

FREQUENTLY ASKED QUESTIONS ABOUT ALLOWABLE USES OF 911 FEES  
*Updated December, 2016*

Statute governing the use of 911 fees received by PSAPs from the LCPA:

K.S.A. 12-5375(a) The proceeds of the 911 fees imposed pursuant to this act, and any interest earned on revenue derived from such fee, shall be used only for necessary and reasonable costs incurred or to be incurred by PSAPs for: (1) Implementation of 911 services; (2) purchase of 911 equipment and upgrades; (3) maintenance and license fees for 911 equipment; (4) training of personnel; (5) monthly recurring charges billed by service suppliers; (6) installation, service establishment and nonrecurring start-up charges billed by the service supplier; (7) charges for capital improvements and equipment or other physical enhancements to the 911 system; or (8) the original acquisition and installation of road signs designed to aid in the delivery of emergency service. Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities. Such costs shall also not include expenditures to purchase subscriber radio equipment.

**NOTE:** The allowed uses for GRANT funds are different. Use this statute only for the 911 fees you receive directly from the LCPA.

**Q.1** Can you list examples of purchases allowed by the statute?

**A.** Allowed uses include: equipment, software, GIS technical support and data, technical support services, software and hardware maintenance, training, and telecommunications services that are directly related to a PSAP receiving, processing and transmitting a 911 call. Dispatch console equipment designed specifically for use in a PSAP for 911 and radio operations should be acceptable as are logging recorders, emergency generators, uninterruptible power supply systems, computer-aided dispatch systems, and radio base stations used by a PSAP to support its operations. Also, fiber optic connectivity used to connect the PSAP to the radio transmitters and/or to radio antennas; microwave equipment that connects a PSAP to radio base stations; public safety radio base stations, combiners, Tower Top Pre-amp, radio trunking system, generators, antennas, coaxial cable if it is used to connect microwave or radio base stations to antennas, frequency licensing, installation of any hardware described above, electrical upgrade if it is directly related to the installation of the radio and microwave equipment to be installed at the tower site. 911 funds may be used for mobile computers used by law enforcement, fire and EMS personnel since that equipment is

receiving the 911 call, but should not be used for RMS or records and corrections systems because those are not directly involved in processing 911 calls. 911 funds may be used for Computer Aided Dispatch systems and maintenance. Anti-virus software used on 911 equipment may be purchased with 911 funds. Bi-directional amplifiers may also be purchased. 911 funds may be used to cover software and hardware upgrades and maintenance costs for EMD systems and for training of 911 dispatchers on the EMD system. 911 funds may be used to transfer and move 911 equipment and set up operations in a new location. 911 funds may be used to purchase a fax machine that is used to send reports or 911 calls. A radio frequency study would be allowable as long as it is limited to developing the technical specifications and requirements to implement appropriate public safety radio communications coverage in a jurisdiction and shows a direct relationship with providing 911 services. Mobility management software for MDT connectivity to the PSAP is allowed. ESRI GIS software used for PSAP GIS data maintenance and creation is an allowable expense from 911 fees. Training costs on 911, including mileage and airfare to the training location, are allowable expenses.

In general, the use of 911 funds must have a direct relationship to the performance of 911 and emergency communications functions performed by PSAP personnel who receive, process and transmit 911 calls to emergency responders.

A medical director who oversees the EMD program is an allowable expense of 911 funds, so long as the fee is apportioned to the EMD program and does not relate to other programs or departments, like EMS.

## **Q.2** Can 911 fees be used for radio towers?

**A.** The allowable uses given in statute for 911 funds were written to fund the essential equipment and services required for a PSAP to receive, process and transmit 911 calls to emergency responders. The use of 911 funds must first be applied to such operational uses, and not to large capital expenditure that deplete a jurisdiction's ability to provide 911 services to its citizens. The use of 911 funds for buildings and similar facilities are prohibited by statute; the intent of that prohibition was to preserve limited 911 funds for processing 911 calls. Any use of 911 funds for structures (such as an equipment shelter) is not consistent with the intent of the law.

