

Cindy Lash briefed the committee on "Performance Audit Report Part I and II". (A copy is on file in the Legislative Research Department). Cindy Lash stated that Kansas E-911 is under the control of cities and counties with no state-wide oversight. To fund E-911, the cities and counties can charge up to seventy-five cents (this is a statutory requirement) for each phone line wired into a residence or business. In relation to the Task Force, they are recommending that wireless customers be charged up to seventy-five cents per month. Cindy Lash explained there are three types of E-911 in Kansas and they are 1) Enhanced which displays the caller's name, address and telephone number; 2) Identification 911 which displays the caller's telephone number; 3) Basic 911 provides no information about the caller. Total revenues collected statewide in 1998 from 911 taxes was about \$9.7 million. Cindy Lash stated they got estimated figures from the KCC on the number of wireless phones statewide and if those wireless phones paid the maximum tax rate there would be another four and half million dollars. The counties carried over a balance which they are saving to purchase updated 911 equipment.

Part II of the E-911 Post Audit Review deals with costs to meet the FCC requirements regarding wireless phones.

Senator Brownlee opened the meeting for questions from committee members.

Meeting adjourned at 9:30 a.m. Next meeting scheduled January 23, 2001 at 8:30 a.m.

SENATE COMMERCE COMMITTEE

GUEST LIST

DATE: JANUARY 19, 2001

NAME	REPRESENTING
Nelson Krueger	E 911 Task Force WCV
KEVIN WALKER	AMERICAN HEARD Assn.
Bill Sneed	SW Bell
JANET POUCHAKIAN	KCC
Whitney Damron	KC, KS/WYCO
Erik Sartorius	K.C. Regional Assn. of Realtors
WALTER WAY	JOHNSON COUNTY SHERIFF DEPT
KEITH FADDIS	OVERLAND PARK POLICE
Kevin Barone	Helm Jewel
Barb Conrad	KTRA
Cindy Lash	Post Audit

STATE OF KANSAS



GARY SHERRER
LIEUTENANT GOVERNOR

January 17, 2001

The Honorable Jim Barone
Room 504-N, Statehouse
Topeka, Kansas 66612

Dear Senator Barone:

During our testimony before the Senate Commerce Committee last week, you asked for a picture of the five year budget trends for our agency. That information is attached. The first page depicts actual and estimated expenditures by funding source for each of three major categories: state operations, aid and assistance, and capital improvements. The second page merely summarizes all expenditures by source of funds and eliminates the one-time appropriations that are flowing through our budget. The final chart on the second page illustrates how our State General Fund and Economic Development Initiatives Fund budget would have grown had it just kept pace with inflation. Please notice we have used highly conservative inflation estimates for FY2001 and FY2002.

As I stated during my testimony, our budget is decreasing in terms of real dollars and is being eroded even more dramatically when adjusted for inflation. The growth we experience in our federal and fee funds allows us to provide more services in limited areas, but it does not help in our general economic development efforts. Without some avenue for growth, we will soon be faced with some very painful decisions about which programs to eliminate. That is the reality that has led me to believe that we should at least consider abandoning use of a dedicated fund and rely on the State General Fund instead.

I hope this information is useful. Please let us know if you have questions or would like further detail.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Sherrer".

