

SENATE BILL No. 50

By Committee on Utilities

1-24

1 AN ACT concerning emergency communications service; relating to fees,
2 charges, collection and distribution; amending K.S.A. 2010 Supp. 12-
3 5338, 12-5361, 45-221 and 75-5133 and repealing the existing
4 sections; also repealing K.S.A. 12-5303, 12-5305, 12-5306, 12-5307,
5 12-5308, 12-5309 and K.S.A. 2010 Supp. 12-5301, 12-5302, 12-5304,
6 12-5310, 12-5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-
7 5327, 12-5328, 12-5329, 12-5330, 12-5331, 12-5332, 12-5333, 12-
8 5334, 12-5335, 12-5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-
9 5354, 12-5355, 12-5356, 12-5357, 12-5358, 12-5359 and 12-5360.

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

12 New Section 1. (a) Sections 1 through 18 and 23, and amendments
13 thereto, shall be known and may be cited as the Kansas 911 act.

14 (b) This section shall take effect on and after January 1, 2012.

15 New Sec. 2. As used in the Kansas 911 act:

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

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

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

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

25 (e) "Governing body" means the board of county commissioners of a
26 county or the governing body of a city.

27 (f) "Local collection point administrator" or "LCPA" means, on the
28 effective date of this act, the statewide association of cities established by
29 K.S.A. 12-1610e, and amendments thereto, and the statewide association
30 of counties established by K.S.A. 19-2690, and amendments thereto.

31 After January 1, 2012, "local collection point administrator" means the
32 person designated by the 911 coordinating council to serve as the local
33 collection point administrator to collect and distribute 911 fees and 911
34 state grant fund moneys.

35 (g) "Next generation 911" means 911 service that enables PSAPs to
36 receive Enhanced 911 service calls and emergency calls from Internet

1 Protocol (IP) based technologies and applications that may include text
2 messaging, image, video and data information from callers.

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

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

14 (j) "Place of primary use" has the meaning provided in the mobile
15 telecommunications act as defined by 4 U.S.C. § 116 et seq., as in effect
16 on the effective date of this act.

17 (k) "Provider" means any person providing exchange
18 telecommunications service, wireless telecommunications service, VoIP
19 service or other service capable of contacting a PSAP.

20 (l) "PSAP" means a public safety answering point operated by a
21 city or county.

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

25 (n) "Seller" means a person who sells prepaid wireless service to
26 another person.

27 (o) "Service user" means any person who is provided exchange
28 telecommunications service, wireless telecommunications service, VoIP
29 service, prepaid wireless service or any other service capable of
30 contacting a PSAP.

31 (p) "Statewide 911 coordinator" means the person appointed by the
32 governor to serve as the coordinator of E-911 services and next
33 generation 911 services in the state; to serve as the liaison between the
34 911 coordinating council and the LCPA and to administer the 911 federal
35 grant fund.

36 (q) "Subscriber account" means the 10-digit access number
37 assigned to a service user regardless of whether more than one such
38 number is aggregated for the purpose of billing a service user.

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

42 (s) "VoIP service" means voice over internet protocol.

43 (t) "Wireless telecommunications service" means commercial

1 mobile radio service as defined by 47 C.F.R. 20.3 as in effect on the
2 effective date of this act.

3 New Sec. 3. (a) (1) There is hereby created the 911 coordinating
4 council which shall monitor the delivery of 911 services, develop
5 strategies for future enhancements to the 911 system and distribute
6 available grant funds to PSAPs. In as much as possible, the council shall
7 include individuals with technical expertise regarding 911 systems,
8 internet technology and GIS technology.

9 (2) The 911 coordinating council shall consist of 12 voting members
10 to be appointed by the governor: Two members representing information
11 technology personnel from government units; one member representing a
12 law enforcement officer; one member representing a fire chief; one
13 member recommended by the adjutant general; one member
14 recommended by the Kansas emergency medical services board; one
15 member recommended by the Kansas commission for the deaf and hard
16 of hearing; two members representing PSAPs located in counties with
17 less than 75,000 in population; two members representing PSAPs located
18 in counties with greater than 75,000 in population; and one member
19 representing PSAPs without regard to size.

20 (3) Other voting members of the 911 coordinating council shall
21 include: One member of the Kansas house of representatives as appointed
22 by the speaker of the house; one member of the Kansas house of
23 representatives as appointed by the minority leader of the house; one
24 member of the Kansas senate as appointed by the senate president; and
25 one member of the Kansas senate as appointed by the senate minority
26 leader.

27 (4) The 911 coordinating council shall also include non-voting
28 members to be appointed by the governor: One member representing
29 rural telecommunications companies recommended by the Kansas rural
30 independent telephone companies; one member representing incumbent
31 local exchange carriers with over 50,000 exchanges; one member
32 representing large wireless providers; one member representing VoIP
33 providers; one member recommended by the league of Kansas
34 municipalities; one member recommended by the Kansas association of
35 counties; one member recommended by the Kansas geographic
36 information systems policy board; one member recommended by KAN-
37 ED; one member recommended by the Kansas division of information
38 systems and communications; and one member, a Kansas resident,
39 recommended by the Mid-America regional council.

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

42 (b) The terms of office for voting members of the 911 coordinating
43 council shall commence on the effective date of this act and shall be

1 subject to reappointment every three years. No voting member shall serve
2 longer than two three-year terms. A voting member appointed as a
3 replacement for another voting member may finish the term of the
4 predecessor and may serve two additional three-year terms.

5 (c) (1) The 911 coordinating council shall submit three nominees
6 for the position of statewide 911 coordinator to the governor, who shall
7 appoint the coordinator from among the nominees submitted. The
8 governor shall determine the coordinator's compensation and the
9 coordinator shall serve at the pleasure of the governor.

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

19 (d) The 911 coordinating council shall select the local collection
20 point administrator, pursuant to section 5, and amendments thereto, to
21 collect 911 fees and to distribute such fees to PSAPs and to distribute 911
22 state grant fund moneys as directed by the council. The council shall
23 determine the compensation of the LCPA.

