

CHAPTER 178

HOUSE BILL No. 2742

(Amends Chapter 144)

AN ACT concerning the code for care of children; relating to records and reports; amending K.S.A. 38-1506 and 38-1508 and K.S.A. 2003 Supp. 38-1507 and 75-4319 and repealing the existing sections; also repealing K.S.A. 38-1507b and 38-1508, as amended by section 2 of 2004 Senate Bill No. 67, and K.S.A. 2003 Supp. 38-1507, as amended by section 1 of 2004 Senate Bill No. 67.

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

New Section 1. (a) *Confidentiality requirements.* In order to protect the privacy of children who are the subject of a child in need of care record or report, the records identified in this section shall be confidential and shall not be disclosed except as provided in section 2, and amendments thereto, and K.S.A. 38-1506, 38-1507 and 38-1508, and amendments thereto. Confidential records that are disclosed pursuant to section 2, and amendments thereto, and K.S.A. 38-1506, 38-1507 and 38-1508, and amendments thereto, shall not be further disclosed except to persons or entities authorized to receive them as provided in those sections, or by being presented as admissible evidence.

(1) Court records. Court records include both the official file and the social file.

(A) Official file. The official file of proceedings pursuant to this code shall consist of the pleadings, process, service of process, orders, writs and journal entries reflecting hearings held and judgments and decrees entered by the court. The official file shall be kept separate from other records of the court.

(B) Social file. The social file of proceedings pursuant to this code shall consist of reports and information received by the court, other than the official file. The social file shall be kept separate from other records of the court.

(2) Agency records. Agency records shall consist of all records and reports in the possession or control of the secretary or any agent of the secretary or of a juvenile intake and assessment agency concerning children alleged or adjudicated to be in need of care.

(3) Law enforcement records. Law enforcement records shall consist of all records and reports in the possession of a law enforcement agency concerning children alleged or adjudicated to be in need of care and shall, to the extent practical, be kept separate from other records held by a law enforcement agency.

(b) *Penalties for improper disclosure of confidential records.* No individual, association, partnership, corporation or other entity shall willfully or knowingly disclose, permit or encourage disclosure of the contents of records or reports in violation of the confidentiality requirements of this section. The court in a child in need of care proceeding may impose a civil penalty of up to \$1,000 on any person or entity that violates this section. Violation of this section is a class A nonperson misdemeanor.

(c) *Immunity.* The following immunities shall apply to the disclosure of confidential information:

(1) Anyone who participates in providing or receiving information without malice under the provisions of section 2, and amendments thereto, and K.S.A. 38-1506, 38-1507 and 38-1508, and amendments thereto, shall have immunity from any civil liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceedings resulting from providing or receiving information.

(2) The sharing of any information pursuant to this code by any person licensed or registered by the behavioral science regulatory board shall not be subject to review under any rules or regulations adopted by the behavioral sciences regulatory board.

(d) *Risk of harm to child or others.* Access to or disclosure of information pursuant to section 2, and amendments thereto, and K.S.A. 38-1506, 38-1507 and 38-1508, and amendments thereto, is not required if the person or entity in possession of a record or report has reason to believe the person requesting such information may harm a child or other person as a result of such access or disclosure. The court may enter an order compelling or prohibiting access to, or disclosure of information.

New Sec. 2. To facilitate investigation and ensure the provision of

necessary services to children who may be in need of care and such children's families, the following persons and entities with responsibilities concerning a child who is alleged or adjudicated to be in need of care shall freely exchange information:

- (a) The secretary.
- (b) The commissioner of juvenile justice.
- (c) The law enforcement agency receiving such report.
- (d) Members of a court appointed multidisciplinary team.
- (e) An entity mandated by federal law or an agency of any state authorized to receive and investigate reports of a child known or suspected to be in need of care.
- (f) A military enclave or Indian tribal organization authorized to receive and investigate reports of a child known or suspected to be in need of care.
- (g) A county or district attorney with responsibility for filing a petition pursuant to K.S.A. 38-1510, and amendments thereto.
- (h) A court services officer who has taken a child into custody pursuant to K.S.A. 38-1527, and amendments thereto.
- (i) An intake and assessment worker.
- (j) Any community corrections program which has the child under court ordered supervision.
- (k) The department of health and environment or persons authorized by the department of health and environment pursuant to K.S.A. 65-512, and amendments thereto, for the purpose of carrying out responsibilities relating to licensure or registration of child care providers as required by article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 3. K.S.A. 38-1506 is hereby amended to read as follows: 38-1506. (a) *Access to the official file.* ~~The following persons or entities shall have access to the official file of proceedings a child in need of care proceeding pursuant to this code shall consist of the petition, process, service of process, orders, writs and journal entries reflecting hearings held and judgments and decrees entered by the court. The official file shall be kept separate from other records of the court. The official file shall be privileged and shall not be disclosed directly or indirectly to anyone except:~~

