

Approved: February 24, 2004
Date

Carl Dean Holmes

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Vice-Chairman Carl Krehbiel at 9:05 a.m. on February 17, 2004 in Room 231-N of the Capitol.

All members were present except: Representative Eric Carter
Representative Carl Holmes
Representative William Kassebaum
Representative Cindy Neighbor
Representative Tom Sloan
Representative Jim Ward

Committee staff present: Dennis Hodgins, Legislative Research
Mary Torrence, Revisor of Statutes
Jo Cook, Administrative Assistant

Conferees appearing before the committee: Deb Miller, Kansas Department of Transportation
Ken Justice, Kansas Highway Patrol

Others attending: See Attached List

SCR 1616 - Concurrent Resolution supporting KDOT's review of radio communication policies, objectives and plan

Vice-Chairman Krehbiel opened the hearing on **SCR 1616** and welcomed Deb Miller, Secretary of the Kansas Department of Transportation (Attachment 1). Secretary Miller told the committee that KDOT has proposed an open policy for its 800 MHz communication system in an attempt to better serve the needs of Kansans. She stated that KDOT was truly appreciative of the support shown by the committee, as well as others, as the investigation on how best to use the infrastructure to support public safety. Secretary Miller responded to questions from the committee.

Captain Ken Justice, Kansas Highway Patrol, appeared on behalf of Colonel William Seck, in support of **SCR 1616** (Attachment 2). Captain Justice explained that the Resolution addressed one of the vital components of the overall homeland security system. The Resolution also addresses interoperability between various public safety agencies. Attached to Captain Justice's testimony were letters of support from several public safety associations. Captain Justice responded to questions from the committee.

Additionally, Ed Geer and Jaci Vogel, both with KDOT, responded to questions from the committee.

Vice-Chairman Krehbiel closed the hearing on **SCR 1616** and opened the floor for debate.

Representative Dillmore moved to recommend SCR 1616 favorable for adoption. Representative Svaty seconded the motion. The motion passed. Representative Showalter will carry the Resolution.

The meeting adjourned at 9:25 a.m.

The next meeting will be Wednesday, February 18, 2004.

HOUSE UTILITIES COMMITTEE GUEST LIST

DATE: February 17, 2004

NAME	REPRESENTING
Edwin Geer	KDOT
Jaci Vogel	KDOT
Ken Justice, Captain	KHOP
Jimmie Austin	Intern
DICK CARTER	RTG
Tom Bruno	GBBA
Deb Miller	KDOT
Tom DAY	KCC
Bob Jayroe	SBC
Anne Spiess	KHA

KANSAS

DEPARTMENT OF TRANSPORTATION
DEB MILLER, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

TESTIMONY BEFORE THE HOUSE COMMITTEE ON UTILITIES

REGARDING SENATE CONCURRENT RESOLUTION 1616 RADIO COMMUNICATION POLICIES

February 17, 2004

Mr. Chairman and Members of the Committee:

I am Deb Miller, Secretary of the Kansas Department of Transportation (KDOT). I want to thank you for the opportunity to provide testimony regarding the SCR 1616 this morning.

Recently, KDOT gave a presentation on this issue to various interested legislative members, stakeholders, as well as to the Governor's Homeland Security Council. The presentation outlined a proposed change in KDOT's 800 MHz radio communication policy.

In an attempt to better serve the needs of Kansans, KDOT has proposed an "open" policy for its 800 MHz communication system. This proposal would continue to allow state and public safety entities the ability to use the 800 MHz communication infrastructure. The "open" change in the policy would allow other governmental agencies (both state and local), public safety entities, and potentially private organizations to also utilize the current KDOT 800 MHz resources and permit the use of non-800 MHz communication equipment.

It is anticipated that through this "open" approach, a fee-for-service will be considered to provide a funding mechanism which would allow 800 MHz system support, maintenance, and enhancement. Additionally, an enterprise fund will be utilized to provide the opportunity for governmental agencies (both state and local) and public safety entities to acquire 800 MHz radio equipment and participate in the system through a yearly lease with KDOT.

