

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairman Pat Apple at 1:30 p.m. on February 10, 2010, in Room 548-S of the Capitol.

All members were present.

Committee staff present:

Kristen Kellems, Office of the Revisor of Statutes
Matt Sterling, Office of the Revisor of Statutes
Raney Gilliland, Kansas Legislative Research Department
Cindy Lash, Kansas Legislative Research Department
Ann McMorris, Committee Assistant
Jeannine Wallace, Sen. Apple's Office Assistant

Conferees appearing before the Committee:

Melissa Wangemann, Kansas Association of Counties
Walter Way, Johnson County Government
Ed Klumpp, Kansas Assn. Of Chiefs of Police and Kansas Peace Officers Assn.
Kim Winn, League of Kansas Municipalities
Richard Cram, Dept. Of Revenue

Others attending:

See attached list.

The following document was distributed to the committee:

1. Department of Administration Annual Status Report on Energy Conservation and Management for 2009. (Attachment 1)

Overview of House Substitute for Substitute for SB 48 (Attachment 2)

Cindy Lash, Kansas Legislative Research, distributed the following charts and comparisons at the February 9, 2010 committee meeting and continued her explanation on comparison of provisions.

1. Current Law on 911 User Fees, Administrative Fees and Distribution of Funds
2. Language in **House Substitute for Substitute SB 48** on User Fees, Administrative Fees and Distribution of Funds
3. Comparison of Provisions in **House Substitute for Substitute SB 48** vs. Current Law

Chair opened the hearing on

House Substitute for Substitute for SB 48 - Emergency telephone service, fees, charges, collection and distribution

Matt Sterling, Assistant Revisor of Statutes, provided a memorandum with a more detailed listing of the provisions of **House Sub. For Sub. For SB 48**. (Attachment 3)

Proponents:

Melissa Wangemann, Kansas Association of Counties, testified that continued funding for E911 is a critical issue for public safety. KAC supports the amendments adopted by the House Committee and opposed any amendment that allows telecommunications carriers to recover their costs. (Attachment 4)

Walter Way, Director, Johnson County Emergency Communications, Olathe, supports **House Sub. For Sub. For SB 48** and spoke of their concerns and the important need to upgrade to a digital based NG 911. (Attachment 5)

Ed Klumpp, Kansas Assn. Of Chiefs of Police and Kansas Peace Officers Assn., testified without this bill passing, Kansas PSAPs will lose over \$7 million in funding to support the critical public safety function of emergency dispatching. In spite of their concerns about radio funding, these two associations support this 911 funding bill. (Attachment 6)

Richard Cram, Department of Revenue, offered a technical amendment for consideration. (Attachment 7)

CONTINUATION SHEET

Minutes of the Senate Utilities Committee at 1:30 p.m. on February 10, 2010, in Room 548-S of the Capitol.

Kim Winn, Director of Policy Development & Communications, League of Kansas Municipalities, stated that LKM believes **House Substitute for Substitute for SB 48** provides a necessary path to maintain the current 911 system while working to develop the NG 911 services. This legislation accomplishes three primary goals: (1) maintain the current 911 system; (2) statute simplification; and (3) Planning for the Future. (Attachment 8)

Chair continued the hearing to February 11, 2010.

The next meeting is scheduled for February 11, 2010.

The meeting was adjourned at 2:35 p.m.

Respectfully submitted,

Ann McMorris
Committee Assistant

Attachments - 8

**SENATE UTILITIES
COMMITTEE GUEST LIST
FEBRUARY 10, 2010**

NAME	REPRESENTING
Dina Fisk	VERIZON BUSINESS/WIRELESS
Walter Way	Johnson County Government
Sheryl Allen	KRTIC
Tom Day	KCC
Mari Tucker	Commerce
John Fox	Centlink
Jim Grogan	AT&T
OUCA Dallas	Gov Office
Travis Lowe	Lotte Govt Relations
Kim Winn	LKM
Sean Miller	CAPOL STRATEGIS
Cleen Jensen	Cof
Mike Reesat	Sprint
Ed Kump	KACP / KPOB / KSA
Nelson Krueger	U.S. Cellular
Doug Smith	RUPG

February 3, 2010

The Honorable Mark Parkinson
Governor of Kansas
State Capitol, 2nd Floor
Topeka, Kansas 66612

Governor Parkinson:

Enclosed is the Department of Administration's Annual Status Report on Energy Conservation and Management for 2009.

This report provides the latest information with regard to Executive Order No. 07-373 and the progress the Department of Administration has made in the various aspects of energy conservation.

Sincerely,



Duane Goossen
Secretary of Administration

DG:db

cc: Lieutenant Governor
Adjutant General
Secretary of Aging
Secretary of Agriculture
Secretary of Commerce
Secretary of Corrections
Commissioner of Juvenile Justice Authority
Secretary of Health and Environment
Superintendent of Highway Patrol
Secretary of Labor
Secretary of Revenue
Secretary of Social and Rehabilitation Services
Secretary of Transportation
Secretary of Wildlife and Parks
Senator Pat Apple, Committee Chairperson of Utilities
Representative Carl Holmes, Committee Chairperson of Energy and Utilities

ENERGY CONSERVATION

AND

MANAGEMENT

ANNUAL REPORT

FOR

2009

February 3, 2010

Executive Directive No. 07-373 allowed energy conservation to become the driving force in making a positive change in how State agencies conducted business and in making the State become greener. While some Kansas energy conservation efforts were nationally recognized as best practices, there was much more to be done. This Executive Directive permitted various aspects of energy conservation to be explored to obtain maximum energy efficiencies throughout state government.

LEGISLATION

In 2009, Senate Substitute for House Bill 2369 was passed concerning energy; relating to conservation and electric generation, transmission and efficiency and air emissions. This bill empowered the Department of Administration to adopt rules and regulations pertaining to energy conservation in state government in four different areas which are as follows.

Energy Audits

The Department of Administration shall adopt rules and regulations for state agencies for the conducting of an energy audit at least every five years on all state-owned property. The Department of Administration shall not approve a new lease or a renewal or extension of an existing lease of non-state owned real property unless the lessor has submitted an energy audit for such real property that is the subject of such lease.

In August of 2009, the Department of Administration put into practice the requirement that all lease properties which contain more than 10,000 square feet of space, or when the length of the lease exceeds 2 years, to furnish a Statement of Energy Performance for the building. Those landlords desiring to lease space to a state agency are directed to use the Portfolio Manager Program to determine the ENERGY STAR rating for their building. The Portfolio Manager Program was developed by the Environmental Protection Agency and is free to everyone over the internet

A copy of a Statement of Energy Performance is attached with this report.

Vehicle Fuel Efficiency

The Department of Administration shall adopt rules and regulations that require that the average fuel economy standard for state-owned vehicles purchased during fiscal year 2011 shall not be less than 10% higher than the average fuel economy standard of state-owned motor vehicles purchased during fiscal year 2008, if such higher average fuel economy standards are life-cycle cost effective for such motor vehicles purchased during fiscal year 2011.

Energy Performance Standards

The Department of Administration shall adopt rules and regulations prescribing energy efficiency performance standards requiring that all new construction and, to the extent possible, renovated state-owned buildings, be designed and constructed to achieve energy consumption levels that meet the levels established under the ASHRAE standard or the IECC, as appropriate, if such levels of energy consumption are life-cycle cost-effective for such buildings and also recommend that new and, to extent possible, renovated school and municipals buildings meet the same requirements.

Products and Equipment

The Department of Administration shall adopt rules and regulations for state agencies for the purchase of products and equipment, including but not limited to, appliances, lighting fixtures and bulbs, and computers, which meet energy efficiency guidelines which are not less than the guidelines adopted for such products to qualify as an **energy star product** if the projected cost savings for the useful life of such products and equipment is equal to or greater than the additional cost compared to functionally equivalent products and equipment of lower efficiency.

The above four rules and regulations are scheduled to be adopted on or before Tuesday, November 30, 2010.

Facilities Conservation Improvement Program (FCIP)

In 2009, the Department of Administration conducted an energy audit of the Landon State Office building utilizing the Facilities Conservation Improvement Program offered by the Kansas Corporation Commission's Energy Office. This audit uncovered several energy savings measures that had the potential for reducing the energy consumption in the building. These measures are presently being evaluated for possible implementation.

Renewable Energy

Senate Substitute for House Bill 2369 allowed the expansion of wind energy to be used by a diverse customer base throughout the state of Kansas. The Department of Administration evaluated the possibility of using wind energy to offset its electrical demand. In August of 2009, the Topeka City Planning Commission recommended to the Topeka City Council that certain restrictions be placed on the general placement of small wind energy systems and wind turbines within the city limits of Topeka. With the Topeka City Council approving those limitations, the potential of a wind energy system being installed was tabled.

State Vehicle Fuel Consumption

In following mandates outlined in Executive Directive No. 07-373, the Department of Administration has taken necessary actions to assure that the average EPA mileage rating for automobiles and small trucks purchased in 2010 is at least 10% higher than the 2007 average.

The table below shows the vehicles and their average mileage for each year from 2007 to 2010. For those vehicles listed, the percentage of MPG increase for 2010 vehicles is 11.82%.

Group	Description	2007 Model MPG AVG	2008 Model MPG AVG	2009 Model MPG AVG	2010 Model MPG AVG	% of Change MPG 2007/2010
1	Compact	27	28	28	28	3.70%
2	Compact Hybrid		46	46	50	(1)
3	Midsized	24.5	24	25.5	27	10.20%
4	Midsized Hybrid		27	30	39	(1)
5	Intermediate	22	23	23	22	0.00%
6	Passenger Mini Van Regular (Crossover)	19.5	19.5	22	26	33.33%
7	Passenger Mini Van Extended	19	19	19	19	0.00%
10	Mid Size SUV 4x2	17	17	17	19	11.76%
11	Full Size SUV 4x2	15	15	17	17	13.33%
12	1/2 Ton Pickup 4x2 Standard Cab	16.5	16.5	17	17	3.03%
13	1/2 Ton Pickup 4x2 Ext. Cab	14	16.5	17	17	21.43%
14	1/2 Ton Pickup 4x4 Ext. Cab	14	15	16.5	17	21.43%

Percentage of MPG increase of vehicles purchased 2007 to 2010

11.82%

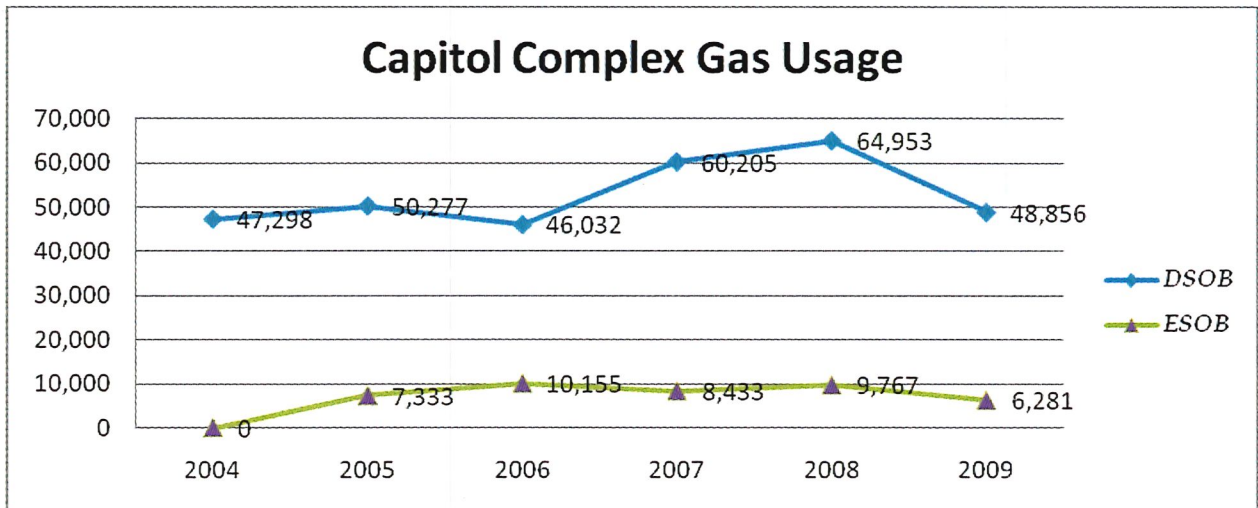
(1) *The State of Kansas did not purchase hybrid vehicles on contract during 2007. To remain consistent, hybrid vehicles were not included in the 10% average for the State of Kansas fleet.*

Capitol Complex Building Energy Consumption

One of the most basic energy saving function is temperature setback control during unoccupied periods. The Department of Administration began night and weekend temperature setbacks along with keeping the buildings cooler in the winter and warmer in the summer in April of 2003.