- ~~(1) A judge of the district court and members of the staff of the court designated by a judge of the district court; The court having jurisdiction over the proceedings, including the presiding judge and any court personnel designated by the judge.~~
- (2) ~~the guardian ad litem and~~ The parties to the proceedings and their attorneys;
- (3) *The guardian ad litem for a child who is the subject of the proceeding.*
- (4) *A court appointed special advocate for a child who is the subject of the proceeding or a paid staff member of a court appointed special advocate program.*
- (5) Any individual, or any public or private agency or institution, having custody of the child under court order or providing educational, medical or mental health services to the child ~~or a court approved advocate for the child~~ or any placement provider or potential placement provider as determined by the secretary or court services officer; ~~and~~
- ~~(4) (6) A citizen review board.~~
- (7) *The commissioner of juvenile justice or any agents designated by the commissioner.*
- (8) Any other person when authorized by a court order, subject to any conditions imposed by the order.

(b) *Access to the social file.* ~~Reports and information received by the court, other than the official file, shall be privileged and open to inspection only by the guardian ad litem or an attorney for an interested party or upon court order. The reports shall not be further disclosed by the guardian ad litem or attorney without approval of the court or by being presented as admissible evidence. The following persons or entities shall have access to the social file of a child in need of care proceeding pursuant to this code:~~

- (1) *The court having jurisdiction over the proceeding, including the presiding judge and any court personnel designated by the judge.*
- (2) *The attorney for a party to the proceeding.*
- (3) *The guardian ad litem for a child who is the subject of the proceeding.*

(4) A court appointed special advocate for a child who is the subject of the proceeding or a paid staff member of a court appointed special advocate program.

(5) A citizen review board.

(6) The secretary.

(7) The commissioner of juvenile justice or any agents designated by the commissioner.

(8) Any other person when authorized by a court order, subject to any conditions imposed by the order.

(c) *Preservation of records.* The Kansas state historical society shall be allowed to take possession for preservation in the state archives of any court records related to proceedings under the Kansas code for care of children whenever such records otherwise would be destroyed. No such records in the custody of the Kansas state historical society shall be disclosed directly or indirectly to anyone for ~~80~~ 70 years after creation of the records, except as provided in subsections (a) and (b). Pursuant to subsections ~~(a)(4) and (b)~~ (a)(8) and (b)(8), a judge of the district court may allow inspection for research purposes of any court records in the custody of the Kansas state historical society related to proceedings under the Kansas code for care of children.

Sec. 4. K.S.A. 2003 Supp. 38-1507 is hereby amended to read as follows: 38-1507. (a) ~~Except as otherwise provided, in order to protect the privacy of children who are the subject of a child in need of care record or report, all records and reports concerning children in need of care, including the juvenile intake and assessment report, received by the department of social and rehabilitation services, a law enforcement agency or any juvenile intake and assessment worker shall be kept confidential except: (1) To those persons or entities with a need for information that is directly related to achieving the purposes of this code, or (2) upon an order of a court of competent jurisdiction pursuant to a determination by the court that disclosure of the reports and records is in the best interests of the child or are necessary for the proceedings before the court, or both, and are otherwise admissible in evidence. Such access shall be limited to in camera inspection unless the court otherwise issues an order specifying the terms of disclosure.~~

~~—(b) The provisions of subsection (a) shall not prevent disclosure of information to an educational institution or to individual educators about a pupil specified in subsection (a) of K.S.A. 72-89b03 and amendments thereto.~~

~~—(c) When a report is received by the department of social and rehabilitation services, a law enforcement agency or any juvenile intake and assessment worker which indicates a child may be in need of care, the following persons and entities shall have a free exchange of information between and among them:~~

