

MINUTES OF THE SENATE UTILITIES COMMITTEE.

The meeting was called to order by Chairperson Senator Stan Clark at 9:30 a.m. on March 21, 2002 in Room 231-N of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research
 Emalene Correll, Legislative Research
 Bruce Kinzie, Revisor of Statutes
 Ann McMorris, Secretary

Conferees appearing before the committee:

 Senator Jim Barone
 Rep. Dennis McKinney

Others attending: See attached list

Brian Moline Confirmation

Chair opened the hearing for confirmation of Brian J. Moline as Member, Kansas Corporation Commission. The committee had reviewed Mr. Moline's credentials prepared and submitted by the Office of Governor Bill Graves. Mr. Moline stated he had served on the commission since 1984 and reviewed his responsibilities on the commission. Following his comments, several committee members made comments and asked questions regarding his approach to rate hearings and other matters.

Moved by Senator Barone, seconded by Senator Brownlee, to recommend confirmation of Brian Moline to the position of member of the Kansas Corporation Commission. Motion carried.

Chair continued the hearing on

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

The committee received copies of the following information:

1. **HB 3013** - concerning ethics; relating to disclosure requirements for certain consulting contracts. (Attachment 1)
2. **SB 570** - concerning ethics; relating to disclosure requirements for certain consulting contracts. (Attachment 2)
3. Kansas Board of Regents policy manual - F. Faculty and Staff, Chapter 2, item 10 thru 20. (Attachment 3)
4. K.A.R.. 1-13-1a (Attachment 4)
5. From Supreme Court of Kansas - SRS v. Public Employee Relations Board (Attachment 5)
6. Testimony on **HB 3013** from Senator Jim Barone (Attachment 6)
7. Testimony on **HB 3013** from Dennis McKinney (Attachment 7)

Chairman Clark explained the various sections and portions of the above instruments in relation to disclosure requirements for faculty or other employees of the state educational institutions. All testimony presented before House and Senate Committees by university personnel must be approved by the regents.

Chair called on Senator Barone who had testified on **HB 3013** (Attachment 6) who supports the need for full and complete disclosure when independent experts who are state employees are offering "expert testimony" and cited an instance of a witness before a Senate Committee where past business relationships certainly can influence their "expert thinking".

Rep. Dennis McKinney presented his testimony on **HB 3013** with an attached magazine article which highlighted the potential conflict between the need to raise private money for research and consulting services and the public interest. (Attachment 7)

After considerable discussion on amending **HB 3013** into **HB 2959** and the inclusion of Washburn University, the Chair closed the hearing on **HB 2959**.

CONTINUATION SHEET

MINUTES OF THE SENATE UTILITIES COMMITTEE at on March 21, 2002 in Room 231-N of the Capitol.

Moved by Senator Brownlee, seconded by Senator Tyson, to amend **HB 3013** into **HB 2959** with conceptual amendment to include all other institutions of education. Motion carried. 8-1 (Attachment 8)

Moved by Senator Barone, seconded by Senator Lee, to amend **HB 2959** by inserting in (45) on page 6, language to include sewer or wastewater treatment systems, facilities or equipment, as shown in attached balloon. Motion carried. (Attachment 9)

Moved by Senator Tyson, seconded by Senator Lyon, to amend **HB 2959** by inserting in (45) on page 6 that language as set forth in the attached balloon prepared by the Kansas Press Association. Motion carried. (Attachment 10)

Moved by Senator Brownlee, seconded by Senator Lyon, to pass out **HB 2959** favorably as amended. Motion carried.

Approval of Committee minutes

Moved by Senator Lyon, seconded by Senator Taddiken, minutes of the Senate Utilities Committee meetings held on March 12, 2002, March 13, 2002, March 14, 2002 and March 18, 2002 be approved. Motion carried.

Chair announced no further meetings of the Senate Utilities Committee were scheduled for this session except if any of the five members wanted to take action on any bill currently in the committee.

Adjournment.

Respectfully submitted,

Ann McMorris, Secretary

Attachments - 10