

HOUSE BILL No. 2084

By Committee on Energy, Utilities and Telecommunications

1-24

1 AN ACT concerning the Kansas 911 act; relating to emergency services;
2 911 fees, collection and distribution; amending K.S.A. 2018 Supp. 12-
3 5363, 12-5364, 12-5365, 12-5366, 12-5367, 12-5368, 12-5369, 12-
4 5370, 12-5371, 12-5372, 12-5373, 12-5374, 12-5375, 12-5376, 12-
5 5377, 12-5378, 12-5380 and 19-101a and repealing the existing
6 sections; also repealing K.S.A. 2018 Supp. 12-5327, 12-5338 and 12-
7 5361.

8
9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. 2018 Supp. 12-5363 is hereby amended to read as
11 follows: 12-5363. As used in the Kansas 911 act:

12 (a) "Consumer" means a person who purchases prepaid wireless
13 service in a retail transaction.

14 (b) "Department" means the Kansas department of revenue.

15 (c) "Enhanced 911 service" or "E-911 service" means an emergency
16 telephone service that generally may provide, but is not limited to,
17 selective routing, automatic number identification and automatic location
18 identification features.

19 (d) "Exchange telecommunications service" means the service that
20 provides local telecommunications exchange access to a service user.

21 (e) "*GIS*" means a geographic information system for capturing,
22 storing, displaying, analyzing and managing data and associated
23 attributes that are spatially referenced.

24 (f) "*GIS data*" means the geometry and associated attributes
25 packaged in a geodatabase that defines the roads, address points and
26 boundaries within a PSAP's jurisdiction.

27 (g) "Governing body" means the board of county commissioners of a
28 county or the governing body of a city.

29 ~~(h)~~ (h) "Local collection point administrator" or "LCPA" means, ~~on the~~
30 ~~effective date of this act, the statewide association of cities established by~~
31 ~~K.S.A. 12-1610e, and amendments thereto, and the statewide association~~
32 ~~of counties established by K.S.A. 19-2690, and amendments thereto. After~~

1 ~~January 1, 2012, "local collection point administrator"~~ means the person
2 designated by the 911 coordinating council to serve as the local collection
3 point administrator to collect and distribute 911 fees, *911 operations fund*
4 *moneys* and 911 state grant fund moneys.

5 ~~(g)~~(i) "Multi-line telephone system" means a system comprised of
6 common control units, telephones and control hardware and software
7 providing local telephone service to multiple end-use customers that may
8 include VoIP service and network and premises based systems such as
9 centrex, private branch exchange and hybrid key telephone systems.

10 ~~(h)~~(j) "Next generation 911" means 911 service that *conforms with*
11 *national emergency number association (NENA) i3 standards* and enables
12 PSAPs to receive Enhanced 911 service calls and emergency calls from
13 Internet Protocol (IP) based technologies and applications that may include
14 text messaging, image, video and data information from callers.

15 ~~(i)~~(k) "*Non-traditional PSAP*" means a PSAP not operated by a city
16 or county, including, but not limited to, PSAPs operated by universities,
17 tribal governments or the state federal government.

18 (l) "Person" means any individual, firm, partnership, copartnership,
19 joint venture, association, cooperative organization, corporation, municipal
20 or private, and whether organized for profit or not, state, county, political
21 subdivision, state department, commission, board, bureau or fraternal
22 organization, nonprofit organization, estate, trust, business or common law
23 trust, receiver, assignee for the benefit of creditors, trustee or trustee in
24 bankruptcy or any other legal entity.

25 ~~(j)~~(m) "Prepaid wireless service" means a wireless
26 telecommunications service that allows a caller to dial 911 to access the
27 911 system, which service must be paid for in advance and is sold in
28 predetermined units or dollars of which the number declines with use in a
29 known amount.

30 ~~(k)~~(n) "Place of primary use" has the meaning provided in the mobile
31 telecommunications act as defined by 4 U.S.C. § 116 et seq., as in effect
32 on the effective date of this act.

33 ~~(l)~~(o) "Provider" means any person providing exchange
34 telecommunications service, wireless telecommunications service, VoIP
35 service or other service capable of contacting a PSAP. A provider may also
36 be a 911 system operator.

37 ~~(m)~~(p) "PSAP" means a public safety answering point operated by a
38 city or county.

39 ~~(n)~~(q) "Retail transaction" means the purchase of prepaid wireless
40 service from a seller for any purpose other than resale, not including the
41 use, storage or consumption of such services.

42 ~~(o)~~(r) "Seller" means a person who sells prepaid wireless service to
43 another person.

1 ~~(p)~~(s) "Service user" means any person who is provided exchange
2 telecommunications service, wireless telecommunications service, VoIP
3 service, prepaid wireless service or any other service capable of contacting
4 a PSAP.

5 ~~(q)~~(t) "Subscriber account" means the 10-digit access number
6 assigned to a service user by a provider for the purpose of billing a service
7 user up to the maximum capacity of the simultaneous outbound calling
8 capability of a multi-line telephone system or equivalent service.

9 ~~(r)~~(u) "Subscriber radio equipment" means mobile and portable radio
10 equipment installed in vehicles or carried by persons for voice
11 communication with a radio system.

12 ~~(s)~~(v) "VoIP service" means voice over internet protocol.

13 ~~(t)~~(w) "Wireless telecommunications service" means commercial
14 mobile radio service as defined by 47 C.F.R. § 20.3 as in effect on the
15 effective date of this act.

16 ~~(u)~~(x) "911 call" means any electronic request for emergency
17 response, presented by means of wireline, wireless, VoIP or
18 telecommunications device for the deaf (TDD) technology, text message or
19 any other technology by which a service user initiates an immediate
20 information interchange or conversation with a PSAP.

21 ~~(v)~~(y) "911 system operator" means any entity that accepts 911 calls
22 from providers, processes those calls and presents those calls to the
23 appropriate PSAP. A "911 system operator" may also be a provider.

24 Sec. 2. K.S.A. 2018 Supp. 12-5364 is hereby amended to read as
25 follows: 12-5364. (a) (1) There is hereby created the 911 coordinating
26 council which shall monitor the delivery of 911 services, develop
27 strategies for future enhancements to the 911 system and distribute
28 available grant funds to PSAPs. In as much as possible, the council shall
29 include individuals with technical expertise regarding 911 systems,
30 internet technology and GIS technology.

31 (2) The 911 coordinating council shall consist of 13 voting members
32 to be appointed by the governor: Two members representing information
33 technology personnel from government units; one member representing
34 the Kansas sheriff's association; one member representing the Kansas
35 association of chiefs of police; one member representing a fire chief; one
36 member recommended by the adjutant general; one member recommended
37 by the Kansas emergency medical services board; one member
38 recommended by the Kansas commission for the deaf and hard of hearing;
39 two members representing PSAPs located in counties with less than
40 75,000 in population; two members representing PSAPs located in
41 counties with greater than 75,000 in population; and one member
42 representing ~~PSAPs without regard to size~~ *the Kansas chapter of the*
43 *association of public safety communications officials*. At least two of the

1 members representing PSAPs shall be administrators of a PSAP or have
2 extensive prior 911 experience in Kansas.

