

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairman Pat Apple at 1:30 p.m. on February 21, 2011, in Room 548-S of the Capitol.

All members were present except:

Committee staff present:

Matt Sterling, Office of the Revisor of Statutes
Mary Torrence, Revisor of Statutes
Cindy Lash, Kansas Legislative Research Department
Heather O'Hara, Kansas Legislative Research Department
Ann McMorris, Committee Assistant

Conferees appearing before the Committee:

Others attending: See attached list.

The following report was distributed to the committee:
State of Kansas Wireless Enhanced 911 Annual Report (on file in the Department of Administration)

Chair opened for discussion and possible action on:

SB 50 – Concerning emergency communications, relating to fees, charges, collection and distribution.

After explanation of balloon one by Revisor Matt Sterling on the numerous changes by striking and adding, and by technical changes, moved by Senator Kultala, seconded by Senator Francisco, to amend SB 50 to incorporate the proposed changes in balloon one. Motion carried. (Attachment 1)

Revisor Sterling explained the various changes in the second balloon ; (1) defined KAC; (2) deleted references to Statewide 911 coordinator; (3) deleted Sec. 5 of New Section 3: (4) technical language.

Moved by Senator Kultata, seconded by Senator Petersen, to amend SB 50 to incorporate proposed changes from the second balloon. Motion carried. (Attachment 2)

Moved by Senator Pyle, seconded by Senator Masterson, to amend SB 50 by decreasing the fee from 55 cents to 50 cents. Motion carried. (Attachment 3)

Moved by Senator Kultata, seconded by Senator Francisco, to amend SB 50 in New Section 12 for distribution to PSAPs, to increase the population threshold from 75,000 to 80,000 and change the ceiling of the next tier from 74,999 to 79,999. Motion carried.

Moved by Senator Pyle, seconded by Senator Merrick, to amend SB 50 by adding “to include a detailed description of all expenditures of the PSAPs” in New Section 3 (p). Motion carried. (Attachment 4)

Moved by Senator Masterson, seconded by Senator Francisco, to amend SB 50 by providing a funding mechanism for the coordinating council prior to January 1, 2012. Motion carried. (Attachment 5)

Moved by Senator Kultata, seconded by Senator Taddiken, to amend SB 50 in New Section 3, (4) to read 50,000 access lines rather than exchanges. Motion carried.

Moved by Senator Bruce, seconded by Senator Masterson, to amend SB 50 to delete (e) and (f) in New Section 10. Motion carried. NO votes recorded by Senators Francisco and Senator Kultata.

Moved by Senator Bruce, seconded by Senator Petersen, to move SB 50 out as a substitute bill and grant Revisor Sterling authority to make changes as needed for drafting purposes. Motion carried.

The meeting was adjourned at 2:30 p.m.

Respectfully submitted,

Ann McMorris, Committee Assistant

Attachments - 5

**SENATE UTILITIES
COMMITTEE GUEST LIST
FEBRUARY 21, 2011**

NAME	REPRESENTING
Dina Fisk	VERIZON
Nelson Krueger	U.S. Cellular
Tim Gargner	AT&T
Kim Winn	LCM
Miss Wanyman	KAC
John Fedy	Century Link
Erica	Gov Office
TOM DAY	KCC
ERIK SARTORIUS	City of Overland Park
Derek Hen	Hen Law Firm
Patrick Fycik	Sprint
Shirley Allen	KRITC
Mandy Miller	SCORRS
Mike Rea	Sprint

Senate Bill 50 Proposed Comm. Amendment

2/16/2011

Prepared by Matt Sterling

Office of the Revisor of Statutes

Senate Utilities Committee
February 21, 2011
Attachment 1-1

1 provision of this act, may impose a civil penalty. No civil penalty shall be
2 imposed pursuant to this section except upon the written order of the
3 council. Such order shall state the violation, the penalty to be imposed
4 and the right of such person to appeal to a hearing before the council. Any
5 such person may, within 15 days after service of the order, make a written
6 request to the council for a hearing thereon. Hearings under this
7 subsection shall be conducted in accordance with the provisions of the
8 Kansas administrative procedure act.

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

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

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

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

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

21 (b) The statewide 911 coordinator shall serve as the administrator of
22 the 911 federal grant fund and shall distribute grants in accordance with
23 the recommendations of the 911 coordinating council. Subject to the
24 conditions and in accordance with the requirements of this act and 47
25 C.F.R. part 400, the coordinator is authorized to perform such acts
26 necessary for the effectuation of this act.

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

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

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

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

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

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

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

(2) to provide grants to eligible municipalities only for necessary

Comment [1]: shall be credited to the fund.

Senate Bill 50 Proposed Comm. Amendment
2/16/2011
Prepared by Matt Sterling
Office of the Revisor of Statutes

1 and reasonable costs incurred or to be incurred by PSAPs for: (A)
2 Implementation of enhanced 911 service and next generation 911 service,
3 as defined in section 2, and amendments thereto; (B) purchase of
4 equipment and upgrades and modification to equipment used solely to
5 process the data elements of enhanced 911 service and next generation
6 911 service, as defined in section 2, and amendments thereto; and (C)
7 maintenance and license fees for such equipment and training of
8 personnel to operate such equipment, including costs of training PSAP
9 personnel to provide effective service to all users of the emergency
10 telephone system who have communications disabilities. Such costs shall
11 not include expenditures to lease, construct, expand, acquire, remodel,
12 renovate, repair, furnish or make improvements to buildings or similar
13 facilities or for other capital outlay or equipment not expressly authorized
14 by this act.

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

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

20 (2) the net earnings rate of the pooled money investment portfolio
21 for the preceding month.

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

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39 New Sec. 5. The 911 coordinating council shall select the local
40 collection point administrator. In selecting the LCPA, the council shall

Comment [2]: New Sec. 5. (a) There is hereby established in the state treasury the 911 state maintenance fund.

