

Approved: February 22, 1994

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Nancy Brown at 3:05 p.m. on February 17, 1994 in Room 521-S of the Capitol.

All members were present except: Representative Les Donovan
Representative Carl Holmes
Representative Patricia Pettey
Representative Robert Wootton

Committee staff present: Michael Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Lois Hedrick, Committee Secretary

Conferees appearing before the committee: Representative Ellen Samuelson
Ron Hoffman, Harvey County Communications, Newton
John Workman, Barton County 911 Services

Others attending: See Attachment 1.

The Chairman opened the hearing on **HB 2794**, emergency telephone service; cellular, mobile and wireless telephones. Representative Ellen Samuelson, sponsor of the bill, established the need for her proposal and urged its adoption.

Ron Hoffman, Harvey County 911 Coordinator, began his testimony concerning the bill as shown on pages 1 through 3 in his written testimony (see Attachment 2).

Because of the need to adjourn the meeting at 3:30 p.m., the Chairman invited all conferees to return on Monday, February 21, at 1:30 p.m. to resume the hearing. She invited anyone who could not return to briefly present their testimony, so John Workman, Barton County Communications, presented testimony supporting **HB 2794**.

On motion of Representative Macy, seconded by Representative Mays, the committee approved the minutes of the meetings held on February 9 and 15, 1994.

The meeting was adjourned at 3:35 p.m. The next meeting of the committee is scheduled for March 21, 1994 at 1:30 p.m., in Room 521-S of the Capitol.

HOUSE OF REPRESENTATIVES
COMMITTEE ON LOCAL GOVERNMENT
CONFEREES AND VISITORS
FEBRUARY 17, 1994

NAME AND ADDRESS (Please print)		REPRESENTING
Michelle Clum	Topeka	Atty. Gen. Small
Craig W. Wap	Halstead	Harvey County
JOHN WORKMAN	BENTON	BARTON Co. Conf.
Becky Stewart	Sedgwick County	Sedgwick County 9-1-1
Kenneth Duckworth	Wichita	Public
Nancy Messamore	Colby	Thomas County 9-1-1
JOHN GAGLIARDI	GIRARD	CRAWFORD Co 9-1-1
JANET STUBBS	Topeka	Cellular One
GERRY PLY	Overland Park	Johnson County Commission City of Overland Park
Jane Smith	Topeka	Ks. Assoc. of Counties
Harry Smith	Topeka	Ligaue of Ks Municipalities
David O. Dunford	LENEXA	LENEXA POLICE
Jay Scott Euler	Salina	Liberty Cellular, Inc.
STEVE KEARNEY	TOPEKA	KINI L.C.
Nelson Krueger	Lawrence	KINNET
LARRY Southern	Dallas	Southwestern Bell Mobile Systems
Whitney Danner	Topeka	McHill's Associates / SBMS

House Bill 2794

EMERGENCY TELEPHONE SERVICE

FOR 9-1-1

**CELLULAR/MOBILE/WIRELESS
TELEPHONES**

Submitted by:
Kansas 9-1-1 Providers Group

February 17, 1994

TESTIMONY FROM THE STATE OF KANSAS 9-1-1 PROVIDERS

Madam Chairperson, Committee members, On behalf of the Kansas 9-1-1 Providers and as Vice-Chairman of that committee, thank you for this opportunity, your time and consideration of House Bill 2794.

My name is Ron Hoffman. I am the Director of Harvey County 9-1-1 Communications Center and have served in this capacity for the past eight years. I have served in the Emergency Services field for a total of 21 years. I also serve on the Kansas long range planning committee for the Kansas KBI ASTRA board.

The Kansas 9-1-1 Providers come before you today to express our concern for the safety and well being of the citizens of Kansas. This concern has been brought about by the way cellular companies are directing cellular emergency calls across the state and how they (the cellular calls) are processed. I feel that at the end of my testimony you will concur that the current method of directing and processing these calls creates a time delay and is very alarming.

It is our belief that the legislation we have submitted (House Bill 2794) will not only provide faster emergency service to the cellular users across the state, but will also provide a much more effective means of communications to the proper answering points across the state.

It should be noted that the Kansas 9-1-1 Providers Group have had several meetings with the Kansas Cellular Suppliers and have come to common grounds on most of the issues of House Bill 2794, however differ in one or two areas.

I would now like to present the highlights of our proposed legislation, the purpose behind them and why the following changes should be made.

1. Every cellular and/or mobile and/or wireless telephone service supplier must receive prior approval of the PSAP (Public Safety Answering Point) of that jurisdiction before directing emergency calls to that facility.

The purpose behind this is to ensure that the PSAP is notified and has agreed to accept these calls. By having the cellular companies notify the PSAP it will give them time to establish guidelines and policy for the calls.