3 (3) Other voting members of the 911 coordinating council shall
4 include: One member of the Kansas house of representatives as appointed
5 by the speaker of the house; one member of the Kansas house of
6 representatives as appointed by the minority leader of the house; one
7 member of the Kansas senate as appointed by the senate president; and one
8 member of the Kansas senate as appointed by the senate minority leader.

9 (4) The 911 coordinating council shall also include nonvoting
10 members to be appointed by the governor: One member representing rural
11 telecommunications companies recommended by the Kansas rural
12 independent telephone companies; one member representing incumbent
13 local exchange carriers with over 50,000 access lines; one member
14 representing large wireless providers; one member representing VoIP
15 providers; one member recommended by the league of Kansas
16 municipalities; one member recommended by the Kansas association of
17 counties; one member recommended by the Kansas geographic
18 information systems policy board; one member recommended by the
19 Kansas office of information technology services; ~~and~~ one member, a
20 Kansas resident, recommended by the Mid-America regional council; *and*
21 *two members representing non-traditional PSAPs, one of whom shall be a*
22 *representative of tribal government.*

23 (b) (1) Except as provided in subsection (b)(2) and (b)(3), the terms
24 of office for voting members of the 911 coordinating council shall
25 commence on the effective date of this act and shall be subject to
26 reappointment every three years. No voting member shall serve longer
27 than two successive three-year terms. A voting member appointed as a
28 replacement for another voting member may finish the term of the
29 predecessor and may serve two additional successive three-year terms.

30 (2) The following members, whose terms began on the effective date
31 of this act, shall serve initial terms as follows:

32 (A) One member representing information technology personnel from
33 government units, one member recommended by the adjutant general, one
34 member representing PSAPs located in counties with less than 75,000 in
35 population and one member representing PSAPs located in counties with
36 ~~greater than 75,000~~ *75,000 or more* in population shall serve a term of two years;

37 (B) one member representing information technology personnel from
38 government units, one member recommended by the Kansas emergency
39 medical services board, one member representing PSAPs located in
40 counties with less than 75,000 in population and one member representing
41 PSAPs without regard to size shall serve a term of three years; and

42 (C) one member representing a fire chief, one member recommended
43 by the Kansas commission for the deaf and hard of hearing, one member

1 representing the Kansas association of chiefs of police and one member
2 representing PSAPs located in counties with ~~greater than~~ 75,000 or more
3 in population shall serve a term of four years.

4 (3) The initial term for one member representing the Kansas sheriff's
5 association shall begin on July 1, 2014, and be for a period of three years.

6 (4) The terms of members specified in this subsection shall expire on
7 June 30 in the last year of such member's term.

8 (c) (1) The governor shall select the chair of the 911 coordinating
9 council, who shall serve at the pleasure of the governor and have extensive
10 prior 911 experience in Kansas.

11 (2) The chair shall serve as the coordinator of E-911 services and next
12 generation 911 services in the state, implement statewide 911 planning,
13 have the authority to sign all certifications required under 47 C.F.R. part
14 400 and administer the 911 federal grant fund and 911 state maintenance
15 fund. The chair shall serve subject to the direction of the council and
16 ensure that policies adopted by the council are carried out. The chair shall
17 serve as the liaison between the council and the LCPA. The chair shall
18 preside over all meetings of the council and assist the council in
19 effectuating the provisions of this act.

20 (d) The 911 coordinating council, by an affirmative vote of nine
21 voting members, shall select the local collection point administrator,
22 pursuant to K.S.A. 2018 Supp. 12-5367, and amendments thereto, to
23 collect 911 fees and to distribute such fees to PSAPs and to distribute 911
24 *operations fund moneys and 911 state grant fund moneys* as directed by the
25 council. The council shall adopt rules and regulations for the terms of the
26 contract with the LCPA. All contract terms and conditions shall satisfy all
27 contract requirements as established by the secretary of administration.
28 The council shall determine the compensation of the LCPA who shall
29 provide the council with any staffing necessary in carrying out the
30 business of the council or effectuating the provisions of this act. The
31 moneys used to reimburse these expenses shall be paid from the 911 ~~state~~
32 ~~grant operations~~ fund, pursuant to subsection ~~(i)~~ (j).

33 (e) (I) The 911 coordinating council is hereby authorized to adopt
34 rules and regulations necessary to effectuate the provisions of this act,
35 including, but not limited to: (A) Creating a uniform reporting form
36 designating how moneys, including 911 fees, have been spent by the
37 PSAPs; (B) requiring service providers to notify the council pursuant to
38 subsection ~~(j)~~, setting (k); (C) establishing standards for coordinating and
39 purchasing equipment; (D) recommending standards for *general*
40 *operations* training of PSAP personnel; (E) *establishing training*
41 *standards and programs related to the technology and operations of the*
42 *NG911 hosted solution*; (F) *establishing data standards, maintenance*
43 *policies and data reporting requirements for GIS data*; and (G) assessing

1 civil penalties pursuant to subsection (m).

2 (2) The chair of the council shall work with the council to develop
3 ~~rules and regulations necessary for the distribution of moneys in the 911~~
4 ~~federal grant fund. The council shall work with the chair to carry out the~~
5 ~~provisions of this act. adopt rules and regulations necessary to begin for~~
6 ~~the administration of this act shall be adopted by December 31, 2011, but~~
7 ~~the council shall not adopt any rules and regulations or impose any~~
8 ~~requirements that creates a mandatory certification program of PSAP~~
9 ~~operations or PSAP emergency communications personnel.~~

10 (f) If the 911 coordinating council finds that the GIS data for a PSAP
11 is inaccurate or has not been updated for one year or more, the council
12 shall give written notice to the governing body that oversees the PSAP. If,
13 within 60 days of providing such notice, the council does not receive an
14 acceptable proposal for the PSAP to bring the GIS data into compliance,
15 the council may contract with a third party to review and update the GIS
16 data. A PSAP with GIS data that has not been updated for one year or
17 more may provide a certification attesting that the GIS data has been
18 reviewed and remains accurate. If the council receives such certification
19 and has information that the data may not be accurate, the council shall
20 provide a written notice to the PSAP that describes the areas the council
21 believes to be inaccurate and a deadline of 30 days for the PSAP to submit
22 updated GIS data. If the updated GIS data is not received within the
23 deadline, the council may contract with a third party to review and update
24 the GIS data. The council shall assess the governing body that oversees
25 the PSAP for any costs incurred in updating the GIS data.

26 ~~(f)(g)~~ (g) The council may, pursuant to rules and regulations, raise or
27 lower the 911 fee established pursuant to K.S.A. 2018 Supp. 12-5369, and
28 amendments thereto, upon a finding based on information submitted on the
29 uniform reporting forms, that moneys generated by such fee are in excess
30 of or below the costs required to operate PSAPs in the state. ~~The council~~
31 ~~shall not set the 911 fee above \$60.~~

32 ~~(g)(h)~~ (h) The council may appoint subcommittees as necessary to
33 administer grants, oversee collection and distribution of moneys by the
34 LCPA, develop technology standards, develop training recommendations
35 and other issues as deemed necessary by the council. Subcommittees, if
36 appointed, shall include members of the council and other persons as
37 needed.

