

Approved: 2/21/94
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 18, 1994 in Room 254-E of the Capitol.

All members were present except:
Senator Tiahrt - 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:
Jim Emler - General Counsel, Kansas Cellular
Janet Stubbs - Stubbs Associates
Jim Grenz - Director of Emergency Communications for Hutchinson/Reno Counties
Col. Lonnie McCullum - Highway Patrol
Ron Hoffman - Harvey County 911

Others attending: See attached list

Continued Discussion on :

SB 645 - Municipalities; relating to emergency telephone service

SB 688 - Relating to emergency telephone services

Jay Emler addressed the Committee showing a map of areas served by the 911 emergency number. He stated that carriers want to see the 911 emergency number throughout the state and not as a county option. Copies of a proposed amendment were distributed (Attachment 1) and it was pointed out that this amendment would get rid of the "opt in / opt-out" factor and would guarantee funds for the highway patrol. He also stated that he was opposed to the \$.75 monthly user fee.

Copies of letters were distributed to the Committee from:
Robert Mater, Director Engineering and Operations, Kansas Cellular (Attachment 2)
Dorothy Faulkner, Communications Director, Ford County (Attachment 3)
Board of County Commissioners, Graham County (Attachment 4)
Smith County Commissioners (Attachment 5)

Janet Stubbs stated her agreement with the previous testimony.

Jimmy Grenz spoke in support of **SB 688** and of the need for every cellular, mobile and wireless telephone service supplier to receive prior approval of the Public Service Answering Point (PSAP) of any given jurisdiction before directing emergency calls to that facility. He felt this was necessary because of the fact that when the PSAP receives an emergency call they are expected to accept responsibility and assume a certain amount of liability for that call and its outcome. Mr. Grenz stated that a single answering point is not a solution to this problem as there would be too much unnecessary delay from the time the call was received and identified and a proper emergency response was dispatched. (Attachment 6)

Col. McCollum stated that the Highway Patrol would like to see the 911 service available statewide but they need adequate funding to implement this with proper equipment and staff.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES, Room 254E-Statehouse, at 9:00 a.m. on February 18, 1994.

Mary Messmore of Colby stood to speak as a dispatcher regarding concerns and situations that they encounter with emergency services in rural areas.

Ron Hoffman voiced his objections to the "opt in / opt out" option stating that the 911 number was unique and should be routed to the nearest dispatcher.

A motion to approve the minutes of the February 17 meeting was made by Senator Jones and seconded by Senator Papay. Motion carried.

The meeting was adjourned by the Chairman.

The next meeting is scheduled for February 21, 1994.

GUEST LIST

SENATE TRANSPORTATION COMMITTEE

DATE: Feb. 18, 1994

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
TOM WHITAKER	TOPEKA	KS MOTOR CARRIERS ASSN
VIRGINIA STARR	TOPEKA	AT&T
LINDA MCGILL	"	PMA
Pam Smolin	TOPEKA	KS Auto Dirs ASSN
JANET STUBBS	"	Cellular One
LARRY SOUTHERN	Dallas	Southwestern Bell Mobik
Whitney Dameron	Topeka	McMillan Associates/SBMS
Nelson Krueger	Lawrence	KINNET
Jane Weller	Salina	KINI LC
Robert Marer	Salina	KINI LC
LONNIE McCOLLUM	K. H. P. TOPEKA	TOPEKA
LARRY A. FOX	KHP. TOPEKA	TOPEKA
JOHN WORKMAN	BARTON CO - EMERG. COMM	GREAT BEND
TIM GRANTZ	Hutchinson/Rice County Emergency Comm	Hutchinson
KEITH FADDIS	OVERLAND PARK	OVERLAND PARK PD
Becky Stewart	Wichita	Sedgewick County 9-1-1
Mary Messana	Colby Police Dept. -	Thomas Co. 9-1-1
Don Pickman	Goodland	Goodland Police Dept.
JOHN GALLIARDO	GIRARD	CRAWFORD CO 9-1-1
Jim Daily	Great Bend	Barton Co. SO/KPOA
Don Hoffman	Harvey County, Newton, KS	HARVEY County 9-1-1

GUEST LIST (continued)

DATE: Feb. 18, 1994

NAME (PLEASE PRINT)

