

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairman Pat Apple at 1:30 p.m. on February 11, 2010, in Room 548-S of the Capitol.

All members were present except
Sen. Emler - excused.

Committee staff present:

Kristen Kellems, Office of the Revisor of Statutes
Matt Sterling, Office of the Revisor of Statutes
Raney Gilliland, Kansas Legislative Research Department
Cindy Lash, Kansas Legislative Research Department
Ann McMorris, Committee Assistant
Jeannine Wallace, Sen. Apple's Office Assistant

Conferees appearing before the Committee:

Dan Jacobsen, AT&T, Kansas
Patrick Fucik, Sprint
John Idoux, CenturyLink

Others attending: See attached list.

Chair continued hearing on

House Substitute for Substitute for SB 48 - Emergency telephone service, fees, charges, collection and distribution

Proponents

John Idoux, CenturyLink, voiced their support because this consensus proposal ends the disparity in the E911 surcharge paid by wireline customers and provides the PSAPs with a funding level needed to sustain operations. (Attachment 1)

Dan Jacobsen, President, AT&T Kansas, spoke on behalf of the members of the telecommunications industry in support of **House Substitute for Substitute for SB 48** because it improves the collection process for 911 funding in Kansas. He specifically emphasized the provisions related to point of sale collection of 911 fees on prepaid wireless devices and reviewed the Kansas prepaid wireless point of sale 911 revenue worksheet. (Attachment 2)

Patrick Fucik, Sprint, stated that Sprint supports the continuation of a sound 911 funding mechanism for Kansas in order to provide the necessary funding to the counties and PSAPs for this vital public safety tool. Sprint offered an amendment. (Attachment 3)

Written testimony only submitted by:

Mike Taylor, Unified Government, Wyandotte County (Attachment 4)
Erik Sartorius, Overland Park (Attachment 5)
Diane Gage, Sedgwick County (Attachment 6)
Kent Koehler, SIEC (Statewide Interoperability Executive Committee)(Attachment 7)

There were no opponents or neutrals.

Chair closed the hearing on **House Substitute for Substitute for SB 48**.

The next meeting is scheduled for February 15, 2010.

The meeting was adjourned at 2:30 p.m.

Respectfully submitted,
Ann McMorris
Committee Assistant
Attachments - 7

**SENATE UTILITIES
COMMITTEE GUEST LIST
FEBRUARY 11, 2010**

NAME	REPRESENTING
Aube Reacht	Sprint
Lel Taylor	Sprint
John Edoux	Century Link
Dina Fisk	VERIZON WIRELESS
Tom Day	KCC
Tom September	AT&T
Kell Fucit	Sprint
DAN JACOBSEN	AT&T
Colleen Jensen	Cox
Louca Haas	Gov. Office
Amy Thompson	Post Audit
PETER CARTAR	KDOT
Traois R Lowc	LITHE Govt Relations
Mike Kuttles	Rural Independent Telecom
Duke Stoffer	HyVee
Mike Murray	Century Link
Judy Cadd	Century Link
Shibley Allen	KPIR

**Testimony in Support of
House Substitute for Substitute for Senate Bill 48**

**Testimony by CenturyLink
John Idoux, Kansas Governmental Affairs
Before the Senate Utilities Committee
February 10, 2009**

Thank you Chairman Apple and members of the Committee. My name is John Idoux with CenturyLink's Governmental Affairs team and I appreciate this opportunity to express CenturyLink's support of Senate Bill 48.

Introduction

CenturyLink supports Senate Bill 48 because this consensus proposal finally ends the disparity in the E911 surcharge paid by wireline customers while providing the PSAPs with a funding level needed to sustain operations. This legislation also includes additional accountabilities by all parties involved in the collection and disbursement processes. Finally, while Senate Bill 48 does not including specific funding for next generation deployment, it does set forth a process to begin a comprehensive review of the future needs for Kansas regarding 911.

Background

The major Kansas telecommunications providers, along with the League of Kansas Municipalities and Kansas Association of Counties, have worked collaboratively since the end of the 2009 legislative session to develop a comprehensive E911 funding proposal. As an active participant in this initiative, CenturyLink's perspective as a rural landline provider with no wireless interest was different from other parties. Wireline customers currently pay a disproportionate monthly E911 surcharge even though wireless customers outnumber wireline customers nearly two to one. On the cost side, wireless subscribers cause a disproportionate cost for PSAPs as wireless customers place substantially more calls to PSAPs than wireline customers and wireless callers require additional technology to locate the subscriber.

CenturyLink urges passage of SB 48 because it offers the following benefits to subscribers, carriers, and PSAPs:

- A single, statewide E911 monthly surcharge of \$0.55 -- regardless of technology or location.
- A statewide collection process -- regardless of technology.
- Accountabilities at all levels including carriers, the centralized collection point, and PSAPs.
- The formation of a panel of expertise to coordinate existing E911 services and begin laying the groundwork for the future of next generation E911 in Kansas.

Conclusion

CenturyLink urges you to support House Substitute for Substitute for Senate Bill 48.

Thank you for your consideration



Dan Jacobsen
President-Kansas

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Testimony of Dan Jacobsen, President – AT&T Kansas
Regarding: Hearing on H Sub for Sub for SB 48, Emergency telephone services,
fees, charges, collection and distribution
Before the Senate Utilities Committee
February 10, 2010

Mr. Chairman and Members of the Committee,

My name is Dan Jacobsen. I am the President of AT&T Kansas. I appreciate this opportunity to speak with you regarding H Sub for Sub for SB 48. I am speaking on behalf on the following industry members: Verizon, Sprint, AT&T, the Kansas Cable Association, T-Mobile, Cox Communications and U.S. Cellular. This bill contains the changes to 911 funding that resulted from negotiations between the League of Kansas Municipalities and members of the telecommunications industry. The negotiations resulted in a comprehensive agreement that includes a five cent increase in 911 fees on wireless service from 50 to 55 cents, as well as other changes that will make the collection of 911 funds more efficient and equitable. These changes include point of sale collection of 911 fees on prepaid wireless service by retailers – which should increase 911 funding by over \$1M each year.

Prepaid wireless service accounts for over 16% of all wireless service in Kansas. This is expected to increase in the future. A projection of prepaid wireless 911 fees is attached to this testimony.

Telecommunications Industry members negotiated in good faith to reach the proposed funding plan. There were compromises by all parties. We support this bill because it improves the collection process for 911 funding in Kansas.

