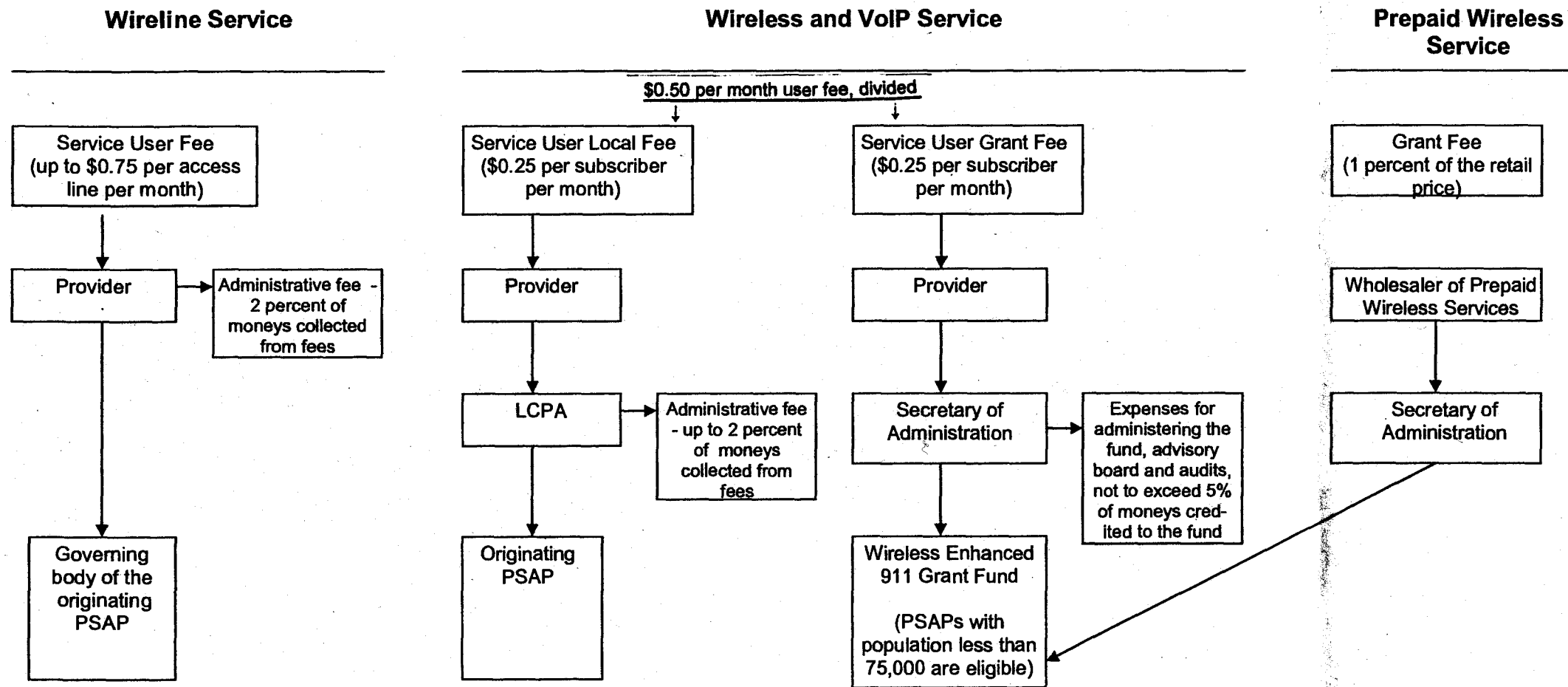


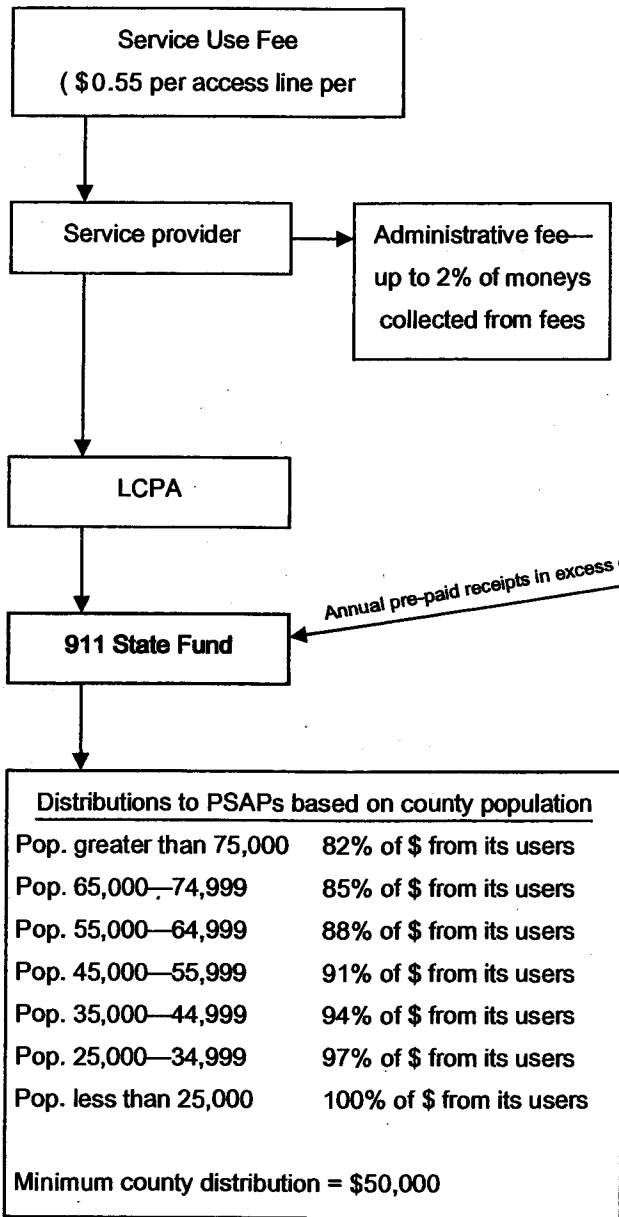
911 User Fees, Administrative Fees, and Distribution of Funds Current Law



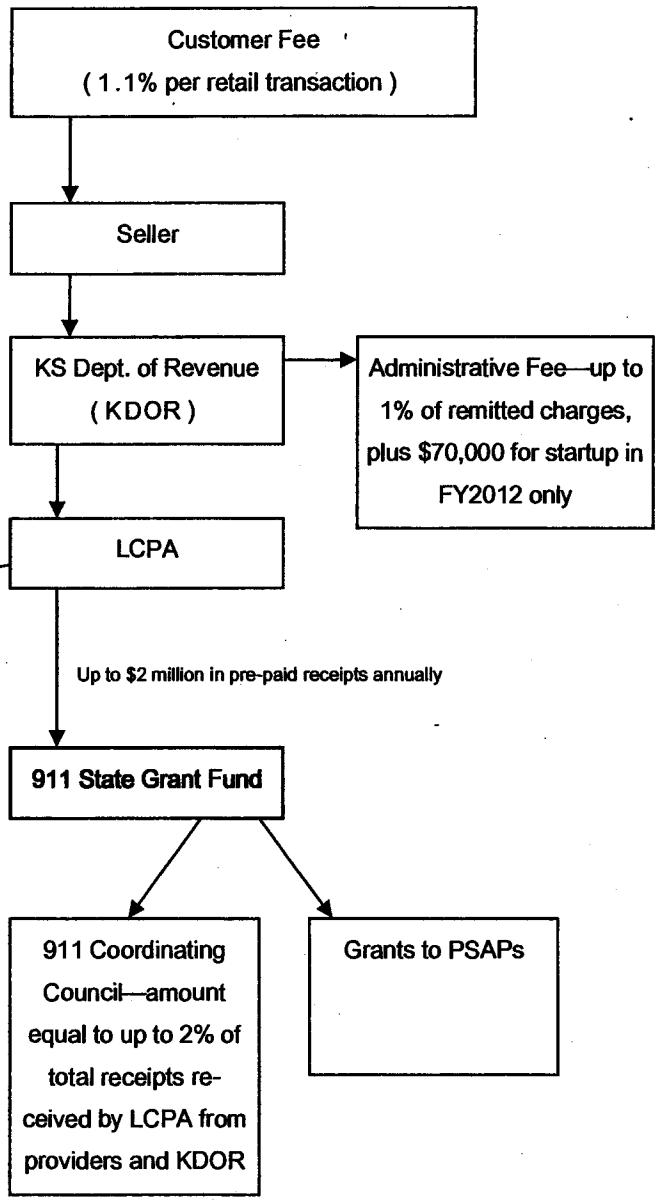
SENATE BILL 50

911 User Fees, Administrative Fees, and Distribution of Funds

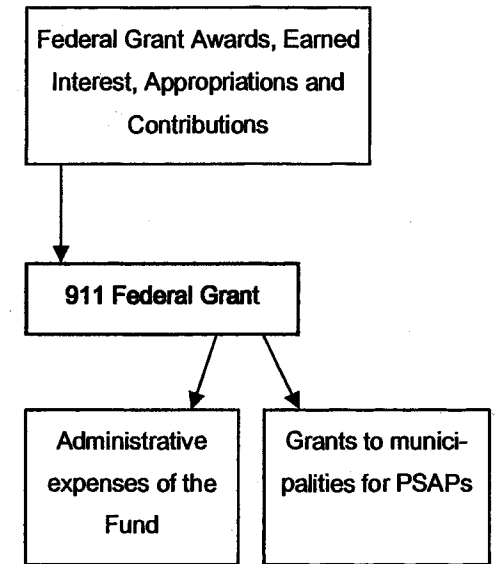
Wireline, Wireless, VoIP and Other Service
Capable of Contacting a PSAP



Prepaid Wireless Service



911 Federal Grants



Senate Bill 50
Summary of Provisions

911 Fees

Wireline, Wireless, VoIP, or Other Service Capable of Contacting a PSAP

A 911 fee of \$0.55 per month per subscriber account is imposed, effective Jan. 1, 2012. New Sec. 7(a).

Prepaid Wireless

A prepaid wireless 911 fee of 1.1% per retail transaction is imposed, effective Jan. 1, 2012. New Sec. 9(a). The prepaid 911 fee is increased or decreased proportionately when other 911 fees change. New Sec. 9(f). A procedure is set out for calculating 911 tax when the 911 wireless service is sold in a package for a single price. New Sec. 9(g).

Collection of fees

Wireline, Wireless, VoIP, or Other Service Capable of Contacting a PSAP

Every billed service user is liable for 911 fees until paid to the provider. New Sec. 8(a). The provider has no obligation to take legal action to enforce collection of 911 fees. New Sec. 8(c). 911 fees are collected by the provider at the same time as charges for service. New Sec. 8(d).

Prepaid Wireless

The fee is collected by the seller from the consumer for each retail sale in Kansas. New Sec. 9(b)

Remittance of Fees

Wireline, Wireless, VoIP, Other Service Capable of Contacting a PSAP

Fees are due monthly. Amounts collected in one month must be remitted to the local collection point administrator within 15 days of the end of the calendar month, along with a return. The service provider must keep records of collections for three years. New Sec. 8(e).

Prepaid Wireless

The seller is required to remit to the Department of Revenue all prepaid wireless 911 fees collected from consumers. Remittance is by electronic filing consistent with provisions for remitting sales tax. Sellers with \$50 or less in prepaid wireless sales per month may remit fees on a biannual basis. New Sec. 10(a)(b).

