

Approved: 2/15/94
Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Chairperson Ben Vidricksen at 9:00 a.m. on February 14, 1994 in Room 254-E of the Capitol.

All members were present except:

Senator Burke - Excused
Senator Brady - Excused
Senator Rock - Excused

Committee staff present: Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Martha Ozias, Committee Secretary

Conferees appearing before the committee:

Senator Christine Downey - 31st District
Ron Hoffman - Director of Harvey County 911 Communications Center, Newton
Kenneth Duckworth - Deputy Chief Police Officer, Wichita
John Workman - Director of Communications for Barton County
Jim Daily - President Elect for the Kansas Peace Officers Association
Capt. Keith Faddis - Commander, Technical Services Division, Overland Park
Larry Southern - Southwestern Bell Mobile Systems, Inc.
Whitney Damron - Pete McGill & Associates for SW Bell Mobile Systems
Lt. Col. Terry Scott - Highway Patrol

Others attending: See attached list

SB 688 - Relating to emergency telephone services

The Chairman introduced Senator Christine Downey who thanked the Committee for allowing this bill to be heard.

Ron Hoffman addressed the Committee with concerns of the 911 Providers regarding the way cellular companies are directing cellular emergency calls across the state and how they are processed. He stated that this legislation will not only provide faster emergency service but also provide a more effective means of communications to the proper answering points across the state. He discussed the proposed changes and the purpose for them and summarized the goals of the Providers. (Attachment 1)

Kenneth Duckworth urged the approval of the changes proposed by the 911 users group stating that "wireless" telephones are having an effect on the revenues that support the 911 Centers and compound problems facing emergency response by not supply location information as is done by "wired" phones. (Attachment 2)

Previous testimony was echoed by John Workman who explained that wireless 911 calls required dispatchers to spend valuable minutes determining the proper location in order to send emergency service responders. He stated that 911 emergency calls should be sent to the nearest emergency answering point and wireless telephone users should be taxed the same as landline telephone users up to .75 cents per month. (Attachment 3)

Jim Daily stated that **SB 688** is a good solution to rising operating and maintenance costs of the 911 emergency system as it would impose a tax that would help fund the Public Safety Answering Points. (Attachment 4)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES, Room 254E-Statehouse, at 9:00 a.m. on February 14, 1994.

Captain Faddis pointed out that in order to provide the level of 911 service that people have come to expect it will be necessary to replace and upgrade the equipment used to process those calls. This upgrading will be necessary on a continuing basis because the technology is changing so rapidly. Continued growth in telephone use will tax the telephone system greatly, therefore it is essential that the system receives the financial support that it needs. (Attachment 5)

SB 645 - Municipalities; relating to emergency telephone services

Larry Southern stated that his company encourages the public to get involved and report emergencies when necessary. Their customers are not bill air time for 911 calls. In the metropolitan areas of the state there have not been any problems but those in other areas will frequently find that 911 service is not available. New Sec. 3 of **SB 645** addresses this problem by authorizing the Kansas Highway Patrol to provide 911 emergency telephone service to wireless users. The bill will assess wireless service users in those areas to provide the service for \$.30 per month. (Attachment 6)

Whitney Damron offered some proposed changes to the bill as a result of an extensive study. They would amend the bill to "grandfather in" existing public safety answering points which presently handle cellular 911 calls. Calls received by the KHP could either be addressed by the Patrol, transferred to the local PSAP or referred directly to the appropriate local responder and impose a \$.30 per month per user fee to support the KHP. They object to a higher monthly fee as cellular users are already supporting emergency telephone systems through existing residential and business 911 surcharges. (Attachment 7)

Lt. Col. Terry Scott stated that the highway patrol was willing to do anything necessary to assure that the 911 cellular concept can become a reality but requested that funding be provided to provide competent, professional service if the Patrol is to be involved in any way. (Attachment 8)

Senator Tiahrt made a motion to approve the minutes of the February 10 meeting. This was seconded by Senator Jones. Motion carried.

The meeting was then adjourned by the Chairman.

The next meeting is scheduled for February 15, 1994.

