

MINUTES OF THE SENATE COMMERCE COMMITTEE.

The meeting was called to order by Chairperson Karin Brownlee at 8:30 a.m. on February 14, 2003 in Room 123-S of the Capitol.

All members were present except: Senator Wagle, excused

Committee staff present: April Holman, Legislative Research  
Deb Hollon, Legislative Research  
Mitch Rice, Revisor of Statutes  
Jodie Anspaugh, Secretary

Conferees appearing before the committee: Mike Murray, Sprint  
Judy Moler, Kansas Association of Counties  
Danielle Noe, Johnson County  
Commissioner Don Navinsky, Leavenworth County  
Ron Hoffman, Harvey County  
Kim Gulley, League of Kansas Municipalities

Others attending: See attached list.

Chairperson Brownlee called the meeting to order at 8:15 a.m. The committee continued the hearings on SB 153 and SB 180, regarding Enhanced 911. Mike Murray, Director of Governmental Affairs for Sprint, testified in favor of SB 180 and against SB 153. (Attachment 1) SB 180 would assess a statewide fee of fifty cents per month on each wireless telephone, and would split the fee 50-50 with the local units of government. SB 153 establishes a public safety loan fund and adds \$1.00 to each customer's phone bill, with the wireless carriers receiving no cost recovery. Arkansas, Iowa, and Nebraska all have fifty cent surcharges to implement Enhanced 911. Kansas is similar in demographics to those states and should also be able to implement Enhanced 911 with a fifty-cent fee. Mr. Murray noted a handout by Cingular Wireless regarding their deployment areas in Kansas. (Attachment 2)

Judy Moler, Kansas Association of Counties and the Public Safety Alliance, testified in support of SB 153. (Attachment 3) Ms. Moler is concerned with the issue of tax inequity as hardwired phone users are supplying all the money for emergency telephone service, though wireless users are also using 911 services.

Danielle Noe, Johnson County Intergovernmental Relations Coordinator, testified in support of SB 153 and in opposition to SB 180. (Attachment 4) In 2002, Johnson County received \$1.42 million in 911 tax revenues imposed on hardwired phones and spent \$2.04 million. Significant amounts of those expenditures were for equipment and services required to implement the wireless enhanced 911 system. Wireless subscribers in Johnson County make more than 50% of the calls to the 911 system, but they are not contributing any of the funds to cover the costs of maintaining or operating the system. SB 153 allows local governments the flexibility to meet the needs of their communities by enabling them to extend the 911 fee to wireless users, providing for continued local governmental authority over emergency telephone service, and assuring that 911 fees are levied and used locally.

Don Navinsky, Leavenworth County Commissioner, testified in support of SB 153. (Attachment 5) Leavenworth County has a 2003 expected deficit of \$135,753.24, with the institution of the new technology for Enhanced 911. He expects their wireless 911 funding to be depleted in July or August of this year. They are struggling to fund other county programs and do not have the ability to transfer money to fund 911.

Ron C. Hoffman, Chairman of the Kansas 911 Providers Association, testified in support of SB 153. (Attachment 6) Harvey County lost \$12,861 in 2002 in 911 revenue. Building towers and upgrading

CONTINUATION SHEET

MINUTES OF THE SENATE COMMERCE COMMITTEE at 8:30 a.m. on February 14, 2003 in Room 123-S of the Capitol.

current 911 hardware is expensive and most Kansas counties cannot afford it. Mr. Hoffman believes SB 153 would solve many of these problems.

Kim Gulley, League of Kansas Municipalities, testified in support of SB 153. (Attachment 7) SB 153 utilizes the existing structure to provide a mechanism for the development of enhanced wireless 911 services. She is concerned about some of the provisions of SB 180, specifically the retention of tax dollars by private businesses, lack of support for PSAPs, and possible sweeping of state funds. Ms. Gulley believes SB 153 strikes an important balance between local control and statewide deployment of enhanced wireless 911.

Written testimony was provided by:

Major Walter Way, Johnson County Sheriff's Office (Attachment 8)

City of Overland Park (Attachment 9)

Bob Lamkey, Sedgwick County Director of Public Safety (Attachment 10)

Diane Gage, Sedgwick County Department of Emergency Communications (Attachment 11)

Donald R. Seifert, City of Olathe (Attachment 12)

April Holman, Legislative Research, offered a side-by-side comparison of SB 153 and SB 180. (Attachment 13)

Today's presenters answered a variety of questions regarding the revolving loan fund, cellular coverage in Kansas, and the costs associated with building a new cellular tower. Chairperson Brownlee asked the involved parties to consider a possible compromise of a 75 cent fee, with 25 cents given to the local governments, 25 cents to the revolving loan fund, and 25 cents to the wireless carriers.

The meeting was adjourned at 9:30 a.m.

The next meeting is scheduled for February 18, 2003 at 8:30 a.m. in Room 123-S.

**SENATE COMMERCE COMMITTEE**

**GUEST LIST**

**DATE: Friday, Feb. 14, 2003**

NAME	REPRESENTING
Ron C Hoffman	HARVEY County 91-1
Walter Way	Johnson County Sheriff
Ronald Navinsky	Leavenworth County
Kim Bulley	LKM
Judy Molen	KAC
John D. Linegar	Kansas Legislative Policy Group
Tom Gleason	Independent Telecom Group
JANET BUEHAWAN	KCC
KEVIN M. WALKER	AMERICAN HEART ASSOCIATION
DON SEIFERT	CITY OF OLATHE
Ken Barone	Hein Law Firm
Jim Sullinger	H.C. STAR
Nelson Krueger	Western Wireless
STEVE KEARNEY	ALLTEL



Before the Senate Commerce Committee  
Michael R. Murray, Director of Governmental Affairs  
Wireless Enhance 911  
SB 153 and SB 180  
February 13, 2003

Senator Brownlee and Members of the Committee:

Thank you for the opportunity to comment on SB 153, the wireless E911 bill proposed by the municipalities and counties, and SB 180, the wireless carrier proposal.

This issue has been around for a number of years. At least since 1998 in various incarnations. In 2001, both the House and Senate passed differing E911 bills, they went to conference, the Senate approved the Conference Committee Report by a 2/3 margin, 26 to 12, the House then sent the measure back to Conference.

During that 2001 Session, Senator Brownlee worked very hard to strike a workable and fair compromise, and I want to acknowledge and thank her for those efforts in today's hearing.

The issue is how do we provide Kansas citizens with some measure of safety and assurance that police, fire and medical emergency personnel can find them when the person calls 911 on a wireless phone.

There are at least two ways. One utilizes handsets with a global positioning system (GPS) chip, and the other is a network solution requiring use of more towers with certain technological upgrades. Sprint is meeting federal mandates to offer Phase I and Phase II E911 service using the handset solution.

Phase I E911 service means that the public safety answering point (PSAP) can identify the wireless caller's phone number and the location of the cell site transmitting the signal. Phase II E911 means that the PSAP can identify not only the caller's telephone number but the location of the caller within certain tolerances.

Sprint PCS has spent hundreds of millions of dollars to deploy nationwide the infrastructure necessary to implement Phase I and Phase II as required by federal mandates. Included is a listing of where Sprint PCS is implementing Phase I and Phase II service in Kansas.

Both the wireless carriers and the PSAPs have costs which they incur to offer E911 service. To cover those costs, SB 180, the industry measure, would assess a statewide fee of fifty cents per month on each wireless telephone, and would split the fee 50-50 with the local units of government. I have attached a listing of what services and technologies make up the costs incurred by Sprint PCS in delivering Phase I service.

Senate Commerce Committee  
2-14-03  
Attachment 1-1

SB 153 establishes a "public safety loan fund" into which would be deposited money collected from a "emergency telephone tax" of up to a .75-cent per month on your wireless phone bill, and in addition to that, money collected from another "fee" on your wireless phone bill called a "public safety fee" of .25-cent per month. That's up to \$1.00 per month on your wireless bill. And, the wireless carrier would receive no cost recovery from the .75-tax or the .25-cent fee under SB 153.

We believe that taxes and fees totaling \$1.00 for enhanced 911 wireless service are excessive and unnecessary to implement the system statewide. Other states in our region such as Arkansas, Iowa and Nebraska all have .50-cent surcharges. They are similar in size and have much the same demographics as Kansas including rural characteristics and they seem to be implementing their systems just fine with a .50-cent surcharge. And that includes cost recovery for the wireless carriers.

Both bills contain provisions for a board of directors or advisory board to administer the funds and make other determinations as to the application for and use of the funds.