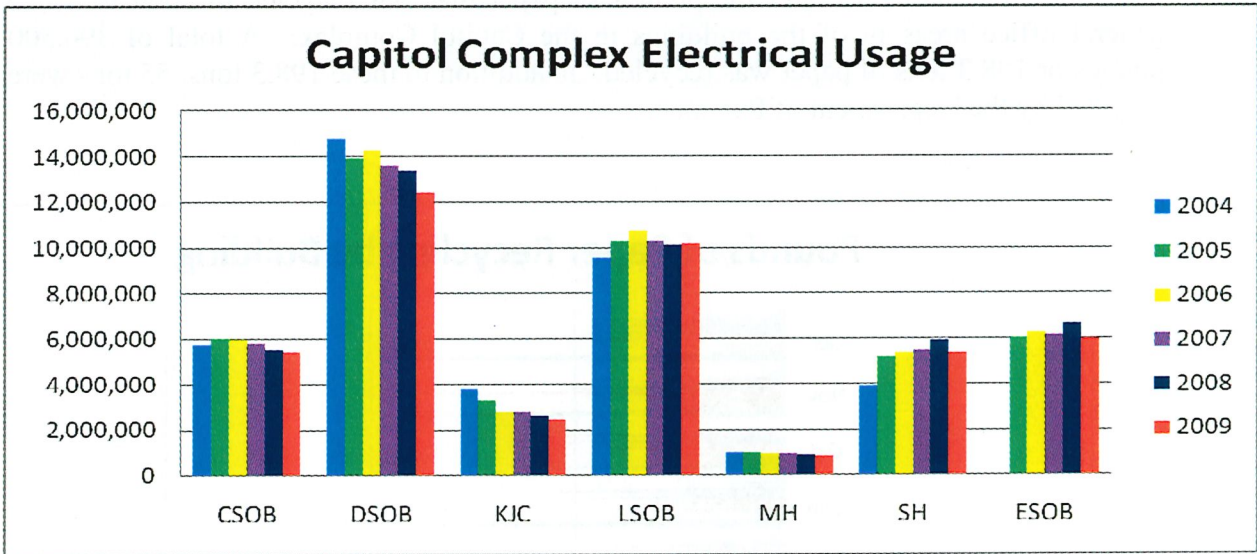
In the past few years, occupancy sensors have been added in many buildings in the Capitol Complex. These devices are typically connected to the lighting in various spaces to allow the lighting to be turned off when a room or space is no longer occupied. Once someone enters the room the sensor detects occupancy and subsequently turns the lighting on. The ability to turn lights off automatically has proven to be more effective than relying on people to consistently turn lights off.

The chart below shows the natural gas used in the Capitol Complex. The Docking State Office Building is the largest user for it houses the Central Heat Plant that supplies steam heat to the Docking State Office Building, Statehouse, Landon State Office Building, Memorial Hall, Curtis State Office Building, and the Kansas Judicial Center. Eisenhower State Office Building has its own heat plant which produces steam heat for that building only.



The higher gas usage for 2007 and 2008 was basically contributed to not stringently following night set back procedures and for allowing building temperatures to digress from those setting which is most energy efficient. As usual, the outside air temperatures and weather conditions are always a factor for gas consumption.

The chart below shows the electrical usage for all of the buildings in the Capitol Complex by year.



The decrease in electrical usage in the Docking State Office Building is mainly contributed to the continual installing of automatic lighting controls and the installation of the new cooling towers which helps the central cooling plant for the Docking State Office Building and the Statehouse to operate more economically.

The reduction of electrical consumption in the Kansas Judicial Center is a result of replacing the air conditioning equipment with more energy efficient models and the modifications made to the air distribution system within the building which allows for more efficient cooling and heating of the interior space.

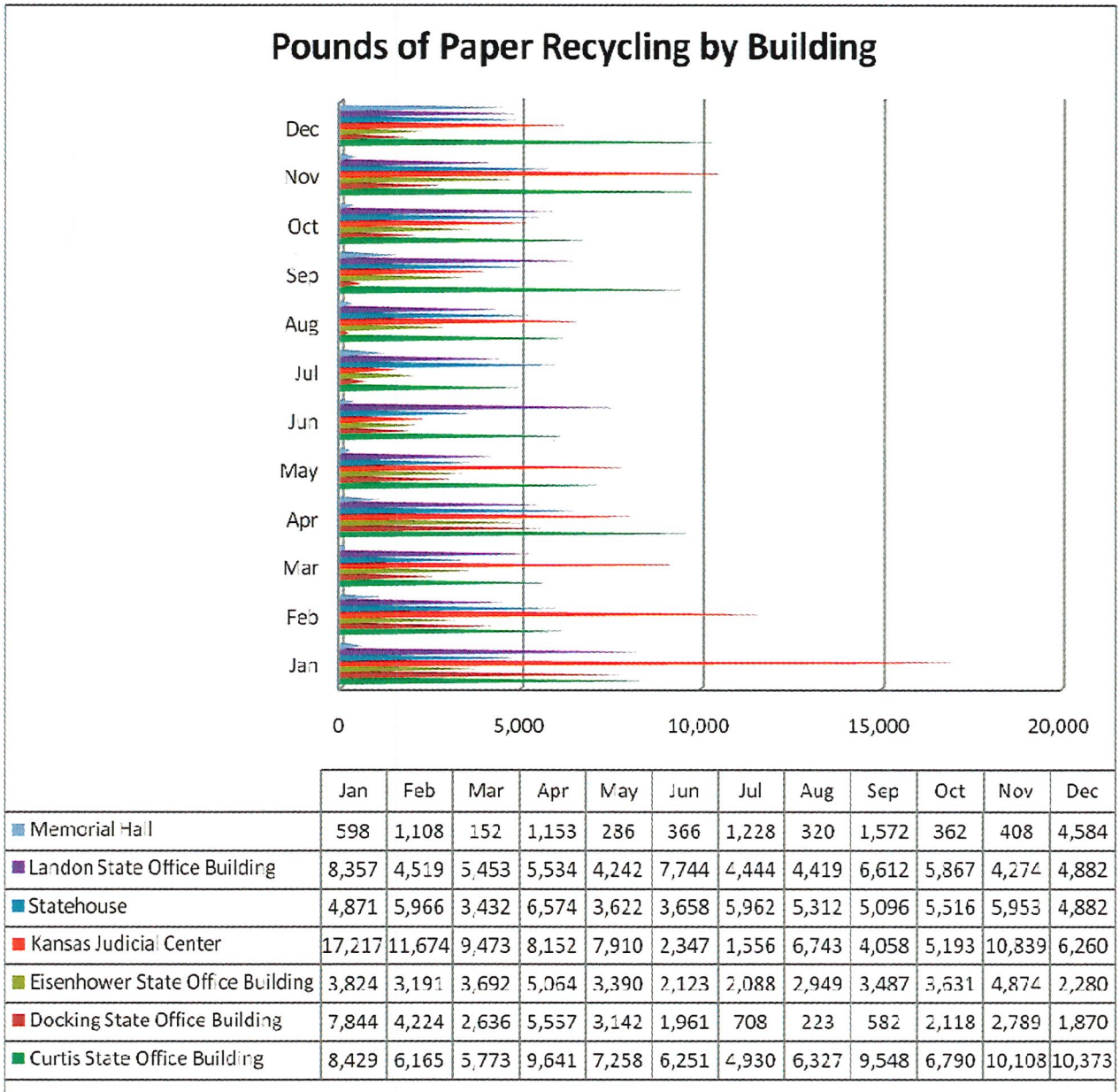
The continual increase in electrical consumption in the Statehouse is contributed to the increase in usable square footage of the Statehouse, the additional lighting, and the installation of additional mechanical equipment and systems.

8-1

1-7

Capitol Complex Recycling Program

The following chart illustrates the pounds of paper that was recycled in 2009 from the general office areas in of the buildings in the Capitol Complex. A total of 396,500 pounds or 198.3 tons of paper was recycled. In addition to these 198.3 tons, 55 tons were recycled by the Department of Revenue.



STATEMENT OF ENERGY PERFORMANCE

Market Place Plaza

Building ID: 1942399
 For 12-month Period Ending: June 30, 2009¹
 Date SEP becomes ineligible: N/A

Date SEP Generated: November 25, 2009

Facility Market Place Plaza 2501 Market Place Salina, KS 67401	Facility Owner Kansas Dept of Health and Environment 1000 SW Jackson St Topeka, KS 66612	Primary Contact for this Facility Bill Mondri 1000 SW Jackson St Topeka, KS 66612
--	--	---

Year Built: 1979
 Gross Floor Area (ft²): 7,900

Energy Performance Rating² (1-100) 84**Site Energy Use Summary³**

Electricity - Grid Purchase(kBtu)	321,042
Natural Gas - (kBtu) ⁴	0
Total Energy (kBtu)	321,042

Energy Intensity⁵

Site (kBtu/ft ² /yr)	41
Source (kBtu/ft ² /yr)	136

Emissions (based on site energy use)

Greenhouse Gas Emissions (MtCO ₂ e/year)	84
---	----

Electric Distribution Utility

Westar Energy, Inc.

National Average Comparison

National Average Site EUI	64
National Average Source EUI	214
% Difference from National Average Source EUI	-37%
Building Type	Office

Stamp of Certifying Professional
Based on the conditions observed at the time of my visit to this building, I certify that the information contained within this statement is accurate.

Meets Industry Standards⁶ for Indoor Environmental Conditions:

Ventilation for Acceptable Indoor Air Quality	N/A
Acceptable Thermal Environmental Conditions	N/A
Adequate Illumination	N/A

Certifying Professional

Bill Mondri
 1000 SW Jackson St
 Topeka, KS 66612

Notes:

- Application for the ENERGY STAR must be submitted to EPA within 4 months of the Period Ending date. Award of the ENERGY STAR is not final until approval is received from EPA.
- The EPA Energy Performance Rating is based on total source energy. A rating of 75 is the minimum to be eligible for the ENERGY STAR.
- Values represent energy consumption, annualized to a 12-month period.
- Natural Gas values in units of volume (e.g. cubic feet) are converted to kBtu with adjustments made for elevation based on Facility zip code.
- Values represent energy intensity, annualized to a 12-month period.
- Based on Meeting ASHRAE Standard 62 for ventilation for acceptable indoor air quality, ASHRAE Standard 55 for thermal comfort, and IESNA Lighting Handbook for lighting quality.

ENERGY STAR® Data Checklist for Commercial Buildings

In order for a building to qualify for the ENERGY STAR, a Professional Engineer (PE) must validate the accuracy of the data underlying the building's energy performance rating. This checklist is designed to provide an at-a-glance summary of a property's physical and operating characteristics, as well as its total energy consumption, to assist the PE in double-checking the information that the building owner or operator has entered into Portfolio Manager.

Please complete and sign this checklist and include it with the stamped, signed Statement of Energy Performance.

NOTE: You must check each box to indicate that each value is correct, OR include a note.

CRITERION	VALUE AS ENTERED IN PORTFOLIO MANAGER	VERIFICATION QUESTIONS	NOTES	
Building Name	Market Place Plaza	Is this the official building name to be displayed in the ENERGY STAR Registry of Labeled Buildings?		<input type="checkbox"/>
Type	Office	Is this an accurate description of the space in question?		<input type="checkbox"/>
Location	2501 Market Place, Salina, KS 67401	Is this address accurate and complete? Correct weather normalization requires an accurate zip code.		<input type="checkbox"/>
Single Structure	Single Facility	Does this SEP represent a single structure? SEPs cannot be submitted for multiple-building campuses (with the exception of acute care or children's hospitals) nor can they be submitted as representing only a portion of a building		<input type="checkbox"/>
Market Place Plaza (Office)				
CRITERION	VALUE AS ENTERED IN PORTFOLIO MANAGER	VERIFICATION QUESTIONS	NOTES	
Gross Floor Area	7,900 Sq. Ft.	Does this square footage include all supporting functions such as kitchens and break rooms used by staff, storage areas, administrative areas, elevators, stairwells, atria, vent shafts, etc. Also note that existing atriums should only include the base floor area that it occupies. Interstitial (plenum) space between floors should not be included in the total. Finally gross floor area is not the same as leasable space. Leasable space is a subset of gross floor area.		<input type="checkbox"/>
Weekly operating hours	40 Hours	Is this the total number of hours per week that the Office space is 75% occupied? This number should exclude hours when the facility is occupied only by maintenance, security, or other support personnel. For facilities with a schedule that varies during the year, "operating hours/week" refers to the total weekly hours for the schedule most often followed.		<input type="checkbox"/>
Workers on Main Shift	55	Is this the number of employees present during the main shift? Note this is not the total number of employees or visitors who are in a building during an entire 24 hour period. For example, if there are two daily 8 hour shifts of 100 workers each, the Workers on Main Shift value is 100. The normal worker density ranges between 0.3 and 10 workers per 1000 square feet (92.8 square meters)		<input type="checkbox"/>
Number of PCs	43	Is this the number of personal computers in the Office?		<input type="checkbox"/>
Percent Cooled	50% or more	Is this the percentage of the total floor space within the facility that is served by mechanical cooling equipment?		<input type="checkbox"/>
Percent Heated	50% or more	Is this the percentage of the total floor space within the facility that is served by mechanical heating equipment?		<input type="checkbox"/>

8

1-10

ENERGY STAR® Data Checklist for Commercial Buildings

Energy Consumption

Power Generation Plant or Distribution Utility: Westar Energy, Inc.