The fee imposed by this act shall be the only 911 funding obligation imposed on prepaid wireless service in Kansas. New Sec. 11(a).

The Department must transfer all remitted prepaid wireless 911 fees to the LCPA with 30 days of receipt. New Sec. 10(e).

Administrative fees

Wireline, Wireless, VoIP, Other Service Capable of Contacting a PSAP

Providers may retain a fee not to exceed 2% of moneys collected. New Sec. 8(f).

Prepaid Wireless

The Dept. of Revenue may retain up to 1% of remitted charges on prepaid wireless for administration. In FY 2012 only, the Dept. of Revenue may retain an additional \$70,000 for programming and other startup costs.
New Sec. 10(f).

911 State Fund, 911 State Grant Fund, 911 Federal Grant Fund

LCPA, upon advice and consent of the 911 Coordinating Council establishes the 911 State Fund and the 911 State Grant Fund, which are not part of the State Treasury. On the effective date of the act, unobligated state grant funds in the Wireless Enhanced 911 Grant Fund are transferred to the LCPA to be deposited in the 911 State Grant Fund. New Sec. 6(a).

A 911 Federal Grant Fund is established in the State Treasury. New Sec. 4 (a).

Distribution

The local collection point administrator must distribute fees to PSAPs within 30 days of receipt, based on county population and place of primary use as follows (direct distribution) (New Sec. 12(a)):

- a county with population greater than 75,000 receives 82% of money collected from its users;
- a county with population between 65,000 and 74,999 receives 85% of money collected from its users;
- a county with population between 55,000 and 64,999 receives 88% of money collected from its users;
- a county with population between 45,000 and 54,999 receives 91% of money collected from its users;
- a county with population between 35,000 and 44,999 receives 94% of money collected from its users;
- a county with population between 25,000 and 34,999 receives 97% of money collected from its users; and
- a county with population less than 25,000 receives 100% of money collected from its users.

An annual minimum distribution of \$50,000 per county is established and provisions are made for proportionally dividing minimum distribution between PSAPs if the county has more than one PSAP.

New Sec. 12(a).

Use of Fee Proceeds

Fee moneys (including earned interest) can be used only for necessary and reasonable costs incurred by PSAPs for the following (New Sec. 13(a)):

- Implementation of 911 services;
- Purchase of 911 equipment and upgrades;
- Maintenance and license fees for 911 equipment;
- Training of personnel;
- Monthly recurring charges billed by service suppliers;
- Installation, service establishment, and nonrecurring start-up charges billed by service suppliers;
- Charges for capital improvements and equipment or other physical enhancements to the 911 system;
- The original acquisition and installation of road signs designed to aid in delivery of emergency service;
- Costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish, or make improvements to buildings or similar facilities; or
- Costs shall not include purchase of subscriber radio equipment.

Use of State Grant Proceeds

Grant moneys (including earned interest) may be used for projects involving development and implementation of NG911, costs associated with PSAP consolidation or cost-sharing projects, expenses related to the coordinating council, costs of audits, and uses allowable for regular 911 fee proceeds. New Sec. 6(b).

911 Coordinating Council

Creates the 911 Coordinating Council, which is charged with monitoring the delivery of 911 services, developing strategies for future enhancements to the 911 system, and distributing available grant funds to PSAPs. As possible, the Council shall include individuals with technical expertise regarding 911 systems, internet technology and GIS technology. New Sec. 3(a)(1).

The Committee is made up of 16 voting members (12 appointed by the Governor and 4 appointed by legislative leadership) and 10 non-voting members (all appointed by the Governor). New Sec. 3(a)(2-4).

Governor's appointees to voting positions shall include:

- 2 representing IT personnel from government units;
- 1 representing a law enforcement officer;
- 1 representing a fire chief;
- 1 recommended by the Adjutant General;
- 1 recommended by the KS Emergency Medical Services Board;
- 1 recommended by the KS Commission for the Deaf and Hard of Hearing;
- 2 representing PSAPs located in counties with less than 75,000 in population;
- 2 representing PSAPs located in counties with more than 75,000 in population; and
- 1 representing PSAPs without regard to size.

Legislative appointees to voting positions shall include:

- 1 Representative appointed by the Speaker;
- 1 Representative appointed by the Minority Leader;
- 1 Senator appointed by the President; and
- 1 Senator appointed by the Minority Leader.

Governor's appointees to non-voting positions shall include:

- 1 representing rural telecom. company, recommended by KS rural independent telephone companies;
- 1 representing incumbent local exchange carriers with more than 50,000 exchanges;
 - 1 representing large wireless providers;
 - 1 representing VoIP providers;
- 1 recommended by League of KS Municipalities;
- 1 recommended by KS Association of Counties;
- 1 recommended by KS GIS Policy Board;
 - 1 recommended by KAN-ED;
 - 1 recommended by DISC; and
- 1 recommended by Mid-America Regional Council (KS resident).

Governor designates chairperson from among voting members. New Sec. 3 (a)(5).
Voting members have a 3-year term of office and are limited to 2 terms. New Sec. 3(b).

Other Specific Authority of the Council

Select the Local Collection Point Administrator to collect and distribute 911 fees to PSAPs and distribute 911 State Grants as directed by the Council. Set compensation for LCPA. New Sec. 3(d).

Limited to 1-year contracts with LCPA, reviewed annually. New Sec. 5.

Adopt rules and regulations necessary to effect the provisions of the act, including creating a standard form for PSAPs to report 911 expenditures, requiring service providers to notify the Council, setting standards for coordinating and purchasing equipment, and assessing civil penalties. Rules and regs to begin administration of the Act must be adopted by 12/31/11. New Sec. 3(e).

Pursuant to rules and regs, the Council may raise or lower the 911 fee (not lower than \$0.50 nor higher than \$0.60) based on a finding that fees are above or below the cost to operate PSAPs in the state. New Sec. 3(f).

May appoint subcommittees to administer grants, oversee collection/distribution of money, develop technology standards, training recommendations and others as needed. New Sec 3(g).

Reimburse independent contractors or state agencies for expenses incurred in assisting the Council. Paid from 911 Grant Fund. New Sec. 3(h).

The Council shall make an annual report to the Legislature's Utilities Committees. New Sec. 3(p).

Funding for Council

All expenses of the Council are paid from the 911 State Grant Fund. Limited to 2% of total receipts from providers and Dept. of Revenue remitted to LCPA. Council may be reimbursed for meals and travel, but otherwise without compensation, except legislators. New Sec. 3(i).

Staffing

Creates the position of 911 Statewide Coordinator, appointed by the Governor from nominees submitted by the Council. The Governor determines compensation. Duties include coordinating E-911 and NG911 services in the state, implementing statewide 911 planning, ensuring policies of the Council are carried out, act as a liaison between the LCPA and the Council, assist in development of regulations, administer federal grant fund, and distribute federal grants as recommended by the Council. New Section 3(c)(1)-(2).

Federal Grant Fund

Creates 911 federal grant fund in the state treasury. New Sec. 4(a)

Statewide 911 coordinator administers the federal grant fund and distributes grants in accordance with recommendations of the 911 Coordinating Council. New Sec. 4(b)

Money credited to the fund can be used only to (a) pay all expenses of administering the fund, and (b) to provide grants to eligible municipalities for necessary and reasonable costs incurred by PSAPs for the following: New Sec. 4(d)

Equipment used solely to process data elements of E911 and NG911; and

Maintenance and license fees for such equipment and training of staff to operate the equipment.

Costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish, or make improvements to buildings or similar facilities or for other capital outlay not expressly authorized by the act.

Immunity

Except as provided by the KS Tort Claims Act, and except for failure to use ordinary care, or for intentional acts, the LCPA and each provider, and their employees and agents, and each seller and their employees and agents, shall not be liable for payment of damages resulting directly or indirectly from the total or partial failure of any transmission to an emergency communication service or for damages resulting from performance of installing, maintaining, or providing enhanced 911 service. New Sec. 14.

Audits and Reviews

Receipts and disbursements of the LCPA shall be audited yearly by a licensed municipal accountant or a CPA.
New Sec. 15(a)

The LCPA may require an audit of any provider's books and records concerning collection and remittance of 911 fees. The audit cost is to be paid from the 911 State Grant Fund. New Sec. 15(b).

By 12/31/13, and every three years thereafter, Legislative Post Audit shall contract for an audit of the 911 system to determine the following (New Sec. 15(c)):

- Whether PSAPs are using fee money appropriately;
- Whether the amount of moneys collected is adequate;
- The status of 911 service implementation; and

The cost of the audits are paid from the 911 State Grant Fund. New Sec. 14(c).

The Legislature shall review the act in the 2014 Session and every five years thereafter. New Sec. 15(d).

Provider Costs

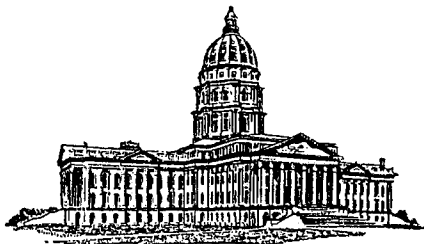
Providers are not limited from recovering directly from their customers costs associated with designing, developing, deploying and maintaining 911 service and its cost of collection and administration of the 911 fees.

New Sec 16

MARY ANN TORRENCE, ATTORNEY
REVISOR OF STATUTES

JAMES A. WILSON III, ATTORNEY
FIRST ASSISTANT REVISOR

GORDON L. SELF, ATTORNEY
FIRST ASSISTANT REVISOR



OFFICE OF REVISOR OF STATUTES
KANSAS LEGISLATURE

Legal Consultation—
Legislative Committees and Legislators
Legislative Bill Drafting
Legislative Committee Staff
Secretary—
Legislative Coordinating Council
Kansas Commission on
Interstate Cooperation
Kansas Statutes Annotated
Editing and Publication
Legislative Information System

MEMORANDUM

To: Chairman Apple and members of the Senate Utilities Committee
From: Matt Sterling, Assistant Revisor of Statutes
Date: January 27, 2011
Subject: Senate Bill 50

Senate Bill 50 is an act concerning emergency telephone service and the implementation, collection and distribution of 911 fees. The current statutes concerning the 911 system and fees are set to sunset on July 1, 2011. This act would create a new fee structure for the 911 fees, as well as creating a 911 coordinating council. The bill would be effective upon publication in the Kansas register, but many of the provisions of the bill would not go into effect until January 1, 2012. Below is a more detailed listing of the provisions of the bill.

Section 2. is the definitions section. It uses many of the same definitions from current law and adds several new definitions, such as, "consumer," "department," "next generation 911," "retail transaction," "seller" and statewide 911 coordinator.

Section 3. This section creates the coordinating council and describes its duties. The council is responsible for monitoring the delivery of 911 services, developing strategies for future enhancements to the 911 system and to distribute grant funds to PSAPs. The council would consist of 12 voting members appointed by the governor, 4 voting members from the legislature and 10 non-voting members appointed by the governor to represent various interests.

This section also establishes the statewide 911 coordinator, appointed by the governor, who will serve as the coordinator of E-911 and NG-911 services, apply for federal grants, administer the federal grant fund and serve as the liaison between the council and the LCPA.