**Senate Utilities Committee
February 11, 2010
Attachments 2-1**

Collection of 911 fees on prepaid wireless service at the point of sale

Here is a summary of the provisions related to point of sale collection of 911 fees on prepaid wireless devices. These provisions follow the model bill that NCSL adopted July 2009.¹

- A 1.1% 911 fee would apply to prepaid wireless service which would be collected by the retail seller. This would apply to the initial device as well as additional minutes.
- The percentage of the fee can be changed over time if necessary, 60 days after the post paid 911 fee is changed.
- Retail sellers would remit funds to the Department of Revenue.
- The amount of the 911 fee would be printed separately on the customer's receipt.
- The 911 fee would apply to all prepaid wireless sales that occur within Kansas and to other sales where Kansas sales tax applies.
- The retail seller will remit 911 fees to the Department of Revenue electronically.
- The retail seller is permitted to retain 2% of the 911 fee to cover administrative costs.
- The Department of Revenue:
 - May conduct audits of sellers in conjunction with sales tax audits.
 - Is allowed to provide information to the LCPA on retail sellers that may not be complying.
 - Sends remitted funds to the LCPA within 30 days of receipt.
 - Retains 1% of the 911 fee to cover administrative costs.
 - Can also retain up to \$70k in 2011 to cover initial set up costs.

¹ Point of sale collection of 911 fees on prepaid wireless service has already been adopted in Texas, Louisiana, and Maine and is under consideration in at least a dozen other states.

Kansas Prepaid Wireless Point of Sale 911 Revenue Worksheet

FCC Reported Subscribers (Postpaid and Prepaid) as of June 2008	2,326,444
FCC Local Competition Report, July 2009	
Assumed 7.5% increase June 08 to December 09	174,483
CTIA and analyst estimates	
Estimated Kansas Wireless Subscribers 12/2009	2,500,927
Estimated Prepaid Wireless Market Share 12/09	16.4%
CTIA national estimate is 19.2%; KS estimate is 2.84 percentage points lower based on actual carrier data from 7/09	
Estimated KS Prepaid Subscribers 12/09 from FCC Data	409,152
Monthly Revenue @ \$27.50 avg. revenue per month	\$11,251,672
Morgan Stanley estimate, 9 11 2009 "Telecom Services" report	
Proposed % fee	1.10%
monthly revenue	\$ 123,768
months	X 12
annual revenue before deduction	\$ 1,485,221
Less 3% holdback (1% DOR, 2% Retailers)	\$ 44,557
911 Revenue from Prepaid Wireless	\$ 1,440,664

This estimate compares to less than \$350,000 that was remitted to the state on prepaid wireless in fiscal year 2009.



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Patrick R. Fucik
Director, West Region
State Government Affairs
913-315-9155

**Testimony of Patrick Fucik in Support of Amending SB 48
To Allow for Wireless Carrier Cost Recovery
Before the Senate Utilities Committee
February 10, 2010**

Thank you Chairman Apple and members of the Committee. My name is Patrick Fucik and I am the Director of State Government Affairs for Sprint in the West Region.

First off, let me state that Sprint supports the continuation of a sound 911 funding mechanism for Kansas in order to provide the necessary funding to the counties and PSAPs for this vital public safety tool.

However, just as some carriers are seeking parity in the amount of the 911 surcharge imposed on all customers, Sprint believes there should be parity in the ability of wireless carriers to recover some of our costs for Phase I deployment of 'Enhanced' or E911 wireless services. Currently, wireline carriers are able to recover a portion of their costs through tariffed rates directly from the PSAP while wireless carriers are not. The only option that wireless carriers have to recover our ongoing costs is to assess an additional charge on our customer's bills.

Given the already high rate of taxation on wireless services nationwide, and the proposed 5 cent increase on wireless customers contained in SB 48, adding an additional surcharge specifically for cost recovery on Sprint's customers in Kansas is not something that we support.

Sprint is currently able to collect our Phase I costs in 23 states from funds collected through E911 surcharges on wireless customers in those states (see attached list). While cost recovery for wireless carriers was not part of the current Kansas law when it was enacted, the current rewrite of the Kansas 911 statute is the opportunity to provide cost recovery for wireless carriers that seek it.

Sprint continues to expend costs on three major components related to Phase I E911 delivery on a monthly basis which causes budget shortfalls if not allowed the opportunity to recover. The reoccurring costs that Sprint would seek to recover are:

1. Contractual obligation to a 3rd Party Vendor for monthly ongoing costs for Automatic Location Identification (ALI) Gateway, database and support expense;
2. Sprint E911 Engineering support to the PSAP community for implementation of Phase I as well as support for outages statewide; and
3. Local Exchange Carrier costs for connectivity to the Selective Router which includes monthly charges for trunks and routes connecting points.

Sprint believes that revenues generated from the current \$0.50 surcharge imposed on wireless carriers should provide funding to support the implementation of the 911 throughout Kansas including costs borne by the PSAPs and carriers. Adjusting that rate to \$0.55 as proposed in the agreement reached between the PSAPs and industry maintains current funding levels for the PSAPs but does not earmark any funding for wireless carrier cost recovery.

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Attachments 3-1**

Sprint proposes that the Committee consider the attached amendment that would earmark a portion of the new revenues generated from the point of sale E911 fee on prepaid products for wireless carrier cost recovery. It is estimated that \$1 million in new revenues will be generated through the point of sale model annually. By earmarking \$500,000 of those new moneys for carrier cost recovery, additional new funding would still be available to PSAPs but at the same time eliminate the need for Sprint to impose a new fee on our customer's bills to generate funds for Phase I cost recovery.

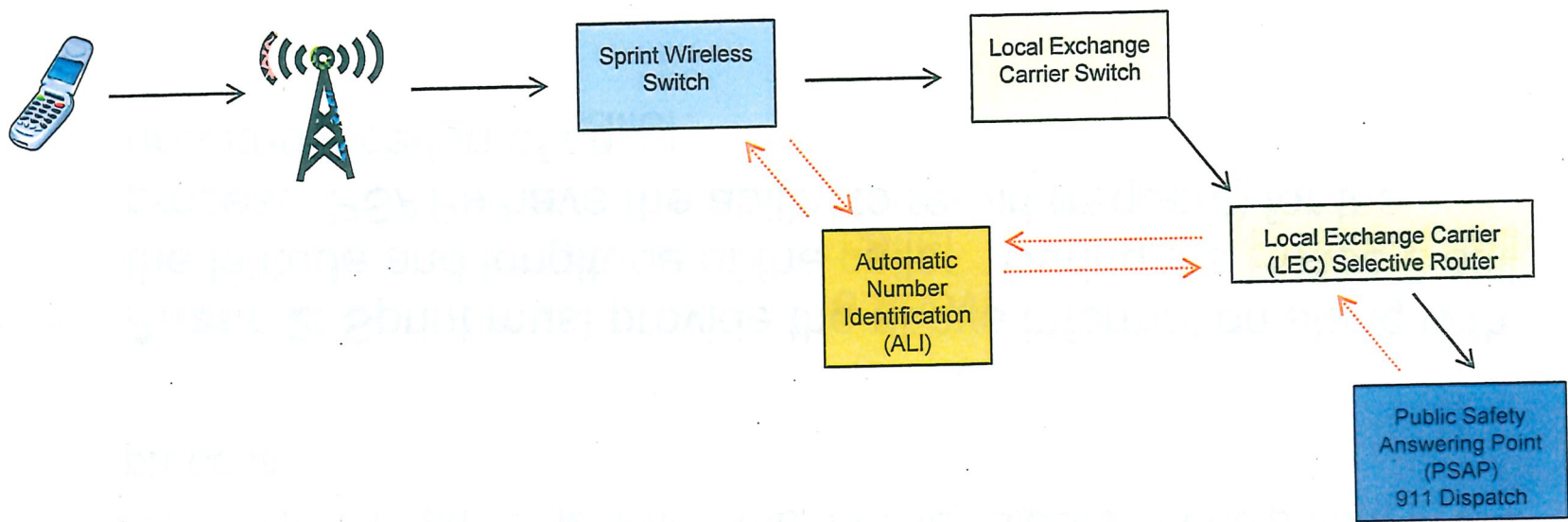
Sprint asks for your vote in support of amending SB 48 to provide for wireless carrier cost recovery.