Gary Sherrer
Lt. Governor/ Secretary

cc: Senate Commerce Committee

Senate Commerce Committee
January 19, 2001
Attachment 1-1

KANSAS DEPARTMENT OF COMMERCE & HOUSING
Five Year Budget Trends

6-1

	FY98	FY99	FY00	FY01	FY02
AGENCY TOTALS:					
TOTALS BY SOURCE OF FINANCING					
OPERATIONS					
State General Fund	1,000,320	927,485	1,447,361	5,014	-
EDIF	7,533,604	7,932,263	6,945,088	8,716,993	8,752,936
<i>Subtotal</i>	<i>8,533,924</i>	<i>8,859,748</i>	<i>8,392,449</i>	<i>8,722,007</i>	<i>8,752,936</i>
Federal Funds	1,796,392	1,531,489	1,886,250	2,332,550	2,212,587
SKILL	2,041,347	4,136,900	7,442,140	7,251,653	11,143,228
Fee Funds	1,381,356	1,534,169	2,097,518	1,968,626	1,946,788
TOTAL: OPERATIONS	13,753,019	16,062,306	19,818,357	20,274,836	24,055,539
AID AND ASSISTANCE					
State General Fund	1,036,692	1,036,692	772,738	-	400,000
EDIF	11,338,649	11,767,953	13,152,763	11,865,172	11,523,400
<i>Subtotal</i>	<i>12,375,341</i>	<i>12,804,645</i>	<i>13,925,501</i>	<i>11,865,172</i>	<i>11,923,400</i>
Federal Funds	43,025,820	44,673,429	47,479,508	52,230,902	50,797,764
Fee Funds	498,341	299,884	1,245,113	3,426,250	1,026,250
TOTAL-AID AND ASSISTANCE	55,899,502	57,777,958	62,650,122	67,522,324	63,747,414
CAPITAL IMPROVEMENTS					
EDIF	48,746	6,419	6,355	15,000	115,000
Fee Funds	-	4,900	99,900		
TOTAL-CAPITAL IMPROVEMENTS	48,746	11,319	106,255	15,000	115,000
GRAND TOTAL	69,701,267	73,851,583	82,574,734	87,812,160	87,917,953

	FY98	FY99	FY00	FY01	FY02	% Change
SUMMARY BY SOURCE OF FINANCING						
SGF/EDIF	20,958,011	21,670,812	22,324,305	20,602,179	20,791,336	-0.80%
<i>Less One-Time Projects:</i>						
<i>Eisenhower Museum</i>			(300,000)	(300,000)	(400,000)	
<i>Nat'l Teachers Hall of Fame</i>				(100,000)		
<i>Ks. Sports Hall of Fame</i>			(50,000)			
Subtotal	20,958,011	21,670,812	21,974,305	20,202,179	20,391,336	-2.70%
FEDERAL FUNDS	44,822,212	46,204,918	49,365,758	54,563,452	53,010,351	
SKILL/IMPACT	2,041,347	4,136,900	7,442,140	7,251,653	11,143,228	
FEE FUNDS	1,879,697	1,838,953	3,442,531	5,394,876	2,973,038	
GRAND TOTAL	69,701,267	73,851,583	82,224,734	87,412,160	87,517,953	

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HYPOTHETICAL BUDGET: ASSUMES SGF/EDIF INFLATION ADJUSTMENTS ONLY						
SUMMARY BY SOURCE OF FINANCING	FY98	FY99	FY00	FY01	FY02	
Adjusted for Inflation	1.70%	2.00%	3.70%	1.50%	1.50%	
SGF/EDIF	20,110,413	20,512,622	21,271,589	21,590,662	21,914,522	8.97%
<i>Less One-Time Projects:</i>						
<i>Eisenhower Museum</i>			(300,000)	(300,000)	(400,000)	
<i>Nat'l Teachers Hall of Fame</i>				(100,000)		
<i>Ks. Sports Hall of Fame</i>			(50,000)			
Subtotal	20,110,413	20,512,622	20,921,589	21,190,662	21,514,522	6.98%
FEDERAL FUNDS	44,822,212	46,204,918	49,365,758	54,563,452	53,010,351	
SKILL/IMPACT	2,041,347	4,136,900	7,442,140	7,251,653	11,143,228	
FEE FUNDS	1,879,697	1,838,953	3,442,531	5,394,876	2,973,038	
GRAND TOTAL	68,853,669	72,693,393	81,172,018	88,400,643	88,641,139	



Report to the Legislature

Senate Commerce Committee
House Utilities Committee

State of Kansas
E911 Task Force

Nelson Krueger
Chairman

Susan Sherwood
Vice-Chairman

Members:

Roger Bales

Frank Balestrere

R. Keith Faddis

J. Patrick Lawless

Thomas A. Sullivan

William Butler

David Rosenthal

David Lake

Lisa Durand

Alvan Johnson

Col. Don Brownlee

Guy McDonald

December 6, 2000

Senate Commerce Committee
January 19, 2001
Attachment 2-1

REPORT AND RECOMMENDATIONS
from the
WIRELESS E- 911 TASK FORCE

Contents:

- I. Introduction
- II. Legislative Directive
- III. Process and Approach
- IV. Findings, Conclusions and Recommendations
- V. Affected statutes

Attachments:

- A Task Force Membership
- B Senate Substitute for House Bill 2945

I. Introduction

The Federal Telecommunications of Act of 1996 ("Federal Act") was landmark legislation that has forever changed the landscape and operating environment of the telecommunications industry. The emphasis of the Federal Act was on change through competition in the local exchange market and on encouraging local and long distance carriers to innovate and provide enhanced services. Competition in the local exchange market was to be the catalyst to foster better service at lower rates for consumers.

