



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

CURT T. SCHNEIDER
Attorney General

August 28, 1975

ATTORNEY GENERAL OPINION NO. 75-345

Mr. Roger Brooks
Kansas State Library
Law Division
Third Floor, Capitol Building
Topeka, Kansas 66612

Re: Kansas Reports--Distribution of Such Reports--The
Definition of "Elected State Officials"

Synopsis: The definition of "elected state officials" as used
in K.S.A. 1975 Supp. 20-208 refers only to those
elected state officers as enumerated in Chapter 75
Part I of the Kansas Statutes Annotated.

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Dear Mr. Brooks:

As a result of a request from your office for a free Kansas Report from a district attorney, you have requested this office to render a formal opinion as to the definition of "elected state officials." As background information, you stated the state law library has interpreted "elected state officials" to mean those persons who are elected on a statewide basis. You further stated there is a distinction between "officer" and "official" as a result of your interpretation. The district attorney who made the request argued K.S.A. 1974 Supp. 25-2505 defined district attorney as a state officer and entitled to a Kansas Report under K.S.A. 1975 Supp. 20-208. Therefore, if K.S.A. 1974 Supp. 25-2505 is applicable, all those enumerated under K.S.A. 1974 Supp. 25-2505(b) would be entitled to a free Kansas Report.

K.S.A. 1975 Supp. 20-208 in pertinent part states:

(a) When the reports of the decision of the supreme court are delivered, the state law librarian shall use as many thereof as may be necessary to maintain reasonable and equitable exchanges of such reports for law books and other legal publication of the other states, territories, countries, societies and

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institutions, for use in the supreme court law library. The state law librarian shall distribute copies of the Kansas Reports without charge as follows:

- (1) The supreme court and the office of the attorney general shall receive the number of copies necessary to conduct the official business of such office; as certified to the state law librarian by the head or executive officer of the respective agencies;
- (2) The office of each elected state official, other than those specifically provided for herein, shall receive one (1) copy;

K.S.A. 1974 Supp. 25-2505(b) states:

"State office" or "state officer" means the state officers elected on a statewide basis, members of the house of representatives or state senators, members of the state board of education, district attorneys and district judges.

The determining criteria is not found in any distinction between "official" as contracted with "officer" as per your request. The distinction exists in the entire phrasology "elected state official". [Emphasis added]. Kansas law does not draw any distinction between officer and official, since the terms are used interchangeably throughout the Kansas Statutes Annotated.

The intent of the legislature is clear. The history of the statute in question has always limited the number of persons who are entitled to receive Kansas Reports to those who held state elected offices with the exception of the state corporation commission, the attorney for the state corporation commission, and the reporter of the supreme court, and specific colleges, universities and institutions. In essence, most of those who received a copy as specifically enumerated under the old law, are specifically enumerated in the new law in order they receive more than one copy. Instead of listing all parties who will receive one copy, the legislature in order to simplify and shorten the statute, stated that one copy shall go to the office of each elected state official unless the statute states differently. The legislature in shortening and simplifying those who are entitled to one copy, has also made the statute less prone to amendment. The elected offices enumerated under the old law

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have changed considerably over the years. The office of state auditor has been repealed, the insurance commissioner and commissioner of education are no longer considered state elected state offices under K.S.A. Chapter 75, Part I. In 1977 the elected office of state printer will be abolished. If these offices had been specifically mentioned, the statute would have had to be then amended.

In order to define "elected state official" one must look at K.S.A. Chapter 75, Part I. K.S.A. Chapter 75, Part I and K.S.A. 1975 Supp. Chapter 75 explicitly categorizes elected state officers. Those offices are as follows: Chapter 75, Article 1, governor; Chapter 75, Article 3, lieutenant governor; Chapter 75, Article 4, secretary of state; Chapter 75, Article 6, state treasurer; Chapter 75, Article 7, attorney general; Chapter 75, Article 10, state printer. It should be noted the state superintendent of public instruction and the commissioner of insurance are no longer categorized as elected state officers. The state printer's office is considered an elected state office until July 1, 1977. At that time the office of director of printing is created and the director of printing shall be appointed by the governor subject to confirmation by the senate.

Legislative intent can also be found in the actions of the members of the Kansas house of representatives and state senators. Since the amendment to K.S.A. 1975 Supp. 20-208 there have been no requests by any member of the house of representatives or the senate for free copies of the Kansas Reports. If it would have been the intent of the Kansas legislature to include all state officers, within the meaning of the definition "elected state officials", all members of the Kansas legislature would be entitled to a free copy of the Kansas Reports.

In conclusion, the definition of "elected state officials" as used in K.S.A. 1975 Supp. 20-208 refers only to those elected state officers as enumerated in Chapter 75, Part I of the Kansas Statutes Annotated.

Very truly yours,



CURT T. SCHNEIDER
Attorney General

CTS:RRS:bv