States that Currently Allow for Wireless Carrier Cost Recovery:

STATE	PSAP OR COUNTY NAME
AL	State of Alabama
AZ	Various Counties
CA	State of California
DE	State of Delaware
FL	State of Florida
GA	Various Counties
HI	State of Hawaii
IA	State of Iowa
ID	Various Counties
IL	State of Illinois
KY	State of Kentucky
LA	Various Counties
MN	State of Minnesota - Minneapolis Metro
MN	State of Minnesota - Wireline
MS	State of Mississippi
NC	State of North Carolina
NE	State of Nebraska
NM	Various Counties
OR	State of Oregon
SC	State of South Carolina
TN	State of Tennessee
TX	Texas Districts & Home Rule & COG
TX	Various COGs - Wireline
VA	State of Virginia
WA	State of Washington
WA	Grant County
WA	King County

Phase 1 911 Call Route

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Phase 1 vs. Phase 2

- **Phase 1:** Sprint must identify, for PSAPs, the phone number of the caller and cell phone tower location used to place the call.
Note: The ALI and selective router are key pieces of equipment in this process.
- **Phase 2:** Sprint must provide the above information along with the latitude and longitude of the caller. During the Phase 2 call process, PSAPs have the ability to re-bid (request) for the updated location of caller.

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HOUSE Substitute for Substitute for SENATE BILL No. 48

By Committee on Energy and Utilities

1-26

11 AN ACT concerning emergency telephone service; relating to fees,
12 charges, collection and distribution; amending K.S.A. 2009 Supp. 12-
13 5338, 12-5361 and 75-5133 and repealing the existing sections; also
14 repealing K.S.A. 12-5301, 12-5303, 12-5304, 12-5305, 12-5306, 12-
15 5307, 12-5308, 12-5309 and K.S.A. 2009 Supp. 12-5302, 12-5310, 12-
16 5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327, 12-5328,
17 12-5329, 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-5335, 12-
18 5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355, 12-5356,
19 12-5357, 12-5358, 12-5359 and 12-5360.
20

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

22 New Section 1. (a) Sections 1 through 15 and 19, and amendments
23 thereto, shall be known and may be cited as the Kansas 911 act.

24 (b) This section shall take effect on and after January 1, 2011.

25 New Sec. 2. (a) As used in the Kansas 911 act:

26 (1) "Consumer" means a person who purchases prepaid wireless
27 service in a retail transaction.

28 (2) "Department" means the Kansas department of revenue.

29 (3) "Exchange telecommunications service" means the service that
30 provides local telecommunications exchange access to a service user.

31 (4) "Local Collection Point Administrator (LCPA)" means the state-
32 wide association of cities established by K.S.A. 12-1610e, and amend-
33 ments thereto, and the statewide association of counties established by
34 K.S.A. 19-2690, and amendments thereto.

35 (5) "Next generation 911" means 911 service that enables PSAP's to
36 receive text, image, video, and data information from callers.

37 (6) "Person" means any individual, firm, partnership, copartnership,
38 joint venture, association, cooperative organization, corporation, municipi-
39 pal or private, and whether organized for profit or not, state, county,
40 political subdivision, state department, commission, board, bureau or fra-
41 ternal organization, nonprofit organization, estate, trust, business or com-
42 mon law trust, receiver, assignee for the benefit of creditors, trustee or
43 trustee in bankruptcy or any other legal entity.

(7) "Phase I E911 service" means the provision by a wireless telecommunications service provider of a subscriber account, if available, of the originator of an emergency 911 call and the location of the cell site or base station receiving an emergency 911 call from any wireless handset accessing that system to the designated PSAP.

And renumbering accordingly

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1 (7) "Prepaid wireless service" means a wireless telecommunications
2 service that allows a caller to dial 911 to access the 911 system, which
3 service must be paid for in advance and is sold in predetermined units or
4 dollars of which the number declines with use in a known amount.

5 (8) "Place of primary use" has the meaning provided in the mobile
6 telecommunications act (4 U.S.C. 116, et. seq., as in effect on the effective
7 date of this act).

8 (9) "Provider" means any person who provides exchange telecom-
9 munications service, wireless telecommunications service, VoIP service,
10 or other service capable of contacting a PSAP.

11 (10) "PSAP" means a public safety answering point operated by a city
12 or county.

13 (11) "Retail transaction" means the purchase of prepaid wireless serv-
14 ice from a seller for any purposes other than resale, not including the use,
15 storage or consumption of such services.

16 (12) "Seller" means a person who sells prepaid wireless service to
17 another person.

18 (13) "Service user" means any person who is provided exchange tel-
19 ecommunications service, wireless telecommunications service, VoIP
20 service, prepaid wireless service, or any other service capable of contact-
21 ing a PSAP.

22 (14) "Subscriber account" means the 10-digit access number assigned
23 to a service user regardless of whether more than one such number is
24 aggregated for the purpose of billing a service user.

25 (15) "Subscriber radio equipment" means mobile and portable radio
26 equipment installed in vehicles or carried by persons for voice commu-
27 nication with a radio system.

28 (16) "VoIP service" means voice over internet protocol.

29 (17) "Wireless telecommunications service" means commercial mo-
30 bile radio service as defined by 47 C.F.R. 20.3 as in effect on the effective
31 date of this act.

32 (b) This section shall take effect on and after January 1, 2011.

33 New Sec. 3. (a) There is hereby imposed a 911 fee in the amount of
34 \$.55 per month per subscriber account of any exchange telecommuni-
35 cations service, wireless telecommunications service, VoIP service, or
36 other service capable of contacting a PSAP. Such fee shall not be imposed
37 on prepaid wireless service. No such fee shall be imposed upon more
38 than 100 exchange telecommunications service subscriber accounts per
39 person per location. It shall be the duty of each exchange telecommuni-
40 cations service provider, wireless telecommunications service provider,
41 VoIP service provider, or other service provider to remit such fees to the
42 local collection point administrator as provided in section 4, and amend-
43 ments thereto.

