

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairman Pat Apple at 1:30 p.m. on February 3, 2009, in Room 446-N of the Capitol.

All members were present.

Committee staff present:

Mike Corrigan, Office of the Revisor of Statutes
Melissa Doeblin, Office of the Revisor of Statutes
Raney Gilliland, Kansas Legislative Research Department
Cindy Lash, Kansas Legislative Research Department
Ann McMorris, Committee Assistant

Conferees appearing before the committee:

Others attending:

See attached list.

Chair continued the hearing on

SB 48 - Enhanced wireless and VoIP 911 service amendments, collection and disbursement of certain funds.

Additional information had been provided to the committee as follows:

Dana Fisk, Verizon (Attachment 1)

Walter Wray, Johnson County Government - questions concerning PSAP infrastructure Sharing (Attachment 2)

Melissa Wangemann, Kansas Association of Counties - amendments to **SB 48** (Attachment 3)

Jason Moses, Adjutant General's Department (Attachment 4)

Chair asked if anyone present wished to speak before the committee on **SB 48**. None stepped forward.

Chair closed the hearing on **SB 48**.

After considerable discussion it was the consensus of the committee that this bill should move forward.

Moved by Senator Emler, seconded by Senator Petersen, to extend the law one year to allow for an interim study of the issues. Motion carried.

Moved by Senator Francisco, seconded by Senator Emler, repeal the language in **SB 48** on page 6, Lines 33 after (a) through line 43. Motion carried.

Moved by Senator Francisco, seconded by Senator Emler, keep original bill **SB 48** by removing the italicized portions except those referring to dates; taking the strike-outs off, and changing 75,000 to 85,000 on page 3, line 3. Motion carried.

Consideration given to setting up a task force during the interim to study the issues. Task Force could include Senators, Representatives, and representatives from the various industries involved in E911. Also discussed funding, deadline for reporting to the legislature and history of this law. Post Audit asked to provide a list of items to consider for E911 study.. Revisor staff asked to provide a balloon with all suggested changes for further consideration of the committee.

The next meeting is scheduled for February 4, 2009.

The meeting was adjourned at 2:25 p.m.

Respectfully submitted,

Ann McMorris, Committee Assistant

Attachments - 4



Senate Utilities Committee

SB 48

February 3, 2009

VERIZON TESTIMONY

by Dina Fisk

Mr. Chairman and Members of the Committee:

My name is Dina Fisk and I represent the business unit of Verizon.

The amendment does not seek to change how VoIP 911 fees are assessed, as current law provides for this. However, in looking at the language in the current statute, which the bill seeks to keep, it looks to improve on how VoIP fees are assessed. The proposed amendment definition "place of primary use" has been enacted into federal law (public law 106-252).

The current statute in Kansas imposes the fee on "primary residence." Verizon suggests to remove "primary residence" and to insert instead "place of primary use". This would make clear that the VoIP assessment is applicable to nomadic VoIP, and to businesses, consistent to how most other state are imposing this fee.

Verizon's proposed revision:

Page 8, Line 17

Sec. 9. K.S.A. 2008 Supp. 12-5361 is hereby amended to read as follows:

12-5361. (a) On July 1, ~~2010~~ 2020:

(1) The VoIP enhanced 911 grant fee shall be discontinued.

(2) The amount of the tax per access line or its equivalent imposed within a jurisdiction pursuant to K.S.A. 12-5302, and amendments thereto, and the amount of the VoIP enhanced 911 local fee per VoIP subscriber whose ~~primary residence~~ **primary place of use** is within such jurisdiction shall be an equal amount per month.

Thank you for your consideration.

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TO: Senate Utilities Committee
FM: Walter Way
Johnson County Government
Dt: February 3, 2009
RE: Questions Concerning PSAP Infrastructure Sharing

Members of the Utilities Committee have raised questions concerning the feasibility of 911 and radio infrastructure sharing by PSAPs and of potential PSAP consolidation as a means to providing more cost-effective emergency telephone service in Kansas.

The question was raised by the Committee concerning whether PSAPs can effectively and safely share 911 and radio systems. The general answer is yes, and several approaches are available. One is consolidation of agencies, a second is physical co-location of agencies, and a third is the virtual co-location of agencies by means of shared computer systems in a common IP network.

