

Public Safety Answering Points; HB 2690

HB 2690 amends the Kansas 911 Act (Act) and allows counties or governing bodies of cities to contract with another governing body of a public safety answering point (PSAP) for consolidation of the provision of 911 services, makes changes to how 911 is governed within the state by replacing the current 911 Coordinating Council (Council) with a new State 911 Board, changes how the 911 fees are allowed to be used, and requires 911 fees collected from phone bills and prepaid wireless service to be transferred to the State Treasury.

County PSAP Consolidation

The bill authorizes, beginning on July 1, 2024, any PSAP or governing body of a PSAP to contract with another governing body of a PSAP to provide 911 PSAP services and develop strategies for future enhancements to the 911 system, and it addresses the distributions of 911 fees to counties with consolidated 911 services.

Additionally, the bill requires the governing bodies of PSAPs with consolidated 911 services to:

- Require that the governing bodies of PSAPs entering into a contract or memorandum of agreement (MOA) to provide 911 services address contingency plans and overflow arrangements. The Council will review the contract or MOA to ensure there are no conflicts with the function of the statewide 911 system. If there is an issue, the Council would work and collaborate with the governing bodies of a PSAP to resolve such concerns prior to the effective date of a contract or MOA. In the contract or MOA, the governing body and governing body of a PSAP would agree upon a percentage of the governing body's distribution amount for the local collection point administrator (LCPA) to distribute to the governing body of the PSAP for the provision of 911 services;
- Comply with any rules and regulations requiring how moneys have been spent;
- Maintain geographic information system (GIS) data;
- Report annually to the Council;
- Comply with penalties for non-compliance with annual reporting requirements;
- Comply with requirements for expenditures, including any established purchase pre-approval process; and
- Participate in an annual expenditure review process.

Establishment of 911 Board, Transition, and Sunset of 911 Council

The bill abolishes, on and after July 1, 2025, the existing Council and establishes the State 911 Board (Board).

The composition of the Board will be nearly identical to the current composition of the Council, with the exception that the one member recommended by the League of Kansas Municipalities and the one member recommended by the Kansas Association of Counties will become voting members. Additionally, the bill changes the affiliation of the member representing a fire chief to a representative of the Kansas State Association of Fire Chiefs.

The bill authorizes the Governor to select the Board's chairperson, who is required to have extensive 911 experience in the state and ensure policies adopted by the Board are carried out.

Initial Board Membership

On and after July 1, 2025, the bill deems the appointed members currently serving on the Council as appointed members of the Board, and their terms expire at the same time as the appointed terms on the Council.

Future Board Membership

Terms for new appointments start upon the appointment and last for three years and until a successor is appointed. Terms for voting members will be limited to two consecutive three-year terms, and completing the term of a predecessor will not preclude a member from serving two full terms. Further, terms will end on June 30 in the year in which the term is set to expire. There is an exception for the terms of legislative members serving on the Board, which will expire with their legislative terms.

State 911 Board Powers, Duties, and Responsibilities

The bill requires the Board to carry out the following responsibilities:

- Coordinate E-911 services and next generation 911 (NG911) services in the state;
- Implement statewide 911 communications planning;
- Monitor the delivery of 911 communications services in the state;
- Develop strategies for future enhancements to the 911 system;
- Administer and oversee grants to PSAPs;
- Develop technology standards;

- Establish minimum training requirements for PSAP personnel, GIS technicians, and information technology (IT) technicians with respect to the statewide NG911 call handling system technology to ensure public safety across Kansas;
- Employ a full-time executive director who will:
 - Be the administrative officer of the board;
 - Be an unclassified employee under the Kansas Civil Service Act; and
 - Receive an annual salary set by the board; and
- Make an annual report of all expenditures from 911 fees to the House Committee on Energy, Utilities and Telecommunications and the Senate Committee on Utilities, or their successors.