Currently, because cellular phone companies are not regulated, some of the cellular companies install new towers and start routing calls to PSAP's, needless to say this places the PSAP in a very vulnerable situation.

2. Every cellular and/or mobile and/or wireless telephone service supplier must establish the unique emergency telephone number "9-1-1" across the state, excluding the Kansas Turnpike Assistance telephone number "* KTA".

The purpose is to provide uniformity to the citizens across Kansas by establishing the universal emergency telephone number "9-1-1". We teach our children from pre-school age through adulthood to dial "9-1-1" for emergencies.

Currently, depending upon which cellular company the cellular user has chosen, they (the cellular user) may or may not be able to dial the universal emergency telephone number "9-1-1" and receive the proper type of service. In some cases if you dial "9-1-1" from your cellular telephone you will receive a recording stating that this is not a working number and if you need assistance dial * (star) 18. This number is different depending upon what part of Kansas you are in at the time of your emergency call.

The average citizen often doesn't realize the universal emergency number "9-1-1" doesn't work until they need it. Yet, the cellular companies are selling these phones, assuring the cellular caller they have "IMPROVED SECURITY".

3. ALL cellular companies shall direct the emergency cellular call to the closest PSAP point.

The purpose is to direct the cellular caller to the closest PSAP or answering point from where the caller is located. Thus allowing a faster response from emergency services.

By not having the calls directed to the closet PSAP or answering point the following situation occurs. The cellular caller places an emergency call, the cellular tower receives the call and call forwards the emergency call to a answering point sometimes two or three counties away. The dispatcher starts processing the call and attempts to determines where the caller is located. The dispatcher then may send a computerized message to that counties PSAP stating they have received a cellular call reporting an emergency, or transfers the cellular caller.

We are submitting to you 26 different cellular calls ranging from injury accidents, fatality accidents, request for EMS and cellular call of a possible drunk driver. It is needless to say that many of these calls were forwarded by a computerized message which created a great delay in being able to provide the caller with emergency service.

4. Cellular and/or mobile and/or wireless telephone suppliers shall be exempt from the exchange access charge located at the cellular sites, but must impose said tax which has been established by the governing body of that PSAP, not to exceed \$.75 per month on every cellular and/or mobile and/or wireless telephone within their system.

- The purpose is to prevent double taxation.
- Because the cellular user will be taxed, the cellular supplier should not be taxed.

5. Funds derived from the tax imposed on cellular, mobile or wireless telephones shall be collected and remitted as follows:

The service supplier of cellular, mobile or wireless telephone systems shall separate those moneys by the zip code of the customer and remit those moneys, less the 2% administrative fee, to the governing body of the city or county imposing such tax to fund the PSAP which serves as the primary answering point for such zip code.

Any funds collected from cellular, mobile or wireless telephone systems shall not be subject to public disclosure or the amount of taxes remitted by any service supplier.

The purpose is to assist those PSAP'S who are processing these calls with equipment cost, assist newly established PSAP fund their new equipment and for assuming the liability risk. It should be noted that the cellular companies will also be receiving the same amount of collection fees (2% of the total amount of moneys collected) as current land line companies to off set their administrative cost.

In reviewing the current Emergency Telephone statue KSA 12-5301, 12-5302 and 12-5303, it is quite clear that today's and tomorrow's technology has exceeded its meaning. Today, a citizen with a cellular, mobile or wireless telephone can pick it up and summon help; however, as the current statue is written these devices are not taxable unless they have an exchange access line. It is our intent to bring this statue in line with the technology of today and for tomorrow.

6. We submit to remove the requirement of City or County governments to renew their 9-1-1 resolution every three years. City or County governments would, however, be required to establish a new resolution if they choose to increase the amount of 9-1-1 tax. This newly established resolution would then be subject to the current 60 day appeal process by the registered voters.
- * We have added, at the cellular companies request, a public disclosure on the amount of revenue they collect or revenue remitted by them.

The purpose is to relieve local government agencies of the needless paper work when nothing in the amount of revenue has changed.

As the statue is written today, city and county governments are required to issue a new resolution stating that the same amount of revenue be collected for the purpose of funding their 9-1-1 system. At this point this resolution becomes subject to a 60 day appeal process and creates needless paper work. City or county governments are not going to remove their 9-1-1 systems. We believe that a new resolution should only have to submitted if the governing body chooses to raise said tax.