To accomplish the objectives of the changes for the utilization of the 800 MHz system and infrastructure, the Agency will be introducing the necessary enabling legislation. In addition, an unlimited line item will need to be included in the Agency's appropriation

Senate Concurrent Resolution 1616

House Committee on Utilities

Page 2

February 17, 2004

for this fund to permit the receipt and expenditure of money from third party users of the system and from any federal or other funds which might also be obtained.

KDOT is truly appreciative of the support shown by this committee and other parties as we investigate how to best use our existing 800 MHz communication infrastructure to support public safety. As previously stated, our envisioned communication policy goes beyond the support of law enforcement, public health and safety, and emergency response. We also envision opening the infrastructure to other users' as capacity and system integrity will allow.

KDOT suggests the committee consider also sending copies of their resolution to the Kansas Congressional Delegation, as we anticipate pursuing their assistance in acquiring Federal Funding and/or Grants in the establishment and enhancement of a statewide interoperable radio communication system for the entire State of Kansas.

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K A N S A S

WILLIAM R. SECK, SUPERINTENDENT

KANSAS HIGHWAY PATROL

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on SCR 1616
to
House Committee on Utilities**

**Presented by
Captain Ken Justice
Kansas Highway Patrol**

February 17, 2004

Good morning, Mr. Chairman and members of the committee. My name is Captain Ken Justice, and I appear before you on behalf Colonel William Seck and the Kansas Highway Patrol in support of SCR 1616.

As Americans, we have all become very aware of the need to enhance homeland security and its importance to the safety of our country since September 11, 2001. As first responders and members of Kansas' ongoing homeland security effort, the Kansas Highway Patrol has joined its partners across our state and nation to ensure the safety and well being of the citizens we serve. And while we continue to strive to be the best at being prepared for the unknown, we know that we will continuously be making adjustments to vital components of the overall system.

SCR 1616 addresses one of these components. In fact, communications interoperability is one of the most vital components that have been identified. As you will hear from testimony today, interoperability means that public safety agencies, including law enforcement, firefighters, and emergency medical services, can talk to one another via radio communication systems exchanging voice and or data on demand, in real time, during an event. While television shows and big screen movies depict emergency response agencies communicating effortlessly on a regular basis, the truth is many public safety communication systems across this country lack interoperability. Unfortunately, Kansas is one of the many states that lack statewide interoperability.

Simply put, our lack of interoperability is a serious public safety concern that severely undermines the capabilities of law enforcement, firefighters, emergency medical services and other first responders to respond to and manage emergency situations. Whether it be a five-vehicle multi-fatality motor vehicle crash, a tornado that passes through a Kansas community or a domestic or international terrorist attack on Kansas' soil, communications interoperability or the lack there of will quickly determine how rapidly we are able to bring the situation to successful resolution. Tragically, it can also become a matter of life or death.

HOUSE UTILITIES

122 SW 7th Street, Topeka, Kansas 66603
Voice 785-296-6800 Fax 785-296-5956 www.Kansas.gov DATE: 2-17-04

ATTACHMENT 2

is our responsibility to take the lead on developing a statewide system that will meet our response needs. And while this issue has always been of concern to many of us, none of us can dismiss the fact that its immediacy has significantly increased since 9-11.

Colonel Seck and other dedicated members of the Patrol want to recognize and commend the Kansas Department of Transportation and Secretary Deb Miller for their dedication to resolving this issue. It is very apparent that KDOT has identified the issues specific to interoperability and have developed an initiative that works toward providing the tools crucial to first responders. Again, as Kansas leaders, it is imperative we all support KDOT's efforts and help to facilitate the process of achieving our goals.