38 ~~(h)(i)~~ (i) The council may reimburse independent contractors or state
39 agencies for expenses incurred in carrying out the business of the council,
40 including salaries, that are directly attributable to effectuating the
41 provisions of this act. The moneys used to reimburse these expenses shall
42 be paid from the 911 ~~state grant operations~~ fund, pursuant to subsection ~~(i)~~
43 (j).

1 ~~(j)~~(j) All expenses related to the council shall be paid from the 911
2 ~~state grant operations~~ fund. No more than ~~2.5%~~ **2.0%** of the total receipts
3 from providers and the department received by the LCPA shall be used to
4 pay for ~~such~~ *administrative expenses of the council*. Members of the
5 council and other persons appointed to subcommittees by the council may
6 receive reimbursement for meals and travel expenses, but shall serve
7 without other compensation with the exception of legislative members
8 *who shall receive compensation pursuant to K.S.A. 75-3212, and*
9 *amendments thereto.*

10 ~~(k)~~(k) Every provider shall submit contact information for the
11 provider to the council ~~prior to January 1, 2012~~. Any provider that has not
12 previously provided wireless telecommunications service in this state shall
13 submit contact information for the provider to the council within three
14 months of first offering wireless telecommunications services in this state.

15 ~~(l)~~(l) Each PSAP shall file *an annual report* with the council; by
16 March 1, 2012, ~~and every March 1 thereafter, a report of each year~~
17 demonstrating how such PSAP has spent the moneys earned from the 911
18 fee during the preceding calendar year. The council shall designate the
19 content and form of such report *and any associated documentation that is*
20 *required to finalize such report.*

21 (2) *If a PSAP fails to file and finalize an annual report, the council*
22 *shall provide notice of such failure to the PSAP and the governing body of*
23 *such PSAP. If such PSAP fails to file or finalize an annual report within 60*
24 *days of receiving such notice, 10% of each subsequent distribution of 911*
25 *fees to such PSAP pursuant to K.S.A. 2018 Supp. 12-5373, and*
26 *amendments thereto, shall be withheld by the LCPA and only distributed to*
27 *such PSAP once the report has been submitted.*

28 ~~(m)~~(m) The council, upon a finding that a provider has violated any
29 provision of this act, may impose a civil penalty. No civil penalty shall be
30 imposed pursuant to this section except upon the written order of the
31 council. Such order shall state the violation, the penalty to be imposed and
32 the right of such person to appeal to a hearing before the council. Any such
33 person may, within 15 days after service of the order, make a written
34 request to the council for a hearing thereon. Hearings under this subsection
35 shall be conducted in accordance with the provisions of the Kansas
36 administrative procedure act.

37 ~~(n)~~(n) Any action of the council pursuant to subsection ~~(h)~~ (m) is
38 subject to review in accordance with the Kansas judicial review act.

39 ~~(o)~~(o) Any civil penalty recovered pursuant to this section shall be
40 transferred to the LCPA for deposit in the 911 state grant fund.

41 ~~(p)~~ ~~As long as the provider is working in good faith to comply with~~
42 ~~the provisions of this act, no civil penalty shall be imposed prior to~~
43 ~~January 1, 2013.~~

1 (p) The 911 coordinating council shall make an annual report, to
2 include a detailed description of all expenditures made from 911 fees
3 received by the PSAPs, to the house committee on *energy*, utilities and
4 telecommunications and the senate committee on utilities.

5 Sec. 3. K.S.A. 2018 Supp. 12-5365 is hereby amended to read as
6 follows: 12-5365. (a) There is hereby established in the state treasury the
7 911 federal grant fund.

8 (b) The chair of the 911 coordinating council shall serve as the
9 administrator of the 911 federal grant fund and shall distribute grants in
10 accordance with the recommendations of the 911 coordinating council.
11 Subject to the conditions and in accordance with the requirements of this
12 act and 47 C.F.R. part 400, the chair is authorized to perform such acts
13 necessary for the effectuation of this act.

14 (c) Moneys received by the state from the federal government for the
15 purposes of the fund shall be credited to the fund.

16 (d) Subject to the conditions and in accordance with the requirements
17 of this act and 47 C.F.R. part 400, moneys credited to the fund shall be
18 used only:

19 (1) To pay all expenses incurred in the administration of the fund; and

20 (2) to provide grants to eligible municipalities only for necessary and
21 reasonable costs incurred or to be incurred by PSAPs for: (A)
22 Implementation of enhanced 911 service and next generation 911 service,
23 as defined in K.S.A. 2018 Supp. 12-5363, and amendments thereto; (B)
24 purchase of equipment and upgrades and modification to equipment used
25 solely to process the data elements of enhanced 911 service and next
26 generation 911 service, as defined in K.S.A. 2018 Supp. 12-5363, and
27 amendments thereto; and (C) maintenance and license fees for such
28 equipment and training of personnel to operate such equipment, including
29 costs of training PSAP personnel to provide effective service to all users of
30 the emergency telephone system who have communications disabilities.
31 Such costs shall not include expenditures to lease, construct, expand,
32 acquire, remodel, renovate, repair, furnish or make improvements to
33 buildings or similar facilities or for other capital outlay or equipment not
34 expressly authorized by this act.

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

39 ~~(f) This section shall take effect on and after January 1, 2012.~~

40 Sec. 4. K.S.A. 2018 Supp. 12-5366 is hereby amended to read as
41 follows: 12-5366. (a) There is hereby established in the state treasury the
42 911 state maintenance fund.

43 (b) The chair of the 911 coordinating council shall serve as the

1 administrator of the 911 state maintenance fund and shall distribute grants
2 in accordance with the recommendations of the 911 coordinating council.
3 Subject to the conditions and in accordance with the requirements of this
4 act and 47 C.F.R. part 400, the chair is authorized to perform such acts
5 necessary for the effectuation of this act.

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

7 (1) Amounts appropriated or otherwise made available by the
8 legislature for the purposes of the fund;

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

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

12 (d) Moneys credited to the fund shall be used only:

13 (1) To pay all expenses incurred in the administration of the fund; and

14 (2) to provide grants to eligible municipalities only for necessary and
15 reasonable costs incurred or to be incurred by PSAPs for: (A)
16 Implementation of enhanced 911 service and next generation 911 service,
17 as defined in K.S.A. 2018 Supp. 12-5363, and amendments thereto; (B)
18 purchase of equipment and upgrades and modification to equipment used
19 solely to process the data elements of enhanced 911 service and next
20 generation 911 service, as defined in K.S.A. 2018 Supp. 12-5363, and
21 amendments thereto; and (C) maintenance and license fees for such
22 equipment and training of personnel to operate such equipment, including
23 costs of training PSAP personnel to provide effective service to all users of
24 the emergency telephone system who have communications disabilities.
25 Such costs shall not include expenditures to lease, construct, expand,
26 acquire, remodel, renovate, repair, furnish or make improvements to
27 buildings or similar facilities or for other capital outlay or equipment not
28 expressly authorized by this act.

