

HOUSE BILL No. 2493

By Committee on Elections and Governmental Organization

2-9

9 AN ACT concerning public information; establishing training programs
10 under the open records and open meetings acts.

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

13 Section 1. (a) Each elected or appointed public official who is a
14 member of a public body subject to the open meetings act, K.S.A. 75-
15 4317 et seq, and amendments thereto, shall complete a course of training
16 regarding the responsibilities of the public body and its members under
17 the open meetings act. The required course of training shall be completed
18 not later than the 90th day after the date the official:

19 (1) Takes the oath of office, if the official is required to take an oath
20 of office prior to assuming such official's duties as a member of the public
21 body; or

22 (2) assumes such official's duties as a member of the public body if
23 no oath is required.

24 (b) The attorney general shall establish the content for the course of
25 training required by subsection (a) and ensure that such training is made
26 available. The attorney general may provide the training or may approve
27 any acceptable course of training offered by a public body or other entity.
28 The attorney general shall make available at no cost at least one acceptable
29 course of training on videotape or a functionally similar and widely avail-
30 able medium or format. The training shall include instruction in:

31 (1) The general background of the legal requirements for open
32 meetings;

33 (2) the applicability of the open meetings act to public bodies;

34 (3) procedures and requirements regarding quorums, notice and re-
35 cordkeeping under the open meetings act;

36 (4) procedures and requirements of holding an open meeting;

37 (5) procedures and requirements for holding an executive session or
38 closed meeting; and

39 (6) the penalties and other consequences for failure to comply with
40 the open meetings act.

41 (c) The attorney general or other entity providing the training re-
42 quired by this section shall provide a certificate of course completion to
43 each person who completes the training required by this act. Each public

1 body shall maintain and make available for public inspection all records
2 pertaining to the attendance and completion of the training required by
3 this section by its members.

4 (d) Any individual who completes the training required by this section
5 as a member of one public body shall not be required to complete similar
6 training for any other public body on which such individual serves. The
7 individual shall provide a copy of such individual's certificate of comple-
8 tion of training to the clerk or other appropriate official of each public
9 body on which such individual serves to avoid retaking the training re-
10 quired by this section.

11 (e) The failure of one or more members of a public body to complete
12 the training required by this section shall not affect the validity of an
13 action taken by such public body.

14 (f) A certificate of completion of the training required by subsection
15 (a) shall be admissible as evidence in any prosecution under the open
16 meetings act; however, evidence that a defendant has completed a course
17 of training offered under this section shall not constitute prima facie ev-
18 idence that the defendant knowingly violated the act.

19 (g) This section shall be supplemental to and a part of the open meet-
20 ings act.

21 Sec. 2. (a) (1) Each elected or appointed public official who is a
22 member of the governing body of a public agency subject to the open
23 records act, K.S.A. 45-215 et seq, and amendments thereto, shall com-
24 plete a course of training regarding the responsibilities of the public
25 agency and its personnel under the open records act. The required course
26 of training shall be completed not later than the 90th day after the date
27 the official:

28 (A) Takes the oath of office, if the official is required to take an oath
29 of office prior to assuming such official's duties as a member of the public
30 agency; or

31 (B) assumes such official's duties as a member of the public agency
32 if no oath is required.

33 (2) In lieu of personally taking the training required by this subsec-
34 tion, a public official may designate an official custodian, as such term is
35 defined in K.S.A. 45-217, and amendments thereto, to satisfy the training
36 requirements of this section for the public official. Designation of an
37 official custodian shall not relieve a public official from the duty to comply
38 with any other requirement of the Kansas open records act and amend-
39 ments thereto. The designated official custodian shall complete the train-
40 ing course regarding the responsibilities of the governmental body which
41 the official custodian serves not later than the 90th day after the date the
42 official custodian assumes such official custodian's duties.

43 (b) The attorney general shall establish the content for the course of

1 training required by subsection (a) and ensure that the training is made
2 available. The office of the attorney general may provide the training or
3 may approve any acceptable course of training offered by a public agency
4 or other entity. The attorney general shall ensure that at least one course
5 of training approved or provided by the attorney general is available on
6 videotape or a functionally similar and widely available medium or format
7 at no cost. The training shall include instruction in:

- 8 (1) The general background of the legal requirements for open re-
9 cords and public access by members of the public to public records;
- 10 (2) the applicability of the open records act to public agencies;
- 11 (3) procedures and requirements regarding complying with a request
12 for inspection or copies of public records; and
- 13 (4) penalties and other consequences for failure to comply with the
14 open records act.

15 (c) The office of attorney general or other entity providing the train-
16 ing shall provide a certificate of course completion to persons who com-
17 plete the training required by this section. Each public agency, including
18 any official custodian thereof, shall maintain and make available for public
19 inspection all records pertaining to the attendance and completion of the
20 training required by this section by each member of the governing body
21 of the public agency and each official custodian of such agency.

22 (d) Any individual who completes the training required by this section
23 as a member or official custodian of one public agency shall not be re-
24 quired to complete similar training for any other public agency on which
25 such individual serves. The individual shall provide a copy of such indi-
26 vidual's certificate of completion of training to the clerk or other appro-
27 priate official of each public agency on which such individual serves to
28 avoid retaking the training required by this section.

29 (e) A certificate of completion of the training required by subsection
30 (a) shall be admissible as evidence in any prosecution under the open
31 records act; however, evidence that a defendant has completed a course
32 of training offered under this section shall not constitute prima facie ev-
33 idence that the defendant knowingly violated the act.

34 (f) This section shall be supplemental to and a part of the open re-
35 cords act.

36 Sec. 3. (a) Each elected or appointed public official who is a member
37 of a public body subject to the open meetings act, K.S.A. 75-4317 et seq,
38 and amendments thereto, who was elected or appointed to such position
39 on or before January 1, 2008, shall complete a course of training required
40 by section 1, and amendments thereto, on or before January 1, 2009,
41 regarding the responsibilities of the public body and its members under
42 the open meetings act.

43 (b) Each elected or appointed public official who is a member of the

1 governing body of a public agency, including each official custodian of
2 such agency, subject to the open records act, K.S.A. 45-215 et seq., and
3 amendments thereto, who was elected or appointed to such position on
4 or before January 1, 2008, shall complete a course of training required
5 by section 2, and amendments thereto, or before January 1, 2009, re-
6 garding the responsibilities of the public agency and its personnel under
7 the open records act.

8 Sec. 4. This act shall take effect and be in force from and after its
9 publication in the statute book.