

Approved: March 7, 2003

Date

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairman Carl D. Holmes at 9:07 a.m. on January 23, 2003 in Room 526-S of the Capitol.

All members were present except: Representative Mary Compton  
Representative Judy Morrison  
Representative Jerry Williams

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: Randy Tomlin, SBC-Kansas  
Bob Jayroe, SBC-Kansas  
Bob LaGarde, LaGarde Company  
Larry Powell, Butler County Economic Development  
John Masterson, Allen County Community College  
Cindy Elliott, Fort Hays State University  
Debbie Snow, Communication Workers of America

Others attending: See Attached List

Chairman Holmes asked for bill introductions. Representative Sloan moved to introduce a committee bill amending the No-Call Act exemptions. Representative P. Long seconded the motion. The motion carried.

**HB 2019 - State Corporation Commission prohibited from regulating high speed Internet access/broadband service**

Conferees from the previous day, Randy Tomlin, SBC-Kansas President and Bob Jayroe, SBC-Kansas consultant, responded to questions from the committee. Additionally, Mr. Tim Pickering, SBC-Kansas legal counsel, also responded to questions.

Bob LaGarde, CEO of LeGarde Company, addressed the committee as a proponent of **HB 2019 (Attachment 1)**. Mr. LaGarde explained that his company produces e-business software and service products. He stated that without ready access of technology such as broadband internet access, their existing merchants will be drastically hindered in their ability to compete in the global marketplace and the future of state's economy will not be properly cultivated.

Larry Powell, appearing on behalf of Butler County Economic Development, provided testimony in support of **HB 2019 (Attachment 2)**. Mr. Powell stated that with the slowing economy, the government is looking for ways to stimulate the economy and increase spending of private dollars. He said that he used broadband technology in order to do his job effectively and efficiently. He explained that more investment by SBC in Butler County was needed so other communities can have the opportunity to prosper.

Allen County Community College President, John Masterson, spoke to the committee supporting **HB 2019 (Attachment 3)**. Mr. Masterson stated that Allen County currently has 244 students enrolled in Interactive

Television courses and 334 students enrolled in on-line Internet courses. Mr. Masterson told the committee that education across Kansas is dependent upon and would be greatly enhanced by a wider deployment of broadband.

#### CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES, Room 526-S Statehouse, at 9:07 a.m. on January 23, 2003.

Cynthia Elliott, Dean of the Virtual College at Fort Hays State University, testified in favor of **HB 2019** (Attachment 4). Dean Elliott stated that the Virtual College supports the design, development, deliver and marketing of distance learning course-work. She explained that high speed DSL or cable modems make it more viable for students to take these courses rather than forcing the faculty to develop online courses with the slowest modem speeds. Ms. Elliott stated that broadband regulation needs to be changed so all broadband providers are regulated the same way.

Debbie Snow, representing the Communications Workers of America, Local 6401, appeared before the committee supporting **HB 2019** (Attachment 5). Ms. Snow is employed by SBC as a Communications Consultant and has been an elected officer for CWA. Ms. Snow stated that there is a need for a level playing field and that **HB 2019** would help to provide it, offering hope of new investment and new jobs in the state.

The conferees responded to questions from the committee.

Members of the committee requested specific information be provided to the committee. That information included, if available, property tax payments in Oklahoma, list of Chambers of Commerce supporting the bill, and percentage of customers in Oklahoma using DSL.

The meeting adjourned at 10:42 a.m.

The next meeting will be Friday, January 24, 2003 at 9:00 a.m.