

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairman Pat Apple at 1:30 p.m. on March 3, 2010, in Room 548-S of the Capitol.

All members were present except
Sen. Emler, excused

Committee staff present:

Kristen Kellems, Office of the Revisor of Statutes
Matt Sterling, Office of the Revisor of Statutes
Raney Gilliland, Kansas Legislative Research Department
Cindy Lash, Kansas Legislative Research Department
Ann McMorris, Committee Assistant
Jeannine Wallace, Sen. Apple's Office Assistant

Conferees appearing before the Committee:

Others attending: See attached list.

Committee had requested data on use of 911 fees by county for personnel. Melissa Wangeman, Kansas Association of Counties, provided that information. (Attachment 1)

Chair continued discussion on

House Substitute to Substitute for SB 48 - Emergency telephone service, fees, charges, collection and distribution

Chairperson Apple updated the committee on the progress of Revisor and Research staff in preparing the proposed amendments to **House Substitute to Substitute for SB 48**. There are eight amendments and action will be taken individually on each one.

Moved by Senator Bruce, seconded by Senator Taddiken, to approve the amendments to **House Substitute to Substitute for SB 48** as set forth in the balloon entitled "Open Records, technical amendment; Version A". Motion carried. (Attachment 2)

Moved by Senator Masterson, seconded by Senator Lee, to approve the amendments to **House Substitute to Substitute for SB 48** as set forth in the balloon entitled "Masterson Group, Version B". Motion carried. (Attachment 3)

Moved by Senator Bruce, seconded by Senator Petersen, to approve the amendments to **House Substitute to Substitute for SB 48** as set forth in the balloon entitled "Emler/Bruce Group, Version A". Motion carried. (Attachment 4)

Moved by Senator Bruce, seconded by Senator Petersen, to amend "Emler/Bruce Group, Version A" by changing the word 'telephone' to "customer" in the new language. Motion carried.

Moved by Senator Bruce, seconded by Senator Lee, to approve the amendments to **House Substitute to Substitute for SB 48** as set forth in the balloon entitled "Apple group; coordinating council, Version C". Motion carried. (Attachment 5)

Moved by Senator Brownlee, seconded by Senator Petersen, to change some language to the amendments to **House Substitute to Substitute for SB 48** as set forth in the balloon entitled "Apple group; coordinating council, Version C". Motion carried. (Note: Revisor staff will make this change in conference with Senator Brownlee.)

Moved by Senator Brownlee, seconded by Senator Petersen, to approve the amendments to **House Substitute to Substitute for SB 48** as set forth in the balloon entitled "Brownlee Group, Version B". (Attachment 6) (Staff directed to set timeline so the various appointments and service flow together.)

CONTINUATION SHEET

Minutes of the Senate Utilities Committee at 1:30 p.m. on March 3, 2010, in Room 548-S of the Capitol.

Moved by Senator Taddiken, seconded by Senator Brownlee, to change the effective date to "printed in the Register" in the amendments to **House Substitute to Substitute for SB 48** as set forth in the balloon entitled "Brownlee Group, Version B". Motion carried.

Moved by Senator Petersen, seconded by Senator Lee, to approve the amendments to **House Substitute to Substitute for SB 48** as set forth in the balloon entitled "Petersen Group, Version C". Motion carried.
(Attachment 7)

Moved by Senator Francisco, seconded by Senator Peterson, to include some changes in language as set forth in the balloon entitled "Petersen Group, Version C". Motion carried. (Revisor will prepare the proposed changes.)

Moved by Senator Francisco, seconded by Senator Bruce, to approve the amendments to **House Substitute to Substitute for SB 48** as set forth in the balloon entitled "Statewide coordinator, Version B". Motion carried. (Attachment 8)

Moved by Senator Brownlee, seconded by Senator Lee, to change the amount of \$.55 to \$.50 in the amendments to **House Substitute to Substitute for SB 48** as set forth in the balloon entitled "Statewide coordinator, Version B". Motion carried. (Attachment 8)

Moved by Senator Lee, seconded by Senator Brownlee, to approve the amendments to **House Substitute to Substitute for SB 48** as set forth in the balloon entitled "Prepaid wireless, state and federal grants, Version B". Motion carried. (Attachment 9)

Moved by Senator Brownlee, seconded by Senator Lee, to make some changes in the language in New Section 14 regarding LCPA state grant fund in the balloon entitled "Prepaid wireless, state and federal grants, Version B". Motion carried. (Revisor to make this proposed change in language for distribution to the committee.)

League of Kansas Municipalities provided projections on Fee at 50 cents, 18% of fee goes to grant fund.
(Attachment 10)

The next meeting is scheduled for March 4, 2010.

The meeting was adjourned at 2:35 p.m.

Respectfully submitted,

Ann McMorris
Committee Assistant

Attachments - 10

**SENATE UTILITIES
COMMITTEE GUEST LIST
MARCH 3, 2010**

NAME	REPRESENTING
ERIK SARTORIUS	City of Overland Park
Penna Tunk	Verizon Wireless
Erica Haas	Gov. Office
DAN JACOBSON	AT&T
Nelson Knueger	Sare West
Tim Grackner	AT&T
Mike Murray	Century Link
Coleen Jensen	Cox
TOM DAY	KCC
Whitney Jann	KS Gas Service
Mike Reed at	Sprint
Diane Gage	Sedgewick County
Patrick Frick	Sprint

Kansas Association of Counties
Information for Senate Utilities, March 3, 2010

	County	Do you use 911 fees for personnel?
1	Allen	No
2	Barton	No
3	Butler	No
4	Cheyenne	No
5	Coffey	No
6	Crawford	No
7	Doniphan	No
8	Dickinson	No
9	Douglas	No
10	Elk	No
11	Finney	No
12	Franklin	No
13	Gove	No
14	Harper	No
15	Harvey	No
16	Jackson	No
17	Jefferson	No
18	Jewell	Yes, \$3,050 annually
19	Johnson	No
20	Lane	No
21	Leavenworth	No
22	Lincoln	No
23	Logan	No
24	McPherson	No
25	Miami	No
26	Morton	No
27	Neosho	No
28	Osborne	No
29	Reno	No
30	Rice	No
31	Riley	No
32	Saline	No

Kansas Association of Counties
Information for Senate Utilities, March 3, 2010

33	Sedgwick	No
34	Shawnee	No
35	Sheridan	No
36	Stanton	No
37	Sumner	No
38	Thomas	No
39	Wallace	No
40	Washington	No
41	Wilson	No

Comments: Many counties responded that they didn't think personnel was an allowed cost under the statute. Some also said that the fee money would never be enough to cover personnel.

**HOUSE Substitute for Substitute
for SENATE BILL No. 48**

By Committee on Energy and Utilities

1-26

11 AN ACT concerning emergency telephone service; relating to fees,
12 charges, collection and distribution; amending K.S.A. 2009 Supp. 12-
13 5338, 12-5361/and 75-5133 and repealing the existing sections; also
14 repealing K.S.A. 12-5301, 12-5303, 12-5304, 12-5305, 12-5306, 12-
15 5307, 12-5308, 12-5309 and K.S.A. 2009 Supp. 12-5302, 12-5310, 12-
16 5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327, 12-5328,
17 12-5329, 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-5335, 12-
18 5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355, 12-5356,
19 12-5357, 12-5358, 12-5359 and 12-5360.

20

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

22 New Section 1. (a) Sections 1 through 15 and 19, and amendments
23 thereto, shall be known and may be cited as the Kansas 911 act.

24 (b) This section shall take effect on and after January 1, 2011.

25 New Sec. 2. (a) As used in the Kansas 911 act:

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

28 (2) "Department" means the Kansas department of revenue.

29 (3) "Exchange telecommunications service" means the service that
30 provides local telecommunications exchange access to a service user.

31 (4) "Local Collection Point Administrator (LCPA)" means the state-
32 wide association of cities established by K.S.A. 12-1610e, and amend-
33 ments thereto, and the statewide association of counties established by
34 K.S.A. 19-2690, and amendments thereto.

35 (5) "Next generation 911" means 911 service that enables PSAP's to
36 receive text, image, video, and data information from callers.

37 (6) "Person" means any individual, firm, partnership, copartnership,
38 joint venture, association, cooperative organization, corporation, municipi-
39 pal or private, and whether organized for profit or not, state, county,
40 political subdivision, state department, commission, board, bureau or fra-
41 ternal organization, nonprofit organization, estate, trust, business or com-
42 mon law trust, receiver, assignee for the benefit of creditors, trustee or
43 trustee in bankruptcy or any other legal entity.

45-221

Senate Utilities Committee
March 3, 2010
Attachments 2-1

1 in K.S.A. 12-5304, and amendments thereto, and expenditures authorized
2 by ~~K.S.A. 2009 Supp. 12-5330, and amendments thereto.~~

3 Sec. 18. K.S.A. 2009 Supp. 75-5133 is hereby amended to read as
4 follows: 75-5133. (a) Except as otherwise more specifically provided by
5 law, all information received by the secretary of revenue, the director of
6 taxation or the director of alcoholic beverage control from returns, re-
7 ports, license applications or registration documents made or filed under
8 the provisions of any law imposing any sales, use or other excise tax ad-
9 ministered by the secretary of revenue, the director of taxation, or the
10 director of alcoholic beverage control, or from any investigation con-
11 ducted under such provisions, shall be confidential, and it shall be unlaw-
12 ful for any officer or employee of the department of revenue to divulge
13 any such information except in accordance with other provisions of law
14 respecting the enforcement and collection of such tax, in accordance with
15 proper judicial order or as provided in K.S.A. 74-2424, and amendments
16 thereto.

17 (b) The secretary of revenue or the secretary's designee may:

18 (1) Publish statistics, so classified as to prevent identification of par-
19 ticular reports or returns and the items thereof;

20 (2) allow the inspection of returns by the attorney general or the
21 attorney general's designee;

22 (3) provide the post auditor access to all such excise tax reports or
23 returns in accordance with and subject to the provisions of subsection (g)
24 of K.S.A. 46-1106, and amendments thereto;

25 (4) disclose taxpayer information from excise tax returns to persons
26 or entities contracting with the secretary of revenue where the secretary
27 has determined disclosure of such information is essential for completion
28 of the contract and has taken appropriate steps to preserve confidentiality;

29 (5) provide information from returns and reports filed under article
30 42 of chapter 79 of the Kansas Statutes Annotated to county appraisers
31 as is necessary to insure proper valuations of property. Information from
32 such returns and reports may also be exchanged with any other state
33 agency administering and collecting conservation or other taxes and fees
34 imposed on or measured by mineral production;

35 (6) provide, upon request by a city or county clerk or treasurer or
36 finance officer of any city or county receiving distributions from a local
37 excise tax, monthly reports identifying each retailer doing business in such
38 city or county or making taxable sales sourced to such city or county,
39 setting forth the tax liability and the amount of such tax remitted by each
40 retailer during the preceding month, and identifying each business loca-
41 tion maintained by the retailer and such retailer's sales or use tax regis-
42 tration or account number;

43 (7) provide information from returns and applications for registration

Sec. 18. Amend K.S.A. 2009 Supp. 45-221
by adding new subsection (a)(49) to read
as follows: (49) Information provided by
providers to the local collection point
administrator or to the 911 coordinating
council pursuant to the Kansas 911 act,
and amendments thereto, upon request of
the party submitting such records.

renumber remaining sections accordingly

2-2

2-3

1 (14) provide to the secretary of commerce copies of applications for
2 project exemption certificates sought by any taxpayer under the enter-
3 prise zone sales tax exemption pursuant to subsection (cc) of K.S.A. 79-
4 3606, and amendments thereto;

5 (15) disclose information received pursuant to the Kansas cigarette
6 and tobacco act and subject to the confidentiality provisions of this act to
7 any criminal justice agency, as defined in subsection (c) of K.S.A. 22-
8 4701, and amendments thereto, or to any law enforcement officer, as
9 defined in subsection (c)(10) of K.S.A. 21-3110, and amendments thereto,
10 on behalf of a criminal justice agency, when requested in writing in con-
11 junction with a pending investigation; ~~and~~

12 (16) provide to retailers tax exemption information for the sole pur-
13 pose of verifying the authenticity of tax exemption numbers issued by the
14 department; *and*

15 (17) *provide information concerning remittance by sellers of prepaid*
16 *wireless 911 fees from returns to the LCPA, as defined in section 2, and*
17 *amendments thereto, for purposes of verifying seller compliance with col-*
18 *lection and remittance of such fees.*

19 (c) Any person receiving any information under the provisions of sub-
20 section (b) shall be subject to the confidentiality provisions of subsection
21 (a) and to the penalty provisions of subsection (d).

