

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Chairperson Ben Vidricksen at 9:00 a.m. on March 8, 1994 in Room 254-E of the Capitol.

All members were present except:

Committee staff present: Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Martha Ozias, Committee Secretary

Conferees appearing before the committee:
Dr. Levinson - Manhattan

Others attending: See attached list

SB 645 - Municipalities; relating to emergency telephone service

SB 688 - Relating to emergency telephone services

The Chairman asked Dr. Levinson to report to the Committee on his study of these bills. He addressed some concerns questioning if the counties would need all the funding that would be generated from these bills and do they need more equipment? Dr. Levinson stated that both bills would work and that the groups need to get together and work out a solution that would satisfy both sides. He felt it was important that the local agencies be happy and that if the parties cannot agree on a solution he would recommend a Task Force to study this.

Ron Hoffman reported back on a request from the Chairman to look into how the counties would react to this legislation. He reported that of the 105 counties, 84 said they would respond, 5 only wanted to respond within their county, 10 were uncommitted, and 6 did not respond.

Testimony was distributed but not read from:

Ron Hoffman - Director of Harvey County 911 Communications Center
(Attachment 1)

Craig Cox - Harvey County Counselor and Attorney (Attachment 2)

Jerry Kessler - COE Supervisor (Attachment 3)

Eric Milstead - Attorney for the Citizens' Utility Ratepayer Board
(Attachment 4)

There was some discussion regarding amending the effective date so that anyone who is providing this service can continue it. The question was raised as to just what was the objective of Statewide 911 and should counties be allowed to opt in or opt out. It was the general consensus that the interested parties should get together and work out an agreement and report back to the Committee.

A motion to approve the minutes of the March 7 meeting was made by Senator Papay. This was seconded by Senator Tiahrt. Motion carried.

The meeting was adjourned by the Chairman.

The next meeting is scheduled for March 9, 1994.

March 8, 1994

**TESTIMONY FROM THE
STATE OF KANSAS 9-1-1 PROVIDERS**

Mr. Chairman, Committee members, On behalf of the Kansas 9-1-1 Providers and as Vice-Chairman of this committee, thank you for this opportunity, your time and consideration of Senate Bill 688.

My name is Ron Hoffman. I am the Director of Harvey County 9-1-1 Communications Center and have served in this capacity for the past eight years.

I would now like to address two very important issues of S.B. 688 which I feel may not be fully understood.

WIRELESS/CELLULAR TAXATION:

We submit that taxation should be equal to land line telephones. That the rate of taxation should be established by the governing body of the PSAP servicing the Wireless/Cellular users in their system. The taxation not to exceed \$0.75 per month for each and every wireless/cellular phone.

The taxation **MUST BE FLEXIBLE** for two reasons.

- A. Not all cities or county PSAP are the same in size or population base. For example, OverLand Park who has the large population base and may have 5,000 cellular telephones is currently charging \$0.14 on each land line (exchange access line). AS S.B. 645 is written \$0.30 would generate to much revenue for them, however an agency which has a small population base and only 150 cellular telephones may need the additional revenue for establishing a 9-1-1 center.
- B. Currently land line customers are subsidizing the cellular users. If the taxation is flexible, cellular users and land line customers would receive equal taxation. With the additional taxation of wireless/cellular users some counties may be able to adjust their current land line taxation rate.

DIRECTING WIRELESS/CELLULAR EMERGENCY CALLS:

We submit that All wireless/cellular service suppliers shall direct emergency 9-1-1 calls in the following manner:

- A. Any 9-1-1 call which activates a cellular radio tower shall be directed to the closest PSAP located to the radio cellular tower. For example, someone in Harvey County dials 9-1-1 on their cellular telephone. The call activates the cellular tower located in Harvey County, the call would then be forwarded to the Harvey County 9-1-1 center. We suggest that the cellular sites which counties do not choose to service could possibly be forwarded to the next county or to the Kansas Highway Patrol dispatch center for that area.

The results are that there is no time delay, direct contact with the cellular caller, dispatchers would be much more familiar with the landmark or the area in which the cellular caller is describing and we have not added any additional man power or a \$100,000 9-1-1 center.

We understand that there is no 100% guarantee that every call is going to be confined to a single county. We understand that at times we would have to handle calls which may be coming from outside of our normal service area.

