

SENATE BILL No. 70

By Committee on Judiciary

1-23

1 AN ACT concerning open government; relating to the open records act;
2 providing for reasonable fees for electronic copies of records;
3 exempting from disclosure formally closed investigations with no
4 found violations; requiring district attorneys to file reports of violations
5 with the attorney in December instead of January; relating to the open
6 meetings act; determining the membership calculation of subordinate
7 groups; requiring public bodies or agencies that live stream meetings to
8 ensure that the public is able to observe; providing for a five minute
9 deviation to resume an open meeting at the conclusion of executive
10 sessions; amending K.S.A. 45-219, 75-7d01, 75-753, 75-4318 and 75-
11 4319 and K.S.A. 2024 Supp. 45-221 and repealing the existing
12 sections.
13

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

15 Section 1. K.S.A. 45-219 is hereby amended to read as follows: 45-
16 219. (a) Any person may make abstracts or obtain copies of any public
17 record to which such person has access under this act. If copies are
18 requested, the public agency may require a written request and advance
19 payment of the prescribed fee. A public agency shall not be required to
20 provide copies of radio or recording tapes or discs, video tapes or films,
21 pictures, slides, graphics, illustrations or similar audio or visual items or
22 devices, unless such items or devices were shown or played to a public
23 meeting of the governing body thereof, but the public agency shall not be
24 required to provide such items or devices which are copyrighted by a
25 person other than the public agency.

26 (b) Copies of public records shall be made while the records are in
27 the possession, custody and control of the custodian or a person designated
28 by the custodian and shall be made under the supervision of such
29 custodian or person. When practical, copies shall be made in the place
30 where the records are kept. If it is impractical to do so, the custodian shall
31 allow arrangements to be made for use of other facilities. If it is necessary
32 to use other facilities for copying, the cost thereof shall be paid by the
33 person desiring a copy of the records. In addition, the public agency may
34 charge the same fee for the services rendered in supervising the copying as
35 for furnishing copies under subsection (c) and may establish a reasonable
36 schedule of times for making copies at other facilities.

1 (c) Except as provided by subsection (f) or where fees for inspection
2 or for copies of a public record are prescribed by statute, each public
3 agency may prescribe reasonable fees for providing access to or furnishing
4 copies of public records, subject to the following:

5 (1) In the case of fees for copies of records, the fees shall not exceed
6 the actual cost of furnishing copies, including the cost of staff time
7 required to make the information available.

8 (2) In the case of fees for providing access to records maintained on
9 computer facilities, the fees shall include only the cost of any computer
10 services, including staff time required.

11 (3) Fees for access to or copies of public records of public agencies
12 within the legislative branch of the state government shall be established in
13 accordance with K.S.A. 46-1207a, and amendments thereto.

14 (4) Fees for access to or copies of public records of public agencies
15 within the judicial branch of the state government shall be established in
16 accordance with rules of the supreme court.

17 (5) Fees for access to or copies of public records of a public agency
18 within the executive branch of the state government shall be established by
19 the agency head. Any person requesting records may appeal the
20 reasonableness of the fees charged for providing access to or furnishing
21 copies of such records to the secretary of administration whose decision
22 shall be final.

23 (6) A fee for copies of public records which is equal to or less than
24 \$.25 per page shall be deemed a reasonable fee. *A fee for electronic copies*
25 *of public records which is equal to or less than \$.125 per page shall be*
26 *deemed a reasonable fee.*

27 (d) Except as otherwise authorized pursuant to K.S.A. 75-4215, and
28 amendments thereto, each public agency within the executive branch of
29 the state government shall remit all moneys received by or for it from fees
30 charged pursuant to this section to the state treasurer in accordance with
31 K.S.A. 75-4215, and amendments thereto. Unless otherwise specifically
32 provided by law, the state treasurer shall deposit the entire amount thereof
33 in the state treasury and credit the same to the state general fund or an
34 appropriate fee fund as determined by the agency head.

35 (e) Each public agency of a political or taxing subdivision shall remit
36 all moneys received by or for it from fees charged pursuant to this act to
37 the treasurer of such political or taxing subdivision at least monthly. Upon
38 receipt of any such moneys, such treasurer shall deposit the entire amount
39 thereof in the treasury of the political or taxing subdivision and credit the
40 same to the general fund thereof, unless otherwise specifically provided by
41 law.

