

SESSION OF 2006

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2719

As Amended by House Committee on
Governmental Organization and Elections

Brief*

HB 2719 amends the Kansas Open Meetings Act (KOMA). The bill would establish a process whereby:

- A member of a public body or agency is permitted to object to participating in a closed or executive session if the person believes the action violates or subverts KOMA intent. Suspension and expulsion hearings are excluded from this process.
- After such objection the closed meeting is required to be recorded as a sound recording.
- Such recordings are sealed and not open to public inspection under the Kansas Open Records Act (KORA), except, in a court action to enforce the KORA the record is required to be unsealed and examined confidentially by the court, upon court order.
- If the court determines a KORA violation likely has occurred, the court is required to determine what portion of the recording to disclose, using criteria established in the bill for making this determination.
- After the determination is made, the court is authorized to permit inspection or use of the recording, as the court directs, by the party seeking KORA enforcement.
- The presence of a recording device is deemed to not constitute a violation of the attorney-client privilege.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

Proponents of the bill included representatives of the Kansas Press Association, the Kansas Association of Broadcasters, the League of Women Voters, the Sunshine Coalition for Open Government, and a private citizen. Opponents included representatives of the Kansas Association of School Boards, Wichita Public Schools, the Kansas Association of Counties, the League of Kansas Municipalities, and the Kansas Hospital Association.

The House Committee amended the bill to exclude suspension and expulsion hearings from the process established by the bill.

The fiscal note indicates HB 2719 has the potential for increasing the level of court activity by an inestimable amount.