Comment [3]: (b) The statewide 911 coordinator shall serve as the administrator of the 911 state maintenance fund and shall distribute grants in accordance with the recommendations of the 911 coordinating council. Subject to the conditions and in accordance with the requirements of this act and 47 C.F.R. part 400, the coordinator is authorized to perform such acts necessary for the effectuation of this act.

Comment [4]: (c) Moneys from the following sources shall be credited to the fund:

Comment [5]: (1) Amounts appropriated or otherwise made available by the legislature for the purposes of the fund;

Comment [6]: (2) interest attributable to investment of moneys in the fund; and

Comment [7]: (3) amounts received from any public or private entity for the purposes of the fund.

Comment [8]: (d) Moneys credited to the fund shall be used only:

Comment [9]: (1) To pay all expenses incurred in the administration of the fund; and

Comment [10]: (2) to provide grants to eligible municipalities only for necessary and reasonable costs incurred or to be incurred by PSAPs for: (A) Implementation of enhanced 911 service and next generation 911 service, as defined in section 2, and amendments thereto; (B) purchase of equipment and upgrades and modification to equipment used solely to process the data elements of enhanced 911 service and next generation 911 service, as defined in section 2, and amendments thereto; and (C) maintenance and license fees for such equipment and training of personnel to operate such equipment, including costs of training PSAP personnel to provide effective service to all users of the emergency telephone system who have communications disabilities. Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities or for other capital outlay or equipment not expressly authorized by this act.

Comment [11]: (e) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the 911 state maintenance fund interest earnings based on:

Comment [12]: (1) The average daily balance of moneys in the 911 state maintenance fund for the preceding month; and

Comment [13]: (2) the net earnings rate of the pooled money investment portfolio

Comment [14]: for the preceding month.

Comment [15]: (f) All payments and disbursements from the 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 coordinator or a person or persons designated by the coordinator.

Comment [16]: 6

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1 exchange telecommunications service provider, wireless
2 telecommunications service provider, VoIP service provider or other
3 service provider to remit such fees to the LCPA as provided in section 8,
4 and amendments thereto.

Comment [21]: 2

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

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

Comment [22]: 2

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

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

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

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

35 (f) The provider may retain an administrative fee of not more than
36 2% of moneys collected from such fee.

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

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

New Sec. 9. (a) There is hereby imposed a prepaid wireless 911

Comment [23]: 10

f-10

Senate Bill 50 Proposed Comm. Amendment
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Office of the Revisor of Statutes

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

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

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

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

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

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

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

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

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

Comment [28]: 11

Comment [29]: 10

Comment [30]: (c)

Comment [31]: (d)

Comment [32]: 13

Comment [33]: (e)

Comment [34]: (f)

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p. 12

1-5

be a minimum county distribution of \$50,000 and no county shall receive less than \$50,000 of direct distribution moneys. If there is more than one PSAP in a county then the direct distribution allocated to that county by population shall be deducted from the minimum county distribution and the difference shall be proportionately divided between the PSAPs in the county. All moneys remaining after distribution and any moneys which cannot be attributed to a specific PSAP shall be transferred to the 911 state grant fund.

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

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

Comment [40]: All

Comment [41]: in the 911 state fund that have been

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

(e) Information provided by providers to the local collection point administrator 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.

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

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

Comment [42]: 2012

Comment [43]: 14

New Sec. 13. (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) Implementation of 911 services; (2) purchase of 911 equipment and upgrades; (3) maintenance and license fees for 911 equipment; (4) training of personnel; (5) monthly recurring charges billed by service suppliers; (6) installation, service establishment and nonrecurring start-up charges billed by the service supplier; (7) charges for capital improvements and equipment or other physical enhancements to the 911 system; or (8) the original acquisition and installation of road signs designed to aid in the delivery of emergency service. Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or

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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, 2012.

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

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

Sec. 19. K.S.A. 2010 Supp. 12-5338 is hereby amended to read as follows: 12-5338. (a) On July 1, 2011 *January 1, 2012*;

(1) the wireless enhanced 911 grant 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 distributed pursuant to subsection (b) of section 5, and amendments thereto, and the 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 [pursuant] 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. 2010 Supp. 12-5323 through 12-5329, and amendments thereto, shall expire.

(b) On and after July 1, 2011, 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. 2010 Supp. 12-5330, and amendments thereto.

Sec. 20. K.S.A. 2010 Supp. 12-5361 is hereby amended to read as

Comment [47]: 18

Comment [48]: 19

Comment [49]: 20

Comment [50]: (a)

Comment [51]: 1

Comment [52]: 21

SENATE BILL No. 50

By Committee on Utilities

1-24

Senate Utilities Committee
February 21, 2011
Attachment 2 -1

AN ACT concerning emergency communications service; relating to fees, charges, collection and distribution; amending K.S.A. 2010 Supp. 12-5338, 12-5361, 45-221 and 75-5133 and repealing the existing sections; also repealing K.S.A. 12-5303, 12-5305, 12-5306, 12-5307, 12-5308, 12-5309 and K.S.A. 2010 Supp. 12-5301, 12-5302, 12-5304, 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 18 and 23, 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, 2012.

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

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

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

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

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

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

(f) "Local collection point administrator" or "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 January 1, 2012, "local collection point administrator" means the person designated by the 911 coordinating council to serve as the local collection point administrator to collect and distribute 911 fees and 911 state grant fund moneys.

Comment [1]: (f) "Kansas association of counties" or "KAC" means the statewide association of counties established by K.S.A. 19-2690, and amendments thereto.

Comment [2]: (g)

1 replacement for another voting member may finish the term of the
2 predecessor and may serve two additional three-year terms.

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

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

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

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

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

40 (g) The council may appoint subcommittees as necessary to
41 administer grants, oversee collection and distribution of moneys by the
42 LCPA, develop technology standards, develop training recommendations
43 and other issues as deemed necessary by the council. Subcommittees, if
44 appointed, shall include members of the council and other persons as
45 needed.