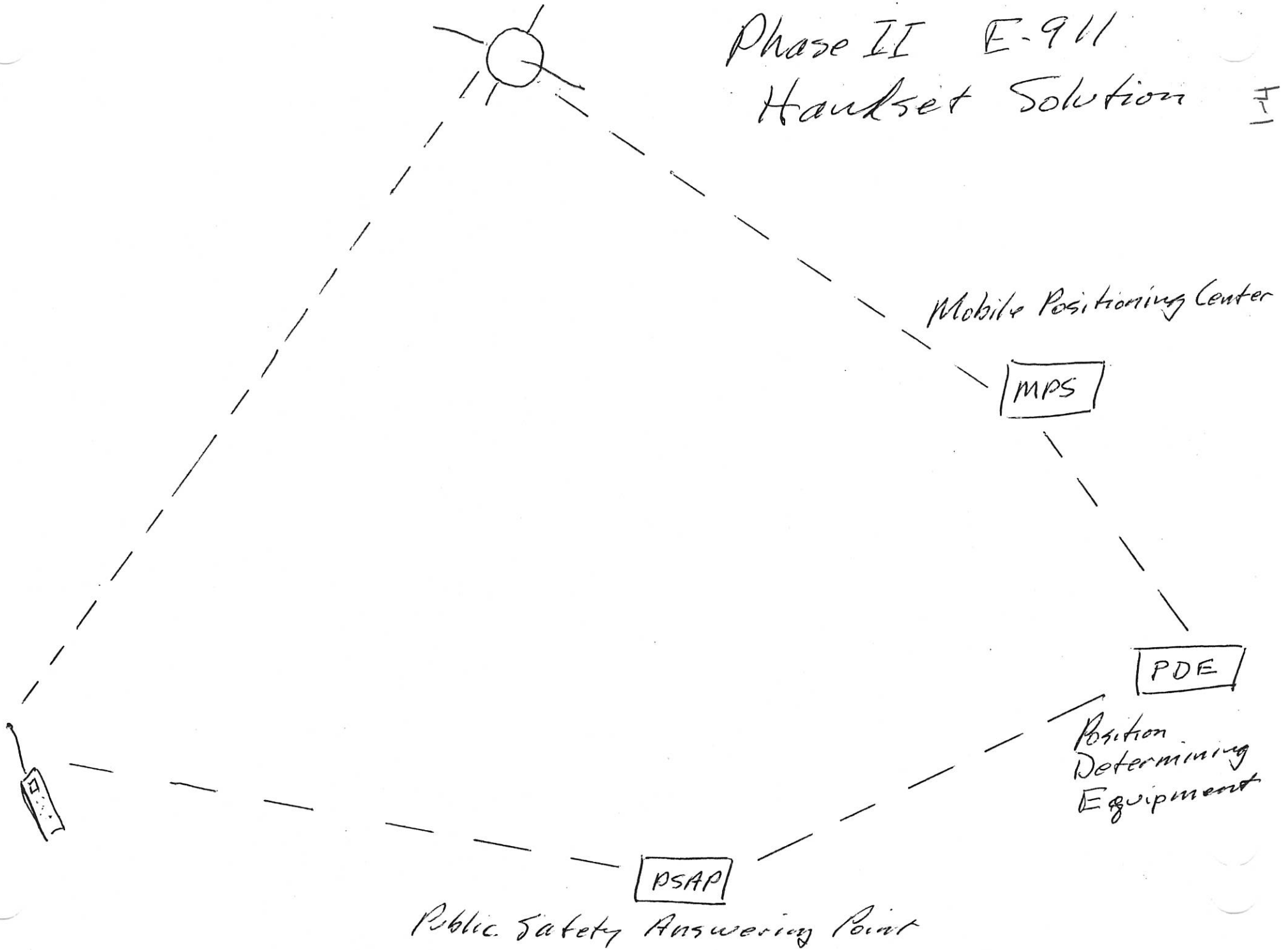
SB 180, the industry proposal, also contains provisions from the legislation passed by the Senate in 2001 pertaining to liability protection (language agreed to by the Kansas Trial Lawyers Association), proprietary information protection, and a provision exempting wireless phones used for remote control purposes and which are capable of accessing only one number.

We believe the industry proposal, SB 180, addresses the issue of public safety statewide as persons travel the length and breadth of Kansas, that it does so in a cost-effective manner, and that it fairly compensates both the public safety answering points and the wireless carriers for their expenses.

We respectfully urge your approval of SB 180, and your rejection of SB 153.

PSAP / Authority Request	PSAP State	PSAPs	Phase I Received Date	Phase I Implementation Schedule	Phase I Launched Date	Phase II Received Date	Phase II Implementation Schedule	Phase II Launched Date
Riley County Emergency Mgmt.	KS	1			04/15/02			
Sedgwick County Dept. of Emerg. Comm.	KS	1			06/28/02			
Dickinson Co. Emerg. Comm. Center	KS	1			11/08/02	11/19/02	05/19/03	
Ft. Leavenworth Provost Marshall	KS	1			01/15/03			01/15/03
Leavenworth County Sheriff's Office	KS	1			01/15/03			01/15/03
Leavenworth Police Department	KS	1			01/15/03			01/15/03
City of Salina Dept. of Police (Saline Co.)	KS	1	05/03/02	04/01/03				
Johnson County Sheriffs Department	KS	1	11/16/01	04/01/03		11/16/2001	4/1/2003	
Leawood Police Department	KS	1	11/16/01	04/01/03		11/16/2001	04/01/03	
Lenexa Police Department	KS	1	11/16/01	04/01/03		11/16/2001	04/01/03	
Olathe Police Department	KS	1	11/16/01	04/01/03		11/16/2001	04/01/03	
Overland Park Police Department	KS	1	11/16/01	04/01/03		11/16/2001	04/01/03	
Prairie Village Police Department	KS	1	11/16/01	04/01/03		11/16/2001	04/01/03	
Shawnee Police Department	KS	1	11/16/01	04/01/03		11/16/2001	04/01/03	
Unified Government of Wyandotte Co.	KS	1	11/16/01	04/01/03		11/16/2001	04/01/03	

# Phase II E-911 Handset Solution



# SPRINT PCS COSTS – E911 PHASE I

## Categories of Costs:

### **I. SCC Non Recurring Fees - cover the following services:**

- PSAP implementation plan
- Collection of PSAP contact, boundary & equipment information
- Collection of LEC E9-1-1 network infrastructure
- Cell coverage overlays
- PSAP boundary mapping
- Coverage area descriptions
- Call routing recommendations
- Call routing validation
- Initial pANI database creation
- Data record placement to E9-1-1 systems
- Network interconnection recommendation
- Network trunking recommendations
- pANI/ESRD assignments
- Selective routing translations per pANI

### **II. SCC Monthly Recurring Fees - cover the following services:**

- Maintain integrity of pANI (ESRD) database
- Update pANI (ESRD) database in response to carrier network changes
- No record found/misroute investigation
- Database discrepancy investigation between ALIs, Selective Routers, etc.
- Error correction
- PSAP problem investigation

### Where SCC SCP services are requested:

- SCC ALI and ALI availability
- Dynamic assignment of ESRKs & provide translations to SRs/ALIs
- MSC translations per pANI
- Monitor & maintain network connectivity between SCP and ALI systems
- Circuit order management
- Tandem SCP hardware & software maintenance and support
- Tandem SCP table maintenance
- SCP to ALI trouble ticket reporting and tracking

### **III. Operation and Transport – covers the following costs:**

- E9-1-1 Phase I implementation overall project management
- Point of contact & ongoing support for PSAP relationships
- Execution and negotiation of PSAP NDAs and contracts
- Compilation & maintenance of documentation for cost recovery justifications
- Participation in PSAP E9-1-1 implementation & planning meetings
- Appearances before Wireless E9-1-1 Boards to present implementation plan, cost recovery, etc.
- Compilation & provision of documentation and/or informational reports as requested
- Development & maintenance of cost recovery billing system and billing processes
- Support & resolution of PSAP billing issues
- Administration of PSAP billing & collection processes & accounting procedures



- Administration & management of cost recovery audits
- Negotiations and maintenance of interconnection agreements for E911
- Ordering and installation of network trunking/circuits for E911
- Testing connectivity, routing, & translations of Phase I data
- Wireless network planning
- Wireless network traffic engineering
- Cell coverage area data collection & pANI assignment
- Communicating network changes to SCC that impact call routing and/or cell sector coverage
- Costs of switch upgrades or patches to enable the provision of E9-1-1 service
- Costs of network trunks/circuits, T-1s or other equipment & software in order to connect & communicate with LECs and/or PSAP equipment, SCPs, & ALIs for the provision of E911
- Non-recurring & monthly recurring connect fees to LEC selective routers or tandems
- LEC pANI database charges
- Develop test plans and perform testing on connectivity & routing for E9-1-1
- Trouble ticket reporting & tracking between cell towers, MSC, & LEC selective router/tandem & between MSC & SCP.



