

MINUTES OF THE SENATE COMMITTEE ON COMMERCE.

The meeting was called to order by Chairperson Senator Karin Brownlee at 8:30 a.m. on March 15, 2001 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: April Holman, Legislative Research Department  
Bob Nugent, Revisor of Statutes  
Lea Gerard, Secretary

Conferees appearing before the committee:

Others attending: See attached list.

The Chair announced to committee members that the MARC model ordinance has been given to the committee secretary for their review (Attachment 1).

Jim Orr, City Attorney for the City of Westwood, submitted written testimony in opposition to **SB 306** (Attachment 2).

In response to a question from Senator Barone on March 12, 2001, Rob Hodges, Kansas Telecommunications Industry Association provided information regarding right-of-way and franchise requirements (Attachment 3).

In response to a question from Committee regarding the language in **SB 306** dealing with indemnity, documentation from the Kansas Corporation Commission was provided by Rob Hodges, Kansas Telecommunication Industry Association (Attachment 4).

The Committee proceeded to work the amended **SB 306** using a balloon amendment dated March 12, 2001 submitted by the industry (Attachment 5).

In response to Senator Steineger's question on clarification of Telecommunication facilities in the amended **SB 306**, the Chair requested Bob Nugent, Revisor of Statutes to write a definition for the term.

Senator Jordan moved, seconded by Senator Kerr that **SB 306** provide both options, "access line fee or gross receipts" with a 5% cap. Motion carried.

Senator Emler requested a definition of access line fee and how are the access lines are counted today.

Senator Emler moved, seconded by Senator Kerr that the three balloon amendments on Page 3, starting with Line 10 through Line 21 be adopted. Motion carried.

Senator Emler moved, seconded by Senator Jenkins that **SB 306** be amended on Page 3 to strike the language in subsection (a), Line 25 thru Line 30. Motion carried.

Senator Emler moved, seconded by Senator Jenkins that **SB 306** be amended on Page 4 to insert the balloon amendment and to further clarify within the balloon amendment what party may be awarded attorney fees and to strike the language on Line 18 starting with "A city shall not" and continue thru Line 21. Motion carried.

Senator Jenkins moved, seconded by Senator Jordan to adopt a conceptual amendment that would apply the aforementioned concept to "gross receipts". Motion carried.

Senator Emler, moved, seconded by Senator Brungardt to amend Page 5, Line 12, subsection (d) to provide cross-reference to the open records act. Motion carried.

Attached is a follow-up list of questions regarding SB 306 by the Committee members (Attachment 6).

Meeting adjourned at 9:30 a.m.

Next meeting scheduled March 16, 2001 at 8:00 a.m.