

Approved: March 29, 2010  
Date

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairman Pat Apple at 1:30 p.m. on March 15, 2010, in Room 548-S of the Capitol.

All members were present.

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.

Approval of Minutes

Moved by Senator Emler, seconded by Senator Petersen, to approve the minutes of the Senate Utilities Committee meetings held on March 1, 2, 3, 4, 8 and 9, 2010. Motion carried

Chair called for discussion and possible action on

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

The following documents, prepared by the Revisor of Statutes staff, were distributed to the committee:

Draft 94s1967 of **House Substitute for Substitute for SB 48** (Attachment 1)  
Petersen Amendment, Version A (Attachment 2)  
Small Counties Amendment, Version A (Attachment 3)  
Administrative Fee Amendment, Version A (Attachment 4)

Legislative Research staff prepared and distributed:

**SB 48** List of Effective Dates and Timelines (Attachment 5)  
PSAP Information (on 11x17 sheet - copies may be viewed in Legislative Research)

Chair asked for action by the committee on Petersen Amendment, Version A (Attachment 2)

Moved by Senator Petersen, seconded by Senator Lee, to approve the Petersen Amendment, Version A, for inclusion in House Substitute for Substitute for SB 48. Motion Carried.

Chair asked for action by the committee on Small Counties Amendment, Version A (Attachment 3)

Moved by Senator Brownlee, seconded by Senator Bruce, to strike the red line "unless otherwise authorized by the 911 coordinating council" from New Sec. 6 (b) and adopt the Small Counties amendment, Version A for inclusion in House Substitute for Substitute for SB 48. Motion carried 6-3.

Chair asked for action by the committee on Administrative Fee amendment, Version A. (Attachment 4)

Chair explained the intent of this amendment, by inserting language in (f), was to bring decision making to the 911 coordinating council. Much discussion on how this language would be interpreted. Further action was deferred until the next meeting of the Senate Utilities Committee.

The next meeting is scheduled for March 16, 2010. The meeting was adjourned at 2:30 p.m.

Respectfully submitted,  
Ann McMorris, Committee Assistant

Attachments - 5

**SENATE UTILITIES  
COMMITTEE GUEST LIST  
MARCH 15, 2010**

NAME	REPRESENTING
Christine Aarnes	KCC
Don Low	KCC
ERIK SARTORIUS	Overland Park
Walter Way	Johnson County
STEVE KARRICK	CURB
Sandy Jacquot	LKM
Bob Keller	JCSO
Bruce Ney	AT&T
Dan Jacobson	AT&T
Eucattas	Gov Office
Andy Allen	KRITC
Chris Allen	ATT
Mike Swatt	ATT
Jim Grotzner	ATT
John Idoux	CenturyLink
Ed Klumpp	KACP/KPOA/KSA
Patrick Fucik	Sprint
TOM DAY	KCC

**SENATE UTILITIES  
COMMITTEE GUEST LIST  
MARCH 15, 2010**

NAME	REPRESENTING
Tom Gaches	Sprint
Dina Fisk	Verizon Wireless
Mark Schreiber	Westar
JEAN MINEE	CAPITOL STRATEGIES
Jackson Lindsey	Hinkley

SENATE Substitute for HOUSE Substitute for  
Substitute for SENATE BILL NO. 48

By Committee on Utilities

AN ACT concerning emergency communications service; relating to fees, charges, collection and distribution; amending K.S.A. 2009 Supp. 12-5338, 12-5361 and 45-221 and repealing the existing sections; also repealing K.S.A. 12-5301, 12-5303, 12-5304, 12-5305, 12-5306, 12-5307, 12-5308, 12-5309 and K.S.A. 2009 Supp. 12-5302, 12-5310, 12-5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327, 12-5328, 12-5329, 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-5335, 12-5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355, 12-5356, 12-5357, 12-5358, 12-5359 and 12-5360.

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

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

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

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

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

(2) "Local Collection Point Administrator (LCPA)" means, on the effective date of this act, the statewide association of cities established by K.S.A. 12-1610e, and amendments thereto, and the statewide association of counties established by K.S.A. 19-2690, and amendments thereto. After April 1, 2011, local collection point administrator means local collection point administrator as designated by the 911 coordinating council.

