

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

By Committee on Utilities

3-17

11 AN ACT concerning emergency communications service; relating to
12 fees, charges, collection and distribution; amending K.S.A. 2009 Supp.
13 12-5338, 12-5361, 45-221 and 75-5133 and repealing the existing sec-
14 tions; also repealing K.S.A. 12-5301, 12-5303, 12-5304, 12-5305, 12-
15 5306, 12-5307, 12-5308, 12-5309 and K.S.A. 2009 Supp. 12-5302, 12-
16 5310, 12-5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327,
17 12-5328, 12-5329, 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-
18 5335, 12-5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355,
19 12-5356, 12-5357, 12-5358, 12-5359 and 12-5360.

20

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

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

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

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

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

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

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

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

37 (5) “Next generation 911” means 911 service that enables PSAP’s to
38 receive text, image, video and data information from callers.

39 (6) “Person” means any individual, firm, partnership, copartnership,
40 joint venture, association, cooperative organization, corporation, municip-
41 al or private, and whether organized for profit or not, state, county,
42 political subdivision, state department, commission, board, bureau or fra-
43 ternal organization, nonprofit organization, estate, trust, business or com-

- 1 mon law trust, receiver, assignee for the benefit of creditors, trustee or
2 trustee in bankruptcy or any other legal entity.
- 3 (7) "Prepaid wireless service" means a wireless telecommunications
4 service that allows a caller to dial 911 to access the 911 system, which
5 service must be paid for in advance and is sold in predetermined units or
6 dollars of which the number declines with use in a known amount.
- 7 (8) "Place of primary use" has the meaning provided in the mobile
8 telecommunications act as defined by 4 U.S.C. 116, et seq., as in effect
9 on the effective date of this act.
- 10 (9) "Provider" means any person providing exchange telecommuni-
11 cations service, wireless telecommunications service, VoIP service or
12 other service capable of contacting a PSAP.
- 13 (10) "PSAP" means a public safety answering point operated by a city
14 or county.
- 15 (11) "Retail transaction" means the purchase of prepaid wireless serv-
16 ice from a seller for any purposes other than resale, not including the use,
17 storage or consumption of such services.
- 18 (12) "Seller" means a person who sells prepaid wireless service to
19 another person.
- 20 (13) "Service user" means any person who is provided exchange tel-
21 ecommunications service, wireless telecommunications service, VoIP
22 service, prepaid wireless service or any other service capable of contacting
23 a PSAP.
- 24 (14) "Statewide 911 coordinator" means the person appointed to be
25 the liaison between all of the various entities dealing with 911 service
26 including, but not limited to, the LCPA, the 911 coordinating council,
27 the adjutant general and the Kansas board of emergency medical services.
- 28 (15) "Subscriber account" means the 10-digit access number assigned
29 to a service user regardless of whether more than one such number is
30 aggregated for the purpose of billing a service user.
- 31 (16) "Subscriber radio equipment" means mobile and portable radio
32 equipment installed in vehicles or carried by persons for voice commu-
33 nication with a radio system.
- 34 (17) "VoIP service" means voice over internet protocol.
- 35 (18) "Wireless telecommunications service" means commercial mo-
36 bile radio service as defined by 47 C.F.R. 20.3 as in effect on the effective
37 date of this act.
- 38 New Sec. 3. (a) There is hereby imposed a 911 fee in the amount of
39 \$.55 per month per subscriber account of any exchange telecommuni-
40 cations service, wireless telecommunications service, VoIP service or
41 other service capable of contacting a PSAP. Such fee shall not be imposed
42 on prepaid wireless service. It shall be the duty of each exchange tele-
43 communications service provider, wireless telecommunications service

1 provider, VoIP service provider or other service provider to remit such
2 fees to the local collection point administrator as provided in section 4,
3 and amendments thereto.

4 (b) (1) Each PSAP shall file with the 911 coordinating council, a uni-
5 form reporting form, as described in section 8, by March 1 of each sub-
6 sequent calendar year.

7 (2) The 911 coordinating council may, pursuant to rules and regula-
8 tions, raise or lower the 911 fee upon a finding, based on information
9 indicated by such uniform reporting forms, that moneys generated by
10 such fee are in excess of or are below the cost required to operate, as
11 used in this act, a PSAP. The 911 coordinating council shall not lower the
12 911 fee below \$.40 and shall not raise such fee above \$.60.

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

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

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

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

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

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

43 (f) The provider may retain an administrative fee of not more than

1 2% of moneys collected from such fee. The 911 coordinating council may
2 retain an administrative fee of not more than 2% of moneys collected
3 from such fee. The 911 coordinating council is authorized to use moneys
4 retained from such administrative fee for expenses as approved by the
5 911 coordinating council which may include, but is not limited to, ex-
6 penses for the statewide 911 coordinator, expenses for the LCPA, ex-
7 penses for the LCPA state grant fund administrator and any other ex-
8 penses as deemed necessary by the 911 coordinating council.

9 (g) (1) There is hereby created in the state treasury the prepaid wire-
10 less 911 fees remittance fund which shall be administered by the
11 department.

