

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairman Carl D. Holmes at 9:08 a.m. on February 18, 2005 in Room 231-N of the Capitol.

All members were present except: Representative Judy Showalter - Excused

Committee staff present: Mary Galligan, Legislative Research  
Dennis Hodgins, Legislative Research  
Mary Torrence, Revisor of Statutes  
Jo Cook, Administrative Assistant

Conferees appearing before the committee: John McQueeney, Kelly Company, Lenexa, KS  
Don Moler, League of Kansas Municipalities, Topeka, KS

Others attending: See Attached List

**HB 2349 - Annexation; mineral leaseholders**

Chairman Holmes opened the hearing on **HB 2349**.

John McQueeney, on behalf of Kelly Company, addressed the committee in support of **HB 2349** (Attachment 1). Mr. Kelly explained that when land that has an oil or gas lease on it is annexed into a city, no insurance company will write coverage on the lease. This ultimately cancels the lease and results in loss of funds for the lease holder.

Don Moler, Executive Director of the League of Kansas Municipalities, spoke in opposition to **HB 2349** (Attachment 2). Mr. Moler stated the League did not believe the legislation is necessary and that the issues should be addressed at the local level with the cities.

Mr. McQueeney and Mr. Moler responded to questions from the committee.

Chairman Holmes closed the hearing on **HB 2349**.

**HB 2407 - Kansas representatives to regional transmission organization authorized to participate fully**

Chairman Holmes opened the debate on **HB 2407**. Representative Sloan distributed a balloon amendment (Attachment 3) and moved adoption of the balloon. Representative Olson seconded the motion. Motion carried. Representative Sloan moved to recommend HB 2407, as amended, favorable for passage. Representative Olson seconded the motion. The motion carried. Representative Miller will carry the bill.

**HB 2263 - Kansas electric transmission authority**

Chairman Holmes opened the debate on **HB 2263**. Representative Sloan distributed a balloon for the committee's consideration (Attachment 4). Representative Sloan moved adoption of the balloon. Representative Oharah seconded the motion. The motion carried. Representative Sloan moved to recommend HB 2263, as amended, favorable for passage. Representative Kuether seconded the motion. The motion carried.

**HB 2461 - Exemption of utility service trucks from hours of service limits in times of disaster emergencies**

Chairman Holmes opened the debate on **HB 2461**. Representative Kuether moved to amend lines 9, 16, and 22 by removing the word 'disaster.' Representative Watkins seconded the motion. The motion carried. Representative Knox moved to amend line 16 by changing 'may' to 'shall.' Representative Flora seconded the motion. The motion failed. Representative Mast moved to recommend HB 2461, as amended, favorable for passage. Representative Huy seconded the motion. The motion carried. Representative Mast will carry the bill.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES, Room 231-N, Statehouse, at 9:08 a.m. on February 18, 2005

**HB 2050 -VoIP enhanced 911 act; application of KUSF to VoIP providers**

Representative Sloan moved to remove HB 2050 from the table. Representative Kuether seconded the motion. The motion failed.

**HB 2046 - Regulation of local exchange carriers; broadband deployment**

Chairman Holmes resumed the debate on HB 2046. Representative Sloan distributed a balloon for the committee consideration (Attachment 5). Representative Sloan moved to adopt the balloon. Representative Svaty seconded the motion. The motion failed. Representative Sloan moved to adopt a subsequent balloon, as the first minus the first page, adding language that would provide a tax credit to all providers and are technology neutral. Representative Svaty seconded the motion. The motion failed. Representative Sloan moved to remove the language on lines 13 through 20 and replace it with, conceptually, language that grants the corporation commission special authority to consider broadband as a 'quality of service' issues and to pen a new docket. Representative Svaty seconded the motion. The motion failed. Debate was suspended

The committee was as recess from 10:56 to 11:54 a.m.

**HB 2349 - Annexation; mineral leaseholders**

Chairman Holmes opened the debate on HB 2349. Representative Kuether moved to recommend HB 2349 favorable for passage and, because it is non-controversial, be placed upon the Consent Calendar. Representative Mast seconded the motion. The motion carried.

**HB 2146 - Information required with payment to oil and gas royalty interest or working interest owners**

Chairman Holmes opened the debate on HB 2146. Representative Krehbiel distributed a balloon for consideration by the committee (Attachment 6). Representative Krehbiel moved to adopt the balloon. Representative Svaty seconded the motion. The motion failed. Representative Myers moved to table HB 2146. Representative Sloan seconded the motion. The motion carried.

**HB 2463 - Cost recovery for local exchange carriers whose facilities are used to terminate calls delivered by other service providers**

Chairman Holmes opened the debate on HB 2463. Representative Svaty distributed a balloon for the committee's consideration (Attachment 7). Representative Svaty moved the adoption of the balloon. Representative Kuether seconded the motion. The motion carried. Debate was suspended on HB 2463.

The meeting adjourned at 12:58 p.m.

The next meeting is Monday, February 21, 2005 at 9:00 a.m.