There are a number of basic factors that drive such a discussion. Geographic knowledge of a county is essential for PSAP dispatchers to effectively send emergency responders in the most timely manner. Dispatchers several counties away from an incident may not know about road closures and hazards nor be able to assist responders with locating an address and with sending appropriate resources to handle the call.

Public Safety Answering Points (PSAPs) have various missions and functions based upon the agencies they serve and the level of service desired in a community. For instance, a PSAP may receive E911 calls and dispatch calls for law enforcement calls only. The PSAP first receiving an E911 call is called a Primary PSAP. The Primary PSAP may transfer the E911 call to a Secondary PSAP that specializes in Emergency Medical and/or fire calls. The decision to have separate PSAPs may be based upon the resources and staffing available to provide specialized dispatching services such as Emergency Medical Dispatching in which pre-arrival patient care and instructions are provided by the dispatcher to the caller.

In large population areas of the state, a single PSAP in the same county increases the risks of service interruptions due to power outages, cut phone trunks, or other outages of essential utilities and systems that can incapacitate a PSAP. Because such incidents do occur, a back-up PSAP is essential to ensure continued E911 service to a community. In less populated areas, it would be prudent to explore a back-up PSAP facility shared with adjoining jurisdictions.

The Committee requested information that contrasts costs for multiple PSAPs and for shared resources. Such costs will vary tremendously based upon the size and mission of each jurisdiction and upon the type of equipment they operate.

The primary opportunity to reduce the costs of multiple PSAPs in a community comes from the reduction of infrastructure components such as buildings, CAD systems, radio systems, E911 networks, and maintenance service agreements. As an example, in the Kansas City MARC region, PSAPs located in nine counties share a common E911 network and system which allows for common 911 premise equipment in PSAPs and shared selective routers, leased trunk lines and other infrastructure that are cost shared by all participating governments. Not only does this shared infrastructure allow for cost-efficiencies, it also allows for rapid sharing of 911 calls with adjacent PSAPs and more effective utilization of emergency resources. Another example is the pending co-location of three PSAPs in Johnson County in a shared Communications facility that will allow for significant cost reductions in hardened buildings and electronic systems.

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For shared infrastructure to function effectively, PSAPs must share common E911 and radio systems. By doing so, PSAPs can receive 911 calls for each other and have the means to communicate by radio to emergency responders in another jurisdiction. If a PSAP can receive a 911 call for another jurisdiction but can not communicate by radio with the personnel of the other agency, then there is no real value in sharing just the 911 system.

As Kansas PSAPs address FCC regulations and emerging 911 technologies that will require significant expenditures to implement digital based technologies, opportunities to share E911 and radio system infrastructure with adjoining jurisdictions will become more attractive, both financially and in the level of technology achieved for the communities. Infrastructure sharing tends to be a more pragmatic approach for bringing multiple agencies together and in achieving cost-efficiencies in the near term. Consolidation efforts have a number of significant obstacles to overcome. Those include significant differences in operating policies and mission, differences in salary and pension plans of agencies, and available funding for a new agency. As telephone companies have learned through mergers, the combining of disparate businesses can be very challenging and may not achieve the stated purposes of the merger. The same experience has occurred with some local government PSAPs in this country that have consolidated and later dissolved into separate units.

Should the existing level of 911 funding and the grant program continue beyond July 2010, opportunities for PSAPs to share E911 and radio communications infrastructures can be encouraged as jurisdictions plan for implementation of digital technologies that work well in a shared environment and without loss of operational control of their responders.

MEMORANDUM

TO: SENATE UTILITIES COMMITTEE

FROM: MELISSA WANGEMANN

DATE: 3 FEBRUARY 2009

RE: AMENDMENTS TO SB 48

Legislative Post Audit Amendments

I discussed with Barb Hinton the concerns of Legislative Post Audit, which were noted in her testimony at the hearing on January 29.

Her concerns are addressed with the following amendments:

1. Adopt the balloon contained on the backside of her testimony
2. List the same uses for the funds in statutes 12-5304 (page 2), 12-5323 (page 5) and 12-5330 (not in the bill). With these amendments, subsection (b) in 12-5338 (page 7) and subsection (b) of 12-5358 are redundant and no longer necessary.

