

HOUSE BILL No. 2590

AN ACT concerning telecommunications; enacting the VoIP enhanced 911 act; imposing certain fees and providing for disposition thereof; amending K.S.A. 2005 Supp. 12-5323, 12-5325, 12-5328, 12-5330, 12-5334 and 19-101a and repealing the existing sections.

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

New Section 1. (a) Sections 1 through 10, and amendments thereto, may be cited as the VoIP enhanced 911 act.

(b) If any provisions of this act or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provisions or application. To this end the provisions of this act are severable.

New Sec. 2. As used in this act, unless the context otherwise requires:

(a) Terms have the meanings provided by the wireless enhanced 911 act.

(b) "Interconnected VoIP service" has the meaning provided in 47 C.F.R. 9.3 (October 1, 2005).

(c) "VoIP" means voice over internet protocol.

(d) "VoIP enhanced 911 grant fee" means the fee imposed under section 4, and amendments thereto.

(e) "VoIP enhanced 911 local fee" means the fee imposed under section 5, and amendments thereto.

(f) "VoIP enhanced 911 service" means a communication service by which VoIP providers can provide automatic number identification, pseudo-automatic number identification and VoIP automatic location identification information to a requesting PSAP.

(g) "VoIP project" means the development and acquisition of the necessary improvements in order to facilitate the establishment of VoIP enhanced 911 service.

(h) "VoIP project costs" means all costs or expenses which are necessary or incident to a VoIP project and which are directly attributable thereto.

(i) "VoIP provider" means a provider of interconnected VoIP service but does not include any telecommunications carrier or local exchange carrier, as defined in K.S.A. 66-1,187, and amendments thereto, which holds a certificate of public convenience and necessity issued by the state corporation commission.

(j) "VoIP service user" means a subscriber to interconnected VoIP service whose primary service address is in Kansas.

New Sec. 3. (a) The secretary shall administer the provisions of the VoIP enhanced 911 act. The secretary is hereby authorized to adopt rules and regulations necessary for effectuation of the provisions of this act, including, but not limited to, assessing civil penalties.

(b) No civil penalty shall be imposed pursuant to this section except upon the written order of the secretary or the secretary's duly authorized agent to a VoIP provider. Such order shall state the violation, the penalty to be imposed and the right of such VoIP provider to appeal to the secretary. Any such VoIP provider, within 20 days after notification, may make written request to the secretary for a hearing or informal conference hearing in accordance with the provisions of the Kansas administrative procedure act. The secretary shall affirm, reverse or modify the order and shall specify the reasons therefor.

(c) Any VoIP provider aggrieved by an order of the secretary made under this section may appeal such order to the district court in the manner provided by the act for judicial review and civil enforcement of agency actions.

(d) Any civil penalty recovered pursuant to this section shall be deposited with the local collection point administrator and subsequently routed back to the corresponding PSAP and shall be used solely for those expenses allowed by this act.

New Sec. 4. (a) Subject to the provisions of section 10, and amendments thereto, effective July 1, 2006, there is hereby established a VoIP enhanced 911 grant fee in the amount of \$.25 per month per VoIP service user. It shall be the duty of each VoIP provider to collect such fee from the VoIP service user and remit such fee to the secretary as provided by section 6, and amendments thereto. Notwithstanding any other provision of this act, no VoIP service user shall be liable for, nor shall any VoIP

provider be required to collect, the VoIP enhanced 911 grant fee on any interconnected VoIP service upon which an emergency telephone tax is paid pursuant to K.S.A. 12-5302, and amendments thereto, or upon which a wireless enhanced 911 grant fee is paid pursuant to K.S.A. 12-5324, and amendments thereto. In addition, no service user shall be liable for, nor shall any service supplier, telecommunications public utility, telecommunications carrier or wireless carrier be required to collect the emergency telephone tax imposed pursuant to K.S.A. 12-5302, and amendments thereto, or the wireless enhanced 911 grant fee established pursuant to K.S.A. 12-5324, and amendments thereto, for any interconnected VoIP service upon which a VoIP enhanced 911 fee is paid pursuant to this act.

