



# Kansas NG9-1-1

## Special Session Council Meeting Minutes

**Friday, January 19, 2018**

### 1 Call To Order

Chairman Dick Heitschmidt called the Kansas 911 Coordinating Council ("Council") meeting to order at 11:03a.m.

### 2 Roll Call

#### **Council Members in Attendance**

Michael Albers, Troy Briggs, David Cowan, Jerry Daniels, John Fox, Marci Francisco, Dick Heitschmidt, Kathy Kuentler, Sherry Massey, Robert McLemore, Josh Michaelis, Melanie Mills-Bergers, Ken Nelson, and Ellen Wernicke.

#### **Council Members Absent**

John Alcala, Rick Billinger, Robert Cooper, Larry Dexter, Adam Geffert, Rusty Griffin, Kyle Hoffman, Michael Leiker, and Kerry McCue.

#### **Also in Attendance**

Michael Abbott, Lori Alexander, Eileen Battles, Kathleen Becker, Jennifer Duffy, Scott Ekberg, Elora Forshee, Ed Klumpp, Dawn Layman, Rob McDonald, Angela Murphy, Phill Ryan, Don Scheibler, Gayle Schwarzrock, and Randall White.

Chairman Heitschmidt inquired of the number of voting members present. Gayle Schwarzrock advised nine (9). Randall White advised that he received a message from Representative Kyle Hoffman indicating that he and Senator Rick Billinger will attempt to join the meeting at 11:15a.m. They are on an agricultural tour today. Gayle corrected the number of voting members to 10, with Michele Abbott being the proxy for Josh Michaelis, and 12 voting members if Representative Hoffman and Senator Billinger join the meeting.

### 3 Approval of Minutes

Chairman Heitschmidt inquired if everyone had reviewed the January 12, 2018 meeting minutes. Sheriff Troy Briggs advised that on page 6, first paragraph it advises that "Sheriff Briggs advised that most everyone out in western Kansas have full-time GIS..." and that should indicate that they do not have full-time GIS. Correction noted. No other corrections or comments were made. Motion to approve the January 12, 2018 minutes as amended by Sheriff Briggs made by Sherry Massey, and seconded by Ellen Wernicke. All in favor. The motion passed.



## 4 Approval of Agenda

## 5 Presentations

### 5.1 Action Items Updates

Randall White went over items discussed at last week's meeting and gave updates.

Randall advised that Chairman Heitschmidt was planning to contact Senator Olson regarding alignment of Senate Bill 255 with the Council's 911 bill. Chairman Heitschmidt advised he was unable to get in contact with Senator Olson, but he did speak with Scott Franks. Scott indicated that he and Senator Olson would like to proceed with their action, as far as the audit goes, on their own. Chairman Heitschmidt believes they had a committee meeting this week regarding that. He further advised that the two (2) bills will not be mixed together and will be handled separately.

Randall advised that Scott Ekberg was planning to meet with the Revisor, Matt Sterling, to get the language between the two (2) bills aligned. Scott advised they had not met because they are not 100% sure yet what the language is in the other bill. However, they are still planning to do so.

Randall made note that Sheriff Troy Briggs had advised there is a joint meeting next week of Kansas Sheriff's Association (KSA), Kansas Association of Chiefs of Police (KACP), and Kansas Peace Officers Association (KPOA). He inquired if Sheriff Briggs had been able to share the proposed draft bill with those organizations. Sheriff Briggs advised that they have seen it and believes that the KSA and KACP have both submitted a response.

Randall advised that Senator Marci Francisco was planning to share the draft bill with Kansas Association of Counties (KAC) and Kansas League of Municipalities (KLM). Senator Francisco advised she thought the Council was going to do so, and so had not done so herself. Randall advised the Council will take care of it. Scott Ekberg advised that as a side note, KAC did discuss the possibility of the Council proposing the legislation and set out the high points of it in their weekly legislative update, so they are aware of it. Randall inquired if they have a copy of the draft bill and Scott advised he was not sure, but based off the information they have he assumes they do. Scott will send a copy of the draft bill to both KAC and KLM to ensure both have it.