GUEST LIST

SENATE TRANSPORTATION COMMITTEE

DATE: February 14, 1994

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
GERRY RAY	Overland Park	City of Overland Park
R. KEITH FADDIS	Overland Park	CITY OF OVERLAND PARK
Terry J Scott	Topeka	Highway Patrol
Jim Daily	Great Bend, KS	KPOA/BTC Sheriff
John Workman	Great Bend, KS	BT. Co. 9-1-1- KS. CHAPTER ^{APCO}
Becky L Stewart	Wichita, KS	Sedgwick County 9-1-1
Floyd G. Goff	Winfield, KS	Cowley Co. 9-1-1
Craig D. Cap	Halstead, KS	Harvey County
Liberty David		AP
Kenn R. R. R.	Wichita, KS	Concord City
Ron C. Hoff	Newton, KS	HARVEY County 9-1-1
Christine Downey	Newton, KS	Senate
Doug Smith	Topeka	St. Independent Telephone Assn.
JANET STURBS	"	Cellular ONE
Marianne Heidner	KSU	Leg. Intern - Ellen Samuelson
Jay Scott Emler	Liberty ^{Salina} Cellular, Inc.	Liberty Cellular, Inc.
Robert George Muter	621 Westport Blvd Salina KS	Liberty Cellular, Inc.
June Weller	Salina, KS - 621 Westport	Liberty Cellular, Inc.
STEVE KEARNEY	Topeka	KRNI L.C.
LINDA MCGILL	"	PETE MCGILL & Assoc.
LARRY Southern	Dallas TX	Southwestern Bell
Whitney Dameron	Topeka, KS	MORIGESYS
Scott Alisoglu	Topeka	Pete McGill & Associates/SSMS division of the budget

Ton DAY
Tom WHITAKER

TOPEKA
TOPEKA

KCC
KS Motor (CARPICKS ASSN)

February 14, 1994

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

Mr. Chairman, Committee members, On behalf of the Kansas 9-1-1 Providers and as Vice-Chairman of this committee, thank you for this opportunity, your time and consideration of Senate Bill 688.

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

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

It is our belief that the legislation we have submitted (Senate Bill 688) will not only provide faster emergency service to the cellular users across the state, but will also provide a much more effective means of communications to the proper answering points across the state.

It should be noted that the Kansas 9-1-1 Providers Group have had several meetings with the Kansas Cellular Suppliers and have come to common grounds on most of the issues of Senate Bill 688, however differ in one or two areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

The purpose is to prevent double taxation.

Because the cellular user will be taxed, the cellular supplier should not be tax.

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

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

Item 5 Cont.

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

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

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

6. We submit to remove the requirement of City or County governments of renewing their 9-1-1 resolution every three years. City or County governments would however be required to establish a new resolution if they choose to increase the amount of 9-1-1 tax. This newly established resolution would then be subject to the current 60 day appeal process by the registered voters.

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

- * We have added at the cellular companies request a public disclosure on the amount of revenue they collect or remitted by them.

Item 6 cont.

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

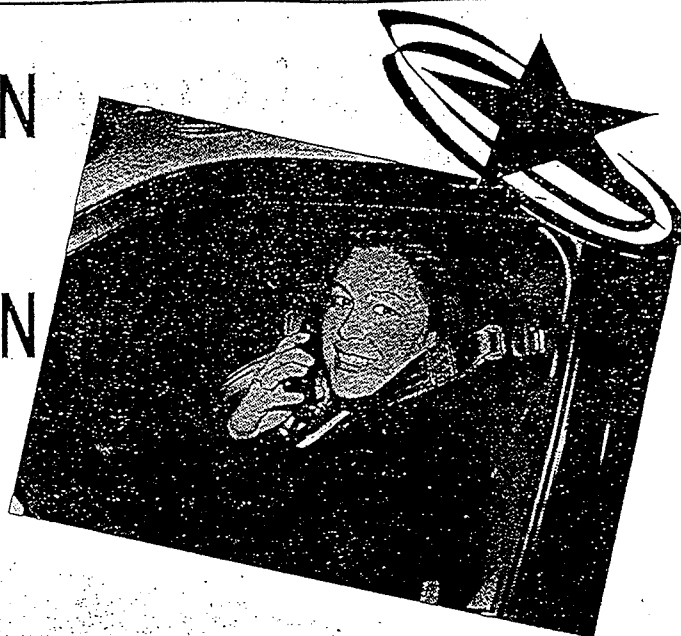
In summarizing Senate Bill 688, the goals of the Kansas 9-1-1 Providers are the following:

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

In closing, we are addressing very serious issues in Senate Bill 688, quite often life and death issues. We feel that if Senate Bill 688 is passed it will provide safety and security to the citizens of Kansas and will also help steam line the emergency cellular calls.