29 (e) On or before the 10th of each month, the director of accounts and
30 reports shall transfer from the state general fund to the 911 state
31 maintenance fund interest earnings based on:

32 (1) The average daily balance of moneys in the 911 state maintenance
33 fund for the preceding month; and

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

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

40 ~~(g) This section shall take effect on and after January 1, 2012.~~

41 Sec. 5. K.S.A. 2018 Supp. 12-5367 is hereby amended to read as
42 follows: 12-5367. The 911 coordinating council, by an affirmative vote of
43 nine voting members, shall select the local collection point administrator.

1 In selecting the LCPA, the council shall contract with the LCPA for
2 services for no longer than two years, however, the council may, by an
3 affirmative vote of nine voting members, extend such contract for up to
4 two additional years. The 911 coordinating council shall receive the ~~advice~~
5 ~~and consent~~ *approval* of the legislative coordinating council in selecting an
6 LCPA if the entity to be designated as the LCPA is different than the
7 previous entity designated as the LCPA. The 911 coordinating council
8 shall annually review the designation of the LCPA and the contract with
9 the LCPA for services. The LCPA shall be subject to the requirements of
10 the Kansas open meetings act, the Kansas open records act and shall treat
11 all moneys received as public funds pursuant to article 14 of chapter 9 of
12 the Kansas Statutes Annotated, and amendments thereto. Notwithstanding
13 any other provision of law to the contrary, the LCPA shall not be
14 considered a state agency.

15 Sec. 6. K.S.A. 2018 Supp. 12-5368 is hereby amended to read as
16 follows: 12-5368. (a) Upon the ~~advice and consent~~ *approval* of the 911
17 coordinating council, the LCPA shall establish *the following funds, which*
18 *shall not be a part of the state treasury: (1) The 911 state fund for the*
19 *collection and distribution of 911 fees; (2) the 911 operations fund for*
20 *administrative costs of the 911 coordinating council and deployment and*
21 *maintenance of the statewide NG911 system; and (3) the 911 state grant*
22 *fund which shall not be part of the state treasury for grants to individual*
23 *PSAPs. On or after the effective date of this section, the secretary of*
24 *administration shall certify all unobligated funds remaining in the wireless*
25 *enhanced 911 grant fund as having originated as either federal grant*
26 *moneys or 911 fee moneys. All such moneys originating from 911 fees,*
27 *and any interest accrued on such fees, shall be paid to the LCPA for*
28 *deposit in the 911 state grant fund or 911 operations fund pursuant to*
29 *subsection (b). All unobligated federal moneys, and any interest accrued*
30 *on such moneys, shall be transferred to the 911 federal grant fund.*

31 (b) (1) *Except as provided for in paragraph (2), prior to the*
32 *distribution to the PSAPs pursuant to K.S.A. 2018 Supp. 12-5374, and*
33 *amendments thereto, the LCPA shall withhold \$.23 from every 911 fee*
34 *remitted pursuant to K.S.A. 2018 Supp. 12-5369, and amendments thereto,*
35 *and shall deposit such amount in the 911 operations fund for the*
36 *deployment and maintenance of the statewide NG911 system and*
37 *standardized functionality upgrades to that system.*

38 (2) *If the funds withheld from distribution pursuant to paragraph (1)*
39 *exceed 15% of the total receipts received by the LCPA from providers and*
40 *the department over the prior three years, such funds in excess of that*
41 *15% total shall be deposited in the 911 state grant fund and used for PSAP*
42 *grants based on demonstrated need pursuant to subsection (d).*

43 **{(3) If the balance in the 911 state grant fund is less than**

1 **\$2,000,000, prior to the distribution to the PSAPs pursuant to K.S.A.**
 2 **2018 Supp. 12-5374, and amendments thereto, the LCPA shall**
 3 **withhold \$.01 from every 911 fee remitted pursuant to K.S.A. 2018**
 4 **Supp. 12-5369, and amendments thereto, and shall deposit such**
 5 **amount in the 911 state grant fund. If the balance in the 911 state**
 6 **grant fund exceeds \$2,000,000, the LCPA shall not withhold such**
 7 **amount.}**

8 (c) The council shall be responsible for ensuring that the 911
 9 *operations fund and the 911 state grant fund* and any interest earned on
 10 money credited to the fund is only expended for the following purposes:
 11 (1) Projects involving the development and implementation of next
 12 generation 911 services; (2) costs associated with PSAP consolidation or
 13 cost-sharing projects; (3) expenses related to the 911 coordinating council;
 14 (4) costs of audits conducted pursuant to K.S.A. 2018 Supp. 12-5377, and
 15 amendments thereto; and (5) other costs pursuant to K.S.A. 2018 Supp.
 16 12-5375, and amendments thereto.

17 ~~(e)~~(d) The council shall develop criteria for *PSAPs for* eligible
 18 purchases and for grant applicants and make the final determination as to
 19 the distribution of grant funds. Such criteria shall promote the procurement
 20 of equipment that meets open architecture and national technical
 21 standards. Distribution of grant funds shall not include expenditures to
 22 procure, maintain or upgrade subscriber radio equipment.

23 ~~(d)~~(e) The LCPA shall be authorized to maintain an action to collect
 24 any funds owed by any providers in the district court in the county of the
 25 registered office of such provider or, if such provider does not have a
 26 registered office in the state, such an action may be maintained in the
 27 county where such provider's principal office is located. If such provider
 28 has no principal office in the state, such an action may be maintained in
 29 the district court of any county in which such provider provides service.

30 ~~(e) This section shall take effect on and after January 1, 2012.~~

31 Sec. 7. K.S.A. 2018 Supp. 12-5369 is hereby amended to read as
 32 follows: 12-5369. ~~(a)~~ *Subject to the provisions of K.S.A. 2018 Supp. 12-*
 33 *5364(g), and amendments thereto,* there is hereby imposed a 911 fee in the
 34 amount of ~~\$.53 \$1.03~~ ~~(\$1.82)~~ **\$.90** per month per subscriber account of any
 35 exchange telecommunications service, wireless telecommunications
 36 service, VoIP service, or other service capable of contacting a PSAP. Such
 37 fee shall not be imposed on prepaid wireless service. It shall be the duty of
 38 each exchange telecommunications service provider, wireless
 39 telecommunications service provider, VoIP service provider or other
 40 service provider to remit such fees to the LCPA as provided in K.S.A.
 41 2018 Supp. 12-5370, and amendments thereto.

42 ~~(b) This section shall take effect on and after January 1, 2012.~~

43 Sec. 8. K.S.A. 2018 Supp. 12-5370 is hereby amended to read as

1 follows: 12-5370. (a) Every billed service user shall be liable for the 911
2 fee until such fees have been paid to the exchange telecommunications
3 service provider, wireless telecommunications service provider, VoIP
4 service provider or other service provider.

