

KANSAS OFFICE of  
**REVISOR of STATUTES**

LEGISLATURE of THE STATE of KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

**MEMORANDUM**

To: Chairman Olson and Members of the Committee on Utilities  
From: Matt Sterling, Assistant Revisor of Statutes  
Date: February 28, 2018  
RE: Senate Bill 420

SB 420 makes a number of changes to the Kansas 911 Act. The bill would add definitions, specify certain powers and restrictions of the 911 Coordinating Council, increase 911 fees, increase the cap on the 911 fee that can be set by the 911 Council, change the distribution of 911 fees, increase the minimum annual contributions to counties, and add to the permissible uses of the 911 fee by PSAPs.

Section 1 of the bill amends the definitions used in the Kansas 911 Act to add definitions for "GIS" and "GIS data" and amend the definition of "Next generation 911."

Section 2 of the bill amends K.S.A. 12-5364 concerning the powers and duties of the 911 Coordinating Council. The bill gives the Council the explicit authority and responsibility to establish training standards and programs related to the technology and operations of the NG911-hosted solution; to establish data standards, maintenance policies and data reporting requirements for GIS data. The bill would also specifically prohibit the Council from creating a mandatory certification program of Public Safety Answering Point operations or PSAP emergency communications personnel or to impose any civil penalties for failure to adhere to recommended training standards. The bill would also cap a civil penalty assessed against a PSAP at \$500.

Section 2 of the bill would also permit the Council to engage a contracting firm to review and update the GIS data for a PSAP if the GIS data has not been updated in more than a year and to assess the governing body that oversees that PSAP for the full costs of updating the GIS data.

Lastly, Section 2 also changes the Council's authority to raise the 911 fee through rules and regulations. Under current law, the Council can raise or lower the 911 fee through the adoption of rules and regulations, but the Council is not permitted to raise the 911 fee above \$.60. SB 420 would increase this fee cap and permit the Council to raise the fee to \$.95.

Section 6 of the bill would amend K.S.A. 12-5368 concerning the Local Collection Point Administrator. Under current law, the 911 fees remitted by the providers to the LCPA are distributed to the PSAPs based on county population and the place of primary use of the subscriber account. Depending on the size of the county in which the PSAP is located, between 82% and 100% of such fees are distributed back to the PSAPs. The remaining moneys are transferred to the 911 state grant fund.

KANSAS OFFICE of  
**REVISOR of STATUTES**  
LEGISLATURE of THE STATE of KANSAS

---

Section 6 of the bill would require the LCPA to withhold \$.10 from every remitted 911 fee from distribution to the PSAPs and deposit such amount in the 911 state grant fund to fund standardized functionality upgrades to the next generation 911 system. If the withheld funds ever exceed 15% of the total moneys transferred to the LCPA and deposited in the 911 state fund over the prior three years, the funds in excess of that 15% total would be used for competitive PSAP grants based on demonstrated need.

Section 7 of the bill would amend K.S.A. 12-5369 concerning the 911 fee. Under current law, the fee was set at \$.53 and raised to the statutory cap of \$.60 by the 911 Coordinating Council pursuant to rules and regulations. SB 420 would raise the fee to \$.90 subject to the same ability for the Council to raise or lower the fee through rules and regulations.

Section 9 of the bill would amend K.S.A. 12-5371 concerning the 911 fee for prepaid wireless. Under current law, a 911 fee is assessed on each retail transaction for prepaid wireless. The fee is a percentage of the retail sale and is tied to the 911 fee set for other consumers. The statutory fee is set at 1.06% of each transaction, but it was increased to 1.2% with the increase of the 911 fee from \$.53 to \$.60 pursuant to rules and regulations adopted by the 911 Coordinating Council. The bill would set the prepaid wireless fee at 1.8% of each retail transaction and cap any increase at 1.9% pursuant to the cap of the 911 fee.

Section 12 of the bill amends K.S.A. 12-5374 concerning the distribution of 911 fees to the PSAPs. 911 fees are distributed by the LCPA to the PSAPs based on county population and the place of primary use of the subscriber account. Depending on the size of the county in which the PSAP is located, between 82% and 100% of such fees are distributed back to the PSAPs, but the minimum amount distributed to a county in one year, regardless of how much in fees has been remitted from that county, is \$50,000. The bill would increase that minimum distribution to counties to \$60,000.

Section 13 of the bill amends K.S.A. 12-5375 concerning the permissible uses of 911 fees. The bill would add reimbursement of documented expenses for PSAP employees while engaged in PSAP-related training to the list of allowable uses of 911 fees. Such use of fees by a PSAP could not exceed an annual total of 24 hours of training per employee. The Council would be required to adopt rules and regulations to establish a process for a PSAP to seek pre-approval of an expenditure. The council would be required to respond to requested expenditures within 30 days and if the expenditure is disapproved, provide the reason for the disapproval. The PSAP could then request the council for a hearing to be conducted pursuant to the Kansas administrative procedure act.

Section 15 of the bill is the same as the provisions of SB 255 and HB 2435 concerning audits of the 911 system. Under current law, Legislative Post Audit is required to arrange for an audit to be conducted of the 911 system every three years. Section 15 of the bill would change the law to require that the first audit of the 911 system be conducted prior to December 31, 2018, and would change the frequency that LPA is required to conduct an audit of the state 911 system from every three years to every five years after 2018.

The bill would also makes multiple technical corrections throughout the Kansas 911 Act.