

SENATE BILL No. 596

By Senator Adkins

2-13

AN ACT creating the domestic security council; prescribing membership, duties and responsibility thereof; amending K.S.A. 2001 Supp. 75-4319 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) There is hereby established the domestic security council.

(b) The council shall consist of the following members: (1) The governor;

(2) the lieutenant governor;

(3) the attorney general;

(4) the secretary of health and environment;

(5) the director of the office of emergency management;

(6) the secretary of transportation;

(7) the secretary of agriculture;

(8) the state livestock commissioner;

(9) the secretary of commerce;

(10) the adjutant general;

(11) the superintendent of the Kansas highway patrol;

(12) the director of the Kansas bureau of investigation;

(13) the state fire marshal; and

(14) such other persons as the governor may appoint.

(c) The governor shall serve as chairperson of the council. The council shall meet upon call of the chairperson as necessary to carry out duties pursuant to this act.

(d) The council shall: (1) Plan and coordinate all agencies of state government in preparing for, preventing and responding to any act of terror or threatened act of terror;

(2) coordinating state efforts with federal and local governmental agencies related to any such act of terror or threatened act of terror;

(3) work with state departments and agencies, federal and local governmental entities and private entities to ensure the adequacy of state efforts to combat terrorism with a focus on detection, preparedness, prevention, protection, response and recovery and incident management; and

1 (4) prepare a comprehensive strategy to secure the state of Kansas
2 from terrorist threats or attacks and coordinate such state governmental
3 efforts to detect, prepare for, prevent, protect against, respond to and
4 recover from terrorist attacks within Kansas.

5 (e) The council, in accordance with K.S.A. 75-4319, and amendments
6 thereto, may recess for a closed or executive session to receive informa-
7 tion and discuss security issues or operations of which disclosure of such
8 issues or operation could compromise the effectiveness of security plan-
9 ning or operations.

10 Sec. 2. K.S.A. 2001 Supp. 75-4319 is hereby amended to read as
11 follows: 75-4319. (a) Upon formal motion made, seconded and carried,
12 all bodies and agencies subject to the open meetings act may recess, but
13 not adjourn, open meetings for closed or executive meetings. Any motion
14 to recess for a closed or executive meeting shall include a statement of:
15 (1) The justification for closing the meeting; (2) the subjects to be dis-
16 cussed during the closed or executive meeting; and (3) the time and place
17 at which the open meeting shall resume. Such motion, including the re-
18 quired statement, shall be recorded in the minutes of the meeting and
19 shall be maintained as a part of the permanent records of the body or
20 agency. Discussion during the closed or executive meeting shall be limited
21 to those subjects stated in the motion.

22 (b) No subjects shall be discussed at any closed or executive meeting,
23 except the following:

- 24 (1) Personnel matters of nonelected personnel;
- 25 (2) consultation with an attorney for the body or agency which would
26 be deemed privileged in the attorney-client relationship;
- 27 (3) matters relating to employer-employee negotiations whether or
28 not in consultation with the representative or representatives of the body
29 or agency;
- 30 (4) confidential data relating to financial affairs or trade secrets of
31 corporations, partnerships, trusts, and individual proprietorships;
- 32 (5) matters relating to actions adversely or favorably affecting a per-
33 son as a student, patient or resident of a public institution, except that
34 any such person shall have the right to a public hearing if requested by
35 the person;
- 36 (6) preliminary discussions relating to the acquisition of real property;
- 37 (7) matters permitted to be discussed in a closed or executive meeting
38 pursuant to K.S.A. 74-8804 and amendments thereto;
- 39 (8) matters permitted to be discussed in a closed or executive meeting
40 pursuant to subsection (e) of K.S.A. 38-1507 and amendments thereto or
41 subsection (f) of K.S.A. 38-1508 and amendments thereto;
- 42 (9) matters permitted to be discussed in a closed or executive meeting
43 pursuant to subsection (j) of K.S.A. 22a-243 and amendments thereto;

1 (10) matters permitted to be discussed in a closed or executive meet-
2 ing pursuant to subsection (e) of K.S.A. 44-596 and amendments thereto;

3 (11) matters permitted to be discussed in a closed or executive meet-
4 ing pursuant to subsection (g) of K.S.A. 39-7,119 and amendments
5 thereto;

6 (12) matters required to be discussed in a closed or executive meeting
7 pursuant to a tribal-state gaming compact;

8 (13) matters relating to the security of a public body or agency, public
9 building or facility or the information system of a public body or agency,
10 if the discussion of such matters at an open meeting would jeopardize
11 the security of such public body, agency, building, facility or information
12 system; ~~and~~

13 (14) matters permitted to be discussed in a closed or executive meet-
14 ing pursuant to subsection (f) of K.S.A. 65-525, and amendments thereto-;
15 *and*

16 *(15) matters permitted to be discussed in a closed or executive meeting*
17 *pursuant to section 1, and amendments thereto.*

18 (c) No binding action shall be taken during closed or executive re-
19 cesses, and such recesses shall not be used as a subterfuge to defeat the
20 purposes of this act.

21 Sec. 3. K.S.A. 2001 Supp. 75-4319 is hereby repealed.

22 Sec. 4. This act shall take effect and be in force from and after its
23 publication in the statute book.

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