

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Nancy Brown at 1:30 p.m. on February 21, 1994 in Room 521-S of the Capitol.

All members were present except: Representative William Bryant (excused)
Representative Carl Holmes (excused)
Representative Gwen Welshimer

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

Conferees appearing before the committee:

Kenneth M. Duckworth, Former Deputy Chief of Police, Wichita
David O. Dunford, Technical Services Supervisor, Lenexa Police Department
Craig Cox, Harvey County Counselor, Newton
Whitney Damron, of Pete McGill & Associates, Topeka
Larry Southern, Southwestern Bell Mobile Systems, Inc., Dallas, Texas
Jay Scott Emler, General Counsel for KINI and Liberty Cellular of Salina
Becky Stewart, Johnson County Emergency Services
Representative Rand Rock
Ernie Mosher, City of Topeka
Don Moler, League of Kansas Municipalities
Representative Jim Long
Representative Joan Wagnon
Len Richter, Police Reserve Officer, Topeka
Jack Hahn, Deputy Executive Secretary, Kansas Public Employees
Retirement System
Representative Dick Edlund
Barbara Butts, Department of Administration Municipal Accounting

Others attending: See Attachment 1.

Chairman Brown reopened the hearing on **HB 2794** (concerning emergency telephone services; cellular, mobile and wireless telephones). Mr. Kenneth M. Duckworth, Former Deputy Police Chief and Former Coordinator of Emergency Communications of Wichita, testified in support of the bill (see Attachment 2).

David O. Dunford, Technical Services Supervisor, Lenexa Police Department, spoke in support of **HB 2794**. He presented suggestions for amendments to the bill (1) to narrow the bill's scope specifically to mobile telephone users, (2) allow collection of tax by service suppliers based on political boundaries, and (3) set the tax rate on parity with wireline users. (See testimony, Attachment 3).

Craig Cox, Harvey County Counselor, testified in support of **HB 2794**, stressing the importance of deciding the policy question of handling 911 emergency calls for public safety (see full testimony, Attachment 4).

Whitney Damron, of Pete McGill & Associates, Topeka, presented opposition to **HB 2794**, expressing support instead for **SB 645** (emergency telephone services-911; wireless telephones), see Attachment 5.

Larry Southern, of Southwestern Bell Mobile Systems, Inc., Dallas, described the history of the wireless industry in opposing a tax for 911 and the current operations of services throughout the state. He stated opposition because (1) it does not assure wireless users of improved 911 services, and (2) taxing wireless users is unnecessary since 911 systems in place are already fully funded (see Attachment 6).

Jay Scott Emler, General Counsel for KINI L.C. and Liberty Cellular of Salina, described the workings of the current cellular services in rural areas and the carriers opposition to **HB 2794** (see Attachment 7).

The Chairman indicated that written testimony from the following individuals has been distributed to the members for review: Dorothy Faulkner, Communications Director, Ford County; Barton County Commissioners; Jim Daly, President-Elect, Kansas Peace Officers Association; Graham County Commissioners; Jimmy D. Grenz, Director of Emergency Communications, Hutchinson; Richard Ciero, Marion County; Osborne County Commissioners; Captain R. Keith Faddis, Commander, Technical Services Division, Overland Park; Captain John J. Duggan, PSAP Manager, Pittsburg; Doyle Brown, Chairman, Decatur County Commissioners; and Robert Mater, Director, Engineering and Operations, Kansas Cellular, Salina. (See Attachments 8 through 18).

There were some questions from committee members concerning whether the Corporation Commission has oversight of the industry and the manner in which calls are handled in areas where no PSAT operates.

There being no others present to testify, the hearing on **HB 2794** was closed.

The Chairman then opened the hearing on **HB 2831**, cities; residency requirements for certain employees. Representative Rand Rock presented his reasons for introducing the bill, stating that requiring the residency of police and firefighters within certain boundaries as a requirement of employment is irrelevant and unfair. He also stated that relaxing the residency requirement would increase the availability of new personnel and urged approval of the bill.

Ernie Mosher, representing the Mayor of the City of Topeka, spoke in opposition to the bill, stating the residency decision should be made by local units of government.

Don Moler, Counsel for the League of Kansas Municipalities, described the League's opposition to **HB 2831** stressing that such a decision should be made at the local level (see Attachment 19).

Representative Jim Long spoke in support of the bill, stating it takes educated candidates for fire and police personnel, and limiting residency severely limits the pool of candidates. Representative Watson also spoke in support of the bill, stating the requirements greatly affect the availability of candidates for the Kansas City Police Department.

There being no others present to testify, the hearing on **HB 2831** was closed.

The Chairman then opened the hearing on **HB 2918** (authority and benefits of certain special deputy sheriffs). Representative Joan Wagon described her support of the bill, stating that the inequities of current law need to be corrected. Len Richter, a Shawnee County Sheriff's Department Reserve Officer, described the reserve officer's role in law enforcement and the inequities of the current system. He urged passage of **HB 2918** (see Attachment 20).

Jack Hahn, Deputy Executive Secretary of Kansas Public Employees Retirement System, testified on behalf of

his agency on the legal ramifications of **HB 2918** and offered an amendment to transfer benefit payments to counties (see Attachment 21).

There being no others present to testify, the hearing was closed on **HB 2918**.

Chairman Brown then opened the hearing on **HB 2873** (cities; form of government; procedure for abandonment). Representative Dick Edlund, a sponsor of the bill, expressed his opinion that the bill gives power back to the people to decide whether to adopt or abandon any form of city government. He stated that Wyandotte County is nearing the point of change of government (perhaps consolidation) because of the county's small area and its high tax level. After discussion, on motion of Representative Wootton, seconded by Representative Mays, the committee voted to pass the bill favorably.

The Chairman then opened the hearing on **HB 3017** (townships; sale of real property; appointment of road overseer). Representative Elaine Wells' written testimony on the bill was handed to each member (see Attachment 22) in which she encouraged its passage. Barbara Butts, Department of Administration Municipal Accounting, expressed support for the bill as it would provide some equity between a county and township for disposing of property (see Attachment 23). After discussion, on motion of Representative Watson, seconded by Representative Powers, the committee voted to pass the bill favorably.

Chairman Brown reminded members of the meeting tomorrow, February 22, at 1:30 p.m. in Room 521-S of the State Capitol.

The meeting adjourned at 3:35 p.m.

HOUSE OF REPRESENTATIVES
COMMITTEE ON LOCAL GOVERNMENT
CONFEREES AND VISITORS
FEBRUARY 21, 1994

NAME AND ADDRESS (Please print)	REPRESENTING
Ken Duckworth	Wichita
Becky Stewart	Wichita
Michelle Clum	Topoka
LEN RICHTER	Topoka
RON HOLMAN	Newton
DAVID O. DUNFORD	LENIXA
JOE TARASSI	TOPEKA
JACK MARKEY	TOPEKA
Paul Hawn	Topoka
Jack Hawn	Cranford
Don Molerz	Topoka
→ Craig Wilson	Halstead
Jay Scott Emker	Salina
Whitney Damm	Topoka
Larry Southern	Dallas, TX
Rob Land Rock	Ark City
	Citizen
	Sedgwick Count Emerg. Comm.
	att. Jon Small
	Shawnee County Reserve Officer
	HARPER County P-1-1
	LENIXA POLICE
	SHAWNEE CO. SHERIFF
	SHAWNEE CO. SHERIFF
	City of Topoka
	REPORTS
	League of KS Muni.
	Harvey County
	Liberty Cellular Inc.
	McMillan Assoc. SBMS
	Southwestern Bell Mobile Systems
	77th Leg. Dist.

HOUSE OF REPRESENTATIVES
COMMITTEE ON LOCAL GOVERNMENT
CONFEREES AND VISITORS
FEBRUARY 21, 1994

NAME AND ADDRESS (Please print)

REPRESENTING

Anne Smith

Topeka

Ks. Assoc. of Counties

John J. Federico

"

McGill + Assoc

Dan & Kay

ELK Twp, Osage Co

Barbara Butts

Topeka

Dept of Admin

HOUSE LOCAL GOVERNMENT

Attachment # 1-2

21 / 21 / 94

HOUSE BILL #2794

EMERGENCY TELEPHONE SERVICE

for 9-1-1

Cellular, Mobile, Wireless Telephones

Submitted By

Kenneth M. Duckworth
2908 S. Fern
Wichita, Kansas

Chairman and Members of the House Committee

I first became a member of the Public Safety Community in 1953 as a Police Officer. I rose through the ranks to the position of Deputy Chief in Wichita.

Through my career communications came under my command. In the middle sixties I served on a committee in Washington, D.C. that selected the numbers 9-1-1 as the number to be used all across the nation by persons to summons emergency service. I retired in September of 1975, and was appointed to consolidate all Emergency Communications in Sedgwick County. I held that position for 16 years. During that time we implemented an Enhanced 9-1-1 system that has served the citizens of Sedgwick County very well. I retired from that position in December 1992.

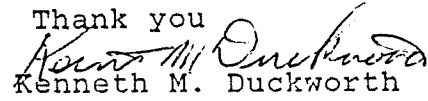
The primary intent of 9-1-1 was so that persons could dial a three digit number and be connected to the appropriate public safety agency that serves that area, without being transferred to one or more persons before help was on the way. Also, an assumption was made that the agency answering the phone would be intimately aware of the geographical area where the call was coming from to prevent a delay in emergency response. Frequently a delay of a few seconds can make a difference between life and death.

I am a member of the Associated Public-safety Communications Organization, International since 1957 and served as President of the Kansas Chapter for three separate years. The 9-1-1 system has been given the credit for the saving of numerous lives across the nation. Although I am presently retired I have a sincere interest in the continued improvement of the system.

When the present 9-1-1 law was passed Cellular, Mobile, and Wireless telephones were not a problem because of the very few numbers in use. However, in the last few years there has been a tremendous growth in there use. This has caused severe problems for public safety communications personnel in fulfilling their responsibilities in a timely manner. Articles in the Trade Journals have printed that in the next few years everyone will have their own personal phone that they will carry with them and will not need a "wired" phone. As this occurs not only will it have an effect on the revenues that support the 9-1-1 centers but it will also compound the problems facing emergency response. Present "wireless" systems do not supply Location information as "wired" phones supply.

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

In conclusion, I am in full agreement with the changes proposed by the 9-1-1 users group and respectfully request this House Committee to recommend their approval.

Thank you

Kenneth M. Duckworth

Testimony Regarding H.B. 2794

February 17, 1994

There is tremendously heightened awareness of 9-1-1 as the communications link from the public to emergency service providers. Certainly the media publicity, both positive and negative, including the popular television show Rescue 9-1-1, has contributed to this awareness. Even a "new" national organization called NENA (National Emergency Number Association) has been formed specifically to serve the needs of 9-1-1 system operation. NENA's goal is simply stated in their motto: "One Nation, One Number."

