

## HOUSE BILL No. 2473

By Committee on Utilities

5-5

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AN ACT concerning emergency telephone service; enacting the wireless enhanced 911 act; imposing certain fees and taxes; providing for certain grants; authorizing issuance of bonds for certain purposes; amending K.S.A. 12-5301, 12-5302 and 74-8905 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

New Section 1. Sections 1 through 19, and amendments thereto, may be cited as the wireless enhanced 911 act.

New Sec. 2. As used in the wireless enhanced 911 act, unless the context otherwise requires:

(a) Terms have the meanings provided by K.S.A. 12-5301, and amendments thereto.

(b) "Active prepaid wireless telephone" means a prepaid wireless telephone that has been used by the customer during the month to complete a telephone call for which a charge was deducted from the customer's card or balance.

(c) "Advisory board" means the wireless enhanced 911 advisory board established under section 6, and amendments thereto.

(d) "Automatic number identification" means a feature by which a person calling a public safety answering point has such person's 10-digit telephone number simultaneously forwarded to the public safety answering point and to the public safety answering point's display and transfer.

(e) "Fund" means the wireless enhanced 911 grant fund established by this act.

(f) "Eligible municipality" means: (1) Any county having a population of less than 75,000 or any city located within such a county; or (2) any two or more such counties or cities.

(g) "Enhanced 911 service" means an emergency telephone service that generally may provide, but is not limited to, selective routing, automatic number identification and automatic location identification features.

(h) "Local collection point administrator" means the statewide association of cities as established by K.S.A. 12-1610e, and amendments

1 thereto, and the statewide association of counties as established by K.S.A.  
2 19-2690, and amendments thereto.

3 (i) "Mobile telephone number" means the telephone number as-  
4 signed to a wireless telephone at the time of initial activation.

5 (j) "Prepaid wireless telephone service" means wireless telephone  
6 service that is activated in advance by payment for a finite dollar amount  
7 of service or for a finite set of minutes that terminate either upon use by  
8 a customer and delivery by the wireless provider of an agreed-upon  
9 amount of service corresponding to the total dollar amount paid in ad-  
10 vance or within a certain period of time following the initial purchase or  
11 activation, unless additional payments are made.

12 (k) "Primary place of use" has the meaning provided in the mobile  
13 telecommunications act (4 U.S.C. 116, *et seq.*, as in effect on the effective  
14 date of this act).

15 (l) "Project" means the development and acquisition of the necessary  
16 improvements in order to facilitate the establishment of wireless en-  
17 hanced 911 service.

18 (m) "Project costs" means all costs or expenses which are necessary  
19 or incident to a project and which are directly attributable thereto.

20 (n) "Pseudo-automatic number identification" means a feature by  
21 which automatic number identification is provided to a public safety an-  
22 swering point of the 10-digit telephone number of the specific cell site  
23 or cell site sector from which a wireless call originated.

24 (o) "Secretary" means the secretary of administration.

25 (p) "Subscriber account" means the 10-digit access number assigned  
26 to a wireless service customer regardless of whether more than one such  
27 number is aggregated for the purpose of billing a service user.

28 (q) "Sufficient positive balance" means a dollar amount greater than  
29 or equal to the total monthly wireless enhanced 911 fee and wireless  
30 enhanced 911 tax.

31 (r) "Surcharge" means any surcharge imposed on customers by a  
32 wireless carrier to recover the carrier's costs associated with designing,  
33 developing, deploying and maintaining wireless enhanced 911 service.

34 (s) "Valid request" means a request to a wireless carrier for wireless  
35 enhanced 911 service, made by a PSAP which is capable of receiving and  
36 utilizing the data elements associated with wireless enhanced 911 service  
37 as determined in accordance with 47 CFR 20.18 (October 1, 2002).

38 (t) "Wireless automatic location identification information" means a  
39 feature by which information is provided to a public safety answering  
40 point identifying the location of a 911 caller within the parameters estab-  
41 lished by the federal communications commission.

42 (u) "Wireless enhanced 911 fee" means the fee imposed under sec-  
43 tion 4, and amendments thereto.

1 (v) “Wireless enhanced 911 service” means a communication service  
2 by which wireless carriers can provide automatic number identification,  
3 pseudo-automatic number identification and wireless automatic location  
4 identification information to a PSAP which has made a valid request.

5 (w) “Wireless enhanced 911 tax” means the tax imposed under sec-  
6 tion 10, and amendments thereto, to finance the operation of wireless  
7 enhanced emergency telephone service.

8 New Sec. 3. (a) There is hereby established in the state treasury the  
9 wireless enhanced 911 grant fund.

10 (b) Moneys from the following sources shall be credited to the fund:

11 (1) Amounts received by the state from the federal government for  
12 the purposes of the fund;

13 (2) amounts appropriated or otherwise made available by the legis-  
14 lature for the purposes of the fund;

15 (3) amounts received under section 4, 8 or 10, and amendments  
16 thereto;

17 (4) interest attributable to investment of moneys in the fund;

18 (5) amounts received from any public or private entity for the pur-  
19 poses of the fund; and

20 (6) proceeds derived from the sale of bonds issued pursuant to sub-  
21 section (i) of K.S.A. 74-8905, and amendments thereto.