Randall advised that Senator Rick Billinger was planning to contact the lobbyists for the counties who assisted with the original bill. Senator Billinger is not currently on the call, so there is no update at this time.

### 5.2 911 Act Draft Changes

Randall advised that after the meeting on January 12, 2018, Scott Ekberg took the changes that were being recommended and met with Matt Sterling to update the draft. Randall reviewed the primary changes.

- Inserting "standards" into the existing sentence in the provision on page 7.
- Removing "no less than 10%" from the Management Reserve section on page 14, subsection (b).

Randall pulled up the draft bill and reviewed the first change on page 7, subsection (e) which adds "standards" as "...requiring compliance with council standards and policies...".



Randall then went to page 14, subsection (b) regarding the Management Reserve, and showed the Council that the “no less than 10%” had been removed from the section, so that it now reads “...no more than 15%...”.

Randall advised that Chairman Heitschmidt will ask for a motion to vote on this draft bill, so it can be moved forward to session. Referring back to the first change on page 7, Randall inquired if there is any discussion on the provision regarding compliance with standards and policies. Sheriff Briggs referenced KSA’s opposition and a letter that was written and sent to the Council regarding the same. He also advised he had received a letter from KACP. He advised that KSA remains opposed to the draft bill.

Chairman Heitschmidt advised Randall that Jennifer Duffy is the Executive Director of the KACP, and suggested giving her the opportunity speak on their behalf. Jennifer referenced the letter KACP submitted and that they are in opposition to the bill.

Chief Robert McLemore advised he shared KACP’s letter and the draft bill with the President of the Kansas State Association First Chiefs (KSAFC), and he advised that there is some opposition, specifically in the area of requiring standards. Chief McLemore also advised there was a question about the punitive fines. He further advised there was also concern about the imposition of the 15% to the Council appearing to negatively impact what is being received at the local Public-Safety Answering Point (PSAP) level. They are worried about their local funding and whether they will need to fund more of it locally than before. Chief McLemore advised he understands there is an increase being sought, so they actually should be receiving more than before. He feels he can address that with them directly. However, the primary concerns are the punitive fines and the issue of the required minimum training standards. He does not know the current standing of the State Fire Chiefs – whether they will oppose or support.

Kathy Kuentler advised she has not seen the letters of opposition that have been referenced from KSA and KACP. Randall and Scott stated they thought they had already been sent out to the Council. Scott advised he would send copies of those immediately to the Council members. Mike Albers also advised he had not received them previously. Kathy inquired if the opposition is in reference to the training standards, and what specifically is being opposed.

Chief McLemore shared a quote he got from a Fire Chief, which said “It takes anywhere from 8 to 10 months to train a dispatcher to the point we release them to function on their own. We do not need additional regulations to ensure their fitness for the job. This is incumbent on the Director and Administrator of each center.” Chief McLemore advised he received another from Pat Collins this morning which he shared with Randall and Scott.

Ellen Wernicke referenced the first opposition Chief McLemore mentioned about training standards. Chief McLemore advised that with their 8 to 10 month training program, he doesn’t think they will have a big issue with including that in the training. Ellen responded it was never the intention to get into the day-to-day business of the PSAP’s and review their training programs. The intention was that the Council developed the standards and there are certain criteria that the Council would like to see in the standards, which is aligned with the Association of Public-Safety Communications Officials (APCO) minimum training standards, along with the opportunity to incorporate some local training. The Council is asking the Director of the PSAP to provide validation that their staff has had that training. Chief McLemore advised he would share that with the other Chiefs.