42 (f) Any person who is a certified shorthand reporter may charge fees
43 for transcripts of such person's notes of judicial or administrative

1 proceedings in accordance with rates established pursuant to rules of the
2 Kansas supreme court.

3 (g) Nothing in the open records act shall require a public agency to
4 electronically make copies of public records by allowing a person to obtain
5 copies of a public record by inserting, connecting or otherwise attaching
6 an electronic device provided by such person to the computer or other
7 electronic device of the public agency.

8 Sec. 2. K.S.A. 2024 Supp. 45-221 is hereby amended to read as
9 follows: 45-221. (a) Except to the extent disclosure is otherwise required
10 by law, a public agency shall not be required to disclose:

11 (1) Records the disclosure of which is specifically prohibited or
12 restricted by federal law, state statute or rule of the Kansas supreme court
13 or rule of the senate committee on confirmation oversight relating to
14 information submitted to the committee pursuant to K.S.A. 75-4315d, and
15 amendments thereto, or the disclosure of which is prohibited or restricted
16 pursuant to specific authorization of federal law, state statute or rule of the
17 Kansas supreme court or rule of the senate committee on confirmation
18 oversight relating to information submitted to the committee pursuant to
19 K.S.A. 75-4315d, and amendments thereto, to restrict or prohibit
20 disclosure.

21 (2) Records that are privileged under the rules of evidence, unless the
22 holder of the privilege consents to the disclosure.

23 (3) Medical, psychiatric, psychological or alcoholism or drug
24 dependency treatment records that pertain to identifiable patients.

25 (4) Personnel records, performance ratings or individually identifiable
26 records pertaining to employees or applicants for employment, except that
27 this exemption shall not apply to the names, positions, salaries or actual
28 compensation employment contracts or employment-related contracts or
29 agreements and lengths of service of officers and employees of public
30 agencies once they are employed as such.

31 (5) Information that would reveal the identity of any undercover
32 agent or any informant reporting a specific violation of law.

33 (6) Letters of reference or recommendation pertaining to the character
34 or qualifications of an identifiable individual, except documents relating to
35 the appointment of persons to fill a vacancy in an elected office.

36 (7) Library, archive and museum materials contributed by private
37 persons, to the extent of any limitations imposed as conditions of the
38 contribution.

39 (8) Information that would reveal the identity of an individual who
40 lawfully makes a donation to a public agency, if anonymity of the donor is
41 a condition of the donation, except if the donation is intended for or
42 restricted to providing remuneration or personal tangible benefit to a
43 named public officer or employee.

1 (9) Testing and examination materials, before the test or examination
2 is given or if it is to be given again, or records of individual test or
3 examination scores, other than records that show only passage or failure
4 and not specific scores.

5 (10) Criminal investigation records, except as provided herein. The
6 district court, in an action brought pursuant to K.S.A. 45-222, and
7 amendments thereto, may order disclosure of such records, subject to such
8 conditions as the court may impose, if the court finds that disclosure:

9 (A) Is in the public interest;

10 (B) would not interfere with any prospective law enforcement action,
11 criminal investigation or prosecution;

12 (C) would not reveal the identity of any confidential source or
13 undercover agent;

14 (D) would not reveal confidential investigative techniques or
15 procedures not known to the general public;

16 (E) would not endanger the life or physical safety of any person; and

17 (F) would not reveal the name, address, phone number or any other
18 information that specifically and individually identifies the victim of any
19 sexual offense described in article 35 of chapter 21 of the Kansas Statutes
20 Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas
21 Statutes Annotated, and amendments thereto.

22 If a public record is discretionarily closed by a public agency pursuant
23 to this subsection, the record custodian, upon request, shall provide a
24 written citation to the specific provisions of subparagraphs (A) through (F)
25 that necessitate closure of that public record.

26 (11) Records of agencies involved in administrative adjudication or
27 civil litigation, compiled in the process of detecting or investigating
28 violations of civil law or administrative rules and regulations, if:

29 (A) Disclosure would interfere with a prospective administrative
30 adjudication or civil litigation~~or~~;

31 (B) *disclosure would* reveal the identity of a confidential source or
32 undercover agent; *or*

33 (C) *the investigation is formally closed and the agency determines*
34 *that no violation occurred.*

35 (12) Records of emergency or security information or procedures of a
36 public agency, if disclosure would jeopardize public safety, including
37 records of cybersecurity plans, cybersecurity assessments and
38 cybersecurity vulnerabilities or procedures related to cybersecurity plans,
39 cybersecurity assessments and cybersecurity vulnerabilities, or plans,
40 drawings, specifications or related information for any building or facility
41 that is used for purposes requiring security measures in or around the
42 building or facility or that is used for the generation or transmission of
43 power, water, fuels or communications, if disclosure would jeopardize

1 security of the public agency, building or facility.