22 (c) Subject to the conditions and in accordance with requirements of  
23 this act, moneys credited to the fund shall be used only:

24 (1) To pay costs of administering the fund, including actual and nec-  
25 essary expenses incurred by members of the advisory board while per-  
26 forming duties required by the wireless enhanced 911 act and costs of  
27 any audit performed under this section or section 12 or 14, and amend-  
28 ments thereto, but the aggregate amount of all such costs: (A) In the fiscal  
29 year when moneys are first credited to the fund shall not exceed \$195,000;  
30 and (B) in any fiscal year thereafter shall not exceed 5% of the moneys  
31 credited to the fund during the preceding fiscal year;

32 (2) as a source of revenue or security for payment of principal of and  
33 interest on bonds issued pursuant to subsection (h) of K.S.A. 74-8905,  
34 and amendments thereto, if, and to the extent that, the proceeds of the  
35 sale of such bonds are deposited in the fund; and

36 (3) grants to eligible municipalities for the following costs: (A) Nec-  
37 essary and reasonable costs incurred or to be incurred by PSAP’s to im-  
38 plement wireless enhanced 911 service; (B) costs of purchasing equip-  
39 ment and upgrades and modification to equipment used solely to process  
40 the data elements of wireless enhanced 911 service; and (C) costs of  
41 maintenance and license fees for such equipment and training of person-  
42 nel to operate such equipment, including costs of training PSAP person-  
43 nel to provide effective service to all users of the emergency telephone

1 system who have communications disabilities. Such costs shall not include  
2 expenditures for new or expanded buildings or similar facilities or to con-  
3 struct other capital improvements not expressly authorized by this act.

4 (d) On or before the 10th of each month, the director of accounts  
5 and reports shall transfer from the state general fund to the fund interest  
6 earnings based on:

7 (1) The average daily balance of moneys in the wireless enhanced  
8 911 grant fund for the preceding month; and

9 (2) the net earnings rate of the pooled money investment portfolio  
10 for the preceding month.

11 (e) All payments and disbursements from the fund shall be made in  
12 accordance with appropriation acts upon warrants of the director of ac-  
13 counts and reports issued pursuant to vouchers approved by the secretary  
14 or by a person or persons designated by the secretary. All payments and  
15 disbursements from the fund, and beginning and ending balances thereof,  
16 shall be subject each year to post audit in accordance with article 11 of  
17 chapter 46 of the Kansas Statutes Annotated, and amendments thereto.

18 New Sec. 4. (a) Subject to the provisions of section 19, and amend-  
19 ments thereto, there is hereby established a wireless enhanced 911 fee  
20 in the amount of \$.25 per month per wireless subscriber account with  
21 primary place of use in the state of Kansas.

22 (b) It shall be the duty of each wireless carrier to collect such fee  
23 from the wireless service user and remit such fee to the secretary as  
24 provided by section 11, and amendments thereto.

25 (c) The secretary shall remit to the state treasurer, in accordance with  
26 the provisions of K.S.A. 75-4215, and amendments thereto, any fees re-  
27 ceived pursuant to this section. Upon receipt of the remittance, the state  
28 treasurer shall deposit the entire amount in the state treasury and credit  
29 it to the wireless enhanced 911 grant fund.

30 New Sec. 5. The secretary shall administer the provisions of the wire-  
31 less enhanced 911 act and shall be responsible for administration and  
32 management of the fund. The secretary is hereby authorized to:

33 (a) Enter into binding commitments for the provision of grants in  
34 accordance with the provisions of this act;

35 (b) review applications of eligible municipalities for grants and select  
36 the projects for which grants will be made available; and

37 (c) adopt rules and regulations necessary for effectuation of the pro-  
38 visions of this act.

39 New Sec. 6. There is hereby established the wireless enhanced 911  
40 advisory board. Members of the advisory board shall be individuals fa-  
41 miliar with development and implementation of wireless enhanced 911  
42 service and shall be appointed by the governor as follows:

43 (a) One individual representing the Kansas association of counties;

- 1 (b) one individual representing the league of Kansas municipalities;
- 2 (c) one individual representing the wireless carriers industry;
- 3 (d) one individual representing local exchange service providers;
- 4 (e) one individual representing local law enforcement;
- 5 (f) one individual representing local fire/emergency medical services;
- 6 (g) one individual representing PSAP's in counties having a popula-  
7 tion of less than 15,000;
- 8 (h) one individual representing PSAP's in counties having a popula-  
9 tion of 15,000 or more;
- 10 (i) one individual representing the citizens' utility ratepayer board;
- 11 (j) one individual representing the Kansas highway patrol; and
- 12 (k) one individual representing persons with communication disabil-  
13 ities, upon recommendation of the Kansas commission for the deaf and  
14 hard of hearing.