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- 1 (b) This section shall take effect on and after January 1, 2011.
- 2 New Sec. 4. (a) Every billed service user shall be liable for the 911
3 fee until such fees have been paid to the exchange telecommunications
4 service provider, wireless telecommunications service provider, VoIP
5 service provider, or other service provider.
- 6 (b) The duty to collect the fees imposed pursuant to this act shall
7 commence January 1, 2011. Such fees shall be added to and may be stated
8 separately in billings for the subscriber account. If stated separately in
9 billings, the fees shall be labeled "KS 911 fees."
- 10 (c) The provider shall have no obligation to take any legal action to
11 enforce the collection of the fees imposed by this act. The provider, other
12 than a wholesaler of prepaid wireless service, shall provide annually to
13 the LCPA a list of amount of uncollected 911 fees along with the names
14 and addresses of those service users which carry a balance that can be
15 determined by the provider to be nonpayment of such fees.
- 16 (d) The fees imposed by this act shall be collected insofar as practi-
17 cable at the same time as, and along with, the charges for local exchange,
18 wireless, VoIP, or other service in accordance with regular billing practice
19 of the provider.
- 20 (e) The 911 fees and the amounts required to be collected therefor
21 are due monthly. The amount of such fees collected in one month by the
22 provider shall be remitted to the LCPA not more than 15 days after the
23 close of the calendar month. On or before the 15th day of each calendar
24 month following, a return for the preceding month shall be filed with the
25 LCPA. Such return shall be in such form and shall contain such infor-
26 mation as required by the LCPA. The provider required to file the return
27 shall deliver the return together with a remittance of the amount of fees
28 payable to the LCPA. The provider shall maintain records of the amount
29 of any such fees collected in accordance with this act for a period of three
30 years from the time the fees are collected.
- 31 (f) The provider may retain an administrative fee of not more than
32 2% of moneys collected from such fee. The LCPA may retain an admin-
33 istrative fee of not more than 2% of moneys collected from such fee.
- 34 (g) The provisions of this section shall not be construed to apply to
35 prepaid wireless service.
- 36 (h) This section shall take effect on and after January 1, 2011.
- 37 New Sec. 5. (a) There is hereby imposed a prepaid wireless 911 fee
38 of 1.1% per retail transaction or, on and after the effective date of an
39 adjusted amount per retail transaction that is established under subsec-
40 tion (f), such adjusted amount.
- 41 (b) The prepaid wireless 911 fee shall be collected by the seller from
42 the consumer with respect to each retail transaction occurring in this
43 state. The amount of the prepaid wireless 911 fee shall be either sepa-

1 rately stated on an invoice, receipt or other similar document that is pro-
2 vided to the consumer by the seller, or otherwise disclosed to the
3 consumer.

4 (c) For purposes of subsection (b), a retail transaction that is effected
5 in person by a consumer in a business location of the seller shall be treated
6 as occurring in this state if that business location is in this state, and any
7 other retail transaction shall be treated as occurring in this state if the
8 retail transaction is treated as occurring in this state for the purposes of
9 subsection (c)(3) of K.S.A. 79-3673, and amendments thereto.

10 (d) The prepaid wireless 911 fee is the liability of the consumer and
11 not of the seller or of any provider, except that the seller shall be liable
12 to remit all prepaid wireless 911 fees that the seller collects from con-
13 sumers as provided in section 6, and amendments thereto, including all
14 such fees that the seller is deemed to collect where the amount of the
15 charge has not been separately stated in an invoice, receipt or other sim-
16 ilar document provided to the consumer by the seller.

17 (e) The amount of the prepaid wireless 911 fee that is collected by a
18 seller from a consumer, if such amount is separately stated on an invoice,
19 receipt or other similar document provided to the consumer by the seller,
20 shall not be included in the base for measuring any tax, fee, surcharge or
21 other charge that is imposed by this state, any political subdivision of this
22 state or any intergovernmental agency.

23 (f) The prepaid wireless 911 fee shall be proportionately increased or
24 reduced, as applicable, upon any change to the fee imposed by subsection
25 (a) of section 3, and amendments thereto. The adjusted amount shall be
26 determined by dividing the amount of the fee imposed by subsection (a)
27 of section 3, and amendments thereto by \$50. Such increase or reduction
28 shall be effective on the effective date of the change to the fee imposed
29 by subsection (a) of section 3, and amendments thereto, or, if later, the
30 first day of the calendar quarter to occur at least 60 days after the enact-
31 ment to the change to the fee imposed by subsection (a) of section 3, and
32 amendments thereto. The department shall provide not less than 60 days'
33 notice of such increase or decrease on the department's website.

34 (g) When prepaid wireless service is sold with one or more other
35 products or services for a single, non-itemized price, then the percentage
36 specified in subsection (a) shall apply to the entire non-itemized price
37 unless the seller elects to apply such percentage to (1) if the amount of
38 the prepaid wireless service is disclosed to the consumer as a dollar
39 amount, such dollar amount, or (2) if the seller can identify the portion
40 of the price that is attributable to the prepaid wireless service by reason-
41 able and verifiable standards from its books and records that are kept in
42 the regular course of business for other purposes, including, but not lim-
43 ited to, non-tax purposes, such portion.

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1 (h) This section shall take effect on January 1, 2011.

2 New Sec. 6. (a) Prepaid wireless 911 fees collected by sellers shall
3 be remitted to the department by electronic filing that is consistent with
4 the provisions of chapter 79, article 36 of the Kansas Statutes Annotated.
5 The department shall establish registration and payment procedures for
6 the collection of the prepaid wireless 911 fee.

7 (b) A seller shall be permitted to retain an administrative fee not to
8 exceed 2% of prepaid wireless 911 fees that are collected by the seller
9 from consumers.

10 (c) To minimize additional costs to the department, the department
11 may conduct audits of sellers in conjunction with sales and use tax audits.
12 The department is authorized to provide the LCPA with information ob-
13 tained in such audits if such information indicates that a seller may not
14 be complying with the provisions of this section and section 5, and amend-
15 ments thereto. The LCPA may request the department to initiate collec-
16 tion or audit procedures on individual sellers if collection efforts by the
17 LCPA are unsuccessful.

18 (d) The department shall establish procedures by which a seller may
19 document that a sale is not a retail sale, which procedures shall substan-
20 tially coincide with procedures for documenting sale for resale transac-
21 tions for chapter 79, article 36 of the Kansas Statutes Annotated.

22 (e) The department shall transfer all remitted prepaid wireless 911
23 fees to the LCPA within 30 days of receipt for distribution as provided
24 in section 8, and amendments thereto. Prior to such transfer, the de-
25 partment may retain up to 1% of remitted charges for use in administer-
26 ing the provisions of this section.

27 (f) In addition to retaining 1% of remitted charges for administrative
28 uses, the department may retain up to \$70,000 of remitted funds in fiscal
29 year 2011 only for use in paying for programming and other one-time
30 costs for establishing a system for collecting the prepaid wireless 911 fee.

31 (g) This section shall take effect on January 1, 2011.