Comment [12]: governor shall select the chair of the 911 coordinating council.

Comment [13]: chair's

Comment [14]: chair

Comment [15]: chair

Comment [16]: chair

Comment [17]: chair

Comment [18]: chair

Comment [19]: preside over

Comment [20]: The Kansas association of counties shall provide the council with any staffing necessary in carrying out the the business of the council or effectuating the provisions of this act. Upon approval by the council, the KAC shall be reimbursed for any costs incurred in assisting the council. The moneys used to reimburse these expenses shall be paid from the 911 state grant fund, pursuant to subsection (i).

Comment [21]: chair of the

Comment [22]: coordinating council

Comment [23]: chair

2-5

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

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

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

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

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

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

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

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

(p) 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. 4. (a) There is hereby established in the state treasury the 911 federal grant fund.

(b) The statewide 911 coordinator shall serve as the administrator of the 911 federal grant fund and shall distribute grants in accordance with the recommendations of the 911 coordinating council. Subject to the

Comment [24]: chair of the coordinating council

Comment [25]: chair

1 conditions and in accordance with the requirements of this act and 47
2 C.F.R. part 400, the coordinator is authorized to perform such acts
3 necessary for the effectuation of this act.

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

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

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

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

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

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

15 (1) To pay all expenses incurred in the administration of the fund;
16 and

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

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

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

37 (2) the net earnings rate of the pooled money investment portfolio
38 for the preceding month.

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

Comment [26]: chair

Comment [27]: chair

43 New Sec. 5. The 911 coordinating council shall select the local
44 collection point administrator. In selecting the LCPA, the council shall
45 contract with the LCPA for services for no longer than one year. The

911 Fee Revenue and Distribution Projections Under Senate Bill 50

Assumptions: Fee @ \$0.50, No Provider Admin., \$50,000 Minimum County Distribution, Prepaid @ 1.0%

Subscriber Fee Revenue	\$18,801,936	Prepaid Fee Revenue	\$1,350,201	Totals	
Distributions		Distribution		Revenue	\$20,152,137
Payments to PSAPs	\$17,758,775	KDOR Admin. Fee (1%)	\$13,502	\$\$ to PSAPs	\$17,758,775
Transfer to 911 Grant Fund	\$1,043,161	Transfer to 911 Grant Fund	\$1,336,699	\$\$ to Grant Fund	\$2,379,860

Note: Numbers are estimates based on self-reported revenue data from PSAPs and LCPA distributions, and should be viewed as approximations.