Fuel Type: Electricity		
Meter: Market Place Plaza (kWh (thousand Watt-hours)) Space(s): Entire Facility Generation Method: Grid Purchase		
Start Date	End Date	Energy Use (kWh (thousand Watt-hours))
06/01/2009	06/30/2009	10,777.00
05/01/2009	05/31/2009	6,229.00
04/01/2009	04/30/2009	6,263.00
03/01/2009	03/31/2009	5,743.00
02/01/2009	02/28/2009	6,224.00
01/01/2009	01/31/2009	6,358.00
12/01/2008	12/31/2008	7,032.00
11/01/2008	11/30/2008	5,998.00
10/01/2008	10/31/2008	6,747.00
09/01/2008	09/30/2008	8,772.00
08/01/2008	08/31/2008	10,765.00
07/01/2008	07/31/2008	13,184.00
Market Place Plaza Consumption (kWh (thousand Watt-hours))		94,092.00
Market Place Plaza Consumption (kBtu (thousand Btu))		321,041.90
Total Electricity (Grid Purchase) Consumption (kBtu (thousand Btu))		321,041.90
Is this the total Electricity (Grid Purchase) consumption at this building including all Electricity meters?		<input type="checkbox"/>

Additional Fuels	
Do the fuel consumption totals shown above represent the total energy use of this building? Please confirm there are no additional fuels (district energy, generator fuel oil) used in this facility.	<input type="checkbox"/>

On-Site Solar and Wind Energy	
Do the fuel consumption totals shown above include all on-site solar and/or wind power located at your facility? Please confirm that no on-site solar or wind installations have been omitted from this list. All on-site systems must be reported.	<input type="checkbox"/>

Certifying Professional

(When applying for the ENERGY STAR, the Certifying Professional must be the same as the PE that signed and stamped the SEP.)

Name: _____ Date: _____

Signature: _____

Signature is required when applying for the ENERGY STAR.

1-11

FOR YOUR RECORDS ONLY. DO NOT SUBMIT TO EPA.

Please keep this Facility Summary for your own records; do not submit it to EPA. Only the Statement of Energy Performance (SEP), Data Checklist and Letter of Agreement need to be submitted to EPA when applying for the ENERGY STAR.

Facility
Market Place Plaza
2501 Market Place
Salina, KS 67401

Facility Owner
Kansas Dept of Health and Environment
1000 SW Jackson St
Topeka, KS 66612

Primary Contact for this Facility
Bill Mondl
1000 SW Jackson St
Topeka, KS 66612

General Information

Market Place Plaza	
Gross Floor Area Excluding Parking: (ft ²)	7,900
Year Built	1979
For 12-month Evaluation Period Ending Date:	June 30, 2009

Facility Space Use Summary

Market Place Plaza	
Space Type	Office
Gross Floor Area(ft ²)	7,900
Weekly operating hours	40
Workers on Main Shift	55
Number of PCs	43
Percent Cooled	50% or more
Percent Heated	50% or more

Energy Performance Comparison

Performance Metrics	Evaluation Periods		Comparisons		
	Current (Ending Date:06/30/2009)	Baseline (Ending Date:06/30/2009)	Rating of 75	Target	National Average
Energy Performance Rating	84	84	75	N/A	50
Energy Intensity					
Site (kBtu/ft ²)	41	41	47	N/A	64
Source (kBtu/ft ²)	136	136	158	N/A	214
Energy Cost					
\$/year	N/A	N/A	N/A	N/A	N/A
\$/ft ² /year	N/A	N/A	N/A	N/A	N/A
Greenhouse Gas Emissions					
MtCO ₂ e/year	84	84	98	N/A	132
kgCO ₂ e/ft ² /year	11	11	13	N/A	17

More than 50% of your building is defined as Office. Please note that your rating accounts for all of the spaces listed. The National Average column presents energy performance data your building would have if your building had an average rating of 50.

Notes:

- o - This attribute is optional.
- d - A default value has been supplied by Portfolio Manager.

Statement of Energy Performance

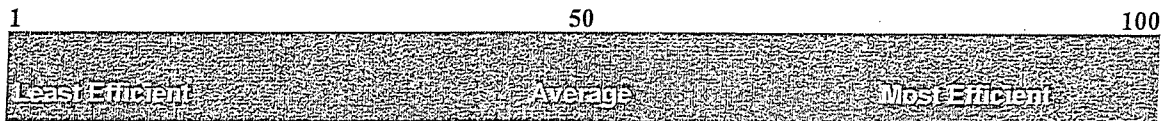
2009

Market Place Plaza
2501 Market Place
Salina, KS 67401

Portfolio Manager Building ID: 1942399

The energy use of this building has been measured and compared to other similar buildings using the Environmental Protection Agency's (EPA's) Energy Performance Scale of 1-100, with 1 being the least energy efficient and 100 the most energy efficient. For more information, visit energystar.gov/benchmark.

This building's score



This building uses 136 kBtu per square foot per year.*

*Based on source energy intensity for the 12 month period ending June 2009

Buildings with a score of 75 or higher may qualify for EPA's ENERGY STAR.

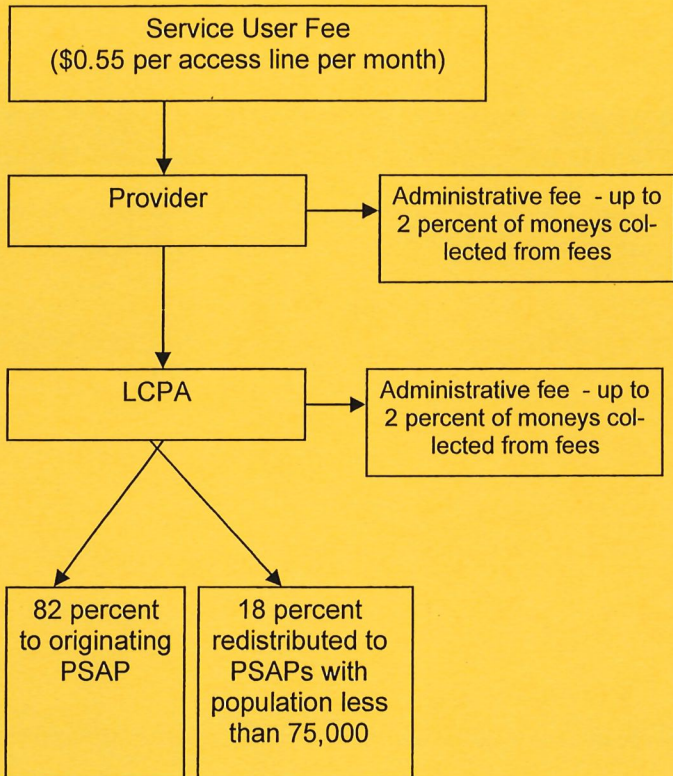
I certify that the information contained within this statement is accurate and in accordance with U.S. Environmental Protection Agency's measurement standards, found at energystar.gov

Date of certification

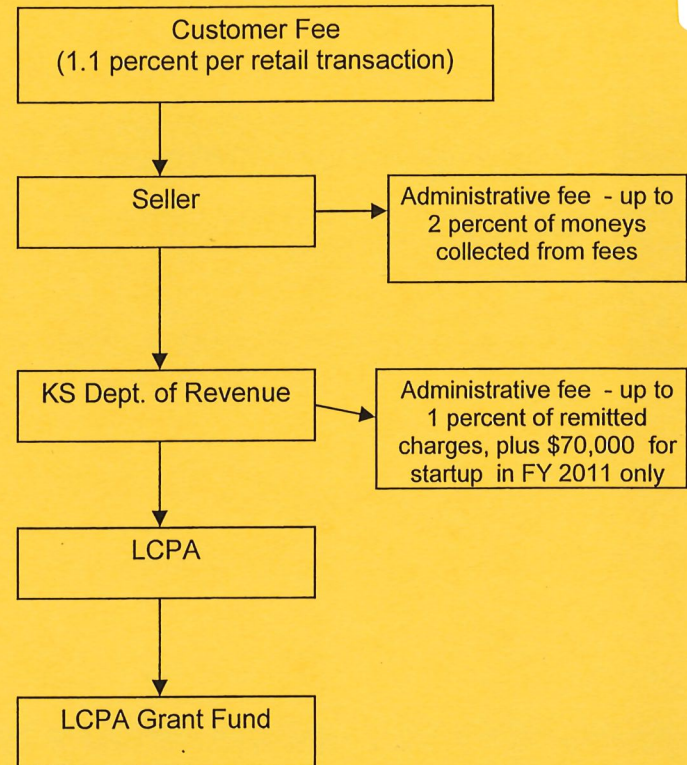
911 User Fees, Administrative Fees, and Distribution of Funds House Substitute for Substitute SB 48

Senate Utilities Committee
February 10, 2010
Attachments 2-1

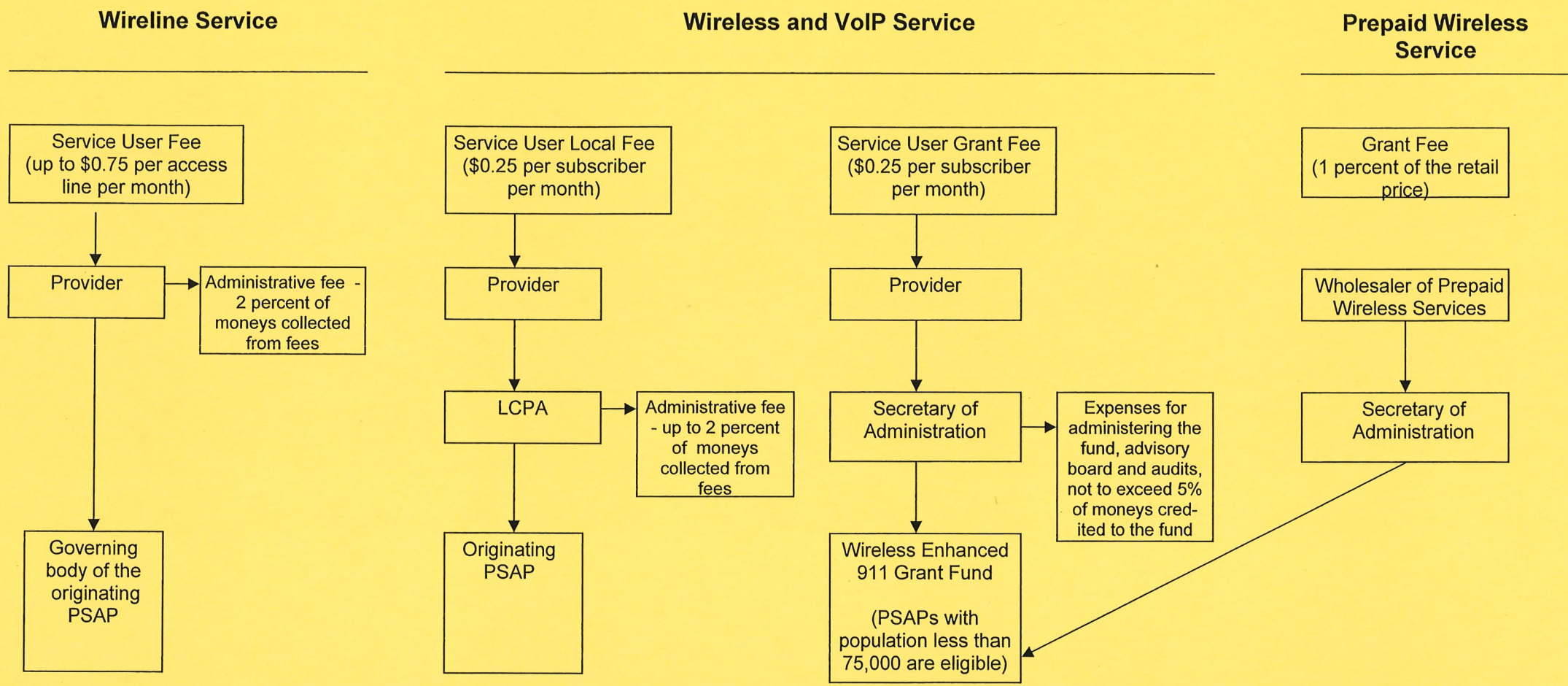
Wireline, Wireless, VoIP, and Other Service Capable of Contacting a PSAP



Prepaid Wireless Service



911 User Fees, Administrative Fees, and Distribution of Funds Current Law



Comparison of Provisions

2-3

House Substitute for Substitute for SB 48 vs. Current Law

Note: Existing Kansas law regarding 911 is organized in three sections - wireline service, wireless service, and VoIP service. Statutes related to VoIP mirror wireless statutes, but these two sections have significant differences from the wireline statutes. House Sub. for Sub. for SB 48 generally does not differentiate between service modality.

