

SESSION OF 2013

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2128**

As Amended by Senate Committee of the Whole

**Brief\***

HB 2128 would provide that a public agency would not be required to disclose records of a utility concerning information about cyber security threats, attacks, or general attempts to attack utility operations provided to law enforcement agencies, the Kansas Corporation Commission, the Federal Energy Regulatory Commission, the Department of Energy, the Southwest Power Pool, the North American Electric Reliability Corporation, the Federal Communications Commission, or any other federal, state, or regional organization that is responsible for safeguarding telecommunications, electric, potable water, waste water disposal or treatment, motor fuel, or natural gas energy supply systems.

The bill text also would strike a reference to the ombudsman of corrections to reflect repeal of statutory provisions concerning the ombudsman in 2012. In addition, the bill would make a technical amendment.

**Background**

In the House Committee on Judiciary, Representative Tom Sloan and representatives of the Kansas League of Municipalities, Kansas Press Association, and Westar Energy offered testimony in support of the bill. No others offered testimony.

The House Committee amended the bill to delete an

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Open Records Act exemption for the contents of appraisals made by or for a public agency relative to the disposal of property prior to the award of formal contracts therefor. The “or disposal” language was added by 2012 HB 2706 and was included in italics in this bill only in reference to that change (as a technical amendment to reconcile versions of the statute). The Committee also amended the bill to provide that usage and cost information concerning billings for specific addresses identified by the requester would be subject to disclosure, while information concerning billings for specific individual customers named would no longer be subject to disclosure. Further, it agreed to amend the bill to protect from disclosure records of a utility concerning information about cyber security threats, attacks, or general attempts to attack utility operations provided to an organization that has responsibility for safeguarding potable water or waste water disposal.

The Senate Committee on Federal and State Affairs amended the bill by deleting both the House amendment providing that usage and cost information concerning billings for specific addresses identified by the requester be subject to disclosure and existing law by deleting language requiring that “information concerning billings for specific individual customers named by the requester shall be subject to disclosure.”

The Senate Committee of the Whole amended the bill to add waste water treatment entities to list of utilities whose records are not subject to disclosure. The bill already included language on waste water disposal.

The Division of the Budget’s fiscal note for HB 2128, as introduced, indicates passage would have no fiscal effect on the Kansas Corporation Commission or the Office of the Attorney General.