

HOUSE BILL No. 2084

By Committee on Energy, Utilities and Telecommunications

1-24

1 AN ACT concerning the Kansas 911 act; relating to emergency services;
2 911 fees, collection and distribution; amending K.S.A. 2018 Supp. 12-
3 5363, 12-5364, 12-5365, 12-5366, 12-5367, 12-5368, 12-5369, 12-
4 5370, 12-5371, 12-5372, 12-5373, 12-5374, 12-5375, 12-5376, 12-
5 5377, 12-5378, 12-5380 and 19-101a and repealing the existing
6 sections; also repealing K.S.A. 2018 Supp. 12-5327, 12-5338 and 12-
7 5361.

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

10 Section 1. K.S.A. 2018 Supp. 12-5363 is hereby amended to read as
11 follows: 12-5363. As used in the Kansas 911 act:

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

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

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

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

21 (e) *"GIS" means a geographic information system for capturing,
22 storing, displaying, analyzing and managing data and associated
23 attributes that are spatially referenced.*

24 (f) *"GIS data" means the geometry and associated attributes
25 packaged in a geodatabase that defines the roads, address points and
26 boundaries within a PSAP's jurisdiction.*

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

29 ~~(h)~~ (h) "Local collection point administrator" or "LCPA" means, ~~on the~~
30 ~~effective date of this act, the statewide association of cities established by~~
31 ~~K.S.A. 12-1610c, and amendments thereto, and the statewide association~~
32 ~~of counties established by K.S.A. 19-2690, and amendments thereto. After~~
33 ~~January 1, 2012, "local collection point administrator" means the person~~
34 ~~designated by the 911 coordinating council to serve as the local collection~~
35 ~~point administrator to collect and distribute 911 fees, 911 operations fund~~
36 ~~moneys and 911 state grant fund moneys.~~

1 ~~(g)~~(i) "Multi-line telephone system" means a system comprised of
2 common control units, telephones and control hardware and software
3 providing local telephone service to multiple end-use customers that may
4 include VoIP service and network and premises based systems such as
5 centrex, private branch exchange and hybrid key telephone systems.

6 ~~(h)~~(j) "Next generation 911" means 911 service that *conforms with*
7 *national emergency number association (NENA) i3 standards* and enables
8 PSAPs to receive Enhanced 911 service calls and emergency calls from
9 Internet Protocol (IP) based technologies and applications that may include
10 text messaging, image, video and data information from callers.

11 ~~(i)~~(k) "*Non-traditional PSAP*" means a PSAP not operated by a city
12 or county, including, but not limited to, PSAPs operated by universities,
13 tribal governments or the state federal government.

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

21 ~~(j)~~(m) "Prepaid wireless service" means a wireless
22 telecommunications service that allows a caller to dial 911 to access the
23 911 system, which service must be paid for in advance and is sold in
24 predetermined units or dollars of which the number declines with use in a
25 known amount.

26 ~~(k)~~(n) "Place of primary use" has the meaning provided in the mobile
27 telecommunications act as defined by 4 U.S.C. § 116 et seq., as in effect
28 on the effective date of this act.

29 ~~(l)~~(o) "Provider" means any person providing exchange
30 telecommunications service, wireless telecommunications service, VoIP
31 service or other service capable of contacting a PSAP. A provider may also
32 be a 911 system operator.

33 ~~(m)~~(p) "PSAP" means a public safety answering point operated by a
34 city or county.

35 ~~(n)~~(q) "Retail transaction" means the purchase of prepaid wireless
36 service from a seller for any purpose other than resale, not including the
37 use, storage or consumption of such services.

38 ~~(o)~~(r) "Seller" means a person who sells prepaid wireless service to
39 another person.

40 ~~(p)~~(s) "Service user" means any person who is provided exchange
41 telecommunications service, wireless telecommunications service, VoIP
42 service, prepaid wireless service or any other service capable of contacting
43 a PSAP.

1 (†)(t) "Subscriber account" means the 10-digit access number
2 assigned to a service user by a provider for the purpose of billing a service
3 user up to the maximum capacity of the simultaneous outbound calling
4 capability of a multi-line telephone system or equivalent service.

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

8 (†)(v) "VoIP service" means voice over internet protocol.

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

12 (†)(x) "911 call" means any electronic request for emergency
13 response, presented by means of wireline, wireless, VoIP or
14 telecommunications device for the deaf (TDD) technology, text message or
15 any other technology by which a service user initiates an immediate
16 information interchange or conversation with a PSAP.

17 (†)(y) "911 system operator" means any entity that accepts 911 calls
18 from providers, processes those calls and presents those calls to the
19 appropriate PSAP. A "911 system operator" may also be a provider.

20 Sec. 2. K.S.A. 2018 Supp. 12-5364 is hereby amended to read as
21 follows: 12-5364. (a) (1) There is hereby created the 911 coordinating
22 council which shall monitor the delivery of 911 services, develop
23 strategies for future enhancements to the 911 system and distribute
24 available grant funds to PSAPs. In as much as possible, the council shall
25 include individuals with technical expertise regarding 911 systems,
26 internet technology and GIS technology.

27 (2) The 911 coordinating council shall consist of 13 voting members
28 to be appointed by the governor: Two members representing information
29 technology personnel from government units; one member representing
30 the Kansas sheriff's association; one member representing the Kansas
31 association of chiefs of police; one member representing a fire chief; one
32 member recommended by the adjutant general; one member recommended
33 by the Kansas emergency medical services board; one member
34 recommended by the Kansas commission for the deaf and hard of hearing;
35 two members representing PSAPs located in counties with less than
36 75,000 in population; two members representing PSAPs located in
37 counties with greater than 75,000 in population; and one member
38 representing ~~PSAPs without regard to size~~ *the Kansas chapter of the*
39 *association of public safety communications officials*. At least two of the
40 members representing PSAPs shall be administrators of a PSAP or have
41 extensive prior 911 experience in Kansas.

42 (3) Other voting members of the 911 coordinating council shall
43 include: One member of the Kansas house of representatives as appointed

1 by the speaker of the house; one member of the Kansas house of
2 representatives as appointed by the minority leader of the house; one
3 member of the Kansas senate as appointed by the senate president; and one
4 member of the Kansas senate as appointed by the senate minority leader.

