

HOUSE BILL No. 2690

AN ACT concerning emergency communication services; establishing the state 911 board; abolishing the 911 coordinating council; transferring the powers, duties and functions of the 911 coordinating council to the state 911 board; authorizing the board to appoint an executive director and other employees to carry out the powers, duties and functions of the board; abolishing the 911 operations fund, the 911 state grant fund and the 911 state fund and establishing the state 911 operations fund, the state 911 grant fund and the state 911 fund in the state treasury; authorizing governing bodies of cities or counties to contract for the provision of 911 PSAP services with another governing body of a PSAP; increasing the amount of 911 fee distributions to PSAPs and governing bodies; amending K.S.A. 12-5362, 12-5363, 12-5364, 12-5365, 12-5366, 12-5367, 12-5368, 12-5368, as amended by section 16 of this act, 12-5368, as amended by section 17 of this act, 12-5369, 12-5370, 12-5371, 12-5372, 12-5374, 12-5374, as amended by section 23 of this act, 12-5374, as amended by section 24 of this act, 12-5375, 12-5375, as amended by section 26 of this act, 12-5375, as amended by section 27 of this act, and 12-5377 and repealing the existing sections; also repealing K.S.A. 12-5364, as amended by section 12 of this act, 12-5378 and 12-5379.

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

New Section 1. (a) There is hereby established the state 911 board. The board shall consist of 19 voting members and shall include individuals with technical expertise regarding 911 systems, internet technology and GIS technology.

(1) The following 15 voting members shall be appointed by the governor:

(A) Two members representing information technology personnel from governmental units;

(B) one member representing the Kansas sheriff's association;

(C) one member representing the Kansas association of chiefs of police;

(D) one member representing the Kansas state association of fire chiefs;

(E) one member recommended by the adjutant general;

(F) one member recommended by the Kansas board of emergency medical services;

(G) one member recommended by the Kansas commission for the deaf and hard of hearing;

(H) two members representing PSAPs located in counties having a population less than 75,000, at least one of which shall be an administrator of a PSAP or have extensive prior 911 experience in Kansas;

(I) two members representing PSAPs located in counties having a population of 75,000 or more, at least one of which shall be an administrator of a PSAP or have extensive prior 911 experience in Kansas;

(J) one member representing the Kansas chapter of the association of public safety communications officials;

(K) one member recommended by the league of Kansas municipalities; and

(L) one member recommended by the Kansas association of counties.

(2) The following four voting members shall be appointed as follows:

(A) One member of the Kansas house of representatives appointed by the speaker of the house;

(B) one member of the Kansas house of representatives appointed by the minority leader of the house;

(C) one member of the Kansas senate appointed by the president of the senate; and

(D) one member of the Kansas senate appointed by the minority leader of the senate.

(b) The state 911 board shall include the following nine nonvoting members to be appointed by the governor:

(1) One member representing rural telecommunications companies recommended by the communications coalition of Kansas;

(2) one member representing incumbent local exchange carriers with over 50,000 access lines;

- (3) one member representing large wireless providers;
- (4) one member representing VoIP providers;
- (5) one member recommended by the Kansas geographic information systems policy board;
- (6) one member recommended by the Kansas office of information technology services;
- (7) one member recommended by the Mid-America regional council who shall be a Kansas resident; and
- (8) two members representing non-traditional PSAPs, one of whom shall be a representative of tribal government.

(c) (1) The governor shall select the chairperson of the state 911 board. The chairperson shall serve as chairperson at the pleasure of the governor and shall have extensive prior 911 experience in Kansas. The chairperson shall serve subject to the direction of the board and ensure that policies adopted by the board are carried out.

(2) The chairperson of the board or the chairperson's designee may sign any certifications required for federal grants pursuant to 47 C.F.R. part 400.

(d) (1) Except as otherwise provided in this subsection, the terms of office for members of the board shall commence upon appointment. Each member shall serve a term of three years and until a successor has been appointed pursuant to this section. No voting member shall serve longer than two successive three-year terms, except that any person appointed to fulfill an unexpired term of a voting member may finish the term of the predecessor and such appointment shall not preclude the person from subsequently serving two successive three-year terms. This paragraph shall not apply to the members appointed pursuant to subsection (a)(2).

(2) On July 1, 2025, each member appointed to and currently serving a term on the 911 coordinating council pursuant to K.S.A. 12-5364, prior to its repeal, shall be deemed to be appointed to and a member of the state 911 board. The initial term of each such member shall expire at the time such member's original term would have expired as a member of the 911 coordinating council pursuant to K.S.A. 12-5364, prior to its repeal, and until a successor has been appointed pursuant to this section.

(3) The term of all members of the board shall expire on June 30 in the year that such member's term expires.

(e) Members of the board and other persons appointed to subcommittees by the board may receive reimbursement for meals and travel expenses, but shall serve without other compensation with the exception of legislative members, who shall receive compensation pursuant to K.S.A. 75-3212, and amendments thereto.

(f) The provisions of this section shall take effect and be in force on and after July 1, 2025.

New Sec. 2. (a) The state 911 board shall:

- (1) Coordinate E-911 services and next generation 911 services in the state;
- (2) implement statewide 911 communications planning;
- (3) monitor the delivery of 911 communications services in the state;
- (4) develop strategies for future enhancements to the 911 system;
- (5) administer and oversee grants to PSAPs;
- (6) develop technology standards;
- (7) establish minimum training requirements for PSAP personnel, GIS technicians and information technology technicians with respect to the statewide NG911 call handling system technology to ensure public safety across Kansas;
- (8) employ a full-time executive director; and
- (9) make an annual report of all expenditures from the 911 fees imposed pursuant to K.S.A. 12-5369 and 12-5371, and amendments thereto, to the house of representatives standing committee on energy, utilities and telecommunications and the senate standing committee on utilities or their successor committees.

(b) The state 911 board may:

- (1) Contract with any person to assist in the performance of the powers, duties and functions of the board;
- (2) reimburse state agencies or independent contractors for expenses incurred in carrying out the powers, duties and functions of the board;
- (3) apply for grants under the federal 911 grant program;
- (4) recommend training for general PSAP operations;
- (5) enter into and support agreements for the interstate and interlocal interconnection of ESInet service; and
- (6) adopt rules and regulations as the board deems necessary for the implementation and administration of the Kansas 911 act, except that the board shall not establish a mandatory certification program for PSAP operations or PSAP emergency communications personnel.

(c) The state 911 board may impose a civil penalty upon any provider that fails to collect the 911 fees pursuant to K.S.A. 12-5369, and amendments thereto, or remit such fees pursuant to K.S.A. 12-5370, and amendments thereto. Such written order shall state the violation, the penalty to be imposed and the right of the provider to appeal and request a hearing before the board. Any such provider may, within 15 days after service of the order, make a written request to the board for a hearing thereon. Hearings under this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act. Any action of the board to impose a penalty shall be subject to review in accordance with the Kansas judicial review act. Any civil penalty recovered pursuant to this subsection shall be deposited in the 911 state grant fund.

(d) (1) The executive director of the state 911 board shall:

- (A) Be the administrative officer of the board;
  - (B) be in the unclassified service of the Kansas civil service act; and
  - (C) receive an annual salary set by the board.
- (2) The executive director may hire, subject to the approval of the board, assistant directors and employees as deemed necessary by the board. Any such assistant directors or employees shall be in the unclassified service of the Kansas civil service act.

(e) The provisions of this section shall take effect and be in force on and after July 1, 2025.

New Sec. 3. (a) On July 1, 2025, the 911 coordinating council established pursuant to K.S.A. 12-5364, prior to its repeal, is hereby abolished and the powers, duties and functions vested in and imposed upon the 911 coordinating council are hereby transferred to, vested in and imposed upon the state 911 board.

(b) On July 1, 2025, all employees of the 911 coordinating council who, immediately prior to such date, were engaged in the performance of the powers, duties or functions that are transferred pursuant to this act, and who, in the opinion of the board, are necessary to perform the powers, duties and functions of the board, shall be transferred to and shall become employees of the board. Any such employee shall retain all retirement benefits and all rights of civil service that had accrued to or vested in such employee. The service of each such employee so transferred shall be deemed to have been continuous.

(c) The state 911 board shall succeed to all property and records of the 911 coordinating council. Any conflict as to the proper disposition of property or records arising under this section shall be determined by the governor and the decision of the governor shall be final.

(d) Whenever the 911 coordinating council, or words of like effect, is referred to or designated by any statute, rule or regulation, contract or other document, such reference or designation shall be deemed to apply to state 911 board.

