

MINUTES OF THE SENATE UTILITIES COMMITTEE.

The meeting was called to order by Chairman Senator Stan Clark at 9:30 a.m. on March 20, 2002 in Room 231-N of the Capitol.

All members were present except: Sen. Wagle (excused)  
Sen. Brownlee (excused)  
Sen. Barone (excused)

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

Conferees appearing before the committee: none

Others attending: See attached list

The Chair called attention to an email message from Colin Hansen entitled Iola Water Plant Applicants under Investigation. Mr. Hansen thought it might shed some light on their utility security concerns and their desire to add water utilities to the legislation. (Attachment 1)

Chair opened discussion on:

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

The Chair asked Bruce Kinze from the Revisor's office to respond to two questions from the previous hearing on **HB 2959**.

Q.1 How would this legislation affect One Call?

(A) This would not affect One Call because it is not a public agency. He noted subsection (a) of the bill reads "except to the extent of the disclosures otherwise required by law" so if there is an exception someplace else it wouldn't apply.

Q.2 Concerned the provision on page 2 - #12, as to why that section wasn't incorporated in new #45?

(A) #12 relates to security information required of a public agency which has facilities. This could be the local municipal facility or jail, as it relates to the building they own. The idea of combining #12 and #45 was discussed and KCC felt for clarity purposes it would be best to keep them separated. This was confirmed by Tom Day.

Bud Burke provided an update from Larry Dolci, Kansas City Power & Light Company, which elaborated on K.S.A. sections of particular relevance to KCPL that would limit disclosure of utility information. (Attachment 2)

The Chairman noted there are two main discussion points: (1) do we want to add water and sewer; and (2) the new language for #45. The Chair requested the Revisor to come up with the suggested language to include water and sewer language in the appropriate sections.

The committee next reviewed the language provided by Rich Thames of the Kansas Press Association in his previous testimony on page 2 in bold letters for section #45. (Attachment 3)

Ron Gaches was asked if the language in the new proposed section #45 would allow companies to withhold financial information that otherwise they would be required to divulge. He had asked three of the companies this would involve and the answer is "the Federal SEC requirements would force disclosure of financial information and nothing the State would do would make that information privileged".

Further consideration will be given to **HB 2959** upon receipt of the revised draft from the Revisor.

Review of Bills in Committee:

The Chairman announced that if any of the five committee members wanted to work any of these three

CONTINUATION SHEET

MINUTES OF THE SENATE UTILITIES COMMITTEE at on March 20, 2002 in Room 231-N of the Capitol.

bills to contact him.

**HB 2999** - no committee action was taken when the bill was brought up on Monday, March 18, 2002.

**HB 2661** - same as **SB 480** and the House is working that bill.

**HB 2644** - consensus of the committee this authority is already available at KCC.

The next meeting of the Senate Utilities Committee will be held on March 21, 2002.

Adjournment.

Respectfully submitted,

Ann McMorris, Secretary

Attachments - 3