The bill authorizes the Board to perform the following:

- Contract with any person to assist in the performance of the powers, duties, and functions of the Board;
- Reimburse state agencies or independent contractors for expenses incurred in carrying out the powers, duties, and functions of the Board;
- Apply for grants under the federal 911 Grant Program;
- Recommend training for general PSAP operations;
- Enter into and support agreements for the interstate and interlocal interconnection of ESInet service; and
- Adopt rules and regulations as the Board deems necessary for the implementation and administration of the Act.

The bill also specifies that the Board cannot establish a mandatory certification program for PSAP operations or PSAP emergency communications personnel.

911 Coordinating Council Transition

The bill authorizes the Council, on or after July 1, 2024, to prepare for the transition of powers, duties, and functions to the Board. Actions may include the following:

- Employ individuals deemed necessary to assist with the transition;
 - Employees would be in unclassified service and receive compensation fixed by the Council; and

- Prepare a budget reflecting the establishment of the Board and new 911 funds within the State Treasury.

The bill specifies that expenses related to this preparation will be considered administrative in nature and be paid for with funds within the 911 Operations Fund.

The bill requires, on or after July 1, 2025, necessary employees of the Council to be made employees of the Board, and such employees will retain all benefits and civil service rights that have accrued to or vested in them. Their service is considered continuous.

State 911 Board Successorship

On or after July 1, 2025, the bill makes the Board the successor to the powers, duties, property, and records of the Council in every way. The term “911 Coordinating Council” or words of like effect will refer to the Board. Rules and regulations adopted by the Council also will continue to be in effect and be considered adopted by the Board until amended, revoked, or nullified.

Beginning on July 1, 2025, the bill makes conforming changes throughout by replacing the term “Coordinating Council” with “Board” where necessary. Further, it specifies any contract made between the Council and an LCPA as of January 1, 2025, remains valid until action is taken by the Board.

Continuations of Requirements in the Kansas 911 Act

The bill also continues the following provisions, which currently only apply to the Council but will apply to the Board, PSAPs, and governing bodies that contract with a governing body of a PSAP for the provision of 911 PSAP services [*Note: The bill repeals the relevant provisions of law and enacts new provisions that are substantially similar, with the only change being the entities they are applicable to.*]:

- Wireless telecommunication providers (providers) submit contact information to the Board;
- Providers establish “911” as a unique emergency number;
- Providers seek prior approval from PSAPs to route emergency calls;
- Providers may recover from customers costs associated with 911 fees;
- The Board may assess and recover civil penalties from providers found in violation of the Act;
- PSAPs and contractor-governing bodies of a PSAP file an annual report with the Board and will be subject to penalties for noncompliance; and

- PSAPs and contractor-governing bodies of a PSAP maintain GIS data and its compliance with the law.

Definitions

On or after July 1, 2025, the bill defines the term “Board” to mean the State 911 Board, and makes other conforming changes throughout the definitions section, including, but not limited to, replacing references to the Council with references to the Board.

Creation of Funds in State Treasury and Transfers from External Funds

The bill creates a State 911 Operations Fund, State 911 Grant Fund, and State 911 Fund within the state treasury to receive transfers of 911 fees. Under current law, these fees are received by similarly named funds not within the State Treasury. The bill also requires a transfer of the balance of 911 fees and any liabilities from the external funds to the corresponding funds within the State Treasury. These provisions take effect on January 1, 2026.

The bill requires the funds to be used only for the following purposes:

- Administrative and operational expenses of the Board, including employee salaries (State 911 Operations Fund);
- Expenses incurred for contracts entered into by the Board (State 911 Operations Fund);
- Payment to state agencies or independent contractors (State 911 Operations Fund);
- Development, deployment, implementation, and maintenance of the statewide NG911 system (State 911 Operations Fund);
- State grants for projects involving the development and implementation of NG911 services (State 911 Grant Fund);
- Grants to PSAPs based on demonstrated need (State 911 Grant Fund);
- Costs associated with PSAP consolidation or cost-sharing projects (State 911 Grant Fund); and
- Minimum and direct distribution to PSAPs (State 911 Operations Fund).