The council is also tasked with selecting the local collection point administrator to collect 911 fees and to distribute the fees to PSAPs and the state grant fund as directed by the council. Currently, the LCPA is defined as the association of cities and counties. After implementation, the local collection point administrator would be the entity that the council selects to administer these provisions of the act.

The council is authorized to adopt rules and regulations to effectuate this act, including raising or lower the 911 fee within a set range. The expenses of the council are to be paid from

the 911 state grant fund and shall comprise no more than 2% of the total receipts of all state 911 fees. The council would be reimbursed for travel expenses and meals, but would serve without compensation. Finally, the council is authorized to impose civil penalties on providers that are acting in bad faith in failing to comply with the provisions of this act.

Section 4. This section establishes the 911 federal grant fund within the state treasury and makes the statewide 911 coordinator the administrator of the fund. The fund would be comprised of the moneys received in federal grants for implementation of 911 services. Subject to the limitations imposed by the act and the applicable federal regulations, the coordinator would distribute the federal grant funds pursuant to the recommendations of the council.

Section 5. This section requires the council to select the local collection point administrator. It limits the agreement between the council and the LCPA to a one year maximum and would need to be reviewed annually.

Section 6. This section directs the LCPA, upon the advice of the council, to create the 911 state fund and the 911 federal grant fund outside of the state treasury. After implementation of this section, the secretary of administration, the current administrator of the wireless enhanced 911 grant fund, would certify the sources of money contained in such fund and transfer all funds from state fee sources to the 911 state grant fund and all funds from federal sources to the 911 federal grant fund. The LCPA would be authorized to maintain an action to collect any funds owed by providers.

The council is tasked with ensuring that the funds in the 911 state grant fund be used for the listed purposes and to develop criteria for eligible purchases and for grant applicants, as well as to make the final decision on grant awards.

Section 7. This section establishes a 911 fee of \$.55 per month per subscriber account of any land line, wireless device, VoIP service or any other service capable of contacting a PSAP. The providers of these services would be required to remit the 911 fees collected to the LCPA pursuant to section 8. This section does not apply to any prepaid wireless service.

Section 8. This section requires the providers to remit the fees collected to the LCPA within 15 days after the end of the calendar month in which they were received. The providers are also required to file a return for such remitted fees to the LCPA to include information required by the LCPA. This section authorizes providers to retain an administrative fee of up to 2% of the moneys it collected from the 911 fee.

Section 9. This section imposes a prepaid wireless 911 fee of 1.1% per retail transaction to be collected by sellers of prepaid wireless service. The amount of the fee is required to be stated separately on the invoice or receipt or otherwise disclosed to the consumer by the seller. The prepaid wireless fee would be changed proportionally to any change to the 911 fee authorized by the council.

Section 10. This section requires sellers to remit any prepaid wireless 911 fees collected to the department of revenue consistent with the provisions of the Kansas retailers' sales tax act.

Sellers that sell less than \$50 per month of prepaid wireless service may submit fees on a biannual basis. The department is authorized to audit sellers to minimize additional costs to the department as well as initiate collection or audit procedures on sellers if collection efforts by the LCPA are unsuccessful. The department is required to remit all prepaid wireless 911 fees to the LCPA within 30 days of receipt. The department is authorized to retain 1% of the remitted fees for administrative uses and up to \$70,000 in fiscal year 2012 only to pay for programming and other one-time costs for establishing a collection system for prepaid wireless 911 fees.

Section 11. This section states the prepaid wireless 911 fee imposed by this act shall be the only 911 funding obligation imposed on prepaid wireless service in the state.

Section 12. This section establishes a sliding scale for the distribution method for 911 fees to the PSAPs. The place of primary use information determines the location of a user and which PSAP the corresponding 911 fees should be distributed to. From that pool of money determined by place of primary use information, counties with a population over 75,000 would receive 82% of that total amount. The distribution system scales up for smaller counties by increments of 3% corresponding to every 10,000 person drop in county population. Counties with a population of 65,000 to 74,999 would receive 85% of the pool of money collected from service users with corresponding place of primary use information, counties with a population between 55,000 and 64,999 would receive 88%. This sliding scale continues until it reaches counties with a population of less than 25,000 people. Such county would receive 100% of the pool of money collected from service users with place of primary use information corresponding with such county. All moneys remaining after distribution to the PSAPs, as well as any money which cannot be attributed to a specific PSAP shall be transferred to the 911 state grant fund.

All fees that are remitted to the LCPA shall be deposited in the 911 state fund and be treated as if they are public funds pursuant to the banking code for deposit of public moneys. Moneys from the prepaid wireless 911 fee shall be deposited in the 911 state grant fund unless \$2 million of such moneys has been deposited in the state grant fund in any year then any additional moneys received shall be distributed to PSAPs pursuant to the sliding scale method. Information provided by providers to the LCPA or the council will be treated as proprietary records and withheld from the public upon request of the party submitting such records.

Section 13. This section prescribes the ways that the moneys collected from the 911 fees may be spent. These purposes include: implementation of 911 services; purchase of 911 equipment and upgrades; maintenance and license fees for 911 equipment; training of personnel; monthly recurring charges billed by service suppliers; installation, service establishment and nonrecurring start-up charges billed by the service supplier; charges for capital improvements and equipment or other physical enhancements to the 911 system; or the original acquisition and installation of road signs designed to aid in the delivery of emergency service. Expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities or purchase of subscriber radio equipment shall not be approved costs.

Section 14. This section provides immunity from liability to the LCPA, each provider and each seller, as well as their employees, for any damages resulting from the failure of any

transmission to an emergency communication service or for damages resulting from the performance of installing, maintaining or providing 911 service. This immunity does not shield the LCPA, the providers and the sellers from immunity under the Kansas Tort Claims Act, intentional acts or negligence.

Section 15. This section requires the receipts and disbursements of the LCPA to be audited yearly by a licensed municipal accountant or certified public accountant. It authorizes the LCPA to require an audit of any provider's books and records concerning the collection and remittance of fees.

This section also requires an audit to be performed by legislative post audit, at least once every three years, of the 911 system to determine: Whether moneys distributed to PSAPs are being used appropriately; whether the amount of 911 moneys is adequate; and to evaluate the status of 911 service implementation. The costs of these audits would be paid from the 911 state grant fund. The audit report would be submitted to the council, the LCPA, the House Energy and Utilities Committee and the Senate Utilities Committee. This section also states that the legislature shall review the act during the 2014 legislative session and at least once every 5 years thereafter.

Section 16. This section states that the act does not limit the ability of a provider to recover its costs associated with designing, developing, deploying and maintaining 911 service, as well as its cost of collection and administration of 911 fees, from its customers.

Section 17. This section requires a provider of wireless service to receive prior approval of the PSAP before directing emergency calls to that PSAP and to establish the emergency telephone number "911" across the state.

Section 18. This section requires the governing body of every city and county in the state to provide or contract for 24-hour receipt of wireless emergency calls for all wireless service areas within such city or county.

Section 19. This section extends the sunset of the wireless enhanced 911 grant fee to January 1, 2012, and directs any unobligated balance in the fund existing on January 1, 2012, to be distributed by the secretary of administration pursuant to subsection (a) of section 6. On January 1, 2012, the wireless enhanced 911 grant fee and the wireless enhanced 911 grant fund would be abolished.

Section 20. This section extends the sunset of the VoIP enhanced 911 grant fee until January 1, 2012.

Section 21. This section adds an exception to the open records for information provided to the LCPA or the council pursuant to this act upon request by the party submitting the records.

Section 22. This section permits the secretary of revenue to provide information concerning remittance of prepaid wireless fees by sellers to the LCPA in order to verify compliance.

SB 50 Technical Amendment
1/27/2011
Matt Sterling
Office of the Revisor of Statutes

1 the direct distribution allocated to that county by population shall be
2 deducted from the minimum county distribution and the difference
3 shall be proportionately divided between the PSAPs in the county. All
4 moneys remaining after distribution and any moneys which cannot be
5 attributed to a specific PSAP shall be transferred to the 911 state grant
6 fund.

7 (b) All fees remitted to the LCPA shall be deposited in the 911
8 state fund and for the purposes of this act be treated as if they are public
9 funds, pursuant to article 14 of chapter 9 of the Kansas Statutes
10 Annotated, and amendments thereto.

11 (c) [REDACTED] moneys collected from the prepaid
12 wireless 911 fee [REDACTED] shall be deposited in the 911 state
13 grant fund unless \$2 million of such moneys has been deposited in any
14 given year then all remaining moneys shall be distributed to the PSAPs
15 pursuant to subsection (a).

16 (d) The LCPA shall keep accurate accounts of all receipts and
17 disbursements of moneys from the 911 fees.

18 (e) Information provided by providers to the local collection point
19 administrator or to the 911 coordinating council pursuant to this act will
20 be treated as proprietary records which will be withheld from the public
21 upon request of the party submitting such records.

22 (f) The provisions of subsection (e) shall expire on July 1, 2017,
23 unless the legislature acts to reenact such provision. The provisions of
24 subsection (e) shall be reviewed by the legislature prior to July 1, 2016.

25 (g) This section shall take effect on and after January 1, [REDACTED].

26 New Sec. 13. (a) The proceeds of the 911 fees imposed pursuant
27 to this act, and any interest earned on revenue derived from such fee,
28 shall be used only for necessary and reasonable costs incurred or to be
29 incurred by PSAPs for: (1) Implementation of 911 services; (2)
30 purchase of 911 equipment and upgrades; (3) maintenance and license
31 fees for 911 equipment; (4) training of personnel; (5) monthly recurring
32 charges billed by service suppliers; (6) installation, service
33 establishment and nonrecurring start-up charges billed by the service
34 supplier; (7) charges for capital improvements and equipment or other
35 physical enhancements to the 911 system; or (8) the original acquisition
36 and installation of road signs designed to aid in the delivery of
37 emergency service. Such costs shall not include expenditures to lease,

Comment [1]: All

Comment [2]: in the 911 state fund that have been

Comment [3]: 2012

SB 50 Technical Amendment
1/27/2011
Matt Sterling
Office of the Revisor of Statutes

1 thereafter.

2 (e) This section shall take effect on and after January 1, 2012.

3 New Sec. 16. (a) Nothing in this act shall be construed to limit
4 the ability of a provider from recovering directly from the provider's
5 customers its costs associated with designing, developing, deploying
6 and maintaining 911 service and its cost of collection and
7 administration of the fees imposed by this act, whether such costs are
8 itemized on the customer's bill as a surcharge or by any other lawful
9 method.

10 (b) This section shall take effect on and after January 1, 2012.

11 New Sec. 17. A provider of wireless telecommunications service
12 shall: (1) Receive prior approval of the PSAP of that jurisdiction
13 before directing emergency calls to such PSAP; and (2) establish the
14 unique emergency telephone number "911" across the state, excluding
15 the Kansas turnpike assistance telephone number.

16 New Sec. 18. The governing body of each city and county shall
17 provide or contract for the 24-hour receipt of wireless emergency calls
18 for all wireless service areas within the jurisdiction of the city or
19 county.