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Attachment 1-1**

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

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

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

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

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

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

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

(10) "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 medical services.

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

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

(13) "VoIP service" means voice over internet protocol.

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

(15) "Wireless telecommunications service" means commercial mobile radio service as defined by 47 C.F.R. 20.3 as in effect on the effective date of this act.

New Sec 3. (a) There is hereby imposed a 911 fee in the amount of \$.50 per month per subscriber account of any exchange telecommunications service, wireless telecommunications service, VoIP service or other service capable of contacting a PSAP. Such fee shall not be imposed on prepaid wireless service. No such fee shall be imposed upon more than 100 exchange telecommunications service subscriber accounts per person per location. It shall be the duty of each exchange telecommunications service provider, wireless telecommunications service provider, VoIP service provider or other service provider to remit such fees to the local collection point administrator as provided in section 4, and amendments thereto.

(b) (1) Each PSAP shall file with the 911 coordinating council, a uniform reporting form, as described in section 8, 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 such uniform reporting forms, that moneys generated by such fee are in excess of or are below the cost required to operate, as used in this act, a PSAP. The 911 coordinating council shall not lower the 911 fee below \$.40 and shall not raise such fee above \$.60.

(c) 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.

(d) 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 the 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 provider and wholesalers of prepaid wireless shall remit such fees 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 and wholesalers of prepaid wireless required to file the return shall deliver the return together with a remittance of the amount of fees payable to the LCPA. The provider and wholesalers of prepaid wireless shall maintain records of the amount of any such fees remitted in accordance with this act for a period of three years from the time the fees are remitted.

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

New Sec 5. (a) Not later than 30 days after the receipt of moneys from providers and wholesalers of prepaid wireless pursuant to sections 3 and 4, and amendments thereto, the LCPA shall distribute such moneys to PSAPs based upon the following ratio: 82% shall be distributed to PSAPs based upon place of primary use information provided by the providers and 18% shall be deposited into the LCPA grant fund for distribution to PSAPs upon application pursuant to rules and regulations established by the 911 coordinating council. Moneys which cannot be attributed to a specific PSAP shall be transferred to the LCPA grant fund.



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

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

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

New Sec 6. (a) The proceeds of the 911 fees imposed pursuant to this act, and any interest earned on revenue derived from such fee, shall be used only for necessary and reasonable costs incurred or to be incurred by PSAPs <sup>x(m)</sup> for: (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 911 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; and (8) the acquisition and installation 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.

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

New Sec 7. (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 state grant fund. The statewide 911 coordinator shall maintain offices with the division of emergency management in the office of the adjutant general.

(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 shall facilitate communication between such entities and enable the operation of emergency services in Kansas to function efficiently and effectively.

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

(2) The coordinating council shall consist of 11 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 PSAPs without regard for size.

(3) Other voting members shall include: One member of the Kansas house of representatives as appointed by 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 a local exchange provider as recommended by the Kansas telecommunications industry association; one member representing rural telecommunications companies 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, a Kansas resident, 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.

(b) After April 1, 2011, the 911 coordinating council shall designate the local collection point administrator.

(c) The terms of office for voting members of the 911 coordinating council shall commence on the effective date of this act and shall be subject to reappointment 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.

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

(e) The 911 coordinating council is hereby authorized to adopt rules and regulations necessary for effectuation of the provisions of this act, including, but not limited to, creating a uniform reporting form designating how moneys, including 911 fees, have been spent by the PSAPs, requiring service providers to notify the 911 coordinating council, setting standards for coordinating and purchasing equipment and assessing civil penalties. The 911 coordinating council shall work with the 911 statewide coordinator to carry out the provisions of this act. Rules and regulations necessary to begin administration of this act shall be proposed by October 31, 2010.

(f) 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 telecommunications services in this state.

(g) 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.

(h) No civil penalty shall be imposed pursuant to this section except upon the written order of the 911 coordinating council. Such order shall state the violation, the penalty to be imposed and the right of such provider to appeal the penalty in accordance with the provisions of

the Kansas administrative procedure act.