Again, thank you for your time and consideration.

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




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

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

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

FREE PHONES FOR BOWLERS OR PLEDGERS

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

 Southwestern Bell
Mobile Systems



14.15.06/27/93

033708HPS1

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

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

PLEASE CONFIRM

14.31.06/27/93

034584HVC1

HPS1.

HVC5

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

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

14.31.06/27/93

034586HVC1

HPS1.

HVC5

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

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

14.31.06/27/93

034588HPS1

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

SEN TRANS 2/14/94 18

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

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

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

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

This ended my participation with this 911 call.

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

20.51.07/03/93

066160HPS3

HVC3HPW1.MAB

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

21.04.07/03/93

067142HVC3

HPS3.

HVC5

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

OPR/948

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

21.04.07/03/93

067188HPS3

HVC3.MAB 10-4

2 - C Reed's
1 - C Gray

Injury Accident 2/6

REC CELLULAR RPT OF A MULTIPLE CAR 10-40
ON THE HESSTON-BUHLER ROAD APPROX 4 MILES WEST OF HESTON.
AMBULANCE IS REQUESTED.

036733HP51
HPW1HVS1.MAD

THE RP'S NAME IS LISA AT CELLULAR P.S. 316-669-7892.

SEN TRANS 2/11/94

ESIS - POST CONSUMER RECYCLED PAPER

19.02.02/16/93

055521HPS3

HVS1HPW1.MAB

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

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

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

NNNN

20.42.07/01/93

081517HPS1

HVC3.MAB

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

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

1815

20.02.11/05/93

0157HPS3

PW1MNS1HVC5.MBA

POSSIBLE 10-46 JUST GOT OFF ON EXIT 34/I135
T NORTH NEWTON EXIT NORTHBOUND AT 1800 HRS. RED AND SILVER CHEV
U TRUCK, KS LIC/AVG654. WF DRIVER WAS WEAVING IN AND OUT OF TRAFFIC.
NO COMES FROM CAR PHONE CALLER.

FP SALINA

8 05.11/05/93

67334NCIC

L01NCICHVC2QV

9 40013N

IC RECORD

VIN/

G1AZ37K8BK414867

SEN TRANS 2/14/94 1-12

18.28.03/14/93
049138HPS1
HVC1.MBA

INJURY
ACCIDENT

941

IS U50 AND COUNTY ROAD 835 YOUR COUNTY??

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

INJURY ACCIDENT

PAT C-Red

15.14.05/27/93
056198HPS1
HPW2HVC5.MBA

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

APPROX MILEPOST 286

INJURY ACCIDENT

17.49.07/02/93
058532HPS1

HVC5.MAB
34-39...

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

FORD COUNTY COMMUNICATIONS

PLEASE LOG CELLULAR CALLS AND MOBILE PHONE CALLS

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

Ron.

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

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

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

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

Dorothy



Hays Police Department

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

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

February 4, 1994

Ron,

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

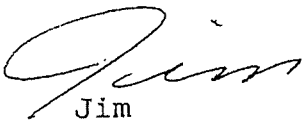
When we receive the calls from Cellular One users, all we get is 913-625-9210 Record Not Found.

