

## **MINUTES**

### **SPECIAL COMMITTEE ON UTILITIES**

October 8, 2009  
Room 143-N—Statehouse

#### **Members Present**

Senator Mike Petersen, Chairperson  
Representative Carl Holmes, Vice-Chairperson  
Senator Karin Brownlee  
Senator Janis Lee  
Representative Annie Kuether  
Representative Cindy Neighbor  
Representative William Prescott  
Representative Don Schroeder

#### **Members Absent**

Representative Joe Seiwert

#### **Staff Present**

Cindy Lash, Kansas Legislative Research Department  
Mary Galligan, Kansas Legislative Research Department  
Raney Gilliland, Kansas Legislative Research Department  
Melissa Doeblin, Office of the Revisor of Statutes  
Sean Ostrow, Office of the Revisor of Statutes  
Matt Sterling, Office of the Revisor of Statutes  
Ann McMorris, Committee Secretary

#### **Conferees**

Patrick Halley, National Emergency Number Association (NENA)  
Laurie Flaherty, U.S. Department of Transportation  
Juliene Maska, Governor's Grants Office  
Diane Gage, Chairperson, Kansas Wireless Enhanced Advisory Board  
Edwin Geer, Kansas Department of Transportation  
James A. Reed, Kansas Statewide Interoperability Committee

## **Others Attending**

See attached list.

Chairperson Petersen reviewed the topics assigned by the Legislative Coordinating Council (LCC) to be studied by the Special Committee on Utilities - Text Message Reception for the 911 Emergency System - Review the new 9-1-1 emergency system technology that would allow text, pictures, video, and data to be transmitted to emergency 911 centers in Kansas. Also review the possible extension of grant funding that currently is scheduled to sunset in July, 2010 for 9-1-1 emergency services for counties with a population of less than 75,000.

## **Review of Current Kansas 9-1-1 Statutes**

Melissa Doeblin, Office of the Revisor of Statutes, described current 9-1-1 statutes (the Emergency Telephone Tax Act and various laws related thereto). She covered topics including selected definitions, 9-1-1 tax levels, allowances for administrative fees, allowable uses of 9-1-1 tax revenues, the wireless enhanced 9-1-1 advisory board, and the grant fund and how it is administered, including abolition of the grant fund program slated for July 1, 2010 ([Attachment 1](#)).

Committee members raised questions about money available for grant administration (up to five percent of the amount credited to the grant fund annually), including how the money is spent and whose control it is under.

## **Next Generation 9-1-1**

Laurie Flaherty, U.S. Department of Transportation (US DOT), via phone from Washington DC, reported on building and funding tomorrow's 9-1-1 system. She discussed the consensus of the 9-1-1 community regarding the need to adopt new technologies, the US DOT Next Generation (NG) 9-1-1 project, and the characteristics of Next Generation 9-1-1. She reviewed the US DOT NG9-1-1 transition plan in the areas of funding, operations, standards and technology and governance and policy. She discussed issues for possible legislative or regulatory action consistent with the national plan, including creating clear responsibility and authority for 9-1-1, centralization of appropriate functions, and consistent long-term funding. She also reviewed the 9-1-1 Grant Program and the potential role of NCSL and state governments in migrating to NG9-1-1 ([Attachment 2](#)).

Questions were raised about how and what type of resources could be shared across Public Safety Answering Points (PSAPs), whether there is a list of states who have effectively shared resources and achieved cost savings, the likely time frame for implementing NG9-1-1, and who would be responsible for developing the standards states must have to go forward with NG9-1-1.

Ms. Flaherty offered to send the National NG Migration Plan, urged the Committee to visit the US DOT website where the Procurement Toolkit will be available soon, and recommended the Committee be represented at NCSL when these issues are discussed.

Patrick Halley, Government Affairs Director, National Emergency Number Association (NENA), spoke on Next Generation 9-1-1: What is it? Why do we need it? And how do we get there? He described the purposes of NG9-1-1, the nature of NG9-1-1, and the benefits to 9-1-1 service. He addressed transition issues including how to move from paper to reality, overall policy needs, policy issues, state 9-1-1 program authority considerations, local responsibility considerations, and funding ([Attachment 3](#)).

Mr. Halley also provided a 17-page booklet entitled "A Policy Maker Blueprint for Transitioning to the Next Generation 9-1-1 System – Issues and Recommendations for State and Federal Policy Makers to Enable NG9-1-1" published September 2008. A copy is available at the Legislative Research Department or from the NENA website.

Committee members raised questions about how to balance development of standards and coordination with the need to ensure continued funding of the current system, whether a network such as KAN-ED has the characteristics needed for a NG9-1-1 network, and how long it might be before NG9-1-1 could be in place.