5 (4) The 911 coordinating council shall also include nonvoting
6 members to be appointed by the governor: One member representing rural
7 telecommunications companies recommended by the Kansas rural
8 independent telephone companies; one member representing incumbent
9 local exchange carriers with over 50,000 access lines; one member
10 representing large wireless providers; one member representing VoIP
11 providers; one member recommended by the league of Kansas
12 municipalities; one member recommended by the Kansas association of
13 counties; one member recommended by the Kansas geographic
14 information systems policy board; one member recommended by the
15 Kansas office of information technology services; ~~and~~ one member, a
16 Kansas resident, recommended by the Mid-America regional council; *and*
17 *two members representing non-traditional PSAPs, one of whom shall be a*
18 *representative of tribal government.*

19 (b) (1) Except as provided in subsection (b)(2) and (b)(3), the terms
20 of office for voting members of the 911 coordinating council shall
21 commence on the effective date of this act and shall be subject to
22 reappointment every three years. No voting member shall serve longer
23 than two successive three-year terms. A voting member appointed as a
24 replacement for another voting member may finish the term of the
25 predecessor and may serve two additional successive three-year terms.

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

28 (A) One member representing information technology personnel from
29 government units, one member recommended by the adjutant general, one
30 member representing PSAPs located in counties with less than 75,000 in
31 population and one member representing PSAPs located in counties with
32 ~~greater than~~ 75,000 *or more* in population shall serve a term of two years;

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

38 (C) one member representing a fire chief, one member recommended
39 by the Kansas commission for the deaf and hard of hearing, one member
40 representing the Kansas association of chiefs of police and one member
41 representing PSAPs located in counties with ~~greater than~~ 75,000 *or more*
42 in population shall serve a term of four years.

43 (3) The initial term for one member representing the Kansas sheriff's

1 association shall begin on July 1, 2014, and be for a period of three years.

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

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

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

16 (d) The 911 coordinating council, by an affirmative vote of nine
17 voting members, shall select the local collection point administrator,
18 pursuant to K.S.A. 2018 Supp. 12-5367, and amendments thereto, to
19 collect 911 fees and to distribute such fees to PSAPs and to distribute 911
20 *operations fund moneys and 911 state grant fund moneys* as directed by the
21 council. The council shall adopt rules and regulations for the terms of the
22 contract with the LCPA. All contract terms and conditions shall satisfy all
23 contract requirements as established by the secretary of administration.
24 The council shall determine the compensation of the LCPA who shall
25 provide the council with any staffing necessary in carrying out the
26 business of the council or effectuating the provisions of this act. The
27 moneys used to reimburse these expenses shall be paid from the 911 ~~state~~
28 ~~grant operations~~ fund, pursuant to subsection ~~(i)~~ (j).

29 (e) (1) The 911 coordinating council is hereby authorized to adopt
30 rules and regulations necessary to effectuate the provisions of this act,
31 including, but not limited to: (A) Creating a uniform reporting form
32 designating how moneys, including 911 fees, have been spent by the
33 PSAPs; (B) requiring service providers to notify the council pursuant to
34 subsection ~~(j)~~, ~~setting~~ (k); (C) *establishing* standards for coordinating and
35 purchasing equipment; (D) recommending standards for *general*
36 *operations* training of PSAP personnel; (E) *establishing training*
37 *standards and programs related to the technology and operations of the*
38 *NG911 hosted solution*; (F) *establishing data standards, maintenance*
39 *policies and data reporting requirements for GIS data*; and (G) assessing
40 civil penalties pursuant to subsection (m).

41 (2) The chair of the council shall work with the council to ~~develop~~
42 ~~rules and regulations necessary for the distribution of moneys in the 911~~
43 ~~federal grant fund. The council shall work with the chair to carry out the~~

1 ~~provisions of this act. adopt~~ rules and regulations necessary to begin for
2 the administration of this act ~~shall be adopted by December 31, 2011, but~~
3 ~~the council shall not adopt any rules and regulations or impose any~~
4 ~~requirements that creates a mandatory certification program of PSAP~~
5 ~~operations or PSAP emergency communications personnel.~~

6 (f) *If the 911 coordinating council finds that the GIS data for a PSAP*
7 *is inaccurate or has not been updated for one year or more, the council*
8 *shall give written notice to the governing body that oversees the PSAP. If,*
9 *within 60 days of providing such notice, the council does not receive an*
10 *acceptable proposal for the PSAP to bring the GIS data into compliance,*
11 *the council may contract with a third party to review and update the GIS*
12 *data. A PSAP with GIS data that has not been updated for one year or*
13 *more may provide a certification attesting that the GIS data has been*
14 *reviewed and remains accurate. If the council receives such certification*
15 *and has information that the data may not be accurate, the council shall*
16 *provide a written notice to the PSAP that describes the areas the council*
17 *believes to be inaccurate and a deadline of 30 days for the PSAP to submit*
18 *updated GIS data. If the updated GIS data is not received within the*
19 *deadline, the council may contract with a third party to review and update*
20 *the GIS data. The council shall assess the governing body that oversees*
21 *the PSAP for any costs incurred in updating the GIS data.*

22 ~~(g)~~ The council may, pursuant to rules and regulations, ~~raise or~~
23 ~~lower the 911 fee established pursuant to K.S.A. 2018 Supp. 12-5369, and~~
24 ~~amendments thereto, upon a finding based on information submitted on the~~
25 ~~uniform reporting forms, that moneys generated by such fee are in excess~~
26 ~~of or below the costs required to operate PSAPs in the state. The council~~
27 ~~shall not set the 911 fee above \$.60.~~

28 ~~(g)~~(h) The council may appoint subcommittees as necessary to
29 administer grants, oversee collection and distribution of moneys by the
30 LCPA, develop technology standards, develop training recommendations
31 and other issues as deemed necessary by the council. Subcommittees, if
32 appointed, shall include members of the council and other persons as
33 needed.

