

**SENATE BILL No. 487**

By Committee on Federal and State Affairs

2-8

Proposed Amendments to Senate Bill No. 487  
Prepared by: Nick Myers  
Office of Revisor of Statutes  
-  
'Governing body' of PSAP

1 AN ACT concerning emergency communication services; relating to the  
2 Kansas 911 act; authorizing counties to contract with other counties to  
3 share services of 911 public safety answering points; authorizing  
4 distributions of 911 fee moneys to counties for such purposes;  
5 amending K.S.A. 12-5364, 12-5368, 12-5374, 12-5375 and 12-5377  
6 and repealing the existing sections.  
7

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

9 Section 1. K.S.A. 12-5364 is hereby amended to read as follows: 12-  
10 5364. (a) (1) There is hereby created the 911 coordinating council which  
11 shall monitor the delivery of 911 services, develop strategies for future  
12 enhancements to the 911 system and distribute available grant funds to  
13 PSAPs and ~~counties that contract with another county for the provision of~~  
14 *911 services*. In as much as possible, the council shall include individuals  
15 with technical expertise regarding 911 systems, internet technology and  
16 GIS technology.

governing bodies

governing body of a PSAP

17 (2) (A) The 911 coordinating council shall consist of 13 voting  
18 members to be appointed by the governor:

19 (i) Two members representing information technology personnel  
20 from government units;

21 (ii) one member representing the Kansas sheriff's association;

22 (iii) one member representing the Kansas association of chiefs of  
23 police;

24 (iv) one member representing a fire chief;

25 (v) one member recommended by the adjutant general;

26 (vi) one member recommended by the Kansas emergency medical  
27 services board;

28 (vii) one member recommended by the Kansas commission for the  
29 deaf and hard of hearing;

30 (viii) two members representing PSAPs located in counties with less  
31 than 75,000 in population;

32 (ix) two members representing PSAPs located in counties with  
33 greater than 75,000 in population; and

34 (x) one member representing the Kansas chapter of the association of  
35 public safety communications officials.

36 (B) At least two of the members representing PSAPs shall be

1 administrators of a PSAP or have extensive prior 911 experience in  
2 Kansas.

3 (3) Other voting members of the 911 coordinating council shall  
4 include:

5 (A) One member of the Kansas house of representatives as appointed  
6 by the speaker of the house;

7 (B) one member of the Kansas house of representatives as appointed  
8 by the minority leader of the house;

9 (C) one member of the Kansas senate as appointed by the senate  
10 president; and

11 (D) one member of the Kansas senate as appointed by the senate  
12 minority leader.

13 (4) The 911 coordinating council shall also include nonvoting  
14 members to be appointed by the governor:

15 (A) One member representing rural telecommunications companies  
16 recommended by the Kansas rural independent telephone companies;

17 (B) one member representing incumbent local exchange carriers with  
18 over 50,000 access lines;

19 (C) one member representing large wireless providers; one member  
20 representing VoIP providers;

21 (D) one member recommended by the league of Kansas  
22 municipalities;

23 (E) one member recommended by the Kansas association of counties;

24 (F) one member recommended by the Kansas geographic information  
25 systems policy board;

26 (G) one member recommended by the Kansas office of information  
27 technology services;

28 (H) one member, a Kansas resident, recommended by the Mid-  
29 America regional council; and

30 (I) two members representing non-traditional PSAPs, one of whom  
31 shall be a representative of tribal government.

32 (b) (1) ~~Except as provided in subsection (b)(2) and (b)(3), the terms~~  
33 ~~of office for~~ Voting members of the 911 coordinating council shall  
34 ~~commence on the effective date of this act and shall be subject to~~  
35 ~~reappointment every~~ *serve for a term of three years.* No voting member  
36 shall serve longer than two successive three-year terms. A voting member  
37 appointed as a replacement for another voting member may finish the term  
38 of the predecessor and may serve two additional successive three-year  
39 terms. *This paragraph shall not apply to members appointed pursuant to*  
40 *subsection (a)(3).*

41 (2) ~~The following members, whose terms began on the effective date~~  
42 ~~of this act, shall serve initial terms as follows:~~

