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**Testimony to the Senate Committee on Utilities  
In Support of HB2690  
March 6, 2024**

Chairman Fagg and Committee Members:

Our associations are in strong support of HB2690. We believe the changes proposed in the bill will strengthen the work currently being done by the Council through better organization and improved personnel management. The Coordinating Council has done a stellar job of developing the technology backbone for the 911 systems in Kansas. But the original management design in current law is lacking. The establishment of an Executive Director is well justified, and in our opinion a sound business move. (Page 3, line 42) One of the major personnel management changes the bill produces is found on page 4 lines 32-35 making those full time “employees” of the Board state employees under the direct supervision of the Executive Director. This replaces the really poor system set out in current law where these employees are contracted by a third party to do work solely to carry out the mission of the Council.

One area of change created in the bill that we fully understand but do have concerns with is the transfer of the funds to the state treasury. It is important the 911 funds are dedicated for the operation and further development of the 911 system. We must protect them from being diverted to other purposes. We also see the importance of funds collected by the government being overseen directly by the government. But as we explore the details of the bill, we believe the intent of limitations on the use of the funds, such as those on page 7 lines 1-11 and on page 17 line 40 through page 18 line 17, is clear and should thwart any efforts to divert them for non-911 purposes.

For our PSAPS serving smaller populations, the increase in minimum financial support from the 911 fees is needed. Our associations recommended the amendment on page 29 line 38 through page 30 line 7 as a better mechanism to assure keeping that minimum adjusted for inflation rather than adjusting it through legislation every few years. It will make it clear the Board can adjust that figure, with certain guard rails in place. Those guardrails include: 1) limiting the increase to not more than once each year, by an amount not to exceed the inflation rate of the prior year; 2) can be increased only after analyzing the need based on expenditures of those counties receiving the minimum distribution and the impact of any such increase on the long-term financial impact to the funds. It is our belief this will allow a structured annual review of the need and provide a more stable funding source for these small PSAPS.

**We are recommending to the Senate Utilities Committee to make the same changes we recommended for SB487 and were approved by this committee by changing the word “county” to “governing body of the PSAP” anywhere in the bill “county” is used in reference to the contracting PSAP parties.**

We were asked by the Committee Chair to inquire with the PSAPS operated by sheriffs or chiefs about their thoughts on the proposed amendment in SB487 related to clarifying 911 funds could not

be used for construction of radio towers. We reached out to our members on that issue and we did not receive many responses to the query. None of the responses suggested prohibiting the use of funds for a tower. The following is a summary of the comments that were provided:

- Tower infrastructure directly impacts the ability of the PSAP to deliver the call to the first responder, therefore it should be included as an eligible expenditure.
- If there is no tower, there is nothing to hang the technology equipment on.
- The recent 911 audit indicated that PSAPs are concerned with adequate funding. The more restrictive the limits on expenditures, the more money PSAPs must use from local tax dollars for the system.
- Our expenses that are allowable are increasing but the 911 fee on phones has not increased for several years.
- Our ability to save and plan of large expenditures has become difficult to impossible because our costs have gone up, while the 911 fees have stayed the same.
- It is hard to recommend further limiting allowable expenditures when the Council is sitting on a large fund balance.

From these responses our associations would not recommend a change in current law relating to tower construction costs. We believe there might be other ways to consider addressing that issue, but none could be done in the short time we have left to address them in this bill to have the confidence a change would be well thought out with input from the 911 Council/Board. We believe it is a discussion for another day when we can be sure we get it right.

Perhaps the committee could request the Council study the following issues and report back to the Committee on their findings and recommendations:

1. The adequacy of current 911 fund distributions as provided in KSA 12-5374 subsection (a)(1) on page 29 lines 26-32.
2. If adjustments in the fund distributions are warranted, how can the fund balance be used to provide those adjustments.
3. If a 911 fee increase is needed to effectuate an identified need for a distribution increase, how much would it need to be raised.
4. The number of towers constructed and the total expenditure from the 911 funds for tower construction over the past 10 years.

We appreciate those that provided the work and insight to bring this bill forward, and we urge you to move the bill forward favorably in a manner that can ultimately combine the provisions of SB487 and HB2690.

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