ADDRESS

COMPANY/ORGANIZATION

KENNETH DUCKWORTH Sedgwick

CITIZEN

Anne Smith

Topolus

Ks. Assoc. of Counties

SENATE BILL No. 688

By Senators Downey, Corbin, Emert, Hardenburger, Lawrence,
Martin, Papay, Ranson and Reynolds

2-4

9 AN ACT concerning cities and counties; relating to emergency tel-
10 ephone services; amending K.S.A. 12-5301, 12-5302 and 12-5303
11 and repealing the existing sections.
12

and

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

14 Section 1. K.S.A. 12-5301 is hereby amended to read as follows:
15 12-5301. As used in this act, unless the context otherwise requires:

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

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

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

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

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

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

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

ATTACHMENT

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1 (h) "service supplier" means any person providing exchange tel-
2 ephone services to any service user in this state; and ~~including any~~
3 ~~cellular, mobile or wireless telephone supplier;~~

or wireless service

4 (i) "service user" means any person not otherwise exempt from
5 taxation, who is provided exchange telephone service in this state;
6 ~~[(j) "equivalent" means any telecommunications device which is~~
7 ~~able to report emergency situations which may require a response~~
8 ~~of emergency services; and]~~
9 ~~[(k)] "PSAP" means public safety answering point.~~

or wireless

10 Sec. 2. K.S.A. 12-5302 is hereby amended to read as follows:
11 12-5302. (a) In addition to other powers for the protection of the
12 public health and welfare, a governing body may provide for the
13 operation of an emergency telephone service and may pay for it by
14 imposing an emergency telephone tax for such service in those por-
15 tions of the governing body's jurisdiction for which emergency tel-
16 ephone service has been contracted. The governing body may do
17 such other acts as are expedient for the protection and preservation
18 of the public health and welfare and are necessary for the operation
19 of the emergency telephone system. The governing body is hereby
20 authorized by ordinance in the case of cities and by resolution in
21 the case of counties to impose such tax in those portions of the
22 governing body's jurisdiction for which emergency telephone service
23 has been contracted. The amount of such tax shall not exceed \$.75
24 per month per exchange access line ~~for its equivalent~~

(j) "wireless carrier" means any common,
private or other radio carrier licensed by the
federal communications commission to provide
two-way voice or text radio service in this
state which provides interconnection to the
public switched telephone network and access to
a 24-hour answering point;

(k) "wireless service" means a two-way
voice or text radio service provided by a
wireless carrier; and

(1)

25 (b) Within 60 days of the publication of a resolution by a county
26 adopted pursuant to subsection (a) there may be filed with the county
27 election officer of the county a petition signed by not less than 5%
28 of the registered voters of the county, and within 60 days of pub-
29 lication of an ordinance adopted pursuant to subsection (a) there may
30 be filed with the county election officer of the county in which the
31 city is located a petition signed by not less than 5% of the registered
32 voters of the city, in either such case requesting that the question
33 of the installation and operation of emergency telephone service and
34 imposition of tax therefor be submitted to the qualified voters of the
35 county. Upon determination of the sufficiency of such petition and
36 certification thereof by the county election officer, the proposition
37 shall be submitted to the qualified voters of the county or city as
38 the case may be at the next primary or general election of county
39 officers following by not less than 60 days the certification of such
40 petition. If a majority of the votes cast at such election are for the
41 installation and operation of emergency telephone service and im-
42 position of tax therefor, or if no protest petition is filed within the
43 time hereinbefore prescribed, the governing body may provide for

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

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

26 (d) Such tax shall be imposed only upon exchange access lines
27 or their equivalent. No such tax shall be imposed upon more than
28 100 exchange access facilities or their equivalent per person per
29 location. ~~[A mobile, wireless or cellular telephone supplier shall be~~
30 ~~exempt from the exchange access tax but shall impose such tax on~~
31 ~~each cellular, mobile or wireless telephone within such supplier's~~
32 ~~system].~~

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

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

Wireless carriers

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1 addresses of those service users which carry a balance that can be
2 determined by the service supplier to be nonpayment of any tax
3 imposed under authority of this act.