43 (A) ~~One member representing information technology personnel from~~

1 government units, one member recommended by the adjutant general, one  
2 member representing PSAPs located in counties with less than 75,000 in  
3 population and one member representing PSAPs located in counties with  
4 75,000 or more in population shall serve a term of two years;

5 (B) ~~one member representing information technology personnel from~~  
6 ~~government units, one member recommended by the Kansas emergency~~  
7 ~~medical services board, one member representing PSAPs located in~~  
8 ~~counties with less than 75,000 in population and one member representing~~  
9 ~~PSAPs without regard to size shall serve a term of three years; and~~

10 (C) ~~one member representing a fire chief, one member recommended~~  
11 ~~by the Kansas commission for the deaf and hard of hearing, one member~~  
12 ~~representing the Kansas association of chiefs of police and one member~~  
13 ~~representing PSAPs located in counties with 75,000 or more in population~~  
14 ~~shall serve a term of four years.~~

15 (3) ~~The initial term for one member representing the Kansas sheriff's~~  
16 ~~association shall begin on July 1, 2014, and be for a period of three years.~~

17 (4) ~~The terms of members specified in this subsection shall expire on~~  
18 ~~June 30 in the last year of such member's term.~~

19 (c) (1) The governor shall select the chair of the 911 coordinating  
20 council, who shall serve at the pleasure of the governor and have extensive  
21 prior 911 experience in Kansas.

22 (2) The chair shall serve as the coordinator of E-911 services and next  
23 generation 911 services in the state, implement statewide 911 planning,  
24 have the authority to sign all certifications required under 47 C.F.R. part  
25 400 and administer the 911 federal grant fund and 911 state maintenance  
26 fund. The chair shall serve subject to the direction of the council and  
27 ensure that policies adopted by the council are carried out. The chair shall  
28 serve as the liaison between the council and the LCPA. The chair shall  
29 preside over all meetings of the council and assist the council in  
30 effectuating the provisions of this act.

31 (d) The 911 coordinating council, by an affirmative vote of nine  
32 voting members, shall select the local collection point administrator,  
33 pursuant to K.S.A. 12-5367, and amendments thereto, to collect 911 fees  
34 and to distribute such fees to PSAPs and ~~counties~~ *that contract with*  
35 *another ~~county~~ for the provision of 911 services* and to distribute 911  
36 operations fund moneys and 911 state grant fund moneys as directed by  
37 the council. The council shall adopt rules and regulations for the terms of  
38 the contract with the LCPA. All contract terms and conditions shall satisfy  
39 all contract requirements as established by the secretary of administration.  
40 The council shall determine the compensation of the LCPA who shall  
41 provide the council with any staffing necessary in carrying out the  
42 business of the council or effectuating the provisions of this act. The  
43 moneys used to reimburse these expenses shall be paid from the 911

governing bodies

governing body of a PSAP

1 operations fund, pursuant to subsection (j).  
2 (e) (1) The 911 coordinating council is hereby authorized to adopt  
3 rules and regulations necessary to effectuate the provisions of this act,  
4 including, but not limited to:

5 (A) Creating a uniform reporting form designating how moneys,  
6 including 911 fees, have been spent by the PSAPs *and counties* that  
7 *contract with another county* for the provision of 911 services;

governing bodies

governing body of a PSAP

8 (B) requiring service providers to notify the council pursuant to  
9 subsection (k);

10 (C) establishing standards for coordinating and purchasing  
11 equipment;

12 (D) recommending standards for general operations training of PSAP  
13 personnel;

14 (E) establishing training standards and programs related to the  
15 technology and operations of the NG911 hosted solution;

16 (F) establishing data standards, maintenance policies and data  
17 reporting requirements for GIS data; and

18 (G) assessing civil penalties pursuant to subsection (m).

19 (2) The chair of the council shall work with the council to adopt rules  
20 and regulations necessary for the administration of this act, but the council  
21 shall not adopt any rules and regulations or impose any requirements that  
22 creates a mandatory certification program of PSAP operations or PSAP  
23 emergency communications personnel.