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

New Sec. 5. (a) Effective July 1, 2006, there is hereby imposed a VoIP enhanced 911 local fee. Subject to the provisions of section 10, and amendments thereto, the amount of such fee shall be \$.25 per month per VoIP service user. Notwithstanding any other provision of this act, no VoIP service user shall be liable for, nor shall any VoIP provider be required to collect, the VoIP enhanced 911 local fee on any interconnected VoIP service upon which an emergency telephone tax is paid pursuant to K.S.A. 12-5302, and amendments thereto, or upon which a wireless enhanced 911 local fee is paid pursuant to K.S.A. 12-5330, and amendments thereto. In addition, no service user shall be liable for, nor shall any service supplier, telecommunications public utility, telecommunications carrier or wireless carrier be required to collect the emergency telephone tax imposed pursuant to K.S.A. 12-5302, and amendments thereto, or the wireless enhanced 911 local fee established pursuant to K.S.A. 12-5330, and amendments thereto, for any interconnected VoIP service upon which a VoIP enhanced 911 fee is paid pursuant to this act.

(b) The proceeds of the VoIP enhanced 911 local fee, and any interest earned on revenue derived from such fee, shall be used only for the purposes provided in K.S.A. 2005 Supp. 12-5330, and amendments thereto.

(c) Each PSAP shall submit to the secretary an annual report accounting for the money received by the PSAP from the VoIP enhanced 911 local fee. Such report shall be submitted on a form provided by the secretary, which shall be consolidated with the report accounting for moneys received from the wireless enhanced 911 local fee required pursuant to K.S.A. 2005 Supp. 12-5330, and amendments thereto.

(d) If pursuant to K.S.A. 2005 Supp. 12-5330, and amendments thereto, a PSAP is required to pay to the secretary all moneys from the wireless enhanced 911 local fee which have been or are received by such PSAP, such PSAP shall also pay to the secretary all moneys from the VoIP enhanced 911 local fee which have been or are received by such PSAP and the secretary shall notify the local collection point administrator that distributions of moneys from the VoIP enhanced 911 local fee to the PSAP shall be stopped and that such moneys shall be instead remitted to the secretary until the PSAP is again eligible to receive moneys from the wireless enhanced 911 local fee. The PSAP thereafter shall not be eligible to receive moneys from distributions by the local collection point administrator until the PSAP is again eligible to receive moneys from the wireless enhanced 911 local fee. The secretary shall remit any moneys received from the repayment by the PSAP or from distributions by the local collection point administrator to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the wireless enhanced 911 grant fund.

New Sec. 6. (a) Every billed VoIP service user shall be liable for the VoIP enhanced 911 grant fee and the VoIP enhanced 911 local fee until such fees have been paid to the VoIP provider.

(b) The duty to collect any such fees imposed pursuant to this act shall commence July 1, 2006. Such fees shall be added to and may be

stated separately in billings. If stated separately, the fees shall be labeled “KS E-911 fees.”

(c) The VoIP provider shall have no obligation to take any legal action to enforce the collection of the fees imposed by this act. The VoIP provider shall provide annually to the secretary a list of amounts of uncollected VoIP enhanced 911 grant fees along with the names and addresses of those VoIP service users which carry a balance that can be determined by the VoIP provider to be nonpayment of such fees. The VoIP provider shall provide annually to the local collection point administrator a list of amounts of uncollected VoIP enhanced 911 local fees along with the names and addresses of those VoIP service users which carry a balance that can be determined by the VoIP provider to be nonpayment of such fees.

(d) The fees imposed by this act shall be collected insofar as practicable at the same time as, and along with, the charges for VoIP service in accordance with regular billing practice of the VoIP provider.

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

(f) The VoIP enhanced 911 local fee and the amounts required to be collected therefor are due monthly. The amount of any such fees collected in one month by the VoIP provider shall be remitted to the local collection point administrator not more than 15 days after the close of the calendar month. On or before the 15th day of each calendar month following, a return for the preceding month shall be filed with the local collection point administrator. Such return shall be in such form and shall contain such information as required by the administrator. The VoIP provider required to file the return shall deliver the return together with a remittance of the amount of the fees payable to the local collection point administrator. The VoIP provider shall maintain records of the amount of any such fees collected pursuant to action in accord with this act. Such records shall be maintained for a period of three years from the time the fees are collected.