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

40 ~~(i)~~(j) All expenses related to the council shall be paid from the 911
41 ~~state grant operations~~ fund. No more than 2.5% of the total receipts from
42 providers and the department received by the LCPA shall be used to pay
43 for ~~such~~ administrative expenses of the council. Members of the council

1 and other persons appointed to subcommittees by the council may receive
2 reimbursement for meals and travel expenses, but shall serve without other
3 compensation with the exception of legislative members *who shall receive*
4 *compensation pursuant to K.S.A. 75-3212, and amendments thereto.*

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

10 ~~(k)~~(l) Each PSAP shall file *an annual report* with the council; by
11 March 1, ~~2012, and every March 1 thereafter, a report of each year~~
12 ~~demonstrating how such PSAP has spent the moneys earned from the 911~~
13 ~~fee during the preceding calendar year. The council shall designate the~~
14 ~~content and form of such report and any associated documentation that is~~
15 ~~required to finalize such report.~~

16 (2) *If a PSAP fails to file and finalize an annual report, the council*
17 *shall provide notice of such failure to the PSAP and the governing body of*
18 *such PSAP. If such PSAP fails to file or finalize an annual report within 60*
19 *days of receiving such notice, 10% of each subsequent distribution of 911*
20 *fees to such PSAP pursuant to K.S.A. 2018 Supp. 12-5373, and*
21 *amendments thereto, shall be withheld by the LCPA and only distributed to*
22 *such PSAP once the report has been submitted.*

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

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

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

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

39 (p) The 911 coordinating council shall make an annual report, to
40 include a detailed description of all expenditures made from 911 fees
41 received by the PSAPs, to the house committee on *energy*, utilities and
42 telecommunications and the senate committee on utilities.

43 Sec. 3. K.S.A. 2018 Supp. 12-5365 is hereby amended to read as

1 follows: 12-5365. (a) There is hereby established in the state treasury the
2 911 federal grant fund.

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

9 (c) Moneys received by the state from the federal government for the
10 purposes of the fund shall be credited to the fund.

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

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

15 (2) to provide grants to eligible municipalities only for necessary and
16 reasonable costs incurred or to be incurred by PSAPs for: (A)
17 Implementation of enhanced 911 service and next generation 911 service,
18 as defined in K.S.A. 2018 Supp. 12-5363, and amendments thereto; (B)
19 purchase of equipment and upgrades and modification to equipment used
20 solely to process the data elements of enhanced 911 service and next
21 generation 911 service, as defined in K.S.A. 2018 Supp. 12-5363, and
22 amendments thereto; and (C) maintenance and license fees for such
23 equipment and training of personnel to operate such equipment, including
24 costs of training PSAP personnel to provide effective service to all users of
25 the emergency telephone system who have communications disabilities.
26 Such costs shall not include expenditures to lease, construct, expand,
27 acquire, remodel, renovate, repair, furnish or make improvements to
28 buildings or similar facilities or for other capital outlay or equipment not
29 expressly authorized by this act.

30 (e) All payments and disbursements from the fund shall be made in
31 accordance with appropriation acts upon warrants of the director of
32 accounts and reports issued pursuant to vouchers approved by the chair or
33 by a person or persons designated by the chair.

34 ~~(f) This section shall take effect on and after January 1, 2012.~~

35 Sec. 4. K.S.A. 2018 Supp. 12-5366 is hereby amended to read as
36 follows: 12-5366. (a) There is hereby established in the state treasury the
37 911 state maintenance fund.

38 (b) The chair of the 911 coordinating council shall serve as the
39 administrator of the 911 state maintenance fund and shall distribute grants
40 in accordance with the recommendations of the 911 coordinating council.
41 Subject to the conditions and in accordance with the requirements of this
42 act and 47 C.F.R. part 400, the chair is authorized to perform such acts
43 necessary for the effectuation of this act.

- 1 (c) Moneys from the following sources shall be credited to the fund:
2 (1) Amounts appropriated or otherwise made available by the
3 legislature for the purposes of the fund;
4 (2) interest attributable to investment of moneys in the fund; and
5 (3) amounts received from any public or private entity for the
6 purposes of the fund.
- 7 (d) Moneys credited to the fund shall be used only:
8 (1) To pay all expenses incurred in the administration of the fund; and
9 (2) to provide grants to eligible municipalities only for necessary and
10 reasonable costs incurred or to be incurred by PSAPs for: (A)
11 Implementation of enhanced 911 service and next generation 911 service,
12 as defined in K.S.A. 2018 Supp. 12-5363, and amendments thereto; (B)
13 purchase of equipment and upgrades and modification to equipment used
14 solely to process the data elements of enhanced 911 service and next
15 generation 911 service, as defined in K.S.A. 2018 Supp. 12-5363, and
16 amendments thereto; and (C) maintenance and license fees for such
17 equipment and training of personnel to operate such equipment, including
18 costs of training PSAP personnel to provide effective service to all users of
19 the emergency telephone system who have communications disabilities.
20 Such costs shall not include expenditures to lease, construct, expand,
21 acquire, remodel, renovate, repair, furnish or make improvements to
22 buildings or similar facilities or for other capital outlay or equipment not
23 expressly authorized by this act.
- 24 (e) On or before the 10th of each month, the director of accounts and
25 reports shall transfer from the state general fund to the 911 state
26 maintenance fund interest earnings based on:
27 (1) The average daily balance of moneys in the 911 state maintenance
28 fund for the preceding month; and
29 (2) the net earnings rate of the pooled money investment portfolio for
30 the preceding month.
- 31 (f) All payments and disbursements from the fund shall be made in
32 accordance with appropriation acts upon warrants of the director of
33 accounts and reports issued pursuant to vouchers approved by the chair or
34 by a person or persons designated by the chair.
- 35 ~~(g) This section shall take effect on and after January 1, 2012.~~
- 36 Sec. 5. K.S.A. 2018 Supp. 12-5367 is hereby amended to read as
37 follows: 12-5367. The 911 coordinating council, by an affirmative vote of
38 nine voting members, shall select the local collection point administrator.
39 In selecting the LCPA, the council shall contract with the LCPA for
40 services for no longer than two years, however, the council may, by an
41 affirmative vote of nine voting members, extend such contract for up to
42 two additional years. The 911 coordinating council shall receive the ~~advice~~
43 ~~and consent~~ *approval* of the legislative coordinating council in selecting an

1 LCPA if the entity to be designated as the LCPA is different than the
2 previous entity designated as the LCPA. The 911 coordinating council
3 shall annually review the designation of the LCPA and the contract with
4 the LCPA for services. The LCPA shall be subject to the requirements of
5 the Kansas open meetings act, the Kansas open records act and shall treat
6 all moneys received as public funds pursuant to article 14 of chapter 9 of
7 the Kansas Statutes Annotated, and amendments thereto. Notwithstanding
8 any other provision of law to the contrary, the LCPA shall not be
9 considered a state agency.