**Senate Bill 180**  
Emergency Telephone Systems (Enhanced 911)

**Kansas Deployment Areas**

Verizon currently has cell and PSC licenses in 16 Counties in Kansas.

Of those 16 counties, Verizon has received and implemented Phase I of 911 coverage in the following three counties, they are:

Johnson County – 7 PSAPS  
Sedgwick County  
Wyandotte County

Verizon is targeted to have Phase II coverage complete in Johnson and Wyandotte Counties by the end of the month. These two counties are a part of the MARC region.

Verizon has not received requests for 911 deployment in any of the other counties in the state outside of these three.

Thank you for this opportunity and your consideration of E911 Recovery Costs. Please feel free to contact me if I may be of additional assistance: (972) 718-8942.

Respectfully submitted,

David Armey  
Verizon Wireless

Senate Commerce Committee

2-14-03  
Attachment 2



## TESTIMONY

**To:** Senate Commerce Committee  
**From:** Judy A. Moler, General Counsel/Legislative Services Director  
**Re:** SB 153  
**Date:** February 14, 2003

American Heart Association  
City Attorneys Association of Kansas  
City Clerks/Municipal Finance Officers Association  
Johnson County Sheriff's Office  
Johnson County Fire Chiefs Association  
Kansas 9-1-1 Providers Association  
Kansas Association of Counties  
Kansas Association of Chiefs of Police  
Kansas Association Council/Commissioners  
Kansas Association for Court Management  
Kansas Chapter, National Emergency Number Association  
Kansas County Sheriff's Association  
Kansas Emergency Medical Services Association  
Kansas Fire Service Alliance  
Kansas Government Finance Officers Association  
Kansas Human Resource Management Association  
Kansas Human Relations Association  
Kansas Legislative Policy Group  
Kansas Mayors Association  
Kansas Municipal Insurance Trust  
Kansas Recreation & Park Association  
Kansas State Association of Fire Chiefs  
League of Kansas Municipalities  
Mid-America Regional Council

Thank you Chairman Brownlee and Members of the Senate Commerce Committee allowing the Kansas Association of Counties to provide testimony on SB 153. I am speaking on behalf of the Kansas Public Safety Alliance (PSA) whose associations are named at the left hand side of this page. I think all of the members of the Alliance as well as the members of the committee see this as a public safety issue and one of utmost importance. In testimony yesterday, the wireless carriers also stated that public safety is a priority of their group.

The Kansas Association of Counties worked in concert with the 24 entities who make up the Public Safety Alliance to bring a responsible bill to the 2003 legislature. The result of several meetings throughout the summer and fall is SB 153.

We identified several guiding principles to the end of addressing public safety as this bill was developed.

The issue of tax inequity that has existed for quite some time as local governments have been allowed to collect taxes on hardwired phones while wireless phones have been exempted. The vast amount of wireless phone usage was just not contemplated by the original law. However, as a result, the hardwired users have built the system while the wireless users have not been asked to share in the tax that builds the system. Users of wireless and cellular phone services have an understandable expectation that their mobile phone will provide them with access to and response from emergency services if needed. To this end, the removal of the exemption from taxation of wireless is the equitable manner in which to fund the building of the enhanced system.

Secondly, the issue of small, less populous counties being able to collect enough money to build an adequate system is an issue. Not only for those traveling through these small counties, but for the very citizens who live there day in and day out. To address this issue, the bill proposes a public safety revolving loan fund to be administered by the KCC in conjunction with an advisory board. Since this bill was drafted, we have learned that there is legislative interest in making this a public safety grant fund. The funding mechanism would remain the same in either concept...an additional 25 cents added to the wireless bill to be remitted to the KCC fund and given to the smaller, less populous counties on a grant basis. We believe this is an equitable manner by which to address the disparity of riches as we build the E 9-1-1 system.

Two years ago, all parties worked very hard to develop a compromise. Senator Brownlee met often with all parties to help craft a bill that could be agreed upon by all sides. Unfortunately, that was not to be. The entities involved from the local government side can compromise on many things. We can discuss the amount charged to wireless. We can discuss the agency that administers the loan or grant program. We can support the liability protection and exempting the wireless phones used for remote control purposes (in fact, we think the definition does this in SB 153). While we respect the need and expect wireless to have cost recovery, the one thing we cannot support is the taxing by local or state government to subsidize private industry.

**The Kansas Association of Counties representing the Public Safety Alliance supports the passage of SB 153.**

Senate Commerce Committee  
2-14-03  
Attachment 3



Johnson County, Kansas

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## BOARD OF COUNTY COMMISSIONERS

Testimony in support of SB 153 and in opposition to SB 180

presented to the

**Senate Commerce Committee**

by

Danielle Noe

Intergovernmental Relations Coordinator

February 14, 2003

Madam Chair and Members of the Committee:

Thank you for the opportunity to testify in support of SB 153 and in opposition to SB 180.

Like most other counties, Johnson County collects a monthly fee on hard-wired telephones to finance the operation of 911 emergency telephone services. Currently, residential customers in Johnson County pay 35 cents per month. State law allows for a charge of up to 75 cents per month.

In 2002, Johnson County received \$1.42 million in 911 tax revenue imposed on hard-wired telephones and spent \$2.04 million. Significant amounts of those expenditures were for equipment and services required to implement the wireless enhanced 911 system. In 2003, we expect to receive \$1.45 million and projected expenditures are \$1.80 million. Much of the expenditures will be for equipment necessary to complete the wireless enhanced 911 systems. Our projected expenditures will continue decline in 2004, and our costs will reflect ongoing maintenance and operations of the system.

As some of you may be aware, the Kansas City metro area has been working together on implementation of Phase I & Phase II. We are in the testing phase with all of the local wireless carriers. One carrier is near completion of both phases in the entire metropolitan region. Other carriers are in various stages of implementation. Both the carriers and the communities have invested significant funds into these systems. And, we can all agree this is an important public safety issue.

The difficulty that we face in Johnson County is the declining numbers of hard-wired telephone subscribers and the growing number of wireless subscribers. Wireless subscribers in our area already make more than 50% of the calls to the 911 system, but they are not contributing any of the funds to cover the costs of maintaining or operating the system.

Wireless technology has not only increased the volume of calls that may be received reporting a single emergency – all of which must be answered – but because wireless calls do not generate the same location information as hard-wired phones, wireless calls often take more time as the public safety personnel attempt to learn where callers are located.

### ***Support Tax Equity and Local Control***

We believe that this is largely an equity issue between the hard-wired telephone subscribers and the wireless subscribers. SB153 provides for taxation of both hard-wired (current law) and wireless phone service.

Additionally, SB 153 would provide for the tax to be remitted to local governments. We believe that 911 services are best managed and funded at the local level. Each community has different needs and different telephone service providers. Implementation of 911 systems in each area of the state may be different based upon the capabilities of the local public safety agencies and the carriers. Since local governments are already operating 911 systems for hard-wired services, it is only logical to add wireless services into existing networks, using the same funding model.

The revolving loan fund set up in SB 153 is an important piece in ensuring enhanced 911 systems can be implemented across the state.

SB 153 allows local governments the flexibility to meet the needs of their communities by enabling them to extend the 911 fee to wireless users, providing for continued local government authority over emergency telephone service, and assuring that 911 fees are levied and used locally.

### ***Oppose State Administration***

We strongly oppose the implementation of a statewide fund for enhanced 911 services provided for in SB 180. The bill would give carriers complete control over 50% (25 cents) of the wireless enhanced 911 tax, and ensures they receive a certain amount of revenue. However, local units of government have no such assurances.

The administrator of the fund will be able to determine the level of funding available to local governments and the percentage available for each funding purpose. This control means that the administrator will have the ability to set the priorities and scope and timing of any future 911 projects and upgrades in cities and counties. The administrator – who is not an elected official – has final authority to approve and implement any recommendations made by the advisory board, while locally elected officials would have little to no input or decision-making authority.

SB 180 also creates a centralized administrative system, which would mean that surcharges collected for the purpose of implementation of 911 services would be directed to the highway

patrol and a new advisory board for administrative costs, thereby reducing the amount available to those actually implementing and operating the system.