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

8 ~~Sec. 3. K.S.A. 12-5303 is hereby amended to read as follows:~~

9 12-5303. (a) *Except as provided in subsection (b), any tax imposed*
10 *under authority of this act pursuant to K.S.A. 12-5302, and amend-*
11 *ments thereto, and the amounts required to be collected are due*
12 *quarterly. The amount of tax collected in one calendar quarter by*
13 *the service supplier shall be remitted to the governing body no later*
14 *than sixty 60 days after the close of a calendar quarter. On or before*
15 *the sixtieth 60th day of each calendar quarter following, a return*
16 *for the preceding quarter shall be filed with the governing body in*
17 *such form as the governing body and service supplier shall agree.*
18 *The service supplier required to file the return shall deliver the*
19 *return together with a remittance of the amount of the tax payable*
20 *to the office of the governing body. The service supplier shall main-*
21 *tain records of the amount of any tax collected pursuant to action*
22 *in accord with this act. Such records shall be maintained for a period*
23 *of one year from the time the tax is collected.*

24 (b) *Funds derived from the tax imposed pursuant to K.S.A. 12-*
25 *5302, and amendments thereto, on cellular, mobile or wireless tel-*
26 *ephones shall be collected and remitted as follows: The service sup-*
27 *plier of cellular, mobile or wireless telephone systems shall separate*
28 *such moneys by the zip code of the customer and remit those moneys,*
29 *less the 2% administrative fee, to the governing body of the city or*
30 *county imposing such tax to fund the PSAP which serves as the*
31 *primary answering point for such zip code.*

32 *Any and all funds collected from cellular, mobile or wireless tel-*
33 *ephone systems shall not be subject to public disclosure or the amount*
34 *of taxes remitted by any service supplier.*

35 *Except as provided by this subsection, the service supplier shall*
36 *remit the amount of tax collected in the manner provided by sub-*
37 *section (a).*

38 (b) (c) *From every remittance to the governing body made on*
39 *or before the date when the same becomes due, the service supplier*
40 *required to remit the same shall be entitled to deduct and retain,*
41 *as an administrative fee, an amount equal to two percent (2%) 2%*
42 *thereof.*

43 (c) (d) *At least once each calendar year, the governing body shall*

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1 ~~Establish a tax rate, not to exceed the amount authorized, that to~~
 2 ~~gether with any surplus revenues carried forward will produce suf-~~
 3 ~~ficient revenues to fund the expenditures authorized by this act.~~
 4 ~~Amounts collected in excess of that necessary within a given year~~
 5 ~~shall be carried forward to subsequent years. The governing body~~
 6 ~~shall make its determination of such tax rate each year no later than~~
 7 ~~September 1 and shall fix the new rate to take effect commencing~~
 8 ~~with the first billing period of each customer on or following the~~
 9 ~~next January 1. Immediately upon making its determination and~~
 10 ~~fixing the rate, the governing body shall publish in its minutes the~~
 11 ~~new rate, and it shall notify by registered mail every service supplier~~
 12 ~~at least ninety (90) 90 days before such new rate will become~~
 13 ~~effective. The governing body may, at its own expense, may require~~
 14 ~~an annual audit of the service supplier's books and records concerning~~
 15 ~~the collection and remittance of the tax authorized by this act.~~

16 ~~[New Sec. 4. Every cellular, mobile or wireless telephone service~~
 17 ~~supplier shall have received prior approval of the PSAP of that~~
 18 ~~jurisdiction before directing emergency calls to that facility. Fur-~~
 19 ~~thermore, every cellular, mobile or wireless telephone service sup-~~
 20 ~~plier shall establish the unique emergency telephone number "911"~~
 21 ~~across the state, excluding the Kansas Turnpike Assistance telephone~~
 22 ~~number.]~~

See attached New Sections 3 and 4

23 ~~[New Sec. 5. A public agency or a cellular, mobile or wireless~~
 24 ~~service supplier shall not be liable for any damages resulting directly~~
 25 ~~or indirectly from the total or partial failure of any transmission to~~
 26 ~~an emergency telephone service.]~~

27 ~~Sec. [6] K.S.A. 12-5301, 12-5302 and 12-5303 are hereby re-~~
 28 ~~pealed.~~

and

29 ~~Sec. [7] This act shall take effect and be in force from and after~~
 30 ~~its publication in the statute book.~~

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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), 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.