In June, 1996, just a few months after passage of the Federal Act, the Federal Communications Commission ("FCC") issued its First Report and Order, FCC 96-264¹, which created rules governing the availability of Basic 911 service and the implementation of Enhanced 911 service ("E-911") for wireless telephone users. In this order and in subsequent rulings, the FCC established time frames, quality and conditions for emergency service for wireless telephone users. The FCC established the following milestone dates for wireless interconnection with Public Safety Answering Points ("PSAPs"):

October 1, 1997: Every wireless 911 call from a wireless handset using a Wireless network covered by this order, or from comparable text telephone (teletype), must have the number forwarded to a PSAP

¹ In FCC Docket 94-102 In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems.

April 1, 1998 (or six months after a valid request from a PSAP, whichever is later): Phase I wireless 911 service², was to be in place. This required, all wireless providers, to relay the telephone number of the wireless caller, and the location of the cell tower receiving the signal, to the appropriate PSAP.

October 1, 2001 (or six months after a valid request from a PSAP, whichever is later): Phase II wireless E-911 service³, is to be operational. (If the service has been requested by a PSAP.)

In December, 1997, The (Kansas) Joint Committee on Economic Development submitted a report to the Legislature on wireless E-911 and extension of the 911 user fee to wireless users. The Joint Committee recommended that the information it had gathered during its deliberations be referred to the appropriate legislative standing committees addressing telecommunications issues.

In January, 1999, Senate Bill 63 was introduced in the Kansas Legislature. The bill was promoted by the Kansas Association of Counties and supported by the League of Kansas Municipalities. The proposed legislation requested extension of the 911 fee on wireline telephones to wireless telephones. This proposed legislation, coupled with the testimony from interested stakeholders, was the major impetus for the Senate Commerce Committee to seek additional information on Kansas 911 systems.

Accordingly, early in the 1999 legislative session, the Senate Commerce Committee requested that the Legislative Post Audit Committee conduct a Performance Audit on 911 emergency systems in Kansas. The audit was separated into two parts. Part 1 of the audit concentrated on identifying the then current status of 911 Systems in Kansas. Part 2 was a Performance Audit focused on the federal mandate for wireless E-911 and on the 911 organizational structure in existence in Kansas. The second audit report, published in August, 1999, provides an in-depth review of the following issues: cost recovery, methods of implementation, possible consolidation of PSAPs, possible centralization of 911 functions, standards, and administration, and business practices used by PSAP operators. The report also contains several recommendations, one of which was for the Legislature and Governor to form an E-911 Task Force to study and report on funding, possible legislation, cost recovery and the possibility of a state-wide oversight body to implement wireless E-911.

² Phase I requires wireless carriers to deliver the telephone number of the handset originating a 911 call, and the location of the cell site or base station receiving the 911 call, to the designated PSAP.

³ Phase II requires wireless carriers, in addition to Phase I information, to deliver the physical location of the originating handset to the designated PSAP within specified levels of accuracy.

II. Legislative Directive

Legislation was introduced and passed in the 2000 Legislature requesting that the Governor form and appoint members to a Task Force to determine critical issues surrounding the implementation of wireless E-911.⁴ On June 20, 2000, Governor Graves appointed 14 members to the E-911 Task Force ("Task Force"). The Task Force members represent the wireless and wireline, telephone industry; cities, counties, and the Kansas Relay Center; fire, police and emergency services organizations; the Kansas Highway Patrol, and the Kansas Corporation Commission. The directing legislation, Senate Substitute for House Bill 2945, is included with this Report as Attachment B.

The legislation directs the Task Force to develop a strategy for funding and deploying wireless E-911 services. Specifically, the legislation states that the Task Force will consider the following:

1. The mechanism for administering wireless 911 service, with a focus on whether such service shall be administered on a centralized basis;
2. the possible formation of an oversight board to address future technological, coordination and regulatory issues related to deployment of wireless emergency telephone service;
3. the fairness and adequacy of the mechanism of funding such service;
4. the method, if any, for recovering costs incurred by public safety answering points and by wireless telecommunications service providers in providing emergency telephone service; and,
5. any other issues the task force deems relevant to the deployment of emergency telephone service.⁵

This report addresses the findings and recommendations of the task force with respect to the above directive.

