

SESSION OF 2018

**CONFERENCE COMMITTEE REPORT BRIEF
SUBSTITUTE FOR HOUSE BILL NO. 2556**

As Agreed to April 4, 2018

Brief*

Sub. for HB 2556 would establish the State Interoperability Advisory Committee (Committee) in statute. Currently, a State Interoperability Executive Committee exists by executive order.

The Committee would provide input to the Adjutant General's Department (TAG) for the development and deployment of centralized interoperable communications planning and implementation capacity for Kansas. Specifically, the bill would direct the Committee to make recommendations to TAG related to:

- Increasing communications and interagency coordination regarding informing the public of public safety risks and operations;
- Statewide contracts for public safety communications equipment, software, and consulting services;
- Revisions to the State Communications Interoperability Plan;
- Assessment of institutions and organizations that benefit from services provided;

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- Development, release, and review of requests for proposals and awarding contracts for public safety communications technology public-private partnerships; and
- Other opportunities to improve public safety communications as the Committee deems appropriate.

The bill would also require the Committee to assist with the development of policies and procedures that increase communications and interagency coordination for the purpose of enhancing public safety interoperable communications.

The Committee would not have authority to:

- Require certification of public safety agencies or employees;
- Require training or establish mandatory training standards beyond what is necessary for the operation, care, and security of interoperable communications systems and plans developed by the Committee; or
- Limit local purchasing options for equipment compatible with the interoperability plan.

Organization and Membership

The Committee would be overseen by the State Emergency Management Director (Director), who would appoint a Statewide Interoperability Coordinator (Coordinator) to administer the Committee's business, serve as the Committee's chairperson, and act on the Committee's behalf. The chairperson (Coordinator) would appoint the vice-chairperson of the Committee.

Members of the Committee would be:

- The Director (defined in the bill as the Adjutant General for the State of Kansas or the Adjutant General's designee);
- The Coordinator;
- The Secretary of Transportation or the Secretary's designee;
- The Superintendent of the Highway Patrol or the Superintendent's designee;
- The Executive Branch Chief Information Security Officer or the Officer's designee;
- A tribal representative appointed by the Governor;
- The 911 Coordinating Council Administrator or the administrator's designee;
- The Chief Executive Officer of the Board of Regents or the the Chief Executive Officer's designee; and
- One member appointed by each of the following associations:
 - Kansas Association of Public Safety Communications Officials;
 - Kansas Sheriffs' Association;
 - Emergency Medical Services Board;
 - Kansas Association of Chiefs of Police;
 - Kansas State Association of Fire Chiefs;
 - Mid-America Regional Council;
 - League of Kansas Municipalities;
 - Kansas Association of Counties; and
 - Kansas Emergency Management Association.

Executive branch members would serve until succeeded; each non-executive branch member would serve for a three-year term beginning on August 1, 2018, and would be eligible to serve more than one term. Members could be removed for cause by a majority vote of the Committee, or by their appointing or designating authority. Vacancies would be filled in the same manner as provided for the original member.

The Committee would be required to meet at least once per quarter of the calendar year, with the first meeting to take place prior to September 1, 2018. All actions of the Committee would require a majority vote by members present when there is a quorum (majority of voting members).

Executive Subcommittee

The bill would establish an executive subcommittee that would assist in the administration of the Committee's business when the full Committee is not meeting, and would be allowed to conduct any Committee business delegated to it by the full Committee. The subcommittee would include the Director, Coordinator, Secretary of Transportation or the Secretary's designee, and Superintendent of the Highway Patrol or the Superintendent's designee.

Working Groups

The bill would also allow the chairperson to appoint and convene working groups to address specific interoperability and communications requirements, research topics, and make recommendations. The chairperson would be authorized to add subject matter experts to the working groups on an *ad hoc* basis. Each working group would meet at least once every quarter of the calendar year on the call of the Director, Coordinator, or working group chairperson.

Working groups would make recommendations to the Committee related to:

- Improving interagency communications, training, and exercise coordination;
- Improving effective receipt of information from, and communicating information to, the public;
- Improving logistics coordination during on-site events;
- Evaluating communication and communication protection technologies and recommending procurement standards;
- Identifying and promoting anti-intrusion technologies for communications from individuals to public safety agencies;
- Identifying methods to protect sensitive public safety operations from placement on social media sites that deliberately or inadvertently place public safety workers at risk;
- Identifying and collecting relevant public safety communications systems and equipment performance metrics; and
- Other responsibilities as assigned by the chairperson.

The Office of the Director would provide staff support for the Committee and working groups.

Conference Committee Action

The Conference Committee agreed to the provisions of Sub. for HB 2556, as recommended by the House Committee on Government, Technology and Security, which would return the effective date to publication in the statute book.

Background

The bill was introduced by Representative Sloan. In the House Committee on Government, Technology and Security hearing, a representative of the State Interoperability Executive Committee testified in support of the bill. The proponent stated a more formal governance structure would provide the management and resources needed to ensure the continued success of interoperable communications in Kansas.

A representative from TAG appeared in opposition to the bill, stating concerns relating to the authority granted to the Committee, potential issues with TAG receiving grants, and membership of the Committee.

A representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs' Association provided neutral testimony on the bill, stating, while not opposed to the creation of the Committee, the organizations could not support the bill with the inclusion of the language that could lead to an unintended expansion of state control over local governments.

The House Committee removed the original contents of the bill that would have established the Statewide Interoperability Council and recommended a substitute bill to create a Statewide Interoperability Executive Committee that would have advisory powers only and include language that would limit the Committee's authority.

In the Senate Committee on Ways and Means hearing on the bill, a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs' Association provided proponent testimony on the bill, stating that earlier concerns raised with the bill had been addressed by House actions within the substitute bill.

The Senate Committee amended the bill to change the effective date from upon publication in the statute book to upon publication in the *Kansas Register*. [Note: The Conference Committee did not retain this amendment in its report.]

No fiscal note was available on the contents of the substitute bill at the time of House or Senate Committee action.

technology; state government; public safety; communication; interoperability

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