~~—(1) The department of social and rehabilitation services;~~

~~—(2) the commissioner of juvenile justice;~~

~~—(3) the law enforcement agency receiving such report;~~

~~—(4) members of a court appointed multidisciplinary team;~~

~~—(5) an entity mandated by federal law or an agency of any state authorized to receive and investigate reports of a child known or suspected to be in need of care;~~

~~—(6) a military enclave or Indian tribal organization authorized to receive and investigate reports of a child known or suspected to be in need of care;~~

~~—(7) a county or district attorney;~~

~~—(8) a court services officer who has taken a child into custody pursuant to K.S.A. 38-1527, and amendments thereto;~~

~~—(9) a guardian ad litem appointed for a child alleged to be in need of care;~~

~~—(10) an intake and assessment worker;~~

~~—(11) any community corrections program which has the child under court ordered supervision;~~

~~—(12) the department of health and environment or persons authorized by the department of health and environment pursuant to K.S.A. 65-512, and amendments thereto, for the purpose of carrying out responsibilities relating to licensure or registration of child care providers as required by article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto; and~~

~~—(13) members of a duly appointed community services team. Prin-~~

principle of appropriate access. Information contained in confidential agency records concerning a child alleged or adjudicated to be in need of care may be disclosed as provided in this section. Disclosure shall in all cases be guided by the principle of providing access only to persons or entities with a need for information that is directly related to achieving the purposes of this code.

(b) Free exchange of information. Pursuant to section 2, and amendments thereto, the secretary, agents of the secretary and juvenile intake and assessment agencies shall participate in the free exchange of information concerning a child who is alleged or adjudicated to be in need of care.

~~(d)~~ *(c) Necessary access. The following persons or entities shall have access to information, records or reports received by the department of social and rehabilitation services, a law enforcement agency or any juvenile intake and assessment worker from agency records. Access shall be limited to information reasonably necessary to carry out their lawful responsibilities, to maintain their personal safety and the personal safety of individuals in their care, or to educate, diagnose, treat, care for or protect a child alleged to be in need of care. Information authorized to be disclosed pursuant to this subsection shall not contain information which identifies a reporter of a child who is alleged or adjudicated to be a child in need of care.*

(1) A child named in the report or records, a guardian ad litem appointed for the child and the child's attorney.

(2) A parent or other person responsible for the welfare of a child, or such person's legal representative.

(3) A court-appointed special advocate for a child, a citizen review board or other advocate which reports to the court.

(4) A person licensed to practice the healing arts or mental health profession in order to diagnose, care for, treat or supervise: (A) A child whom such service provider reasonably suspects may be in need of care; (B) a member of the child's family; or (C) a person who allegedly abused or neglected the child.

(5) A person or entity licensed or registered by the secretary of health and environment or approved by the secretary of social and rehabilitation services to care for, treat or supervise a child in need of care. In order to assist a child placed for care by the secretary of social and rehabilitation services in a foster home or child care facility, the secretary shall provide relevant information to the foster parents or child care facility prior to placement and as such information becomes available to the secretary.

(6) A coroner or medical examiner when such person is determining the cause of death of a child.

(7) The state child death review board established under K.S.A. 22a-243, and amendments thereto.

~~*(8) A prospective adoptive parent prior to placing a child in their care.*~~

~~*(9) The department of health and environment or person authorized by the department of health and environment pursuant to K.S.A. 65-512, and amendments thereto, for the purpose of carrying out responsibilities relating to licensure or registration of child care providers as required by article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto. An attorney for a private party who files a petition pursuant to subsection (b) of K.S.A. 38-1529, and amendments thereto.*~~

(9) A foster parent, prospective foster parent, permanent custodian, prospective permanent custodian, adoptive parent or prospective adoptive parent. In order to assist such person's in making an informed decision regarding acceptance of a particular child, to help the family anticipate problems which may occur during the child's placement, and to help the family meet the needs of the child in a constructive manner, the secretary shall seek and shall provide the following information to such person's as the information becomes available to the secretary:

(A) Strengths, needs and general behavior of the child;

(B) circumstances which necessitated placement;

(C) information about the child's family and the child's relationship to the family which may affect the placement;

(D) important life experiences and relationships which may affect the child's feelings, behavior, attitudes or adjustment;

(E) medical history of the child, including third-party coverage which may be available to the child; and

(F) education history, to include present grade placement, special

strengths and weaknesses.

