

SENATE BILL No. 298

By Committee on Commerce

2-8

AN ACT concerning telecommunications; relating to enhanced wireless 911 service.

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

Section 1. (a) "Administrator" means the person appointed by the governor and employed by or contracted with the Kansas highway patrol to administer the enhanced wireless 911 fund.

(b) "Automatic number identification" means a feature by which a person calling a public safety answering point has such person's ten-digit telephone number simultaneously forwarded to the public safety answering point and to the public safety answering point's display and transfer units.

(c) "Advisory board" means the enhanced wireless 911 advisory board.

(d) "Enhanced 911 service" means an emergency telephone service that generally may provide, but is not limited to, selective routing, automatic number identification and automatic location identification features.

(e) "Enhanced wireless 911 service" means a telephone exchange communication service by which wireless telecommunication carriers can provide automatic number identification, pseudo-automatic number identification and wireless automatic location identification information to a public safety answering point which has the capability of providing selective routing, selective transfer, fixed transfer, automatic number identification and wireless automatic location identification.

(f) "Governing body" shall have the same meaning as in K.S.A. 12-5301, and amendments thereto.

(g) "911 service" shall have the same meaning as Emergency 9-1-1 telephone service as defined in K.S.A. 12-5301, and amendments thereto.

(h) "Person" shall have the same meaning as in K.S.A. 12-5301, and amendments thereto.

(i) "Pseudo-automatic number identification" means a feature by which automatic number identification is provided to a public safety answering point of the ten-digit telephone number of the specific cell site or cell site sector from which a wireless call originated.

1 (j) "Public agency" shall have the same meaning as in K.S.A. 12-5301,
2 and amendments thereto.

3 (k) "Public safety answering point" shall have the same meaning as
4 K.S.A. 12-5301, and amendments thereto.

5 (l) "Ten-digit telephone number" means a telephone number as-
6 signed to a particular telephone account preceded by the area code.

7 (m) "Wireless automatic location information" means a feature by
8 which information is provided to a public safety answering point identi-
9 fying the location, the latitude and longitude within the parameters es-
10 tablished by the federal communications commission, of a wireless unit
11 originating a call to a public safety answering point.

12 (n) "Wireless carrier" means any carrier of commercial mobile radio
13 service as defined in section 2(27) and 332(d) of the federal telecom-
14 munications act of 1996, 47 U.S.C. section 151 *et seq.*, and the federal
15 telecommunications rules, 47 C.F.R. 20.18 *et seq.*, or any cellular licensee,
16 personal communications licensee and specialized mobile radio carrier as
17 defined in 47 C.F.R. 20.18.

18 Sec. 2. On and after July 1, 2001, each wireless carrier who has a
19 subscriber with a billing address in the state of Kansas shall collect from
20 each subscriber a surcharge of not more than \$.50 per month per sub-
21 scriber account in the state as determined by the administrator. The wire-
22 less carrier shall add the surcharge to each subscriber's telephone bill.
23 The wireless carrier shall not be liable for any surcharge not paid by a
24 subscriber and shall not be obligated to take legal action to collect the
25 surcharge. The surcharge shall appear as a separate line item charge on
26 the subscriber's billing statement and shall be labeled as "Enhanced
27 Wireless 911 Surcharge."

28 Sec. 3. Each wireless carrier shall remit to the administrator the
29 amount of surcharge collected monthly together with any forms required
30 by the administrator. The carrier may retain up to 2% of such amount as
31 an administrative collection fee. The carrier shall maintain surcharge and
32 remittance records for a period of two years after the date of the billing
33 of the surcharge to the subscriber. The administrator shall remit the funds
34 to the state treasurer for credit to the enhanced wireless 911 fund. The
35 administrator may require an audit of any wireless carrier's books and
36 records concerning the collection and remittance of the surcharge pur-
37 suant to this act.

38 Sec. 4. The enhanced wireless 911 advisory board is established to
39 advise the administrator concerning the implementation, development,
40 administration, coordination, evaluation and maintenance of enhanced
41 wireless 911 service. The advisory board shall be composed of eleven
42 individuals appointed by the governor, including:

43 (a) One representative of local law enforcement;

- 1 (b) one representative of the Kansas highway patrol;
- 2 (c) one county official or county employee;
- 3 (d) one municipal official or municipal employee;
- 4 (e) two representatives from the state's wireless telecommunications
- 5 industry;
- 6 (f) two managers of public safety answering points;
- 7 (g) one representative of the state's local exchange telecommunica-
- 8 tions service industry; and
- 9 (h) two legislators from different political parties, appointed by the
- 10 legislative coordinating council.

11 Three members shall be appointed for a term of one year, four mem-
12 bers shall be appointed for a term of two years and four members shall
13 be appointed for a term of three years. Each succeeding member of the
14 board shall be appointed for a term of three years. The board shall meet
15 as often as necessary to carry out its duties. Members of the board shall
16 be reimbursed for their actual and necessary expenses.

17 Sec. 5. The advisory board shall make recommendations to the ad-
18 ministrator regarding the implementation of this act, including:

- 19 (a) The allocation of funds from the enhanced wireless 911 fund
- 20 among the purposes specified in section 8, and amendments thereto,
- 21 subject to the conditions specified in that section;
- 22 (b) rules and regulations promulgated to carry out the provisions of
- 23 this act;
- 24 (c) any adjustments in the amount of the surcharge to recommend
- 25 to the administrator; and
- 26 (d) the resolution of any disputes between public safety answering
- 27 points and wireless carriers.