Concurrent with the development of older systems and installation of new 9-1-1 systems has been an explosive growth in other areas of communications, particularly those which allow more **personal mobility** for the users. Business radio, public safety radio and particularly mobile and portable telephone systems are finding new and expanded usage. The most obvious example of this proliferation of personal communication devices is the increasing use of cellular telephones. Not only are the phone sets themselves better, smaller and much cheaper than older radio-based interconnected devices, but the cellular network, or backbone service, is growing to cover a substantial part of the country.

Because cellular service is reliable, cheap and widespread (and steadily expanding) we have seen an increase in cellular 9-1-1 call reporting to our police communications unit. Presently the dispatchers receive 18% of all 9-1-1 calls from cellular users, so of roughly 24,000 9-1-1 calls per year, about 4,300 come from cellular phones.

Accordingly, the legislation proposed by H.B. 2794 is significant for several reasons. First, it proposes, and we agree, that 9-1-1 cellular users should pay a surtax equivalent to wireline users for support of the 9-1-1 telephone system infrastructure. The dual key issues to us are (1.) the **mobility** of the user and (2.) the nature of the **communication device** (mobile phone).

The "**mobile**" in mobile telephone is important since, in practice, PSAP's typically receive multiple calls for service regarding a particularly visible event. In essence, a steady stream of "new" callers is viewing the incident because they are mobile and drive into the proximity of the occurrence. Because the cellular phone is exactly that, a full-featured telephone made mobile by sophisticated radio and computer technology, its sole use is to make and receive telephone calls through the PSTN. As such, it has the same capabilities as any other telephone including exclusivity of use which is separate and simultaneous to its companion "home" telephone where its owner either lives or works.

This legislation is also a pioneer in attempting to impose state regulation on the cellular carriers. Unlike wireline telephone exchange service, **cellular service is presently unregulated** by the KCC and (with the exception of license filing and technical compliance) by the FCC as well. Thus the cellular carriers operate in a quasi-competitive duopolistic environment since there are only two carriers per marketplace. It is probably this limited

regulation that has allowed free-marketplace forces to stimulate the cellular network development and expansion.

Another significant consideration of this bill is its requirement for cellular carriers to establish **cellular 9-1-1 service statewide**. Since there are already signboard-publicized cellular "help" numbers in the metro Kansas City area sponsored by the KHP and on the Kansas Turnpike sponsored by the KTA, it seems reasonable to extend 9-1-1 access -- which is probably the widest recognized "help" number -- to cellular users statewide as well.

We believe H.B. 2794 is basically sound and strives to reach reasonable, objective goals. We would like to point out some basic issues of concern to us for consideration by the committee. First, as it is written the bill could have a sweeping effect on persons who can access a telephone line through an interconnect device attached to a two-way radio (dispatch system.) Examples include business radio users, amateur radio operators, and even governmental users like police, ambulance and public works users. We recommend clarifying the wording of Section 1 as needed to, at least for now, **narrow the bill's scope** specifically to mobile telephone users.

Section 3 (b) deals with the method of collection and remittance of proposed 9-1-1 cellular fees. The proposed plan would be cumbersome in areas where PSAP boundaries don't coincide with zip code boundaries. We recommend addition or change of language to allow, where practical, collection of tax by the service suppliers based on county or political jurisdiction boundaries.

An additional point for your consideration regards the rate of 9-1-1 cellular taxation. Through numerous meetings several of the cellular carriers have indicated support for a cap on their 9-1-1 tax rate focused on \$.30 per month per phone. They are reluctant to pay any tax, but a fixed rate seems preferable to a rate varying by location in the state. From a local perspective, we understand their point of view but believe the tax rate should be based on local needs as set out by the respective governing body and should be on parity with the wireline user tax.

Testimony prepared and submitted by:

David O. Dunford
Technical Services Supervisor
Lenexa, KS Police Department
PH: 913-888-4110 x 330

HOUSE BILL #2794
EMERGENCY TELEPHONE SERVICE FOR 9-1-1
CELLULAR, MOBILE, WIRELESS TELEPHONES

Submitted by: Craig D. Cox, Harvey County Counselor and attorney
for State of Kansas 9-1-1 providers.

Chairperson and Members of the House Committee:

The legislation proposed by the Kansas 9-1-1 providers will establish and fund the universal emergency telephone #9-1-1 across the State of Kansas (except for the Kansas Turnpike number "*KTA").

Even though the proposed legislation which is numbered as House Bill #2794 deals with a number of technical matters in the providing of 9-1-1 emergency telephone service, the proposed legislation deals with the following three major areas:

- I. Current Kansas law provides that the governing body of each public safety answering point (PSAP) is allowed to assess a tax not to exceed 75¢ per month on every telephone line in service. The legislation proposed by the 9-1-1 providers would apply the current taxing legislation to each and every cellular and/or mobile telephone. The application of the 9-1-1 tax to cellular and/or mobile telephones is fair to all public consumers.
 - A. The cellular companies will argue that imposing the current 9-1-1 tax upon cellular and/or mobile telephones would be unfair because the individual who has a cellular and/or mobile telephone is already paying the 9-1-1 tax on the telephone they have at home. This argument by the cellular companies is faulty because it ignores the fact that a cellular and/or mobile telephone independently accesses the 9-1-1 emergency answering system completely separate from any land based telephone. An example of this is as follows: I have two separate lines to my law office. Under current Kansas law, I pay a 9-1-1 tax for each of my two telephone lines. If I would drop one of my land based lines and purchase a cellular telephone, I would only be paying the 9-1-1 tax on my one land based line, even though I have complete and separate access to the telephone system and to the 9-1-1 emergency answering system on my cellular phone for which I pay no tax. Because the current Kansas law does not allow the 9-1-1 tax to be imposed upon cellular and/or mobile telephones, the land based telephone consumers are being discriminated against

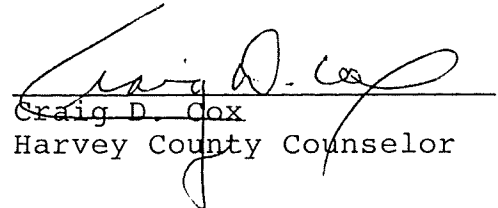
because they are the only ones paying for the 9-1-1 emergency telephone system.

- B. Cellular companies argue that the 9-1-1 tax does not need to be imposed upon cellular and/or mobile telephones because the 9-1-1 emergency answering system is already adequately funded. This argument is also faulty in that it does not take into account how the current 9-1-1 tax discriminates against the land based telephone consumer as compared to the cellular/mobile telephone consumer. By imposing the current 9-1-1 tax upon cellular/mobile telephone consumers, all public telephone consumers are being treated equally and fairly and each public telephone consumer is paying his share for having the 9-1-1 emergency answering system. A benefit to imposing the 9-1-1 tax upon cellular/mobile telephone consumers is that it will allow the tax rate to be reduced for all public consumers.
 - C. The cellular companies will argue that applying the current 9-1-1 tax to cellular/mobile telephone consumers will be imposing a new tax on the public. This argument is faulty in that applying the 9-1-1 tax to cellular/mobile telephone consumers will be making the application of the tax fair and equal on all public telephone consumers. This is not a new tax but a fair and equal application of a current tax to all public consumers who benefit from the 9-1-1 emergency telephone system.
- II. The current 9-1-1 tax law provides that all 9-1-1 taxes collected, less a 2% administrative fee for the phone companies, be disbursed to the governing body of the public safety answering point (PSAP) imposing the tax. House bill #2794 would provide the 9-1-1 tax collected on all cellular and/or mobile telephone calls, less the 2% administrative fee for the cellular company, be disbursed by the zip code of the customer to the governing body of the PSAP which serves as the answering point for said zip code.
- A. The cellular companies will argue that such a proposed disbursement procedure would be complicated and expensive to them. Their argument is inaccurate because the proposed disbursement system is the exact disbursement system which is already in place for the land based telephone companies and it has been working well since the original 9-1-1 tax law was passed.

- B. An advantage to the proposed disbursement procedure as outlined by the 9-1-1 providers is that it creates no expense for the State or any state agency.
- III. House Bill No. 2794 proposes that all cellular/mobile phone calls shall be directed to the closest public safety answering point (PSAP). This will provide the public consumer with greatest safety and the best service. This routing of cellular/mobile emergency calls is simple and direct, and can be done without any cost to the State or to any state agency.
- A. The cellular companies will argue that emergency cellular/mobile calls cannot be directed to the closest public safety answering point (PSAP) because some PSAPs and/or counties refuse to accept cellular/mobile emergency calls. This argument is inaccurate. The whole issue as to how cellular/mobile emergency calls should be handled arose because one cellular company in Kansas attempted to impose its own policy and procedures on local public safety answering points (PSAP) for the sole purpose of benefitting their own customers and irregardless of how this would effect the public safety of all consumers overall.
- B. The cellular companies will argue that routing cellular/mobile emergency phone calls to the closest public safety answering point (PSAP) will not work and it would be better to route all cellular/mobile emergency calls for the State of Kansas to one central location operated by the Kansas Highway Patrol. The greatest drawback to this proposal by the cellular companies is the amount of time that will be lost from routing the initial emergency cellular call to the central location and then having that central location reroute it to the public safety answering point closest to the emergency. This delay in time could be critical and could be a factor in whether or not a person lives or dies. Further, the rerouting of the emergency cellular call from the central location to the public safety answering point closest to the emergency will be done either by a telephone call or by teletype. If the rerouting is done by a telephone call, in times of storms, other natural disasters, or emergencies, the telephone lines are busy and such calls cannot be made. Further, in the documentation section of the Kansas 9-1-1 providers testimony, it establishes and shows how untimely teletype communications can be in the case of an emergency.

- C. Any delay in the routing of an emergency telephone call creates liability. Under the system proposed by the cellular companies, the system itself creates delay which will create liability in the handling of cellular/mobile emergency calls.
- D. It is clear that the public consumer's safety is best protected by routing cellular/mobile emergency calls to the closest public safety answering point (PSAP).

THE POLICY ISSUE BEING DEALT WITH BY HOUSE BILL #2794 IS THAT OF PUBLIC SAFETY, WHICH IN THE CASE OF EMERGENCY TELEPHONE CALLS CAN COME DOWN TO LIFE AND DEATH. IN DEALING WITH THE ISSUE OF HOW CELLULAR AND/OR MOBILE EMERGENCY TELEPHONE CALLS SHOULD BE HANDLED AND HOW THE CURRENT 9-1-1 EMERGENCY ANSWERING SYSTEM SHOULD DEAL WITH SUCH CALLS, THE INTERESTS OF THE CELLULAR COMPANIES SHOULD NOT BE CONSIDERED. THE INTERESTS OF THE KANSAS HIGHWAY PATROL SHOULD NOT BE CONSIDERED. THE ONLY INTEREST THAT SHOULD BE CONSIDERED IS THAT OF THE SAFETY OF THE PUBLIC CONSUMER.


