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

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

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

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

(1) The public record is of a sensitive or personal nature concerning individuals;
(2) the public record is necessary for the effective and efficient administration of a governmental program; or
(3) the public record affects confidential information.

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

(b) Subject to the provisions of subsections (g) and (h), any new exception to disclosure or substantial amendment of an existing exception shall expire on July 1 of the fifth year after enactment of the new
exception or substantial amendment, unless the legislature acts to continue
the exception. A law that enacts a new exception or substantially amends
an existing exception shall state that the exception expires at the end of
five years and that the exception shall be reviewed by the legislature
before the scheduled date.
(c) For purposes of this section, an exception is substantially
amended if the amendment expands the scope of the exception to include
more records or information. An exception is not substantially amended if
the amendment narrows the scope of the exception.
(d) This section is not intended to repeal an exception that has been
amended following legislative review before the scheduled repeal of the
exception if the exception is not substantially amended as a result of the
review.
(e) In the year before the expiration of an exception, the revisor of
statutes shall certify to the president of the senate and the speaker of the
house of representatives, by July 15, the language and statutory citation of
each exception which will expire in the following year which meets the
criteria of an exception as defined in this section. Any exception that is not
identified and certified to the president of the senate and the speaker of the
house of representatives is not subject to legislative review and shall not
expire. If the revisor of statutes fails to certify an exception that the revisor
subsequently determines should have been certified, the revisor shall
include the exception in the following year's certification after that
determination.
(f) "Exception" means any provision of law which creates an
exception to disclosure or limits disclosure under the open records act
pursuant to K.S.A. 45-221, and amendments thereto, or pursuant to any
other provision of law.
(g) A provision of law which creates or amends an exception to
disclosure under the open records law shall not be subject to review and
expiration under this act if such provision:
(1) Is required by federal law;
(2) applies solely to the legislature or to the state court system;
(3) has been reviewed and continued in existence twice by the
legislature; or
(4) has been reviewed and continued in existence by the legislature
during the 2013 legislative session and thereafter.
(h) (1) The legislature shall review the exception before its scheduled
expiration and consider as part of the review process the following:
(A) What specific records are affected by the exception;
(B) whom does the exception uniquely affect, as opposed to the
general public;
(C) what is the identifiable public purpose or goal of the exception;
whether the information contained in the records may be obtained readily by alternative means and how it may be obtained;
(2) an exception may be created or maintained only if it serves an identifiable public purpose and may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exception and if the exception:
(A) Allows the effective and efficient administration of a governmental program, which administration would be significantly impaired without the exception;
(B) protects information of a sensitive personal nature concerning individuals, the release of which information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals. Only information that would identify the individuals may be excepted under this paragraph; or
(C) protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information which is used to protect or further a business advantage over those who do not know or use it, the disclosure of which information would injure the affected entity in the marketplace.
(3) Records made before the date of the expiration of an exception shall be subject to disclosure as otherwise provided by law. In deciding whether the records shall be made public, the legislature shall consider whether the damage or loss to persons or entities uniquely affected by the exception of the type specified in paragraph (2)(B) or (2)(C) of this subsection (h) would occur if the records were made public.
(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and which have been reviewed during the 2015 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 17-2036, 40-5301, 45-221(a)(45), (46) and (49), 48-16a10, 58-4616, 60-3351, 72-972a, 74-50,217, 74-99d05, and 75-53,105.

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

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

(k) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and which have been reviewed during the 2014 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-17,150, 12-2001, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48), 50-6a11, 56-1a610, 56a-1204, 65-1,243, 65-16,104, 65-3239, 74-50,184,
(l) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2011 are hereby continued in existence until July 1, 2017, at which time such exceptions shall expire: 12-5711, 21-2511, 38-2313, 65-516, 74-8745, 74-8752, 74-8772 and 75-7427.

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


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