32 New Sec. 7. (a) The prepaid wireless 911 fee imposed in this act shall
33 be the only 911 funding obligation imposed with respect to prepaid wire-
34 less service in this state. No tax, fee, surcharge or other charge shall be
35 imposed by this state, any political subdivision of this state or any inter-
36 governmental agency for 911 funding purposes upon any prepaid wireless
37 service provider, seller or consumer with respect to the sale, purchase,
38 use or provision of prepaid wireless service.

39 (b) This section shall take effect on January 1, 2011.

40 New Sec. 8. (a) Not later than 30 days after the receipt of moneys
41 from providers pursuant to sections 3 and 4, and amendments thereto,
42 the LCPA shall distribute such moneys to PSAPs based upon the follow-
43 ing ratio: 82% shall be distributed to PSAPs based upon place of primary

1 use information provided by the providers and 18% shall be redistributed
2 to PSAPs located in counties with less than 75,000 in population pursuant
3 to rules and regulations established by the 911 coordinating council. Mon-
4 eys which cannot be attributed to a specific PSAP shall be transferred to
5 the LCPA grant fund.

From the moneys

6 (b) ~~Moneys~~ collected from the fee on prepaid wireless service pur-
7 suant to section 5, and amendments thereto, shall be transferred to the
8 LCPA grant fund.

9 (c) The LCPA shall keep accurate accounts of all receipts and dis-
10 bursements of moneys from the 911 fees.

11 (d) Information provided by providers to the LCPA or to the 911
12 coordinating council pursuant to this act will be treated as proprietary
13 records which will be withheld from the public upon request of the party
14 submitting such records.

15 (e) This section shall take effect on and after January 1, 2011.

16 New Sec. 9. (a) The proceeds of the 911 fees imposed pursuant to
17 this act, and any interest earned on revenue derived from such fee, shall
18 be used only for necessary and reasonable costs incurred or to be incurred
19 by PSAPs for: (1) Implementation of 911 services; (2) purchase of 911
20 equipment and upgrades; (3) maintenance and license fees for 911 equip-
21 ment; (4) training of personnel; (5) monthly recurring charges billed by
22 service suppliers; (6) installation, service establishment, and nonrecurring
23 start-up charges billed by the service supplier; (7) charges for capital
24 improvements and equipment or other physical enhancements to the 911
25 system; (8) the acquisition and installation of road signs designed to aid
26 in the delivery of emergency service. Such costs shall not include ex-
27 penditures to lease, construct, expand, acquire, remodel, renovate, repair,
28 furnish or make improvements to buildings or similar facilities. Such costs
29 shall also not include expenditures to purchase subscriber radio
30 equipment.

\$500,000 shall be allocated for cost recovery for wireless telecommunications service providers pursuant to section 15, and amendments thereto. All remaining moneys

31 (b) This section shall take effect on and after January 1, 2011.

32 New Sec. 10. (a) There is hereby created a 911 coordinating council
33 which shall monitor the delivery of 911 services, develop strategies for
34 future enhancements to the 911 system, and distribute available grant
35 funds to PSAPs. In as much as possible, the 911 coordinating council shall
36 include individuals with technical expertise regarding 911 systems, inter-
37 net technology, and GIS technology. The coordinating council shall con-
38 sist of 12 members to be appointed by the governor: Two members rep-
39 resenting wireless telecommunications providers; one member
40 representing a local exchange provider to be recommended by the Kansas
41 telecommunications industry association; one member representing a ru-
42 ral telecommunications company recommended by the Kansas rural in-
43 dependent telephone companies; one member representing VoIP pro-

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1 viders; two members recommended by the league of Kansas
2 municipalities; two members recommended by the Kansas association of
3 counties; one member recommended by the Kansas commission for the
4 deaf and hard of hearing; one member recommended by the Kansas
5 emergency medical services board; and, one member recommended by
6 the adjutant general. The council shall also include two members of the
7 Kansas house of representatives as appointed by the speaker of the house;
8 one member of the Kansas house of representatives as appointed by the
9 minority leader of the house; two members of the Kansas senate as ap-
10 pointed by the senate president and one member of the Kansas senate
11 as appointed by the senate minority leader. The governor shall designate
12 one member as chair of the council.

13 (b) The terms of office for members of the 911 coordinating council
14 shall commence January 1, 2011 and shall be subject to reappointment
15 every three years.

16 (c) The 911 coordinating council is hereby authorized to adopt rules
17 and regulations necessary for effectuation of the provisions of this act,
18 including, but not limited to, assessing civil penalties.

19 (d) No civil penalty shall be imposed pursuant to this section except
20 upon the written order of the 911 coordinating council. Such order shall
21 state the violation, the penalty to be imposed and the right of such pro-
22 vider to appeal the penalty in accordance with the provisions of the Kansas
23 administrative procedure act.

24 (e) Any civil penalty recovered pursuant to this section shall be de-
25 posited with the LCPA grant fund.

26 (f) So long as the provider is working in good faith to comply with
27 the provisions of this act, no civil penalty shall be imposed prior to January
28 1, 2012.

29 (g) The LCPA shall provide staff support to the 911 coordinating
30 council. Members of the 911 coordinating council may receive reimburse-
31 ment for meals and travel expenses, but shall serve without other com-
32 pensation. All expenses related to the 911 coordinating council shall be
33 paid from the LCPA grant fund.

34 (h) This section shall take effect on and after January 1, 2011.

35 New Sec. 11. (a) PSAPs, the LCPA, providers and sellers shall not
36 be liable for any form of damages resulting directly or indirectly from the
37 performance of installing, maintaining or providing 911 service.

38 (b) This section shall be in force and effective on and after January
39 1, 2011.

40 New Sec. 12. (a) The receipts and disbursements of the LCPA shall
41 be audited yearly by a licensed municipal accountant or certified public
42 accountant.

43 (b) The LCPA may require an audit of any provider's books and re-

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1 cords concerning the collection and remittance of fees pursuant to this
2 act. The cost of any such audit shall be paid from the LCPA grant fund.

3 (c) On or before December 31, 2011, and at least once every three
4 years thereafter, the division of post audit shall conduct an audit of the
5 911 system to determine: (1) Whether the moneys received by PSAPs
6 pursuant to this act are being used appropriately; (2) whether the amount
7 of moneys collected pursuant to this act is adequate; and (3) the status of
8 911 service implementation. The auditor to conduct such audit shall be
9 specified in accordance with K.S.A. 46-1122, and amendments thereto.
10 The post auditor shall compute the reasonably anticipated cost of provid-
11 ing audits pursuant to this subsection, subject to review and approval by
12 the contract audit committee established by K.S.A. 46-1120, and amend-
13 ments thereto. Upon such approval, the LCPA grant fund shall reimburse
14 the division of post audit for the amount approved by the contract audit
15 committee. The audit report shall be submitted to the 911 coordinating
16 council, the LCPA, the house energy and utilities committee and the
17 senate utilities committee.

18 (d) The legislature shall review this act at the regular 2015 legislative
19 session and at the regular legislative session every five years thereafter.

