



# Kansas NG9-1-1 Special Session Council Meeting Minutes

**Friday, December 15, 2017**

## 1 Call To Order

Randall White called this special session of the Kansas 911 Coordinating Council (“Council”) to order at 11:00a.m.

## 2 Roll Call

### **Council Members in Attendance**

Michael Albers, Rick Billinger, Troy Briggs, David Cowan, Jerry Daniels, Marci Francisco, Adam Geffert, Dick Heitschmidt, Kyle Hoffman, Sherry Massey, Robert McLemore, Josh Michaelis, Ken Nelson, and Ellen Wernicke.

### **Council Members Absent**

John Alcala, Robert Cooper, Jay Coverdale, Larry Dexter, John Fox, Rusty Griffin, Kathy Kuentler, Michael Leiker, Kerry McCue, and Melanie Mills-Bergers.

### **Also in Attendance**

Michele Abbott, Lori Alexander, Eileen Battles, Kathleen Becker, Scott Boden, Scott Ekberg, Elora Forshee, Ed Klumpp, Angela Murphy, Judy Prothe, Phill Ryan, Gayle Schwarzrock, and Randall White.

## 3 Review of Kansas 911 Act Revisions

Randall White introduced Representative Kyle Hoffman to present on the review of the Kansas 911 Act. Representative Hoffman advised the Council that the Legislative Committee has met several times over the past few months to work on revising the Kansas 911 Act (ACT) to update it and make it more effective for the future. The final draft of the revisions will go through the full Legislature for their review and approval. It will be up to the Council to help usher the revised Act through the Legislature for final approval.

Randall White presented the current Act with potential revisions. On page 2, section (h), an addition was made to state that Next Generation 911 (NG911) will conform to National Emergency Number Association (NENA) i3 standards. These are the standards for the future, such as Emergency Services IP network (ESInet). Scott Ekberg advised there will also be a definition of Geographic Information System (GIS) added into this definition section of the bill.

Randall advised there are no current changes on page 3. On page 4, a cosmetic change added GIS in with regard to technical expertise the Council offers to Public-Safety Answering Points (PSAPs). Pages 5 and 6 have no current changes.



Randall presented page 7 which has been updated from “recommending standards for training of PSAP personnel” to “establishing minimum standards for training of PSAP personnel”. An addition has been added to that stating the requirement of compliance with GIS training, standards, and data maintenance. Randall advised that the Legislative Committee believes it is essential to establish minimum training standards so there is assurance of uniform public safety across the state. Additionally, the purpose of adding the GIS training and standards into this section is that if the GIS data is not correct, then as the transition is made to geospatial call routing, it [proper call routing] will fail. Scott advised that all of this added language relates back to the Council’s ability to create Kansas Administrative Regulations (K.A.R). The Council is authorized to create K.A.R. in regard to the aforementioned updates to the training language. Randall inquired if anyone needed clarification on what administrative regulation is and what it does. No responses were received.

Sheriff Troy Briggs inquired if there is a certain entity in the Council who will put those standards forward, such as a Chairman. Randall advised that the Training Sub-Committee, which is part of the Operations Committee, would be establishing those minimum standards. Scott confirmed this is correct, and the Training Sub-Committee has already drafted the minimum training standards, which are available on the website. Randall added that in terms of GIS training, those standards have been established by Ken Nelson’s team as well. Ken Nelson confirmed the same. Ken advised that Sherry Massy leads this and is aligned with the requirements of data maintenance, and is offered to data maintainers and data stewards. It [standards and training] is updated annually to stay matched with the requirements. This is outlined in the NG911 GIS Governance Policy.

Senator Marci Francisco expressed her concern about using the words “requiring compliance”. Further up in the section, it states the Council is authorized to “adopt rules and regulations necessary to effectuate the provisions of this act, including...” and she would say “compliance with GIS standards and data maintenance”, instead of “requiring compliance”. She stated the Council wants to effectuate the provisions of the Act by having compliance, but is wondering if the word “requiring” should be in there, and if the Committee can ask the Revisor to review that. Sheriff Briggs advised he had the same question. Randall made a note to ask the Revisor about reviewing the terminology for “requiring”. As clarification, Senator Francisco inquired about the necessity of the word “requiring”. She wants compliance with the training standards and maintenance, but wonders if that is necessary as the Council would be adopting rules and regulations necessary for the training. Scott advised the word “requiring” can likely be stricken from that sentence. Representative Hoffman agreed with Scott and advised the Committee will confirm the same with the Revisor.