2 (13) The contents of appraisals or engineering or feasibility estimates
3 or evaluations made by or for a public agency relative to the acquisition of
4 property, prior to the award of formal contracts therefor.

5 (14) Correspondence between a public agency and a private
6 individual, other than correspondence that is intended to give notice of an
7 action, policy or determination relating to any regulatory, supervisory or
8 enforcement responsibility of the public agency or that is widely
9 distributed to the public by a public agency and is not specifically in
10 response to communications from such a private individual.

11 (15) Records pertaining to employer-employee negotiations, if
12 disclosure would reveal information discussed in a lawful executive
13 session under K.S.A. 75-4319, and amendments thereto.

14 (16) Software programs for electronic data processing and
15 documentation thereof, but each public agency shall maintain a register,
16 open to the public, that describes:

17 (A) The information that the agency maintains on computer facilities;
18 and

19 (B) the form in which the information can be made available using
20 existing computer programs.

21 (17) Applications, financial statements and other information
22 submitted in connection with applications for student financial assistance
23 where financial need is a consideration for the award.

24 (18) Plans, designs, drawings or specifications that are prepared by a
25 person other than an employee of a public agency or records that are the
26 property of a private person.

27 (19) Well samples, logs or surveys that the state corporation
28 commission requires to be filed by persons who have drilled or caused to
29 be drilled, or are drilling or causing to be drilled, holes for the purpose of
30 discovery or production of oil or gas, to the extent that disclosure is
31 limited by rules and regulations of the state corporation commission.

32 (20) Notes, preliminary drafts, research data in the process of
33 analysis, unfunded grant proposals, memoranda, recommendations or
34 other records in which opinions are expressed or policies or actions are
35 proposed, except that this exemption shall not apply when such records are
36 publicly cited or identified in an open meeting or in an agenda of an open
37 meeting.

38 (21) Records of a public agency having legislative powers that pertain
39 to proposed legislation or amendments to proposed legislation, except that
40 this exemption shall not apply when such records are:

41 (A) Publicly cited or identified in an open meeting or in an agenda of
42 an open meeting; or

43 (B) distributed to a majority of a quorum of any body that has

1 authority to take action or make recommendations to the public agency
2 with regard to the matters to which such records pertain.

3 (22) Records of a public agency having legislative powers that pertain
4 to research prepared for one or more members of such agency, except that
5 this exemption shall not apply when such records are:

6 (A) Publicly cited or identified in an open meeting or in an agenda of
7 an open meeting; or

8 (B) distributed to a majority of a quorum of any body that has
9 authority to take action or make recommendations to the public agency
10 with regard to the matters to which such records pertain.

11 (23) Library patron and circulation records that pertain to identifiable
12 individuals.

13 (24) Records that are compiled for census or research purposes and
14 which pertain to identifiable individuals.

15 (25) Records that represent and constitute the work product of an
16 attorney.

17 (26) Records of a utility or other public service pertaining to
18 individually identifiable residential customers of the utility or service.

19 (27) Specifications for competitive bidding, until the specifications
20 are officially approved by the public agency.

21 (28) Sealed bids and related documents, until a bid is accepted or all
22 bids rejected.

23 (29) Correctional records pertaining to an identifiable inmate or
24 release, except that:

25 (A) The name; photograph and other identifying information;
26 sentence data; parole eligibility date; custody or supervision level;
27 disciplinary record; supervision violations; conditions of supervision,
28 excluding requirements pertaining to mental health or substance abuse
29 counseling; location of facility where incarcerated or location of parole
30 office maintaining supervision and address of a releasee whose crime was
31 committed after the effective date of this act shall be subject to disclosure
32 to any person other than another inmate or releasee, except that the
33 disclosure of the location of an inmate transferred to another state pursuant
34 to the interstate corrections compact shall be at the discretion of the
35 secretary of corrections;

36 (B) the attorney general, law enforcement agencies, counsel for the
37 inmate to whom the record pertains and any county or district attorney
38 shall have access to correctional records to the extent otherwise permitted
39 by law;