While KDOT's initiative works toward one goal, certain aspects of this initiative have addressed issues that been discussed for a number of years:

- Local jurisdictions have always been concerned about buying into a statewide system that had no direction from the state. **The KDOT initiative provides the necessary direction.**
- Costs for participation in a statewide system have always been a concern for local jurisdictions. **KDOT's initiative provides financing options to acquire the necessary equipment that include leasing and payment plans.**
- Allowing commercial access to the system can mitigate overall costs. **KDOT has recognized that this could reduce the costs to the state and any jurisdiction that wants to participate.**
- Funding has always been a delaying factor for this initiative. **KDOT's plan provides a "fast track" in development of a statewide system.**

Recently, the Governor's Homeland Security Council had an opportunity to listen to KDOT's presentation on interoperability. The Council is very supportive of KDOT's plan and will do all that it can to assist. It since became apparent that many others are dedicated to this initiative as well after Council received letters of support. I have attached copies of those letters to my testimony for your review. Agencies and organizations that have made contact are:

- Butler County Emergency Services Association
- Kansas Emergency Management Association (KEMA)
- Kansas Chapter of the Association of Public-Safety Communications Officials, International (APCO)
- Kansas State Association of Fire Chiefs
- Board of Emergency Medical Services
- Kansas Peace Officer's Association (KPOA)
- Kansas Sheriff's Association (KSA)
- Kansas Association of Chief's of Police (KACP)

Mr. Chairman and members of this committee, this initiative will be one of the most important endeavors we, who are responsible for Homeland Security, will take to ensure the safety of Kansans. The Kansas Highway Patrol and the Governor's Homeland Security Counsel fully support SCR 1616 for the safety benefits it provides. In closing, the Patrol appreciates the opportunity to address you today and urges this committee to give SCR 1616 a favorable report. I will be happy to stand for any questions you might have.

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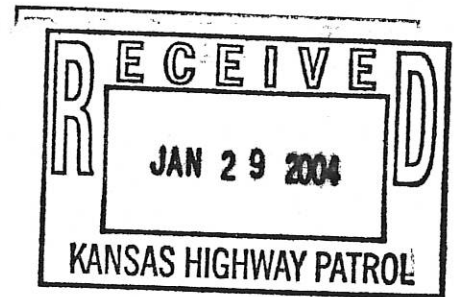
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BUTLER COUNTY EMERGENCY SERVICES ASSOCIATION



January 26, 2004

Col. William Seck
Kansas Highway Patrol
122 S.W. 7th
Topeka, Ks. 66603



Dear Col. Seck:

The Butler County Emergency Services Association is an association of emergency service agencies within Butler County that has united to find a solution to the communications problems and lack of inter-operability that has been plaguing our county for decades.

During our short time as an association we have come to learn that some of the same problems we face are shared with agencies statewide. Simply put, communications and inter-operability for Kansas (state wide) is in crisis. It is that lack of basic communication (for both voice and data), coupled with a lack of inter-operability between agencies and disciplines, which puts our emergency responders and the citizens we are sworn to protect in danger.

After realizing the importance of the issue at hand, we decided as an association to begin our own grass roots efforts to help bring this issue to the forefront. We took it upon ourselves to address every statewide emergency service association we knew of to ask for their support to upgrade the statewide system to allow for seamless voice and data communications between all agencies. ALL of the associations are in agreement, as is reflected in the attached letters. Initially, we anticipated delivering the letters to only three individuals. As a result, some associations drafted letters specifically to the persons we originally intended to contact, so I apologize for the lack of recipient specific information.

We sincerely hope that the knowledge that all emergency services in Kansas are united in support of this will help bring true inter-operability of voice and data in Kansas from concept to reality. We pledge our support as an association to assist you in any manner to help achieve this.

Respectfully submitted,

Robert S. Sage, Chairman

Chairman

Chief Robert Sage
Rose Hill Police Department
P.O. Box 185
Rose Hill, Kansas 67133
(316) 776-0191

Vice-Chairman

Chief Tyler Brewer
Augusta Dept. of Safety
2100 North Ohio
Augusta, Kansas 67010
(316) 775-4500

Secretary

Major Ray Marbut
Augusta Dept. of Safety
2100 North Ohio
Augusta, Kansas 67010
(316) 775-4500

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Voice & Data Communications Inter-Operability support letter cc recipient list.