12 (2) All moneys received by the department for prepaid wireless 911
13 fees collected by sellers shall be remitted to the state treasurer in ac-
14 cordance with the provisions of K.S.A. 75-4215, and amendments thereto.
15 Upon receipt of such remittance, the state treasurer shall deposit the
16 entire amount in the state treasury. That portion of each such remittance
17 that is authorized to be retained by the department, as provided in section
18 6, and amendments thereto, shall be certified to the state treasurer by
19 the department and the amount certified shall be credited to the elec-
20 tronic database fee fund of the department. The state treasurer shall
21 credit the balance of each such remittance to the prepaid wireless 911
22 fees remittance fund.

23 (3) All moneys credited to the prepaid wireless 911 fees remittance
24 fund shall be paid to the LCPA as provided in section 8, and amendments
25 thereto, in accordance with this section and the provisions of appropria-
26 tion acts.

27 (h) The provisions of this section shall not be construed to apply to
28 prepaid wireless service.

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

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

34 (b) The prepaid wireless 911 fee shall be collected by the seller from
35 the consumer with respect to each retail transaction occurring in this
36 state. The amount of the prepaid wireless 911 fee shall be either sepa-
37 rately stated on an invoice, receipt or other similar document that is pro-
38 vided to the consumer by the seller or otherwise disclosed to the
39 consumer.

40 (c) For purposes of subsection (b), a retail transaction that is effected
41 in person by a consumer in a business location of the seller shall be treated
42 as occurring in this state if that business location is in this state, and any
43 other retail transaction shall be treated as occurring in this state if the

1 retail transaction is treated as occurring in this state for the purposes of
2 subsection (c)(3) of K.S.A. 79-3673, and amendments thereto.

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

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

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

27 (g) When prepaid wireless service is sold with one or more other
28 products or services for a single, non-itemized price, then the percentage
29 specified in subsection (a) shall apply to the entire non-itemized price
30 unless the seller elects to apply such percentage to (1) the prepaid wireless
31 service if the amount is disclosed to the consumer as a dollar amount,
32 such dollar amount, or (2) if the seller can identify the portion of the price
33 that is attributable to the prepaid wireless service by reasonable and ver-
34 ifiable standards from its books and records that are kept in the regular
35 course of business for other purposes, including, but not limited to, non-
36 tax purposes, such portion.

37 (h) This section shall take effect on January 1, 2012.

38 New Sec. 6. (a) Prepaid wireless 911 fees collected by sellers shall
39 be remitted to the department by electronic filing that is consistent with
40 the provisions of chapter 79, article 36 of the Kansas Statutes Annotated
41 except sellers with 10 or fewer sales of prepaid wireless per month may
42 be remitted to the department by paper filing. The department shall
43 establish registration and payment procedures for the collection of the

1 prepaid wireless 911 fee.

2 (b) To minimize additional costs to the department, the department
3 may conduct audits of sellers in conjunction with sales and use tax audits.
4 The department is authorized to provide the LCPA with information ob-
5 tained in such audits if such information indicates that a seller may not
6 be complying with the provisions of this section and section 5, and amend-
7 ments thereto. The LCPA may request the department to initiate collec-
8 tion or audit procedures on individual sellers if collection efforts by the
9 LCPA are unsuccessful.

10 (c) The department shall establish procedures by which a seller may
11 document that a sale is not a retail sale, which procedures shall substan-
12 tially coincide with procedures for documenting sale for resale transac-
13 tions for chapter 79, article 36 of the Kansas Statutes Annotated.

14 (d) The department shall transfer all remitted prepaid wireless 911
15 fees to the LCPA within 30 days of receipt for distribution as provided
16 in section 8, and amendments thereto. Prior to such transfer, the de-
17 partment may retain up to 1% of remitted charges for use in administer-
18 ing the provisions of this section.

19 (e) In addition to retaining 1% of remitted charges for administrative
20 uses, the department may retain up to \$70,000 of remitted funds in fiscal
21 year 2011 only for use in paying for programming and other one-time
22 costs for establishing a system for collecting the prepaid wireless 911 fee.

23 (f) This section shall take effect on January 1, 2011.

24 New Sec. 7. (a) The prepaid wireless 911 fee imposed in this act shall
25 be the only 911 funding obligation imposed with respect to prepaid wire-
26 less service in this state. No tax, fee, surcharge or other charge shall be
27 imposed by this state, any political subdivision of this state or any inter-
28 governmental agency for 911 funding purposes upon any prepaid wireless
29 service provider, seller or consumer with respect to the sale, purchase,
30 use or provision of prepaid wireless service.

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

32 New Sec. 8. (a) Not later than 30 days after the receipt of moneys
33 from providers pursuant to sections 3 and 4, and amendments thereto,
34 the LCPA shall distribute such moneys to PSAPs based upon the follow-
35 ing ratio: 82% shall be distributed to PSAPs based upon place of primary
36 use information provided by the providers and 18% shall be deposited
37 into the LCPA grant fund for distribution to PSAPs upon application
38 pursuant to rules and regulations established by the 911 coordinating
39 council. Moneys which cannot be attributed to a specific PSAP shall be
40 transferred to the LCPA grant fund.

