



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

Curt T. Schneider
Attorney General

February 8, 1977

ATTORNEY GENERAL OPINION NO. 77-53

Mr. Kenneth L. Weltz
Ellis County Attorney
Post Office Box 725
Hays, Kansas 67601

Re: Open Meeting Law--Citizens' Committees

Synopsis: The Kansas open meeting law, K.S.A. 1976 Supp. 75-4317 *et seq.*, applies only to legislative and administrative bodies of the state and its political subdivisions, and subordinate groups thereof, and does not apply to an unpaid voluntary citizens' committee which is constituted by a county officer to advise him or her concerning matters within the jurisdiction of such officer, but which exercises no administrative authority of such officer.

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Dear Mr. Weltz:

You request my opinion concerning application of the Kansas open meeting law, K.S.A. 1976 Supp. 75-4317 *et seq.*

You advise that ten persons comprise a committee, at your request, to review certain films and to report to you their opinion whether the films shown are legally obscene. The purpose of the committee, you indicate, is to provide you with a vehicle to determine how average persons applying contemporary community standards regard the films in question. The committee has no legal power or authority whatever, and the sole decision to prosecute rests with yourself, although it is your general policy to do so when a majority of the committee regards a film as legally obscene.

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The question which is raised by a local newspaper is whether the votes of the committee may be kept in confidence. K.S.A. 1976 Supp. 75-4318(a) provides 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."
[Empphasis supplied.]

The members of the committee, you advise, receive no compensation from public funds or from any other source for their services on said committee.

Clearly, the committee is not a legislative body of the county. Similarly, it exercises no administrative authority of the county, or of the county attorney. The open meeting law applies only to legislative and administrative bodies of the state and its political subdivisions and subordinate groups thereof.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj