

## SENATE BILL No. 76

By Committee on Elections and Local Government

1-28

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AN ACT concerning public meetings; amending K.S.A. 2002 Supp. 75-4318 and repealing the existing section.

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

Section 1. K.S.A. 2002 Supp. 75-4318 is hereby amended to read as follows: 75-4318. (a) Subject to the provisions of subsection (f), all meetings for the conduct of the affairs of, and the transaction of business by, all legislative and administrative bodies and agencies of the state and political and taxing subdivisions thereof, including boards, commissions, authorities, councils, committees, subcommittees and other subordinate groups thereof, receiving or expending and supported in whole or in part by public funds shall be open to the public and no binding action by such bodies shall be by secret ballot.

(1) Meetings of task forces, advisory committees or subcommittees of advisory committees created pursuant to a governor's executive order shall be open to the public in accordance with this act.

(2) *Meetings of task forces, advisory committees or subcommittees of advisory committees created by an incoming governor shall be open to the public in accordance with this act. For the purposes of this paragraph, "incoming governor" shall have the meaning ascribed to it in K.S.A. 75-132 and amendments thereto.*

(3) *Meetings of a board of county commissioners or any task forces, advisory committees or subcommittees of advisory committees created by a board of county commissioners shall be open to the public in accordance with this act. For the purposes of this paragraph, "board of county commissioners" shall have the meaning ascribed to it in K.S.A. 19-202, and amendments thereto, except that the term "county commissioner" shall include any person who is the apparent successful candidate for the office of county commissioner, as ascertained by the secretary of state following the general election for such office. The secretary of state shall make such determination on the day next following such election or as soon thereafter as such fact can be ascertained.*

(4) *Meetings of the members of the governing body of a city or any task forces, advisory committees or subcommittees of advisory committees created by the members of the governing body of such city shall be open*

1 to the public in accordance with this act. For the purposes of this para-  
2 graph, "member of the governing body of a city" shall include any person  
3 who is the apparent successful candidate for such elected city office as  
4 provided by law, as ascertained by the secretary of state following the  
5 general election for such office. The secretary of state shall make such  
6 determination on the day next following such election or as soon thereafter  
7 as such fact can be ascertained.

8 (5) Meetings of the members of the board of education of a unified  
9 school district or any task forces, advisory committees or subcommittees  
10 of advisory committees created by the members of the governing body of  
11 such board of education of a unified school district shall be open to the  
12 public in accordance with this act. For the purposes of this paragraph,  
13 "member of the board of education of a unified school district" shall in-  
14 clude any person who is the apparent successful candidate for such elected  
15 position on the unified school district as provided by law, as ascertained  
16 by the secretary of state following the general election for such office. The  
17 secretary of state shall make such determination on the day next following  
18 such election or as soon thereafter as such fact can be ascertained.

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

22 (1) If notice is requested by petition, the petition shall designate one  
23 person to receive notice on behalf of all persons named in the petition,  
24 and notice to such person shall constitute notice to all persons named in  
25 the petition;

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

30 (3) the public body may require that a request to receive notice must  
31 be submitted again to the body prior to the commencement of any sub-  
32 sequent fiscal year of the body during which the person wishes to continue  
33 receiving notice, but, prior to discontinuing notice to any person, the  
34 public body must notify the person that notice will be discontinued unless  
35 the person resubmits a request to receive notice.

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

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

42 (e) The use of cameras, photographic lights and recording devices  
43 shall not be prohibited at any meeting mentioned by subsection (a), but

1 such use shall be subject to reasonable rules designed to insure the or-  
2 derly conduct of the proceedings at such meeting.

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

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

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

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

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

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

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

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