

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Vice-Chairman Carl Krehbiel at 9:10 a.m. on February 8, 2005 in Room 231-N of the Capitol.

All members were present except: Representative Eric Carter - Unexcused
Representative Carl Holmes - Excused
Representative Annie Kuether - Excused
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:
Representative Tom Sloan, Lawrence, KS
Kim Gulley, League of Kansas Municipalities, Topeka, KS
Mike Murray, Sprint, Topeka, KS
Mike Santos, City of Overland Park, Overland Park, KS

Others attending: See Attached List

Vice-Chairman Krehbiel directed the committee's attention to the minutes of the January 11, January 12, and January 13 meetings. Representative Sloan moved to approve the minutes. Representative Olson seconded the motion. The motion carried.

HB 2181 - Addition of utility services under existing franchise or easement; effect

Vice-Chairman Krehbiel opened the hearing on **HB 2181**.

Representative Tom Sloan appeared in support of **HB 2181** (Attachment 1). Representative Sloan stated that the bill does not solve problems of today, but may prevent them in the future. The bill provides that the renegotiation of franchise agreements will not stand in the way of innovation and investment.

Kim Gulley, Director of Policy Development & Communications for the League of Kansas Municipalities, appeared before the committee in opposition to **HB 2181** (Attachment 2). Ms. Gulley told the committee that the bill, as it is currently written, would statutorily authorize a utility to unilaterally alter its city franchise agreements.

Mike Murray, Director of Governmental Affairs for Sprint, testified in opposition to **HB 2181** (Attachment 3). Mr. Murray stated that the provisions in this bill were contrary to legislation enacted in 2000 that had been worked out between the local exchange carriers and the local government organizations.

Mike Santos, Senior Assistant City Attorney for the City of Overland Park, shared testimony as an opponent to **HB 2181** (Attachment 4). Mr. Santos told the committee that the bill creates numerous obstacles to the effective and safe management of the rights-of-way, including: conflict with federal and state law; inconsistent franchise fees; and public safety issues.

Written testimony in opposition to **HB 2181** was submitted by Michael Boehm, City of Lenexa (Attachment 5) and John Federico, Kansas Cable Telecommunications Association (Attachment 6).

The conferees responded to questions from the committee.

Vice-Chairman Krehbiel closed the hearing on **HB 2181**.

The meeting adjourned at 10:34 a.m.

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