40 (C) the information provided to the law enforcement agency pursuant
41 to the sex offender registration act, K.S.A. 22-4901 et seq., and
42 amendments thereto, shall be subject to disclosure to any person, except
43 that the name, address, telephone number or any other information that

1 specifically and individually identifies the victim of any offender required
2 to register as provided by the Kansas offender registration act, K.S.A. 22-
3 4901 et seq., and amendments thereto, shall not be disclosed; and

4 (D) records of the department of corrections regarding the financial
5 assets of an offender in the custody of the secretary of corrections shall be
6 subject to disclosure to the victim, or such victim's family, of the crime for
7 which the inmate is in custody as set forth in an order of restitution by the
8 sentencing court.

9 (30) Public records containing information of a personal nature where
10 the public disclosure thereof would constitute a clearly unwarranted
11 invasion of personal privacy.

12 (31) Public records pertaining to prospective location of a business or
13 industry where no previous public disclosure has been made of the
14 business' or industry's interest in locating in, relocating within or
15 expanding within the state. This exception shall not include those records
16 pertaining to application of agencies for permits or licenses necessary to
17 do business or to expand business operations within this state, except as
18 otherwise provided by law.

19 (32) Engineering and architectural estimates made by or for any
20 public agency relative to public improvements.

21 (33) Financial information submitted by contractors in qualification
22 statements to any public agency.

23 (34) Records involved in the obtaining and processing of intellectual
24 property rights that are expected to be, wholly or partially vested in or
25 owned by a state educational institution, as defined in K.S.A. 76-711, and
26 amendments thereto, or an assignee of the institution organized and
27 existing for the benefit of the institution.

28 (35) Any report or record that is made pursuant to K.S.A. 65-4922,
29 65-4923 or 65-4924, and amendments thereto, and that is privileged
30 pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

31 (36) Information that would reveal the precise location of an
32 archeological site.

33 (37) Any financial data or traffic information from a railroad
34 company, to a public agency, concerning the sale, lease or rehabilitation of
35 the railroad's property in Kansas.

36 (38) Risk-based capital reports, risk-based capital plans and
37 corrective orders including the working papers and the results of any
38 analysis filed with the commissioner of insurance in accordance with
39 K.S.A. 40-2c20 and 40-2d20, and amendments thereto.

40 (39) Memoranda and related materials required to be used to support
41 the annual actuarial opinions submitted pursuant to K.S.A. 40-409(b), and
42 amendments thereto.

43 (40) Disclosure reports filed with the commissioner of insurance

1 under K.S.A. 40-2,156(a), and amendments thereto.

2 (41) All financial analysis ratios and examination synopses
3 concerning insurance companies that are submitted to the commissioner by
4 the national association of insurance commissioners' insurance regulatory
5 information system.

6 (42) Any records the disclosure of which is restricted or prohibited by
7 a tribal-state gaming compact.

8 (43) Market research, market plans, business plans and the terms and
9 conditions of managed care or other third-party contracts, developed or
10 entered into by the university of Kansas medical center in the operation
11 and management of the university hospital that the chancellor of the
12 university of Kansas or the chancellor's designee determines would give an
13 unfair advantage to competitors of the university of Kansas medical center.

14 (44) The amount of franchise tax paid to the secretary of revenue or
15 the secretary of state by domestic corporations, foreign corporations,
16 domestic limited liability companies, foreign limited liability companies,
17 domestic limited partnership, foreign limited partnership, domestic limited
18 liability partnerships and foreign limited liability partnerships.

19 (45) Records, other than criminal investigation records, the disclosure
20 of which would pose a substantial likelihood of revealing security
21 measures that protect:

22 (A) Systems, facilities or equipment used in the production,
23 transmission or distribution of energy, water or communications services;

24 (B) transportation and sewer or wastewater treatment systems,
25 facilities or equipment; or

26 (C) private property or persons, if the records are submitted to the
27 agency. For purposes of this paragraph, security means measures that
28 protect against criminal acts intended to intimidate or coerce the civilian
29 population, influence government policy by intimidation or coercion or to
30 affect the operation of government by disruption of public services, mass
31 destruction, assassination or kidnapping. Security measures include, but
32 are not limited to, intelligence information, tactical plans, resource
33 deployment and vulnerability assessments.