10 Sec. 6. K.S.A. 2018 Supp. 12-5368 is hereby amended to read as
11 follows: 12-5368. (a) Upon the ~~advice and consent~~ *approval* of the 911
12 coordinating council, the LCPA shall establish *the following funds, which*
13 *shall not be a part of the state treasury: (1) The 911 state fund for the*
14 *collection and distribution of 911 fees; (2) the 911 operations fund for*
15 *administrative costs of the 911 coordinating council and deployment and*
16 *maintenance of the statewide NG911 system; and (3) the 911 state grant*
17 *fund which shall not be part of the state treasury for grants to individual*
18 *PSAPs. On or after the effective date of this section, the secretary of*
19 *administration shall certify all unobligated funds remaining in the wireless*
20 *enhanced 911 grant fund as having originated as either federal grant*
21 *moneys or 911 fee moneys. All such moneys originating from 911 fees,*
22 *and any interest accrued on such fees, shall be paid to the LCPA for*
23 *deposit in the 911 state grant fund or 911 operations fund pursuant to*
24 *subsection (b). All unobligated federal moneys, and any interest accrued*
25 *on such moneys, shall be transferred to the 911 federal grant fund.*

26 (b) (1) *Except as provided for in paragraph (2), prior to the*
27 *distribution to the PSAPs pursuant to K.S.A. 2018 Supp. 12-5374, and*
28 *amendments thereto, the LCPA shall withhold \$.23 from every 911 fee*
29 *remitted pursuant to K.S.A. 2018 Supp. 12-5369, and amendments thereto,*
30 *and shall deposit such amount in the 911 operations fund for the*
31 *deployment and maintenance of the statewide NG911 system and*
32 *standardized functionality upgrades to that system.*

33 (2) *If the funds withheld from distribution pursuant to paragraph (1)*
34 *exceed 15% of the total receipts received by the LCPA from providers and*
35 *the department over the prior three years, such funds in excess of that*
36 *15% total shall be deposited in the 911 state grant fund and used for PSAP*
37 *grants based on demonstrated need pursuant to subsection (d).*

38 (c) The council shall be responsible for ensuring that the 911
39 *operations fund and the 911 state grant fund and any interest earned on*
40 *money credited to the fund is only expended for the following purposes:*
41 (1) Projects involving the development and implementation of next
42 generation 911 services; (2) costs associated with PSAP consolidation or
43 cost-sharing projects; (3) expenses related to the 911 coordinating council;

1 (4) costs of audits conducted pursuant to K.S.A. 2018 Supp. 12-5377, and
2 amendments thereto; and (5) other costs pursuant to K.S.A. 2018 Supp.
3 12-5375, and amendments thereto.

4 ~~(e)~~(d) The council shall develop criteria for *PSAPs* for eligible
5 purchases and for grant applicants and make the final determination as to
6 the distribution of grant funds. Such criteria shall promote the procurement
7 of equipment that meets open architecture and national technical
8 standards. Distribution of grant funds shall not include expenditures to
9 procure, maintain or upgrade subscriber radio equipment.

10 ~~(d)~~(e) The LCPA shall be authorized to maintain an action to collect
11 any funds owed by any providers in the district court in the county of the
12 registered office of such provider or, if such provider does not have a
13 registered office in the state, such an action may be maintained in the
14 county where such provider's principal office is located. If such provider
15 has no principal office in the state, such an action may be maintained in
16 the district court of any county in which such provider provides service.

17 ~~(e) This section shall take effect on and after January 1, 2012.~~

18 Sec. 7. K.S.A. 2018 Supp. 12-5369 is hereby amended to read as
19 follows: 12-5369. ~~(a)~~ Subject to the provisions of K.S.A. 2018 Supp. 12-
20 5364(g), and amendments thereto, there is hereby imposed a 911 fee in the
21 amount of ~~\$.53~~ \$1.03 per month per subscriber account of any exchange
22 telecommunications service, wireless telecommunications service, VoIP
23 service, or other service capable of contacting a PSAP. Such fee shall not
24 be imposed on prepaid wireless service. It shall be the duty of each
25 exchange telecommunications service provider, wireless
26 telecommunications service provider, VoIP service provider or other
27 service provider to remit such fees to the LCPA as provided in K.S.A.
28 2018 Supp. 12-5370, and amendments thereto.

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

30 Sec. 8. K.S.A. 2018 Supp. 12-5370 is hereby amended to read as
31 follows: 12-5370. (a) Every billed service user shall be liable for the 911
32 fee until such fees have been paid to the exchange telecommunications
33 service provider, wireless telecommunications service provider, VoIP
34 service provider or other service provider.

35 (b) *All providers shall have* the duty to collect the fees imposed
36 pursuant to this act ~~shall commence January 1, 2012.~~ Such fees shall be
37 added to and may be stated separately in billings for the subscriber
38 account. If stated separately in billings, the fees shall be labeled "911 fees."

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

1 fees.

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

6 (e) The 911 fees and the amounts required to be collected therefor are
7 due monthly. The amount of such fees collected in one month by the
8 provider shall be remitted to the LCPA not more than 15 days after the
9 close of the calendar month. On or before the 15th day of each calendar
10 month following, a return for the preceding month shall be filed with the
11 LCPA. Such return shall be in such form and shall contain such
12 information as required by the LCPA. The provider required to file the
13 return shall deliver the return together with a remittance of the amount of
14 fees payable to the LCPA. The provider shall maintain records of the
15 amount of any such fees collected in accordance with this act for a period
16 of three years from the time the fees are collected.

17 (f) The provisions of this section shall not be construed to apply to
18 prepaid wireless service.

