

To: Senate Utilities Committee

From: Amanda Stanley, General Counsel

Date: March 13, 2019

RE: Neutral Testimony on House Bill 2084

The League of Kansas Municipalities appreciates the opportunity to offer neutral testimony on House Bill 2084. We know that Kansans expect a reliable and responsive 911 system, having worked with the legislature and stakeholders on E911 legislation in 1994, 2004, and 2011. The legislation as drafted attempts to meet those expectations, but also includes significant changes to the E911 program.

The majority of Public Safety Answering Points (PSAPs) are housed within county operations; however, about 24 PSAPs are run by cities—primarily in smaller communities. Several of these programs are requiring greater amounts of general fund monies from the cities to continue to meet operations requirements. HB 2084 does increase from \$50,000 to \$60,000, (the first increase since the initial enactment of the legislation), the minimum annual funding to each county for PSAPs. That is a welcome change.

A significant concern of the League, and the primary reason we are neutral, is that oversight of the 911 Coordinating Council's budgetary procedures and structure has appeared insufficient. We agree with the Council that the system is underfunded, which was echoed by the Legislative Post Audit on the system. Frustrating to us, however, is that some of that underfunding was self-fulfilling. It is unconscionable that the Council was allowed to commit to a contract for which they did not have funding to meet that commitment.

The League – and the legislature – are now in a position where we know a fee needs to be raised in order to meet the Council's contractual obligation for ESI Net. If that does not occur, the cost falls onto our members' PSAPs, which the Post Audit report notes are already underfunded.

The House amended HB 2084 to reduce the fee increase from \$1.03 down to \$.82. A \$.22 increase in the 911 user fee should not result in a decrease in funding for PSAPs. If the committee leaves in the \$.82 fee rather than the \$1.03 fee, the bill **must** be amended to, at a minimum, keep PSAPs

funding whole. The smaller increase could be a way to maintain the system while creating time for the legislature to ensure oversight is in place to avoid such situations in the future.

To their credit, the 911 Coordinating Council did look at issues raised by the League and others in preparing HB 2084. We are grateful for many of the resulting changes. For instance, the legislation promotes a less heavy-handed approach from the Coordinating Council in working with PSAPs on any operational shortcomings. HB 2084 also has a process for PSAPs to seek preapproval for purchases, decreasing the possibility that purchases with 911 funds are deemed outside the scope of allowed expenses.

Section 2(f) (p. 6 of the bill) attempts to ensure GIS data maintained by PSAPs is current. Certainly, good data is a critical component of a well-functioning 911 system. At the same time, this subsection provides the Coordinating Council great latitude in contracting with a third party to review and update a PSAP's GIS data. We recommend that the committee consider placing a reasonable price cap on the cost of such a review or having the 911 Coordinating Council cover the cost over a certain threshold, to ensure these studies are conducted in a cost-efficient manner.

As this committee reviews HB 2084, we encourage you to find ways to improve the Council's budgeting, procurement, and other processes. A factor in the League seeking the amendment above are concerns about oversight of the 911 Coordinating Council. A multi-year contract was signed for the provision of a statewide system, without the state recognizing that, absent legislation for a fee increase, there were not going to be funds available to cover the cost of this commitment by the 911 Coordinating Council. If the system's costs are not able to be covered by the Council, then the expense will fall upon the local PSAPs. This is a serious failure in oversight. Similarly, it is unclear whether the Coordinating Council's personnel structure is fully formalized with contracts so that costs are known with certainty in the coming fiscal years. Neither the legislature nor local governments should be left uncertain about future 911 expenses.

We all know that technological improvements come with a price tag. HB 2084 as originally drafted increased the monthly fee for 911 from \$.53 to \$1.03. A House floor amendment reduced that to \$.82. In the grand scheme of living expenses, either of these amounts seems like a bargain to ensure access to 911 services. The League does understand that, as a percentage, the increase may seem large, and we leave it to the committee to decide whether the increase should occur over more than one year.

Many of the elements of HB 2084 make complete sense. There remain some areas; however, where we believe the state needs to assert itself more with the 911 Coordinating Council. We ask that the committee consider carefully the bill as written.