### **Kansas Grant Proposal for NG9-1-1**

Juliene Maska of the Governor's Grants Office provided information on Kansas' application for the Federal E9-1-1 Grant Program. Ms. Maska described the activities that will be funded by the grant, including hiring a consultant to coordinate with federal, state, and local authorities and to assist an advisory board in the development and implementation of NG9-1-1. Under the grant, Kansas has proposed a pilot project implementing NG9-1-1 in three PSAPs of varying sizes across the State (Attachment 4).

Committee members raised questions about the consultant, specifically the purpose of hiring a consultant, how long the consultant would be involved, the process that will be used to select a consultant, and whether the amount of money proposed to be spent on the consultant meets the grant requirement that the money be spent primarily to benefit PSAPs. Members also asked about the multi-jurisdictional advisory body, including membership of the advisory body, where the authority to create such a body comes from, and how the Legislature would interact and coordinate with the advisory body, given the Legislature's role in determining the direction of 9-1-1 policy.

Representative Holmes asked Ms. Maska to provide the following data: (1) a list of names of all the people involved in putting the grant application, including addresses and who they represent; (2) detailed information on the amount of additional administrative moneys that will need to be drawn from the tax revenues to fund the state share of the grant; (3) a list of persons who will be involved in putting together the Request for Proposal for a consultant; and (4) a list of the persons involved in developing the equipment list. In response to a question asking for more information about the equipment to be purchased under the grant, Ms. Maska indicated she would provide a written explanation to the Committee.

### **Role of Kansas Wireless Enhanced 9-1-1 Advisory Board**

Diane Gage, Chairperson, Advisory Board, reported on the activities of the Advisory Board in providing education and assistance to get the wireless system in place. She reviewed the Board's history and its long-term goals. As the sunset date for the wireless grant funding and program nears, the Board has been focused on making sure that PSAPs that are using grant moneys to pay recurring monthly costs will continue to be able to provide wireless 9-1-1 service to the community when grant funding is no longer available (Attachment 5).

## **Statewide Interoperable Communications System**

Edwin Geer, Communication System Administrator for the Kansas Department of Transportation (KDOT), provided background and an update on the Statewide Interoperable Communication System. The goal is to facilitate seamless communications in critical events for public safety-related officials operating on different radio systems. The components of this system include: (1) installation of P25 wide-area trunk radio equipment and interoperability equipment for selected tower sites; and (2) opportunities to lease 800 MHz radios and tower space. He reviewed the funding for equipment and the efforts made through several phases to facilitate interoperable communications during critical events for areas encompassing the majority of the state's population and its critical infrastructure (Attachment 6).

Representative Holmes asked for a list of people who requested use of the KDOT towers and were turned down, including the reason the request was denied.

Concerns were expressed that many areas of the state have been upgraded to the P25 wide-area network, while most of western Kansas is only now receiving conventional trunks for basic interoperability.

## **Kansas Statewide Interoperability Executive Committee**

James A. (Jimmy) Reed, Kansas Statewide Interoperability Executive Committee (SIEC), provided a roster of the SIEC membership. He discussed an FCC regulation on radio equipment utilized by public safety agencies that requires narrowing the bandwidth on which they operate by half by January 1, 2013. Approximately 90 percent of the emergency response agencies in the state operate radios that will be subject to this requirement. It will affect jurisdictions of all sizes in Kansas (Attachment 7).

Questions were raised about the cost of different types of radios, the advantages of being on the state network, whether there is potential for the P-25 800 MHz system managed by KDOT to merge with the 9-1-1 emergency response system, what the total cost will be statewide for public safety to convert to radios that can accommodate the narrower bandwidth, whether narrowing the bandwidth degrades the radio signal, and what options agencies might have if they cannot afford to migrate to new radio systems.

Chairperson Petersen noted the Committee has one more day to meet and consider their recommendations to the 2010 Legislature. He asked the members to review carefully the information provided by the speakers today.

Members identified additional information they would like to have available at the next meeting, including whether KAN-ED could be used as the network "backbone" required for NG9-1-1, whether the money that will be spent on the consultant in the federal grant is subject to the 10 percent limit on administration that normally is contained in federal grants, do the different entities involved communicate with each other, what governs how KDOT money spent for communications towers can be used and who can use the towers, over the last three years how much money was raised by the 9-1-1 local fee and grant fee, and how was that money spent, and what are the trends in the number of wired and wireless telephones.

In addition, members identified several issues that should be considered as the Committee makes its recommendations, including whether the Wireless Advisory Board should continue; the possibility of placing all 9-1-1 tax moneys with an organization outside state government, with checks

and balances and safeguards, to ensure that the money cannot be swept and used for general state purposes; and consideration of a bright, clear line for how 9-1-1 moneys can be used.

**Next Meeting**

The next meeting will be held on November 13, 2009.

Prepared by Ann McMorris, Committee Secretary  
Edited by Cindy Lash

Approved by Committee on:

November 13, 2009  
(Date)