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

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

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

Sincerely,


Jim

06259210 04 07:46:12 C00 07:46:17 C01 07:46:17 D00 07:46:19 D01 07:46:22 07:46:2

136259210 RECORD NOT FOUND

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

9136259210 RECORD NOT FOUND

***** DATE: 02/03/94 TIME: 08:00:00 *****

Accident, Russer County

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

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

9136259210 RECORD NOT FOUND

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

9136259210 RECORD NOT FOUND

DISABLED VEH, OAKLEY AREA

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

06259210 00 19:06:23 C01 19:06:30 D01 19:07:21 19:07:23

3136259210 RECORD NOT FOUND

mp. 113 WB I-70

26

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

3136259210 RECORD NOT FOUND

mp 105 WB I-70

SS 11 2nd

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



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

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

ROBERT T. STEPHAN
ATTORNEY GENERAL

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

May 10, 1993

ATTORNEY GENERAL OPINION NO. 93- 65

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

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

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

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*

*

Dear Mr. Cox:

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

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


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

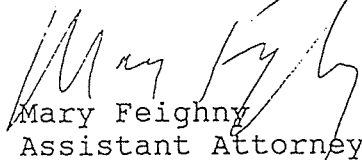
We can find no evidence of a legislative intent to include cellular telephone considerations in a statutory scheme which provides only for the establishment of a 911 system and a method of paying for it. This tax is imposed upon "exchange access lines or their equivalent." An access line is the line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

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

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

Very truly yours,


ROBERT T. STEPHAN
Attorney General of Kansas


Mary Feighny
Assistant Attorney General

RTS:JLM:MF:jm



POLICE DEPARTMENT PITTSBURG, KANSAS 66762

611 N. Pine

Phone 231-1700

Fax 232-7329

RALPH W. SHANKS
Chief of Police

February 11, 1994

DONALD W. MARSHALL
Asst. Chief of Police

Honorable Senator Ben Bidricksen
Chairman Kansas Senate Transportation
and Utilities Committee
Kansas Senate
Statehouse
Topeka, KS 66611

Sir:

I am writing this letter to you today concerning Senate Bill #688, 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 Monday, February 14, 1994. As a member of the Users Group I have supported the changes this bill and its companion in the House, HB #2794 would bring about for the 9-1-1 systems within 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 of 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,

John S. Duggan
John S. Duggan
Captain

9-1-1 PSAP Manager-Pittsburg

GOODLAND POLICE DEPARTMENT

204 W. 11TH, P.O. BOX 57
GOODLAND, KS 67735
(913) 899-4575

February 11, 1994

Kansas State Senate
Transportation Committee

Dear Senators:

I am writing this letter in support of the passage of SB 688. I am unable to appear before you today due to prior commitments, however I feel this issue is very important and therefore seek your support.

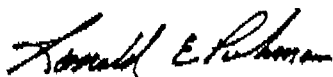
As a 9-1-1 service provider I can attest to the value of this life saving emergency service. Time and time again our citizens have proven its worth. In times of emergency; stress, fear, and anxiety tend to cloud a person's mind, making it difficult to remember a seven digit emergency number. The nationally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

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

With the rapid advances in technology we are seeing a dramatic increase in the utilization of wireless communications, particularly cellular phones. Under current Kansas statutes, wireless communication owners enjoy the benefit of 9-1-1 services without the cost currently imposed on landline users. If this situation is not corrected small communities will rapidly lose necessary revenue needed to operate their 9-1-1 facilities. Senate Bill 688 will correct this problem by adding wireless communications to the monthly tax which supports 9-1-1 services. By remitting the funds allocated from each wireless communication company direct to the 9-1-1 service provider, we can be confident this life saving service will not suffer.

Thank you for your support of SB688. If I can be of further assistance please contact me at your convenience.

Sincerely,



Ronald E. Pickman
Chief of Police
Goodland, Kansas

REP/igt

SEN TRANS 2/14/94 1-22

The City of COLBY

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

Police Department

Randall W. Jones
Chief of Police

February 10, 1994

Kansas Senate

Dear Senators:

This correspondence supports the passage of Senate Bill 688.

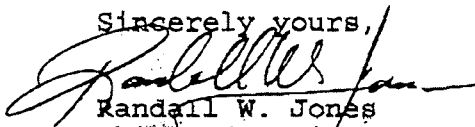
Senate Bill 688 would add wireless communications to the monthly tax rolls that support 911 services. Presently, wireless communications owners, particularly cellular telephone owners, enjoy free services from emergency communications centers, while others who are land line telephone users only, are taxed up to 75 cents per month to help support the 911 service. We do not feel that a fee of 75 cents per month is too much for the kind of life saving service emergency communications centers provide.