24 (e) The 911 coordinating council is hereby authorized to adopt rules
25 and regulations necessary to effectuate the provisions of this act,
26 including, but not limited to, creating a uniform reporting form
27 designating how moneys, including 911 fees, have been spent by the
28 PSAPs, requiring service providers to notify the council pursuant to
29 subsection (j), setting standards for coordinating and purchasing
30 equipment, recommending standards for training of PSAP personnel and
31 assessing civil penalties. The statewide 911 coordinator shall work with
32 the council to develop rules and regulations necessary for the distribution
33 of moneys in the 911 federal grant fund. The council shall work with the
34 coordinator to carry out the provisions of this act. Rules and regulations
35 necessary to begin administration of this act shall be adopted by
36 December 31, 2011.

37 (f) The council may, pursuant to rules and regulations, raise or lower
38 the 911 fee upon a finding based on information submitted on the uniform
39 reporting forms, that moneys generated by such fee are in excess of or
40 below the costs required to operate PSAPs in the state. The council shall
41 not set the 911 fee below \$.50 or above \$.60.

42 (g) The council may appoint subcommittees as necessary to
43 administer grants, oversee collection and distribution of moneys by the

1 LCPA, develop technology standards, develop training recommendations
2 and other issues as deemed necessary by the council. Subcommittees, if
3 appointed, shall include members of the council and other persons as
4 needed.

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

10 (i) All expenses related to the council shall be paid from the 911
11 state grant fund. No more than 2% of the total receipts from providers
12 and the department received by the LCPA shall be used to pay for such
13 expenses. Members of the council may receive reimbursement for meals
14 and travel expenses, but shall serve without other compensation with the
15 exception of legislative members.

16 (j) Every provider shall submit contact information for the provider
17 to the council prior to January 1, 2012. Any provider that has not
18 previously provided wireless telecommunications service in this state
19 shall submit contact information for the provider to the council within
20 three months of first offering wireless telecommunications services in this
21 state.

22 (k) Each PSAP shall file with the council, by March 1, 2012, a
23 report demonstrating how such PSAP has spent the moneys earned from
24 the 911 fee. The council shall designate the content and form of such
25 report.

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

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

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

39 (o) As long as the provider is working in good faith to comply with
40 the provisions of this act, no civil penalty shall be imposed prior to
41 January 1, 2013.

42 (p) The 911 coordinating council shall make an annual report to the
43 house committee on energy and utilities and the senate committee on

1 utilities.

2 New Sec. 4. (a) There is hereby established in the state treasury
3 the 911 federal grant fund.

4 (b) The statewide 911 coordinator shall serve as the administrator of
5 the 911 federal grant fund and shall distribute grants in accordance with
6 the recommendations of the 911 coordinating council. Subject to the
7 conditions and in accordance with the requirements of this act and 47
8 C.F.R. part 400, the coordinator is authorized to perform such acts
9 necessary for the effectuation of this act.

10 (c) Moneys from the following sources shall be credited to the fund:

11 (1) Amounts received by the state from the federal government for
12 the purposes of the fund;

13 (2) amounts appropriated or otherwise made available by the
14 legislature for the purposes of the fund;

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

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

18 (d) Subject to the conditions and in accordance with the
19 requirements of this act and 47 C.F.R. part 400, moneys credited to the
20 fund shall be used only:

21 (1) To pay all expenses incurred in the administration of the fund;
22 and

23 (2) to provide grants to eligible municipalities only for necessary
24 and reasonable costs incurred or to be incurred by PSAPs for: (A)
25 Implementation of enhanced 911 service and next generation 911 service,
26 as defined in section 2, and amendments thereto; (B) purchase of
27 equipment and upgrades and modification to equipment used solely to
28 process the data elements of enhanced 911 service and next generation
29 911 service, as defined in section 2, and amendments thereto; and (C)
30 maintenance and license fees for such equipment and training of
31 personnel to operate such equipment, including costs of training PSAP
32 personnel to provide effective service to all users of the emergency
33 telephone system who have communications disabilities. Such costs shall
34 not include expenditures to lease, construct, expand, acquire, remodel,
35 renovate, repair, furnish or make improvements to buildings or similar
36 facilities or for other capital outlay or equipment not expressly authorized
37 by this act.

38 (e) On or before the 10th of each month, the director of accounts and
39 reports shall transfer from the state general fund to the 911 federal grant
40 fund interest earnings based on:

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

43 (2) the net earnings rate of the pooled money investment portfolio

1 for the preceding month.

2 (f) All payments and disbursements from the fund shall be made in
3 accordance with appropriation acts upon warrants of the director of
4 accounts and reports issued pursuant to vouchers approved by the
5 coordinator or by a person or persons designated by the coordinator.

6 New Sec. 5. The 911 coordinating council shall select the local
7 collection point administrator. In selecting the LCPA, the council shall
8 contract with the LCPA for services for no longer than one year. The
9 council shall annually review the designation of the LCPA and the
10 contract with the LCPA for services.

11 New Sec. 6. (a) Upon the advice and consent of the 911
12 coordinating council, the LCPA shall establish the 911 state fund and the
13 911 state grant fund which shall not be part of the state treasury. On or
14 after the effective date of this section, the secretary of administration shall
15 certify all unobligated funds remaining in the wireless enhanced 911
16 grant fund as having originated as either federal grant moneys or 911 fee
17 moneys. All such moneys originating from 911 fees, and any interest
18 accrued on such fees, shall be paid to the LCPA for deposit in the 911
19 state grant fund. All unobligated federal moneys, and any interest accrued
20 on such moneys, shall be transferred to the 911 federal grant fund.

21 (b) The council shall be responsible for ensuring that the 911 state
22 grant fund and any interest earned on money credited to the fund is only
23 expended for the following purposes: (1) Projects involving the
24 development and implementation of next generation 911 services; (2)
25 costs associated with PSAP consolidation or cost-sharing projects; (3)
26 expenses related to the 911 coordinating council; (4) costs of audits
27 conducted pursuant to section 15, and amendments thereto; and (5) other
28 costs pursuant to section 13, and amendments thereto.