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

20 Sec. 9. K.S.A. 2018 Supp. 12-5371 is hereby amended to read as
21 follows: 12-5371. (a) There is hereby imposed a prepaid wireless 911 fee
22 of ~~1.06%~~ 2.06% per retail transaction or, on and after the effective date of
23 an adjusted amount per retail transaction that is established under
24 subsection (f), such adjusted amount.

25 (b) The prepaid wireless 911 fee shall be collected by the seller from
26 the consumer with respect to each retail transaction occurring in this state.
27 The amount of the prepaid wireless 911 fee shall be either separately stated
28 on an invoice, receipt or other similar document that is provided to the
29 consumer by the seller, or otherwise disclosed to the consumer.

30 (c) For purposes of subsection (b), a retail transaction that is effected
31 in person by a consumer in a business location of the seller shall be treated
32 as occurring in this state if that business location is in this state, and any
33 other retail transaction shall be treated as occurring in this state if the retail
34 transaction is treated as occurring in this state for the purposes of
35 ~~subsection (e)(3) of K.S.A. 79-3673(c)(3)~~, and amendments thereto.

36 (d) The prepaid wireless 911 fee is the liability of the consumer and
37 not of the seller nor of any provider, except that the seller shall be liable to
38 remit all prepaid wireless 911 fees that the seller collects from consumers
39 pursuant to this section, and amendments thereto, including all such fees
40 that the seller is deemed to collect where the amount of the charge has not
41 been separately stated in an invoice, receipt or other similar document
42 provided to the consumer by the seller.

43 (e) The amount of the prepaid wireless 911 fee that is collected by a

1 seller from a consumer, if such amount is separately stated on an invoice,
2 receipt or other similar document provided to the consumer by the seller,
3 shall not be included in the base for measuring any tax, fee, surcharge or
4 other charge that is imposed by this state, any political subdivision of this
5 state or any intergovernmental agency.

6 (f) The prepaid wireless 911 fee shall be proportionately ~~increased or~~
7 ~~reduced, as applicable,~~ upon any ~~change~~ *reduction* to the fee imposed by
8 ~~subsection (a) of K.S.A. 2018 Supp. 12-5369(a), and amendments thereto,~~
9 *pursuant to the 911 coordinating council's authority to reduce the fee*
10 *under K.S.A. 2018 Supp. 12-5364(g), and amendments thereto.* The
11 adjusted amount shall be ~~determined by the product of~~ dividing the
12 ~~numeric amount of the new fee imposed by subsection (a) of adjusted~~
13 *pursuant to K.S.A. 2018 Supp. 12-5369 12-5364(g), and amendments*
14 *thereto, by \$50 50.* Such ~~increase or~~ reduction shall be effective on the
15 effective date of the ~~change to~~ *reduction of* the fee imposed by ~~subsection~~
16 ~~(a) of K.S.A. 2018 Supp. 12-5369(a), and amendments thereto, or, if later,~~
17 the first day of the calendar quarter to occur at least 60 days after the
18 enactment ~~to the change to~~ *of the reduction of* the fee imposed by
19 ~~subsection (a) of K.S.A. 2018 Supp. 12-5369(a), and amendments thereto.~~
20 The department shall provide not less than 60 days' notice of such ~~increase~~
21 ~~or decrease~~ on the department's website.

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

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

33 Sec. 10. K.S.A. 2018 Supp. 12-5372 is hereby amended to read as
34 follows: 12-5372. (a) Prepaid wireless 911 fees collected by sellers shall
35 be remitted to the department by electronic filing that is consistent with the
36 provisions of article 36 of chapter 79 of the Kansas Statutes Annotated,
37 and amendments thereto. The department shall establish registration and
38 payment procedures for the collection of the prepaid wireless 911 fee.

39 (b) To minimize additional costs to the department, the department
40 may conduct audits of sellers in conjunction with sales and use tax audits.
41 The department is authorized to provide the LCPA with information
42 obtained in such audits if such information indicates that a seller may not
43 be complying with the provisions of this section and K.S.A. 2018 Supp.

1 12-5371, and amendments thereto. The LCPA may request the department
2 to initiate collection or audit procedures on individual sellers if collection
3 efforts by the LCPA are unsuccessful.

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

9 (d) The department shall transfer all remitted prepaid wireless 911
10 fees to the LCPA within 30 days of receipt for distribution as provided in
11 K.S.A. 2018 Supp. 12-5374, and amendments thereto.

12 ~~(e) The department may retain up to \$70,000 of remitted funds in~~
13 ~~fiscal year 2012 only for use in paying for programming and other one-~~
14 ~~time costs for establishing a system for collecting the prepaid wireless 911~~
15 ~~fee.~~

16 ~~(f) This section shall take effect on and after January 1, 2012.~~

17 Sec. 11. K.S.A. 2018 Supp. 12-5373 is hereby amended to read as
18 follows: 12-5373. ~~(a)~~ The prepaid wireless 911 fee imposed in this act
19 shall be the only 911 funding obligation imposed with respect to prepaid
20 wireless service in this state. No tax, fee, surcharge or other charge shall be
21 imposed by this state, any political subdivision of this state or any
22 intergovernmental agency for 911 funding purposes upon any prepaid
23 wireless service provider, seller or consumer with respect to the sale,
24 purchase, use or provision of prepaid wireless service.

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

26 Sec. 12. K.S.A. 2018 Supp. 12-5374 is hereby amended to read as
27 follows: 12-5374. (a) *(1) Except for the amounts withheld by the LCPA*
28 *pursuant to K.S.A. 2018 Supp. 12-5368(b), and amendments thereto, and*
29 *any amounts withheld pursuant to K.S.A. 2018 Supp. 12-5364(l), and*
30 *amendments thereto, not later than 30 days after the receipt of moneys*
31 *from providers pursuant to K.S.A. 2018 Supp. 12-5370 and 12-5371, and*
32 *amendments thereto, and the department pursuant to K.S.A. 2018 Supp.*
33 *12-5372, and amendments thereto, the LCPA shall distribute such moneys*
34 *to the PSAPs. The amount of money distributed to the PSAPs in each*
35 *county shall be based upon the amount of 911 fees collected from service*
36 *users located in that county, based on place of primary use information*
37 *provided by the providers, by using the following distribution method: In a*
38 *county with a population over 80,000, 82% of the money collected from*
39 *service users whose place of primary use, as provided by the providers, is*
40 *within the county shall be distributed to the PSAPs within the county*
41 *based on place of primary use information; in a county with a population*
42 *between 65,000 and 79,999, 85% of the money collected from service*
43 *users whose place of primary use, as provided by the providers, is within*