(g) Except as provided by subsection (d) of section 5, and amendments thereto, not later than 30 days after receipt of moneys from VoIP providers pursuant to this section, the local collection point administrator shall distribute such moneys collected from the VoIP enhanced 911 local fee to PSAP's based upon primary residence information provided by VoIP providers. The local collection point administrator may retain an administrative fee of not more than 2% of moneys collected from such fee.

(h) The local collection point administrator shall keep accurate accounts of all receipts and disbursements of moneys from the VoIP enhanced 911 local fee. The receipts and disbursements shall be audited yearly by a licensed municipal accountant or certified public accountant and the audit report shall be submitted to the secretary.

New Sec. 7. In 2008, the secretary shall require, and thereafter may require, an audit of any VoIP provider's books and records concerning the collection and remittance of fees pursuant to this act. Any such audit shall be conducted at the expense of the secretary. Information provided by VoIP providers to the secretary or the advisory board pursuant to this act or the wireless enhanced 911 act will be treated as proprietary records which will be withheld from the public upon request of the party submitting such records.

New Sec. 8. As permitted by regulations of the federal communications commission, the VoIP enhanced 911 service described in this act is within the governmental power and authority of the secretary, local collection point administrator, governing bodies and public agencies. Ex-

cept as provided by the Kansas tort claims act, in contracting for such service and in providing such service, and except for failure to use ordinary care, or for intentional acts, the secretary, local collection point administrator, each governing body, each public agency, each VoIP provider, and their employees and agents, shall not be liable for the payment of damages resulting from the performance of installing, maintaining or providing VoIP enhanced 911 service. In addition, a VoIP provider, and its officers, directors, employees, vendors and agents, shall have the same immunity and other protection from liability in this state as that provided to wireless carriers under 47 U.S.C. 615a (October 26, 1999).

New Sec. 9. Nothing in the VoIP enhanced 911 act shall be construed to limit the ability of a VoIP provider from recovering directly from the provider's customers its costs associated with designing, developing, deploying and maintaining VoIP enhanced 911 service and its costs of collection and administration of the fees imposed by this act, whether such costs are itemized on the customer's bill as a surcharge or by any other lawful method.

New Sec. 10. (a) On July 1, 2010:

(1) The VoIP enhanced 911 grant fee shall be discontinued.

(2) The amount of the tax per access line or its equivalent imposed within a jurisdiction pursuant to K.S.A. 12-5302, and amendments thereto, and the amount of the VoIP enhanced 911 local fee per VoIP subscriber whose primary residence is within such jurisdiction shall be an equal amount per month.

(3) The provisions of sections 3 and 4, and amendments thereto, shall expire.

(b) On and after July 1, 2010, the proceeds of the VoIP local fee shall be used only to pay for costs of emergency telephone service described in K.S.A. 12-5304, and amendments thereto, and expenditures authorized by K.S.A. 2005 Supp. 12-5330, and amendments thereto.

Sec. 11. K.S.A. 2005 Supp. 12-5323 is hereby amended to read as follows: 12-5323. (a) There is hereby established in the state treasury the wireless enhanced 911 grant fund.

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

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

(2) amounts appropriated or otherwise made available by the legislature for the purposes of the fund;

(3) amounts received from fees under K.S.A. 2005 Supp. 12-5324 *or section 5*, and amendments thereto, or from repayments or fees remitted under K.S.A. 2005 Supp. 12-5328 ~~or~~, 12-5330 *or section 5*, and amendments thereto;

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

(5) amounts received from any public or private entity for the purposes of the fund.