Kathy Kuentler inquired with Ellen about a section in the bill that states that the 911 Liaison will, on a tri-annual basis, come and inspect training programs or documents. Ellen advised there is an audit piece in there as well. Kathy advised that might be where some of the issue is. Scott Ekberg stated that as the letter that Chief McLemore referenced said, it takes 10 weeks before a dispatcher is turned loose, and



that's appropriate. All the Council wants to do is make sure every PSAP is providing some training. The Council isn't saying this is the training program you have to follow at all, just that adequate training is completed. Jennifer Duffy stated she feels that if that is the intent, then the language needs to be revised. From the Chiefs' perspective, and likely others in the state, there is some misunderstanding in the interpretation of what is written vs. what is being stated. The Chiefs felt it was an overreach when they reviewed the draft. They want to be able to make decisions about training on their own. They are agreeable to the Council coming in to advise someone as to what you would like to see happen, but to audit and penalize them is an overreach. Ellen inquired of Jennifer requesting clarification on the issue being more than requiring minimum training standards, and that the Chiefs would support minimum training standards. Jennifer referred to a few of her PSAP representatives, Dawn Layman and Chief Don Scheibler for their input. Dawn Layman advised that she feels everyone would agree there is a need for recommended training standards, but when the language "recommendations" is removed, it is saying that these are the minimum standards and they are going to be tracked. There's a concern that it is becoming less of a recommendation and more of a regulatory authority to carry these out and there will be penalties. She feels it should be from a best practices standpoint and it be up to the PSAP's to initiate that training. Chief Scheibler agrees with what Dawn said. Sheriff Briggs advised he feels the same. From a Sheriff's standpoint, there's a loss of localized control, especially when there is disciplinary action referenced in the training standards.

Michele Abbott inquired if Chief Scheibler has evaluated his current training program against the training standards to see if they are being met or exceeded. He advised he would need to check with Carolyn McCullom who is in charge of the dispatch center to get that information. Michele advised that what she has been hearing at APCO is that the majority are already meeting them. Sheriff Briggs inquired if the training standards are being met, then why place a hammer behind it with enforcement and civil penalties. Scott advised that some are not, and that is the purpose, to try and ensure the ones that are not providing training start doing so. Sheriff Briggs inquired if there is statistical data to back that up. Scott advised it is anecdotal knowledge from traveling around to the PSAPs and talking with them. Ellen Wernicke also added that there are PSAPs that are providing medical direction that are not trained in EMD. They are taking medical calls with no training in pre-arrival instructions or how to handle those calls. Michele Abbott stated that one of the priorities of the Operations Committee, when reviewing this, is that at every level we have to meet the residents of Kansas expectations, whether it be text-to-911 and that they have a device that texts and that 911 should receive their messages. They also believe that 911 is going to give them pre-arrival information on medical calls and fire calls. The standards do not say what a PSAP's policy should be on those, just that it should be addressed during the training process. She added that there are recommendations within them, but they primarily give guidelines as to what a department should be covering at minimum. Ellen confirmed.

Senator Marci Francisco stated that we need to acknowledge that this bill is talking about the authority of the Council, so it could be that those training standards would change. We cannot assure ourselves based on what they are right now. However, if they are in rules and regulations, there would be an additional opportunity to weigh in. She advised we want to ensure our wording in the statute is as limited as it can be to allow authority for the Sheriffs and PSAP's. Senator Francisco pointed out that currently salaries are not paid with 911 funds. She recommended looking at allowing salaries to be paid for training purposes. The assumption may be that when we say this covers the cost of training that that would include materials, software programs, etc., but we might want to indicate it could cover the salary costs for training, and that may be helpful to our law enforcement community. Chairman Heitschmidt inquired of Scott and Michele if those expenditures have not already been coming in and approved. Scott advised that costs for travel, lodging, and meals to attend training, and any costs for



registration and the like have been submitted and approved. No one has submitted for overtime or anything of that nature.

