

SENATE BILL No. 318

By Committee on Utilities

1-12

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

On and after December 31, 2018,

74-99d03 and 74-99d04

\$75,000 from the KETA administrative fund to the state general fund and transfer

remaining

On and after December 31, 2018,

of the state corporation commission to the public service regulation fund of the state corporation commission

FRANCESCO Amend #1

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 (c) 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 (c) 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, 40-222j, 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.

Sec. 3. See Attach 1

Sec. 4. See Attach 2

Sec. 5. 74-99d03 and 74-99d04 are
hereby repealed.

And by redesignating the remaining
sections accordingly

On and after December
31, 2018,

2015 Kansas Statutes

Proposed Amendment

1/27/16

Prepared by M Sterling
Revisor of Statutes Office

74-99d03. Creation of authority; board of directors. (a) There is hereby created a body politic and corporate to be known as the Kansas electric transmission authority. The authority is hereby constituted a public instrumentality and the exercise by the authority of the powers conferred by this act in the construction, operation and maintenance of electric transmission projects shall be deemed and held to be the performance of an essential governmental function.

(b) (1) The authority shall be governed by a board of directors consisting of nine members. Three

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(2) ~~Five~~ members shall be appointed by the governor, subject to confirmation by the senate as provided by K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed to the board shall exercise any power, duty or function as a member of the board until confirmed by the senate. The terms of members first appointed to the board shall be as follows: One shall be appointed for a term expiring the third March 15 following appointment and one for a term expiring the fourth March 15 following appointment. Thereafter, members shall be appointed for terms of four years and until their successors are appointed and confirmed.

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All persons appointed by the governor and serving as members shall be qualified voters of the state of Kansas with special knowledge, as evidenced by college degrees or courses, or with at least five years' experience in managerial positions, in the field of electric transmission or energy infrastructure development. Not more than ~~three~~ of the members appointed by the governor shall be members of the same political party. A person appointed by the governor to fill a vacancy on the board shall be appointed to serve for the unexpired term. A member removed by the governor for misfeasance, malfeasance or willful neglect of duty, but only after reasonable notice and a public hearing conducted in accordance with the provisions of the Kansas administrative procedure act.

(3) The following shall be ex officio of the board: The chairperson and ranking minority member of the senate standing committee on utilities or its successor and the chairperson and ranking minority member of the house standing committee on utilities or its successor. Members ex officio shall be entitled to vote and participate as full members of the board.

(c) Each member of the board, before entering upon the member's duties, shall take and subscribe an oath of affirmation as required by law.

(d) Members of the board attending meetings of the board, or attending a subcommittee meeting thereof authorized by the board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto.

History: L. 2005, ch. 169, § 3; L. 2014, ch. 24, § 2; July 1.

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2015 Kansas Statutes

Proposed Amendment
1/27/16

Prepared by M Sterling
Revisor of Statutes Office

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74-9904. 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.

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