			2009 Data		Senate Bill 50			Change in PSAP Direct Annual Revenue Under SB50
County	PSAP	County Population	2009 Number of Units	2009 PSAP Direct Revenue	Amount to	Amount added to	SB50 PSAP Direct Revenue	
					PSAP based on Sliding Scale	achieve \$50,000 County Minimum		
Population less than 25,000, receives 100% of fees generated by PSAP								
Greeley	Greeley County	1,234	1,540	\$8,172	\$9,240	\$40,760	\$50,000	\$41,828
Wallace	Wallace County	1,408	1,450	\$6,409	\$8,700	\$41,300	\$50,000	\$43,591
Lane	Lane County	1,742	2,996	\$16,082	\$17,978	\$32,022	\$50,000	\$33,918
Comanche	Comanche County	1,873	2,314	\$13,504	\$13,883	\$36,117	\$50,000	\$36,496
Hodgeman	Hodgeman County	1,906	2,236	\$12,006	\$13,416	\$36,584	\$50,000	\$37,994
Clark	Clark County	2,081	2,669	\$14,676	\$16,016	\$33,984	\$50,000	\$35,324
Stanton	Stanton County	2,107	2,858	\$4,394	\$17,149	\$32,851	\$50,000	\$45,606
Wichita	Wichita County	2,109	2,552	\$14,541	\$15,314	\$34,686	\$50,000	\$35,459
Kiowa	Kowa County	2,322	2,333	\$10,246	\$14,000	\$36,000	\$50,000	\$39,754
Rawlins	Rawlins County	2,425	3,004	\$17,068	\$18,024	\$31,976	\$50,000	\$32,932
Graham	Graham County	2,435	3,320	\$14,381	\$19,918	\$30,082	\$50,000	\$35,619
Sheridan	Sheridan County	2,435	3,171	\$16,742	\$19,025	\$30,975	\$50,000	\$33,258
Gove	Gove County	2,480	3,839	\$21,417	\$23,037	\$26,963	\$50,000	\$28,583
Logan	Logan County	2,549	4,653	\$26,384	\$27,916	\$22,084	\$50,000	\$23,616
Hamilton	Hamilton County	2,625	3,434	\$14,565	\$20,602	\$29,398	\$50,000	\$35,435
Cheyenne	Cheyenne County	2,700	5,494	\$16,266	\$32,964	\$17,036	\$50,000	\$33,734
Chase	Chase County	2,798	4,148	\$27,053	\$24,886	\$25,114	\$50,000	\$22,947
Ness	Ness County	2,835	5,030	\$27,330	\$30,179	\$19,821	\$50,000	\$22,670
Decatur	Decatur County	2,855	3,541	\$19,131	\$21,247	\$28,753	\$50,000	\$30,869
Trego	Trego County	2,920	3,310	\$19,792	\$19,857	\$30,143	\$50,000	\$30,208
Elk	Elk County	3,001	2,640	\$16,394	\$15,838	\$34,162	\$50,000	\$33,606
Morton	Morton County	3,031	3,663	\$5,112	\$21,975	\$28,025	\$50,000	\$44,888
Jewell	Jewell County	3,059	3,326	\$18,816	\$19,958	\$30,042	\$50,000	\$31,184
Edwards	Edwards County	3,071	3,325	\$18,357	\$19,950	\$30,050	\$50,000	\$31,643
Lincoln	Lincoln County	3,123	3,576	\$18,613	\$21,454	\$28,546	\$50,000	\$31,387
Rush	Rush County	3,143	5,874	\$36,366	\$35,241	\$14,759	\$50,000	\$13,634
Woodson	Woodson County	3,240	3,017	\$14,773	\$18,103	\$31,897	\$50,000	\$35,227
Chautauqua	Chautauqua County	3,745	4,821	\$21,298	\$28,923	\$21,077	\$50,000	\$28,702
Smith	Smith County	3,753	4,866	\$26,439	\$29,197	\$20,803	\$50,000	\$23,561
Osborne	Osborne County	3,849	5,346	\$28,597	\$32,074	\$17,926	\$50,000	\$21,403
Haskell	Haskell County	4,006	5,005	\$27,171	\$30,029	\$19,971	\$50,000	\$22,829
Kearny	Kearny County	4,169	4,577	\$8,047	\$27,459	\$22,541	\$50,000	\$41,953
Stafford	Stafford County	4,342	5,033	\$27,228	\$30,197	\$19,803	\$50,000	\$22,772
Meade	Meade County	4,407	4,829	\$24,834	\$28,972	\$21,028	\$50,000	\$25,166
Scott	Scott County	4,560	5,842	\$22,810	\$35,050	\$14,950	\$50,000	\$27,190
Barber	Barber County	4,593	6,237	\$33,464	\$37,424	\$12,576	\$50,000	\$16,536
Republic	Republic County	4,808	5,323	\$29,457	\$31,940	\$18,060	\$50,000	\$20,543
Rooks	Rooks County	4,984	6,577	\$35,177	\$39,459	\$10,541	\$50,000	\$14,823
Stevens	Stevens County	5,129	6,793	\$20,060	\$40,755	\$9,245	\$50,000	\$29,940
Phillips	Phillips County	5,272	6,356	\$28,338	\$38,135	\$11,865	\$50,000	\$21,662
Norton	Norton County	5,330	6,212	\$31,284	\$37,273	\$12,727	\$50,000	\$18,716
Harper	Harper County	5,667	9,804	\$65,618	\$58,822		\$58,822	(\$6,796)
Washington	Washington County	5,683	6,589	\$36,679	\$39,537	\$10,463	\$50,000	\$13,321
Sherman	Sherman	5,860	7,808	\$33,248	\$46,848	\$3,152	\$50,000	\$16,752
Ottawa	Ottawa County	5,974	5,324	\$22,644	\$31,946	\$18,054	\$50,000	\$27,356
Morris	Morris County	5,994	8,061	\$23,821	\$48,364	\$1,636	\$50,000	\$26,179
Gray	Gray County	6,005	7,324	\$38,159	\$43,945	\$6,055	\$50,000	\$11,841
Ellsworth	Ellsworth County	6,179	5,300	\$23,209	\$31,803	\$18,197	\$50,000	\$26,791
Pawnee	Larned	6,206	5,579	\$24,319	\$33,472	\$16,528	\$50,000	\$25,681
Mitchell	Mitchell County	6,344	5,959	\$26,286	\$35,753	\$14,247	\$50,000	\$23,714
Russell	Russell County	6,596	8,454	\$43,675	\$50,721		\$50,721	\$7,046
Greenwood	Greenwood County	6,666	7,217	\$40,106	\$43,303	\$6,697	\$50,000	\$9,894
Wabaunsee	Wabaunsee County	6,846	6,306	\$36,396	\$37,835	\$12,165	\$50,000	\$13,604
Thomas	Thomas County	7,343	13,954	\$67,057	\$83,722		\$83,722	\$16,664
Grant	Grant County	7,353	10,417	\$30,759	\$62,504		\$62,504	\$31,745
Kingman	Kingman County	7,571	7,688	\$39,968	\$46,130	\$3,870	\$50,000	\$10,032
Doniphan	Doniphan County	7,624	8,206	\$42,785	\$49,237	\$763	\$50,000	\$7,215
Anderson	Anderson County	7,872	6,686	\$38,352	\$40,119	\$9,881	\$50,000	\$11,648
Coffey	Coffey County	8,436	9,740	\$48,475	\$58,441		\$58,441	\$9,966
Clay	Clay County	8,704	7,443	\$32,828	\$44,660	\$5,340	\$50,000	\$17,172
Cloud	Concordia	9,263	9,230	\$46,690	\$55,382		\$55,382	\$8,692
Pratt	Pratt County	9,304	11,202	\$60,869	\$67,214		\$67,214	\$6,345