Kathy Kuentler advised she would like to have Senator Francisco explain if this bill goes forward and is presented, is the bill in that form exactly what is voted on by the Legislature? Does it go into committees and get worked and audited, and if so, does it come back to the Council? Senator Francisco advised that the bill would be introduced, the leadership would assign it to a committee – we are assuming it would be assigned to the Utilities Committees in both the House and the Senate, where it is introduced. There would be hearings and an opportunity for anyone (i.e. the public, a member of the Council, or a member of law enforcement) to supply written or oral testimony and suggestions for changes. The Legislature would then consider amendments. If the Council agrees that it is ready to go forward with the draft bill, they can vote on it. There is another opportunity for amendments to be made on the floor. There is a lot of discussion and a lot of opportunity for changes. It could be that the KSA comes in and gives their concerns and this Council could testify on their concern regarding training. Oftentimes, the Legislature asks groups to meet and see if they can come up with language that both groups would be comfortable with. She doesn't feel that anyone on the Legislature wants to do anything that the Council doesn't feel would work, nor that the Sheriffs, Fire Chiefs, or Chiefs of Police feel wouldn't work. They are going to be looking for compromise language that all can agree to.

Jennifer Duffy encouraged the Council to do some research and gather data to provide information on the PSAP's that are not meeting the minimum requirements, or what the minimum requirements are that the Council would like to see implemented. None of the PSAP's are going to want anyone coming in and dictating to them what they are going to do and penalizing them. There needs to be data to show how many PSAPs are not meeting the minimum standards.

Sheriff Briggs stated that an entity, the Council, was created to administer technology to improve call-taking, GIS data, and accuracy in finding calls vs. stretching into an operational avenue with requirements of training. It is two different things. Jennifer Duffy agreed and advised that she believes Scott received a letter from one of her chiefs of police this morning. She stated that there are departments that just from a technology standpoint have needs that are not being met, such as they are dropping calls and they cannot get equipment replaced. Those standards need to be met before encroaching on training and the other issues. She advised that there are several letters coming from Chiefs regarding their technology needs not being met.

Senator Francisco reiterated the concern of the training standards, but also pointed out that the bill is focused on identifying what the rate should be on the cell phones to be able to afford this service. We want to ensure we maintain the ability to collect enough money to pay for these programs for the PSAP's. That is another big part of the bill.

Kathy Kuentler advised she isn't against training standards, but her thoughts are that we have a great system and we need to take action to ensure it survives. She suggested proceeding with the funding element and the changes to the bill pertaining to that, and postpone the training dialogue. She does not want funding to be affected by issues with training. Chairman Heitschmidt advised her that would be discussed when it comes to decide how to proceed with voting. Kathy agreed.

Sheriff Briggs inquired if there is any additional cost associated with taking on the training, such as additional staffing. Chairman Heitschmidt advised there are no additional costs. Ellen Wernicke inquired if Sheriff Briggs is referencing the PSAPs or the Council. Sheriff Briggs clarified at the Council level. He advised that Lori does a great job, but there are 117 PSAPs. Chairman Heitschmidt reiterated there are no additional costs at this time.



Randall reiterated the two (2) major changes that were brought forth: the training standards and removing the “no less than 10%” from the Management Reserve. He notated also Kathy’s comment about preserving the fee.

Randall advised that in his opinion the Council needs to vote on a draft today that can be entered into the process. He reiterated Senator Francisco’s explanation of the bill process, which includes plenty of opportunity for the organizations involved to have a number of meetings in the Legislature to express their views, as well as outside in separate meetings. Randall referenced the joint meeting next week with KAS, KACP, and KPOA that Sheriff Briggs brought up in the last meeting. Randall suggested meeting with these groups to work on the wording as Jennifer had recommended, so it is better understood what the intent of the Council is. Randall inquired that if everyone is content with this draft bill going forward, knowing there will be future discussion on the provisions, and rely on the Legislature to take that into consideration, we might be able to make a motion today to approve the draft.

Chairman Heitschmidt inquired if there are any other changes being made in the bill that need to be brought up, or any additional discussion regarding any part of the bill that needs to be discussed. Senator Francisco advised that when she was working on proposals to have in writing, she did bring up two (2) issues with the Revisor, Matt Sterling, and he thought they were technical issues that could be addressed. The first is there is mention of representation for PSAP’s with less than 75,000 and PSAP’s with more than 75,000. If a PSAP happens to have exactly 75,000 in population, she does not want them left out. It would be an easy change to say “75,000 or greater” in a few places in the bill where it is referenced.