The SB 180 creates an inequity between hard-wire and wireless subscribers and between hard-wire and wireless carriers.

Upgrading basic 911 systems and adding enhancements that would provide potentially life-saving location information about wireless callers requires that new technologies be purchased and installed. Without legislative remedy for this critical public safety need, the cost of wireless users' growing impact on 911 services and the cost of new location technology will continue to place an unfair burden on citizens who do not have wireless telephones.

SB 153 allows local governments the flexibility to meet these needs in their communities by enabling them to extend the 911 fee to wireless telephone users, providing for continued local government authority over emergency telephone service, and assuring that 911 fees are levied and used locally.

Thank you, again, for the opportunity to testify today. The Johnson County Board of County Commissioners requests your favorable consideration of SB 153.

**COUNTY OF LEAVENWORTH**

COURTHOUSE  
300 WALNUT  
LEAVENWORTH, KANSAS 66048  
Area Code (913) 684-0400



*FROM THE OFFICE OF:*

*BOARD OF COUNTY COMMISSIONERS*

February 13, 2003

Senate Committee on Commerce

Reference: 911 Funding

Dear Committee Members:

Today I come before you not only as a Leavenworth County Commissioner, but as a representative for Kansas County Commissioners. I will give you specific examples of Leavenworth County's revenues and expenses as part of the MARC 8-County Emergency 911 System.

I have attached a copy of the MARC news release concerning the 911 system and also Leavenworth County's estimated receipts and expenses. Leavenworth County is facing serious problems with 911 program funding and funds will be depleted by July/August 2003. As you can see, MARC has already announced that they have instituted phase I and phase II of the wireless implementations; phase II being the ability of PSAPs to pinpoint the location of wireless 911 calls.

Wireless 911 funding is not coming from wireless carriers to offset accelerated costs. In Leavenworth county 45% of the 911 calls came from cellular users and in the MARC coverage area, it is over 50%. There is less use of hard wire phone service since the advent of cellular phone service. Cellular phones now have the capability of letting first responders know where the emergency is located and it is costly to support and maintain.

For the year 2003 the approximate receipts coming from hard wire are \$333,792. Our expected expenditures since we instituted the new technology is approximately \$469,365, causing a deficit of \$135,753.24. With this in mind, we estimated our 911 funding will be depleted in July/August of 2003. How can we fund this without revenue from wireless 911? With the loss of demand transfers from the state to the county, we are struggling to fund other county functions and definitely do not have the ability to transfer funds to 911.

Senate Commerce Committee

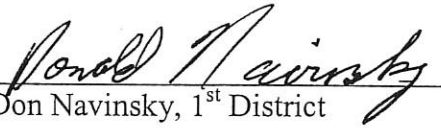
2-14-03  
Attachment 5-1

Page 2

Currently, some wireless carriers are collecting for 911 tariffs (Sprint and Nextel) but the money is not being returned to the counties who support them. Committee Members, I am here today to ask you to support House Bill 153. We cannot withstand any more procrastination of 911 wireless funding. It is my understanding that the industry has also presented a proposal before you. Beware of corporations that propagate false information about their budgets at the expense of the public. As a county official, I am here to say we have implemented enhanced 911 wireless service and now we need to receive funding from the wireless users.

Fiscal responsibility and need make your favorable consideration of House Bill 153 necessary this year.

Sincerely,

  
Don Navinsky, 1<sup>st</sup> District  
Leavenworth County Commissioner

Att: News Release  
911 Expenditures/Receipts



# COUNTY OF LEAVENWORTH

COURTHOUSE  
300 WALNUT  
LEAVENWORTH, KANSAS 66048  
Area Code (913) 684-0400



FROM THE OFFICE OF:

## 911 EXPENDITURES AND RECEIPTS FOR LEAVENWORTH COUNTY

12 month expenditures (enhanced 911), approximately:	\$469,365
Hardwire 12 month receipts approximately:	\$333,792
2003 Expenditure (shortage)	\$135,573
2003 Commitment to MARC to fund Budget:	\$167,000
MARC server and telephone routing project is \$1.7 million, KC Metro wide upgrade. 4.25% is Leavenworth County's share - \$80,750.	
Beginning funds in January 2002:	\$399,248
Beginning funds in January 2003	\$185,945
Fund Balance for July/August 2003:	\$ 67,786

The Mid America Regional Council has implemented both phase I and phase II of the wireless network. Leavenworth County is paying for these services to date and does not receiving funding to support the wireless caller. Some wireless carriers are collecting for a 911 tax/tariff (Nextel and Sprint), but no money is making it to the local government to support the system.

# Mid-America Regional Council

600 Broadway, 300 Rivergate Center  
Kansas City, Missouri 64105  
816/474-4240; 816/421-7758 FAX



## News Release

FOR IMMEDIATE RELEASE: February 11, 2003

CONTACT: Greg Ballentine, Public Safety and Emergency Services Program Director; Saralyn Doty, 9-1-1 Administrator; Jody Ladd Craig or Barbara Hensley, Public Affairs Office, 816/474-4240

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### **MARC will announce \$8 million 9-1-1 wireless upgrade at news conference Friday; region to celebrate 20<sup>th</sup> anniversary of 9-1-1**

The Mid-America Regional Council will hold a **news conference on Friday, February 14, 2003, 10:00 a.m.** at MARC's offices, 600 Broadway, Suite 170 (northeast corner of the first floor), to announce the completion of an \$8 million upgrade to the region's eight-county emergency 9-1-1 system. The announcement coincides with the 20<sup>th</sup> anniversary of the regional system.

Following a five-year planning and implementation schedule, the upgrade to the region's system was completed in late 2002 and has been in a testing phase since then. Officials in the region's 9-1-1 administration will announce that the system is operational as of February 14 at all 45 Public Safety Answering Points (PSAPs). More than half of all 9-1-1 calls now come from wireless phones. The new equipment, in coordination with upgrades currently being made by wireless service providers, will allow PSAPs to pinpoint the location of wireless 9-1-1 calls. To support this new technology MARC is presently developing a regional GIS database.

At the news conference, MARC staff will demonstrate how the new technology works, receiving live calls from wireless devices in the field. The region's 9-1-1 Coordinating Committee Co-Chairs, Johnson County Commission Chair Annabeth Surbaugh and Platte County Presiding Commissioner Betty Knight, will describe the benefits of the upgrades and explain the structure of the eight-county system. Commissioners or their representatives from all eight counties will be present.

In addition, representatives from many of the region's 45 PSAPs will be present along with dispatchers who have worked with the system since its inception 20 years ago. Some of the elected officials, including former Mayor Richard Berkley and Sen. Harry Wiggins, involved in securing passage of the legislation that allowed the system have been invited to participate and be honored at the event.

Immediately following the news conference, MARC will host a reception to celebrate the system's 20 years of success, and to honor the dedicated service of all those who have worked in the 9-1-1 field during the past 20 years.

###

Ron Hoffman – Chair: 316-284-6850  
Tara Martin – Vice Chair: 620-378-3622

P.O. Box 687 Newton KS 67114



Dale Kuhn – PR Chair: 316-694-2801  
Joann Angell – Secretary: 316-694-2801

Fax: 316-283-4892

***TESTIMONY***

***OF***

***SB153***

***BY***

***RON C. HOFFMAN***  
***CHAIRMAN***

Senate Commerce Committee

2-14-03  
Attachment 6-1

Ron Hoffman – Chair: 316-284-6850  
Tara Martin – Vice Chair: 620-378-3622

P.O. Box 687 Newton KS 67114



Dale Kuhn – PR Chair: 316-694-2800  
Joann Angell – Secretary: 316-694-2801

Fax: 316-283-4892

**BIO OF  
RON C. HOFFMAN**

**THIRTY PLUS YEARS IN EMERGENCY SERVICES**

**PASSED EMT TRAINING**

**CERTIFIED EMD**

**STATE CERTIFIED FULL STATE COMPUTER ACCESS**

**THREE YEARS AS PATROL OFFICER**

**FOURTEEN YEARS AS COMMUNICATIONS OFFICER**

**SIXTEEN YEARS AS COMMUNICATIONS DIRECTOR**

**PAST CHAIRMAN OF THE KANSAS APCO CHAPTER**

**PAST CHAIRMAN OF THE DIVISION 5 KCJIS USERS**

**RECIPIENT OF THE 1997 LT. CARL GRAY AWARD**

**RECIPIENT OF THE 2001 COMMUNICATIONS  
ADMINISTRATOR OF THE YEAR AWARD**

**CHAIRMAN OF THE KANSAS 9-1-1 PROVIDERS  
ASSOCIATION**



Madam Chair, Committee Member, thank you for the opportunity to speak in support of SB153. The facts that I bring to you today are reflective of Harvey County and are echoed by many other counties across the State.

