

FILE

Subject

Records

Copy to

Public Schools

Washburn University



STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

April 15, 1974

Opinion No. 74- 115

Honorable Ross Doyen
State Senator
State Capitol
Topeka, Kansas 66612

Dear Senator Doyen:

K.S.A. 10-1117 states thus in pertinent part:

"The clerk or secretary of every municipality shall keep a record of the amount of money in the treasury and each particular fund and shall keep a record of all indebtedness and contracts creating a liability against the municipality. In such records there shall be shown the date of the making of the contract or the creation of the debt, the amount of the contract or debt, the time payable, and the particular fund from which payment is to be made. Such clerk or secretary shall also keep a record of each order, warrant or check, drawn on the treasury and paid, giving the date of payment. Such clerk or secretary shall, upon the request of any person, exhibit such records to such person"

You inquire whether Washburn University is required under this provision, "upon the request of any person, to exhibit to such person any and all 'record(s) of all indebtedness and contracts creating a liability against the (university),' as well as any and all 'record(s) of each order, warrant, or check drawn on the treasury and paid' by the university."

Under K.S.A. 10-1101(a), the term "municipality" includes a municipal university. Under K.S.A. 45-201, all "official public records" of the state, counties, municipalities, townships, school districts and the like, "which records by law are required to be

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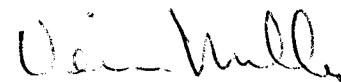
kept and maintained," are required to be open for a "personal inspection by any citizen," subject to exceptions not here pertinent.

We have previously received inquiries concerning the availability for public inspection of records of Washburn University, including records of individual faculty salaries. We have not before considered this particular provision, however. It requires that a record be kept of all indebtedness and contracts creating liability against the municipality, including the date of the contract, the amount thereof, the date payable, and the fund from which it is to be paid. Similar records are to be kept of each order, warrant and check.

The thrust of the statute is to require that records of the expenditure of public funds of municipalities subject to the act, including Washburn University, be available to the public. It may be argued with mean-spirited technicality that although the required record must state the date, amount, time payable and fund encumbered respecting each contract, it need not disclose the payee. We have no information as to the precise manner in which the university records are kept. However, the public disclosure sought to be assured by the statute would in most instances be an empty and obscure exercise in futility if the records available for public inspection did not disclose the parties to whom obligated sums of public funds were contracted to be paid. To the extent that the cited statute may be argued to be ambiguous on the question whether the identity of the payee must be disclosed on the records available for public inspection, we think any question on this score must be resolved in favor of disclosure, in accordance with the obvious intent and purpose of the statute, and the frustration of that purpose by any contrary construction.

We cannot but conclude that Washburn University is required by law to permit the inspection of those documents falling within the compass of K.S.A. 10-1117, supra.

Yours very truly,



VERN MILLER
Attorney General

VM:JRM:jsm

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