(e) All rules and regulations of the 911 coordinating council in existence on July 1, 2025, shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the state 911 board until amended, revoked or nullified pursuant to law.

(f) The provisions of this section shall take effect and be in force on and after July 1, 2025.

New Sec. 4 (a) (1) Every provider shall submit contact information for the provider to the state 911 board. Any provider that has not previously provided wireless telecommunications service in this state shall submit contact information for the provider to the board within three months of first offering wireless telecommunications services in this state.

(2) A provider of wireless telecommunications service shall:

(A) Receive prior approval from each PSAP within the provider's service area before directing emergency calls to such PSAP; and

(B) establish the unique emergency telephone number "911" across the state.

(3) Nothing in this act shall be construed to limit the ability of a provider from recovering directly from the provider's customers the costs associated with designing, developing, deploying and maintaining 911 service and the cost of collection and administration of the fees imposed by K.S.A. 12-5369, and amendments thereto, whether such costs are itemized on the customer's bill as a surcharge or by any other lawful method.

(b) (1) Each PSAP and governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services shall file an annual report with the state 911 board by March 1 of each year demonstrating how such PSAP or governing body has spent the moneys earned from the 911 fees during the preceding calendar year. The board shall designate the content and form of such report and may require additional associated documentation that shall be included.

(2) If a PSAP or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services fails to file and finalize an annual report, the board shall provide notice of such failure to the PSAP, the governing body of such PSAP and, if applicable, the governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services. If such PSAP or governing body fails to file or finalize an annual report within 60 days of receiving such notice, the board shall withhold 10% of each subsequent distribution of 911 fees to such PSAP or governing body pursuant to K.S.A. 12-5374, and amendments thereto. The board shall not discontinue such withholding until the PSAP or governing body submits a report in compliance with this section.

(c) (1) If the state 911 board finds that the GIS data for a PSAP or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services is inaccurate, the board shall give written notice to the governing body that oversees the PSAP, the PSAP and, if applicable, the governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services of such finding. If the board does not receive an acceptable proposal for the PSAP or governing body to bring the GIS data into compliance within 60 days following such notice, the board may contract with a third party to review and update the GIS data.

(2) If the board finds that the GIS data for a PSAP or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services has not been updated for one year or more, the board shall give written notice to the governing body that oversees the PSAP, the PSAP and, if applicable, the governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services of such finding. Such PSAP or governing body may provide an attestation that the GIS data has been reviewed and remains accurate. If the board receives such attestation and has information that the data may not be accurate, the board shall provide a written notice to the PSAP or governing body that describes the areas the board believes to be inaccurate. The PSAP or governing body shall have 30 days following receipt of such written notice to submit updated GIS data. If the updated GIS data is not received prior to such deadline, the board may contract with a third party to review and update the GIS

data and may assess any costs incurred in updating the GIS data upon the governing body that oversees the PSAP or the governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services.

(d) The provisions of this section shall take effect and be in force on and after July 1, 2025.

New Sec. 5. (a) There is hereby created in the state treasury the state 911 operations fund. All moneys received pursuant to K.S.A. 12-5368, 12-5372 and 12-5374, and amendments thereto, for purposes of such fund shall be deposited into the state 911 operations fund. All expenditures from the state 911 operations fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the state 911 board or the chairperson's designee.

(b) The state 911 operations fund shall be used only for the following purposes:

(1) Administrative and operational expenses of the state 911 board, including salaries of persons employed by the board;

(2) payment and expenses incurred pursuant to contracts entered into by the board for the performance of the powers, duties and functions of the board;

(3) payment to state agencies or independent contractors for expenses incurred in carrying out the powers, duties and functions of the board; and

(4) development, deployment, implementation and maintenance of the statewide next generation 911 system.

(c) On or before the 10<sup>th</sup> of each month, the director of accounts and reports shall transfer from the state general fund to the state 911 operations fund interest earnings based on:

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

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

(d) The state 911 operations fund shall be used for the purposes set forth in this act and for no other governmental purposes. Moneys in the state 911 operations fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(e) On January 1, 2026:

(1) The LCPA shall remit to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, the balance of all moneys in the 911 operations fund established pursuant to K.S.A. 12-5368, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit such amount to the state 911 operations fund.

(2) All liabilities of the 911 operations fund are hereby transferred to and imposed on the state 911 operations fund.

(3) The 911 operations fund established by the LCPA pursuant to K.S.A. 12-5368, and amendments thereto, is hereby abolished.

(f) The provisions of this section shall take effect and be in force on and after January 1, 2026.

New Sec. 6. (a) There is hereby created in the state treasury the state 911 grant fund. All moneys received pursuant to K.S.A. 12-5368 and 12-5374, and amendments thereto, for purposes of such fund shall be deposited into the state 911 grant fund. All expenditures from the state 911 grant fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the state 911 board or the chairperson's designee.

(b) The state 911 grant fund shall be used only for the following purposes:

(1) Providing state grants for projects involving the development and implementation of next generation 911 services;

(2) provide grants to PSAPs based on demonstrated need; and

(3) costs associated with PSAP consolidation or cost-sharing

projects.

(c) On or before the 10<sup>th</sup> of each month, the director of accounts and reports shall transfer from the state general fund to the state 911 grant fund interest earnings based on:

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

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

(d) The state 911 grant fund shall be used for the purposes set forth in this act and for no other governmental purposes. Moneys in the state 911 grant fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(e) On January 1, 2026:

(1) The LCPA shall remit to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, the balance of all moneys in the 911 state grant fund established pursuant to K.S.A. 12-5368, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit such amount to the state 911 grant fund.

(2) All liabilities of the 911 state grant fund are hereby transferred to and imposed on the state 911 grant fund.

(3) The 911 state grant fund established by the LCPA pursuant to K.S.A. 12-5368, and amendments thereto, is hereby abolished.

(f) The provisions of this section shall take effect and be in force on and after January 1, 2026.

New Sec. 7. (a) There is hereby created in the state treasury the state 911 fund. All moneys received pursuant to K.S.A. 12-5368 and 12-5374, and amendments thereto, for purposes of such fund shall be deposited into the state 911 fund. All expenditures from the state 911 fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the state 911 board or the chairperson's designee.

(b) The state 911 fund shall be used for direct distributions of moneys pursuant to K.S.A. 12-5374, and amendments thereto.

(c) On or before the 10<sup>th</sup> of each month, the director of accounts and reports shall transfer from the state general fund to the state 911 fund interest earnings based on:

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

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

(d) The state 911 fund shall be used for the purposes set forth in this act and for no other governmental purposes. Moneys in the state 911 fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(e) On January 1, 2026:

(1) The LCPA shall remit to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, the balance of all moneys in the 911 state fund established pursuant to K.S.A. 12-5368, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit such amount to the state 911 fund.

(2) All liabilities of the 911 state fund are hereby transferred to and imposed on the state 911 fund.

(3) The 911 state fund established by the LCPA pursuant to K.S.A. 12-5368, and amendments thereto, is hereby abolished.

(f) The provisions of this section shall take effect and be in force on and after January 1, 2026.

New Sec. 8. (a) On or before the 15<sup>th</sup> day of each month, the state 911 board shall require the LCPA to provide a monthly report that accounts for every transaction that has occurred during the previous month in the 911 state fund, 911 state grant fund and the 911 operations fund established outside the state treasury pursuant to K.S.A. 12-5368,

and amendments thereto. Such report shall include line item amounts and details for every transaction, including debits, credits, transfers, fees assessed, interest earned, change in ownership, change in authorized signatories or any other event that may have altered the structure or balance of the account. The LCPA shall submit each monthly report to the secretary of administration and to the director of legislative research. On or before January 31, 2026, the state 911 board shall prepare and submit to the legislature a report that summarizes the transactions reported in such monthly reports and shall confirm that the accounts have been closed and all assets have been transferred to the state treasury in accordance with the requirements of sections 5 through 7, and amendments thereto.

(b) The provisions of this section shall take effect and be in force on and after July 1, 2025.

(c) This section shall expire on February 1, 2026.

New Sec. 9. (a) The 911 coordinating council may take any actions necessary to prepare for a seamless and orderly transition of the powers, duties and functions of the 911 coordinating council to the state 911 board established pursuant to section 1, and amendments thereto. Such actions may include, but shall not be limited to:

(1) Employing one or more individuals who the council deems necessary to assist with the transition, including the employment of an individual who shall assume the role of executive director of the state 911 board upon the establishment of the board pursuant to this act; and

(2) preparing a budget that reflects the establishment of the state 911 board and the state 911 operations fund within the state treasury pursuant to this act.