Senator Francisco advised that the other change would be that in making updates about the timing, we deleted a reference to the interest that is earned, and Matt has suggested some language that adds that back in, instead of deleting it, so that it is clear that the interest earned on the state fund and state grant fund would remain under the authority of the Council and not be turned over to the state treasury. She doesn’t feel there will be any objections to those changes.

Jennifer Duffy mentioned the comments about coming to the joint meeting next week with KSA, KACP, and KPOA. She commented that the conversation should have been brought to the various organizations months or even a year ago, and allow these organizations to help build the bill rather than building it and then getting their responses after. She advised that in reference to attending next week’s meeting, the agendas are pre-set and full, and there will not be time to sit down and discuss the language in the bill, or for Council members to make a presentation. Sheriff Briggs agreed. He suggested that the Legislative banquet might be a good time, but that is also a time when those organizations will be discussing their own matters being taken before the Legislature. Randall clarified with Jennifer that there is disappointment that the bill was not brought before these organizations with the intent to orchestrate it, and that next week will not be an opportunity to get together. Jennifer confirmed the same. Randall pointed out that in regard to the concern about not meeting with the organizations beforehand, the Council is made up of a broad spectrum of concerned stakeholders, and he believed the point of the Council was to have representation for these organizations. Jennifer agreed and advised they will have conversations with their representatives that are on the Council, but a lot of the information was a surprise to their organizations because it was not brought to their attention. She concurred there may be an issue with communication. She has had conversations with Chairman Heitschmidt about this. She feels that conversations with the actual organizations would better benefit everyone involved. She advised that at this point the Chiefs will not support the bill as it is now.

Senator Francisco inquired if Jennifer feels that the PSAPs are receiving enough funds now to cover their costs? Jennifer advised no, and that the feedback she had received is that funding is also going to be an issue. Senator Francisco advised that this bill is a way to address that funding. She advised that she had



seen in the letters some very appropriate proposals about limiting standards to training on 911. However, she advised that she hates to see counties and PSAPs struggle with funding. If there is some agreement, then we should at least tell the Legislature this is an issue. She further advised that even if nothing happens this year, sometimes it takes more than one opportunity to explain to the Legislature what problems exist. Jennifer advised she understands that, but when asking about funding, she thinks that entails two (2) separate issues. There are absolutely some PSAPs that feel there is not enough funding, and other PSAPs that feel there is funding available but they cannot receive it. That is a discussion that needs to be hashed out. There are PSAPs that are penalized for things that they don't feel they should be penalized for. She advised the organizations want to work with the Council and see the value in what is being done, but there has been a lack of communication that needs to be addressed.

Senator Francisco confirmed what Jennifer stated, and advised that she has been serving on the Council and does not remember any communications from these organizations to the Council about any issues. This is a change because it is asking for legislation to be considered a year in advance, but this is a topic that the Legislature needs to review. Communication from groups saying why the funding mechanism doesn't seem fair to the PSAPs is very important to see, but is not something that the Council would initiate. Jennifer advised that had the conversation started earlier, the KSA, KACP, and KPOA could have helped facilitate. She referred back to gathering data and figuring out the needs and backing it with the data to show the organizations what is going on and what is being done at the PSAP level and address the needs. She feels it comes down to communication, and they would be willing to help facilitate that communication and work with the organizations and PSAPs. Randall requested clarification from Jennifer on whether or not next week is an opportunity to meet with the KSA, KACP, and KPOA at their meeting. Jennifer advised it is not [an opportunity to meet] because the agendas are established months in advance. Had someone reached out to her she could have put it on the agenda. Randall inquired if she had any suggestions on a date when the organizations and the Council could meet to discuss matters. Jennifer inquired if they are wanting to meet with the Board of Directors or all of the PSAPs. A meeting with the Board will require calling a special meeting. She suggested regional meetings to meet with representatives from all of the organizations. She offered to help facilitate meetings, and advised that the next general meeting for the Board is in May, but a special meeting could be set up. Chairman Heitschmidt advised that Jennifer's points are well taken and that this is important to get taken care of, but for this meeting, we need to move ahead so the Council can make a decision on how to proceed with the bill.