24 (f) If the 911 coordinating council finds that the GIS data for a PSAP  
25 *or county* that *contracts with another county* for the provision of 911

governing body

governing body of a PSAP

26 *services* is inaccurate or has not been updated for one year or more, the  
27 council shall give written notice to the governing body that oversees the

governing body that contracts with another governing body of a PSAP for  
the provision of 911 services

28 PSAP *or county*. If, within 60 days of providing such notice, the council  
29 does not receive an acceptable proposal for the PSAP *or county* to bring

governing body

30 the GIS data into compliance, the council may contract with a third party  
31 to review and update the GIS data. A PSAP *or county* with GIS data that

32 has not been updated for one year or more may provide a certification  
33 attesting that the GIS data has been reviewed and remains accurate. If the

34 council receives such certification and has information that the data may  
35 not be accurate, the council shall provide a written notice to the PSAP *or*

36 *county* that describes the areas the council believes to be inaccurate and a  
37 deadline of 30 days for the PSAP *or county* to submit updated GIS data. If

governing body that contracts with another governing body of a PSAP for the  
provision of 911 services

38 the updated GIS data is not received within the deadline, the council may  
39 contract with a third party to review and update the GIS data. The council

40 shall assess the governing body that oversees the PSAP *or county* for any  
41 costs incurred in updating the GIS data.

42 (g) The council may, pursuant to rules and regulations, lower the 911  
43 fee established pursuant to K.S.A. 12-5369, and amendments thereto, upon

1 a finding based on information submitted on the uniform reporting forms,  
2 that moneys generated by such fee are in excess of the costs required to  
3 operate PSAPs in the state.

4 (h) The council may appoint subcommittees as necessary to  
5 administer grants, oversee collection and distribution of moneys by the  
6 LCPA, develop technology standards, develop training recommendations  
7 and other issues as deemed necessary by the council. Subcommittees, if  
8 appointed, shall include members of the council and other persons as  
9 needed.

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

15 (j) All expenses related to the council shall be paid from the 911  
16 operations fund. No more than 2.0% of the total receipts from providers  
17 and the department received by the LCPA shall be used to pay for  
18 administrative expenses of the council. Members of the council and other  
19 persons appointed to subcommittees by the council may receive  
20 reimbursement for meals and travel expenses, but shall serve without other  
21 compensation with the exception of legislative members who shall receive  
22 compensation pursuant to K.S.A. 75-3212, and amendments thereto.

23 (k) Every provider shall submit contact information for the provider  
24 to the council. Any provider that has not previously provided wireless  
25 telecommunications service in this state shall submit contact information  
26 for the provider to the council within three months of first offering  
27 wireless telecommunications services in this state.

28 (l) (1) Each PSAP or ~~county~~ that contracts with another ~~county~~ for  
29 the provision of 911 services shall file an annual report with the council by  
30 March 1 of each year demonstrating how such PSAP or ~~county~~ has spent  
31 the moneys earned from the 911 fee distributed by the LCPA to the PSAP  
32 or ~~county~~ during the preceding calendar year. The council shall designate  
33 the content and form of such report and any associated documentation that  
34 is required to finalize such report.

35 (2) If a PSAP or ~~county~~ that contracts with another ~~county~~ for the  
36 provision of 911 services fails to file and finalize an annual report, the  
37 council shall provide notice of such failure to the PSAP and, the governing  
38 body of such PSAP and, if applicable, to the ~~county~~. If such PSAP or  
39 ~~county~~ fails to file or finalize an annual report within 60 days of receiving  
40 such notice, 10% of each subsequent distribution of 911 fees to such PSAP  
41 or ~~county~~ pursuant to K.S.A. 12-5373, and amendments thereto, shall be  
42 withheld by the LCPA and only distributed to such PSAP or ~~county~~ once  
43 the report has been submitted.

governing body

governing body of a PSAP

governing body

governing body

governing body of a PSAP

governing body that contracts with another governing body of a PSAP for the provision of 911 services

governing body

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

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

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

14 (p) The 911 coordinating council shall make an annual report, to  
 15 include a detailed description of all expenditures made from 911 fees  
 16 received by the PSAPs ~~and counties,~~ to the house committee on energy,  
 17 utilities and telecommunications and the senate committee on utilities.

governing bodies that contract with another governing body of a PSAP for the  
 provision of 911 services