1. Governor Kathleen Sebelius
2. Rep. Carl Holmes, Chairman, House Utilities Committee
3. Rep. Lee Tafanelli, Chairman, Homeland Security Legislative Committee
4. Rep. Carl Krehbiel, House Utilities Committee member
5. Rep. Everett Johnson
6. Sen. Less Donaven, Chairman, Senate Transportation Committee
7. Sen. Stan Clark, Chairman, Senate Utilities Committee
8. Sen. Jay Scott Emler
9. Sen. Anthony Hensley
10. Sen. Dave Corbin
11. Col. Tod Bunting, Adjutant General
12. Col. William Seck, Kansas Highway Patrol
13. Deb Miller, Secretary, Department of Transportation
14. Howard R. Fricke, Secretary, Department of Administration
15. David Lake, Chairman, Kansas Communications Committee
16. Gordon Lansford, Director, Kansas Criminal Justice Information System



December 16, 2003
Honorable Kathleen Sebelius, Governor
State Capitol, 300 S.W. 10th Ave., Ste. 212S
Topeka, KS 66612-1590

Dear: Governor Sebelius

As president of the Kansas Emergency Management Assn. (KEMA), I pledge the support of KEMA in your efforts to ensure communications interoperability through the revision of the 800 Mhz radio system used by the State of Kansas. This project is long overdue and would greatly enhance the communications capability of state agencies during times of disaster.

We further recommend that the system be enhanced to include interoperability of local emergency responders. It's our understanding that the present capabilities are severely limited and do not allow space for local interfaces. Ideally the system should be used on a daily basis to both monitor the system for operational readiness and to allow a means for local responders to keep in touch with KHP personnel during daily emergencies

Our members are aware that the primary focus of the project is to ensure state agency use. Based on the various Homeland Security initiatives, we encourage broad thinking during the planning and design of the enhancements and recommend consideration for the integration of daily emergency responder interoperability.

We thank you for your attention to this issue. Please call me if you have any questions at (785) 537-6333.

Sincerely,

Patrick Collins, President
Kansas Emergency Management Assn.

Cc: Colonel William Seck

25

Kansas Chapter

APCO International

209 Hudson Ave
Oakley, KS 67748

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255 N. 10th
Salina, Kansas 67401
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225 N. Enterprise
Girard, Kansas 66743
(620) 724-8274

CHAPTER COMMITTEE PERSON

Ken Easterly
Kansas Turnpike Authority
9401 E. Kellogg
Wichita, Kansas 67207
(316) 682-4537 ext 2192

PAST PRESIDENT

Michele Abbott-Becker
Marion Co. Emergency Communications
P.O. Box 242
Marion, Kansas 66861
(620) 382-2145

Re: Communications Inter-operability

To Whom It May Concern:

It has been brought to the attention of the Kansas Chapter of APCO Organization that your organization is seeking support to improve emergency communications to promote the establishment of statewide radio inter-operability.

The Kansas Chapter of APCO, supports the concept of statewide communications. We do have reservations about the implementation of such an endeavor promoting the 800mhz system. The Kansas APCO Chapter is in complete agreement that there is a need for inter-operability. There is also concern over how such a project would be funded. It would be both prudent and beneficial for those looking at this issue to explore all options available. With thousands of emergency radios; emergency vehicle radios, hand held radios, pagers, mobile data terminals, main transmitters (base stations), control stations and console equipment , inter-operability will be a major project. With the majority of agencies requiring upgrades to accomplish this, it is imperative that an agency's budget be considered to make all upgrades possible.

It is the general consensus of our organization that even though the 800mhz system is installed throughout the state for limited range usage, the cost to join this system with local communications would be difficult if not impossible for some agencies to fund. We would encourage those addressing these issues to explore the many options of portable equipment; currently supported by the Homeland Security Plan for 2003 fiscal year that would meet this need in a more cost effective manner.

We concur that in these uncertain and security conscious times this project should become a priority issue for our state. As we are the communications center for local police, fire and law enforcement we appreciate the opportunity to voice our concerns on this issue. We would appreciate further involvement on this project and will do our best to serve in whatever capacity needed to see this important mission implemented in a cost effective and successful manner.

