

SENATE BILL No. 70

By Senators Francisco and Baumgardner

1-24

1 AN ACT concerning open meetings; relating to justifications for closed or
2 executive meetings; amending K.S.A. 2016 Supp. 75-4319 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 2016 Supp. 75-4319 is hereby amended to read as
7 follows: 75-4319. (a) Upon formal motion made, seconded and carried, all
8 public bodies and agencies subject to the open meetings act may recess,
9 but not adjourn, open meetings for closed or executive meetings. Any
10 motion to recess for a closed or executive meeting shall include ~~a~~
11 ~~statement of: (1) The justification for closing the meeting; (2): (1) A~~
12 *statement describing the subjects to be discussed during the closed or*
13 *executive meeting; (2) the justification listed in subsection (b) for closing*
14 *the meeting; and (3) the time and place at which the open meeting shall*
15 *resume. Such motion, including the required statement, shall be recorded*
16 *in its entirety in the minutes of the meeting and shall be maintained as a*
17 *part of the permanent records of the public body or agency. Discussion*
18 *during the closed or executive meeting shall be limited to those subjects*
19 *stated in the motion.*

20 (b) ~~No subjects shall be discussed at any closed or executive meeting,~~
21 ~~except~~ *Justifications for recess to a closed or executive meeting may only*
22 *include the following, the need:*

- 23 (1) *To discuss* personnel matters of nonelected personnel;
24 (2) *for* consultation with an attorney for the public body or agency
25 which would be deemed privileged in the attorney-client relationship;
26 (3) ~~matters relating to~~ *discuss* employer-employee negotiations
27 whether or not in consultation with the representative or representatives of
28 the public body or agency;
29 (4) ~~confidential to discuss~~ data relating to financial affairs or trade
30 secrets of corporations, partnerships, trusts, and individual proprietorships;
31 (5) *to discuss* matters relating to actions adversely or favorably
32 affecting a person as a student, patient or resident of a public institution,
33 except that any such person shall have the right to a public hearing if
34 requested by the person;
35 (6) ~~preliminary discussions relating to~~ *for the preliminary discussion*
36 *of the acquisition of real property;*

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

4 (8) *to discuss matters relating to the care of children* permitted to be
5 discussed in a closed or executive meeting pursuant to K.S.A. 2016 *Supp.*
6 38-2212(d)(1), ~~and amendments thereto,~~ or ~~K.S.A.~~ 38-2213(e), and
7 amendments thereto;

8 (9) *to discuss matters relating to district coroners* permitted to be
9 discussed in a closed or executive meeting pursuant to K.S.A. 22a-243(j),
10 and amendments thereto;

11 ~~(10) matters permitted to be discussed in a closed or executive~~
12 ~~meeting pursuant to K.S.A. 44-596(e), and amendments thereto;~~

13 ~~(11)~~ *to discuss matters relating to patients and providers* permitted to
14 be discussed in a closed or executive meeting pursuant to K.S.A. 39-
15 7,119(g), and amendments thereto;

16 ~~(12)~~ *(11) to discuss matters* required to be discussed in a closed or
17 executive meeting pursuant to a tribal-state gaming compact;

18 ~~(13)~~ *(12) to discuss matters* relating to security measures, if the
19 discussion of such matters at an open meeting would jeopardize such
20 security measures, that protect: (A) Systems, facilities or equipment used
21 in the production, transmission or distribution of energy, water or
22 communications services; (B) transportation and sewer or wastewater
23 treatment systems, facilities or equipment; (C) a public body or agency,
24 public building or facility or the information system of a public body or
25 agency; or (D) private property or persons, if the matter is submitted to the
26 public body or agency for purposes of this paragraph. For purposes of this
27 paragraph, security means measures that protect against criminal acts
28 intended to intimidate or coerce the civilian population, influence
29 government policy by intimidation or coercion or to affect the operation of
30 government by disruption of public services, mass destruction,
31 assassination or kidnapping. Security measures include, but are not limited to,
32 intelligence information, tactical plans, resource deployment and
33 vulnerability assessments;

34 ~~(14)~~ *(13) to discuss matters relating to maternity centers and child*
35 *care facilities* permitted to be discussed in a closed or executive meeting
36 pursuant to K.S.A. 65-525~~(f)~~ *(d)*, and amendments thereto; *and*

37 ~~(15)~~ *(14) to discuss matters relating to the office of inspector general*
38 permitted to be discussed in a closed or executive meeting pursuant to
39 K.S.A. 2015 *Supp.* 75-7427, and amendments thereto; ~~and~~

40 ~~(16) matters permitted to be discussed in a closed or executive~~
41 ~~meeting pursuant to K.S.A. 2015 *Supp.* 46-3801, and amendments thereto.~~

42 (c) No binding action shall be taken during closed or executive
43 recesses, and such recesses shall not be used as a subterfuge to defeat the

1 purposes of this act.

2 (d)-(H) Any confidential records or information relating to security
3 measures provided or received under the provisions of subsection (b)(13)
4 (12), shall not be subject to subpoena, discovery or other demand in any
5 administrative, criminal or civil action.

6 (2) (A) ~~Except as otherwise provided by law, any confidential~~
7 ~~documents, records or reports relating to the prisoner review board~~
8 ~~provided or received under the provisions of subsection (b)(16) shall not~~
9 ~~be subject to subpoena, discovery or other demand in any administrative,~~
10 ~~criminal or civil action.~~

11 (B) ~~Notwithstanding any other provision of law to the contrary, any~~
12 ~~summary statement provided or received under the provisions of~~
13 ~~subsection (b)(16) shall not be subject to subpoena, discovery or other~~
14 ~~demand in any administrative, criminal or civil action.~~

15 Sec. 2. K.S.A. 2016 Supp. 75-4319 is hereby repealed.

16 Sec. 3. This act shall take effect and be in force from and after its
17 publication in the statute book.