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

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

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

Sincerely yours,


Randall W. Jones
Chief of Police


Mary Messamore
Communications/Records Supervisor

THOMAS COUNTY SHERIFF'S OFFICE

225 North Court
Colby, Kansas 67701
(913) 462-4570
FAX (913) 462-3877

Thomas W. Jones, Sheriff
Scott Ekberg, Undersheriff
Michael L. Baughn, Chief Deputy

February 10, 1994

Kansas Senate

Dear Senators:

This correspondence supports the passage of Senate Bill 688.

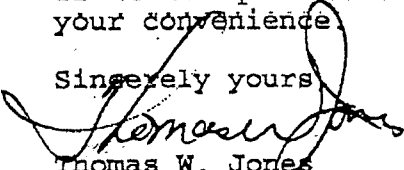
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We feel that it is important to also see that the funds collected from each wireless communications company should be remitted directly to those emergency communications providers.

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

Sincerely yours,


Thomas W. Jones
Thomas County Sheriff


Mary Messamore
Communications/Records Supervisor



Harvey County Emergency Preparedness

P.O. Box 687

Newton, Kansas 67114-0687

(316) 283-6010

Lon Buller
Director

February 11, 1994

Mr. Ben Vidricksen, Chairman
Kansas Senate
Transportation Committee

Dear Mr. Vidricksen:

This correspondence supports the passage of SB688.

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

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

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

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

Sincerely,

Lon Buller, CEM
Harvey County
Emergency Preparedness

LB:bl

PREPARE TODAY - ALIVE TOMORROW

SEN TRANS 2/14/94 1-25



KANSAS ASSOCIATION OF COUNTIES

"Service to County Government"

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

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Frank Hempen
Douglas County Director of
Public Works
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Lawrence, KS 66044
(913) 832-5293

Mary Ann Holsapple
Nemaha County Register of Deeds
607 Nemaha
Sereca, KS 66538
(913) 336-2120

Eldon Hoyte
Cearry County Commissioner
106 Bunker Hill Road
Junction City, KS 66441
(913) 762-4748

NACo Representative

Marjory Scheufler
Edwards County Commissioner
312 Massachusetts
Kinsley, KS 67547
(316) 995-3973

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

Executive Director
John T. Torbert, CAE

TO: Ron Hoffman

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

SUBJECT: Emergency Telephone Services

DATE: February 11, 1994

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

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

SEDGWICK COUNTY, KANSAS

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FIRST DISTRICT

BILL HANCOCK
COMMISSIONER
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FOURTH DISTRICT

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FIFTH DISTRICT

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

February 11, 1994

Kansas State Senate
Transportation Committee

Dear Chairman Vidricksen and Committee Members,

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

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

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

... To Be The Best We Can Be

SEN TRANS 2/14/94 1-27

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

Sincerely,

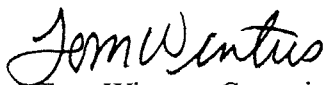


Betsy Gwin, Chair Sedgwick County Commission

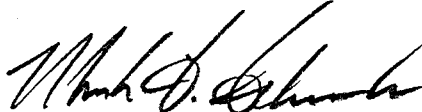


Andrew L. Bias, Chairman Pro Tem

Not Available for Signature
Bill Hancock, Commissioner



Tom Winters, Commissioner



Mark F. Schroeder, Commissioner

... To Be The Best We Can Be

SENATE BILL # 688

EMERGENCY TELEPHONE SERVICE

for 9-1-1

Cellular, Mobile, Wireless Telephones

Submitted By

Kenneth M. Duckworth
2908 S. Fern
Wichita, Kansas

ATTACHMENT **2**

SEN. TRANS. 2/14/94

2-1

Chairman and Members of the Senate Committee

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

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.

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.

