

SENATE BILL No. 487

By Committee on Federal and State Affairs

2-8

1 AN ACT concerning emergency communication services; relating to the
2 Kansas 911 act; authorizing **governing bodies of cities or** counties to
3 contract with ~~other counties~~ **another governing body** to share services
4 of 911 public safety answering points; authorizing distributions of 911
5 fee moneys to ~~counties~~ **governing bodies** for such purposes; **exempting**
6 **the legislative members appointed to the 911 coordinating council**
7 **from certain term limitations that apply to members of the council;**
8 amending K.S.A. 12-5364, 12-5368, 12-5374, 12-5375 and 12-5377
9 and repealing the existing sections.

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 12-5364 is hereby amended to read as follows: 12-
13 5364. (a) (1) There is hereby created the 911 coordinating council which
14 shall monitor the delivery of 911 services, develop strategies for future
15 enhancements to the 911 system and distribute available grant funds to
16 PSAPs and ~~counties~~ **governing bodies that contract with another county**
17 **governing body of a PSAP for the provision of 911 services.** In as much as
18 possible, the council shall include individuals with technical expertise
19 regarding 911 systems, internet technology and GIS technology.

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

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

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

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

27 (iv) one member representing a fire chief;

28 (v) one member recommended by the adjutant general;

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

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

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

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

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

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

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

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

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

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

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

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

18 (A) One member representing rural telecommunications companies
19 recommended by the Kansas rural independent telephone companies;

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

22 (C) one member representing large wireless providers; one member
23 representing VoIP providers;

24 (D) one member recommended by the league of Kansas
25 municipalities;

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

27 (F) one member recommended by the Kansas geographic information
28 systems policy board;

29 (G) one member recommended by the Kansas office of information
30 technology services;

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

33 (I) two members representing non-traditional PSAPs, one of whom
34 shall be a representative of tribal government.

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

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

3 (A) ~~One member representing information technology personnel from~~
4 ~~government units, one member recommended by the adjutant general, one~~
5 ~~member representing PSAPs located in counties with less than 75,000 in~~
6 ~~population and one member representing PSAPs located in counties with~~
7 ~~75,000 or more in population shall serve a term of two years;~~

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

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

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

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

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

25 (2) The chair shall serve as the coordinator of E-911 services and next
26 generation 911 services in the state, implement statewide 911 planning,
27 have the authority to sign all certifications required under 47 C.F.R. part
28 400 and administer the 911 federal grant fund and 911 state maintenance
29 fund. The chair shall serve subject to the direction of the council and
30 ensure that policies adopted by the council are carried out. The chair shall
31 serve as the liaison between the council and the LCPA. The chair shall
32 preside over all meetings of the council and assist the council in
33 effectuating the provisions of this act.

34 (d) The 911 coordinating council, by an affirmative vote of nine
35 voting members, shall select the local collection point administrator,
36 pursuant to K.S.A. 12-5367, and amendments thereto, to collect 911 fees
37 and to distribute such fees to PSAPs *and counties governing bodies that*
38 *contract with another county governing body of a PSAP for the provision*
39 *of 911 services* and to distribute 911 operations fund moneys and 911 state
40 grant fund moneys as directed by the council. The council shall adopt rules
41 and regulations for the terms of the contract with the LCPA. All contract
42 terms and conditions shall satisfy all contract requirements as established
43 by the secretary of administration. The council shall determine the

1 compensation of the LCPA who shall provide the council with any staffing
2 necessary in carrying out the business of the council or effectuating the
3 provisions of this act. The moneys used to reimburse these expenses shall
4 be paid from the 911 operations fund, pursuant to subsection (j).

5 (e) (1) The 911 coordinating council is hereby authorized to adopt
6 rules and regulations necessary to effectuate the provisions of this act,
7 including, but not limited to:

8 (A) Creating a uniform reporting form designating how moneys,
9 including 911 fees, have been spent by the PSAPs ~~and counties~~ **governing**
10 **bodies that contract with another county governing body of a PSAP for**
11 **the provision of 911 services;**

12 (B) requiring service providers to notify the council pursuant to
13 subsection (k);

14 (C) establishing standards for coordinating and purchasing
15 equipment;

16 (D) recommending standards for general operations training of PSAP
17 personnel;

18 (E) establishing training standards and programs related to the
19 technology and operations of the NG911 hosted solution;

20 (F) establishing data standards, maintenance policies and data
21 reporting requirements for GIS data; and

22 (G) assessing civil penalties pursuant to subsection (m).