Craig D. Cox
Harvey County Counselor

TESTIMONY
OF
WHITNEY DAMRON
OF
PETE MCGILL & ASSOCIATES
ON BEHALF OF
SOUTHWESTERN BELL
MOBILE SYSTEMS
PRESENTED BEFORE
THE HOUSE
LOCAL GOVERNMENT COMMITTEE
FEBRUARY 21, 1994
RE: HB 2794

Good afternoon Madam Chair Brown and Members of the House Local Government Committee. I am Whitney Damron of Pete McGill & Associates appearing before you this afternoon on behalf of Southwestern Bell Mobile Systems in opposition to HB 2794. With me today is Larry Southern of Southwestern Bell Mobile Systems (SBMS).

Let me say first that SBMS is strongly in favor of cellular/wireless 9-1-1 emergency service. However we believe HB 2794 would do little to expand or enhance services presently available to our customers or the citizens of Kansas.

The cellular carriers have been working with interested parties for over four years in efforts to develop and implement a statewide 9-1-1 emergency cellular/wireless service. The results of that effort are found in SB 645 which was heard before the Senate Committee on Transportation & Utilities last week along with a bill identical to the one before this Committee (SB 688).

We would respectfully request this Committee to consider the elements of SB 645 in lieu of the bill before you now. A summary of SB 645 is as follows:

1. Statewide cellular/wireless emergency 9-1-1 telephone service regardless of existing emergency telephone service in a given community. Quite simply, if a cellular telephone is receiving an adequate signal, an emergency operator will answer a 9-1-1 call.

2. There are presently only a limited number of public safety answering points in the state accepting cellular 9-1-1 emergency calls, located primarily in the major metropolitan areas (Wyandotte, Johnson, Douglas, Shawnee and Sedgwick Counties as well as the Salina and Great Bend areas). We would propose to leave those systems in operation just as they are now. All other cellular/wireless emergency calls would be routed through the Kansas Highway Patrol (KHP) in Salina.

Emergency calls received by the KHP could either be addressed by the Patrol, transferred to the local public safety answering point or referred directly to the appropriate local responder (police, sheriff, ambulance, fire, etc.). We would propose to allow the KHP and local responders to work out the operational aspects of our program.

3. In order to fund the operations of the KHP, we have included a .30¢ per month, per customer user fee. Areas presently providing cellular/wireless emergency service and thereby "grandfathered" into the program would receive fees generated from customers residing within their operational boundries (determined by zip code).

SB 645 would implement the user fee on July 1, 1994 and begin operations by the KHP on July 1, 1995. This would allow the Legislature an opportunity to determine that adequate funding is being generated and also provide an opportunity for review of the program in the event the KHP or the industry encounters any significant start-up problems.

That is a summary of what SBMS and the cellular industry has proposed to the Kansas Legislature. However this is a hearing on HB 2794. Our concerns with this particular bill are as follows:

1. HB 2794 will not provide statewide emergency 9-1-1 telephone service for the State of Kansas. In reality it will simply provide additional revenues for existing public safety answering points which are adequately funded through existing statutory authority.

2. HB 2794 would allow local units to assess cellular/wireless users up to .75¢ per month. We would argue that our customers are already paying for local emergency service through their residential and business telephone lines. The implementation of cellular/wireless 9-1-1 emergency service will not significantly increase the number of calls or workload for local public safety answering points. Under SB 645, local emergency answering points would likely see a reduction in

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calls due to the KHP acting as a clearing house for emergency calls. In addition, we would note that calls received from cellular/wireless users would have been made through traditional telephones anyway - cellular 9-1-1 would just speed up the call to the local answering point.

I believe other conferees will explain the technical shortcomings and other concerns the cellular carriers have with HB 2794 so I will conclude my remarks.

I have included a copy of SB 645 with my written remarks which includes amendments proposed by the cellular carriers.

Thank you for this opportunity to present testimony to you on HB 2794. I would be pleased to stand for questions at the appropriate time.

SENATE BILL No. 645

By Committee on Transportation and Utilities

2-2

8 AN ACT concerning municipalities; relating to emergency telephone
9 service; amending K.S.A. 12-5301 and 12-5302 and repealing the
10 existing sections.
11

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

13 Section 1. K.S.A. 12-5301 is hereby amended to read as follows:
14 12-5301. As used in this act, unless the context otherwise requires:

15 (a) "Emergency telephone service" means a telephone system
16 utilizing a single three digit number "911" for reporting police, fire,
17 medical or other emergency situations;

18 (b) "emergency telephone tax" means a tax to finance the op-
19 eration of emergency telephone service;

20 (c) "exchange access facilities" means all facilities provided by the
21 service supplier for the facility which provides local telephone ex-
22 change access to a service user;

23 (d) "tariff rate" means the rate or rates billed by a service supplier
24 and as stated in the service supplier's tariffs, approved by the state
25 corporation commission which represent the service supplier's re-
26 curring charges for exchange access facilities or their equivalent,
27 exclusive of all taxes, fees, licenses or similar charges whatsoever;

28 (e) "public agency" means any city, county, municipal corpora-
29 tion, public district or public authority located in whole or in part
30 within this state which provides or has authority to provide fire
31 fighting, law enforcement, ambulance, emergency medical or other
32 emergency services;

33 (f) "governing body" means the board of county commissioners
34 of a county or the city commission, city council or other governing
35 body of a city;

36 (g) "person" means any individual, firm, partnership, copartner-
37 ship, joint venture, association, cooperative organization, corporation,
38 municipal or private, and whether organized for profit or not, state,
39 county, political subdivision, state department, commission, board,
bureau or fraternal organization, nonprofit organization, estate, trust,
business or common law trust, receiver, assignee for the benefit of
42 creditors, trustee or trustee in bankruptcy or any other service user;

43 (h) "service supplier" means any person providing exchange tel-

1 ephone services service or wireless service to any service user in
2 this state; and

3 (i) "service user" means any person not otherwise exempt from
4 taxation, who is provided exchange telephone service or wireless
5 service in this state;

6 (j) "wireless carrier" means any common, private or other radio
7 carrier licensed by the federal communications commission to provide
8 two-way voice or text radio service in this state which provides
9 interconnection to the public switched telephone network and access
10 to a 911 public safety answering point; and

11 (k) "wireless service" means a two-way voice or text radio service
12 provided by a wireless carrier.

13 Sec. 2. K.S.A. 12-5302 is hereby amended to read as follows:
14 12-5302. (a) In addition to other powers for the protection of the
15 public health and welfare, a governing body may provide for the
16 operation of an emergency telephone service and may pay for it by
17 imposing an emergency telephone tax for such service in those por-
18 tions of the governing body's jurisdiction for which emergency tel-
19 ephone service has been contracted. The governing body may do
20 such other acts as are expedient for the protection and preservation
21 of the public health and welfare and are necessary for the operation
22 of the emergency telephone system. The governing body is hereby
23 authorized by ordinance in the case of cities and by resolution in
24 the case of counties to impose such tax in those portions of the
25 governing body's jurisdiction for which emergency telephone service
26 has been contracted. The amount of such tax shall not exceed \$.75
27 per month per exchange access line or its equivalent.

28 (b) Within 60 days of the publication of a resolution by a county
29 adopted pursuant to subsection (a) there may be filed with the county
30 election officer of the county a petition signed by not less than 5%
31 of the registered voters of the county, and within 60 days of pub-
32 lication of an ordinance by a city adopted pursuant to subsection (a)
33 there may be filed with the county election officer of the county in
34 which the city is located a petition signed by not less than 5% of
35 the registered voters of the city, in either such case requesting that
36 the question of the installation and operation of emergency telephone
37 service and imposition of tax therefor be submitted to the qualified
38 voters of the county. Upon determination of the sufficiency of such
39 petition and certification thereof by the county election officer, the
40 proposition shall be submitted to the qualified voters of the county
41 or city as the case may be at the next primary or general election
42 of county officers following by not less than 60 days the certification
43 of such petition. If a majority of the votes cast at such election are

1 for the installation and operation of emergency telephone service
2 and imposition of tax therefor, or if no protest petition is filed within
3 the time hereinbefore prescribed, the governing body may provide
4 for the installation and operation of such service and impose such
5 tax. Such tax may be imposed for no longer than three years after
6 which the governing body may continue to renew such tax imposition
7 for no longer than three years at a time, subject to such protest
8 petition provided in this subsection. If a tax is imposed on the
9 effective date of this act or thereafter, any proposed increase in the
10 amount of the tax shall be subject to the protest petition provided
11 in this subsection. The proceeds of the tax shall be utilized to pay
12 for the operation of emergency telephone service as set forth in
13 subsection (b) of K.S.A. 12-5304, and amendments thereto, and may
14 be imposed at any time subsequent to execution of a contract with
15 the provider of such service at the discretion of the governing body.
16 The collection of such tax may begin at the time determined to be
17 necessary to generate revenue in an amount necessary to pay the
18 nonrecurring expenses of establishing the emergency telephone service.
19 Any interest earned on revenue derived from such tax shall be
20 used to pay the expenses authorized by K.S.A. 12-5304, and amendments
21 thereto. Such tax shall not be imposed until after the expiration
22 of the protest period or until after approved at an election if
23 a sufficient protest petition is filed.

24 (c) As an alternative to the procedure provided in subsection (b),
25 the governing body may submit, on its own initiative, the proposal
26 to establish an emergency telephone service to the qualified voters
27 of the city or county for approval. Any such election shall be called
28 and held in the manner provided by the general bond law.

29 (d) Such tax shall be imposed only upon exchange access lines
30 or their equivalent. No such tax shall be imposed upon more than
31 100 exchange access facilities or their equivalent per person per
32 location. *Wireless carriers shall be exempt from the exchange access*
33 *tax.*

34 (e) Every billed service user shall be liable for any tax imposed
35 under this act until it has been paid to the service supplier.

36 (f) The duty to collect any tax imposed under authority of this
37 act from a service user shall commence at such time as specified by
38 the governing body. Taxes imposed under authority of this act and
39 required by it to be collected by the service supplier shall be added
to and may be stated separately in the billings to the service user.

40 (g) The service supplier shall have no obligation to take any legal
41 action to enforce the collection of any tax imposed under authority
42 of this act. The service supplier shall provide annually the governing
43

body with a list of amounts uncollected along with the names and addresses of those service users which carry a balance that can be determined by the service supplier to be nonpayment of any tax imposed under authority of this act.

(h) Any tax imposed under authority of this act shall be collected insofar as practicable at the same time as, and along with, the charges for the tariff rate in accordance with the regular billing practice of the service supplier.

New Sec. 3. (a) The superintendent of the Kansas highway patrol, shall develop and improve emergency communication procedures and facilities in such a manner as to be able to quickly respond to, or communicate to other public agencies the need to respond to any person calling 911 from a wireless service seeking police, fire, medical or other emergency services. For the purpose of providing wireless service users 911 emergency telephone services, the Kansas highway patrol shall be considered a public agency.

(b) On or before July 1, 1995, the Kansas highway patrol shall begin providing emergency telephone service to users of wireless services throughout the state. This section shall not prohibit the continued operation of other wireless 911 public safety answering points until the Kansas highway patrol has implemented an emergency telephone service for wireless services.