15 New Sec. 7. After providing for public comment and review each  
16 year, the secretary, in conjunction with the advisory board, shall prepare  
17 a plan identifying the intended uses of the moneys available in the fund.  
18 The intended use plan shall include, but not be limited to:

- 19 (a) The wireless enhanced 911 project priority list;
- 20 (b) a description of the short-term and long-term goals and objectives  
21 of the fund for the deployment of wireless enhanced 911;
- 22 (c) information on the projects to be financed, including a description  
23 thereof, the terms of grants to be provided and the municipalities receiv-  
24 ing the grants; and
- 25 (d) the criteria and method established for the provision of grants to  
26 be made from the fund.

27 New Sec. 8. (a) Eligible municipalities wishing to receive a grant  
28 under the wireless enhanced 911 act shall submit an application therefor  
29 to the secretary. Applications shall be in such form and shall include such  
30 information as the secretary shall require and shall be submitted in a  
31 manner and at a time to be determined by the secretary.

32 (b) The secretary may enter into agreements with any eligible mu-  
33 nicipality for the provision of a grant thereto for payment of all or a part  
34 of project costs and any eligible municipality may enter into such an  
35 agreement and may accept such grant when so authorized by the munic-  
36 ipal governing body. The purposes of the grant to be provided, a time  
37 frame for implementation, and the amount thereof, which may vary  
38 among municipalities, shall be included in the agreements. All such agree-  
39 ments shall include provisions for repayment of the grant if implemen-  
40 tation is not completed in accordance with the terms of the agreement.

41 (c) If a municipality to which a grant is made available under the  
42 wireless enhanced 911 act fails to enter into an agreement with the sec-  
43 retary for the provision of such grant in accordance with the requirements

1 of this act, the secretary may make the amount of the grant available for  
2 one or more other projects on the priority list.

3 (d) The secretary shall provide any eligible municipality, upon re-  
4 quest, with technical advice and assistance regarding a project or an ap-  
5 plication for a grant for the payment of all or part of project costs.

6 (e) (1) Subject to the provisions of subsection (e)(2), if, within 24  
7 months after moneys from the fund are first paid to a municipality, any  
8 PSAP serving such municipality has not submitted to wireless carriers a  
9 valid request for wireless enhanced 911 service, such municipality and  
10 such PSAP shall pay to the secretary all moneys paid from the fund to  
11 such municipality for such PSAP. The secretary shall remit such moneys  
12 to the state treasurer in accordance with K.S.A. 75-4215, and amend-  
13 ments thereto. Upon receipt of the remittance, the state treasurer shall  
14 deposit the entire amount in the state treasury and credit it to the wireless  
15 enhanced 911 grant fund. Thereafter, such municipality shall not be eli-  
16 gible to receive moneys from the fund for such PSAP until the PSAP has  
17 submitted to the secretary evidence satisfactory to the secretary that the  
18 PSAP has submitted to wireless carriers a valid request for wireless en-  
19 hanced 911 service within the municipality.

20 (2) If the PSAP is unable to make a valid request within the time  
21 period provided by subsection (e)(1) because equipment necessary to  
22 receive and utilize the data elements associated with the wireless en-  
23 hanced 911 service has been ordered by the PSAP but is unavailable, the  
24 advisory board may approve extension of such time period by not more  
25 than 12 months.

26 New Sec. 9. The secretary shall prepare an annual report describing  
27 how the state has met the goals and objectives for the previous year as  
28 identified in the intended use plan prepared under section 7, and amend-  
29 ments thereto. The secretary shall provide such report to the governor  
30 and the legislature, together with copies of the audit required under sec-  
31 tion 3, and amendments thereto.

32 New Sec. 10. (a) There is hereby imposed a wireless enhanced 911  
33 tax. Subject to the provisions of section 19, and amendments thereto, the  
34 amount of such tax shall be \$.25 per month per wireless subscriber ac-  
35 count with primary place of use in the state of Kansas.

36 (b) The proceeds of the wireless enhanced 911 tax shall be used to  
37 pay for costs of emergency telephone service described in subsection (b)  
38 of K.S.A. 12-5304, and amendments thereto, and may be imposed at any  
39 time subsequent to execution of a contract with the provider of emer-  
40 gency telephone service at the discretion of the governing body. In ad-  
41 dition to allowable expenditures under K.S.A. 12-5304, and amendments  
42 thereto, the proceeds of such tax may be used to pay costs of implemen-  
43 tation of wireless enhanced 911 service, including: (1) Necessary and rea-

1 sonable costs incurred or to be incurred by PSAP's to implement wireless  
2 enhanced 911 service; (2) purchases of equipment and upgrades and  
3 modification to equipment used solely to process the data elements of  
4 wireless enhanced 911 service; and (3) maintenance costs and license fees  
5 for such equipment and the training of personnel to operate such equip-  
6 ment including costs of training PSAP personnel to provide effective serv-  
7 ice to all users of the emergency telephone system who have communi-  
8 cations disabilities. Such costs shall not include expenditures for new or  
9 expanded buildings or similar facilities or to construct other capital im-  
10 provements not expressly authorized by this act. Any interest earned on  
11 revenue derived from the wireless enhanced 911 tax shall be used to pay  
12 the expenses described in K.S.A. 12-5304, and amendments thereto.

