

As Amended by House Committee

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

Session of 2025

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 **prohibiting** fees for electronic copies of~~
3 ~~records limiting certain charges for furnishing records and~~
4 ~~employee time required to make records available; exempting from~~
5 ~~disclosure records compiled in the process of~~ formally closed
6 investigations with no found violations **and records that contain**
7 **material that is obscene from disclosure**; requiring county or district
8 attorneys to file reports of violations with the attorney **general** in
9 ~~December~~ **October** instead of January; relating to the open meetings
10 act; determining the membership calculation of subordinate groups;
11 requiring public bodies or agencies that live stream meetings to ensure
12 that the public is able to observe; ~~providing for a five-minute deviation~~
13 ~~to resume an open meeting at the conclusion of executive sessions;~~
14 amending K.S.A. 45-219, 75-7d01, 75-753; **and 75-4318** ~~and 75-4319~~
15 and K.S.A. 2024 Supp. 45-221 and repealing the existing sections.

16
17 *Be it enacted by the Legislature of the State of Kansas:*

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

29 (b) Copies of public records shall be made while the records are in
30 the possession, custody and control of the custodian or a person designated
31 by the custodian and shall be made under the supervision of such
32 custodian or person. ~~When practical~~ **Whenever practicable**, copies shall

1 be made in the place where the records are kept. If it is ~~impractical~~ **not**
2 **practicable** to do so, the custodian shall allow arrangements to be made
3 for use of other facilities. If it is necessary to use other facilities for
4 copying, the cost thereof shall be paid by the person desiring a copy of the
5 records. In addition, the public agency may charge the same fee for the
6 services rendered in supervising the copying as for furnishing copies under
7 subsection (c) and may establish a reasonable schedule of times for
8 making copies at other facilities.

9 (c) Except as provided by subsection ~~(f)~~ **(h)** or where fees for
10 inspection or for copies of a public record are prescribed by statute, each
11 public agency may prescribe reasonable fees for providing access to or
12 furnishing copies of public records, subject to the following:

13 (1) In the case of fees for copies of records, the fees shall not exceed
14 the actual cost of furnishing ~~copies~~ **the requested records**, including the
15 cost of staff time required to make the information available. **Actual costs**
16 **may include the cost to review and redact the requested records but**
17 **shall not include incidental costs incurred by the public agency that**
18 **are not attributable to furnishing the requested records.**

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

22 (3) **If the public agency incurs costs for staff time to provide**
23 **access to or furnish copies of public records, the agency shall use in**
24 **good faith the lowest-cost category of staff reasonably necessary to**
25 **provide access to or furnish copies of public records. Charges for staff**
26 **time shall be based on the employee's salary or hourly wage. Charges**
27 **for staff time shall not include the costs of employee benefits.**

28 (4) Fees for access to or copies of public records of public agencies
29 within the legislative branch of the state government shall be established in
30 accordance with K.S.A. 46-1207a, and amendments thereto, **and the**
31 **provisions of this section.**

32 ~~(4)~~**(5)** Fees for access to or copies of public records of public
33 agencies within the judicial branch of the state government shall be
34 established in accordance with rules of the supreme court **and the**
35 **provisions of this section.**

36 ~~(5)~~**(6)** Fees for access to or copies of public records of a public
37 agency within the executive branch of the state government shall be
38 established **in accordance with the provisions of this section** by the
39 agency head.

40 (d) Any person requesting records **within the executive branch** may
41 appeal the reasonableness of the fees charged for providing access to or
42 furnishing copies of such records to the secretary of administration whose
43 decision shall be final.

1 ~~(6) A fee for copies of public records which is equal to or less than~~
2 ~~\$.25 per *printed* page shall be deemed a reasonable fee. *A No per page or*~~
3 ~~*copy fee shall be charged for electronic copies of public records which is*~~
4 ~~*equal to or less than \$.125 per page shall be deemed a reasonable fee. **If a***~~
5 ~~*fee is charged for the cost of staff time required to make information*~~
6 ~~*available, no fee for printed copies of public records shall be charged*~~
7 ~~*pursuant to this paragraph.*~~

8 ~~(d)~~(e) (1) When the staff time needed to respond to a records
9 request will exceed five hours or the estimated actual cost for staff
10 time needed to fill the request exceeds \$200, the public agency shall
11 make reasonable efforts to contact the requester and engage in
12 interactive communication about mitigating costs to fill the request.
13 The requester is not obligated to mitigate costs.

14 (2) If a public agency has made reasonable efforts to contact the
15 requester pursuant to this section and the requester has failed to
16 respond by the end of the third business day, the records request will
17 be deemed to be withdrawn until a subsequent contact has been made
18 by the requester to the public agency.

19 (3) As used in this subsection, "reasonable efforts to contact the
20 requester" means contacting the requester through the means of
21 communication that the requester provided to be used by the agency
22 to respond to the request.

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

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

38 ~~(f)~~(h) Any person who is a certified shorthand reporter may charge
39 fees for transcripts of such person's notes of judicial or administrative
40 proceedings in accordance with rates established pursuant to rules of the
41 Kansas supreme court.

