

House Concurrent Resolution No. 5006

By Committee on Governmental Organization and Elections

1-26

9 A PROPOSITION to amend article 15 of the constitution of the state of
10 Kansas by adding a new section thereto, concerning open government.

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12 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
13 *members elected (or appointed) and qualified to the House of Repre-*
14 *sentatives and two-thirds of the members elected (or appointed) and*
15 *qualified to the Senate concurring therein:*

16 Section 1. The following proposition to amend the constitution of the
17 state of Kansas shall be submitted to the qualified electors of the state
18 for their approval or rejection: Article 15 of the constitution of the state
19 of Kansas is amended by adding a new section thereto to read as follows:

20 “§ 16. **Open government.** (a) Every person has the right to inspect
21 and to receive, upon payment of an amount not to exceed the actual
22 cost of duplication, a copy of any public record and to observe,
23 following a reasonable attempt to provide adequate meeting accom-
24 modations, the deliberation of any public body or agency of state
25 government or its subdivision, except in cases in which the demand
26 of privacy clearly exceeds the merits of public disclosure.

27 (b) A statute, court rule or other authority, including those in effect
28 on the effective date of this act, shall be broadly construed if it
29 furthers the people’s right of access and narrowly construed if it
30 limits the right of access.

31 (c) All current state laws and court rules that are in effect on the
32 enacting date of this measure wherein public access to records or
33 meetings is limited shall remain in force until they are repealed.

34 (d) The legislature may provide by general law, passed by an affir-
35 mative vote of two-thirds of all the members elected (or appointed)
36 and qualified in each house, exception of meetings and of records
37 from the requirements set forth herein provided that such law shall
38 state with specificity the public necessity justifying the exemption
39 and shall be no broader than necessary to accomplish the stated
40 purpose of the law.”

41 Sec. 2. The following statement shall be printed on the ballot with
42 the amendment as a whole:

43 *“Explanatory statement.* This amendment (1) would provide that peo-

1 ple have a constitutional right of access to information concerning
2 the conduct of the people's business through access to public doc-
3 uments and access to deliberations of any public body, political sub-
4 division or agency of the state government except in cases in which
5 the demand for privacy or public necessity exceeds the need for
6 public disclosure, (2) would provide for broad construction of stat-
7 utes, court rules and other authority to further the people's right of
8 access and (3) would provide that general laws providing new ex-
9 ceptions to public access be passed by a two-thirds vote of each
10 house of the legislature.

11 “A vote for this proposition would establish a constitutional right of
12 access to public documents and deliberations of public bodies, po-
13 litical subdivisions or agencies of the state government with limited
14 exceptions provided.

15 “A vote against this proposition would not establish such constitutional
16 right of access.”

17 Sec. 3. This resolution, if approved by two-thirds of the members
18 elected (or appointed) and qualified to the House of Representatives, and
19 two-thirds of the members elected (or appointed) and qualified to the
20 Senate shall be entered on the journals, together with the yeas and nays.
21 The secretary of state shall cause this resolution to be published as pro-
22 vided by law and shall cause the proposed amendment to be submitted
23 to the electors of the state at the general election in November of the
24 year 2006 unless a special election is called at a sooner date by concurrent
25 resolution of the legislature, in which case it shall be submitted to the
26 electors of the state at the special election.