty-three exemptions. KORA only says that an agency shall “not be required” to disclose exempt records. The Kansas Attorney General’s Office has suggested that agencies may exercise discretion to withhold or disclose at least some exempt records. For example, according to the Attorney General’s office, “[t]he official custodian of personnel records possesses discretionary authority to allow or prohibit public access to personnel files.”

VI. Enforcement

A. What should the press and public do if they believe a public agency is violating KORA?

An agency violates KORA if it withholds public records that are not exempt from disclosure. In response to a suspected violation of KORA, the press and public may first ask for help from the local freedom of information officer. The information officer’s duties include helping resolve disputes over access to and copying of records.\textsuperscript{c}

B. How should the press and public respond to a denial of a request for access to records?

1. Whenever records custodians deny access, they must, if requested, state in writing the reasons for their denial within three business days. In their statement, custodians must cite the specific provision of law that served as their basis for denying access.\textsuperscript{c}

2. If an agency wrongfully refuses to permit access to or copying of records, the press and public may file a lawsuit in the district court of the county where the KORA violation occurred. Alternatively, they may complain to the state attorney general, or to the county or district
attorney of the county where the violation occurred. The attorney general or county or district attorney then may file a lawsuit in district court of the county where the records are kept.

C. Do the media and the public have any grounds for seeking access to public records that are included in KORA’s specific exemptions?

The Kansas Supreme Court has said that KORA “does not prohibit disclosure of records contained within these exceptions, but rather makes their release discretionary.” For example, when criminal investigation records are requested, the Supreme Court has said that an agency may exercise its discretion and grant access to exempt records if disclosure would promote the public interest. The specific burden may be to show that disclosure will “in fact promote and serve” the public interest. There must be more than mere “public curiosity.” The public interest must be a matter “which affects a right or expectancy of the community at large and must derive meaning within the legislative purpose” of KORA.

D. Must a person be represented by an attorney to complain about a KORA violation?

No, KORA says “any person” may go to court to complain about an agency’s decision to deny access to public records or refuse to copy them. There may be a risk, however, for unrepresented complainants who are not familiar with the law and legal procedure. KORA says complainants are liable for the agency’s attorney’s fees if the court finds that they maintained an action “not in good faith and without a reasonable basis in fact or law.”

E. What are the possible remedies for a KORA violation?

In a lawsuit filed by any person, judges are authorized to issue orders, including an injunction, to prevent violations of KORA or a mandamus requiring compliance with the act.

1. If a violation is found, a public agency must pay the complainant’s attorney’s fees if the agency failed to act in good faith and “without a reasonable basis in fact or law.”

2. In a lawsuit filed by the state attorney general or a county or district attorney, a court may impose a financial penalty upon a public agency. An agency is liable for the penalty if it “knowingly violates” KORA or “intentionally fails to furnish information as required” by the statute. The penalty is civil, not criminal, and may not exceed $500 for every violation.

F. When and where must a lawsuit be filed against a suspected KORA violator?

An action may be filed only in the district court of the county in which a suspected KORA violation occurred. In general, the court must schedule a hearing and trial “at the earliest practical date.” KORA does not specify a time within which a suit must be filed, although Kansas statutes include applicable limitations.

G. Who has the burden of proof in a KORA lawsuit?
1. KORA authorizes custodians to deny access to records if producing them would be an “unreasonable burden” or if a requester intends to disrupt the agency’s essential functions. However, when custodians give those reasons for denying access, they must be prepared to defend their denial with a preponderance of the evidence.

2. When requesters seek access to an exempt public record, they do not bear the burden of proving that the agency should disclose it. Rather, according to the Kansas Supreme Court, “[t]he burden of proving that an item is exempt from disclosure is on the agency not disclosing.”

3. When requesters seek access to a criminal investigation record that is exempt, they will bear the burden of proving that disclosure would be in the public interest. The agency that denies access, however, must bear the burden of proving that disclosure should not be made. Under KORA, the agency must prove that disclosure would:
   a. interfere with a prospective law enforcement action,
   b. reveal the identity of a confidential source or undercover agent,
   c. reveal confidential investigative techniques or procedures,
   d. endanger someone’s life or safety, or
   e. identify a victim of a sexual offense.