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

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

42 (e) This section shall take effect on and after January 1, 2012.

43 New Sec. 7. (a) There is hereby imposed a 911 fee in the amount

1 of \$.55 per month per subscriber account of any exchange
2 telecommunications service, wireless telecommunications service, VoIP
3 service, or other service capable of contacting a PSAP. Such fee shall not
4 be imposed on prepaid wireless service. It shall be the duty of each
5 exchange telecommunications service provider, wireless
6 telecommunications service provider, VoIP service provider or other
7 service provider to remit such fees to the LCPA as provided in section 8,
8 and amendments thereto.

9 (b) This section shall take effect on and after January 1, 2012.

10 New Sec. 8. (a) Every billed service user shall be liable for the 911
11 fee until such fees have been paid to the exchange telecommunications
12 service provider, wireless telecommunications service provider, VoIP
13 service provider or other service provider.

14 (b) The duty to collect the fees imposed pursuant to this act shall
15 commence January 1, 2012. Such fees shall be added to and may be
16 stated separately in billings for the subscriber account. If stated separately
17 in billings, the fees shall be labeled "KS 911 fees."

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

24 (d) The fees imposed by this act shall be collected insofar as
25 practicable at the same time as, and along with, the charges for local
26 exchange, wireless, VoIP, or other service in accordance with regular
27 billing practice of the provider.

28 (e) The 911 fees and the amounts required to be collected therefor
29 are due monthly. The amount of such fees collected in one month by the
30 provider shall be remitted to the LCPA not more than 15 days after the
31 close of the calendar month. On or before the 15th day of each calendar
32 month following, a return for the preceding month shall be filed with the
33 LCPA. Such return shall be in such form and shall contain such
34 information as required by the LCPA. The provider required to file the
35 return shall deliver the return together with a remittance of the amount of
36 fees payable to the LCPA. The provider shall maintain records of the
37 amount of any such fees collected in accordance with this act for a period
38 of three years from the time the fees are collected.

39 (f) The provider may retain an administrative fee of not more than
40 2% of moneys collected from such fee.

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

43 (h) This section shall take effect on and after January 1, 2012.

1 New Sec. 9. (a) There is hereby imposed a prepaid wireless 911
2 fee of 1.1% per retail transaction or, on and after the effective date of an
3 adjusted amount per retail transaction that is established under subsection
4 (f), such adjusted amount.

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

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

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

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

29 (f) The prepaid wireless 911 fee shall be proportionately increased
30 or reduced, as applicable, upon any change to the fee imposed by
31 subsection (a) of section 7, and amendments thereto. The adjusted amount
32 shall be determined by dividing the amount of the fee imposed by
33 subsection (a) of section 7, and amendments thereto, by \$50. Such
34 increase or reduction shall be effective on the effective date of the change
35 to the fee imposed by subsection (a) of section 7, and amendments
36 thereto, or, if later, the first day of the calendar quarter to occur at least 60
37 days after the enactment to the change to the fee imposed by subsection
38 (a) of section 7, and amendments thereto. The department shall provide
39 not less than 60 days' notice of such increase or decrease on the
40 department's website.

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

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

8 (h) This section shall take effect on and after January 1, 2012.

9 New Sec. 10. (a) Prepaid wireless 911 fees collected by sellers
10 shall be remitted to the department by electronic filing that is consistent
11 with the provisions of article 36 of chapter 79 of the Kansas Statutes
12 Annotated, and amendments thereto. The department shall establish
13 registration and payment procedures for the collection of the prepaid
14 wireless 911 fee.

15 (b) Sellers that sell less than \$50 per month of prepaid wireless
16 service may submit fees on a biannual basis to the department.

17 (c) To minimize additional costs to the department, the department
18 may conduct audits of sellers in conjunction with sales and use tax audits.
19 The department is authorized to provide the LCPA with information
20 obtained in such audits if such information indicates that a seller may not
21 be complying with the provisions of this section and section 9, and
22 amendments thereto. The LCPA may request the department to initiate
23 collection or audit procedures on individual sellers if collection efforts by
24 the LCPA are unsuccessful.

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

30 (e) The department shall transfer all remitted prepaid wireless 911
31 fees to the LCPA within 30 days of receipt for distribution as provided in
32 section 12, and amendments thereto. Prior to such transfer, the
33 department may retain up to 1% of remitted charges for use in
34 administering the provisions of this section.

35 (f) In addition to retaining 1% of remitted charges for administrative
36 uses, the department may retain up to \$70,000 of remitted funds in fiscal
37 year 2012 only for use in paying for programming and other one-time
38 costs for establishing a system for collecting the prepaid wireless 911 fee.

39 (g) This section shall take effect on and after January 1, 2012.

40 New Sec. 11. (a) The prepaid wireless 911 fee imposed in this act
41 shall be the only 911 funding obligation imposed with respect to prepaid
42 wireless service in this state. No tax, fee, surcharge or other charge shall
43 be imposed by this state, any political subdivision of this state or any

1 intergovernmental agency for 911 funding purposes upon any prepaid
2 wireless service provider, seller or consumer with respect to the sale,
3 purchase, use or provision of prepaid wireless service.

4 (b) This section shall take effect on and after January 1, 2012.

