

Approved: MARCH 29, 1999
Date

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairperson Sen. Pat Ranson at 1:30 p.m. on March 22, 1999 in Room 531-N of the Capitol.

All members were present

Committee staff present:

Lynne Holt, Legislative Research Department
Mary Torrence, Revisors of Statutes Office
Jeanne Eudaley, Committee Secretary

Conferees appearing before the committee: None

Others attending:

See attached list

Sen. Ranson recognized Sen. Salisbury, who introduced her pages who are assisting the committee today. Sen. Ranson asked the committee to read Minutes of the Meeting for March 18, for reference and for action later in the meeting. Lynne Holt announced that the state of New Mexico has voted for deregulation in both Houses of their Legislature and it is reported that the Governor will sign it. She added it will be on the web page, and she will download it and make it available to the members of the committee.

Sen. Ranson then referred to the following bills:

HB 2290-relating to public utilities (pertains to public utility loans or credit) and
Sub. SB 243-concerning electric generation facility siting

Sen. Ranson stated that **HB 2290** relates to loans and credits for utilities and that **Sub. SB 243** is Sen. Corbin's generation siting bill, and the committee has held hearings on both bills. Sen. Clark referred to **Sub. Sub. 257-concerning electric transmission lines** and noted it has passed out of the committee, but is still on general orders in the Senate. He asked if it is Sen. Ranson's intention to also include it in **HB 2290**. Sen. Ranson stated she has asked that **Sub Sub SB 257** be held, and she is reluctant to include it with the other bills. She stated her belief is that there is a chance for concurrence for **Sub SB 243** and **HB 2290**, but maybe not **Sub Sub 257**. Sen. Barone stated when the committee considered the bills, it was the consensus of the committee to break the two bills apart because of potential controversy. Sen. Ranson responded there may be problems with the transmission part, because of local concerns regarding the loss of oversight, but she hopes the committee could pass generation this session. She also stated she has spoken with Sen. Corbin, and he approves of putting his bill into the house bill, if that will gain passage of it. Sen. Barone made a motion to put **Sub SB 243** into **HB 2290** and to recommend it for passage. It was seconded by Sen. Steffes and upon roll call vote, it passed unanimously.

Sen. Ranson referred the committee to:

Sub HB 2322-concerning visually impaired or blind persons relating to billing procedures for certain services

and announced distribution of additional information from Michael Byington (Attachment 1) as well as information on the Missouri law (Attachment 2). She also referred the committee to the Minutes of the Meeting of March 18 and Kim Gulley's testimony and the amendments she offered. She also referred to the information from Mr. Byington wherein he explains that Envision has the ability to take information over the phone, data enter it into a computer and it would be printed out in Braille or large print. Sen. Barone asked Mr. Byington if that service could be available to the smaller cities, in which Envision would translate the bills for a visually disabled or blind person. Mr. Byington answered they are not in the business to translate utility bills and that the person at Envision who answers the phone is blind; however, they would be willing to do the translation, but not on a recurring basis. He pointed out there is a more economical way to interpret the bills, as was pointed out in his testimony the day of the hearing, when he discussed the services offered by Metrolina. Sen. Salisbury asked questions regarding the Missouri law and the differences between it and the bill being discussed. Sen. Ranson also pointed out that many

CONTINUATION SHEET

MINUTES OF THE SENATE UTILITIES COMMITTEE, Room 531-N Statehouse, at 1:30 p.m. on March 22, 1999.

businesses have audio for bill information available for customers, which the blind could also use. Sen. Barone stated his concern with the burden on small cities and counties, and Ms. Gulley responded there are 628 cities, which would have to have this service available, and they do not know how many visually impaired or blind persons would require the service in the smaller cities. She added that it would be a step in the right direction to adopt the amendments she suggested in her testimony. Sen. Clark asked if the persons needing this service can pay the bill by directing the bank to take it out of that account. Ms. Gulley added that in the smaller cities the city clerk may call for bill information, at the request of the customer, then it can be paid out of their checking account at the bank.

Sen. Ranson then referred to a letter to Mr. Byington from Robert B. Marshall, Executive Secretary of the Kansas Cable Telecommunications Association, regarding accommodating special needs of the visually impaired cable television customer, and relaying their hope to work out problems by suggesting a meeting with Mr. Byington on April 6. Mr. Byington stated his hope that the cable industry will work to accommodate their needs, then referred to the next to the last paragraph in the information provided to the committee today. He related Ms. Hands-Keedy's request to the local cable company for accommodations to pay her bill, and she was informed by the local company that such services are not provided. Mr. Byington stated the importance of passing the bill and stated he would rather have the bill pass, than for it to become tangled with the cable companies. He added that a concern of the cable companies seems to be the fear of satellites being excluded. He added that he hoped the cable companies are sincere in working out the problem. Sen. Ranson stated it appears that including telecommunications is much broader than the Missouri legislation, and asked for a definition of "telecommunications". Ms. Holt responded the statutes define "telecommunications service" as the provision for transmission of telephone messages, two-way video or other data messages; she added that it would include the internet, video conferencing and video messages, and Ms. Torrence added that those are regulated as telecommunications utilities. Sen. Ranson also pointed out that municipal utilities are not regulated by the state, but by their city elected officials, which would indicate they would come under the Americans with Disabilities Act. She also stated it comes down to a policy question for the committee to consider. The committee continued by discussing utilities coming into compliance with ADA, and Mr. Byington told about a check writer machine, the operation of which is taught at the School for the Blind. He also added that giving the banks authority to pay utility bills is not acceptable to some who are visually impaired or blind.

