



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

December 8, 1981

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751

ATTORNEY GENERAL OPINION NO. 81-267

Joan L. Bowers
City Clerk
City of Marion
203 North Third
Marion, Kansas 66861

Re: Laws, Journals and Public Information -- Kansas
Public Records Law -- Access to Salaries of City
Employees

Synopsis: Amounts paid by a city to its salaried employees
are "official public records" and subject to pub-
lic access pursuant to K.S.A. 1980 Supp. 45-201
et seq. In addition, records indicating the
amount of each salary check making payment to
city employees are available for public inspection
as required by K.S.A. 10-1117. Cited herein:
K.S.A. 10-1117, K.S.A. 1980 Supp. 45-201, 75-1122.

* * *

Dear Ms. Bowers:

You request the opinion of this office regarding the applica-
tion of K.S.A. 1980 Supp. 45-201 et seq., commonly referred
to as the Kansas Public Records Act (hereinafter "Act"), to
salaries of city employees.

In pertinent part, K.S.A. 1980 Supp. 45-201 provides:

"(a) All official public records of the state,
counties, municipalities, townships, school
districts, commissions, agencies and legisla-
tive bodies, which records by law are required
to be kept and maintained, except those of the
district court concerning proceedings pursu-
ant to the juvenile code which shall be open,
unless specifically closed by the judge or by

Joan L. Bowers
Page Two

law, adoption records, records of the birth of illegitimate children, and records specifically closed by law or by directive authorized by law, shall at all times be open for a personal inspection by any citizen, and those in charge of such records shall not refuse this privilege to any citizen."

In Kansas Attorney General Opinion No. 81-52, this office concluded that "[r]ecords of a municipally-owned utility maintained in the normal course of business of operating such utility are 'official public records' within the meaning of K.S.A. 1980 Supp. 45-201." We have little difficulty following the same reasoning with regard to salaries paid municipal employees. To the extent records of such salary payments are necessary for the municipal audit required by K.S.A. 1980 Supp. 75-1122, such records are required by law to be kept and maintained, hence, "official public records" pursuant to K.S.A. 1980 Supp. 45-201.

Moreover, we call your attention to K.S.A. 10-1117, a section of the Cash Basis Law, which states:

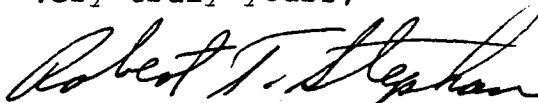
"The clerk or secretary of every municipality shall keep a record of the amount of money in the treasury and each particular fund and shall keep a record of all indebtedness and contracts creating a liability against the municipality. In such records there shall be shown the date of the making of the 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 check 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 and any person contracting with the municipality shall be chargeable with knowledge of what such records contain."

Specifically, regarding your concern whether the "net pay" would be available, this statute requires that a record of the pay check to a city employee must be kept and made available for public inspection. Accord, Kan. Att'y Gen. Op. No. 74-115 (requiring public access to individual salaries of employees of municipal university).

Joan L. Bowers
Page Three

Therefore, in our opinion, the amounts paid by a city to its salaried employees are "official public records" and subject to public access pursuant to K.S.A. 1980 Supp. 45-201 et seq. In addition, records indicating the amount of each salary check making payment to city employees are available for public inspection as required by K.S.A. 10-1117.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Bradley J. Smoot
Deputy Attorney General

RTS:BJS:hle