13 (c) (1) Subject to the provisions of subsection (c)(2), if, within 24  
14 months after moneys from the wireless enhanced 911 tax are first paid to  
15 a municipality, any PSAP serving such municipality has not submitted to  
16 wireless carriers a valid request for wireless enhanced 911 service, col-  
17 lection of the wireless enhanced 911 tax on wireless subscriber accounts  
18 with primary place of use in the municipality shall be suspended. Such  
19 municipality and such PSAP shall pay to the secretary all moneys from  
20 such tax which have been received by the municipality for such PSAP.  
21 The secretary shall remit such moneys to the state treasurer in accordance  
22 with K.S.A. 75-4215, and amendments thereto. Upon receipt of the re-  
23 mittance, the state treasurer shall deposit the entire amount in the state  
24 treasury and credit it to the wireless enhanced 911 grant fund. Thereafter,  
25 such municipality shall not be eligible to receive moneys from the fund  
26 for such PSAP until the PSAP has submitted to the secretary evidence  
27 satisfactory to the secretary that the PSAP has submitted to wireless car-  
28 riers a valid request for wireless enhanced 911 service within the  
29 municipality.

30 (2) If the PSAP is unable to make a valid request within the time  
31 period provided by subsection (c)(1) because equipment necessary to re-  
32 ceive and utilize the data elements associated with wireless enhanced 911  
33 service has been ordered by the PSAP but is unavailable, the advisory  
34 board may approve extension of such time period by not more than 12  
35 months.

36 New Sec. 11. (a) Every billed wireless service user shall be liable for  
37 the wireless enhanced 911 fee and the wireless enhanced 911 tax until  
38 the fee or tax has been paid to the wireless carrier.

39 (b) The duty to collect any such fee or tax from a wireless service  
40 user shall commence two months after the effective date of this act. Such  
41 fee and tax shall be added to and may be stated separately in billings to  
42 the wireless service user.

43 (c) The wireless carrier shall have no obligation to take any legal ac-

1 tion to enforce the collection of the wireless enhanced 911 fee or the  
2 wireless enhanced 911 tax. The wireless carrier shall provide annually to  
3 the secretary a list of amounts of uncollected fees along with the names  
4 and addresses of those wireless service users which carry a balance that  
5 can be determined by the wireless carrier to be nonpayment of the wire-  
6 less enhanced 911 fee. The wireless carrier shall provide annually to the  
7 local collection point administrator a list of amounts of uncollected taxes  
8 along with the names and addresses of those wireless service users which  
9 carry a balance that can be determined by the wireless carrier to be non-  
10 payment of the wireless enhanced 911 tax.

11 (d) The wireless enhanced 911 fee and the wireless enhanced 911 tax  
12 shall be collected insofar as practicable at the same time as, and along  
13 with, the charges for wireless service in accordance with regular billing  
14 practice of the wireless carrier.

15 (e) The wireless enhanced 911 fee and the amounts required to be  
16 collected therefor are due monthly. The amount of any such fees collected  
17 in one month by the wireless carrier shall be remitted to the secretary  
18 not more than 15 days after the close of the calendar month. On or before  
19 the 15th day of each calendar month following, a return for the preceding  
20 month shall be filed with the secretary in such form as required by the  
21 secretary. The wireless carrier required to file the return shall deliver the  
22 return together with a remittance of the amount of the fees payable to  
23 the secretary. The wireless carrier shall maintain records of the amount  
24 of any fees collected pursuant to action in accord with this act. Such  
25 records shall be maintained for a period of three years from the time the  
26 fees are collected.

27 (f) The wireless enhanced 911 tax and the amounts required to be  
28 collected therefor are due monthly. The amount of any such tax collected  
29 in one month by the wireless carrier shall be remitted to the local collec-  
30 tion point administrator not more than 15 days after the close of the  
31 calendar month. On or before the 15th day of each calendar month fol-  
32 lowing, a return for the preceding month shall be filed with the local  
33 collection point administrator. Such return shall be in such form and shall  
34 contain such information as required by the administrator. The wireless  
35 carrier required to file the return shall deliver the return together with a  
36 remittance of the amount of the fees payable to the local collection point  
37 administrator. The wireless carrier shall maintain records of the amount  
38 of any fees collected pursuant to action in accord with this act. Such  
39 records shall be maintained for a period of three years from the time the  
40 tax is collected.

41 (g) In the case of prepaid wireless telephone service, the monthly  
42 wireless enhanced 911 fee and wireless enhanced 911 tax shall be remit-  
43 ted based upon each prepaid wireless telephone associated with this state,



1 for each subscriber account that has a sufficient positive balance as of the  
2 last day of the month. The fee and tax shall be remitted in any manner  
3 consistent with the wireless carrier's existing operating or technological  
4 abilities, such as customer address, location associated with the mobile  
5 telephone number or reasonable allocation method based upon other  
6 comparable relevant data. The fee and tax amount or an equivalent num-  
7 ber of minutes may be deducted from the prepaid subscriber's account  
8 since a direct billing may not be possible. However, collection of the fee  
9 and tax in the manner of a deduction of value or minutes from the prepaid  
10 subscriber's account does not constitute a reduction in the sales price for  
11 purposes of taxes that are collected at the point of sale.

