

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 18, 2002 in Room 526-S of the Capitol.

All members were present.

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: Steve Johnson, Kansas Gas Service
James Flaherty, Greeley Gas Company
Colin Hansen, Kansas Municipal Utilities

Others attending: See Attached List

SB 546 - Natural gas supplier, termination of franchises

Chairman Holmes opened the hearing on **SB 546**.

Steve Johnson, Manager of Community Affairs for Kansas Gas Service, testified in favor of **SB 546** (Attachment 1). Mr. Johnson explained there are similar statutes in place for retail electric suppliers and now was the time to address compensation for a natural gas utility.

James Flaherty, appearing on behalf of Greeley Gas Company, spoke in favor of **SB 546** (Attachment 2). Mr. Flaherty stated they support the bill because it will provide better guidance to all parties involved. Both parties will have a clearer idea of what the acquisition cost or compensation will be earlier in the process and will have a statutory formula to determine the final compensation.

Colin Hansen, Executive Director for the Kansas Municipal Utilities, appeared in opposition to **SB 546** (Attachment 3). Mr. Hansen explained they were not strongly opposed, but questioned the necessity of the proposed legislation.

Mr. Johnson, Mr. Flaherty and Mr. Hansen responded to questions from the committee.

Chairman Holmes closed the hearing on **SB 546**.

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

The debate on **HB 2100** resumed. A copy of the bill, as amended, was distributed to the committee. Representative Sloan distributed proposed amendments (Attachment 4). Representative Sloan moved to adopt the proposed amendments. Representative Kuether seconded the motion. Representative Myers distributed a balloon (Attachment 5). Representative Myers also indicated he had additional amendments not printed on the balloon, but would address at a later time. On Call of the Question, motion carried. Representative Sloan moved to strike section (h)(2) of the adopted amendment and add the last sentence to the first amendment listed. Representative McClure seconded the motion. Motion carried. Representative Myers moved to change the word 'may' to 'shall' and to strike 'No later than December 31, 2002,' in section g on page 5 of his balloon (Attachment 5). Representative Dahl seconded the motion. Motion carried.. Representative Myers moved to adopt new subsection (I) dealing with legislative reporting. Representative McLeland seconded the motion. Motion carried. Representative McClure moved to strike subsection f on page 5 of the adopted balloon. Representative Dillmore seconded the motion. Motion failed.. Representative Loyd moved to amend subsection f on page 5 to read 'It shall be an **affirmative** defense in any action.....Such defense shall not be **available to** a telephone solicitor....' Representative Kuether seconded the motion. Representative Sloan moved to divide the question. On Part 1 (an affirmative), motion carried. On Part 2 (available to), motion failed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES, Room 526-S Statehouse, at 9:07 a.m. on March 18, 2002.

Representative Loyd moved to amend page 5 subsection j to read ‘The attorney general may promulgate rules and regulations to carry out the provisions of the Kansas no call act’ and to add a new section 3 that reads ‘ This act shall be known and may be cited as the Kansas no-call act.’ Representative Dillmore seconded the motion. The motion carried. Representative Goering distributed two proposed amendments (Attachment 6) and moved to adopt alternative #2. Representative Krehbiel seconded the motion. Motion failed. Representative Myers moved to report **Substitute for HB 2100**, as amended, favorable for passage. Representative McLeland seconded the motion. Motion carried. Representative McClure requested that her ‘no’ vote be recorded in the minutes. Representative Holmes will carry the bill.

The meeting adjourned at 10:54 a.m.

The next meeting will be March 19, 2002.