I feel the reason Kansas cellular has received such a negative response is that they have asked counties to take areas in which are located hundreds of miles away from their PSAP (letter to dodge city) or when there has been a cellular tower located in a county where they could be directing these calls.

At our last hearing, Chairman Vidrickson asked use to conduct a survey of counties having 9-1-1 service and those counties willing to accept these calls. We have completed that survey and have attached copies of a map and a complete list of all counties response.

In closing, we are addressing very serious issues, quite often **life and death issues**.

Again, thank you for your time and consideration. I stand ready to answer questions that members of the committee may have concerning my testimony.



The State's Largest Cellular Telephone System

621 Westport Blvd. • Salina, KS 67401

800-383-5090 • (913) 823-5049 • FAX (913) 823-0665

March 25, 1993

Oakley Ralph, Chief
Dodge City Police Department
110 West Spruce
Dodge City, Kansas 67801

Re: Emergency Cellular
Assistance Calls

Dear Chief Ralph:

It is our understanding that your office is the designated Public Safety Answering Point (PSAP) for landline 911 calls. June Weller talked with you via telephone concerning the possibility of utilizing your office as an interim cellular emergency system until a permanent system can be established throughout the State of Kansas. All cellular emergency calls which are made in the following areas: Dodge City, Jetmore, Garden City, Richfield, Bennington, Lincoln, Ashland, Tribune, Scott City, Kendall, and Ulysses would be routed to your center for processing. It is the purpose of this letter to formally request your permission to have such emergency calls routed to your office for processing. In the event you agree to provide such a service, it will be necessary that you furnish us with your seven digit 911 number so we are able to program same into our switch so all emergency calls coming off of our Dodge City tower are routed to your office. Should you have any questions concerning this, please feel free to contact me at your convenience. Thank you for your cooperation in this matter. We look forward to receiving your response in the near future.

Very truly yours,

Robert Mater, Director
Engineering and Operations

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621 Westport Blvd. • Salina, KS 67401

April 13, 1993

Mr. Ron Hoffman
Harvey County Communications
P. O. Box 687
Newton, Kansas 67114

Re: Cellular 911 Calls

Dear Mr. Hoffman:

Kansas Cellular is attempting to create a statewide cellular emergency system, similar to the 911 landland system. Until such a system is in place, we are looking at an interim method whereby cellular emergency calls are handled as efficiently as possible. Other areas of the State of Kansas have agreed to serve as centers where emergency cellular calls are received and then dispatched to the appropriate authorities. The purpose of this letter is to inquire of you whether your Police Department or another agency would be willing to be designated as a location where emergency cellular calls are received and dispatched. The coverage area would include:

<u>City</u>	<u>County</u>
Lincolnville	Marion
Matfield	Chase
Oxford	Sumner
Harper	Harper
Newton	Harvey

In the event you are agreeable to being designated as such a center, would it be necessary to sign any type of agreement? I would appreciate it if you would consider this proposal and in the event you have any questions or would like to discuss this matter with me in more detail, please contact me at your convenience.

Very truly yours,

Robert Mater, Director
Engineering and Operations



SENATE BILL #688

EMERGENCY TELEPHONE SERVICE FOR 9-1-1
CELLULAR, MOBILE, WIRELESS TELEPHONES

Submitted by: Craig D. Cox, Harvey County Counselor and attorney
for State of Kansas 9-1-1 providers.

Chairperson and Members of the House Committee:

The legislation proposed by the Kansas 9-1-1 providers will establish and fund the universal emergency telephone #9-1-1 across the State of Kansas (except for the Kansas Turnpike number "*KTA").

Even though the proposed legislation which is numbered as House Bill #2794 deals with a number of technical matters in the providing of 9-1-1 emergency telephone service, the proposed legislation deals with the following three major areas:

- I. Current Kansas law provides that the governing body of each public safety answering point (PSAP) is allowed to assess a tax not to exceed 75¢ per month on every telephone line in service. The legislation proposed by the 9-1-1 providers would apply the current taxing legislation to each and every cellular and/or mobile telephone. The application of the 9-1-1 tax to cellular and/or mobile telephones is fair to all public consumers.
- A. The cellular companies will argue that imposing the current 9-1-1 tax upon cellular and/or mobile telephones would be unfair because the individual who has a cellular and/or mobile telephone is already paying the 9-1-1 tax on the telephone they have at home. This argument by the cellular companies is faulty because it ignores the fact that a cellular and/or mobile telephone independently accesses the 9-1-1 emergency answering system completely separate from any land based telephone. An example of this is as follows: I have two separate lines to my law office. Under current Kansas law, I pay a 9-1-1 tax for each of my two telephone lines. If I would drop one of my land based lines and purchase a cellular telephone, I would only be paying the 9-1-1 tax on my one land based line, even though I have complete and separate access to the telephone system and to the 9-1-1 emergency answering system on my cellular phone for which I pay no tax. Because the current Kansas law does not allow the 9-1-1 tax to be imposed upon cellular and/or mobile telephones, the land based telephone consumers are being discriminated against

because they are the only ones paying for the 9-1-1 emergency telephone system.