1 the county shall be distributed to the PSAPs within the county based on
 2 place of primary use information; in a county with a population between
 3 55,000 and 64,999, 88% of the money collected from service users whose
 4 place of primary use, as provided by the providers, is within the county
 5 shall be distributed to the PSAPs within the county based on place of
 6 primary use information; in a county with a population between 45,000
 7 and 54,999, 91% of the money collected from service users whose place of
 8 primary use, as provided by the providers, is within the county shall be
 9 distributed to the PSAPs within the county based on place of primary use
 10 information; in a county with a population between 35,000 and 44,999,
 11 94% of the money collected from service users whose place of primary
 12 use, as provided by the providers, is within the county shall be distributed
 13 to the PSAPs within the county based on place of primary use information;
 14 in a county with a population between 25,000 and 34,999, 97% of the
 15 money collected from service users whose place of primary use, as
 16 provided by the providers, is within the county shall be distributed to the
 17 PSAPs within the county based on place of primary use information; and
 18 in a county with a population of less than 25,000, 100% of the money
 19 collected from service users whose place of primary use, as provided by
 20 the providers, is within the county shall be distributed to the PSAPs within
 21 the county based on place of primary use information.

22 *Population of county.....Percentage of collected*
 23 *where PSAP is located.....911 fees to distribute*

24 <i>Over 80,000.....</i>	<i>82%</i>
25 <i>65,000 to 79,999.....</i>	<i>85%</i>
26 <i>55,000 to 64,999.....</i>	<i>88%</i>
27 <i>45,000 to 54,999.....</i>	<i>91%</i>
28 <i>35,000 to 44,999.....</i>	<i>94%</i>
29 <i>25,000 to 34,999.....</i>	<i>97%</i>
30 <i>Less than 25,000.....</i>	<i>100%</i>

31 (2) There shall be a minimum county distribution of ~~\$50,000~~ \$60,000
 32 and no county shall receive less than ~~\$50,000~~ \$60,000 of direct
 33 distribution moneys. If there is more than one PSAP in a county then the
 34 direct distribution allocated to that county by population shall be deducted
 35 from the minimum county distribution and the difference shall be
 36 proportionately divided between the PSAPs in the county. All moneys
 37 remaining after distribution, *moneys withheld pursuant to K.S.A. 2018*
 38 *Supp. 12-5368(b), and amendments thereto*, and any moneys ~~which that~~
 39 cannot be attributed to a specific PSAP shall be transferred to the 911 ~~state~~
 40 ~~grant~~ *operations* fund.

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

1 amendments thereto.

2 (c) All moneys in the 911 state fund that have been collected from the
3 prepaid wireless 911 fee shall be deposited in the 911 ~~state grant~~
4 *operations* fund unless ~~\$2~~ \$3 million of such moneys have been deposited
5 in any given year then all remaining moneys shall be distributed to the
6 counties in an amount proportional to each county's population as a
7 percentage share of the population of the state. For each PSAP within a
8 county, such moneys shall be distributed to each PSAP in an amount
9 proportional to the PSAP's population as a percentage share of the
10 population of the county. If there is no PSAP within a county, then such
11 moneys shall be distributed to the PSAP providing service to such county.
12 Such moneys distributed to counties and PSAPs only shall be used for the
13 uses authorized in K.S.A. 2018 Supp. 12-5375, and amendments thereto.

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

16 (e) Information provided by providers to the local collection point
17 administrator or to the 911 coordinating council pursuant to this act will be
18 treated as proprietary records which will be withheld from the public upon
19 request of the party submitting such records.

20 (f) The provisions of subsection (e) shall expire on July 1, 2021,
21 unless the legislature acts to reenact such provision. The provisions of
22 subsection (e) shall be reviewed by the legislature prior to July 1, 2021.

23 Sec. 13. K.S.A. 2018 Supp. 12-5375 is hereby amended to read as
24 follows: 12-5375. (a) The proceeds of the 911 fees imposed pursuant to
25 this act, and any interest earned on revenue derived from such fee, shall be
26 used only for necessary and reasonable costs incurred or to be incurred by
27 PSAPs for: (1) Implementation of 911 services; (2) purchase of 911
28 equipment and upgrades; (3) maintenance and license fees for 911
29 equipment; (4) training of personnel, *not to include salaries*; (5) monthly
30 recurring charges billed by service suppliers; (6) installation, service
31 establishment and nonrecurring start-up charges billed by the service
32 supplier; (7) charges for capital improvements and equipment or other
33 physical enhancements to the 911 system; or (8) the original acquisition
34 and installation of road signs designed to aid in the delivery of emergency
35 service. Such costs shall not include expenditures to lease, construct,
36 expand, acquire, remodel, renovate, repair, furnish or make improvements
37 to buildings or similar facilities. Such costs shall also not include
38 expenditures to purchase, *procure, maintain or upgrade* subscriber radio
39 equipment.

40 (b) *The 911 coordinating council shall, pursuant to rules and*
41 *regulations, establish a process for a PSAP, at the discretion of the PSAP,*
42 *to seek pre-approval of an expenditure. The council shall respond in*
43 *writing to any pre-approval request within 30 days and inform the PSAP if*

1 *the requested expenditure is approved or disapproved. If the expenditure is*
 2 *disapproved, the written notification shall state the reason for the*
 3 *disapproval and such PSAP may, within 15 days after service of the*
 4 *notification, make a written request to the council to appeal the council's*
 5 *decision and for a hearing to be conducted in accordance with the*
 6 *provisions of the Kansas administrative procedure act.*

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

33 ~~(e)(d)~~ *Any final action of the council pursuant to subsection (b) or (c)*
 34 *is subject to review in accordance with the Kansas judicial review act.*

35 ~~(d)~~ *As long as the PSAP is working in good faith to use the 911 fees*
 36 *for expenditures authorized by this act, no repayment of 911 fees shall be*
 37 *required prior to January 1, 2013.*

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

39 Sec. 14. K.S.A. 2018 Supp. 12-5376 is hereby amended to read as
 40 follows: 12-5376. ~~(a)~~ *Except as provided by the Kansas tort claims act,*
 41 *and except for failure to use ordinary care, or for intentional acts, the*
 42 *LCPA and each provider, and their employees and agents, and each seller,*
 43 *and their employees and agents, shall not be liable for the payment of*

1 damages resulting directly or indirectly from the total or partial failure of
2 any transmission to an emergency communication service or for damages
3 resulting from the performance of installing, maintaining or providing 911
4 service.