In summarizing House Bill 2794, the goals of the Kansas 9-1-1 Providers are the following:

1. Every cellular and/or mobile and/or wireless telephone service supplier must receive prior approval of the PSAP before directing calls to that facility.
2. Establish the universal emergency telephone number "9-1-1" across the state, excluding the Kansas Turnpike Assistance telephone number "*KTA".
3. All cellular companies shall direct the emergency cellular call to the closest PSAP point.
4. Cellular and or mobile telephone suppliers shall be exempt from the exchange access charge located at the cellular sites, but must impose said tax which has been established by the governing body of that PSAP, not to exceed \$.75 per month on every cellular and/or mobile and/or wireless telephone system.
5. Funds derived from this tax shall separate those money's by the zip code of the customer and remit those money's, less the 2% administrative fee, to the governing body of the city or county imposing such tax to fund the PSAP which serves as the primary answering point for such zip code.
6. Remove the requirement of city or county governments having to renew their 9-1-1 resolution every three years.

I would like to address a few of the things opponents of this bill might have you believe. Opponents of this bill and S.B. 688 may tell you that we need a single answering point in the state for all cellular, mobile, and wireless telephone emergency assistance telephone calls to be directed. This is not a solution to the problem and may in fact *add* to the problem. We believe that lives would not only be jeopardized, they would be *lost* under this scenario. There would simply be too much unnecessary delay from the time the call was received, the proper agency and jurisdiction identified, then notified, and a proper emergency response dispatched. Additionally, you should know that it will still be the local PSAP who will have to dispatch the actual responders, not the Highway Patrol.

In closing, we are addressing very serious issues in House Bill 2794, quite often ***life and death issues***. We feel that if House Bill 2794 is passed, it will provide safety and security to the citizens of Kansas and will also help stream line the emergency cellular calls.

Again, thank you for your time and consideration. I stand ready to answer questions that members of the committee may have concerning my testimony.

WITH SOUTHWESTERN BELL MOBILE SYSTEMS... CELLULAR PHONES MEAN IMPROVED SECURITY AND EFFICIENCY



"It's not just that I feel more secure," Case Manager Shari Hocutt explains. "These car phones are a real time saver." Thanks to Southwestern Bell Mobile Systems, Shari and the other professionals at Big Brothers and Sisters know the benefit of portable communication first hand. "It was the safety issue that led us to cellular phones," Nick Mork, Executive Director adds. "Our staff drives into every area of town every day, well into the night, and we felt these phones could help raise their comfort level.

If you have car trouble or find yourself in an unsafe situation, it's nice to know you can call for help." Mork recalled an incident that happened one week after getting the phones. "Just as one of our case managers pulled up to a four-way stop, a car ran the stop sign and smashed into another auto across the street. When he backed up and hit it again, she realized this was more than an accident. She said she had 911 on the phone about the same time she slammed her car in reverse." While security was the impetus to seek help from Southwestern Bell Mobile

Systems, Mork says that staff efficiency has improved noticeably. "We underestimated how much time would be saved by calling ahead and confirming appointments or by not missing call backs because you can be reached on the go. This contribution by Southwestern Bell helps us serve more boys and girls by allowing us to make better use of our time."

**FREE
PHONES
FOR BOWLERS
OR PLEDGERS**

Southwestern Bell Mobile Systems provides phones and air time as part of their Bowling Classic Sponsorship. This year, the company is offering everyone who bowls or pledges for a bowler a coupon for a free cellular phone with a minimum service agreement with Southwestern Bell Mobile Systems. Some restrictions may apply.

 Southwestern Bell
Mobile Systems



14.15.06/27/93

033708HPS1

HVC5. JUST REC'D A CELLULAR PHONE CALL OF A DROWNING AT "EAST LAKE"

THE CELLULAR CALL WAS VERY WEAK, BUT DID MAKE OUT THAT "EAST LAKE" IS IN HARVEY COUNTY. I COULDN'T TELL IF THEY WERE NEEDING A AMBULANCE OR WHAT... I WAS ABLE TO GIVE THEM YOUR NUMBER AND I BELIEVE THEY COPIED IT DOWN CORRECTLY.

PLEASE CONFIRM

14.31.06/27/93

034584HVC1

HPS1.

HVC5

SORRY FOR DELAY, YES WE HAVE A DROWNING AT EAST LAKE.
WE RECIEVED THE CALL AT 1413 TRIAGE CODE RED..
THANKS IN ADV...

HARVEY CO COMM, NEWTON, KS 316-283-4190 FAX 316-283-4892

14.31.06/27/93

034586HVC1

HPS1.

HVC5

SORRY FOR DELAY, YES WE HAVE A DROWNING AT EAST LAKE.
WE RECIEVED THE CALL AT 1413 TRIAGE CODE RED..
THANKS IN ADV...