- B. Cellular companies argue that the 9-1-1 tax does not need to be imposed upon cellular and/or mobile telephones because the 9-1-1 emergency answering system is already adequately funded. This argument is also faulty in that it does not take into account how the current 9-1-1 tax discriminates against the land based telephone consumer as compared to the cellular/mobile telephone consumer. By imposing the current 9-1-1 tax upon cellular/mobile telephone consumers, all public telephone consumers are being treated equally and fairly and each public telephone consumer is paying his share for having the 9-1-1 emergency answering system. A benefit to imposing the 9-1-1 tax upon cellular/mobile telephone consumers is that it will allow the tax rate to be reduced for all public consumers.
 - C. The cellular companies will argue that applying the current 9-1-1 tax to cellular/mobile telephone consumers will be imposing a new tax on the public. This argument is faulty in that applying the 9-1-1 tax to cellular/mobile telephone consumers will be making the application of the tax fair and equal on all public telephone consumers. This is not a new tax but a fair and equal application of a current tax to all public consumers who benefit from the 9-1-1 emergency telephone system.
- II. The current 9-1-1 tax law provides that all 9-1-1 taxes collected, less a 2% administrative fee for the phone companies, be disbursed to the governing body of the public safety answering point (PSAP) imposing the tax. House bill #2794 would provide the 9-1-1 tax collected on all cellular and/or mobile telephone calls, less the 2% administrative fee for the cellular company, be disbursed by the zip code of the customer to the governing body of the PSAP which serves as the answering point for said zip code.
- A. The cellular companies will argue that such a proposed disbursement procedure would be complicated and expensive to them. Their argument is inaccurate because the proposed disbursement system is the exact disbursement system which is already in place for the land based telephone companies and it has been working well since the original 9-1-1 tax law was passed.

B. An advantage to the proposed disbursement procedure as outlined by the 9-1-1 providers is that it creates no expense for the State or any state agency.

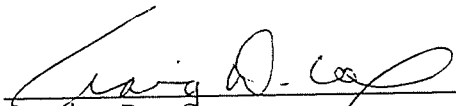
III. House Bill No. 2794 proposes that all cellular/mobile phone calls shall be directed to the closest public safety answering point (PSAP). This will provide the public consumer with greatest safety and the best service. This routing of cellular/mobile emergency calls is simple and direct, and can be done without any cost to the State or to any state agency.

A. The cellular companies will argue that emergency cellular/mobile calls cannot be directed to the closest public safety answering point (PSAP) because some PSAPs and/or counties refuse to accept cellular/mobile emergency calls. This argument is inaccurate. The whole issue as to how cellular/mobile emergency calls should be handled arose because one cellular company in Kansas attempted to impose its own policy and procedures on local public safety answering points (PSAP) for the sole purpose of benefitting their own customers and irregardless of how this would effect the public safety of all consumers overall.

B. The cellular companies will argue that routing cellular/mobile emergency phone calls to the closest public safety answering point (PSAP) will not work and it would be better to route all cellular/mobile emergency calls for the State of Kansas to one central location operated by the Kansas Highway Patrol. The greatest drawback to this proposal by the cellular companies is the amount of time that will be lost from routing the initial emergency cellular call to the central location and then having that central location reroute it to the public safety answering point closest to the emergency. This delay in time could be critical and could be a factor in whether or not a person lives or dies. Further, the rerouting of the emergency cellular call from the central location to the public safety answering point closest to the emergency will be done either by a telephone call or by teletype. If the rerouting is done by a telephone call, in times of storms, other natural disasters, or emergencies, the telephone lines are busy and such calls cannot be made. Further, in the documentation section of the Kansas 9-1-1 providers testimony, it establishes and shows how untimely teletype communications can be in the case of an emergency.