4. In a dispute over whether an agency should disclose an exempt public record, judges are authorized to examine the records in camera—out of public view. They may do so on their own initiative or in response to a motion by either the complainant or the agency.
Endnotes:


ii.  **KAN. STAT. ANN. § 45-218 (2000).**  *See also* State v. Pub. Employee Relations Bd., 249 Kan. 163, 170 (1991) (“The stated policy of KORA is that all public records are to be open to the public for inspection unless otherwise provided in the Act.”).

iii.  *Id.*


vi.  **KAN. STAT. ANN. § 45-217(e)(1) (2000).**


viii.  *Id.*

ix.  **KAN. STAT. ANN. § 45-217(f)(2)–(3) (2000).**

x.  **KAN. STAT. ANN. § 45-217(e)(2) (2000).**


xii.  **KAN. STAT. ANN. §§ 45-216(a) and 45-218(a) (2000).**

xiii.  **KAN. STAT. ANN. § 45-220(f) (Supp. 2004).**

xiv.  **KAN. STAT. ANN. § 45-221(a)(16) (Supp. 2004).**

xv.  **KAN. STAT. ANN. § 45-220(a) (Supp. 2004).**

xvi.  *Id.*

xviii. KAN. STAT. ANN. § 45-217(d) (2000).

xix. KAN. STAT. ANN. § 45-218(c) (2000).


xxii. KAN. STAT. ANN. § 45-226(b) (2000).

xxiii. KAN. STAT. ANN. § 45-220(b) (Supp. 2004).

xxiv. *Id.*

xxv. *Id.*

xxvi. *Id.* See also KAN. STAT. ANN. § 45-220(c)(1) (Supp. 2004) (stating that if the purpose for which records may be used is limited, the agency may require the person requesting the records to certify that they have a right of access and do not intend to use them for any improper purpose)

xxvii. KAN. STAT. ANN. § 45-218(d) (2000)

xxviii. See KAN. STAT. ANN. § 21-3914 (1995) (“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 . . . .”); KAN. STAT. ANN. § 45-220(c)(2) (Supp. 2004) (stating that an agency may require persons requesting
records to certify that they do not intend to sell any list of names or addresses contained in or derived from the records); Kan. Stat. Ann. § 74-2012(c) (Supp. 2004) (stating that lists of persons’ names and addresses contained in or derived from motor vehicle records shall not be sold).


xxxv. Id.

xxxvi. Id.


xli. Telephone interview with Vicky Harth, office assistant, Legislative Administrative Services (July 14, 2000).


xliii. Id.

xlv.  Kansas Supreme Court Administrative Order No. 45, § 6 (July 29, 1985) (as updated through 2000).


xlvii.  KAN. STAT. ANN. § 45-220(a) (Supp. 2004).


xlix.  KAN. STAT. ANN. § 45-221 (2000)

l.  KAN. STAT. ANN. § 45-218(e) (2000). Refusal under this subsection must be sustained by preponderance of the evidence. Id.


lii.  Id.

liii.  Id.

liv.  Id.

lv.  KAN. STAT. ANN. § 45-219(b) (2000).

lvi.  Id.

lvii.  Id.

lviii.  Id.

lix.  KAN. STAT. ANN. § 45-218(a) (2000).

lx.  KAN. STAT. ANN. § 45-221 (Supp. 2004).

lxi.  Id.


lxiv.  See KAN. STAT. ANN. § 75-4319 (Supp. 2004).


lxvi.  Id.


lxviii.  See KAN. STAT. ANN. §§ 65-4922 to -4924 (2002) (concerning the making of records);
        the records).


lx.  See KAN. STAT. ANN. § 40-409(b) (Supp. 2004).

lxi.  See KAN. STAT. ANN. § 40-2,156(a) (2000).


        Kansas Open Records Act (KORA), at 7 (prepared May 30, 2000, as the basis for a presentation
        to Kansas district court clerks and administrators at a Court Procedures Workshop in Topeka,
        Kan., June 15, 2000) (on file with the Media, Law and Policy Program, University of Kansas
        School of Law).


lxviii.  KAN. STAT. ANN. § 45-221(b) (Supp. 2004).


lxxi.  Id.


lxxxvi.  KAN. STAT. ANN. § 75-5921 (1997).


xc.  KAN. STAT. ANN. § 79-3234(b) (Supp. 2004).

xci.  KAN. STAT. ANN. § 74-8804(o) (2002).


xciv.  KAN. STAT. ANN. § 74-7308(e) (2002).


xcix. Id.


ciii. KAN. STAT. ANN. § 45-218(d) (2000).

civ. Id.

cv. KAN. STAT. ANN. § 45-222 (Supp. 2004).

cvi. Id.


cviii. Id. at 65.

cix. Id.

cx. Id at 66.

cxi. Id.


cxiii. Id.

cxiv. Id.

cxv. Id.

cxvii. Id.

cxviii. Id.


cxx. Id.


cxxiii. Id.


cxxvi. Id.

cxxvii. Id.; KAN. STAT. ANN. § 45-221 (Supp. 2004).

cxxviii. KAN. STAT. ANN. § 45-222(b) (Supp. 2004).