34 (46) Any information or material received by the register of deeds of
35 a county from military discharge papers, DD Form 214. Such papers shall
36 be disclosed: To the military dischargee; to such dischargee's immediate
37 family members and lineal descendants; to such dischargee's heirs, agents
38 or assigns; to the licensed funeral director who has custody of the body of
39 the deceased dischargee; when required by a department or agency of the
40 federal or state government or a political subdivision thereof; when the
41 form is required to perfect the claim of military service or honorable
42 discharge or a claim of a dependent of the dischargee; and upon the written
43 approval of the commissioner of veterans affairs, to a person conducting

1 research.

2 (47) Information that would reveal the location of a shelter or a
3 safehouse or similar place where persons are provided protection from
4 abuse or the name, address, location or other contact information of
5 alleged victims of stalking, domestic violence or sexual assault.

6 (48) Policy information provided by an insurance carrier in
7 accordance with K.S.A. 44-532(h)(1), and amendments thereto. This
8 exemption shall not be construed to preclude access to an individual
9 employer's record for the purpose of verification of insurance coverage or
10 to the department of labor for their business purposes.

11 (49) An individual's e-mail address, cell phone number and other
12 contact information that has been given to the public agency for the
13 purpose of public agency notifications or communications that are widely
14 distributed to the public.

15 (50) Information provided by providers to the local collection point
16 administrator or to the 911 coordinating council pursuant to the Kansas
17 911 act upon request of the party submitting such records.

18 (51) Records of a public agency on a public website that are
19 searchable by a keyword search and identify the home address or home
20 ownership of: A law enforcement officer as defined in K.S.A. 21-5111, and
21 amendments thereto; a parole officer; a probation officer; a court services
22 officer; a community correctional services officer; a local correctional
23 officer or local detention officer; a federal judge; a justice of the supreme
24 court; a judge of the court of appeals; a district judge; a district magistrate
25 judge; a municipal judge; a presiding officer who conducts hearings
26 pursuant to the Kansas administrative procedure act; an administrative law
27 judge employed by the office of administrative hearings; a member of the
28 state board of tax appeals; an administrative law judge who conducts
29 hearings pursuant to the workers compensation act; a member of the
30 workers' compensation appeals board; the United States attorney for the
31 district of Kansas; an assistant United States attorney; a special assistant
32 United States attorney; the attorney general; an assistant attorney general;
33 a special assistant attorney general; a county attorney; an assistant county
34 attorney; a special assistant county attorney; a district attorney; an assistant
35 district attorney; a special assistant district attorney; a city attorney; an
36 assistant city attorney; or a special assistant city attorney. Such person
37 shall file with the custodian of such record a request to have such person's
38 identifying information restricted from public access on such public
39 website. Within 10 business days of receipt of such requests, the public
40 agency shall restrict such person's identifying information from such
41 public access. Such restriction shall expire after five years and such person
42 may file with the custodian of such record a new request for restriction at
43 any time.

1 (52) Records of a public agency that would disclose the name, home
2 address, zip code, e-mail address, phone number or cell phone number or
3 other contact information for any person licensed to carry concealed
4 handguns or of any person who enrolled in or completed any weapons
5 training in order to be licensed or has made application for such license
6 under the personal and family protection act, K.S.A. 75-7c01 et seq., and
7 amendments thereto, shall not be disclosed unless otherwise required by
8 law.

9 (53) Records of a utility concerning information about cyber security
10 threats, attacks or general attempts to attack utility operations provided to
11 law enforcement agencies, the state corporation commission, the federal
12 energy regulatory commission, the department of energy, the southwest
13 power pool, the North American electric reliability corporation, the federal
14 communications commission or any other federal, state or regional
15 organization that has a responsibility for the safeguarding of
16 telecommunications, electric, potable water, waste water disposal or
17 treatment, motor fuel or natural gas energy supply systems.

18 (54) Records of a public agency containing information or reports
19 obtained and prepared by the office of the state bank commissioner in the
20 course of licensing or examining a person engaged in money transmission
21 business pursuant to K.S.A. 9-508 et seq., and amendments thereto, shall
22 not be disclosed except pursuant to K.S.A. 9-513c, and amendments
23 thereto, or unless otherwise required by law.

24 (55) Records of a public agency that contain captured license plate
25 data or that pertain to the location of an automated license plate
26 recognition system.

