

## MINUTES OF THE SENATE COMMITTEE ON COMMERCE.

The meeting was called to order by Chairperson Senator Karin Brownlee at 8:30 a.m. on March 02, 2001 in Room 123-S of the Capitol.

All members were present except: Senator Susan Wagle (Excused)

Committee staff present: April Holman, Legislative Research Department  
Bob Nugent, Revisor of Statutes  
Lea Gerard, Secretary

Conferees appearing before the committee: Joe Schuele, ALLTEL  
Amy Yarkoni, Singular  
Mike Murray, Sprint  
Mike Reece, AT&T  
Jim Yonally, Verizon  
John Parisi, Kansas Trial Lawyers Assoc.  
Thomas E. Gleason, Independent Tele. Comm. Grp.

Others attending: See attached list.

Joe Schuele, Government Relations Manager, ALLTEL, testified in support of **SB 298** stating the centrally-assessed surcharge is the best way to ensure that as many areas of the state will receive the benefits of wireless E-911. Without statewide distribution of revenue, many areas will never generate enough money to upgrade their PSAP to accommodate the service. Iowa, Arkansas, Texas, Virginia, Alabama, Georgia, Indiana, Kentucky, Michigan, North Carolina, New York and West Virginia are all states with local assessed landline surcharges, but which have chosen a statewide fund for wireless E911.  
(Attachment 1).

Senator Barone requested that Joe Schuele provide the Commerce Committee ALLTEL's customer growth for the last five years.

Amy Yarkoni, General Manager-External Affairs for Cingular Wireless, testified in support of **SB 298** stating the bill contains many benefits for wireless customers. Those include: 1) Centralized (statewide) collection and distribution of funds; 2) Consistent 911 tax rate throughout the state; 3) Cost recovery which is critical for wireless carriers and PSAPs (Attachment 2).

Mike Murray, Director of Governmental Affairs, Sprint, testified in support of **SB 298** stating one of the most important provisions of the bill is the creation of a single statewide point of contact for the collection and disbursement of E911 funds. Sprint PCS strongly prefers a statewide flat tax of fifty cents, a single fund and point of contact in applying for cost recovery, and some assurance of being reimbursed for the costs of providing wireless E911 service (Attachment 3).

Mike Reece, Government Affairs Consultant, AT&T, testified in support of **SB 298** stating the bill provides the framework to implement a statewide E911 wireless system. It would establish the necessary funding mechanism to pay for this system and provide for a cost recovery that is fair for both the PSAPs and wireless providers. The implementation of a E911 wireless system statewide will provide the ability of emergency personnel to be able to determine the calling number and its specific location  
(Attachment 4).

Jim Yonally testified on behalf of Verizon Wireless in support of **SB 298** (Attachment 5).

John Parisi, Kansas Trial Lawyers Association, commented on **SB 298** and **HB 2034**. The KTLA supports **HB 2034** as amended by removing the immunity provision. An amendment was submitted for **SB 298** clarifying

the intent of the language of the bill and make it consistent with Kansas law. The revisions are needed to clarify that under Kansas law, a wireless carrier can be held liable if it fails to use ordinary care in the performance of installing, maintaining or providing enhanced wireless 911 services and as a consequence of that failure, causes harm to other individuals, persons or property. and does not support **SB 298** as presently drafted, but does support the bill if amended to include (Attachment 6).

Walt Way, Johnson County Sheriff's Office, presented written testimony in opposition to **SB 298** (Attachment 7).

Lisa Durand, E911 Task Force Member, Johnson County Emergency Communications, presented testimony supporting **HB 2034** (Attachment 8).

Lynn Holt and April Holman, Legislative Research Department prepared a side-by-side comparison of **SB 298** and **HB 2034** (Attachment 9).

Meeting adjourned.

Next meeting scheduled March 05, 2001 at 8:30 a.m.