

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2301** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, in line 8, by striking "(a)"; in line 9, by striking the period; in line 10, by striking all before "shall" and inserting "and"; also in line 10, by striking "not"; in line 11, by striking all after the period; by striking all in lines 12 and 13;

On page 6, following line 13, by inserting:

"Sec. 4. K.S.A. 2016 Supp. 75-4319 is hereby amended to read as follows: 75-4319. (a) Upon formal motion made, seconded and carried, all public bodies and agencies subject to the open meetings act may recess, but not adjourn, open meetings for closed or executive meetings. Any motion to recess for a closed or executive meeting shall include ~~a statement of: (1) The justification for closing the meeting; (2): (1) A statement describing~~ the subjects to be discussed during the closed or executive meeting; (2) the justification listed in subsection (b) for closing the meeting; and (3) the time and place at which the open meeting shall resume. ~~Such The complete~~ motion, ~~including the required statement,~~ shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the public body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.

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

need:

- (1) To discuss personnel matters of nonelected personnel;
- (2) for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship;
- (3) ~~matters relating to~~ discuss employer-employee negotiations whether or not in consultation with the representative or representatives of the public body or agency;
- (4) ~~confidential to~~ discuss data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships;
- (5) to discuss matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution, except that any such person shall have the right to a public hearing if requested by the person;
- (6) ~~preliminary discussions relating to~~ for the preliminary discussion of the acquisition of real property;
- (7) to discuss matters relating to parimutuel racing permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 74-8804, and amendments thereto;
- (8) to discuss matters relating to the care of children permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2016 Supp. 38-2212(d)(1), ~~and amendments thereto~~, or ~~K.S.A. 38-2213(e)~~, and amendments thereto;
- (9) to discuss matters relating to the investigation of child deaths permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 22a-243(j), and amendments thereto;
- (10) ~~matters permitted to be discussed in a closed or executive meeting pursuant to~~

~~K.S.A. 44-596(e), and amendments thereto;~~

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

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

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

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

~~(15)~~(14) to discuss matters relating to the office of inspector general permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2016 Supp. 75-7427, and

amendments thereto; and

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

(15) for the governor's domestic violence fatality review board to conduct case reviews.

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

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

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

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

Also on page 6, in line 15, by striking "and" and inserting a comma; also in line 15, after "75-7d08" by inserting "and 75-4319";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "public records" and inserting "open government"; also in line 1, after "to" by inserting "public records;"; in line 2, after the semicolon by inserting "Kansas open meetings act; closed or executive meetings;"; in line 3, by

striking the second "and" and inserting a comma; also in line 3, after "75-7d08" by inserting "and 75-4319";

And your committee on conference recommends the adoption of this report.

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Conferees on part of Senate

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Conferees on part of House