5 (b) *All providers shall have* the duty to collect the fees imposed
6 pursuant to this act ~~shall commence January 1, 2012~~. Such fees shall be
7 added to and may be stated separately in billings for the subscriber
8 account. If stated separately in billings, the fees shall be labeled "911 fees."

9 (c) The provider shall have no obligation to take any legal action to
10 enforce the collection of the fees imposed by this act. The provider shall
11 provide annually to the LCPA a list of the amount of uncollected 911 fees
12 along with the names and addresses of those service users which carry a
13 balance that can be determined by the provider to be nonpayment of such
14 fees.

15 (d) The fees imposed by this act shall be collected insofar as
16 practicable at the same time as, and along with, the charges for local
17 exchange, wireless, VoIP, or other service in accordance with regular
18 billing practice of the provider.

19 (e) The 911 fees and the amounts required to be collected therefor are
20 due monthly. The amount of such fees collected in one month by the
21 provider shall be remitted to the LCPA not more than 15 days after the
22 close of the calendar month. On or before the 15th day of each calendar
23 month following, a return for the preceding month shall be filed with the
24 LCPA. Such return shall be in such form and shall contain such
25 information as required by the LCPA. The provider required to file the
26 return shall deliver the return together with a remittance of the amount of
27 fees payable to the LCPA. The provider shall maintain records of the
28 amount of any such fees collected in accordance with this act for a period
29 of three years from the time the fees are collected.

30 (f) The provisions of this section shall not be construed to apply to
31 prepaid wireless service.

32 ~~(g) This section shall take effect on and after January 1, 2012.~~

33 Sec. 9. K.S.A. 2018 Supp. 12-5371 is hereby amended to read as
34 follows: 12-5371. (a) There is hereby imposed a prepaid wireless 911 fee
35 of ~~1.06%~~ 2.06% per retail transaction or, on and after the effective date of
36 an adjusted amount per retail transaction that is established under
37 subsection (f), such adjusted amount.

38 (b) The prepaid wireless 911 fee shall be collected by the seller from
39 the consumer with respect to each retail transaction occurring in this state.
40 The amount of the prepaid wireless 911 fee shall be either separately stated
41 on an invoice, receipt or other similar document that is provided to the
42 consumer by the seller, or otherwise disclosed to the consumer.

43 (c) For purposes of subsection (b), a retail transaction that is effected

1 in person by a consumer in a business location of the seller shall be treated
2 as occurring in this state if that business location is in this state, and any
3 other retail transaction shall be treated as occurring in this state if the retail
4 transaction is treated as occurring in this state for the purposes of
5 ~~subsection (c)(3) of K.S.A. 79-3673(c)(3), and amendments thereto.~~

6 (d) The prepaid wireless 911 fee is the liability of the consumer and
7 not of the seller nor of any provider, except that the seller shall be liable to
8 remit all prepaid wireless 911 fees that the seller collects from consumers
9 pursuant to this section, and amendments thereto, including all such fees
10 that the seller is deemed to collect where the amount of the charge has not
11 been separately stated in an invoice, receipt or other similar document
12 provided to the consumer by the seller.

13 (e) The amount of the prepaid wireless 911 fee that is collected by a
14 seller from a consumer, if such amount is separately stated on an invoice,
15 receipt or other similar document provided to the consumer by the seller,
16 shall not be included in the base for measuring any tax, fee, surcharge or
17 other charge that is imposed by this state, any political subdivision of this
18 state or any intergovernmental agency.

19 (f) The prepaid wireless 911 fee shall be proportionately ~~increased or~~
20 ~~reduced, as applicable, upon any change~~ *reduction* to the fee imposed by
21 ~~subsection (a) of K.S.A. 2018 Supp. 12-5369(a), and amendments thereto,~~
22 *pursuant to the 911 coordinating council's authority to reduce the fee*
23 *under K.S.A. 2018 Supp. 12-5364(g), and amendments thereto.* The
24 adjusted amount shall be ~~determined by the product of~~ dividing the
25 *numeric amount of the new fee imposed by subsection (a) of adjusted*
26 *pursuant to K.S.A. 2018 Supp. ~~12-5369~~ 12-5364(g), and amendments*
27 *thereto, by \$50 50. Such increase or reduction shall be effective on the*
28 *effective date of the change to reduction of the fee imposed by subsection*
29 *(a) of K.S.A. 2018 Supp. 12-5369(a), and amendments thereto, or, if later,*
30 *the first day of the calendar quarter to occur at least 60 days after the*
31 *enactment to the change to of the reduction of the fee imposed by*
32 *subsection (a) of K.S.A. 2018 Supp. 12-5369(a), and amendments thereto.*
33 The department shall provide not less than 60 days' notice of such ~~increase~~
34 ~~or decrease~~ on the department's website.

35 (g) When prepaid wireless service is sold with one or more other
36 products or services for a single, non-itemized price, then the percentage
37 specified in subsection (a) shall apply to the entire non-itemized price
38 unless the seller elects to apply such percentage to: (1) If the amount of the
39 prepaid wireless service is disclosed to the consumer as a dollar amount,
40 such dollar amount; or (2) if the seller can identify the portion of the price
41 that is attributable to the prepaid wireless service by reasonable and
42 verifiable standards from its books and records that are kept in the regular
43 course of business for other purposes, including, but not limited to, non-

1 tax purposes, such portion.

2 ~~(h) This section shall take effect on and after January 1, 2012.~~

3 Sec. 10. K.S.A. 2018 Supp. 12-5372 is hereby amended to read as
4 follows: 12-5372. (a) Prepaid wireless 911 fees collected by sellers shall
5 be remitted to the department by electronic filing that is consistent with the
6 provisions of article 36 of chapter 79 of the Kansas Statutes Annotated,
7 and amendments thereto. The department shall establish registration and
8 payment procedures for the collection of the prepaid wireless 911 fee.

9 (b) To minimize additional costs to the department, the department
10 may conduct audits of sellers in conjunction with sales and use tax audits.
11 The department is authorized to provide the LCPA with information
12 obtained in such audits if such information indicates that a seller may not
13 be complying with the provisions of this section and K.S.A. 2018 Supp.
14 12-5371, and amendments thereto. The LCPA may request the department
15 to initiate collection or audit procedures on individual sellers if collection
16 efforts by the LCPA are unsuccessful.

17 (c) The department shall establish procedures by which a seller may
18 document that a sale is not a retail sale, which procedures shall
19 substantially coincide with procedures for documenting sale for resale
20 transactions for article 36 of chapter 79 of the Kansas Statutes Annotated,
21 and amendments thereto.

22 (d) The department shall transfer all remitted prepaid wireless 911
23 fees to the LCPA within 30 days of receipt for distribution as provided in
24 K.S.A. 2018 Supp. 12-5374, and amendments thereto.