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

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

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

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

8 New Sec. 9. (a) The proceeds of the 911 fees imposed pursuant to
9 this act, and any interest earned on revenue derived from such fee, shall
10 be used only for necessary and reasonable costs incurred or to be incurred
11 by PSAPs for: (1) Procurement and installation of 911 equipment, soft-
12 ware, computer platforms and upgrades; (2) maintenance and license fees
13 for 911 equipment, software and computer platforms; (3) internet-pro-
14 tocol based applications for mapping, voice logging, data logging, data
15 storage and other internet-protocol based applications that enhance 911
16 services; (4) training of PSAP personnel or the training of other personnel
17 directly involved with the use of 911 equipment; (5) recurring charges
18 for 911 system services billed by a provider or by service suppliers as
19 approved by the 911 coordinating council; (6) installation, service estab-
20 lishment and nonrecurring start-up charges billed by the provider; (7)
21 charges for equipment or other physical enhancements to the 911 system;
22 and (8) the acquisition and installation of road signs designed to aid in
23 the delivery of emergency service.

24 (b) Such costs shall not include expenditures to lease, construct, ex-
25 pand, acquire, remodel, renovate, repair, furnish or make improvements
26 to buildings or similar facilities. Such costs shall also not include expend-
27 itures to procure, maintain or upgrade subscriber radio equipment or
28 salaries for PSAP personnel.

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

30 New Sec. 10. (a) There is hereby created a statewide 911 coordina-
31 tor. The statewide 911 coordinator shall be appointed by the governor.
32 Compensation for the statewide 911 coordinator shall be in an amount
33 fixed by the governor. The statewide 911 coordinator shall maintain of-
34 fices with the division of emergency management in the office of the
35 adjutant general.

36 (b) The statewide 911 coordinator shall advise and cooperate with
37 the 911 coordinating council, the LCPA and various state agencies and
38 boards charged with emergency management and shall facilitate com-
39 munication between such entities and enable the operation of emergency
40 services in Kansas to function efficiently and effectively.

41 New Sec. 11. (a) (1) There is hereby created a 911 coordinating
42 council which shall monitor the delivery of 911 services, develop strate-
43 gies for future enhancements to the 911 system and distribute available

1 grant funds to PSAPs. In as much as possible, the 911 coordinating council
2 shall include individuals with technical expertise regarding 911 systems,
3 internet technology and GIS technology.

4 (2) The coordinating council shall consist of 11 members to be ap-
5 pointed by the governor: Two members representing information tech-
6 nology personnel from government units; one member representing a law
7 enforcement officer; one member representing a fire chief; one member
8 recommended by the adjutant general; one member recommended by
9 the Kansas emergency medical services board; two members representing
10 PSAPs located in counties with less than 75,000 in population; two mem-
11 bers representing PSAPs located in counties with greater than 75,000 in
12 population; and one member representing PSAPs without regard for size.

13 (3) Other voting members shall include: One member of the Kansas
14 house of representatives as appointed by the speaker of the house; one
15 member of the Kansas house of representatives as appointed by the mi-
16 nority leader of the house; one member of the Kansas senate as appointed
17 by the senate president; and one member of the Kansas senate as ap-
18 pointed by the senate minority leader.

19 (4) The coordinating council shall also include non-voting members
20 to be appointed by the governor: One member representing a local
21 exchange provider as recommended by the Kansas telecommunications
22 industry association; one member representing rural telecommunications
23 companies recommended by the Kansas rural independent telephone
24 companies; one member representing VoIP providers; one member rec-
25 ommended by the league of Kansas municipalities; one member recom-
26 mended by the Kansas association of counties; one member recom-
27 mended by the Kansas geographic information systems policy board; one
28 member recommended by KAN-ED; and one member, a Kansas resi-
29 dent, recommended by the Mid-America regional council.

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

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

34 (c) The terms of office for voting members of the 911 coordinating
35 council shall commence on the effective date of this act and shall be
36 subject to reappointment every three years. No voting member shall serve
37 longer than two three-year terms. A voting member appointed as a re-
38 placement for another voting member may finish the terms of the pred-
39 ecessor and may serve two additional three-year terms.

40 (d) The statewide coordinator shall implement statewide 911 plan-
41 ning and ensure that policies adopted by the coordinating council are
42 carried out.

43 (e) The 911 coordinating council is hereby authorized to adopt rules

1 and regulations necessary for effectuation of the provisions of this act,
2 including, but not limited to, creating a uniform reporting form desig-
3 nating how moneys, including 911 fees, have been spent by the PSAPs,
4 requiring service providers to notify the 911 coordinating council, setting
5 standards for coordinating and purchasing equipment and assessing civil
6 penalties. The 911 coordinating council shall work with the 911 statewide
7 coordinator to carry out the provisions of this act. Rules and regulations
8 necessary to begin administration of this act shall be proposed by October
9 31, 2010.

10 (f) Every provider shall provide the council with contact information
11 for the provider prior to January 1, 2011. Any provider that has not pre-
12 viously provided wireless telecommunications service in this state shall
13 provide the council with contact information for the provider within three
14 months of first offering wireless telecommunications services in this state.

15 (g) Each PSAP shall file with the 911 coordinating council, by March
16 1, 2011, a report demonstrating how such PSAP has spent the moneys
17 earned from the 911 fee. The 911 coordinating council shall designate
18 the content and form of such report.

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

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

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

29 (k) Members of the 911 coordinating council may receive reimburse-
30 ment for meals and travel expenses, but shall serve without other com-
31 pensation with the exception of legislative members. All expenses related
32 to the 911 coordinating council shall be paid from the LCPA grant fund.
33 The statewide coordinator shall attend meetings and assist the 911 co-
34 ordinating council.

