

MINUTES OF THE SENATE UTILITIES COMMITTEE.

The meeting was called to order by Chairperson Senator Stan Clark at 9:30 a.m. on March 13, 2002 in Room 231-N of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research
Bruce Kinzie, Revisor of Statutes

Conferees appearing before the committee:

Rep. Carl Holmes
Sandy Jacquot, League of Kansas Municipalities
Colin Hansen, Kansas Municipal Utilities
Rick Thames, Kansas Press Association
John Lewis, Kansas Sun Coalition for Open Government
Richard Good, Westar Energy
Ron Appletoft, Water District #1 of Johnson County

Others attending: See attached list

Chair opened hearing on:

Sub for HB 2644 - Automatic pass through to customers of certain electric and natural gas utility costs for security measures

Proponents:

Rep. Carl Holmes noted this bill was requested to address the needs of utility companies to recover expenditures for security measures required to protect their generation, transmission, production and transportation assets. (Attachment 1)

Richard Good, Senior Manager, Disaster Recovery and Infrastructure Security, Westar Energy, spoke in support of **Sub. for HB 2644**. (Attachment 2)

Written testimony was received from Larry Dolci, Kansas City Power & Light Company and supports the passage of this bill which would improve the security of the electrical industry in Kansas and provide a significant benefit to the State and Nation. (Attachment 3)

Closed hearing on **HB 2644**.

Chair opened the hearing on

HB 2959 - Open Records Act exception for records related to security of utilities

Proponents:

Rep. Carl Holmes noted the request for this bill is the result of the need for non-disclosure of security information designed to protect energy and communications assets in Kansas (Attachment 4)

Sandy Jacquot of the League of Kansas Municipalities spoke in favor of **HB 2959**. The recent amendment of the Kansas Open Records Act to exempt records of "emergency information or procedures of a public agency" was an important first step but does not address records which are not specifically related to security procedures but which may pose a security risk if disclosed. (Attachment 5)

Colin Hansen, Kansas Municipal Utilities, spoke in strong support of **HB 2959**. (Attachment 6)

Ron Appletoft, Water District No. 1 of Johnson County supports **HB 2959** if it is amended to include water systems. (Attachment 7)

CONTINUATION SHEET

MINUTES OF THE SENATE UTILITIES COMMITTEE at on March 13, 2002 in Room 231-N of the Capitol.

Opponents:

Rick Thames, Kansas Press Association, opposed **HB 2959** and urged the committee to adopt language that appropriately addresses concerns regarding security while preserving the public's right to monitor the operation of these vital utilities. (Attachment 8)

The Kansas Press Association offered alternative language for (45) in **HB 2959**. (Attachment 9)

John Lewis of Kansas Sunshine Coalition for Open Government, testified that it was felt specificity is grossly lacking in the language for **HB 2959**. He commented the new language on security might be inserted under Section 12, page 2 of the Kansas Open Records Act. (Attachment 10)

Continued hearing on **HB 2959**.

The next meeting of the committee will be held on March 14, 2002.

Adjournment.

Respectfully submitted,

Ann McMorris, Secretary

Attachments - 10