

## MINUTES OF THE SENATE COMMITTEE ON COMMERCE.

The meeting was called to order by Chairperson Senator Karin Brownlee at 8:30 a.m. on February 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.

Bob Nugent, Revisor of Statutes, distributed the consensus balloon and a couple of additional proposed balloons for **SB 48** (Attachment 1).

Senator Emler stated on Page 1 of **SB 48**, Line 39 when we struck "*the purpose of KAN-ED shall be*" and replaced it with the language on ITEC, we inadvertently struck being explicit about what the purpose of the KAN-ED network is. This can be easily resolved by just another sentence that would read something to the effect "*The purpose of the KAN-ED network shall be to provide for Broadband Internet Access and Intranet Access for Distance Learning*" which is essentially what this sentence said except that it also stated that KAN-ED would contract for those services. The second comment is on Page 3, the balloon note that starts with "*the members shall refrain from participating in discussion or voting upon matters related to that portion of the network*". That actually defeats the entire purpose of having the advisors from the industry because there is a possibility that their company might bid on some portion of the network and they would be precluded from discussing it, or the alternative, their company would be precluded from bidding and I'm not sure you would know that when you are actually talking about the network. As long as they are precluded from voting, I think that probably covers what we want but in addition we have to remember that the board no longer is the one that actually lets contract it's ITEC that should be approving the RFP. We went a little further than what we needed to go by putting the word "*discussion*" in there.

**Senator Emler moved, seconded by Senator Jordan that SB 48 be amended to strike the words in the balloon on Page 3 "~~participating in discussion or~~" to read "refrain from voting". The voice vote was unanimous in favor of motion.**

**Senator Emler moved, seconded by Senator Jordan that SB 48 be amended to insert on Page 1 in front of the balloon "The purpose of the KAN-ED network shall be to provide for Broadband Internet Access and Intranet Access for distance learning". The voice vote was unanimous in favor of motion.**

The committee discussed meet points of the network to school, libraries, hospitals and what Legislative intent is. Is the intent to provide a community meet point and stop there? Senator Kerr stated there is a half million dollars set aside for the design of this network and we should not be too descriptive of what their job should be. Let the design work be done and we can always pull them back and say "no".

**Senator Kerr moved, seconded by Senator Jordan that SB 48, Page 1, Line 43 be amended to strike "~~Connection of schools and to the network shall commence not later than July 1, 2002~~". Page 2, Line 1 "~~Connection of hospitals shall commence not later than July 1, 2003~~". The voice vote was unanimous in favor of motion.**

**Senator Jenkins moved and seconded by Senator Steineger that SB 48 be amended to strike on Page 3, Line 37 the words "~~The Board~~" to be replaced with "ITEC" and on Page 3, Line 40, insert the word "to" after connectivity.**

Senator Brownlee explained to committee members that she had requested Bob Nugent, Revisor of Statutes to

add a statement (Attachment 2) to make it clear that there is competitive bidding for the network in accordance with competitive bidding statutes.

**Senator Wagle moved and seconded by Senator Emler that SB 48 be amended to insert on Page 1, Line 42 “Such contracts shall be let by competitive bidding as described pursuant to K.S.A. 75-3739 and amendments thereto”. The voice vote was unanimous in favor of motion.**

Bob Nugent, Revisor of Statutes stated attached is a statutory cross-reference to the ITEC organic act which simply indicates undertaking the act or implement the KAN-ED network is one of ITEC’s duties that allows to import their rule of reg authority.

**Senator Emler moved and seconded by Senator Jenkins that the statutory cross-reference for SB-48 be added. The voice vote was unanimous in favor of motion.**

Senator Brownlee stated due to the changes that were made, the House Bill will be brought back and a Senate Substitute for **HB 2035** would be made.

Meeting adjourned at 8:30 a.m.

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