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

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

42 New Sec. 12. (a) Except as provided by the Kansas tort claims act,
43 and except for failure to use ordinary care, or for intentional acts, the

1 LCPA and each provider, and their employees and agents, and each seller,
2 and their employees and agents, shall not be liable for the payment of
3 damages resulting directly or indirectly from the total or partial failure of
4 any transmission to an emergency communication service or for damages
5 resulting from the performance of installing, maintaining or providing 911
6 service.

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

8 New Sec. 13. (a) The receipts and disbursements of the LCPA shall
9 be audited yearly by a licensed municipal accountant or certified public
10 accountant.

11 (b) The LCPA may require an audit of any books and records of any
12 provider concerning the collection and remittance of fees pursuant to this
13 act. The cost of any such audit shall be paid from the LCPA grant fund.

14 (c) On or before December 31, 2012, and at least once every three
15 years thereafter, the division of post audit shall conduct an audit of the
16 911 system to determine: (1) Whether the moneys received by PSAPs
17 pursuant to this act are being used appropriately; (2) whether the amount
18 of moneys collected pursuant to this act is adequate; and (3) the status of
19 911 service implementation. The auditor to conduct such audit shall be
20 specified in accordance with K.S.A. 46-1122, and amendments thereto.
21 The post auditor shall compute the reasonably anticipated cost of provid-
22 ing audits pursuant to this subsection, subject to review and approval by
23 the contract audit committee established by K.S.A. 46-1120, and amend-
24 ments thereto. Upon such approval, the LCPA grant fund shall reimburse
25 the division of post audit for the amount approved by the contract audit
26 committee. The audit report shall be submitted to the 911 coordinating
27 council, the LCPA, the house committee on energy and utilities and the
28 senate committee on utilities.

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

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

32 New Sec. 14. (a) Nothing in this act shall be construed to limit the
33 ability of a provider from recovering directly from the provider's custom-
34 ers its costs associated with designing, developing, deploying and main-
35 taining 911 service and its cost of collection and administration of the
36 fees imposed by this act, whether such costs are itemized on the cus-
37 tomer's bill as a surcharge or by any other lawful method.

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

39 New Sec. 15. (a) (1) On or after the effective date of this act, after
40 the establishment of the 911 coordinating council, such council shall es-
41 tablish the LCPA state grant fund. The LCPA state grant fund shall not
42 be part of the state treasury. The 911 coordinating council shall utilize a
43 competitive bidding process to select a neutral, competent and bonded

1 third party to administer the LCPA state grant fund.

2 (2) The administrator shall be responsible for ensuring that the LCPA
3 state grant fund and any interest earned on money credited to the fund
4 is only expended for the following purposes: (A) Projects involving the
5 development and implementation of next generation 911 services; (B)
6 costs associated with PSAP consolidation or cost-sharing projects; (C)
7 expenses related to the 911 coordinating council; (D) costs of audits con-
8 ducted pursuant to subsections (b) and (c) of section 9, on its effective
9 date and amendments thereto; and (E) other costs pursuant to section 6,
10 on its effective date and amendments thereto.

11 (b) The 911 coordinating council shall develop criteria for eligible
12 purchases and for grant applicants and make the final determination as
13 to the distribution of grant funds. Such criteria shall promote the pro-
14 curement of equipment that meets open architecture and national tech-
15 nical standards.

16 (c) Distribution of grant funds shall not include expenditures to pro-
17 cure, maintain or upgrade subscriber radio equipment.

18 New Sec. 16. (a) Administration of the next generation 911 federal
19 grant is hereby transferred from the Kansas governor's grants program of
20 the governor's department to the division of emergency management in
21 the office of the adjutant general. The statewide 911 coordinator shall be
22 authorized to administer the next generation 911 federal grant.

23 (b) There is hereby established the next generation 911 federal grant
24 fund in the state treasury. Moneys received under the next generation
25 911 federal grant fund shall be remitted to the state treasurer in accord-
26 ance with the provisions of K.S.A. 75-4215, and amendments thereto.
27 Upon receipt of each such remittance, the state treasurer shall deposit
28 the entire amount in the state treasury to the credit of the next generation
29 911 federal grant fund which shall be administered by the statewide 911
30 coordinator.

31 (c) All expenditures from the next generation 911 federal grant fund
32 shall be made in accordance with appropriation acts upon warrants of the
33 director of accounts and reports issued pursuant to vouchers approved
34 by the statewide 911 coordinator.

35 (d) The adjutant general is hereby authorized to adopt rules and reg-
36 ulations necessary to enable the statewide 911 coordinator to administer
37 the provisions of the next generation 911 federal grant fund including
38 hiring a consultant, in accordance with 49 C.F.R. 18, to enable Kansas to
39 establish regional interfaced ESInets and an internet protocol enabled
40 emergency network. The consultant shall work with the 911 coordinating
41 council to coordinate the implementation of the next generation 911 sys-
42 tem with adjacent states, federal authorities and emergency service
43 functions.

1 New Sec. 17. On or after the effective date of this act, all unobligated
2 funds remaining in the wireless enhanced 911 grant fund established pur-
3 suant to K.S.A. 12-5323, and amendments thereto, shall be transferred
4 to the LCPA. Any funds received on or after the effective date of this act
5 and prior to January 1, 2011, shall be transferred to the LCPA at least
6 monthly. The LCPA shall deposit such amount in the LCPA state grant
7 fund to be distributed as provided in section 15, and amendments thereto.