HARVEY CO COMM, NEWTON, KS 316-283-4190 FAX 316-283-4892

14.31.06/27/93

034588HPS1

HVC1. OKAY WANTED TO MAKE SURE YOU WERE AWARE OF IT AND
YOU REC'D THE MESSAGE.... TERMINALS HERE KEEP GOING UP AND' DOWN

HOUSE LOCAL GOVERNMENT
Attachment # 29
2 / 17 / 94

DATE: 09/26/93
TO: MARY MESSAMORE, Communications/Records Supervisor
FROM: KEYNA BAALMAN, Communications Officer I
RE: 911 call from Leavenworth, Kansas

On 09/26/93, I received a 911 call from an telephone operator at approximately 1904 hours. She in turn connected to me to a woman. After the connection was made, I again, stated 911 and asked if she had an emergency. The lady stated to me that she was involved in an accident at 6th and Seneca. I repeated the location to her and asked her what City she was in and her reply was "Leavenworth".

I told her that the operator had connected her with the Colby Police Department. I asked her if she was calling from a cellular phone (since the E-911 display showed a phone number of 462-6051, which as you know is the number displayed whenever we receive a cellular 911 call). She replied that "Yes", she was calling from her car. I asked her if there were any injuries and she said she didn't know, but that she was alright, just shaken.

I informed her that I would contact the Leavenworth Police Department for her. She then told me that a police car had just pulled up. After disconnecting the line I still contacted the Leavenworth Police Department by land line and informed them of the situation and they were able to confirm that a unit was at the scene.

This ended my participation with this 911 call.

If there is anything further that you need on this call, please let me know.

20.51.07/03/93

066160HPS3

HVC3HPW1.MAB

REC CELLULAR RPT OF POSSIBLE CAR FIRE ON I135/
1 SOUTH OF HIGHWAY 15 EXIT. RP ADVISED HE HEARD THE RPT ON THE CB
AND ADVISED THIS WOULD BE A PK WITH A HORSE TRAILER. THIS IS THE ONLY
INFO AVAILABLE.

21.04.07/03/93

067142HVC3

HPS3.

HVC5

IM SORRY BUT WE DO GET BUSY AND DONT ALWAYS GET TO LOOK AT THE TWX
YOU HAVE SENT US MESSAGES LIKE THIS BEFORE CAR FIRE ABM CALL IT
WOULD BE SO MUCH HELP TO CALL US AT 316-283-4190 THANKS
OPR/948

HARVEY CO COMM, NEWTON KS 316-283-4190 FAX 316-283-4892

21.04.07/03/93

067188HPS3

HVC3.MAB

10-4

HOUSE LOCAL GOVERNMENT

Attachment # 2-11

2 / 17 / 94

2 - C Reed's
1 - C Gray

Insurance Accident 2/6

HPWINVSI.MAD

REC CELLULAR RPT OF A MULTIPLE CAR 10-48
ON THE HESTON-BUHLER ROAD APPROX 4 MILES WEST OF HESTON.
AMBULANCE IS REQUESTED.

038733MP51
HPWINVSI.MAD

THE RP'S NAME IS LISA AT CELLULAR P.S. 318-669-7892.

19. 02/16/93

055521HPS3

HVS1HPW1.MAB

REC CELLULAR RPT OF VEH STUCK IN DITCH AND REQUESTING
WRECKER ON I135/5 MILES NORTH OF NEWTON/SB. NO PREFERENCE OF WRECKER COMPANY.
VEH IS A GRAY FORD AEROSTAR BEARING OK/OXD424.

HE ADVISED HE COULD SEE A SIGN IDICATING THE TURNOFF FOR K15/I135.

HIS NAME IS LARRY BOOTH AND CELLULAR NUMBER OF 918-638-0373

NNNN

20.42.07/01/93

081517HPS1

HVC3.MAB

REC CELLULAR RPT OF AN ELEVEN YOA BOY WHO APPARENTLY THREW
HIS HIP OUT AND NEEDS AN AMBULANCE. LOCATION IS AT CENTENNIAL BALLFIELD
NUMBER 2 IN NEWTON.

RP IS MARVA BENTON, CELLULAR #316-655-0986.

18.02.11/05/93

67157HPS3

.PW1MNS1HVC5.MBA

POSSIBLE 10-46 JUST GOT OFF ON EXIT 34/I135
AT NORTH NEWTON EXIT NORTHBOUND AT 1800 HRS. RED AND SILVER CHEV
U TRUCK, KS LIC/AVG654. WF DRIVER WAS WEAVING IN AND OUT OF TRAFFIC.
NFO COMES FROM CAR PHONE CALLER.

KHP SALINA

8.05.11/05/93

67334NCIC

1L01NCICHVC2QV

S040013N

O RECORD

VIN/

G1AZ37K8BK414887

HOUSE LOCAL GOVERNMENT
Attachment # 2-13
2 / 17 / 94

18.28.03/14/93
049138HPS1
HVC1.MBA

INJURY
ACCIDENT

941

IS U50 AND COUNTY ROAD 835 YOUR COUNTY??

