

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairman Stan Clark at 9:30 a.m. on March 3, 2004 in Room 526-S of the Capitol.

All members were present.

Committee staff present:

Bruce Kinzie, Revisor of Statutes
Raney Gilliland, Legislative Research
Ann McMorris, Secretary

Conferees appearing before the committee:

KDOT Secretary Deb Miller
David Lake, Emergency Medical Services

Others attending: See Attached List.

Approval of Committee Minutes

Moved by Senator Tyson, seconded by Senator Taddiken, minutes of the Senate Utilities Committee meetings held on February 18, 19, 20, 23, 24 #1 and 24 #2 be approved. Motion carried.

Chair opened hearing on

HB 2756 - Public safety communication system; purchase of equipment to lease to public safety agencies; issuance of revenue bonds

Proponents:

Secretary Deb Miller of the Kansas Department of Transportation (Attachment 1)

Secretary Miller summarized her written testimony. This bill opens an opportunity to change the KDOT approach on use of 800 MHz towers in coordination with the Kansas Highway Patrol. Three areas will be addressed: (1) establish a revolving fund to authorize establishment of rates for leasing communication system equipment and access to such equipment; (2) Permit other government and private agencies to use their towers; (3) enhance KDOT system and move to next generation which would allow transmission of data.

David Lake, Emergency Medical Services (Attachment 2)

This bill addresses the need for interoperative communication of public service agencies and would be most beneficial in coordinating efforts in times of emergency.

Written testimony provided by John Pinegar, Kansas Legislative Policy Group (Attachment 3)

Chair opened for questions and discussion. Committee questioned the conferees regarding reaction by private agencies, consultant cost and source of funds, other states that have adopted this course; background qualifications of the consultant team and how they were obtained. Chair asked KDOT to provide a copy of the contract with the consultant.

Closed hearing on **HB 2756**.

Chair announced the schedule for the committee for this week and possibilities of hearings for the following week.

The next meeting of the Senate Utilities Committee is scheduled for March 4, 2004.

Adjournment.

Respectfully submitted,
Ann McMorris, Secretary
Attachments - 3



KANSAS

DEPARTMENT OF TRANSPORTATION
DEB MILLER, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

TESTIMONY BEFORE THE SENATE COMMITTEE ON UTILITIES

REGARDING HOUSE BILL 2756 COMMUNICATION SYSTEM EQUIPMENT LEASE

March 3, 2004

Mr. Chairman and Members of the Committee:

I am Deb Miller, Secretary of the Kansas Department of Transportation (KDOT). I would like to thank you for the opportunity to provide testimony regarding HB 2756 this morning.

KDOT has been exploring new opportunities for providing communications to the current and future users of the statewide 800 MHz radio communications system operated and maintained by this agency. Our initiative contemplates 1) the opportunity for potential users to secure appropriate radio equipment through lease agreements, 2) the utilization of existing tower structures for additional communication systems, and 3) the enhancement of statewide safety and security through the application of next generation 800 MHz technology. In a recent presentation given by KDOT to interested members of the legislature, stakeholders, as well as the Governor's Homeland Security Council, this change in KDOT's 800 MHz radio communication policy was presented. To actually implement this proposed statewide system enhancing public safety and Kansas security requires the enabling legislation found in House Bill 2756.

House Bill 2756 establishes a state communication system enterprise or revolving fund and authorizes the establishment of rates for leasing communication system equipment and access to such equipment. The bill further provides for the issuance of revenue bonds as necessary for the operation of the fund. It is impossible to determine the amount of or the need for these bonds at this point in time but is provided as an optional funding source. Debt service for such bonds would be paid from lease revenues. The bill would permit the enhancement of the existing communication system by making it available to additional users with priority being given to public safety agencies. In addition, the infrastructure, to the extent that capacity exists, would also be made available to others.

In an effort to greatly enhance our ability to serve the needs of Kansans, KDOT is recommending a change to current policies concerning how the statewide 800 MHz radio communications system is utilized. KDOT is proposing implementation of an "open"

policy to improve overall utilization of the 800 MHz radio infrastructure. This agency strongly believes this “open” policy approach will greatly enhance the ability for governmental agencies (both state and local), public safety entities, and potential private organizations to take advantage of current KDOT 800 MHz resources to meet their needs through utilization of both 800 MHz and non-800 MHz communication equipment. To facilitate this change and to establish the operational framework necessary to implement the new policies, KDOT has brought a consultant on board to assist us in our efforts. In a more perfect world, KDOT would have wanted the consultant’s work to have been completed at this stage. However, in order to move the program forward due to the high level of interest, the authorizing legislation has been drafted broadly to provide the necessary flexibility for successful implementation.