(b) Any persons employed pursuant to this section shall be in the unclassified service and receive compensation fixed by the council.

(c) Any expenses incurred for the employment of individuals pursuant to this section shall be considered administrative expenses of the council pursuant to K.S.A. 12-5368, and amendments thereto, and the council shall have authority to use any moneys held in or transferred to the 911 operations fund to provide for the employment and compensation authorized pursuant to this section.

Sec. 10. On and after July 1, 2025, K.S.A. 12-5362 is hereby amended to read as follows: 12-5362. K.S.A. 12-5362 through 12-5381, and amendments thereto, *and sections 1 through 9, and amendments thereto*, shall be known and may be cited as the Kansas 911 act.

Sec. 11. On and after July 1, 2025, K.S.A. 12-5363 is hereby amended to read as follows: 12-5363. As used in the Kansas 911 act:

(a) "Board" means the state 911 board.

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

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

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

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

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

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

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

~~(h)~~(i) "Local collection point administrator" or "LCPA" means the person designated by the ~~911 coordinating council~~ board to serve as the local collection point administrator ~~to collect and distribute 911 fees,~~

~~911 operations fund moneys and 911 state grant fund moneys pursuant to K.S.A. 12-5367, and amendments thereto.~~

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

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

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

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

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

~~(o)~~ "Place of primary use" has the meaning provided in the mobile telecommunications act as defined by 4 U.S.C. § 116 et seq., as in effect on ~~the effective date of this act~~ *July 1, 2025*.

~~(p)~~ "Provider" means any person providing exchange telecommunications service, wireless telecommunications service, VoIP service or other service capable of contacting a PSAP. ~~A provider may also be "Provider" includes~~ a 911 system operator.

~~(q)~~ "PSAP" means a public safety answering point operated by a city or county.

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

~~(s)~~ "Seller" means a person who sells prepaid wireless service to another person.

~~(t)~~ "Service user" means any person who is provided exchange telecommunications service, wireless telecommunications service, VoIP service, prepaid wireless service or any other service capable of contacting a PSAP.

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

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

~~(w)~~ "VoIP service" means voice over internet protocol.

~~(x)~~ "Wireless telecommunications service" means commercial mobile radio service as defined by 47 C.F.R. § 20.3 as in effect on ~~the effective date of this act~~ *July 1, 2025*.

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



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

Sec. 12. On and after July 1, 2024, K.S.A. 12-5364 is hereby amended to read as follows: 12-5364. (a) (1) There is hereby created the 911 coordinating council which shall monitor the delivery of 911 services, develop strategies for future enhancements to the 911 system and distribute available grant funds to PSAPs *and governing bodies that contract with another governing body of a PSAP for the provision of 911 PSAP services*. In as much as possible, the council shall include individuals with technical expertise regarding 911 systems, internet technology and GIS technology.

(2) (A) The 911 coordinating council shall consist of 13 voting members to be appointed by the governor:

(i) Two members representing information technology personnel from government units;

(ii) one member representing the Kansas sheriff's association;

(iii) one member representing the Kansas association of chiefs of police;

(iv) one member representing a fire chief;

(v) one member recommended by the adjutant general;

(vi) one member recommended by the Kansas emergency medical services board;

(vii) one member recommended by the Kansas commission for the deaf and hard of hearing;

(viii) two members representing PSAPs located in counties with less than 75,000 in population;

(ix) two members representing PSAPs located in counties with greater than 75,000 in population; and

(x) one member representing the Kansas chapter of the association of public safety communications officials.

(B) At least two of the members representing PSAPs shall be administrators of a PSAP or have extensive prior 911 experience in Kansas.

(3) Other voting members of the 911 coordinating council shall include:

(A) One member of the Kansas house of representatives as appointed by the speaker of the house;

(B) one member of the Kansas house of representatives as appointed by the minority leader of the house;

(C) one member of the Kansas senate as appointed by the senate president; and

(D) one member of the Kansas senate as appointed by the senate minority leader.

(4) The 911 coordinating council shall also include nonvoting members to be appointed by the governor:

(A) One member representing rural telecommunications companies recommended by the ~~Kansas rural independent telephone companies~~ *communications coalition of Kansas*;

(B) one member representing incumbent local exchange carriers with over 50,000 access lines;

(C) one member representing large wireless providers;

(D) one member representing VoIP providers;

(E) one member recommended by the league of Kansas municipalities;

(F) one member recommended by the Kansas association of counties;

(G) one member recommended by the Kansas geographic information systems policy board;

(H) one member recommended by the Kansas office of information technology services;

(I) one member, a Kansas resident, recommended by the Mid-America regional council; and

(J) two members representing non-traditional PSAPs, one of

whom shall be a representative of tribal government.

~~(b) (1) Except as provided in subsection (b)(2) and (b)(3), the terms of office for Voting members of the 911 coordinating council shall commence on the effective date of this act and shall be subject to reappointment every serve for a term of three years. No voting member shall serve longer than two successive three-year terms. A voting member appointed as a replacement for another voting member may finish the term of the predecessor and may serve two additional successive three-year terms. This paragraph shall not apply to the members appointed pursuant to subsection (a)(3).~~

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

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

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

~~(C) one member representing a fire chief, one member recommended by the Kansas commission for the deaf and hard of hearing, one member representing the Kansas association of chiefs of police and one member representing PSAPs located in counties with 75,000 or more in population shall serve a term of four years.~~

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

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

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

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

(d) The 911 coordinating council, by an affirmative vote of nine voting members, shall select the local collection point administrator, pursuant to K.S.A. 12-5367, and amendments thereto, to collect 911 fees and to distribute such fees to PSAPs *and governing bodies that contract with another governing body of a PSAP for the provision of 911 PSAP services* and to distribute 911 operations fund moneys and 911 state grant fund moneys as directed by the council. The council shall adopt rules and regulations for the terms of the contract with the LCPA. All contract terms and conditions shall satisfy all contract requirements as established by the secretary of administration. The council shall determine the compensation of the LCPA who shall provide the council with any staffing necessary in carrying out the business of the council or effectuating the provisions of this act. The moneys used to reimburse these expenses shall be paid from the 911 operations fund, pursuant to subsection (j).

(e) (1) The 911 coordinating council is hereby authorized to adopt rules and regulations necessary to effectuate the provisions of this act, including, but not limited to: (A) Creating a uniform reporting form

designating how moneys, including 911 fees, have been spent by the PSAPs *and governing bodies that contract with another governing body of a PSAP for the provision of 911 PSAP services*; (B) requiring service providers to notify the council pursuant to subsection (k); (C) establishing standards for coordinating and purchasing equipment; (D) recommending standards for general operations training of PSAP personnel; (E) establishing training standards and programs related to the technology and operations of the NG911 hosted solution; (F) establishing data standards, maintenance policies and data reporting requirements for GIS data; and (G) assessing civil penalties pursuant to subsection (m).

(2) The chair of the council shall work with the council to adopt rules and regulations necessary for the administration of this act, but the council shall not adopt any rules and regulations or impose any requirements that creates a mandatory certification program of PSAP operations or PSAP emergency communications personnel.

(f) If the 911 coordinating council finds that the GIS data for a PSAP *or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services* is inaccurate or has not been updated for one year or more, the council shall give written notice to the governing body that oversees the PSAP, *the PSAP and, if applicable, the governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services*. If, within 60 days of providing such notice, the council does not receive an acceptable proposal for the PSAP *or governing body* to bring the GIS data into compliance, the council may contract with a third party to review and update the GIS data. A PSAP *or governing body* with GIS data that has not been updated for one year or more may provide a certification attesting that the GIS data has been reviewed and remains accurate. If the council receives such certification and has information that the data may not be accurate, the council shall provide a written notice to the PSAP *or governing body* that describes the areas the council believes to be inaccurate and a deadline of 30 days for the PSAP *or governing body* to submit updated GIS data. If the updated GIS data is not received within the deadline, the council may contract with a third party to review and update the GIS data. The council shall assess the governing body that oversees the PSAP *or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services* for any costs incurred in updating the GIS data.

(g) The council may, pursuant to rules and regulations, lower the 911 fee established pursuant to K.S.A. 12-5369, and amendments thereto, upon a finding based on information submitted on the uniform reporting forms, that moneys generated by such fee are in excess of the costs required to operate PSAPs in the state.

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

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

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

(k) Every provider shall submit contact information for the provider to the council. Any provider that has not previously provided wireless telecommunications service in this state shall submit contact information for the provider to the council within three months of first offering wireless telecommunications services in this state.