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

Thank you


Kenneth M. Duckworth



Barton County KANSAS

John Workman

Communications Director

(316) 793-1920

1300 Stone

Great Bend, KS 67530

February 14, 1994

TO: Honorable Ben Vidricksen
Chair, Senate Committee on Transportation and Utilities

Honorable Lillian Papay
Vice-Chairperson, Senate Committee on Transportation and Utilities

Members of the Committee

Mr. Chairman, Members of the Committee, my name is John Workman. I am the Director of Communications for Barton County. I am also the President of the Kansas Chapter of the Association of Public \ Safety Communications Officials \ International or APCO. Thank you for allowing me to speak to you today.

I am speaking to you today in both my capacities in support of the passage of Senate Bill 688.

Rapid increase in wireless telephone technology has allowed an ever increasing number of citizens to have voice communication readily available to them. This has increased the number of calls to emergency answering points to report accidents, serious crimes and general information calls.

The information normally received from a landline 911 call includes the telephone number and address of the calling party. Wireless 911 calls are not currently linked to a data base that includes this information. The

ATTACHMENT 3

SEN. TRANS. 2/14/94

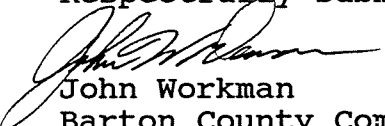
3-1

lack of this information requires dispatchers to spend valuable minutes determining the proper location in order to send emergency service responders. I believe that 911 emergency calls should be sent to the nearest emergency answering point.

People are being urged to use the unique emergency number 911 in case of an emergency. Our children are being taught to use 911 at a very early age. 911 is a number used by people who need help and should remain so in the State of Kansas.

Wireless telephone users should be taxed the same as landline telephone users up to .75 cents per month.

Respectfully submitted,



John Workman
Barton County Communications Director
APCO President

GOOD MORNING

I WOULD LIKE TO THANK THE CHAIRMAN AND THE MEMBERS OF THE COMMITTEE FOR HEARING MY TESTIMONY THIS MORNING.

I AM JIM DAILY, PRESIDENT - ELECT FOR THE KANSAS PEACE OFFICERS ASSOCIATION.

THE KPOA SUPPORTS SB-688.

TODAY LAW ENFORCEMENT AGENCIES ARE DEEPLY INVOLVED AS THEY SHOULD BE IN THE 911 EMERGENCY SYSTEM. THESE AGENCIES PROVIDE FACILITIES, EQUIPMENT AND PERSONNEL TO OPERATE PSAP'S, OR 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 LAND LINE USERS. WITH RAPIDLY INCREASING FREQUENCY, WE NOW HANDLE CALLS FROM CELLULAR PHONES AND OTHER MOBILE COMMUNICATIONS EQUIPMENT. UNDER CURRENT LAW, LAND LINE 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 CELLULAR'S 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 CAN NOT KEEP PACE WITH THESE INCREASES. SERVICES WILL SUFFER AS A RESULT.

LAW ENFORCEMENT STRONGLY BELIEVES SB-688 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 LAND LINE SERVICES IN MANY AREAS - ON EACH CELLULAR, MOBILE, OR WIRELESS PHONE IN THE SUPPLIERS SYSTEM. COLLECTED MONIES WILL FUND THE PSAP'S - PSAP'S 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 TO HIGH.

THE KPOA URGES THE PASSAGE OF THIS BILL.

SENATE BILL No. 688

FEBRUARY 14, 1994

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 they sit at stop lights or travel from place to place. Cellular telephones are not only used in cars. The availability of portable cellular telephones has 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 are becoming 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 in I-435 highway near Roe Avenue in Overland Park. On this one incident we received 15 calls, all from cellular users. Before cellular we would have received two or perhaps three calls. 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 Mo. 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 lines. 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 in 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 companies 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 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 an E911 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. While that is true, a cellular caller can call 911 at the same time someone is calling from the home or business. Senate Bill No. 688 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 in particular the 911 system. The cellular users are a major contributor to 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.

prepared by:

Captain R. Keith Faddis
Commander, Technical Services Division

Overland Park Ks. Police Department
8500 Antioch
Overland Park Ks. 66212

TESTIMONY
OF
LARRY SOUTHERN
OF
SOUTHWESTERN BELL
MOBILE SYSTEMS
PRESENTED BEFORE
THE SENATE COMMITTEE
ON
TRANSPORTATION & UTILITIES

FEBRUARY 14, 1994

RE: SB 645

ATTACHMENT 6

SEN. TRANS. 2/14/94

6-1

Mister Chairman and Members of the 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 which provides cellular service in the Wichita, Topeka, Lawrence, and Kansas City metropolitan areas. I appear here today in support of Senate Bill 645.