12 (h) The local collection point administrator shall distribute moneys  
13 collected from the wireless enhanced 911 tax to cities and counties based  
14 upon primary place of use information provided by wireless carriers. The  
15 local collection point administrator may retain an administrative fee of  
16 not more than 2% of moneys collected from such tax.

17 (i) All payments and disbursements by the local collection point ad-  
18 ministrator from moneys collected from the wireless enhanced 911 tax  
19 shall be subject each year to post audit in accordance with article 11 of  
20 chapter 46 of the Kansas Statutes Annotated, and amendments thereto.

21 New Sec. 12. The secretary may require an audit of any wireless  
22 carrier's books and records concerning the collection and remittance of  
23 fees, taxes and surcharges pursuant to this act. Any such audit shall be  
24 conducted at the expense of the wireless carrier. Information provided  
25 by wireless carriers to the advisory board or to the secretary pursuant to  
26 the wireless enhanced 911 act will be treated as proprietary records which  
27 will be withheld from the public upon request of the party submitting  
28 such records.

29 New Sec. 13. The wireless enhanced 911 service described in the  
30 wireless enhanced 911 act is within the governmental power and authority  
31 of the secretary, local collection point administrator, governing bodies and  
32 public agencies. Except as provided by the Kansas tort claims act, in  
33 contracting for such service and in providing such service, and except for  
34 failure to use ordinary care, or for intentional acts, the secretary, local  
35 collection point administrator, each governing body, each public agency,  
36 each wireless carrier and their employees and agents shall not be liable  
37 for the payment of damages resulting from the performance of installing,  
38 maintaining or providing wireless enhanced 911 service.

39 New Sec. 14. (a) During calendar year 2006, in accordance with a  
40 scope statement authorized and approved by the legislative post audit  
41 committee, the division of post audit shall conduct an audit of the books,  
42 records, files, documents and correspondence, confidential or otherwise,  
43 of each wireless carrier, each city or county, each PSAP and the local

1 collection point administrator relating to all payments, disbursements and  
2 uses of the moneys authorized by this act. This audit shall be conducted  
3 in accordance with article 11 of chapter 46 of the Kansas Statutes An-  
4 notated, and amendments thereto.

5 (b) The audit authorized in subsection (a) shall include but not be  
6 limited to an audit of: (1) The appropriate uses of moneys; (2) sufficiency  
7 of moneys collected; (3) status of wireless enhanced 911 implementation;  
8 and (4) the need and level of continued funding.

9 (c) Any such information provided to the division of post audit shall  
10 be treated as proprietary records which will be withheld from the public  
11 upon the request of the party submitting such records.

12 New Sec. 15. Nothing in the wireless enhanced 911 act shall be con-  
13 strued to limit the ability of a wireless carrier from recovering its costs  
14 associated with designing, developing, deploying and maintaining wireless  
15 enhanced 911 service directly from its customers, whether itemized on  
16 the customer's bill as a surcharge or by any other lawful method.

17 New Sec. 16. Six months before a PSAP anticipates having the ca-  
18 pability to receive and utilize the data elements associated with wireless  
19 enhanced 911 service, the PSAP shall give notice thereof to wireless car-  
20 riers to which the PSAP will be submitting a valid request.

21 New Sec. 17. All PSAP's and wireless carriers shall make a good faith  
22 effort to ensure that wireless 911 calls placed near jurisdictional borders  
23 are forwarded to the appropriate PSAP.

24 New Sec. 18. Upon notice to a PSAP of an application by a wireless  
25 carrier for a waiver of the deadlines of the federal communications com-  
26 mission for implementation of wireless enhanced 911, such PSAP shall  
27 notify the secretary of such application.

28 New Sec. 19. When wireless enhanced 911 service is available in  
29 each county in this state and all bonds issued pursuant to subsection (h)  
30 of K.S.A. 74-8905, and amendments thereto, have been retired:

31 (a) The wireless enhanced 911 fee shall be discontinued, the advisory  
32 board shall be abolished, any unobligated balance of the wireless en-  
33 hanced 911 grant fund shall be paid to the local collection point admin-  
34 istrator for distribution to municipalities based on population and the  
35 fund shall be abolished.

36 (b) The amount of the tax imposed within a jurisdiction pursuant to  
37 K.S.A. 12-5302, and amendments thereto, shall not exceed \$.50 per  
38 month per access line or its equivalent and the amount of the wireless  
39 enhanced 911 tax within such jurisdiction shall be an equal amount per  
40 month per wireless subscriber account.

41 Sec. 20. K.S.A. 12-5301 is hereby amended to read as follows: 12-  
42 5301. As used in this act, unless the context otherwise requires:

43 (a) "Emergency telephone service" means a telephone system util-

1 izing a single three digit number “911” for reporting police, fire, medical  
2 or other emergency situations;

3 (b) “emergency telephone tax” means a tax to finance the operation  
4 of emergency telephone service;

5 (c) “exchange access facilities” means all facilities provided by the  
6 service supplier for the facility which provides local telephone exchange  
7 access to a service user;

8 (d) “tariff rate” means the rate or rates billed by a service supplier  
9 and as stated in the service supplier’s tariffs, approved by the state cor-  
10 poration commission which represent the service supplier’s recurring  
11 charges for exchange access facilities or their equivalent, exclusive of all  
12 taxes, fees, licenses or similar charges whatsoever;