Chairman Heitschmidt inquired if there was any additional other discussion concerning the legislation and the language within the [proposed] legislation. No additional feedback was received. Chairman Heitschmidt inquired if there was a motion to accept the draft and move forward to be introduced. Mike Albers advised that he is concerned about sending the bill to the Legislature and expecting them to clean it up instead of the Council doing it. He commented on the noted miscommunication with what the Council is intending and how it is being perceived. He suggested that the training portion be stripped out of the bill and continue on with the funding portion and other changes made to submit to the Legislature and then work on the training portion later. He is concerned about sending in something that is not reflective of what was intended. Kathy Kuenstler advised she agrees with Mike's concerns.

Chairman Heitschmidt inquired if either Mike Albers or Kathy Kuenstler would like to make a motion on the matter. Mike motioned to send the bill with the portion regarding training requirements removed. Ken Nelson advised that the GIS portion is bundled in with the training piece, and he wanted to clarify that the motion leaves intact the GIS data standards and submission requirements. Mike agreed and amended his motion to keep that standard in. Ellen Wernicke advised that today there are



approximately 35 states that have minimum training standards for their PSAPs. They are either already adopted or in the process of being adopted. We are a state that does not have that. By removing it from this bill, at some point it is going to have to be addressed. She asked, if the training portion is going to be removed, would the Sheriffs and Chiefs of Police support a separate bill outside of the Council to address training. Chairman Heitschmidt asked for clarification. Ellen clarified if either organization would support sponsoring a bill outside of the Council establishing the minimum training standards. She inquired how it will be addressed moving forward. Sheriff Briggs advised that is a conversation that could occur, because having it wrapped in this bill is not plausible to them [KSA]. He advised he believes it is a completely separate issue, because it takes the Council in a different direction than what its intended purpose is. Chairman Heitschmidt inquired if removing the training requirements is enough of a change for the Sheriffs and Chiefs to support the rest of the bill. Sheriff Briggs noted the additional issue of assessing civil penalties and fines.

Ken Nelson advised that the next step GIS is about to take is transition to the ESInet. They have had success in achieving good participation in adherence to the standard and jurisdictions submitting data, but that has all been based on relationships and communication. That is how they would like that to continue. The GIS data right now is used to plot a call once it has been delivered to the right PSAP. Once the transition to the ESInet is complete, that data takes on a whole other use, and there has to be an insurance policy. It cannot continue to be based on relationships. This is a lifesaving function, and we have to have something in place. If penalties are implemented, then that means we have failed, but he sees no other options at this time. Sheriff Briggs advised that he would agree that the GIS work that has been completed has been nothing short of astounding. He advised that there is unease in having a lack of definition and what is going to occur, what the fines are, and how it's laid out. Additionally, not knowing where the stipulations are being placed, and if something were to occur, who, specifically, would be penalized or fined. Ken acknowledged Sheriff Briggs' concerns, and advised that they had intended on having some of that clarified in Kansas Administrative Regulations (K.A.R.), but understands that leaves some ambiguity that would cause unease. Ken noted the question over motive in one of the letters received, and advised that is the motive – to have that insurance policy so we have something to fall back on.

Michele Abbott clarified with Sheriff Briggs that he isn't against training standards, but that he doesn't believe the Council has the authority to adopt. She believes they are following the same standards that peace officers follow. She advised that the Kansas Commission on Peace Officers' Standards and Training (KS-CPOST) sets standards for law enforcement officers, and inquired if it would be out of line to assume that the Council would set training standards for dispatchers – matching the KS-CPOST standards. Sheriff Briggs advised that is drastically different. Jennifer Duffy advised that the KS-CPOST was created to do that, and the Council was not. Sheriff Briggs advised that functionally they operate differently as well. Kathy Kuenstler mentioned Ellen Wernicke's comment earlier about there being 35 states that have standards existing. She inquired if Ellen had researched how those states are handling their standards, such as what entity they report to. Ellen advised that at least 30 of them are state enforced, but she would need to do some further research on the others. Sheriff Briggs advised that officers are individually certified and if that officer has not maintained their hours and gotten them done annually, the officer pays the penalty for that by loss of certification and whatever other sanction KS-CPOST sees fit, not the department. Additionally, the officer would not be civilly fined. Functionally, it is very different.