(i) Any civil penalty recovered pursuant to this section shall be deposited with the LCPA grant fund.

(j) So long as the provider or the wholesaler of prepaid wireless is working in good faith to comply with the provisions of this act, no civil penalty shall be imposed prior to January 1, 2012.

(k) The LCPA shall provide staff support to the 911 coordinating council. Members of the 911 coordinating council may receive reimbursement for meals and travel expenses, but shall serve without other compensation with the exception of legislative members. All expenses related to the 911 coordinating council shall be paid from the LCPA grant fund. The statewide coordinator shall attend meetings and assist the 911 coordinating council.

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

New Sec 9. (a) 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 communication service or for damages resulting from the performance of installing, maintaining or providing 911 service.

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

New Sec 10. (a) The receipts and disbursements of the LCPA shall be audited yearly by a licensed municipal accountant or certified public accountant.

(b) The LCPA may require an audit of any books and records of any provider and of any

wholesaler of prepaid wireless 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.

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

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

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

New Sec 11. (a) Nothing in this act shall be construed to limit the ability of a provider from recovering directly from the provider's customers its costs associated with designing, developing, deploying and maintaining 911 service and its cost of collection and administration of the fees imposed by this act, whether such costs are itemized on the customer's bill as a surcharge or by any other lawful method.

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

New Sec 12. (a) (1) On or after the effective date of this act, after the establishment of the 911 coordinating council, such 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 and implementation of next generation 911 services; (B) costs associated with PSAP consolidation or cost-sharing projects; (C) expenses related to the 911 coordinating council; (D) costs of audits conducted pursuant to subsections (b) and (c) of section 10, on its effective date and amendments thereto; and (E) other costs pursuant to section 6, on its effective date and amendments thereto.

(b) The 911 coordinating council shall develop criteria for eligible purchases and for grant applicants and make the final determination as to the distribution of grant funds. Such criteria shall promote the procurement of equipment that meets open architecture and national technical standards.

(c) Distribution of grants funds shall not include expenditures to procure, maintain or upgrade subscriber radio equipment.

New Sec 13. (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 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 fund 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 adjutant general is hereby authorized to adopt rules and regulations necessary to enable the statewide 911 coordinator to administer the provisions of the next generation 911 federal grant fund 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 911 coordinating council to coordinate the implementation of the next generation 911 system with adjacent states, federal authorities and emergency service functions.

New Sec 14. On or after the effective date of this act, all unobligated funds remaining in the wireless enhanced 911 grant fund established pursuant to K.S.A. 12-5323, and amendments thereto, shall be transferred to the LCPA. Any funds received on or after the effective date of this act and prior to January 1, 2011, shall be transferred to the LCPA at least monthly. The LCPA shall deposit such amount in the LCPA state grant fund to be distributed as provided in section



12, and amendments thereto.

New Sec 15. The provisions of this act are declared to be severable and if any provision, word, phrase or clause of the act or the application thereof to any person shall be held invalid, such invalidity shall not effect the validity of the remaining portions of this act.

Sec 16. K.S.A. 2009 Supp. 12-5338 is hereby amended to read as follows: 12-5338. (a)  
On July 1, 2010:

~~—— (1) On January 1, 2011, the wireless enhanced 911 grant fee and the wireless enhanced 911 local fee shall be discontinued, the advisory board shall be abolished, any unobligated balance of the wireless enhanced 911 grant fund shall be paid to the local collection point administrator for distribution to PSAP's based on the population of the municipality or municipalities served by the respective PSAP and the fund shall be abolished deposit in the LCPA grant fund and the wireless enhanced 911 grant fund shall be abolished.~~

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

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

~~—— (4) The provisions of K.S.A. 2009 Supp. 12-5323 through 12-5329, and amendments thereto, shall expire.~~

~~\_\_\_\_\_ (b) On and after July 1, 2010, the proceeds of the wireless enhanced 911 local fee shall be used only to pay for costs of emergency telephone service described in K.S.A. 12-5304, and amendments thereto, and expenditures authorized by K.S.A. 2009 Supp. 12-5330, and amendments thereto.~~

