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.

(h) 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 the exception uniquely affects, as opposed to the general public;

(C) what is the identifiable public purpose or goal of the exception;

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

(E) whether the exception may be created or maintained only if it serves an identifiable public purpose and may be no broader than is necessary to meet that purpose.

The legislature shall review the exception before its scheduled expiration and consider as part of the review process the following:

(A) The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds 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 records or personal nature concerning individuals;

3. The public record is required by federal law;

4. applies solely to the legislature or to the state court system;

5. has been reviewed and continued in existence twice by the legislature; or

6. 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.

(i) 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 2016 legislative session are hereby continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence until July 1, 2021, at which time such exceptions shall expire: 12-5611, 22-4906, 22-4909, 38-2310, 38-2312, 48-16a10, 58-4616, 60-3351, 72-972a, 74-50,217, 74-99d05 and 75-53,105.

(j) (1) A law that enacts a new exception or substantially amends an existing exception shall state that the exception expires under this act if such provision:

(A) is required by federal law;

(B) applies solely to the legislature or to the state court system;

(C) has been reviewed and continued in existence twice by the legislature; or

(D) has been reviewed and continued in existence by the legislature as provided in subsection (g).

(j) (2) A law that enacts a new exception or substantially amends an existing exception shall state that the exception expires under this act if such provision:

(A) is required by federal law;

(B) applies solely to the legislature or to the state court system;

(C) has been reviewed and continued in existence twice by the legislature; or

(D) has been reviewed and continued in existence by the legislature as provided in subsection (g).

(k) The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds 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 records or personal nature concerning individuals;

3. The public record is required by federal law;

4. applies solely to the legislature or to the state court system.

The legislature shall review the exception before its scheduled expiration and consider as part of the review process the following:

(A) The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds 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 records or personal nature concerning individuals;

3. The public record is required by federal law;

4. applies solely to the legislature or to the state court system.

The legislature shall review the exception before its scheduled expiration and consider as part of the review process the following:

(A) The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds 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 records or personal nature concerning individuals;

3. The public record is required by federal law;

4. applies solely to the legislature or to the state court system.

The legislature shall review the exception before its scheduled expiration and consider as part of the review process the following:

(A) The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds 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 records or personal nature concerning individuals;

3. The public record is required by federal law;

4. applies solely to the legislature or to the state court system.

The legislature shall review the exception before its scheduled expiration and consider as part of the review process the following:

(A) The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds 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 records or personal nature concerning individuals;

3. The public record is required by federal law;

4. applies solely to the legislature or to the state court system.

The legislature shall review the exception before its scheduled expiration and consider as part of the review process the following:

(A) The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds 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 records or personal nature concerning individuals;

3. The public record is required by federal law;

4. applies solely to the legislature or to the state court system.

The legislature shall review the exception before its scheduled expiration and consider as part of the review process the following:

(A) The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds 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 records or personal nature concerning individuals;

3. The public record is required by federal law;

4. applies solely to the legislature or to the state court system.

Revisor’s Note:
Section was amended twice in the 2006 session, see also 45-229a.
Section was also amended by L. 2013, ch. 51, § 1, but that version was repealed by L. 2013, ch. 133, § 37.
Section was amended twice in the 2016 session, see also 45-229c.

Section was amended twice in the 2016 session, see also 45-229c.