III Process and Approach

The Task Force met as a committee of the whole, once a month, July through November, 2000. One additional sub-committee meeting was held in August. The meetings were well attended, both by Task Force members and other interested parties from the public.

⁴ Senate Substitute for House Bill 2945.

⁵ Senate Substitute for House Bill 2945, Section 1.

A great deal of information was presented to, and by, Task Force members. When members believed the information gathering process was sufficient to permit the decision making process to begin, a report was prepared. This report is the summarization of information and opinions expressed by Task Force members. Some of the conclusions and recommendations contained herein are the result of unanimous, or near unanimous, assent or dissent; however, all recommendations are the result of accepting a majority vote of the members.

There was little disagreement in one of the Task Force's early decisions that it recommend funding for wireless E-911 be obtained by extending to wireless users the existing monthly wireline user fee of up to \$0.75 per user. This recommendation is discussed more in detail later in the report; yet, since it is at the very heart of and underlies many of the recommendations that follow, it needed to be stated early on in the report.

IV Findings, Conclusions and Recommendations

The Task Force presents the findings, conclusions and recommendations drawn from its meetings and makes the following recommendations concerning the topics enumerated in HB 2945.

1. *A mechanism for administering wireless 911 service, with a focus on whether such service shall be administered on a centralized basis.*

The Task Force strongly recommends that administration of wireless E-911 should be integrated with wireline E-911 at the local level. Centralization of this function would not be advantageous. As has been the case with wireline 911 services, the Task Force believes that local problems can best be handled at the local level since most will require customized, local solutions. The current wireline 911 systems have been creatures of counties and local communities and have evolved, grown, and improved, all without the direction of a centralized agency. Specifically, the Task Force enumerates the following justification for this conclusion:

- It is believed that most implementation problems will be encountered at the local level and a "one size fits all" statewide solution, is not appropriate.
- The current wireline systems have all been conceived, implemented, and operated at the local, city or county level. The Task Force believes this method has served all parties well and recommends that wireless be integrated into the present system.

2. *The possible formation of an oversight board to address future technological, coordination and regulatory issues related to deployment of wireless emergency telephone service.*

The majority of the Task Force believes an official, state sponsored, oversight board is unnecessary. Discussion did occur with respect to recommending that an individual or small specialist group, perhaps in the Division of Information and Communications ("DISC"), be designated to assist the counties on matters of technology. Ultimately, this suggestion was

dismissed because it was believed such a group would be required to employ additional personnel and thus increase expenses. Additionally, the Task Force felt that centralized state agencies have a tendency to over-standardize and over-supervise those entities they are supposed to advise. Since counties and localities will be making the difficult decisions, it was believed statewide oversight simply added an additional layer of coordination and decision making that was unnecessary.

Notwithstanding, its recommendation that a *state board of oversight* is unnecessary, the Task Force does believe it would be advantageous to have an entity act as a clearinghouse for information and as an advisor to local governments and PSAP operators on such matters as policy, training and education. However, equipment and technology selection should continue to be made at the local or county level. The Task Force is convinced that different counties will need to select different technologies and equipment to best meet their individual needs. The National Emergency Number Association (NENA) has endorsed the importance of continuing the practice of allowing wireless providers and PSAPs to negotiate the selection of transmission methods that meet the individual requirements of the PSAP and carrier, in each location. As technology changes, the PSAPs and wireless service providers will work together to meet the FCC requirements.

The Task Force recommends that the Kansas Association of Counties with the League of Kansas Municipalities create an advisory group made of representatives from PSAPs, the Association of Public Safety and Communications Officials, National Emergency Number Association wireline and wireless carriers and other private and public entities.

