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MEMORANDUM

To: Chairman Apple and members of the Senate Utilities Committee
From: Matt Sterling, Assistant Revisor of Statutes
Date: February 14, 2012
Subject: Senate Bill 384

SB 384 concerns the Kansas 911 act enacted last year. The bill would clarify several issues remaining from last year's legislation concerning the billing of subscriber accounts, the terms of members of the 911 council and the distribution of prepaid wireless 911 fees.

The first issue concerns the billing of the 911 fee per subscriber account. As enacted, the fee would be imposed for each unique 10 digit telephone number. However, there are some entities that use multi-line telephone systems that are comprised of more phone numbers than actual talk paths that can connect to a public safety answering point. The bill would amend the definition of "subscriber account" to mean 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. This change would impose the fee on the maximum number of talk paths that could simultaneously contact a PSAP instead of on each telephone number assigned to a user of the multi-line telephone system.

The bill would also add a definition of "Multi-line telephone system" to mean 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.

The second change the bill would make would be to the terms of members of the 911 council. Under current law, the terms of all the members of the council are set to end at the same time, requiring every member to be reappointed at the same time. The bill would stagger the initial terms of all 12 members so that the terms of 1/3 of the board would expire in two years, 1/3 would expire in three years and 1/3 would expire in four years. The bill also clarifies that no voting member shall serve longer than two successive three year terms.

The terms of the member representing information technology personnel from government units, the member recommended by the adjutant general, the member representing PSAPs in counties smaller than 75,000 and the member representing PSAPs in counties larger than 75,000 would expire after two years. The terms of the member representing information technology personnel from government units, the member recommended by the Kansas emergency medical services board, the member representing PSAPs located in counties smaller than 75,000 and the member representing PSAPs of any size would expire after three years. The terms of the member representing a fire chief, the member recommended by the Kansas commission for the deaf and hard of hearing and the member representing PSAPs located in counties larger than 75,000 would expire after four years. The bill would require a technical amendment (see attachment) to add a member representing a law enforcement officer whose term would expire after four years.

The third change made by the bill would be to the distribution of moneys in the 911 state fund collected from the prepaid wireless 911 fee. Under current law, any moneys collected from the prepaid fee in excess of \$2 million are to be distributed to the PSAPs pursuant to subsection (a). That subsection establishes the amount of money PSAPs are to receive based on place of primary use information and the population of the county. Unlike the 911 fee, which is collected by the providers and remitted to the LCPA, the prepaid fees are collected by sellers and remitted to the department of revenue, which does not collect place of primary use information, before being remitted to the LCPA.

Because any moneys collected from the prepaid fee would not have place of primary use information associated with them, it would not be possible to distribute them pursuant to subsection (a). Instead, the bill would distribute all prepaid moneys collected in excess of \$2 million to the counties in an amount proportional to each county's population as a percentage share of the population of the state.