Sincerely,

Wayne S. Pruitt

Wayne Pruitt, President
Kansas APCO Chapter

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KANSAS STATE ASSOCIATION OF FIRE CHIEFS



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Wellington Fire Department
200 North C Street, Suite 200
Wellington, Kansas 67152
620-326-7443

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6501 Quivira Road
Shawnee, Kansas 66216
913-631-1080

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585 N. Franklin
Colby, Kansas 66701
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105 W. 12th
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785-625-1061

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701 Washington, PO Box 803
Concordia, Kansas 666901
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620-343-4230

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Comanche Co. Fire Department
HC 72 Box 49
Coldwater, Kansas 67029
620-582-2359

DISTRICT 6 REPRESENTATIVE
Chief Brad Smith
El Dorado Fire Department
220 East First Ave.
El Dorado, Kansas 67042
316-321-9100

DISTRICT 7 REPRESENTATIVE
Chief Tim Hay
Parson Fire Department
1819 Washington
Parson, Kansas 67357
620-421-7050

SECRETARY/TREASURER
Chief Bill Walker
Coffey County Fire District #1
113 North 5th Street
Burlington, Kansas 66839
620-364-2305

PAST PRESIDENT
Chief Jim Keating
St. Marys Fire Department
P.O. Box 56
St. Marys, Kansas 66536
785-437-6287

November 24, 2003

Chief Robert S. Sage
Rose Hill Police Department
P.O. Box 185
Rose Hill, Kansas 67133

Dear Bob;

The Kansas State Association of Fire Chiefs (KSAFC) stands in support of better communications between all emergency providers. KSAFC understands the need for all emergency services to be able to communicate with each other. It is very frustrating in an emergency when you are not able to communicate with all emergency providers. This makes the already dangerous situation even more dangerous.

Emporia Fire Chief Jack Taylor is the KSAFC representative on the State Communication Committee. If he or I can be of any more support to this challenging project please let us know.

Sincerely;

John M. Lloyd, President

Kansas State Association of Fire Chiefs

2-7



K A N S A S

DENNIS ALLIN, M.D., CHAIR
DAVID LAKE, ADMINISTRATOR

BOARD OF EMERGENCY MEDICAL SERVICES

KATHLEEN SEBELIUS, GOVERNOR

October 24, 2003

Robert S. Sage, Chief of Police
Rose Hill Police Department
P.O. Box 185
Rose Hill, KS 67133

Dear Chief Sage:

Effective and efficient emergency response requires coordination, communication, and sharing of information among numerous public safety agencies. A number of incidents that require mutual aid and a coordinated response happen each day. A fundamental interoperability challenge today is wireless voice communication among agencies that have different radio systems operating on various radio frequencies.

The Board of Emergency Medical Services is very aware of the challenges to make public safety communications more effective, efficient, and cost effective. We therefore, offer our support in the creation of a statewide system which will solve the communications interoperability issue and allow for voice, data, and G.I.S. information to flow between all emergency services agencies throughout the State.

Sincerely,

A handwritten signature in black ink, appearing to be "D. Allin".

Dennis M. Allin, MD
Chairperson
Board of Emergency Medical Services

2-8

RONIN, President
Police Department
Ottawa, KS 66067

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Johnson County Sheriff's Dept.
Olathe, KS 66061

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Fairway Police Dept.
Fairway, KS 66205

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Secretary Treasurer KPOA
Wichita, KS 67201

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Derby Police Dept.
Derby, KS 67037

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Olathe, KS 66061

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KBI

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Clay Center, KS 67432

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Union Pacific Railroad Police

Chapman, KS 67431

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JIM BRAUN

Hays Police Dept.

Hays, KS 67601

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Norton, KS 67654

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KBI

Hays, KS 67601

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JOHN ANDREWS

Finney County Sheriff's Dept.

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KDWP

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DISTRICT 6

WARREN PETERSON

Barton County Sheriff's Dept.

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KLETG

Hutchinson, KS 67504

VERNON "SONNY" RALSTON

St. John Police Dept.

St. John, KS 67576

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Sedgwick County Sheriff's Dept.

Wichita, KS 67202

RANDY STULTS

Newton Police Dept.