~~(c) As an alternative to subsection (a), the governing body which operates an emergency telephone service may elect to provide emergency telephone service to wireless carriers operating within the governing body's jurisdiction. If the governing body intends to provide emergency telephone service to wireless carriers operating within the governing body's jurisdiction, the governing body shall notify the superintendent of the Kansas highway patrol within 90 days of enactment of this act. Nothing in this section shall prevent a governing body which initially chose not to provide emergency telephone service to wireless carriers from doing so at a future date. Any governing body choosing to provide emergency telephone service to wireless carriers shall be entitled to that portion of the tax collected by wireless carriers as provided in subsection (d) which is attributed to those wireless users having a billing address in the area served by the public agency.~~

(d) A monthly tax for wireless emergency telephone service is hereby imposed on billed service users of wireless service. The tax shall be \$.30 per month, and shall apply to each in-service wireless telephone number for which the service is billed to an address in this state, and shall be collected from the service user each month by the wireless carrier that provides the wireless service to the

New Sec. 3. (c) As an alternative to subsection (a), any governing body which operates an emergency telephone service and is providing emergency telephone service to wireless users within the governing body's jurisdiction on the effective date of this act shall be entitled to that portion of the tax collected by wireless carriers as provided in subsection (d) which is attributed to those wireless users having a billing address in the jurisdiction served by the public agency.

1 ~~service user. If more than one public agency provides emergency~~
 2 ~~telephone service to wireless carriers, the wireless carriers shall~~ The
 3 ~~provide sufficient information to allow the Kansas department of~~
 4 ~~revenue to remit taxes collected to the appropriate public agency~~
 5 based on the zip code of the service users billed in the state. Every
 6 billed wireless service user shall be liable for any tax under this act
 7 until it has been paid to the service supplier. The service supplier
 8 shall have no obligation to take any legal action to enforce the
 9 collection of any tax imposed under authority of this section. The
 10 tax shall be stated as a separate item on the wireless service users
 11 monthly bill. The wireless carrier shall begin collecting the tax 180
 12 days after the effective date of this act. The tax imposed under
 13 authority of this section and the amounts required to be collected
 14 are due quarterly, and the service supplier shall remit to the state
 15 treasurer *governing body* the amount collected no later than 60 days
 16 after the close of a calendar quarter. Within 30 days of the service
 17 suppliers remittance, the state treasurer using zip codes shall
 18 allocate and forward to the governing body providing wireless
 19 emergency telephone service those moneys attributed to their
 20 jurisdiction. The service supplier shall maintain records of the
 21 amount of any tax collected pursuant to this section, and such records
 22 shall be maintained for a period of one year from the time the tax
 23 is collected. From every remittance made on or before the date
 24 when this tax becomes due, the service supplier required to remit
 25 the tax shall be entitled to deduct and retain, as an administrative
 26 fee, an amount equal to 2% thereof. Public disclosure of information
 27 relating to moneys paid pursuant to this section shall be prohibited
 28 and shall be exempt from disclosure under the open records act.

29 (e) A public agency or wireless carrier shall not be liable for any
 30 form of damages arising directly or indirectly from the total or partial
 31 failure of any transmission to an emergency telephone service.

32 (f) Moneys paid by the wireless carriers may not be used to pay
 33 for or recover any cost associated with public safety agency equip- dispatched
 34 ment or personnel dispatched in response to a wireless service user
 35 911 emergency call. No more than 10% of the money received in
 36 any one year may be used to pay any costs relating to the leasing,
 37 modification or maintenance of any building or facility used to house
 38 personnel or equipment associated with the operation of wireless
 39 911 emergency services.

Sec. 4. K.S.A. 12-5301 and 12-5302 are hereby repealed.

42 Sec. 5. This act shall take effect and be in force from and after
 its publication in the statute book.

TESTIMONY OF LARRY SOUTHERN
ON BEHALF OF
SOUTHWESTERN BELL MOBILE SYSTEMS, INC.
PRESENTED BEFORE
THE HOUSE LOCAL GOVERNMENT COMMITTEE
FEBRUARY 21, 1994
RE: HB 2794

Good afternoon Madam Chair Brown and Members of the House Local Government Committee. I am Larry Southern and I represent Southwestern Bell Mobile Systems, Inc. My company in partnership with others is one of the two facilities based carriers that provide cellular service in the Wichita, Topeka, Lawrence, and Kansas City metropolitan areas. I appear here today on behalf of my customers in opposition to House Bill 2794.

Our Industry is committed to public safety. Not only do we frequently assist local law enforcement, we often provide emergency communication to public safety agencies in the event of disaster. One of our biggest contributions to public safety, however, involves our customers. We ask and encourage them to get involved as good samaritans, by reporting crimes or other incidents and emergencies.

Where 911 service is available, we provide our customers with access to the service if permitted. We have not billed the 911 public safety agencies for the network or other cost associated with implementing and maintaining this access. In fact, to promote involvement on the part of our customers, we don't bill them airtime for 911 calls.

In the metropolitan areas of this state, I am happy to say that users of wireless services like cellular do have access to 911, and I'm not aware of any problems. However, the nature of wireless service is one of mobility, and should our customer leave the metropolitan service area and travel, or roam as we call it, they will frequently find that 911 service is not available in other areas of the state. In fact, some public safety agencies throughout the state have declined to provide wireless users with access to 911 service.

Historically, the wireless industry has opposed a tax on our customers for the purpose of funding 911 services, which I would like to explain.

- When there is an emergency or other incident the public safety agency will get the call. When we talk about wireless access to 911, the only real difference is that the public safety agency frequently will receive earlier notification of the emergency.

- Since the wireless users are already funding 911 through the assessment on there landline service at home, and also on their business line if they have one, it's not appropriate or necessary to ask them to pay again.

This conclusion is supported in part by the fact that in those states where my company does business, and of those states which have considered this issue, none have chosen to tax wireless users.

- In the case of E911 systems, wireless users don't receive the same service because the technology doesn't exist to automatically provide the public safety answering point with the location of the wireless caller. In this instance, it would not be appropriate to tax wireless users for services they don't receive.

House Bill 2794 would authorize cities and counties to establish the tax rate for their jurisdiction. Unfortunately, this will likely result in many of our customers not being properly taxed. Unlike landline telephone companies which know exactly which jurisdiction each access line is in, wireless carriers can only identify their customers location down to the ZIP Code associated with the billing address. As stated in the attachment to my testimony, the ZIP Code alignments do not necessarily adhere to boundaries of cities, counties, states, or other jurisdictions. Should House Bill 2794 pass, some citizens will be taxed when they shouldn't be, others will pay more and some will pay less than they should. It could be an administrative nightmare, and cause considerable frustration for our customers. Since jurisdictional boundaries are not constant it will be an ongoing problem.

Unfortunately, this tax bill does not assure wireless users of improved access to 911 services, or as you have heard, establish 911 as the emergency wireless number statewide. This is a bill about money, and those with sufficient money today will have more, and those in areas like Colby or Thomas county will not be significantly helped. Thomas county has limited population, and naturally will have a limited number of wireless users.

It's also unnecessary to tax my customers again, since the 911 systems in place are already fully funded. In other meetings, Harvey and Sedgwick counties, and Overland Park have each acknowledged their operation are fully funded today. In fact Sedgwick county or Wichita has indicated they could take on the wireless calls for those areas of the state who don't chose to, or have not got 911 service, and said this could be done without adding equipment or people.

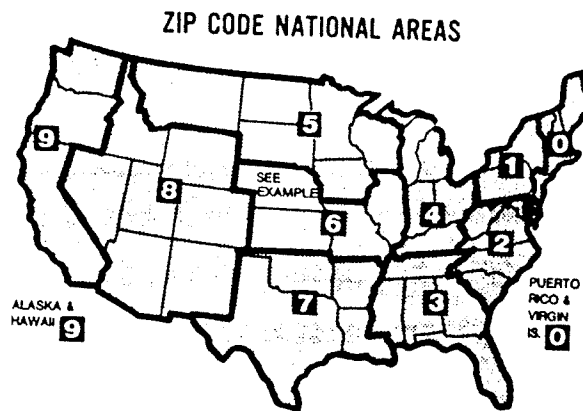
On behalf of my customers, I respectfully request that this committee not give favorable consideration to House Bill 2794.

When appropriate I would be happy to stand for questions. Thank You.

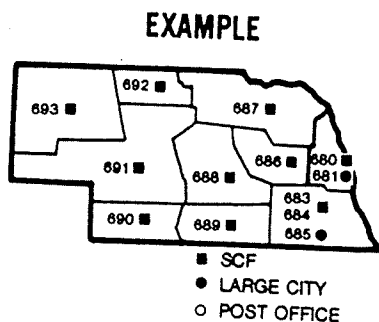
SECTION 1. INFORMATION ABOUT THIS DIRECTOR

HOW THE ZIP CODE® WORKS

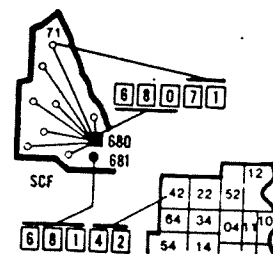
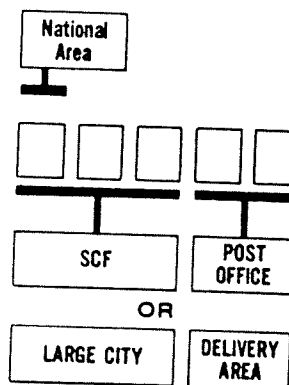
A ZIP Code is a numerical code that identifies areas within the United States and its territories for purposes of simplifying the distribution of mail by the U.S. Postal Service. It should appear on the last line of both the destination and return addresses of mail, following the name of the city and state. The ZIP Code alignments do not necessarily adhere to boundaries of cities, counties, states, or other jurisdictions. The following example illustrates how five-digit ZIP Codes are formulated and the significance of each digit:



The first digit of a ZIP Code divides the country into 10 large groups of states numbered from 0 in the Northeast to 9 in the far West.



WHAT YOUR ZIP CODE MEANS



Within these areas, each state is divided into an average of 10 smaller geographic areas, identified by the 2nd and 3rd digits of the ZIP Code.

The 4th and 5th digits identify a local delivery area.

HOW THE ZIP CODE® BENEFITS YOU

When you use a ZIP Code, you increase the speed, accuracy, and quality of all mail service. Mail containing a ZIP Code can be processed quickly by mechanized and automated equipment. However, mail which does not contain a ZIP Code must be processed manually at every distribution point.

If your mail is presorted in ZIP Code sequence, the post office can route it more directly and quickly. The result is fewer handlings and faster, more accurate delivery.

TESTIMONY ON BEHALF OF
LIBERTY CELLULAR, INC.
BEFORE THE HOUSE COMMITTEE ON
LOCAL GOVERNMENT
JAY SCOTT EMLER
HOUSE BILL 2794
February 17, 1994

Chairman Brown, members of the Committee, thank you for the opportunity to appear before you today. My name is Jay Scott Emler. I am General Counsel for KINI L.C. and Liberty Cellular, Inc. I will try to briefly explain the history of cellular 9-1-1 service in the rural areas and what the carriers are opposing.