House Sub. for Sub. for SB 48

Current Law

Wireline, Wireless, VoIP, or Other Service Capable of Contacting a PSAP

Wireline Service

Imposition of 911 service and charges

A 911 fee of \$0.55 per month per subscriber account is imposed. New Sec. 3(a)

The governing body of a county or city may provide for operation of 911 service and may pay for it by imposing a tax not to exceed \$0.75 per month per exchange access line. 12-5302 (a)

Election processes are set out by which voters in a city or county can vote whether to install a 911 system, supported by a tax. 12-5302(b)(c)

No fee is imposed on more than 100 wireline users per location. New Sec. 3(a)

Same 12-5302(d)

Wireless and VoIP Service

An enhanced 911 grant fee of \$0.25 per month per wireless subscriber account and per VoIP service user is established. 12-5330(a), 12-5356(a)

An enhanced 911 local fee of \$0.25 per month per wireless subscriber account and per VoIP service user is established. 12-5324(a), 12-5355(a)

Pre-paid Wireless

Pre-paid Wireless

A prepaid wireless 911 fee of 1.1 percent per retail transaction is imposed. New Sec 5(a)

A wireless enhanced 911 grant fee in an amount equal to 1 percent of the retail price of any prepaid wireless service sold is imposed. 12-5324(b)

House Sub. for Sub. for SB 48

Current Law

2-4

Collection of tax/fees

Wireline, Wireless, VoIP, or Other Service
Capable of Contacting a PSAP

Wireline, Wireless, VoIP

Every billed service user is liable for 911 fees until paid to the provider. New Sec. 4(a)

Same 12-5302(e), 12-5331(a), 12-5357(a)

The provider has no obligation to take legal action to enforce collection of 911 fees. New Sec. 4(c)

Same 12-5302(g), 12-5331(c), 12-5357(c)

911 fees are collected by the provider at the same time as charges for service. New Sec. 4(d)

Same 12-5302(h), 12-5331(d), 12-5357(d)

Pre-paid wireless

Pre-paid wireless

The fee is collected by the seller from the consumer for each retail sale in Kansas. New Sec. 5(b)

Not specified

Remittance of tax/fees

Wireline, Wireless, VoIP, Other Service
Capable of Contacting a PSAP

Wireline

Fees are **due monthly**. Amounts collected in one month must be remitted to the local collection point administrator within 15 days of the end of the calendar month, along with a return. The service provider must **keep records of collections for three years**. New Sec. 4(e)

Taxes collected are **due quarterly**. Amounts collected in a quarter must be **remitted to the county/city within 60 days** of the end of the calendar quarter, along with a return. The service supplier must **keep records of collections for one year**. 12-5303(a)

Wireless, VoIP

Enhanced 911 **grant fees** are **due monthly**. Amounts collected in one month must be **remitted to the Secretary of Administration within 15 days** of the end of the calendar month, along with a return. The service supplier must **keep records of collections for three years**. 12-5331(e), 12-5357(e)

Enhanced 911 **local fees** are **due monthly**. Amounts collected in one month must be **remitted to the local collection point administrator within 15 days** of the end of the calendar month, along with a return. The service supplier must **keep records of collections for three years**. 12-5331(f) 12-5357(f)

House Sub. for Sub. for SB 48

Current Law

Remittance of
tax/fees
continued . . .

Prepaid Wireless Service

Prepaid Wireless Service

The seller is required to remit to the Department of Revenue all prepaid wireless 911 fees collected from consumers. Remittance is by electronic filing consistent with provisions for remitting sales tax. New Secs. 5(d), 6(a)

Enhanced 911 **grant fees** must be **remitted to the Secretary of Administration** by the **wholesaler within 15 days** of the end of the calendar month in which the service was sold by the wholesaler. 12-5331(g)

Administrative
Fees

Wireline, Wireless, VoIP, Other Service
Capable of Contacting a PSAP, Prepaid Wireless Service

Wireline

Providers and sellers may retain a fee **not to exceed 2 percent** of moneys collected. New Sec. 4(f), 6(b)

The **service supplier** may retain a **fee equal to 2 percent**.

Wireless, VoIP, Prepaid Wireless Service

No provision for service provider to retain a fee

Local collection point administrator may retain a fee not to exceed 2 percent of **911 fee moneys** collected (excludes prepaid). New Sec 4(f)

Local collection point administrator may retain a fee not to exceed 2 percent of **911 local fee** moneys collected. 12-5331(h), 12-5357(g)

The Department of Revenue may retain up to 1 percent of remitted charges on prepaid wireless for administration. New Sec. 6(f)

Costs of administering the grant fund, including expenses of the advisory board and audits can be paid from money (generally 911 grant fees) credited to the fund, not to exceed 5 percent. 12-5323(c)(1) The Secretary of Administration administers the grant fund.

2-5

House Sub. for Sub. for SB 48

Current Law

Distribution

Wireline, Wireless, VoIP, Other Service
Capable of Contacting a PSAP

Wireline

The **local collection point administrator** must **distribute fees to PSAPs** within 30 days of receipt, as follows: New Sec. 8(a)

Service provider must **remit all amounts collected in a quarter to the county/city within 60 days** of the end of the calendar quarter, along with a return. 12-5303(a)

82 percent returned to place of primary use

18 percent re-distributed to PSAPs with population less than 75,000

Wireless, VoIP

Fees not attributable to a specific PSAP go to LCPA grant fund

Local collection point administrator must distribute **local fee** moneys, within 30 days of receipt, **to PSAPs based on primary place of use.** 12-5331(h), 12-5357(g) Fees whose source cannot be identified are to be distributed first to PSAPs that have not achieved Phase II status. 12-5331(h)

Secretary of Administration deposits **grant fee** moneys in the **state treasury;** grants can be **awarded to** counties with a **population of less than 75,000** or a city located in such county, or two or more such cities or counties. 12-5324(c), 12-5322(c), 12-5355(b)

Prepaid Wireless Service

Prepaid Wireless Service

Fee moneys are transferred to the LCPA grant fund. New Sec. 8(b)

Same as wireless and VoIP grant fee. 12-5324(c)

House Sub. for Sub. for SB 48

Current Law

**Use of Proceeds
(tax, fee, and grant)**

Fee moneys (including earned interest) can be used only for necessary and reasonable costs incurred by PSAPs for the following:

Implementation of 911 services

Purchase of 911 equipment and upgrades

Maintenance and license fees for 911 equipment

Training of personnel

Monthly recurring charges billed by service suppliers

Installation, service establishment, and nonrecurring start-up charges billed by the service supplier

Charges for capital improvements and equipment or other physical enhancements to the 911 system

Acquisition and installation of road signs designed to aid in the delivery of emergency *services*

Costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish, or make improvements to buildings or similar facilities.

Costs shall not include expenditures to purchase subscriber radio equipment. New Sec. 9(a)

Grant moneys (including earned interest) may be used for **projects involving development of NG 911, costs associated with PSAP consolidation or cost-sharing projects**, uses identified above for fee moneys, and **audits of the LCPA**; and shall be used for expenses related to the 911 coordinating council, as well as audits of providers, and **audits of PSAPs conducted by Legislative Post Audit.** New Sec. 14(a), 9(a), 10(g), 12 (a)(b)(c)

Moneys may be used only for the following:

Same except Wireless/VoIP/PP grant 12-5323(c) and local fee 12-5330(b) only apply to wireless and VoIP enhanced 911

Same except Wireless/VoIP/PP grant 12-5323(c) and local fee 12-5330(b) only if used solely to process the data elements of wireless and VoIP enhanced 911

Same Wireless/VoIP/PP grant 12-5323(c) and local fee 12-5330(b)

Wireless/VoIP/PP grant 12-5323(c) and local fee 12-5330(b) limits training to operating the equipment, including training to provide effective service to users with communication disabilities

Same Wireline 12-5304(b)

Same Wireline 12-5304(b)

Same Wireline 12-5304(b)

Same Wireline 12-5304(b)

Same Wireless/VoIP/PP grant 12-5323(c) and local fee 12-5330(b) but adds, "or for other capital outlay or equipment not expressly authorized by this act."

Wireless/VoIP/PP grant 12-5323(c) - pay costs of administering the grant fund, including actual and necessary expenses of the advisory board and cost of audits, but aggregate costs cannot exceed 5 percent.

House Sub. for Sub. for SB 48

Current Law

Coordinating Council/ Advisory Body

Creates the 911 coordinating council, charged with monitoring the delivery of 911 services, developing strategies for future enhancements to the 911 system, developing criteria for grant applicants, and distributing grant funds to PSAPs. Shall include individuals with technical expertise in 911 systems, internet technology, and GIS technology. New Sec. 10(a), 14(b)

Creates the wireless enhanced 911 advisory board. Work with the Secretary of Administration to prepare an annual plan identifying intended uses of the grant money, including a project priority list, goals for deploying wireless enhanced 911, provisions for addressing the needs of persons with communications disabilities, information on projects financed, and criteria for providing grants. Members shall be familiar with development and implementation of wireless enhanced 911 service. 12-5326, 12-5327

Council would have 18 members: 12 appointed by the Governor, six legislators.

Advisory body has nine members, all appointed by the Governor. No legislators.

Governor's appointees:

Governor's appointees:

- 2 representing wireless telecommunications providers
- 1 representing local exchange providers, recommended by KTIA
- 1 representing rural telecomm. company, rec. by KS Rural ITC
- 1 representing VoIP providers
- 2 recommended by League of KS Municipalities
- 2 recommended by KS Association of Counties
- 1 recommended by KS Commission on Deaf and Hard of Hearing
- 1 recommended by KS EMS Board
- 1 recommended by Adjutant General

- 1 representing wireless telecommunications providers
- 1 representing local exchange providers

Legislators, appointed by legislative leadership

- 3 Representatives (2 by Speaker, 1 by Minority Leader)
- 3 Senators (2 by President, 1 by Minority Leader)

- 1 representing League of KS Municipalities
- 1 representing KS Association of Counties

Governor designates chairperson

1 representing local fire/EMS

Terms begin 1/1/11 and are subject to reappointment every three years.

New Sec. 10(b)

- 1 representing local law enforcement
- 1 representing PSAPs, population less than 15,000
- 1 representing KS Highway Patrol

Further requirements to ensure small, medium and large counties are represented. 12-5326

House Sub. for Sub. for SB 48

Current Law

Rules and Regs/
Civil Penalties

The **911 coordinating council** is authorized to adopt rules and regulations necessary to effect the provisions of the act, including civil penalties. New Sec. 10(c)

Imposition of civil penalties requires a written **order of the 911 coordinating council**, stating the violation, the penalty, and the right to appeal in accordance with KAPA. New Sec. 10(d)

Any civil penalty recovered shall be **deposited in the local collection point administrator grant fund**. New Sec. 10(e)

Same, except the **Secretary of Administration** is the party authorized.

Same, except the **Secretary of Administration** issues the order, and the provisions apply only to **wireless carriers and VoIP providers**.

Any civil penalty recovered shall be deposited with the local collection point administrator to be **routed back to the corresponding PSAP**. 12-5325, 12-5354

Immunity

PSAPs, the local collection point administrator, providers, and sellers shall **not be liable for any form of damages** resulting directly or indirectly from the performance of installing, maintaining, or providing 911 service. New Sec. 11(a)

Wireline - immunity only extended to failure to transmit. 12-5308

Wireless and VoIP - Except as provided by the KS Tort Claims Act, in contracting for and in providing enhanced 911 service, **and except for failure to use ordinary care, or for intentional acts, the Secretary of Administration**, local collection point administrator, **each governing body, each public agency**, each wireless carrier, and each VoIP provider shall not be liable for **payment** of damages resulting from the performance of installing, maintaining, or providing enhanced 911 service. 12-5333, 12-5359

Audits

Receipts and disbursements of the local collection point administrator shall be audited yearly by a licensed municipal accountant or a CPA. New Sec. 12(a)

Same for wireless and VoIP local fee. 12-5331(i), 12-5357(h)

The **local collection point administrator** may require an audit of any provider's books and records concerning collection and remittance of 911 fees. The **audit cost to be paid from the grant fund**. New Sec. 12(b)

Wireline - the governing body at its own expense may require an annual audit of the service supplier's books and records concerning collection and remittance of 911 tax. 12-5303(c)

Wireless - in 2006 the Secretary shall require, and thereafter may require, audits of wireless carrier's books and records re: 911 fee **at the Secretary's expense**. 12-5332

VoIP - in 2008 the Secretary shall require, and thereafter may require, audits of wireless carrier's books and records re: 911 fee **at the Secretary's expense**. 12-5358

House Sub. for Sub. for SB 48

Current Law

**Audits
continued . . .**

The Department of Revenue may audit sellers in conjunction with sales and use tax audits, and may provide the LCPA with information if the audit finds the seller is not in compliance regarding the prepaid wireless fee. The LCPA can ask the Department to initiate collection or audit procedures on the seller. New Sec. 6(c)

By 12/31/11, and every three years thereafter, Legislative Post Audit shall contract for an **audit of the 911 system** to determine the following:

- Whether PSAPs are using fee money appropriately;
- Whether the amount of moneys collected is adequate; and
- The status of 911 service implementation.

Legislative Post Audit's contract audit costs are reimbursed from the **LCPA grant fund**.

