

SENATE BILL No. 318

By Committee on Utilities

1-12

1 AN ACT concerning utilities; relating to state entities; concerning the
2 Kansas electric transmission authority; abolishing certain funds and
3 transferring the balances; amending K.S.A. 2015 Supp. 45-229 and
4 repealing the existing section; also repealing K.S.A. 2015 Supp. 74-
5 99d01, 74-99d02, 74-99d03, 74-99d04, 74-99d05, 74-99d06, 74-99d07,
6 74-99d08, 74-99d10, 74-99d11, 74-99d12, 74-99d13 and 74-99d14.
7

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

9 New Section 1. On the effective date of this act, the director of
10 accounts and reports shall transfer all moneys in the KETA administrative
11 fund and the KETA development fund to the state general fund. On the
12 effective date of this act, all liabilities of the KETA administrative fund
13 and the KETA development fund are hereby transferred to and imposed on
14 the state general fund and the KETA administrative fund and the KETA
15 development fund are hereby abolished.

16 Sec. 2. K.S.A. 2015 Supp. 45-229 is hereby amended to read as
17 follows: 45-229. (a) It is the intent of the legislature that exceptions to
18 disclosure under the open records act shall be created or maintained only
19 if:

20 (1) The public record is of a sensitive or personal nature concerning
21 individuals;

22 (2) the public record is necessary for the effective and efficient
23 administration of a governmental program; or

24 (3) the public record affects confidential information.

25 The maintenance or creation of an exception to disclosure must be
26 compelled as measured by these criteria. Further, the legislature finds that
27 the public has a right to have access to public records unless the criteria in
28 this section for restricting such access to a public record are met and the
29 criteria are considered during legislative review in connection with the
30 particular exception to disclosure to be significant enough to override the
31 strong public policy of open government. To strengthen the policy of open
32 government, the legislature shall consider the criteria in this section before
33 enacting an exception to disclosure.

34 (b) Subject to the provisions of subsections (g) and (h), any new
35 exception to disclosure or substantial amendment of an existing exception
36 shall expire on July 1 of the fifth year after enactment of the new

1 exception or substantial amendment, unless the legislature acts to continue
2 the exception. A law that enacts a new exception or substantially amends
3 an existing exception shall state that the exception expires at the end of
4 five years and that the exception shall be reviewed by the legislature
5 before the scheduled date.

6 (c) For purposes of this section, an exception is substantially
7 amended if the amendment expands the scope of the exception to include
8 more records or information. An exception is not substantially amended if
9 the amendment narrows the scope of the exception.

10 (d) This section is not intended to repeal an exception that has been
11 amended following legislative review before the scheduled repeal of the
12 exception if the exception is not substantially amended as a result of the
13 review.

14 (e) In the year before the expiration of an exception, the revisor of
15 statutes shall certify to the president of the senate and the speaker of the
16 house of representatives, by July 15, the language and statutory citation of
17 each exception which will expire in the following year which meets the
18 criteria of an exception as defined in this section. Any exception that is not
19 identified and certified to the president of the senate and the speaker of the
20 house of representatives is not subject to legislative review and shall not
21 expire. If the revisor of statutes fails to certify an exception that the revisor
22 subsequently determines should have been certified, the revisor shall
23 include the exception in the following year's certification after that
24 determination.

25 (f) "Exception" means any provision of law which creates an
26 exception to disclosure or limits disclosure under the open records act
27 pursuant to K.S.A. 45-221, and amendments thereto, or pursuant to any
28 other provision of law.

29 (g) A provision of law which creates or amends an exception to
30 disclosure under the open records law shall not be subject to review and
31 expiration under this act if such provision:

- 32 (1) Is required by federal law;
- 33 (2) applies solely to the legislature or to the state court system;
- 34 (3) has been reviewed and continued in existence twice by the
35 legislature; or
- 36 (4) has been reviewed and continued in existence by the legislature
37 during the 2013 legislative session and thereafter.