I. History

A. KINI L.C. and Liberty Cellular, Inc.

1. Kansas corporations organized and owned by 28 Kansas local exchange companies.
2. KINI has centers in Pittsburg, Manhattan, Salina, Hutchinson and Garden City.
3. KINI currently employs 140 people around Kansas.
4. Liberty began providing cellular service in July 1990 with a cell located just outside McPherson.
5. Liberty currently operates approximately 52 sites around the state and plans to have between 56 and 58 sites by the end of 1994.
6. All cell sites are located in what the Federal Communications Commission calls Rural Service Areas (RSAs).
7. Liberty covers approximately 90% of the state of Kansas.
8. Liberty does business as **KANSAS CELLULAR**.

B. 9-1-1 Service for Cellular

1. Beginning in April 1990, **Kansas Cellular** began

contacting various emergency answering points so that a system to answer cellular 9-1-1 calls would be in place when the first tower was turned on.

2. Attached is a copy of the **Kansas Cellular** coverage map.
3. It should be noted that contact was made with local police departments, sheriff departments and Public Safety Answering Points (PSAPs).
4. During 1993, alone, 43 offices were contacted with a request to accept cellular 9-1-1 calls.
5. Only two agencies have been willing, without any restrictions, to accept calls originating on the **Kansas Cellular** system, Salina and Great Bend.
6. Other agencies indicated they would accept calls from the **Kansas Cellular** system, but only for their individual jurisdictions, or, in a few cases, limited areas which were not identical to the coverage area of the cell sites. This is currently technologically not possible.
7. If a call comes in on a customer service line, **Kansas Cellular** customer service representatives relay the call to the appropriate answering point. This is not required, nor is that service available 24 hours a day.
8. Since, in the RSAs, the majority of cellular traffic is from vehicles, **Kansas Cellular** elected to approach the Kansas Highway Patrol to assist in answering 9-1-1 calls.
9. The costs associated with the cellular 9-1-1 calls, such as long distance charges (hard dollars) and airtime charges (soft dollars), are completely absorbed by **Kansas Cellular**. Emergency calls, whether to the Kansas Turnpike Authority, the Kansas Highway Patrol, or the PSAPs at Salina or Great Bend, are free to users of the **Kansas Cellular** system.
10. There are still counties which do not provide 9-1-1 service and there are still counties which do not want to provide service to cellular users. See the attached letters from the County Commissioners of Mitchell and Osborne counties.

II. Problems

- A. Where is the call originating?
 - 1. Each cell in the rural area can cover an area between 20 and 40 miles in radius.
 - 2. Coverage is designed to be ubiquitous.
 - 3. Topographical and atmospheric conditions influence which cell site will pick up a call at any given point in time.
- B. There is a substantial likelihood that a call will have to be relayed to another county or jurisdiction when it is answered.
- C. There are still counties which do not want to handle cellular 9-1-1 calls. What will happen if a call originates in such a county?
- D. At the present time, **Kansas Cellular** is experiencing approximately 234 "emergency" calls per month state-wide. These calls include calls to the Turnpike Authority, the Highway Patrol and the PSAPs at Salina and Great Bend. The average per day, therefore, is 7.8 calls spread over approximately **97** counties. That amounts to less than **.08** calls per county per day!
- E. If a county does not handle many cellular emergency calls in a day, a week, or even a month, how much experience will the person answering the call get so that person will be able to improve, let alone maintain, his or her skill?
- F. With multiple data bases, there will be more chances for errors. If there is one central data base, the call can be transferred with little or no fear of misdirection.
- G. How much training and continued education about the state of Kansas and its counties will be required if calls are directed to 100 different PSAPs in the RSAs, instead of to the Kansas Highway Patrol at Salina?

III. Legislative Request of HB 2794

- A. County option will determine if 9-1-1 services are available in a given area. There would be no guarantee of **state-wide** 9-1-1 service.
- B. Section 4. permits a PSAP to refuse to accept emergency

calls, even though the PSAP would be receiving funds assessed pursuant to K.S.A. 12-5302.

C. The cap of \$.75 is excessive.

Thank you for your time and attention. I will be happy to answer any questions you may have.

BOARD OF COUNTY COMMISSIONERS

MITCHELL COUNTY COURT HOUSE
BELOIT, KANSAS 67420

February 7, 1994

Dear Mr. Cunningham:


We, the County Commissioners, representing the county of Mitchell do hereby wish to express our opinion & concerns pertaining to two pieces of legislation that have been introduced; i.e. HB2794 & SB645.

We oppose HB2794 because: 1) We do not want to be responsible or liable for answering wireless 911 calls originating from any county other than the county in which our duly elected authority exists. Today's cellular technology does not allow the cellular tower that is located, or may at a future date be located within the county boundaries that we serve, to distinguish a call that may originate from another county within the towers coverage area. It is not uncommon for a single tower to have coverage in 4 or 5 counties. We do not want that responsibility. 2) With the minimal capital expenditures that would be required to offer 911 service to wireless users the level of tax in this legislation is excessive. 3) If this bill does afford the PSAP the option to refuse to answer wireless 911 calls, then where will those calls be routed for dispatching? If no one agrees to answer those calls, then what happens to the 911 tax revenue that has been collected from the wireless users within the tower coverage area?

We support SB645 because: 1) It allows us the option to not take on the additional responsibility & liability exposure eluded to in 1) above, but does provides an alternative that would allow wireless 911 calls to be answered at one centralized location, in this case the Kansas Highway Patrol. 2) The level of taxation is much more in line with the capital expenditures that would be required. 3) This bill retains the existing requirement that the 911 tax can be imposed for no longer than three years after which the governing body must renew the tax to keep it in force.

We ask that you support SB645 and the concept of one centralized location for answering wireless 911 calls.

Sincerely,


William P. Bunger, Chairman
Mitchell County Commissioner

HOUSE LOCAL GOVERNMENT
Attachment # 7-5
2 / 21 / 94

Dear David Cunningham

We, the County Commissioners, representing the county of OSBORNE do hereby wish to express our opinion & concerns pertaining to two pieces of legislation that have been introduced; i.e. HB2794 & SB645.

We oppose HB2794 because:

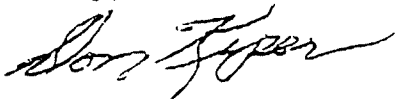
- 1) We do not want to be responsible or liable for answering wireless 911 calls originating from any county other than the county in which our duly elected authority exists. Today's cellular technology does not allow the cellular tower that is located, or may at a future date be located within the county boundaries that we serve, to distinguish a call that may originate from another county within the towers coverage area. It is not uncommon for a single tower to have coverage in 4 or 5 counties. We do not want that responsibility.
- 2) With the minimal capital expenditures that would be required to offer 911 service to wireless users the level of tax in this legislation is excessive.
- 3) If this bill does afford the PSAP the option to refuse to answer wireless 911 calls, then where will those calls be routed for dispatching? If no one agrees to answer those calls, then what happens to the 911 tax revenue that has been collected from the wireless users within the tower coverage area?

We support SB645 because:

- 1) It allows us the option to not take on the additional responsibility & liability exposure eluded to in 1) above, but does provide an alternative that would allow wireless 911 calls to be answered at one centralized location, in this case the Kansas Highway Patrol.
- 2) The level of taxation is much more in line with the capital expenditures that would be required.
- 3) This bill retains the existing requirement that the 911 tax can be imposed for no longer than three years after which the governing body must renew the tax to keep it in force.

We ask that you support SB645 and the concept of one centralized location for answering wireless 911 calls.

Sincerely,



Osborne County Commissioners

HOUSE LOCAL GOVERNMENT

Attachment # 7-6

21 / 21 / 94

Ford County Communication

100 Gunsmoke • Dodge City, Kansas 67801 • 316-2274556 • Fax: 316-2274655

TRANSPORTATION COMMITTEE

LADIES AND GENTLEMAN, THANK YOU FOR ALLOWING ME THE OPPORTUNITY TO SPEAK ON THE ISSUE OF TAXATION ON WIRELESS PHONES.

AS THE DIRECTOR OF FORD COUNTY COMMUNICATIONS CENTER IN DODGE CITY. I MUST SHARE WITH YOU SOME OF THE CONCERNS I HAVE WITH WIRELESS PHONES AND THE USE OF 911.


I MUST FIRST TELL YOU THAT I'M A GREAT BELIEVER IN TECHNOLOGICAL CHANGES. I FEEL THE WIRELESS PHONES WILL HELP GET FASTER RESPONSES TO EMERGENCIES. THIS IS THE GOOD THING ABOUT THE EXPANSION OF THE WIRELESS PHONE SYSTEMS, HOWEVER THE BOOMING EXPANSION OF WIRELESS SYSTEMS HAS EXCEEDED THE CAPABILITY OF MANY COMMUNICATIONS CENTERS THROUGHOUT THE NATION AND LEFT MANY COMMUNITIES WITH AN INCREASED RESPONSIBILITY AND ASSOCIATED LIABILITY.

AS CALLERS, (USERS) OF WIRELESS PHONES DIAL 911 IT MAY CROSS MANY COUNTIES AND WIND UP BECOMING A MANAGEMENT NIGHTMARE FOR THE COMMUNICATIONS PERSONNEL TO FIND THE APPROPRIATE RESPONSE TO GET THE PROPER HELP TO THE SCENE. DOING THE WRONG THING MAY NOT BE WITHOUT LEGAL IMPLICATIONS. MANAGING THESE CALLS PROPERLY TAKES ADDITIONAL EQUIPMENT, THEREFORE IT IS ONLY FAIR THAT THE COMMUNITIES CAN GET REIMBURSEMENT FROM THE WIRELESS PHONE INDUSTRY TO MANAGE A PROBLEM CREATED BY THEIR EXPANSION.

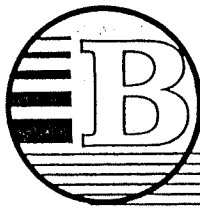
LIKE THE HARD-WIRED PHONE SYSTEMS, THE TAXATION SHOULD HAVE A LIMIT AND RESTRICTIONS FOR UTILIZATION, HOWEVER I WOULD LIKE TO SEE THE UTILIZATION OF THIS TAX INCLUDE A STIPULATION THAT ALLOWS FOR TRAINING. AS CHANGE OCCURS IN THE TECHNOLOGY OF WIRELESS SYSTEMS THE MANAGEMENT OF 911 CALLS WILL BECOME MORE DEMANDING, THEREFORE TRAINING WILL NEED TO BE ON-GOING AND A SOURCE OF FUNDING WILL NEED TO BE APPROPRIATED.

THANK YOU FOR YOUR CONSIDERATION IN THIS MOST URGENT MATTER.

SINCERELY,


DOROTHY FAULKNER
COMMUNICATIONS DIRECTOR, FORD COUNTY
100 GUNSMOKE AVE.
DODGE CITY, KS. 67801

HOUSE LOCAL GOVERNMENT
Attachment # 8
2 / 21 / 94



Barton County KANSAS

Office of County Commissioners

(316) 793-1847

Courthouse

P. O. Box 1089

Great Bend, KS 67530

February 7, 1994

Kansas House of Representatives
Local Government Committee

Dear Representatives:

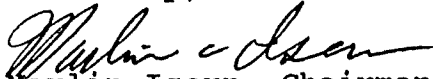
This correspondence supports the passage of HB 2794.

