

As Amended by House Committee

Session of 2019

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

9 ~~(w)~~(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)~~(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)~~(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)~~(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%~~ **2.0%** of the total receipts
42 from providers and the department received by the LCPA shall be used to
43 pay for ~~such administrative expenses of the council.~~ Members of the

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

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

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

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

24 ~~(l)~~(m) The council, upon a finding that a provider has violated any
25 provision of this act, may impose a civil penalty. No civil penalty shall be
26 imposed pursuant to this section except upon the written order of the
27 council. Such order shall state the violation, the penalty to be imposed and
28 the right of such person to appeal to a hearing before the council. Any such
29 person 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 ~~(m)~~(n) Any action of the council pursuant to subsection ~~(l)~~ (m) is
34 subject to review in accordance with the Kansas judicial review act.

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

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

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

1 Sec. 3. K.S.A. 2018 Supp. 12-5365 is hereby amended to read as
2 follows: 12-5365. (a) There is hereby established in the state treasury the
3 911 federal grant fund.

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

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

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

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

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

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

36 Sec. 4. K.S.A. 2018 Supp. 12-5366 is hereby amended to read as
37 follows: 12-5366. (a) There is hereby established in the state treasury the
38 911 state maintenance fund.

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

1 necessary for the effectuation of this act.

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

3 (1) Amounts appropriated or otherwise made available by the
4 legislature for the purposes of the fund;

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

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

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

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

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

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

28 (1) The average daily balance of moneys in the 911 state maintenance
29 fund for the preceding month; and

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

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

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

37 Sec. 5. K.S.A. 2018 Supp. 12-5367 is hereby amended to read as
38 follows: 12-5367. The 911 coordinating council, by an affirmative vote of
39 nine voting members, shall select the local collection point administrator.
40 In selecting the LCPA, the council shall contract with the LCPA for
41 services for no longer than two years, however, the council may, by an
42 affirmative vote of nine voting members, extend such contract for up to
43 two additional years. The 911 coordinating council shall receive the advice

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

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

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

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

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

1 cost-sharing projects; (3) expenses related to the 911 coordinating council;
2 (4) costs of audits conducted pursuant to K.S.A. 2018 Supp. 12-5377, and
3 amendments thereto; and (5) other costs pursuant to K.S.A. 2018 Supp.
4 12-5375, and amendments thereto.

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

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

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

19 Sec. 7. K.S.A. 2018 Supp. 12-5369 is hereby amended to read as
20 follows: 12-5369. ~~(a)~~ Subject to the provisions of K.S.A. 2018 Supp. 12-
21 5364(g), and amendments thereto, there is hereby imposed a 911 fee in the
22 amount of ~~\$.53~~ \$1.03 per month per subscriber account of any exchange
23 telecommunications service, wireless telecommunications service, VoIP
24 service, or other service capable of contacting a PSAP. Such fee shall not
25 be imposed on prepaid wireless service. It shall be the duty of each
26 exchange telecommunications service provider, wireless
27 telecommunications service provider, VoIP service provider or other
28 service provider to remit such fees to the LCPA as provided in K.S.A.
29 2018 Supp. 12-5370, and amendments thereto.

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

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

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

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

1 balance that can be determined by the provider to be nonpayment of such
2 fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (b) To minimize additional costs to the department, the department
41 may conduct audits of sellers in conjunction with sales and use tax audits.
42 The department is authorized to provide the LCPA with information
43 obtained in such audits if such information indicates that a seller may not

1 be complying with the provisions of this section and K.S.A. 2018 Supp.
2 12-5371, and amendments thereto. The LCPA may request the department
3 to initiate collection or audit procedures on individual sellers if collection
4 efforts by the LCPA are unsuccessful.

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

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

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

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

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

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

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

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

23	<i>Population of county.....</i>	<i>Percentage of collected</i>
24	<i>where PSAP is located.....</i>	<i>911 fees to distribute</i>
25	<i>Over 80,000.....</i>	<i>82%</i>
26	<i>65,000 to 79,999.....</i>	<i>85%</i>
27	<i>55,000 to 64,999.....</i>	<i>88%</i>
28	<i>45,000 to 54,999.....</i>	<i>91%</i>
29	<i>35,000 to 44,999.....</i>	<i>94%</i>
30	<i>25,000 to 34,999.....</i>	<i>97%</i>
31	<i>Less than 25,000.....</i>	<i>100%</i>

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

42 (b) All fees remitted to the LCPA shall be deposited in the 911 state
 43 fund and for the purposes of this act be treated as if they are public funds,

1 pursuant to article 14 of chapter 9 of the Kansas Statutes Annotated, and
2 amendments thereto.

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

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

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

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

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

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

1 writing to any pre-approval request within 30 days and inform the PSAP if
2 the requested expenditure is approved or disapproved. If the expenditure is
3 disapproved, the written notification shall state the reason for the
4 disapproval and such PSAP may, within 15 days after service of the
5 notification, make a written request to the council to appeal the council's
6 decision and for a hearing to be conducted in accordance with the
7 provisions of the Kansas administrative procedure act.