The bill also clarifies that, on or after July 1, 2026, the fees, withholding, and distributions that have been administered by the LCPA for the external 911 funds will be remitted to the funds within the State Treasury.

The bill also makes clear that funds deposited in the 911 Federal Grant Fund and 911 State Maintenance Fund, both currently within the State Treasury, will be remitted to the State Treasurer and deposited to the credit of the respective fund. The bill removes the chairperson of the Council as the administrator of each fund. These changes take effect on or after July 1, 2025.

Expenditure Reporting Requirements and Audits

The bill requires, beginning July 1, 2025, the LCPA to provide a report on or before the 15th day of each month to the Director of the Legislative Research Department and Secretary of Administration. The report will account for every transaction involving the external 911 funds in the prior month and include other requirements set forth in the bill. Additionally, the Board is required to prepare a report before January 31, 2026, for the Legislature summarizing the transactions that occurred between July 1, 2025, and January 1, 2026. These provisions expire on February 1, 2026.

Beginning on July 1, 2025, the bill grants the Board the authority to require an audit of wireless provider records concerning the collection of 911 fees and removes this authority from the LCPA.

Additionally, the bill removes provisions requiring the Legislative Division of Post Audit to conduct audits of the 911 system and the Council.

911 Fees and Prepaid 911 Wireless Fees

On or after January 1, 2025, the bill authorizes the Board to lower the 90-cent 911 fee, which current law holds static, if it is found that the moneys generated by the fee exceed the costs required to operate the PSAPs within Kansas.

Beginning on or after July 1, 2024, the bill also increases the minimum county distribution of 911 fees from \$60,000 to \$70,000. The bill increases the allocation of the percentages of 911 fees distributed to PSAPs based upon county population size by 3.0 percent and combines and increases the lowest population size count category from 25,000 to 34,999 and less than 25,000 to a single category for less than 35,000.

Additionally, beginning on or after July 1, 2024, the bill authorizes the Board to increase the minimum county distribution once a year in an amount not more than the prior year's distribution limit multiplied by the average percentage increase in the Consumer Price Index for urban consumers in the Midwest region. In sum, the Board is permitted to increase the minimum county distribution as indexed to inflation once per year. Before the Board authorizes the increase, it is required to consider:

- Need of the increase based on expenditures of counties that receives a minimum distribution; and
- The impact of an increase on the financial stability of all other distributions to PSAPs.

After January 1, 2026, the bill removes requirements that require the transfer of remaining moneys after distributions to counties that are not attributable to specific counties to the external 911 Operations Fund, and the transfer of prepaid wireless funds from the 911 State Fund to the 911 Operations Fund. The bill requires the Board or the LCPA to certify to the Director of Accounts and Reports the amount of moneys remaining and the amount that is not attributed to a specific PSAP or governing body of a PSAP prior to the transfer of funds to the State 911 Operations Fund.

Further, the bill clarifies that prepaid wireless 911 fees in excess of \$3.0 million to be remitted by the Kansas Department of Revenue and deposited in the 911 Operations Fund to be distributed to governing bodies and PSAPs in an amount proportional to the county population expressed as a percentage share of the population of the state. If there is no PSAP within a county, then the moneys will be distributed to the governing body that contracts with another governing body of a PSAP for the provisions of 911 services.

The bill also specifies that the LCPA is required to deposit funds received from a PSAP that had made an unauthorized expenditure in the State 911 Grant Fund.

Technical Changes

The bill makes numerous technical and conforming changes, including, but not limited to, the following:

- Removing language establishing external funds for 911 fees;
- Clarifying the provider remittance to the LCPA;
- Updating names of various entities; and
- Replacing references to “county” with “governing body of a PSAP.”