20 (e) This section shall take effect on and after January 1, 2011.

21 New Sec. 13. (a) Nothing in this act shall be construed to limit the
22 ability of a provider from recovering directly from the provider's custom-
23 ers its costs associated with designing, developing, deploying and main-
24 taining 911 service and its cost of collection and administration of the
25 fees imposed by this act, whether such costs are itemized on the cus-
26 tomer's bill as a surcharge or by any other lawful method.

27 (b) This section shall take effect on and after January 1, 2011.

28 New Sec. 14. (a) The LCPA shall establish and maintain a grant fund
29 for PSAPs, which shall not be part of the state treasury. Such money and
30 any interest earned on such money may only be expended for the follow-
31 ing purposes: projects involving the development of next generation 911
32 services; costs associated with PSAP consolidation or cost-sharing pro-
33 jects; expenses related to the 911 coordinating council; the costs of audits
34 conducted pursuant to section 12 on its effective date, and amendments
35 thereto; and other purposes as defined in section 9 on its effective date,
36 and amendments thereto.

37 (b) The 911 coordinating council shall develop criteria for grant ap-
38 plicants and make the final determination as to the distribution of grant
39 funds.

40 ~~New Sec. 15. On the effective date of this act, all funds remaining~~
41 ~~in the wireless enhanced 911 grant fund established pursuant to K.S.A.~~
42 ~~12-5323, and amendments thereto, shall be transferred to the LCPA. Any~~
43 ~~funds received on or after the effective date of this act and prior to January~~

New Sec. 15. From the moneys collected for the 911 fee on prepaid wireless services, \$500,000 shall be allocated for cost recovery of phase I E911 service for wireless telecommunications service providers pursuant to rules and regulations adopted by the 911 coordinating council. Any of the moneys allocated for cost recovery of phase I E911 services for wireless telecommunications service providers that is unused, shall be transferred to the LCPA grant fund for the purposes otherwise provided in section 14.

And renumbering the remaining sections accordingly

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1 1, 2011, shall be transferred to the LCPA at least monthly. The LCPA
2 shall deposit such amount in the LCPA grant fund to be distributed as
3 provided in section 14, and amendments thereto.

4 Sec. 16. K.S.A. 2009 Supp. 12-5338 is hereby amended to read as
5 follows: 12-5338. ~~(a) On July 1, 2010. (1) January 1, 2011, the wireless~~
6 ~~enhanced 911 grant fee and the wireless enhanced 911 local fee shall be~~
7 ~~discontinued, the advisory board shall be abolished, any unobligated bal-~~
8 ~~ance of the wireless enhanced 911 grant fund shall be paid to the local~~
9 ~~collection point administrator for distribution to PSAP's based on the~~
10 ~~population of the municipality or municipalities served by the respective~~
11 ~~PSAP and the deposit in the LCPA grant fund and the wireless enhanced~~
12 ~~911 grant fund shall be abolished.~~

13 ~~(2) Within any county which has a population of 125,000 or more,~~
14 ~~the amount of the tax imposed pursuant to K.S.A. 12-5302, and amend-~~
15 ~~ments thereto, shall not exceed \$.25 per month per access line or its~~
16 ~~equivalent and the amount of the wireless enhanced 911 local fee within~~
17 ~~such jurisdiction shall be an equal amount per month per wireless sub-~~
18 ~~scriber account.~~

19 ~~(3) Within any county which has a population of less than 125,000~~
20 ~~the amount of the tax imposed to K.S.A. 12-5302, and amendments~~
21 ~~thereto, shall not exceed \$.50 per month per access line or its equivalent~~
22 ~~and the amount of the wireless enhanced 911 local fee shall be an equal~~
23 ~~amount per month per wireless subscriber account.~~

24 ~~(4) The provisions of K.S.A. 2009 Supp. 12-5323 through 12-5329,~~
25 ~~and amendments thereto, shall expire.~~

26 ~~(b) On and after July 1, 2010, the proceeds of the wireless enhanced~~
27 ~~911 local fee shall be used only to pay for costs of emergency telephone~~
28 ~~service described in K.S.A. 12-5304, and amendments thereto, and ex-~~
29 ~~penditures authorized by K.S.A. 2009 Supp. 12-5330, and amendments~~
30 ~~thereto.~~

31 Sec. 17. K.S.A. 2009 Supp. 12-5361 is hereby amended to read as
32 follows: 12-5361. ~~(a) On July 1, 2010. (1) January 1, 2011, the VoIP en-~~
33 ~~hanced 911 grant fee and the VoIP enhanced 911 local fee shall be~~
34 ~~discontinued.~~

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

40 ~~(3) The provisions of K.S.A. 2009 Supp. 12-5354 and 12-5355, and~~
41 ~~amendments thereto, shall expire.~~

42 ~~(b) On and after July 1, 2010, the proceeds of the VoIP local fee shall~~
43 ~~be used only to pay for costs of emergency telephone service described~~

1 ~~in K.S.A. 12-5304, and amendments thereto, and expenditures authorized~~
2 ~~by K.S.A. 2009 Supp. 12-5330, and amendments thereto.~~

3 Sec. 18. K.S.A. 2009 Supp. 75-5133 is hereby amended to read as
4 follows: 75-5133. (a) Except as otherwise more specifically provided by
5 law, all information received by the secretary of revenue, the director of
6 taxation or the director of alcoholic beverage control from returns, re-
7 ports, license applications or registration documents made or filed under
8 the provisions of any law imposing any sales, use or other excise tax ad-
9 ministered by the secretary of revenue, the director of taxation, or the
10 director of alcoholic beverage control, or from any investigation con-
11 ducted under such provisions, shall be confidential, and it shall be unlaw-
12 ful for any officer or employee of the department of revenue to divulge
13 any such information except in accordance with other provisions of law
14 respecting the enforcement and collection of such tax, in accordance with
15 proper judicial order or as provided in K.S.A. 74-2424, and amendments
16 thereto.

