

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairman Pat Apple at 1:30 p.m. on February 5, 2009, in Room 545-N of the Capitol.

All members were present except
Senator Jay Emler, excused
Senator Carolyn McGinn, excused

Committee staff present:
Mike Corrigan, Office of the Revisor of Statutes
Raney Gilliland, Kansas Legislative Research Department
Cindy Lash, Kansas Legislative Research Department
Ann McMorris, Committee Assistant

Conferees appearing before the committee: none
Others attending: See attached list.

Chair announced the committee would be considering two bills -
SB 48 - Enhanced wireless and VoIP 911 service amendments, collection and disbursement of certain funds.

Chair called on Revisor Mike Corrigan to review the amendments to **SB 48** made by the Senate Utilities Committee at their meeting on February 3, 2009. After reviewing the actions of the committee, Revisor reviewed other changes that were considered: (1) number of members for a task force; (2) charge to the task force; (3) schedule of meetings; (4) budget and funding for the committee; (5) payment of committee members; (6) staff required.

Committee discussed recommendations for language in a balloon. Consideration to funding radio purchase; methods to address changing technology; differing needs of support in communities; funding of services; current funding may not be sufficient to cover cost and committee needs to address this area; parity between wireline and wireless for both customers and providers.

Revisor provided information (1) 12-5309 - Enhanced 911 Task Force; and (2) 46-33401.2010 commission; membership; appointment meetings. (Attachment 1)

Research provided information on makeup of former task forces. (Attachment 2)

Discussed the language regarding task force charges as enumerated in the first paragraph of 12-5309 under items (1) thru (5). Suggestion that a study be included on services delivered on a regional basis, consolidation of PSAFs and cost. Revisor to prepare a balloon to incorporate these recommendations for the committee's consideration. It was determined the Task Force would include 3 House and 3 Senate members to be appointed as follows: 2 by Senate President; 2 by House Speaker; and 1 each by Ranking minority of House and Senate; appointment of industry representatives by KCC.. Funding would be requested from the grant and the number of meetings during the interim will be determined. Task Force to report to the Senate and House Utilities Committees at start of 2010 Session.

SB 58 - Underground utility damage prevention act, amending tolerance zone definition.

KCC was requested to get industry members together and reach some common ground for changes in the bill. Leo Haynos agreed to convene the group and give a report to the committee on February 11.

It was agreed that the implementation date of **SB 58** be changed from July 2009 to Jan. 1, 2010.

Senator Lee noted the committee will need to deal with the Home Rule out for some municipalities. Question was asked: Is a fee funded agency subject to the Open Records Act? Research will provide information on this question.

Adjournment.

CONTINUATION SHEET

Minutes of the Senate Utilities Committee at 1:30 p.m. on February 5, 2009, in Room 545-N of the Capitol.

The next meeting is scheduled for February 9, 2009.

The meeting was adjourned at 2:30 p.m

Respectfully submitted,

Ann McMorris
Committee Assistant

Attachments - 2

12-5309. Enhanced 911 task force. (a) There is hereby established an enhanced 911 task force which shall develop a strategy for funding and deploying wireless emergency telephone services. Such plan shall include suggestions for future action by the legislature with respect to deploying efficient and economical enhanced 911 services and implementing equitable and adequate means to fund such services. Specifically, the task force shall make recommendations and propose legislation, if appropriate, concerning the following: (1) The mechanism for administering wireless 911 service, with a focus on whether such service shall be administered on a centralized basis; (2) the possible formation of an oversight board to address future technological, coordination and regulatory issues related to deployment of wireless emergency telephone service; (3) the fairness and adequacy of the mechanism for funding such service; (4) the method, if any, for recovering costs incurred by public safety answering points and by wireless telecommunications service providers in providing emergency telephone service; and (5) any other issues the task force deems relevant to the deployment of emergency telephone service.

(b) The task force shall consist of 14 members. Two members shall be representatives of wireless telecommunications carriers to be appointed by the governor. The remainder of the task force shall be appointed as follows: One member representing a local exchange carrier other than a rural telephone company and one member representing a rural telephone company who shall be recommended by the Kansas telecommunications industry association. Two members shall be recommended by the Kansas association of counties and two members shall be recommended by the league of Kansas municipalities. One member shall be a person with a communication disability recommended by the Kansas commission for the deaf and hard of hearing. One member shall be recommended by the Kansas emergency medical services board. One member shall be recommended by the Kansas association of fire chiefs. One member shall be recommended by the Kansas association of chiefs of police. The names of the recommended members shall be transmitted to the governor for final approval. No such recommended member shall serve unless approved by the governor. The remaining members of the task force shall include: The superintendent of the highway patrol or the superintendent's designee; the chair of the state corporation commission or the chair's designee. The governor shall designate one member as chair of the task force. All meetings shall be on call of the chair. All task force members shall serve without compensation.

(c) The task force shall report its findings and conclusion to the house committee on utilities and the senate committee on commerce during the first week of the 2001 legislative session. The state corporation commission shall provide staff support to the task force as necessary. Such staff shall prepare the report and any legislation recommended by the task force.

(d) The task force shall be and is hereby abolished on July 1, 2001.

46-3401. 2010 commission; membership, appointment; meetings. (a) There is hereby established the 2010 commission. The commission shall be composed of 11 members as follows:

- (1) One member appointed by the speaker of the house of representatives;
- (2) one member appointed by the president of the senate;
- (3) one member appointed by the minority leader of the house of representatives;
- (4) one member appointed by the minority leader of the senate;
- (5) the chairperson of the house education committee;
- (6) the chairperson of the senate education committee;
- (7) one member appointed jointly by the speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate and the minority leader of the senate;
- (8) two members appointed by the governor, of which one shall be a person licensed by the state board of education;
- (9) the legislative post auditor, or the designee thereof; and
- (10) the attorney general, or the designee thereof.

The legislative post auditor and the attorney general shall serve ex officio and shall be nonvoting members of the commission.

(b) Except as specifically provided in paragraphs (5) and (6) of subsection (a), nothing in this section shall be construed as requiring the appointment of legislators to the commission. Of the members of the commission, one member shall be from the professional and business sector who is recognized for leadership and expertise in such person's field and one member shall be a certified public accountant who is recognized for expertise in the area of school district financial operations and who regularly conducts or has regularly conducted audits of school districts.

(c) A member appointed by the speaker or minority leader of the house of representatives, one of the members appointed by the governor and the member appointed pursuant to paragraph (7) of subsection (a) shall serve for terms of two years and until a successor is appointed and qualified. A member appointed by the president or minority leader of the senate and one member appointed by the governor shall serve for terms of four years and until a successor is appointed and qualified. Terms of members of the legislature appointed to the commission shall expire at the expiration of the legislative term for which such legislator was elected. Except for vacancies created by the expiration of a legislative term, a vacancy shall be filled for the unexpired term by appointment in the manner prescribed by this section for the original appointment.

(d) Members of the commission attending regular or special meetings or subcommittee meetings authorized by the commission, shall be paid amounts for expenses, mileage and subsistence as provided in subsection (e) of K.S.A. 75-3223, and amendments thereto. Expenses for the commission shall be part of the budget of the legislative coordinating council and shall be subject to the council's approval.

(e) The members of the commission annually shall select a chairperson and vice-chairperson from the membership of the commission.

(f) The commission may meet at any time and at any place within the state on the call of the chairperson. A quorum of the commission shall be six voting members. All actions of the commission shall be by motion adopted by a majority of those voting members present when there is a quorum.

(g) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the commission.

(h) The staff of the office of the revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the commission. Upon request of the commission, the state board of education and the center for innovative school leadership established pursuant to K.S.A. 2007 Supp. 76-767, and amendments thereto, shall provide consultants and assistance when requested by the commission. In addition and upon the request of the commission, the state board of education and school districts shall provide any information and supporting documentation related thereto.

(i) The commission shall cease to exist on December 31, 2010.

1994 Telecommunications Strategic Planning Committee

Created by resolution in 1994. Addressed the potential ramifications and implications of deregulation of telecommunications.

Directed to provide an interim report to the 1995 Legislature, and a final report to the 1996 Legislature

Significant telecommunications legislation was passed during the 1996 Session.

17 members, as follows, with the chairperson appointed by the Legislative Coordinating Council:

No.	Affiliation	Appointing Authority
6	Legislators (3 House, 3 Senate; 3 Republicans, 3 Democrats)	LCC
1	Department of Administration	Secretary of Administration
1	Kansas Corporation Commission	Chairperson, KCC
1	Certificated facilities-based interexchange carrier	LCC
1	Certificated reseller	LCC
2	Certificated local exchange carriers (1 large, 1 small)	LCC
1	Cable company	LCC
1	Medical center	LCC
1	Residential end user	LCC
2	Businesses (1 large, 1 small)	LCC

Other resources:

Authorization to contract for a report identifying present and anticipated trends in telecommunications technologies and services and their economic impact on the citizens and businesses of the state.

Authorized to contract with a consultant for the duration of the development of the strategy, to provide technical assistance, frame policy issues and draft necessary reports.

Directed KCC to apply for a state telecommunications planning grant from the US Dept. of Commerce.

Directed the KCC to open one or more generic dockets to investigate the level of competition for each regulated or flexibly regulated telecommunication service under its jurisdiction.

Assistance from the Legislative Research Department and state agencies, as requested

Pay:

Legislative members received compensation and mileage; nonlegislative (subject to appropriations) received travel and other expenses allowed by the LCC

Enhanced 9-1-1 Task Force

Created by statute in 2000 Charge was to make recommendations on a number of issues regarding implementation of wireless Enhanced 9-1-1.

Directed to provide a report to the 2001 Legislature.

Legislation establishing the current system of funding wireless E 9-1-1 was passed in 2004.

14 members, as follows. The chairperson was appointed by the Governor, as were the members recommended by various groups.

No.	Affiliation	Appointing Authority
2	Wireless telecommunication carriers	Governor
1	Local exchange carrier (non-rural)	Rec. by Ks. Telecommunications Industry Association
1	Rural telephone company	Rec. by KITA
2		Rec. by KS Assoc. of Counties
2		Rec. by League of KS Municipalities
1	Individual with a communications disability	Rec. by KS Comm for the Deaf and Hard of Hearing.
1		Rec. by KS Emergency Medical Services Board
1		Rec. by KS Assoc. of Fire Chiefs
1	Superintendent of the Highway Patrol or designee	Statute
1	Chair of KCC or designee	Statute

Other resources:

Staffing provided by the KCC.

Assistance from the Legislative Research Department and state agencies, as requested

Pay:

Members serve without compensation