

MINUTES OF THE HOUSE UTILITIES COMMITTEE

The meeting was called to order by Chairman Carl Holmes at 9:00 A.M. on March 16, 2006 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Mary Galligan, Kansas Legislative Research
Dennis Hodgins, Kansas Legislative Research
Mary Torrence, Revisor's Office
Rena Hansen, Committee Secretary

Conferees appearing before the committee:

Kimberly Winn, League of Kansas Municipalities
David Hawksworth, Community Access Health
Phil Black, LuLac, NAACP
David Norlin, Board of Access Television
Becky Hocham, City of Lenexa
Mike Santos, City of Overland Park
Ernest Kutzley, AARP
Janet Chubb, Secretary of States Office
Patrick Knorr, Sunflower Broadband
Gary Shorman, Eagle communications
John Federico, Kansas Cable Telecommunications Association

Others attending:

See attached list.

SB 449 **Sub for S 449 by Committee on Commerce - Video competition act.**

Written Proponents:

Barbara Kasoff, Women Impacting Public Policy, (Attachment 1), offered written testimony in support of **SB 449** believing this legislation will strengthen small businesses.

Nancy Zurbuchen, Kansas City Council of Women Business Owners, (Attachment 2), offered a written letter of testimony in support of **SB 449** as they believe it is imperative for laws to promote competitive alternatives for customers in the field of technology.

Cliff Sones, President, Wichita Independent Business Association Kansas Organization for Private Enterprise, (Attachment 3), presented favorable written testimony for **SB 449** and was pleased how the legislation shows a basic trust of our free- market economy.

Opponents:

Kimberly Winn, League of Kansas Municipalities, (Attachment 4), presented testimony in opposition of **SB 449** and additionally offered amendments that would help make the legislation more palatable for municipalities.

David Hawksworth, Community Access Health, (Attachment 5), offered opposition testimony on **SB 449** believing if the bill were passed in its current form, it would be bad for access channels.

Phil Black, LuLac, NAACP, Salina, KS, (Attachment 6), came before the committee with testimony in opposition of **SB 449** given bullet points on the reasons why their current system works and others on why the proposed bill would not meet the communities needs.

David Norlin, Board of Access Television, (Attachment 7), believes **SB 449** would take away the rights of local control of broadband access, data delivery, personalized content, cell phone podcasts, etc.

CONTINUATION SHEET

MINUTES OF THE House Utilities Committee at 9:00 A.M. on March 16,2006 in Room 231-N of the Capitol.

Becky Hocham, City of Lenexa, (Attachment 8), spoke in opposition of **SB 449** believes that the franchising fix is found in legislation most recently adopted in the state of Virginia than in this bill.

Mike Santos, City of Overland Park, (Attachment 9), offered testimony in opposition of **SB 449** as language in the current version of the bill effectively requires local governments to amend existing cable franchises to conform to the terms of a state issued "video service provider" franchise.

Ernest Kutzley, AARP, (Attachment 10), gave testimony in opposition of SB 449 as it would permit phone companies such as AT&T and other entities to receive authorization to offer video services in the state of Kansas, and Cable television ranks high on the list of consumer complaint.

Neutral Conferees:

Janet Chubb, Secretary of States Office, (Attachment 11), offered neutral comments to the bill except for one point, the bill would require their office to be the office where by regulations to govern an application process for video service providers would be initiated from. Their suggestion was that the Kansas Corporation Commission would be a better entity to handle those regulatory processes.

Patrick Knorr, Sunflower Broadband, (Attachment 12), presented testimony as a neutral to SB 449. Additionally, they offered (Attachment 13), amendments that would change language page 7, line 30.

Gary Shorman, Eagle communications, (Attachment 14), offered neutral testimony that asked for the committee to pass out legislation that offered fair language offering a level playing field for all entities.

John Federico, on behalf of the Kansas Cable Telecommunications Association, (Attachment 15), presented neutral testimony to SB 449. Additionally they offered, (Attachment 16), a chart outlining the top ten cable and satellite operators in the nation. Also, (Attachment 17), comments by other groups were offered about the nature of discriminatory practices offered by the organization bringing the legislation before the Kansas Legislative process. Handed out was a balloon with several amendments, (Attachment 18), that was proposed by KCTA.

Questions were asked and comments made by Representatives: Carl Krehbiel, Tom Hawk, Tom Sloan, and Melody Miller.

Chairman Holmes announced that it is his intent to work SB 449 tomorrow and not leave until it is finished. Additionally, if you have an amendment he asks that you contact Mary Torrence to get those prepared in advance of the meeting as only those done in advance would be entertained by the committee.

The next meeting is scheduled for March 17, 2006.

Meeting Adjourned.