28 The administrator retains final authority to approve and implement any
29 and all recommendations made by the advisory board.

30 Sec. 6. The enhanced wireless 911 fund is hereby created. The fund
31 shall consist of the surcharges credited to the fund, any money appro-
32 priated by the legislature to the fund, any federal funds received for wire-
33 less emergency communication and any other funds designated for credit
34 to the fund. Money in the fund shall be used for the costs of administering
35 the fund and for the purposes specified in section 8, and amendments
36 thereto, unless otherwise directed by federal law, with respect to federal
37 funds received. The costs of administering the fund shall be kept to a
38 minimum. The money in the fund shall not be subject to any fiscal-year
39 limitation or lapse provision of an unexpended balance at the end of any
40 fiscal year or biennium.

41 Sec. 7. A public safety answering point in a county where a wireless
42 carrier has a presence on a tower shall enter into service agreements with
43 all such wireless carriers. The administrator, in consultation with the ad-

1 visory board, shall determine and encourage use of the most efficient
2 methods for providing enhanced wireless 911 service.

3 Sec. 8. (a) The administrator, in consultation with the advisory board,
4 shall:

5 (1) Determine the costs to implement wireless automatic location
6 identification;

7 (2) determine the level of funding available for disbursements to be
8 made pursuant to the act;

9 (3) determine the percentage of the funds that shall be allocated to
10 each funding purpose, including the percentage that shall be designated
11 for funding 911 service under subsection (b) of this section;

12 (4) determine how the funds distributed under paragraphs (2) and
13 (3) of subsection (b) of this section, are to be allocated among the wireless
14 carriers and public safety answering points; and

15 (5) adopt rules and regulations as may be necessary to implement the
16 provisions of this act.

17 (b) The administrator, in consultation with the advisory board, shall
18 establish standards and criteria to determine the eligibility of applications
19 for disbursements from the fund and the level of disbursement for each
20 application. In establishing such criteria and standards, the administrator
21 shall include applications submitted for the following purposes as eligible
22 for funding:

23 (1) Costs incurred or to be incurred by public safety answering points
24 to implement enhanced wireless 911 service including, but not limited
25 to, purchases of equipment and upgrades and modification to equipment
26 used solely to process the data elements of enhanced wireless 911 service,
27 maintenance costs and license fees for such equipment and the training
28 of personnel to operate such equipment;

29 (2) costs incurred or to be incurred by public safety answering points
30 for the purchase, installation, maintenance and operation of telecom-
31 munications equipment and telecommunications services required for the
32 provision of 911 service, or enhanced 911 service, if the costs are nec-
33 essary to prepare the public safety answering point for the capability of
34 providing enhanced wireless 911 service. Such costs shall not include
35 expenditures for new or expanded buildings or similar facilities or to con-
36 struct other capital improvements not expressly authorized by this act;

37 (3) costs incurred or to be incurred by wireless carriers to implement
38 enhanced wireless 911 service pursuant to a service agreement with a
39 public safety answering point or pursuant to a request for service from a
40 public safety answering point. Such costs shall include, but not be limited
41 to, the portion of the costs for equipment used for providing enhanced
42 wireless 911 service, costs to lease another vendor's equipment or services
43 to provide enhanced wireless 911 service, costs to create or maintain any

1 database or database elements used solely for enhanced wireless 911 serv-
2 ice and other costs of establishing enhanced 911 wireless service. Only
3 the portion of the costs of equipment or services used in the wireless
4 carrier's main infrastructure necessary to implement enhanced 911 serv-
5 ice of enhanced wireless 911 service shall be eligible for funding;

6 (4) in addition to other duties, the superintendent of the highway
7 patrol shall provide budgeting, purchasing and related management func-
8 tions for the administrator and the enhanced wireless 911 advisory board
9 as may be provided by law and perform other functions and duties per-
10 taining to enhanced wireless 911 service as may be specified by law; and

11 (5) actual and necessary expenses incurred by members of the advi-
12 sory board while performing duties required by this act.

13 Sec. 9. (a) Public safety answering points and wireless carriers may
14 apply for disbursement from the enhanced wireless 911 fund by submit-
15 ting a written application to the administrator. The administrator shall
16 receive and review applications, including supporting documentation.
17 The administrator shall notify the public safety answering points and wire-
18 less carriers as to the determination of the administrator regarding the
19 application.

20 (b) Each entity that receives disbursements from the fund shall make
21 a full accounting of the money in a manner and form prescribed by the
22 administrator.

23 Sec. 10. Information provided by wireless carriers to the advisory
24 board or to the administrator pursuant to this act may be treated as pro-
25 prietary records which may be withheld from the public upon request of
26 the party submitting such records.

27 Sec. 11. The enhanced wireless 911 service described in this act is
28 within the governmental power and authority of the administrator, gov-
29 erning bodies and public safety agencies. In contracting for such service
30 and in providing such service, except for failure to use reasonable care or
31 for intentional acts, the administrator, each governing body, each public
32 agency, each wireless carrier and their employees and agents shall be
33 immune from liability or the payment of damages in the performance of
34 installing, maintaining or providing enhanced wireless 911 service.

35 Sec. 12. This act shall take effect and be in force from and after its
36 publication in the statute book.

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