Newton, KS 67114

SCOTT MAYFIELD

KHP

Valley Center, KS 67147

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SANDY HORTON

Crawford County Sheriff

Girard, KS 66743

LYNN FIELDS

Girard Police Dept.

Girard, KS 66743

KEITH RATHER

KDWP

Chanute, KS 66720

Kansas Peace Officers' Association

INCORPORATED

TELEPHONE 316-722-8433

FAX 316-722-1988

P.O. BOX 2592 • WICHITA, KANSAS 67201



Col. William R. Seck, Chairman
Governor's Homeland Security Task Force

Re: Communications Inter-operability

Dear Col. Seck,

It has been brought to the attention of this organization that the State sits in a unique position to dramatically improve communications inter-operability statewide.

As you are aware, it is vital to the safety of our citizens and emergency services personnel to be able to communicate and share information seamlessly in a unified system where each of us has equal accessibility.

We, therefore, offer our support to you in the creation of a statewide system which will solve the communications inter-operability issue and allow for voice, data, & G.I.S. information to flow between all emergency services agencies throughout the state. We also pledge to assist you in any manner which would bring this about in the shortest amount of time because we feel that time is of the essence.

Sincerely,

Handwritten signature of Tim Cronin in black ink.

Tim Cronin, President
Kansas Peace Officers Association

In Unity There Is Strength

2-9

Kansas Sheriffs Association

P.O. Box 1853
Salina, Kansas 67402-1853
785-827-2222
Fax 785-827-5215

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Atchison County

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Sheriff Bob Creech
Cherokee County - Dist. #8
Sheriff Marvin Stites
Lynn County - Alternate

To whom it may concern:

At a recent meeting of the membership of the Kansas Sheriff's Association, it was brought to our attention that the State of Kansas is in a position to dramatically improve their inter-operative communications.

We are all aware that seamless communications is vital to the safety and service to the citizens we serve.

A vote of the members present at that meeting pledged the support of the Kansas Sheriff's Association to improve the voice, data and G.I.S. information flow between emergency services agencies.

Sincerely;



Darrell Wilson

Executive Director

2-10

COPY



OFFICERS

November 25, 2003

KENNETH SISSOM
President
S.A.C.O.P. Representative
Merriam Police Dept.

William R. Seck
Chairman, Governor's Homeland Security Task Force
Superintendent, Kansas Highway Patrol
122 SW 7th Street
Topeka, KS 66603-3847

SAM BUDREAU
Vice President
Chanute Police Dept

KELLY PARKS
Sergeant-at-Arms
Valley Center Police Dept.

Re: Communications Inter-operability

MIKE HAUSCHILD
Treasurer
Derby Police Dept.

Dear Superintendent Seck:

DOYLE KING
Executive Director
P.O. Box 780603
Wichita, KS 67278-0603

It has come to the attention of this organization that the State sits in a unique position to dramatically improve emergency services communications inter-operability statewide. As you are aware, it is vital to the safety of our citizens and emergency services personnel to be able to communicate and share information seamlessly in a unified system where each of us has equal accessibility.

CHARLES CLARK
Recording Secretary
Shawnee Police Dept.

We, therefore, offer our support to you in the creation of a statewide system that will solve the communications inter-operability issue and allow for voice, data and G.I.S. information to flow between all emergency service agencies throughout the state. We also pledge to assist you in any manner which would bring this about in the shortest amount of time because we feel that time is of the essence. We are available and anxious to discuss this matter at your convenience.

JAMES HILL
Immediate Past President
Salina Police Dept.

REGIONAL REPRESENTATIVES

We will appreciate your prompt and directed attention to this matter.

GUS RAMIREZ
Region I
Johnson Co. Comm. College

Sincerely,

Chief Kenneth Sissom
KACP President

GARY BALDWIN
Region II
Parsons Police Dept.

RONNIE GRICE
Region III
KSU Police Dept.

JIM DAILY
Region IV
Newton Police Dept.

LYNN MENAGH
Region V
Norton Police Dept.

VERNON RALSTON
Region VI
St. John Police Dept.

2-11