Sheriff Troy Briggs inquired if there is a section further in the document that gives the ability to assess civil penalties. Randall and Scott confirmed there is a section that gives the Council that authority.

Senator Francisco inquired if there is another section where the standards are set for GIS training and data maintenance. Randall advised there are no other sections for this. Scott advised the plan was to use the K.A.R. to set out those standards. Senator Francisco stated if this gives the Council the rules and regulations, then standards for GIS training and data maintenance should be added for consistency. Representative Hoffman advised it is more about compliance rather than the actual training; “We want compliance that they are going to submit the data and do it correctly”. Ken Nelson advised the addition that has been added to the Act is intended to address all three (3) of those items – training, standards, and data maintenance. Ultimately, the data needs to be regularly submitted according to what is



outlined in the NG911 GIS Governance Policy and to meet the standard. Additionally, the data stewards and maintainers need to attend an annual training class, as there are changes in data standards or procedures throughout the year.

Senator Francisco inquired how the standards are set for GIS training. Sherry advised that the GIS training is a class offered and the standards define the standard to which the data has to be submitted. There are no training standards that need to be met outside of what is provided. The class is given and the requirement is that they attend it, so they know how to meet the data standards. Senator Francisco advised she is comfortable with how this is covered in the Act, but is curious about setting the authority in rules and regulations to require the training and suggested following up with the Revisor. Scott inquired if the Senator was referencing the section coming up that mentions responsibilities of the Council and it does not mention GIS in that section. She confirmed the same. Scott advised it should include GIS in that section as well. Randall White asked Scott to make note of this addition to that section.

Randall continued with page 7 and noted a modification to the end of section (e) that the Council shall adopt rules and regulations necessary for the administration of this Act. This ties in with the Council's ability to create K.A.R. and implement what the bill authorizes the Council to do.

Randall advised that in section (f) regarding the 911 fee, there is a suggested change from the limit of \$.60 to \$.80. At the current \$.60 per device, the business case indicates there will not be sufficient management reserve to meet the obligations of the future. Management reserve is not addressed in the current bill, but is a suggested addition to the future bill. There are future [NG911] features and functionality that do not exist today; the i3 architecture of the future, which are not currently being offered or charged for. In order to have funds available for those additions, there needs to be a management reserve, which is money set aside by the Council to pay for these future expenses. This will allow the Council to purchase the upcoming features and functionality as they become available, rather than waiting until they exist and then have to find a way to pay for them. Commercial best practice indicates that 10-15% of revenue should be set aside for contingencies to pay for unknowns. At the current \$.60 fee, the business case indicates there will not be enough funds available to cover any futures. Randall had Scott do an analysis to find how much of a fee increase it would take to have the necessary funds available in the management reserve to cover the future anticipated expenditures. This also includes having enough funds available for PSAP's to do what they are chartered to do in providing 911 safety.

Scott presented an overview of his analysis by way of a spreadsheet. In the first column, Scott made note of the 2016 recurring expenditures that each PSAP had and will continue to have – such as maintenance contracts and telephone bills – which did not include any capital outlay or call handling expenditures. The next column sets out the annual call handling system expenditures, in which Scott took the number of work stations they have or will have on the system and entered the costs for those. In the next column, Scott set out the total recurring 911 expenses for each PSAP. The next column includes the amount of 911 funds that were disbursed to each PSAP in 2016. The next column then sets out the difference between what the PSAP's received in revenue from the 911 fee minus their reoccurring expenses. The next column then sets out an estimated capital outlay for each PSAP, such as for replacement of logging recorders and radio consoles. The next column is the total recurring 911 expenses and the capital outlay combined to reflect the minimum 911 fund need per PSAP. The final



column reflects the total minimum fee increase needed to cover the 911 funds needed. Some of the minimally funded PSAP's are operating under the \$50,000.00, and almost entirely relates to the level of sophistication of their PSAP. The majority of them do not have CAD or maintenance contracts on equipment.