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

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

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

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

40 Sec. 14. K.S.A. 2018 Supp. 12-5376 is hereby amended to read as
41 follows: 12-5376. ~~(a)~~ Except as provided by the Kansas tort claims act,
42 and except for failure to use ordinary care, or for intentional acts **action or**
43 **inaction that constitutes gross negligence or willful and wanton**

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

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

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

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

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

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

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

1 K.S.A. 46-1122, and amendments thereto.

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

11 (e) The legislature shall review this act at the regular—~~2014~~ *2019*
12 legislative session and at the regular legislative session every five years
13 thereafter.

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

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

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

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

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

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

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

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

41 (5) Counties may not legislate on social welfare administered under
42 state law enacted pursuant to or in conformity with public law No. 271 –
43 74th congress, or amendments thereof.

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

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

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

11 (9) No county may levy ad valorem taxes under the authority of this
12 section upon real property located within any redevelopment project area
13 established under the authority of K.S.A. 12-1772, and amendments
14 thereto, unless the resolution authorizing the same specifically authorized
15 a portion of the proceeds of such levy to be used to pay the principal of
16 and interest upon bonds issued by a city under the authority of K.S.A. 12-
17 1774, and amendments thereto.

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

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

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

30 (13) Counties may not exempt from or effect changes in K.S.A. 19-
31 430, and amendments thereto.

32 (14) Counties may not exempt from or effect changes in K.S.A. 19-
33 302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

34 (15) Counties may not exempt from or effect changes in K.S.A. 19-
35 15,139, 19-15,140 and 19-15,141, and amendments thereto.

36 (16) Counties may not exempt from or effect changes in the
37 provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c
38 and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-
39 1260 through 12-1270 and 12-1276, and amendments thereto.

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

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

- 1 (19) Counties may not regulate the production or drilling of any oil or
2 gas well in any manner which would result in the duplication of regulation
3 by the state corporation commission and the Kansas department of health
4 and environment pursuant to chapter 55 and chapter 65 of the Kansas
5 Statutes Annotated, and amendments thereto, and any rules and regulations
6 adopted pursuant thereto. Counties may not require any license or permit
7 for the drilling or production of oil and gas wells. Counties may not
8 impose any fee or charge for the drilling or production of any oil or gas
9 well.
- 10 (20) Counties may not exempt from or effect changes in K.S.A. 79-
11 41a04, and amendments thereto.
- 12 (21) Counties may not exempt from or effect changes in K.S.A. 79-
13 1611, and amendments thereto.
- 14 (22) Counties may not exempt from or effect changes in K.S.A. 79-
15 1494, and amendments thereto.
- 16 (23) Counties may not exempt from or effect changes in ~~subsection~~
17 ~~(b)~~ of K.S.A. 19-202(b), and amendments thereto.
- 18 (24) Counties may not exempt from or effect changes in ~~subsection~~
19 ~~(b)~~ of K.S.A. 19-204(b), and amendments thereto.
- 20 (25) Counties may not levy or impose an excise, severance or any
21 other tax in the nature of an excise tax upon the physical severance and
22 production of any mineral or other material from the earth or water.
- 23 (26) Counties may not exempt from or effect changes in K.S.A. 79-
24 2017 or 79-2101, and amendments thereto.
- 25 (27) Counties may not exempt from or effect changes in K.S.A. 2-
26 3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-
27 1,178 through 65-1,199, 65-3001 through 65-3028, and amendments
28 thereto.
- 29 (28) Counties may not exempt from or effect changes in K.S.A. 2018
30 Supp. 80-121, and amendments thereto.
- 31 (29) Counties may not exempt from or effect changes in K.S.A. 19-
32 228, and amendments thereto.
- 33 (30) Counties may not exempt from or effect changes in the ~~wireless~~
34 ~~enhanced Kansas 911 act, in the VoIP enhanced 911 act or in the~~
35 ~~provisions of K.S.A. 12-5301 through 12-5308, and amendments thereto.~~
- 36 (31) Counties may not exempt from or effect changes in K.S.A. 2018
37 Supp. 26-601, and amendments thereto.
- 38 (32) (A) Counties may not exempt from or effect changes in the
39 Kansas liquor control act except as provided by paragraph (B).
- 40 (B) Counties may adopt resolutions which are not in conflict with the
41 Kansas liquor control act.
- 42 (33) (A) Counties may not exempt from or effect changes in the
43 Kansas cereal malt beverage act except as provided by paragraph (B).

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

3 (34) Counties may not exempt from or effect changes in the Kansas
4 lottery act.

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

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

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

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

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

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

32 Sec. 19. K.S.A. 2018 Supp. 12-5327, 12-5338, 12-5361, 12-5363, 12-
33 5364, 12-5365, 12-5366, 12-5367, 12-5368, 12-5369, 12-5370, 12-5371,
34 12-5372, 12-5373, 12-5374, 12-5375, 12-5376, 12-5377, 12-5378, 12-
35 5380 and 19-101a are hereby repealed.

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