

**74-99d04. Board of directors; organization; meetings; application of open meetings act.** (a) The board shall elect annually from among its members a chairperson, vice-chairperson and secretary. Five members of the board shall constitute a quorum and the affirmative vote of five members shall be necessary for any action taken by the board. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board.

(b) Notwithstanding any provision of K.S.A. 75-4317 et seq., and amendments thereto, in the case of the authority, discussion, consideration and action on any of the following may occur in executive session when in the opinion of the board disclosure of the items would be harmful to the competitive position of third parties or to the security of transmission facilities:

- (1) Proprietary information gathered by or in the possession of the authority from third parties pursuant to a promise of confidentiality;
- (2) information regarding the location of transmission facilities and security measures that protect such facilities; or
- (3) information which is related to transmission capacity or availability and is not otherwise available to all electric energy market participants.

(c) Notwithstanding any provision of this section to the contrary, the authority may claim the benefit of any other exemption to the Kansas open meetings act listed in K.S.A. 75-4317 et seq., and amendments thereto.

**History:** L. 2005, ch. 169, § 4; L. 2014, ch. 24, § 3; July 1.