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

6 Sec. 15. K.S.A. 2018 Supp. 12-5377 is hereby amended to read as
7 follows: 12-5377. (a) The receipts and disbursements of the LCPA shall be
8 audited yearly by a licensed municipal accountant or certified public
9 accountant.

10 (b) The LCPA may require an audit of any provider's books and
11 records concerning the collection and remittance of fees pursuant to this
12 act. The cost of any such audit shall be paid from the 911 ~~state grant~~
13 *operations* fund.

14 (c) (1) On or before December 31, 2018, and at least once every five
15 years thereafter, the division of post audit shall conduct an audit of the 911
16 system to determine: (A) Whether the moneys received by PSAPs pursuant
17 to this act are being used appropriately; (B) whether the amount of moneys
18 collected pursuant to this act is adequate; and (C) the status of 911 service
19 implementation. The auditor to conduct such audit shall be specified in
20 accordance with K.S.A. 46-1122, and amendments thereto.

21 (2) The post auditor shall compute the reasonably anticipated cost of
22 providing audits pursuant to this subsection, subject to review and
23 approval by the contract audit committee established by K.S.A. 46-1120,
24 and amendments thereto. Upon such approval, the division of post audit
25 shall be reimbursed from the 911 ~~state grant~~ *operations* fund for the
26 amount approved by the contract audit committee. The audit report shall
27 be submitted to the 911 coordinating council, the LCPA, the house of
28 representatives committee on energy, utilities and telecommunications and
29 the senate committee on utilities.

30 (d) (1) On or before December 31, 2018, the division of post audit
31 shall conduct an audit of the budget and expenditures of the 911
32 coordinating council. In conducting such audit, the division shall examine:
33 (A) The annual expenses and financial needs, including personnel, of the
34 council; (B) the total annual operating expenses of the council that are
35 included in the 2.5% cap on expenditures pursuant to K.S.A. 2018 Supp.
36 12-5364(i), and amendments thereto; (C) the current and projected
37 contractual expenses of the council; (D) the expenditures and distribution
38 of moneys from the 911 state grant fund by the council; and (E) whether
39 the moneys expended by the council are being used pursuant to this act.
40 The auditor, to conduct such audit, shall be specified in accordance with
41 K.S.A. 46-1122, and amendments thereto.

42 (2) The post auditor shall compute the reasonably anticipated cost of
43 providing the audit pursuant to this subsection, subject to review and

1 approval by the contract audit committee established by K.S.A. 46-1120,
2 and amendments thereto. Upon such approval, the division of post audit
3 shall be reimbursed from the 911 ~~state grant~~ *operations* fund for the
4 amount approved by the contract audit committee. The audit report shall
5 be submitted to the 911 coordinating council, the house of representatives
6 committee on energy, utilities and telecommunications and the senate
7 committee on utilities.

8 (e) The legislature shall review this act at the regular ~~2014~~ 2019
9 legislative session and at the regular legislative session every five years
10 thereafter.

11 Sec. 16. K.S.A. 2018 Supp. 12-5378 is hereby amended to read as
12 follows: 12-5378. ~~(a)~~ Nothing in this act shall be construed to limit the
13 ability of a provider from recovering directly from the provider's
14 customers its costs associated with designing, developing, deploying and
15 maintaining 911 service and its cost of collection and administration of the
16 fees imposed by this act, whether such costs are itemized on the customer's
17 bill as a surcharge or by any other lawful method.

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

19 Sec. 17. K.S.A. 2018 Supp. 12-5380 is hereby amended to read as
20 follows: 12-5380. The governing body of each city and county shall
21 provide or contract for the 24-hour receipt of ~~wireless emergency~~ 911 calls
22 for all ~~wireless~~ service areas within the jurisdiction of the city or county.

23 Sec. 18. K.S.A. 2018 Supp. 19-101a is hereby amended to read as
24 follows: 19-101a. (a) The board of county commissioners may transact all
25 county business and perform all powers of local legislation and
26 administration it deems appropriate, subject only to the following
27 limitations, restrictions or prohibitions:

28 (1) Counties shall be subject to all acts of the legislature which apply
29 uniformly to all counties.

30 (2) Counties may not affect the courts located therein.

31 (3) Counties shall be subject to acts of the legislature prescribing
32 limits of indebtedness.

33 (4) In the exercise of powers of local legislation and administration
34 authorized under provisions of this section, the home rule power conferred
35 on cities to determine their local affairs and government shall not be
36 superseded or impaired without the consent of the governing body of each
37 city within a county which may be affected.

38 (5) Counties may not legislate on social welfare administered under
39 state law enacted pursuant to or in conformity with public law No. 271 –
40 74th congress, or amendments thereof.

41 (6) Counties shall be subject to all acts of the legislature concerning
42 elections, election commissioners and officers and their duties as such
43 officers and the election of county officers.

1 (7) Counties shall be subject to the limitations and prohibitions
2 imposed under K.S.A. 12-187 ~~to~~ through 12-195, ~~inclusive~~, and
3 amendments thereto, prescribing limitations upon the levy of retailers'
4 sales taxes by counties.

5 (8) Counties may not exempt from or effect changes in statutes made
6 nonuniform in application solely by reason of authorizing exceptions for
7 counties having adopted a charter for county government.

8 (9) No county may levy ad valorem taxes under the authority of this
9 section upon real property located within any redevelopment project area
10 established under the authority of K.S.A. 12-1772, and amendments
11 thereto, unless the resolution authorizing the same specifically authorized
12 a portion of the proceeds of such levy to be used to pay the principal of
13 and interest upon bonds issued by a city under the authority of K.S.A. 12-
14 1774, and amendments thereto.