(10) The state protection and advocacy agency as provided by subsection (a)(10) of K.S.A. 65-5603 or subsection (a)(2)(A) and (B) of K.S.A. 74-5515, and amendments thereto.

(11) Any educational institution to the extent necessary to enable the educational institution to provide the safest possible environment for its pupils and employees.

(12) Any educator to the extent necessary to enable the educator to protect the personal safety of the educator and the educator's pupils.

~~(13) The secretary of social and rehabilitation services.~~

~~(14) A law enforcement agency.~~

~~(15) A juvenile intake and assessment worker.~~

~~(16) The commissioner of juvenile justice. Any other federal, state or local government executive branch entity or any agent of such entity, having a need for such information in order to carry out such entity's responsibilities under the law to protect children from abuse and neglect.~~

~~(e) (d) Specified access. The following persons or entities shall have access to information contained in agency records as specified. Information authorized to be disclosed pursuant to this subsection shall not contain information which identifies a reporter of a child who is alleged or adjudicated to be a child in need of care.~~

~~(1) Information from confidential agency records of the department of social and rehabilitation services, a law enforcement agency or any juvenile intake and assessment worker of a child alleged or adjudicated to be in need of care shall be available to members of the standing house or senate committee on judiciary, house committee on corrections and juvenile justice, house committee on appropriations, senate committee on ways and means, legislative post audit committee and any joint committee with authority to consider children's and families' issues, when carrying out such member's or committee's official functions in accordance with K.S.A. 75-4319 and amendments thereto, in a closed or executive meeting. Except in limited conditions established by 2/3 of the members of such committee, records and reports received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate. The secretary of social and rehabilitation services shall not summarize the outcome of department actions regarding a child alleged to be a child in need of care in information available to members of such committees. Information from a record or report of a child in need of care shall be available to members of the standing house or senate committee on judiciary, house committee on appropriations, senate committee on ways and means, legislative post audit committee and joint committee on children and families, carrying out such member's or committee's official functions in accordance with K.S.A. 75-4319 and amendments thereto, in a closed or executive meeting. Except in limited conditions established by 2/3 of the members of such committee, records and reports received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate.~~

~~(f) Nothing in this section shall be interpreted to prohibit~~

~~(2) The secretary of social and rehabilitation services from summarizing may summarize the outcome of department actions regarding a child alleged to be a child in need of care to a person having made such report.~~

~~(g) (3) Public disclosure of information from confidential reports or records of a child alleged or adjudicated to be a child in need of care to the public shall be limited to :~~

~~(A) Confirmation of factual details with respect to how the case was handled that do, provided, however, that the information does not violate the privacy of the child, if living, or the child's siblings, parents or guardians.~~

~~Further, (B) Confidential information may be released to the public only with the express written permission of the individuals involved or their representatives or upon order of the court having jurisdiction upon a finding by the court that public disclosure of information in the records or reports is necessary for the resolution of an issue before the court.~~

~~(h) Nothing in this section shall be interpreted to prohibit a court of competent jurisdiction from making an order disclosing the findings or information pursuant to a report of alleged or suspected child abuse or~~

neglect which has resulted in a child fatality or near fatality if the court determines such disclosure is necessary to a legitimate state purpose. In making such order, the court shall give due consideration to the privacy of the child, if living, or the child's siblings, parents or guardians.

~~—(i) Information authorized to be disclosed in subsections (d) through (g) shall not contain information which identifies a reporter of a child in need of care.~~

~~—(j) Records or reports authorized to be disclosed in this section shall not be further disclosed, except that the provisions of this subsection shall not prevent disclosure of information to an educational institution or to individual educators about a pupil specified in subsection (a) of K.S.A. 72-89b03 and amendments thereto.~~

~~—(k) Anyone who participates in providing or receiving information without malice under the provisions of this section shall have immunity from any civil liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceedings resulting from providing or receiving information.~~

~~—(l) No individual, association, partnership, corporation or other entity shall willfully or knowingly disclose, permit or encourage disclosure of the contents of records or reports concerning a child in need of care received by the department of social and rehabilitation services, a law enforcement agency or a juvenile intake and assessment worker except as provided by this code. Violation of this subsection is a class B misdemeanor.~~

(e) Court order. Notwithstanding the provisions of this section, a court of competent jurisdiction, after in camera inspection, may order disclosure of confidential agency records pursuant to a determination that the disclosure is in the best interests of the child who is the subject of the reports or that the records are necessary for the proceedings of the court and otherwise admissible as evidence. The court shall specify the terms of disclosure and impose appropriate limitations.

