

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)~~ *{(1) A*
13 *statement describing}* the subjects to be discussed during the closed or
14 executive meeting; *{(2) the justification listed in subsection (b) for*
15 *closing the meeting;}* and (3) the time and place at which the open
16 meeting shall resume. ~~Such~~ *{The complete}* motion, ~~including the required~~
17 ~~statement,~~ shall be recorded in the minutes of the meeting and shall be
18 maintained as a part of the permanent records of the meeting and shall be
19 agency. Discussion during the closed or executive meeting shall be limited
20 to those subjects stated in the motion.

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

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

1 *discussion of* the acquisition of real property;

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

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

9 (9) *to discuss* matters *relating to the investigation of child deaths*
10 permitted to be discussed in a closed or executive meeting pursuant to
11 K.S.A. 22a-243(j), and amendments thereto;

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

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

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

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

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

38 ~~(15)~~ *{(14)}* *to discuss* matters *relating to the office of inspector*
39 *general* permitted to be discussed in a closed or executive meeting
40 pursuant to K.S.A. 2016 Supp. 75-7427, and amendments thereto; ~~and~~

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

1 ~~(17)~~ **{(15)}** *{to discuss}* case reviews conducted by the governor's
2 *domestic violence fatality review board.*

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

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

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

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

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

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