13 (e) “public agency” means any city, county, municipal corporation,  
14 public district or public authority located in whole or in part within this  
15 state which provides or has authority to provide fire fighting, law enforce-  
16 ment, ambulance, emergency medical or other emergency services;

17 (f) “governing body” means the board of county commissioners of a  
18 county or the governing body of a city;

19 (g) “person” means any individual, firm, partnership, copartnership,  
20 joint venture, association, cooperative organization, corporation, municipi-  
21 pal or private, and whether organized for profit or not, state, county,  
22 political subdivision, state department, commission, board, bureau or fra-  
23 ternal organization, nonprofit organization, estate, trust, business or com-  
24 mon law trust, receiver, assignee for the benefit of creditors, trustee or  
25 trustee in bankruptcy or any other ~~service user~~ *legal entity*;

26 (h) “service supplier” means any person providing exchange tele-  
27 phone ~~services or wireless~~ service to any service user in this state;

28 (i) “service user” means any person who is provided exchange tele-  
29 phone service or wireless *service* in this state;

30 (j) “wireless carrier” means any common, private or other radio car-  
31 rier licensed by the federal communications commission to provide two-  
32 way voice ~~or text radio~~ service in this state which provides interconnection  
33 to the public switched telephone network and access to a 24-hour an-  
34 swering point;

35 (k) “wireless service” means a two-way voice ~~or text radio~~ service  
36 provided by a wireless carrier; and

37 (l) “PSAP” means public safety answering point.

38 Sec. 21. K.S.A. 12-5302 is hereby amended to read as follows: 12-  
39 5302. (a) In addition to other powers for the protection of the public  
40 health and welfare, a governing body may provide for the operation of an  
41 emergency telephone service and may pay for it by imposing an emer-  
42 gency telephone tax for such service in those portions of the governing  
43 body’s jurisdiction for which emergency telephone service has been con-

1 tracted. The governing body may do such other acts as are expedient for  
2 the protection and preservation of the public health and welfare and are  
3 necessary for the operation of the emergency telephone system. The gov-  
4 erning body is hereby authorized by ordinance in the case of cities and  
5 by resolution in the case of counties to impose such tax in those portions  
6 of the governing body's jurisdiction for which emergency telephone serv-  
7 ice has been contracted. *Subject to the provisions of section 19, and*  
8 *amendments thereto*, the amount of such tax shall not exceed \$.75 per  
9 month per exchange access line or its equivalent.

10 (b) Within 60 days of the publication of a resolution by a county  
11 adopted pursuant to subsection (a) there may be filed with the county  
12 election officer of the county a petition signed by not less than 5% of the  
13 registered voters of the county, and within 60 days of publication of an  
14 ordinance adopted pursuant to subsection (a) there may be filed with the  
15 county election officer of the county in which the city is located a petition  
16 signed by not less than 5% of the registered voters of the city, in either  
17 such case requesting that the question of the installation and operation  
18 of emergency telephone service and imposition of tax therefor be sub-  
19 mitted to the qualified voters of the county. Upon determination of the  
20 sufficiency of such petition and certification thereof by the county elec-  
21 tion officer, the proposition shall be submitted to the qualified voters of  
22 the county or city as the case may be at the next primary or general  
23 election of county officers following by not less than 60 days the certifi-  
24 cation of such petition. If a majority of the votes cast at such election are  
25 for the installation and operation of emergency telephone service and  
26 imposition of tax therefor, or if no protest petition is filed within the time  
27 hereinbefore prescribed, the governing body may provide for the instal-  
28 lation and operation of such service and impose such tax. If a tax is im-  
29 posed on the effective date of this act or thereafter, any proposed increase  
30 in the amount of the tax shall be subject to the protest petition provided  
31 in this subsection. The proceeds of the tax shall be utilized to pay for the  
32 operation of emergency telephone service as set forth in subsection (b)  
33 of K.S.A. 12-5304, and amendments thereto, and may be imposed at any  
34 time subsequent to execution of a contract with the provider of such  
35 service at the discretion of the governing body. The collection of such tax  
36 may begin at the time determined to be necessary to generate revenue  
37 in an amount necessary to pay the nonrecurring expenses of establishing  
38 the emergency telephone service. Any interest earned on revenue derived  
39 from such tax shall be used to pay the expenses authorized by K.S.A. 12-  
40 5304, and amendments thereto. Such tax shall not be imposed until after  
41 the expiration of the protest period or until after approved at an election  
42 if a sufficient protest petition is filed.

43 (c) As an alternative to the procedure provided in subsection (b), the

1 governing body may submit, on its own initiative, the proposal to establish  
2 an emergency telephone service to the qualified voters of the city or  
3 county for approval. Any such election shall be called and held in the  
4 manner provided by the general bond law.

5 (d) Such tax shall be imposed only upon exchange access lines or their  
6 equivalent. No such tax shall be imposed upon more than 100 exchange  
7 access facilities or their equivalent per person per location.

