

HOUSE BILL No. 2219

By Representative Alcalá

2-8

1 AN ACT concerning the Kansas open meetings act; relating to recording
2 of proceedings; availability to public; amending K.S.A. 2018 Supp. 75-
3 4318 and repealing the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2018 Supp. 75-4318 is hereby amended to read as
7 follows: 75-4318. (a) Subject to the provisions of subsection ~~(g)~~ (h), all
8 meetings for the conduct of the affairs of, and the transaction of business
9 by, all legislative and administrative bodies and agencies of the state and
10 political and taxing subdivisions thereof, including boards, commissions,
11 authorities, councils, committees, subcommittees and other subordinate
12 groups thereof, receiving or expending and supported in whole or in part
13 by public funds shall be open to the public and no binding action by such
14 public bodies or agencies shall be by secret ballot. Meetings of task forces,
15 advisory committees or subcommittees of advisory committees created
16 pursuant to a governor's executive order shall be open to the public in
17 accordance with this act.

18 (b) Notice of the date, time and place of any regular or special
19 meeting of a public body or agency designated in subsection (a) shall be
20 furnished to any person requesting such notice, except that:

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

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

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

36 (c) It shall be the duty of the presiding officer or other person calling

1 the meeting, if the meeting is not called by the presiding officer, to furnish
2 the notice required by subsection (b).

3 (d) Prior to any meeting mentioned by subsection (a), any agenda
4 relating to the business to be transacted at such meeting shall be made
5 available to any person requesting the agenda.

6 (e) The use of cameras, photographic lights and recording devices
7 shall not be prohibited at any meeting mentioned by subsection (a), but
8 such use shall be subject to reasonable rules designed to insure the orderly
9 conduct of the proceedings at such meeting.

10 (f) Except as provided by section 22 of article 2 of the constitution of
11 the state of Kansas, interactive communications in a series shall be open if
12 they collectively involve a majority of the membership of the public body
13 or agency, share a common topic of discussion concerning the business or
14 affairs of the public body or agency, and are intended by any or all of the
15 participants to reach agreement on a matter that would require binding
16 action to be taken by the public body or agency.

17 (g) *A public body or agency designated in subsection (a) shall record*
18 *audio or video of any meeting described in subsection (a) that is required*
19 *to be open to the public and shall make such audio or video recording*
20 *accessible to the public within 24 hours after such meeting.*

21 (h) The provisions of the open meetings law shall not apply:

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

25 (2) to the prisoner review board when conducting parole hearings or
26 parole violation hearings held at a correctional institution;

27 (3) to any impeachment inquiry or other impeachment matter referred
28 to any committee of the house of representatives prior to the report of such
29 committee to the full house of representatives; and

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

32 Sec. 2. K.S.A. 2018 Supp. 75-4318 is hereby repealed.

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