Legislative Post Audit's reports go to the 911 Council, the LCPA, the Legislature's utilities committees. New Sec. 12(c)

The Legislature shall review the act in the 2015 Session and every five years thereafter. (New Sec. 12(d)

Legislative Post Audit to conduct audits of the 911 service system in **2006 (wireless) and in 2008 (wireline, wireless, VoIP)** to determine:

- same
- same
- same

2008 audit also determined the need and level of continued funding for the 911 system. 12-5334

(Audit costs paid from Legislative Post Audit budget)

The 2008 audit was to be submitted to the Legislature at the start of the 2009 Session. 12-5334

Provider Costs

Providers are not limited from recovering directly from their customers costs associated with designing, developing, deploying and maintaining 911 service and its cost of collection and administration of the 911 fees. New Sec. 13(a)

Same for Wireless and VoIP. 12-5335, 12-5360

House Sub. for Sub. for SB 48

Current Law

Grant Fund

The **local collection point administrator shall establish and maintain a grant fund for PSAPs which shall not be part of the state treasury.** Grant money, including earned interest can be expended only for purposes described under Use Of Proceeds (above). New Sec. 14(a)

The **911 coordinating council** shall develop criteria for grant applicants and award and distribute grant funds. New Sec. 14(b)

The wireless enhanced 911 grant fund is **established in the state treasury.** The **Secretary of Administration** (or designee) can approve payments from the fund. Grant moneys can be expended for purposes described under Use of Proceeds (above) 12-5323

The **Secretary** is authorized to review grant applications and select projects for awards, **upon recommendation of the 911 Advisory Board.** 12-532, 12-5328(b) **The Advisory Board works with the Secretary to develop the criteria and method for providing grants.** 12-5327 Selected grant processes are spelled out in statute. 12-5328

Immediate Transfer of Grant Funds

On the effective date of the act, all funds in the wireless enhanced 911 grant fund are transferred to the LCPA. Fees received after the effective date of the act and before 1/1/11 shall be transferred to the LCPA at least monthly. All such transferred moneys are deposited in the LCPA grant fund. New Sec. 15

Dissolution of Current Grant Fund and Board

On **January 1, 2011** the wireless and VoIP enhanced 911 grant and local fees shall be discontinued, the advisory board shall be abolished, any unobligated balance in the wireless enhanced 911 grant fund shall be paid to the local collection point administrator **for deposit in the LCPA grant fund,** and the wireless enhanced 911 grant fund shall be abolished. Sec. 16(a), 17

Same, except **date is July 1, 2010, only the grant fee is discontinued,** and any unobligated balance in the grant fund is paid to the LCPA **for distribution to PSAPs based on population.** 12-5338

Ongoing Fees

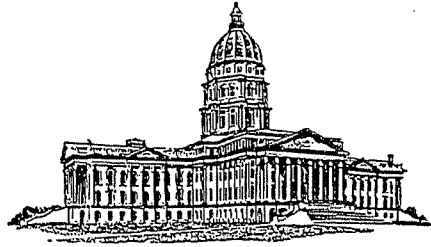
Effective January 1, 2011, a fee of \$0.55 per month per subscriber account is imposed for wireline, wireless, VoIP, or other service capable of contacting a PSAP. A fee of 1.1 percent per retail transaction on prepaid wireless is imposed. New Sec. 3(a), 5(a)

Effective July 1, 2010, in counties with a population of 125,000 or more, the tax on wireline cannot exceed \$0.25 per month per access line, and the local fee on wireless and VoIP shall be an equal amount. In counties with a population less than 125,000, the tax on wireline cannot exceed \$0.50 per month per access line, and the local fee on wireless and VoIP shall be an equal amount. The provisions imposing the prepaid wireless fee expire. 12-5338

MARY ANN TORRENCE, ATTORNEY
REVISOR OF STATUTES

JAMES A. WILSON III, ATTORNEY
FIRST ASSISTANT REVISOR

GORDON L. SELF, ATTORNEY
FIRST ASSISTANT REVISOR



OFFICE OF REVISOR OF STATUTES
KANSAS LEGISLATURE

Legal Consultation—
Legislative Committees and Legislators
Legislative Bill Drafting
Legislative Committee Staff
Secretary—
Legislative Coordinating Council
Kansas Commission on
Interstate Cooperation
Kansas Statutes Annotated
Editing and Publication
Legislative Information System

MEMORANDUM

To: Chairman Apple and members of the Senate Committee on Utilities
From: Matt Sterling, Assistant Revisor of Statutes
Date: February 8, 2010
Subject: House Substitute for Substitute for Senate Bill No. 48

House Substitute for Substitute for Senate Bill 48 is an act concerning emergency telephone service and the implementation, collection and distribution of 911 fees. The bill contains the provisions of House Bill 2423, as amended by the House Committee on Energy and Utilities. The current statutes concerning the 911 system and fees are set to expire on July 1, 2010. This act would create a new fee structure for the 911 fees, as well as creating a 911 coordinating council. The bill would be effective upon publication in the Kansas register, but the majority of the provisions of the bill would not go into effect until January 1, 2011. Below is a more detailed listing of the provisions of the bill.

Section 2: Contains definitions used throughout the act, some of which are listed below:

- “Consumer” is a person who purchases prepaid wireless service in a retail transaction.
- “Local Collection Point Administrator” (LCPA) means the statewide association of cities established by K.S.A. 12-1610e and the statewide association of counties established by K.S.A. 19-2690.
- “Place of primary use” (as defined in the mobile telecommunications act) means the street address representative of where the customer’s use of the mobile telecommunications service primarily occurs, which must be—
the residential street address or the primary business street address of the customer; and
within the licensed service area of the home service provider.
- “Provider” means any person who provides exchange telecommunications service, wireless telecommunications services, VoIP service, or other service capable of contacting a PSAP.
- “Seller” means a person who sells prepaid wireless service to another person.
- “Service user” means any person who is provided exchange telephone communications service, wireless telecommunications service, VoIP service, prepaid wireless service, or any other service capable of contacting a PSAP.

Senate Utilities Committee
February 10, 2010
Attachments 3-1

Section 3: Imposes a 911 fee of \$.55 per month per subscriber account to be remitted by each service provider to the LCPA.

Section 4: Makes every service user liable for the 911 fee until it has been paid to the service provider. The fees are to be added to the billings and may be stated separately as “KS 911 fees”. The provider would have no legal obligation to enforce collection of the fees, but must provide an annual list to the LCPA of the amount owed and the names of service users who carry a balance. The fees collected are due on a monthly basis, no more than 15 days after the end of a calendar month. The providers are required to keep records of the fees collected for three years. The providers and LCPA may retain an administrative fee of up to 2% of the moneys collected.

Section 5: Imposes a prepaid wireless 911 fee of 1.1% per retail transaction that is to be proportionately increased or reduced upon any change to the 911 fee on providers. The adjusted fee is determined by dividing the amount of the new 911 fee for providers by \$50. The prepaid wireless 911 fee is the liability of the consumer, except that the seller is liable to remit all fees that the seller collects. The amount of the fee that is collected from the consumer is not to be included in the base for measuring any tax, fee, surcharge or other charge.

The prepaid wireless 911 fee is to be collected by the seller from the consumer for each retail transaction occurring in Kansas. A retail transaction occurs in Kansas if it is effected by a consumer in a business located in Kansas or it is treated as occurring in this state for the purposes of K.S.A. 2009 Supp. 79-3673(c)(3). The amount of the fee must be disclosed to the consumer on the receipt or some other manner. If prepaid wireless service is sold with other products for a single, non-itemized price, then the fee shall apply to the entire price unless the amount of the prepaid service is a specified dollar amount or is verifiable from the seller’s records.

Section 6: Requires that all the prepaid wireless 911 fees collected by sellers are to be remitted to the department of revenue by electronic filing and that the department is to establish registration and payment procedures for the collection of the prepaid wireless 911 fee. A seller is allowed to retain an administrative fee of up to 2% of collected prepaid wireless 911 fees. The department may conduct audits of sellers in conjunction with sales and use tax audits and provide the LCPA with the information obtained in the audits if it indicates that a seller may not be complying with this act. The LCPA may also request the department to initiate collection or audit procedures on individual sellers if collection efforts by the LCPA are unsuccessful.

The department is required to transfer all remitted prepaid wireless 911 fees to the LCPA within 30 days of receipt for distribution as provided in section 8. Prior to such transfer, the department may retain up to 1% of remitted charges for use in administrative costs and up to \$70,000 of remitted funds in fiscal year 2011 for use in paying for programming and other one-time costs for establishing a system for collecting the prepaid wireless 911 fee.

Section 7: States that the prepaid wireless 911 fee imposed by this act is the only 911 funding charge to be imposed for wireless service in the state and that no other fee, tax, surcharge or other charge is to be imposed.

Section 8: Within 30 days of receiving the fees, the LCPA must distribute 82% of the moneys to the PSAPs based upon place of primary use information provided by the providers and the

remaining 18% is to be redistributed to the PSAPs located in counties with less than 75,000 in population. Moneys which cannot be allocated to a specific PSAP would be transferred to the LCPA grant fund. The LCPA would be required to keep records of all 911 fees received and distributed. The information provided to the LCPA or the 911 coordinating council by the providers, would be treated as proprietary records and withheld from the public upon request of the party submitting the records.

Section 9: The purposes for which the 911 fees may be used are: Implementation of 911 services; purchase of 911 equipment and upgrades; maintenance and license fees for 911 equipment; training of personnel; monthly recurring charges billed by service suppliers; installation, service establishment and nonrecurring start-up charges billed by the service supplier; charges for capital improvements and equipment or other physical enhancements to the 911 system; the acquisition and installation of road signs designed to aid in the delivery of emergency service, but not expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities or the purchase of subscriber radio equipment.

Section 10: Creates the 911 coordinating council which is tasked with monitoring the delivery of 911 services, developing strategies for future enhancements to the 911 system and distributing funds to the PSAPs. The coordinating council would have authority to promulgate rules and regulations necessary to effectuate this act. The council also has the sole authority to impose civil penalties for violation of this act.

The council would consist of 12 members appointed by the governor: Two members representing wireless providers; one member representing a local exchange provider; one member representing a rural telecommunications company; one member representing VoIP providers; two members recommended by the League of Municipalities; two members recommended by the association of counties; one member recommended by the commission for the deaf and hard of hearing; one member recommended by the Kansas emergency medical services board and one member recommended by the adjutant general. The council would also include three members from the House of Representatives and three from the Senate.

The LCPA would provide staff support to the council. Members may receive reimbursements for meals and travel expenses, but shall not receive any compensation. All expenses related to the council are to be paid from the LCPA grant fund.

Section 11: The LCPA, PSAPs, providers and sellers are not liable for any damages resulting from the performance of installing, maintaining or providing 911 service.

Section 12: The receipts and disbursements of the LCPA would be audited annually by a licensed municipal accountant or a certified public accountant. The LCPA could require an audit, to be paid from the LCPA grant fund, of any provider's records pertaining to collection and remittance of fees pursuant to this act.

The division of post audit would conduct an annual audit of the 911 system to determine: Whether moneys received by PSAPs were being used appropriately; whether the amount of moneys collected was adequate and the status of 911 service implementation. Audits would be conducted on a random basis and no more than 35 PSAPs could be audited during one calendar year. The cost of the audit would be paid from the LCPA grant fund and the report would be

submitted to the 911 coordinating council, the LCPA, the house energy and utilities committee and the senate utilities committee.

Section 13: States that the act is not to be construed so as to limit the ability of a provider to recover from its customers, its costs associated with designing, developing, deploying and maintaining 911 service, as well as the cost of collection and administration of the 911 fees imposed by this act, whether or not such costs are itemized on the customer's bill.

Section 14: Effective on publication in the register, the LCPA is to create and maintain a grant fund for PSAPs that is outside the state treasury. The 911 coordinating council shall develop criteria for grant applicants and make the final determination as to the allocation of the funds. The money in the grant fund may only be expended for: Projects involving the development of next generation 911 services; costs associated with PSAP consolidation or cost-sharing projects; expenses related to the 911 coordinating council; the costs of audits conducted pursuant to section 12 and other purposes defined in section 9.

Section 15: On publication in the Kansas register, all funds remaining in the wireless enhanced 911 grant fund established pursuant to K.S.A. 12-5323, would be transferred to the LCPA. Any funds received on or after the effective date of this act and prior to January 1, 2011, would be transferred to the LCPA at least monthly. The LCPA would be required to deposit such funds in the LCPA grant fund to be distributed as provided in section 14.

Section 16: Amends K.S.A. 2009 Supp. 12-5338 to extend the wireless enhanced 911 grant fund and the wireless enhanced fee to expire on January 1, 2011 instead of July 1, 2010.

Section 17: Amends K.S.A. 2009 Supp. 12-5361 to extend the VoIP enhanced 911 grant fund and the VoIP enhanced 911 local fee to expire on January 1, 2011 instead of July 1, 2010.

Section 18: Severability clause.

Section 19: Repeals K.S.A. 12-5305, requiring prior approval by a PSAP before a wireless service supplier may direct emergency calls to that PSAP; K.S.A. 12-5306, requiring wireless service suppliers to establish 911 as a unique emergency telephone number; K.S.A. 12-5307, requiring each city and county to provide or contract for 24-hour receipt of wireless emergency calls within its jurisdiction; K.S.A. 12-5309, establishing the enhanced 911 task force; and K.S.A. 2009 Supp. 12-5338 and 12-5361 upon publication in the register.

Section 20: Repeals the remaining sections of the Emergency Telephone Services Act, the Wireless Enhanced 911 Act and the Voice over Internet Protocol Act on January 1, 2011.

Section 21: The act is effective upon publication in the Kansas Register, but the provisions of sections 1 through 13 stipulate that those sections are not effective until January 1, 2011.



KANSAS
ASSOCIATION OF
COUNTIES

TESTIMONY TO THE SENATE UTILITIES COMMITTEE
FEBRUARY 10, 2010

Mr. Chairman and Committee Members:

I appreciate the opportunity to appear in support of SB 48, a bill originally requested by the Kansas Association of Counties and introduced by this committee last year. We appreciate the Chairman's quick hearing on this issue before turnaround.

The purpose of SB 48 is to continue funding the E911 system at levels consistent with current revenue streams.