22 (d) Any violation of this section shall be a class A, nonperson mis-
23 demeanor, and if the offender is an officer or employee of this state, such
24 officer or employee shall be dismissed from office. Reports of violations
25 of this paragraph shall be investigated by the attorney general. The district
26 attorney or county attorney and the attorney general shall have authority
27 to prosecute any violation of this section if the offender is a city or county
28 clerk or treasurer or finance officer of a city or county.

29 New Sec. 19. The provisions of this act are declared to be severable
30 and if any provision, word, phrase or clause of the act or the application
31 thereof to any person shall be held invalid, such invalidity shall not effect
32 the validity of the remaining portions of this act.

33 Sec. 20. K.S.A. 12-5305, 12-5306, 12-5307 and 12-5309 and K.S.A.
34 2009 Supp. 12-5338, 12-5361/and 75-5133 are hereby repealed.

35 Sec. 21. On and after January 1, 2011, K.S.A. 12-5301, 12-5303, 12-
36 5304 and 12-5308 and K.S.A. 2009 Supp. 12-5302, 12-5310, 12-5321, 12-
37 5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327, 12-5328, 12-5329,
38 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-5335, 12-5336, 12-
39 5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355, 12-5356, 12-5357,
40 12-5358, 12-5359 and 12-5360 are hereby repealed.

41 Sec. 22. This act shall take effect and be in force from and after its
42 publication in the Kansas register.

, 45-221

HOUSE Substitute for Substitute for SENATE BILL No. 48

By Committee on Energy and Utilities

1-26

11 AN ACT concerning emergency telephone service; relating to fees,
12 charges, collection and distribution; amending K.S.A. 2009 Supp. 12-
13 5338, ~~12-5361 and 75-5133~~ and repealing the existing sections; also
14 repealing K.S.A. 12-5301, 12-5303, 12-5304, 12-5305, 12-5306, 12-
15 5307, 12-5308, 12-5309 and K.S.A. 2009 Supp. 12-5302, 12-5310, 12-
16 5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327, 12-5328,
17 12-5329, 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-5335, 12-
18 5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355, 12-5356,
19 12-5357, 12-5358, 12-5359 and 12-5360.

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

22 New Section 1. (a) Sections 1 through 15 and 19, and amendments
23 thereto, shall be known and may be cited as the Kansas 911 act.

24 (b) This section shall take effect on and after January 1, 2011.

25 New Sec. 2. (a) As used in the Kansas 911 act:

26 ~~(1) "Consumer" means a person who purchases prepaid wireless~~
27 ~~service in a retail transaction.~~

28 ~~(2) "Department" means the Kansas department of revenue.~~

29 (3) "Exchange telecommunications service" means the service that
30 provides local telecommunications exchange access to a service user.

31 (4) "Local Collection Point Administrator (LCPA)" means the state-
32 wide association of cities established by K.S.A. 12-1610e, and amend-
33 ments thereto, and the statewide association of counties established by
34 K.S.A. 19-2690, and amendments thereto.

35 (5) "Next generation 911" means 911 service that enables PSAP's to
36 receive text, image, video, and data information from callers.

37 (6) "Person" means any individual, firm, partnership, copartnership,
38 joint venture, association, cooperative organization, corporation, municip-
39 al or private, and whether organized for profit or not, state, county,
40 political subdivision, state department, commission, board, bureau or fra-
41 ternal organization, nonprofit organization, estate, trust, business or com-
42 mon law trust, receiver, assignee for the benefit of creditors, trustee or
43 trustee in bankruptcy or any other legal entity.

renumbering
accordingly

Senate Utilities Committee
March 3, 2010
Attachments 3-1

3-2

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

5 (8) "Place of primary use" has the meaning provided in the mobile
6 telecommunications act (4 U.S.C. 116, et. seq., as in effect on the effective
7 date of this act).

8 (9) "Provider" means any person who provides exchange telecom-
9 munications service, wireless telecommunications service, VoIP service,
10 or other service capable of contacting a PSAP.

11 (10) "PSAP" means a public safety answering point operated by a city
12 or county.

13 ~~(11) "Retail transaction" means the purchase of prepaid wireless serv-~~
14 ~~ice from a seller for any purposes other than resale, not including the use,~~
15 ~~storage or consumption of such services.~~

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

18 (13) "Service user" means any person who is provided exchange tel-
19 ecommunications service, wireless telecommunications service, VoIP
20 service, prepaid wireless service, or any other service capable of contact-
21 ing a PSAP.

22 (14) "Subscriber account" means the 10-digit access number assigned
23 to a service user regardless of whether more than one such number is
24 aggregated for the purpose of billing a service user.

25 (15) "Subscriber radio equipment" means mobile and portable radio
26 equipment installed in vehicles or carried by persons for voice commu-
27 nication with a radio system.

28 (16) "VoIP service" means voice over internet protocol.

29 ~~(17) "Wireless telecommunications service" means commercial mo-~~
30 ~~bile radio service as defined by 47 C.F.R. 20.3 as in effect on the effective~~
31 ~~date of this act.~~

32 (b) This section shall take effect on and after January 1, 2011.

33 New Sec. 3. (a) There is hereby imposed a 911 fee in the amount of
34 \$.55 per month per subscriber account of any exchange telecommuni-
35 cations service, wireless telecommunications service, VoIP service, or
36 other service capable of contacting a PSAP. Such fee shall not be imposed
37 on prepaid wireless service. No such fee shall be imposed upon more
38 than 100 exchange telecommunications service subscriber accounts per
39 person per location. It shall be the duty of each exchange telecommuni-
40 cations service provider, wireless telecommunications service provider,
41 VoIP service provider, or other service provider to remit such fees to the
42 local collection point administrator as provided in section 4, and amend-
43 ments thereto.

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(17) "Wholesaler of prepaid wireless
service" means a person who
purchases at wholesale wireless
service from a wireless provider for
resale as prepaid wireless service.
renumbering accordingly

(b) This section shall take effect on and after January 1, 2011.

New Sec. 4. (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) The duty to collect the fees imposed pursuant to this act shall commence January 1, 2011. Such fees 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 "KS 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. The provider, other than a wholesaler of prepaid wireless service, shall provide annually to the LCPA a list of amount of uncollected 911 fees along with the names and addresses of those service users which carry a balance that can be determined by the provider to be nonpayment of such fees.

(d) The fees imposed by this act 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. ~~The amount of such fees collected in one month by the provider shall be remitted to the LCPA not more than 15 days after the close of the calendar month. On or before the 15th day of each calendar month following, a return for the preceding month shall be filed with the LCPA. Such return shall be in such form and shall contain such information as required by the LCPA. 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 provider may retain an administrative fee of not more than 2% of moneys collected from such fee. The LCPA may retain an administrative fee of not more than 2% of moneys collected from such fee.

(g) ~~The provisions of this section shall not be construed to apply to prepaid wireless service.~~

~~(h)~~ This section shall take effect on and after January 1, 2011.

New Sec. 5. (a) ~~There is hereby imposed a prepaid wireless 911 fee of 1.1% 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 sepa-~~

(b) There is hereby imposed a 911 fee in the amount of 1% of the retail price of any prepaid wireless service sold in the state. It shall be the duty of each wholesaler of prepaid wireless service to remit such fee to the LCPA as provided in section 4, and amendments thereto. On January 1, 2013, the provisions of this subsection shall expire.
relettering accordingly

Masterson group, Version B
M Sterling/Revisor's Office

3-3

remit such fees

and the wholesaler of prepaid wireless service

remit such fees

3-4

1 rately stated on an invoice, receipt or other similar document that is pro-
2 vided to the consumer by the seller, or otherwise disclosed to the
3 consumer.

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

10 (d) The prepaid wireless 911 fee is the liability of the consumer and
11 not of the seller or of any provider, except that the seller shall be liable
12 to remit all prepaid wireless 911 fees that the seller collects from con-
13 sumers as provided in section 6, and amendments thereto, including all
14 such fees that the seller is deemed to collect where the amount of the
15 charge has not been separately stated in an invoice, receipt or other sim-
16 ilar document provided to the consumer by the seller.

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

23 (f) The prepaid wireless 911 fee shall be proportionately increased or
24 reduced, as applicable, upon any change to the fee imposed by subsection
25 (a) of section 3, and amendments thereto. The adjusted amount shall be
26 determined by dividing the amount of the fee imposed by subsection (a)
27 of section 3, and amendments thereto by \$50. Such increase or reduction
28 shall be effective on the effective date of the change to the fee imposed
29 by subsection (a) of section 3, and amendments thereto, or, if later, the
30 first day of the calendar quarter to occur at least 60 days after the enact-
31 ment to the change to the fee imposed by subsection (a) of section 3, and
32 amendments thereto. The department shall provide not less than 60 days'
33 notice of such increase or decrease on the department's website.

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

3-5

1 (h) ~~This section shall take effect on January 1, 2011.~~

2 New Sec. 6. (a) ~~Prepaid wireless 911 fees collected by sellers shall~~
3 ~~be remitted to the department by electronic filing that is consistent with~~
4 ~~the provisions of chapter 79, article 36 of the Kansas Statutes Annotated.~~
5 ~~The department shall establish registration and payment procedures for~~
6 ~~the collection of the prepaid wireless 911 fee.~~

7 (b) ~~A seller shall be permitted to retain an administrative fee not to~~
8 ~~exceed 2% of prepaid wireless 911 fees that are collected by the seller~~
9 ~~from consumers.~~

10 (e) ~~To minimize additional costs to the department, the department~~
11 ~~may conduct audits of sellers in conjunction with sales and use tax audits.~~
12 ~~The department is authorized to provide the LCPA with information ob-~~
13 ~~tained in such audits if such information indicates that a seller may not~~
14 ~~be complying with the provisions of this section and section 5, and amend-~~
15 ~~ments thereto. The LCPA may request the department to initiate collec-~~
16 ~~tion or audit procedures on individual sellers if collection efforts by the~~
17 ~~LCPA are unsuccessful.~~

18 (d) ~~The department shall establish procedures by which a seller may~~
19 ~~document that a sale is not a retail sale, which procedures shall substan-~~
20 ~~tially coincide with procedures for documenting sale for resale transac-~~
21 ~~tions for chapter 79, article 36 of the Kansas Statutes Annotated.~~

22 (e) ~~The department shall transfer all remitted prepaid wireless 911~~
23 ~~fees to the LCPA within 30 days of receipt for distribution as provided~~
24 ~~in section 8, and amendments thereto. Prior to such transfer, the de-~~
25 ~~partment may retain up to 1% of remitted charges for use in administer-~~
26 ~~ing the provisions of this section.~~

27 (f) ~~In addition to retaining 1% of remitted charges for administrative~~
28 ~~uses, the department may retain up to \$70,000 of remitted funds in fiscal~~
29 ~~year 2011 only for use in paying for programming and other one time~~
30 ~~costs for establishing a system for collecting the prepaid wireless 911 fee.~~

31 (g) ~~This section shall take effect on January 1, 2011.~~

32 New Sec. 7. (a) ~~The prepaid wireless 911 fee imposed in this act shall~~
33 ~~be the only 911 funding obligation imposed with respect to prepaid wire-~~
34 ~~less service in this state. No tax, fee, surcharge or other charge shall be~~
35 ~~imposed by this state, any political subdivision of this state or any inter-~~
36 ~~governmental agency for 911 funding purposes upon any prepaid wireless~~
37 ~~service provider, seller or consumer with respect to the sale, purchase,~~
38 ~~use or provision of prepaid wireless service.~~

39 (b) ~~This section shall take effect on January 1, 2011.~~

40 New Sec. 8. (a) ~~Not later than 30 days after the receipt of moneys~~
41 ~~from providers pursuant to sections 3 and 4, and amendments thereto,~~
42 ~~the LCPA shall distribute such moneys to PSAPs based upon the follow-~~
43 ~~ing ratio: 82% shall be distributed to PSAPs based upon place of primary~~

5
and renumbering
accordingly

and wholesalers of
prepaid wireless
service

3-6

1 use information provided by the providers and 18% shall be redistributed
2 to PSAPs located in counties with less than 75,000 in population pursuant
3 to rules and regulations established by the 911 coordinating council. Mon-
4 eys which cannot be attributed to a specific PSAP shall be transferred to
5 the LCPA grant fund.

6 ~~(b) Moneys collected from the fee on prepaid wireless service pur-~~
7 ~~suant to section 5, and amendments thereto, shall be transferred to the~~
8 ~~LCPA grant fund.~~

9 ~~(c)~~ The LCPA shall keep accurate accounts of all receipts and dis-
10 bursements of moneys from the 911 fees.

