

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairman Carl D. Holmes at 9:10 a.m. on March 13, 2002 in Room 526-S of the Capitol.

All members were present except: Representative Annie Kuether

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: Kim Gulley, League of Kansas Municipalities  
Don Moler, League of Kansas Municipalities  
Rachel Reiber, Everest Connections  
Senator Karin Brownlee  
Rob Hodges, Kansas Telecommunications Industry Association  
David Corliss, City of Lawrence  
Michael Santos, City of Overland Park

Others attending: See Attached List

Representative Long moved to approve the minutes for the January 28, January 29, February 4, and February 5 meetings. Representative Dreher seconded the motion. Motion carried.

**SB 397 - Access to public right-of-way by telecommunications providers**

Chairman Holmes opened the hearing on **SB 397** and welcomed Kim Gulley, League of Kansas Municipalities, who provided a detailed explanation of the bill (Attachment 1).

Don Moler, Executive Director of the League of Kansas Municipalities, addressed the committee in support of **SB 397** (Attachment 2). Mr. Moler detailed the history that led to the introduction of the proposed legislation. He stated that after nine meetings the parties involved were able to reach an agreement and that any modification could lead to support being withdrawn from one or both sides. He also said that although other industries have expressed interest in this legislation, the work was done in the context of the 1996 Federal Telecommunications Act and the existing statutory framework.

Rachel Reiber, Vice President of Regulatory and Government Affairs for Everest Connections, appeared in support of **SB 397** (Attachment 3). Ms. Reiber provided background information on her company and told of their involvement in negotiations. She urged the committee to pass the bill as it is written.

Senator Karin Brownlee, 23<sup>rd</sup> District, testified in support of **SB 397** (Attachment 4). Senator Brownlee shared the history of the legislation and asked the committee to honor the difficult work both sides engaged in to arrive at the compromise by passing the bill out with no changes.

Rob Hodges, President of the Kansas Telecommunications Industry Association, spoke in support of **SB 397** (Attachment 5). Mr. Hodges stated that the bill was drafted with two distinct parts: the franchise portion and the right-of-way portion. The franchise portion addresses municipality choice and the fee structure. The right-of-way portion addresses to whom the bill applies to, fees on rights-of-way, and administration.

David Corliss, Assistant City Manager for the City of Lawrence, testified in support of **SB 397** (Attachment 6). Mr. Corliss stated the City of Lawrence accepts the compromise bill and would oppose any substantive amendments.

Michael Santos, Senior Assistant City Attorney for the City of Overland Park, shared comments supporting **SB 397** (Attachment 7). Mr. Santos urged the adoption of the bill with no changes.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES, Room 526-S Statehouse, at 9:10 a.m. on March 13, 2002.

Written testimony in support of **SB 397** was submitted by: Don Siefert, City of Olathe (Attachment 8); Eric Arner, City of Lenexa (Attachment 9); Michelle O'Neal, Southwestern Bell Telephone Company (Attachment 10); and Mike Murray, Sprint (Attachment 11).

The conferees responded to questions from the committee.

Chairman Holmes closed the hearing on **SB 397**.

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

Chairman Holmes opened the debate on **HB 2100**.

Representative Myers moved to adopt a proposed substitute, previously distributed, that includes suggested industry language. Representative Merrick seconded motion. Representative Sloan addressed proposed amendments, previously distributed, and stated they could be added at any time, at the discretion of the committee. Mary Torrence, Revisor of Statutes, detailed the proposed substitute, explaining the differences between the substitute and the current version of **HB 2100**. Colleen Harrell, Assistant General Counsel for the Kansas Corporation Commission; Steve Rarrick, Assistant Attorney General; and Doug Smith, on behalf of the Direct Marketing Association, responded to questions from the committee on the proposed substitute. On Call of the Question, motion carried. Representative Myers distributed a memorandum from Steve Montgomery of MCIWorldcom that addressed concerns about constitutional challenges (Attachment 12).

Chairman Holmes announced we would have a hearing on **SB 490** tomorrow, then take up the **Substitute for HB 2100**.

The meeting adjourned at 10:55 a.m.

The next meeting will be March 14, 2002.