

SENATE BILL No. 360

By Committee on Judiciary

1-25

1 AN ACT concerning open meetings; relating to certain justifications for
2 closing meetings; amending K.S.A. 2015 Supp. 75-4319 and repealing
3 the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2015 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: (1) A
11 statement of: ~~(1) The justification for closing the meeting;~~ (2) ~~the~~
12 *describing the particular* 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:*

23 (1) ~~Personnel matters of nonelected personnel;~~

24 ~~(2) consultation with an attorney for the public body or agency which~~
25 ~~would be deemed privileged in the attorney-client relationship~~ *To maintain*
26 *the confidentiality of the personnel matters of nonelected personnel or of*
27 *applicants for nonelective employment;*

28 (2) *to maintain confidentiality of a consultation with an attorney for*
29 *the public body or agency which would be deemed privileged in the*
30 *attorney-client relationship;*

31 (3) ~~matters relating to maintain the confidentiality of employer-~~
32 ~~employee negotiations whether or not in consultation with the~~
33 ~~representative or representatives of the public body or agency;~~

34 (4) ~~confidential~~ *to maintain the confidentiality of data relating to*
35 *financial affairs or trade secrets of corporations, partnerships, trusts, and*
36 *individual proprietorships;*

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

5 (6) *to maintain the confidentiality of* preliminary discussions relating
6 to the acquisition of real property;

7 (7) *to maintain the confidentiality of matters related to parimutuel*
8 *racing* permitted to be discussed in a closed or executive meeting pursuant
9 to K.S.A. 74-8804, and amendments thereto;

10 (8) *to maintain the confidentiality of matters relating to the care of*
11 *children* permitted to be discussed in a closed or executive meeting
12 pursuant to K.S.A. 38-2212(d)(1), and amendments thereto, or K.S.A. 38-
13 2213(e), and amendments thereto;

14 (9) *to maintain the confidentiality of matters related to district*
15 *coroners* permitted to be discussed in a closed or executive meeting
16 pursuant to K.S.A. 22a-243(j), and amendments thereto;

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

19 ~~(H)~~ *to maintain the confidentiality of matters relating to patients and*
20 *providers* permitted to be discussed in a closed or executive meeting
21 pursuant to K.S.A. 39-7,119(g), and amendments thereto;

22 ~~(H2)~~ *(11) to maintain the confidentiality of* matters required to be
23 discussed in a closed or executive meeting pursuant to a tribal-state
24 gaming compact;

25 ~~(H3)~~ *(12) to maintain the confidentiality of* matters relating to security
26 measures, if the discussion of such matters at an open meeting would
27 jeopardize such security measures, that protect: (A) Systems, facilities or
28 equipment used in the production, transmission or distribution of energy,
29 water or communications services; (B) transportation and sewer or
30 wastewater treatment systems, facilities or equipment; (C) a public body or
31 agency, public building or facility or the information system of a public
32 body or agency; or (D) private property or persons, if the matter is
33 submitted to the public body or agency for purposes of this paragraph. For
34 purposes of this paragraph, security means measures that protect against
35 criminal acts intended to intimidate or coerce the civilian population,
36 influence government policy by intimidation or coercion or to affect the
37 operation of government by disruption of public services, mass
38 destruction, assassination or kidnapping. Security measures include, but
39 are not limited to, intelligence information, tactical plans, resource
40 deployment and vulnerability assessments;

41 ~~(H4)~~ *(13) to maintain the confidentiality of matters relating to*
42 *maternity centers and child care facilities* permitted to be discussed in a
43 closed or executive meeting pursuant to K.S.A. 65-525~~(f)~~ (d), and

1 amendments thereto; and

2 ~~(15)~~ (14) to maintain the confidentiality of matters related to the
3 Kansas health policy authority permitted to be discussed in a closed or
4 executive meeting pursuant to K.S.A. 2015 Supp. 75-7427, and
5 amendments thereto; and

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

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

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

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

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

24 Sec. 2. K.S.A. 2015 Supp. 75-4319 is hereby repealed.

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