HB 2794 would add wireless communications to the monthly tax that supports 911 services. Presently, wireless communications owners, particularly cellular telephone owners, enjoy free services from emergency communications centers, while landline telephone users are taxed up to 75 cents per month to help support 911 services.

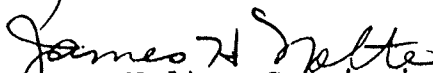
The Barton County Commission does not believe a fee of 75 cents per month is too much for the kind of life saving service emergency communications centers provide. The Commission also believes that funds collected from each wireless communications company should be remitted directly to those emergency communications providers and not in some round about fashion that would include various state agencies.

If the Barton County Commission can provide any further information, please contact it at your convenience.

Sincerely,


Marlin Isern, Chairman


Jeanette Shirer, Commissioner


James Nolte, Commissioner

C. 911 Users Group
Pete McGill Associates
KPOA
KAC

HOUSE LOCAL GOVERNMENT

Attachment # 9
2 / 21 / 94



BARTON COUNTY SHERIFF'S OFFICE

1416 Kansas

GREAT BEND, KANSAS 67530



JIM DAILY
Sheriff

Phone (316) 793-1876
FAX (316) 793-1879

DAN SIMPSON
Undersheriff

February 17, 1994

TO: Honorable Nancy J. Brown
Chair, House Committee on Local Government

Members of the Committee

Good afternoon. I would like to thank the Chairperson and the members of the Committee for hearing my testimony today.

I am Jim Daily, President-Elect for the Kansas Peace Officers Association.

The KPOA supports House Bill 2794.

Today, law enforcement agencies are deeply involved, as they should be, in the 911 emergency system. Law enforcement agencies provide facilities, equipment and personnel to operate Public Safety Answering Points that receive emergency 911 messages, dispatch the appropriate public safety agencies to emergency scenes and coordinate 911 responses.

For years, law enforcement has been instrumental in providing these services to traditional landline users. With rapidly increasing frequency, we now handle calls

HOUSE LOCAL GOVERNMENT
Attachment # 10-1
2 / 2 / 1994

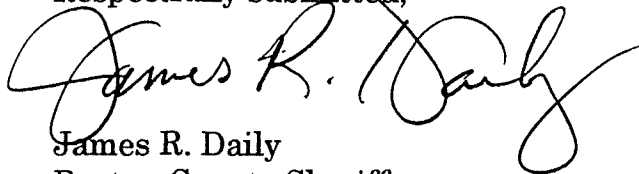
from cellular phones and other mobile communications equipment. Under current law, landline users may be subjected to emergency telephone taxes - taxes that help pay for these critical emergency communications systems.

Cellular phones and other types of mobile communications are, under current law, not subjected to this tax. More and more cellualars come on line everyday. This trend is continuing, and, together with other technological communications advancements, parallel rising 911 operating and maintenance costs. It may be conceivable that we cannot keep pace with these increases. Services will suffer as a result.

Law enforcement strongly believes House Bill 2794 is a good solution. Although it exempts mobile, wireless and cellular suppliers from the exchange access tax, it requires imposing the tax - the very same fee currently charged for landline services in many areas - on each cellular, mobile or wireless phone in the supplier's system. Collected monies will fund the Public Safety Answering Points - Answering Points that could buckle under the strain of increased operating and maintenance costs if this bill does not succeed. No one wants to see the consequences of inadequate 911 facilities. The stakes are too high.

The KPOA urges the passage of this bill.

Respectfully submitted,



James R. Daily
Barton County Sheriff
KPOA President-Elect

GRAHAM COUNTY

HILL CITY, KANSAS 67642

February 14, 1994

COMMISSIONERS

1st DISTRICT - ROBERT "BOB" PAXSON
2nd DISTRICT - ALVIN F. DENK
3rd DISTRICT - DARROL IRBY

COUNTY CLERK

DARLENE RIGGS
TELEPHONE NUMBER
913-674-3453

Honorable Senators and Representatives:

We, the County Commissioners, representing the county of Graham, do hereby wish to express our support for SB 645 and our concerns with HB 2794 and SB 688.

We support SB645 because it provides the option for a centralized answering point (the Highway Patrol) for cellular 911 calls. Due to the fact that a cellular tower can cover several counties, and in such cases it would be very difficult to assign responsibility to a single local jurisdiction, the centralized approach has the most merit. The fact that the bill also provides the flexibility of providing for a local PSAP, if in a particular situation this is the best solution, also makes this bill favorable.

We oppose HB2794 and SB 688 because they do not provide the centralized option. It is also very unclear on how the collected funds will be distributed in the event a local jurisdiction does not agree to receive the calls.

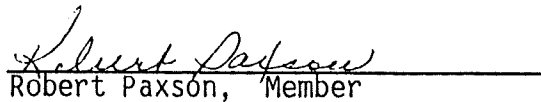
We ask that you support SB 645 and the concept of one centralized location for answering wireless 911 calls.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
GRAHAM COUNTY, KANSAS


Darrol W. Irby, Chairman


Alvin Denk, Member


Robert Paxson, Member

dr/

HOUSE LOCAL GOVERNMENT

Attachment # 11
2 / 21 / 94

TESTIMONY OF JIMMY D. GRENZ, DIRECTOR OF EMERGENCY COMMUNICAT.
FOR HUTCHINSON/RENO COUNTY, KANSAS BEFORE THE HOUSE LOCAL
GOVERNMENT COMMITTEE IN SUPPORT OF HB 2794 ON FEBRUARY 17, 1994.

I am the Director of Emergency Communications for Hutchinson/Reno County, Kansas which is the answering point for 911 telephone calls and provides emergency dispatching services for law enforcement, fire, and emergency medical services across Reno County. I speak today in support of HB 2794.

This bill contains several key provisions. The first of which is a provision that provides that every cellular, mobile, and wireless telephone service supplier must receive prior approval of the Public Service Answering Point (PSAP) of any given jurisdiction before directing emergency calls to that facility.

Next the bill establishes 9-1-1 as the official emergency assistance number for cellular, mobile, and wireless communication across the state of Kansas, excluding the emergency assistance number used by the Kansas Turnpike Authority on the state's turnpikes.

The bill provides a method of collecting a tax from subscribers to cellular, mobile, and wireless telephone services similar to that collected from land line telephone services at the present time.

Provisions of the bill exempt cellular, mobile, and wireless telephone service providers from exchange access charges but requires them to impose the tax on every cellular, mobile or

wireless telephone subscriber within their individual systems.

This bill provides that the revenue derived from the tax will be separated by United States postal zip code of the service subscriber and submitted to the tax imposer of the proper jurisdiction less a 2% administrative fee on a quarterly basis.

A major provision of this bill requires the cellular, mobile, or wireless telephone service provider to receive prior approval from the PSAP of the jurisdiction that they intend to direct emergency telephone calls. This is presently not the case and certain PSAP's have begun to receive calls with no notice. Others have been informed that they would be receiving calls from wide ranging areas that they had no way of providing adequate service for. As you are aware the PSAP that receives the call accepts responsibility and assumes a certain amount of liability for that call and its outcome. We believe that the PSAP should have the right to accept or reject calls from cellular, mobile, and wireless telephone service providers.

During recent years wireless telephone service has steadily increased. It continues to increase by leaps and bounds. There is a growing contingent who state that land line telephone service, as we know it today, will become a thing of the past in the near future as land line telephone service gives way to wireless telephone service. If this theory becomes fact it will result in

diminishing revenue for the 911 service provider, the PSAP. Revenue to install, repair, maintain, and replace 911 communications equipment will need to come from someplace. A logical source for revenue seems, to us, to be the cellular, mobile, and wireless telephone subscribers for whom the same type service will be provided. Even if this scenario fails to materialize the increase in usage by wireless telephone users and a sense of fair play favor our position in support of this bill.

In closing I would like to address a few of the things opponents of this bill might have you believe. Opponents 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. The Kansas Highway Patrol has been proposed as this single answering point. I 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.

Cellular, mobile, and wireless telephone providers will likely tell you that billing for this tax would be a monstrous nightmare.

I submit that these companies seem to have no trouble in billing their subscribers now. I do not see the problem.

They will probably claim that if this tax is imposed their competitors will be able to determine how many actual subscribers their company has and that allowing their competitors to have access to this information will ruin their competitive edge. We, on the other hand, are more concerned with saving lives and property than we are with a company's competitive edge. We are also convinced that truth in advertising may be desirable to protect the consumer from false claims of service providers.

Thank you for your kind attention. I stand ready to answer questions that members of the committee may have concerning my testimony.

Rt. 1 Box 162
Marion, Kansas 66861
February 16, 1994

Nancy Brown
Committee Chairperson
Local Government Committee

Madam Chairperson,

It has come to my attention that your committee is considering a bill which will allow people with cellular phones to be able to access help in an emergency by dialing 911 anywhere within a call cell. I have also learned that this bill proposes that all calls be routed through a central location or office. The thing which must be of the utmost importance in any proposal such as this is the lives which may be in jeopardy in an emergency situation. While there may be advantages to this central office type of system, there are some disturbing problems which I believe should be addressed before making any decisions.

The system proposed has the drawback of using precious time to route calls to the proper emergency agency or dispatch center, time that could be used in dispatching emergency personal to the scene. This is apparent when you consider that the call must first go to the central call location, then the person taking the call must determine to which emergency agency the call should go. If the person at the emergency scene knows where they are the elapse time can be kept to a minimum, but in the case of someone who is disoriented or is unfamiliar with the area they are in, they may not be able to give the needed location information. In this case, the person taking the call in the central office, not being familiar with the area and its landmarks, must try to determine to which emergency agency to route the call, which could cause additional delays. Also, if the call is routed to the wrong emergency agency, that agency must then try to get in touch with the central office to have them transfer the call to the proper agency, a cause for more delay. These types of delays could prove to be costly in the form of property loss, personal injury, or even death to the persons at the emergency scene.

Another problem that can arise is that these 911 calls must be routed to the central office by some means, either land-line, microwave system, or some type of radio link. In any of the systems mentioned, if there is an interruption somewhere in the link path, all calls beyond the interruption may not be able to get through. Here in the state of Kansas, where severe weather is a reality, down power lines and communication systems are a distinct possibility. When severe weather strikes this is the time when this type of 911 emergency system is most needed. With the type of system proposed, it seems possible that a portion of the system could go down and the area affected could be substantially large.

To eliminate major area outages and reduce response time, it would seem that routing the 911 cellular calls immediately to the nearest emergency dispatch center would be a more efficient and reliable system for providing this needed emergency service. First, the calls would go to a dispatcher who is familiar with the area and its landmarks, thereby being able to dispatch emergency personal to the scene more efficiently. This would reduce response time dramatically. Second, if there was an outage somewhere in a nearby area, the

HOUSE LOCAL GOVERNMENT
Attachment # 13-1
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possibility of the neighboring emergency dispatch centers losing their cellular 911 call capabilities would be greatly reduced, thereby being able to assist cellular callers in need of emergency assistance. Third, the cost of putting in a local system should be much less as compared to trying to bring a 911 cellular call to a central location and then sending it back to the area where it originated.

