

SENATE BILL No. 213

By Committee on Federal and State Affairs

2-22

1 AN ACT concerning open government; relating to the attorney general;
2 legal representation or indemnification in alleged violations of the open
3 records act or the open meetings act; amending K.S.A. 45-215 and
4 K.S.A. 2018 Supp. 75-4317 and repealing the existing sections.

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

7 New Section 1. Notwithstanding any provision of the Kansas tort
8 claims act, K.S.A. 75-6101 et seq., and amendments thereto, or any other
9 provision of law to the contrary, the attorney general may refuse to provide
10 legal representation to or indemnification of a public agency or employee
11 or agent of a public agency in an action, proceeding or investigation
12 involving an alleged violation of the Kansas open records act, K.S.A. 45-
13 215 et seq., and amendments thereto. The provisions of K.S.A. 75-
14 6108(d), and amendments thereto, shall not apply to a refusal under this
15 section.

16 New Sec. 2. Notwithstanding any provision of the Kansas tort claims
17 act, K.S.A. 75-6101 et seq., and amendments thereto, or any other
18 provision of law to the contrary, the attorney general may refuse to provide
19 legal representation to or indemnification of a public agency or employee
20 or agent of a public agency in an action, proceeding or investigation
21 involving an alleged violation of the Kansas open meetings act, K.S.A. 75-
22 4317 et seq., and amendments thereto. The provisions of K.S.A. 75-
23 6108(d), and amendments thereto, shall not apply to a refusal under this
24 section.

25 Sec. 3. K.S.A. 45-215 is hereby amended to read as follows: 45-215.
26 K.S.A. 45-215 through ~~45-223~~ 45-229, and amendments thereto, and
27 K.S.A. 2018 Supp. 45-230 through 45-254 and section 1, and amendments
28 thereto, shall be known and may be cited as the open records act.

29 Sec. 4. K.S.A. 2018 Supp. 75-4317 is hereby amended to read as
30 follows: 75-4317. (a) In recognition of the fact that a representative
31 government is dependent upon an informed electorate, it is declared to be
32 the policy of this state that meetings for the conduct of governmental
33 affairs and the transaction of governmental business be open to the public.

34 (b) It is declared hereby to be against the public policy of this state
35 for any such meeting to be adjourned to another time or place in order to
36 subvert the policy of open public meetings as pronounced in subsection

1 (a).

2 (c) K.S.A. 75-4317 through 75-4320a, *and amendments thereto*, and
3 *K.S.A. 2018 Supp. 75-4320b through 75-4320f and section 2*, and
4 *amendments thereto*, shall be known and may be cited as the open
5 meetings act.

6 Sec. 5. K.S.A. 45-215 and K.S.A. 2018 Supp. 75-4317 are hereby
7 repealed.

8 Sec. 6. This act shall take effect and be in force from and after its
9 publication in the statute book.