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

28 (f) If the 911 coordinating council finds that the GIS data for a PSAP
29 ~~or county governing body that contracts with another county governing~~
30 **body of a PSAP for the provision of 911 services** is inaccurate or has not
31 been updated for one year or more, the council shall give written notice to
32 the governing body that oversees the PSAP ~~or county governing body that~~
33 **contracts with another governing body of a PSAP for the provision of**
34 **911 services**. If, within 60 days of providing such notice, the council does
35 not receive an acceptable proposal for the PSAP ~~or county governing body~~
36 to bring the GIS data into compliance, the council may contract with a
37 third party to review and update the GIS data. A PSAP ~~or county~~
38 **governing body** with GIS data that has not been updated for one year or
39 more may provide a certification attesting that the GIS data has been
40 reviewed and remains accurate. If the council receives such certification
41 and has information that the data may not be accurate, the council shall
42 provide a written notice to the PSAP ~~or county governing body~~ that
43 describes the areas the council believes to be inaccurate and a deadline of

1 30 days for the PSAP ~~or-county~~ **governing body** to submit updated GIS
2 data. If the updated GIS data is not received within the deadline, the
3 council may contract with a third party to review and update the GIS data.
4 The council shall assess the governing body that oversees the PSAP ~~or~~
5 ~~county~~ **governing body that contracts with another governing body of a**
6 **PSAP for the provision of 911 services** for any costs incurred in updating
7 the GIS data.

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

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

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

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

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

37 (l) (I) Each PSAP ~~or-county~~ **governing body that contracts with**
38 **another-county governing body of a PSAP for the provision of 911**
39 **services** shall file an annual report with the council by March 1 of each
40 year demonstrating how such PSAP ~~or-county~~ **governing body** has spent
41 the moneys ~~earned from the 911 fee distributed by the LCPA to the PSAP~~
42 ~~or-county~~ **governing body** during the preceding calendar year. The council
43 shall designate the content and form of such report and any associated

1 documentation that is required to finalize such report.

2 (2) If a PSAP ~~or-county~~ **governing body that contracts with another**
3 ~~county~~ **governing body of a PSAP for the provision of 911 services** fails to
4 file and finalize an annual report, the council shall provide notice of such
5 failure to the PSAP ~~and~~, the governing body of such PSAP ~~and~~, if
6 applicable, to the ~~county~~ **governing body that contracts with another**
7 **governing body of a PSAP for the provision of 911 services**. If such PSAP
8 ~~or-county~~ **governing body** fails to file or finalize an annual report within
9 60 days of receiving such notice, 10% of each subsequent distribution of
10 911 fees to such PSAP ~~or-county~~ **governing body** pursuant to K.S.A. 12-
11 5373, and amendments thereto, shall be withheld by the LCPA and only
12 distributed to such PSAP ~~or-county~~ **governing body** once the report has
13 been submitted.

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

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

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

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

33 Sec. 2. K.S.A. 12-5368 is hereby amended to read as follows: 12-
34 5368. (a) Upon the approval of the 911 coordinating council, the LCPA
35 shall establish the following funds, which shall not be a part of the state
36 treasury: (1) The 911 state fund for the collection and distribution of 911
37 fees; (2) the 911 operations fund for administrative costs of the 911
38 coordinating council and deployment and maintenance of the statewide
39 NG911 system; and (3) the 911 state grant fund for grants to individual
40 PSAPs. All moneys originating from 911 fees, and any interest accrued on
41 such fees, shall be paid to the LCPA for deposit in the 911 state fund or
42 911 operations fund pursuant to subsection (b). All unobligated federal
43 moneys, and any interest accrued on such moneys, shall be transferred to

1 the 911 federal grant fund.

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

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

14 (3) If the balance in the 911 state grant fund is less than \$2,000,000,
15 prior to the ~~distribution to the PSAPs~~ *distributions* pursuant to K.S.A. 12-
16 5374, and amendments thereto, the LCPA shall withhold \$.01 from every
17 911 fee remitted pursuant to K.S.A. 12-5369, and amendments thereto, and
18 shall deposit such amount in the 911 state grant fund. If the balance in the
19 911 state grant fund exceeds \$2,000,000, the LCPA shall not withhold such
20 amount.