(l) (1) Each PSAP *and governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services* shall file an annual report with the council by March 1 of each year demonstrating how such PSAP *or governing body* has spent the moneys earned from the 911 fee during the preceding calendar year. The council shall designate the content and form of such report and any associated documentation that is required to finalize such report.

(2) If a PSAP *or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services* fails to file and finalize an annual report, the council shall provide notice of such failure to the PSAP ~~and~~, the governing body of such PSAP *or governing body*. If such PSAP *or governing body* fails to file or finalize an annual report within 60 days of receiving such notice, 10% of each subsequent distribution of 911 fees to such PSAP *or governing body* pursuant to K.S.A. 12-5373, and amendments thereto, shall be withheld by the LCPA and only distributed to such PSAP *or governing body* once the report has been submitted.

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

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

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

(p) The 911 coordinating council shall make an annual report, to include a detailed description of all expenditures made from 911 fees received by the PSAPs *and governing bodies that contract with another governing body of a PSAP for the provision of 911 PSAP services*, to the house committee on energy, utilities and telecommunications and the senate committee on utilities.

Sec. 13. On and after July 1, 2025, K.S.A. 12-5365 is hereby amended to read as follows: 12-5365. (a) There is hereby established in the state treasury the 911 federal grant fund. *All moneys received by the state from the federal government for the purposes provided in this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the 911 federal grant fund.*

~~(b) The chair of the 911 coordinating council shall serve as the administrator of the 911 federal grant fund and shall distribute grants in accordance with the recommendations of the 911 coordinating council.~~ Subject to the conditions and in accordance with the requirements of this act and 47 C.F.R. part 400, *as in effect on July 1, 2025*, the ~~chair~~ *chairperson of the board* is authorized to perform such acts necessary for the effectuation of this act.

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

~~(d)(1)~~ Subject to the conditions and in accordance with the requirements of ~~this act~~ *the Kansas 911 act* and 47 C.F.R. part 400, *as in effect on July 1, 2025*, moneys credited to the fund shall be used only:

~~(A)~~ To pay all expenses incurred in the administration of the fund; and

~~(2)(B)~~ to provide grants to eligible municipalities only for necessary and reasonable costs incurred or to be incurred by PSAPs for:

~~(A)(i)~~ Implementation of enhanced 911 service and next generation 911 service, ~~as defined in K.S.A. 12-5363, and amendments thereto;~~

~~(B)(ii)~~ purchase of equipment and upgrades and modification to equipment used solely to process the data elements of enhanced 911 service and next generation 911 service, ~~as defined in K.S.A. 12-5363, and amendments thereto;~~ and

~~(C)(iii)~~ maintenance and license fees for such equipment and training of personnel to operate such equipment, including costs of training PSAP personnel to provide effective service to all users of the emergency telephone system who have communications disabilities.

(2) Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities or for other capital outlay or equipment not expressly authorized by this act.

~~(e)(d)~~ All payments and disbursements from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by ~~the chair or by a person or persons designated by the chair~~ *chairperson of the board or the chairperson's designee.*

Sec. 14. On and after July 1, 2025, K.S.A. 12-5366 is hereby amended to read as follows: 12-5366. (a) There is hereby established in the state treasury the 911 state maintenance fund. *All moneys received pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the 911 state maintenance fund.*

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

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

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

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

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

~~(d)(c) (1)~~ Moneys credited to the fund shall be used only:

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

~~(2)(B)~~ *development, deployment, implementation and maintenance of the statewide next generation 911 system; and*

(C) to provide grants to eligible municipalities only for necessary and reasonable costs incurred or to be incurred by PSAPs for:

~~(A)(i)~~ Implementation of enhanced 911 service and next generation 911 service, ~~as defined in K.S.A. 12-5363, and amendments thereto;~~

~~(B)(ii)~~ purchase of equipment and upgrades and modification to equipment used solely to process the data elements of enhanced 911 service and next generation 911 service, ~~as defined in K.S.A. 12-5363, and amendments thereto;~~ and

~~(C)(iii)~~ maintenance and license fees for such equipment and training of personnel to operate such equipment, including costs of training PSAP personnel to provide effective service to all users of the emergency telephone system who have communications disabilities.

(2) Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make

improvements to buildings or similar facilities or for other capital outlay or equipment not expressly authorized by this act.

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

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

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

(f) All payments and disbursements from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the ~~chair or by a person or persons designated by the chair~~ *chairperson of the board or the chairperson's designee*.

Sec. 15. On and after July 1, 2025, K.S.A. 12-5367 is hereby amended to read as follows: 12-5367. (a) ~~The 911 coordinating council state 911 board~~, by an affirmative vote of nine voting members, shall select the local collection point administrator. In selecting the LCPA, ~~the council board~~ shall contract with the LCPA for services for no longer than two years, however, ~~the council board~~ may, by an affirmative vote of nine voting members, extend such contract for up to two additional years. ~~The 911 coordinating council board~~ shall receive the approval of the legislative coordinating council in selecting an LCPA if the entity to be designated as the LCPA is different than the previous entity designated as the LCPA. ~~The 911 coordinating council board~~ shall annually review the designation of the LCPA and the contract with the LCPA ~~for services~~.

(b) *Any contract made between the 911 coordinating council and an LCPA that is in existence on January 1, 2025, shall continue to be valid, effective and enforceable until extended, revised, revoked or terminated by the board.*

(c) The LCPA shall be subject to the requirements of the Kansas open meetings act *and, except as provided in K.S.A. 12-5374, and amendments thereto*, the Kansas open records act ~~and~~. *The LCPA shall treat all moneys received by the LCPA as public funds pursuant to article 14 of chapter 9 of the Kansas Statutes Annotated, and amendments thereto. Notwithstanding any other provision of law to the contrary, the LCPA shall not be considered a state agency.*

Sec. 16. On and after July 1, 2024, K.S.A. 12-5368 is hereby amended to read as follows: 12-5368. (a) Upon the approval of the 911 coordinating council, the LCPA shall establish the following funds, which shall not be a part of the state treasury: (1) The 911 state fund for the collection and distribution of 911 fees; (2) the 911 operations fund for administrative costs of the 911 coordinating council and deployment and maintenance of the statewide NG911 system; and (3) the 911 state grant fund for grants to individual PSAPs. All moneys originating from 911 fees, and any interest accrued on such fees, shall be paid to the LCPA for deposit in the 911 state fund or 911 operations fund pursuant to subsection (b). All unobligated federal moneys, and any interest accrued on such moneys, shall be transferred to the 911 federal grant fund.

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

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

(3) If the balance in the 911 state grant fund is less than \$2,000,000, prior to the distribution to the PSAPs pursuant to K.S.A. 12-5374, and amendments thereto, the LCPA shall withhold \$.01 from every 911 fee remitted pursuant to K.S.A. 12-5369, and amendments thereto, and shall deposit such amount in the 911 state grant fund. If the balance in the 911 state grant fund exceeds \$2,000,000, the LCPA shall not withhold such amount.

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

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

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

Sec. 17. On and after July 1, 2025, K.S.A. 12-5368, as amended by section 16 of this act, is hereby amended to read as follows: 12-5368. (a) Upon the approval of the ~~911 coordinating council state 911 board~~, the LCPA shall establish the following funds, which shall not be a part of the state treasury: (1) The 911 state fund for the collection and distribution of 911 fees; (2) the 911 operations fund for administrative costs of the ~~911 coordinating council state 911 board~~ and deployment and maintenance of the statewide NG911 system; and (3) the 911 state grant fund for grants to individual PSAPs. All moneys originating from 911 fees, and any interest accrued on such fees, shall be paid to the LCPA for deposit in the 911 state fund or 911 operations fund pursuant to subsection (b). All unobligated federal moneys, and any interest accrued on such moneys, shall be transferred to the 911 federal grant fund.

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

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

(3) If the balance in the 911 state grant fund is less than \$2,000,000, prior to the distribution pursuant to K.S.A. 12-5374, and amendments thereto, the LCPA shall withhold \$.01 from every 911 fee remitted pursuant to K.S.A. 12-5369, and amendments thereto, and shall deposit such amount in the 911 state grant fund. If the balance in the 911 state grant fund exceeds \$2,000,000, the LCPA shall not

withhold such amount.

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

(d) ~~The council~~ *state 911 board* shall develop criteria for eligible purchases and for grant applicants and make the final determination as to the distribution of grant funds. Such criteria shall promote the procurement of equipment that meets open architecture and national technical standards. Grant moneys shall not be used to procure, maintain or upgrade subscriber radio equipment.

