

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairperson Robert Olson at 8: on Thursday, April 02, 2015, 548-S of the Capitol.

All members were present except:

Senator Tom Hawk – Excused

Committee staff present:

Heather O'Hara, Legislative Research Department

Natalie Nelson, Legislative Research Department

Michael Welton, Kansas Legislative Committee Assistant

Matt Sterling, Office of Revisor of Statutes

Erica Haas, Legislative Research Department

Cindy Lash, Legislative Research Department

Conferees appearing before the Committee:

There were no conferees to be listed.

Others in attendance:

[See Attached List](#)

Senator Olson greeted attendees and opened the committee meeting. He called for the committee to discuss and approve the minutes for 3 9 15, 3 10 15, 3 11 15 and 3 12 15.

Senator Petersen moved that the above minutes be approved and Senator Wilborn seconded the motion. The motion passed. Senator Olson ordered that the minutes be published.

Discussion & action on: HB2233 — Electric utilities and carbon dioxide emissions.

Senator Olson opened the discussion on the bill and called on Matt Sterling for a Revisor of Statutes review of the balloon bill ([Attachment #1](#)).

Senator Francisco called for clarity regarding the November 1, 2015 date in the amendment. Senator Knox questioned if language would ever prevent secretary from submitting state implementation plan (SIB). Senator Olson explained that because the committee would be receiving ongoing updates from the secretary, he anticipated a timely submission of an SIB therefore avoiding the initiation of a federal implementation plan.

Senator Francisco was assured by Senator's Olson and Knox that the membership of the study committee reflected the current make up of the House and Senate. Senator Olson referenced that the formula was thoroughly explored and defined with an amendment to **SB 151 - Electric utilities and carbon dioxide emissions** that was at that time adopted by the committee.

Senator Olson called on Matt Sterling for clarification concerning the basis for bill's study committee makeup. He explained, "The language in the bill would create a study committee comprised of 5 senators and 6 representatives. Of the 6 Representatives, 5 would be Republicans. House of

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Representatives has 97 Republicans and 28 Democrats, which gives a ratio of 77.6% Republicans and 22.4% Democrats. Since the committee makeup would be precisely 4.656 Republicans and 1.344 Democrats, the Republican Party had a fraction that exceeded .5 and so that was rounded up to 5."

He also cited Senate Rule 7, "The two major political parties shall have a proportional representation on each standing committee other than the Committee on Organization, Calendar and Rules. In the event application of preceding sentence results in a fraction, the party having the fraction exceeding .5 shall receive representation as though such fraction were a whole number."

Senator Francisco questioned how the bill defined the roles of the legislature and attorney general. Senator Olson pointed out that because of the legal aspect of the process the attorney general has a very important role.

Senator Petersen motioned that the balloon amendment be adopted and was seconded by Senator Longbine. The motion passed.

Senator Francisco motioned that the minority leaders in the house and the senate should appoint a member to the study committee and the motion was seconded by Senator Knox to enable the committee to discuss the motion. After discussion the motion failed.

Senator Petersen moved to pass the bill as amended and Senator Wilborn seconded the motion. The motion passed.

Senators Knox and Francisco requested that it be recorded that they abstained from voting on the motion.

Seeing no further questions or comments Senator Olson ended the discussion on the bill.

Seeing no additional questions or comments Senator Olson adjourned the meeting at 8:49pm. There is no future meeting scheduled at this time.