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 a major 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, in other areas of the state they will frequently find that 911 service is not available. Instead, upon dialing 911 the caller may get a recording which advises them of other numbers they may call. New Sec. 3 of Senate Bill 645 addresses this problem or need, by authorizing the Kansas highway patrol to provide 911 emergency telephone service to wireless users. This service is not without cost, and the bill assess wireless service users in those areas where the Kansas highway patrol is to provide the service \$.30 per month.

In fact, the bill will assess all wireless users in the state \$.30 per month to provide access to 911 service. The money collected would go to the governing body providing the service as determined by the customers billing address using the zip code.

Historically, the wireless industry has been opposed to such an assessment 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. With wireless what were really talking about, is hopefully, the public safety agency will receive earlier notification.

- Since the wireless user is already funding 911 through the assessment on their 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, of those states which have considered this issue, none have chosen to make such an assessment on 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 ask wireless user to pay for services they don't receive.

Since, Senate Bill 645 would establish a 911 emergency telephone service for wireless users throughout the state we support it's passage. We also believe most customers would not object to the reasonable fee, knowing it will result in increased access to 911 service.

Mr. Chairman and Members of the Committee, I sincerely hope you can support these views, and give prompt consideration to Senate Bill 645.

TESTIMONY
OF
WHITNEY DAMRON
OF
PETE MCGILL & ASSOCIATES
ON BEHALF OF
SOUTHWESTERN BELL
MOBILE SYSTEMS
PRESENTED BEFORE
THE SENATE COMMITTEE
ON
TRANSPORTATION & UTILITIES

FEBRUARY 14, 1994

RE: SB 645

Good morning Chairman Vidrickson and Members of the Senate Committee on Transportation and Utilities. My name is Whitney Damron of Pete McGill & Associates appearing before you today on behalf of Southwestern Bell Mobile Systems in support of SB 645. With me is Larry Southern of Southwestern Bell Mobile Systems.

Before this Committee today are two bills dealing with cellular/wireless 9-1-1 emergency service. I would like to take a moment to talk about the concept we are proposing and then turn the podium over to Larry Southern.

Cellular carriers in Kansas have been working on this issue in some form or another for over four years. What you have before you is the result of countless meetings, telephone calls and exchanges of information between the cellular industry, law enforcement agencies (primarily the Kansas Highway Patrol) and 9-1-1 operators. Even after the introduction of SB 645 we have continued to work on this issue and would offer a few changes to the bill as a result of those discussions.

A basic outline of our proposal 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 your cellular telephone is receiving a signal, an emergency operator will answer your 9-1-1 call.

2. We would amend our SB 645 to "grandfather in" existing public safety answering points (PSAP) which presently handle cellular 9-1-1 calls. These centers are primarily in the major metropolitan areas (Greater Kansas City area, Topeka, Wichita, Lawrence, as well as Salina and Great Bend). All other cellular/wireless emergency 9-1-1 calls would be routed through the Kansas Highway Patrol (KHP) at Salina.

3. Emergency calls received by the KHP could either be addressed by the Patrol, transferred to the local PSAP or referred directly to the appropriate local responder (police, sheriff, ambulance, fire department, etc.).

4. Impose a .30¢ per month, per user fee to support the KHP. Based upon our preliminary projections using industry averages we believe this amount would more than adequately fund the Patrol. The Patrol has previously estimated a \$250,000.00 first year start-up cost and \$150,000.00 annual operating cost thereafter.

We would note that SB 645 would implement the funding mechanism on July 1, 1994 but the program would not go on-line until July 1, 1995. If .30¢ per user does not generate adequate revenues to support this program we are committed to supporting an adjustment to cover such shortfalls. In addition, if the KHP or our industry encounters any insurmountable technological difficulties prior to July 1, 1995, we will have an opportunity to return to the Legislature for further direction and consideration.