20 Sec. 19. K.S.A. 2010 Supp. 12-5338 is hereby amended to read as
21 follows: 12-5338. (a) On ~~July 1, 2011~~ *January 1, 2012*,

22 ~~(1) the wireless enhanced 911 grant fee shall be discontinued, the~~
23 ~~advisory board shall be abolished, any unobligated balance of the~~
24 ~~wireless enhanced 911 grant fund shall be paid to the local collection~~
25 ~~point administrator for distribution to PSAP's based on the population~~
26 ~~of the municipality or municipalities served by the respective PSAP~~
27 ~~distributed pursuant to subsection [redacted] of section [redacted] and amendments~~
28 ~~thereto, and the fund shall be abolished.~~

29 ~~(2) Within any county which has a population of 125,000 or more,~~
30 ~~the amount of the tax imposed pursuant to K.S.A. 12-5302, and~~
31 ~~amendments thereto, shall not exceed \$.25 per month per access line or~~
32 ~~its equivalent and the amount of the wireless enhanced 911 local fee~~
33 ~~within such jurisdiction shall be an equal amount per month per~~
34 ~~wireless subscriber account.~~

35 ~~(3) Within any county which has a population of less than 125,000~~
36 ~~the amount of the tax imposed [pursuant] to K.S.A. 12-5302, and~~
37 ~~amendments thereto, shall not exceed \$.50 per month per access line or~~

Comment [4]: (a)

Comment [5]: 6



KANSAS
ASSOCIATION OF
COUNTIES

TESTIMONY OF THE KANSAS ASSOCIATION OF COUNTIES
TO THE SENATE UTILITIES COMMITTEE
JANUARY 31, 2011

Mr. Chairman and Committee Members:

I appreciate the opportunity to appear in support of SB 50.

SB 50 was introduced by the Kansas Association of Counties this session after working with Chairman Apple during the interim to resolve concerns that arose in the Senate during last year's discussion on House Substitute for SB 48.

The Senate Utilities Committee last year expressed concerns about the uses of the fees, the lifetime appointment of the Local Collection Point Administrator (LCPA), the need for a statewide coordinator, and whether the distribution formula funded PSAPs at the appropriate level.

We believe that SB 50 is a good compromise on the outstanding issues and ask that you support it.

Background Information on Funding Mechanism

Current statutes allow for a fee up to \$.75 on hardwire lines and up to \$.25 on wireless and VoIP services, with this money going to local public safety answering points (PSAPs). Another \$.25 is also paid by wireless/VoIP, which goes to a grants fund administered by the Governor's Grants Office. On July 1, 2011, these fees are set to change; the \$.75 is reduced to \$.50 for smaller populated counties (under 125,000) and reduced to \$.25 for larger counties (over 125,000). There is no difference between hardwire or wireless fees after 2011. The grant fee of \$.25 is eliminated and grants will no longer be available.

Purpose of SB 50

The KAC believes continued funding for 911 is a critical issue for public safety. The state 911 system must continue to pursue upgrades and remain robust to meet both technology changes and the changing ways in which the public communicates in order to ensure prompt and effective responses to emergency calls.

SB 50 achieves a balance between the current hardwire and wireless fees by setting it at \$55; hardwire sees a decrease of \$.20 and wireless/VoIP phones see a modest increase of \$.05.

The bill includes a distribution formula to disperse the fees to Public Safety Answering Points (PSAPs) based on an inverse relationship to population; smaller PSAPs get more money. This formula ensures that smaller rural PSAPs will get adequate funding and that Kansas will have consistent 911 services across the state.

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The bill modifies the uses of the fees from the current law on uses. Although we would prefer a broad category of uses as found in current Kansas law, we believe the specific listing of items in SB 50 will meet our needs.

We support the new provision relating to prepaid phones, as stated in our testimony on SB 30. We believe it creates equity between prepaid phones and other traditional phones and will enhance the collection of 911 fees.

Although initially we had concerns about the creation of a new statewide coordinator position, we do believe that Next Generation 911 will include more state involvement and that the coordinator will serve an important role in administering the federal grant monies.

Most notable to my association, SB 50 no longer lists the Kansas Association of Counties and the League of Kansas Municipalities as the Local Collection Point Administrator (LCPA) -- the entity that collects the 911 fees and distributes them. KAC and LKM were assigned this duty to enable the telecommunications companies to send the 911 fees to a central location instead of all over the state to individual PSAPs. We believe we have done a good job in this role, but in an effort to pass this legislation for the benefit of public safety, KAC has conceded this appointment in statute, and will allow the 911 Coordinating Council to select the LCPA going forward. Under SB 50, the Coordinating Council selects the LCPA and also determines the LCPA's compensation.

I am attaching a chart listing the PSAPs with three funding levels: revenues under current law, revenues if the law changes July 1, and revenues under the distribution formula given in SB 50. The last two columns show the difference between SB 50 revenues and current revenues, and revenues if the law expires versus current revenues.

We would ask that you support SB 50. Thank you for your consideration, and I am happy to answer any questions.

Respectfully Submitted,



Melissa Wangemann, General Counsel

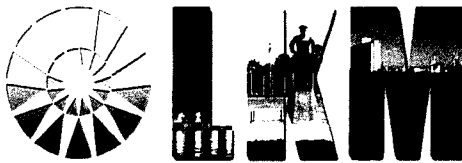
PSAP	Population (County)	SB 50 Tiers*	Total Units (2009)	Current Annual Revenues	Annual Revenues under SB 50	Annual Revenues if Law Changes July 1	SB 50 Revenues - Current Revenues (difference)	Revenues if Law Expires - Current Revenues (difference)
Allen County	13,203	100%	13,201	\$70,782.42	\$87,129.72	\$79,208.84	\$16,347.30	\$8,426.42
Anderson County	7,872	100%	6,584	\$38,351.59	\$50,000.00	\$39,504.06	\$11,648.41	\$1,152.47
Andover City	64,084	88%	10,429	\$51,719.09	\$60,570.52	\$62,572.85	\$8,851.43	\$10,853.76
Arkansas City/Winfield	33,634	97%	28,610	\$129,593.37	\$183,163.01	\$171,661.67	\$53,569.64	\$42,068.30
Atchison County	16,411	100%	13,481	\$60,242.91	\$88,972.00	\$80,883.63	\$28,729.09	\$20,640.72
Augusta City	64,084	88%	8,516	\$43,342.31	\$50,000.00	\$51,096.89	\$6,657.69	\$7,754.58
Barber County	4,593	100%	6,138	\$33,463.85	\$50,000.00	\$36,827.67	\$16,536.15	\$3,363.82
Barton County	27,464	97%	24,604	\$109,978.29	\$157,512.58	\$147,621.91	\$47,534.29	\$37,643.62
Brown County	9,927	100%	11,305	\$62,128.34	\$74,611.87	\$67,828.97	\$12,483.53	\$5,700.63
Butler County	64,084	88%	44,954	\$230,758.75	\$261,092.41	\$269,723.57	\$30,333.66	\$38,964.82
Chase County	2,798	100%	4,090	\$27,053.34	\$50,000.00	\$24,537.63	\$22,946.66	-\$2,515.71
Chautauqua County	3,745	100%	4,748	\$21,297.68	\$50,000.00	\$28,487.26	\$28,702.32	\$7,189.58
Cherokee County	21,064	100%	19,076	\$105,700.10	\$125,901.63	\$114,456.03	\$20,201.53	\$8,755.93
Cheyenne County	2,700	100%	5,422	\$16,266.17	\$50,000.00	\$32,532.34	\$33,733.83	\$16,266.17
Clark County	2,081	100%	2,627	\$14,675.57	\$50,000.00	\$15,764.37	\$35,324.43	\$1,088.80
Clay County	8,704	100%	7,313	\$32,828.07	\$50,000.00	\$43,876.94	\$17,171.93	\$11,048.87
Coffey County	8,436	100%	9,579	\$48,475.25	\$63,219.02	\$57,471.83	\$14,743.77	\$8,996.58
Comanche County	1,873	100%	2,279	\$13,503.88	\$50,000.00	\$13,672.39	\$36,496.12	\$168.51
Concordia City	9,263	100%	9,078	\$46,690.30	\$59,917.95	\$54,470.87	\$13,227.65	\$7,780.57
Crawford County	38,869	94%	36,989	\$200,697.05	\$229,482.20	\$221,936.37	\$28,785.15	\$21,239.32
Decatur County	2,855	100%	3,485	\$19,130.96	\$50,000.00	\$20,909.92	\$30,869.04	\$1,778.96
Dickinson County	19,015	100%	19,642	\$101,867.41	\$129,637.37	\$117,852.15	\$27,769.96	\$15,984.74
Doniphan County	7,624	100%	8,073	\$42,785.47	\$53,284.30	\$48,440.27	\$10,498.83	\$5,654.80
Douglas County	116,383	82%	105,061	\$425,024.88	\$568,587.76	\$630,363.37	\$143,562.88	\$205,338.49
Edwards County	3,071	100%	3,273	\$18,356.87	\$50,000.00	\$19,637.27	\$31,643.13	\$1,280.40
Elk County	3,001	100%	2,601	\$16,393.56	\$50,000.00	\$15,607.65	\$33,606.44	-\$785.91
Ellis County	27,739	97%	33,233	\$166,892.02	\$212,757.77	\$199,398.09	\$45,865.75	\$32,506.07
Ellsworth County	6,179	100%	5,207	\$23,208.90	\$50,000.00	\$31,243.13	\$26,791.10	\$8,034.23
Emporia City	33,601	97%	31,880	\$127,286.40	\$204,094.68	\$191,278.99	\$76,808.28	\$63,992.59
Ford County	33,692	97%	32,890	\$185,907.70	\$210,559.92	\$197,338.25	\$24,652.22	\$11,430.55
Fort Scott City	14,884	100%	14,375	\$76,927.36	\$94,874.33	\$86,249.39	\$17,946.97	\$9,322.03
Franklin County	26,441	97%	27,305	\$134,004.08	\$174,807.49	\$163,830.83	\$40,803.41	\$29,826.75
Garden City	42,074	94%	33,289	\$173,111.54	\$206,527.15	\$199,736.12	\$33,415.61	\$26,624.58
Geary County	31,751	97%	35,300	\$161,916.46	\$225,993.26	\$211,802.49	\$64,076.80	\$49,886.03
Gove County	2,480	100%	3,780	\$21,416.55	\$50,000.00	\$22,677.65	\$28,583.45	\$1,261.10
Graham County	2,435	100%	3,261	\$14,381.03	\$50,000.00	\$19,566.06	\$35,618.97	\$5,185.03
Grant County	7,353	100%	10,253	\$30,759.05	\$67,669.91	\$61,518.10	\$36,910.86	\$30,759.05
Gray County	6,005	100%	7,206	\$38,158.52	\$50,000.00	\$43,233.24	\$11,841.48	\$5,074.72
Greeley County	1,234	100%	1,515	\$8,172.34	\$50,000.00	\$9,091.60	\$41,827.66	\$919.26
Greenwood County	6,666	100%	7,105	\$40,106.05	\$50,000.00	\$42,627.17	\$9,893.95	\$2,521.12
Hamilton County	2,625	100%	3,380	\$14,565.22	\$50,000.00	\$20,279.44	\$35,434.78	\$5,714.22
Harper County	5,667	100%	9,669	\$65,618.40	\$63,817.01	\$58,015.47	-\$1,801.39	-\$7,602.93
Harvey County	34,247	97%	36,093	\$188,229.62	\$231,067.29	\$216,557.91	\$42,837.67	\$28,328.29
Haskell County	4,006	100%	4,926	\$27,171.03	\$50,000.00	\$29,553.29	\$22,828.97	\$2,382.26