(f) (1) Notwithstanding any other provision of law to the contrary, except as provided in paragraph (2), in the event that child abuse or neglect results in a child fatality or near fatality, reports or records of a child in need of care received by the department of social and rehabilitation services, a law enforcement agency or any juvenile intake and assessment worker shall become a public record and subject to disclosure pursuant to K.S.A. 45-215, and amendments thereto. Within seven days of receipt of a request in accordance with the procedures adopted under K.S.A. 45-220, and amendments thereto, the secretary shall notify any affected individual that an open records request has been made concerning such records. The secretary or any affected individual may file a motion requesting the court to prevent disclosure of such record or report, or any select portion thereof. If the affected individual does not file such motion within seven days of notification, and the secretary has not filed a motion, the secretary shall release the reports or records. In reviewing such motion, the court shall consider the effect such disclosure may have upon an ongoing criminal investigation, a pending prosecution, or the privacy of the child, if living, or the child's siblings, parents or guardians. Nothing herein is intended to require that an otherwise privileged communication lose its privileged character. If the court grants such motion, the court shall make written findings on the record justifying the closing of the records. For reports or records requested pursuant to this subsection, the time limitations specified in this subsection shall control to the extent of any inconsistency between this subsection and K.S.A. 45-218, and amendments thereto. As used in this section, "near fatality" means an act that, as certified by a person licensed to practice medicine and surgery, places the child in serious or critical condition.

(2) Nothing in this subsection shall allow the disclosure of reports, records or documents concerning the child and such child's biological parents which were created prior to such child's adoption.

Sec. 5. K.S.A. 38-1508 is hereby amended to read as follows: 38-1508. All records and reports concerning child abuse or neglect received by law enforcement agencies shall be kept separate from all other records and shall not be disclosed to anyone except:

~~—(a) The judge and members of the court staff designated by the judge of the court having the child before it in any proceedings;~~

~~—(b) the guardian *ad litem* and the parties to the proceedings and their~~

attorneys, subject to the restrictions imposed by subsection (a)(2)(C) of K.S.A. 38-1507 and amendments thereto;

~~—(e) the department of social and rehabilitation services;~~

~~—(d) (a) Principle of limited disclosure. Information contained in confidential law enforcement records concerning a child alleged or adjudicated to be in need of care may be disclosed as provided in this section. Disclosure shall in all cases be guided by the principle of providing access only to persons or entities with a need for information that is directly related to achieving the purposes of this code.~~

(b) *Free exchange of information.* Pursuant to section 2, and amendments thereto, a law enforcement agency shall participate in the free exchange of information concerning a child who is alleged or adjudicated to be in need of care.

(c) *Access to information in law enforcement records.* In order to discharge their official duties, the following persons or entities shall have access to confidential law enforcement records concerning a child alleged or adjudicated to be in need of care.

(1) *The court having jurisdiction over the proceedings, including the presiding judge and any court personnel designated by the judge.*

(2) *The secretary.*

(3) *The commissioner of juvenile justice.*

(4) *Law enforcement officers or county or district attorneys or their staff.*

(5) *Any juvenile intake and assessment worker.*

(6) *Members of a court-appointed multidisciplinary team.*

(7) *Any other federal, state or local government executive branch entity, or any agent of such entity, having a need for such information in order to carry out such entity's responsibilities under law to protect children from abuse and neglect.*

(8) *Persons or entities allowed access pursuant to subsection (f) of K.S.A. 38-1507, and amendments thereto.*

(d) *Necessary access.* The following persons or entities shall have access to information from law enforcement records when reasonably necessary to carry out their lawful responsibilities, to maintain their personal safety and the personal safety of individuals in their care, or to educate, diagnose, treat, care for or protect a child alleged or adjudicated to be in need of care. Information authorized to be disclosed in this subsection shall not contain information which identifies a reporter of a child alleged or adjudicated to be a child in need of care.