27 (b) Except to the extent disclosure is otherwise required by law or as
28 appropriate during the course of an administrative proceeding or on appeal
29 from agency action, a public agency or officer shall not disclose financial
30 information of a taxpayer that may be required or requested by a county
31 appraiser or the director of property valuation to assist in the determination
32 of the value of the taxpayer's property for ad valorem taxation purposes; or
33 any financial information of a personal nature required or requested by a
34 public agency or officer, including a name, job description or title
35 revealing the salary or other compensation of officers, employees or
36 applicants for employment with a firm, corporation or agency, except a
37 public agency. Nothing contained herein shall be construed to prohibit the
38 publication of statistics, so classified as to prevent identification of
39 particular reports or returns and the items thereof.

40 (c) As used in this section, the term "cited or identified" does not
41 include a request to an employee of a public agency that a document be
42 prepared.

43 (d) If a public record contains material that is not subject to disclosure

1 pursuant to this act, the public agency shall separate or delete such
2 material and make available to the requester that material in the public
3 record that is subject to disclosure pursuant to this act. If a public record is
4 not subject to disclosure because it pertains to an identifiable individual,
5 the public agency shall delete the identifying portions of the record and
6 make available to the requester any remaining portions that are subject to
7 disclosure pursuant to this act, unless the request is for a record pertaining
8 to a specific individual or to such a limited group of individuals that the
9 individuals' identities are reasonably ascertainable, the public agency shall
10 not be required to disclose those portions of the record that pertain to such
11 individual or individuals.

12 (e) The provisions of this section shall not be construed to exempt
13 from public disclosure statistical information not descriptive of any
14 identifiable person.

15 (f) Notwithstanding the provisions of subsection (a), any public
16 record that has been in existence more than 70 years shall be open for
17 inspection by any person unless disclosure of the record is specifically
18 prohibited or restricted by federal law, state statute or rule of the Kansas
19 supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and
20 amendments thereto.

21 (g) Any confidential records or information relating to security
22 measures provided or received under the provisions of subsection (a)(45)
23 shall not be subject to subpoena, discovery or other demand in any
24 administrative, criminal or civil action.

25 Sec. 3. K.S.A. 75-7d01 is hereby amended to read as follows: 75-
26 7d01. (a) There is hereby created in the office of the attorney general a
27 batterer intervention program certification unit.

28 ~~(b) Except as otherwise provided by law,~~ The books, documents,
29 papers, records or other sources of information obtained and the
30 investigations conducted by the unit shall be confidential as required by
31 state or federal law.

32 (c) The purpose of the batterer intervention program certification unit
33 is to certify and inspect batterer intervention programs in Kansas. To
34 accomplish this purpose, upon request of the unit, the unit shall have
35 access to all records of reports, investigation documents and written
36 reports of findings related to confirmed cases of domestic violence or
37 exploitation of persons or cases in which there is reasonable suspicion to
38 believe domestic violence has occurred that are received or generated by
39 the Kansas department for children and families, the Kansas department
40 for aging and disability services, the department of health and environment
41 or the Kansas bureau of investigation.

42 (d) The attorney general shall develop a set of tools, methodologies,
43 requirements and forms for the domestic violence offender assessment

1 required by K.S.A. 21-6604(p), and amendments thereto. The batterer
2 intervention program tools, methodologies, requirements and forms shall
3 be developed in consultation with the agency certified by the centers for
4 disease control and prevention and the department of health and human
5 services as the domestic violence coalition for the state and with local
6 domestic violence victims' services organizations.

7 (e) The attorney general may appoint a panel to assist the attorney
8 general by making recommendations regarding the:

9 (1) Content and development of a batterer intervention certification
10 program; and

11 (2) rules and regulations.

12 (f) The attorney general may appoint such advisory committees as the
13 attorney general deems necessary to carry out the purposes of the batterer
14 intervention program certification act. Except as provided in K.S.A. 75-
15 3212, and amendments thereto, no member of any such advisory
16 committee shall receive any compensation, subsistence, mileage or other
17 allowance for serving on an advisory committee or attending any meeting
18 thereof.

19 Sec. 4. K.S.A. 75-753 is hereby amended to read as follows: 75-753.

20 (a) On or before ~~January~~ *December* 15, of each year, the county or district
21 attorney of each county shall report to the attorney general all complaints
22 received during the preceding fiscal year concerning violations of the open
23 records act and open meetings act and the disposition of each complaint.