Current Funding Mechanism

Current statutes allow for a fee up to \$.75 on hardwire lines and up to \$.25 on wireless and VoIP service with this money going to local public safety answering points (PSAPs). Another \$.25 is also paid by wireless/VoIP, which goes to a state grant fund. On July 1, 2010 these fees change; the \$.75 is reduced to \$.50 for smaller populated counties (under 125,000) and reduced to \$.25 for larger counties (over 125,000). The fees of hardwire or wireless phones are equalized. The grant fee of \$.25 is eliminated and grants will no longer be available.

The History of SB 48

SB 48 was introduced and heard last year. The Kansas Association of Counties, the League of Kansas Municipalities and the telecommunications industry were not in agreement on the bill. The bill passed out of the Senate Utilities Committee as a substitute bill, but it did not pass out of the House Utilities Committee.

The Kansas Association of Counties, the League of Kansas Municipalities and the telecommunications industry met several times over the interim, and after much discussion and debate, the parties reached a compromised agreement to continue funding E911 using a \$.55 fee. This agreement was presented to the Special Utilities Committee during its interim meetings. Much of the agreement was recommended by the Special Committee for inclusion in a bill that was introduced this session, HB 2423. HB 2423 was heard, amended, and inserted into SB 48 by the House Utilities Committee, which brings us to today's hearing.

The impetus for KAC's bill request last year was the need to continue funding E911 and to build up reserves for implementation of Next Generation 911. I have attached graphs showing the drop

300 SW 8th Avenue
3rd Floor
Topeka, KS 66603-3912
785•272•2585
Fax 785•272•3585

Senate Utilities Committee
February 10, 2010
Attachments 4-1

in revenue and the increase in expenditures following July 1, 2010, if current law is not changed. Bottom line, Kansas public safety answering points will drop from collecting \$20,844,394 to \$13,265,421, or a loss of \$7,578,973 each year if current law remains in effect. We cannot withstand this drop in revenue and maintain our effectiveness at responding to 911 calls.

The KAC believes continued funding for E911 is a critical issue for public safety. Our E911 system needs to upgrade its technology and equipment to meet both technology changes and the changing ways in which the public communicates in order to ensure prompt and effective responses to emergency calls.

KAC supports the amendments adopted by the House Committee. We oppose any amendment that may be offered on the Senate side that allows telecommunications carriers to recover their costs. Such an amendment would rob the grant fund of monies that should be used for public safety answering points. Carriers may recover their costs in the traditional means – billing their customers.

I appreciate the committee's time and attention and would be happy to answer questions.

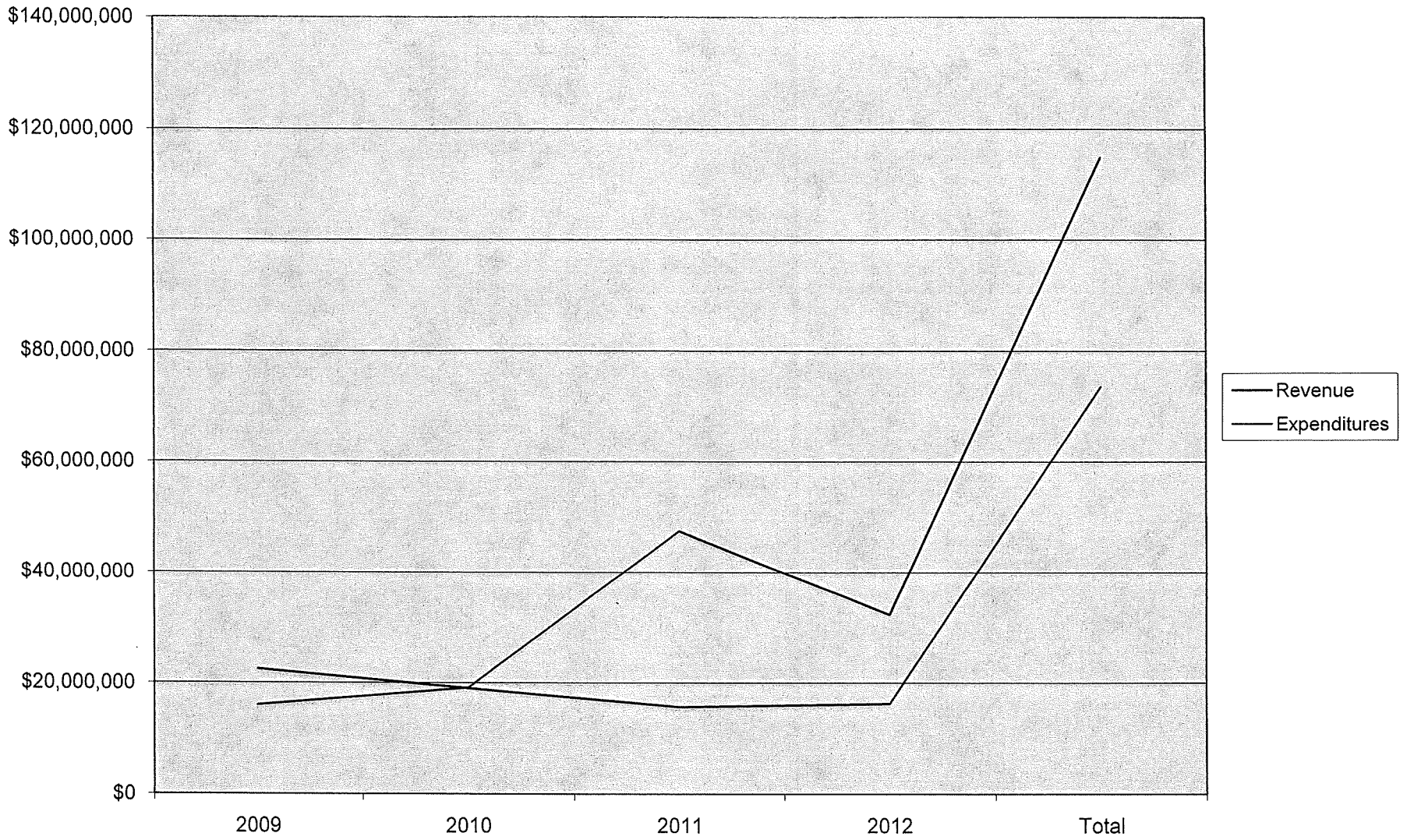
Respectfully Submitted,



Melissa A. Wangemann

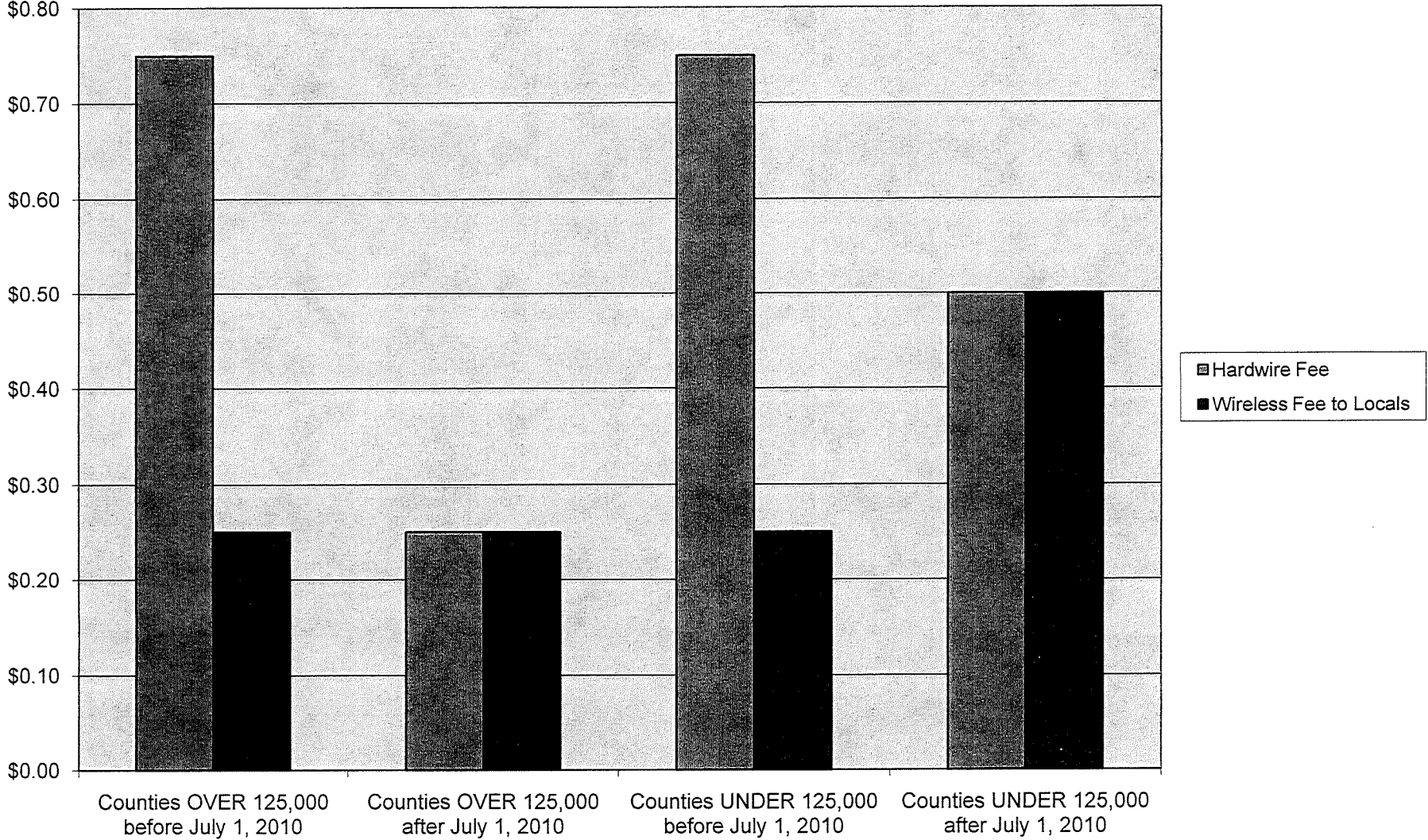
General Counsel and Director of Legislative Services

Statewide E911 Revenues and Costs



4-3

Local PSAP Fees





JOHNSON COUNTY, KANSAS
Emergency Communications

www.jocoks911.org · 11880 S. Sunset Drive, Olathe, KS 66061

Testimony of:

Director Walter Way
Johnson County Emergency Communications
Olathe, Kansas

House Substitute for Substitute for SB 48

February 9, 2010

Chairman Apple and Members of the Senate Utilities Committee:

I represent Johnson County Government and the Kansas City Regional E911 System that serves Johnson, Wyandotte, Leavenworth and Miami Counties and five Missouri counties. I am providing testimony in support of the bill before this Committee.

This Committee has been presented previously with information concerning the significant functional limitations of the legacy analog based 911 system in Kansas and of the important need to upgrade to a digital based Next Generation 911 (NG911) capable system that will allow our citizens to contact 911 with the communication devices and technologies they use every day.

Kansas 911 Public Safety Answering Points (PSAPs) must have the capability to receive and process digital voice, text messages, images, video and other data sent from citizens and from automatic crash notification systems. Such Next Generation 911 calls and associated data must be transmitted immediately to the law enforcement, fire and emergency medical responders who will act on the 911 call information and images. This need can be illustrated by the example of a PSAP receiving a 911 call with the image of a missing child or of a robbery suspect. Without the ability of the NG911 system to rapidly transmit the image to the responding law enforcement officer, the image stops at the PSAP and is not available to the emergency responder who needs it the most to identify a missing or wanted person.

The opportunities for PSAP consolidation and for the sharing of 911 system infrastructure between local governments can be furthered with the development of NG911 networks. NG911 networks are secure, regional broadband Intranets accessed by multiple PSAPs and which allow PSAPs to receive and transmit NG911 calls, radio communications and Computer Aided Dispatch calls for service information between PSAPs and with emergency responders. As an example, two PSAPs located one hundred miles apart and on a common NG911 network would have the ability to receive each other's NG911 calls and associated data, to use a common Computer Aided Dispatch

Senate Utilities Committee
February 10, 2010
Attachments 5-1

system to manage deployment of emergency responders, and to dispatch calls with associated images and data by radio and mobile data to emergency responders served by the other PSAP.

In July 2010, statutory authority for the collection of the wireless and VoIP enhanced 911 grant fees will expire, and for counties with a population over 125,000, the authority to assess a monthly 911 surcharge on wireline phones will be reduced from 75 cents/phone to no more than 25 cents/phone, and the authority to collect wireless 911 fees will be capped at 25 cents/phone. Counties under 125,000 population may impose a monthly 911 surcharge up to 50 cents/phone and may also collect 50 cents per wireless phone.

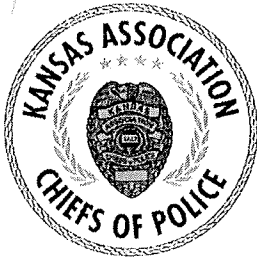
The upcoming reduction in 911 revenues is of great concern to public safety agencies of all sizes in Kansas. This funding concern was a significant topic at the hearings of the Special Committee on Utilities which received a *Joint Statement Between PSAPs and the Telecommunications Industry* on November 11, 2009. That joint statement contained recommendations for the continued funding of the 911 system that would meet existing and future 911 funding needs of Kansas PSAPs, and those recommendations are included in the bill before this Committee.