Sec 17. K.S.A. 2009 Supp. 12-5361 is hereby amended to read as follows: 12-5361. (a)  
On July 1, 2010:

~~\_\_\_\_\_ (1) On January 1, 2011, the VoIP enhanced 911 grant fee and the VoIP enhanced 911 local fee shall be discontinued.~~

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

~~\_\_\_\_\_ (3) The provisions of K.S.A. 2009 Supp. 12-5354 and 12-5355, and amendments thereto, shall expire.~~

~~\_\_\_\_\_ (b) On and after July 1, 2010, the proceeds of the VoIP local fee shall be used only to pay for costs of emergency telephone service described in K.S.A. 12-5304, and amendments thereto, and expenditures authorized by K.S.A. 2009 Supp. 12-5330, and amendments thereto.~~

Sec 18. K.S.A. 2009 Supp. 45-221 is hereby amended to read as follows: 45-221. (a)  
Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation

oversight relating to information submitted to the committee pursuant to K.S.A. 2009 Supp. 75-4315d, and amendments thereto, or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2009 Supp. 75-4315d, and amendments thereto, to restrict or prohibit disclosure.

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

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

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

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

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

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

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

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

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

(A) Is in the public interest;

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

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

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

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

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

If a public record is discretionarily closed by a public agency pursuant to this subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of

paragraphs (A) through (F) that necessitate closure of that public record.

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

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

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

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

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

(16) Software programs for electronic data processing and documentation thereof, but

each public agency shall maintain a register, open to the public, that describes:

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

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

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

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

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

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

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

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

or

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

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

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

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

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

(24) Records which are compiled for census or research purposes and which pertain to identifiable individuals.

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

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

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

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

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

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

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

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

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



(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

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

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

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

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

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

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

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

(38) Risk-based capital reports, risk-based capital plans and corrective orders including

the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 40-2c20 and 40-2d20, and amendments thereto.

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

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

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

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

(43) Market research, market plans, business plans and the terms and conditions of managed care or other third party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital which the chancellor of the university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.

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

(45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect: (A) Systems, facilities

or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; or (C) private property or persons, if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.

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

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

(48) Policy information provided by an insurance carrier in accordance with subsection (h)(1) of K.S.A. 44-532, and amendments thereto. This exemption shall not be construed to

preclude access to an individual employer's record for the purpose of verification of insurance coverage or to the department of labor for their business purposes.

(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.

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

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

(d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any

remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.

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

(f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

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

Sec 19. K.S.A. 2009 Supp. 12-5338, 12-5361 and 45-221 are hereby repealed.

Sec 20. On and after January 1, 2011, K.S.A. 12-5301, 12-5303, 12-5304 12-5305, 12-5306, 12-5307, 12-5308 and 12-5309 and K.S.A. 2009 Supp. 12-5302, 12-5310, 12-5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327, 12-5328, 12-5329, 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-5335, 12-5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355, 12-5356, 12-5357, 12-5358, 12-5359 and 12-5360 are hereby repealed.

Sec 21. This act shall take effect and be in force from and after its publication in the Kansas register.

Petersen amendment  
Version A

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

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

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

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

(7) "Provider" means any person ~~or entity~~ providing exchange telecommunications service, wireless telecommunications service, VoIP service, ~~911 service~~ or other service capable of contacting a PSAP.

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

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

(10) "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

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Petersen amendment  
Version A

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

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

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

New Sec 6. (a) The proceeds of the 911 fees imposed pursuant to this act, and any interest earned on revenue derived from such fee, shall be used only for necessary and reasonable costs incurred or to be incurred by PSAPs for: (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 911 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 or by service suppliers as approved by the 911 coordinating council; (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; and (8) the acquisition and installation 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.

Small counties amendment  
Version A

from the 911 fees.

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

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

New Sec 6. (a) The proceeds of the 911 fees imposed pursuant to this act, and any interest earned on revenue derived from such fee, shall be used only for necessary and reasonable costs incurred or to be incurred by PSAPs for: (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 911 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; and (8) the acquisition and installation 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 unless otherwise authorized by the 911 coordinating council.