There are three (3) issues that I will present to you today, thus showing why SB153 is needed.

The first issue is the loss of 9-1-1 Revenue. In 2002 Harvey County, we saw a revenue loss of \$12,861.00. Most Counties across the state echo the same effects.

Secondly, County's who implement wireless 9-1-1 Phase I are faced with a minimum charge of \$75.00 per tower site. In Harvey County that amounts to \$1,275.00 per month or \$15,300.00 per year. These cost are born by Harvey County, with no revenue recovery!

The Third issue is upgrading current 9-1-1 Hardware within the local PSAP (Public Safety Answering Point). These costs will range from \$160,000 to \$250,000 or higher. Also with this issue hangs the unknown cost from the Wireless Carriers (who are not regulated by the K.C.C.) and have an open window!!! Again, all of these areas are totally unfunded at this time.

Attached you will find several graphs showing the revenue loss, Wireless towers and the unfunded cost for these sites. Also, a graph showing you the percent of cell phone calls vs landline calls generated during a minor snow storm in our 9-1-1 center.

Cellular companies for years have sold their product to their consumers as a safety net for their loved ones. Thus they (the consumer) blindly assume and expect we(9-1-1) know whom they are, where they are and their cell phone number.

As Chairman of the Kansas 9-1-1 Providers Association and as a concerned parent, I ask that you support SB153 which will provide funding to implement wireless 9-1-1 across State.

I now stand for any questions.

HARVEY COUNTY

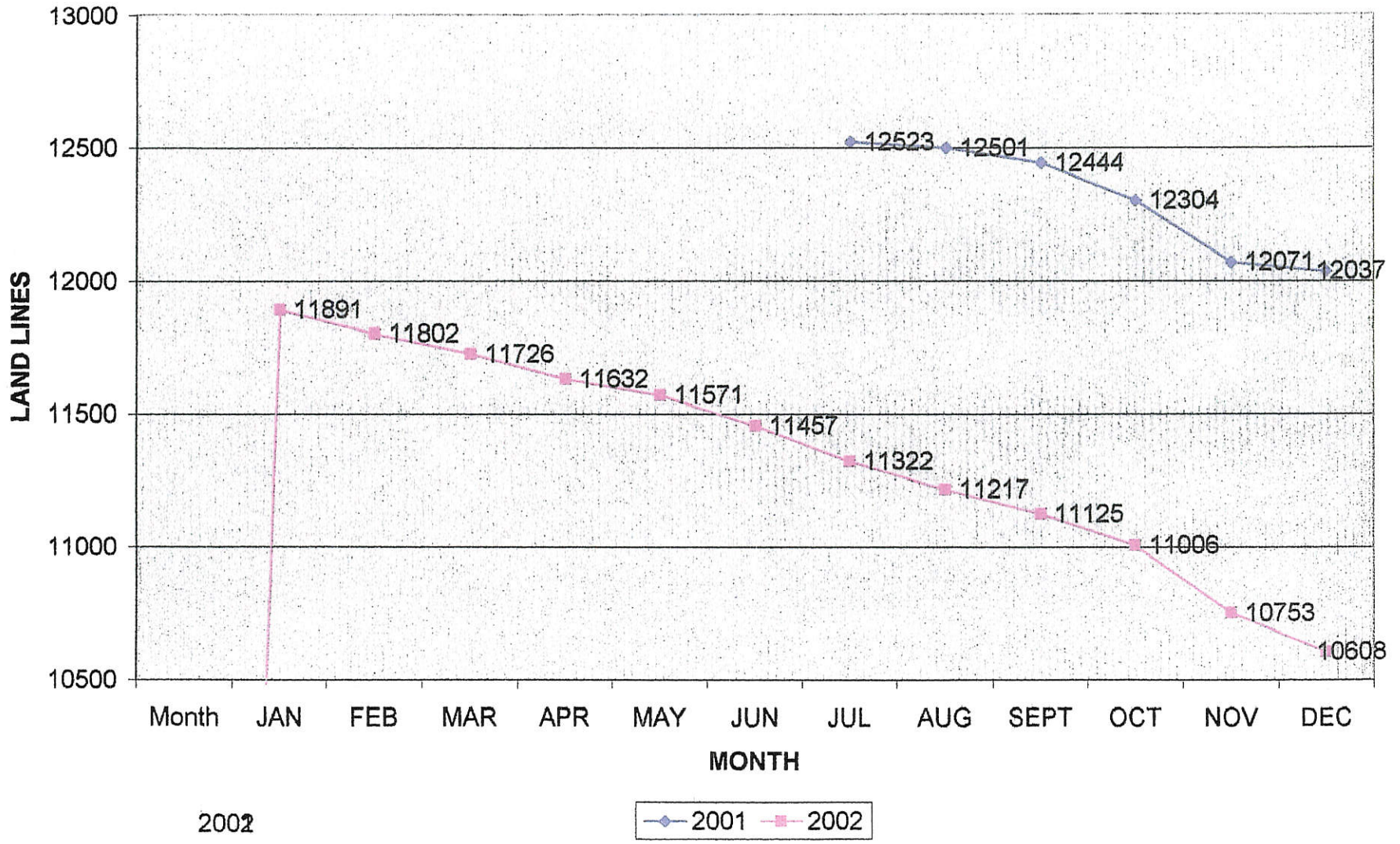
9-1-1 REVENUE LOSS

6-4

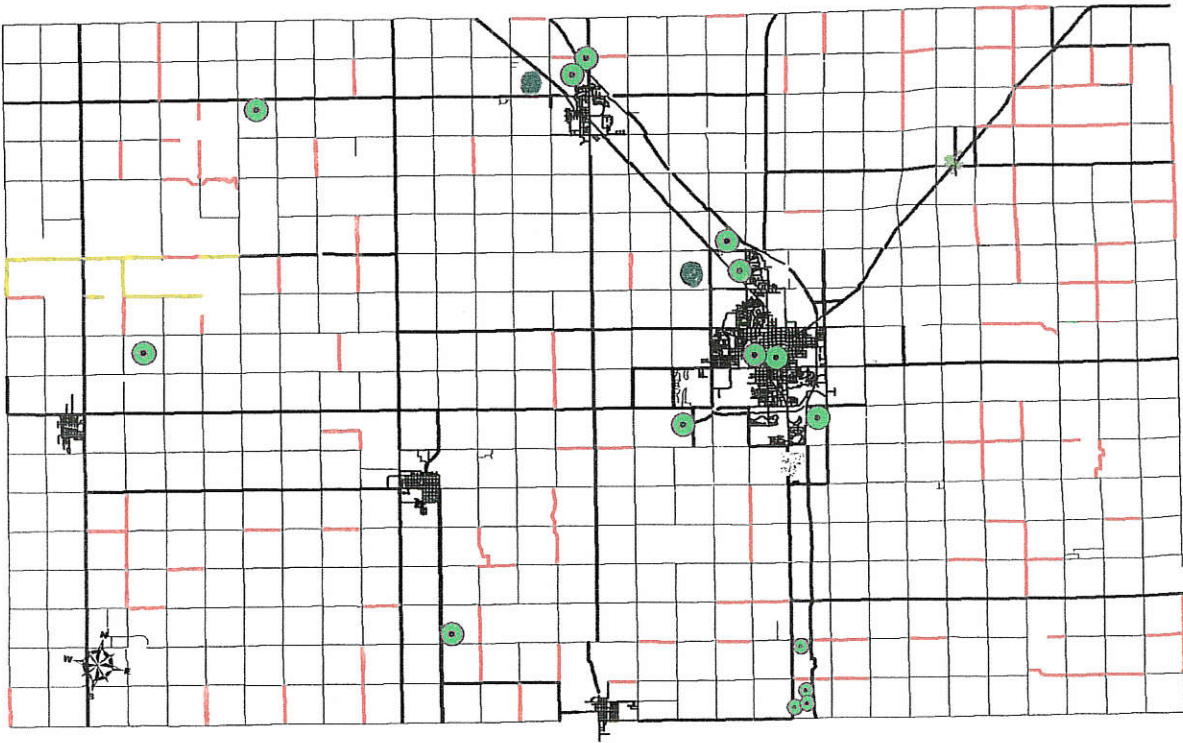
	2001	2002	LOSS		COST PER MO		COST PER YEAR
JUL	12523	11322	1201	\$ 0.75	\$ 900.75	X 12 =	\$10,809.00
AUG	12501	11217	1284	\$ 0.75	\$ 963.00	X 12 =	\$11,556.00
SEP	12444	11125	1319	\$ 0.75	\$ 989.25	X 12 =	\$11,871.00
OCT	12304	11006	1298	\$ 0.75	\$ 973.50	X12 =	\$11,682.00
NOV	12071	10753	1318	\$ 0.75	\$ 988.50	X12 =	\$11,862.00
DEC	12037	10608	1429	\$ 0.75	\$1,071.75	X12 =	\$12,861.00