18 Sec. 2. K.S.A. 12-5368 is hereby amended to read as follows: 12-  
 19 5368. (a) Upon the approval of the 911 coordinating council, the LCPA  
 20 shall establish the following funds, which shall not be a part of the state  
 21 treasury: (1) The 911 state fund for the collection and distribution of 911  
 22 fees; (2) the 911 operations fund for administrative costs of the 911  
 23 coordinating council and deployment and maintenance of the statewide  
 24 NG911 system; and (3) the 911 state grant fund for grants to individual  
 25 PSAPs. All moneys originating from 911 fees, and any interest accrued on  
 26 such fees, shall be paid to the LCPA for deposit in the 911 state fund or  
 27 911 operations fund pursuant to subsection (b). All unobligated federal  
 28 moneys, and any interest accrued on such moneys, shall be transferred to  
 29 the 911 federal grant fund.

30 (b) (1) Except as provided for in paragraph (2), prior to the  
 31 ~~distribution to the PSAPs~~ distributions pursuant to K.S.A. 12-5374, and  
 32 amendments thereto, the LCPA shall withhold \$.23 from every 911 fee  
 33 remitted pursuant to K.S.A. 12-5369, and amendments thereto, and shall  
 34 deposit such amount in the 911 operations fund for the deployment and  
 35 maintenance of the statewide NG911 system and standardized  
 36 functionality upgrades to that system.

37 (2) If the funds withheld from distribution pursuant to paragraph (1)  
 38 exceed 15% of the total receipts received by the LCPA from providers and  
 39 the department over the prior three years, such funds in excess of that 15%  
 40 total shall be deposited in the 911 state grant fund and used for PSAP  
 41 grants based on demonstrated need pursuant to subsection (d).

42 (3) If the balance in the 911 state grant fund is less than \$2,000,000,  
 43 prior to the ~~distribution to the PSAPs~~ distributions pursuant to K.S.A. 12-

1 5374, and amendments thereto, the LCPA shall withhold \$.01 from every  
2 911 fee remitted pursuant to K.S.A. 12-5369, and amendments thereto, and  
3 shall deposit such amount in the 911 state grant fund. If the balance in the  
4 911 state grant fund exceeds \$2,000,000, the LCPA shall not withhold such  
5 amount.

6 (c) The council shall be responsible for ensuring that the 911  
7 operations fund and the 911 state grant fund and any interest earned on  
8 money credited to the fund is only expended for the following purposes:  
9 (1) Projects involving the development and implementation of next  
10 generation 911 services; (2) costs associated with PSAP consolidation or  
11 cost-sharing projects; (3) expenses related to the 911 coordinating council;  
12 (4) costs of audits conducted pursuant to K.S.A. 12-5377, and amendments  
13 thereto; and (5) other costs pursuant to K.S.A. 12-5375, and amendments  
14 thereto.

15 (d) The council shall develop criteria ~~for PSAPs~~ for eligible  
16 purchases and for grant applicants and make the final determination as to  
17 the distribution of grant funds. Such criteria shall promote the procurement  
18 of equipment that meets open architecture and national technical  
19 standards. Distribution of grant funds shall not include expenditures to  
20 procure, maintain or upgrade subscriber radio equipment.

21 (e) The LCPA shall be authorized to maintain an action to collect any  
22 funds owed by any providers in the district court in the county of the  
23 registered office of such provider or, if such provider does not have a  
24 registered office in the state, such an action may be maintained in the  
25 county where such provider's principal office is located. If such provider  
26 has no principal office in the state, such an action may be maintained in  
27 the district court of any county in which such provider provides service.

28 Sec. 3. K.S.A. 12-5374 is hereby amended to read as follows: 12-  
29 5374. (a) (1) Except for the amounts withheld by the LCPA pursuant to  
30 K.S.A. 12-5368(b), and amendments thereto, and any amounts withheld  
31 pursuant to K.S.A. 12-5364(l), and amendments thereto, not later than 30  
32 days after the receipt of ~~moneys 911 fees~~ from providers pursuant to  
33 K.S.A. 12-5370 ~~and 12-5371~~, and amendments thereto, and *prepaid*  
34 *wireless 911 fees* from the department pursuant to K.S.A. 12-5372, and  
35 amendments thereto, the LCPA shall distribute such moneys to the PSAPs  
36 ~~or to counties pursuant to this section.~~ The amount of money distributed to  
37 the PSAPs in each county, ~~or to any county that does not have a PSAP~~  
38 ~~located in such county and contracts with a PSAP for the provision of 911~~  
39 ~~services,~~ shall be based upon the amount of 911 fees collected from service  
40 users located in that county, based on place of primary use information  
41 provided by the providers, by using the following distribution method:

42 Population of county	Percentage of collected
43 <del>where PSAP is located</del>	911 fees to distribute
44 Over 80,000.....	82%

governing bodies that contract with another governing body of a PSAP for the provision of 911 services

governing body that contracts with another governing body of a PSAP

1	65,000 to 79,999.....	85%
2	55,000 to 64,999.....	88%
3	45,000 to 54,999.....	91%
4	35,000 to 44,999.....	94%
5	25,000 to 34,999.....	97%
6	Less than 25,000.....	100%

7  
 8 (2) ~~There shall be a minimum county distribution of \$60,000 and no~~  
 9 ~~county shall receive less than \$60,000 of direct distribution moneys~~*If the*  
 10 *calculated amount for distribution within a county is less than \$60,000,*  
 11 *then \$60,000 shall be distributed for services within that county.*

12 (3) ~~If there is a single PSAP providing services within a county, such~~  
 13 ~~PSAP shall receive the county's distribution.~~ *If there is more than one*  
 14 *PSAP in a county, then the direct distribution allocated to that county by*  
 15 *population shall be deducted from the minimum county distribution and*  
 16 *the difference distributions to each PSAP shall be proportionately divided*  
 17 *between the PSAPs in the county based on the population of the area each*  
 18 *PSAP serves.*

19 (4) ~~A county may contract with another county for the provision of~~  
 20 ~~some or all of a county's PSAP services. If a county serves as the provider~~  
 21 ~~of PSAP services for another county, both counties shall enter into a~~  
 22 ~~contract or memorandum of agreement that addresses contingency plans~~  
 23 ~~and overflow arrangements. Any such contract or memorandum of~~  
 24 ~~agreement shall be approved by the council prior to the effective date of~~  
 25 ~~the contract or memorandum of agreement. Any county contracting with~~  
 26 ~~another county to have such other county provide all PSAP services for~~  
 27 ~~the county shall request the LCPA to distribute a portion of not less than~~  
 28 ~~50% of such county's direct distribution amount to the county with which~~  
 29 ~~it is contracting for services.~~

30 (5) All moneys remaining after distribution, moneys withheld  
 31 pursuant to K.S.A. 12-5368(b)(1), and amendments thereto, and any  
 32 moneys that cannot be attributed to a specific PSAP ~~or county~~ shall be  
 33 transferred to the 911 operations fund.

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

38 (c) All moneys in the 911 state fund that have been collected from the  
 39 prepaid wireless 911 fee shall be deposited in the 911 operations fund  
 40 unless \$3 million of such moneys have been deposited in any given year,  
 41 then all remaining moneys shall be distributed to the counties in an amount  
 42 proportional to each county's population as a percentage share of the  
 43 population of the state. ~~For each PSAP within~~ *If there is more than one*  
 44 *PSAP in a county, such moneys shall be distributed to each PSAP in an*  
 45 *amount proportional to the PSAP's population as a percentage share of the*

governing body's

, if any

governing body

governing body of a PSAP

governing body

governing bodies

reviewed

with respect to the provisions that relate to contingency plans and overflow arrangements or that may conflict with the function of the statewide 911 system. If the 911 coordinating council determines that any such provisions are not acceptable, the 911 coordinating council and the governing bodies shall collaborate and work to resolve such concerns

governing body

governing body of a PSAP for the provision of

establish in the contract or memorandum of agreement an agreed upon percentage of the governing body's distribution amount for

to the governing body of the PSAP that is providing the 911 services

1 population of the county. If there is no PSAP within a county, then such  
 2 moneys shall be distributed to the ~~PSAP providing service to such county~~  
 3 ~~that contracts with a PSAP for the provision of 911 services pursuant to~~  
 4 ~~K.S.A. 12-5375, and amendments thereto.~~ Such Moneys distributed to  
 5 ~~counties~~ and PSAPs pursuant to this section only shall be used for the uses  
 6 authorized in K.S.A. 12-5375, and amendments thereto.

governing body

another governing body of

governing bodies

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

9 (e) ~~Information~~Records provided by ~~providers~~ any provider to the  
 10 local collection point administrator LCPA or to the 911 coordinating  
 11 council pursuant to this act ~~will~~ shall be treated as proprietary records ~~that~~  
 12 ~~will and shall~~ be withheld from the public upon request of the ~~party~~  
 13 provider submitting such records.