It would please me if you and the Local Government Committee would consider these things in your decision making on this most important aspect of cellular service.

Sincerely, a concerned citizen

A handwritten signature in cursive script that reads "Richard Ciero".

Richard Ciero

HOUSE LOCAL GOVERNMENT
Attachment # 13-2
2 / 21 / 94

HB2794
SB 645
SP

Dear Representative Nancy Brown

We, the County Commissioners, representing the county of OSBORNE do hereby wish to express our opinion & concerns pertaining to two pieces of legislation that have been introduced; i.e. HB2794 & SB645.

We oppose HB2794 because:

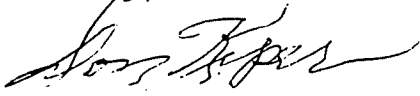
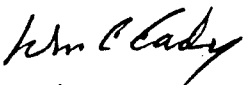

- 1) We do not want to be responsible or liable for answering wireless 911 calls originating from any county other than the county in which our duly elected authority exists. Today's cellular technology does not allow the cellular tower that is located, or may at a future date be located within the county boundaries that we serve, to distinguish a call that may originate from another county within the towers coverage area. It is not uncommon for a single tower to have coverage in 4 or 5 counties. We do not want that responsibility.
- 2) With the minimal capital expenditures that would be required to offer 911 service to wireless users the level of tax in this legislation is excessive.
- 3) If this bill does afford the PSAP the option to refuse to answer wireless 911 calls, then where will those calls be routed for dispatching? If no one agrees to answer those calls, than what happens to the 911 tax revenue that has been collected from the wireless users within the tower coverage area?

We support SB645 because:

- 1) It allows us the option to not take on the additional responsibility & liability exposure eluded to in 1) above, but does provide an alternative that would allow wireless 911 calls to be answered at one centralized location, in this case the Kansas Highway Patrol.
- 2) The level of taxation is much more in line with the capital expenditures that would be required.
- 3) This bill retains the existing requirement that the 911 tax can be imposed for no longer than three years after which the governing body must renew the tax to keep it in force.

We ask that you support SB645 and the concept of one centralized location for answering wireless 911 calls.

Sincerely,

Osborne County Commissioners

City Hall • 8500 Santa Fe Drive
Overland Park, Kansas 66212
913/381-5252 • FAX 913/381-9387

HOUSE LOCAL GOVERNMENT COMMITTEE

HEARING ON HOUSE BILL NO. 2794

FEBRUARY 17, 1994

STATEMENT PREPARED BY CAPTAIN R. KEITH FADDIS, COMMANDER,
TECHNICAL SERVICES DIVISION, OVERLAND PARK, KANSAS

In the last few years cellular telephone use has grown from a novelty item to a part of everyday life. In Overland Park it is very common to drive down the street and see numerous cars with cellular telephone antennas. Drivers use them with regularity while the sit at stop lights or travel from place to place. Cellular telephones have opened up new uses of wireless communications. During the past Christmas shopping season I passed a woman in a department store. She was talking on a portable cellular phone while looking at items of clothing. I overheard her asking the person on the other end if they wanted the red blouse or the blue blouse. This is an indication of just how common cellular communications has become in our society.

This communications explosion is having tremendous effects on Public Safety. It has meant changes in the way we answer the telephone, in the way we question callers and in the way we handle calls. Recently there was a car fire reported on I-435 near Roe Avenue, in Overland Park. Fifteen calls were received on this one incident, all from cellular users. Before cellular perhaps two or three calls would have been received. Each caller must be questioned as to the location and nature of the incident. It is not unusual to have a motorist follow an intoxicated driver and relay the information to a dispatcher who in turn relays it to a uniform officer until he/she can locate the intoxicated driver.

Over the years the technology of 911 has increased the capabilities of emergency service providers. When it was first installed, a 911 call would automatically go to the Public Safety Answering Point (PSAP) that was responsible for Police, Fire and Emergency Medical Service and had jurisdiction for that address. It would display the number of the person calling. By obtaining information from the telephone company we were able to locate the address of the telephone used by the caller. Next, came Automatic Location Identifier. This was a device that displayed the name, address and telephone number of the telephone used to call 911. There are many stories of people who have been helped because we knew where to go

when they were unable to tell us. Unfortunately for public safety cellular 911 is not at that level. In the future it will be necessary to get accurate automatic number identification (ANI) and automatic location identification (ALI) to the answering points.

When cellular telephones first went into service in the Kansas City metropolitan area the cellular providers devised a system that would allow callers in Kansas to reach a Kansas public safety answering point (PSAP) and for callers in Missouri to reach a Missouri PSAP. By dialing 511 on a cellular telephone the caller reached the Overland Park Police communications center. From there the caller was transferred to the appropriate agency such as Lenexa, Olathe, Kansas City, Kansas or even Lawrence or Topeka. By dialing 311 a caller would reach the Kansas City, Missouri Police Department and the same transfer would occur to Raytown or Grandview. This system was in effect until February of 1992. At that time each cellular site was reconfigured so that a cellular call would go to the closest PSAP to the cell site. I bring this to your attention to make a point. In January 1992 when Overland Park answered "511" calls for Johnson, Wyandotte, Douglas and Shawnee County, we answered 980 cellular 911 calls or 26 percent of the calls that came into our PSAP on 911 line. In November of 1993 we answered 790 cellular 911 calls or 22 percent of calls received on 911 lines. After the changeover to cellular 911 February of 1992 the number of cellular 911 calls declined until December 1992 when they began to steadily increase, almost to the point they were when Overland Park answered for everyone.

The growth of cellular continues at a rapid pace. In a story in the January 25th edition of the Kansas City Star, the Chairman of Southwestern Bell Telephone, Edward Whitacre, Jr. credited the customer growth of Southwestern Bell Mobile Systems for his company's increase in revenue. The article stated that his company "added 272,000 cellular customers, up from the 192,000 in the fourth quarter a year ago." This growth is something that we in public safety must face and will have to deal with. It is in the interest of public safety that the cellular 911 service be as close as possible to the 911 service that people have come to rely on in their homes and offices. The explosion of technology will require public safety officials to scramble to find ways to keep up.

In order to provide the level of 911 service people have come to expect, it will be necessary to replace and upgrade the equipment used to process those 911 calls. This upgrade will be necessary on a continuing basis because the technology is changing so rapidly. Currently those customers who have traditional telephone service pay a 911 surcharge that is used to support the 911 system. Those who use cellular service do not pay that surcharge but have equal access to the 911 answering points. Some may state that a cellular user is already paying the surcharge on their home or business telephones. While that is true, a cellular caller can call 911 at the same time someone is calling from the home or business. House Bill No. 2794 will provide for the funding necessary to keep the equipment up to date and operating.

The method of collecting the 911 surcharge and disbursing the funds has been in effect since the installation of the 911 system. It has worked well, particularly in areas such as Johnson County. There are several PSAP's within the county and in some cases they overlap zipcodes. Remitting the 911 surcharge to the counties where the cellular users reside would keep the method consistent with the one already in place.

The general public has great confidence in the 911 system. However, the continued growth in telephone use will tax the telephone system and in particular, the 911 system. The cellular users are a major contributor of this growth. Some of the cellular providers and manufacturers use safety and security as a marketing tool. One manufacturer even uses a police hat perched atop a portable cellular phone in it's advertising. They are marketing 911's success. In order to keep the system as successful as it has been it is essential that the system receive the support it needs. It is only equitable that they assist in supporting the system.



POLICE DEPARTMENT PITTSBURG, KANSAS 66762

611 N. Pine

Phone 231-1700

Fax 232-7329

RALPH W. SHANKS
Chief of Police

DONALD W. MARSHALL
Asst. Chief of Police

February 16, 1994

Honorable Representative Nancy Brown
Chairperson, House Local Government Committee
Statehouse
Topeka, KS 66611

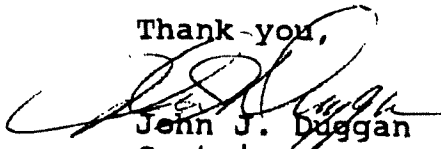
Ms. Brown:

I am writing this letter to you today concerning House Bill #2794, amending the current Emergency Telephone Services statutes to include cellular, mobil and wireless services in the "9-1-1" laws for usage, taxation, and the collection of taxes by the providers. As you are aware the Kansas 9-1-1 Users Group has been working with this issue for almost two years, and feel that this is an item that needs the attention of the legislature. I understand that this bill comes before your committee for hearing on Thursday, February 17, 1994. As a member of the Users Group I have supported the changes that this bill and its companion legislation, SB #688 would bring about for the 9-1-1 systems in Kansas.

Due to previous local commitments in Pittsburg I will not be able to attend the hearing that day, and testify before the committee in support of the changes proposed in the bill. I hope that you will take this letter in lieu of my appearance before the committee, adding to the verbal testimony of the other representatives if the 9-1-1 User's Group.

Again I apologize to you and the other members of the committee for not being able to be present and testify in this matter, which is of great concern and importance to those of us who are 9-1-1 providers in Kansas.

Thank you,


Jenn J. Duggan
Captain

9-1-1 PSAP Manager-Pittsburg

HOUSE LOCAL GOVERNMENT
Attachment # 16
2 / 21 / 94

Herschel B. Betts
Doyle B. Brown
Ralph D. Unger
Commissioners
913-457-8101

Marilyn Horn
County Clerk
913-475-8102

Pat Fringer
County Treasurer
913-475-8103

Steven W. Hirsch
County Attorney
913-475-8104

Patricia M. Whetzel
Register Of Deeds
913-475-8105

Ken Badsky
County Sheriff
913-475-8100

Bert Cool
EPA Director
913-475-8100

John E. Bremer
Magistrate Judge
913-475-8108

Charlotte Meints
Clerk Of The District Court
913-475-8107

Bob Keenan
Road Supervisor
913-475-8111

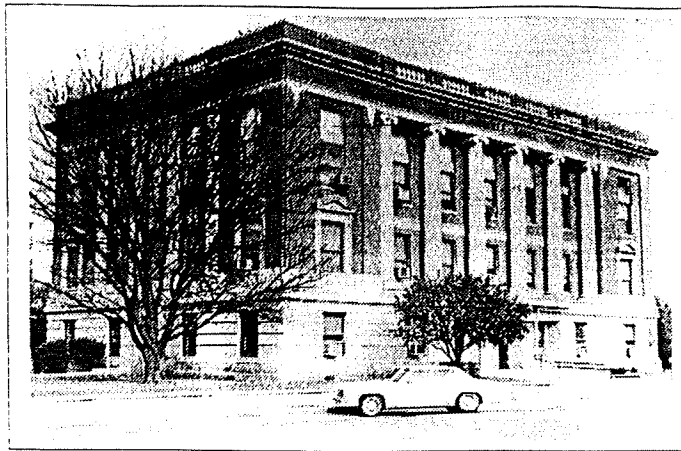
Charles F. Votapka
County Weed Director
913-475-8128

Eugene W. Wurm
County Appraiser
913-475-8109

Dean Aldridge
County Health Nurse
913-475-8118

John Barrett
Ambulance Director
913-475-8126

Jeanne Pachner
Chief Dispatcher
913-475-8110



County Of Decatur

P. O. Box 28

Oberlin, Kansas 67749-0028

February 15, 1994

Representative Nancy Brown, Chairperson
Committee on Local Government
State Capitol, Room 183-W
Topeka, KS 66612

Representative Brown:

The Decatur County Commissioners do hereby wish to express our support for SB645 and our concerns with HB2794 and SB688.