# HARVEY COUNTY 9-1-1 LAND LINES

659



# HARVEY COUNTY WIRELESS TOWER SITES



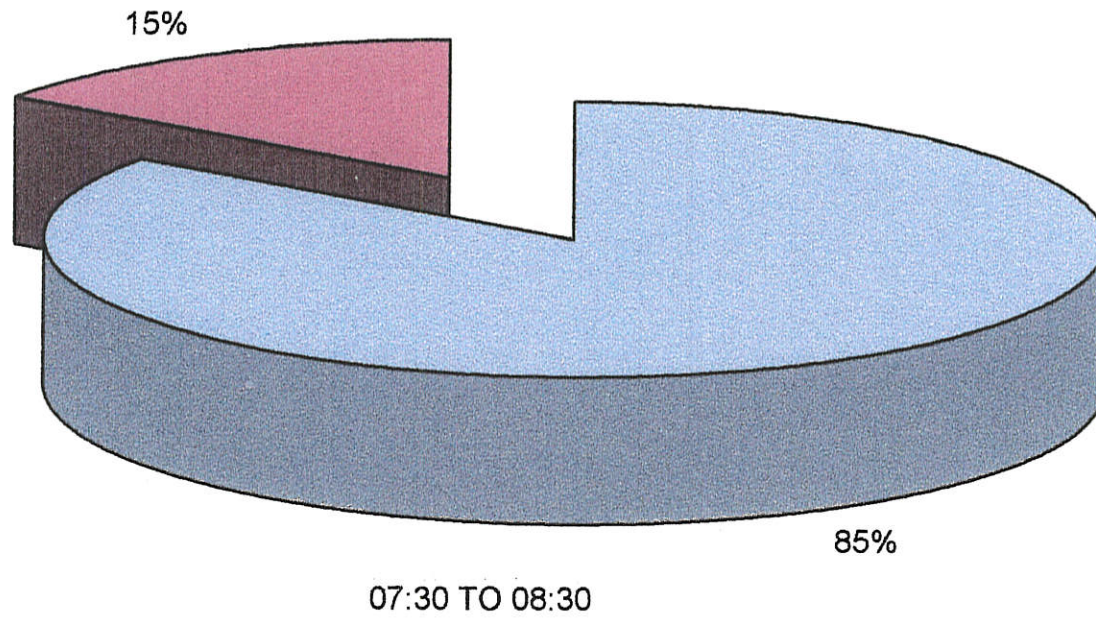
$\$75 \times 17 = \$1,275$  PER MONTH

$\$1,275 \times 12 = \$15,300$  PER YEAR

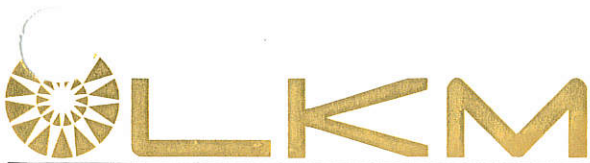


# SNOW STORM 02/06/2003

9-1-1 WIRELESS 9-1-1 LAND LINES



6-7



League of Kansas Municipalities

To: Senate Commerce Committee  
From: Kim Gulley, Director of Policy Development and Communications  
Date: February 14, 2003  
Re: Enhanced Wireless 911

Thank you for the opportunity to appear before you today on behalf of the League of Kansas Municipalities (LKM) and our 556 member cities. LKM is committed to the development of enhanced wireless 911 services in Kansas. We believe that public safety is the highest priority for government at all levels. The delivery of 911 in Kansas has been, from its inception, an intergovernmental enterprise. In most areas of the state, cities and counties work hand in hand to provide this critical service to our citizens. In the era of discussion about consolidation and efficiency in government, the existing 911 system is a perfect example of how cooperation and regionalization can be an effective and efficient way to provide services.

SB 153 utilizes this existing structure to provide a mechanism for the development of enhanced wireless 911 services. While we fully support the provisions of SB 153, we have a few concerns about the proposal in SB 180:

- Retention of tax dollars by private business. One of our primary concerns is that public tax dollars would be retained by private business. As we heard in testimony yesterday, expenditures by the wireless carriers are proprietary in nature and cannot be revealed without causing a competitive disadvantage for the carriers or creating serious legal concerns. This means that one half of the tax dollars collected under this bill would be retained without a public accounting of the monies. Although the bill provides for the possibility of an audit to be paid for out of the statewide fund, section 8 of the bill makes it clear that the results of such audit would be kept private. Locally elected officials strongly object to the use of public monies without appropriate public accounting.
- Lack of support for PSAPs. Under the provisions of SB 153, all PSAPs would have the opportunity to raise up to \$.75 per month per customer in order to support local 911 efforts. Pursuant to the provisions of SB 180 on the other hand, all wireless carriers would automatically retain funds, but there are no monies which would flow directly to local law enforcement professionals. All PSAPs would have to apply to a statewide administrator in order to receive any funds at all.
- "Sweeping" the statewide funds. As has already been discussed, all monies held at the state level are subject to cuts during times of budget crisis. The only way to fully ensure that enhanced wireless funds are used exclusively for that purpose, is to collect and keep the monies locally. Current law severely restricts the use of 911 tax dollars. SB 153 proposes to leave such safeguards in place without subjecting the majority of the funds collected to the state appropriation process.

It is important to note that SB 153 provides for full cost recovery by the wireless providers. Currently, at least two wireless providers are already including a wireless surcharge on their customers' bills. In order to help avoid legal complications, SB 153 specifically states that nothing in the legislation can be construed to limit the ability of the carriers to fully recover their costs. The carriers may include the amount of their costs in their rates, identify it as a separate line item on their bill, negotiate with local PSAPS, or collect the monies in any other appropriate way. In this way, wireless carriers do not have to share proprietary information and tax dollars are not utilized without proper public accounting.

In conclusion, we believe that SB 153 strikes an important balance between local control and statewide deployment of enhanced wireless 911. The associations who have come together as the Public Safety Alliance have worked very hard to find a compromise between large and small counties, rural and urban communities. We believe that it is time to put public safety first – it is time to implement enhanced wireless 911.

**Account Summary**
[www.sprintpcs.com](http://www.sprintpcs.com)

<b>Customer</b> [REDACTED]	<b>Account Number</b> [REDACTED]	<b>Invoice Period</b> Aug. 17 - Sep. 16	<b>Invoice Date</b> Sep. 17, 2002	<b>Page</b> 2 of 3
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<b>Summary of Individual Charges (Individual Usage Summaries begin on page 3)</b>					
<b>Individual Information</b>	<b>Monthly Service Charges</b>	<b>Additional Usage Charges</b>	<b>Other Charges</b>	<b>Taxes */ Surcharges/ Regulatory</b>	<b>Total</b>
[REDACTED]	29.99	0.00	0.00	4.89	
<b>Total Current Charges</b>	<b>29.99</b>	<b>0.00</b>	<b>0.00</b>	<b>4.89</b>	<b>\$34.88</b>

\* See below for a breakdown of Taxes, Regulatory and Other Surcharges and Fees if applicable.

**Additional Billing Information**
**Detail of Taxes, Regulatory and Other Surcharges and Fees**

<b>Description</b>	<b>Charges</b>
<b>Taxes and Regulatory Related Charges</b>	
USA Federal Tax	0.95
Olathe City Sales Tax - Services & Usage	0.35
Johnson County Sales Tax - Services & Usage	0.26
Kansas State Sales Tax - Services & Usage	1.64
<b>Other Surcharges and Fees</b>	
Kansas State Wireless Universal Svc Fund	1.00
USA Regulatory Obligations & Fees	0.69
	<b>\$4.89</b>

Testimony of:

Major Walter Way  
Johnson County Sheriff's Office  
Olathe, Kansas

Senate Bill 153 and Senate Bill 180

February 14, 2003

Madam Chair, Members of the Committee on Commerce:

My name is Walter Way and I am representing both the Johnson County Sheriff's Office and the Kansas City Regional E9-1-1 system that is managed by the Mid-America Regional Council (MARC). I am testifying in support of Senate Bill 153 and in opposition to Senate Bill 180.