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

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

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

43 Sec. 3. K.S.A. 12-5374 is hereby amended to read as follows: 12-

1 5374. (a) (1) Except for the amounts withheld by the LCPA pursuant to
 2 K.S.A. 12-5368(b), and amendments thereto, and any amounts withheld
 3 pursuant to K.S.A. 12-5364(l), and amendments thereto, not later than 30
 4 days after the receipt of ~~moneys~~ *911 fees* from providers pursuant to
 5 K.S.A. 12-5370 ~~and 12-5371~~, and amendments thereto, and *prepaid*
 6 *wireless 911 fees* from the department pursuant to K.S.A. 12-5372, and
 7 amendments thereto, the LCPA shall distribute such moneys to the PSAPs
 8 *or to counties pursuant to this section* **governing bodies that contract with**
 9 **another governing body of a PSAP for the provision of 911 services**. The
 10 amount of money distributed to the PSAPs in each county, *or to any*
 11 *county that does not have a PSAP located in such county and contracts*
 12 *with governing body that contracts with another governing body of a*
 13 *PSAP for the provision of 911 services*, shall be based upon the amount of
 14 911 fees collected from service users located in that county, based on place
 15 of primary use information provided by the providers, by using the
 16 following distribution method:

17 Population of county 18 where PSAP is located	Percentage of collected 911 fees to distribute
19 Over 80,000.....	82%
20 65,000 to 79,999.....	85%
21 55,000 to 64,999.....	88%
22 45,000 to 54,999.....	91%
23 35,000 to 44,999.....	94%
24 25,000 to 34,999.....	97%
25 Less than 25,000.....	100%

26
 27 (2) ~~There shall be a minimum county distribution of \$60,000 and no~~
 28 ~~county shall receive less than \$60,000 of direct distribution moneys~~*If the*
 29 *calculated amount for distribution within a county is less than \$60,000,*
 30 *then \$60,000 shall be distributed for services within that county.*

31 (3) *If there is a single PSAP providing services within a county, such*
 32 *PSAP shall receive the ~~county's~~ governing body's distribution, if any.* If
 33 there is more than one PSAP in a county, then ~~the direct distribution~~
 34 ~~allocated to that county by population shall be deducted from the~~
 35 ~~minimum county distribution and the difference~~ *distributions to each*
 36 *PSAP shall be proportionately divided between the PSAPs in the county*
 37 *based on the population of the area each PSAP serves.*

38 (4) ~~A county governing body may contract with another county~~
 39 **governing body of a PSAP** *for the provision of some or all of a county's*
 40 *PSAP services. If a ~~county~~ governing body serves as the provider of PSAP*
 41 *services for another ~~county~~ governing body, both ~~counties~~ governing*
 42 **bodies** *shall enter into a contract or memorandum of agreement that*
 43 *addresses contingency plans and overflow arrangements. Any such*
 44 *contract or memorandum of agreement shall be ~~approved~~ reviewed by the*
 45 *council with respect to the provisions that relate to contingency plans*

1 *and overflow arrangements or that may conflict with the function of the*
2 *statewide 911 system. If the 911 coordinating council determines that*
3 *any such provisions are not acceptable, the 911 coordinating council*
4 *and the governing bodies shall collaborate and work to resolve such*
5 *concerns prior to the effective date of the contract or memorandum of*
6 *agreement. Any ~~county~~ governing body contracting with another ~~county~~ to*
7 *have such other county provide all governing body of a PSAP for the*
8 *provision of PSAP services for the county shall request establish in the*
9 *contract or memorandum of agreement an agreed-upon percentage of*
10 *the governing body's distribution amount for the LCPA to distribute a*
11 *portion of not less than 50% of such county's direct distribution amount to*
12 *the county with which it is contracting for to the governing body of the*
13 *PSAP that is providing the 911 services.*

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

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

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

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

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

1 Sec. 4. K.S.A. 12-5375 is hereby amended to read as follows: 12-
 2 5375. (a) ~~(1) The proceeds of the 911 fees imposed pursuant to this act~~
 3 ~~money~~s distributed to ~~counties~~ **governing bodies** and PSAPs pursuant to
 4 K.S.A. 12-5374, and amendments thereto, and any interest earned on
 5 revenue derived from such ~~fee~~ ~~money~~s, shall be used only for necessary
 6 and reasonable costs incurred or to be incurred by PSAPs for:

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

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

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

36 (c) The 911 coordinating council shall annually review expenditures
 37 of 911 ~~fund~~ ~~money~~s reported on the annual report for each PSAP ~~and~~
 38 ~~county~~ **governing body that contracts with another governing body of a**
 39 ***PSAP for the provision of 911 services*** and shall appoint a committee to
 40 review such expenditures. If the committee determines that a reported
 41 expenditure was not authorized by this act, the committee shall request
 42 that the expenditure be refunded by the PSAP ~~or governing body~~ to the
 43 PSAP's ~~or county's~~ **governing body's** 911 fee fund account. If a PSAP ~~or~~

1 ~~county governing body~~ does not concur with the finding of the committee,
2 the PSAP ~~or-county governing body~~ may request a review of the decision
3 of the committee before the 911 coordinating council. If the 911
4 coordinating council, based upon information obtained from an audit of
5 ~~the PSAPs any PSAP or-county governing body~~, determines that any PSAP
6 ~~or-county governing body~~ has used any 911 fees for any purpose other
7 than those authorized in this act, the governing body for such PSAP ~~or~~
8 ~~county governing body that contracts with another governing body of a~~
9 **PSAP for the provision of 911 services** shall repay all such moneys used
10 for any unauthorized purposes to the 911 fee fund ~~account~~ of such PSAP
11 ~~or-county governing body~~. Upon a finding that the expenditure was made
12 intentionally from the 911 fee fund ~~account~~ of such PSAP ~~or-county~~
13 **governing body** for a purpose clearly established as an unauthorized
14 expenditure, the 911 coordinating council may require such PSAP ~~or~~
15 ~~county governing body~~ to pay the lesser of \$500 or 10%, of such misused
16 moneys, to the LCPA for deposit in the 911 state grant fund. No such
17 repayment of 911 fees shall be imposed pursuant to this section except
18 upon the written order of the council. Such order shall state the
19 unauthorized purposes for which the funds were used, the amount of funds
20 to be ~~repayed~~ **repaid** and the right of such PSAP ~~or-county governing body~~
21 to appeal to a hearing before the Kansas office of administrative hearings.
22 Any such PSAP ~~or-county governing body~~ may, within 15 days after
23 service of the order, make a written request to the council for a hearing
24 thereon. Hearings under this subsection shall be conducted in accordance
25 with the provisions of the Kansas administrative procedure act.

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

28 Sec. 5. K.S.A. 12-5377 is hereby amended to read as follows: 12-
29 5377. (a) The receipts and disbursements of the LCPA shall be audited
30 yearly by a licensed municipal accountant or certified public accountant.

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

34 (c) (1) On or before December 31, 2018, and at least once every five
35 years thereafter, the division of post audit shall conduct an audit of the 911
36 system to determine:

37 (A) Whether the moneys received by PSAPs ~~and-counties governing~~
38 **bodies** pursuant to this act are being used appropriately;

39 (B) whether the amount of moneys collected pursuant to this act is
40 adequate; and

41 (C) the status of 911 service implementation.

42 (2) The auditor to conduct such audit shall be specified in accordance
43 with K.S.A. 46-1122, and amendments thereto.

1 (2)(3) The post auditor shall compute the reasonably anticipated cost
2 of providing audits pursuant to this subsection, subject to review and
3 approval by the contract audit committee established by K.S.A. 46-1120,
4 and amendments thereto. Upon such approval, the division of post audit
5 shall be reimbursed from the 911 operations fund for the amount approved
6 by the contract audit committee. The audit report shall be submitted to the
7 911 coordinating council, the LCPA, the house of representatives
8 committee on energy, utilities and telecommunications and the senate
9 committee on utilities.

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

22 (2) The post auditor shall compute the reasonably anticipated cost of
23 providing the audit pursuant to this subsection, subject to review and
24 approval by the contract audit committee established by K.S.A. 46-1120,
25 and amendments thereto. Upon such approval, the division of post audit
26 shall be reimbursed from the 911 operations fund for the amount approved
27 by the contract audit committee. The audit report shall be submitted to the
28 911 coordinating council, the house of representatives committee on
29 energy, utilities and telecommunications and the senate committee on
30 utilities.

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

33 Sec. 6. K.S.A. 12-5364, 12-5368, 12-5374, 12-5375 and 12-5377 are
34 hereby repealed.

35 Sec. 7. This act shall take effect and be in force from and after its
36 publication in the statute book.