THERE IS A 10-48 ELDERLY COUPLE REQUEST ABULANCE POSS HEAD INJURIES
THIS CALL CAME IN ON CAR PHONE. PLS CONFIRM

INJURY ACCIDENT

PNT C-Red

15.14.05/27/93
056198HPS1
HPW2HVC5.MBA

10-48 CAR/BICYCLE, SUBJ IS LAYING ON THE GROUND
U50 EAST OF WALTON ABOUT 3-4

APPROX MILEPOST 286

INJURY ACCIDENT

17.49.07/02/93
058532HPS1
HVC5.MAB
34-39...

DO YOU HAVE UNITS ENROUTE TO A CAR/MOTORCYCLE ACCIDENT NEAR MP

HOUSE LOCAL GOVERNMENT

Attachment # 2-14

21 17 194

FORD COUNTY COMMUNICATIONS

PLEASE LOG CELLULAR CALLS AND MOBILE PHONE CALLS

DATE 1994	COUNTY OR CITY		TIME	HOW HANDLED
01/94	Gray County	10-48	unk	phone/twx
1/26	Garden City		0723	transferred on 911
1/26	Gray County		0930	radio/Gray Co Officer
1/29	Garden City		0708	transferred on 911
1/30	Liberal		1330	transferred on 911
2/1	Gray County		1413	transferred on 911
2/1	Clark County		1443	transferred on 911
2/2	Scott City		0727	transferred on 911
2/4	Garden City		1628	transferred on 911
2/9	Garden City		1221	transferred on 911/twx
1993	Scott City	10-48/10-40	unk	phone/twx
08/93	Scott City	child/fallen into pool	unk	phone/twx

Ron:

Last year one of the dispatchers that worked for P.D. took a 10-48 call for Scott City involving a 10-40. She handled by Phone & Teletype.

In Aug of 93. Call for Scott City a child had fallen at the Pool, again handled by Phone & T.T.

A 10-48 in Clay Co in the 1st Part of January

Somewhere I will have more document, but will continue to see. If there is more information you would want us to document just let me know.

Dorothy



Hays Police Department

105 West 12th St.
HAYS, KANSAS 67601-3648

Lawrence Younger
Chief of Police
Phone (913) 625-1030

February 4, 1994

Ron,

Here are two examples of 911 calls that we are receiving from outside of Ellis County. Both of these came in from Cellular One users. At this time, Kansas Cellular is not set up here for 911 calls.

When we receive the calls from Cellular One users, all we get is 913-625-9210 Record Not Found.

Granted, both of these turned out to be minor incidents, but we have had others that were critical incidents. I feel that it is imperative to have the cellular calls routed to the closest PSAP.

I will not be able to attend the next 911 Providers Group meeting as I will be cutting over to a new computer program on that day.

If there is anything you or the group needs, feel free to give me a call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim".

Jim

HOUSE LOCAL GOVERNMENT
Attachment # 2-16
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06259210 04 07:46:12 C00 07:46:17 C01 07:46:17 D00 07:46:19 D01 07:46:22 07:46:2

9136259210 RECORD NOT FOUND

06259210 02 07:46:23 C00 07:46:27 D00 07:46:42 07:46:43

9136259210 RECORD NOT FOUND

***** DATE: 02/09/94 TIME: 08:00:00 *****

Accident, Russell County

***** DATE: 02/02/94 TIME: 09:00:00 *****

06259210 01 09:26:04 C00 09:26:09 C01 09:26:09 D00 09:26:13 D01 09:26:15 09:26:1

9136259210 RECORD NOT FOUND

06259210 03 09:26:19 C01 09:26:23 C00 09:26:24 D00 09:26:50 D01 09:26:55 09:26:5

9136259210 RECORD NOT FOUND

DISABLED VEH, OAKLEY AREA

HOUSE LOCAL GOVERNMENT
Attachment # 2-17
2 / 17 / 94

***** DATE: 02/04/94 TIME: 19:00:00 *****

06259210 00 19:06:25 C01 19:06:30 D01 19:07:21 19:07:22

9136259210 RECORD NOT FOUND

mp. 113 WB I-70
46

06259210 01 19:12:40 C01 19:13:00 D01 19:13:41 19:13:42

9136259210 RECORD NOT FOUND

mp 105 WB I-70
55

***** DATE: 02/04/1994 TIME: 04:33:31 *****

HOUSE LOCAL GOVERNMENT
Attachment # 2-18
21 17 / 94



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

May 10, 1993

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
TELECOPIER: 296-6296

ATTORNEY GENERAL OPINION NO. 93- 65

Craig D. Cox
Harvey County Counselor
Courthouse
P.O. Box 687
Newton, Kansas 67114-0687

Re: Cities and Municipalities--Emergency Telephone
Services--Cellular Telephones; County Home Rule
Power

Synopsis: A county may, in the exercise of its statutory home
rule authority, enact resolutions which address a
cellular telephone company's request to utilize the
county's 911 system. Cited herein: K.S.A.
12-5301; 12-5302; 12-5303; K.S.A. 1992 Supp.
19-101a; Kan. Const., art. 12, § 5.