8 New Sec. 18. The provisions of this act are declared to be severable
9 and if any provision, word, phrase or clause of the act or the application
10 thereof to any person shall be held invalid, such invalidity shall not effect
11 the validity of the remaining portions of this act.

12 Sec. 19. K.S.A. 2009 Supp. 12-5338 is hereby amended to read as
13 follows: 12-5338. ~~(a) On July 1, 2010:~~

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

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

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

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

35 ~~—(b) On and after July 1, 2010, the proceeds of the wireless enhanced~~
36 ~~911 local fee shall be used only to pay for costs of emergency telephone~~
37 ~~service described in K.S.A. 12-5304, and amendments thereto, and ex-~~
38 ~~penditures authorized by K.S.A. 2009 Supp. 12-5330, and amendments~~
39 ~~thereto.~~

40 Sec. 20. K.S.A. 2009 Supp. 12-5361 is hereby amended to read as
41 follows: 12-5361. ~~(a) On July 1, 2010:~~

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

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

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

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

12 Sec. 21. K.S.A. 2009 Supp. 45-221 is hereby amended to read as
13 follows: 45-221. (a) Except to the extent disclosure is otherwise required
14 by law, a public agency shall not be required to disclose:

15 (1) Records the disclosure of which is specifically prohibited or re-
16 stricted by federal law, state statute or rule of the Kansas supreme court
17 or rule of the senate committee on confirmation oversight relating to
18 information submitted to the committee pursuant to K.S.A. 2009 Supp.
19 75-4315d, and amendments thereto, or the disclosure of which is prohib-
20 ited or restricted pursuant to specific authorization of federal law, state
21 statute or rule of the Kansas supreme court or rule of the senate com-
22 mittee on confirmation oversight relating to information submitted to the
23 committee pursuant to K.S.A. 2009 Supp. 75-4315d, and amendments
24 thereto, to restrict or prohibit disclosure.

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

27 (3) Medical, psychiatric, psychological or alcoholism or drug depend-
28 ency treatment records which pertain to identifiable patients.

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

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

37 (6) Letters of reference or recommendation pertaining to the char-
38 acter or qualifications of an identifiable individual, except documents re-
39 lating to the appointment of persons to fill a vacancy in an elected office.

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

43 (8) Information which would reveal the identity of an individual who

1 lawfully makes a donation to a public agency, if anonymity of the donor
2 is a condition of the donation, except if the donation is intended for or
3 restricted to providing remuneration or personal tangible benefit to a
4 named public officer or employee.

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

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

13 (A) Is in the public interest;

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

16 (C) would not reveal the identity of any confidential source or un-
17 dercover agent;

18 (D) would not reveal confidential investigative techniques or proce-
19 dures not known to the general public;

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

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

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

29 (11) Records of agencies involved in administrative adjudication or
30 civil litigation, compiled in the process of detecting or investigating vio-
31 lations of civil law or administrative rules and regulations, if disclosure
32 would interfere with a prospective administrative adjudication or civil
33 litigation or reveal the identity of a confidential source or undercover
34 agent.

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

42 (13) The contents of appraisals or engineering or feasibility estimates
43 or evaluations made by or for a public agency relative to the acquisition

- 1 of property, prior to the award of formal contracts therefor.
- 2 (14) Correspondence between a public agency and a private individ-
3 ual, other than correspondence which is intended to give notice of an
4 action, policy or determination relating to any regulatory, supervisory or
5 enforcement responsibility of the public agency or which is widely dis-
6 tributed to the public by a public agency and is not specifically in response
7 to communications from such a private individual.
- 8 (15) Records pertaining to employer-employee negotiations, if dis-
9 closure would reveal information discussed in a lawful executive session
10 under K.S.A. 75-4319, and amendments thereto.
- 11 (16) Software programs for electronic data processing and documen-
12 tation thereof, but each public agency shall maintain a register, open to
13 the public, that describes:
- 14 (A) The information which the agency maintains on computer facil-
15 ities; and
- 16 (B) the form in which the information can be made available using
17 existing computer programs.
- 18 (17) Applications, financial statements and other information sub-
19 mitted in connection with applications for student financial assistance
20 where financial need is a consideration for the award.
- 21 (18) Plans, designs, drawings or specifications which are prepared by
22 a person other than an employee of a public agency or records which are
23 the property of a private person.
- 24 (19) Well samples, logs or surveys which the state corporation com-
25 mission requires to be filed by persons who have drilled or caused to be
26 drilled, or are drilling or causing to be drilled, holes for the purpose of
27 discovery or production of oil or gas, to the extent that disclosure is limited
28 by rules and regulations of the state corporation commission.
- 29 (20) Notes, preliminary drafts, research data in the process of anal-
30 ysis, unfunded grant proposals, memoranda, recommendations or other
31 records in which opinions are expressed or policies or actions are pro-
32 posed, except that this exemption shall not apply when such records are
33 publicly cited or identified in an open meeting or in an agenda of an open
34 meeting.
- 35 (21) Records of a public agency having legislative powers, which re-
36 cords pertain to proposed legislation or amendments to proposed legis-
37 lation, except that this exemption shall not apply when such records are:
- 38 (A) Publicly cited or identified in an open meeting or in an agenda
39 of an open meeting; or
- 40 (B) distributed to a majority of a quorum of any body which has au-
41 thority to take action or make recommendations to the public agency with
42 regard to the matters to which such records pertain.
- 43 (22) Records of a public agency having legislative powers, which re-