11 ~~(d)~~ Information provided by providers ~~to~~ the LCPA or to the 911
12 coordinating council pursuant to this act will be treated as proprietary
13 records which will be withheld from the public upon request of the party
14 submitting such records.

15 ~~(e)~~ This section shall take effect on and after January 1, 2011.

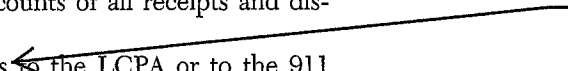
16 New Sec. 9. (a) The proceeds of the 911 fees imposed pursuant to
17 this act, and any interest earned on revenue derived from such fee, shall
18 be used only for necessary and reasonable costs incurred or to be incurred
19 by PSAPs for: (1) Implementation of 911 services; (2) purchase of 911
20 equipment and upgrades; (3) maintenance and license fees for 911 equip-
21 ment; (4) training of personnel; (5) monthly recurring charges billed by
22 service suppliers; (6) installation, service establishment, and nonrecurring
23 start-up charges billed by the service supplier; (7) charges for capital
24 improvements and equipment or other physical enhancements to the 911
25 system; (8) the acquisition and installation of road signs designed to aid
26 in the delivery of emergency service. Such costs shall not include ex-
27 penditures to lease, construct, expand, acquire, remodel, renovate, repair,
28 furnish or make improvements to buildings or similar facilities. Such costs
29 shall also not include expenditures to purchase subscriber radio
30 equipment.

31 (b) This section shall take effect on and after January 1, 2011.

32 New Sec. 10. (a) There is hereby created a 911 coordinating council
33 which shall monitor the delivery of 911 services, develop strategies for
34 future enhancements to the 911 system, and distribute available grant
35 funds to PSAPs. In as much as possible, the 911 coordinating council shall
36 include individuals with technical expertise regarding 911 systems, inter-
37 net technology, and GIS technology. The coordinating council shall con-
38 sist of 12 members to be appointed by the governor: Two members rep-
39 resenting wireless telecommunications providers; one member
40 representing a local exchange provider to be recommended by the Kansas
41 telecommunications industry association; one member representing a ru-
42 ral telecommunications company recommended by the Kansas rural in-
43 dependent telephone companies; one member representing VoIP pro-

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and wholesalers of
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1 viders; two members recommended by the league of Kansas
2 municipalities; two members recommended by the Kansas association of
3 counties; one member recommended by the Kansas commission for the
4 deaf and hard of hearing; one member recommended by the Kansas
5 emergency medical services board; and, one member recommended by
6 the adjutant general. The council shall also include two members of the
7 Kansas house of representatives as appointed by the speaker of the house;
8 one member of the Kansas house of representatives as appointed by the
9 minority leader of the house; two members of the Kansas senate as ap-
10 pointed by the senate president and one member of the Kansas senate
11 as appointed by the senate minority leader. The governor shall designate
12 one member as chair of the council.

13 (b) The terms of office for members of the 911 coordinating council
14 shall commence January 1, 2011 and shall be subject to reappointment
15 every three years.

16 (c) The 911 coordinating council is hereby authorized to adopt rules
17 and regulations necessary for effectuation of the provisions of this act,
18 including, but not limited to, assessing civil penalties.

19 (d) No civil penalty shall be imposed pursuant to this section except
20 upon the written order of the 911 coordinating council. Such order shall
21 state the violation, the penalty to be imposed and the right of such pro-
22 vider to appeal the penalty in accordance with the provisions of the Kansas
23 administrative procedure act.

24 (e) Any civil penalty recovered pursuant to this section shall be de-
25 posited with the LCPA grant fund.

26 (f) So long as the provider ~~is~~ working in good faith to comply with
27 the provisions of this act, no civil penalty shall be imposed prior to January
28 1, 2012.

29 (g) The LCPA shall provide staff support to the 911 coordinating
30 council. Members of the 911 coordinating council may receive reimburse-
31 ment for meals and travel expenses, but shall serve without other com-
32 pensation. All expenses related to the 911 coordinating council shall be
33 paid from the LCPA grant fund.

34 (h) This section shall take effect on and after January 1, 2011.

35 New Sec. 11. (a) PSAPs, the LCPA, providers and ~~sellers~~ shall not
36 be liable for any form of damages resulting directly or indirectly from the
37 performance of installing, maintaining or providing 911 service.

38 (b) This section shall be in force and effective on and after January
39 1, 2011.

40 New Sec. 12. (a) The receipts and disbursements of the LCPA shall
41 be audited yearly by a licensed municipal accountant or certified public
42 accountant.

43 (b) The LCPA may require an audit of any provider's books and re-

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service

wholesalers of
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1 cords concerning the collection and remittance of fees pursuant to this
act. The cost of any such audit shall be paid from the LCPA grant fund.

2 (c) On or before December 31, 2011, and at least once every three
3 years thereafter, the division of post audit shall conduct an audit of the
4 911 system to determine: (1) Whether the moneys received by PSAPs
5 pursuant to this act are being used appropriately; (2) whether the amount
6 of moneys collected pursuant to this act is adequate; and (3) the status of
7 911 service implementation. The auditor to conduct such audit shall be
8 specified in accordance with K.S.A. 46-1122, and amendments thereto.
9 The post auditor shall compute the reasonably anticipated cost of provid-
10 ing audits pursuant to this subsection, subject to review and approval by
11 the contract audit committee established by K.S.A. 46-1120, and amend-
12 ments thereto. Upon such approval, the LCPA grant fund shall reimburse
13 the division of post audit for the amount approved by the contract audit
14 committee. The audit report shall be submitted to the 911 coordinating
15 council, the LCPA, the house energy and utilities committee and the
16 senate utilities committee.

17
18 (d) The legislature shall review this act at the regular 2015 legislative
19 session and at the regular legislative session every five years thereafter.

20 (e) This section shall take effect on and after January 1, 2011.

21 New Sec. 13. (a) Nothing in this act shall be construed to limit the
22 ability of a provider from recovering directly from the provider's custom-
23 ers its costs associated with designing, developing, deploying and main-
24 taining 911 service and its cost of collection and administration of the
25 fees imposed by this act, whether such costs are itemized on the cus-
26 tomer's bill as a surcharge or by any other lawful method.

27 (b) This section shall take effect on and after January 1, 2011.

28 New Sec. 14. (a) The LCPA shall establish and maintain a grant fund
29 for PSAPs, which shall not be part of the state treasury. Such money and
30 any interest earned on such money may only be expended for the follow-
31 ing purposes: projects involving the development of next generation 911
32 services; costs associated with PSAP consolidation or cost-sharing pro-
33 jects; expenses related to the 911 coordinating council; the costs of audits
34 conducted pursuant to section 12 on its effective date, and amendments
35 thereto; and other purposes as defined in section 9 on its effective date,
36 and amendments thereto.

37 (b) The 911 coordinating council shall develop criteria for grant ap-
38 plicants and make the final determination as to the distribution of grant
39 funds.

40 New Sec. 15. On the effective date of this act, all funds remaining
41 in the wireless enhanced 911 grant fund established pursuant to K.S.A.
42 12-5323, and amendments thereto, shall be transferred to the LCPA. Any
43 funds received on or after the effective date of this act and prior to January

of any provider and
of any wholesaler
of prepaid wireless
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1 1, 2011, shall be transferred to the LCPA at least monthly. The LCPA
2 shall deposit such amount in the LCPA grant fund to be distributed as
3 provided in section 14, and amendments thereto.

4 Sec. 16. K.S.A. 2009 Supp. 12-5338 is hereby amended to read as
5 follows: 12-5338. (a) On ~~July 1, 2010~~; ~~(1) January 1, 2011~~, the wireless
6 enhanced 911 grant fee ~~and the wireless enhanced 911 local fee~~ shall be
7 discontinued, the advisory board shall be abolished, any unobligated bal-
8 ance of the wireless enhanced 911 grant fund shall be paid to the local
9 collection point administrator for ~~distribution to PSAP's based on the~~
10 ~~population of the municipality or municipalities served by the respective~~
11 ~~PSAP and the deposit in the LCPA grant fund and the wireless enhanced~~
12 ~~911 grant fund~~ shall be abolished.

13 ~~(2) Within any county which has a population of 125,000 or more,~~
14 ~~the amount of the tax imposed pursuant to K.S.A. 12-5302, and amend-~~
15 ~~ments thereto, shall not exceed \$.25 per month per access line or its~~
16 ~~equivalent and the amount of the wireless enhanced 911 local fee within~~
17 ~~such jurisdiction shall be an equal amount per month per wireless sub-~~
18 ~~scriber account.~~

19 ~~(3) Within any county which has a population of less than 125,000~~
20 ~~the amount of the tax imposed to K.S.A. 12-5302, and amendments~~
21 ~~thereto, shall not exceed \$.50 per month per access line or its equivalent~~
22 ~~and the amount of the wireless enhanced 911 local fee shall be an equal~~
23 ~~amount per month per wireless subscriber account.~~

24 ~~(4) The provisions of K.S.A. 2000 Supp. 12-5323 through 12-5329,~~
25 ~~and amendments thereto, shall expire.~~

26 ~~(b) On and after July 1, 2010, the proceeds of the wireless enhanced~~
27 ~~911 local fee shall be used only to pay for costs of emergency telephone~~
28 ~~service described in K.S.A. 12-5304, and amendments thereto, and ex-~~
29 ~~penditures authorized by K.S.A. 2000 Supp. 12-5330, and amendments~~
30 ~~thereto.~~

31 Sec. 17. K.S.A. 2009 Supp. 12-5361 is hereby amended to read as
32 follows: 12-5361. (a) On ~~July 1, 2010~~; ~~(1) January 1, 2011~~, the VoIP en-
33 hanced 911 grant fee ~~and the VoIP enhanced 911 local fee~~ shall be
34 discontinued.

35 ~~(2) The amount of the tax per access line or its equivalent imposed~~
36 ~~within a jurisdiction pursuant to K.S.A. 12-5302, and amendments~~
37 ~~thereto, and the amount of the VoIP enhanced 911 local fee per VoIP~~
38 ~~subscriber whose primary residence is within such jurisdiction shall be an~~
39 ~~equal amount per month.~~

40 ~~(3) The provisions of K.S.A. 2000 Supp. 12-5354 and 12-5355, and~~
41 ~~amendments thereto, shall expire.~~

42 ~~(b) On and after July 1, 2010, the proceeds of the VoIP local fee shall~~
43 ~~be used only to pay for costs of emergency telephone service described~~

1 in K.S.A. 12-5304, and amendments thereto, and expenditures authorized
 2 by K.S.A. 2000 Supp. 12-5330, and amendments thereto.

3 Sec. 18. K.S.A. 2000 Supp. 75-5133 is hereby amended to read as
 4 follows: 75-5133. (a) Except as otherwise more specifically provided by
 5 law, all information received by the secretary of revenue, the director of
 6 taxation or the director of alcoholic beverage control from returns, re-
 7 ports, license applications or registration documents made or filed under
 8 the provisions of any law imposing any sales, use or other excise tax ad-
 9 ministered by the secretary of revenue, the director of taxation, or the
 10 director of alcoholic beverage control, or from any investigation con-
 11 ducted under such provisions, shall be confidential, and it shall be unlaw-
 12 ful for any officer or employee of the department of revenue to divulge
 13 any such information except in accordance with other provisions of law
 14 respecting the enforcement and collection of such tax, in accordance with
 15 proper judicial order or as provided in K.S.A. 74-2424, and amendments
 16 thereto.

