



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

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November 15, 1982

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ATTORNEY GENERAL OPINION NO. 82- 246

David Belling
Miami County Attorney
P. O. Box 245
Paola, Kansas 66071

Re: Laws, Journals and Public Information -- Kansas
Public Records Law -- Public Access to Salary of
County Hospital Administrator

Synopsis: Amounts paid as salary to an administrator of a
county hospital operating pursuant to K.S.A. 19-1801
et seq., are subject to public access pursuant to
K.S.A. 45-201 et seq. Cited herein: K.S.A. 10-801,
10-804, 10-805, 10-806, K.S.A. 1981 Supp. 12-105a,
12-105b, K.S.A. 19-1801, 19-1804, 45-201.

* * *

Dear Mr. Belling:

You request the opinion of this office regarding whether the
Hospital Board of Trustees of the Miami County Hospital is
required to disclose the salary of the hospital administrator
appointed pursuant to K.S.A. 19-1804. We have no hesitancy
concluding that the salary of a hospital administrator of a
county hospital operating pursuant to K.S.A. 19-1801 et seq.,
must be disclosed pursuant to the Kansas Public Records Act,
K.S.A. 45-201 et seq.

In pertinent part, K.S.A. 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 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. 45-201." Likewise, in Kansas Attorney General Opinion No. 82-267, we expressed little difficulty concluding that salaries of city employees are public records subject to disclosure pursuant to K.S.A. 45-201 et seq. Accord, Kan. Att'y Gen. Op. No. 74-115, based on different statute.

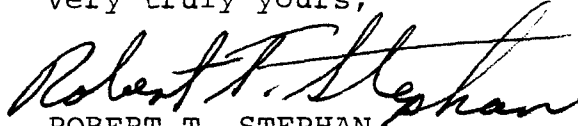
K.S.A. 19-1804(c) requires that "a statement of all receipts and expenditures" during a preceding year be filed with the board of county commissioners. Moreover, pursuant to K.S.A. 19-1804, all claims and warrants or warrant checks are to be paid out only as provided by K.S.A. 10-801 to 10-806, inclusive, and K.S.A. 1981 Supp. 12-105a and 12-105b. K.S.A. 10-804 requires the treasurer to keep a correct record of all warrants and all warrant checks issued and K.S.A. 10-805 requires the keeping of a record book, noting each check and identifying the payee and amount of each check. Finally, K.S.A. 19-1804(g) requires the hospital board of trustees to keep and maintain complete financial records in a form consistent with generally accepted accounting principles. Such records are specifically open to public access. Hence, there can be little question that a record of the amount of public money paid to a hospital administrator of a county hospital also is required by law to be kept and maintained within the meaning of K.S.A. 45-201 et seq. See State ex rel., Stephan v. Harder, 230 Kan. 573, 580 (1982). Please note that, once requested by any person, the custodian of official public records has no discretion to refuse disclosure. Id. at 585.

Although it may be contended that the hospital is under no obligation to provide an amount total of such payments to persons inquiring about the same, it is clear that the annual salary would be easily calculated. We are inclined, therefore, to think that a parsimonious reading of the Public Records Act is contrary to the policy expressed in the statute and serves no useful purpose. We would encourage the hospital to cooperate with persons requesting information on employee salaries by providing complete salary information.

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In conclusion, it is our opinion that amounts paid as salary to an administrator of a county hospital operating pursuant to K.S.A. 19-1801 et seq., are subject to public access pursuant to K.S.A. 45-201 et seq.

Very truly yours,



ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS



Bradley J. Smoot
Deputy Attorney General

RTS:BJS:hle