Michele Abbott inquired that the state is getting ready for new technology with ESInet and FirstNet, and if there are not standards, then how do we integrate and interact with other states and data sharing, and cross borders. Sheriff Briggs inquired what the timeframe is for the new technology. Michele





advised that radio technology is coming soon. Chief McLemore advised that Ellen Wernicke is experiencing that now in the Mid-America Regional Council (MARC) and with a partnership with Missouri. He advised we are looking at broadband-to-broadband and then Land Mobile Radio (LMR) to LTE capabilities. There will be a lot of technology involved, and a lot of costs in the LMR to Long-Term Evolution (LTE) wireless. Michele also advised that the standards are adopted by National Emergency Number Association (NENA), APCO, and the federal Next-Generation 9-1-1 (NG911) office. Chief McLemore advised that some of the perception, from what he has received in correspondence, is that the Kansas 911 Coordinating Council is transitioning from an advisory committee to more of a regulatory committee and it has some people concerned.

Chairman Heitschmidt reminded the Council that there is a motion on the floor from Mike Albers. Melanie Mills-Bergers requested clarification that the motion is just taking out that the training standards are going to be required, but it would leave in that they are recommended. Chairman Heitschmidt advised it would not change the current language in the existing Act. Mike Albers confirmed. Michele Abbott advised the training standards were adopted back in 2015. It appears to be the certification and verification process that is in question. Chairman Heitschmidt advised if there is no second to the motion, it will die. No second was received and motion died.

Michele Abbott advised she would make a new motion. She advised that the Council has gone through this before in legislation, and that the bill does not end up the way it was initially drafted after committee review and legislative research weighs in. She advised her motion is to go forward with the proposed draft, with the two modifications that Senator Marci Francisco requested. Chairman Heitschmidt inquired what those modifications were for clarification. Senator Francisco advised they were to update the language to say 75,000 and over to include counties that may have exactly 75,000 in their population; and to include that interest earned becomes funds that the Council has authority over. She advised that those changes were submitted to Scott and Randall by Matt Sterling.

Chairman Heitschmidt asked Michele to repeat her motion. Michele stated that the motion is that we move forward with the draft proposed with the two (2) modifications of 75,000 and over, and the earned interest definition. Melanie Mills-Bergers seconded the motion. Kathy Kuenstler inquired that if the vote goes forward to be worked by the legislative process and changes are made, if the final version that gets passed is something that the Council may have issues with, when would we go back to try and remedy the issues. Senator Francisco advised that it would depend on how concerned the Council was regarding the issue. She feels that presenting statistical information showing a change needs to be made will be beneficial. She suggests that if the Council submits this draft bill, then part of their Letter to the Legislature should indicate they recognize there are some concerns and the hope is to get them resolved during the session to move forward with the proper support of our 911 program. Kathy stated the functionality of the system needs to be maintained, including training, but funding is more important than training, and she would hate for something to happen to the bill, or drastic changes made, that do not secure the funding. Senator Francisco will likely ask the parties to see if they can come up with language they can agree on. The KSA, KACP, and Kansas State Association of Fire Chiefs (KSAFC) have representatives in the Legislature and they have a responsibility to review the bills that come up and try to respond to them during the session. As long as the Council doesn't come forward stating this is the bill as is and no changes can be made, then there is opportunity [for discussion and compromise]. Chief McLemore requested clarification on the current motion – that it would leave the penalties intact and the word “required” in training. Michele confirmed the same. Chairman Heitschmidt inquired if there was any additional discussion on the motion, and none was made.

