

SESSION OF 2002

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2959**

As Amended by Senate Committee on  
Utilities

**Brief\***

HB 2959 would amend the Kansas Open Records Act (KORA).

The bill exempts from KORA records that would pose a substantial likelihood of revealing security measures that protect systems, facilities, or equipment used in the production, transmission, or distribution of energy, water, or communications services; or sewer or wastewater treatment systems, facilities, or equipment.

Under the bill, security measures would mean measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion, or affect the operation of government by disruptions of public services, mass destruction, assassination, or kidnapping.

On and after January 1, 2003, the bill would require faculty members and other employees of Regents institutions in the unclassified service to file a disclosure statement if they serve as a consultant or perform consulting services either individually or as part of a business.

This disclosure statement also would be required of faculty members or other employees of any municipal university, community college, technical college, or vocational education school. The bill would outline the specific information to be contained in the disclosure statement. The bill also would require the disclosure statement to be filed with the Secretary of State and the local information officer of the institution. These disclosure statements would be available for public inspection under the provisions of the Open Records Act during normal

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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/cgi-bin/fulltext/bills.cgi>

business hours. Failure to file the disclosure statement or intentionally filing a false statement would be a class B misdemeanor. The Kansas Board of Regents would be required to adopt rules and regulations necessary to implement these provisions on or before January 1, 2003. These provisions of the bill would be known as the University Consulting Contract Sunshine Act.

## **Background**

Representative Holmes requested the bill as a result of the need to safeguard security information used to protect energy communications infrastructure in Kansas. The League of Municipalities, the Kansas Municipal Utilities, the Kansas Power and Light, and the Kansas Association of Counties testified in favor of the bill. The proponents stated that HB 2959 would permit discretionary judgement as to what critical utility information may be released to the public.

The Kansas Press Association testified in opposition to the bill before the House Utilities Committee, stating that the bill's language might be too vague and could, therefore, be used too broadly.

The Senate Committee on Utilities amended the bill to close those records which would pose a substantial likelihood of revealing security measures that protect systems. The Committee also amended the bill to close those records involving security measures with respect to water and sewer or wastewater treatment systems, facilities, or equipment. In addition, the Committee amended the bill to include the provisions which would enact the University Consulting Contract Sunshine Act (these provisions would require disclosure statements regarding consulting). These provisions are similar to the provisions of HB 3013, as amended by House Committee on Ethics and elections.

The Division of the Budget's fiscal note indicates that passage of HB 2959 would have no fiscal impact on state revenues.