24 (b) The attorney general shall compile information received pursuant
25 to subsection (a) with information relating to investigations of violations
26 of the open records act and the open meetings act conducted by the office
27 of the attorney general. The attorney general shall publish a yearly abstract
28 of such information listing by name the public agencies which are the
29 subject of such complaints or investigations.

30 Sec. 5. K.S.A. 75-4318 is hereby amended to read as follows: 75-

31 4318. (a) Subject to the provisions of subsection (g), all meetings for the
32 conduct of the affairs of, and the transaction of business by, all legislative
33 and administrative bodies and agencies of the state and political and taxing
34 subdivisions thereof, including boards, commissions, authorities, councils,
35 committees, subcommittees and other subordinate groups thereof,
36 receiving or expending and supported in whole or in part by public funds
37 shall be open to the public and no binding action by such public bodies or
38 agencies shall be by secret ballot. Meetings of task forces, advisory
39 committees or subcommittees of advisory committees created pursuant to
40 a governor's executive order shall be open to the public in accordance with
41 this act.

42 (b) Notice of the date, time and place of any regular or special
43 meeting of a public body or agency designated in subsection (a) shall be

1 furnished to any person requesting such notice, except that:

2 (1) If notice is requested by petition, the petition shall designate one
3 person to receive notice on behalf of all persons named in the petition, and
4 notice to such person shall constitute notice to all persons named in the
5 petition;

6 (2) if notice is furnished to an executive officer of an employees'
7 organization or trade association, such notice shall be deemed to have been
8 furnished to the entire membership of such organization or association;
9 and

10 (3) the public body or agency may require that a request to receive
11 notice must be submitted again to the public body or agency prior to the
12 commencement of any subsequent fiscal year of the public body or agency
13 during which the person wishes to continue receiving notice, but, prior to
14 discontinuing notice to any person, the public body or agency must notify
15 the person that notice will be discontinued unless the person resubmits a
16 request to receive notice.

17 (c) It shall be the duty of the presiding officer or other person calling
18 the meeting, if the meeting is not called by the presiding officer, to furnish
19 the notice required by subsection (b).

20 (d) Prior to any meeting mentioned by subsection (a), any agenda
21 relating to the business to be transacted at such meeting shall be made
22 available to any person requesting the agenda.

23 (e) The use of cameras, photographic lights and recording devices
24 shall not be prohibited at any meeting mentioned by subsection (a), but
25 such use shall be subject to reasonable rules designed to insure the orderly
26 conduct of the proceedings at such meeting.

27 (f) Except as provided by section 22 of article 2 of the constitution of
28 the state of Kansas, interactive communications in a series shall be open if
29 they collectively involve a majority of the membership of the public body
30 or agency, share a common topic of discussion concerning the business or
31 affairs of the public body or agency, and are intended by any or all of the
32 participants to reach agreement on a matter that would require binding
33 action to be taken by the public body or agency.

34 (g) The provisions of the open meetings law shall not apply:

35 (1) To any administrative body that is authorized by law to exercise
36 quasi-judicial functions when such body is deliberating matters relating to
37 a decision involving such quasi-judicial functions;

38 (2) to the prisoner review board when conducting parole hearings or
39 parole violation hearings held at a correctional institution;

40 (3) to any impeachment inquiry or other impeachment matter referred
41 to any committee of the house of representatives prior to the report of such
42 committee to the full house of representatives; and

43 (4) if otherwise provided by state or federal law or by rules of the

1 Kansas senate or house of representatives.

2 (h) *When a public body or agency subject to the act subdivides itself*
3 *into subordinate groups the total membership of the subordinate group*
4 *shall be used to determine if a majority of membership participated in a*
5 *meeting.*

6 (i) *Unless otherwise stated in law, a private entity will only be*
7 *considered a subordinate group of a legislative or administrative body of*
8 *the state or a political and taxing subdivision if they are under the control,*
9 *whether directly or indirectly, of such legislative or administrative body of*
10 *the state or a political and taxing subdivision.*

11 (j) *A public body or agency that voluntarily elects to live stream their*
12 *meeting on television, the internet or any other medium shall ensure that*
13 *all aspects of the open meeting are available through the selected medium*
14 *for the public to observe.*