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

(1) To pay costs of administering the fund, including actual and necessary expenses incurred by members of the advisory board while performing duties required by the wireless enhanced 911 act and costs of any audit performed under K.S.A. 2005 Supp. 12-5331, and amendments thereto, but the aggregate amount of all such costs shall not exceed 5% of the moneys credited to the fund; and

(2) to provide grants to eligible municipalities only for necessary and reasonable costs incurred or to be incurred by PSAP's for: ~~(1)~~ (A) Implementation of wireless enhanced 911 service *and VoIP 911 service, as defined in section 2, and amendments thereto*; ~~(2)~~ (B) purchase of equipment and upgrades and modification to equipment used solely to process the data elements of wireless enhanced 911 service *and VoIP 911 service, as defined in section 2, and amendments thereto*; and ~~(3)~~ (C) maintenance and license fees for such equipment and training of personnel to operate such equipment, including costs of training PSAP personnel to provide effective service to all users of the emergency telephone system who have communications disabilities. Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities or for other capital outlay or equipment not expressly authorized by this act.

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

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

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

(e) All payments and disbursements from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary.

Sec. 12. K.S.A. 2005 Supp. 12-5325 is hereby amended to read as follows: 12-5325. The secretary shall administer the provisions of the wireless enhanced 911 act and shall be responsible for administration and management of the fund. The secretary is hereby authorized to:

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

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

(c) adopt rules and regulations necessary for effectuation of the provisions of this act, *including, but not limited to, assessing civil penalties.*

(d) *No civil penalty shall be imposed pursuant to this section except upon the written order of the secretary or the secretary's duly authorized agent to a wireless carrier. Such order shall state the violation, the penalty to be imposed and the right of such wireless carrier to appeal to the secretary. Any such wireless carrier, within 20 days after notification, may make written request to the secretary for a hearing or informal conference hearing in accordance with the provisions of the Kansas administrative procedure act. The secretary shall affirm, reverse or modify the order and shall specify the reasons therefor.*

(e) *Any wireless carrier aggrieved by an order of the secretary made under this section may appeal such order to the district court in the manner provided by the act for judicial review and civil enforcement of agency actions.*

(f) *Any civil penalty recovered pursuant to this section shall be deposited with the local collection point administrator and subsequently routed back to the corresponding PSAP and shall be used solely for those expenses allowed by this act.*

Sec. 13. K.S.A. 2005 Supp. 12-5328 is hereby amended to read as follows: 12-5328. (a) Eligible municipalities wishing to receive a grant under the wireless enhanced 911 act shall submit an application therefor to the secretary. Applications shall be in such form and shall include such information as the secretary shall require including, but not limited to, the request for proposals submitted to initiate the deployment process, and shall be submitted in a manner and at a time to be determined by the secretary.

(b) The secretary may enter into agreements with any eligible municipality for the provision of a grant thereto for payment of all or a part of project costs ~~and~~, *including VoIP project costs, as defined in section 2, and amendments thereto, if recommended by the advisory board.* Any eligible municipality may enter into such an agreement and may accept such grant when so authorized by the municipal governing body. The purposes of the grant to be provided, a time frame for implementation, and the amount thereof, which may vary among municipalities, shall be included in the agreements. All such agreements shall include provisions for repayment of the grant if implementation is not completed in accordance with the terms of the agreement.

(c) If a municipality to which a grant is made available under the wireless enhanced 911 act fails to enter into an agreement with the secretary for the provision of such grant in accordance with the requirements of this act, the secretary may make the amount of the grant available for one or more other projects on the priority list *or VoIP projects, as defined in section 2, and amendments thereto, if recommended by the advisory board.*

(d) The secretary shall provide any eligible municipality, upon request, with technical advice and assistance regarding a project, *including*

*VoIP projects*, or an application for a grant for the payment of all or part of project costs or *VoIP project costs*.

(e) (1) Subject to the provisions of subsection (e)(3), each PSAP shall submit to wireless carriers a valid request for wireless enhanced 911 service by July 1, ~~2006~~ 2007.

(2) Subject to the provisions of subsection (e)(3), if a PSAP has not submitted to wireless carriers a valid request for wireless enhanced 911 service by July 1, ~~2006~~ 2007, such PSAP shall pay to the secretary all moneys paid from the fund to such PSAP. The secretary shall remit such moneys to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the wireless enhanced 911 grant fund. Thereafter, such PSAP shall not be eligible to receive moneys from the fund until the PSAP has submitted to the secretary evidence satisfactory to the secretary that the PSAP has submitted to wireless carriers a valid request for wireless enhanced 911 service.

