SENATE BILL No. 10

By Senator LaTurner

AN ACT concerning openness in government; amending K.S.A. 2012 Supp. 45-219, 46-1207a and 75-4318 and repealing the existing sections.

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

Section 1. K.S.A. 2012 Supp. 45-219 is hereby amended to read as follows: 45-219. (a) Any person may make abstracts or obtain copies of any public record to which such person has access under this act. If copies are requested, the public agency may require a written request and advance payment of the prescribed fee. A public agency shall not be required to provide copies of radio or recording tapes or discs, video tapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices, unless such items or devices were shown or played to a public meeting of the governing body thereof, but the public agency shall not be required to provide such items or devices which are copyrighted by a person other than the public agency.

(b) Copies of public records shall be made while the records are in the possession, custody and control of the custodian or a person designated by the custodian and shall be made under the supervision of such custodian or person. When practical, copies shall be made in the place where the records are kept. If it is impractical to do so, the custodian shall allow arrangements to be made for use of other facilities. If it is necessary to use other facilities for copying, the cost thereof shall be paid by the person desiring a copy of the records. In addition, the public agency may charge the same fee for the services rendered in supervising the copying as for furnishing copies under subsection (c) and may establish a reasonable schedule of times for making copies at other facilities.

(c) Except as provided by subsection (f) or where fees for inspection or for copies of a public record are prescribed by statute, each public agency may prescribe reasonable fees for providing access to or furnishing copies of public records, subject to the following:

(1) In the case of fees for copies of records, the fees shall not exceed the actual cost of furnishing copies, including the cost of staff time required to make the information available shall not be charged to the requester.

(2) In the case of fees for providing access to records maintained on
computer facilities, the fees shall include only the cost of any computer
services, including but not include staff time required.

(3) Fees for access to or copies of public records of public agencies
within the legislative branch of the state government shall be established in
accordance with K.S.A. 46-1207a, and amendments thereto.

(4) Fees for access to or copies of public records of public agencies
within the judicial branch of the state government shall be established in
accordance with rules of the supreme court, but may not exceed a fee of
$.25 per page. Staff time may not be included in the fee.

(5) Fees for access to or copies of public records of a public agency
within the executive branch of the state government shall be established by
the agency head. Any person requesting records may appeal the
reasonableness of the fees charged for providing access to or furnishing
copies of such records to the secretary of administration whose decision
shall be final. A fee for copies of public records which is equal to or less
than $.25 per page shall be deemed a reasonable fee.

(d) Except as otherwise authorized pursuant to K.S.A. 75-4215, and
amendments thereto, each public agency within the executive branch of
the state government shall remit all moneys received by or for it from fees
charged pursuant to this section to the state treasurer in accordance with
K.S.A. 75-4215, and amendments thereto. Unless otherwise specifically
provided by law, the state treasurer shall deposit the entire amount thereof
in the state treasury and credit the same to the state general fund or an
appropriate fee fund as determined by the agency head.

(e) Each public agency of a political or taxing subdivision shall
charge a fee not to exceed $.25 per page. Such fee shall not include staff
time. The public agency shall remit all moneys received by or for it from
fees charged pursuant to this act to the treasurer of such political or taxing
subdivision at least monthly. Upon receipt of any such moneys, such
treasurer shall deposit the entire amount thereof in the treasury of the
political or taxing subdivision and credit the same to the general fund
thereof, unless otherwise specifically provided by law.

(f) Any person who is a certified shorthand reporter may charge fees
for transcripts of such person's notes of judicial or administrative
proceedings in accordance with rates established pursuant to rules of the
Kansas supreme court.

(g) Nothing in the open records act shall require a public agency to
electronically make copies of public records by allowing a person to obtain
copies of a public record by inserting, connecting or otherwise attaching
an electronic device provided by such person to the computer or other
electronic device of the public agency.

Sec. 2. K.S.A. 2012 Supp. 46-1207a is hereby amended to read as
follows: 46-1207a. (a) The legislative coordinating council may provide
for sale or other disposition of copies of any publication, document or
other paper, information or record, regardless of form or characteristics,
produced by or under the legislative branch, whether such copies are
printed or reproduced in any other manner. Such council may fix charges
for sale of any such copies, and such charges may include costs of mailing,
and reproduction and other expenses. Such cost shall not exceed $.25 per
page. Whenever such council provides for the sale of copies under this
section, the same shall be sold and distributed by or through the director of
legislative administrative services or such other state officer as such
council specifies. All amounts received under this section by or for any
such sales shall be remitted to the state treasurer in accordance with the
provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
each such remittance, the state treasurer shall deposit the entire amount in
the state treasury to the credit of the legislative special revenue fund. The
provisions of this section shall not apply to the sale or distribution of the
Kansas Statutes Annotated, the session laws of Kansas or other
publications, documents or papers the sale of which is specifically
provided for by law.
(b) At the conclusion of each legislative session, the officers of each
house may deposit for safekeeping with the secretary of state such
legislative documents and other papers as they may determine.
(c) All moneys received by the director of legislative administrative
services for the disposition of surplus property of any office or agency of
the legislative branch shall be deposited in the state treasury to the credit
of the legislative special revenue fund.
(d) The legislative coordinating council may provide for additional
legislative stationery or other printed material supplies for members of the
legislature to be provided at cost as determined by the council. All moneys
received by the director of legislative administrative services under this
subsection shall be remitted to the state treasurer in accordance with the
provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
each such remittance, the state treasurer shall deposit the entire amount in
the state treasury to the credit of the legislative special revenue fund.
(e) Except as otherwise specifically provided by statute on or after the
effective date of this act, all moneys received by the director of legislative
administrative services on or after November 18, 1991, under this or any
other statute shall be remitted to the state treasurer in accordance with the
provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
each such remittance, the state treasurer shall deposit the entire amount in
the state treasury to the credit of the legislative special revenue fund and
any such moneys deposited in the state treasury to the credit of the state
general fund shall be transferred from the state general fund to the
legislative special revenue fund by the director of accounts and reports
upon certification by the director of legislative administrative services of the amount to be transferred.

Sec. 3. K.S.A. 2012 Supp. 75-4318 is hereby amended to read as follows: 75-4318. (a) Subject to the provisions of subsection (g), 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. 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.

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

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

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

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

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

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

(e) It shall be the duty of the presiding officer of the meeting to insure that minutes are kept at each meeting. The secretary of state shall determine the format of the minutes.

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

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

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

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

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

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

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

Sec. 4. K.S.A. 2012 Supp. 45-219, 46-1207a and 75-4318 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.