(e) *The state 911 board or the LCPA* shall be authorized to maintain an action to collect any moneys owed by any provider in the district court in the county of the registered office of such provider or, if such provider does not have a registered office in the state, such an action may be maintained in the county where such provider's principal office is located. If such provider has no principal office in the state, such an action may be maintained in the district court of any county where such provider provides service.

Sec. 18. On and after January 1, 2026, K.S.A. 12-5368, as amended by section 17 of this act, is hereby amended to read as follows: 12-5368. ~~(a) Upon the approval of the state 911 board, the LCPA shall establish the following funds, which shall not be a part of the state treasury: (1) The 911 state fund for the collection and distribution of 911 fees; (2) the 911 operations fund for administrative costs of the state 911 board and deployment and maintenance of the statewide NG911 system; and (3) the 911 state grant fund for grants to individual PSAPs. All moneys originating from 911 fees, and any interest accrued on such fees, shall be paid to the LCPA for deposit in the 911 state fund or 911 operations fund pursuant to subsection (b). All unobligated federal moneys, and any interest accrued on such moneys, shall be transferred to the 911 federal grant fund.~~

~~(b)(1) Except as provided for in paragraph (2), prior to the distribution of moneys pursuant to K.S.A. 12-5374, and amendments thereto, the LCPA shall withhold \$.23 from every 911 fee remitted pursuant to K.S.A. 12-5369, and amendments thereto, and shall deposit such amount in the 911 operations fund for the deployment and maintenance of the statewide NG911 system and standardized functionality upgrades to that system remit such moneys to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit such amount to the state 911 operations fund established pursuant to section 5, and amendments thereto.~~

(2) If the moneys withheld from distribution pursuant to paragraph (1) exceed 15% of the total receipts received by the LCPA from providers and the department over the prior three years, such moneys in excess of that 15% total shall be deposited in the 911 state grant fund and used for PSAP grants based on demonstrated need pursuant to subsection ~~(d)~~ *remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit such amount to the state 911 grant fund established pursuant to section 6, and amendments thereto.*

(3) If the balance in the ~~state 911 state grant fund~~ *state 911 state grant fund* is less than \$2,000,000, prior to the distribution pursuant to K.S.A. 12-5374, and amendments thereto, the LCPA shall withhold \$.01 from every 911 fee remitted pursuant to K.S.A. 12-5369, and amendments thereto, and shall deposit such amount in the 911 state grant fund. ~~If the balance in~~



~~the 911 state grant fund exceeds \$2,000,000, the LCPA shall not withhold such amount remit such moneys to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit such amount to the state 911 grant fund established pursuant to section 6, and amendments thereto.~~

~~(e)(b) The state 911 board shall be responsible for ensuring that the 911 operations fund and the 911 state grant fund and any interest earned on money credited to the fund is only expended for the following purposes: (1) Projects involving the development and implementation of next generation 911 services; (2) costs associated with PSAP consolidation or cost-sharing projects; (3) expenses related to the 911 coordinating council; and (4) other costs pursuant to K.S.A. 12-5375, and amendments thereto moneys collected from 911 fees and prepaid wireless 911 fees are only expended for purposes authorized pursuant to the Kansas 911 act.~~

~~(d)(c) The state 911 board shall develop criteria for eligible purchases and for grant applicants and make the final determination as to the distribution of grant funds. Such criteria shall promote the procurement of equipment that meets open architecture and national technical standards. Grant moneys shall not be used to procure, maintain or upgrade subscriber radio equipment.~~

~~(e)(d) The state 911 board or the LCPA shall be authorized to maintain an action to collect any moneys owed by any provider in the district court in the county of the registered office of such provider or, if such provider does not have a registered office in the state, such an action may be maintained in the county where such provider's principal office is located. If such provider has no principal office in the state, such an action may be maintained in the district court of any county where such provider provides service.~~

Sec. 19. On and after July 1, 2025, K.S.A. 12-5369 is hereby amended to read as follows: 12-5369. ~~Subject to the provisions of K.S.A. 12-5364(g), and amendments thereto~~(a) *Except as provided in subsection (b), there is hereby imposed a 911 fee in the amount of \$.90 per month per subscriber account of any exchange telecommunications service, wireless telecommunications service, VoIP service, or other service capable of contacting a PSAP. Such fee shall not be imposed on prepaid wireless service. It shall be the duty of each exchange telecommunications service provider, wireless telecommunications service provider, VoIP service provider or other service provider to remit such fees to the LCPA as provided in K.S.A. 12-5370, and amendments thereto.*

*(b) The state 911 board may, pursuant to rules and regulations, lower the 911 fee established pursuant to subsection (a) upon a finding that the moneys generated by such 911 fee exceed the costs required to operate PSAPs in the state.*

Sec. 20. On and after July 1, 2025, K.S.A. 12-5370 is hereby amended to read as follows: 12-5370. (a) Every billed service user shall be liable for the 911 fee until such fees have been paid to the exchange telecommunications service provider, wireless telecommunications service provider, VoIP service provider or other service provider.

(b) All providers shall have the duty to collect the ~~fees~~ 911 fee imposed pursuant to ~~this act~~ K.S.A. 12-5369, and amendments thereto. Such ~~fees~~ 911 fee shall be added to and may be stated separately in billings for the subscriber account. If stated separately in billings, the fees shall be labeled "911 fees."

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

(d) ~~The fees imposed by this act~~ 911 fee shall be collected insofar

as practicable at the same time as, and along with, the charges for local exchange, wireless, VoIP, or other service in accordance with regular billing practice of the provider.

(e) ~~The 911 fees and the amounts required to be collected therefor are due monthly. Each provider shall remit the amount of such all 911 fees collected in one each calendar month by the provider shall be remitted to the LCPA not more than 15 days after the close of the such calendar month. On or before the 15<sup>th</sup> day of each calendar month following, Upon each such remittance, the provider shall file a return for the preceding month shall be filed with the LCPA. Such return shall be provided in such form and shall contain such information manner as required by the LCPA board. The provider required to file the return shall deliver the return together with a remittance of the amount of fees payable to the LCPA. The provider shall maintain records of the amount of any such fees collected in accordance with this act for a period of three years from the time the fees are collected.~~

(f) The provisions of this section shall not be construed to apply to the prepaid wireless service 911 fee.

Sec. 21. On and after July 1, 2025, K.S.A. 12-5371 is hereby amended to read as follows: 12-5371. (a) There is hereby imposed a prepaid wireless 911 fee of 2.06% per retail transaction or, on and after the effective date of an adjusted amount per retail transaction that is established under subsection (f), such adjusted amount.

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

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

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

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

(f) The prepaid wireless 911 fee shall be proportionately reduced upon any reduction to the fee imposed by K.S.A. 12-5369(a), and amendments thereto, pursuant to the ~~911 coordinating council's board's~~ authority to reduce the 911 fee under K.S.A. ~~12-5364(g)~~ 12-5369(b), and amendments thereto. The adjusted amount shall be the product of dividing the numeric amount of the new 911 fee adjusted pursuant to K.S.A. ~~12-5364(g)~~ 12-5369(b), and amendments thereto, by 50. Such reduction shall be effective on the effective date of the reduction of the 911 fee imposed by K.S.A. 12-5369(a), and amendments thereto, or, if later, the first day of the calendar quarter to occur at least 60 days after the enactment of the reduction of the 911 fee imposed by K.S.A. 12-5369(a), and amendments thereto. The department shall provide not less than 60 days' notice of such decrease on the department's website.

(g) When prepaid wireless service is sold with one or more other products or services for a single, non-itemized price, then the percentage specified in subsection (a) shall apply to the entire non-

itemized price unless the seller elects to apply such percentage to: (1) If the amount of the prepaid wireless service is disclosed to the consumer as a dollar amount, such dollar amount; or (2) if the seller can identify the portion of the price that is attributable to the prepaid wireless service by reasonable and verifiable standards from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, non-tax purposes, such portion.

Sec. 22. On and after January 1, 2026, K.S.A. 12-5372 is hereby amended to read as follows: 12-5372. (a) Prepaid wireless 911 fees collected by sellers shall be remitted to the department by electronic filing that is consistent with the provisions of article 36 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto. The department shall establish registration and payment procedures for the collection of the prepaid wireless 911 fee.