PSAP	Population (County)	SB 50 Tiers*	Total Units (2009)	Current Annual Revenues	Annual Revenues under SB 50	Annual Revenues if Law Changes July 1	SB 50 Revenues - Current Revenues (difference)	Revenues if Law Expires - Current Revenues (difference)
Hodgeman County	1,906	100%	2,200	\$12,006.43	\$50,000.00	\$13,202.58	\$37,993.57	\$1,196.15
Independence County	34,254	97%	29,361	\$128,619.59	\$187,968.96	\$176,165.85	\$59,349.37	\$47,546.26
Jackson County	13,412	100%	13,079	\$71,044.19	\$86,318.15	\$78,471.05	\$15,273.96	\$7,426.86
Jefferson County	18,207	100%	19,100	\$96,835.93	\$126,059.74	\$114,599.77	\$29,223.81	\$17,763.84
Jewell County	3,059	100%	3,275	\$18,815.63	\$50,000.00	\$19,650.09	\$31,184.37	\$834.46
Johnson County	542,737	82%	110,054	\$396,867.34	\$595,610.11	\$330,160.81	\$198,742.77	-\$66,706.53
Kearny County	4,169	100%	2,682	\$8,046.57	\$50,000.00	\$16,093.14	\$41,953.43	\$8,046.57
Kingman County	7,571	100%	7,564	\$39,968.16	\$50,000.00	\$45,381.83	\$10,031.84	\$5,413.67
Kiowa County	2,322	100%	2,292	\$10,246.22	\$50,000.00	\$13,753.91	\$39,753.78	\$3,507.69
Labette County	21,776	100%	21,188	\$116,323.18	\$139,840.46	\$127,127.69	\$23,517.28	\$10,804.51
Lane County	1,742	100%	2,949	\$16,082.44	\$50,000.00	\$17,691.09	\$33,917.56	\$1,608.65
Larned City	6,206	100%	5,480	\$24,319.42	\$50,000.00	\$32,882.13	\$25,680.58	\$8,562.71
Leavenworth City	75,227	82%	57,270	\$403,052.57	\$309,945.07	\$343,619.81	-\$93,107.50	-\$59,432.76
Leavenworth County	75,227	82%	50,683	\$282,807.78	\$274,297.80	\$304,099.56	-\$8,509.98	\$21,291.78
Leawood City	542,737	82%	41,350	\$149,995.60	\$223,785.24	\$124,049.47	\$73,789.64	-\$25,946.13
Lenexa City	542,737	82%	72,078	\$253,988.38	\$390,084.63	\$216,233.16	\$136,096.25	-\$37,755.22
Lincoln County	3,123	100%	3,518	\$18,612.97	\$50,000.00	\$21,105.89	\$31,387.03	\$2,492.92
Linn County	9,335	100%	11,613	\$70,176.25	\$76,647.98	\$69,679.98	\$6,471.73	-\$496.27
Logan County	2,549	100%	4,581	\$26,384.05	\$50,000.00	\$27,485.43	\$23,615.95	\$1,101.38
Marion County	11,982	100%	12,578	\$66,522.08	\$83,016.25	\$75,469.32	\$16,494.17	\$8,947.24
Marshall County	10,123	100%	10,909	\$62,770.74	\$71,998.87	\$65,453.52	\$9,228.13	\$2,682.78
McPherson County	28,866	97%	31,609	\$165,322.67	\$202,360.50	\$189,653.70	\$37,037.83	\$24,331.03
Meade County	4,407	100%	4,750	\$24,833.85	\$50,000.00	\$28,499.19	\$25,166.15	\$3,665.34
Miami County	30,969	97%	34,917	\$177,593.56	\$223,539.12	\$209,502.45	\$45,945.56	\$31,908.89
Mitchell County	6,344	100%	5,854	\$26,286.35	\$50,000.00	\$35,126.41	\$23,713.65	\$8,840.06
Morris County	5,994	100%	7,940	\$23,820.96	\$52,406.11	\$47,641.92	\$28,585.15	\$23,820.96
Morton County	3,031	100%	1,704	\$5,111.75	\$50,000.00	\$10,223.50	\$44,888.25	\$5,111.75
Nemaha County	9,968	100%	9,159	\$54,771.97	\$60,451.61	\$54,956.01	\$5,679.64	\$184.04
Neosho County	16,046	100%	17,271	\$91,272.60	\$113,986.25	\$103,623.87	\$22,713.65	\$12,351.27
Ness County	2,835	100%	4,950	\$27,330.15	\$50,000.00	\$29,701.81	\$22,669.85	\$2,371.66
Norton County	5,330	100%	6,110	\$31,283.91	\$50,000.00	\$36,658.49	\$18,716.09	\$5,374.58
Olathe City	542,737	82%	157,320	\$559,196.18	\$851,418.21	\$471,961.31	\$292,222.03	-\$87,234.87
Osage County	16,104	100%	17,390	\$95,252.53	\$114,772.58	\$104,338.71	\$19,520.05	\$9,086.18
Osborne County	3,849	100%	5,260	\$28,596.72	\$50,000.00	\$31,561.77	\$21,403.28	\$2,965.05
Ottawa County	5,974	100%	5,230	\$22,644.07	\$50,000.00	\$31,377.14	\$27,355.93	\$8,733.07
Overland Park City	542,737	82%	235,045	\$845,025.00	\$1,272,065.35	\$705,136.00	\$427,040.35	-\$139,889.00
Phillips County	5,272	100%	6,245	\$28,338.48	\$50,000.00	\$37,468.92	\$21,661.52	\$9,130.44
Pottawatomie County	19,994	100%	25,802	\$119,996.54	\$170,295.68	\$154,814.25	\$50,299.14	\$34,817.71
Prairie Village City	542,737	82%	30,255	\$111,461.97	\$163,738.84	\$90,764.33	\$52,276.87	-\$20,697.65
Pratt County	9,304	100%	11,025	\$60,869.07	\$72,766.03	\$66,150.94	\$11,896.96	\$5,281.87
Rawlins County	2,425	100%	2,958	\$17,068.31	\$50,000.00	\$17,745.99	\$32,931.69	\$677.68
Reno County	63,357	88%	63,124	\$345,086.25	\$366,626.24	\$378,746.11	\$21,539.99	\$33,659.86
Republic County	4,808	100%	5,240	\$29,456.65	\$50,000.00	\$31,439.97	\$20,543.35	\$1,983.32
Rice County	10,079	100%	10,789	\$57,633.64	\$71,204.41	\$64,731.28	\$13,570.77	\$7,097.64

PSAP	Population (County)	SB 50 Tiers*	Total Units (2009)	Current Annual Revenues	Annual Revenues under SB 50	Annual Revenues if Law Changes July 1	SB 50 Revenues - Current Revenues (difference)	Revenues if Law Expires - Current Revenues (difference)
Riley County	71,341	85%	46,484	\$191,573.61	\$260,775.61	\$278,904.40	\$69,202.00	\$87,330.79
Rooks County	4,984	100%	6,472	\$35,176.70	\$50,000.00	\$38,829.33	\$14,823.30	\$3,652.63
Rush County	3,143	100%	5,788	\$36,366.20	\$50,000.00	\$34,728.55	\$13,633.80	-\$1,637.65
Russell County	6,596	100%	8,316	\$43,675.01	\$54,885.55	\$49,895.95	\$11,210.54	\$6,220.94
Saline County	54,364	91%	57,825	\$313,506.43	\$347,294.47	\$346,947.53	\$33,788.04	\$33,441.10
Scott County	4,560	100%	5,744	\$22,810.08	\$50,000.00	\$34,461.61	\$27,189.92	\$11,651.53
Sedgwick County	490,864	82%	542,546	\$2,821,319.37	\$2,936,260.22	\$1,627,638.70	\$114,940.85	-\$1,193,680.67
Seward County	23,013	100%	20,350	\$104,370.90	\$134,313.11	\$122,102.83	\$29,942.21	\$17,731.93
Shawnee City	542,737	82%	71,511	\$259,569.45	\$387,019.48	\$214,534.08	\$127,450.03	-\$45,035.37
Shawnee County	176,255	82%	197,024	\$1,046,560.10	\$1,066,291.27	\$591,070.55	\$19,731.17	-\$455,489.55
Sheridan County	2,435	100%	3,120	\$16,741.69	\$50,000.00	\$18,718.93	\$33,258.31	\$1,977.24
Sherman County	5,860	100%	7,686	\$33,247.74	\$50,728.07	\$46,116.43	\$17,480.33	\$12,868.69
Smith County	3,753	100%	4,789	\$26,438.89	\$50,000.00	\$28,734.62	\$23,561.11	\$2,295.73
Stafford County	4,342	100%	4,953	\$27,228.08	\$50,000.00	\$29,717.76	\$22,771.92	\$2,489.68
Stanton County	2,107	100%	1,465	\$4,393.63	\$50,000.00	\$8,787.26	\$45,606.37	\$4,393.63
Stevens County	5,129	100%	6,687	\$20,059.56	\$50,000.00	\$40,119.12	\$29,940.44	\$20,059.56
Sumner County	23,488	100%	23,496	\$124,511.78	\$155,073.53	\$140,975.93	\$30,561.75	\$16,464.15
Thomas County	7,343	100%	13,761	\$67,057.34	\$90,824.64	\$82,567.85	\$23,767.30	\$15,510.51
Trego County	2,920	100%	3,260	\$19,791.70	\$50,000.00	\$19,561.28	\$30,208.30	-\$230.42
Unified Government of Wyandotte County	155,085	82%	155,744	\$798,504.30	\$842,887.33	\$467,232.45	\$44,383.03	-\$331,271.85
Wabaunsee County	6,846	100%	6,210	\$36,396.49	\$50,000.00	\$37,257.90	\$13,603.51	\$861.41
Wallace County	1,408	100%	1,425	\$6,408.77	\$50,000.00	\$8,547.31	\$43,591.23	\$2,138.54
Washington County	5,683	100%	6,487	\$36,679.36	\$50,000.00	\$38,920.05	\$13,320.64	\$2,240.69
Wichita County	2,109	100%	2,513	\$14,540.66	\$50,000.00	\$15,078.28	\$35,459.34	\$537.62
Wilson County	9,474	100%	7,764	\$38,697.68	\$51,240.23	\$46,582.03	\$12,542.55	\$7,884.35
Woodson County	3,240	100%	2,967	\$14,773.19	\$50,000.00	\$17,799.91	\$35,226.81	\$3,026.72
Totals	2,818,747	N/A	3,109,959	\$14,861,077.16	\$19,164,048.84	\$13,820,974.72	\$4,302,971.68	-\$1,040,102.44

*SB 50 uses tiers based on population to determine how much of the total unit amount (\$0.55/unit/month assumed) goes back to the PSAP:

- Populations less than 25,000 keep 100%
- Populations 25,000 to 34,999 keep 97%
- Populations 35,000 to 44,999 keep 94%
- Populations 45,000 to 54,999 keep 91%
- Populations 55,000 to 64,999 keep 88%
- Populations 65,000 to 74,999 keep 85%
- Populations 75,000 and above keep 82%



To: Senate Utilities Committee
From: Kim Winn, Deputy Director
Date: January 31, 2011
Re: SB 50

On behalf of the member cities of the League of Kansas Municipalities (LKM), thank you for the opportunity to appear before you to discuss SB 50 and the 911 system in Kansas. LKM has been actively involved in 911 legislation for the past 15 years and we have served, together with the Kansas Association of Counties (KAC), for the last six years as the Local Collection Point Administrator (LCPA).