25 ~~(e) The department may retain up to \$70,000 of remitted funds in~~
26 ~~fiscal year 2012 only for use in paying for programming and other one-~~
27 ~~time costs for establishing a system for collecting the prepaid wireless 911~~
28 ~~fee.~~

29 ~~(f) This section shall take effect on and after January 1, 2012.~~

30 Sec. 11. K.S.A. 2018 Supp. 12-5373 is hereby amended to read as
31 follows: 12-5373. ~~(a)~~ The prepaid wireless 911 fee imposed in this act
32 shall be the only 911 funding obligation imposed with respect to prepaid
33 wireless service in this state. No tax, fee, surcharge or other charge shall be
34 imposed by this state, any political subdivision of this state or any
35 intergovernmental agency for 911 funding purposes upon any prepaid
36 wireless service provider, seller or consumer with respect to the sale,
37 purchase, use or provision of prepaid wireless service.

38 ~~(b) This section shall take effect on and after January 1, 2012.~~

39 Sec. 12. K.S.A. 2018 Supp. 12-5374 is hereby amended to read as
40 follows: 12-5374. (a) *(1) Except for the amounts withheld by the LCPA*
41 *pursuant to K.S.A. 2018 Supp. 12-5368(b), and amendments thereto, and*
42 *any amounts withheld pursuant to K.S.A. 2018 Supp. 12-5364(l), and*
43 *amendments thereto, not later than 30 days after the receipt of moneys*

1 from providers pursuant to K.S.A. 2018 Supp. 12-5370 and 12-5371, and
 2 amendments thereto, and the department pursuant to K.S.A. 2018 Supp.
 3 12-5372, and amendments thereto, the LCPA shall distribute such moneys
 4 to the PSAPs. *The amount of money distributed to the PSAPs in each*
 5 *county shall be based upon the amount of 911 fees collected from service*
 6 *users located in that county, based on place of primary use information*
 7 *provided by the providers, by using the following distribution method: ~~In a~~
 8 ~~county with a population over 80,000, 82% of the money collected from~~
 9 ~~service users whose place of primary use, as provided by the providers, is~~
 10 ~~within the county shall be distributed to the PSAPs within the county~~
 11 ~~based on place of primary use information; in a county with a population~~
 12 ~~between 65,000 and 79,999, 85% of the money collected from service~~
 13 ~~users whose place of primary use, as provided by the providers, is within~~
 14 ~~the county shall be distributed to the PSAPs within the county based on~~
 15 ~~place of primary use information; in a county with a population between~~
 16 ~~55,000 and 64,999, 88% of the money collected from service users whose~~
 17 ~~place of primary use, as provided by the providers, is within the county~~
 18 ~~shall be distributed to the PSAPs within the county based on place of~~
 19 ~~primary use information; in a county with a population between 45,000~~
 20 ~~and 54,999, 91% of the money collected from service users whose place of~~
 21 ~~primary use, as provided by the providers, is within the county shall be~~
 22 ~~distributed to the PSAPs within the county based on place of primary use~~
 23 ~~information; in a county with a population between 35,000 and 44,999,~~
 24 ~~94% of the money collected from service users whose place of primary~~
 25 ~~use, as provided by the providers, is within the county shall be distributed~~
 26 ~~to the PSAPs within the county based on place of primary use information;~~
 27 ~~in a county with a population between 25,000 and 34,999, 97% of the~~
 28 ~~money collected from service users whose place of primary use, as~~
 29 ~~provided by the providers, is within the county shall be distributed to the~~
 30 ~~PSAPs within the county based on place of primary use information; and~~
 31 ~~in a county with a population of less than 25,000, 100% of the money~~
 32 ~~collected from service users whose place of primary use, as provided by~~
 33 ~~the providers, is within the county shall be distributed to the PSAPs within~~
 34 ~~the county based on place of primary use information.~~*

| | | |
|----|-----------------------------------|--------------------------------|
| 35 | <i>Population of county.....</i> | <i>Percentage of collected</i> |
| 36 | <i>where PSAP is located.....</i> | <i>911 fees to distribute</i> |
| 37 | <i>Over 80,000.....</i> | <i>82%</i> |
| 38 | <i>65,000 to 79,999.....</i> | <i>85%</i> |
| 39 | <i>55,000 to 64,999.....</i> | <i>88%</i> |
| 40 | <i>45,000 to 54,999.....</i> | <i>91%</i> |
| 41 | <i>35,000 to 44,999.....</i> | <i>94%</i> |
| 42 | <i>25,000 to 34,999.....</i> | <i>97%</i> |
| 43 | <i>Less than 25,000.....</i> | <i>100%</i> |

1 (2) There shall be a minimum county distribution of ~~\$50,000~~ \$60,000
2 and no county shall receive less than ~~\$50,000~~ \$60,000 of direct
3 distribution moneys. If there is more than one PSAP in a county then the
4 direct distribution allocated to that county by population shall be deducted
5 from the minimum county distribution and the difference shall be
6 proportionately divided between the PSAPs in the county. All moneys
7 remaining after distribution, *moneys withheld pursuant to K.S.A. 2018*
8 *Supp. 12-5368(b)(1), and amendments thereto*, and any moneys ~~which that~~
9 cannot be attributed to a specific PSAP shall be transferred to the 911 ~~state~~
10 ~~grant operations~~ fund.

11 (b) All fees remitted to the LCPA shall be deposited in the 911 state
12 fund and for the purposes of this act be treated as if they are public funds,
13 pursuant to article 14 of chapter 9 of the Kansas Statutes Annotated, and
14 amendments thereto.

15 (c) All moneys in the 911 state fund that have been collected from the
16 prepaid wireless 911 fee shall be deposited in the 911 ~~state grant~~
17 ~~operations~~ fund unless ~~\$2~~ \$3 million of such moneys have been deposited
18 in any given year then all remaining moneys shall be distributed to the
19 counties in an amount proportional to each county's population as a
20 percentage share of the population of the state. For each PSAP within a
21 county, such moneys shall be distributed to each PSAP in an amount
22 proportional to the PSAP's population as a percentage share of the
23 population of the county. If there is no PSAP within a county, then such
24 moneys shall be distributed to the PSAP providing service to such county.
25 Such moneys distributed to counties and PSAPs only shall be used for the
26 uses authorized in K.S.A. 2018 Supp. 12-5375, and amendments thereto.

27 (d) The LCPA shall keep accurate accounts of all receipts and
28 disbursements of moneys from the 911 fees.

29 (e) Information provided by providers to the local collection point
30 administrator or to the 911 coordinating council pursuant to this act will be
31 treated as proprietary records which will be withheld from the public upon
32 request of the party submitting such records.

33 (f) The provisions of subsection (e) shall expire on July 1, 2021,
34 unless the legislature acts to reenact such provision. The provisions of
35 subsection (e) shall be reviewed by the legislature prior to July 1, 2021.