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

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

(d) ~~(1) The department shall transfer all remitted prepaid wireless 911 fees to the LCPA within 30 days of receipt for distribution as provided in K.S.A. 12-5374, and amendments thereto~~ *Except as provided in paragraph (2), the department shall remit all moneys collected from the prepaid wireless 911 fees to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit such amount to the state 911 operations fund established pursuant to section 5, and amendments thereto.*

*(2) If the department remits \$3,000,000 to the state treasurer pursuant to paragraph (1) in any given year, then all remaining moneys collected from the prepaid wireless 911 fee shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit such amount to the state 911 fund established pursuant to section 7, and amendments thereto. Such moneys shall be distributed to governing bodies and PSAPs in an amount proportional to each county's population as a percentage share of the population of the state. For each PSAP within a county, such moneys shall be distributed to each PSAP in an amount proportional to the PSAP's population as a percentage share of the population of the county. If there is no PSAP within a county, then such moneys shall be distributed to the governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services. Moneys distributed pursuant to this paragraph shall only be used for the uses authorized in K.S.A. 12-5375, and amendments thereto.*

Sec. 23. On and after July 1, 2024, K.S.A. 12-5374 is hereby amended to read as follows: 12-5374. (a) (1) Except for the amounts withheld by the LCPA pursuant to K.S.A. 12-5368(b), and amendments thereto, and any amounts withheld pursuant to K.S.A. 12-5364(l), and amendments thereto, not later than 30 days after the receipt of ~~moneys 911 fees~~ from providers pursuant to K.S.A. 12-5370 ~~and 12-5371~~, and amendments thereto, and *prepaid wireless 911 fees* from the department pursuant to K.S.A. 12-5372, and amendments thereto, the LCPA shall

distribute such moneys to the PSAPs *or to governing bodies that contract with another governing body of a PSAP for the provision of 911 PSAP services*. The amount of money distributed to the PSAPs in each county, *or to any governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services*, shall be based upon the amount of 911 fees collected from service users located in that county, based on place of primary use information provided by the providers, by using the following distribution method:

Population of county where PSAP is located	Percentage of collected 911 fees to distribute
Over 80,000.....	82% 85%
65,000 to 79,999.....	85% 88%
55,000 to 64,999.....	88% 91%
45,000 to 54,999.....	91% 94%
35,000 to 44,999.....	94% 97%
25,000 to 34,999.....	97%
Less than 25,000 35,000.....	100%

(2) ~~There shall be a minimum county distribution of \$60,000 and no county shall receive less than \$60,000 of direct distribution moneys.~~ *If the calculated amount for distribution within a county is less than \$70,000, the \$70,000 shall be distributed for services within that county.*

(3) *If there is a single PSAP providing services for a county, such PSAP shall receive the governing body's distribution, if any.* ~~If there is more than one PSAP in a county then the direct distribution allocated to that county by population shall be deducted from the minimum county distribution and the difference distributions to each PSAP shall be proportionately divided between the PSAPs in the county.~~

(4) All moneys remaining after distribution, moneys withheld pursuant to K.S.A. 12-5368(b)(1), and amendments thereto, and any moneys that cannot be attributed to a specific PSAP *or governing body* shall be transferred to the 911 operations fund.

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

(c) All moneys in the 911 state fund that have been collected from the prepaid wireless 911 fee shall be deposited in the 911 operations fund unless \$3 million of such moneys have been deposited in any given year then all remaining moneys shall be distributed to the ~~counties governing bodies of PSAPs~~ *governing bodies of PSAPs* in an amount proportional to each county's population as a percentage share of the population of the state. ~~For each PSAP within~~ *If there is more than one PSAP in a county, such moneys shall be distributed to each PSAP in an amount proportional to the PSAP's population as a percentage share of the population of the county. If there is no PSAP within a county, then such moneys shall be distributed to the PSAP providing service to such county governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services.* ~~Such~~ Moneys distributed to ~~counties governing bodies and PSAPs pursuant to this section~~ only shall be used for the uses authorized in K.S.A. 12-5375, and amendments thereto.

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

(e) ~~Information~~ *Records* provided by ~~providers any provider~~ to the ~~local collection point administrator LCPA~~ or to the 911 coordinating council pursuant to this act ~~will~~ *shall* be treated as proprietary records that ~~will and shall~~ be withheld from the public upon request of the ~~party~~ *provider* submitting such records.

Sec. 24. On and after July 1, 2025, K.S.A. 12-5374, as amended by section 23 of this act, is hereby amended to read as follows: 12-5374. (a) (1) Except for the amounts withheld by the LCPA pursuant to K.S.A. 12-5368(b), and amendments thereto, and any amounts withheld pursuant to ~~K.S.A. 12-5364(1)~~ *section 4*, and amendments thereto, not later than 30 days after the receipt of 911 fees from providers pursuant to K.S.A. 12-5370, and amendments thereto, and

prepaid wireless 911 fees from the department pursuant to K.S.A. 12-5372, and amendments thereto, the LCPA shall distribute such moneys to the PSAPs or to governing bodies that contract with another governing body of a PSAP for the provision of 911 PSAP services. The amount of money distributed to the PSAPs in each county, or to any governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services, shall be based upon the amount of 911 fees collected from service users located in that county, based on place of primary use information provided by the providers, by using the following distribution method:

Population of county	Percentage of collected 911 fees to distribute
Over 80,000.....	85%
65,000 to 79,999.....	88%
55,000 to 64,999.....	91%
45,000 to 54,999.....	94%
35,000 to 44,999.....	97%
Less than 35,000.....	100%

(2) If the calculated amount for distribution within a county is less than \$70,000, the \$70,000 shall be distributed for services within that county.

(3) *The state 911 board may increase the minimum county distribution amount not more than once per calendar year by an amount that shall not exceed the minimum county distribution amount established for the preceding calendar year multiplied by the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor for the preceding calendar year. Prior to increasing the minimum county distribution amount, the state 911 board shall evaluate:*

(A) *Whether an increase is needed based on the expenditures of the counties that are subject to such minimum distribution; and*

(B) *the impact of any such proposed increase to the long-term financial stability of all other distributions made pursuant to this section.*

(4) If there is a single PSAP providing services for a county, such PSAP shall receive the governing body's distribution, if any. If there is more than one PSAP in a county then distributions to each PSAP shall be proportionately divided between the PSAPs in the county.

(4)(5) All moneys remaining after distribution, moneys withheld pursuant to K.S.A. 12-5368(b)(1), and amendments thereto, and any moneys that cannot be attributed to a specific PSAP or governing body shall be transferred to the 911 operations fund.

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

(c) All moneys in the 911 state fund that have been collected from the prepaid wireless 911 fee shall be deposited in the 911 operations fund unless \$3 million of such moneys have been deposited in any given year then all remaining moneys shall be distributed to the governing bodies of PSAPs in an amount proportional to each county's population as a percentage share of the population of the state. If there is more than one PSAP in a county, such moneys shall be distributed to each PSAP in an amount proportional to the PSAP's population as a percentage share of the population of the county. If there is no PSAP within a county, then such moneys shall be distributed to the governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services. Moneys distributed to governing bodies and PSAPs pursuant to this section only shall be used for the uses authorized in K.S.A. 12-5375, and amendments thereto.

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

(e) Records provided by any provider to the LCPA or to the ~~state 911-coordinating council~~ board pursuant to this act shall be treated as

proprietary records and shall be withheld from the public upon request of the provider submitting such records.

Sec. 25. On and after January 1, 2026, K.S.A. 12-5374, as amended by section 24 of this act, is hereby amended to read as follows: 12-5374. (a) (1) Except for the amounts withheld by the LCPA pursuant to K.S.A. ~~12-5368(b)~~ 12-5368, and amendments thereto, and any amounts withheld pursuant to section 4, and amendments thereto, not later than 30 days after the receipt of 911 fees from providers pursuant to K.S.A. 12-5370, and amendments thereto, and prepaid wireless 911 fees from the department pursuant to K.S.A. 12-5372, and amendments thereto, the ~~LCPA~~ *state 911 board* shall distribute such moneys to the PSAPs or to governing bodies that contract with another governing body of a PSAP for the provision of 911 PSAP services. The amount of money distributed to the PSAPs in each county, or to any governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services, shall be based upon the amount of 911 fees collected from service users located in that county, based on place of primary use information provided by the providers, by using the following distribution method:

Population of county	Percentage of collected 911 fees to distribute
Over 80,000.....	85%
65,000 to 79,999.....	88%
55,000 to 64,999.....	91%
45,000 to 54,999.....	94%
35,000 to 44,999.....	97%
Less than 35,000.....	100%

(2) If the calculated amount for distribution within a county is less than \$70,000, the \$70,000 shall be distributed for services within that county.

