

Approved: February 24, 2004  
Date

*Carl Dean Holmes*

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairman Carl D. Holmes at 9:08 a.m. on February 19, 2004 in Room 231-N of the Capitol.

All members were present.

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

Conferees appearing before the committee: None

Others attending: See Attached List

**HB 2756 - Public safety communication system; purchase of equipment to lease to public safety agencies; issuance of revenue bonds**

Chairman Holmes opened the debate on **HB 2756**.

Written testimony was distributed by John Pinegar in support of **HB 2756 (Attachment 1)** on behalf of the Kansas Legislative Policy Group.

On behalf of the Kansas Department of Transportation, a proposed amendment was distributed to the committee (Attachment 2).

Representative Showalter moved to adopt the proposed language. Representative Long-Mast seconded the motion. Following discussion, Representative Showalter withdrew her motion, with concurrence by the second. Representative Showalter moved to amend page 1, line 40, following the word 'act.' by adding the words "Prices for governmental agencies shall recover actual incremental costs of administration, equipment, installation, and maintenance for each lessee". Representative Reitz seconded the motion. The motion carried. Representative Carter moved to amend Section 2 by adding a new subsection (c) that would limit leasing to anyone on towers built after the effective date of the bill. Representative Krehbiel seconded the motion. The motion failed. Representative Neighbor moved to change the effective date to the publication in the register. Representative Reitz seconded the motion. The motion carried. Representative Dillmore moved to recommend **HB 2756**, as amended, favorable for passage. Representative Reitz seconded the motion. The motion carried. Representative Showalter will carry the bill.

**HB 2772 - Public utilities, excluding certain landlords from definition**

Chairman Holmes opened the debate on **HB 2772**.

Representative Krehbiel moved to amend the page 1, line 17 by striking the words 'or without.' Representative Dillmore seconded the motion. The motion carried. Representative Krehbiel moved to recommend **HB 2772**, as amended, favorable for passage. The motion carried. Representative Svaty will the bill.

The meeting adjourned at 9:53 a.m.

The next meeting will be Monday, February 23, 2004.

# HOUSE UTILITIES COMMITTEE GUEST LIST

DATE: February 19, 2004

NAME	REPRESENTING
Heather Grace	Dameron + Associates
<del>Tom Bruno</del>	GBBA
Edwin Geer	KDOT
Ken Justice, Captain	KHP
Tom DAY	KCC

**Testimony**  
**Before the House Committee on Utilities**  
**House Bill 2756**  
**February 19, 2004**  
**Kansas Legislative Policy Group**  
**By: John D. Pinegar**

Mr. Chairman and members of the House Committee on Utilities thank you for allowing me to enter written testimony before the Committee on House Bill 2756. I am John Pinegar and represent Kansas Legislative Policy Group (KLPG), which is a coalition of over 30 western Kansas counties.

KLPG is working in cooperation with the Kansas Association of Counties and the League of Kansas Municipalities in support of House Bill 2756. We believe this legislation will help our member counties to make Wireless E-911 become a reality. Our counties could utilize this legislation. The bill would grant authority to KDOT to purchase and lease to public safety agencies, including local governments, communications equipment. This could be a helpful tool to local governments.

KLPG would like to express appreciation to Chairman Holmes and the Members of the House Committee on Utilities for your effort to address this issue over the years and we are pleased you have been successful in establishing a mutually agreeable arrangement with KDOT to proceed in this area.

Thank you, for permitting me to submit written testimony.

*HOUSE UTILITIES*

DATE: 2-19-04

ATTACHMENT 1

HOUSE BILL No. 2756

By Committee on Utilities

2-6

9 AN ACT concerning a public safety communication system; authorizing  
10 the secretary of transportation to purchase certain equipment and  
11 lease such equipment or access to such equipment to certain entities;  
12 authorizing the issuance of revenue bonds.  
13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. As used in this act:

16 (a) "Communication system" means a system of communications to  
17 support the purposes of the department and public safety agencies.

18 (b) "Communication system equipment" means equipment neces-  
19 sary to use, implement, support and maintain the communication system,  
20 including, but not limited to, radio towers.

21 (c) "Department" means the Kansas department of transportation.

22 (d) "Fund" means the Kansas communication system revolving fund  
23 established by section 3, and amendments thereto.

24 (e) "Public safety agency" means any governmental agency providing  
25 law enforcement, emergency management, fire fighting, ambulance,  
26 emergency medical or other emergency services.

27 (f) "Revenues" means any receipts, fees, revenues or other payments  
28 received or to be received by the department under this act.

29 (g) "Secretary" means the secretary of the Kansas department of  
30 transportation.

31 Sec. 2. (a) The secretary may:

32 (1) Purchase communication system equipment for the purpose of  
33 leasing such equipment to public safety agencies;

34 (2) lease communication system equipment, and access to such  
35 equipment, to public safety agencies; and

36 (3) lease access to communication system equipment to govern-  
37 mental and nongovernmental entities, to the extent such access is not  
38 required by the department or public safety agencies.

39 (b) The secretary shall establish prices for leasing communication sys-  
40 tem equipment and access to such equipment pursuant to this act. Prices  
41 for leasing access to such equipment to nongovernmental entities shall  
42 be at prevailing rates so as to minimize competition with private business.

43 Sec. 3. (a) There is hereby established in the state treasury the com-

Prices for  
governmental  
agencies shall  
provide for  
full cost  
recovery.

HOUSE UTILITIES

DATE: 2-19-04

ATTACHMENT 2