			2009 Data		Senate Bill 50			Cha	PSAP
County	PSAP	County Population	2009 Number of Units	2009 PSAP Direct Revenue	Amount to PSAP based on Sliding Scale	Amount added to achieve \$50,000 County Minimum	SB50 PSAP Direct Revenue	Direct Revenue Under SB50	Annual Revenue Under PSAP
Linn	Linn County	9,335	11,790	\$70,176	\$70,738		\$70,738		\$562
Wilson	Wilson County	9,474	7,896	\$38,698	\$47,374	\$2,626	\$50,000		\$11,302
Brown	Brown County	9,927	11,487	\$62,128	\$68,922		\$68,922		\$6,794
Nemaha	Nemaha County	9,968	9,299	\$54,772	\$55,796		\$55,796		\$1,024
Rice	Rice County	10,079	10,965	\$57,634	\$65,792		\$65,792		\$8,158
Marshall	Marshall County	10,123	11,080	\$62,771	\$66,480		\$66,480		\$3,709
Marion	Marion County	11,982	12,785	\$66,522	\$76,713		\$76,713		\$10,191
Allen	Allen County	13,203	13,417	\$70,782	\$80,504		\$80,504		\$9,722
Jackson	Jackson County	13,412	13,291	\$71,044	\$79,745		\$79,745		\$8,700
Bourbon	Fort Scott	14,884	14,610	\$76,927	\$87,661		\$87,661		\$10,734
Neosho	Neosho County	16,046	17,555	\$91,273	\$105,332		\$105,332		\$14,059
Osage	Osage County	16,104	17,671	\$95,253	\$106,024		\$106,024		\$10,771
Atchison	Atchison County	16,411	13,722	\$60,243	\$82,330		\$82,330		\$22,087
Jefferson	Jefferson County	18,207	19,422	\$96,836	\$116,531		\$116,531		\$19,695
Dickinson	Dickson County	19,015	19,969	\$101,867	\$119,815		\$119,815		\$17,947
Pottawatomie	Pottawatomie County	19,994	26,256	\$119,997	\$157,535		\$157,535		\$37,538
Cherokee	Cherokee County	21,064	19,382	\$105,700	\$116,292		\$116,292		\$10,592
Labette	Labette County	21,776	21,530	\$116,323	\$129,178		\$129,178		\$12,855
Seward	Seward County	23,013	20,691	\$104,371	\$124,148		\$124,148		\$19,777
Sumner	Sumner County	23,488	23,883	\$124,512	\$143,296		\$143,296		\$18,784
Population 25,000-34,999, receives 97% of fees generated by PSAP									
Franklin	Franklin County	26,441	27,773	\$134,004	\$161,638		\$161,638		\$27,634
Barton	Barton County	27,464	25,044	\$109,978	\$145,754		\$145,754		\$35,776
Ellis	Ellis County	27,739	33,796	\$166,892	\$196,692		\$196,692		\$29,800
McPherson	McPherson County	28,866	32,133	\$165,323	\$187,014		\$187,014		\$21,691
Miami	Miami County	30,969	35,505	\$177,594	\$206,636		\$206,636		\$29,043
Geary	Geary County	31,751	35,925	\$161,916	\$209,081		\$209,081		\$47,165
Lyon	Emporia	33,601	32,422	\$127,286	\$188,694		\$188,694		\$61,408
Cowley	Arkansas City	33,634	11,933	\$51,687	\$69,452		\$69,452		\$17,765
Cowley	Winfield	33,634	17,186	\$77,906	\$100,020		\$100,020		\$22,114
Ford	Ford County	33,692	33,411	\$185,908	\$194,452		\$194,452		\$8,545
Harvey	Harvey County	34,247	36,692	\$188,230	\$213,549		\$213,549		\$25,319
Montgomery	Indep./Cfville.	34,254	35,767	\$180,975	\$208,161		\$208,161		\$27,187
Population 35,000-44,999, receives 94% of fees generated by PSAP									
Crawford	Crawford County	38,869	37,590	\$200,697	\$212,008		\$212,008		\$11,311
Finney	Garden City	42,074	33,843	\$173,112	\$190,874		\$190,874		\$17,762
Population 45,000-54,999, receives 91% of fees generated by PSAP									
Saline	Saline County	54,364	58,764	\$313,506	\$320,852		\$320,852		\$7,346
Population 55,000-64,999, receives 88% of fees generated by PSAP									
Reno	Reno County	63,357	64,145	\$345,086	\$338,686		\$338,686		(\$6,400)
Butler	Butler County	64,084	45,707	\$230,759	\$241,331		\$241,331		\$10,572
Butler	Andover	64,084	10,607	\$51,719	\$56,003		\$56,003		\$4,283
Butler	Augusta	64,084	8,659	\$43,342	\$45,722		\$45,722		\$2,379
Population 65,000-74,999, receives 85% of fees generated by PSAP									
Riley	Riley County	71,341	47,254	\$191,574	\$240,994		\$240,994		\$49,420
Population greater than 75,000, receives 82% of funds generated by PSAP									
Leavenworth	Leavenworth	75,227	29,426	\$148,091	\$144,777		\$144,777		(\$3,313)
Leavenworth	Leavenworth County	75,227	41,111	\$190,305	\$202,266		\$202,266		\$11,962
Douglas	Douglas County	116,383	106,827	\$425,025	\$525,590		\$525,590		\$100,565
Wyandotte	Unified Government	155,085	158,354	\$798,504	\$779,099		\$779,099		(\$19,405)
Shawnee	Shawnee County	176,255	200,262	\$1,046,560	\$985,289		\$985,289		(\$61,271)
Sedgwick	Sedgwick County	490,864	551,568	\$2,821,319	\$2,713,715		\$2,713,715		(\$107,605)
Johnson	Johnson County	542,737	111,918	\$396,867	\$550,635		\$550,635		\$153,767
Johnson	Leawood	542,737	42,045	\$149,996	\$206,862		\$206,862		\$56,866
Johnson	Lenexa	542,737	73,333	\$253,988	\$360,796		\$360,796		\$106,808
Johnson	Olathe	542,737	160,032	\$559,196	\$787,355		\$787,355		\$228,159
Johnson	Overland Park	542,737	239,041	\$845,025	\$1,176,082		\$1,176,082		\$331,057
Johnson	Prairie Village	542,737	30,754	\$111,462	\$151,308		\$151,308		\$39,846
Johnson	Shawnee	542,737	72,713	\$259,569	\$357,747		\$357,747		\$98,178
Totals			3,133,657	\$14,565,967	\$16,581,856	\$1,176,919	\$17,758,775		\$3,192,808

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911 Fee Revenue and Distribution Projections Under Senate Bill 50

Assumptions: Fee @ \$0.55, No Provider Admin., \$50,000 Minimum County Distribution, Prepaid @ 1.1%

Subscriber Fee Revenue Distributions	Subscriber Fee Revenue	\$20,682,130	Prepaid Fee Revenue	\$1,485,221	Totals	
			Distribution		Revenue	\$22,167,351
	Payments to PSAPs	\$19,266,401	KDOR Admin. Fee (1%)	\$14,852	\$ \$ to PSAPs	\$19,266,401
	Transfer to 911 Grant Fund	\$1,415,729	Transfer to 911 Grant Fund	\$1,470,369	\$ \$ to Grant Fund	\$2,886,098

Note: Numbers are estimates based on self-reported revenue data from PSAPs and LCPA distributions, and should be viewed as approximations.