(3) If a PSAP is unable to make a valid request by July 1, ~~2006~~ 2007, the advisory board may approve not to exceed two one-year extensions of such date to not later than July 1, 2008, if the advisory board determines that: (A) Equipment necessary to receive and utilize the data elements associated with the wireless enhanced 911 service has been ordered by the PSAP but is unavailable; or (B) there is other just cause to extend the date.

Sec. 14. K.S.A. 2005 Supp. 12-5330 is hereby amended to read as follows: 12-5330. (a) Effective July 1, 2004, there is hereby imposed a wireless enhanced 911 local fee. Subject to the provisions of K.S.A. 2005 Supp. 12-5338, and amendments thereto, the amount of such fee shall be \$.25 per month per wireless subscriber with primary place of use in the state of Kansas. Such fee shall not be imposed on prepaid wireless service.

(b) Subject to the provisions of K.S.A. 2005 Supp. 12-5338, and amendments thereto, the proceeds of the wireless enhanced 911 local fee, and any interest earned on revenue derived from such fee, shall be used only for necessary and reasonable costs incurred or to be incurred by PSAP's for: (1) Implementation of wireless enhanced 911 service *and VoIP enhanced 911 service*; (2) purchase of equipment and upgrades and modification to equipment used solely to process the data elements of wireless enhanced 911 service *and VoIP enhanced 911 service*; and (3) maintenance and license fees for such equipment and training of personnel to operate such equipment, including costs of training PSAP personnel to provide effective service to all users of the emergency telephone system who have communications disabilities. Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities or for other capital outlay or equipment not expressly authorized by this act.

(c) Each PSAP shall submit to the secretary an annual report accounting for the money received by the PSAP from the wireless enhanced 911 local fee. Such report shall be submitted on a form provided by the secretary.

(d) (1) Subject to the provisions of subsection (d)(3), each PSAP shall submit to wireless carriers a valid request for wireless enhanced 911 service by July 1, ~~2006~~ 2007.

(2) Subject to the provisions of subsection (d)(3), if a PSAP has not submitted to wireless carriers a valid request for wireless enhanced 911 service by July 1, ~~2006~~ 2007: (A) Such PSAP shall pay to the secretary all moneys from the wireless enhanced 911 local fee which have been or are received by such PSAP; (B) the secretary shall notify the local collection point administrator that the PSAP has not made a valid request when required and that distributions of moneys from the wireless enhanced 911 local fee to the PSAP shall be stopped and that such moneys shall be instead remitted to the secretary until the secretary notifies the local collection point administrator that the PSAP has made a valid request; (C) the PSAP thereafter shall not be eligible to receive moneys from the fund or from distributions by the local collection point administrator until the PSAP has submitted to the secretary evidence satisfactory to the secretary that the PSAP has submitted to wireless carriers a valid request for

wireless enhanced 911 service. The secretary shall remit any moneys received from the repayment by the PSAP or from distributions by the local collection point administrator to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the wireless enhanced 911 grant fund.

(3) If a PSAP is unable to make a valid request by July 1, ~~2006~~ 2007, the advisory board may approve not to exceed two one-year extensions of such date to not later than July 1, 2008, if the advisory board determines that: (A) Equipment necessary to receive and utilize the data elements associated with wireless enhanced 911 service has been ordered by the PSAP but is unavailable; or (B) there is other just cause to extend the date.

Sec. 15. K.S.A. 2005 Supp. 12-5334 is hereby amended to read as follows: 12-5334. (a) During calendar year 2006, the division of post audit shall conduct an audit of the wireless enhanced 911 service system to determine: (1) Whether moneys received by municipalities pursuant to the wireless enhanced 911 act are being used appropriately; (2) the amount of moneys collected pursuant to this act is adequate; (3) the status of wireless enhanced 911 implementation; and (4) the need and level of continued funding of the wireless enhanced 911 service system. The audit shall be in accordance with a scope statement authorized and approved by the legislative post audit committee and shall be conducted in accordance with article 11 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto.