In 2009, LKM and the KAC were asked to work with the telecommunications industry to develop a compromise piece of legislation to update the 911 laws and help us transition into Next Generation 911. An agreement was reached among the parties that we believe reflected a solid compromise to move Kansas forward in the area of 911. This new legislation differs significantly from that previous agreement. LKM is concerned about the increased state bureaucracy in this legislation and the possibility of having the funds swept for purposes other than the 911 system.

As in previous years, we anticipate that one of the telecommunications providers will offer an amendment that asks that they receive a portion of the state 911 funds (above and beyond the 2% administrative fee that they are to receive under this legislation). The Kansas Legislature has rejected this proposal numerous times as a taxpayer subsidy of a private business and we would once again urge rejection of this proposal.

In 2010, legislation was passed that asked us to collect certain data from PSAPs regarding 911 revenues so that we may accurately assess wireless and wireline trends and determine the impact of any future legislation on individual PSAPs. I have attached a summary of that data to this testimony.

This data reflects the calendar year 2008 and 2009. Cities and counties should be closing out their books from 2010 in the near future, so we are sending out the request for 2010 data this week.

Please let me know if you have any questions or if there is anything that we can do to assist the Committee as you work on this very important issue.

Summary 911 Data
as of 1/28/2011

	2008	2009
Wireline Units	1,173,086.24	1,142,684.96
Wireless Units	1,921,618.30	1,967,274.30
Total Units	3,094,704.54	3,109,959.26
Wireline Revenue	\$9,147,047.28	\$8,959,254.26
Wireless Revenue	\$5,764,854.91	\$5,901,822.90
Grant Funds Collected	\$6,351,174.29	\$6,682,289.16
Total 911 Fees	\$21,263,076.48	\$21,543,366.32

Unit Data by PSAP
as of 1/28/2011

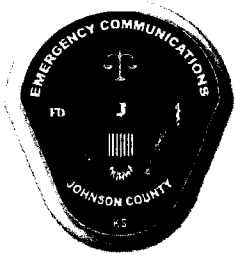
PSAP	Population	2008	2008	2008	2009	2009	2009	Average
		Wireline Units	Wireless Units	Total Units	Wireline Units	Wireless Units	Total Units	Total Units
Allen County	13,203	5,581.56	7,611.59	13,193.15	5,196.33	8,005.14	13,201.47	13,197.31
Anderson County	7,872	3,044.90	3,346.63	6,391.53	3,099.93	3,484.08	6,584.01	6,487.77
Andover	10,581	3,792.78	6,372.87	10,165.65	3,405.44	7,023.36	10,428.81	10,297.23
Arkansas City	16,817	2,603.94	8,529.11	11,133.06	2,753.31	8,969.23	11,722.54	11,427.80
Atchison County	16,411	3,062.91	9,148.07	12,210.98	3,300.18	10,180.42	13,480.61	12,845.79
Augusta	8,743	3,243.35	5,253.70	8,497.05	2,965.64	5,550.50	8,516.15	8,506.60
Barber County	4,593	2,874.78	3,389.42	6,264.20	2,508.34	3,629.61	6,137.95	6,201.07
Brown County	9,927	4,813.83	6,273.56	11,087.40	4,702.31	6,602.52	11,304.83	11,196.11
Barton County	27,464	5,649.11	17,247.68	22,896.79	6,027.89	18,575.76	24,603.65	23,750.22
Butler County	44,760	16,588.49	27,720.05	44,308.54	15,982.83	28,971.10	44,953.93	44,631.23
Clark County	2,081	1,196.58	2,591.29	3,787.88	1,132.23	1,495.16	2,627.39	3,207.64
Coffey County	8,436	2,728.11	6,170.26	8,898.37	3,289.89	6,288.75	9,578.64	9,238.50
Cherokee County	21,064	9,646.07	10,290.18	19,936.25	8,078.68	10,997.32	19,076.00	19,506.13
Comanche County	1,873	982.00	1,677.20	2,659.20	1,111.28	1,167.45	2,278.73	2,468.97
Cheyenne County	2,700	1,524.94	1,530.37	3,055.30	3,757.44	1,664.62	5,422.06	4,238.68
Concordia	9,263	3,917.16	5,389.61	9,306.76	3,242.48	5,836.00	9,078.48	9,192.62
Chautauqua County	3,745	2,439.57	2,218.40	4,657.97	2,351.35	2,396.53	4,747.88	4,702.92
Crawford County	38,869	15,338.12	20,909.45	36,247.57	14,954.81	22,034.58	36,989.39	36,618.48
Chase County	2,798	1,443.28	1,657.35	3,100.63	2,464.09	1,625.52	4,089.60	3,595.12
Clay County	8,704	3,597.05	5,239.83	8,836.88	1,814.93	5,497.89	7,312.82	8,074.85
Decatur County	2,855	1,546.56	1,869.85	3,416.41	1,446.00	2,038.99	3,484.99	3,450.70
Douglas County	116,383	30,573.92	66,763.00	97,336.93	36,614.40	68,446.16	105,060.56	101,198.74
Dickson County	19,015	8,237.89	11,815.54	20,053.43	7,156.89	12,485.14	19,642.03	19,847.73
Doniphan County	7,624	3,187.78	4,459.74	7,647.52	3,094.22	4,979.16	8,073.38	7,860.45
Edwards County	3,071	1,626.58	1,832.61	3,459.20	1,423.04	1,849.84	3,272.88	3,366.04
Elk County	3,001	1,499.58	1,043.71	2,543.29	1,431.62	1,169.65	2,601.28	2,572.28
Ellis County	27,739	12,119.39	20,579.44	32,698.83	11,198.83	22,034.19	33,233.02	32,965.92
Emporia	33,601	10,888.86	21,091.49	31,980.36	10,548.97	21,330.86	31,879.83	31,930.09
Ellsworth County	6,179	1,192.28	3,635.97	4,828.26	1,264.56	3,942.63	5,207.19	5,017.72
Ford County	33,692	11,527.32	20,827.62	32,354.94	14,539.76	18,349.95	32,889.71	32,622.32
Franklin County	26,441	9,339.44	18,610.70	27,950.14	8,681.44	18,623.69	27,305.14	27,627.64
Fort Scott	14,884	7,493.33	8,254.63	15,747.96	5,633.78	8,741.12	14,374.90	15,061.43
Garden City	42,074	12,755.03	20,675.06	33,430.09	12,207.25	21,082.11	33,289.35	33,359.72
Geary County	31,751	9,029.55	24,416.71	33,446.26	9,335.87	25,964.55	35,300.42	34,373.34
Graham County	2,435	774.00	2,351.52	3,125.52	766.33	2,494.68	3,261.01	3,193.27
Greeley County	1,234	837.05	841.83	1,678.88	604.42	910.84	1,515.27	1,597.08
Gove County	2,480	1,766.72	1,994.06	3,760.78	1,679.62	2,099.99	3,779.61	3,770.19
Grant County	7,353	4,519.25	5,593.36	10,112.61	4,353.07	5,899.94	10,253.02	10,182.81
Greenwood County	6,666	3,114.10	3,780.12	6,894.22	3,132.08	3,972.45	7,104.53	6,999.37
Gray County	6,005	2,895.74	6,659.43	9,555.17	2,756.98	4,448.56	7,205.54	8,380.35

Unit Data by PSAP
as of 1/28/2011

PSAP	Population	2008	2008	2008	2009	2009	2009	Average Total Units
		Wireline Units	Wireless Units	Total Units	Wireline Units	Wireless Units	Total Units	
Hodgeman County	1,906	1,087.18	2,311.09	3,398.28	900.86	1,299.57	2,200.43	2,799.35
Hamilton County	2,625	1,541.00	1,571.52	3,112.52	1,475.17	1,904.74	3,379.91	3,246.21
Harper County	5,667	3,047.56	3,285.05	6,332.61	6,101.78	3,567.47	9,669.24	8,000.93
Haskell County	4,006	2,537.52	2,700.89	5,238.41	2,065.73	2,859.82	4,925.55	5,081.98
Harvey County	34,247	14,227.33	21,575.53	35,802.86	13,325.11	22,767.87	36,092.98	35,947.92
Independence/MG Co	34,254	7,071.22	21,601.58	28,672.80	6,756.11	22,604.86	29,360.97	29,016.89
Jackson County	13,412	9,817.33	7,577.54	17,394.87	5,301.44	7,777.06	13,078.51	15,236.69
Jefferson County	18,207	6,743.69	11,871.89	18,615.58	6,589.34	12,510.62	19,099.96	18,857.77
Johnson County	82,600	41,498.35	84,483.68	125,982.03	37,059.18	72,994.42	110,053.60	118,017.82
Jewell County	3,059	1,759.51	1,703.49	3,463.00	1,498.43	1,776.58	3,275.01	3,369.01
Kearny County	4,169	0.00	2,446.82	2,446.82	0.00	2,682.19	2,682.19	2,564.51
Kingman County	7,571	3,545.76	4,549.50	8,095.26	2,879.54	4,684.10	7,563.64	7,829.45
Kowa County	2,322	573.06	1,740.17	2,313.23	561.54	1,730.77	2,292.32	2,302.77
Larned	6,206	1,600.68	3,988.77	5,589.46	1,313.06	4,167.30	5,480.36	5,534.91
Labette County	21,776	9,320.67	11,761.40	21,082.07	8,793.22	12,394.73	21,187.95	21,135.01
Lincoln County	3,123	1,520.87	2,069.36	3,590.23	1,343.34	2,174.31	3,517.65	3,553.94
Leawood	31,766	16,141.17	27,030.04	43,171.21	14,414.52	26,935.31	41,349.82	42,260.52
Lane County	1,742	1,231.99	1,604.44	2,836.42	1,206.15	1,742.37	2,948.52	2,892.47
Lenexa	48,087	23,487.64	58,837.90	82,325.55	20,975.12	51,102.60	72,077.72	77,201.63
Logan County	2,549	1,370.00	2,386.07	3,756.07	2,106.89	2,474.02	4,580.91	4,168.49
Linn County	9,335	5,956.03	5,494.71	11,450.74	5,889.38	5,723.95	11,613.33	11,532.03
Leavenworth County	40,146	24,466.22	27,399.34	51,865.57	21,793.00	28,890.26	50,683.26	51,274.41
Leavenworth	35,081	39,425.78	18,142.01	57,567.79	38,540.44	18,729.52	57,269.97	57,418.88
Mitchell County	6,344	1,613.57	4,316.91	5,930.48	1,453.86	4,400.54	5,854.40	5,892.44
Meade County	4,407	3,307.55	3,074.27	6,381.82	1,764.04	2,985.82	4,749.87	5,565.85
Miami County	30,969	12,316.80	24,383.06	36,699.87	12,140.39	22,776.69	34,917.08	35,808.47
Marion County	11,982	5,311.60	7,541.19	12,852.79	4,797.90	7,780.32	12,578.22	12,715.51
Mpherson County	28,866	12,130.04	19,012.58	31,142.62	11,749.30	19,859.65	31,608.95	31,375.79
Morris County	5,994	3,347.84	3,707.43	7,055.27	4,047.41	3,892.91	7,940.32	7,497.80
Marshall County	10,123	5,307.72	5,664.65	10,972.37	5,007.33	5,901.59	10,908.92	10,940.65
Morton County	3,031	0.00	1,327.99	1,327.99	0.00	1,703.92	1,703.92	1,515.95
Nemaha County	9,968	4,628.93	4,516.09	9,145.02	4,548.99	4,610.34	9,159.33	9,152.18
Neosho County	16,046	7,443.22	10,004.99	17,448.22	6,576.78	10,693.87	17,270.64	17,359.43
Ness County	2,835	2,132.07	2,686.68	4,818.75	2,079.87	2,870.43	4,950.30	4,884.53
Norton County	5,330	2,693.63	3,643.57	6,337.20	2,159.11	3,950.64	6,109.75	6,223.47
Osborne County	3,849	2,241.48	2,912.16	5,153.64	2,135.97	3,124.32	5,260.30	5,206.97
Olathe	121,962	54,269.09	102,928.42	157,197.52	48,463.81	108,856.62	157,320.44	157,258.98
Overland Park	174,907	87,025.40	159,213.34	246,238.74	77,716.11	157,329.22	235,045.33	240,642.04
Osage County	16,104	6,481.90	9,621.00	16,102.90	7,180.53	10,209.26	17,389.79	16,746.34
Ottawa County	5,974	2,184.32	3,939.78	6,124.10	1,159.25	4,070.27	5,229.52	5,676.81