42 ~~(g)~~(i) Nothing in the open records act shall require a public agency to
43 electronically make copies of public records by allowing a person to obtain

1 copies of a public record by inserting, connecting or otherwise attaching
2 an electronic device provided by such person to the computer or other
3 electronic device of the public agency.

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

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

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

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

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

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

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

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

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

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

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

5 (A) Is in the public interest;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (A) The information that the agency maintains on computer facilities;
14 and

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

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

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

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

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

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

37 (A) Publicly cited or identified in an open meeting or in an agenda of
38 an open meeting; or

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

42 (22) Records of a public agency having legislative powers that pertain
43 to research prepared for one or more members of such agency, except that

1 this exemption shall not apply when such records are:

2 (A) Publicly cited or identified in an open meeting or in an agenda of
3 an open meeting; or

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

7 (23) Library patron and circulation records that pertain to identifiable
8 individuals.

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

11 (25) Records that represent and constitute the work product of an
12 attorney.

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

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

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

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

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

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

36 (C) the information provided to the law enforcement agency pursuant
37 to the sex offender registration act, K.S.A. 22-4901 et seq., and
38 amendments thereto, shall be subject to disclosure to any person, except
39 that the name, address, telephone number or any other information that
40 specifically and individually identifies the victim of any offender required
41 to register as provided by the Kansas offender registration act, K.S.A. 22-
42 4901 et seq., and amendments thereto, shall not be disclosed; and

43 (D) records of the department of corrections regarding the financial

1 assets of an offender in the custody of the secretary of corrections shall be
2 subject to disclosure to the victim, or such victim's family, of the crime for
3 which the inmate is in custody as set forth in an order of restitution by the
4 sentencing court.

5 (30) Public records containing information of a personal nature where
6 the public disclosure thereof would constitute a clearly unwarranted
7 invasion of personal privacy.

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

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

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

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

24 (35) Any report or record that is made pursuant to K.S.A. 65-4922,
25 65-4923 or 65-4924, and amendments thereto, and that is privileged
26 pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

27 (36) Information that would reveal the precise location of an
28 archeological site.

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

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

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

39 (40) Disclosure reports filed with the commissioner of insurance
40 under K.S.A. 40-2,156(a), and amendments thereto.

41 (41) All financial analysis ratios and examination synopses
42 concerning insurance companies that are submitted to the commissioner by
43 the national association of insurance commissioners' insurance regulatory

1 information system.

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

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

10 (44) The amount of franchise tax paid to the secretary of revenue or
11 the secretary of state by domestic corporations, foreign corporations,
12 domestic limited liability companies, foreign limited liability companies,
13 domestic limited partnership, foreign limited partnership, domestic limited
14 liability partnerships and foreign limited liability partnerships.

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

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

20 (B) transportation and sewer or wastewater treatment systems,
21 facilities or equipment; or

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

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

41 (47) Information that would reveal the location of a shelter or a
42 safehouse or similar place where persons are provided protection from
43 abuse or the name, address, location or other contact information of

1 alleged victims of stalking, domestic violence or sexual assault.

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

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

11 (50) Information provided by providers to the local collection point
12 administrator or to the 911 coordinating council pursuant to the Kansas
13 911 act upon request of the party submitting such records.

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

40 (52) Records of a public agency that would disclose the name, home
41 address, zip code, e-mail address, phone number or cell phone number or
42 other contact information for any person licensed to carry concealed
43 handguns or of any person who enrolled in or completed any weapons

1 training in order to be licensed or has made application for such license
2 under the personal and family protection act, K.S.A. 75-7c01 et seq., and
3 amendments thereto, shall not be disclosed unless otherwise required by
4 law.

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

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

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

23 **(56) Records of a public agency that contain material that is**
24 **obscure as defined in K.S.A. 21-6401, and amendments thereto.**

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

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

41 (d) If a public record contains material that is not subject to disclosure
42 pursuant to this act, the public agency shall separate or delete such
43 material and make available to the requester that material in the public

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

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

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

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

23 Sec. 3. K.S.A. 75-7d01 is hereby amended to read as follows: 75-
24 7d01. (a) There is hereby created in the office of the attorney general a
25 batterer intervention program certification unit.

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

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

40 (d) The attorney general shall develop a set of tools, methodologies,
41 requirements and forms for the domestic violence offender assessment
42 required by K.S.A. 21-6604(p), and amendments thereto. The batterer
43 intervention program tools, methodologies, requirements and forms shall

1 be developed in consultation with the agency certified by the centers for
2 disease control and prevention and the department of health and human
3 services as the domestic violence coalition for the state and with local
4 domestic violence victims' services organizations.

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

7 (1) Content and development of a batterer intervention certification
8 program; and

9 (2) rules and regulations.

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

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

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

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

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

31 (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
furnished to any person requesting such notice, except that:

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

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

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

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

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

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

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

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

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

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

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

42 (4) if otherwise provided by state or federal law or by rules of the
43 Kansas senate or house of representatives.