8 (e) Every billed service user shall be liable for any tax imposed under  
9 this ~~act~~ *section* until it has been paid to the service supplier. Wireless  
10 service ~~users~~ shall be exempt from the emergency telephone tax *under*  
11 *this section but shall be subject to the wireless enhanced 911 fee imposed*  
12 *under section 4, and amendments thereto, and the wireless enhanced 911*  
13 *tax imposed under section 10, and amendments thereto.*

14 (f) The duty to collect any tax imposed under authority of this ~~act~~  
15 *section* from a service user shall commence at such time as specified by  
16 the governing body. Taxes imposed under authority of this ~~act~~ *section* and  
17 required by it to be collected by the service supplier shall be added to  
18 and may be stated separately in the billings to the service user.

19 (g) The service supplier shall have no obligation to take any legal  
20 action to enforce the collection of any tax imposed under authority of this  
21 ~~act~~ *section*. The service supplier shall provide annually the governing body  
22 with a list of amounts uncollected along with the names and addresses of  
23 those service users which carry a balance that can be determined by the  
24 service supplier to be nonpayment of any tax imposed under authority of  
25 this ~~act~~ *section*.

26 (h) Any tax imposed under authority of this ~~act~~ *section* shall be col-  
27 lected insofar as practicable at the same time as, and along with, the  
28 charges for the tariff rate in accordance with the regular billing practice  
29 of the service supplier.

30 Sec. 22. K.S.A. 74-8905 is hereby amended to read as follows: 74-  
31 8905. (a) The authority may issue bonds, either for a specific activity or  
32 on a pooled basis for a series of related or unrelated activities or projects  
33 duly authorized by a political subdivision or group of political subdivisions  
34 of the state in amounts determined by the authority for the purpose of  
35 financing projects of statewide as well as local importance as defined  
36 pursuant to K.S.A. ~~42-1744~~ 74-8902, and amendments thereto, capital  
37 improvement facilities, educational facilities, health care facilities and  
38 housing developments. Nothing in this act shall be construed to authorize  
39 the authority to issue bonds or use the proceeds thereof to:

40 (1) Purchase, condemn or otherwise acquire a utility plant or distri-  
41 bution system owned or operated by a regulated public utility;

42 (2) finance any capital improvement facilities, educational facilities or  
43 health care facilities which may be financed by the issuance of general

1 obligation or utility revenue bonds of a political subdivision, except that  
2 the acquisition by the authority of general obligation or utility revenue  
3 bonds issued by political subdivisions with the proceeds of pooled bonds  
4 shall not violate the provisions of the foregoing; or

5 (3) purchase, acquire, construct, reconstruct, improve, equip, fur-  
6 nish, repair, enlarge or remodel property for any swine production facility  
7 on agricultural land which is owned, acquired, obtained or leased by a  
8 corporation, limited liability company, limited partnership, corporate  
9 partnership or trust.

10 Nothing in this subsection (a) shall prohibit the issuance of bonds by  
11 the authority when any statute specifically authorizes the issuance of  
12 bonds by the authority or approves any activity or project of a state agency  
13 for purposes of authorizing any such issuance of bonds in accordance with  
14 this section and provides an exemption from the provisions of this sub-  
15 section (a).

16 (b) The authority may issue bonds for activities and projects of state  
17 agencies as requested by the secretary of administration. No bonds may  
18 be issued pursuant to this act for any activity or project of a state agency  
19 unless the activity or project either has been approved by an appropriation  
20 or other act of the legislature or has been approved by the state finance  
21 council acting on this matter which is hereby characterized as a matter  
22 of legislative delegation and subject to the guidelines prescribed in sub-  
23 section (c) of K.S.A. 75-3711c, and amendments thereto. When requested  
24 to do so by the secretary of administration, the authority may issue bonds  
25 for the purpose of refunding, whether at maturity or in advance of ma-  
26 turity, any outstanding bonded indebtedness of any state agency. The  
27 revenues of any state agency which are pledged as security for any bonds  
28 of such state agency which are refunded by refunding bonds of the au-  
29 thority may be pledged to the authority as security for the refunding  
30 bonds.

31 (c) The authority may issue bonds for the purpose of financing in-  
32 dustrial enterprises, agricultural business enterprises, educational facili-  
33 ties, health care facilities and housing developments, or any combination  
34 of such facilities, or any interest in facilities, including without limitation  
35 leasehold interests in and mortgages on such facilities. No less than 30  
36 days prior to the issuance of any bonds authorized under this act with  
37 respect to any project or activity which is to be undertaken for the direct  
38 benefit of any person or entity which is not a state agency or a political  
39 subdivision, written notice of the intention of the authority to provide  
40 financing and issue bonds therefor shall be given by the president of the  
41 authority to the governing body of the city in which the project or activity  
42 is to be located. If the project or activity is not proposed to be located  
43 within a city, such notice shall be given to the governing body of the

1 county. No bonds for the financing of the project or activity shall be issued  
2 by the authority for a one-year period if, within 15 days after the giving  
3 of such notice, the governing body of the political subdivision in which  
4 the project or activity is proposed to be located shall have adopted an  
5 ordinance or resolution stating express disapproval of the project or ac-  
6 tivity and shall have notified the president of the authority of such  
7 disapproval.