(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 service user. The wireless carriers shall remit taxes collected to the appropriate public agency based on the zip code of the service users billed in the state. Every billed wireless service user shall be liable for any tax under this act until it has been paid to the service supplier. The service supplier shall have no obligation to take any legal

action to enforce the collection of any tax imposed under authority of this section. The tax shall be stated as a separate item on the wireless service users monthly bill. The wireless carrier shall begin collecting the tax 180 days after the effective date of this act. The tax imposed under authority of this section and the amounts required to be collected are due quarterly, and the service supplier shall remit to the governing body the amount collected no later than 60 days after the close of a calendar quarter. The service supplier shall maintain records of the amount of any tax collected pursuant to this section, and such records shall be maintained for a period of one year from the time the tax is collected. From every remittance made on or before the date when this tax becomes due, the service supplier required to remit the tax shall be entitled to deduct and retain, as an administrative fee, an amount equal to 2% thereof. Public disclosure of information relating to moneys paid pursuant to this section shall be prohibited and shall be exempt from disclosure under the open records act.

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

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

New Sec. 4. (a) A wireless service supplier shall receive prior approval of the PSAP of that jurisdiction before directing emergency calls to that facility.

(b) Each governing body shall provide or contract for the 24 hour receipt of wireless emergency calls for all wireless service

areas within their jurisdiction on or before December 31, 1994. A governing body which contracts to accept wireless emergency calls from outside their jurisdictional boundary shall be entitled to wireless tax revenues attributable to wireless users having a billing address within those jurisdictions as defined under this act.



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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, Tribuna, 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

COPY

ATTACHMENT 2

Managed By

KNT

SEN. TRANS. 2/18/94

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

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

HILL CITY, KANSAS 67642

February 14, 1994

COUNTY CLERK
BARLENE REES
TELEPHONE NUMBER
913-474-3455

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

Harrold W. Irby
Darrol W. Irby, Chairman

Alvin Denk
Alvin Denk, Member

Robert Paxson
Robert Paxson, Member

dr/

ATTACHMENT 4

SEN. TRANS. 2/18/94



218 S. Grant, Smith Center, Kansas 66967-2798

February 14, 1994

**BOARD OF
COMMISSIONERS**

(913) 282-6822

Paul E. McCartney
First District
Lebanon, KS 66922

Royal Lattin
Second District
Smith Center, KS 66967

Bruce Nech
Third District
Kensington, KS 66901

Representative Nancy Brown, Chairperson
Committee on Local Government
State Capital Building
Room 183-W
300 W. 10th St.
Topeka, Ks 66612

Dear Representative Brown,

We, the County Commissioners, representing the county of Smith, do hereby wish to express our support for SB645 and our concerns with HB2794 and SB688.

COUNTY OFFICIALS

Terry Kugler
County Clerk
(913) 282-6832

Harry Jones III
County Treasurer
(913) 282-6838

James R. Fellers
County Attorney
205 S. Main
(913) 282-6889

Helen Kiselz
Register of Deeds
(913) 282-6379

Doug Jackson
County Sheriff
217 S. Jefferson
Adm. Calls 282-6604
Em. Calls 282-3541

Kathy A. Hansen
County Appraiser
(913) 282-6145

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,

The Smith County Commissioners

Paul E. McCartney
Paul E. McCartney, Chairman

Royal Lattin
Royal Lattin, Member

Bruce Nech
Bruce Nech, Member

**TESTIMONY OF JIMMY D. GRENZ, DIRECTOR OF EMERGENCY COMMUNICATIONS
FOR HUTCHINSON/RENO COUNTY, KANSAS BEFORE THE SENATE COMMITTEE
IN SUPPORT OF SB 688 ON FEBRUARY 18, 1994.**

I am the Director of Emergency Communications for Hutchinson/Reno County, Kansas which is the answering point for 911 telephone calls and the provider of emergency dispatching services for law enforcement, fire, and emergency medical services across Reno County. I speak today in support of SB 688.

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 the 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.

ATTACHMENT 6

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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 to which 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 condition fails to materialize the increased use of wireless telephones 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 would be 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 service 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 this committee may have concerning my testimony.