It is anticipated that various funding methods for this “open” approach will be necessary to provide the appropriate support, maintenance, and enhancements to the 800 MHz radio system. Currently, KDOT envisions utilizing a fee-for-service program to help provide a funding mechanism for the statewide 800 MHz radio communications system in addition to the implementation of an enterprise fund. The enterprise fund will be utilized to provide the opportunity to governmental agencies (both state and local) and public safety entities to acquire 800 MHz radio equipment and participate in the system by leasing the equipment through KDOT.

KDOT truly appreciates the support shown by this committee and other parties to the “open” policy concept discussed previously for utilization of the statewide 800 MHz communication system. This “open” approach provides rare opportunities for many governmental (state and local), public safety entities, and private organizations to accomplish their communication goals while enhancing their ability to better serve the needs of Kansans. KDOT is in strong support of HB 2756 and requests your favorable consideration of the bill.

memorandum

DATE: March 3, 2004

TO: Senator Stan Clark, Chairperson and Members
Senate Committee on Utilities

FROM: DAVID LAKE

RE: HB2756

Mr. Chairman, members of the committee; Thank You for the opportunity to provide supporting testimony for House Bill 2756. I am presenting this testimony not only as the Administrator for the State Board of EMS but also as the chairperson of the Kansas Public Safety Communications Committee.

Very shortly after the horrendous events of September 11, 2001; former Governor Graves asked state agencies to identify vulnerabilities to consider in planning for the safety of the State in the event of a terrorist event. The Board of EMS is a regulatory agency that oversees the licensed ambulance services and provides technical support as requested. We do not treat or transport patients so it is hard to imagine that

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our agency would be much of a target. My report to the Governor's office and the Joint Committee on Homeland Security reflected those thoughts but I did stress a statewide concern that in the event of a mass-casualty incident, regardless of the cause, the ability to communicate among responding agencies was a major concern and has the great potential for delaying the prompt mitigation of the event. At the present time in almost every community in Kansas, Law Enforcement, Emergency Medical Services, Fire Service, Public Health, and Public Utilities all communicate by radio on different frequencies and lack the ability to readily communicate with each other when necessary. Mine was not the only agency to recognize and mention this concern. The result was the establishment of the Kansas Public Safety Communications Committee. Of primary concern to this committee is the issue of inter-agency interoperability; the ability for multiple agencies to communicate through wireless transmission of voice and data.

I believe there are two questions we need to ask with regard to this issue: 1) How important is wireless interoperability of voice and data to the public safety/service providers of Kansas?; and, 2) Is it necessary to have this capability on a 24 hours/day, 7 days a week basis? Our committee and my agency believes the answer to both questions is a resounding YES.

To provide "round the clock", statewide coverage and capability, there needs to be a single system (infrastructure) that allows for the inclusion of all interested public safety agencies. The present 800 MHz system developed by KDOT, with continued development, has this potential.

While several municipalities have established their own 800 MHz system, most others have not and are reluctant to become a part of the State's system. The leading reasons given are the cost of equipment and no assurance that the

system will be universally adopted. The plan proposed by KDOT addresses the issue of a statewide system by establishing a statewide communications plan. HB2756 addresses the issue of costs by establishing a fund to assist local entities in the acquisition of communications equipment.

In closing, I ask that you act favorably on HB2756 in supporting KDOT and the statewide public safety desire for a system that allows for wireless interoperability. I will be glad to respond to any questions you may have with regard to this issue.

Testimony
Before the Senate Committee on Utilities
House Bill 2756
March 3, 2004
Kansas Legislative Policy Group
By: John D. Pinegar

Mr. Chairman and members of the House Committee on Utilities thank you for allowing me to enter written testimony before the Committee on House Bill 2756. I am John Pinegar and represent Kansas Legislative Policy Group (KLPG), which is a coalition of over 30 western Kansas counties.

KLPG is working in cooperation with the Kansas Association of Counties and the League of Kansas Municipalities in support of House Bill 2756. We believe this legislation will help our member counties to make Wireless E-911 become a reality. Our counties could utilize this legislation. The bill would grant authority to KDOT to purchase and lease to public safety agencies, including local governments, communications equipment. This could be a helpful tool to local governments.

KLPG would like to express appreciation to Chairman Clark and the Members of the Senate Committee on Utilities for your effort to address this issue over the years and we are pleased you have been successful in establishing a mutually agreeable arrangement with KDOT to proceed in this area.

Thank you, for permitting me to submit written testimony.

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Attachment 3-1