

## HOUSE BILL No. 2486

By Committee on Utilities and Telecommunications

1-23

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1 AN ACT concerning telecommunications; relating to the KUSF  
2 administrator; authorizing an annual audit; amending K.S.A. 2013  
3 Supp. 66-2010 and repealing the existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2013 Supp. 66-2010 is hereby amended to read as  
7 follows: 66-2010. (a) The commission shall utilize a competitive bidding  
8 process to select a neutral, competent and bonded third party to administer  
9 the KUSF.

10 (b) The administrator shall be responsible for: (1) Collecting and  
11 auditing all relevant information from all qualifying telecommunications  
12 public utilities, telecommunications carriers or wireless  
13 telecommunications service providers receiving funds from or providing  
14 funds to the KUSF; (2) verifying, based on the calculations of each  
15 qualifying telecommunications carrier, telecommunications public utility  
16 or wireless telecommunications service provider, the obligation of each  
17 such qualifying carrier, utility or provider to generate the funds required by  
18 the KUSF; (3) collecting all moneys due to the KUSF from all  
19 telecommunications public utilities, telecommunications carriers and  
20 wireless telecommunications service providers in the state; and (4)  
21 distributing amounts on a monthly basis due to qualifying  
22 telecommunications public utilities, wireless telecommunications service  
23 providers and telecommunications carriers receiving KUSF funding.

24 (c) Any information made available or received by the administrator  
25 from carriers, utilities or providers receiving funds from or providing  
26 funds to the KUSF shall not be subject to any provisions of the Kansas  
27 open records act and shall be considered confidential and proprietary.

28 (d) The administrator shall be authorized to maintain an action to  
29 collect any funds owed by any telecommunications carrier, public utility or  
30 wireless telecommunications provider in the district court in the county of  
31 the registered office of such carrier, utility or provider or, if such carrier,  
32 utility or provider does not have a registered office in the state, such an  
33 action may be maintained in the county where such carrier's, utility's or  
34 provider's principal office is located. If such carrier, utility or provider has  
35 no principal office in the state, such an action may be maintained in the  
36 district court of any county in which such carrier, utility or provider

1 provides service.

2 (e)-(f) The KUSF administrator shall be responsible to ensure that  
3 funds do not fall below the level necessary to pay all amounts collectively  
4 owed to all qualifying telecommunications public utilities, wireless  
5 telecommunications service providers and telecommunications carriers.  
6 The administrator shall have the authority to retain and invest in a prudent  
7 and reasonable manner any excess funds collected in any period to help  
8 ensure that adequate funds are available to cover amounts payable in other  
9 periods.

10 ~~(2) Subject to the provisions of appropriations acts, for fiscal year~~  
11 ~~2013, the KUSF administrator may transfer moneys from the KUSF to the~~  
12 ~~state treasurer. Upon the receipt of any payment, the state treasurer shall~~  
13 ~~deposit the entire amount in the state treasury and credit it to the KAN-ED~~  
14 ~~fund. Any such payments shall be made after all payments required by~~  
15 ~~K.S.A. 66-2008, and amendments thereto, for the month are made from~~  
16 ~~the KUSF.~~

17 *(f) The commission shall authorize an annual audit of the KUSF*  
18 *administrator.*

19 Sec. 2. K.S.A. 2013 Supp. 66-2010 is hereby repealed.

20 Sec. 3. This act shall take effect and be in force from and after its  
21 publication in the statute book.