17 (b) The secretary of revenue or the secretary's designee may:

18 (1) Publish statistics, so classified as to prevent identification of par-
 19 ticular reports or returns and the items thereof;

20 (2) allow the inspection of returns by the attorney general or the
 21 attorney general's designee;

22 (3) provide the post auditor access to all such excise tax reports or
 23 returns in accordance with and subject to the provisions of subsection (g)
 24 of K.S.A. 46-1106, and amendments thereto;

25 (4) disclose taxpayer information from excise tax returns to persons
 26 or entities contracting with the secretary of revenue where the secretary
 27 has determined disclosure of such information is essential for completion
 28 of the contract and has taken appropriate steps to preserve confidentiality;

29 (5) provide information from returns and reports filed under article
 30 42 of chapter 70 of the Kansas Statutes Annotated to county appraisers
 31 as is necessary to insure proper valuations of property. Information from
 32 such returns and reports may also be exchanged with any other state
 33 agency administering and collecting conservation or other taxes and fees
 34 imposed on or measured by mineral production;

35 (6) provide, upon request by a city or county clerk or treasurer or
 36 finance officer of any city or county receiving distributions from a local
 37 excise tax, monthly reports identifying each retailer doing business in such
 38 city or county or making taxable sales sourced to such city or county,
 39 setting forth the tax liability and the amount of such tax remitted by each
 40 retailer during the preceding month, and identifying each business loca-
 41 tion maintained by the retailer and such retailer's sales or use tax regis-
 42 tration or account number;

43 (7) provide information from returns and applications for registration

1 filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 70-
2 3601, and amendments thereto, to a city or county treasurer or clerk or
3 finance officer to explain the basis of statistics contained in reports pro-
4 vided by subsection (b)(6);

5 ~~(8) disclose the following oil and gas production statistics received by~~
6 ~~the department of revenue in accordance with K.S.A. 70-4216 et seq. and~~
7 ~~amendments thereto: Volumes of production by well name, well number,~~
8 ~~operator's name and identification number assigned by the state corpo-~~
9 ~~ration commission, lease name, leasehold property description, county of~~
10 ~~production or zone of production, name of purchaser and purchaser's tax~~
11 ~~identification number assigned by the department of revenue, name of~~
12 ~~transporter, field code number or lease code, tax period, exempt produc-~~
13 ~~tion volumes by well name or lease, or any combination of this~~
14 ~~information;~~

15 ~~(9) release or publish liquor brand registration information provided~~
16 ~~by suppliers, farm wineries and microbreweries in accordance with the~~
17 ~~liquor control act. The information to be released is limited to: Item~~
18 ~~number, universal numeric code, type status, product description, alcohol~~
19 ~~percentage, selling units, unit size, unit of measurement, supplier num-~~
20 ~~ber, supplier name, distributor number and distributor name;~~

21 ~~(10) release or publish liquor license information provided by liquor~~
22 ~~licensees, distributors, suppliers, farm wineries and microbreweries in~~
23 ~~accordance with the liquor control act. The information to be released is~~
24 ~~limited to: County name, owner, business name, address, license type,~~
25 ~~license number, license expiration date and the process agent contact~~
26 ~~information;~~

27 ~~(11) release or publish cigarette and tobacco license information ob-~~
28 ~~tained from cigarette and tobacco licensees in accordance with the Kansas~~
29 ~~cigarette and tobacco products act. The information to be released is~~
30 ~~limited to: County name, owner, business name, address, license type and~~
31 ~~license number;~~

32 ~~(12) provide environmental surcharge or solvent fee, or both, infor-~~
33 ~~mation from returns and applications for registration filed pursuant to~~
34 ~~K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secre-~~
35 ~~tary of health and environment or the secretary's designee for the sole~~
36 ~~purpose of ensuring that retailers collect the environmental surcharge tax~~
37 ~~or solvent fee, or both;~~

38 ~~(13) provide water protection fee information from returns and ap-~~
39 ~~plications for registration filed pursuant to K.S.A. 82a-954, and amend-~~
40 ~~ments thereto, to the secretary of the state board of agriculture or the~~
41 ~~secretary's designee and the secretary of the Kansas water office or the~~
42 ~~secretary's designee for the sole purpose of verifying revenues deposited~~
43 ~~to the state water plan fund;~~

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1 ~~(14) provide to the secretary of commerce copies of applications for~~
2 ~~project exemption certificates sought by any taxpayer under the enter-~~
3 ~~prise zone sales tax exemption pursuant to subsection (cc) of K.S.A. 70-~~
4 ~~3606, and amendments thereto;~~

5 ~~(15) disclose information received pursuant to the Kansas cigarette~~
6 ~~and tobacco act and subject to the confidentiality provisions of this act to~~
7 ~~any criminal justice agency, as defined in subsection (c) of K.S.A. 22-~~
8 ~~4701, and amendments thereto, or to any law enforcement officer, as~~
9 ~~defined in subsection (e)(10) of K.S.A. 21-3110, and amendments thereto;~~
10 ~~on behalf of a criminal justice agency, when requested in writing in con-~~
11 ~~junction with a pending investigation; and~~

12 ~~(16) provide to retailers tax exemption information for the sole pur-~~
13 ~~pose of verifying the authenticity of tax exemption numbers issued by the~~
14 ~~department; and~~

15 ~~(17) provide information concerning remittance by sellers of prepaid~~
16 ~~wireless 911 fees from returns to the LCPA, as defined in section 2, and~~
17 ~~amendments thereto, for purposes of verifying seller compliance with col-~~
18 ~~lection and remittance of such fees.~~

19 ~~(e) Any person receiving any information under the provisions of sub-~~
20 ~~section (b) shall be subject to the confidentiality provisions of subsection~~
21 ~~(a) and to the penalty provisions of subsection (d).~~

22 ~~(d) Any violation of this section shall be a class A, nonperson mis-~~
23 ~~demeanor, and if the offender is an officer or employee of this state, such~~
24 ~~officer or employee shall be dismissed from office. Reports of violations~~
25 ~~of this paragraph shall be investigated by the attorney general. The district~~
26 ~~attorney or county attorney and the attorney general shall have authority~~
27 ~~to prosecute any violation of this section if the offender is a city or county~~
28 ~~clerk or treasurer or finance officer of a city or county.~~

29 New Sec. 19. The provisions of this act are declared to be severable
30 and if any provision, word, phrase or clause of the act or the application
31 thereof to any person shall be held invalid, such invalidity shall not effect
32 the validity of the remaining portions of this act.

and [redacted]

33 Sec. 20. K.S.A. 12-5305, 12-5306, 12-5307 and 12-5309 and K.S.A.
34 2009 Supp. 12-5338, 12-5361 and 75-5133 are hereby repealed.

35 Sec. 21. On and after January 1, 2011, K.S.A. 12-5301, 12-5303, 12-
36 5304 and 12-5308 and K.S.A. 2009 Supp. 12-5302, 12-5310, 12-5321, 12-
37 5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327, 12-5328, 12-5329,
38 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-5335, 12-5336, 12-
39 5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355, 12-5356, 12-5357,
40 12-5358, 12-5359 and 12-5360 are hereby repealed.

41 Sec. 22. This act shall take effect and be in force from and after its
42 publication in the Kansas register.

1 viders; two members recommended by the league of Kansas
2 municipalities; two members recommended by the Kansas association of
3 counties; one member recommended by the Kansas commission for the
4 deaf and hard of hearing; one member recommended by the Kansas
5 emergency medical services board; and, one member recommended by
6 the adjutant general. The council shall also include two members of the
7 Kansas house of representatives as appointed by the speaker of the house;
8 one member of the Kansas house of representatives as appointed by the
9 minority leader of the house; two members of the Kansas senate as ap-
10 pointed by the senate president and one member of the Kansas senate
11 as appointed by the senate minority leader. The governor shall designate
12 one member as chair of the council.

13 (b) The terms of office for members of the 911 coordinating council
14 shall commence January 1, 2011 and shall be subject to reappointment
15 every three years.

16 (c) The 911 coordinating council is hereby authorized to adopt rules
17 and regulations necessary for effectuation of the provisions of this act,
18 including, but not limited to, assessing civil penalties.

19 (d) No civil penalty shall be imposed pursuant to this section except
20 upon the written order of the 911 coordinating council. Such order shall
21 state the violation, the penalty to be imposed and the right of such pro-
22 vider to appeal the penalty in accordance with the provisions of the Kansas
23 administrative procedure act.

24 (e) Any civil penalty recovered pursuant to this section shall be de-
25 posited with the LCPA grant fund.

26 (f) So long as the provider is working in good faith to comply with
27 the provisions of this act, no civil penalty shall be imposed prior to January
28 1, 2012.

29 (g) The LCPA shall provide staff support to the 911 coordinating
30 council. Members of the 911 coordinating council may receive reimburse-
31 ment for meals and travel expenses, but shall serve without other com-
32 pensation. All expenses related to the 911 coordinating council shall be
33 paid from the LCPA grant fund.

34 (h) This section shall take effect on and after January 1, 2011.

35 New Sec. 11. (a) ~~PSAPs, the LCPA, providers and sellers shall not~~
36 ~~be liable for any form of damages resulting directly or indirectly from the~~
37 ~~performance of installing, maintaining or providing 911 service.~~

38 (b) This section shall be in force and effective on and after January
39 1, 2011.

40 New Sec. 12. (a) The receipts and disbursements of the LCPA shall
41 be audited yearly by a licensed municipal accountant or certified public
42 accountant.

43 (b) The LCPA may require an audit of any provider's books and re-

Except as provided by the Kansas tort claims act, and except for failure to use ordinary care, or for intentional acts, the LCPA and each provider, and their employees and agents, shall not be liable for the payment of damages resulting directly or indirectly from the total or partial failure of any transmission to an emergency telephone service or for damages resulting from the performance of installing, maintaining or providing 911 service.

1 use information provided by the providers and 18% shall be redistributed
2 to PSAPs located in counties with less than 75,000 in population pursuant
3 to rules and regulations established by the 911 coordinating council. Mon-
4 eys which cannot be attributed to a specific PSAP shall be transferred to
5 the LCPA grant fund.

6 (b) Moneys collected from the fee on prepaid wireless service pur-
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8 LCPA grant fund.

9 (c) The LCPA shall keep accurate accounts of all receipts and dis-
10 bursements of moneys from the 911 fees.

11 (d) Information provided by providers to the LCPA or to the 911
12 coordinating council pursuant to this act will be treated as proprietary
13 records which will be withheld from the public upon request of the party
14 submitting such records.

15 (e) This section shall take effect on and after January 1, 2011.

16 New Sec. 9. (a) The proceeds of the 911 fees imposed pursuant to
17 this act, and any interest earned on revenue derived from such fee, shall
18 be used only for necessary and reasonable costs incurred or to be incurred
19 by PSAPs for: (1) Implementation of 911 services; (2) purchase of 911
20 equipment and upgrades; (3) maintenance and license fees for 911 equip-
21 ment; (4) training of personnel; (5) monthly recurring charges billed by
22 service suppliers; (6) installation, service establishment, and nonrecurring
23 start-up charges billed by the service supplier; (7) charges for capital
24 improvements and equipment or other physical enhancements to the 911
25 system; (8) the acquisition and installation of road signs designed to aid
26 in the delivery of emergency service. Such costs shall not include ex-
27 penditures to lease, construct, expand, acquire, remodel, renovate, repair,
28 furnish or make improvements to buildings or similar facilities. Such costs
29 shall also not include expenditures to purchase subscriber radio
30 equipment.

31 (b) This section shall take effect on and after January 1, 2011.

32 New Sec. 10. (a) There is hereby created a 911 coordinating council
33 which shall monitor the delivery of 911 services, develop strategies for
34 future enhancements to the 911 system, and distribute available grant
35 funds to PSAPs. In as much as possible, the 911 coordinating council shall
36 include individuals with technical expertise regarding 911 systems, inter-
37 net technology, and GIS technology. ~~The coordinating council shall con-~~
38 ~~sist of 12 members to be appointed by the governor: Two members rep-~~
39 ~~resenting wireless telecommunications providers; one member~~
40 ~~representing a local exchange provider to be recommended by the Kansas~~
41 ~~telecommunications industry association; one member representing a ru-~~
42 ~~ral telecommunications company recommended by the Kansas rural in-~~
43 ~~dependent telephone companies; one member representing VoIP pro-~~

(1)

(2) The coordinating council shall consist of 11 voting members to be appointed by the governor: Two members representing information technology personnel from government units; one member representing a law enforcement officer; one member representing a fire chief; one member recommended by the adjutant general; one member recommended by the Kansas emergency medical services board; two members representing PSAPs located in counties with less than 75,000 in population; two members representing PSAPs located in counties with greater than 75,000 in population; and one member representing a PSAP without regard for size.

(3) Other voting members shall include: One member of the the Kansas house of representatives as appointed the speaker of the house; one member of the Kansas house of representatives as appointed by the minority leader of the house; one member of the Kansas senate as appointed by the senate president; and one member of the Kansas senate as appointed by the senate minority leader.

(4) The coordinating council shall also include non-voting members to be appointed by the governor: One member representing wireless communications providers; one member representing a local exchange provider as recommended by the Kansas telecommunications industry association; one member representing rural telecommunications company recommended by the Kansas rural independent telephone companies; one member representing VoIP providers; one member recommended by the league of Kansas municipalities; one member recommended by the Kansas association of counties; one member recommended by the Kansas geographic information systems policy board; one member recommended by KAN-ED; and one member recommended by the Mid-America regional council.

(5) The governor shall designate, from among the voting members, one such member as chair of the council.

