

**Testimony before the House Committee on Government, Technology, and Security**  
**HB 2556 – Establishing the Statewide Interoperability Council**  
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Mr. Chairman and Members of the Committee:

Good morning, I'm Jonathan York, Response & Recovery Branch Director, for the Kansas Division of Emergency Management within the Adjutant General's Department. Thank you for the opportunity to provide this testimony on House Bill 2556 – Establishing the Statewide Interoperability Council.

In December 2007, the Statewide Interoperability Executive Committee (referred to as the SIEC) was created by Executive Order 07-27. The committee was created to provide governance and guidance pertaining to the interoperability of public safety communications systems. The committee's focus has been on radio frequency communications and data interoperability. Over the past 10 years, the SIEC has developed an environment of interoperability that is recognized nationally as one of the premier states in the development of communications for public safety. This has only been possible due to the dedication that each member has for their agency, discipline, committee, and interoperable communications for public safety overall.

The SIEC continues to endeavor to maintain and improve the current environment of interoperable communications in the state by expanding adoption of the Kansas Statewide Interoperable Communications System (referred to as KSICS), development of communications credentialing for first responders, management of the *State Communications Interoperability Plan*, and deployment of FirstNet, a communications and data network dedicated to public safety.

With the current environment of technologies for communications expanding drastically through the deployment and development of FirstNet and the future convergence of land mobile radio with FirstNet, a commercial data broadband network, the SIEC will continue to be key to the development and implementation in the state through governance and guidance.

Pursuant to KSA 48-937, the Adjutant General has the statutory authority as the Director of Emergency Management to ascertain what means exist for rapid and efficient communications during a disaster. Kansas' interoperable and emergency communications capabilities are foundationally supported by KSICS, an 800 Megahertz radio system utilized by state and local agencies and maintained by the Kansas Department of Transportation. Additionally, the Division of Emergency Management maintains two deployable communications on wheels assets and technicians who are able to deploy with the units to jurisdictions affected by a disaster to augment communications capabilities.

House Bill 2556 – Establishing the Statewide Interoperability Council – would take the current statewide interoperability executive council created by Executive Order and establish the statewide interoperability council in statute. As the Director of Emergency Management, the Adjutant General already has the authority

to administer and carry out the functions set forth in the bill through the existing executive order and other statutory authorities.

Given the limited amount of time since the bill was published, the Adjutant General's Department has not had adequate time to complete a comprehensive review and analysis to identify all potential impacts. In a cursory review of the bill, the Department has identified the following concerns:

- First, the bill establishes the state Homeland Security Director as the Adjutant General, or their designee. The Homeland Security Advisor, who serves as the Homeland Security Director, is appointed by the Governor through executive order. Although current and previous governors have historically appointed the Adjutant General to serve as the Homeland Security Advisor, the Governor has the prerogative to appoint anyone they choose to serve in that capacity.
- Second, the bill gives the council the authority to develop statewide policies and policy recommendations for increasing communications and interagency coordination for the purpose of safeguarding and informing the public of public safety risks and operations. How will these policies be vetted to ensure that they do not conflict with pre-existing state agency policies or legal authorities?
- Third, the bill gives the council the authority to submit a proposed annual budget prepared in cooperation with the Adjutant General, to be included in the Adjutant General's budget submission. Establishment of a budget for the council may prevent the council from applying for and receiving federal grant funds in the future. If budgetary authority exists, utilizing grant monies would be considered supplanting of funds, which cannot be done utilizing federal grants.
- Fourth, the bill sets forth membership requirements for council members, as well as working groups to address specific interoperability and communications requirements. The bill specifies that members of the council shall not be working group members. This requirement places an undue burden on state agencies and professional associations that would be represented on both the council and associated working groups, as agency staffing and association membership may prohibit agencies and associations from effectively naming multiple individuals for council and working group representation. The Department sees value in establishing working groups and leveraging human capital for the betterment of communications interoperability, but believes that it would be sufficient to grant the chairperson the authority to appoint and convene working groups. Working groups would provide input, research topics, and make recommendations with membership coming from existing council members, with the ability to add additional subject matter experts ad hoc to assist the council with carrying out their functions and responsibilities.

In closing, although the Adjutant General's Department opposes the bill as currently written, we welcome the opportunity to work with the chairman and committee members to identify a path forward to achieve the spirit and intent of what the committee wishes to accomplish.

Thank you again for the opportunity to speak with you today. This concludes my testimony; I stand ready for any questions that the committee may have.