			2009 Data		Senate Bill 50			Change in PSAP Direct Annual Revenue Under SB50
County	PSAP	County Population	2009 Number of Units	2009 PSAP Direct Revenue	Amount to	Amount added to	SB50 PSAP Direct Revenue	
					PSAP based on Sliding Scale	achieve \$50,000 County Minimum		
Population less than 25,000, receives 100% of fees generated by PSAP								
Greeley	Greeley County	1,234	1,540	\$8,172	\$10,164	\$39,836	\$50,000	\$41,828
Wallace	Wallace County	1,408	1,450	\$6,409	\$9,570	\$40,430	\$50,000	\$43,591
Lane	Lane County	1,742	2,996	\$16,082	\$19,775	\$30,225	\$50,000	\$33,918
Comanche	Comanche County	1,873	2,314	\$13,504	\$15,271	\$34,729	\$50,000	\$36,496
Hodgeman	Hodgeman County	1,906	2,236	\$12,006	\$14,758	\$35,242	\$50,000	\$37,994
Clark	Clark County	2,081	2,669	\$14,676	\$17,618	\$32,382	\$50,000	\$35,324
Stanton	Stanton County	2,107	2,858	\$4,394	\$18,864	\$31,136	\$50,000	\$45,606
Wichita	Wichita County	2,109	2,552	\$14,541	\$16,845	\$33,155	\$50,000	\$35,459
Kiowa	Kowa County	2,322	2,333	\$10,246	\$15,400	\$34,600	\$50,000	\$39,754
Rawlins	Rawlins County	2,425	3,004	\$17,068	\$19,826	\$30,174	\$50,000	\$32,932
Graham	Graham County	2,435	3,320	\$14,381	\$21,910	\$28,090	\$50,000	\$35,619
Sheridan	Sheridan County	2,435	3,171	\$16,742	\$20,927	\$29,073	\$50,000	\$33,258
Gove	Gove County	2,480	3,839	\$21,417	\$25,340	\$24,660	\$50,000	\$28,583
Logan	Logan County	2,549	4,653	\$26,384	\$30,708	\$19,292	\$50,000	\$23,616
Hamilton	Hamilton County	2,625	3,434	\$14,565	\$22,662	\$27,338	\$50,000	\$35,435
Cheyenne	Cheyenne County	2,700	5,494	\$16,266	\$36,260	\$13,740	\$50,000	\$33,734
Chase	Chase County	2,798	4,148	\$27,053	\$27,375	\$22,625	\$50,000	\$22,947
Ness	Ness County	2,835	5,030	\$27,330	\$33,197	\$16,803	\$50,000	\$22,670
Decatur	Decatur County	2,855	3,541	\$19,131	\$23,372	\$26,628	\$50,000	\$30,869
Trego	Trego County	2,920	3,310	\$19,792	\$21,843	\$28,157	\$50,000	\$30,208
Elk	Elk County	3,001	2,640	\$16,394	\$17,421	\$32,579	\$50,000	\$33,606
Morton	Morton County	3,031	3,663	\$5,112	\$24,173	\$25,827	\$50,000	\$44,888
Jewell	Jewell County	3,059	3,326	\$18,816	\$21,954	\$28,046	\$50,000	\$31,184
Edwards	Edwards County	3,071	3,325	\$18,357	\$21,945	\$28,055	\$50,000	\$31,643
Lincoln	Lincoln County	3,123	3,576	\$18,613	\$23,599	\$26,401	\$50,000	\$31,387
Rush	Rush County	3,143	5,874	\$36,366	\$38,766	\$11,234	\$50,000	\$13,634
Woodson	Woodson County	3,240	3,017	\$14,773	\$19,913	\$30,087	\$50,000	\$35,227
Chautauqua	Chautauqua County	3,745	4,821	\$21,298	\$31,816	\$18,184	\$50,000	\$28,702
Smith	Smith County	3,753	4,866	\$26,439	\$32,116	\$17,884	\$50,000	\$23,561
Osborne	Osborne County	3,849	5,346	\$28,597	\$35,281	\$14,719	\$50,000	\$21,403
Haskell	Haskell County	4,006	5,005	\$27,171	\$33,032	\$16,968	\$50,000	\$22,829
Kearny	Kearny County	4,169	4,577	\$8,047	\$30,205	\$19,795	\$50,000	\$41,953
Stafford	Stafford County	4,342	5,033	\$27,228	\$33,216	\$16,784	\$50,000	\$22,772
Meade	Meade County	4,407	4,829	\$24,834	\$31,869	\$18,131	\$50,000	\$25,166
Scott	Scott County	4,560	5,842	\$22,810	\$38,555	\$11,445	\$50,000	\$27,190
Barber	Barber County	4,593	6,237	\$33,464	\$41,167	\$8,833	\$50,000	\$16,536
Republic	Republic County	4,808	5,323	\$29,457	\$35,134	\$14,866	\$50,000	\$20,543
Rooks	Rooks County	4,984	6,577	\$35,177	\$43,405	\$6,595	\$50,000	\$14,823
Stevens	Stevens County	5,129	6,793	\$20,060	\$44,831	\$5,169	\$50,000	\$29,940
Phillips	Phillips County	5,272	6,356	\$28,338	\$41,948	\$8,052	\$50,000	\$21,662
Norton	Norton County	5,330	6,212	\$31,284	\$41,000	\$9,000	\$50,000	\$18,716
Harper	Harper County	5,667	9,804	\$65,618	\$64,704		\$64,704	(\$914)
Washington	Washington County	5,683	6,589	\$36,679	\$43,491	\$6,509	\$50,000	\$13,321
Sherman	Sherman	5,860	7,808	\$33,248	\$51,532		\$51,532	\$18,285
Ottawa	Ottawa County	5,974	5,324	\$22,644	\$35,140	\$14,860	\$50,000	\$27,356
Morris	Morris County	5,994	8,061	\$23,821	\$53,200		\$53,200	\$29,379
Gray	Gray County	6,005	7,324	\$38,159	\$48,340	\$1,660	\$50,000	\$11,841
Ellsworth	Ellsworth County	6,179	5,300	\$23,209	\$34,983	\$15,017	\$50,000	\$26,791
Pawnee	Larned	6,206	5,579	\$24,319	\$36,819	\$13,181	\$50,000	\$25,681
Mitchell	Mitchell County	6,344	5,959	\$26,286	\$39,329	\$10,671	\$50,000	\$23,714
Russell	Russell County	6,596	8,454	\$43,675	\$55,793		\$55,793	\$12,118
Greenwood	Greenwood County	6,666	7,217	\$40,106	\$47,634	\$2,366	\$50,000	\$9,894
Wabaunsee	Wabaunsee County	6,846	6,306	\$36,396	\$41,619	\$8,381	\$50,000	\$13,604
Thomas	Thomas County	7,343	13,954	\$67,057	\$92,094		\$92,094	\$25,036
Grant	Grant County	7,353	10,417	\$30,759	\$68,755		\$68,755	\$37,996
Kingman	Kingman County	7,571	7,688	\$39,968	\$50,743		\$50,743	\$10,775
Doniphan	Doniphan County	7,624	8,206	\$42,785	\$54,161		\$54,161	\$11,376
Anderson	Anderson County	7,872	6,686	\$38,352	\$44,130	\$5,870	\$50,000	\$11,648
Coffey	Coffey County	8,436	9,740	\$48,475	\$64,285		\$64,285	\$15,810
Clay	Clay County	8,704	7,443	\$32,828	\$49,126	\$874	\$50,000	\$17,172
Cloud	Concordia	9,263	9,230	\$46,690	\$60,920		\$60,920	\$14,230
Pratt	Pratt County	9,304	11,202	\$60,869	\$73,936		\$73,936	\$13,067