(3) The state 911 board may increase the minimum county distribution amount not more than once per calendar year by an amount that shall not exceed the minimum county distribution amount established for the preceding calendar year multiplied by the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor for the preceding calendar year. Prior to increasing the minimum county distribution amount, the state 911 board shall evaluate:

(A) Whether an increase is needed based on the expenditures of the counties that are subject to such minimum distribution; and

(B) the impact of any such proposed increase to the long-term financial stability of all other distributions to PSAPs and counties made pursuant to this section.

(4) If there is a single PSAP providing services for a county, such PSAP shall receive the governing body's distribution, if any. If there is more than one PSAP in a county then distributions to each PSAP shall be proportionately divided between the PSAPs in the county.

(5) ~~All moneys remaining after distribution, moneys withheld pursuant to K.S.A. 12-5368(b)(1), and amendments thereto, and any moneys that cannot be attributed to a specific PSAP or governing body shall be transferred to the 911 operations fund.~~ *After each distribution that is made pursuant to this section, the state 911 board or LCPA shall certify to the director of accounts and reports the total amount of unencumbered moneys remaining in the state 911 fund and the amount of moneys that could not be attributed to a specific PSAP or governing body. Upon receipt of such certification, the director of accounts and reports shall transfer such certified amount from the state 911 fund to the state 911 operations fund.*

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

~~(c) All moneys in the 911 state fund that have been collected from the prepaid wireless 911 fee shall be deposited in the 911 operations~~

~~fund unless \$3 million of such moneys have been deposited in any given year then all remaining moneys shall be distributed to the governing bodies of PSAPs in an amount proportional to each county's population as a percentage share of the population of the state. If there is more than one PSAP in a county, such moneys shall be distributed to each PSAP in an amount proportional to the PSAP's population as a percentage share of the population of the county. If there is no PSAP within a county, then such moneys shall be distributed to the governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services. Moneys distributed to governing bodies and PSAPs pursuant to this section only shall be used for the uses authorized in K.S.A. 12-5375, and amendments thereto.~~

~~(d)~~ The *state 911 board and the* LCPA shall keep accurate accounts of all receipts and disbursements of moneys from the 911 fees.

~~(e)~~(c) Records provided by any provider to the LCPA or to the state 911 board pursuant to this act shall be treated as proprietary records and shall be withheld from the public upon request of the provider submitting such records.

Sec. 26. On and after July 1, 2024, K.S.A. 12-5375 is hereby amended to read as follows: 12-5375. (a) ~~(1) The proceeds of the 911 fees imposed pursuant to this act~~ *Moneys distributed to governing bodies and PSAPs pursuant to K.S.A. 12-5374, and amendments thereto*, and any interest earned on revenue derived from such ~~fee moneys~~, shall be used only for necessary and reasonable costs incurred or to be incurred by *governing bodies and* PSAPs for:

- ~~(1)~~(A) Implementation of 911 services;
- ~~(2)~~(B) purchase of 911 equipment and upgrades;
- ~~(3)~~(C) maintenance and license fees for 911 equipment;
- ~~(4)~~(D) training of personnel, not to include salaries;
- ~~(5)~~(E) monthly recurring charges billed by service suppliers;
- ~~(6)~~(F) installation, service establishment and nonrecurring start-up charges billed by the service supplier;
- ~~(7)~~(G) charges for capital improvements and equipment or other physical enhancements to the 911 system; ~~or~~
- ~~(8)~~(H) *maintenance and updates that are necessary to maintain accurate GIS data;*
- ~~(I)~~ *emergency repair or replacement of a radio tower; or*
- ~~(J)~~ the original acquisition and installation of road signs designed to aid in the delivery of emergency service.

(2) Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities. Such costs shall also not include expenditures to purchase, procure, maintain or upgrade subscriber radio equipment.

(3) *A governing body may contract with another governing body of a PSAP for the provision of 911 PSAP services provided that the moneys distributed to any such governing body pursuant to K.S.A. 12-5374, and amendments thereto, shall only be used as authorized by this section. If a governing body serves as the provider of PSAP services for another governing body, both governing bodies shall enter into a contract or memorandum of agreement that addresses contingency plans and overflow arrangements. Any such contract or memorandum of agreement shall be reviewed by the 911 coordinating council with respect to the provisions that relate to contingency plans and overflow arrangements or that may conflict with the function of the statewide 911 system. If the 911 coordinating council determines that any such provisions are not acceptable, the 911 coordinating council and the governing bodies shall collaborate and work to resolve such concerns prior to the effective date of such contract or memorandum of agreement. Any governing body contracting with another governing body of a PSAP for the provision of 911 PSAP services shall establish in the contract or memorandum of agreement an agreed upon percentage of the governing body's distribution amount for the LCPA to distribute to the governing body of the PSAP that is providing the 911*

services.

(b) The 911 coordinating council shall, pursuant to rules and regulations, establish a process for a PSAP *or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services*, ~~at the discretion of the PSAP~~, to seek pre-approval of an expenditure. The council shall respond in writing to any pre-approval request within 30 days and inform the PSAP ~~if stating whether~~ the requested expenditure is approved or disapproved. If the expenditure is disapproved, the written notification shall state the reason for the disapproval and such PSAP *or governing body* may, within 15 days after service of the notification, make a written request to the council to appeal the council's decision and for a hearing to be conducted in accordance with the provisions of the Kansas administrative procedure act.

(c) The 911 coordinating council shall annually review expenditures of 911 ~~funds moneys~~ reported on the annual report for each PSAP *or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services* and shall appoint a committee to review such expenditures. If the committee determines that a reported expenditure was not authorized by this act, the committee shall request that the expenditure be refunded by the PSAP *or governing body* to the PSAP's *or governing body's* 911 account. If a PSAP *or governing body* does not concur with the finding of the committee, the PSAP *or governing body* may request a review of the decision of the committee before the 911 coordinating council. If the 911 coordinating council, based upon information obtained from an audit ~~of the PSAPs~~, determines that any PSAP *or governing body* has used any 911 fees for any purpose other than those authorized in this act, the governing body for such PSAP *or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services* shall repay all such moneys used for any unauthorized purposes to the 911 fee fund of such PSAP *or governing body*. Upon a finding that the expenditure was made intentionally ~~from the 911 fee fund of such PSAP~~ for a purpose clearly established as an unauthorized expenditure, the 911 coordinating council may require such PSAP *or governing body* to pay the lesser of \$500 or 10%, of such misused moneys, to the LCPA for deposit in the 911 state grant fund. No such repayment of 911 fees shall be imposed pursuant to this section except upon the written order of the council. Such order shall state the unauthorized purposes for which the funds were used, the amount of funds to be ~~repayed~~ *repaid* and the right of such PSAP *or governing body* to appeal to a hearing before the Kansas office of administrative hearings. Any such PSAP *or governing body* may, within 15 days after service of the order, make a written request to the council for a hearing thereon. Hearings under this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

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

Sec. 27. On and after July 1, 2025, K.S.A. 12-5375, as amended by section 26 of this act, is hereby amended to read as follows: 12-5375. (a) (1) Moneys distributed to governing bodies and PSAPs pursuant to K.S.A. 12-5374, and amendments thereto, and any interest earned on revenue derived from such moneys, shall be used only for necessary and reasonable costs incurred or to be incurred by governing bodies and PSAPs for:

- (A) Implementation of 911 services;
- (B) purchase of 911 equipment and upgrades;
- (C) maintenance and license fees for 911 equipment;
- (D) training of personnel, not to include salaries;
- (E) monthly recurring charges billed by service suppliers;
- (F) installation, service establishment and nonrecurring start-up charges billed by the service supplier;
- (G) charges for capital improvements and equipment or other



physical enhancements to the 911 system;

(H) maintenance and updates that are necessary to maintain accurate GIS data;

(I) emergency repair or replacement of a radio tower; or

(J) the original acquisition and installation of road signs designed to aid in the delivery of emergency service.

(2) Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities. Such costs shall also not include expenditures to purchase, procure, maintain or upgrade subscriber radio equipment.

(3) A governing body may contract with another governing body of a PSAP for the provision of 911 PSAP services provided that the moneys distributed to any such governing body pursuant to K.S.A. 12-5374, and amendments thereto, shall only be used as authorized by this section. If a governing body serves as the provider of PSAP services for another governing body, both governing bodies shall enter into a contract or memorandum of agreement that addresses contingency plans and overflow arrangements. Any such contract or memorandum of agreement shall be reviewed by the *state 911-coordinating-council board* with respect to the provisions that relate to contingency plans and overflow arrangements or that may conflict with the function of the statewide 911 system. If the *state 911-coordinating-council board* determines that any such provisions are not acceptable, the *state 911-coordinating-council board* and the governing bodies shall collaborate and work to resolve such concerns prior to the effective date of such contract or memorandum of agreement. Any governing body contracting with another governing body of a PSAP for the provision of 911 PSAP services shall establish in the contract or memorandum of agreement an agreed upon percentage of the governing body's distribution amount for the LCPA to distribute to the governing body of the PSAP that is providing the 911 services.