1 (h) ~~When a public body or agency subject to the act subdivides itself~~
2 ~~into subordinate groups the total membership of the subordinate group~~
3 ~~shall be used to determine if a majority of membership participated in a~~
4 ~~meeting subcommittee or other subordinate group is created by a public~~
5 ~~body or agency, whenever a majority of such subcommittee or other~~
6 ~~subordinate group meets, such subcommittee or other subordinate group~~
7 ~~shall be subject to the requirements of this act.~~

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

13 (j) ~~A public body or agency that voluntarily elects to live stream their~~
14 ~~meeting on television, the internet or any other medium shall ensure that~~
15 ~~all aspects of the open meeting are available through the selected medium~~
16 ~~for the public to observe. An unintentional technological failure or an~~
17 ~~action taken by the provider of the selected medium that disrupts or~~
18 ~~prevents such live stream shall not constitute a violation of this~~
19 ~~subsection.~~

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

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

37 ~~(1) To discuss personnel matters of nonelected personnel;~~
38 ~~(2) for consultation with an attorney for the public body or agency~~
39 ~~which would be deemed privileged in the attorney-client relationship;~~

40 ~~(3) to discuss employer-employee negotiations whether or not in~~
41 ~~consultation with the representative or representatives of the public body~~
42 ~~or agency;~~

43 ~~(4) to discuss data relating to financial affairs or trade secrets of~~

1 ~~corporations, partnerships, trusts, and individual proprietorships;~~

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

6 ~~(6) for the preliminary discussion of the acquisition of real property;~~

7 ~~(7) to discuss matters relating to parimutuel racing permitted to be~~
8 ~~discussed in a closed or executive meeting pursuant to K.S.A. 74-8804,~~
9 ~~and amendments thereto;~~

10 ~~(8) to discuss matters relating to the care of children permitted to be~~
11 ~~discussed in a closed or executive meeting pursuant to K.S.A. 38-2212(d)~~
12 ~~(1) or 38-2213(e), and amendments thereto;~~

13 ~~(9) to discuss matters relating to the investigation of child deaths~~
14 ~~permitted to be discussed in a closed or executive meeting pursuant to~~
15 ~~K.S.A. 22a-243(j), and amendments thereto;~~

16 ~~(10) to discuss matters relating to patients and providers permitted to~~
17 ~~be discussed in a closed or executive meeting pursuant to K.S.A. 39-~~
18 ~~7,119(g), and amendments thereto;~~

19 ~~(11) to discuss matters required to be discussed in a closed or~~
20 ~~executive meeting pursuant to a tribal-state gaming compact;~~

21 ~~(12) to discuss matters relating to security measures, if the discussion~~
22 ~~of such matters at an open meeting would jeopardize such security~~
23 ~~measures, that protect: (A) Systems, facilities or equipment used in the~~
24 ~~production, transmission or distribution of energy, water or~~
25 ~~communications services; (B) transportation and sewer or wastewater~~
26 ~~treatment systems, facilities or equipment; (C) a public body or agency,~~
27 ~~public building or facility or the information system of a public body or~~
28 ~~agency; or (D) private property or persons, if the matter is submitted to the~~
29 ~~public body or agency for purposes of this paragraph. For purposes of this~~
30 ~~paragraph, security means measures that protect against criminal acts~~
31 ~~intended to intimidate or coerce the civilian population, influence~~
32 ~~government policy by intimidation or coercion or to affect the operation of~~
33 ~~government by disruption of public services, mass destruction,~~
34 ~~assassination or kidnapping. Security measures include, but are not limited~~
35 ~~to, intelligence information, tactical plans, resource deployment and~~
36 ~~vulnerability assessments;~~

37 ~~(13) to discuss matters relating to maternity centers and child care~~
38 ~~facilities permitted to be discussed in a closed or executive meeting~~
39 ~~pursuant to K.S.A. 65-525(d), and amendments thereto;~~

40 ~~(14) to discuss matters relating to the office of inspector general~~
41 ~~permitted to be discussed in a closed or executive meeting pursuant to~~
42 ~~K.S.A. 75-7427, and amendments thereto; and~~

43 ~~(15) for the governor's domestic violence fatality review board to~~

1 ~~conduct case reviews.~~

2 ~~(e) No binding action shall be taken during closed or executive~~
3 ~~recesses, and such recesses shall not be used as a subterfuge to defeat the~~
4 ~~purposes of this act.~~

5 ~~(d) Any confidential records or information relating to security~~
6 ~~measures provided or received under the provisions of subsection (b)(12).~~
7 ~~shall not be subject to subpoena, discovery or other demand in any~~
8 ~~administrative, criminal or civil action.~~

9 Sec. ~~7~~. **6.** K.S.A. 45-219, 75-7d01, 75-753, **and** 75-4318 ~~and 75-4319~~
10 and K.S.A. 2024 Supp. 45-221 are hereby repealed.

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