

1 **As Amended by House Committee**

2 *Session of 2003*

3
4 **HOUSE BILL No. 2149**

5
6 By Committee on Ethics and Elections

7
8 1-31

9
10 AN ACT concerning open meetings; relating to advisory committees;
11 amending K.S.A. 2002 Supp. 75-4318 and repealing the existing
12 section.

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

15 Section 1. K.S.A. 2002 Supp. 75-4318 is hereby amended to read as
16 follows: 75-4318. (a) Subject to the provisions of subsection (f), all meet-
17 ings for the conduct of the affairs of, and the transaction of business by,
18 all legislative and administrative bodies and agencies of the state and
19 political and taxing subdivisions thereof, including boards, commissions,
20 **task forces, advisory committees**, authorities, councils, committees,
21 subcommittees and other subordinate groups thereof, receiving or ex-
22 pending and supported in whole or in part by public funds shall be open
23 to the public and no binding action by such bodies shall be by secret
24 ballot.

25 (1) Meetings of task forces, advisory committees or subcommittees
26 of advisory committees created ~~pursuant to a governor's executive order~~
27 ~~or by any legislative or administrative body, agency of the state or political~~
28 ~~taxing subdivision thereof, including any board, commission, authority,~~
29 ~~council, committee, subcommittee or any other subordinate group thereof~~
30 **by a governor or incoming governor** shall be open to the public in
31 accordance with this act.

32 (2) ~~Meetings of task forces, advisory committees or subcommittees of~~
33 ~~advisory committees created or appointed by any person who is the suc-~~
34 ~~cessful candidate for elected office as ascertained by the secretary of state~~
35 ~~following the general election for such office shall be open to the public~~
36 ~~in accordance with this act~~ **For the purposes of this section, "incom-**
37 **ing governor" shall have the meaning ascribed to it in K.S.A. 75-**
38 **132, and amendments thereto.**

39 (b) Notice of the date, time and place of any regular or special meet-
40 ing of a public body designated hereinabove shall be furnished to any
41 person requesting such notice, except that:

42 (1) If notice is requested by petition, the petition shall designate one
43 person to receive notice on behalf of all persons named in the petition,

1 and notice to such person shall constitute notice to all persons named in
2 the petition;

3 (2) if notice is furnished to an executive officer of an employees' or-
4 ganization or trade association, such notice shall be deemed to have been
5 furnished to the entire membership of such organization or association;
6 and

7 (3) the public body may require that a request to receive notice must
8 be submitted again to the body prior to the commencement of any sub-
9 sequent fiscal year of the body during which the person wishes to continue
10 receiving notice, but, prior to discontinuing notice to any person, the
11 public body must notify the person that notice will be discontinued unless
12 the person resubmits a request to receive notice.

13 (c) It shall be the duty of the presiding officer or other person calling
14 the meeting, if the meeting is not called by the presiding officer, to furnish
15 the notice required by subsection (b).

16 (d) Prior to any meeting hereinabove mentioned, any agenda relating
17 to the business to be transacted at such meeting shall be made available
18 to any person requesting said agenda.

19 (e) The use of cameras, photographic lights and recording devices
20 shall not be prohibited at any meeting mentioned by subsection (a), but
21 such use shall be subject to reasonable rules designed to insure the or-
22 derly conduct of the proceedings at such meeting.

23 (f) The provisions of the open meetings law shall not apply:

24 (1) To any administrative body that is authorized by law to exercise
25 quasi-judicial functions when such body is deliberating matters relating
26 to a decision involving such quasi-judicial functions;

27 (2) to the parole board when conducting parole hearings or parole
28 violation hearings held at a correctional institution;

29 (3) to any impeachment inquiry or other impeachment matter re-
30 ferred to any committee of the house of representatives prior to the report
31 of such committee to the full house of representatives; and

32 (4) if otherwise provided by state or federal law or by rules of the
33 Kansas senate or house of representatives.

34 Sec. 2. K.S.A. 2002 Supp. 75-4318 is hereby repealed.

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

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