



Testimony of the Kansas Association of Counties
to the Senate Utilities Committee
on SB 420

February 28, 2018

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to offer neutral testimony on SB 420.

KAC is a strong supporter of the Kansas 911 system, and we believe our state is a national leader in addressing public safety with its state-of-the-art 911 system. KAC was a primary sponsor and drafter of the 2011 legislation that created the current 911 Act and we were also advocates for the 1994 and 2004 acts. Counties have a strong interest in the issue because the majority of 911 dispatch centers (called Public Safety Answering Points or "PSAPs") are run by Kansas counties.

We take a neutral position on the bill because there are sections of the bill we favor, sections we oppose, and we do not have enough information on other sections of the bill to opine on them.

I would note that 911 legislation is a significant issue for KAC. In the past, all stakeholders in the 911 discussion—cities, counties, law enforcement and telecommunication providers—gathered before the session began to discuss proposed legislation. We have historically worked well together, even if we found no agreement and ended up testifying on opposite sides. However, this year's legislation advanced by the 911 Coordinating Council was not discussed prior to the 2018 session with those stakeholders. KAC was informed of it the third week of the session. We would have preferred to discuss this important piece of legislation during the 2017 interim so we would now have a better understanding of SB 420.

SB 420 increases the fee attached to phones from \$.60 to \$.90, with the ability of the Council to raise the fee to \$.95. This fee revenue is directed back to the local PSAPs, except for \$.10 that will be directed to the state grant fund to cover upgrades to the 911 system. SB 420 increases the minimum amount received by a PSAP from \$50,000 to \$60,000. As Scott Ekberg outlines in his testimony, the current costs of a "minimally-funded PSAP" are around \$60,000, and counties will increasingly be supplementing the costs of their PSAPs with county general funds. The state grant fund was created to issue grants to PSAPs; however, that money has been redirected to statewide projects by the 911 Council instead. With the loss of grant money for counties, the increased local fee and minimum amounts are critical to counties. KAC supports the increased fee for local PSAPs in order to ensure continuity and consistency of 911 services among all PSAPs in the state.

KAC is opposed to the language on page 15, section 13, subsection (8) that says 911 fees may be used for "reimbursement of documented expenses for PSAP employees while exclusively engaged in a PSAP-related training, not to exceed an annual total of 24 hours of employee." The committee should note that subsection (4) in that same section allows 911 fees to be used for "training of personnel" and therefore the new subsection (8) creates a contradictory standard for allowed training expenses. KAC wants subsection (8) removed or significantly modified.

KAC is also opposed to the penalties enacted on page 7, section 2(o). Current law allows the assessment of civil penalties, but as the original sponsor of the 2011 legislation, I know that the provision was for penalties against telecommunication providers as set forth in Section 2(m). That subsection requires the 911 Council to impose the penalty by written order, and allows the telecommunications provider to appeal the order of a penalty, with a right to a hearing under the Kansas administrative procedures act. Penalties imposed on telecommunication providers in 2(m) are also subject to judicial review (see subsection (n)). New section (o) creates a civil penalty for PSAPs and does not include the procedural rights allowed for telecommunication providers. It should be noted that any civil penalty paid by a PSAP is ultimately tax dollars.

With regard to the monies collected by the 911 Coordinating Council that will be directed to statewide projects, KAC does not have enough information to weigh in with its support. We are aware of the GIS project and the call handling system and believe these statewide projects have improved the Kansas 911 system; however, we do not have enough information as to future projects or needs of the Council to justify its request for additional funding.

I appreciate the opportunity to discuss SB 420 with the committee, and I would be happy to stand for questions.

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