Randall reminded the Council that the bill is meant to carry the Council forward at least three (3) years, and inquired if there were any thoughts on increasing the cap above \$.80 to possibly \$1.00, with a proviso that any fee increase would predominantly be out of necessity for the management reserve. This would mean that if the management reserve falls below the threshold, then there would be the option to increase the cap. As the bill is currently written, it is capped at \$.80. Randall tabled discussion on this matter to carry on with additional changes to the bill.

Randall reviewed section (g) on page 8, which addresses the minimum training standards by updating the wording to specify "minimum training standards" instead of "recommendations". Scott advised he believes that to be the paragraph that Senator Francisco was addressing earlier, and that GIS standards for training and data maintenance and data standards should be included in this section as an authority of the Council. Chief Robert McLemore inquired about the term of standards and using guidelines instead. Ken Nelson advised that with regard to GIS, the standards absolutely must be enforced. Senator Francisco confirmed this section is the place to add in GIS for clarification. Randall reiterated that if GIS data is not maintained by standard rather than guidelines, then the 911 call does not get routed properly when ESInet and geospatial call routing are brought on board. Chief McLemore stated there needs to be documentation as to why those are standards and why they need to be enforced.

Randall moved on to section (i) regarding Council-related expenses and compensation by legislative members. Scott advised that the Revisor likely added in the statute to give a reference for any future inquiries regarding such expenditures. Representative Hoffman advised that when a bill is being prepared or reviewed, the Revisors will often add in such things, as reference to a statute, for clarification.

Randall pointed out some areas of the bill that were updates and clean up – no changes – such as removing dates which no longer pertain to the Council or the bill, and bringing [the draft] up-to-date.

Randall reviewed section (k) on page 9, which is updated to remove an old date and better reflect that every PSAP has to file an annual report with the Council, by March 1<sup>st</sup> of each year.

Scott pointed out that on page 12 the Revisor removed the "advice and consent" language for selecting the LCPA and makes it "approval" instead. Representative Hoffman inquired if the Revisor said why he had made that change. Scott advised he was not aware. Senator Francisco also was not aware, but advised to ask how the Legislative Committee is working, because the change may mean it can be proposed to them and they have final action rather than with the advice and consent sounding like they would review and send it back to our Council. Senator Francisco and Representative Hoffman both agreed would be best to follow up with the Revisor.

Randall reviewed page 13 next. Scott advised of the same change in words as page 12 on replacing "advice and consent" with "approval", pertaining to the LCPA establishing funds. Randall went over the new provision added in this section about establishing the management reserve, which was discussed earlier. Scott advised that the Revisor wrote this section in his own words, aside from the purpose of



the management reserve that the Council provided. In Scott's view, the way it is set out, the management reserve would act as the throttle on increases or decreases of the fee. With that in mind, it seems the sentence back on page 8 that caps the increase could be completely eliminated, because the change in fee is controlled by the 10-15% of management reserve set out on page 13.

Representative Hoffman advises the cap should not be stricken, as there needs to be a cap set out, even with the 10-15% management reserve. He advised that taking into account the expenditure side, some are mandatory but others are not.

Senator Francisco agreed with Representative Hoffman. She stated that the management fee is just a portion of the total monies, and if the cap were removed, the money could be increased to all of the PSAP's just because additional funds were needed in the management reserve. She advised she would be concerned about adjusting the fees. Randall inquired with Senator Francisco on her concern of adjusting the fees. She stated that they should not be totally adjusted based on just the management reserve. The Council needs to ensure there is an adequate management reserve, but we do not want to say that every PSAP is going to get another \$10,000.00 just because we need management reserve.

Scott inquired if that creates a conflict within the statute between that paragraph and the paragraph on management reserve. He doesn't think it does, because he doesn't think an increase to \$1.00 could be made and still be able to stay within the 10-15% limits. He would still like to ensure there is no conflict. Randall inquired with Scott if he means we would exceed the 15% with an increase to \$1.00, and Scott confirmed.

