

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Vice Chairman Tom Sloan at 9:10 a.m. on February 22, 2002 in Room 526-S of the Capitol.

All members were present.

Committee staff present: Robert Chapman, Legislative Research
Dennis Hodgins, Legislative Research
Mary Torrence, Revisor of Statutes
Jo Cook, Administrative Assistant

Conferees appearing before the committee: Representative Carl Holmes
Kim Gulley, League of Kansas Municipalities
Brad Mears, Kansas Municipal Utilities
Jeff Burkhead, Kansas Press Association

Others attending: See Attached List

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

Vice Chairman Sloan opened the hearing on **HB 2959**.

Representative Carl Holmes testified in support of **HB 2959** (Attachment 1). Representative Holmes provided details on the history behind his sponsorship of the bill. He indicated that the Attorney General's office was consulted during the drafting of the bill and they were in agreement with this language.

Kim Gulley, Director of Policy Development & Communications for the League of Kansas Municipalities, appeared in support of **HB 2959** (Attachment 2). Ms. Gulley stated that the bill provides an exemption from disclosure for records which may jeopardize the security for certain utility systems. She requested that water, sewer and gas services be added to the list of protected utilities.

Brad Mears, Secretary-Treasurer for the Kansas Municipal Utilities, appeared as a proponent to **HB 2959** (Attachment 3). Mr. Mears stated that now, more than ever, the security of utility facilities has become paramount. The bill would allow restraint of access to critical utility information in areas where the public safety and security may be at risk.

Written testimony in support of **HB 2959** was submitted by Cynthia Smith, Kansas City Power and Light (Attachment 4) and by Randy Allen, Kansas Association of Counties (Attachment 5).

Jeff Burkhead, Executive Director of the Kansas Press Association, testified in opposition to **HB 2959** (Attachment 5). Mr. Burkhead explained they were concerned that the bill could be applied too broadly. He suggested alternative language that would narrow the scope while sufficiently addressing security concerns.

The conferees responded to questions from the committee.

Vice Chairman Sloan closed the hearing on **HB 2959**.

HB 2631 - Organization of cooperative to generate electricity from renewable resources and technologies and to wholesale such electricity

Chairman Holmes opened the debate on **HB 2631**. Representative Sloan distributed a proposed balloon (Attachment 6) and moved to adopt the balloon. Representative Kuether seconded the motion. The motion passed. Representative Sloan moved to delete Section 4(a)(9) dealing with eminent domain and correct the typographical errors on page 12. Representative McClure seconded the motion. Motion carried. Representative Sloan moved to adopt conceptional language that would clarify that a member of the co-op may not rely on the provider of last resort to meet its contract power sale needs. Representative Dillmore seconded the motion. Motion carried. Representative Krehbiel move to conceptually amend page 12, section

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES, Room 526-S Statehouse, at 9:10 a.m. on February 22, 2002.

29 to readcooperative organized under this act shall pay the cost and shall negotiate such costs or such payment to the owners of the distribution and transmission systems. Representative Sloan seconded the motion. Motion carried. Representative Sloan moved to report **HB 2631**, as amended, favorable for passage. Representative Dillmore seconded the motion. The motion failed.

Chairman Holmes announced the committee would be working **HB 2959** and **HB 2644** on Monday.