We support SB645 because it provides the option for a centralized answering point (the Highway Patrol) for cellular 911 calls. Due to the fact that a cellular tower can cover several counties, and in such cases it would be very difficult to assign responsibility to a single local jurisdiction, the centralized approach has the most merit. The fact that the bill also provides the flexibility of providing for a local PSAP, if in a particular situation this is the best solution, also makes this bill favorable.

We oppose HB2794 and SB688 because they do not provide the centralized option. It is also very unclear on how the collected funds will be distributed in the event a local jurisdiction does not agree to receive the calls.

We ask that you support SB645 and the concept of one centralized location for answering wireless 911 calls.

Sincerely,

Doyle Brown, Chairman
Decatur County Commissioners

HOUSE LOCAL GOVERNMENT
Attachment # 17
21 / 21 / 94



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March 25, 1993

Oakley Ralph, Chief
Dodge City Police Department
110 West Spruce
Dodge City, Kansas 67801

Re: Emergency Cellular
Assistance Calls

Dear Chief Ralph:

It is our understanding that your office is the designated Public Safety Answering Point (PSAP) for landline 911 calls. June Weller talked with you via telephone concerning the possibility of utilizing your office as an interim cellular emergency system until a permanent system can be established throughout the State of Kansas. All cellular emergency calls which are made in the following areas: Dodge City, Jetmore, Garden City, Richfield, Bennington, Lincoln, Ashland, Tribune, Scott City, Kendall, and Ulysses would be routed to your center for processing. It is the purpose of this letter to formally request your permission to have such emergency calls routed to your office for processing. In the event you agree to provide such a service, it will be necessary that you furnish us with your seven digit 911 number so we are able to program same into our switch so all emergency calls coming off of our Dodge City tower are routed to your office. Should you have any questions concerning this, please feel free to contact me at your convenience. Thank you for your cooperation in this matter. We look forward to receiving your response in the near future.

Very truly yours,

Robert Mater, Director
Engineering and Operations

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HOUSE LOCAL GOVERNMENT Managed By
Attachment # 18

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KNT
2.6



League of Kansas Municipalities

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL 112 S.W. 7TH TOPEKA, KS 66603-3896 (913) 354-9565 FAX (913) 354-4186

TO: House Local Government Committee

FROM: Chris McKenzie, Executive Director
Don Moler, General Counsel

DATE: February 21, 1994

RE: Opposition to HB 2831

Thank you very much for the opportunity to appear and comment on HB 2831. For many years some cities have required their employees to reside within the corporate limits of the city. These policies, while sometimes controversial, are usually predicated on three public policy reasons:

- That city employees should be able to report to work promptly in the event of an emergency;
- That city employees should both contribute to the tax revenues of the city and live with the regulations and other policies of the city; and
- That the presence of city employees in the city makes such employees aware of problems and needs that may require immediate attention by city government and the departments in which they work.

In our opinion, HB 2831 contains a number of weaknesses. First, it authorizes cities to adopt such residency requirements when no such authorization is needed. Cities already have the home rule power to adopt such conditions of employment.

Second, the bill prohibits the residency requirement from applying to persons who live within 30 miles of the corporate limits of the city. Consequently, cities of Kansas on the state line would not be able to require residency of persons who live in another state but within 30 miles of the corporate limits of the city. In fact, the U.S. Constitution requires that if a residency requirement is in place that it apply to in-state and out-of-state residents evenly.

Third, the bill would exempt from any residency requirement all law enforcement officers and firefighters--some of the employees who may be called upon to respond in the event of an emergency. Moreover, to single out such employees for special treatment would create internal strife in many city halls--charges of favoritism are likely to occur and would be well grounded.

In these days of ever-expanding rights for public employees we always have to remind

HOUSE LOCAL GOVERNMENT
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ourselves that it is a privilege to serve the public as one of its employees--not a right. City governing bodies, elected by the public, are in the best position to determine whether a local residency requirement is appropriate under the circumstances. Another state mandate will not lead to more responsive local government. In fact, as we have described, this proposed mandate will potentially create new problems.

Thank you for your consideration of these views.

RECOMMENDATION: The League respectfully recommends that HB 2831 be reported adversely.

HOUSE BILL No. 2918
SESSION OF 1994
BY Representative Wagnon

To: Local Government Committee

From: Mr. Len Richter
3609 SW Woodvalley Place
Topeka, KS 66614-3536

Date: February 21, 1994

Subject: **HB2918 - Authority and benefits of certain special deputy sheriffs.**

1. The Attorney General Opinion No. 84-104 dated October 8, 1984, stated that reserve officers are not law enforcement officers but rather persons who assist law enforcement officers.

2. Reserve officers in Shawnee County (city or county) are required to complete a course of study equivalent to that required for part-time officers by the Kansas Law Enforcement Training Center (KLETC). In fact, the Topeka Police Department course is a certified part-time officer's course. The part-time and reserve officers are in the same class, take the same classes, the same tests and graduate together. The only difference is that the part-time paid officers are considered law enforcement officers, and the reserve officers are not!

3. Reserve officers in the Shawnee County Sheriff's Department are required to complete 40 hours of certified training annually, the same as regular officers, after completing the basic reserve law enforcement course. They are required to maintain their firearm and self-defense skills the same as regular officers. They wear the same uniforms, are assigned to various divisions of the department, drive the same marked cars and risk their lives the same as regular officers. However, under the current State statute, reserve deputies are not looked upon as law enforcement officers.

4. Presently, reserve officers who fall under state statute are prohibited from being paid while working in uniform because they fall under the "Posse Act" which prohibits persons summoned to assist law enforcement officers from being paid. They do not carry law enforcement powers when not on duty and, if confronted by a known felon, have no powers beyond those of an ordinary citizen to protect themselves or their families. The same is true when witnessing the commission of a felony. Although trained to protect and apprehend, without law enforcement powers

and the means to effect an arrest, they are likely to be helpless. This, unfortunately, could result in the possible loss of human life.

5. As things currently stand, if a reserve officer is killed in the line of duty, his or her family receives no state death benefit. It is unconscionable not to compensate one deputy's family while compensating another if both were to lose their lives in the line of duty protecting others.

6. This law, House Bill No. 2918, is designed to correct these inequities. Properly trained reserve officers are as competent as any other law enforcement officer. They are members of the community who work 40 hours at their regular jobs and donate their time to the County. After this Bill is passed, they will continue to donate their time to the County. By sending this Bill on to the full House, you will be providing them equity, security off-duty, the ability to occasionally earn a small stipend, and a death benefit for their family if killed in the line of duty.

7. In the name of all reserve deputies who risk their lives to protect and serve their communities, I urge you to recommend passage of this Bill.

**KPERS TESTIMONY ON HB 2918
FEBRUARY 21, 1994**

The above legislation only impacts counties in Kansas, having a population in excess of 100,000, which currently have the authority to retain the services of special deputies. The bill provides in part that for the purpose of death and disability coverage these deputies are to be considered as active contributing members of the Kansas Police and Firemen's Retirement System (KP&F) and covered under the provisions of K.S.A. 74-4959 (death) and K.S.A. 74-4960a (disability). The benefit would be based on the entry level salary of a full-time Deputy and prorated, based on hours actually worked.

As these individuals are employed by selective counties the cost of these benefits should be borne by the counties employing the individuals. If KPERS were to pay these benefits, any actuarial cost that was incurred would be shared among **all** participating employer not just those affected by this legislation. Additionally, we have a concern that in paying benefits to non-members, could have an impact on our status as a qualified pension plan. Should IRS ever audit our plan and determine we were a non-qualified plan it would have significant tax consequences on the System and its members.

We would suggest an amendment to HB 2918 to specify that the county would be responsible for the payment of these benefits.

ELAINE L. WELLS
REPRESENTATIVE, FIFTY-NINTH DISTRICT
OSAGE AND NORTH LYON COUNTIES
R.R. 1, BOX 166
CARBONDALE, KANSAS 66414
(913) 665-7740

STATE CAPITOL
RM. 182-W
TOPEKA, KS 66612-1504
(913) 296-7637



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
VICE-CHAIR: GOVERNMENT ORGANIZATION
AND ELECTIONS
MEMBER: PUBLIC HEALTH AND WELFARE
JUDICIARY

TESTIMONY ON H.B. 3017
TOWNSHIPS; SALE OF REAL PROPERTY
APPOINTMENT OF ROAD OVERSEER

Thank you, Madame Chair, for introducing this bill and for my opportunity to testify on it.

The first part of this legislation will remedy the current problem that exists when a township is wanting to sell property. Under K.S.A. 80-109 township officers have to place the question to sell property on a ballot for a vote of the electors of the township to be voted on at any general election or a special election.

H.B. 3017 will change this process to the one used by counties by placing a notice in a newspaper of general circulation, for three consecutive weeks.

Passage of this legislation will save townships the expense of holding a special election when the board deems it necessary to sell property.

The second part of the bill remedies a problem cited by the Attorney General regarding the road overseer.

Two statutes currently apply to who appoints the road overseer or who fills the vacancy when it occurs. One states that the trustee will fill vacancies, and the other gives the authority to the board.

This summer the Attorney General notified the Revisor's office that since the one giving the authority to the board was the most recent, that it was the one to be used.

H.B. 3017 makes this clear by striking the language for the road overseer vacancies to be filled by the township trustee. It resolves the conflicting statutes.

Again, thank you, and I would be happy to respond to questions.

HOUSE BILL 3017
HOUSE LOCAL GOVERNMENT COMMITTEE
Barbara Butts, Municipal Accounting Section
February 21, 1994

Currently K.S.A. 80-109 requires that any land now owned by a township can't be sold until it is approved by election.

Counties can sell property with a value exceeding \$50,000 by three publications in the newspaper and the provision for a protest petition. Sale of property with a value under \$50,000 requires no public notice in most cases, see K.S.A. 1993 Supp. 19-211.

Santa Fe Township would like to sell property to the school district if the USD bond issue is approved by the voters. It does not seem reasonable that an election is required when the property was donated by the state of Kansas and the township no longer needs the property.

The procedure in HB 3017 would require townships to give notice in the newspaper of the proposed sale, with provision for a protest petition. However, property acquired from the state of Kansas would be exempt from this provision by Sec. 1(b).

This bill would provide some equity between the county and township provisions for disposing of property. Public notice would still be required in most cases and taxpayers would have the ability to protest. We support this change in procedures.