

## REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT:

The Committee on **Utilities** recommends **SB 68** be amended on page 5, in line 9, by striking "(1)"; by striking all in lines 23 through 28; in line 30, by striking "(1)";

On page 10, following line 2, by inserting:

"(t) (1) Except as further provided in paragraph (2), a city:

(A) Shall not require a wireless services provider or a wireless infrastructure provider to enter into a franchise, franchise agreement, franchise ordinance, contract franchise or contract franchise ordinance, or otherwise impose any franchise-related obligation on such providers for the provision of wireless services;

(B) may, consistent with federal and state law, govern the use of the public right-of-way by a wireless services provider or a wireless infrastructure provider through a master license agreement, permitting requirements and municipal ordinances or codes, or any combination thereof; and

(C) may assess a wireless services provider or a wireless infrastructure provider a fixed right-of-way access fee for each small cell facility that the provider deploys that requires use of the city's public right-of-way, but such fee shall not be based on such provider's gross receipts derived from services provided within the city's corporate limits.

(2) The provisions of paragraph (1) shall only apply to a wireless infrastructure provider to the extent of such provider's operations and services as a provider for the deployment of small cell facilities in the city's public right-of-way that are used for the provision of wireless services. Nothing in this subsection shall be construed to apply to such provider's other operations and

services as a utility or otherwise or have any effect on any franchise that is related to such other operations and services.

(3) Nothing in this subsection shall be construed as prohibiting a city from requiring a telecommunications local exchange service provider to enter into a valid contract franchise ordinance pursuant to this section.

(4) For the purposes of this subsection, the terms "public right-of-way," "small cell facility," "wireless infrastructure provider," "wireless services" and "wireless services provider" shall have the same meaning as provided in K.S.A. 66-2019, and amendments thereto."; and the bill be passed as amended.

\_\_\_\_\_  
Chairperson