- 1 cords pertain to research prepared for one or more members of such
2 agency, except that this exemption shall not apply when such records are:
- 3 (A) Publicly cited or identified in an open meeting or in an agenda
4 of an open meeting; or
- 5 (B) distributed to a majority of a quorum of any body which has au-
6 thority to take action or make recommendations to the public agency with
7 regard to the matters to which such records pertain.
- 8 (23) Library patron and circulation records which pertain to identi-
9 fiable individuals.
- 10 (24) Records which are compiled for census or research purposes and
11 which pertain to identifiable individuals.
- 12 (25) Records which represent and constitute the work product of an
13 attorney.
- 14 (26) Records of a utility or other public service pertaining to individ-
15 ually identifiable residential customers of the utility or service, except that
16 information concerning billings for specific individual customers named
17 by the requester shall be subject to disclosure as provided by this act.
- 18 (27) Specifications for competitive bidding, until the specifications
19 are officially approved by the public agency.
- 20 (28) Sealed bids and related documents, until a bid is accepted or all
21 bids rejected.
- 22 (29) Correctional records pertaining to an identifiable inmate or re-
23 lease, except that:
- 24 (A) The name; photograph and other identifying information; sen-
25 tence data; parole eligibility date; custody or supervision level; disciplinary
26 record; supervision violations; conditions of supervision, excluding
27 requirements pertaining to mental health or substance abuse counseling;
28 location of facility where incarcerated or location of parole office main-
29 taining supervision and address of a releasee whose crime was committed
30 after the effective date of this act shall be subject to disclosure to any
31 person other than another inmate or releasee, except that the disclosure
32 of the location of an inmate transferred to another state pursuant to the
33 interstate corrections compact shall be at the discretion of the secretary
34 of corrections;
- 35 (B) the ombudsman of corrections, the attorney general, law enforce-
36 ment agencies, counsel for the inmate to whom the record pertains and
37 any county or district attorney shall have access to correctional records to
38 the extent otherwise permitted by law;
- 39 (C) the information provided to the law enforcement agency pursu-
40 ant to the sex offender registration act, K.S.A. 22-4901 et seq., and
41 amendments thereto, shall be subject to disclosure to any person, except
42 that the name, address, telephone number or any other information which
43 specifically and individually identifies the victim of any offender required

- 1 to register as provided by the Kansas offender registration act, K.S.A. 22-
2 4901 et seq. and amendments thereto, shall not be disclosed; and
- 3 (D) records of the department of corrections regarding the financial
4 assets of an offender in the custody of the secretary of corrections shall
5 be subject to disclosure to the victim, or such victim's family, of the crime
6 for which the inmate is in custody as set forth in an order of restitution
7 by the sentencing court.
- 8 (30) Public records containing information of a personal nature
9 where the public disclosure thereof would constitute a clearly unwar-
10 ranted invasion of personal privacy.
- 11 (31) Public records pertaining to prospective location of a business
12 or industry where no previous public disclosure has been made of the
13 business' or industry's interest in locating in, relocating within or expand-
14 ing within the state. This exception shall not include those records per-
15 taining to application of agencies for permits or licenses necessary to do
16 business or to expand business operations within this state, except as
17 otherwise provided by law.
- 18 (32) Engineering and architectural estimates made by or for any pub-
19 lic agency relative to public improvements.
- 20 (33) Financial information submitted by contractors in qualification
21 statements to any public agency.
- 22 (34) Records involved in the obtaining and processing of intellectual
23 property rights that are expected to be, wholly or partially vested in or
24 owned by a state educational institution, as defined in K.S.A. 76-711, and
25 amendments thereto, or an assignee of the institution organized and ex-
26 isting for the benefit of the institution.
- 27 (35) Any report or record which is made pursuant to K.S.A. 65-4922,
28 65-4923 or 65-4924, and amendments thereto, and which is privileged
29 pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.
- 30 (36) Information which would reveal the precise location of an ar-
31 cheological site.
- 32 (37) Any financial data or traffic information from a railroad company,
33 to a public agency, concerning the sale, lease or rehabilitation of the
34 railroad's property in Kansas.
- 35 (38) Risk-based capital reports, risk-based capital plans and corrective
36 orders including the working papers and the results of any analysis filed
37 with the commissioner of insurance in accordance with K.S.A. 40-2c20
38 and 40-2d20, and amendments thereto.
- 39 (39) Memoranda and related materials required to be used to support
40 the annual actuarial opinions submitted pursuant to subsection (b) of
41 K.S.A. 40-409, and amendments thereto.
- 42 (40) Disclosure reports filed with the commissioner of insurance un-
43 der subsection (a) of K.S.A. 40-2,156, and amendments thereto.