15 (10) Counties shall have no power under this section to exempt from
16 any statute authorizing or requiring the levy of taxes and providing
17 substitute and additional provisions on the same subject, unless the
18 resolution authorizing the same specifically provides for a portion of the
19 proceeds of such levy to be used to pay a portion of the principal and
20 interest on bonds issued by cities under the authority of K.S.A. 12-1774,
21 and amendments thereto.

22 (11) Counties may not exempt from or effect changes in the
23 provisions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

24 (12) Except as otherwise specifically authorized by K.S.A. 12-1,101
25 through 12-1,109, and amendments thereto, counties may not levy and
26 collect taxes on incomes from whatever source derived.

27 (13) Counties may not exempt from or effect changes in K.S.A. 19-
28 430, and amendments thereto.

29 (14) Counties may not exempt from or effect changes in K.S.A. 19-
30 302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

31 (15) Counties may not exempt from or effect changes in K.S.A. 19-
32 15,139, 19-15,140 and 19-15,141, and amendments thereto.

33 (16) Counties may not exempt from or effect changes in the
34 provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c
35 and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-
36 1260 through 12-1270 and 12-1276, and amendments thereto.

37 (17) Counties may not exempt from or effect changes in the
38 provisions of K.S.A. 19-211, and amendments thereto.

39 (18) Counties may not exempt from or effect changes in the
40 provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.

41 (19) Counties may not regulate the production or drilling of any oil or
42 gas well in any manner which would result in the duplication of regulation
43 by the state corporation commission and the Kansas department of health

1 and environment pursuant to chapter 55 and chapter 65 of the Kansas
2 Statutes Annotated, and amendments thereto, and any rules and regulations
3 adopted pursuant thereto. Counties may not require any license or permit
4 for the drilling or production of oil and gas wells. Counties may not
5 impose any fee or charge for the drilling or production of any oil or gas
6 well.

7 (20) Counties may not exempt from or effect changes in K.S.A. 79-
8 41a04, and amendments thereto.

9 (21) Counties may not exempt from or effect changes in K.S.A. 79-
10 1611, and amendments thereto.

11 (22) Counties may not exempt from or effect changes in K.S.A. 79-
12 1494, and amendments thereto.

13 (23) Counties may not exempt from or effect changes in ~~subsection~~
14 ~~(b)~~ of K.S.A. 19-202(b), and amendments thereto.

15 (24) Counties may not exempt from or effect changes in ~~subsection~~
16 ~~(b)~~ of K.S.A. 19-204(b), and amendments thereto.

17 (25) Counties may not levy or impose an excise, severance or any
18 other tax in the nature of an excise tax upon the physical severance and
19 production of any mineral or other material from the earth or water.

20 (26) Counties may not exempt from or effect changes in K.S.A. 79-
21 2017 or 79-2101, and amendments thereto.

22 (27) Counties may not exempt from or effect changes in K.S.A. 2-
23 3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-
24 1,178 through 65-1,199, 65-3001 through 65-3028, and amendments
25 thereto.

26 (28) Counties may not exempt from or effect changes in K.S.A. 2018
27 Supp. 80-121, and amendments thereto.

28 (29) Counties may not exempt from or effect changes in K.S.A. 19-
29 228, and amendments thereto.

30 (30) Counties may not exempt from or effect changes in the ~~wireless~~
31 ~~enhanced Kansas 911 act, in the VoIP enhanced 911 act or in the~~
32 ~~provisions of K.S.A. 12-5301 through 12-5308, and amendments thereto.~~

33 (31) Counties may not exempt from or effect changes in K.S.A. 2018
34 Supp. 26-601, and amendments thereto.

35 (32) (A) Counties may not exempt from or effect changes in the
36 Kansas liquor control act except as provided by paragraph (B).

37 (B) Counties may adopt resolutions which are not in conflict with the
38 Kansas liquor control act.

39 (33) (A) Counties may not exempt from or effect changes in the
40 Kansas cereal malt beverage act except as provided by paragraph (B).

41 (B) Counties may adopt resolutions which are not in conflict with the
42 Kansas cereal malt beverage act.

43 (34) Counties may not exempt from or effect changes in the Kansas

1 lottery act.

2 (35) Counties may not exempt from or effect changes in the Kansas
3 expanded lottery act.

4 (36) Counties may neither exempt from nor effect changes to the
5 eminent domain procedure act.

6 (37) Any county granted authority pursuant to the provisions of
7 K.S.A. 19-5001 through 19-5005, and amendments thereto, shall be
8 subject to the limitations and prohibitions imposed under K.S.A. 19-5001
9 through 19-5005, and amendments thereto.

10 (38) Except as otherwise specifically authorized by K.S.A. 19-5001
11 through 19-5005, and amendments thereto, counties may not exercise any
12 authority granted pursuant to K.S.A. 19-5001 through 19-5005, and
13 amendments thereto, including the imposition or levy of any retailers' sales
14 tax.

15 (b) Counties shall apply the powers of local legislation granted in
16 subsection (a) by resolution of the board of county commissioners. If no
17 statutory authority exists for such local legislation other than that set forth
18 in subsection (a) and the local legislation proposed under the authority of
19 such subsection is not contrary to any act of the legislature, such local
20 legislation shall become effective upon passage of a resolution of the
21 board and publication in the official county newspaper. If the legislation
22 proposed by the board under authority of subsection (a) is contrary to an
23 act of the legislature which is applicable to the particular county but not
24 uniformly applicable to all counties, such legislation shall become
25 effective by passage of a charter resolution in the manner provided in
26 K.S.A. 19-101b, and amendments thereto.

27 (c) Any resolution adopted by a county which conflicts with the
28 restrictions in subsection (a) is null and void.

29 Sec. 19. K.S.A. 2018 Supp. 12-5327, 12-5338, 12-5361, 12-5363, 12-
30 5364, 12-5365, 12-5366, 12-5367, 12-5368, 12-5369, 12-5370, 12-5371,
31 12-5372, 12-5373, 12-5374, 12-5375, 12-5376, 12-5377, 12-5378, 12-
32 5380 and 19-101a are hereby repealed.

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