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1 ~~viders; two members recommended by the league of Kansas~~
2 ~~municipalities; two members recommended by the Kansas association of~~
3 ~~counties; one member recommended by the Kansas commission for the~~
4 ~~deaf and hard of hearing; one member recommended by the Kansas~~
5 ~~emergency medical services board; and, one member recommended by~~
6 ~~the adjutant general. The council shall also include two members of the~~
7 ~~Kansas house of representatives as appointed by the speaker of the house;~~
8 ~~one member of the Kansas house of representatives as appointed by the~~
9 ~~minority leader of the house; two members of the Kansas senate as ap-~~
10 ~~pointed by the senate president and one member of the Kansas senate~~
11 ~~as appointed by the senate minority leader. The governor shall designate~~
12 ~~one member as chair of the council.~~

voting

each voting member

13 (b) The terms of office for members of the 911 coordinating council
14 shall commence January 1, 2011 and shall be subject to reappointment
15 every three years.

No voting member shall serve longer than two three-year terms. A voting member appointed as a replacement for another voting member may finish the terms of the predecessor and may serve two additional three-year terms.

16 (c) The 911 coordinating council is hereby authorized to adopt rules
17 and regulations necessary for effectuation of the provisions of this act,
18 including, but not limited to, assessing civil penalties.

Any rules and regulations necessary to effectuate this act shall be proposed by October 31, 2010.

19 (d) No civil penalty shall be imposed pursuant to this section except
20 upon the written order of the 911 coordinating council. Such order shall
21 state the violation, the penalty to be imposed and the right of such pro-
22 vider to appeal the penalty in accordance with the provisions of the Kansas
23 administrative procedure act.

24 (e) Any civil penalty recovered pursuant to this section shall be de-
25 posited with the LCPA grant fund.

26 (f) So long as the provider is working in good faith to comply with
27 the provisions of this act, no civil penalty shall be imposed prior to January
28 1, 2012.

29 (g) The LCPA shall provide staff support to the 911 coordinating
30 council. Members of the 911 coordinating council may receive reimburse-
31 ment for meals and travel expenses, but shall serve without other com-
32 pensation. All expenses related to the 911 coordinating council shall be
33 paid from the LCPA grant fund.

with the exception of legislative members

34 (h) This section shall take effect on and after January 1, 2011.

35 New Sec. 11. (a) PSAPs, the LCPA, providers and sellers shall not
36 be liable for any form of damages resulting directly or indirectly from the
37 performance of installing, maintaining or providing 911 service.

38 (b) This section shall be in force and effective on and after January
39 1, 2011.

40 New Sec. 12. (a) The receipts and disbursements of the LCPA shall
41 be audited yearly by a licensed municipal accountant or certified public
42 accountant.

43 (b) The LCPA may require an audit of any provider's books and re-

1 (b) This section shall take effect on and after January 1, 2011.

2 New Sec. 4. (a) Every billed service user shall be liable for the 911
3 fee until such fees have been paid to the exchange telecommunications
4 service provider, wireless telecommunications service provider, VoIP
5 service provider, or other service provider.

6 (b) The duty to collect the fees imposed pursuant to this act shall
7 commence January 1, 2011. Such fees shall be added to and may be stated
8 separately in billings for the subscriber account. If stated separately in
9 billings, the fees shall be labeled "KS 911 fees."

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

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

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

31 (f) The provider may retain an administrative fee of not more than
32 2% of moneys collected from such fee. The LCPA may retain an admin-
33 istrative fee of not more than 2% of moneys collected from such fee.

34 (g) The provisions of this section shall not be construed to apply to
35 prepaid wireless service.

36 (h) This section shall take effect on and after January 1, 2011.

37 New Sec. 5. (a) There is hereby imposed a prepaid wireless 911 fee
38 of 1.1% per retail transaction or, on and after the effective date of an
39 adjusted amount per retail transaction that is established under subsec-
40 tion (f), such adjusted amount.

41 (b) The prepaid wireless 911 fee shall be collected by the seller from
42 the consumer with respect to each retail transaction occurring in this
43 state. The amount of the prepaid wireless 911 fee shall be either sepa-

(b) Each PSAP shall file with the 911 coordinating council, a uniform reporting form, as described in section 10, by March 1 of each subsequent calendar year.

(2) The 911 coordinating council may, pursuant to rules and regulations, raise or lower the 911 fee upon a finding, based on information indicated by the reporting forms, that moneys generated by such fee are in excess of or are below the cost required to operate a PSAP. The 911 coordinating council shall not lower the 911 fee below \$.40 and shall not raise such fee above \$.60.

and the remaining subsections relettered accordingly

6-2

1 viders; two members recommended by the league of Kansas
2 municipalities; two members recommended by the Kansas association of
3 counties; one member recommended by the Kansas commission for the
4 deaf and hard of hearing; one member recommended by the Kansas
5 emergency medical services board; and, one member recommended by
6 the adjutant general. The council shall also include two members of the
7 Kansas house of representatives as appointed by the speaker of the house;
8 one member of the Kansas house of representatives as appointed by the
9 minority leader of the house; two members of the Kansas senate as ap-
10 pointed by the senate president and one member of the Kansas senate
11 as appointed by the senate minority leader. The governor shall designate
12 one member as chair of the council.

13 (b) The terms of office for members of the 911 coordinating council
14 shall commence ~~January 1, 2011~~ and shall be subject to reappointment
15 every three years.

on the effective date of this act

16 (c) The 911 coordinating council is hereby authorized to adopt rules
17 and regulations necessary for effectuation of the provisions of this act,
18 including, but not limited to, assessing civil penalties.

creating a uniform reporting form designating how 911 fee moneys have
been spent by the PSAPs, requiring service providers to notify the 911
coordinating council, setting standards for coordinating and purchasing
equipment and

19 (d) No civil penalty shall be imposed pursuant to this section except
20 upon the written order of the 911 coordinating council. Such order shall
21 state the violation, the penalty to be imposed and the right of such pro-
22 vider to appeal the penalty in accordance with the provisions of the Kansas
23 administrative procedure act.

(d) Every provider shall provide the council with contact information for the
provider prior to January 1, 2011. Any provider that has not previously provided
wireless telecommunications service in this state shall provide the council with
contact information for the provider within three months of first offering wireless
communications services in this state.

24 (e) Any civil penalty recovered pursuant to this section shall be de-
25 posited with the LCPA grant fund.

26 (f) So long as the provider is working in good faith to comply with
27 the provisions of this act, no civil penalty shall be imposed prior to January
28 1, 2012.

(e) Each PSAP shall file with the 911 coordinating council, by March 1, 2011, a
report demonstrating how such PSAP has spent the moneys earned from the
911 fee. The 911 coordinating council shall designate the content and form of
such report and when such report shall be submitted.

29 (g) The LCPA shall provide staff support to the 911 coordinating
30 council. Members of the 911 coordinating council may receive reimburse-
31 ment for meals and travel expenses, but shall serve without other com-
32 pensation. All expenses related to the 911 coordinating council shall be
33 paid from the LCPA grant fund.

The 911 coordinating council shall make an annual report to
the house committee on energy and utilities and the senate
committee on utilities.

and relettering the remaining subsections accordingly

34 (h) ~~This section shall take effect on and after January 1, 2011.~~

35 New Sec. 11. (a) PSAPs, the LCPA, providers and sellers shall not
36 be liable for any form of damages resulting directly or indirectly from the
37 performance of installing, maintaining or providing 911 service.

38 (b) This section shall be in force and effective on and after January
39 1, 2011.

40 New Sec. 12. (a) The receipts and disbursements of the LCPA shall
41 be audited yearly by a licensed municipal accountant or certified public
42 accountant.

43 (b) The LCPA may require an audit of any provider's books and re-

1 use information provided by the providers and 18% shall be redistributed
2 to PSAPs located in counties with less than 75,000 in population pursuant
3 to rules and regulations established by the 911 coordinating council. Mon-
4 eys which cannot be attributed to a specific PSAP shall be transferred to
5 the LCPA grant fund.

6 (b) Moneys collected from the fee on prepaid wireless service pur-
7 suant to section 5, and amendments thereto, shall be transferred to the
8 LCPA grant fund.

9 (c) The LCPA shall keep accurate accounts of all receipts and dis-
10 bursements of moneys from the 911 fees.

11 (d) Information provided by providers to the LCPA or to the 911
12 coordinating council pursuant to this act will be treated as proprietary
13 records which will be withheld from the public upon request of the party
14 submitting such records.

15 (e) This section shall take effect on and after January 1, 2011.

16 New Sec. 9. (a) The proceeds of the 911 ~~fees~~ imposed pursuant to fee
17 this act, and any interest earned on revenue derived from such fee, shall
18 be used only for necessary and reasonable costs incurred or to be incurred
19 by PSAPs for: ~~(1) implementation of 911 services; (2) purchase of 911~~
20 ~~equipment and upgrades; (3) maintenance and license fees for 911 equip-~~
21 ~~ment; (4) training of personnel; (5) monthly recurring charges billed by~~
22 ~~service suppliers; (6) installation, service establishment, and nonrecurring~~
23 ~~start-up charges billed by the service supplier; (7) charges for capital~~
24 ~~improvements and equipment or other physical enhancements to the 911~~
25 ~~system; (8) the acquisition and installation of road signs designed to aid~~
26 ~~in the delivery of emergency service. Such costs shall not include ex-~~
27 ~~penditures to lease, construct, expand, acquire, remodel, renovate, repair,~~
28 ~~furnish or make improvements to buildings or similar facilities. Such costs~~
29 ~~shall also not include expenditures to purchase subscriber radio~~
30 ~~equipment.~~

31 (b) This section shall take effect on and after January 1, 2011.

32 New Sec. 10. (a) There is hereby created a 911 coordinating council
33 which shall monitor the delivery of 911 services, develop strategies for
34 future enhancements to the 911 system, and distribute available grant
35 funds to PSAPs. In as much as possible, the 911 coordinating council shall
36 include individuals with technical expertise regarding 911 systems, inter-
37 net technology, and GIS technology. The coordinating council shall consist
38 of 12 members to be appointed by the governor: Two members rep-
39 resenting wireless telecommunications providers; one member
40 representing a local exchange provider to be recommended by the Kansas
41 telecommunications industry association; one member representing a rural
42 telecommunications company recommended by the Kansas rural in-
43 dependent telephone companies; one member representing VoIP pro-

(1) Procurement and installation of 911 equipment, software, computer platforms and upgrades; (2) maintenance and license fees for 911 equipment, software and computer platforms; (3) internet-protocol based applications for mapping, voice logging, data logging, data storage and other internet-protocol based applications that enhance internet-protocol services; (4) training of PSAP personnel or the training of other personnel directly involved with the use of 911 equipment; (5) recurring charges for 911 system services billed by a provider; (6) installation, service establishment and nonrecurring start-up charges billed by the provider; (7) charges for equipment or other physical enhancements to the 911 system; (8) the acquisition, installation and maintenance of road signs designed to aid in the delivery of emergency service.
(b) 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 procure, maintain or upgrade subscriber radio equipment or salaries for PSAP personnel.

7-2

1 cords concerning the collection and remittance of fees pursuant to this
2 act. The cost of any such audit shall be paid from the LCPA grant fund.

3 (c) On or before December 31, 2011, and at least once every three
4 years thereafter, the division of post audit shall conduct an audit of the
5 911 system to determine: (1) Whether the moneys received by PSAPs
6 pursuant to this act are being used appropriately; (2) whether the amount
7 of moneys collected pursuant to this act is adequate; and (3) the status of
8 911 service implementation. The auditor to conduct such audit shall be
9 specified in accordance with K.S.A. 46-1122, and amendments thereto.
10 The post auditor shall compute the reasonably anticipated cost of provid-
11 ing audits pursuant to this subsection, subject to review and approval by
12 the contract audit committee established by K.S.A. 46-1120, and amend-
13 ments thereto. Upon such approval, the LCPA grant fund shall reimburse
14 the division of post audit for the amount approved by the contract audit
15 committee. The audit report shall be submitted to the 911 coordinating
16 council, the LCPA, the house energy and utilities committee and the
17 senate utilities committee.

18 (d) The legislature shall review this act at the regular 2015 legislative
19 session and at the regular legislative session every five years thereafter.

20 (e) This section shall take effect on and after January 1, 2011.

21 New Sec. 13. (a) Nothing in this act shall be construed to limit the
22 ability of a provider from recovering directly from the provider's custom-
23 ers its costs associated with designing, developing, deploying and main-
24 taining 911 service and its cost of collection and administration of the
25 fees imposed by this act, whether such costs are itemized on the cus-
26 tomer's bill as a surcharge or by any other lawful method.

27 (b) This section shall take effect on and after January 1, 2011.

28 New Sec. 14. (a) The LCPA shall establish and maintain a grant fund
29 for PSAPs, which shall not be part of the state treasury. Such money and
30 any interest earned on such money may only be expended for the follow-
31 ing purposes: projects involving the development/of next generation 911
32 services; costs associated with PSAP consolidation or cost-sharing pro-
33 jects; expenses related to the 911 coordinating council; the costs of audits
34 conducted pursuant to section 12 on its effective date, and amendments
35 thereto; and other purposes as defined in section 9 on its effective date,
36 and amendments thereto.

37 (b) The 911 coordinating council shall develop criteria for grant ap-
38 plicants and make the final determination as to the distribution of grant
39 funds.

40 New Sec. 15. On the effective date of this act, all funds remaining
41 in the wireless enhanced 911 grant fund established pursuant to K.S.A.
42 12-5323, and amendments thereto, shall be transferred to the LCPA. Any
43 funds received on or after the effective date of this act and prior to January

and implementation

subsections (b) and (c)

costs pursuant to

**Such criteria shall promote the procurement of equipment that meets open architecture and national technical standards.
(c) Distribution of grant funds shall not include expenditures to procure, maintain or upgrade subscriber radio equipment.**

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

5 (8) "Place of primary use" has the meaning provided in the mobile
6 telecommunications act (4 U.S.C. 116, et. seq., as in effect on the effective
7 date of this act).

8 (9) "Provider" means any person who provides exchange telecom-
9 munications service, wireless telecommunications service, VoIP service,
10 or other service capable of contacting a PSAP.

11 (10) "PSAP" means a public safety answering point operated by a city
12 or county.

13 (11) "Retail transaction" means the purchase of prepaid wireless serv-
14 ice from a seller for any purposes other than resale, not including the use,
15 storage or consumption of such services.

16 (12) "Seller" means a person who sells prepaid wireless service to
17 another person.

18 (13) "Service user" means any person who is provided exchange tel-
19 ecommunications service, wireless telecommunications service, VoIP
20 service, prepaid wireless service, or any other service capable of contact-
21 ing a PSAP.

22 (14) "Subscriber account" means the 10-digit access number assigned
23 to a service user regardless of whether more than one such number is
24 aggregated for the purpose of billing a service user.

25 (15) "Subscriber radio equipment" means mobile and portable radio
26 equipment installed in vehicles or carried by persons for voice commu-
27 nication with a radio system.

28 (16) "VoIP service" means voice over internet protocol.

29 (17) "Wireless telecommunications service" means commercial mo-
30 bile radio service as defined by 47 C.F.R. 20.3 as in effect on the effective
31 date of this act.

32 (b) This section shall take effect on and after January 1, 2011.

33 New Sec. 3. (a) There is hereby imposed a 911 fee in the amount of
34 \$.55 per month per subscriber account of any exchange telecommuni-
35 cations service, wireless telecommunications service, VoIP service, or
36 other service capable of contacting a PSAP. Such fee shall not be imposed
37 on prepaid wireless service. No such fee shall be imposed upon more
38 than 100 exchange telecommunications service subscriber accounts per
39 person per location. It shall be the duty of each exchange telecommuni-
40 cations service provider, wireless telecommunications service provider,
41 VoIP service provider, or other service provider to remit such fees to the
42 local collection point administrator as provided in section 4, and amend-
43 ments thereto.

(14) "Statewide 911 coordinator" means the person appointed to be the liaison between all of the various entities dealing with 911 service including, but not limited to: the LCPA, the 911 coordinating council, the adjutant general and the Kansas board of emergency services.

renumbering remaining subsections

8-2

1 use information provided by the providers and 18% shall be redistributed
2 to PSAPs located in counties with less than 75,000 in population pursuant
3 to rules and regulations established by the 911 coordinating council. Mon-
4 eys which cannot be attributed to a specific PSAP shall be transferred to
5 the LCPA grant fund.

6 (b) Moneys collected from the fee on prepaid wireless service pur-
7 suant to section 5, and amendments thereto, shall be transferred to the
8 LCPA grant fund.

9 (c) The LCPA shall keep accurate accounts of all receipts and dis-
10 bursements of moneys from the 911 fees.

11 (d) Information provided by providers to the LCPA or to the 911
12 coordinating council pursuant to this act will be treated as proprietary
13 records which will be withheld from the public upon request of the party
14 submitting such records.

15 (e) This section shall take effect on and after January 1, 2011.

16 New Sec. 9. (a) The proceeds of the 911 fees imposed pursuant to
17 this act, and any interest earned on revenue derived from such fee, shall
18 be used only for necessary and reasonable costs incurred or to be incurred
19 by PSAPs for: (1) Implementation of 911 services; (2) purchase of 911
20 equipment and upgrades; (3) maintenance and license fees for 911 equip-
21 ment; (4) training of personnel; (5) monthly recurring charges billed by
22 service suppliers; (6) installation, service establishment, and nonrecurring
23 start-up charges billed by the service supplier; (7) charges for capital
24 improvements and equipment or other physical enhancements to the 911
25 system; (8) the acquisition and installation of road signs designed to aid
26 in the delivery of emergency service. Such costs shall not include ex-
27 penditures to lease, construct, expand, acquire, remodel, renovate, repair,
28 furnish or make improvements to buildings or similar facilities. Such costs
29 shall also not include expenditures to purchase subscriber radio
30 equipment.

31 (b) This section shall take effect on and after January 1, 2011.

32 ~~New Sec. 10.~~ (a) There is hereby created a 911 coordinating council
33 which shall monitor the delivery of 911 services, develop strategies for
34 future enhancements to the 911 system, and distribute available grant
35 funds to PSAPs. In as much as possible, the 911 coordinating council shall
36 include individuals with technical expertise regarding 911 systems, inter-
37 net technology, and GIS technology. The coordinating council shall con-
38 sist of 12 members to be appointed by the governor: Two members rep-
39 resenting wireless telecommunications providers; one member
40 representing a local exchange provider to be recommended by the Kansas
41 telecommunications industry association; one member representing a ru-
42 ral telecommunications company recommended by the Kansas rural in-
43 dependent telephone companies; one member representing VoIP pro-

New Sec. 10. (a) There is hereby created a statewide 911 coordinator. The statewide 911 coordinator shall be appointed by the governor. Compensation for the statewide 911 coordinator shall be in an amount fixed by the governor and shall be paid from the LCPA grant fund. The statewide 911 coordinator shall maintain offices at the Kansas Department of Emergency Management.

(b) The statewide 911 coordinator shall advise and cooperate with the 911 coordinating council, the LCPA and various state agencies and boards charged with emergency management, and carry out necessary functions, in order to facilitate communication between such entities and enable the operation of emergency services in Kansas to function efficiently and effectively.

Remaining sections renumbered accordingly

8-3

1 viders; two members recommended by the league of Kansas
2 municipalities; two members recommended by the Kansas association of
3 counties; one member recommended by the Kansas commission for the
4 deaf and hard of hearing; one member recommended by the Kansas
5 emergency medical services board; and, one member recommended by
6 the adjutant general. The council shall also include two members of the
7 Kansas house of representatives as appointed by the speaker of the house;
8 one member of the Kansas house of representatives as appointed by the
9 minority leader of the house; two members of the Kansas senate as ap-
10 pointed by the senate president and one member of the Kansas senate
11 as appointed by the senate minority leader. The governor shall designate
12 one member as chair of the council.

13 (b) The terms of office for members of the 911 coordinating council
14 shall commence January 1, 2011 and shall be subject to reappointment
15 every three years.

16 (c) The 911 coordinating council is hereby authorized to adopt rules
17 and regulations ~~necessary for effectuation of the provisions of this act,~~
18 ~~including, but not limited to, assessing civil penalties.~~

19 (d) No civil penalty shall be imposed pursuant to this section except
20 upon the written order of the 911 coordinating council. Such order shall
21 state the violation, the penalty to be imposed and the right of such pro-
22 vider to appeal the penalty in accordance with the provisions of the Kansas
23 administrative procedure act.

24 (e) Any civil penalty recovered pursuant to this section shall be de-
25 posited with the LCPA grant fund.

26 (f) So long as the provider is working in good faith to comply with
27 the provisions of this act, no civil penalty shall be imposed prior to January
28 1, 2012.

29 (g) The LCPA shall provide staff support to the 911 coordinating
30 council. Members of the 911 coordinating council may receive reimburse-
31 ment for meals and travel expenses, but shall serve without other com-
32 pensation. All expenses related to the 911 coordinating council shall be
33 paid from the LCPA grant fund.

34 (h) This section shall take effect on and after January 1, 2011.

35 New Sec. 11. (a) PSAPs, the LCPA, providers and sellers shall not
36 be liable for any form of damages resulting directly or indirectly from the
37 performance of installing, maintaining or providing 911 service.

38 (b) This section shall be in force and effective on and after January
39 1, 2011.

40 New Sec. 12. (a) The receipts and disbursements of the LCPA shall
41 be audited yearly by a licensed municipal accountant or certified public
42 accountant.

43 (b) The LCPA may require an audit of any provider's books and re-

(c) The statewide coordinator shall implement statewide 911
planning and ensure that policies adopted by the coordinating
council are carried out.

Remaining subsections relettered accordingly

including, but not limited to, civil
penalties and shall work with the
statewide 911 coordinator to carry out
the provisions of this act.

The statewide 911 coordinator shall
attend meetings and assist the 911
coordinating council.

**HOUSE Substitute for Substitute
for SENATE BILL No. 48**

By Committee on Energy and Utilities

1-26

Prepaid wireless, state and federal grants, Version B
KKellems/Revisor's Office

Senate Utilities Committee
March 3, 2010
Attachments 9-1

11 AN ACT concerning emergency telephone service; relating to fees,
12 charges, collection and distribution; amending K.S.A. 2009 Supp. 12-
13 5338, 12-5361 and 75-5133 and repealing the existing sections; also
14 repealing K.S.A. 12-5301, 12-5303, 12-5304, 12-5305, 12-5306, 12-
15 5307, 12-5308, 12-5309 and K.S.A. 2009 Supp. 12-5302, 12-5310, 12-
16 5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327, 12-5328,
17 12-5329, 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-5335, 12-
18 5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355, 12-5356,
19 12-5357, 12-5358, 12-5359 and 12-5360.

20

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

22 New Section 1. (a) Sections 1 through 15 and 19, and amendments
23 thereto, shall be known and may be cited as the Kansas 911 act.

24 (b) This section shall take effect on and after January 1, 2011.

25 New Sec. 2. (a) As used in the Kansas 911 act:

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

28 (2) "Department" means the Kansas department of revenue.

29 (3) "Exchange telecommunications service" means the service that
30 provides local telecommunications exchange access to a service user.

31 (4) "Local Collection Point Administrator (LCPA)" means ~~the state-~~
32 ~~wide association of cities established by K.S.A. 12-1610e, and amend-~~
33 ~~ments thereto, and the statewide association of counties established by~~
34 ~~K.S.A. 19-2690, and amendments thereto.~~

35 (5) "Next generation 911" means 911 service that enables PSAP's to
36 receive text, image, video, and data information from callers.

37 (6) "Person" means any individual, firm, partnership, copartnership,
38 joint venture, association, cooperative organization, corporation, municipi-
39 pal or private, and whether organized for profit or not, state, county,
40 political subdivision, state department, commission, board, bureau or fra-
41 ternal organization, nonprofit organization, estate, trust, business or com-
42 mon law trust, receiver, assignee for the benefit of creditors, trustee or
43 trustee in bankruptcy or any other legal entity.

local collection
point administrator

9-2

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

5 (8) "Place of primary use" has the meaning provided in the mobile
6 telecommunications act (4 U.S.C. 116, et. seq., as in effect on the effective
7 date of this act).

8 (9) "Provider" means any person who provides exchange telecom-
9 munications service, wireless telecommunications service, VoIP service,
10 or other service capable of contacting a PSAP.

11 (10) "PSAP" means a public safety answering point operated by a city
12 or county.

13 (11) "Retail transaction" means the purchase of prepaid wireless serv-
14 ice from a seller for any purposes other than resale, not including the use,
15 storage or consumption of such services.

16 (12) "Seller" means a person who sells prepaid wireless service to
17 another person.

18 (13) "Service user" means any person who is provided exchange tel-
19 ecommunications service, wireless telecommunications service, VoIP
20 service, prepaid wireless service, or any other service capable of contact-
21 ing a PSAP.

22 (14) "Subscriber account" means the 10-digit access number assigned
23 to a service user regardless of whether more than one such number is
24 aggregated for the purpose of billing a service user.

25 (15) "Subscriber radio equipment" means mobile and portable radio
26 equipment installed in vehicles or carried by persons for voice commu-
27 nication with a radio system.

28 (16) "VoIP service" means voice over internet protocol.

29 (17) "Wireless telecommunications service" means commercial mo-
30 bile radio service as defined by 47 C.F.R. 20.3 as in effect on the effective
31 date of this act.

32 (b) This section shall take effect on and after ~~January 1, 2011.~~

April 1, 2011

33 New Sec. 3. (a) There is hereby imposed a 911 fee in the amount of
34 \$.55 per month per subscriber account of any exchange telecommuni-
35 cations service, wireless telecommunications service, VoIP service, or
36 other service capable of contacting a PSAP. Such fee shall not be imposed
37 on prepaid wireless service. No such fee shall be imposed upon more
38 than 100 exchange telecommunications service subscriber accounts per
39 person per location. It shall be the duty of each exchange telecommuni-
40 cations service provider, wireless telecommunications service provider,
41 VoIP service provider, or other service provider to remit such fees to the
42 local collection point administrator as provided in section 4, and amend-
43 ments thereto.

9-3

1 viders; two members recommended by the league of Kansas
2 municipalities; two members recommended by the Kansas association of
3 counties; one member recommended by the Kansas commission for the
4 deaf and hard of hearing; one member recommended by the Kansas
5 emergency medical services board; and, one member recommended by
6 the adjutant general. The council shall also include two members of the
7 Kansas house of representatives as appointed by the speaker of the house;
8 one member of the Kansas house of representatives as appointed by the
9 minority leader of the house; two members of the Kansas senate as ap-
10 pointed by the senate president and one member of the Kansas senate
11 as appointed by the senate minority leader. The governor shall designate
12 one member as chair of the council.

13 ~~(b)~~ The terms of office for members of the 911 coordinating council
14 shall commence January 1, 2011 and shall be subject to reappointment
15 every three years.

16 (c) The 911 coordinating council is hereby authorized to adopt rules
17 and regulations necessary for effectuation of the provisions of this act,
18 including, but not limited to, assessing civil penalties.

19 (d) No civil penalty shall be imposed pursuant to this section except
20 upon the written order of the 911 coordinating council. Such order shall
21 state the violation, the penalty to be imposed and the right of such pro-
22 vider to appeal the penalty in accordance with the provisions of the Kansas
23 administrative procedure act.

24 (e) Any civil penalty recovered pursuant to this section shall be de-
25 posited with the LCPA grant fund.

26 (f) So long as the provider is working in good faith to comply with
27 the provisions of this act, no civil penalty shall be imposed prior to January
28 1, 2012.

29 (g) The LCPA shall provide staff support to the 911 coordinating
30 council. Members of the 911 coordinating council may receive reimburse-
31 ment for meals and travel expenses, but shall serve without other com-
32 pensation. All expenses related to the 911 coordinating council shall be
33 paid from the LCPA grant fund.

34 (h) This section shall take effect on and after January 1, 2011.

35 New Sec. 11. (a) PSAPs, the LCPA, providers and sellers shall not
36 be liable for any form of damages resulting directly or indirectly from the
37 performance of installing, maintaining or providing 911 service.

38 (b) This section shall be in force and effective on and after January
39 1, 2011.

40 New Sec. 12. (a) The receipts and disbursements of the LCPA shall
41 be audited yearly by a licensed municipal accountant or certified public
42 accountant.

43 (b) The LCPA may require an audit of any provider's books and re-

(b) The 911 coordinating council shall designate the local collection point administrator.

Reletter remaining subsections

7-16

1 cords concerning the collection and remittance of fees pursuant to this
2 act. The cost of any such audit shall be paid from the LCPA grant fund.

3 (c) On or before December 31, 2011, and at least once every three
4 years thereafter, the division of post audit shall conduct an audit of the
5 911 system to determine: (1) Whether the moneys received by PSAPs
6 pursuant to this act are being used appropriately; (2) whether the amount
7 of moneys collected pursuant to this act is adequate; and (3) the status of
8 911 service implementation. The auditor to conduct such audit shall be
9 specified in accordance with K.S.A. 46-1122, and amendments thereto.
10 The post auditor shall compute the reasonably anticipated cost of provid-
11 ing audits pursuant to this subsection, subject to review and approval by
12 the contract audit committee established by K.S.A. 46-1120, and amend-
13 ments thereto. Upon such approval, the LCPA grant fund shall reimburse
14 the division of post audit for the amount approved by the contract audit
15 committee. The audit report shall be submitted to the 911 coordinating
16 council, the LCPA, the house energy and utilities committee and the
17 senate utilities committee.

18 (d) The legislature shall review this act at the regular 2015 legislative
19 session and at the regular legislative session every five years thereafter.

20 (e) This section shall take effect on and after January 1, 2011.

21 New Sec. 13. (a) Nothing in this act shall be construed to limit the
22 ability of a provider from recovering directly from the provider's custom-
23 ers its costs associated with designing, developing, deploying and main-
24 taining 911 service and its cost of collection and administration of the
25 fees imposed by this act, whether such costs are itemized on the cus-
26 tomer's bill as a surcharge or by any other lawful method.

27 (b) This section shall take effect on and after January 1, 2011.

28 New Sec. 14. (a) ~~The LCPA shall establish and maintain a grant fund
29 for PSAPs, which shall not be part of the state treasury. Such money and
30 any interest earned on such money may only be expended for the follow-
31 ing purposes: projects involving the development of next generation 911
32 services; costs associated with PSAP consolidation or cost sharing pro-
33 jects; expenses related to the 911 coordinating council; the costs of audits
34 conducted pursuant to section 12 on its effective date, and amendments
35 thereto; and other purposes as defined in section 9 on its effective date,
36 and amendments thereto.~~

unobligated

37 (b) The 911 coordinating council shall develop criteria for grant ap-
38 plicants and make the final determination as to the distribution of grant
39 funds.

40 New Sec. 15. On the effective date of this act, all funds remaining
41 in the wireless enhanced 911 grant fund established pursuant to K.S.A.
42 12-5323, and amendments thereto, shall be transferred to the LCPA. Any
43 funds received on or after the effective date of this act and prior to January

(1) On or before January 1, 2011, the 911 coordinating council shall establish the LCPA state grant fund. The LCPA state grant fund shall not be part of the state treasury. The 911 coordinating council shall utilize a competitive bidding process to select a neutral, competent and bonded third party to administer the LCPA state grant fund.
(2) The administrator shall be responsible for ensuring that the LCPA state grant fund and any interest earned on money credited to the fund is only expended for the following purposes: (A) Projects involving the development of next generation 911 services; (B) costs associated with PSAP consolidation or cost-sharing projects; (C) expenses related to the 911 coordinating council; (D) the costs of audits conducted pursuant to section 12 on its effective date, and amendments thereto; and (E) other purposes as defined in section 9, on its effective date and amendments thereto.

New Sec. 15. (a) Administration of the next generation 911 federal grant is hereby transferred from the Kansas governor's grants program of the governor's department to the division of emergency management in the office of the adjutant general. The statewide 911 coordinator shall maintain offices at the division of emergency management and shall be authorized to administer the next generation 911 federal grant.
(b) There is hereby established the next generation 911 federal grant fund in the state treasury. Moneys received under the next generation 911 federal grant 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 next generation 911 federal grant fund which shall be administered by the statewide 911 coordinator.
(c) All expenditures from the next generation 911 federal 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 statewide 911 coordinator.
(d) The statewide 911 coordinator is hereby authorized to adopt rules and regulations necessary to enable it to administer the provisions of the next generation 911 federal grant including hiring a consultant, in accordance with 49 C.F.R. 18, to enable Kansas to establish regional interfaced ESInets and an internet protocol enabled emergency network. The consultant shall work with the statewide 911 coordinator and the 911 coordinating council to coordinate the implementation of the next generation 911 system with adjacent states, federal authorities, emergency service functions.

and by relettering the remaining subsections

League of Kansas Municipalities Projections
 IF: Fee at 50¢, 18% of fee goes to grant fund

Senate Utilities Committee
 March 3, 2010
 Attachments - 10-1

Local Fee	Grant Fund	Customer Pays					
0.41	0.09	\$0.50					
	Est. Total Units	Local Fee	Redistribution	Monthly Total	New Yearly Total	Current Yearly Total	Difference
Greeley County	1076	\$423.51	\$0.00	\$423.51	\$5,082.16	\$4,387.56	\$694.60
Wallace County	1395	\$549.07	\$0.00	\$549.07	\$6,588.86	\$6,204.12	\$384.74
Comanche County	2147	\$845.06	\$0.00	\$845.06	\$10,140.71	\$12,263.10	-\$2,122.39
Hodgeman County	2389	\$940.31	\$0.00	\$940.31	\$11,283.72	\$13,610.88	-\$2,327.16
Wichita County	2535	\$997.78	\$0.00	\$997.78	\$11,973.31	\$14,870.34	-\$2,897.03
Stanton County	2573	\$1,012.73	\$0.00	\$1,012.73	\$12,152.79	\$4,183.62	\$7,969.17
Elk County	2623	\$1,032.41	\$0.00	\$1,032.41	\$12,388.95	\$16,728.90	-\$4,339.95
Clark County	2715	\$1,068.62	\$0.00	\$1,068.62	\$12,823.49	\$15,235.92	-\$2,412.43
Morton County	2930	\$1,153.25	\$0.00	\$1,153.25	\$13,838.98	\$16,795.20	-\$2,956.22
Kiowa County	2976	\$1,171.35	\$0.00	\$1,171.35	\$14,056.24	\$16,397.16	-\$2,340.92
Lane County	3079	\$1,211.89	\$0.00	\$1,211.89	\$14,542.73	\$16,518.18	-\$1,975.45
Cheyenne County	3173	\$1,248.89	\$0.00	\$1,248.89	\$14,986.71	\$18,376.20	-\$3,389.49
Sheridan County	3210	\$1,263.46	\$0.00	\$1,263.46	\$15,161.47	\$17,182.08	-\$2,020.61
Trego County	3300	\$1,298.88	\$0.00	\$1,298.88	\$15,586.56	\$20,107.02	-\$4,520.46
Edwards County	3304	\$1,300.45	\$0.00	\$1,300.45	\$15,605.45	\$18,621.96	-\$3,016.51
Jewell County	3499	\$1,377.21	\$0.00	\$1,377.21	\$16,526.48	\$20,952.66	-\$4,426.18
Hamilton County	3519	\$1,385.08	\$0.00	\$1,385.08	\$16,620.94	\$15,061.32	\$1,559.62
Woodson County	3580	\$1,409.09	\$0.00	\$1,409.09	\$16,909.06	\$20,178.78	-\$3,269.72
Decatur County	3599	\$1,416.57	\$0.00	\$1,416.57	\$16,998.80	\$19,949.82	-\$2,951.02
Logan County	3603	\$1,418.14	\$0.00	\$1,418.14	\$17,017.69	\$17,210.34	-\$192.65
Lincoln County	3637	\$1,431.52	\$0.00	\$1,431.52	\$17,178.28	\$19,910.04	-\$2,731.76
Chase County	3763	\$1,481.12	\$0.00	\$1,481.12	\$17,773.40	\$24,152.82	-\$6,379.42
Gove County	3850	\$1,515.36	\$0.00	\$1,515.36	\$18,184.32	\$22,027.02	-\$3,842.70
Graham County	4081	\$1,606.28	\$0.00	\$1,606.28	\$19,275.38	\$21,451.74	-\$2,176.36
Wabaunsee County	4217	\$1,659.81	\$0.00	\$1,659.81	\$19,917.73	\$18,754.92	\$1,162.81
Rush County	4341	\$1,708.62	\$0.00	\$1,708.62	\$20,503.41	\$23,264.52	-\$2,761.11
Training Fund	4492	\$1,768.05	\$0.00	\$1,768.05	\$21,216.61	\$13,206.48	\$8,010.13
Smith County	4842	\$1,905.81	\$0.00	\$1,905.81	\$22,869.73	\$26,731.20	-\$3,861.47
Ness County	4890	\$1,924.70	\$0.00	\$1,924.70	\$23,096.45	\$26,302.68	-\$3,206.23
Meade County	4905	\$1,930.61	\$0.00	\$1,930.61	\$23,167.30	\$25,868.04	-\$2,700.74