3. *The fairness and adequacy of the mechanism of funding such service.*

The Task Force recommends that the existing wireline funding mechanism for 911 services be extended to fund wireless E-911 services. The choice of a user fee on wireless phones was made after some discussion of various alternatives, such as implementation of additional sales taxes or property taxes. Because cost studies are not yet available, it is not possible to state exactly what the amount of the user fee should be. Therefore, the Task Force suggests that it would be logical and consistent to apply the same cap amount as is currently applied for wireline services (i.e., up to \$0.75 per user). The Task Force also suggests that it is acceptable for the governing jurisdictions of PSAPs to merge the user fee revenues for wireline, and wireless customers into a single fund, with separated accounting of wireline and wireless revenues and costs. Any changes made to the wireless user fee rate should be handled in the same manner as the required or statutory process for the wireline user fee

The Task Force recommends this user fee on wireless E-911 service for the following reasons:

- A fee on wireless users is a logical choice since wireless calls now make up to 50% of the 911 calls in some jurisdictions.
- Wireless users now receive Basic 911 service with E-911 coming in the near future but are not contributing to the PSAP's incremental cost of serving them.
- Most states that have started funding for wireless E-911 have selected the user fee as the source of funding.
- The user fee meets the desirable characteristics of providing a stable source of revenue that is easy to understand and administer and also treats payers equitably. By providing a range of up to \$0.75, it is flexible and can be changed as local circumstances warrant.

4. *The method, if any, for recovering costs incurred by public safety answering points and by wireless telecommunications service providers in providing emergency telephone service.*

It is generally accepted that the PSAPs could recover all incremental cost for providing Phase I and Phase II E-911 service. It is also generally assumed that the Local Exchange Carriers ("LECs") will recover their cost through tariffs or contracts; in fact, Southwestern Bell already has tariffs on file at the KCC. However, the issue that motivated much discussion was whether the wireless providers should be able to share in the proceeds of the wireless user fee to recover their cost. The Task Force now suggests that any incremental costs incurred as a result of a federal mandate to private sector companies (wireless service providers are not regulated) should be eligible for cost recovery. The Task Force recommends that wireless providers can either bill their end user customers and can negotiate recovery of their costs with the individual PSAPs. For wireline LECs those rates for services are set by tariffs or by individual contracts. For wireless carriers those rates can be determined by negotiations with each PSAP.

The Task Force recommends:

- Wireless providers should collect a user fee and remit the proceeds to the appropriate governing jurisdiction of the PSAP (similar to the process currently used by wireline LECs). The provider is permitted to retain up to 2% of the collected user fee to offset billing, collection and remittance expenses.
- The fee will be distributed to the local governing jurisdiction, in accordance with the Federal Mobile Telecommunications Sourcing Act⁶.
- The fee will be assessed within the governing jurisdiction of the PSAPs.
- The governing jurisdiction of the local PSAP will administer the 911 funds.
- The wireless carriers can negotiate recovery of their costs with the individual PSAPs.

The following 911 system costs are eligible for cost recovery by wireless providers (through negotiated contracts): incremental costs for designing, upgrading, purchasing, leasing, programming, installing, testing or maintaining all data bases, hardware, and software components.

⁶ The *Mobile Telecommunications Sourcing Act*, PL 106-252 (HR 4391), enacted July 28, 2000.

The following items are eligible for cost recovery by PSAPs: incremental costs for lease, purchase, and maintenance of equipment and telephone company charges necessary to the 911 system, including; computer and software expenses, data base provisioning expenses, start up costs for 911 systems, capital improvements required for 911 systems, and road signs related to emergency services. Capital improvement expenditures include any costs for the repair, restoration, and construction of public facilities directly related to local emergency communications services. PSAP cost recovery methods for wireless 911 system costs, should be the same as presently followed for wireline 911 system costs.

The Task Force specifically recommends that expenses for 911 personnel, office supplies, furniture and cell phones for PSAP staff not be eligible for reimbursement.

Whether or not, the Legislature accepts the Task Force's recommendation cost recovery method, or develops or accepts another alternative, it is reminded that Phase II cannot be implemented until a cost recovery mechanism is in place for the PSAPs and wireless phone providers.

5. Other issues the task force deems relevant to the deployment of emergency services.

Not all items fit neatly into the above four categories. The Task Force discussed several other issues. Following is a summary of those additional topics and

A. Centralization of 911 Operations

The Kansas Highway Patrol ("KHP") shared its centralization experience with the Task Force. As the KHP centralized dispatch functions in Salina most of the advantages sought by centralization were realized. However, some unexpected drawbacks have occurred and created some concern. The Task Force weighed the pros and cons of centralization, as related to 911 systems and decided it could not recommend centralizing the PSAP functions in Kansas to one, or even, a few locations. The KHP experience demonstrates that such a transition can be accomplished, but the Task Force believes, the time is not yet ripe to do so with 911 emergency services.