The committee continued by discussing the bill's impact on smaller cities and municipalities and the Missouri law. Sen. Ranson asked a representative of Western Resources what accommodations are made by his company. Mr. Schaub told of the interactive voice response network which is in place at Western Resources as well as a provision allowing a third party to assist a visually impaired or blind person to pay the bill. He also stated that out of 600,000 customers in the state, only 100 have requested assistance; he feels there is little or no problem. Sen. Steffes stated his belief that the smaller banks in smaller towns surely would know utility customers and be willing to work with them; however, there may be a problem in larger cities with larger banks and utilities. Sen. Brownlee stated the purpose of the bill is to accommodate persons with disabilities. There appears to have been only a few complaints; perhaps the situation should be monitored and then look at the legislation again next session. Ms. Gulley stated the League's objection to the specific format, which is required by the bill, and stated the ADA mandates that public entities must provide accommodations for all services.

Sen. Hensley made a motion to adopt the League's proposed amendment - to strike "the customer's choice of" in Line 17 and to insert, ". . .formats as agreed to by the customer and the service Provider". Sen. Lee seconded the motion, and the motion passed. Sen. Jones made a motion to strike "cable television service" from the bill, and it was seconded by Sen. Hensley: the motion passed. Sen. Hensley made a motion to strike "telecommunications" and insert "telephone", and it was seconded by Sen. Jones; the motion passed. Sen. Hensley made a motion the bill be passed, as amended, and it was seconded by Sen. Jones. Upon roll call, the motion passed unanimously.

Sen. Jones made a motion to approve the Minutes of the Meeting for March 18, and it was seconded by Sen. Steffes; the motion passed.

Meeting adjourned at 2:30.

There are no other meetings planned this session.

A-1

Choices & resources for people who are blind or low vision



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**PLEASE REPLY TO: Michael Byington, Director
Envision Governmental Affairs Office
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(785) 575-7477 (pager)
(785) 354-4646 (FAX)
mbyingto@ink.org or
michael.byington@envisionus.com**

March 18, 1999

TO: MEMBERS OF THE SENATE UTILITIES COMMITTEE:

This is a follow-up to the hearing of earlier today concerning HB 2322.

I want to respond to the issue raised by Kim Gulley, attorney for the League of Municipalities.

Ms. Gulley essentially said that a negotiated settlement should be required when accommodations are needed because smaller utilities affiliated with some of the smaller Cities might find anything more to be a hardship. While cooperation as to how accommodations can be provided is always a good idea, the best practice, is that the bottom line of the law should still be that the consumer gets what they need to comprise equally effective communications. Ms. Gulley did not completely accurately quote the American's With Disabilities Act when she suggested that it requires less than this.

My employer is supporting this bill, not because we plan to print massive

*Senate Utilities
3-22-99
Attach. 1*

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numbers of utility bills, or plan to get into this business. We support it to bring about better access for people who are blind to live independently in their communities. If one of the small cities, however, were to contact us with the need of getting a utility bill in Braille, or any of the other media mentioned in the current incarnation of the Bill, they could dictate the information over the telephone; it would be data entered into a computer at that time, and virtually immediately printed out in Braille, large print, or whatever was needed. This service would probably cost my employer \$3.00 to \$6.00, and this is the CHARGE which would be passed on. It would thus not be a hardship for even a small utility to provide the service which 2322 requires. There is thus no reason to weaken the Bill to accommodate small utilities or to in any way exempt them from participating in the provision of alternate media.

I am providing each of you a Braille copy of this document. It took less than an hour to print these in Braille and the production costs sustained by my employer is less than five cents per page.

No entity named in the bill should be left out of it. John Frederico, a lobbyist for the cable industry reported to the Senate Utilities Committee that his industry is already making alternate media billing available to blind and visually impaired consumers. Carole Hands-Keedy, Lobbyist for the Kansas Association for the Blind and Visually Impaired, Inc., requested large print billings the next day. The local cable provider assured her that such services are not provided. Professional industry lobbyists often do not know what happens to a blind person when accommodations are actually requested.

HB 2322 passed the House 123-0. Please do not change it. Pass it to the Senate in its current form.

ATTACHMENTS

1-3 THROUGH

1-4 ARE IN

BRAILLE. DID

NOT SCAN.

A-2

Missouri Revised Statutes

Chapter 393

Gas, Electric, Water, Heating and Sewer Companies

Section 393.300

August 28, 1998

Customer bills in Braille or bold-faced type on request.

393.300. 1. Any provider of telephone, sewer, water, electric or gas utility service, whether public or private, shall, upon the request of a customer of such provider, provide the customer's bills in Braille or no less than twenty-four point bold-faced type print or both.

2. This section shall become effective on August 28, 1999.

(L. 1998 H.B. 1088 § 393.300, § A)

Effective 8-28-99

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3-22-99
Attach. 2