Small counties amendment  
Version A

the Kansas administrative procedure act.

(i) Any civil penalty recovered pursuant to this section shall be deposited with the LCPA grant fund.

(j) So long as the provider or the wholesaler of prepaid wireless is working in good faith to comply with the provisions of this act, no civil penalty shall be imposed prior to January 1, 2012.

(k) ~~The LCPA shall provide staff support to the 911 coordinating council.~~ Members of the 911 coordinating council may receive reimbursement for meals and travel expenses, but shall serve without other compensation with the exception of legislative members. All expenses related to the 911 coordinating council shall be paid from the LCPA grant fund. The statewide coordinator shall attend meetings and assist the 911 coordinating council.

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

(m) The 911 coordinating council is authorized to approve expenditures by PSAPs located in counties with less than 10,000 in population, for basic operating expenses which are not otherwise authorized in this act.

New Sec 9. (a) 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 communication service or for damages resulting from the performance of installing, maintaining or providing 911 service.

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

Small counties amendment  
Version A

New Sec 10. (a) The receipts and disbursements of the LCPA shall be audited yearly by a licensed municipal accountant or certified public accountant.

(b) The LCPA may require an audit of any books and records of any provider and of any wholesaler of prepaid wireless 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.

(c) On or before December 31, ~~2011~~ 2012, and at least once every three years thereafter, the division of post audit shall conduct an audit of the 911 system to determine: (1) Whether the moneys received by PSAPs pursuant to this act are being used appropriately; (2) whether the amount of moneys collected pursuant to this act is adequate; and (3) the status of 911 service implementation. The auditor to conduct such audit shall be specified in accordance with K.S.A. 46-1122, and amendments thereto. The post auditor shall compute the reasonably anticipated cost of providing audits pursuant to this subsection, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto. Upon such approval, the LCPA grant fund shall reimburse the division of post audit for the amount approved by the contract audit committee. The audit report shall be submitted to the 911 coordinating council, the LCPA, the house committee on energy and utilities and the senate committee on utilities.

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

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

New Sec 11. (a) Nothing in this act shall be construed to limit the ability of a provider from recovering directly from the provider's customers its costs associated with designing,

Administrative fees amendment  
Version A

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 provider and wholesalers of prepaid wireless shall remit such fees 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 and wholesalers of prepaid wireless required to file the return shall deliver the return together with a remittance of the amount of fees payable to the LCPA. The provider and wholesalers of prepaid wireless shall maintain records of the amount of any such fees remitted in accordance with this act for a period of three years from the time the fees are remitted.

(f) The provider may retain an administrative fee of not more than 2% of moneys collected from such fee. The ~~LCPA~~ 911 coordinating council may retain an administrative fee of not more than 2% of moneys collected from such fee. Moneys retained by the 911 coordinating council from such administrative fee shall be used for the payment of: (1) compensation and all other expenses incurred during the performance of job-related duties by the statewide 911 coordinator; (2) expenses incurred by the LCPA state grant fund administrator; (3) compensation to the league of Kansas municipalities and/or the association of counties for services rendered related to grant applications or for any assistance or aid provided to the 911 coordinating council or to PSAPs, which compensation shall not exceed 50% of such moneys retained by the 911 coordinating council; and (4) compensation and expenses incurred by the LCPA.

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

Administrative fees amendment  
Version A

billed by the provider; (7) charges for equipment or other physical enhancements to the 911 system; and (8) the acquisition and installation 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.

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

New Sec 7. (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 state grant fund.~~ The statewide 911 coordinator shall maintain offices with the division of emergency management in the office of the adjutant general.

(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 shall facilitate communication between such entities and enable the operation of emergency services in Kansas to function efficiently and effectively.

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

List of Effective Dates for Sections in SB 48

Section 1: Name of act. Effective: 1/1/11

Section 2. Definitions. Effective: Publication in register with a provision that the definition of LCPA will change on April 1, 2011 pursuant to designation by the 911 coordinating council.

Section 3. 911 fees created. Effective 1/1/11 with a provision that wholesalers of prepaid wireless 1% sunsets on 1/1/13.

Section 4. Remittance of fees. Effective: 1/1/11.