- 1 (41) All financial analysis ratios and examination synopses concerning
2 insurance companies that are submitted to the commissioner by the national
3 association of insurance commissioners' insurance regulatory information
4 system.
- 5 (42) Any records the disclosure of which is restricted or prohibited
6 by a tribal-state gaming compact.
- 7 (43) Market research, market plans, business plans and the terms and
8 conditions of managed care or other third party contracts, developed or
9 entered into by the university of Kansas medical center in the operation
10 and management of the university hospital which the chancellor of the
11 university of Kansas or the chancellor's designee determines would give
12 an unfair advantage to competitors of the university of Kansas medical
13 center.
- 14 (44) The amount of franchise tax paid to the secretary of revenue or
15 the secretary of state by domestic corporations, foreign corporations, domestic
16 limited liability companies, foreign limited liability companies, domestic
17 limited partnership, foreign limited partnership, domestic limited
18 liability partnerships and foreign limited liability partnerships.
- 19 (45) Records, other than criminal investigation records, the disclosure
20 of which would pose a substantial likelihood of revealing security
21 measures that protect: (A) Systems, facilities or equipment used in the
22 production, transmission or distribution of energy, water or communications
23 services; (B) transportation and sewer or wastewater treatment
24 systems, facilities or equipment; or (C) private property or persons, if the
25 records are submitted to the agency. For purposes of this paragraph,
26 security means measures that protect against criminal acts intended to
27 intimidate or coerce the civilian population, influence government policy
28 by intimidation or coercion or to affect the operation of government by
29 disruption of public services, mass destruction, assassination or kidnapping.
30 Security measures include, but are not limited to, intelligence information,
31 tactical plans, resource deployment and vulnerability assessments.
- 32 (46) Any information or material received by the register of deeds of
33 a county from military discharge papers (DD Form 214). Such papers
34 shall be disclosed: To the military dischargee; to such dischargee's immediate
35 family members and lineal descendants; to such dischargee's heirs, agents or
36 assigns; to the licensed funeral director who has custody of the body of the
37 deceased dischargee; when required by a department or agency of the federal
38 or state government or a political subdivision thereof; when the form is
39 required to perfect the claim of military service or honorable discharge or
40 a claim of a dependent of the dischargee; and upon the written approval
41 of the commissioner of veterans affairs, to a person conducting research.
42
43

- 1 (47) Information that would reveal the location of a shelter or a sa-
2 fehouse or similar place where persons are provided protection from
3 abuse or the name, address, location or other contact information of al-
4 leged victims of stalking, domestic violence or sexual assault.
- 5 (48) Policy information provided by an insurance carrier in accord-
6 ance with subsection (h)(1) of K.S.A. 44-532, and amendments thereto.
7 This exemption shall not be construed to preclude access to an individual
8 employer's record for the purpose of verification of insurance coverage
9 or to the department of labor for their business purposes.
- 10 (49) *Information provided by providers to the local collection point*
11 *administrator or to the 911 coordinating council pursuant to the Kansas*
12 *911 act, and amendments thereto, upon request of the party submitting*
13 *such records.*
- 14 (b) Except to the extent disclosure is otherwise required by law or as
15 appropriate during the course of an administrative proceeding or on ap-
16 peal from agency action, a public agency or officer shall not disclose fi-
17 nancial information of a taxpayer which may be required or requested by
18 a county appraiser or the director of property valuation to assist in the
19 determination of the value of the taxpayer's property for ad valorem tax-
20 ation purposes; or any financial information of a personal nature required
21 or requested by a public agency or officer, including a name, job descrip-
22 tion or title revealing the salary or other compensation of officers, em-
23 ployees or applicants for employment with a firm, corporation or agency,
24 except a public agency. Nothing contained herein shall be construed to
25 prohibit the publication of statistics, so classified as to prevent identifi-
26 cation of particular reports or returns and the items thereof.
- 27 (c) As used in this section, the term "cited or identified" shall not
28 include a request to an employee of a public agency that a document be
29 prepared.
- 30 (d) If a public record contains material which is not subject to dis-
31 closure pursuant to this act, the public agency shall separate or delete
32 such material and make available to the requester that material in the
33 public record which is subject to disclosure pursuant to this act. If a public
34 record is not subject to disclosure because it pertains to an identifiable
35 individual, the public agency shall delete the identifying portions of the
36 record and make available to the requester any remaining portions which
37 are subject to disclosure pursuant to this act, unless the request is for a
38 record pertaining to a specific individual or to such a limited group of
39 individuals that the individuals' identities are reasonably ascertainable, the
40 public agency shall not be required to disclose those portions of the record
41 which pertain to such individual or individuals.
- 42 (e) The provisions of this section shall not be construed to exempt
43 from public disclosure statistical information not descriptive of any iden-

1 tifiable person.

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

8 (g) Any confidential records or information relating to security meas-
9 ures provided or received under the provisions of subsection (a)(45) shall
10 not be subject to subpoena, discovery or other demand in any adminis-
11 trative, criminal or civil action.

12 Sec. 22. K.S.A. 2009 Supp. 75-5133 is hereby amended to read as
13 follows: 75-5133. (a) Except as otherwise more specifically provided by
14 law, all information received by the secretary of revenue, the director of
15 taxation or the director of alcoholic beverage control from returns, re-
16 ports, license applications or registration documents made or filed under
17 the provisions of any law imposing any sales, use or other excise tax ad-
18 ministered by the secretary of revenue, the director of taxation, or the
19 director of alcoholic beverage control, or from any investigation con-
20 ducted under such provisions, shall be confidential, and it shall be unlaw-
21 ful for any officer or employee of the department of revenue to divulge
22 any such information except in accordance with other provisions of law
23 respecting the enforcement and collection of such tax, in accordance with
24 proper judicial order or as provided in K.S.A. 74-2424, and amendments
25 thereto.

