

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairman Jay Emler at 9:30 A.M. on March 12, 2008 in Room 526-S of the Capitol.

Committee members absent:

Committee staff present: Raney Gilliland, Kansas Legislative Research Department
Cindy Lash, Kansas Legislative Research Department
Mike Corrigan, Revisor of Statutes
Ann McMorris, Committee Secretary

Conferees appearing before the committee:

Rep. Arlen Siegfroid
Rep. Jim Morrison
Don Whitney, Olathe
Steve Carriger, Topeka
Brian Short, Olathe
Tom Laux
Dee Smith & Michael Klein, The Salvation Army
JD Spradling
Bruce Cassida, Miami County
David Jacobs, Miami County

Others in attendance: See attached list

Chair requested staff to brief the committee on **HB 2805** - Establishing the Kansas Emergency Communications preservation act. Cindy Lash, Research analyst, said the bill would bring Kansas statutes into conformation with federal regulations regarding federally licensed amateur radio service communications and cited the various areas that would be affected.

Chair opened the hearing on

HB 2805 - Establishing the Kansas Emergency Communications preservation act

Proponents:

Rep. Arlen Siegfroid spoke in favor of **HB 2805**. He felt amateur radio operators, or "ham operators", are the foundation of emergency communications in Kansas.

Rep. Jim Morrison, an amateur radio operator, voiced strong support for amateur radio service. He cited several occasions in the past year when this help was provided various Kansas communities in times of emergency. He noted this law would codify the federal law. He urged passage of **HB 2805**.

(Note: Eight of the following nine proponents are amateur radio operators with many years of experience.)

Don Whitney, Olathe, noted amateur radio operators volunteer in their local communities, assist in emergencies and are also a resource for Kansas homeland security preparedness. **HB 2805** simply codifies, at the state level, the FCC's PRB-1 regulation which already pre-empts state and local regulation that would adversely affect amateur radio service. Passage of **HB 2805** would help ensure that amateur radio operators will be available as a free, and vital resource to our communities in times of need. (Attachment 1)

Steve Carriger, Topeka, stated the communication provided by ham operators has taken on new meaning. Operators must train to ever higher standards, they work under the National Incident Command system and must learn to operate anywhere in the United States. (Attachment 2)

Brian Short, Olathe, provided background information on the amateur radio service. He especially stressed that this legislation costs the taxpayers of Kansas zero dollars. (Attachment 3)

Tom Laux communicates with friends in Germany and Italy in the morning and Australia and Japan in the evening. Operators must pass intensive examinations to qualify for a license issued by the Federal government. Hams are an exception as individuals who are not only engaged in their own communities, but

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nationally and globally as well. Passage of **HB 2805** would ensure a continued Emergency Communications System. ([Attachment 4](#))

Dee Smith, The Salvation Army, but not an amateur radio operator, stated the Salvation Army favors passage of **HB 2805** which asks the legislature to allow the FCC regulation PRB-1 to be passed into Kansas law. This legislation has been passed in 25 other states. ([Attachment 5](#))

Rod Richardson, Spring Hill, stressed that FCC Regulation PRB-1 and **HB 2805** do not preclude the ability of cities or counties to reasonably regulate antennas for legitimate safety or other concerns. He provided information on PRB-1, the FCC's Limited Preemption of Local Ordinances. ([Attachment 6](#))

JD Spradling, Kansas Certified Emergency Manager, stated we have come to a point in Kansas that we need standardized legislation that would enhance our communications capabilities. **HB 2805** assures Kansas state law reflects the federal rules regarding Amateur Radio Stations at no cost to the state or its citizens. ([Attachment 7](#))

Bruce Cassida, Miami County, favors **HB 2805** as it insures communication can be properly restored in the event of a disaster that disrupts our normal flow of life. ([Attachment 8](#))

David Jacobs, Miami County, urged passage of **HB 2805** to preserve the technical needs of the Ham operator to provide reliable emergency communications. ([Attachment 9](#))

Written testimony was provided by:

Bruce Frahm, Colby, Ks. ([Attachment 10](#))

Matt May, Merriam, Ks. ([Attachment 11](#))

Greg Hartnett, Louisburg, Ks. ([Attachment 12](#))

Opponent:

Written testimony was provided by:

Mark Tomb, League of Kansas Municipalities ([Attachment 13](#))

Questions to conferees concerning height of antennas and the federal regulations.

Chair closed the hearing on **HB 2805**.

Approval of Minutes

Moved by Senator Reitz, seconded by Senator Pine, the minutes of the meetings held in 2008 by the Senate Utilities Committee on February 19, February 20, March 5, March 6, and March 11 be approved. Motion carried.

Adjournment.

Respectfully submitted,

Ann McMorris, Secretary

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