

2020 Kansas Statutes

12-5368. 911 state fund, 911 operations fund and 911 state grant fund; established by LCPA; distributions; uses. (a) Upon the approval of the 911 coordinating council, the LCPA shall establish the following funds, which shall not be a part of the state treasury: (1) The 911 state fund for the collection and distribution of 911 fees; (2) the 911 operations fund for administrative costs of the 911 coordinating council and deployment and maintenance of the statewide NG911 system; and (3) the 911 state grant fund for grants to individual PSAPs. All moneys originating from 911 fees, and any interest accrued on such fees, shall be paid to the LCPA for deposit in the 911 state fund or 911 operations fund pursuant to subsection (b). All unobligated federal moneys, and any interest accrued on such moneys, shall be transferred to the 911 federal grant fund.

(b) (1) Except as provided for in paragraph (2), prior to the distribution to the PSAPs pursuant to K.S.A. 2020 Supp. 12-5374, and amendments thereto, the LCPA shall withhold \$.23 from every 911 fee remitted pursuant to K.S.A. 2020 Supp. 12-5369, and amendments thereto, and shall deposit such amount in the 911 operations fund for the deployment and maintenance of the statewide NG911 system and standardized functionality upgrades to that system.

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

(3) If the balance in the 911 state grant fund is less than \$2,000,000, prior to the distribution to the PSAPs pursuant to K.S.A. 2020 Supp. 12-5374, and amendments thereto, the LCPA shall withhold \$.01 from every 911 fee remitted pursuant to K.S.A. 2020 Supp. 12-5369, and amendments thereto, and shall deposit such amount in the 911 state grant fund. If the balance in the 911 state grant fund exceeds \$2,000,000, the LCPA shall not withhold such amount.

(c) The council shall be responsible for ensuring that the 911 operations fund and the 911 state grant fund and any interest earned on money credited to the fund is only expended for the following purposes: (1) Projects involving the development and implementation of next generation 911 services; (2) costs associated with PSAP consolidation or cost-sharing projects; (3) expenses related to the 911 coordinating council; (4) costs of audits conducted pursuant to K.S.A. 2020 Supp. 12-5377, and amendments thereto; and (5) other costs pursuant to K.S.A. 2020 Supp. 12-5375, and amendments thereto.

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

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

History: L. 2011, ch. 84, § 7; L. 2019, ch. 39, § 6; July 1.