5 New Sec. 12. (a) Not later than 30 days after the receipt of moneys
6 from providers pursuant to sections 8 and 9, and amendments thereto, and
7 the department pursuant to section 10, and amendments thereto, the
8 LCPA shall distribute such moneys to PSAPs based upon the following
9 distribution method: In a county with a population over 75,000, 82% of
10 the money collected from service users whose place of primary use, as
11 provided by the providers, is within the county shall be distributed to the
12 PSAPs within the county based on place of primary use information; in a
13 county with a population between 65,000 and 74,999, 85% of the money
14 collected from service users whose place of primary use, as provided by
15 the providers, is within the county shall be distributed to the PSAPs
16 within the county based on place of primary use information; in a county
17 with a population between 55,000 and 64,999, 88% of the money
18 collected from service users whose place of primary use, as provided by
19 the providers, is within the county shall be distributed to the PSAPs
20 within the county based on place of primary use information; in a county
21 with a population between 45,000 and 54,999, 91% of the money
22 collected from service users whose place of primary use, as provided by
23 the providers, is within the county shall be distributed to the PSAPs
24 within the county based on place of primary use information; in a county
25 with a population between 35,000 and 44,999, 94% of the money
26 collected from service users whose place of primary use, as provided by
27 the providers, is within the county shall be distributed to the PSAPs
28 within the county based on place of primary use information; in a county
29 with a population between 25,000 and 34,999, 97% of the money
30 collected from service users whose place of primary use, as provided by
31 the providers, is within the county shall be distributed to the PSAPs
32 within the county based on place of primary use information; and in a
33 county with a population of less than 25,000, 100% of the money
34 collected from service users whose place of primary use, as provided by
35 the providers, is within the county shall be distributed to the PSAPs
36 within the county based on place of primary use information. There shall
37 be a minimum county distribution of \$50,000 and no county shall receive
38 less than \$50,000 of direct distribution moneys. If there is more than one
39 PSAP in a county then the direct distribution allocated to that county by
40 population shall be deducted from the minimum county distribution and
41 the difference shall be proportionately divided between the PSAPs in the
42 county. All moneys remaining after distribution and any moneys which
43 cannot be attributed to a specific PSAP shall be transferred to the 911

1 state grant fund.

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

6 (c) Upon receipt of the moneys collected from the prepaid wireless
7 911 fee, all such moneys shall be deposited in the 911 state grant fund,
8 unless \$2 million of such moneys has been deposited in any given year
9 then all remaining moneys shall be distributed to the PSAPs pursuant to
10 subsection (a).

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

13 (e) Information provided by providers to the local collection point
14 administrator or to the 911 coordinating council pursuant to this act will
15 be treated as proprietary records which will be withheld from the public
16 upon request of the party submitting such records.

17 (f) The provisions of subsection (e) shall expire on July 1, 2017,
18 unless the legislature acts to reenact such provision. The provisions of
19 subsection (e) shall be reviewed by the legislature prior to July 1, 2016.

20 (g) This section shall take effect on and after January 1, 2017.

21 New Sec. 13. (a) The proceeds of the 911 fees imposed pursuant to
22 this act, and any interest earned on revenue derived from such fee, shall
23 be used only for necessary and reasonable costs incurred or to be incurred
24 by PSAPs for: (1) Implementation of 911 services; (2) purchase of 911
25 equipment and upgrades; (3) maintenance and license fees for 911
26 equipment; (4) training of personnel; (5) monthly recurring charges billed
27 by service suppliers; (6) installation, service establishment and
28 nonrecurring start-up charges billed by the service supplier; (7) charges
29 for capital improvements and equipment or other physical enhancements
30 to the 911 system; or (8) the original acquisition and installation of road
31 signs designed to aid in the delivery of emergency service. Such costs
32 shall not include expenditures to lease, construct, expand, acquire,
33 remodel, renovate, repair, furnish or make improvements to buildings or
34 similar facilities. Such costs shall also not include expenditures to
35 purchase subscriber radio equipment.

36 (b) This section shall take effect on and after January 1, 2012.

37 New Sec. 14. (a) Except as provided by the Kansas tort claims act,
38 and except for failure to use ordinary care, or for intentional acts, the
39 LCPA and each provider, and their employees and agents, and each seller,
40 and their employees and agents, shall not be liable for the payment of
41 damages resulting directly or indirectly from the total or partial failure of
42 any transmission to an emergency communication service or for damages
43 resulting from the performance of installing, maintaining or providing

1 911 service.

2 (b) This section shall take effect on and after January 1, 2012.

3 New Sec. 15. (a) The receipts and disbursements of the LCPA
4 shall be audited yearly by a licensed municipal accountant or certified
5 public accountant.

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

9 (c) On or before December 31, 2013, and at least once every three
10 years thereafter, the division of post audit shall conduct an audit of the
11 911 system to determine: (1) Whether the moneys received by PSAPs
12 pursuant to this act are being used appropriately; (2) whether the amount
13 of moneys collected pursuant to this act is adequate; and (3) the status of
14 911 service implementation. The auditor to conduct such audit shall be
15 specified in accordance with K.S.A. 46-1122, and amendments thereto.
16 The post auditor shall compute the reasonably anticipated cost of
17 providing audits pursuant to this subsection, subject to review and
18 approval by the contract audit committee established by K.S.A. 46-1120,
19 and amendments thereto. Upon such approval, the 911 state grant fund
20 shall reimburse the division of post audit for the amount approved by the
21 contract audit committee. The audit report shall be submitted to the 911
22 coordinating council, the LCPA, the house energy and utilities committee
23 and the senate utilities committee.

24 (d) The legislature shall review this act at the regular 2014
25 legislative session and at the regular legislative session every five years
26 thereafter.

27 (e) This section shall take effect on and after January 1, 2012.

28 New Sec. 16. (a) Nothing in this act shall be construed to limit the
29 ability of a provider from recovering directly from the provider's
30 customers its costs associated with designing, developing, deploying and
31 maintaining 911 service and its cost of collection and administration of
32 the fees imposed by this act, whether such costs are itemized on the
33 customer's bill as a surcharge or by any other lawful method.

34 (b) This section shall take effect on and after January 1, 2012.

35 New Sec. 17. A provider of wireless telecommunications service
36 shall: (1) Receive prior approval of the PSAP of that jurisdiction before
37 directing emergency calls to such PSAP; and (2) establish the unique
38 emergency telephone number "911" across the state, excluding the
39 Kansas turnpike assistance telephone number.

40 New Sec. 18. The governing body of each city and county shall
41 provide or contract for the 24-hour receipt of wireless emergency calls for
42 all wireless service areas within the jurisdiction of the city or county.

43 Sec. 19. K.S.A. 2010 Supp. 12-5338 is hereby amended to read as

1 follows: 12-5338. (a) On July 1, 2011 *January 1, 2012*;

2 (1) the wireless enhanced 911 grant fee shall be discontinued, the
3 advisory board shall be abolished, any unobligated balance of the
4 wireless enhanced 911 grant fund shall be paid to the local collection
5 point administrator for distribution to PSAP's based on the population of
6 the municipality or municipalities served by the respective PSAP
7 distributed pursuant to subsection (b) of section 5, and amendments
8 thereto, and the fund shall be abolished.

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

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

20 (4) ~~The provisions of K.S.A. 2010 Supp. 12-5323 through 12-5329,
21 and amendments thereto, shall expire.~~

22 (b) ~~On and after July 1, 2011, the proceeds of the wireless enhanced
23 911 local fee shall be used only to pay for costs of emergency telephone
24 service described in K.S.A. 12-5304, and amendments thereto, and
25 expenditures authorized by K.S.A. 2010 Supp. 12-5330, and amendments
26 thereto.~~

27 Sec. 20. K.S.A. 2010 Supp. 12-5361 is hereby amended to read as
28 follows: 12-5361. (a) On July 1, 2011 *January 1, 2012*;

29 (1) the VoIP enhanced 911 grant fee shall be discontinued.

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

35 (3) ~~The provisions of K.S.A. 2010 Supp. 12-5354 and 12-5355, and
36 amendments thereto, shall expire.~~

37 (b) ~~On and after July 1, 2011, the proceeds of the VoIP local fee shall
38 be used only to pay for costs of emergency telephone service described in
39 K.S.A. 12-5304, and amendments thereto, and expenditures authorized by
40 K.S.A. 2010 Supp. 12-5330, and amendments thereto.~~

41 Sec. 21. K.S.A. 2010 Supp. 45-221 is hereby amended to read as
42 follows: 45-221. (a) Except to the extent disclosure is otherwise required
43 by law, a public agency shall not be required to disclose:

1 (1) Records the disclosure of which is specifically prohibited or
2 restricted by federal law, state statute or rule of the Kansas supreme court
3 or rule of the senate committee on confirmation oversight relating to
4 information submitted to the committee pursuant to K.S.A. 2010 Supp.
5 75-4315d, and amendments thereto, or the disclosure of which is
6 prohibited or restricted pursuant to specific authorization of federal law,
7 state statute or rule of the Kansas supreme court or rule of the senate
8 committee on confirmation oversight relating to information submitted to
9 the committee pursuant to K.S.A. 2010 Supp. 75-4315d, and amendments
10 thereto, to restrict or prohibit disclosure.

11 (2) Records which are privileged under the rules of evidence, unless
12 the holder of the privilege consents to the disclosure.

13 (3) Medical, psychiatric, psychological or alcoholism or drug
14 dependency treatment records which pertain to identifiable patients.

15 (4) Personnel records, performance ratings or individually
16 identifiable records pertaining to employees or applicants for
17 employment, except that this exemption shall not apply to the names,
18 positions, salaries or actual compensation employment contracts or
19 employment-related contracts or agreements and lengths of service of
20 officers and employees of public agencies once they are employed as
21 such.

22 (5) Information which would reveal the identity of any undercover
23 agent or any informant reporting a specific violation of law.

24 (6) Letters of reference or recommendation pertaining to the
25 character or qualifications of an identifiable individual, except documents
26 relating to the appointment of persons to fill a vacancy in an elected
27 office.

28 (7) Library, archive and museum materials contributed by private
29 persons, to the extent of any limitations imposed as conditions of the
30 contribution.

31 (8) Information which would reveal the identity of an individual
32 who lawfully makes a donation to a public agency, if anonymity of the
33 donor is a condition of the donation, except if the donation is intended for
34 or restricted to providing remuneration or personal tangible benefit to a
35 named public officer or employee.

36 (9) Testing and examination materials, before the test or examination
37 is given or if it is to be given again, or records of individual test or
38 examination scores, other than records which show only passage or
39 failure and not specific scores.

40 (10) Criminal investigation records, except as provided herein. The
41 district court, in an action brought pursuant to K.S.A. 45-222, and
42 amendments thereto, may order disclosure of such records, subject to
43 such conditions as the court may impose, if the court finds that

1 disclosure:

2 (A) Is in the public interest;

3 (B) would not interfere with any prospective law enforcement
4 action, criminal investigation or prosecution;

5 (C) would not reveal the identity of any confidential source or
6 undercover agent;

7 (D) would not reveal confidential investigative techniques or
8 procedures not known to the general public;

9 (E) would not endanger the life or physical safety of any person; and

10 (F) would not reveal the name, address, phone number or any other
11 information which specifically and individually identifies the victim of
12 any sexual offense in article 35 of chapter 21 of the Kansas Statutes
13 Annotated, and amendments thereto.

14 If a public record is discretionarily closed by a public agency pursuant
15 to this subsection, the record custodian, upon request, shall provide a
16 written citation to the specific provisions of paragraphs (A) through (F)
17 that necessitate closure of that public record.

18 (11) Records of agencies involved in administrative adjudication or
19 civil litigation, compiled in the process of detecting or investigating
20 violations of civil law or administrative rules and regulations, if
21 disclosure would interfere with a prospective administrative adjudication
22 or civil litigation or reveal the identity of a confidential source or
23 undercover agent.

24 (12) Records of emergency or security information or procedures of
25 a public agency, or plans, drawings, specifications or related information
26 for any building or facility which is used for purposes requiring security
27 measures in or around the building or facility or which is used for the
28 generation or transmission of power, water, fuels or communications, if
29 disclosure would jeopardize security of the public agency, building or
30 facility.

31 (13) The contents of appraisals or engineering or feasibility
32 estimates or evaluations made by or for a public agency relative to the
33 acquisition of property, prior to the award of formal contracts therefor.

34 (14) Correspondence between a public agency and a private
35 individual, other than correspondence which is intended to give notice of
36 an action, policy or determination relating to any regulatory, supervisory
37 or enforcement responsibility of the public agency or which is widely
38 distributed to the public by a public agency and is not specifically in
39 response to communications from such a private individual.

40 (15) Records pertaining to employer-employee negotiations, if
41 disclosure would reveal information discussed in a lawful executive
42 session under K.S.A. 75-4319, and amendments thereto.

43 (16) Software programs for electronic data processing and

1 documentation thereof, but each public agency shall maintain a register,
2 open to the public, that describes:

3 (A) The information which the agency maintains on computer
4 facilities; and

5 (B) the form in which the information can be made available using
6 existing computer programs.

7 (17) Applications, financial statements and other information
8 submitted in connection with applications for student financial assistance
9 where financial need is a consideration for the award.

10 (18) Plans, designs, drawings or specifications which are prepared
11 by a person other than an employee of a public agency or records which
12 are the property of a private person.

13 (19) Well samples, logs or surveys which the state corporation
14 commission requires to be filed by persons who have drilled or caused to
15 be drilled, or are drilling or causing to be drilled, holes for the purpose of
16 discovery or production of oil or gas, to the extent that disclosure is
17 limited by rules and regulations of the state corporation commission.

18 (20) Notes, preliminary drafts, research data in the process of
19 analysis, unfunded grant proposals, memoranda, recommendations or
20 other records in which opinions are expressed or policies or actions are
21 proposed, except that this exemption shall not apply when such records
22 are publicly cited or identified in an open meeting or in an agenda of an
23 open meeting.

24 (21) Records of a public agency having legislative powers, which
25 records pertain to proposed legislation or amendments to proposed
26 legislation, except that this exemption shall not apply when such records
27 are:

28 (A) Publicly cited or identified in an open meeting or in an agenda
29 of an open meeting; or

30 (B) distributed to a majority of a quorum of any body which has
31 authority to take action or make recommendations to the public agency
32 with regard to the matters to which such records pertain.

33 (22) Records of a public agency having legislative powers, which
34 records pertain to research prepared for one or more members of such
35 agency, except that this exemption shall not apply when such records are:

36 (A) Publicly cited or identified in an open meeting or in an agenda
37 of an open meeting; or

38 (B) distributed to a majority of a quorum of any body which has
39 authority to take action or make recommendations to the public agency
40 with regard to the matters to which such records pertain.

41 (23) Library patron and circulation records which pertain to
42 identifiable individuals.

43 (24) Records which are compiled for census or research purposes

1 and which pertain to identifiable individuals.

2 (25) Records which represent and constitute the work product of an
3 attorney.

4 (26) Records of a utility or other public service pertaining to
5 individually identifiable residential customers of the utility or service,
6 except that information concerning billings for specific individual
7 customers named by the requester shall be subject to disclosure as
8 provided by this act.

9 (27) Specifications for competitive bidding, until the specifications
10 are officially approved by the public agency.

11 (28) Sealed bids and related documents, until a bid is accepted or all
12 bids rejected.

13 (29) Correctional records pertaining to an identifiable inmate or
14 release, except that:

15 (A) The name; photograph and other identifying information;
16 sentence data; parole eligibility date; custody or supervision level;
17 disciplinary record; supervision violations; conditions of supervision,
18 excluding requirements pertaining to mental health or substance abuse
19 counseling; location of facility where incarcerated or location of parole
20 office maintaining supervision and address of a releasee whose crime was
21 committed after the effective date of this act shall be subject to disclosure
22 to any person other than another inmate or releasee, except that the
23 disclosure of the location of an inmate transferred to another state
24 pursuant to the interstate corrections compact shall be at the discretion of
25 the secretary of corrections;

26 (B) the ombudsman of corrections, the attorney general, law
27 enforcement agencies, counsel for the inmate to whom the record pertains
28 and any county or district attorney shall have access to correctional
29 records to the extent otherwise permitted by law;

30 (C) the information provided to the law enforcement agency
31 pursuant to the sex offender registration act, K.S.A. 22-4901 et seq., and
32 amendments thereto, shall be subject to disclosure to any person, except
33 that the name, address, telephone number or any other information which
34 specifically and individually identifies the victim of any offender required
35 to register as provided by the Kansas offender registration act, K.S.A. 22-
36 4901 et seq., and amendments thereto, shall not be disclosed; and

37 (D) records of the department of corrections regarding the financial
38 assets of an offender in the custody of the secretary of corrections shall be
39 subject to disclosure to the victim, or such victim's family, of the crime
40 for which the inmate is in custody as set forth in an order of restitution by
41 the sentencing court.

42 (30) Public records containing information of a personal nature
43 where the public disclosure thereof would constitute a clearly

1 unwarranted invasion of personal privacy.

2 (31) Public records pertaining to prospective location of a business
3 or industry where no previous public disclosure has been made of the
4 business' or industry's interest in locating in, relocating within or
5 expanding within the state. This exception shall not include those records
6 pertaining to application of agencies for permits or licenses necessary to
7 do business or to expand business operations within this state, except as
8 otherwise provided by law.

9 (32) Engineering and architectural estimates made by or for any
10 public agency relative to public improvements.

11 (33) Financial information submitted by contractors in qualification
12 statements to any public agency.

13 (34) Records involved in the obtaining and processing of intellectual
14 property rights that are expected to be, wholly or partially vested in or
15 owned by a state educational institution, as defined in K.S.A. 76-711, and
16 amendments thereto, or an assignee of the institution organized and
17 existing for the benefit of the institution.

18 (35) Any report or record which is made pursuant to K.S.A. 65-
19 4922, 65-4923 or 65-4924, and amendments thereto, and which is
20 privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments
21 thereto.

22 (36) Information which would reveal the precise location of an
23 archeological site.

24 (37) Any financial data or traffic information from a railroad
25 company, to a public agency, concerning the sale, lease or rehabilitation
26 of the railroad's property in Kansas.

27 (38) Risk-based capital reports, risk-based capital plans and
28 corrective orders including the working papers and the results of any
29 analysis filed with the commissioner of insurance in accordance with
30 K.S.A. 40-2c20 and 40-2d20, and amendments thereto.

31 (39) Memoranda and related materials required to be used to support
32 the annual actuarial opinions submitted pursuant to subsection (b) of
33 K.S.A. 40-409, and amendments thereto.

34 (40) Disclosure reports filed with the commissioner of insurance
35 under subsection (a) of K.S.A. 40-2,156, and amendments thereto.

36 (41) All financial analysis ratios and examination synopses
37 concerning insurance companies that are submitted to the commissioner
38 by the national association of insurance commissioners' insurance
39 regulatory information system.

40 (42) Any records the disclosure of which is restricted or prohibited
41 by a tribal-state gaming compact.

42 (43) Market research, market plans, business plans and the terms and
43 conditions of managed care or other third party contracts, developed or

1 entered into by the university of Kansas medical center in the operation
2 and management of the university hospital which the chancellor of the
3 university of Kansas or the chancellor's designee determines would give
4 an unfair advantage to competitors of the university of Kansas medical
5 center.

6 (44) The amount of franchise tax paid to the secretary of revenue or
7 the secretary of state by domestic corporations, foreign corporations,
8 domestic limited liability companies, foreign limited liability companies,
9 domestic limited partnership, foreign limited partnership, domestic
10 limited liability partnerships and foreign limited liability partnerships.

11 (45) Records, other than criminal investigation records, the
12 disclosure of which would pose a substantial likelihood of revealing
13 security measures that protect: (A) Systems, facilities or equipment used
14 in the production, transmission or distribution of energy, water or
15 communications services; (B) transportation and sewer or wastewater
16 treatment systems, facilities or equipment; or (C) private property or
17 persons, if the records are submitted to the agency. For purposes of this
18 paragraph, security means measures that protect against criminal acts
19 intended to intimidate or coerce the civilian population, influence
20 government policy by intimidation or coercion or to affect the operation
21 of government by disruption of public services, mass destruction,
22 assassination or kidnapping. Security measures include, but are not
23 limited to, intelligence information, tactical plans, resource deployment
24 and vulnerability assessments.

25 (46) Any information or material received by the register of deeds of
26 a county from military discharge papers (DD Form 214). Such papers
27 shall be disclosed: To the military dischargee; to such dischargee's
28 immediate family members and lineal descendants; to such dischargee's
29 heirs, agents or assigns; to the licensed funeral director who has custody
30 of the body of the deceased dischargee; when required by a department or
31 agency of the federal or state government or a political subdivision
32 thereof; when the form is required to perfect the claim of military service
33 or honorable discharge or a claim of a dependent of the dischargee; and
34 upon the written approval of the commissioner of veterans affairs, to a
35 person conducting research.

36 (47) Information that would reveal the location of a shelter or a
37 safehouse or similar place where persons are provided protection from
38 abuse or the name, address, location or other contact information of
39 alleged victims of stalking, domestic violence or sexual assault.

40 (48) Policy information provided by an insurance carrier in
41 accordance with subsection (h)(1) of K.S.A. 44-532, and amendments
42 thereto. This exemption shall not be construed to preclude access to an
43 individual employer's record for the purpose of verification of insurance

1 coverage or to the department of labor for their business purposes.

2 (49) An individual's e-mail address, cell phone number and other
3 contact information which has been given to the public agency for the
4 purpose of public agency notifications or communications which are
5 widely distributed to the public.

6 (50) *Information provided by providers to the local collection point*
7 *administrator or to the 911 coordinating council pursuant to the Kansas*
8 *911 act, and amendments thereto, upon request of the party submitting*
9 *such records.*

10 (b) Except to the extent disclosure is otherwise required by law or as
11 appropriate during the course of an administrative proceeding or on
12 appeal from agency action, a public agency or officer shall not disclose
13 financial information of a taxpayer which may be required or requested
14 by a county appraiser or the director of property valuation to assist in the
15 determination of the value of the taxpayer's property for ad valorem
16 taxation purposes; or any financial information of a personal nature
17 required or requested by a public agency or officer, including a name, job
18 description or title revealing the salary or other compensation of officers,
19 employees or applicants for employment with a firm, corporation or
20 agency, except a public agency. Nothing contained herein shall be
21 construed to prohibit the publication of statistics, so classified as to
22 prevent identification of particular reports or returns and the items
23 thereof.

24 (c) As used in this section, the term "cited or identified" shall not
25 include a request to an employee of a public agency that a document be
26 prepared.

27 (d) If a public record contains material which is not subject to
28 disclosure pursuant to this act, the public agency shall separate or delete
29 such material and make available to the requester that material in the
30 public record which is subject to disclosure pursuant to this act. If a
31 public record is not subject to disclosure because it pertains to an
32 identifiable individual, the public agency shall delete the identifying
33 portions of the record and make available to the requester any remaining
34 portions which are subject to disclosure pursuant to this act, unless the
35 request is for a record pertaining to a specific individual or to such a
36 limited group of individuals that the individuals' identities are reasonably
37 ascertainable, the public agency shall not be required to disclose those
38 portions of the record which pertain to such individual or individuals.

39 (e) The provisions of this section shall not be construed to exempt
40 from public disclosure statistical information not descriptive of any
41 identifiable person.

42 (f) Notwithstanding the provisions of subsection (a), any public
43 record which has been in existence more than 70 years shall be open for

1 inspection by any person unless disclosure of the record is specifically
2 prohibited or restricted by federal law, state statute or rule of the Kansas
3 supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and
4 amendments thereto.

5 (g) Any confidential records or information relating to security
6 measures provided or received under the provisions of subsection (a)(45)
7 shall not be subject to subpoena, discovery or other demand in any
8 administrative, criminal or civil action.

9 Sec. 22. K.S.A. 2010 Supp. 75-5133 is hereby amended to read as
10 follows: 75-5133. (a) Except as otherwise more specifically provided by
11 law, all information received by the secretary of revenue, the director of
12 taxation or the director of alcoholic beverage control from returns,
13 reports, license applications or registration documents made or filed
14 under the provisions of any law imposing any sales, use or other excise
15 tax administered by the secretary of revenue, the director of taxation, or
16 the director of alcoholic beverage control, or from any investigation
17 conducted under such provisions, shall be confidential, and it shall be
18 unlawful for any officer or employee of the department of revenue to
19 divulge any such information except in accordance with other provisions
20 of law respecting the enforcement and collection of such tax, in
21 accordance with proper judicial order or as provided in K.S.A. 74-2424,
22 and amendments thereto.

