



STATE OF KANSAS

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**Curt T. Schneider**  
Attorney General

February 24, 1976

ATTORNEY GENERAL OPINION NO. 76- 72

The Honorable James D. Braden  
State Representative  
3rd Floor - State Capitol Building  
Topeka, Kansas 66612

Re: Open Meetings--Kansas State Association High School  
Activities Association

Synopsis: Meetings of the board of directors, executive board,  
and appeals board of the Kansas State High School  
Activities Association are not subject to the Kansas  
open meetings law.

\* \* \*

Dear Representative Braden:

You inquire whether meetings of the board of directors, the executive board and the appeals board of the Kansas State High School Activities Association are subject to the Kansas open meeting law, K.S.A. 1975 Supp. 75-4317 *et seq.*

The legislative declaration of policy underlying that law is set in the first section thereof:

"In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be the policy of this state that meetings for the conduct of governmental business and the transaction of governmental business be open to the public."

The Honorable James D. Braden  
Page Two  
February 24, 1976

Thus, the act applies to governmental bodies, as contrasted with nongovernmental groups. The more precise reach of the act is prescribed by K.S.A. 1975 Supp. 75-4318(a) thus:

"Except as otherwise provided by law, 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."  
[Emphasis supplied.]

In Opinion No. 74-253, considering the question of supervisory power of the State Board of Education over the Association, Attorney General Vern Miller stated thus:

"The Kansas State High School Activities Association is not a 'state agency,' as defined above [K.S.A. 77-415(1), relating to rules and regulations]. Its articles of incorporation and bylaws are not adopted pursuant to any statutory authority other than the power enjoyed by any incorporated association under the general corporation code of the State of Kansas. Its articles and bylaws govern its own affairs, but do not have the force and effect of state law."

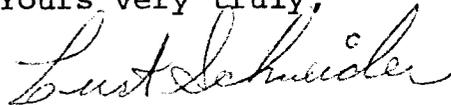
I must agree with this analysis. The Association is neither a legislative nor an administrative agency of the state, but it is a private, nonprofit association which is incorporated under the general corporation laws of the state. It may be that it is supported in whole or in part by funds of its member boards of education and hence, ultimately, by public funds. This alone, however, does not bring it within the open meeting law, for in addition to public support, the body in question must also be a legislative or administrative body or agency of the state or of its political subdivisions. The Association is an organization which complies, we understand, with K.S.A. 72-130 which commences thus:

The Honorable James D. Braden  
Page Three  
February 24, 1976

"Any organization with a majority of the high schools of the state as members and whose purpose is the statewide regulation, supervision, promotion or development of any of the activities referred to in this act and in which any public school of this state may participate directly or indirectly shall . . . ."

The composition and method of selection of the board of directors is prescribed by K.S.A. 72-130, as is that of the executive board. K.S.A. 72-134 requires the appointment of an appeals board, and prescribes its size and the nature of its membership. The board of directors, executive board, and appeals board are all entities provided for by the Association through its corporate articles or bylaws, in order to conform to the requirements of these provisions. The Legislature has chosen to regulate rather closely the organizational structure of any organization which has a majority of the high schools of the state as members, and whose purpose is that stated above, in K.S.A. 72-130. Despite this regulation, the Association itself remains an independent nongovernmental entity, a private nonprofit incorporated association, and as such, meetings of its board of directors, executive board, and appeals board are not subject to the Kansas open meeting law.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj