

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairman Carl D. Holmes at 9:07 a.m. on March 14, 2002 in Room 526-S of the Capitol.

All members were present except: Representative Carl Krehbiel

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: Leo Haynes, Kansas Corporation Commission
Dick Brewster, BP
Ron Gaches, Williams, El Paso & Northern Natural Gas
Barb Conant, Kansas Trial Lawyers Association
Jim Tyler, Westar Energy

Others attending: See Attached List

SB 490 - Kansas underground utility damage prevention act, regulations

Chairman Holmes opened the hearing on **SB 490**.

Leo Haynes, Chief of Pipeline Safety for the Kansas Corporation Commission, appeared in support of **SB 490 (Attachment 1)**. Mr. Haynes provided a brief history on the bill and explained the changes being made to the Act. He stated that those changes will serve as a foundation on which to build regulations for more effective administration of the One Call law.

Dick Brewster, Director of Government Affairs for BP America, testified in support of **SB 490 (Attachment 2)**. Mr. Brewster stated the bill contains new definitions not in current law and a provision that allows an operator to improve the precision of marking the location of any underground facilities.

Ron Gaches, on behalf of The Williams Companies, El Paso Pipeline, and Northern Natural Gas, spoke to the committee in support of **SB 490**.

Barbara Conant, Director of Public Affairs for the Kansas Trial Lawyers Association, addressed the committee in support of **SB 490 (Attachment 3)**.

Jim Tyler, Senior Manager of Design and Support Services for Westar Energy, appeared in support of **SB 490 (Attachment 4)**. Mr. Tyler stated the changes proposed in this bill clarify key issues in regard to marking underground facilities.

Written testimony in support of **SB 490** was submitted by Robert Krehbiel, Kansas Independent Oil and Gas Association.

The conferees responded to questions from the committee.

Chairman Holmes closed the hearing on **SB 490**.

Substitute HB 2100 - Unsolicited consumer telephone calls; do-not call list

Representative Dillmore distributed a proposed balloon to **Substitute for HB 2100 (Attachment 5)**. A memorandum from Steve Rarrick to Jim McCabria, both with the Attorney General's office, regarding the delegation of authority to a non-government agency by the states as it applies to no call legislation (**Attachment 6**). Neil Woerman, Director of Budget and Special Projects for the Attorney General's office, distributed a memo regarding fiscal information on the substitute bill (**Attachment 7**). Representative Sloan distributed proposed amendments (**Attachment 8**)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES, Room 526-S Statehouse, at 9:07 a.m. on March 14, 2002.

Representative Dillmore moved to adopt his proposed balloon. Representative Kuether seconded the motion. During discussion, Steve Rarrick responded to questions from the committee. Additionally, Staff provided an explanation of the substitute language. On Call of the Question, the motion carried. Representative Loyd requested his 'yes' vote be recorded. Representatives Lightner, Morrison, McLeland, Dahl, and Compton requested their 'no' votes be recorded. Representative Sloan moved to adopt the second amendment listed (See Attachment 8). Representative Dillmore seconded the motion. The motion carried. Representative Sloan moved to adopt the first amendment listed (See Attachment 8). Representative Dillmore seconded the motion. The motion carried. Representative Sloan moved to adopt the fifth amendment listed (See Attachment 8). Representative Dillmore seconded the motion. The motion carried. Representative Sloan moved to conceptually amend page 3, item 6(c) to include language that the telemarketer that cannot provide that service will have until January 1, 2004 to come into compliance. Representative McClure seconded the motion. The motion carried. Representative Goering moved to amend section 1, subsection 3 to read "Telephone Solicitor" means any natural person, firm, organization, partnership, association or corporation whose primary business is making consumer telephone calls, including, but not limited to, calls made by use of automatic dialing-announcing device. Representative McLeland seconded the motion. The motion failed. Chairman Holmes announced that the committee will continue working the bill tomorrow.

SB 397 - Access to public right-of-way by telecommunications providers

Representative Dillmore moved to report SB 397 favorable for passage. Representative Lightner seconded the motion. The motion carried. Representative Goering will carry the bill.

The meeting adjourned at 10:48 a.m.

The next meeting will be March 15, 2002.