Senator Francisco inquired what the limits are on the uses of the management reserve that would keep it at the 10%, and why it could not be taken down to 0 each year. Scott advises that it is based on revenue and not on expenditure. Senator Francisco stated the reserve funds are only there if no expenditures are made and Scott agreed. Scott advised that expenses would reduce the amount of the management reserve. Senator Francisco inquired what the limitations on expenditures are out of the management reserve funds. Scott advised they are for future upgrades related to NENA i3. He further advised he thinks that within the sentence that states "management reserve funds should be no less than 10% or no more than 15% of the total monies transferred and deposited into the 911 state fund", an exception that the fee cannot be increased beyond \$1.00 just to meet that 10-15% threshold.

Senator Francisco inquired if that means we are then talking about \$1.00 and not \$.80. Scott advised whatever the upper limit would be set, would be set out in that sentence. Scott proposed \$1.00 to give more latitude, but in the existing bill it was \$.53 to \$.60, so it could be \$.90 or whatever the Council agrees it should be. The cap amount just needs to be included in section b on page 13 as an exception to the 10-15% rule. Senator Francisco inquired if it would be set out so it could not exceed the cap, and Scott confirmed the same. Representative Hoffman advised to speak with the Revisor about clarifying that. Senator Francisco advised she'd like to see it on page 8 where the cap is listed. Representative Hoffman agreed he liked the idea of the 10-15% but that the cap needs to stay in place.

Scott inquired what Representative Hoffman feels the cap should be set at. Representative Hoffman does not think \$1.00 is a good idea just with the perception of \$1.00, but \$.90 would be suitable, but \$.80 would be better. He is not sure if it will get pushed down in Committee also. Randall proposed that the cap be set at \$.90, as it's a fact the Council needs \$.80 currently. If needed, there will be that extra allowing up to \$.90. Randall inquired with the rest of the Council on the cap amount. Senator Francisco does not want \$1.00, and feels this is a decision to be made by the Council and the Legislature



needs to respond. She specified that those on the Council who are running PSAP's should tell the Council the amount needed. Jerry Daniels agreed that \$1.00 is too much, and that \$.90 would be a better perception, knowing we need \$.80 and having the ability to increase to \$.90 as the need arises. Senator Francisco inquired if the \$.90 would put the management fee above the 15%. Scott advised they do not currently have an answer for that. Randall advised they would look into that. Randall reiterated what had been discussed as far as putting the cap at \$.90 and that he and Scott will go through the business case to see what the \$.90 would do to the [projected] numbers.

Senator Rick Billinger advised that if what is needed is \$.80, then that should be what is asked for. He feels that when the bill gets to Legislature, they are going to want to know how much is needed, why it is needed, and he doesn't believe they will want to authorize any more than that. Randall inquired of the Senator clarification on his advice – that for the purpose of the bill it is better to put in the fee that is needed and not include a cap for futures. Senator Billinger doesn't feel the cap is as important as the fee is. Most are going to look at the fee and inquire why the increase would be necessary. Randall advised that the existing bill had a proviso for increasing the fee from \$.53 to \$.60, which was done through a K.A.R. Scott confirmed that was completed three (3) years after the act was enacted. Randall advised what is being proposed will be similar to that, in that the fee will be set at \$.80 and then a separate section stating that the Council has the latitude to increase to \$.90 based on the needs of the business. Senator Billinger confirmed the same and stated he thinks \$.80 is the key number.

Josh Michaelis advised he would like to hear from some of the PSAP Directors not directly involved in the Council or the Legislative Committee, on their thoughts on the fee. Randall called for Elora Forshee or Angela Murphy, whom were on the call, to give their input. Elora had disconnected from the call, but Angela was still on. Angela advised that having the built-in flexibility is essential, because we know that \$.80 will be the target now, and we do not want to take the bill back [to the Legislature] over and over to be revised. We can already project and look into the future that \$.80 may not be enough. She agrees that the numbers need to be run at \$.90 to see what the outcome is, but having the written flexibility makes sense.