15 Sec. 6. K.S.A. 75-4319 is hereby amended to read as follows: 75-
16 4319. (a) Upon formal motion made, seconded and carried, all public
17 bodies and agencies subject to the open meetings act may recess, but not
18 adjourn, open meetings for closed or executive meetings. Any motion to
19 recess for a closed or executive meeting shall include: (1) A statement
20 describing the subjects to be discussed during the closed or executive
21 meeting; (2) the justification listed in subsection (b) for closing the
22 meeting; and (3) the *estimated* time and place at which the open meeting
23 shall resume. *A public body or agency that has entered a closed or*
24 *executive meeting shall not be guilty of violation if such closed or*
25 *executive meeting concludes five minutes earlier or later than provided in*
26 *the motion.* The complete motion shall be recorded in the minutes of the
27 meeting and shall be maintained as a part of the permanent records of the
28 public body or agency. Discussion during the closed or executive meeting
29 shall be limited to those subjects stated in the motion.

30 (b) Justifications for recess to a closed or executive meeting may only
31 include the following, the need:

32 (1) To discuss personnel matters of nonelected personnel;

33 (2) for consultation with an attorney for the public body or agency
34 which would be deemed privileged in the attorney-client relationship;

35 (3) to discuss employer-employee negotiations whether or not in
36 consultation with the representative or representatives of the public body
37 or agency;

38 (4) to discuss data relating to financial affairs or trade secrets of
39 corporations, partnerships, trusts, and individual proprietorships;

40 (5) to discuss matters relating to actions adversely or favorably
41 affecting a person as a student, patient or resident of a public institution,
42 except that any such person shall have the right to a public hearing if
43 requested by the person;

- 1 (6) for the preliminary discussion of the acquisition of real property;
- 2 (7) to discuss matters relating to parimutuel racing permitted to be
3 discussed in a closed or executive meeting pursuant to K.S.A. 74-8804,
4 and amendments thereto;
- 5 (8) to discuss matters relating to the care of children permitted to be
6 discussed in a closed or executive meeting pursuant to K.S.A. 38-2212(d)
7 (1) or 38-2213(e), and amendments thereto;
- 8 (9) to discuss matters relating to the investigation of child deaths
9 permitted to be discussed in a closed or executive meeting pursuant to
10 K.S.A. 22a-243(j), and amendments thereto;
- 11 (10) to discuss matters relating to patients and providers permitted to
12 be discussed in a closed or executive meeting pursuant to K.S.A. 39-
13 7,119(g), and amendments thereto;
- 14 (11) to discuss matters required to be discussed in a closed or
15 executive meeting pursuant to a tribal-state gaming compact;
- 16 (12) to discuss matters relating to security measures, if the discussion
17 of such matters at an open meeting would jeopardize such security
18 measures, that protect: (A) Systems, facilities or equipment used in the
19 production, transmission or distribution of energy, water or
20 communications services; (B) transportation and sewer or wastewater
21 treatment systems, facilities or equipment; (C) a public body or agency,
22 public building or facility or the information system of a public body or
23 agency; or (D) private property or persons, if the matter is submitted to the
24 public body or agency for purposes of this paragraph. For purposes of this
25 paragraph, security means measures that protect against criminal acts
26 intended to intimidate or coerce the civilian population, influence
27 government policy by intimidation or coercion or to affect the operation of
28 government by disruption of public services, mass destruction,
29 assassination or kidnapping. Security measures include, but are not limited to,
30 intelligence information, tactical plans, resource deployment and
31 vulnerability assessments;
- 32 (13) to discuss matters relating to maternity centers and child care
33 facilities permitted to be discussed in a closed or executive meeting
34 pursuant to K.S.A. 65-525(d), and amendments thereto;
- 35 (14) to discuss matters relating to the office of inspector general
36 permitted to be discussed in a closed or executive meeting pursuant to
37 K.S.A. 75-7427, and amendments thereto; and
- 38 (15) for the governor's domestic violence fatality review board to
39 conduct case reviews.
- 40 (c) No binding action shall be taken during closed or executive
41 recesses, and such recesses shall not be used as a subterfuge to defeat the
42 purposes of this act.
- 43 (d) Any confidential records or information relating to security

1 measures provided or received under the provisions of subsection (b)(12),
2 shall not be subject to subpoena, discovery or other demand in any
3 administrative, criminal or civil action.

4 Sec. 7. K.S.A. 45-219, 75-7d01, 75-753, 75-4318 and 75-4319 and
5 K.S.A. 2024 Supp. 45-221 are hereby repealed.

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