*

*

*

Dear Mr. Cox:

As county counselor for Harvey county you inquire whether the
emergency telephone services statutes (K.S.A. 12-5301 et seq.)
have any application to a cellular telephone company that has
requested permission from the county to route its 911 calls
through the Harvey county emergency telephone system which was
established pursuant to K.S.A. 12-5301 et seq.

It is our opinion that the statutes have no application and,
therefore, the county is free to utilize its home rule powers
to address this matter if it so chooses. K.S.A. 1992 Supp.
19-101a provides that the board of county commissioners may
transact all county business and enact legislation subject

HOUSE LOCAL GOVERNMENT
Attachment # 2-19
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(17)

only to certain enumerated exceptions, one of which is that the county is subject to "all acts of the legislature which apply uniformly to all counties." Our research has found no acts of the legislature which address this situation. K.S.A. 12-5301 et seq. was enacted in 1980 to authorize local units of government to purchase equipment for a 911 system by adding a tax which appears on the telephone bill of each resident. Minutes, Senate Transportation and Utilities Committee, February 15, 1980. The statutes were amended in 1990 because rural communities with small populations were having difficulty affording the equipment necessary to establish and maintain a 911 system. Minutes, House Local Government, February 7, 1990, attachment 12. The statute now provides for a maximum 75¢ per month tax that appears on the telephone bill of each resident. K.S.A. 12-5302. The proceeds of the tax fund the operation of the 911 system. K.S.A. 12-5302. The telephone company collects the tax and pays it to the county after retaining an administrative fee. K.S.A. 12-5303.

We can find no evidence of a legislative intent to include cellular telephone considerations in a statutory scheme which provides only for the establishment of a 911 system and a method of paying for it. This tax is imposed upon "exchange access lines or their equivalent." An access line is the line provided by the telephone company which runs into each residence or business which has telephones. This method of taxation would be difficult to utilize with cellular telephone users because there are no "lines" or an equivalent. Cellular telephones operate off of radio transmissions which are directed to the nearest tower which receives the signal. The tower would then direct the call to the 911 dispatch center. A cellular telephone user might be a Harvey county resident but he or she could be a resident from out of county or out of state who needs 911 assistance while traveling through Harvey county.

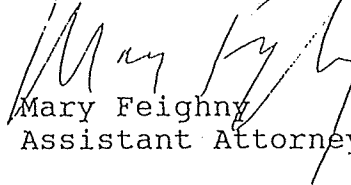
In addition, the purpose of the tax is to pay for 911 equipment and it is unknown whether the county would have to incur additional equipment expense to accommodate the cellular telephone company. If there are no additional equipment expenses, it could be argued that a cellular telephone company might not have to pay any expenses to the county under these statutes. In short, these statutes are inapplicable to cellular telephone technology and may need to be amended to take these factors into account in order to avoid the patchwork of county resolutions which may address this situation.

Blevins v. Hiebert, 247 Kan. 1 (1990), acknowledges that home rule is available to all cities and counties in all areas of local government where not prohibited by article 12, section 5 of the Kansas constitution or by K.S.A. 1992 Supp. 19-101a. Blevins, 247 Kan. at 5. In Blevins, the court concluded that "constitutional and statutory home rule provisions must be given a liberal construction in order to provide counties and cities the largest measure of self-government and that where the legislature is silent, a municipality is free to carve out its own local solutions to problems." Blevins, 247 Kan. at 12, 13. Since there is no legislation which addresses this situation, it is our opinion that the county is free to exercise its home rule powers to address it.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Mary Feighny
Assistant Attorney General

RTS:JLM:MF:jm

HOUSE LOCAL GOVERNMENT
Attachment # 2-21
2 / 17 / 94



Harvey County Emergency Preparedness

P.O. Box 687 Newton, Kansas 67114-0687 (316) 283-6010

Lon Buller
Director

February 11, 1994

Ms. Nancy Brown, Chairperson
Kansas House of Representatives
Local Government Committee

Dear Ms. Brown:

This correspondence supports the passage of SB688.