17 (b) The secretary of revenue or the secretary's designee may:

18 (1) Publish statistics, so classified as to prevent identification of par-
19 ticular reports or returns and the items thereof;

20 (2) allow the inspection of returns by the attorney general or the
21 attorney general's designee;

22 (3) provide the post auditor access to all such excise tax reports or
23 returns in accordance with and subject to the provisions of subsection (g)
24 of K.S.A. 46-1106, and amendments thereto;

25 (4) disclose taxpayer information from excise tax returns to persons
26 or entities contracting with the secretary of revenue where the secretary
27 has determined disclosure of such information is essential for completion
28 of the contract and has taken appropriate steps to preserve confidentiality;

29 (5) provide information from returns and reports filed under article
30 42 of chapter 79 of the Kansas Statutes Annotated to county appraisers
31 as is necessary to insure proper valuations of property. Information from
32 such returns and reports may also be exchanged with any other state
33 agency administering and collecting conservation or other taxes and fees
34 imposed on or measured by mineral production;

35 (6) provide, upon request by a city or county clerk or treasurer or
36 finance officer of any city or county receiving distributions from a local
37 excise tax, monthly reports identifying each retailer doing business in such
38 city or county or making taxable sales sourced to such city or county,
39 setting forth the tax liability and the amount of such tax remitted by each
40 retailer during the preceding month, and identifying each business loca-
41 tion maintained by the retailer and such retailer's sales or use tax regis-
42 tration or account number;

43 (7) provide information from returns and applications for registration

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1 filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-
2 3601, and amendments thereto, to a city or county treasurer or clerk or
3 finance officer to explain the basis of statistics contained in reports pro-
4 vided by subsection (b)(6);

5 (8) disclose the following oil and gas production statistics received by
6 the department of revenue in accordance with K.S.A. 79-4216 et seq. and
7 amendments thereto: Volumes of production by well name, well number,
8 operator's name and identification number assigned by the state corpo-
9 ration commission, lease name, leasehold property description, county of
10 production or zone of production, name of purchaser and purchaser's tax
11 identification number assigned by the department of revenue, name of
12 transporter, field code number or lease code, tax period, exempt produc-
13 tion volumes by well name or lease, or any combination of this
14 information;

15 (9) release or publish liquor brand registration information provided
16 by suppliers, farm wineries and microbreweries in accordance with the
17 liquor control act. The information to be released is limited to: Item
18 number, universal numeric code, type status, product description, alcohol
19 percentage, selling units, unit size, unit of measurement, supplier num-
20 ber, supplier name, distributor number and distributor name;

21 (10) release or publish liquor license information provided by liquor
22 licensees, distributors, suppliers, farm wineries and microbreweries in
23 accordance with the liquor control act. The information to be released is
24 limited to: County name, owner, business name, address, license type,
25 license number, license expiration date and the process agent contact
26 information;

27 (11) release or publish cigarette and tobacco license information ob-
28 tained from cigarette and tobacco licensees in accordance with the Kansas
29 cigarette and tobacco products act. The information to be released is
30 limited to: County name, owner, business name, address, license type and
31 license number;

32 (12) provide environmental surcharge or solvent fee, or both, infor-
33 mation from returns and applications for registration filed pursuant to
34 K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secre-
35 tary of health and environment or the secretary's designee for the sole
36 purpose of ensuring that retailers collect the environmental surcharge tax
37 or solvent fee, or both;

38 (13) provide water protection fee information from returns and ap-
39 plications for registration filed pursuant to K.S.A. 82a-954, and amend-
40 ments thereto, to the secretary of the state board of agriculture or the
41 secretary's designee and the secretary of the Kansas water office or the
42 secretary's designee for the sole purpose of verifying revenues deposited
43 to the state water plan fund;

1 (14) provide to the secretary of commerce copies of applications for
2 project exemption certificates sought by any taxpayer under the enter-
3 prise zone sales tax exemption pursuant to subsection (cc) of K.S.A. 79-
4 3606, and amendments thereto;

5 (15) disclose information received pursuant to the Kansas cigarette
6 and tobacco act and subject to the confidentiality provisions of this act to
7 any criminal justice agency, as defined in subsection (c) of K.S.A. 22-
8 4701, and amendments thereto, or to any law enforcement officer, as
9 defined in subsection (c)(10) of K.S.A. 21-3110, and amendments thereto,
10 on behalf of a criminal justice agency, when requested in writing in con-
11 junction with a pending investigation; ~~and~~

12 (16) provide to retailers tax exemption information for the sole pur-
13 pose of verifying the authenticity of tax exemption numbers issued by the
14 department; *and*

15 (17) *provide information concerning remittance by sellers of prepaid*
16 *wireless 911 fees from returns to the LCPA, as defined in section 2, and*
17 *amendments thereto, for purposes of verifying seller compliance with col-*
18 *lection and remittance of such fees.*

19 (c) Any person receiving any information under the provisions of sub-
20 section (b) shall be subject to the confidentiality provisions of subsection
21 (a) and to the penalty provisions of subsection (d).

22 (d) Any violation of this section shall be a class A, nonperson mis-
23 demeanor, and if the offender is an officer or employee of this state, such
24 officer or employee shall be dismissed from office. Reports of violations
25 of this paragraph shall be investigated by the attorney general. The district
26 attorney or county attorney and the attorney general shall have authority
27 to prosecute any violation of this section if the offender is a city or county
28 clerk or treasurer or finance officer of a city or county.

29 New Sec. 19. The provisions of this act are declared to be severable
30 and if any provision, word, phrase or clause of the act or the application
31 thereof to any person shall be held invalid, such invalidity shall not effect
32 the validity of the remaining portions of this act.

33 Sec. 20. K.S.A. 12-5305, 12-5306, 12-5307 and 12-5309 and K.S.A.
34 2009 Supp. 12-5338, 12-5361 and 75-5133 are hereby repealed.

35 Sec. 21. On and after January 1, 2011, K.S.A. 12-5301, 12-5303, 12-
36 5304 and 12-5308 and K.S.A. 2009 Supp. 12-5302, 12-5310, 12-5321, 12-
37 5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327, 12-5328, 12-5329,
38 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-5335, 12-5336, 12-
39 5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355, 12-5356, 12-5357,
40 12-5358, 12-5359 and 12-5360 are hereby repealed.

41 Sec. 22. This act shall take effect and be in force from and after its
42 publication in the Kansas register.

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Testimony

Unified Government Public Relations
701 N. 7th Street, Room 620
Kansas City, Kansas 66101

Mike Taylor, Public Relations Director
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H Sub Senate Bill 48 9-1-1 Funding

Delivered February 9, 2010
House Energy and Utilities Committee

The Unified Government supports Senate Bill 48 as it is a major step in protecting the safety of citizens. The bill also represents a unique compromise between local government, law enforcement and the telecommunications industry.

Not making the changes called for in Senate Bill 48 would severely harm the Unified Government of Wyandotte County/Kansas City in its efforts to maintain and upgrade its 9-1-1 Center.

Under the current structure, the Unified Government receives \$800,000 annually from the 9-1-1 fee. If the changes proposed in Senate Bill 48 are not approved, the revenue the Unified Government receives would drop to \$433,000. That massive reduction would cripple our 9-1-1 operations and efforts to keep up with ever-changing technology.

Under the terms of this compromise agreement, the Unified Government will receive \$748,000 in 9-1-1 fee revenue. While that is a decrease over the current set-up, it is enough money to accomplish the goals of eventually building a next generation 9-1-1 center which provides the public with top quality, life-saving technology and public safety response.

The Unified Government appreciates the spirit of cooperation and urgency from all parties involved in building this agreement. We urge prompt passage by the Kansas Legislature.

**Senate Utilities Committee
February 11, 2010
Attachments - 4-1**



ABOVE AND BEYOND. BY DESIGN.