Randall pulled up the list of attending voting members to vote on Michele's motion. Chairman Heitschmidt inquired if Senator Rick Billinger and Representative Kyle Hoffman had joined the meeting.



Neither had joined. Senator Francisco asked Randall to call or text them about voting. Randall called and made contact with Representative Hoffman and advised him the Council was preparing to vote on a motion. Randall explained to Representative Hoffman what the motion is for, and the changes recommended by Senator Francisco, and advised of the additional changes made of inserting “standards” on page 7, and removing “no less than 10%” in the section regarding the Management Reserve. Representative Hoffman asked for clarification on the cap and fee. Randall advised it is \$.95 for the cap and \$.90 for the new fee, with \$.10 going to Management Reserve. Scott confirmed the same, and Randall advised Representative Hoffman. Randall also advised Representative Hoffman that Senator Francisco suggested getting something into the Legislature and that we will have the opportunity for hearings and discussion regarding the language and concerns during the legislative process. Randall advised that Representative Hoffman is attempting to contact Senator Billinger.

Randall advised that in regard to the motion currently on the floor, that Representative Hoffman would support the motion, meaning that he will vote for it, because he believes strongly that we need to get something into the legislative process. Representative Hoffman also indicated that once it goes to the Legislature, he wants to have more discussion about the fee, specifically the \$.90 fee and \$.95 cap. His concern is more fee-centered than on the issues such as training, GIS, and so forth.

Randall spoke with Senator Billinger and Senator Billinger advised that he spoke with Representative Hoffman and agrees with him. He is also in favor of moving something forward, but he has reservations that need to be hammered out during the legislative process.

Randall inquired if Chairman Heitschmidt would like to move forward with the motion on the floor. Chairman Heitschmidt inquired of Senator Francisco if it is appropriate to accept the votes of Representative Hoffman and Senator Billinger in this fashion [outside phone call]. Senator Francisco believes it is, if it is part of the recording. She recognizes their voices and believes they are participating. Randall asked if Representative Hoffman could call in to confirm their votes, to ensure they are counted.

Representative Hoffman and Senator Billinger called in to give their votes. Chairman Heitschmidt asked Representative Hoffman if he understands the motion. Representative Hoffman confirmed he does. He advised that he will vote to get it into the committee, though there are some things he does not necessarily agree with. Senator Billinger advised he will vote to get it out of committee and let the Legislature start working on it. He advised there are issues to be resolved, but he does vote yes.

Chairman Heitschmidt called on each voting member for their vote on Michele Abbott’s motion.

Mike Albers	YES
Rick Billinger	YES
Troy Briggs	NO
Kathy Kuentler	YES
Marci Francisco	YES
Dick Heitschmidt	NO
Kyle Hoffman	YES
Sherry Massey	YES
Robert McLemore	NO
Josh Michaelis	YES
Melanie Mills-Bergers	YES
Ellen Wernicke	YES



Final vote is nine (9) FOR and three (3) AGAINST the motion. The motion carried and will go forward as it has been drafted.

Chairman Heitschmidt asked Senator Francisco if she and Senator Hoffman are going to introduce the bill. Senator Francisco advised they will. She motioned for a Letter from the Council to the Legislature to be drafted indicating that the Council is in support of this bill and the concerns about the legislation, knowing there are issues that still need to be hammered out. She also requested to have a draft of the letter presented at the 1/26/18 meeting. Sherry Massey seconded the motion and volunteered to assist in preparing the letter. No opposition to the letter. Chairman Heitschmidt isn't sure there needs to be a motion and advised that a draft letter would be prepared.

## 6 New Business

The next meeting is **January 26, 2018 at 11:00a.m.**

## 7 Adjournment

Chairman Heitschmidt asked for a motion to adjourn. Kathy Kuentler motioned to adjourn, seconded by Melanie Mills-Berger. All in favor. Motion passed. The meeting adjourned at about 12:44 p.m.

Submitted by:

Scott Ekberg  
NG911 Administrator