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	Est. Total Units	Local Fee	Redistribution	Monthly Total	New Yearly Total	Current Yearly Total	Difference
Kearny County	4914	\$1,934.15	\$0.00	\$1,934.15	\$23,209.80	\$7,979.16	\$15,230.64
Stafford County	4928	\$1,939.66	\$0.00	\$1,939.66	\$23,275.93	\$27,074.94	-\$3,799.01
Rawlins County	4984	\$1,961.70	\$0.00	\$1,961.70	\$23,540.43	\$35,396.34	-\$11,855.91
Stevens County	5058	\$1,990.83	\$0.00	\$1,990.83	\$23,889.95	\$22,633.38	\$1,256.57
Chautauqua County	5293	\$2,083.32	\$0.00	\$2,083.32	\$24,999.90	\$33,947.46	-\$8,947.56
Doniphan County	5362	\$2,110.48	\$0.00	\$2,110.48	\$25,325.80	\$19,576.02	\$5,749.78
Osborne County	5369	\$2,113.24	\$0.00	\$2,113.24	\$25,358.86	\$29,365.32	-\$4,006.46
Haskell County	5412	\$2,130.16	\$0.00	\$2,130.16	\$25,561.96	\$31,291.56	-\$5,729.60
Republic County	5539	\$2,180.15	\$0.00	\$2,180.15	\$26,161.80	\$31,937.64	-\$5,775.84
Larned City	5710	\$2,247.46	\$0.00	\$2,247.46	\$26,969.47	\$26,525.82	\$443.65
Scott County	6218	\$2,447.40	\$0.00	\$2,447.40	\$29,368.86	\$32,291.64	-\$2,922.78
Barber County	6330	\$2,491.49	\$0.00	\$2,491.49	\$29,897.86	\$36,032.70	-\$6,134.84
Anderson County	6341	\$2,495.82	\$0.00	\$2,495.82	\$29,949.81	\$37,270.98	-\$7,321.17
Rooks County	6476	\$2,548.95	\$0.00	\$2,548.95	\$30,587.44	\$35,043.90	-\$4,456.46
Washington County	6568	\$2,585.16	\$0.00	\$2,585.16	\$31,021.98	\$37,235.40	-\$6,213.42
Morris County	6604	\$2,599.33	\$0.00	\$2,599.33	\$31,192.01	\$36,232.26	-\$5,040.25
Phillips County	6610	\$2,601.70	\$0.00	\$2,601.70	\$31,220.35	\$25,802.46	\$5,417.89
Norton County	6641	\$2,613.90	\$0.00	\$2,613.90	\$31,366.77	\$35,850.18	-\$4,483.41
Mitchell County	6796	\$2,674.91	\$0.00	\$2,674.91	\$32,098.87	\$34,396.98	-\$2,298.11
Ellsworth County	6838	\$2,691.44	\$0.00	\$2,691.44	\$32,297.24	\$37,835.28	-\$5,538.04
Kingman County	7074	\$2,784.33	\$0.00	\$2,784.33	\$33,411.92	\$35,838.48	-\$2,426.56
Greenwood County	7129	\$2,805.97	\$0.00	\$2,805.97	\$33,671.69	\$40,636.08	-\$6,964.39
Gray County	7278	\$2,864.62	\$0.00	\$2,864.62	\$34,375.45	\$38,947.08	-\$4,571.63
Ottawa County	7597	\$2,990.18	\$0.00	\$2,990.18	\$35,882.15	\$43,684.56	-\$7,802.41
Concordia City	7682	\$3,023.64	\$0.00	\$3,023.64	\$36,283.62	\$33,311.28	\$2,972.34
Sherman County	7686	\$3,025.21	\$0.00	\$3,025.21	\$36,302.52	\$43,103.88	-\$6,801.36
Augusta City	8074	\$3,177.93	\$0.00	\$3,177.93	\$38,135.12	\$43,390.14	-\$5,255.02
Harper County	8091	\$3,184.62	\$0.00	\$3,184.62	\$38,215.41	\$37,774.80	\$440.61
Wilson County	8392	\$3,303.09	\$0.00	\$3,303.09	\$39,637.09	\$45,458.28	-\$5,821.19
Russell County	8646	\$3,403.07	\$0.00	\$3,403.07	\$40,836.79	\$45,986.88	-\$5,150.09
Clay County	9047	\$3,560.90	\$0.00	\$3,560.90	\$42,730.79	\$48,396.00	-\$5,665.21
Nemaha County	9178	\$3,612.46	\$0.00	\$3,612.46	\$43,349.53	\$55,035.06	-\$11,685.53
Thomas County	9310	\$3,664.42	\$0.00	\$3,664.42	\$43,972.99	\$52,574.94	-\$8,601.95

10-3

	Est. Total Units	Local Fee	Redistribution	Monthly Total	New Yearly Total	Current Yearly Total	Difference
Linn County	9412	\$3,704.56	\$0.00	\$3,704.56	\$44,454.76	\$52,723.32	-\$8,268.56
Coffey County	9736	\$3,832.09	\$0.00	\$3,832.09	\$45,985.08	\$50,415.60	-\$4,430.52
Brown County	9811	\$3,861.61	\$0.00	\$3,861.61	\$46,339.32	\$50,696.70	-\$4,357.38
Grant County	10522	\$4,141.46	\$0.00	\$4,141.46	\$49,697.51	\$31,205.82	\$18,491.69
Pratt County	10897	\$4,289.06	\$0.00	\$4,289.06	\$51,468.71	\$59,858.64	-\$8,389.93
Rice County	10978	\$4,320.94	\$0.00	\$4,320.94	\$51,851.29	\$59,490.78	-\$7,639.49
Marshall County	11219	\$4,415.80	\$0.00	\$4,415.80	\$52,989.58	\$65,150.34	-\$12,160.76
Marion County	12444	\$4,897.96	\$0.00	\$4,897.96	\$58,775.50	\$69,406.32	-\$10,630.82
Jackson County	12685	\$4,992.82	\$0.00	\$4,992.82	\$59,913.79	\$69,327.06	-\$9,413.27
Allen County	13515	\$5,319.50	\$0.00	\$5,319.50	\$63,834.05	\$73,627.68	-\$9,793.63
Andover City	15552	\$6,121.27	\$0.00	\$6,121.27	\$73,455.21	\$102,371.76	-\$28,916.55
Neosho County	15676	\$6,170.07	\$0.00	\$6,170.07	\$74,040.88	\$75,569.34	-\$1,528.46
Osage County	16117	\$6,343.65	\$0.00	\$6,343.65	\$76,123.81	\$85,792.26	-\$9,668.45
Fort Scott City	16254	\$6,397.57	\$0.00	\$6,397.57	\$76,770.89	\$93,194.34	-\$16,423.45
Atchison County	17417	\$6,855.33	\$0.00	\$6,855.33	\$82,263.97	\$98,946.66	-\$16,682.69
Leavenworth City	17521	\$6,896.27	\$0.00	\$6,896.27	\$82,755.19	\$51,511.74	\$31,243.45
Prairie Village City	18085	\$7,266.55	\$0.00	\$7,266.55	\$87,198.64	\$53,169.90	\$34,028.74
Jefferson County	18948	\$7,457.93	\$0.00	\$7,457.93	\$89,495.19	\$96,575.76	-\$7,080.57
Cherokee County	19110	\$7,521.70	\$0.00	\$7,521.70	\$90,260.35	\$106,045.08	-\$15,784.73
Dickinson County	20496	\$8,067.23	\$0.00	\$8,067.23	\$96,806.71	\$110,180.52	-\$13,373.81
Labette County	21046	\$8,283.71	\$0.00	\$8,283.71	\$99,404.47	\$115,160.82	-\$15,756.35
Seward County	21501	\$8,462.79	\$0.00	\$8,462.79	\$101,553.52	\$113,620.02	-\$12,066.50
Sumner County	23700	\$9,328.32	\$0.00	\$9,328.32	\$111,939.84	\$129,696.24	-\$17,756.40
Pottawatomie County	25350	\$9,977.76	\$0.00	\$9,977.76	\$119,733.12	\$116,864.16	\$2,868.96
Franklin County	26352	\$10,372.15	\$0.00	\$10,372.15	\$124,465.77	\$134,069.22	-\$9,603.45
Leawood City	26390	\$10,387.10	\$0.00	\$10,387.10	\$124,645.25	\$77,586.60	\$47,058.65
Arkansas City/Winfield	26945	\$10,605.55	\$0.00	\$10,605.55	\$127,266.62	\$113,208.84	\$14,057.78
Geary County	27496	\$10,822.43	\$0.00	\$10,822.43	\$129,869.11	\$98,484.96	\$31,384.15
Emporia City	27609	\$10,866.90	\$0.00	\$10,866.90	\$130,402.83	\$121,936.08	\$8,466.75
Independence City	29039	\$11,429.75	\$0.00	\$11,429.75	\$137,157.00	\$128,224.92	\$8,932.08
Ford County	29746	\$11,708.03	\$0.00	\$11,708.03	\$140,496.31	\$157,288.68	-\$16,792.37
Barton County	30571	\$12,032.75	\$0.00	\$12,032.75	\$144,392.95	\$161,913.96	-\$17,521.01
McPherson County	32210	\$12,677.86	\$0.00	\$12,677.86	\$152,134.27	\$168,205.20	-\$16,070.93

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	Est. Total Units	Local Fee	Redistribution	Monthly Total	New Yearly Total	Current Yearly Total	Difference
Miami County	33103	\$13,029.34	\$0.00	\$13,029.34	\$156,352.09	\$171,963.84	-\$15,611.75
Ellis County	33575	\$13,215.12	\$0.00	\$13,215.12	\$158,581.44	\$167,915.70	-\$9,334.26
Garden City	33591	\$13,221.42	\$0.00	\$13,221.42	\$158,657.01	\$176,052.84	-\$17,395.83
Harvey County	34124	\$13,431.21	\$0.00	\$13,431.21	\$161,174.48	\$177,565.32	-\$16,390.84
Crawford County	37042	\$14,579.73	\$0.00	\$14,579.73	\$174,956.77	\$201,851.76	-\$26,894.99
Shawnee City	43188	\$16,998.80	\$0.00	\$16,998.80	\$203,985.56	\$126,972.72	\$77,012.84
Butler County	43740	\$17,216.06	\$0.00	\$17,216.06	\$206,592.77	\$229,118.88	-\$22,526.11
Riley County	45589	\$17,943.83	\$0.00	\$17,943.83	\$215,325.96	\$187,823.40	\$27,502.56
Lenexa City	46204	\$18,185.89	\$0.00	\$18,185.89	\$218,230.73	\$135,839.76	\$82,390.97
Leavenworth County	51003	\$20,074.78	\$0.00	\$20,074.78	\$240,897.37	\$298,939.98	-\$58,042.61
Saline County	58888	\$23,178.32	\$0.00	\$23,178.32	\$278,139.80	\$320,540.22	-\$42,400.42
Reno County	58982	\$23,215.32	\$0.00	\$23,215.32	\$278,583.78	\$306,163.50	-\$27,579.72
Douglas County	78692	\$30,973.17	\$0.00	\$30,973.17	\$371,678.05	\$313,188.72	\$58,489.33
Olathe City	96583	\$38,015.07	\$0.00	\$38,015.07	\$456,180.83	\$283,954.02	\$172,226.81
Unifed Govt Wyco	144382	\$56,828.76	\$0.00	\$56,828.76	\$681,945.06	\$800,851.50	-\$118,906.44
Overland Park City	151343	\$59,568.60	\$0.00	\$59,568.60	\$714,823.26	\$444,948.42	\$269,874.84
Shawnee County	194569	\$76,582.36	\$0.00	\$76,582.36	\$918,988.30	\$1,034,774.46	-\$115,786.16
Johnson County	372897	\$146,772.26	\$0.00	\$146,772.26	\$1,761,267.11	\$1,664,087.76	\$97,179.35
Sedgwick County	489414	\$192,633.35	\$0.00	\$192,633.35	\$2,311,600.20	\$2,643,459.72	-\$331,859.52
				Sub-total -- Local Fees	\$14,193,469.97	\$14,481,893.34	
				Pre-Paid 1%	\$360,000.00	included in grant fund below	
				Grant Fund	\$3,245,051.16	\$6,362,490.64	
				Total Statewide Revenue	\$17,798,521.13	\$20,844,383.98	
Total Wireless Units	1839901						
Total Wireline Units	1164776						
	3004677			Difference		-\$3,045,862.85	
PLEASE NOTE: ALL FIGURES ARE ESTIMATES AND WILL CHANGE BASED UPON ACTUAL DOLLARS RECEIVED.							