Unit Data by PSAP
as of 1/28/2011

PSAP	Population	2008	2008	2008	2009	2009	2009	Average Total Units
		Wireline Units	Wireless Units	Total Units	Wireline Units	Wireless Units	Total Units	
Phillips County	5,272	1,720.72	5,217.12	6,937.84	1,600.67	4,644.15	6,244.82	6,591.33
Prairie Village	21,703	12,876.07	18,273.09	31,149.17	11,498.69	18,756.08	30,254.78	30,701.97
Pratt County	9,304	5,127.68	5,910.88	11,038.56	4,632.27	6,392.89	11,025.16	11,031.86
Pottawatomie County	19,994	6,985.80	18,303.71	25,289.51	7,098.24	18,704.14	25,802.38	25,545.94
Rawlins County	2,425	1,649.51	1,456.86	3,106.37	1,365.89	1,591.78	2,957.67	3,032.02
Rice County	10,079	4,491.36	6,298.47	10,789.84	4,211.33	6,577.21	10,788.55	10,789.19
Rush County	3,143	2,180.83	2,439.32	4,620.14	3,166.99	2,621.10	5,788.09	5,204.12
Riley County	71,341	18,043.64	27,878.72	45,922.37	17,373.80	29,110.26	46,484.07	46,203.22
Reno County	63,357	26,822.89	36,473.41	63,296.30	25,952.20	37,172.15	63,124.35	63,210.33
Rooks County	4,984	2,736.12	3,580.04	6,316.16	2,627.01	3,844.55	6,471.56	6,393.86
Republic County	4,808	2,582.76	2,858.09	5,440.86	2,289.44	2,950.55	5,239.99	5,340.43
Russell County	6,596	3,394.05	4,727.04	8,121.09	3,121.17	5,194.82	8,315.99	8,218.54
Salina County	54,364	24,324.89	33,132.83	57,457.72	23,338.78	34,485.81	57,824.59	57,641.16
Scott County	4,560	1,771.24	3,584.45	5,355.68	1,859.76	3,883.84	5,743.60	5,549.64
Sheridan County	2,435	1,277.79	1,716.56	2,994.35	1,230.37	1,889.45	3,119.82	3,057.09
Stafford County	4,342	2,124.11	2,750.38	4,874.50	2,061.53	2,891.43	4,952.96	4,913.73
Sedgwick County	490,864	215,789.00	317,558.80	533,347.80	198,946.78	343,599.46	542,546.23	537,947.02
Shawnee	61,712	28,016.65	45,340.44	73,357.09	25,019.65	46,491.71	71,511.36	72,434.23
Sherman	5,860	3,400.41	4,162.31	7,562.72	3,396.51	4,289.56	7,686.07	7,624.40
Smith County	3,753	2,062.32	2,614.57	4,676.89	2,011.93	2,777.17	4,789.10	4,732.99
Shawnee County	176,255	39,291.11	116,587.19	155,878.30	75,914.93	121,108.59	197,023.52	176,450.91
Stanton County	2,107	0.00	1,206.97	1,206.97	0.00	1,464.54	1,464.54	1,335.76
Sumner County	23,488	9,443.98	13,698.78	23,142.76	9,003.97	14,492.02	23,495.99	23,319.37
Stevens County	5,129	3,844.23	3,427.57	7,271.80	2,951.97	3,734.55	6,686.52	6,979.16
Seward County	23,013	7,747.15	12,074.84	19,821.99	7,219.91	13,130.56	20,350.47	20,086.23
Thomas County	7,343	6,471.68	4,897.64	11,369.32	8,591.14	5,170.17	13,761.31	12,565.31
Trego County	2,920	1,730.49	1,496.22	3,226.71	1,668.51	1,591.70	3,260.21	3,243.46
Unified Government	155,085	62,107.57	101,982.16	164,089.73	55,211.98	100,532.17	155,744.15	159,916.94
Wallace County	1,408	336.77	1,022.07	1,358.84	355.85	1,068.70	1,424.55	1,391.70
Wabaunsee County	6,846	3,012.58	3,152.84	6,165.42	2,961.26	3,248.39	6,209.65	6,187.53
Wichita County	2,109	1,224.43	1,282.01	2,506.44	1,166.92	1,346.13	2,513.05	2,509.74
Winfield	16,817	3,769.89	11,659.40	15,429.29	4,540.44	12,347.29	16,887.74	16,158.51
Wilson County	9,474	3,183.78	5,108.02	8,291.80	2,567.78	5,195.89	7,763.67	8,027.73
Woodson County	3,240	1,061.78	1,958.46	3,020.24	978.87	1,987.78	2,966.65	2,993.45
Washington County	5,683	3,084.33	3,497.06	6,581.39	2,869.89	3,616.79	6,486.68	6,534.03
Statewide Totals		1,173,086.24	1,921,618.30	3,094,704.54	1,142,684.96	1,967,274.30	3,109,959.26	3,102,331.90



JOHNSON COUNTY, KANSAS

Emergency Communications

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TESTIMONY TO THE SENATE UTILITIES COMMITTEE ON SENATE BILL 50

Chairman Apple and Members of the Committee:

I represent Johnson County Government and the Kansas City Regional E911 System that serves Johnson, Miami, Wyandotte and Leavenworth Counties as well as five Missouri metropolitan area Counties. I am providing testimony in support of SB 50.

This Committee has been presented with extensive information during the past two legislative sessions about the significant functional limitations of the existing 1970's era technology 911 systems in Kansas and of the pressing need to upgrade 911 systems across the state to digital based Next Generation 911 (NG911) capabilities. Kansas citizens routinely use digital based wireless and VoIP communications to talk, exchange information and photos, and to send text messages to family, businesses and friends, and they have the expectation that 911 Public Safety Answering Points (PSAPs) can fully receive their digital communications when they are requesting an emergency response.

NG911 service in Kansas will enable PSAPs to receive, process and transmit digital voice, text messages, photos, video and other data sent from citizens and from automatic crash notification systems in vehicles. The ability of PSAPs to receive all of this information will greatly enhance the effectiveness of law enforcement, fire and emergency medical responders in all Kansas communities. For example, a PSAP could receive a text message from a hearing impaired individual and more promptly respond to their request for service, or a 911 dispatcher could directly receive a cell phone photo of a missing child or of a robbery suspect and directly transmit that image to law enforcement officers in multiple jurisdictions.

The US Department of Justice issued a *Notice of Proposed Rulemaking on Accessibility of Next Generation 9-1-1* in August 2010 that seeks comments on the standards for direct and equal access to 911 for persons with disabilities. The Department of Justice stated that it is considering a revision of ADA requirements to ensure that 911 centers can communicate with such persons who are using digital devices and the Internet to request emergency services.

The Federal Communications Commission (FCC) issued a *Notice of Inquiry* in December 2010 in response to a recommendation in the National Broadband Plan to develop a better understanding of the gap in capabilities of Next Generation 911, Internet-Protocol (IP) based networks and technologies with today's existing legacy analog 911 system. The objective of the FCC proceeding is to determine how to build NG911 service in the United States in order to further public safety and homeland security.

Both of the above federal government actions are in response to citizen and public safety demands to modernize our 911 systems to communicate effectively with all citizens. Kansas public safety agencies are desirous of meeting these new expectations for 911 services from our citizens. To meet these expectations, Kansas PSAPs will need sufficient funding for their existing legacy 911 systems as well as for implementation of NG911 service. They will also need more technical and logistical support to assist them in building a shared, secure NG911 network that will interconnect those 911 centers and further the opportunities to share computer aided dispatch systems, radio systems and exchange 911 and call for service information. Such a NG911 network offers opportunities to PSAPs to share expensive infrastructure and equipment as well as to assist each other in emergencies. It should also be emphasized that NG911 systems must include the radio and data communications networks and enabling equipment required to transmit 911 call information between PSAPs and emergency responders.

On July 1, 2011, the existing 1% wireless enhanced 911 grant fee on prepaid wireless telephone service will expire, and the estimated 18% of Kansas wireless telephone subscribers who have selected prepaid service will no longer pay a 911 fee in support of the 911 systems in Kansas. Also occurring on July 1st, the Wireless and VoIP enhanced 911 grant fees will expire and no further funding will be contributed to state wireless 911 grant fund which will cease to exist. A third funding change is that the 911 surcharge on wireline telephone service will be reduced from \$.75/month to no more than \$.50/month for counties under 125,000 population and to no more than \$.25/month for counties over 125,000 population. Wireless 911 fees in those counties will be the same amount as the authorized wireline 911 fees.

All of the above changes in 911 funding authority are of concern to most PSAPs in Kansas. Aside from the loss of grant funding available to 100 counties which has been needed by many to pay for monthly 911 trunk lines and 911 equipment, most counties will be seriously challenged to fund both NG911 implementation and ongoing E911 system costs that include updating of digital maps required to locate wireless callers, replacement of 911 and other equipment in their PSAPs before such equipment fails from prolonged, 24 hour/day use, and maintenance to Computer Aided Dispatch systems and radio system infrastructures to effectively manage call volumes and deliver 911 call information to responders.

For the urban counties, the anticipated reduction of 911 funding beginning July 1, 2011 is about \$545,000 for Johnson County, \$450,000 for Shawnee County, \$1,200,000 for Sedgwick County, and \$248,000 for the Unified Government of Wyandotte County. Such funding reductions will have a significant adverse impact upon 911 services in those counties.

SB 50 provides for an equitable 911 fee of \$.55/month for wireline, wireless and VoIP telephone service and for a 1.1% fee on prepaid wireless telephone service that will ensure that all persons using the 911 system contribute toward its financial support. The \$.55 monthly fee provides 911 revenue to appropriately maintain the existing E911 system and allow PSAPs to have funding toward implementation of NG911 services.

I would request your favorable consideration of this bill.