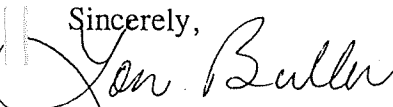
SB688 would add wireless communications to the monthly tax that supports 9-1-1 services. Currently, wireless communications owners, particularly cellular phone owners, do not pay any fee and have free services, while landline telephone users are taxed up to 75 cents per month to help support 9-1-1 services.

The Office of Harvey County Emergency Preparedness does not believe a fee of up to 75 cents per month is too much to ask for the life saving service that emergency communication centers can provide. This office also believes that funds collected from wireless communication companies should be remitted directly to those emergency communication providers and not to some state agency.

If all emergency calls were directed to a state answering point(s), we believe this would be detrimental to the citizens of Kansas and people passing through. For example, the state answering point receives a call from John Q. Public from a location several counties away, and the "dispatcher" takes the information provided and should pass the information in an expeditious manner to that area. Herein lies the problem that this "dispatcher" will have to contend with. He/she is more than likely *not* familiar with that community's or county's landmarks, etc. All they can pass on is what information they get. Whereas, if a local area emergency communications center receives the information, they know the area and can more ably assist the citizen.

In closing, cellular phone users should pay their fair share as do the current landline telephone users for 9-1-1 emergency communication centers. If you should need any further information, please contact me.

Sincerely,


Lon Buller, CEM
Harvey County
Emergency Preparedness

LB:bl

PREPARE TODAY - ALIVE TOMORROW

HOUSE LOCAL GOVERNMENT
Attachment # 2-22
2 / 17 / 94



KANSAS ASSOCIATION OF COUNTIES

"Service to County Government"

215 S.E. 8th
Topeka, Kansas 66603-3906
(913) 233-2271
FAX (913) 233-4830

EXECUTIVE BOARD

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210 S. National
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Nemaha County Register of Deeds
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Seneca, KS 66538
(913) 336-2120

Eldon Hoyle

Geary County Commissioner
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(913) 762-4748

NACo Representative

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Kinsley, KS 67547
(316) 995-7973

Darrell Wilson

Saline County Sheriff
300 W. Ash
Salina, KS 67401
(913) 826-6500

Executive Director

John T. Torbert, CAE

TO: Ron Hoffman

FROM: Jim Reardon, Director of Legal Services
Anne Smith, Director of Legislation

SUBJECT: Emergency Telephone Services

DATE: February 11, 1994

We have reviewed SB 688 and its companion bill HB 2794 and understand this legislation is offered in response to the A.G.'s Opinion #93-65.

The Kansas Association of Counties is in agreement with the concept of fair taxation of all users of emergency telephone services. We are also in support of the local public safety answering point. We believe this improvement of emergency communications will assist local law enforcement.

Thank you for your consideration of our position. The Kansas Association of Counties supports SB 688 and HB 2794.

HOUSE LOCAL GOVERNMENT

Attachment # 2-23

2 / 17 / 94

BOARD OF COUNTY COMMISSIONERS



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CHAIR
FIRST DISTRICT

BILL HANCOCK
COMMISSIONER
SECOND DISTRICT

ANDREW L. BIAS
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FOURTH DISTRICT

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COMMISSIONER
THIRD DISTRICT

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COMMISSIONER
FIFTH DISTRICT

COUNTY COURTHOUSE • 525 NORTH MAIN • SUITE 320 • WICHITA, KANSAS 67203-3759 • TELEPHONE: (316) 383-7411 • FAX (316) 383-7509

February 11, 1994

Kansas State Senate
Transportation Committee

Dear Chairman Vidricksen and Committee Members,

This correspondence is in support of Senate Bill 688. This bill would provide for the collection of the 9-1-1 tax for wireless communications. Presently, wireless communications subscribers, with particular emphasis on cellular telephones, are not being taxed on their monthly bill as landline telephone users are taxed.

Often when a cellular phone user calls 9-1-1 to report an emergency, telecommunications must work harder and longer to secure the location for public safety response. This added work load results from the lack of Automatic Number and Location Identifiers (ANI,ALI) due to the inability of wireless communications to send this information to the 9-1-1 system.

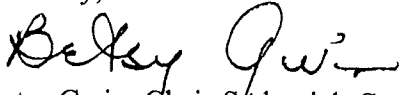
The Sedgwick County Commission believes that requiring wireless communications users to pay the same tax (a maximum of 75 cents per month) as set by the governing body for landline telephone users is not only appropriate but logical for the use of the same public service. It is also our belief that funds collected by the wireless providers be remitted directly to emergency communications providers as the landline telephone providers currently do. We do not think it in the best interest of local or state government to have the funds collected by wireless providers sent first to various state agencies and then to local governments.

... To Be The Best We Can Be

HOUSE LOCAL GOVERNMENT
Attachment # 2-24
2 / 17 / 94

If the Sedgwick County Commission can be of further assistance, please do not hesitate to contact us at your convenience.