(b) During the calendar year 2008, the division of post audit shall conduct an audit of the wireless enhanced 911 service system, *the VoIP enhanced 911 service system, as defined in section 2, and amendments thereto*, and the landline emergency telephone service system to determine: (1) Whether moneys received by municipalities pursuant to the wireless enhanced 911 act *and the VoIP enhanced 911 act* are being used appropriately; (2) the amount of moneys collected pursuant to this act *and the VoIP enhanced 911 act* is adequate; (3) the status of wireless enhanced 911 *and VoIP enhanced 911* implementation; and (4) the need and level of continued funding of the wireless enhanced 911 service system, *the VoIP enhanced 911 service system* and the landline emergency telephone service system. The audit shall be in accordance with a scope statement authorized and approved by the legislative post audit committee and shall be conducted in accordance with article 11 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto. The audit report shall be submitted to the legislature at the commencement of the regular session of the legislature in 2009.

Sec. 16. K.S.A. 2005 Supp. 19-101a is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

(1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.

(2) Counties may not consolidate or alter county boundaries.

(3) Counties may not affect the courts located therein.

(4) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.

(5) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.

(6) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271—74th congress, or amendments thereof.

(7) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.

(8) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 to 12-195, inclusive, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.

(9) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.

(10) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment project area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.

(11) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.

(12) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

(13) Except as otherwise specifically authorized by K.S.A. 12-1,101 through 12-1,109, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.

(14) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto.

(15) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

(16) (A) Counties may not exempt from or effect changes in K.S.A. 13-13a26, and amendments thereto.

(B) This provision shall expire on June 30, 2006.

(17) (A) Counties may not exempt from or effect changes in K.S.A. 71-301a, and amendments thereto.

(B) This provision shall expire on June 30, 2006.

(18) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto.

(19) Counties may not exempt from or effect changes in the provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-1260 through 12-1270 and 12-1276, and amendments thereto.

(20) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.

(21) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.

(22) Counties may not regulate the production or drilling of any oil or gas well in any manner which would result in the duplication of regulation by the state corporation commission and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge for the drilling or production of any oil or gas well.

(23) Counties may not exempt from or effect changes in K.S.A. 79-41a04, and amendments thereto.

(24) Counties may not exempt from or effect changes in K.S.A. 79-1611, and amendments thereto.

(25) Counties may not exempt from or effect changes in K.S.A. 79-1494, and amendments thereto.

(26) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-202, and amendments thereto.

(27) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-204, and amendments thereto.

(28) Counties may not levy or impose an excise, severance or any other tax in the nature of an excise tax upon the physical severance and production of any mineral or other material from the earth or water.

(29) Counties may not exempt from or effect changes in K.S.A. 79-2017 or 79-2101, and amendments thereto.

(30) Counties may not exempt from or effect changes in K.S.A. 2-



3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-1,178 through 65-1,199, and amendments thereto.

(31) Counties may not exempt from or effect changes in K.S.A. 2005 Supp. 80-121, and amendments thereto.

(32) Counties may not exempt from or effect changes in K.S.A. 19-228, and amendments thereto.

(33) Counties may not exempt from or effect changes in the wireless enhanced 911 act, *in the VoIP enhanced 911 act* or in the provisions of K.S.A. 12-5301 through 12-5308, and amendments thereto.

(34) Counties may not exempt from or effect changes in K.S.A. 2005 Supp. 26-601, and amendments thereto.

(35) (A) From and after November 15, 2005, counties may not exempt from or effect changes in the Kansas liquor control act except as provided by paragraph (B).

(B) From and after November 15, 2005, counties may adopt resolutions which are not in conflict with the Kansas liquor control act.

(36) (A) From and after November 15, 2005, counties may not exempt from or effect changes in the Kansas cereal malt beverage act except as provided by paragraph (B).

(B) From and after November 15, 2005, counties may adopt resolutions which are not in conflict with the Kansas cereal malt beverage act.

(b) Counties shall apply the powers of local legislation granted in subsection (a) by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.

(c) Any resolution adopted by a county which conflicts with the restrictions in subsection (a) is null and void.

Sec. 17. K.S.A. 2005 Supp. 12-5323, 12-5325, 12-5328, 12-5330, 12-5334 and 19-101a are hereby repealed.

Sec. 18. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

\_\_\_\_\_

HOUSE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

SENATE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*