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			2009 Data		Senate Bill 50			Change in PSAP
County	PSAP	County Population	2009 Number of Units	2009 PSAP Direct Revenue	Amount to PSAP based on Sliding Scale	Amount added to achieve \$50,000 County Minimum	SB50 PSAP Direct Revenue	Revenue Under SB50
Linn	Linn County	9,335	11,790	\$70,176	\$77,812		\$77,812	\$7,635
Wilson	Wilson County	9,474	7,896	\$38,698	\$52,111		\$52,111	\$13,414
Brown	Brown County	9,927	11,487	\$62,128	\$75,815		\$75,815	\$13,686
Nemaha	Nemaha County	9,968	9,299	\$54,772	\$61,376		\$61,376	\$6,604
Rice	Rice County	10,079	10,965	\$57,634	\$72,371		\$72,371	\$14,737
Marshall	Marshall County	10,123	11,080	\$62,771	\$73,128		\$73,128	\$10,357
Marion	Marion County	11,982	12,785	\$66,522	\$84,384		\$84,384	\$17,862
Allen	Allen County	13,203	13,417	\$70,782	\$88,554		\$88,554	\$17,772
Jackson	Jackson County	13,412	13,291	\$71,044	\$87,719		\$87,719	\$16,675
Bourbon	Fort Scott	14,884	14,610	\$76,927	\$96,427		\$96,427	\$19,500
Neosho	Neosho County	16,046	17,555	\$91,273	\$115,865		\$115,865	\$24,593
Osage	Osage County	16,104	17,671	\$95,253	\$116,626		\$116,626	\$21,374
Atchison	Atchison County	16,411	13,722	\$60,243	\$90,563		\$90,563	\$30,320
Jefferson	Jefferson County	18,207	19,422	\$96,836	\$128,184		\$128,184	\$31,348
Dickinson	Dickson County	19,015	19,969	\$101,867	\$131,796		\$131,796	\$29,929
Pottawatomie	Pottawatomie County	19,994	26,256	\$119,997	\$173,288		\$173,288	\$53,292
Cherokee	Cherokee County	21,064	19,382	\$105,700	\$127,921		\$127,921	\$22,221
Labette	Labette County	21,776	21,530	\$116,323	\$142,096		\$142,096	\$25,773
Seward	Seward County	23,013	20,691	\$104,371	\$136,563		\$136,563	\$32,192
Sumner	Sumner County	23,488	23,883	\$124,512	\$157,626		\$157,626	\$33,114
Population 25,000-34,999, receives 97% of fees generated by PSAP)								
Franklin	Franklin County	26,441	27,773	\$134,004	\$177,802		\$177,802	\$43,798
Barton	Barton County	27,464	25,044	\$109,978	\$160,329		\$160,329	\$50,351
Ellis	Ellis County	27,739	33,796	\$166,892	\$216,361		\$216,361	\$49,469
McPherson	McPherson County	28,866	32,133	\$165,323	\$205,715		\$205,715	\$40,392
Miami	Miami County	30,969	35,505	\$177,594	\$227,300		\$227,300	\$49,706
Geary	Geary County	31,751	35,925	\$161,916	\$229,989		\$229,989	\$68,073
Lyon	Emporia	33,601	32,422	\$127,286	\$207,564		\$207,564	\$80,277
Cowley	Arkansas City	33,634	11,933	\$51,687	\$76,398		\$76,398	\$24,710
Cowley	Winfield	33,634	17,186	\$77,906	\$110,022		\$110,022	\$32,116
Ford	Ford County	33,692	33,411	\$185,908	\$213,898		\$213,898	\$27,990
Harvey	Harvey County	34,247	36,692	\$188,230	\$234,904		\$234,904	\$46,674
Montgomery	Indep./Cfville.	34,254	35,767	\$180,975	\$228,977		\$228,977	\$48,003
Population 35,000-44,999, receives 94% of fees generated by PSAP								
Crawford	Crawford County	38,869	37,590	\$200,697	\$233,209		\$233,209	\$32,512
Finney	Garden City	42,074	33,843	\$173,112	\$209,961		\$209,961	\$36,850
Population 45,000-54,999, receives 91% of fees generated by PSAP								
Saline	Saline County	54,364	58,764	\$313,506	\$352,937		\$352,937	\$39,431
Population 55,000-64,999, receives 88% of fees generated by PSAP								
Reno	Reno County	63,357	64,145	\$345,086	\$372,555		\$372,555	\$27,469
Butler	Butler County	64,084	45,707	\$230,759	\$265,464		\$265,464	\$34,705
Butler	Andover	64,084	10,607	\$51,719	\$61,603		\$61,603	\$9,884
Butler	Augusta	64,084	8,659	\$43,342	\$50,294		\$50,294	\$6,951
Population 65,000-74,999, receives 85% of fees generated by PSAP								
Riley	Riley County	71,341	47,254	\$191,574	\$265,093		\$265,093	\$73,519
Population greater than 75,000, receives 82% of funds generated by PSAP								
Leavenworth	Leavenworth	75,227	29,426	\$148,091	\$159,255		\$159,255	\$11,164
Leavenworth	Leavenworth County	75,227	41,111	\$190,305	\$222,493		\$222,493	\$32,188
Douglas	Douglas County	116,383	106,827	\$425,025	\$578,149		\$578,149	\$153,124
Wyandotte	Unified Government	155,085	158,354	\$798,504	\$857,009		\$857,009	\$58,505
Shawnee	Shawnee County	176,255	200,262	\$1,046,560	\$1,083,818		\$1,083,818	\$37,258
Sedgwick	Sedgwick County	490,864	551,568	\$2,821,319	\$2,985,086		\$2,985,086	\$163,767
Johnson	Johnson County	542,737	111,918	\$396,867	\$605,698		\$605,698	\$208,831
Johnson	Leawood	542,737	42,045	\$149,996	\$227,548		\$227,548	\$77,553
Johnson	Lenexa	542,737	73,333	\$253,988	\$396,875		\$396,875	\$142,887
Johnson	Olathe	542,737	160,032	\$559,196	\$866,091		\$866,091	\$306,894
Johnson	Overland Park	542,737	239,041	\$845,025	\$1,293,691		\$1,293,691	\$448,666
Johnson	Prairie Village	542,737	30,754	\$111,462	\$166,439		\$166,439	\$54,977
Johnson	Shawnee	542,737	72,713	\$259,569	\$393,522		\$393,522	\$133,953
Totals			3,133,657	\$14,565,967	\$18,240,042	\$1,026,359	\$19,266,401	\$4,700,433