14 Sec. 4. K.S.A. 12-5375 is hereby amended to read as follows: 12-  
 15 5375. (a) (1) The ~~proceeds of the 911 fees imposed pursuant to this act~~  
 16 ~~moneys distributed to counties~~ and PSAPs pursuant to K.S.A. 12-5374,  
 17 and amendments thereto, and any interest earned on revenue derived from  
 18 such ~~fee moneys~~, shall be used only for necessary and reasonable costs  
 19 incurred or to be incurred by PSAPs for:

governing bodies

- 20 (1)(A) Implementation of 911 services;
- 21 (2)(B) purchase of 911 equipment and upgrades;
- 22 (3)(C) maintenance and license fees for 911 equipment;
- 23 (4)(D) training of personnel, not to include salaries;
- 24 (5)(E) monthly recurring charges billed by service suppliers;
- 25 (6)(F) installation, service establishment and nonrecurring start-up  
 26 charges billed by the service supplier;
- 27 (7)(G) charges for capital improvements and equipment or other  
 28 physical enhancements to the 911 system; or
- 29 (8)(H) the original acquisition and installation of road signs designed  
 30 to aid in the delivery of emergency service.

31 (2) Such costs shall not include expenditures to lease, construct,  
 32 expand, acquire, remodel, renovate, repair, furnish or make improvements  
 33 to buildings or similar facilities. Such costs shall also not include  
 34 expenditures to purchase, procure, maintain or upgrade subscriber radio  
 35 equipment.

36 (b) The 911 coordinating council shall, pursuant to rules and  
 37 regulations, establish a process for a PSAP ~~or county~~, at the discretion of  
 38 the PSAP ~~or county~~, to seek pre-approval of an expenditure. The council  
 39 shall respond in writing to any pre-approval request within 30 days and  
 40 inform the PSAP ~~or county~~ if the requested expenditure is approved or  
 41 disapproved. If the expenditure is disapproved, the written notification  
 42 shall state the reason for the disapproval and such PSAP ~~or county~~ may,  
 43 within 15 days after service of the notification, make a written request to

governing body

1 the council to appeal the council's decision and for a hearing to be  
2 conducted in accordance with the provisions of the Kansas administrative  
3 procedure act.

governing body that contracts with another governing body of a PSAP for  
the provision of 911 services

4 (c) The 911 coordinating council shall annually review expenditures  
5 of 911 ~~funds~~ *moneys* reported on the annual report for each PSAP *and*  
6 ~~county~~ and shall appoint a committee to review such expenditures. If the  
7 committee determines that a reported expenditure was not authorized by  
8 this act, the committee shall request that the expenditure be refunded by  
9 the PSAP to the PSAP's *or county's* 911 fee fund account. If a PSAP *or*  
10 ~~county~~ does not concur with the finding of the committee, the PSAP *or*  
11 ~~county~~ may request a review of the decision of the committee before the  
12 911 coordinating council. If the 911 coordinating council, based upon  
13 information obtained from an audit of ~~the PSAPs~~ *any PSAP or county*,  
14 determines that any PSAP *or county* has used any 911 fees for any purpose  
15 other than those authorized in this act, the governing body for such PSAP  
16 *or county* shall repay all such moneys used for any unauthorized purposes  
17 to the 911 fee fund *account* of such PSAP *or county*. Upon a finding that  
18 the expenditure was made intentionally from the 911 fee fund *account* of  
19 such PSAP *or county* for a purpose clearly established as an unauthorized  
20 expenditure, the 911 coordinating council may require such PSAP *or*  
21 ~~county~~ to pay the lesser of \$500 or 10%, of such misused moneys, to the  
22 LCPA for deposit in the 911 state grant fund. No such repayment of 911  
23 fees shall be imposed pursuant to this section except upon the written  
24 order of the council. Such order shall state the unauthorized purposes for  
25 which the funds were used, the amount of funds to be ~~repayed~~ *repaid* and  
26 the right of such PSAP *or county* to appeal to a hearing before the Kansas  
27 office of administrative hearings. Any such PSAP *or county* may, within  
28 15 days after service of the order, make a written request to the council for  
29 a hearing thereon. Hearings under this subsection shall be conducted in  
30 accordance with the provisions of the Kansas administrative procedure act.