911 fees may definitely be used to lease space on a tower. Electronics used in the tower or to connect the tower to the PSAP is also an allowed use. Fiber optics

running from a structure to the radio transmitters and/or to radio antennas is also acceptable. The purchase and replacement of tower lights that are required by FAA. Tower monitoring services provided by a third party are not an allowable expense.

In addition, repairs to, or acquisition of, HVAC units for climate control at tower sites are allowable expenditures of 911 fees because they support the radio system infrastructure.

**Q.3** I know that 911 fees cannot be used for subscriber radios. What about pagers?

**A.** No, pagers are not an allowed use. Pagers are similar to radios so they should not be purchased using 911 fees.

**Q.4.** What about the costs of sending 911 call information to pagers and mobile radios?

**A.** 911 funds can be used to pay for paging services. Paging services must be for responder notification. Services that allow mass notification to citizens through paging, text messaging, telephone calls, etc. are not allowable expenditures. The Council cautions PSAPs to consider risks involved in using commercial cellular providers and internet service providers for responder notifications due to concerns such as:

- No confirmation of receipt of message by responders
- Service failures during major events
- No control over resiliency measures such as backup power, etc.

**Q.5** Can I pay for maintenance of my subscriber radios with 911 fees, such as purchasing batteries?

**A.** The statute notes only “purchases” of subscriber radios as the prohibited activity; however, the 911 Coordinating Council recommends that no 911 fees be used to purchase or *maintain* subscriber radios, as the legislative intent was to prohibit using 911 fees for subscriber radio equipment.

**Q6.** The statute says you cannot use 911 fees to lease, construct, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities. What all is covered by this prohibition?

**A1.** Building a new PSAP building would NOT be allowed.

**A2.** Carpet installation or repairs would NOT be allowed.

**A3.** The purchase of raised floors for cabling or repairs **IS** an allowed expense

**A4.** Rewiring of a room/facility to provide for generator back up power **IS** allowed.

**A5.** Acoustic fabric or wall board as well as panel dividers between cubicles for sound proofing would NOT be allowed.

**Q.7.** Are consoles considered furnishing and therefore not allowed?

**A.** No, consoles designed for 911 dispatch are considered equipment and are allowed. But treadmills that attach to consoles are not considered an appropriate use of 911 fees. **However**, chairs and static control floor mats/chair mats are NOT an allowable expense.

**Q.8.** Does a record-keeping system, which integrates with the CAD system but does not automatically records KCJIS or NCIC information and is not part of a dispatch card without input by the communication officers, qualify for 911 funds?

**A.** Unless the system aids in 911 dispatch and is being used for 911 emergency services, it should not be funded by 911 fees.

**Q.9.** Can 911 funds be used to pay for archive storage of 911 data?

**A.** Yes. If the data being backed up is CAD data, recording system data, or other 911 related data, it is an allowable expense to pay for back-up storage of that data. This storage can be on premise, off premise or cloud based. If the data to be backed up includes data other than strictly 911 data, such as RMS data, a cost share should be utilized to pay for the storage solution.

**Q. 10.** Can 911 fees be used for trunk lines?

**A.** Yes, covering the cost of 911 trunk lines is allowed under the new 911 law. Noteworthy, trunk lines also qualified for funding under the old 911 law (prior to 2012).

**Q.11.** Can 911 fees be used for mass notification systems or storm sirens?

**A.** No. Neither a mass notification system nor a storm siren is used to process an incoming 911 call. 911 fees are limited to processing 911 calls.

**Q.12.** Can 911 fees be used to purchase security equipment for a PSAP or tower site?

**A.** No. Security cameras and card readers are not an allowable expense as they are not used to process an incoming 911 call.

**Q. 13.** Can I use 911 monies for uses that were allowed when the money was collected?

**A.** Yes, so long as the money was properly segregated or recorded to show that the money was collected before the change in law. For example, the law prohibiting the purchase of radios was enacted May 27, 2010. Therefore, if you segregated or otherwise recorded what fees you collected before May 27, 2010, you may use those monies to purchase radios. After May 27, 2010 and until January 1, 2012, the monies collected during that period of time may be used for the purposes outlined in the law during that time period. After January 1, 2012, the monies received by PSAPs may be used only for the purposes allowed under the new law, SB 50.