Section 5. Distribution of 911 fees to PSAPs. Effective: 1/1/11.

Section 6. How 911 fees may be used. Effective: 1/1/11.

Section 7. Creates the 911 statewide coordinator. Effective: Publication in register.

Section 8. Creates 911 coordinating council. Effective: Publication in register. This includes:

- the date that each voting member's term starts;
- the ability to begin promulgating rules and regulations concerning uniform reporting form, standards for coordinating and purchasing equipment and civil penalties

Separate things in this section that have a different effective date:

- requirement that providers give contact information to 911 coordinating council by 1/1/11;
- requirement that PSAPs have to file a report of expenditures on March 1, 2011
- requirement that 911 coordinating council propose rules and regulations by October 31, 2010

Section 9. Immunity. Effective: 1/1/11.

Section 10. Audits. Effective: 1/1/11.

Section 11. Cost recovery. Effective: 1/1/11.

Section 12. Establishing LCPA grant fund and criteria for distribution. Effective: Publication in register with a provision that the grant fund be created after the 911 coordinating council is established.

Section 13. Transfer and administration of federal grant. Effective: Publication in register.

Section 14. Transfer of wireless enhanced 911 grant fund to LCPA state grant fund. Effective: Publication in register.

Section 15. Severability. Effective: Publication in register.

Section 16. Amending K.S.A. 12-5338. Discontinuing wireless grant and local fees. Effective: Publication in register with delayed effective date of January 1, 2011.

Section 17. Amending K.S.A. 12-5361. Discontinuing VoIP fees. Effective: Publication in register with delayed effective date of January 1, 2011.

Section 18. Amending K.S.A. 45-221. Amending Open Records Act. Effective: Publication in register.

Sections 19 and 20: Repealing statutes. Effective: Publication in register.

Section 21. Effective date of act. Effective: Publication in register.

Prepared by Office of the Revisor of Statutes

**Senate Utilities Committee**  
**March 15, 2010**  
**Attachment 5-1**

# Timeline of Initial Events Under Senate Sub. for House Sub. for Sub. for SB 40

## Upon publication in Kansas Register

911 Coordinating Council is created *Sec. 8(a)(1)*  
-After establishment, Council creates the LCPA state grant fund and selects the grant fund administrator *Sec. 12(a)(1)*  
-After LCPA grant fund is created, unobligated funds in the Wireless E-911 grant fund are transferred to the LCPA for deposit in the LCPA state grant fund *Sec 14*

State 911 Coordinator is created, housed in KS Dept. of Emergency Management (KDEM) *Sec. 7(a)*

Federal Next Generation 911 grant is transferred to KDEM and NG911 federal grant fund is established. *Sec. 13(a)(b)*

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## October 31, 2010

911 Coordinating Council shall propose rules and regulations necessary to begin administration of the Act. *Sec. 8(e)*

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## January 1, 2011

New 911 fees go into effect *Sec. 3(a)(c)*  
-Prepaid wireless fee expires 1/1/13 *Sec. 3(c)*  
New fee uses go into effect *Sec. 6*  
Distribution of fees changes *Sec. 5(a)*

Wireless E-911 grant and local fee are discontinued *Sec. 16*  
VoIP E-911 grant and local fee are discontinued *Sec. 17*  
Wireless E-911 Advisory Board is abolished *Sec. 16*  
Unobligated balance in Wireless E-911 grant fund is transferred to LCPA for deposit in LCPA grant fund *Sec. 16*  
Wireless E-911 grant fund is abolished *Sec. 16*

Providers supply contact information to the Council. *Sec. 8(f)*

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## March 1, 2011

PSAPs submit 2010 expenditure reports to the Council *Sec. 8(g)*  
-PSAPs submit uniform reporting form each subsequent year *Sec. 3(b)(1)*

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## April 1, 2011

Council designates the LCPA *Sec. 2(2), 8(b)*

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## December 31, 2011

Audit of the 911 system by Legislative Post Audit (LPA) *Sec. 10(c)*  
-LPA audit every three years thereafter *Sec. 10(c)*

Kansas Legislative Research Department, March 15, 2010