36 Sec. 13. K.S.A. 2018 Supp. 12-5375 is hereby amended to read as
37 follows: 12-5375. (a) The proceeds of the 911 fees imposed pursuant to
38 this act, and any interest earned on revenue derived from such fee, shall be
39 used only for necessary and reasonable costs incurred or to be incurred by
40 PSAPs for: (1) Implementation of 911 services; (2) purchase of 911
41 equipment and upgrades; (3) maintenance and license fees for 911
42 equipment; (4) training of personnel, *not to include salaries*; (5) monthly
43 recurring charges billed by service suppliers; (6) installation, service

1 establishment and nonrecurring start-up charges billed by the service
2 supplier; (7) charges for capital improvements and equipment or other
3 physical enhancements to the 911 system; or (8) the original acquisition
4 and installation of road signs designed to aid in the delivery of emergency
5 service. Such costs shall not include expenditures to lease, construct,
6 expand, acquire, remodel, renovate, repair, furnish or make improvements
7 to buildings or similar facilities. Such costs shall also not include
8 expenditures to purchase, *procure, maintain or upgrade* subscriber radio
9 equipment.

10 (b) *The 911 coordinating council shall, pursuant to rules and*
11 *regulations, establish a process for a PSAP, at the discretion of the PSAP,*
12 *to seek pre-approval of an expenditure. The council shall respond in*
13 *writing to any pre-approval request within 30 days and inform the PSAP if*
14 *the requested expenditure is approved or disapproved. If the expenditure is*
15 *disapproved, the written notification shall state the reason for the*
16 *disapproval and such PSAP may, within 15 days after service of the*
17 *notification, make a written request to the council to appeal the council's*
18 *decision and for a hearing to be conducted in accordance with the*
19 *provisions of the Kansas administrative procedure act.*

20 (c) *The 911 coordinating council shall annually review expenditures*
21 *of 911 funds reported on the annual report for each PSAP and shall*
22 *appoint a committee to review such expenditures. If the committee*
23 *determines that a reported expenditure was not authorized by this act, the*
24 *committee shall request that the expenditure be refunded by the PSAP to*
25 *the PSAP's 911 account. If a PSAP does not concur with the finding of the*
26 *committee, the PSAP may request a review of the decision of the*
27 *committee before the 911 coordinating council. If the 911 coordinating*
28 *council, based upon information obtained from the PSAP reports or an*
29 *audit of the PSAPs, determines that any PSAP has used any 911 fees for*
30 *any purpose other than those authorized in this act, the governing body for*
31 *such PSAP shall repay all such funds moneys used for any unauthorized*
32 *purposes plus to the 911 fee fund of such PSAP. Upon a finding that the*
33 *expenditure was made intentionally from the 911 fee fund of such PSAP for*
34 *a purpose clearly established as an unauthorized expenditure, the 911*
35 *coordinating council may require such PSAP to pay the lesser of \$500 or*
36 *10%, of such misused moneys, to the LCPA for deposit in the 911 state*
37 *grant fund. No such repayment of 911 fees shall be imposed pursuant to*
38 *this section except upon the written order of the council. Such order shall*
39 *state the unauthorized purposes for which the funds were used, the amount*
40 *of funds to be repayed and the right of such PSAP to appeal to a hearing*
41 *before the council Kansas office of administrative hearings. Any such*
42 *PSAP may, within 15 days after service of the order, make a written*
43 *request to the council for a hearing thereon. Hearings under this subsection*

1 shall be conducted in accordance with the provisions of the Kansas
2 administrative procedure act.

3 ~~(e)(d)~~ Any *final* action of the council pursuant to subsection (b) *or* (c)
4 is subject to review in accordance with the Kansas judicial review act.

5 ~~(d)~~ ~~As long as the PSAP is working in good faith to use the 911 fees~~
6 ~~for expenditures authorized by this act, no repayment of 911 fees shall be~~
7 ~~required prior to January 1, 2013.~~

8 ~~(e)~~ ~~This section shall take effect on and after January 1, 2012.~~

9 Sec. 14. K.S.A. 2018 Supp. 12-5376 is hereby amended to read as
10 follows: 12-5376. ~~(a)~~ Except as provided by the Kansas tort claims act,
11 and except for ~~failure to use ordinary care, or for intentional acts~~ **action or**
12 **inaction that constitutes gross negligence or willful and wanton**
13 **misconduct**, the LCPA, **PSAPs**, and each provider, and their employees
14 ~~and~~, agents, **suppliers and subcontractors**, and each seller, and their
15 employees ~~and~~, agents, **suppliers and subcontractors**, shall not be liable
16 for the payment of damages resulting directly or indirectly from the total
17 or partial failure of any transmission to an emergency communication
18 service or for damages resulting from the performance of installing,
19 maintaining or providing 911 service.

20 ~~(b)~~ ~~This section shall take effect on and after January 1, 2012.~~

21 Sec. 15. K.S.A. 2018 Supp. 12-5377 is hereby amended to read as
22 follows: 12-5377. (a) The receipts and disbursements of the LCPA shall be
23 audited yearly by a licensed municipal accountant or certified public
24 accountant.

25 (b) The LCPA may require an audit of any provider's books and
26 records concerning the collection and remittance of fees pursuant to this
27 act. The cost of any such audit shall be paid from the 911 ~~state grant~~
28 *operations* fund.

29 (c) (1) On or before December 31, 2018, and at least once every five
30 years thereafter, the division of post audit shall conduct an audit of the 911
31 system to determine: (A) Whether the moneys received by PSAPs pursuant
32 to this act are being used appropriately; (B) whether the amount of moneys
33 collected pursuant to this act is adequate; and (C) the status of 911 service
34 implementation. The auditor to conduct such audit shall be specified in
35 accordance with K.S.A. 46-1122, and amendments thereto.

36 (2) The post auditor shall compute the reasonably anticipated cost of
37 providing audits pursuant to this subsection, subject to review and
38 approval by the contract audit committee established by K.S.A. 46-1120,
39 and amendments thereto. Upon such approval, the division of post audit
40 shall be reimbursed from the 911 ~~state grant~~ *operations* fund for the
41 amount approved by the contract audit committee. The audit report shall
42 be submitted to the 911 coordinating council, the LCPA, the house of
43 representatives committee on energy, utilities and telecommunications and

1 the senate committee on utilities.

2 (d) (1) On or before December 31, 2018, the division of post audit
3 shall conduct an audit of the budget and expenditures of the 911
4 coordinating council. In conducting such audit, the division shall examine:
5 (A) The annual expenses and financial needs, including personnel, of the
6 council; (B) the total annual operating expenses of the council that are
7 included in the 2.5% cap on expenditures pursuant to K.S.A. 2018 Supp.
8 12-5364(i), and amendments thereto; (C) the current and projected
9 contractual expenses of the council; (D) the expenditures and distribution
10 of moneys from the 911 state grant fund by the council; and (E) whether
11 the moneys expended by the council are being used pursuant to this act.
12 The auditor, to conduct such audit, shall be specified in accordance with
13 K.S.A. 46-1122, and amendments thereto.