8500 Santa Fe Drive
Overland Park, Kansas 66212
913-895-6000 | www.opkansas.org

Testimony before the Senate Utilities Committee
Regarding House Substitute for Senate Substitute for Senate Bill 48
By Erik Sartorius

February 10, 2010

The City of Overland Park appreciates the opportunity to appear before the committee and present testimony in support of House Substitute for Senate Substitute for Senate Bill 48. This legislation provides a broadly-supported solution to the challenge of funding emergency 911 services now and into the future.

In the Kansas City metropolitan region, local governments recognize the need for a quick-responding emergency system. We have worked jointly to create a system to meet the needs of the public by working hard to provide enhanced 911 service to the metro area.

Receiving and dispatching emergency calls with the utmost speed and accuracy is a vital public service. One of the challenges in our increasingly technologically-driven society is to be able to adapt governments' methods of receiving pleas for help to the means utilized by those contacting emergency responders.

The ongoing changes in telecommunications technology require technology and equipment enhancements to ensure the provision of E911 services. Continuation of funding mechanisms is critical to accomplishing this important task.

Again, the City appreciates the opportunity to offer testimony before this committee. We respectfully ask that you recommend House Substitute for Senate Substitute for Senate Bill 48 favorably for passage.

**Senate Utilities Committee
February 11, 2010
Attachments 5-1**



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

Diane M. Gage, Director
714 N. Main
Wichita, KS 67203-3707
(316) 660-4977
(316) 383-8060 (FAX)
dgage@sedgwick.gov

February 9, 2010

Senate Utility Committee

Regarding: Senate Bill 48

Senator Apple and Senate Utility Committee Members:

Thank you for the opportunity to provide testimony on Senate Bill 48. This is a critical piece of legislation for all in 911 communications.

Sedgwick County supports Senate Bill 48. This bill helps provide for the funding of 911 communications services now and into the future. It supports both the funding for maintaining current levels of service and the future of 911 services. The technologies used to access public safety for assistance are ever expanding; such as being able to text an emergency message your local 911 center, being able to coordinate information received from on-board vehicle services, and sending of images from accident and crime scenes. As technologies and methods of communication change, emergency communications centers need to be able to communicate with those in need and continue to provide current services.

As the chair of the Kansas Enhanced Wireless Advisory Board, I see the need to continue to support all of the counties in Kansas. Currently, every county is providing Enhanced 911 Services to both hardwire and wireless telephones. However, this equipment does have a life span and Senate Bill 48 supports the funding for those communities needing additional resources through the continuation of the grant program. It also provides the resources needed for the future.

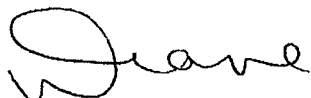
There are Kansas counties which would not be able to provide anything more than basic 911 services without the grant fund. So much as been done to provide access for everyone calling from a telephone in Kansas, it would be a great mistake to let this fall by the wayside.

Sedgwick County...

**Senate Utilities Committee
February 11, 2010
Attachments 6-1**

Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "Diane M. Gage".

Diane M. Gage
Director

A handwritten signature in cursive script that reads "M. Gage".

Testimony of:

Kent E. Koehler,
Chair
Kansas Statewide Interoperability Executive Committee (SIEC)

House Substitute for Substitute Senate Bill 48

February 9, 2010

Chairman Apple and Members of the Utilities Committee:

I am Kent Koehler and I am representing the Kansas Statewide Interoperability Executive Committee (SIEC). I am testifying on behalf of the SIEC in support of the bill before this Committee.

The Kansas Statewide Interoperability Executive Committee (SIEC) is a multi-jurisdictional and multi-disciplinary group that provides policy and recommends standards to improve communications interoperability throughout our state. The SIEC operates under Governor's Executive Order #07-27. SIEC membership includes representatives of the following organizations or agencies:

- Kansas Adjutant General (Maj. Gen. Bunting / Col. Chris Stratmann)
- Kansas Highway Patrol (Col. Maple)
- Kansas Department of Transportation (Secretary Miller)
- Kansas Chapter of the Association of Public-Safety Communications Officials (APCO) (Kent Koehler, Sedgwick County)
- Kansas Sheriff's Association (Richard Old, Lyon County Sheriff's Office)
- Kansas Association of Chiefs of Police (Tyler Brewer, Augusta DPS)
- Kansas Fire Chiefs Association (Bob McLemore, Colby Fire Dept.)
- Kansas Board of Emergency Medical Services (Kerry McCue, Ellis Co. EMS)
- Kansas Emergency Management Association (Jimmy Reed, Sumner County)
- Kansas Association of Counties (Commissioner Alison Mueller, Washington Co.)
- League of Kansas Municipalities (Kimberly Winn)

On February 2nd and 5th, 2010, the SIEC reviewed and discussed the bill that is currently being considered by this Committee. They voted to express their support for the bill. The group had previously issued SIEC Resolution #08-01 in support of a previous form of SB48. The SIEC members agreed that the language in the resolution is applicable to House Substitute for Substitute Senate Bill 48 (SIEC Resolution #08-01 attached).

The goal of the SIEC is to improve interoperable communications for public safety responders throughout the state. This has normally been associated with voice communications only. The advent of Next Generation 9-1-1 (NG911) will provide the capability to improve data communications between responders (dispatch centers,

Senate Utilities Committee
February 11, 2010
Attachments - 7-1

responders, etc.) by utilizing the broadband IP network that is needed to implement NG911 systems. This network can also be used as a means to improve interoperability of voice communications as current radio systems can be configured to take advantage of broadband IP networks capabilities to communicate with other radio systems. The acquisition and implementation of the technology will not be cheap. The ability to fund this technology will be drastically impacted if the amount of revenue is reduced in July 2010 according to current statutes.

NG911 networks will allow agencies to seamlessly serve as back-ups for other agencies. It could also allow overflow calls for service to be sent to other dispatch centers to be processed. The technology will also allow multiple small dispatch centers could serve as a backup to larger dispatch centers. These capabilities are not available with current technology.

The utilization of NG911 capabilities will not be reserved for disasters. Events occur on a regular basis that requires responses from multiple jurisdictions. For example, a traffic accident with injuries in could involve responses from multiple fire departments, emergency medical providers (public/private), local law enforcement, and Kansas Highway Patrol. Currently the information that is received by one dispatch center cannot be quickly provided to other dispatch centers or to responders. It would be very beneficial if the information received by one agency could be quickly and easily provided to other agencies without using telephones or radios.

SIEC is very concerned about the impact to smaller agencies if a grant fund is not available to assist in the acquisition and implementation of NG911 capabilities. This could result in the capabilities provided by the new technology to only be available in areas that can afford it. New Sec. 14 of the proposed legislation addresses that concern with creation grant fund to public safety answering points (PSAPs).

I would request your favorable consideration of this bill.

Thank you for the opportunity for me to present this written testimony on an important public safety issue affecting jurisdictions of all sizes in Kansas.

Respectfully submitted,

Kent E. Koehler,
Chair
Kansas Statewide Interoperable Executive Committee
kkoehler@sedgwick.gov
(316)660-9877