38 (h) (1) The legislature shall review the exception before its scheduled
39 expiration and consider as part of the review process the following:

- 40 (A) What specific records are affected by the exception;
- 41 (B) whom does the exception uniquely affect, as opposed to the
42 general public;
- 43 (C) what is the identifiable public purpose or goal of the exception;

1 (D) whether the information contained in the records may be obtained
2 readily by alternative means and how it may be obtained;

3 (2) an exception may be created or maintained only if it serves an
4 identifiable public purpose and may be no broader than is necessary to
5 meet the public purpose it serves. An identifiable public purpose is served
6 if the legislature finds that the purpose is sufficiently compelling to
7 override the strong public policy of open government and cannot be
8 accomplished without the exception and if the exception:

9 (A) Allows the effective and efficient administration of a
10 governmental program, which administration would be significantly
11 impaired without the exception;

12 (B) protects information of a sensitive personal nature concerning
13 individuals, the release of which information would be defamatory to such
14 individuals or cause unwarranted damage to the good name or reputation
15 of such individuals or would jeopardize the safety of such individuals.
16 Only information that would identify the individuals may be excepted
17 under this paragraph; or

18 (C) protects information of a confidential nature concerning entities,
19 including, but not limited to, a formula, pattern, device, combination of
20 devices, or compilation of information which is used to protect or further a
21 business advantage over those who do not know or use it, the disclosure of
22 which information would injure the affected entity in the marketplace.

23 (3) Records made before the date of the expiration of an exception
24 shall be subject to disclosure as otherwise provided by law. In deciding
25 whether the records shall be made public, the legislature shall consider
26 whether the damage or loss to persons or entities uniquely affected by the
27 exception of the type specified in paragraph (2)(B) or (2)(C) of this
28 subsection (h) would occur if the records were made public.

29 (i) (1) Exceptions contained in the following statutes as continued in
30 existence in section 2 of chapter 126 of the 2005 Session Laws of Kansas
31 and which have been reviewed and continued in existence twice by the
32 legislature as provided in subsection (g) are hereby continued in existence:
33 1-401, 2-1202, 5-512, 9-1137, 9-1712, 9-2217, 10-630, 11-306, 12-189,
34 12-1,108, 12-1694, 12-1698, 12-2819, 12-4516, 16-715, 16a-2-304, 17-
35 1312e, 17-2227, 17-5832, 17-7511, 17-7514, 17-76,139, 19-4321, 21-
36 2511, 22-3711, 22-4707, 22-4909, 22a-243, 22a-244, 23-605, 23-9,312,
37 25-4161, 25-4165, 31-405, 34-251, 38-2212, 39-709b, 39-719e, 39-934,
38 39-1434, 39-1704, 40-222, 40-2,156, 40-2c20, 40-2c21, 40-2d20, 40-2d21,
39 40-409, 40-956, 40-1128, 40-2807, 40-3012, 40-3304, 40-3308, 40-3403b,
40 40-3421, 40-3613, 40-3805, 40-4205, 44-510j, 44-550b, 44-594, 44-635,
41 44-714, 44-817, 44-1005, 44-1019, 45-221(a)(1) through (43), 46-256, 46-
42 259, 46-2201, 47-839, 47-844, 47-849, 47-1709, 48-1614, 49-406, 49-427,
43 55-1,102, 58-4114, 59-2135, 59-2802, 59-2979, 59-29b79, 60-3333, 60-

1 3336, 65-102b, 65-118, 65-119, 65-153f, 65-170g, 65-177, 65-1,106, 65-
2 1,113, 65-1,116, 65-1,157a, 65-1,163, 65-1,165, 65-1,168, 65-1,169, 65-
3 1,171, 65-1,172, 65-436, 65-445, 65-507, 65-525, 65-531, 65-657, 65-
4 1135, 65-1467, 65-1627, 65-1831, 65-2422d, 65-2438, 65-2836, 65-2839a,
5 65-2898a, 65-3015, 65-3447, 65-34,108, 65-34,126, 65-4019, 65-4922,
6 65-4925, 65-5602, 65-5603, 65-6002, 65-6003, 65-6004, 65-6010, 65-
7 67a05, 65-6803, 65-6804, 66-101c, 66-117, 66-151, 66-1,190, 66-1,203,
8 66-1220a, 66-2010, 72-996, 72-4311, 72-4452, 72-5214, 72-53,106, 72-
9 5427, 72-8903, 73-1228, 74-2424, 74-2433f, 74-4905, 74-4909, 74-
10 50,131, 74-5515, 74-7308, 74-7338, 74-8104, 74-8307, 74-8705, 74-8804,
11 74-9805, 75-104, 75-712, 75-7b15, 75-1267, 75-2943, 75-4332, 75-4362,
12 75-5133, 75-5266, 75-5665, 75-5666, 75-7310, 76-355, 76-359, 76-493,
13 76-12b11, 76-3305, 79-1119, 79-1437f, 79-3234, 79-3395, 79-3420, 79-
14 3499, 79-34,113, 79-3614, 79-3657, 79-4301 and 79-5206.