Expanded Purpose

Members of the telecommunications industry were concerned about the breadth of the new purpose clause found in K.S.A. 12-5304, and similar concerns were raised by the committee. The proponents are not requesting the usage of 911 funds for vehicles, furniture, personnel or other expenses not directly related to the equipment systems required to process and transmit emergency calls to emergency responders.

A compromise to narrow the purpose clause may be to:

1. Eliminate the new definition of "emergency communications system" in Section 1.
2. Delete "operating costs" and "communications" from Section 2(b), and instead add to the end of Section 2(b): *(5) capital improvements and equipment for PSAP radio communications infrastructure*. This amendment clearly addresses the radio aspect while keeping a narrow list of permissible expenses.

Another solution to the concerns about the purpose clause is to leave the purpose clause as written in current law.

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3. Information on Counties reporting a negative balance in 2010

Chairman Apple asked if the seven PSAPs identified in the Legislative Post Audit Report as reaching a negative ending balance by 2010 had applied for grant money. Those counties have applied for and received grants funds in the past.

Barber:

2006 - \$254,732

2008 - \$55,141

Gray:

2007 - \$93,878

Lane:

2005 - \$44,950

2007 - \$48,100

Morton:

2007 - \$192,293

2009 - \$91,402

Stanton:

2007 - \$170,013

Wallace:

2006 - \$226,743

Wichita:

2007 - \$235,120

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Chairman Apple:

My name is Jason Moses and I am the Interoperable Communications Coordinator for the State of Kansas. I am an employee of the Kansas Adjutant General's Department and lead what has come to be known as the Kansas Office of Emergency Communications. My duties include the development and implementation of the Statewide Communications Interoperability Plan. It is through this process that I have become involved with issues relating to public-safety communications throughout our state.

On January 29, 2009, at the request of members of Kansas APCO, I attended a hearing conducted by the Senate Utilities Committee on Senate Bill #48. It has been brought to my attention that I may have inadvertently provided committee members with information that was inaccurate or confusing. I am writing this letter in an attempt to clarify issues relating to the future of public-safety communications throughout our state.

During the SB48 hearing, I was asked to discuss projects undertaken by the Homeland Security Regions. In my reply, I discussed multi-regional projects that purchased radio equipment for Hospitals, PSAPS, and Emergency Operations Centers that would operate on the statewide digital radio communications system being constructed by the State of Kansas.

- Although these projects will be a great accomplishment, they are providing a basic radio communications network which can be used to relay emergency information via radio between these facilities. The combined projects are only the beginning of what it will take to support the overall communications needs of Kansas emergency response agencies. I want to clarify that 911 call taking equipment, otherwise known as 911 telephony, is distinctly different than radio equipment and was not purchased through the Homeland Security projects that I discussed.

The statewide digital radio communications system is being built to provide radio communications for state-level agencies, and due to the technology that the system operates on, local emergency response agencies can use this radio system if it meets their needs. In some cases, the system meets the radio communications needs of local agencies. Other agencies have found that the system does not provide them with the necessary coverage without the need to add additional equipment. As mentioned in the January 29th hearing, the statewide digital radio system remains incomplete in roughly half of the state. 39 of the 76 radio towers have yet to be upgraded to the newer digital

technologies. No funds have been identified to complete the remainder of this system. I used the statewide radio system and the multi-regional Homeland Security projects as an example of multi-jurisdictional cooperation through the use of a shared radio system.

Emergency response agencies in Kansas must upgrade their radio communications systems. These upgrades are in response to aging systems, regulatory changes, and industry standards. Throughout the years, agencies have maintained radio systems that are not interoperable with agencies around them. While in the planning process to upgrade their radio systems, many agencies are looking to coordinate with their neighbors in an effort to improve their ability to interoperate, ultimately improving their service to the public.

Homeland Security Grant funds are shrinking rapidly and will certainly not support the upgrade and replacement of public-safety radio communications systems to their current level of need. Additionally, Homeland Security Grant program guidance has become restrictive to the point that many agencies are not able to use the funds to purchase the equipment required for their local radio systems. In many cases, a combination of funding sources will be necessary to support reliable public-safety communications systems throughout our state.

Respectfully submitted,

S/ Jason R. Moses
Interoperable Communications Coordinator
Kansas Adjutant General's Department
Office of Emergency Communications
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