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

24 (1) Publish statistics, so classified as to prevent identification of
25 particular reports or returns and the items thereof;

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

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

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

35 (5) provide information from returns and reports filed under article
36 42 of chapter 79 of the Kansas Statutes Annotated, *and amendments*
37 *thereto*, to county appraisers as is necessary to insure proper valuations of
38 property. Information from such returns and reports may also be
39 exchanged with any other state agency administering and collecting
40 conservation or other taxes and fees imposed on or measured by mineral
41 production;

42 (6) provide, upon request by a city or county clerk or treasurer or
43 finance officer of any city or county receiving distributions from a local

1 excise tax, monthly reports identifying each retailer doing business in
2 such city or county or making taxable sales sourced to such city or
3 county, setting forth the tax liability and the amount of such tax remitted
4 by each retailer during the preceding month, and identifying each
5 business location maintained by the retailer and such retailer's sales or use
6 tax registration or account number;

7 (7) provide information from returns and applications for
8 registration filed pursuant to K.S.A. 12-187, and amendments thereto,
9 and K.S.A. 79-3601, and amendments thereto, to a city or county
10 treasurer or clerk or finance officer to explain the basis of statistics
11 contained in reports provided by subsection (b)(6);

12 (8) disclose the following oil and gas production statistics received
13 by the department of revenue in accordance with K.S.A. 79-4216 et seq.,
14 and amendments thereto: Volumes of production by well name, well
15 number, operator's name and identification number assigned by the state
16 corporation commission, lease name, leasehold property description,
17 county of production or zone of production, name of purchaser and
18 purchaser's tax identification number assigned by the department of
19 revenue, name of transporter, field code number or lease code, tax period,
20 exempt production volumes by well name or lease, or any combination of
21 this information;

22 (9) release or publish liquor brand registration information provided
23 by suppliers, farm wineries and microbreweries in accordance with the
24 liquor control act. The information to be released is limited to: Item
25 number, universal numeric code, type status, product description, alcohol
26 percentage, selling units, unit size, unit of measurement, supplier number,
27 supplier name, distributor number and distributor name;

28 (10) release or publish liquor license information provided by liquor
29 licensees, distributors, suppliers, farm wineries and microbreweries in
30 accordance with the liquor control act. The information to be released is
31 limited to: County name, owner, business name, address, license type,
32 license number, license expiration date and the process agent contact
33 information;

34 (11) release or publish cigarette and tobacco license information
35 obtained from cigarette and tobacco licensees in accordance with the
36 Kansas cigarette and tobacco products act. The information to be released
37 is limited to: County name, owner, business name, address, license type
38 and license number;

39 (12) provide environmental surcharge or solvent fee, or both,
40 information from returns and applications for registration filed pursuant
41 to K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the
42 secretary of health and environment or the secretary's designee for the
43 sole purpose of ensuring that retailers collect the environmental surcharge

1 tax or solvent fee, or both;

2 (13) provide water protection fee information from returns and
3 applications for registration filed pursuant to K.S.A. 82a-954, and
4 amendments thereto, to the secretary of the state board of agriculture or
5 the secretary's designee and the secretary of the Kansas water office or
6 the secretary's designee for the sole purpose of verifying revenues
7 deposited to the state water plan fund;

8 (14) provide to the secretary of commerce copies of applications for
9 project exemption certificates sought by any taxpayer under the enterprise
10 zone sales tax exemption pursuant to subsection (cc) of K.S.A. 79-3606,
11 and amendments thereto;

12 (15) disclose information received pursuant to the Kansas cigarette
13 and tobacco act and subject to the confidentiality provisions of this act to
14 any criminal justice agency, as defined in subsection (c) of K.S.A. 22-
15 4701, and amendments thereto, or to any law enforcement officer, as
16 defined in subsection (c)(10) of K.S.A. 21-3110, and amendments
17 thereto, on behalf of a criminal justice agency, when requested in writing
18 in conjunction with a pending investigation; ~~and~~

19 (16) provide to retailers tax exemption information for the sole
20 purpose of verifying the authenticity of tax exemption numbers issued by
21 the department- ; *and*

22 (17) *provide information concerning remittance by sellers of*
23 *prepaid wireless 911 fees from returns to the local collection point*
24 *administrator, as defined in section 2, and amendments thereto, for*
25 *purposes of verifying seller compliance with collection and remittance of*
26 *such fees.*

27 (c) Any person receiving any information under the provisions of
28 subsection (b) shall be subject to the confidentiality provisions of
29 subsection (a) and to the penalty provisions of subsection (d).

30 (d) Any violation of this section shall be a class A, nonperson
31 misdemeanor, and if the offender is an officer or employee of this state,
32 such officer or employee shall be dismissed from office. Reports of
33 violations of this paragraph shall be investigated by the attorney general.
34 The district attorney or county attorney and the attorney general shall
35 have authority to prosecute any violation of this section if the offender is
36 a city or county clerk or treasurer or finance officer of a city or county.

37 New Sec. 23. The provisions of this act are declared to be severable
38 and if any provision, word, phrase or clause of the act or the application
39 thereof to any person shall be held invalid, such invalidity shall not effect
40 the validity of the remaining portions of this act.

41 Sec. 24. K.S.A. 12-5309 and K.S.A. 2010 Supp. 12-5338, 12-5361,
42 45-221 and 75-5133 are hereby repealed.

43 Sec. 25. From and after January 1, 2012, K.S.A. 12-5303, 12-5305,

1 12-5306, 12-5307, 12-5308 and K.S.A. 2010 Supp. 12-5301, 12-5302,
2 12-5304, 12-5310, 12-5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-
3 5326, 12-5327, 12-5328, 12-5329, 12-5330, 12-5331, 12-5332, 12-5333,
4 12-5334, 12-5335, 12-5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-
5 5354, 12-5355, 12-5356, 12-5357, 12-5358, 12-5359 and 12-5360 are
6 hereby repealed.

7 Sec. 26. This act shall take effect and be in force from and after its
8 publication in the Kansas register.