(b) The *state 911-coordinating-council board* shall, pursuant to rules and regulations, establish a process for a PSAP or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services, to seek pre-approval of an expenditure. The *council state 911 board* shall respond in writing to any pre-approval request within 30 days and inform the PSAP stating whether the requested expenditure is approved or disapproved. If the expenditure is disapproved, the written notification shall state the reason for the disapproval and such PSAP or governing body may, within 15 days after service of the notification, make a written request to the *council state 911 board* to appeal the *council's board's* decision and for a hearing to be conducted in accordance with the provisions of the Kansas administrative procedure act.

(c) The *state 911-coordinating-council board* shall annually review expenditures of 911 moneys reported on the annual report for each PSAP or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services and shall appoint a committee to review such expenditures. If the committee determines that a reported expenditure was not authorized by this act, the committee shall request that the expenditure be refunded by the PSAP or governing body to the PSAP's or governing body's 911 account. If a PSAP or governing body does not concur with the finding of the committee, the PSAP or governing body may request a review of the decision of the committee before the *state 911-coordinating-council board*. If the *state 911-coordinating-council board*, based upon information obtained from an audit, determines that any PSAP or governing body has used any 911 fees for any purpose other than those authorized in this act, the governing body for such PSAP or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services shall repay all such moneys used for any unauthorized purposes to the 911 fee fund of such PSAP or governing body. Upon a finding that the expenditure was made

intentionally for a purpose clearly established as an unauthorized expenditure, the ~~state 911-coordinating-council board~~ *state 911 board* may require such PSAP or governing body to pay the lesser of \$500 or 10%, of such misused moneys, to the LCPA for deposit in the 911 state grant fund. No such repayment of 911 fees shall be imposed pursuant to this section except upon the written order of the ~~council~~ *state 911 board*. Such order shall state the unauthorized purposes for which the funds were used, the amount of funds to be repaid and the right of such PSAP or governing body to appeal to a hearing before the Kansas office of administrative hearings. Any such PSAP or governing body may, within 15 days after service of the order, make a written request to the ~~council~~ *state 911 board* for a hearing thereon. Hearings under this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(d) Any final action of the ~~council~~ *state 911 board* pursuant to subsection (b) or (c) is subject to review in accordance with the Kansas judicial review act.

Sec. 28. On and after January 1, 2026, K.S.A. 12-5375, as amended by section 27 of this act, is hereby amended to read as follows: 12-5375. (a) (1) Moneys distributed to governing bodies and PSAPs pursuant to K.S.A. 12-5374, and amendments thereto, and any interest earned on revenue derived from such moneys, shall be used only for necessary and reasonable costs incurred or to be incurred by governing bodies and PSAPs for:

- (A) Implementation of 911 services;
- (B) purchase of 911 equipment and upgrades;
- (C) maintenance and license fees for 911 equipment;
- (D) training of personnel, not to include salaries;
- (E) monthly recurring charges billed by service suppliers;
- (F) installation, service establishment and nonrecurring start-up charges billed by the service supplier;
- (G) charges for capital improvements and equipment or other physical enhancements to the 911 system;
- (H) maintenance and updates that are necessary to maintain accurate GIS data;
- (I) emergency repair or replacement of a radio tower; or
- (J) the original acquisition and installation of road signs designed to aid in the delivery of emergency service.

(2) Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities. Such costs shall also not include expenditures to purchase, procure, maintain or upgrade subscriber radio equipment.

(3) A governing body may contract with another governing body of a PSAP for the provision of 911 PSAP services provided that the moneys distributed to any such governing body pursuant to K.S.A. 12-5374, and amendments thereto, shall only be used as authorized by this section. If a governing body serves as the provider of PSAP services for another governing body, both governing bodies shall enter into a contract or memorandum of agreement that addresses contingency plans and overflow arrangements. Any such contract or memorandum of agreement shall be reviewed by the state 911 board with respect to the provisions that relate to contingency plans and overflow arrangements or that may conflict with the function of the statewide 911 system. If the state 911 board determines that any such provisions are not acceptable, the state 911 board and the governing bodies shall collaborate and work to resolve such concerns prior to the effective date of such contract or memorandum of agreement. Any governing body contracting with another governing body of a PSAP for the provision of 911 PSAP services shall establish in the contract or memorandum of agreement an agreed upon percentage of the governing body's distribution amount for the LCPA to distribute to the governing body of the PSAP that is providing the 911 services.

(b) The state 911 board shall, pursuant to rules and regulations,

establish a process for a PSAP or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services, to seek pre-approval of an expenditure. The state 911 board shall respond in writing to any pre-approval request within 30 days and inform the PSAP stating whether the requested expenditure is approved or disapproved. If the expenditure is disapproved, the written notification shall state the reason for the disapproval and such PSAP or governing body may, within 15 days after service of the notification, make a written request to the state 911 board to appeal the board's decision and for a hearing to be conducted in accordance with the provisions of the Kansas administrative procedure act.

(c) The state 911 board shall annually review expenditures of 911 moneys reported on the annual report for each PSAP or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services and shall appoint a committee to review such expenditures. If the committee determines that a reported expenditure was not authorized by this act, the committee shall request that the expenditure be refunded by the PSAP or governing body to the PSAP's or governing body's 911 account. If a PSAP or governing body does not concur with the finding of the committee, the PSAP or governing body may request a review of the decision of the committee before the state 911 board. If the state 911 board, based upon information obtained from an audit, determines that any PSAP or governing body has used any 911 fees for any purpose other than those authorized in this act, the governing body for such PSAP or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services shall repay all such moneys used for any unauthorized purposes to the 911 fee fund of such PSAP or governing body. Upon a finding that the expenditure was made intentionally for a purpose clearly established as an unauthorized expenditure, the state 911 board may require such PSAP or governing body to pay the lesser of \$500 or 10%, of such misused moneys, to the LCPA for deposit in the 911 state grant fund. Upon receipt of any moneys paid pursuant to this subsection, the LCPA shall remit such moneys to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit such amount to the state 911 grant fund. No such repayment of 911 fees shall be imposed pursuant to this section except upon the written order of the state 911 board. Such order shall state the unauthorized purposes for which the funds were used, the amount of funds to be repaid and the right of such PSAP or governing body to appeal to a hearing before the Kansas office of administrative hearings. Any such PSAP or governing body may, within 15 days after service of the order, make a written request to the state 911 board for a hearing thereon. Hearings under this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(d) Any final action of the state 911 board pursuant to subsection (b) or (c) is subject to review in accordance with the Kansas judicial review act.

Sec. 29. On and after July 1, 2025, K.S.A. 12-5377 is hereby amended to read as follows: 12-5377. (a) The receipts and disbursements of the LCPA shall be audited yearly by a licensed municipal accountant or certified public accountant.

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

~~(c) (1) On or before December 31, 2018, and at least once every five years thereafter, the division of post audit shall conduct an audit of the 911 system to determine: (A) Whether the moneys received by PSAPs pursuant to this act are being used appropriately; (B) whether the amount of moneys collected pursuant to this act is adequate; and (C) the status of 911 service implementation. The auditor to conduct~~

~~such audit shall be specified in accordance with K.S.A. 46-1122, and amendments thereto.~~

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

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

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

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

~~Sec. 30. On and after July 1, 2024, K.S.A. 12-5364, 12-5368, 12-5374 and 12-5375 are hereby repealed.~~

~~Sec. 31. On and after July 1, 2025, K.S.A. 12-5362, 12-5363, 12-5364, as amended by section 12 of this act, 12-5365, 12-5366, 12-5367, 12-5368, as amended by section 16 of this act, 12-5369, 12-5370, 12-5371, 12-5374, as amended by section 23 of this act, 12-5375, as amended by section 26 of this act, 12-5377, 12-5378 and 12-5379 are hereby repealed.~~

Sec. 32. On and after January 1, 2026, K.S.A. 12-5368, as amended by section 17 of this act, 12-5372, 12-5374, as amended by section 24 of this act, and 12-5375, as amended by section 27 of this act, are hereby repealed.

Sec. 33. This act shall take effect and be in force from and after its publication in the Kansas register.

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

\_\_\_\_\_  
HOUSE concurred in  
SENATE amendments \_\_\_\_\_

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

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

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

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

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

APPROVED \_\_\_\_\_

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