- C. Any delay in the routing of an emergency telephone call creates liability. Under the system proposed by the cellular companies, the system itself creates delay which will create liability in the handling of cellular/mobile emergency calls.
- D. It is clear that the public consumer's safety is best protected by routing cellular/mobile emergency calls to the closest public safety answering point (PSAP).

THE POLICY ISSUE BEING DEALT WITH BY HOUSE BILL #2794 IS THAT OF PUBLIC SAFETY, WHICH IN THE CASE OF EMERGENCY TELEPHONE CALLS CAN COME DOWN TO LIFE AND DEATH. IN DEALING WITH THE ISSUE OF HOW CELLULAR AND/OR MOBILE EMERGENCY TELEPHONE CALLS SHOULD BE HANDLED AND HOW THE CURRENT 9-1-1 EMERGENCY ANSWERING SYSTEM SHOULD DEAL WITH SUCH CALLS, THE INTERESTS OF THE CELLULAR COMPANIES SHOULD NOT BE CONSIDERED. THE INTERESTS OF THE KANSAS HIGHWAY PATROL SHOULD NOT BE CONSIDERED. THE ONLY INTEREST THAT SHOULD BE CONSIDERED IS THAT OF THE SAFETY OF THE PUBLIC CONSUMER.



Craig D. Cox
Harvey County Counselor

Decatur County Commissioners
Decatur County Courthouse
194 South Penn
Oberlin, KS 67749

SAMPLE LETTER

Dear County Commissioners:

The Kansas legislature is going to address the critical issue of cellular 911 calls during this session. There are three bills that have been introduced concerning wireless 911 calls, HB2794, SB688 and SB645. The house bill HB2794, and senate bill SB688 are identical, apparently written by the same group. The problem with these bills are that they do not address the situation of multiple counties being served from one cellular tower, or how the traffic would be delivered to the proper jurisdiction. The senate bill SB645, provides for a central answering point, the Kansas Highway Patrol, and also gives the option for a local jurisdiction to receive the calls at their PSAP if they so desire.

SB 645 Page 4 New Sec. 3 C

We favor senate bill SB645, as we feel that a central answering point at the Highway Patrol is highly desirable due to the mobile nature of cellular communications. It would seem likely that most of the emergency calls being transmitted from a cellular phone would be highway related, involving the Highway Patrol. They would be responsible for notifying the other agencies, such as fire departments or ambulance providers, if they are needed to handle the emergency.

We would appreciate a letter of support from your county, on this very important issue. Please find enclosed, a sample letter that could be used. If you have questions, or if we can be of further assistance, please give us a call.

Sincerely yours,



Jerry L. Kessler
COE Supervisor

JLK/pam

Sent to: Steve Hirsch, County Attorney, Oberlin
Norton County Commissioners
Myron Cochran, Norton Sheriff
Phillips County Commissioners
LeRoy Stephen, Phillipsburg Sheriff
Smith County Commissioners
Doug Jackson, Smith Cent
Graham County Commission
Don Scott, Hill City She

Enclosures

ATTACHMENT 3

SEN. TRANS. 3/8/94

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Testimony in Opposition to

Senate Bill 645

Eric Milstead

Attorney for the Citizens' Utility Ratepayer Board

March 8, 1994

Good morning, Mr. Chairman and members of the Committee. I am Eric Milstead, attorney for the Citizens' Utility Ratepayer Board (CURB). I am testifying here today in opposition to Senate Bill No. 645 and in support of Senate Bill 688.. CURB represents residential and small commercial ratepayers in public utility matters.

CURB is concerned that if this measure (Senate Bill 645) to place an emergency cellular phone clearing house in Salina is enacted, the end result could be a time delay in the provision of emergency services. Such a delay appears unnecessary and unacceptable.

The primary problem raised by Senate Bill 645 is that a central answering point would add delay to the system. The clearing house would serve only to relay emergency calls to local 9-1-1 providers. Offices such as local law enforcement agencies would still ultimately receive the calls

ATTACHMENT 4

SEN. TRANS. 3/8/94

4-1

and would still be responsible for processing and dispatching them. The end-result could be a delay in a situation where emergency service is urgently needed.

Conversely, Senate Bill 688 would automatically route cellular emergency calls to the closest available communications center.

Consequently, I urge the members of this Committee to vote no on Senate Bill 645 and yes on Senate Bill 688.