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

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

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

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

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

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

- 1 (6) provide, upon request by a city or county clerk or treasurer or
2 finance officer of any city or county receiving distributions from a local
3 excise tax, monthly reports identifying each retailer doing business in such
4 city or county or making taxable sales sourced to such city or county,
5 setting forth the tax liability and the amount of such tax remitted by each
6 retailer during the preceding month, and identifying each business loca-
7 tion maintained by the retailer and such retailer's sales or use tax regis-
8 tration or account number;
- 9 (7) provide information from returns and applications for registration
10 filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-
11 3601, and amendments thereto, to a city or county treasurer or clerk or
12 finance officer to explain the basis of statistics contained in reports pro-
13 vided by subsection (b)(6);
- 14 (8) disclose the following oil and gas production statistics received by
15 the department of revenue in accordance with K.S.A. 79-4216 et seq. and
16 amendments thereto: Volumes of production by well name, well number,
17 operator's name and identification number assigned by the state corpo-
18 ration commission, lease name, leasehold property description, county of
19 production or zone of production, name of purchaser and purchaser's tax
20 identification number assigned by the department of revenue, name of
21 transporter, field code number or lease code, tax period, exempt produc-
22 tion volumes by well name or lease, or any combination of this
23 information;
- 24 (9) release or publish liquor brand registration information provided
25 by suppliers, farm wineries and microbreweries in accordance with the
26 liquor control act. The information to be released is limited to: Item
27 number, universal numeric code, type status, product description, alcohol
28 percentage, selling units, unit size, unit of measurement, supplier num-
29 ber, supplier name, distributor number and distributor name;
- 30 (10) release or publish liquor license information provided by liquor
31 licensees, distributors, suppliers, farm wineries and microbreweries in
32 accordance with the liquor control act. The information to be released is
33 limited to: County name, owner, business name, address, license type,
34 license number, license expiration date and the process agent contact
35 information;
- 36 (11) release or publish cigarette and tobacco license information ob-
37 tained from cigarette and tobacco licensees in accordance with the Kansas
38 cigarette and tobacco products act. The information to be released is
39 limited to: County name, owner, business name, address, license type and
40 license number;
- 41 (12) provide environmental surcharge or solvent fee, or both, infor-
42 mation from returns and applications for registration filed pursuant to
43 K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secre-

- 1 tary of health and environment or the secretary's designee for the sole
2 purpose of ensuring that retailers collect the environmental surcharge tax
3 or solvent fee, or both;
- 4 (13) provide water protection fee information from returns and ap-
5 plications for registration filed pursuant to K.S.A. 82a-954, and amend-
6 ments thereto, to the secretary of the state board of agriculture or the
7 secretary's designee and the secretary of the Kansas water office or the
8 secretary's designee for the sole purpose of verifying revenues deposited
9 to the state water plan fund;
- 10 (14) provide to the secretary of commerce copies of applications for
11 project exemption certificates sought by any taxpayer under the enter-
12 prise zone sales tax exemption pursuant to subsection (cc) of K.S.A. 79-
13 3606, and amendments thereto;
- 14 (15) disclose information received pursuant to the Kansas cigarette
15 and tobacco act and subject to the confidentiality provisions of this act to
16 any criminal justice agency, as defined in subsection (c) of K.S.A. 22-
17 4701, and amendments thereto, or to any law enforcement officer, as
18 defined in subsection (c)(10) of K.S.A. 21-3110, and amendments thereto,
19 on behalf of a criminal justice agency, when requested in writing in con-
20 junction with a pending investigation; ~~and~~
- 21 (16) provide to retailers tax exemption information for the sole pur-
22 pose of verifying the authenticity of tax exemption numbers issued by the
23 department; *and*
- 24 (17) *provide information concerning remittance by sellers of prepaid*
25 *wireless 911 fees from returns to the LCPA, as defined in section 2, and*
26 *amendments thereto, for purposes of verifying seller compliance with col-*
27 *lection and remittance of such fees.*
- 28 (c) Any person receiving any information under the provisions of sub-
29 section (b) shall be subject to the confidentiality provisions of subsection
30 (a) and to the penalty provisions of subsection (d).
- 31 (d) Any violation of this section shall be a class A, nonperson mis-
32 demeanor, and if the offender is an officer or employee of this state, such
33 officer or employee shall be dismissed from office. Reports of violations
34 of this paragraph shall be investigated by the attorney general. The district
35 attorney or county attorney and the attorney general shall have authority
36 to prosecute any violation of this section if the offender is a city or county
37 clerk or treasurer or finance officer of a city or county.
- 38 Sec. 23. K.S.A. 2009 Supp. 12-5338, 12-5361, 45-221 and 75-5133
39 are hereby repealed.
- 40 Sec. 24. On and after January 1, 2011, K.S.A. 12-5301, 12-5303, 12-
41 5304 12-5305, 12-5306, 12-5307, 12-5308 and 12-5309 and K.S.A. 2009
42 Supp. 12-5302, 12-5310, 12-5321, 12-5322, 12-5323, 12-5324, 12-5325,
43 12-5326, 12-5327, 12-5328, 12-5329, 12-5330, 12-5331, 12-5332, 12-

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1 5333, 12-5334, 12-5335, 12-5336, 12-5337, 12-5351, 12-5352, 12-5353,
2 12-5354, 12-5355, 12-5356, 12-5357, 12-5358, 12-5359 and 12-5360 are
3 hereby repealed.
4 Sec. 25. This act shall take effect and be in force from and after its
5 publication in the Kansas register.