While the bill restricts the use of 911 funds for the purchase of mobile and portable radios, it does provide authorization in *New Section 9 (a)(7)* to use 911 fees to fund “capital improvements and equipment or other physical enhancements to the **911 system**”. I would submit that the same authorization language has been in KSA 12-5304 since 1988 when the Legislature amended the statute to allow usage of 911 funds for computer aided dispatch systems and other equipment needed to process 911 calls and to deploy emergency responders to 911 calls.

Considering that the future NG911 System will require PSAPs to receive digital information and images as well as voice calls, it will be important that the **911 System** be understood to include the radio and data communications networks and associated equipment needed to promptly and reliably deliver the 911 call and information to the emergency responders who most need such information to serve their citizens.

I would request your favorable consideration of this bill.

Walter Way, Director
Johnson County Emergency Communications
11880 S. Sunset Drive
Olathe, Kansas 66061
913-826-1010

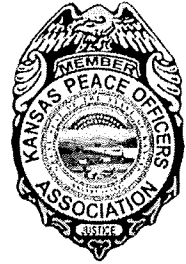


Kansas Association of Chiefs of Police

PO Box 780603, Wichita, KS 67278 (316)733-7301

Kansas Peace Officers Association

PO Box 2592, Wichita, KS 67201 (316)722-8433



Testimony to the Senate Committee In Support of House Substitute for Sub SB48 911 Funding

February 9, 2010

Mr. Chairman and Committee Members,

The Kansas Association of Chiefs of Police and the Kansas Peace Officers Association support the passage of House Substitute for Sub SB48. Without the passage of this bill, Kansas PSAPs will lose over \$7 million in funding to support the critical public safety function of emergency dispatching.

During the interim, a group of interested entities worked diligently to put together a proposal with minimal differences of opinions. This bill is the result of that effort. This bill has provisions that are important to public safety in Kansas. It increases the financial support of the smaller PSAPs which cover a large geographic portion of Kansas. This is desperately needed by those agencies. This comes at a cost of reduced funding for the largest PSAPs, but it is a cost the larger agencies are willing to accept realizing the difficulties the smaller PSAPs face. The bill also addresses the expanding use of prepaid phones and a method to collect the 911 fee for those phones. It also contains a provision to assist PSAPs desiring to explore consolidation. These are all important factors.

Certainly there are things in this bill that concern law enforcement. The most significant of those concerns is the new limitations placed on the use of the funds for communications components in the field necessary to transfer the call information to the emergency responders. This has been allowed for years and we are concerned this is going to put new financial burdens on local governments at a time when their budgets are as challenging as the state's budget. It also comes at a time when there are needs to upgrade many of those systems to digital communications from analog communications, replacement of devices to meet FCC mandates to narrower band widths, and of course the ongoing effort to convert to communications devices allowing interoperability between agencies which is critical for interagency or multiple agency emergency responses. However, we fully understand the political reality of the House position on this issue.

We are also opposed to any amendments to divert any of these funds to the so called "cost recovery." We urge you to not amend this bill unless absolutely necessary to correct a technical problem. Let's get this bill signed into law and put this issue behind us while continuing to support our emergency call centers.

In spite of our concerns about radio funding, we encourage you to recommend this 911 funding bill favorably for passage by the Senate. We simply need this funding to keep our emergency dispatch centers operating efficiently and maintaining our abilities to accept, process, and dispatch emergency 911 calls across our state.

A handwritten signature in black ink, appearing to read "Ed Klumpp".

Ed Klumpp
Legislative Committee Chair – Kansas Association of Chiefs of Police
Legislative Liaison – Kansas Peace Officers Association
eklumpp@cox.net
(785) 640-1102

Senate Utilities Committee
February 10, 2010
Attachments 6-1

1 (h) This section shall take effect on January 1, 2011.

2 New Sec. 6. (a) Prepaid wireless 911 fees collected by sellers shall
3 be remitted to the department by electronic filing that is consistent with
4 the provisions of chapter 79, article 36 of the Kansas Statutes Annotated.
5 The department shall establish registration and payment procedures for
6 the collection of the prepaid wireless 911 fee.

7 (b) A seller shall be permitted to retain an administrative fee not to
8 exceed 2% of prepaid wireless 911 fees that are collected by the seller
9 from consumers.

10 (c) To minimize additional costs to the department, the department
11 may conduct audits of sellers in conjunction with sales and use tax audits.
12 The department is authorized to provide the LCPA with information ob-
13 tained in such audits if such information indicates that a seller may not
14 be complying with the provisions of this section and section 5, and amend-
15 ments thereto. The LCPA may request the department to initiate collec-
16 tion or audit procedures on individual sellers if collection efforts by the
17 LCPA are unsuccessful.

18 (d) The department shall establish procedures by which a seller may
19 document that a sale is not a retail sale, which procedures shall substan-
20 tially coincide with procedures for documenting sale for resale transac-
21 tions for chapter 79, article 36 of the Kansas Statutes Annotated.

22 (e) The department shall transfer all remitted prepaid wireless 911
23 fees to the LCPA within 30 days of receipt for distribution as provided
24 in section 8, and amendments thereto. Prior to such transfer, the de-
25 partment may retain up to 1% of remitted charges for use in administer-
26 ing the provisions of this section.

27 (f) In addition to retaining 1% of remitted charges for administrative
28 uses, the department may retain up to \$70,000 of remitted funds in fiscal
29 year 2011 only for use in paying for programming and other one-time
30 costs for establishing a system for collecting the prepaid wireless 911 fee.

31 ~~(g) This section shall take effect on January 1, 2011.~~

32 New Sec. 7. (a) The prepaid wireless 911 fee imposed in this act shall
33 be the only 911 funding obligation imposed with respect to prepaid wire-
34 less service in this state. No tax, fee, surcharge or other charge shall be
35 imposed by this state, any political subdivision of this state or any inter-
36 governmental agency for 911 funding purposes upon any prepaid wireless
37 service provider, seller or consumer with respect to the sale, purchase,
38 use or provision of prepaid wireless service.

39 (b) This section shall take effect on January 1, 2011.

40 New Sec. 8. (a) Not later than 30 days after the receipt of moneys
41 from providers pursuant to sections 3 and 4, and amendments thereto,
42 the LCPA shall distribute such moneys to PSAPs based upon the follow-
ing ratio: 82% shall be distributed to PSAPs based upon place of primary

(g) Remitted charges and funds retained by the department pursuant to this subsection for the initial implementation and ongoing collection of the prepaid wireless 911 fee shall be deposited into the electronic database fee fund.

(h)

To: Senate Utilities Committee
From: Kim Winn, Director of Policy Development & Communications
Date: February 10, 2010
Re: Support for H Sub for Sub for SB 48

The League of Kansas Municipalities (LKM) has worked with the Kansas Association of Counties (KAC) and representatives of the telecommunications industry over the summer and fall to develop legislation that we believe is a common sense approach to maintaining our current 911 system and moving forward as new technologies arise. We believe that **this legislation accomplishes three primary goals:**

- **Maintain the Current 911 System.** Over the past several years, we have made tremendous progress in the enhancement of the 911 system in Kansas and it is important for the safety of all Kansans that we maintain this state-of-the-art system. If no action is taken during this legislative session, cities and counties will lose \$7.5 million statewide as a result of prior statutory changes. SB 48 seeks to maintain funding for Public Safety Answering Points (PSAPs) at or near current levels. This bill actually represents a decrease in statewide tax revenue of \$1.4 million annually.

Most of the \$.55 fee (82%) will be distributed directly back to the PSAPs where the user is located (based on place of primary use). The remaining 18% will be distributed to PSAPs in counties with less than 75,000 population in an inverse relationship to their population (see attached table for PSAP-specific estimates). Monies from pre-paid wireless will go into a grant fund to be utilized to help develop "next generation" deployment, costs associated with consolidation, or for the other limited purposes set out in statute.

- **Statute Simplification.** There are 39 different statutes that currently deal with 911. There are different processes for wireline providers, wireless providers, and VOIP providers. All parties to this agreement see the need to streamline the statutes and provide a system for collection and distribution of 911 funds that treats all users the same regardless of the type of device they are using to call 911. SB 48 will bring parity for all users and will provide a central mechanism for collecting all of these fees, while leaving the money outside of the state treasury so that it cannot be swept for other purposes.
- **Planning for the Future.** The 911 system is inherently based on technology and as such, will continue to evolve as communications evolve over time. SB 48 establishes a 911 Coordinating Council to oversee our efforts to maintain and develop the best 911 system possible.

In conclusion, we strongly believe that SB 48 provides a necessary path to maintain our current 911 system while working to develop the "next generation" of 911 services. For this reason, we respectfully request your favorable consideration of this bill. I would be happy to stand for questions at the appropriate time.

Senate Utilities Committee
February 10, 2010
Attachments 8-1

Technical Change Requested

As a result of some changes in the House Committee, a reference needs to be corrected. On page 8 of the bill, new Section 14 refers to the cost of all audits being taken from the grant fund. This was supposed to be only the costs for auditing providers and the cost of Legislative Post Audits. The audits of the LCPA always have been, and will continue to be, paid from administrative fees.

Therefore, the reference in New Section 14 should refer back to section 12 (b) & (c) and not to the LCPA audit in subsection (a).

Committee Questions

Does SB 48 propose a tax increase? No. This legislation is proposing a decrease in annual revenues of \$1.4 million.

How do the administrative fees compare under SB 48? Under current law, administrative fees are capped at a possible 7%. Under the proposal in SB 48, administrative fees will be capped at a possible 4%.

Do we have too many PSAPs? Currently, Kansas has 114 PSAPs across the state.

How do we promote cooperation and consolidation among PSAPs? By their very nature, PSAPs are cooperative ventures. But, we can and should do more to promote cost-sharing and consolidation efforts. This is why this issue has been specifically added to the directive for the new 911 Coordinating Council. In addition, because the "next generation" technology is IP based, there will be increased opportunities for regionalization and cooperation in future years.

How will the funds be distributed to local governments? The funds will be distributed in much the same way that they are currently distributed with regard to the wireless funds. Most of the funds (82%) will be distributed to PSAPs based upon place of primary use information provided by the telecommunications providers. The remaining 18% is to be distributed to PSAPs in counties with less than 75,000 population. This is to replace the current state grant fund monies that they have been receiving.

The distribution to a "PSAP" rather than a "city" or "county" is necessary because of the differences in local cooperation. In some areas, the county runs the PSAP for the entire area. In other areas, the primary city in the area runs the PSAP for the entire county. Johnson County is unique in that they have separate PSAPs, but are working together under interlocal agreements. In still another example, the county owns the physical PSAP while the city trains and hires the dispatchers and other staff. Therefore, the only way to be consistent with the distribution of the monies from the state level, is to identify the PSAPs that are providing the service and then let the local officials work out the cooperation and cost-sharing.

Is immunity different under SB 48? No. We believe that there is no change in the immunity standards set in SB 48 from the current law. The language in SB 48 was an attempt to reconcile the different language with regard to immunity into a simple, straightforward statement of immunity for all parties involved in the delivery of 911 services. Cities and counties operating PSAPs are immune from liability both in the specific statutes and in the Kansas Tort Claims Act. This is the same standard that there is for all other essential government services. Because telecommunications providers are private businesses, they need the immunity provision in order to recognize their role in providing this essential government service.

Who is the "subscriber" in the definition of "subscriber radio service?" In the case of radios under this act, the "subscriber" would be the city or county that subscribes to the radio service. This is a term of art in the industry and we believe that the current language in the bill absolutely prohibits the purchase of radios with 911 funds.