3-4

SB 50 Proposed Amendment
Requested by Sen. Pyle
2/21/2011

request to the council for a hearing thereon. Hearings under this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

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

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

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

(p) 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. 4. (a) There is hereby established in the state treasury the 911 federal grant fund.

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

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

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

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

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

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

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

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

(2) to provide grants to eligible municipalities only for necessary and reasonable costs incurred or to be incurred by PSAPs for: (A) Implementation of enhanced 911 service and next generation 911 service, as defined in section 2, and amendments thereto; (B) purchase of equipment and upgrades and modification to equipment used solely to process the data elements of enhanced 911 service and next generation 911 service, as defined in section 2, and amendments thereto; and (C)

Comment [1]: .to include a detailed description of all expenditures of the PSAPs.

Session of 2011

SENATE BILL No. 50

By Committee on Utilities

1-24

AN ACT concerning emergency communications service; relating to fees, charges, collection and distribution; amending K.S.A. 2010 Supp. 12-5338, 12-5361, 45-221 and 75-5133 and repealing the existing sections; also repealing K.S.A. 12-5303, 12-5305, 12-5306, 12-5307, 12-5308 12-5309 and K.S.A. 2010 Supp. 12-5301, 12-5302, 12-5304, 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 18 and 23, 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, 2012.

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

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

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

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

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

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

(f) "Local collection point administrator" or "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 January 1, 2012, "local collection point administrator" means the person designated by the 911 coordinating council to serve as the local collection point administrator to collect and distribute 911 fees and 911

Comment [1]: 12-5327.

Comment [2]: and.

Senate Utilities Committee
February 21, 2011
Attachment 5 - 1

SB 50 Proposed Amendment
2/21/2011

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, 2012.

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

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

K.S.A. 2010 Supp. 12-5338 is hereby amended to read as follows: 12-5338. (a) On July 1, 2011 January 1, 2012;

(1) the wireless enhanced 911 grant 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 distributed pursuant to subsection (b) of section 5, and amendments thereto, and the 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 [pursuant] 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. 2010 Supp. 12-5323 through 12-5329, and amendments thereto, shall expire.

Comment [3]: Sec. 19. K.S.A. 2010 Supp. 12-5327 is hereby amended to read as follows: 12-5327.

(a)

After providing for public comment and review each year, the secretary, in conjunction with the advisory board, shall prepare a plan identifying the intended uses of the moneys available in the fund. The intended use plan shall include, but not be limited to:

Comment [4]: (a)

(1)

The wireless enhanced 911 project priority list;

Comment [5]: (b)

(2)

a description of the short-term and long-term goals and objectives of the fund for the deployment of wireless enhanced 911;

Comment [6]: (c)

(3)

provisions addressing the needs of persons with communication disabilities;

Comment [7]: (d)

(4)

information on the projects to be financed, including a description thereof, the terms of grants to be provided and the municipalities receiving the grants; and

Comment [8]: (e)

(5)

the criteria and method established for the provision of grants to be made from the fund.

Comment [9]: (b) Notwithstanding the provisions of subsection (a), moneys in the fund shall be used to pay any expenses authorized by this act incurred by the 911 coordinating council in effectuating the provisions of this act.

Comment [10]: Sec. 20.