or governing body

governing body's

governing body

governing body that contracts with another governing body of a PSAP for  
the provision of 911 services

31 (d) Any final action of the council pursuant to subsection (b) or (c) is  
32 subject to review in accordance with the Kansas judicial review act.  
33 Sec. 5. K.S.A. 12-5377 is hereby amended to read as follows: 12-  
34 5377. (a) The receipts and disbursements of the LCPA shall be audited  
35 yearly by a licensed municipal accountant or certified public accountant.  
36 (b) The LCPA may require an audit of any provider's books and  
37 records concerning the collection and remittance of fees pursuant to this  
38 act. The cost of any such audit shall be paid from the 911 operations fund.  
39 (c) (1) On or before December 31, 2018, and at least once every five  
40 years thereafter, the division of post audit shall conduct an audit of the 911  
41 system to determine:  
42 (A) Whether the moneys received by PSAPs *and counties* pursuant to  
43 this act are being used appropriately;

governing body

governing bodies

1 (B) whether the amount of moneys collected pursuant to this act is  
2 adequate; and

3 (C) the status of 911 service implementation.

4 (2) The auditor to conduct such audit shall be specified in accordance  
5 with K.S.A. 46-1122, and amendments thereto.

6 ~~(2)(3)~~ The post auditor shall compute the reasonably anticipated cost  
7 of providing audits pursuant to this subsection, subject to review and  
8 approval by the contract audit committee established by K.S.A. 46-1120,  
9 and amendments thereto. Upon such approval, the division of post audit  
10 shall be reimbursed from the 911 operations fund for the amount approved  
11 by the contract audit committee. The audit report shall be submitted to the  
12 911 coordinating council, the LCPA, the house of representatives  
13 committee on energy, utilities and telecommunications and the senate  
14 committee on utilities.

15 ~~(d)(1) On or before December 31, 2018, the division of post audit~~  
16 ~~shall conduct an audit of the budget and expenditures of the 911~~  
17 ~~coordinating council. In conducting such audit, the division shall examine:~~  
18 ~~(A) The annual expenses and financial needs, including personnel, of the~~  
19 ~~council; (B) the total annual operating expenses of the council that are~~  
20 ~~included in the 2.5% cap on expenditures pursuant to K.S.A. 12-5364(i),~~  
21 ~~and amendments thereto; (C) the current and projected contractual~~  
22 ~~expenses of the council; (D) the expenditures and distribution of moneys~~  
23 ~~from the 911 state grant fund by the council; and (E) whether the moneys~~  
24 ~~expended by the council are being used pursuant to this act. The auditor, to~~  
25 ~~conduct such audit, shall be specified in accordance with K.S.A. 46-1122,~~  
26 ~~and amendments thereto.~~

27 ~~(2) The post auditor shall compute the reasonably anticipated cost of~~  
28 ~~providing the audit pursuant to this subsection, subject to review and~~  
29 ~~approval by the contract audit committee established by K.S.A. 46-1120,~~  
30 ~~and amendments thereto. Upon such approval, the division of post audit~~  
31 ~~shall be reimbursed from the 911 operations fund for the amount approved~~  
32 ~~by the contract audit committee. The audit report shall be submitted to the~~  
33 ~~911 coordinating council, the house of representatives committee on~~  
34 ~~energy, utilities and telecommunications and the senate committee on~~  
35 ~~utilities.~~

36 ~~(e) The legislature shall review this act at the regular 2019 legislative~~  
37 ~~session and at the regular legislative session every five years thereafter.~~

38 Sec. 6. K.S.A. 12-5364, 12-5368, 12-5374, 12-5375 and 12-5377 are  
39 hereby repealed.

40 Sec. 7. This act shall take effect and be in force from and after its  
41 publication in the statute book.