Representative Hoffman reiterated what Senator Billinger had said, in that \$.80 is where we want to set the rate right now, and having the ability to go to \$.90 may or may not be a good idea, depending on how the numbers look. The important thing is that when it is taken before the [Legislative] committee, having the \$.80 in mind and then have an idea that if the cap is \$.90, how long will it be before it would have to go to \$.90. Those will be the questions asked. Senator Rick Billinger confirmed that was his input.

Randall continued on through the bill, pointing out minor cosmetic changes that have been made. On page 16, section 9, Randall asked Scott to explain the change of the prepaid wireless 911 fee from 1.06% to 1.6%. Scott advised that is the corresponding increase in the wireless fee that would correspond with the increase to \$.80. The fee is divided by 50 and that equals 1.6%. This is automatically increased to stay with what the fee is set at.

Randall next went to page 17, section (f) which clarifies how the wireless 911 fee is determined and the statute relevant to the change in the fee.

Scott discussed the update made on page 19, section 12, which the Revisor added in, that gives the Council the ability to adjust what the PSAP's are being paid, in order to keep the management reserve





between the 10-15%. Randall advised it is set up to protect the management reserve, and also keep from increasing the fee given to the PSAP's. Scott believes the language is set out so that the Council could throttle the amount paid to the PSAP's in order to maintain the management reserve. He is not sure if that is something to be proposed, as he feels it will meet with a lot of resistance at the local level. For example, the Council could say they need to maintain their management reserve so they are not going to pay the PSAP's this month – which will never happen - but it is an argument that could be made. Randall feels the intent is to ensure the PSAP's are getting sufficient funds, and we need more money in the management reserve and increase the fee, we could throttle the PSAP's to ensure they do not get less but they also do not get more either. He believes that was the Revisor's vision, to be able to increase the management reserve without affecting the PSAP's, unless it is something they need.

Randall went on to the bottom of page 20 and beginning of page 21 wherein Scott has proposed an increase from \$50,000.00 to \$60,000.00 for the minimum PSAP distribution, to get the capital that they need. Sherry advised she agrees with the increase to \$60,000.00. However, she also stated she feels that the optics of decoupling the management reserve for the Council from the money the PSAP's get is horrible. There are PSAP's currently who receive enough funds to cover their expenses currently, but they would likely tell you they have other expenses they are not incurring because they do not feel like they can afford them. She does not envision a scenario where the Council could say it needs money but the PSAP's do not. In relation to Sherry's concern, Representative Hoffman feels that if that is what these sections are saying, then we need to take another look at this, because we do not want to short the PSAP's. Randall inquired of Sherry clarification on her input. She likes the increase from \$50,000.00 to \$60,000.00 for the minimum distribution, but she is concerned about decoupling management reserve from the distribution to the PSAP's. In other words, if the fee is increased for the purpose of replenishing the management reserve, then more money needs to be funneled to the PSAP's at the same time. Sherry confirmed.

Senator Francisco stated that the section in question does not just relate to an increase in fees, but all the fees. This does not give the Council the ability to go from \$.75 to \$.80 just to address the management reserve without providing additional money to all of the counties. So, this needs to be related to fee increases, not just distribution of all of the fees, such as no less than \$.70 will be distributed in this manner. She is concerned that there will be an increase in the amount given to the PSAP's just to maintain a management reserve, but we do not want to give the counties any less than the sum minimum established, and we think it should be more than they are getting right now. This is too broad because it would allow money to be spent out of the management reserve and reduce significantly what is being given to the PSAP's.

Randall asked for Sherry's response to Senator Francisco's concern. Sherry stated that her concern is when the 911 fees were originated, the idea was that all of it was eventually filtering down to the PSAP's. She feels strongly that there is a legitimate need for a management reserve at the Council level; what the Council provides is critical. She feels there is a very strong local perception that the money is all for them, directly or indirectly. She does think it makes sense on the decoupling, but is not sure how that can be done and maintain local support. Senator Francisco stated she believes everyone would agree that it does not make sense to allow it without any constraints. We do not want to propose something that says the Council has a management reserve, and we're going to take care of ourselves first. Sheriff Briggs stated his view that from a budgetary standpoint there has to be a guarantee to the PSAP's as to what they are going to receive. He is in agreement with what the Senator and others are



saying, and the perception that PSAP's can no longer depend on the amount that is going to be received and budget around that. [Jerry] agreed there needs to be a minimum for budgetary reasons. [Josh] agreed as well and stated the thing to be careful with is to be sure the smaller entities and counties are not injured. Randall and Scott advised they would meet with the Revisor to further discuss.