Approximately 678,000 Kansans in Johnson, Wyandotte and Leavenworth Counties are served by the Kansas City Regional Enhanced 9-1-1 system. The three Kansas and five Missouri counties participating in this system have successfully collaborated for 20 years in its operation and funding, and have recently completed an \$8 million dollar upgrade that will allow Public Safety Answering Points (PSAPs) to locate wireless 9-1-1 callers.

Johnson County's cost to provide E9-1-1 services for both wired and wireless callers in 2002 was \$2.04 million and it received \$1.42 million in 9-1-1 tax revenues. For 2003, the expected cost for Johnson County to provide E9-1-1 services is \$1.8 million and the projected 9-1-1 tax revenue from wired telephones is \$1.45 million. 9-1-1 Fund reserves have provided the money needed to pay the difference between 9-1-1 revenues and actual costs, but those reserves will be depleted in time unless additional financial support for this critical public safety service is shared by wireless telephone users.

Senate Bill 153 contains provisions developed jointly by emergency services providers and local governments in urban and rural areas of Kansas, and with law enforcement, fire, emergency medical, and health organizations from around the state. The Bill will allow local governments to extend the 9-1-1 tax to wireless telephone subscribers who make a significant number of the 9-1-1 calls received by PSAPs, and it will allow local governments to establish the tax rate at the level needed to adequately fund 9-1-1 services for their communities.

Senate Bill 153 also provides for a separate public safety fee on each wireless service user that will generate funds for a public safety loan fund administered by the Kansas Corporation Commission. That fee will provide financial assistance to Kansas communities in their implementation of enhanced wireless 9-1-1 services.

Senate Commerce Committee

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Attachment 8

Senate Bill 153 will continue the successful practice in Kansas of empowering local governments to establish the desired level of services for their communities, of collecting the appropriate amount of 9-1-1 tax funds to provide those services, and of being accountable to their constituents for the expenditure of their tax monies. Each community in Kansas will be faced with different needs and issues in the implementation of wireless 9-1-1 services. Removing local control over funding for wireless 9-1-1 services as proposed in SB 180 is not desirable as it limits the ability of PSAPs to reliably budget for implementation and it may well limit the amount of funding available to actually implement wireless 9-1-1 service in their communities.

Another significant concern with SB 180 is the provision that would allow wireless carriers to retain 50% of the 9-1-1 tax monies collected from their customers. Public monies must be accounted for and expended with public knowledge, but that would not occur with tax dollars spent by unregulated carriers that are not required to disclose their proprietary operating and business costs.

The Federal Communications Commission has stated in several of its Orders that there is no requirement for governments to establish a cost recovery mechanism for wireless carriers who implement 9-1-1 services. Wireless carriers have been free to recover their implementation costs directly from their customers in the same manner as they recover other infrastructure costs from their customers. I would submit that the wireless carriers already have the authority to recover their costs without any authorizing legislation. For the above reasons, I would oppose SB 180.

Public Safety is the primary concern of the PSAPs and the wireless carriers in this discussion. I believe that the public safety will most effectively be served by the provisions contained in SB 153.

Thank you for your time and interest in this important public issue.

Major Walter Way  
Johnson County Sheriff's Office



The City of  
**Overland  
Park**  
KANSAS

City Manager's Office

8500 Santa Fe Drive  
Overland Park, Kansas 66212  
913-895-6100 • Fax: 913-895-5003  
www.opkansas.org

Testimony Before  
The Senate Commerce Committee  
Regarding  
Enhanced 911 Service  
Senate Bill 153 and Senate Bill 180

Senate Commerce Committee  
2-14-03  
Attachment 9

February 14, 2003

The City of Overland Park appreciates the opportunity to offer testimony regarding enhanced 911 service. The rapid increase in wireless phone use underscores the need for closure on this issue so that we may focus on meeting public safety needs.

In the Kansas City metropolitan region, local governments recognized the need for a quick-responding emergency system. Rather than wait for a solution from the state, we have moved forward to meet the needs of the public by working hard to provide enhanced 911 service to the metro area. In fact, shortly after this meeting concludes, the Mid-America Regional Council, of which we are a member, will announce completion of an \$8 million upgrade for our eight-county emergency 911 system.

To assist in the provision of enhanced 911 service, we support Senate Bill 153 for several reasons:

- This bill closely follows the recommendations made by the Governors Task Force on wireless E 911. This task force consisted of representatives from PSAP's, local government, telecommunications both wired and wireless, fire, EMS, and law enforcement.
- It allows local control of the 911 systems. We believe that local government can best determine the needs of the community and funding that is required. This method has worked very well with the wired 911 system.
- It allows for a funding method for those communities that do not have the revenue on hand to implement wireless E 911 immediately. This will aid in the statewide implementation of wireless E 911.
- It establishes a technical advisory board to assist those communities that do not have the resident experts in implementing such systems.
- It creates equity in supporting the 911 system. All subscribers who utilize the system would contribute.

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~~9-1~~

Conversely, we do not believe Senate Bill 180 would be helpful in developing enhanced 911 service. We have several concerns with this bill:

- In an unprecedented move, private entities would be given a direct, real-dollar tax subsidy. This, despite the fact the FCC has ruled that states are not required to bestow funding to wireless providers.
- It allows no direct funding source to local PSAPs. Areas that have exercised local control and made efforts to implement E 911 systems would have to seek funding from a centralized administration.
- Should a PSAP be fortunate enough to secure funding from the centralized administration, use of those funds would be severely limited.
- The bill maintains a longstanding inequity between wireless and wireline subscribers. Wireless subscribers would be charged no more than \$.50 per month, while wireline subscribers could be charged up to \$.75 per month.
- Funds designated for local governments are sent to the state, while wireless providers keep tax monies they collect. Given recent efforts by the legislature to “sweep” fund accounts, funding for E 911 providers could be eliminated. Simultaneously, wireless providers would continue to receive tax receipts with no possibility of loss.

The City of Overland Park asks that you recommend Senate Bill 153 favorably for passage and reject Senate Bill 180.



**TESTIMONY REGARDING SB 180**  
**Senate Committee on Commerce**  
**By Bob Lamkey, Sedgwick County Director of Public Safety**  
**February 14, 2003**

Senator Brownlee and members of the Committee, I am Bob Lamkey, Director of Public Safety for Sedgwick County. I have senior management responsibility for non-law enforcement aspects of public safety in my county, such as the Emergency Communications (911), Emergency Medical Service, Emergency Management and the Fire Department. Last year, our Communications Center handled about 435,000 911 calls. Over 207,000 of those calls were from wireless users—a far cry from the approximately 42,000 calls we received in 1996. It is clear that wireless communications are becoming the dominant tool for accessing public safety help.

That being said, we applaud the intent of SB 180 to provide a funding mechanism for deploying wireless E-911. It smartly recognizes the need for training to reach those with hearing disabilities, seeks to promote collaboration and encourages economies of scale. However, we have a number of significant reservations about key aspects. Among these are:

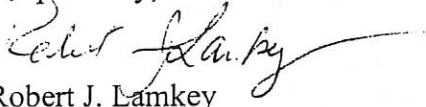
- A. Fundamentally, we believe local jurisdictions are responsible for delivering 911 services and should be empowered to collect, hold and spend monies to provide that service—and be held accountable by their constituencies. This bill moves away from that belief. It requires an application process and administrative review to be eligible for funds—which may or may not be sufficient to meet simultaneous demands.
- B. The bill is too narrowly focused regarding costs incurred by a Public Safety Answering Point (PSAP) to deliver service. Only those cost elements directly attributable to the deployment of wireless E-911 are eligible for funding. It appears there is no recognition of PSAP's recurring costs to provide wireless E-911 service. (It currently costs Sedgwick County about \$5,000 per month to receive data in support of Phase I of E-911.) There is also a failure to recognize the need for wireless users to share equally in the cost of maintaining and improving the common communications architecture necessary to provide service to all users.
- C. The purposes for which the State's 50% can be used are outlined with some defined boundaries. However, carriers will receive 50% without any such boundaries or oversight. Who defines what legitimate expenditures for carriers are?
- D. We believe that carriers are entitled to recover their cost—the question is how!!? Please consider that the FCC has already ruled regarding cost

recovery in these matters. In May 2001, in a clarification wrought by questions from Kings County, WA, the FCC defined the "line of demarcation" for cost recovery between PSAP's as the selective router. This determination clarified a point of ambiguity and contention between some PSAP's and wireless providers. The FCC further restated: "... since wireless carrier rates are unregulated there is no need for a government mandated carrier cost recovery system," noting that "... carriers are free to recover these costs in charges to customers." It also related: "... states are free to have a carrier cost mechanism in place if they so choose." I would submit that in our current environment, public policy to levy a fee and provide funds, which will likely be perceived as a tax, to an unregulated industry when not required to should be carefully considered. It is also our belief that the consumer is really best served by allowing carriers to recover their cost in the competitive marketplace. Any fee levied by government should be directed at recovering government's cost to provide service.

