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Office of the Governor

Sam Brownback, Governor

February 6, 2012

The Honorable Carl Holmes  
Chairman, Joint Committee on Administrative  
Rules and Regulations  
P.O. Box 2288  
Liberal, Kansas 67905

Re: Proposed K.A.R. 132-2-1

Dear Representative Holmes:

As the chairman and designated representative for the 911 Coordinating Council (Council), this letter is in response to the November 29, 2011 letter from the Joint Committee on Administrative Rules and Regulations regarding K.A.R. 132-2-1.

The Joint Committee expressed concern that the Council selected the Local Collection Point Administrator (LCPA) before K.A.R. 132-2-1 is in place. As background, the Council was created by authority of Substitute for Senate Bill 50 (SB 50) that was signed by Governor Brownback on May 18, 2011 and whose members were appointed by the Governor by July 1, 2011. SB 50 required that the new LCPA be in place by January 1, 2012 to provide staffing for the Council and to receive and distribute 911 fees to Public Safety Answering Points (PSAPs). SB 50 required the Council to adopt rules and regulations for the terms of the contract with the LCPA by December 31, 2011. In an attempt to accomplish both requirements within the allotted timeframe the Council began both processes simultaneously last August. The Council released a Request For Proposal (RFP) for the LCPA that contained the same requirements that are set forth in K.A.R. 132-2-1. Due to the lengthy process required to achieve adoption of a regulation and not having control over the many aspects of that process, it was not feasible to wait until regulations were adopted before releasing an RFP for the LCPA selection and have the LCPA in place and ready to assume its required duties by January 1, 2012.

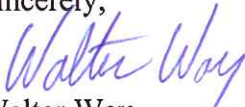
The general requirements for the terms and conditions of the contract with the LCPA were the same in the RFP and in K.A.R. 132-2-1, and it was the agreement of the Procurement Negotiating Committee assigned to the selection of the LCPA and of the Council, that the LCPA selected does meet the requirements set forth in K.A.R. 132-2-1. The Council's intent was to follow the mandates set forth by SB 50 as closely as time would allow and to ensure a seamless transition on January 1, 2012 when the new LCPA must be in place to provide for 911 fee

collection and distribution of such fees to PSAPs so that they may have the necessary funding to perform their critical public safety functions in Kansas communities.

The history sections of the rules and regulations were up-to-date, correct and complete when approved by the Department of Administration. Should it become necessary, the Council will make history section changes to the regulation before it is filed with the Secretary of State. The website address where proposed regulation can be located is specified in the Notice of Hearing. The email information to accept public comments by email is specified in the Notice of Hearing. Email information for request for public accommodations is specified in the Notice of Hearing. K.A.R. 132-2-1 does not adopt material by reference.

The public comment hearing on the regulation was held on January 17, 2012 and no written or verbal changes to the regulation were offered. On behalf of the Council, we want to thank the Joint Committee for their time and effort regarding the comments.

Sincerely,



Walter Way  
Chairman, 911 Coordinating Council