

SENATE BILL No. 165

By Committee on Ethics and Elections

2-5

1 AN ACT concerning open meetings; relating to closed or executive
2 meetings; amending K.S.A. 2014 Supp. 75-4319 and repealing the
3 existing section.
4

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

6 Section 1. K.S.A. 2014 Supp. 75-4319 is hereby amended to read as
7 follows: 75-4319. (a) Upon formal motion made, seconded and carried, all
8 bodies and agencies subject to the open meetings act may recess, but not
9 adjourn, open meetings for closed or executive meetings. Any motion to
10 recess for a closed or executive meeting shall include a statement of: (1)
11 The justification for closing the meeting *which may include consultation*
12 *with an attorney for the body or agency which would be deemed privileged*
13 *in the attorney-client relationship*, (2) the subjects to be discussed during
14 the closed or executive meeting *so that members of the public can identify*
15 *the issues*; and (3) the time and place at which the open meeting shall
16 resume. Such motion, including the required statement, shall be recorded
17 in the minutes of the meeting and shall be maintained as a part of the
18 permanent records of the body or agency. Discussion during the closed or
19 executive meeting shall be limited to those subjects stated in the motion.

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

22 (1) Personnel matters of nonelected personnel;
23 (2) ~~consultation with an attorney for the body or agency which would~~
24 ~~be deemed privileged in the attorney-client relationship~~ *litigation or*
25 *potential litigation*;

26 (3) matters relating to employer-employee negotiations whether or
27 not in consultation with the representative or representatives of the body or
28 agency;

29 (4) confidential data relating to financial affairs or trade secrets of
30 corporations, partnerships, trusts, and individual proprietorships;

31 (5) matters relating to actions adversely or favorably affecting a
32 person as a student, patient or resident of a public institution, except that
33 any such person shall have the right to a public hearing if requested by the
34 person;

35 (6) preliminary discussions relating to the acquisition of real property;

36 (7) matters permitted to be discussed in a closed or executive meeting

1 pursuant to K.S.A. 74-8804, and amendments thereto;

2 (8) matters permitted to be discussed in a closed or executive meeting
3 pursuant to ~~subsection (d)(1) of~~ K.S.A. 38-2212(d)(1), and amendments
4 thereto, or ~~subsection (e) of~~ K.S.A. 38-2213 (e), and amendments thereto;

5 (9) matters permitted to be discussed in a closed or executive meeting
6 pursuant to ~~subsection (j) of~~ K.S.A. 22a-243(j), and amendments thereto;

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

10 (11) matters permitted to be discussed in a closed or executive
11 meeting pursuant to ~~subsection (g) of~~ K.S.A. 39-7,119(g), and
12 amendments thereto;

13 (12) matters required to be discussed in a closed or executive meeting
14 pursuant to a tribal-state gaming compact;

15 (13) matters relating to security measures, if the discussion of such
16 matters at an open meeting would jeopardize such security measures, that
17 protect: (A) Systems, facilities or equipment used in the production,
18 transmission or distribution of energy, water or communications services;
19 (B) transportation and sewer or wastewater treatment systems, facilities or
20 equipment; (C) a public body or agency, public building or facility or the
21 information system of a public body or agency; or (D) private property or
22 persons, if the matter is submitted to the agency for purposes of this
23 paragraph. 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 (14) matters permitted to be discussed in a closed or executive
31 meeting pursuant to ~~subsection (f) of~~ K.S.A. 65-525(f), and amendments
32 thereto;

33 (15) matters permitted to be discussed in a closed or executive
34 meeting pursuant to K.S.A. 2014 Supp. 75-7427, and amendments thereto;
35 and

36 (16) matters permitted to be discussed in a closed or executive
37 meeting pursuant to K.S.A. 2014 Supp. 46-3801, and amendments thereto.

38 (c) No binding action shall be taken during closed or executive
39 recesses, and such recesses shall not be used as a subterfuge to defeat the
40 purposes of this act.

41 (d) (1) Any confidential records or information relating to security
42 measures provided or received under the provisions of subsection (b)(13),
43 shall not be subject to subpoena, discovery or other demand in any

1 administrative, criminal or civil action.

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

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

11 Sec. 2. K.S.A. 2014 Supp. 75-4319 is hereby repealed.

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