

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 2004

HOUSE BILL No. 2767

By Representatives Sawyer and Landwehr, Brunk, Carlin, Dahl, De-Castro, Dillmore, Goering, Goico, Hayzlett, Huebert, Huy, Klein, Lane, Loganbill, Mason, McCreary, McKinney, McLeland, Myers, Novascone, Ostmeyer, Pottorff, Powers, Ruff, Schwab, Tafanelli, Tolkes and Wilson

2-9

16 AN ACT concerning open meetings; pertaining to penalties; amending
17 K.S.A. 75-4320 and repealing the existing section.

18

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

20 Section 1. K.S.A. 75-4320 is hereby amended to read as follows: 75-
21 4320. (a) Any member of a body or agency subject to this act who know-
22 ingly violates any of the provisions of this act or who intentionally fails to
23 furnish information as required by subsection (b) of K.S.A. 75-4318, *and*
24 *amendments thereto*, shall be liable for the payment of a civil penalty in
25 an action brought by the attorney general or county or district attorney,
26 in a sum set by the court of not to exceed ~~five hundred dollars (\$500)~~
27 \$500 for each violation. In addition, any binding action which is taken at
28 a meeting not in substantial compliance with the provisions of this act
29 shall be voidable in any action brought by the attorney general or county
30 or district attorney in the district court of the county in which the meeting
31 was held within ~~ten (10) to 21~~ [60] days of the meeting, and the court
32 shall have jurisdiction to issue injunctions or writs of mandamus to en-
33 force the provisions of this act.

34 (b) Civil penalties sued for and recovered hereunder by the attorney
35 general shall be paid into the state general fund. Civil penalties sued for
36 and recovered hereunder by a county or district attorney shall be paid
37 into the general fund of the county where the proceedings were
38 instigated.

39 Sec. 2. K.S.A. 75-4320 is hereby repealed.

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