In conclusion, we do not support SB 180 in its current form. We do believe that SB 153 provides a much better framework for deploying wireless E-911 and meeting current and future emergency communications needs both in local jurisdictions and across the State.

Thank you for allowing me to speak today.

Respectfully,

  
Robert J. Lankey  
Director of Public Safety  
Sedgwick County



**SEDGWICK COUNTY, KANSAS  
DEPARTMENT OF  
EMERGENCY COMMUNICATIONS**

Diane M. Gage, Director  
525 N. Main, Suite B-6  
Wichita, KS 67203-3707  
(316) 383-7077  
(316) 383-8060 (FAX)

**TESTIMONY TO THE SENATE COMMERCE COMMITTEE  
REGARDING SENATE BILL 153**

February 14, 2003

Senator Brownlee and members of the Senate Commerce Committee, I am Diane Gage, Director of Sedgwick County Emergency Communications, Sedgwick County's "911" department. Sedgwick County supports Senate Bill 153.

As a provider of "911" services, I feel SB 153 provides emergency communications centers the means to fund both the startup costs for extending enhanced "911" services to wireless subscribers and the recurring costs associated with this type of service. SB 153 allows for local entities to make their own decisions on the amount of financial support needed to provide this service and to continue to do so in the future. Additionally, it provides a means to fund the needed upgrades, if the community's resources are not adequate to provide "E-911" services to the wireless users.

Sedgwick County Emergency Communications is currently providing Phase I wireless services, the delivery of the caller's telephone number and the location of the tower handling the telephone call. Carriers started coming on line with Phase I in June 2002. Sedgwick County is about a month away from requesting Phase II service. The remaining hurdle in implementing Phase II is debugging the mapping system to be installed in the computer system used by the dispatchers.

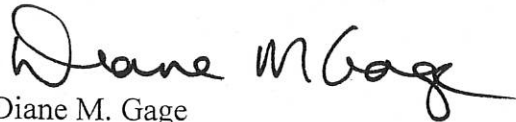
The funding for the upgrades to the Sedgwick County 911 system came from the tax on hardwire telephones. The decision to move ahead was due to the urgent need to provide enhanced "911" services to wireless callers, over 55% of the "911" calls in Sedgwick County. It is anticipated there will be continuing costs to provide wireless "E-911" services in the future, such as maintaining the entire system, as well as the monthly charges to provide the service.

As revenues from hardwire subscribers drop, primarily due to the migration of consumers to wireless technologies, this bill will permit the means to raise the needed revenues to continue to provide the level of "911" services expected by those in our community.

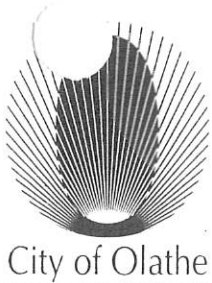
Senate Commerce Committee  
2-14-03  
Attachment 11-1

Again, thank you for your time and consideration. I will be happy to answer any questions you may have.

Sincerely,

A handwritten signature in black ink that reads "Diane M Gage". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline.

Diane M. Gage  
Director, Sedgwick County  
Emergency Communications



MEMORANDUM

**TO:** Members of the Senate Commerce Committee  
**FROM:** Donald R. Seifert, Policy Development Leader *DRS*  
**SUBJECT:** **SB 153; Enhanced Emergency 911 Service**  
**DATE:** February 14, 2003

On behalf of the city of Olathe, thank you for the opportunity to add support for SB 153. For the past three years, the Legislature and interested parties have comprehensively studied the many issues associated with deployment of enhanced 911 services to wireless communications users. We believe this bill reaches a reasonable balance among the interests of all parties.

Since 1980, cities and counties in Kansas have been authorized to collect a monthly surcharge on telephone lines to finance operation of 911 emergency telephone services. The 911 emergency system is now such an integral component of public safety that most Kansans take it for granted. The Olathe Police Department operates a busy public safety answering point (PSAP) that handled some 55,000 calls last year. Reflecting the growth of wireless communications in our society, wireless 911 calls now account for nearly one-half (approximately 48% in 2002) of total call volume at our PSAP. However, until the enhanced 911 service envisioned by this bill becomes available, those wireless callers cannot receive the same level of emergency service as wire based callers, compromising public safety.

The city supports SB 153, extending the 911 tax to wireless users, for several reasons. As noted above, it is only logical because wireless calls account for such a large proportion of 911 calls. As a matter of equity, SB 153 makes sense so wireless users share in the cost of providing emergency service. SB 153 preserves local administration of the 911 system, which has served the public well for years. Finally, SB 153 offers a creative means to finance investment in enhanced 911 technology in those local jurisdictions needing assistance to build the public infrastructure mandated by the FCC.

Simply stated, the city of Olathe supports extension of the 911 tax to users that will benefit from the enhanced services. For the safety of all Kansans, it is time for the Legislature to pass an enhanced wireless 911 bill. The city joins other units of local government in urging the committee to recommend this bill favorably for passage.

Senate Commerce Committee  
2-14-03  
Attachment 12

# Comparison of SB 153 and SB 180

## Senate Bill 153

- Would establish a public safety fee of \$0.25 per month on each wireless service user. *New Section 3(a), page 2.*
- Would remove the prohibition on charging the current 911 tax for wireless, thereby allowing local governments to impose a tax of up to \$0.75 per month per exchange access line or its equivalent. *Section 11(a), page 5.*
- Would create the Public Safety Loan Fund within the State Treasury. *New Section 2, page 1.*
- Would allow wireless carriers to retain 2 percent of the fees they collect. *New Section 3c, page 2.*
- Deposits to the fund would include federal moneys, state appropriations, public safety fees, repayment of loans, interest and other contributions. *New Section 2, page 1.*
- Fund would be administered by the Kansas Corporation Commission (KCC). *New Section 4, page 2.*

## Senate Bill 180

- Would establish a surcharge of \$0.50 per month per subscriber telephone number. *New Section 2, page 3.*
- Does not address the current 911 tax.
- Would create the Enhanced Wireless 911. Doesn't specify that the fund is to be in the State Treasury, but does direct carriers to remit funds to the State Treasurer to be placed in the fund. *New Section 5, page 4; New Section 3(b), page 3.*
- Would allow wireless carriers to retain 50 percent of the surcharge they collect. *New Section 3c, page 3.*
- Deposits to fund would include wireless E-911 surcharges, state appropriations, federal funds, and other contributions. *New Section 5, page 4.*
- Fund would be administered by an administrator appointed by the governor. *Section 1(a), page 1.*

- Administrative support would be provided through the KCC. *New Section 4, page 2.*
- Permissible uses of fund moneys would include making loans to cities for project costs, earning interest, and paying administrative costs. *New Section 2c, p. 2.*
- Would create the Public Safety Loan Fund Advisory Committee, which would have nine members. *New Section 5, page 3.*
- The KCC would be required to prepare an annual progress report on enhanced wireless 911. *New Section 9, page 5.*
- Does not address whether wireless carrier information would be considered proprietary.
- Does not contain a tort liability limitation.
- The entire act will sunset on June 30, 2013. *New Section 10, page 5.*
- Administrative support would be provided through the Kansas Highway Patrol (KHP). *New Section 6(b)(3), page 5.*
- Permissible uses of fund moneys would include necessary and reasonable PSAP costs to implement wireless E-911 service and the purchase, installation, maintenance and operation of telecommunications equipment and services required for provision of E-911. *New Section 6(b), p. 5.* Administrative costs would also be permitted. *New Section 5, p. 4.*
- Would create Enhanced Wireless 911 Advisory Board, which would have six members. *New Section 4, page 3.*
- Board would be required to report progress to the Legislature during the 2005 and 2007 sessions. *New Section 4(b).*
- Wireless carrier information provided to administrator or Advisory Board would be treated as proprietary upon request. *New Section 8, p. 6.*
- Would contain a tort liability limitation for the administrator, governmental bodies, PSAPs and wireless carriers. *New Section 9, p. 6*
- The provisions relating to the Board and the creation of the fund would sunset on July 1, 2007. *New Section 4(b), page 4.*