E-911 for wireline services were taken on by the local governing jurisdictions as the citizens saw the need for such services in their community. Of the 105 counties in the state, 2 still have not seen sufficient evidence of a need to compel these two counties to provide basic 911 services. As their citizens ask for wireless phone E-911 services, the local governing officials will work to implement a system that fits the needs of their community.

B. Consolidation of PSAPs

Having decided that statewide centralization of PSAP functions is not needed, the Task Force nevertheless suggests that there is potential for partnering among some PSAPs in the provision of wireless E-911. The Task Force did not review which PSAPs might be good candidates for partnering. However, it has been indicated that the Kansas Association of Counties and the League of Kansas Municipalities will become active in providing assistance to the local governing jurisdictions and PSAPs. Additionally these entities will study the benefits of regional partnerships. Any study, or project of partnering among the PSAPs will necessarily be complex as there are many stakeholders.

C. Start-up Funds for Phase II Costs

The Task Force suggests most of the benefits of a start-up fund can be attained simply by having the local authorities determine how much funding is needed and then collect and hold their own monies. This is presently being done by many PSAPs in an attempt to either provide funds to improve and upgrade existing systems or to prepare for the advent of wireless E-911.

D. Deployment of Wireless E-911 Systems

The Task Force suggests that no particular statewide plan is required for the deployment and installation of wireless E-911 systems. It was thought, that deployment will follow naturally after requests from PSAPs were made to the wireless carriers for the provision of enhanced service. Deployment will very likely take place in the larger counties first, with the smaller counties coming later. However, there is no need to plan in advance for which county is first, second, third, etc., as each conversion is independent of the others.

E. Cost Study

The lack of adequate information concerning startup costs for the wireless providers and PSAPs prevents the Task Force from making a specific recommendation regarding the cost of implementing wireless E-911 services. However, the Task Force suggests that knowledge of the cost of implementation is not needed in order for the Legislature to adopt legislation attaching the current 911 user fee to wireless phones. Adequate cost information for Phase II will be available as the first local governing jurisdictions begin to work with the wireless providers to startup E-911 wireless services. The wireless providers and PSAPs will come to an understanding regarding costs as they negotiate contracts for the provision of services and it is suggested that the current wireline user fee will be sufficient to cover any cost negotiated by these entities.

F. Liability Waivers

The Task Force recommends that the following language be adopted to address proprietary information concerns: "Notwithstanding other provisions of law, in no event shall any wireless service provider, its officers, employees, assigns or agents, be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, an act or omission in

the development, design, installation, operation, maintenance, performance or provision of 911 service or other emergency wireless two- and three-digit wireless numbers, unless said acts or omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any wireless service provider, its officers, employees, assigns, or agents be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under the provisions of statute, unless the release constitutes gross negligence, recklessness or intentional misconduct.” This language is incorporated in other State’s statutes.

G. Use of Proprietary Information

The Task Force recommends that the following language be adopted to address proprietary information concerns: “Notwithstanding any other provisions of law, no proprietary information submitted pursuant to this section shall be subject to subpoena or otherwise released to any person other than to the submitting wireless service provider, without the express permission of said wireless service provider. General information collected pursuant to this section shall only be released or published in aggregated amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual wireless service provider.” This language is incorporated in other State’s statutes.

H. Services for Hearing-Impaired and Speech-Impaired Individuals

The Task Force recognizes that dialing 9-1-1 is the most familiar and effective way Americans have of finding help in an emergency. The Task Force also recognizes that people with hearing and/or speech disabilities utilize both wireline and wireless technologies to call 9-1-1 via their teletypewriters (TTYs), which are also known as “telecommunications devices for the deaf (TDDs)”. The information the Task Force received raised concerns among the members that there is a lack of comprehensive and standardized training in the state of Kansas on effectively recognizing and communicating with callers who use wireline and wireless TTYs/TDDs.

A TTY is a device that is used in conjunction with a telephone to communicate with persons who are deaf, hard of hearing, or speech impaired, by typing and reading text. To communicate by TTY, a person types his or her conversation, which is read on a TTY display by the person who receives the call. Both parties must have TTYs to communicate. When typing on a TTY, each letter is transmitted by an electronic code called Baudot, which is sent from the TTY on the sending end of the call through the telephone line in the form of tones to the TTY on the receiving end of the call, the same way voiced communications occur between two parties. The receiving TTY transforms the tones back to letters on a small display screen. Wireless TTY communications work the same way as the wireline communications, except that wireless calls experience a noticeable delay in connecting and transmitting of signals due to the time it takes to send/process the codes through the towers. This delay is much more noticeable in wireless TTY communications.

