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**Testimony to the House Government, Technology, and Security
On HB2556
January 29, 2018**

Chairman Sloan and Committee Members,

Our associations realize the importance of interoperable communications across the state for our emergency services. As such we are not opposed to the creation of the Statewide Interoperability Council proposed in HB2556. However, we cannot support the bill in its current form.

Our associations are currently engaged in limiting what we believe is an attempted overreach in a similar council created by the Legislature. The problem that developed with that Council was founded in the legislation that created it which provided very broad and unlimited authority. While they remained focused on their primary purpose they did a wonderful job of coordinating a statewide emergency services system. However, they then begin looking to expand their authority beyond what was intended and began down a path of imposing requirements on our law enforcement agencies beyond the technology they were created to implement. All this was being done through the broad authority they were given in the authorizing legislation, with few limitations. We believe the authority currently proposed in HB2556 is similarly created and while there is no intent at this time to expand the intended authority, there is nothing in the bill to assure it will not morph into the same concerns. We believe the bill needs revision to prevent an unintended expansion of state control without specific legislative authorization.

We believe a glaring omission in the bill is that all the authority granted to this new Council can be done without utilizing Administrative Regulations for any mandates placed on local agencies. Instead, it appears to allow these things to be carried out through internal Council policies. We believe mandates placed on local agencies should only be accomplished through either the legislative process or through the administrative regulation process. This would require a provision to be added such as:

“The Council is authorized to establish administrative regulations to carry out the purposes of this act. Mandates imposed on local public safety agencies shall only be imposed through such regulations.”

Some examples of provisions in the bill that concern us include:

1. Page 1 lines 16-17, “The Council shall have all the powers necessary to achieve this purpose, including, but not limited to. . .”
2. Page 2, lines 4-5, “pursue such other opportunities to improve public safety communications as the council deems appropriate.”

Together, these provisions leave the door open for the Council itself to expand the scope of their authority beyond their purpose of “. . .development and deployment of centralized interoperable communications planning and implementation. . .” This is very similar to the language that led to the attempt to expand the authority of the other Council we have been dealing with.

We would propose also adding a section such as:

“The Council shall not have authority to:

1. Require certification of public safety agencies or employees;
2. Require training or establishing mandatory training standards beyond that necessary for the operation, care, and security of interoperable communications systems and plans developed by the Council, or;
3. Limit local purchasing options for equipment compatible with the interoperability plan.

We are also concerned about the Executive Committee makeup which does not include any public safety member of the Council. This is especially concerning, when coupled with the provision found on page 3 lines 15-16, which allows any authority of the Council to transfer to the Executive Council. It appears that when the Executive Committee chooses to “transact any business of the council” delegated to them, those actions are final and do not even have to be reported back to the Council. While we understand the necessity of an Executive Committee having authority to act quickly on matters when the full Council cannot respond in a timely manner, we believe the proposal is too broad.

Some other examples of things we believe could be done under the proposal that we would have difficulties with include:

1. Requiring local agencies to only purchase equipment for which the Council entered into contracts. (See page 1, lines 22-23 and 28-29.)
2. Limiting purchasing options for things in compliance with the interoperability plan under the same provisions in 1.

We encourage the committee to proceed with caution with such broad authority that might be imposed without any additional consideration by the legislature. We are also asking the above amendments be made before moving the bill forward. Addressing the above concerns is necessary to gain our support of the bill.

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