(1) Any individual, or public or private agency authorized by a properly constituted authority to diagnose, care for, treat or supervise a child who is the subject of a report or record of child abuse or neglect ~~and specifically includes the following,~~ including physicians, psychiatrists, nurses, nurse practitioners, psychologists, licensed social workers, child development specialists, physician assistants, community mental health workers, alcohol and drug abuse counselors, and licensed or registered child care providers. ~~Teachers, administrators and school paraprofessionals~~

(2) *School administrators shall have access to but shall not copy materials in the file;*

~~—(c) law enforcement officers or county or district attorneys or their staff when necessary for the discharge of their official duties in investigating or prosecuting a report of known or suspected child abuse or neglect;~~

~~—(f) any member law enforcement records and may disclose information to teachers, paraprofessionals and other school personnel as necessary to meet the educational needs of the child or to protect the safety of students and school employees.~~

(3) *The department of health and environment or persons authorized by the department of health and environment pursuant to K.S.A. 65-512, and amendments thereto, for the purposes of carrying out responsibilities relating to licensure or registration of child care providers as required by article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.*

(e) *Legislative access.* Information from law enforcement records of a child alleged or adjudicated to be in need of care shall be available to members of the standing house or senate committee on judiciary, house committee on corrections and juvenile justice, house committee on appropriations, senate committee on ways and means, legislative post audit

committee and any joint committee with authority to consider children's and families' issues, when carrying out such member's or committee's official functions in accordance with K.S.A. 75-4319 and amendments thereto, in a closed or executive meeting. Except in limited conditions established by $\frac{2}{3}$ of the members of such committee, records and reports received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate. ~~of the standing house or senate committee on judiciary, house committee on appropriations, senate committee on ways and means, legislative post audit committee and joint committee on children and families, carrying out such member's or committee's official functions; and~~

~~(g) any juvenile intake and assessment worker.~~

(f) *Court order. Notwithstanding the provisions of this section, a court of competent jurisdiction, after in camera inspection, may order disclosure of confidential law enforcement records pursuant to a determination that the disclosure is in the best interests of the child who is the subject of the reports or that the records are necessary for the proceedings of the court and otherwise admissible as evidence. The court shall specify the terms of disclosure and impose appropriate limitations.*

Sec. 6. K.S.A. 2003 Supp. 75-4319 is hereby amended to read as follows: 75-4319. (a) Upon formal motion made, seconded and carried, all bodies and agencies subject to the open meetings act may recess, but not adjourn, open meetings for closed or executive meetings. Any motion to recess for a closed or executive meeting shall include a statement of (1) the justification for closing the meeting, (2) the subjects to be discussed during the closed or executive meeting and (3) the time and place at which the open meeting shall resume. Such motion, including the required statement, shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.

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

- (1) Personnel matters of nonelected personnel;
 - (2) consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship;
 - (3) matters relating to employer-employee negotiations whether or not in consultation with the representative or representatives of the body or agency;
 - (4) confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships;
 - (5) matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution, except that any such person shall have the right to a public hearing if requested by the person;
 - (6) preliminary discussions relating to the acquisition of real property;
 - (7) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 74-8804 and amendments thereto;
 - (8) matters permitted to be discussed in a closed or executive meeting pursuant to subsection ~~(e)~~ (d)(1) of K.S.A. 38-1507 and amendments thereto, or subsection ~~(f)~~ (e) of K.S.A. 38-1508 and amendments thereto;
 - (9) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (j) of K.S.A. 22a-243 and amendments thereto;
 - (10) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (e) of K.S.A. 44-596 and amendments thereto;
 - (11) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (g) of K.S.A. 39-7,119 and amendments thereto;
 - (12) matters required to be discussed in a closed or executive meeting pursuant to a tribal-state gaming compact;
 - (13) matters relating to the security of a public body or agency, public building or facility or the information system of a public body or agency, if the discussion of such matters at an open meeting would jeopardize the security of such public body, agency, building, facility or information system; and
 - (14) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (f) of K.S.A. 65-525, and amendments thereto.
- (c) No binding action shall be taken during closed or executive re-

cesses, and such recesses shall not be used as a subterfuge to defeat the purposes of this act.

Sec. 7. K.S.A. 38-1506, 38-1507b, 38-1508 and 38-1508, as amended by section 2 of 2004 Senate Bill No. 67, and K.S.A. 2003 Supp. 38-1507, 38-1507, as amended by section 1 of 2004 Senate Bill No. 67, and 75-4319 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 20, 2004.