Walter Way, Director



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January 31, 2011

**Testimony to the Senate Utilities Committee
In Support of SB50
E911**

Chairman Apple and Committee Members,

The Kansas Association of Chiefs of Police, the Kansas Sheriffs Association and the Kansas Peace Officers Association support SB50. As you know, the 911 systems in place today are quickly becoming yesterday's technology. Governments at all levels are challenged to provide the funding needed to support their services. PSAPs are no exception. The expectation from the public that 911 services can receive and respond to developing technologies continues to expand. However, the legacy 911 systems in place in nearly every Kansas county will require system upgrades to meet these demands.

All Kansas PSAPs need the 911 funding source to maintain their current systems. The current level of funding will sunset July 1 if no legislative action is taken. Although a reduced level of funding would continue if that were to happen, the resulting level of funding will be inadequate to maintain the current system. It will be the less populated counties in rural Kansas that will be most negatively affected if this happens. And there will be no funds to develop the future technology into our 911 systems. It is absolutely essential we pass 911 funding legislation this session. Ideally, that legislation will be something that will provide the funding mechanisms needed to not only maintain current systems but to also develop modern 911 technology. This is necessary to properly serve our citizens and to assure quick and accurate assignment of emergency personnel.

An important component of the funding is a fee on prepaid phones. These phones comprise a growing share of the cell phone market now approaching 20% of the market. Kansas continues to allow prepay phone users to not pay their fair share of the 911 funding. And unless new legislation is passed that will drop to no support July 1.

The management criteria proposed in this bill is, in our opinion, another critical factor in this legislation. 911 systems are operated by local governments primarily serving local government emergency responders. They are serving the needs of the people and those needs are best served when the governments closest to the people, local governments, have proper control of those operations. Operational decisions need to remain local. Coordination, compatibility, and integration capabilities along with utilization of the state IP infrastructure throughout the state are the other side of this balance subject to an appropriate amount of state coordination. The system that is put in place must have these two needs balanced properly. Too much oversight will border on interference of local control, too little coordination will result in systems that do not communicate with each other and limit capabilities. Of course a fair amount of accountability that is not overly demanding of scarce resources are also

important. We urge you to fully vet these provisions with those affected most by the decisions prior to making final decisions.

Not passing legislation in 2011 is not an option. Hopefully we can get past a minimal response of just extending current law once again which will only delay our ability to move forward. The funding mechanisms proposed in this bill appear adequate. The balance between local control of operations and state coordination appear acceptable.

We strongly urge you to recommend this bill favorably to the full Senate and to work with the House to assure a bill passes this year.

Ed Klumpp

Ks Association of Chiefs of Police – Legislative Committee Chair

Ks Sheriffs Association – Legislative Liaison

Ks Peace Officers Association – Legislative Liaison

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**Testimony of Chris Carroll, Director of External Affairs – AT&T
Before the Senate Utilities Committee in Support of SB 50
January 31, 2011**

Mr. Chairman and Members of the Committee,

My name is Chris Carroll. I am the Director of External & Legislative Affairs for AT&T in Kansas, and I appreciate this opportunity to provide written testimony in support of Senate Bill 50.

This bill contains changes in the funding of our 911 system in Kansas, as well as other modifications that will make the collection of 911 funds more efficient and equitable for all. Importantly, it provides a consistent and uniform fee that will be assessed to all users of telecommunications services, whether they are landline or wireless, or even newer technologies like Voice over Internet Protocol (VoIP).

Of significance to AT&T and the service provider Industry, SB 50 will, for the first time, impose a charge directly on the end users of “prepaid” wireless devices. Today there are approximately 440,000 prepaid wireless phones in Kansas - nearly 18% of the total wireless devices in the state. These prepaid wireless customers do not fund the 911 system like other telecommunications users. Prepaid wireless is a “pay as you go” offering, satisfying a consumer demand that is growing by more than 15% annually.

SB 50 outlines a fair and efficient process for the collection of 911 fees by retailers at the point of sale transaction. By applying a 911 user fee on the subscribers of prepaid wireless service, Kansas should realize an additional \$1.2M each year to support the Public Safety Answering Points (PSAP's).

It is time to update current statutes and provide a fair and efficient funding process for all who benefit from the 911 system.

AT&T supports this bill because it presents a balanced funding system, and improves the collection process for 911 fees in Kansas.

I ask for your support of SB 50.

Thank You.

Prepaid Wireless - Drawbacks of Current Methods

Lacking a method to collect the public safety fee from prepaid users, some states, including Kansas, impose the 911 funding responsibility on the prepaid service provider. Under current Kansas law, the service provider is required to remit a 1% fee for each active prepaid wireless account sold in the state. There are significant problems and revenue shortfalls with this arrangement.

Service provider companies sell mass quantities of air time at wholesale rates to large "Aggregators", who package the minutes into various denominations of prepaid cards and resells them to third party retail establishments across the country. Neither the service providers, nor the Aggregator know where these prepaid wireless cards will ultimately end up to be sold at the retail level.

Service providers use national pricing plans, and because cards are distributed nationally, there is no equitable way to recoup the fee directly from consumers. This is especially true with prepaid wireless subscribers, since there is no relationship between the provider and the users of these devices. If the carriers attempted to increase prices to recover the cost of payment of 911 fees, the result would be that customers in states with low wireless 911 fees would end up paying more to subsidize customers in states with higher 911 fees.

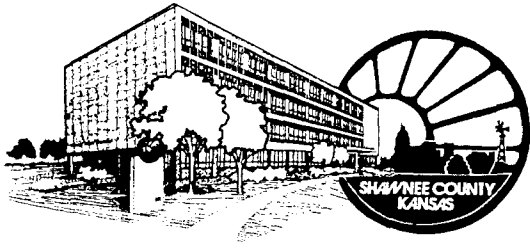
The average 911 fee for wireless customers nationwide is .80 per month. This ranges from states like Missouri where there is no wireless 911 fee, to West Virginia, whose rate is \$3.00 per month per subscriber. As a result of these problems, many providers end up paying the fees on behalf of the end-user customer.

Requiring service providers to pay 911 fees for prepaid wireless customers turns the longstanding policy of a "user fee for a benefit received" on its head. It prevents accountability and transparency because end users are getting a service they don't have to pay for. In this case, users of prepaid wireless devices have access to the PSAP's in an emergency, yet pay nothing to support them.

Conclusion

It is estimated that 70%-80% of all calls into the PSAP's originate from wireless phones. Collecting 911 fees from those that benefit by having access to 911 emergency services is critical to meeting public expectations for effective and accessible 911 emergency services. SB 50 will ensure that all wireless phone users help to fund the 911 system.

The wireless industry continues to make significant investments so that high quality wireless services are available throughout Kansas. A very large amount of capital is also being invested to bring faster mobile broadband services to as many customers as possible. Implementing point of sale collection of 911 fees for prepaid wireless users would provide more clarity and transparency for customers; augment the amount of 911 funds available to support current, and next generation 911 services in all areas of the state; and increase the efficiency and availability of the service providers' wireless networks in Kansas.



Shawnee County Board of Commissioners

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January 31, 2011

Dear Senator Apple and Members of the Committee:

I am the Chair for the Board of County Commissioners for the County of Shawnee and am presenting testimony on behalf of our Shawnee County Consolidated Emergency Communications Center (SCCECC). The Shawnee County Consolidated Emergency Communications Center, administered by the Shawnee County Sheriff's Office, is the single Public Safety Answering Point (PSAP) in Shawnee County. If you dial 911 in Shawnee County we answer the phone. Additionally, our center provides dispatch services to fourteen public safety agencies, including the Kansas Highway Patrol. The SCCECC responded to approximately 520,000 total calls in 2010.

In 2004, the language which added a fee for wireless phones, to the existing statutes for hardwire phones, also contained a "sunset" clause which reset both the wired and wireless monthly fee to a uniform \$0.25 per line in large counties (population of 125,000 or more). That sunset clause is operative on July 1, 2011. This will reduce our annual 911 fee revenue by more than \$450,000. At the same time, there have been significant changes in technology, costs and need to sustain the level of service required in Shawnee County and other jurisdictions providing enhanced 911 services.

Paying the "every day" bills, responding to technological obsolescence and looking to the future to embrace new and emerging ways in which citizens communicate will require sufficient and predictable funds. In 2010 Shawnee County received \$991,000 in both wireless and landline 911 fees. This amount barely covers the operational needs of the SCCECC.

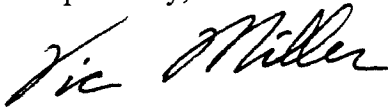
The most significant issue facing Shawnee County is the need to replace our 800 MHz radio system. It is the backbone of all emergency communications in our county. Unfortunately, the analog radio technology in our over 20 year old system is becoming obsolete in the industry. Critical components will no longer have guaranteed vendor support beyond 2012 and other components will lose vendor logistics support soon after. We must transition to contemporary digital technology meeting federal and industry standards. The estimated cost to install such a system is approximately \$17.9 million. Revenue options are still being researched. Absent sufficient 911 fees, the property taxpayer will undoubtedly bear the financial burden of these necessary projects and advances. We believe telephone fees are a much better and fairer solution to fund emergency communications.

Shawnee County needs new legislation that provides, and sustains, approximately the same revenue stream that it currently receives. This will provide our community with the ability to deliver current service and meet future needs. We support uniform fees for wire and wireless phone lines, and uniform uses of funds that ensure the tools and architecture to provide encompassing, effective emergency communications services are available now and into the future.

We support a nominal fee on prepaid phones to ensure all persons using the 911 system contribute toward its expense. Shawnee County supports a mechanism to assure the sustainment of E-911 and future deployment of Next Generation 911 for the benefit of all those who live, work and play in Kansas.

We believe that SB 50 in its current form substantially meets those desires and request your favorable consideration and advancement of this bill.

Respectfully,

A handwritten signature in black ink that reads "Vic Miller". The signature is written in a cursive, flowing style.

Vic Miller
Chair, Shawnee County Commission



Testimony of:

William Johnson Jr., Butler County Administrator

Bill Keefer, Augusta City Manager

Senate Bill 50

January 28, 2011

Chairman Apple and Members of the Senate Utilities Committee:

Thank-you for allowing Butler County and the City of Augusta the opportunity to provide written testimony in support of the Senate Bill 50.

Stable funding of E911 fees is essential to prevent additional strain on property taxes. In addition to the costs associated with equipment used to receive 9-1-1 reports, PSAPs must maintain all of the systems in use to process these calls and insure emergency assistance arrives in a timely manner. When combined, the maintenance costs for computer aided dispatch systems, radio infrastructure, 9-1-1 controllers, and the like exceed the revenue generated by the 9-1-1 fees for many PSAPs. Since all of this mission critical equipment is used on a 24 hour per day basis and technology advancements are frequent, ongoing replacement is essential.

The assessment of a 55¢ per month fee for all devices with the ability to access 9-1-1 is an equitable approach. When coupled with the grant program established by SB50 all PSAPs will receive the indispensable funding required to fulfill their obligations.

Butler County and the City of Augusta support Senate Bill 50 and request your favorable consideration of the bill.

Thank you for the opportunity to present written testimony on Senate Bill 50.

William Johnson Jr., County Administrator
Butler County
316-322-4300

Bill Keefer, City Manager
City of Augusta
316-775-4515

William H. Johnson, Jr., County Administrator