

Kansas

2007 Report by Richard J. Matthews; 2009-10 Update by Creighton J. Miller, Jr.,
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OFFICIAL STATUS

X

No change since
the 2007 report

AUTHENTICATION

X

No change since
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Kansas online legal resources are not official.

The state's statutes, session laws, administrative rules, and court opinions are published in official print versions. Taking steps to make official versions electronically available online does not appear to have been considered by the state officials and private companies responsible for the state's "official web site."

Kansas is not addressing the authentication of online legal resources.

The state has taken steps to allow and encourage administrative agencies to publish certain official materials in online-only versions, and has created a repository and document management system for such documents. The use of encryption or related technological means to ensure the integrity of official electronic documents is not under consideration.

Has the state eliminated the print publication of any of these titles in favor of online only since the 2007 report? Kansas has not eliminated any print publication of primary law to date.

Has the state enacted legislation guaranteeing the public's permanent access to state online government information since the 2007 report? Kansas has not enacted legislation guaranteeing the public's permanent access to state online government information.

Have courts in your state adopted a medium neutral citation system since the 2007 report? The Kansas Supreme Court has not adopted a medium neutral citation system.

Have there been any other significant changes to the 2007 state summary? Administrative regulations previously provided through the Kansas legislative web site are now available from the Secretary of State's web site. The details of language, though

not the substance, in disclaimers have changed on some of the government web sites discussed.

Kansas Legislature (<http://www.kslegislature.org/>), the state's legislative web site, provides a free online version of codified Kansas statutes, current through the most recently concluded legislative session. An *annotated* version of the codified statutes is available as well, but only for subscribers paying an annual fee and per search charges. The web site also provides free access to Kansas session laws passed between 1996 and the end of the most recently concluded legislative session. Finally, *Kansas Legislature* includes the full text of all bills introduced since the 1997/98 session, so statutes passed during a current and ongoing legislative session can be accessed as enrolled bills. All of these resources are searchable by keyword or phrase and can be accessed directly by statute, chapter, or bill number. More recent session laws and bills are provided in PDF format, all other materials in HTML.

None of the online statutory material is designated as *official* or *authenticated*. The search interface for the codified statutes (both free and subscription-based) states that “[t]he text of the *Kansas Statutes* is provided with the permission of the Revisor of Statutes.” Similarly, the session law search interface indicates that “[t]he text of the Session Laws of Kansas is derived from electronic-readable material provided by the Kansas Division of Printing.” Both interfaces indicate that “there may be minor discrepancies” between the print and online laws and disclaim any liability for such inaccuracies. All web pages available through *Kansas Legislature* also include a link to the “Portal Policies” for the overarching *Kansas.gov* web portal. These policies include both an extensive “Terms of Use” agreement and, hidden innocuously under the heading “Privacy Statement,” a general disclaimer maintaining that the site is hosted “on an ‘AS IS’ basis,” repudiating all representations or warranties, and denying all liability.

The state's administrative regulations are published in a multi-volume, print set entitled *Kansas Administrative Regulations* (K.A.R.), last compiled in 2006 with a 2008 supplement. More recently adopted regulations are found in the *Kansas Register*, which is the “official state newspaper” and something of an analog to the *Federal Register*. Free PDF versions of the 2006 K.A.R. volumes, the 2008 K.A.R. Supplement, and all *Kansas Register* issues published since 1994 are available from the Kansas Secretary of State's web site (http://www.kssos.org/pubs/pubs_legal.html). None are searchable. Although subdivisions of the K.A.R. can be accessed by agency name or agency number, the supplement is available only as a single, large PDF file. *Kansas Register* issues are available only by volume/issue number and date.

None of the online administrative material is labeled *official* or *authenticated*. Although the Secretary of State web site does not claim any relationship to the *Kansas.gov* portal, its site policies are nearly identical to the “Portal Policies” for *Kansas.gov* and include a similar general disclaimer, again misfiled under “Privacy Statement.” The site does not provide more specific disclaimers addressing the reliability of the online regulations.

Slip opinions from the Kansas Supreme Court and Court of Appeals are published online as a cooperative project of the Kansas Courts, Washburn University's law library, and the University of Kansas' law library. Opinions released since October 25, 1996 are available for free at the Kansas Judicial Branch web site (<http://www.kscourts.org/>), where they can be accessed by case name, docket number, or date of release, and searched by keyword or phrase. The most recent opinions—those released since October 2009—are provided in PDF format, with all others in HTML.

As with the other forms of Kansas law available online, the slip opinions are not identified as either *official* or *authenticated*. A disclaimer on the Kansas Judicial Branch web site advises: "Slip opinions are subject to motions for rehearing and petitions for review [and] are subject to modification orders and editorial corrections . . . Consult the bound volumes . . . for the final, official texts of the opinions."

Kansas does have some *official*, though not *authenticated*, government documents on the Web. Under sections 46-1212c and 75-3048 of the *Kansas Statutes Annotated*, agencies may publish reports, pamphlets, books and other materials on the Web in lieu of print publication, provided that such items are retained online and available to the public for at least twelve months. Some of these materials are archived through the KSPACE repository and document management system (<http://www.kspace.org>) jointly maintained by the Kansas State Historical Society and Kansas State Library. The state is also creating a substantial Public Key Infrastructure. (See <http://www.kansas.gov/idm/>). This could serve as a framework for future *official*, *authenticated* online legal resources, but Kansas officials have no plans to take such steps.