

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairman Pat Apple at 1:30 p.m. on March 19, 2009, in Room 545-N of the Capitol.

All members were present.

Committee staff present:

Mike Corrigan, Office of the Revisor of Statutes  
Melissa Doebelin, Office of the Revisor of Statutes  
Cindy Lash, Kansas Legislative Research Department  
Ann McMorris, Committee Assistant

Conferees appearing before the Committee:

Others attending:

See attached list.

Chair opened for discussion and action on:

**SB 217 - Retail electric suppliers act, state educational institutions authorized to enter into certain energy generation agreements.**

The revisor distributed a balloon 217gl of **SB 217** with proposed changes. (Attachment 1).

The committee discussed the new language and the reasoning for confining it to Fort Hays State University. Westar and Kansas Electric Cooperatives indicated this new language did not change their stand on the bill. After considerable discussion on the issue of Federal Tax Credit and the need for a third party to make this project financially feasible, the Chair encouraged the interested parties to continue their discussion and consider the Federal Tax Credit. He reminded them that retail wheeling is a concern.

**SB 284 - Third party administrator authorized for certain utilities energy efficiency and conservation programs.**

From the concerns voiced in the hearing on **SB 284**, the Chair suggested the committee take action by writing a letter to the LCC asking that this topic be studied during the interim by a Joint Committee of Energy and Utilities. Committee concurred.

**HB 2126 - Requiring telecommunications providers to provide call location information in emergency situations.**

Senator Bruce had been assigned to provide language for **HB 2126** that would cover the concerns the committee had expressed. Bruce noted the intent of the new language was to clarify the purpose of this bill. A balloon of **HB 2126** was distributed. (Attachment 2)

Bruce indicated additional changes that should be included in the new language (1) indicate wireless telecommunications only, and (2) distribution of information on a timely basis as well as quarterly.

Chair suggested that **HB 2126** be named the "Kelsey Smith Act" and that **Substitute for SB 48** be rolled into **HB 2126**.

Moved by Senator Reitz, seconded by Senator Brownlee, the balloon of **HB 2126** be adopted with the proposed changes: in (a) delete the words "a telecommunications carrier, including"; in (b)(c)(d) add the word wireless before the word "telecommunications"; and in (d)(2) add after basis "or when changes occur". Motion carried.

Senator Taddiken asked that the minutes reflect the Committee's intent that wireless companies not be penalized if they cannot locate the phone.

Moved by Senator Petersen, seconded by Senator Reitz, **HB 2126** be called the Kelsey Smith Act. Motion carried.

Moved by Senator Bruce, seconded by Senator Brownlee, **Substitute for SB 48** be rolled into **HB 2126**.

CONTINUATION SHEET

Minutes of the Senate Utilities Committee at 1:30 p.m. on March 19, 2009, in Room 545-N of the Capitol.

Motion carried.

Moved by Senator Brownlee, seconded by Senator Bruce, **HB 2126** be passed out favorably as amended as a substitute bill. Motion carried.

The Committee directed the Revisor to set the effective date for the bill as “upon publication in the Kansas Register”.

**HB 2115 - Repealing K.S.A. 21-4211, criminal penalty for refusing access to a telephone line for emergency purposes**

Moved by Senator Taddiken, seconded by Senator Reitz, **Substitute for SB 58** be rolled into **HB 2115**. Motion carried.

(Note: See addendum at the end of the minutes to complete the action on **HB 2115**.)

Approval of Minutes

Moved by Senator Bruce, seconded by Senator Taddiken, to approve the minutes of the meetings of the Senate

Utilities Committee held on March 11, 2009, March 12, 2009, March 16, 2009 and March 17, 2009.

Motion carried

The meeting was adjourned at 2:30 p.m.

Respectfully submitted,

Ann McMorris  
Committee Assistant

Attachments - 2

ADDENDUM

The Senate Utilities Committee met at the rail at 3:15 p.m. on March 19, 2009 to complete action on **HB 2115**.

Moved by Senator Reitz, seconded by Senator Petersen, **HB 2115** be moved out favorably as amended as a substitute bill. Motion carried.