Randall covered the change on page 21, section (c), regarding an increase of the grant fund overage amount, from \$2 million to \$3 million. Scott stated increasing to the \$.80, based on what we have seen with prepaid wireless up-to-date, will bump the revenue generated by prepaid to just over the \$2 million, by an estimated \$300,000.00. This would be \$300,000.00 that would go back to the PSAP's based on a percentage of the population basis. For the smaller PSAP's, this would amount to \$100.00 or less and some of the bigger PSAP's would get upwards of \$50,000.00. The effort to break that out is not worth the money they will be getting. By increasing to \$3 million, we would stay where we are now by not having to refund any overages. Senator Francisco inquired if any of this would go to management reserve and Scott advised that it would. She stated that the increase to \$3 million is increasing the amount that would go to the management reserve and Scott confirmed the same.

Randall continued going through additional pages of the bill with additional clean-up. Senator Francisco inquired about the change on page 24, section (d) stating the Legislature will review the Act during the 2018 session, when it will have already been done. She requested that the Revisor be asked about that. Randall was not sure why that had been put in. Scott advised that the original date of 2014 that was put in the Act, was two (2) years after the Act was initially enacted, and is not sure why it would say 2018 and not 2020, for a review. Representative Hoffman mentioned a five (5) year timeline to 2023. Scott inquired if they should suggest it be reviewed every five (5) years beginning with 2023.

Scott discussed the change on page 25, section 17, which updates the language from "receipt of wireless emergency calls for all wireless service areas..." to "receipt of 911 calls for all service areas..." Initially the statute just required the answering of wireless calls, and the new change makes it all 911 calls, rather than just wireless, and all service areas, rather than just wireless.

## 4 Next Review

Following this line-by-line review of proposed changes to the Act, Representative Hoffman gave the Council options of December 29, 2017, or January 5, 2018, for another meeting to discuss the aforementioned issues. Senator Francisco advised January 5<sup>th</sup> would be good. No opposition from other Council members.

Scott inquired what would happen on a timeline basis if the meeting is set for January 5, 2018, and the suggested changes are made, and there is not agreement to the changes made. Representative Hoffman advised it should not be an issue. Any additional changes can be handled with another meeting. Senator Francisco suggested setting meetings every Friday until it is done.

Senator Francisco advised in her opinion the main issue is the management reserve and how to have a proposal by January 5<sup>th</sup>. She suggested an earlier meeting for the Legislative Committee to review, and then go into the full Council meeting. Representative Hoffman suggested the Committee meet at 10:00a.m. on January 5<sup>th</sup>. Senator Francisco also suggested there be alternative solutions to assist with finalizing the matter. If someone has ideas on those alternatives, they can provide them to Randall for the Committee to discuss.





Randall confirmed the plan is to meet every Friday, beginning January 5, 2018, with the Legislative Committee meeting from 10:00a.m. to 11:00a.m., followed by the full Council from 11:00a.m. to 12:00p.m. Representative Hoffman agreed and reiterated the biggest issue to focus on is the management reserve. Senator Francisco suggested that Randall have a list of items for the Revisor to weigh in on that we believe we are in agreement on, and a list of items that still need agreeing on. Representative Hoffman requested that those be distributed prior to the meeting, so everyone has time to review them.

Senator Francisco also inquired about the investment proposal and asked that it be discussed at the next meeting.

## 5 New Business

Representative Hoffman set the next meeting for **Friday, January 5, 2018 at 11:00a.m.**

## 6 Adjournment

The meeting adjourned at 12:36p.m.

Submitted by:

Scott Ekberg  
NG911 Administrator