8 (d) The authority may issue bonds for the purpose of establishing and  
9 funding one or more series of venture capital funds in such principal  
10 amounts, at such interest rates, in such maturities, with such security, and  
11 upon such other terms and in such manner as is approved by resolution  
12 of the authority. The proceeds of such bonds not placed in a venture  
13 capital fund or used to pay or reimburse organizational, offering and ad-  
14 ministrative expenses and fees necessary to the issuance and sale of such  
15 bonds shall be invested and reinvested in such securities and other in-  
16 struments as shall be provided in the resolution under which such bonds  
17 are issued. Moneys in a venture capital fund shall be used to make venture  
18 capital investments in new, expanding or developing businesses, includ-  
19 ing, but not limited to, equity and debt securities, warrants, options and  
20 other rights to acquire such securities, subject to the provisions of the  
21 resolution of the authority. The authority shall establish an investment  
22 policy with respect to the investment of the funds in a venture capital  
23 fund not inconsistent with the purposes of this act. The authority shall  
24 enter into an agreement with a management company experienced in  
25 venture capital investments to manage and administer each venture cap-  
26 ital fund upon terms not inconsistent with the purposes of this act and  
27 such investment policy. The authority may establish an advisory board to  
28 provide advice and consulting assistance to the authority and the man-  
29 agement company with respect to the management and administration of  
30 each venture capital fund and the establishment of its investment policy.  
31 All fees and expenses incurred in the management and administration of  
32 a venture capital fund not paid or reimbursed out of the proceeds of the  
33 bonds issued by the authority shall be paid or reimbursed out of such  
34 venture capital fund.

35 (e) The authority may issue bonds in one or more series for the pur-  
36 pose of financing a project of statewide as well as local importance in  
37 connection with a redevelopment plan that is approved by the authority  
38 in accordance with K.S.A. 74-8921 and 74-8922, and amendments  
39 thereto.

40 (f) After receiving and approving the feasibility study required pur-  
41 suant to K.S.A. 74-8936, and amendments thereto, the authority may  
42 issue bonds in one or more series for the purpose of financing a multi-  
43 sport athletic project in accordance with K.S.A. 74-8936 through 74-8938,

1 and amendments thereto. If the project is to be constructed in phases, a  
2 similar feasibility study shall be performed prior to issuing bonds for the  
3 purpose of financing each subsequent phase.

4 (g) The authority may issue bonds for the purpose of financing resort  
5 facilities, as defined in subsection (a) of K.S.A. 32-867, and amendments  
6 thereto, in an amount or amounts not to exceed \$30,000,000 for any one  
7 resort. The bonds and the interest thereon shall be payable solely from  
8 revenues of the resort and shall not be deemed to be an obligation or  
9 indebtedness of the state within the meaning of section 6 of article 11 of  
10 the constitution of the state of Kansas. The authority may contract with  
11 a subsidiary corporation formed pursuant to subsection (v) of K.S.A. 74-  
12 8904, and amendments thereto, or others to lease or operate such resort.  
13 The provisions of K.S.A. 32-867, 32-868, 32-870 through 32-873 and 32-  
14 874a through 32-874d, and amendments thereto, shall apply to resorts  
15 and bonds issued pursuant to this subsection.

16 (h) *The authority may issue bonds as requested by the secretary of*  
17 *administration for the purpose of making grants from the wireless en-*  
18 *hanced 911 grant fund established by the wireless enhanced 911 act.*  
19 *Bonds issued pursuant to this subsection shall be exempt from the pro-*  
20 *visions of clause (2) of subsection (a).*

21 ~~(h)~~ (i) The authority may use the proceeds of any bond issues herein  
22 authorized, together with any other available funds, for venture capital  
23 investments or for purchasing, leasing, constructing, restoring, renovat-  
24 ing, altering or repairing facilities as herein authorized, for making loans,  
25 purchasing mortgages or security interests in loan participations and pay-  
26 ing all incidental expenses therewith, paying expenses of authorizing and  
27 issuing the bonds, paying interest on the bonds until revenues thereof are  
28 available in sufficient amounts, purchasing bond insurance or other credit  
29 enhancements on the bonds, and funding such reserves as the authority  
30 deems necessary and desirable. All moneys received by the authority,  
31 other than moneys received by virtue of an appropriation, are hereby  
32 specifically declared to be cash funds, restricted in their use and to be  
33 used solely as provided herein. No moneys of the authority other than  
34 moneys received by appropriation shall be deposited with the state  
35 treasurer.

36 ~~(i)~~ (j) Any time the authority is required to publish a notification pur-  
37 suant to the tax equity and fiscal responsibility act of 1982, the authority  
38 shall further publish such notification in the Kansas register.

39 ~~(j)~~ (k) Any time the authority issues bonds pursuant to this section,  
40 the authority shall publish notification of such issuance at least 14 days  
41 prior to any bond hearing in the official county newspaper of the county  
42 in which the project or activity financed by such bonds are located and  
43 in the Kansas register.



1       Sec. 23. K.S.A. 12-5301, 12-5302 and 74-8905 are hereby repealed.

2       Sec. 24. This act shall take effect and be in force from and after its  
3 publication in the Kansas register.

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