14 (2) The post auditor shall compute the reasonably anticipated cost of
15 providing the audit pursuant to this subsection, subject to review and
16 approval by the contract audit committee established by K.S.A. 46-1120,
17 and amendments thereto. Upon such approval, the division of post audit
18 shall be reimbursed from the 911 ~~state grant~~ *operations* fund for the
19 amount approved by the contract audit committee. The audit report shall
20 be submitted to the 911 coordinating council, the house of representatives
21 committee on energy, utilities and telecommunications and the senate
22 committee on utilities.

23 (e) The legislature shall review this act at the regular ~~2014~~ 2019
24 legislative session and at the regular legislative session every five years
25 thereafter.

26 Sec. 16. K.S.A. 2018 Supp. 12-5378 is hereby amended to read as
27 follows: 12-5378. ~~(a)~~ Nothing in this act shall be construed to limit the
28 ability of a provider from recovering directly from the provider's
29 customers its costs associated with designing, developing, deploying and
30 maintaining 911 service and its cost of collection and administration of the
31 fees imposed by this act, whether such costs are itemized on the customer's
32 bill as a surcharge or by any other lawful method.

33 ~~(b) This section shall take effect on and after January 1, 2012.~~

34 Sec. 17. K.S.A. 2018 Supp. 12-5380 is hereby amended to read as
35 follows: 12-5380. The governing body of each city and county shall
36 provide or contract for the 24-hour receipt of ~~wireless emergency~~ 911 calls
37 for all ~~wireless~~ service areas within the jurisdiction of the city or county.

38 Sec. 18. K.S.A. 2018 Supp. 19-101a is hereby amended to read as
39 follows: 19-101a. (a) The board of county commissioners may transact all
40 county business and perform all powers of local legislation and
41 administration it deems appropriate, subject only to the following
42 limitations, restrictions or prohibitions:

43 (1) Counties shall be subject to all acts of the legislature which apply

1 uniformly to all counties.

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

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

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

10 (5) Counties may not legislate on social welfare administered under
11 state law enacted pursuant to or in conformity with public law No. 271 –
12 74th congress, or amendments thereof.

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

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

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

23 (9) No county may levy ad valorem taxes under the authority of this
24 section upon real property located within any redevelopment project area
25 established under the authority of K.S.A. 12-1772, and amendments
26 thereto, unless the resolution authorizing the same specifically authorized
27 a portion of the proceeds of such levy to be used to pay the principal of
28 and interest upon bonds issued by a city under the authority of K.S.A. 12-
29 1774, and amendments thereto.

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

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

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

42 (13) Counties may not exempt from or effect changes in K.S.A. 19-
43 430, and amendments thereto.

- 1 (14) Counties may not exempt from or effect changes in K.S.A. 19-
2 302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.
- 3 (15) Counties may not exempt from or effect changes in K.S.A. 19-
4 15,139, 19-15,140 and 19-15,141, and amendments thereto.
- 5 (16) Counties may not exempt from or effect changes in the
6 provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c
7 and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-
8 1260 through 12-1270 and 12-1276, and amendments thereto.
- 9 (17) Counties may not exempt from or effect changes in the
10 provisions of K.S.A. 19-211, and amendments thereto.
- 11 (18) Counties may not exempt from or effect changes in the
12 provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.
- 13 (19) Counties may not regulate the production or drilling of any oil or
14 gas well in any manner which would result in the duplication of regulation
15 by the state corporation commission and the Kansas department of health
16 and environment pursuant to chapter 55 and chapter 65 of the Kansas
17 Statutes Annotated, and amendments thereto, and any rules and regulations
18 adopted pursuant thereto. Counties may not require any license or permit
19 for the drilling or production of oil and gas wells. Counties may not
20 impose any fee or charge for the drilling or production of any oil or gas
21 well.
- 22 (20) Counties may not exempt from or effect changes in K.S.A. 79-
23 41a04, and amendments thereto.
- 24 (21) Counties may not exempt from or effect changes in K.S.A. 79-
25 1611, and amendments thereto.
- 26 (22) Counties may not exempt from or effect changes in K.S.A. 79-
27 1494, and amendments thereto.
- 28 (23) Counties may not exempt from or effect changes in ~~subsection~~
29 ~~(b)~~ of K.S.A. 19-202(b), and amendments thereto.
- 30 (24) Counties may not exempt from or effect changes in ~~subsection~~
31 ~~(b)~~ of K.S.A. 19-204(b), and amendments thereto.
- 32 (25) Counties may not levy or impose an excise, severance or any
33 other tax in the nature of an excise tax upon the physical severance and
34 production of any mineral or other material from the earth or water.
- 35 (26) Counties may not exempt from or effect changes in K.S.A. 79-
36 2017 or 79-2101, and amendments thereto.
- 37 (27) Counties may not exempt from or effect changes in K.S.A. 2-
38 3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-
39 1,178 through 65-1,199, 65-3001 through 65-3028, and amendments
40 thereto.
- 41 (28) Counties may not exempt from or effect changes in K.S.A. 2018
42 Supp. 80-121, and amendments thereto.
- 43 (29) Counties may not exempt from or effect changes in K.S.A. 19-

1 228, and amendments thereto.

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

5 (31) Counties may not exempt from or effect changes in K.S.A. 2018
6 Supp. 26-601, and amendments thereto.

7 (32) (A) Counties may not exempt from or effect changes in the
8 Kansas liquor control act except as provided by paragraph (B).

9 (B) Counties may adopt resolutions which are not in conflict with the
10 Kansas liquor control act.

11 (33) (A) Counties may not exempt from or effect changes in the
12 Kansas cereal malt beverage act except as provided by paragraph (B).

13 (B) Counties may adopt resolutions which are not in conflict with the
14 Kansas cereal malt beverage act.

15 (34) Counties may not exempt from or effect changes in the Kansas
16 lottery act.

17 (35) Counties may not exempt from or effect changes in the Kansas
18 expanded lottery act.

19 (36) Counties may neither exempt from nor effect changes to the
20 eminent domain procedure act.

21 (37) Any county granted authority pursuant to the provisions of
22 K.S.A. 19-5001 through 19-5005, and amendments thereto, shall be
23 subject to the limitations and prohibitions imposed under K.S.A. 19-5001
24 through 19-5005, and amendments thereto.

25 (38) Except as otherwise specifically authorized by K.S.A. 19-5001
26 through 19-5005, and amendments thereto, counties may not exercise any
27 authority granted pursuant to K.S.A. 19-5001 through 19-5005, and
28 amendments thereto, including the imposition or levy of any retailers' sales
29 tax.

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

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

1 Sec. 19. K.S.A. 2018 Supp. 12-5327, 12-5338, 12-5361, 12-5363, 12-
2 5364, 12-5365, 12-5366, 12-5367, 12-5368, 12-5369, 12-5370, 12-5371,
3 12-5372, 12-5373, 12-5374, 12-5375, 12-5376, 12-5377, 12-5378, 12-
4 5380 and 19-101a are hereby repealed.

5 Sec. 20. This act shall take effect and be in force from and after its
6 publication in the statute book.