

HOUSE BILL No. 2128

By Committee on Judiciary

1-23

1 AN ACT concerning the Kansas open meetings act; relating to closed or
2 executive meetings; governor's domestic violence fatality review board;
3 amending K.S.A. 2016 Supp. 75-4319 and repealing the existing
4 section.

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

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

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

- 21 (1) Personnel matters of nonelected personnel;
- 22 (2) consultation with an attorney for the public body or agency which
23 would be deemed privileged in the attorney-client relationship;
- 24 (3) matters relating to employer-employee negotiations whether or
25 not in consultation with the representative or representatives of the public
26 body or agency;
- 27 (4) confidential data relating to financial affairs or trade secrets of
28 corporations, partnerships, trusts, and individual proprietorships;
- 29 (5) matters relating to actions adversely or favorably affecting a
30 person as a student, patient or resident of a public institution, except that
31 any such person shall have the right to a public hearing if requested by the
32 person;
- 33 (6) preliminary discussions relating to the acquisition of real
34 property;
- 35 (7) matters permitted to be discussed in a closed or executive meeting
36 pursuant to K.S.A. 74-8804, and amendments thereto;

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

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

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

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

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

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

27 (14) matters permitted to be discussed in a closed or executive
28 meeting pursuant to K.S.A. 65-525(f), and amendments thereto;

29 (15) matters permitted to be discussed in a closed or executive
30 meeting pursuant to K.S.A. 2016 Supp. 75-7427, and amendments thereto;

31 ~~and~~

32 (16) matters permitted to be discussed in a closed or executive
33 meeting pursuant to K.S.A. 2016 Supp. 46-3801, and amendments thereto;

34 *and*

35 *(17) case reviews conducted by the governor's domestic violence*
36 *fatality review board.*

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

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

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

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

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

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