Communication between two persons using standard TTYs can only occur in one direction at a time. Thus, both persons who are conversing cannot type to each other at the same time; they

must take turns sending and receiving. A person sending a communication by TTY indicates that he or she has finished transmitting by typing the letters "GA," which stand for "go ahead."

The Americans with Disabilities Act (ADA) requires all Public Safety Answering Points (PSAPs) to provide direct, equal access to their services for people with disabilities who use teletypewriters (TTYs). Title II of the ADA covers telephone emergency service providers and other State and local government entities and instrumentalities. The United States Department of Justice's regulation is published at 28 C.F.R. Part 35.

The ADA regulation requires 9-1-1 or other telephone emergency service providers to provide TTY users with direct access; and an opportunity to benefit from the emergency services that is equal to the opportunity afforded others. Direct, equal access requires PSAPs to have the appropriate equipment to communicate with people who use TTYs. It also requires them to use the proper procedures and practices when TTY calls are received. In addition, direct, equal access for TTY calls requires that PSAPs use effective procedures for recognizing and responding to TTY calls.

After TTY calls are recognized, call takers must effectively communicate with callers during the calls. Effective communication by TTY will require call takers to be familiar with the use of TTY equipment and TTY protocols. PSAPs must train their call takers to effectively recognize and process TTY calls. Call takers must be trained in the use of TTY equipment and supplied with information about communication protocol with individuals who are deaf or hard of hearing, or have speech impairments. For instance, callers who use American Sign Language may use a syntax that is different from spoken English. In addition, in TTY communication, certain accepted abbreviations are frequently used.

Telephone relay services, such as the Kansas Relay Center, for example, are provided by States, as required by Title IV of the ADA, and are regulated by the Federal Communications Commission. Relay services involve a communications assistant who uses both a standard telephone and a TTY to type voice communication to a TTY user and read a TTY user's typed communication to a voice telephone user. Telephone relay services are not as effective for emergencies because the process is far more time-consuming than calls between two TTYs.

The ADA does not specify how call takers must be trained, but the Department of Justice believes that for essential proper training, it should be mandatory for all personnel who may have contact with individuals from the public who are deaf, hard of hearing, or speech impaired. PSAPs should require or offer refresher training at least as often as they require or offer training for voice calls, but at a minimum, every six months.

Comprehensive training should include:

- Information about the requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency providers;
- Information about communication issues regarding individuals who are deaf or hard of hearing, or speech impaired, including information about American Sign Language;
- Practical instruction on identifying and processing TTY calls, including the importance of recognizing silent calls as a TTY call, using proper syntax, abbreviations, and protocol when responding to TTY calls and relayed calls; and
- Hands-on experience in TTY communications, especially for new call takers, as part of their initial training orientation. Wireless TTY communications should also be an integral part of this training orientation.

The Department of Justice believes that frequent testing is essential to ensure direct, equal access. Testing call takers and their equipment is also one of the most effective ways to ensure compliance with the ADA's requirement that accessibility features are maintained in operable working condition. The tests should be designed to ascertain whether TTY equipment functions properly and whether personnel have been adequately trained to recognize TTY calls quickly, to operate TTY equipment, and to conduct TTY conversations. These tests should be unannounced.

The Task Force recognizes that in order for PSAPs to deliver direct, equal access to persons who are deaf, hard of hearing, or who have speech impairments, they must utilize trainers who have expertise in hearing and speech impairments. These trainers must be familiar with the different PSAP structures and how 9-1-1 calls are handled. These trainers will provide accurate, quality training in the area of communications accessibility, especially where wireless TTY technology is concerned.

The Task Force specifically recommends that PSAPs be allowed to recover their costs of providing this specialized training from the proposed funding mechanism.

V Affected Statutes

During its discussions the Task Force identified the following statutes as being impacted by the various recommendations made here in:

K.S.A. 12-5302 – Additional language is required which will authorize local authorities to assess a wireless users fee for 911 services of up to a maximum of \$0.75 per month. This statute would also need new, express language permitting the use of wireline user fees to be spent for either wireline or wireless costs, and vice versa.