Sincerely,

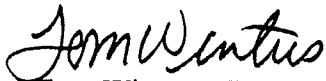


Betsy Gwin, Chair Sedgwick County Commission



Andrew L. Bias, Chairman Pro Tem

Not Available for Signature
Bill Hancock, Commissioner



Tom Winters, Commissioner



Mark F. Schroeder, Commissioner

... To Be The Best We Can Be

HOUSE LOCAL GOVERNMENT
Attachment # 2-25
2 / 17 / 94

GOODLAND POLICE DEPARTMENT

204 W. 11TH
GOODLAND, KS 67735
(913) 899-4575

February 11, 1994

Kansas House of Representatives
Local Government Committee

Dear Representatives:

I am writing this letter in support of the passage of HB 2794. I am unable to appear before you today due to prior commitments, however I feel this issue is very important and therefore seek your support.

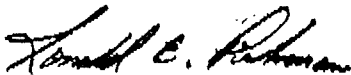
As a 9-1-1 service provider I can attest to the value of this life saving emergency service. Time and time again our citizens have proven its worth. In times of emergency; stress, fear, and anxiety tend to cloud a person's mind, making it difficult to remember a seven digit emergency number. The nationally recognized emergency number 9-1-1 has benefited many persons in this situation due to the ease of recall.

Small communities such as mine, have implemented 9-1-1 services by imposing a tax on landline telephone users. This tax is necessary to generate revenue to acquire and maintain the necessary equipment to provide this valuable service.

With the rapid advances in technology we are seeing a dramatic increase in the utilization of wireless communications, particularly cellular phones. Under current Kansas statutes, wireless communication owners enjoy the benefit of 9-1-1 services without the cost currently imposed on landline users. If this situation is not corrected small communities will rapidly lose necessary revenue needed to operate their 9-1-1 facilities. House Bill 2794 will correct this problem by adding wireless communications to the monthly tax which supports 9-1-1 services. By remitting the funds allocated from each wireless communication company direct to the 9-1-1 service provider, we can be confident this life saving service will not suffer.

Thank you for your support of HB 2794. If I can be of further assistance please contact me at your convenience.

Sincerely,



Ronald E. Pickman
Chief of Police
Goodland, Kansas

REP/lgt

HOUSE LOCAL GOVERNMENT
Attachment # 2-26
2 / 17 / 94

THOMAS COUNTY SHERIFF'S DEPARTMENT

225 North Court
Colby, Kansas 67701
(913) 462-6725
(913) 462-3877 - FAX
Thomas W. Jones, Sheriff
Scott Ekberg, Undersheriff

February 10, 1994

Kansas House of Representatives
Local Government Committee

Dear Representatives:

This correspondence supports the passage of HB 2794.

House Bill 2794 would add wireless communications to the monthly tax rolls that support 911 services. Presently, wireless communications owners, particularly cellular telephone owners, enjoy free services from emergency communications centers, while others who are land line telephone users only, are taxed up to 75 cents per month to help support the 911 service. We do not feel that a fee of 75 cents per month is too much for the kind of life saving service emergency communications centers provide.

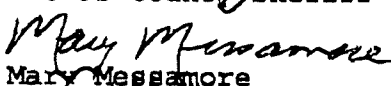
Millions of dollars have been invested nationwide since 1967 in the development of the complex enhanced 911 system, but it appears the investment will have to be repeated to accommodate the new technology. We need to re-define how emergency services are funded because all existing services and their subsequent funding is based on wireline technology. Senate Bill 688 is the first step in this endeavor.

We feel that it is important to also see that the funds collected from each wireless communications company should be remitted directly to those emergency communications providers.

If we can provide any further information, please contact us at your convenience.

Sincerely yours,


Thomas W. Jones
Thomas County Sheriff


Mary Messamore
Communications/Records Supervisor

HOUSE LOCAL GOVERNMENT
Attachment # 2-27
2 / 17 / 94

The City of COLBY

225 N. Court • Colby, Kansas 67701-2498 • FAX (913) 462-3877

(913) 462-4460

Police Department

Randall W. Jones
Chief of Police

February 10, 1994

Kansas House of Representatives
Local Government Committee

Dear Representatives:

This correspondence supports the passage of HB 2794.

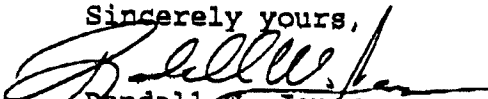
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If we can provide any further information, please contact us at your convenience.

Sincerely yours,



Randall W. Jones
Chief of Police



Mary Messamore
Communications/Records Supervisor

HOUSE LOCAL GOVERNMENT
Attachment # 2-28
2 / 17 / 94