Local Fee	Redistribution	Fee to Customer				
0.45	0.10	\$0.55				
	Est. Total Units	Local Fee	Redistribution	Estimated Monthly Total	Estimated Yearly Total	Current Yearly Total
Greeley County	1076	\$464.83	\$3,154.91	\$3,619.74	\$43,436.91	\$4,387.56
Wallace County	1395	\$602.64	\$3,154.91	\$3,757.55	\$45,090.61	\$6,204.12
Comanche County	2147	\$927.50	\$3,154.91	\$4,082.41	\$48,988.98	\$12,263.10
Hodgeman County	2389	\$1,032.05	\$3,154.91	\$4,186.96	\$50,243.51	\$13,610.88
Wichita County	2535	\$1,095.12	\$3,154.91	\$4,250.03	\$51,000.37	\$14,870.34
Stanton County	2573	\$1,111.54	\$3,154.91	\$4,266.45	\$51,197.36	\$4,183.62
Elk County	2623	\$1,133.14	\$3,154.91	\$4,288.05	\$51,456.56	\$16,728.90
Clark County	2715	\$1,172.88	\$3,154.91	\$4,327.79	\$51,933.49	\$15,235.92
Morton County	2930	\$1,265.76	\$3,154.91	\$4,420.67	\$53,048.05	\$16,795.20
Kiowa County	2976	\$1,285.63	\$3,154.91	\$4,440.54	\$53,286.51	\$16,397.16
Lane County	3079	\$1,330.13	\$3,154.91	\$4,485.04	\$53,820.47	\$16,518.18
Cheyenne County	3173	\$1,370.74	\$3,154.91	\$4,525.65	\$54,307.76	\$18,376.20
Sheridan County	3210	\$1,386.72	\$3,154.91	\$4,541.63	\$54,499.57	\$17,182.08
Trego County	3300	\$1,425.60	\$3,154.91	\$4,580.51	\$54,966.13	\$20,107.02
Edwards County	3304	\$1,427.33	\$3,154.91	\$4,582.24	\$54,986.87	\$18,621.96
Jewell County	3499	\$1,511.57	\$3,154.91	\$4,666.48	\$55,997.75	\$20,952.66
Hamilton County	3519	\$1,520.21	\$3,154.91	\$4,675.12	\$56,101.43	\$15,061.32
Woodson County	3580	\$1,546.56	\$3,154.91	\$4,701.47	\$56,417.65	\$20,178.78
Decatur County	3599	\$1,554.77	\$3,154.91	\$4,709.68	\$56,516.15	\$19,949.82
Logan County	3603	\$1,556.50	\$3,154.91	\$4,711.41	\$56,536.88	\$17,210.34
Lincoln County	3637	\$1,571.18	\$3,154.91	\$4,726.09	\$56,713.14	\$19,910.04
Chase County	3763	\$1,625.62	\$3,154.91	\$4,780.53	\$57,366.32	\$24,152.82
Gove County	3850	\$1,663.20	\$3,154.91	\$4,818.11	\$57,817.33	\$22,027.02
Graham County	4081	\$1,762.99	\$3,154.91	\$4,917.90	\$59,014.83	\$21,451.74
Wabaunsee County	4217	\$1,821.74	\$3,154.91	\$4,976.65	\$59,719.86	\$18,754.92
Rush County	4341	\$1,875.31	\$3,154.91	\$5,030.22	\$60,362.67	\$23,264.52
Training Fund	4492	\$1,940.54	\$0.00	\$1,940.54	\$23,286.53	\$13,206.48
Smith County	4842	\$2,091.74	\$3,154.91	\$5,246.65	\$62,959.86	\$26,731.20
Ness County	4890	\$2,112.48	\$3,154.91	\$5,267.39	\$63,208.69	\$26,302.68
Meade County	4905	\$2,118.96	\$3,154.91	\$5,273.87	\$63,286.45	\$25,868.04
Kearny County	4914	\$2,122.85	\$3,154.91	\$5,277.76	\$63,333.11	\$7,979.16
Stafford County	4928	\$2,128.90	\$3,154.91	\$5,283.81	\$63,405.68	\$27,074.94
Rawlins County	4984	\$2,153.09	\$3,154.91	\$5,308.00	\$63,695.99	\$35,396.34
Stevens County	5058	\$2,185.06	\$2,971.90	\$5,156.95	\$61,883.46	\$22,633.38
Chautauqua County	5293	\$2,286.58	\$2,971.90	\$5,258.47	\$63,101.70	\$33,947.46
Doniphan County	5362	\$2,316.38	\$2,971.90	\$5,288.28	\$63,459.39	\$19,576.02

8-4

	Est. Total Units	Local Fee	Redistribution	Estimated Monthly Total	Estimated Yearly Total	Current Yearly Total
Osborne County	5369	\$2,319.41	\$2,971.90	\$5,291.31	\$63,495.68	\$29,365.32
Haskell County	5412	\$2,337.98	\$2,971.90	\$5,309.88	\$63,718.59	\$31,291.56
Republic County	5539	\$2,392.85	\$2,971.90	\$5,364.75	\$64,376.96	\$31,937.64
Larned City	5710	\$2,466.72	\$2,971.90	\$5,438.62	\$65,263.42	\$26,525.82
Scott County	6218	\$2,686.18	\$2,971.90	\$5,658.07	\$67,896.90	\$32,291.64
Barber County	6330	\$2,734.56	\$2,971.90	\$5,706.46	\$68,477.50	\$36,032.70
Anderson County	6341	\$2,739.31	\$2,971.90	\$5,711.21	\$68,534.53	\$37,270.98
Rooks County	6476	\$2,797.63	\$2,971.90	\$5,769.53	\$69,234.37	\$35,043.90
Washington County	6568	\$2,837.38	\$2,971.90	\$5,809.27	\$69,711.30	\$37,235.40
Morris County	6604	\$2,852.93	\$2,971.90	\$5,824.83	\$69,897.92	\$36,232.26
Phillips County	6610	\$2,855.52	\$2,971.90	\$5,827.42	\$69,929.02	\$25,802.46
Norton County	6641	\$2,868.91	\$2,971.90	\$5,840.81	\$70,089.73	\$35,850.18
Mitchell County	6796	\$2,935.87	\$2,971.90	\$5,907.77	\$70,893.25	\$34,396.98
Ellsworth County	6838	\$2,954.02	\$2,971.90	\$5,925.91	\$71,110.98	\$37,835.28
Kingman County	7074	\$3,055.97	\$2,971.90	\$6,027.87	\$72,334.40	\$35,838.48
Greenwood County	7129	\$3,079.73	\$2,971.90	\$6,051.63	\$72,619.52	\$40,636.08
Gray County	7278	\$3,144.10	\$2,971.90	\$6,115.99	\$73,391.94	\$38,947.08
Ottawa County	7597	\$3,281.90	\$2,971.90	\$6,253.80	\$75,045.63	\$43,684.56
Concordia City	7682	\$3,318.62	\$2,971.90	\$6,290.52	\$75,486.27	\$33,311.28
Sherman County	7686	\$3,320.35	\$2,971.90	\$6,292.25	\$75,507.01	\$43,103.88
Augusta City	8074	\$3,487.97	\$2,971.90	\$6,459.87	\$77,518.40	\$43,390.14
Harper County	8091	\$3,495.31	\$2,971.90	\$6,467.21	\$77,606.53	\$37,774.80
Wilson County	8392	\$3,625.34	\$2,971.90	\$6,597.24	\$79,166.91	\$45,458.28
Russell County	8646	\$3,735.07	\$2,971.90	\$6,706.97	\$80,483.65	\$45,986.88
Clay County	9047	\$3,908.30	\$2,971.90	\$6,880.20	\$82,562.43	\$48,396.00
Nemaha County	9178	\$3,964.90	\$2,971.90	\$6,936.79	\$83,241.54	\$55,035.06
Thomas County	9310	\$4,021.92	\$2,971.90	\$6,993.82	\$83,925.82	\$52,574.94
Linn County	9412	\$4,065.98	\$2,971.90	\$7,037.88	\$84,454.59	\$52,723.32
Coffey County	9736	\$4,205.95	\$2,971.90	\$7,177.85	\$86,134.21	\$50,415.60
Brown County	9811	\$4,238.35	\$2,971.90	\$7,210.25	\$86,523.01	\$50,696.70
Grant County	10522	\$4,545.50	\$2,523.93	\$7,069.43	\$84,833.19	\$31,205.82
Pratt County	10897	\$4,707.50	\$2,523.93	\$7,231.43	\$86,777.19	\$59,858.64
Rice County	10978	\$4,742.50	\$2,523.93	\$7,266.42	\$87,197.10	\$59,490.78
Marshall County	11219	\$4,846.61	\$2,523.93	\$7,370.54	\$88,446.44	\$65,150.34
Marion County	12444	\$5,375.81	\$2,523.93	\$7,899.74	\$94,796.84	\$69,406.32
Jackson County	12685	\$5,479.92	\$2,523.93	\$8,003.85	\$96,046.18	\$69,327.06
Allen County	13515	\$5,838.48	\$2,523.93	\$8,362.41	\$100,348.90	\$73,627.68
Andover City	15552	\$6,718.46	\$2,523.93	\$9,242.39	\$110,908.71	\$102,371.76
Neosho County	15676	\$6,772.03	\$2,523.93	\$9,295.96	\$111,551.53	\$75,569.34

5-8

	Est. Total Units	Local Fee	Redistribution	Estimated Monthly Total	Estimated Yearly Total	Current Yearly Total
Osage County	16117	\$6,962.54	\$2,523.93	\$9,486.47	\$113,837.67	\$85,792.26
Fort Scott City	16254	\$7,021.73	\$2,523.93	\$9,545.66	\$114,547.88	\$93,194.34
Atchison County	17417	\$7,524.14	\$2,523.93	\$10,048.07	\$120,576.87	\$98,946.66
Leavenworth City	17521	\$7,569.07	\$2,523.93	\$10,093.00	\$121,116.01	\$51,511.74
Prairie Village City	18085	\$7,975.49	\$2,523.93	\$10,499.41	\$125,992.96	\$53,169.90
Jefferson County	18948	\$8,185.54	\$2,523.93	\$10,709.46	\$128,513.58	\$96,575.76
Cherokee County	19110	\$8,255.52	\$2,523.93	\$10,779.45	\$129,353.38	\$106,045.08
Dickinson County	20496	\$8,854.27	\$2,360.04	\$11,214.31	\$134,571.71	\$110,180.52
Labette County	21046	\$9,091.87	\$2,360.04	\$11,451.91	\$137,422.91	\$115,160.82
Seward County	21501	\$9,288.43	\$2,360.04	\$11,648.47	\$139,781.63	\$113,620.02
Sumner County	23700	\$10,238.40	\$2,360.04	\$12,598.44	\$151,181.25	\$129,696.24
Pottawatomie County	25350	\$10,951.20	\$2,360.04	\$13,311.24	\$159,734.85	\$116,864.16
Franklin County	26352	\$11,384.06	\$2,360.04	\$13,744.10	\$164,929.21	\$134,069.22
Leawood City	26390	\$11,400.48	\$0.00	\$11,400.48	\$136,805.76	\$77,586.60
Arkansas City/Winfield	26945	\$11,640.24	\$2,360.04	\$14,000.28	\$168,003.33	\$113,208.84
Geary County	27496	\$11,878.27	\$2,360.04	\$14,238.31	\$170,859.71	\$98,484.96
Emporia City	27609	\$11,927.09	\$2,360.04	\$14,287.13	\$171,445.50	\$121,936.08
Independence City	29039	\$12,544.85	\$2,360.04	\$14,904.89	\$178,858.62	\$128,224.92
Ford County	29746	\$12,850.27	\$2,360.04	\$15,210.31	\$182,523.71	\$157,288.68
Barton County	30571	\$13,206.67	\$1,922.99	\$15,129.67	\$181,555.98	\$161,913.96
McPherson County	32210	\$13,914.72	\$1,922.99	\$15,837.71	\$190,052.56	\$168,205.20
Miami County	33103	\$14,300.50	\$1,922.99	\$16,223.49	\$194,681.87	\$171,963.84
Ellis County	33575	\$14,504.40	\$1,922.99	\$16,427.39	\$197,128.72	\$167,915.70
Garden City	33591	\$14,511.31	\$1,922.99	\$16,434.31	\$197,211.66	\$176,052.84
Harvey County	34124	\$14,741.57	\$1,922.99	\$16,664.56	\$199,974.74	\$177,565.32
Crawford County	37042	\$16,002.14	\$1,922.99	\$17,925.14	\$215,101.65	\$201,851.76
Shawnee City	43188	\$18,657.22	\$0.00	\$18,657.22	\$223,886.59	\$126,972.72
Butler County	43740	\$18,895.68	\$1,922.99	\$20,818.67	\$249,824.08	\$229,118.88
Riley County	45589	\$19,694.45	\$1,922.99	\$21,617.44	\$259,409.30	\$187,823.40
Lenexa City	46204	\$19,960.13	\$0.00	\$19,960.13	\$239,521.54	\$135,839.76
Leavenworth County	51003	\$22,033.30	\$1,922.99	\$23,956.29	\$287,475.47	\$298,939.98
Saline County	58888	\$25,439.62	\$1,922.99	\$27,362.61	\$328,351.31	\$320,540.22
Reno County	58982	\$25,480.22	\$1,922.99	\$27,403.22	\$328,838.61	\$306,163.50
Douglas County	78692	\$33,994.94	\$0.00	\$33,994.94	\$407,939.33	\$313,188.72
Olathe City	96583	\$41,723.86	\$0.00	\$41,723.86	\$500,686.27	\$283,954.02
Unifed Govt Wyco	144382	\$62,373.02	\$0.00	\$62,373.02	\$748,476.29	\$800,851.50
Overland Park City	151343	\$65,380.18	\$0.00	\$65,380.18	\$784,562.11	\$444,948.42
Shawnee County	194569	\$84,053.81	\$0.00	\$84,053.81	\$1,008,645.70	\$1,034,774.46
Johnson County	372897	\$161,091.50	\$0.00	\$161,091.50	\$1,933,098.05	\$1,664,087.76

9-8

	Est. Total Units	Local Fee	Redistribution	Estimated Monthly Total	Estimated Yearly Total	Current Yearly Total
Sedgwick County	489414	\$211,426.85	\$0.00	\$211,426.85	\$2,537,122.18	\$2,643,459.72
				Sub-total	\$19,039,586.65	\$14,481,893.34
				Pre-Paid 1%	\$360,000.00	
				Current Grant Fund		\$6,362,490.64
Total Wireless Units	1839901			Total Statewide Revenue	\$19,399,586.65	\$20,844,383.98
Total Wireline Units	1164776					
	3004677			Difference	-\$1,444,797.33	
PLEASE NOTE: ALL FIGURES ARE ESTIMATES AND WILL CHANGE BASED UPON ACTUAL DOLLARS RECEIVED.						