K.S.A. 12-5303 – Additional language is required authorizing wireless companies to collect the user fee imposed by the governing bodies, in accordance with the Federal Mobile Telecommunications Sourcing Act. Wireless providers should be permitted to keep 2% of the user fees collected to cover administrative cost and the rest should be remitted to the local governing body.

K.S.A. 12-5304 – The current language concerning what costs are eligible for reimbursement should be clarified. The section dealing with capital improvements and physical enhancements seems overly broad, and more specificity is required. The current language should be amended, so that it is clear that, engineering, architectural, and construction costs associated with 911 emergency systems fall under the category of capital improvements.. In addition, language should be added so as to include training expenses for PASP personnel.

K.S.A 12-5308 -- The current language should be amended to ensure it provides a commensurate level of protection from liability for wireless carriers, as that enjoyed by wireline carriers. This would make it conform with federal law, enacted in 1999.

**E911 Task Force
Membership**

Nelson Krueger, Western Wireless, Lawrence, Chair

Susan Sherwood, Sprint, Fairway, Vice-Chair

Members:

Roger Bales, Kansas Consolidated Professional Resources, Topeka

Frank Balestrere, Southwestern Bell Telephone, Topeka

R. Keith Faddis, Deputy Chief of Police, Overland Park

J. Patrick Lawless, Mayor, Osage City

Tomas A. Sullivan, Barton County Administrator, Great Bend

William Butler, County Commissioner, Miami County

David Rosenthal, Southwestern Bell, Relay Center, Lawrence

David Lake, Emergency Medical Services, Topeka

Lisa Durand, Chief of Johnson County Emergency Center

Alvan Johnson, Riley County Police Department, Manhattan

Col. Don Brownlee, Kansas Highway Patrol, Topeka

Dan Myers/Guy McDonald, Kansas Corporation Commission, Topeka

Support/Resource Members:

Janet Buchanan, Kansas Corporation Commission, Topeka

Cindy Lash, Legislative Division of Post Audit, Topeka

Mary Torrence, Revisor of Statutes Office, Topeka

Session of 2000
Effective: April 27, 2000

SENATE Substitute for HOUSE BILL No. 2945

An Act relating to telecommunications services;

establishing the enhanced 911 task force.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) There is hereby established an enhanced 911 task force which shall develop a strategy for funding and deploying wireless emergency telephone services. Such plan shall include suggestions for future action by the legislature with respect to deploying efficient and economical enhanced 911 services and implementing equitable and adequate means to fund such services. Specifically, the task force shall make recommendations and propose legislation, if appropriate, concerning the following:

- (1) The mechanism for administering wireless 911 service, with a focus on whether such service shall be administered on a centralized basis;
- (2) the possible formation of an oversight board to address future technological, coordination and regulatory issues related to deployment of wireless emergency telephone service;
- (3) the fairness and adequacy of the mechanism for funding such service;
- (4) the method, if any, for recovering costs incurred by public safety answering points and by wireless telecommunications service providers in providing emergency telephone service; and
- (5) any other issues the task force deems relevant to the deployment of emergency telephone service.

(b) The task force shall consist of 14 members. Two members shall be representatives of wireless telecommunications carriers to be appointed by the governor. The remainder of the task force shall be appointed as follows: One member representing a local exchange carrier other than a rural telephone company and one member representing a rural telephone company who shall be recommended by the Kansas telecommunications industry association. Two members shall be recommended by the Kansas association of counties and two members shall be recommended by the league of Kansas municipalities. One member shall be a person with a communication disability recommended by the Kansas commission for the deaf and hard of hearing. One member shall be recommended by the Kansas emergency medical services board. One member shall be recommended by the Kansas association of fire chiefs. One member shall be recommended by the Kansas association of chiefs of police. The names of the recommended members shall be

transmitted to the governor for final approval. No such recommended member shall serve unless approved by the governor. The remaining members of the task force shall include: The superintendent of the highway patrol or the superintendent's designee; the chair of the state corporation commission or the chair's designee. The governor shall designate one member as chair of the task force. All meetings shall be on call of the chair. All task force members shall serve without compensation.

(c) The task force shall report its findings and conclusion to the house committee on utilities and the senate committee on commerce during the first week of the 2001 legislative session. The state corporation commission shall provide staff support to the task force as necessary. Such staff shall prepare the report and any legislation recommended by the task force.

(d) The task force shall be and is hereby abolished on July 1, 2001.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.