15 (2) Exceptions contained in the following statutes as certified by the
16 revisor of statutes to the president of the senate and the speaker of the
17 house of representatives pursuant to subsection (e) and which have been
18 reviewed during the 2015 legislative session and continued in existence by
19 the legislature as provided in subsection (g) are hereby continued in
20 existence: 17-2036, 40-5301, 45-221(a)(45), (46) and (49), 48-16a10, 58-
21 4616, 60-3351, 72-972a, 74-50,217,~~74-99d05~~ and 75-53,105.

22 (j) (1) Exceptions contained in the following statutes as continued in
23 existence in section 1 of chapter 87 of the 2006 Session Laws of Kansas
24 and which have been reviewed and continued in existence twice by the
25 legislature as provided in subsection (g) are hereby continued in existence:
26 1-501, 9-1303, 12-4516a, 39-970, 65-525, 65-5117, 65-6016, 65-6017 and
27 74-7508.

28 (2) Exceptions contained in the following statutes as certified by the
29 revisor of statutes to the president of the senate and the speaker of the
30 house of representatives pursuant to subsection (e) during 2010 are hereby
31 continued in existence until July 1, 2016, at which time such exceptions
32 shall expire: 12-5358, 12-5611, 22-4906, 22-4909, 38-2310, 38-2311, 38-
33 2326, 44-1132, 60-3333, 65-6154, 71-218, 75-457, 75-712c, 75-723 and
34 75-7c06.

35 (k) Exceptions contained in the following statutes as certified by the
36 revisor of statutes to the president of the senate and the speaker of the
37 house of representatives pursuant to subsection (e) and which have been
38 reviewed during the 2014 legislative session and continued in existence by
39 the legislature as provided in subsection (g) are hereby continued in
40 existence: 1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-
41 17,150, 12-2001, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-
42 2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48),
43 50-6a11, 56-1a610, 56a-1204, 65-1,243, 65-16,104, 65-3239, 74-50,184,

1 74-8134, 74-99b06, 77-503a and 82a-2210.

2 (l) Exceptions contained in the following statutes as certified by the
3 revisor of statutes to the president of the senate and the speaker of the
4 house of representatives pursuant to subsection (e) during 2011 are hereby
5 continued in existence until July 1, 2017, at which time such exceptions
6 shall expire: 12-5711, 21-2511, 38-2313, 65-516, 74-8745, 74-8752, 74-
7 8772 and 75-7427.

8 (m) Exceptions contained in the following statutes as certified by the
9 revisor of statutes to the president of the senate and the speaker of the
10 house of representatives pursuant to subsection (e) during 2012 and which
11 have been reviewed during the 2013 legislative session and continued in
12 existence by the legislature as provided in subsection (g) are hereby
13 continued in existence: 12-5811, 40-222, 40-223j, 40-5007a, 40-5009a,
14 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-60c01, 75-
15 712 and 75-5366.

16 Sec. 3. K.S.A. 2015 Supp. 45-229, 74-99d01, 74-99d02, 74-99d03,
17 74-99d04, 74-99d05, 74-99d06, 74-99d07, 74-99d08, 74-99d10, 74-99d11,
18 74-99d12, 74-99d13 and 74-99d14 are hereby repealed.

19 Sec. 4. This act shall take effect and be in force from and after its
20 publication in the Kansas register.