You may hear from conferees that prefer a higher monthly fee. We would object to that for a number of reasons, including:

1. PSAP's are presently funded by existing landline taxes. Cellular users are already supporting emergency telephone systems through existing residential and business 9-1-1 surcharges.

2. Cellular 9-1-1 as proposed by SB 645 would not place any additional burden on local 9-1-1 operators (PSAP's). Those currently in operation already answer calls 24 hours per day. In addition, cellular 9-1-1 will not likely increase calls to a PSAP by a significant number - it will simply allow calls to be made in a more expedient manner.

3. And finally, we support a statutorily-set user fee of .30¢ per user, per month to support the KHP as they are the only entity that will be required to obtain additional equipment.

With that, I will turn my time over to Larry Southern of SBMS. We thank you for your consideration of this issue and look forward to the opportunity of providing emergency telephone services to our customers and to the State of Kansas.

We would be pleased to respond to questions at the appropriate time.

KANSAS HIGHWAY PATROL
TESTIMONY BEFORE THE
SENATE TRANSPORTATION COMMITTEE
REGARDING 1994 S.B. 645 AND 688

Presented by
Lt. Colonel Terry J. Scott
February 14, 1994

Mr. Chairman and Members of the Committee:

I am Lt. Colonel Terry Scott and I appear before you today on behalf of Colonel Lonnie McCollum, Superintendent of the Patrol in support of a 911 service for cellular telephone users.

There are two bills before this committee relating to 911 emergency service for cellular users. The concept that each of these bills represents is one that no agency which has any interest at all in public safety could disagree with. The Patrol will support without question a proposal that will make communications faster and easier for persons who find themselves involved in emergencies where the only available means of communication is by cellular telephone.

In appearing before you today, I must confess that I am somewhat embarrassed by the lack of answers that I can give this committee in your effort to deal with this issue. I honestly feel that I know just about enough to be dangerous in much of this area.

Some areas that I can provide insight into from the Patrol's position are:

Local Agency Control:

Whatever method of dealing with this problem is chosen as a final resolution, and whether the Patrol does or does not become involved, the success or failure will be determined by the local PSAP's, the Sheriffs, Police Departments, Ambulance and Fire Services and all of the other emergency providers at the local level. The Patrol's Troopers and other law enforcement officers deal with many emergencies within our State, both on and off the highways. However, without the cooperation of all of the other emergency providers, from ambulances to wreckers, Troopers, deputies, and police officers cannot function. This is not to imply in any way that the Patrol is unwilling or unable to assist or participate in this matter. We are willing to do anything necessary to assure the 911 cellular concept can become a reality. We simply point out that whatever this committee decides and whomever the key players are, there absolutely must be harmony and cooperation for success.

Some concerns and questions which we believe worthy of consideration in this matter include:

Where is the cellular telephone future? In the past five years, this industry has experienced what I would perceive as tremendous growth. Two years ago, I didn't know anyone with a cellular telephone except businesses. Today, it's quite common for individuals to have them. My concerns are simply that if this industry continues to expand, will the cellular 911 service expand as quickly, and will cellular telephones be used to contact emergency services even in domestic situations? Our thinking, or at least mine, is that cellular 911 is something you use on the highway or in a rural or at least an urban setting. Will this change in the future and how would that change affect the cellular 911 service?

What level of funding will this fee generate, how is it to be distributed and who will be the receiver?

The Patrol's interest in this area is very simple. That is, if this committee wishes for the Patrol to become involved and provide any, all, or a portion of this service, please fund that service in a manner which will permit my agency to provide quality, competent, professional service at a level the citizens we serve have come to expect (and have a right to do so) from the Patrol.

In conclusion, we believe that cellular 911 service on a Statewide basis is in the best interest of the citizens of Kansas. We do not wish to usurp the authority nor interfere in the operation of local government agencies in any fashion, but pledge our cooperation and commitment to assist in whatever manner is needed to permit this to become a reality.