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**REVISOR *of* STATUTES**

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

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**MEMORANDUM**

To: Committee on Energy, Utilities and Telecommunications  
From: Nick Myers, Office of Revisor of Statutes  
Date: February 13, 2024  
Subject: Bill Brief – HB 2690

House Bill 2690 would enact new statutes and amend existing statutes relating to the Kansas 911 act to:

- Authorize counties to contract with other counties for the consolidation of 911 public safety answering point (PSAP) services;
- Authorize distributions of 911 fee moneys to any county that consolidates such county's PSAP services with another county and increase the minimum county distribution amount;
- Require moneys that are distributed to counties be used and reviewed in accordance with the Kansas 911 act;
- Revise the state's 911 governance structure by abolishing the current 911 coordinating council and establishing a new state 911 board; and
- Require that all the moneys collected from 911 fees and prepaid wireless 911 fees be transferred to the state treasury.

Authorizing Counties to Contract for the Consolidation of 911 PSAP Services

HB 2690 would amend K.S.A. 12-5375 and other statutes throughout the Kansas 911 act to explicitly authorize any county to contract with another county for the provision of 911 PSAP services. Such change will expressly allow counties to consolidate PSAP functions through contracts and memorandums of agreement between two or more counties. Currently, some counties have already entered such PSAP consolidation agreements without an express statutory authorization to do so.

If enacted, this revision would take effect on July 1, 2024.

Authorizing 911 Fee Moneys to be Distributed to any County that Consolidates PSAP Services  
and Increasing the Minimum County Distribution

HB 2690 would amend K.S.A. 12-5374 and other statutes throughout the Kansas 911 act to authorize direct distributions of 911 fee moneys to any county that consolidates PSAP services with another county. Such 911 fee distributions would continue to be based on the population of the county pursuant to the same distribution methodology that is provided in current law.

HB 2690 would also increase the minimum county distribution of 911 fees to \$70,000. Current law provides for a minimum county distribution of \$60,000.

If enacted, these revisions would take effect on July 1, 2024.

Requiring Moneys Distributed to Counties to be Used and Reviewed in Accordance with the  
Kansas 911 Act

HB 2690 would amend K.S.A. 12-5375 and other statutes within the Kansas 911 act require that any 911 fee moneys that are directly distributed to any county shall only be used for purposes and expenditures that are authorized by K.S.A. 12-5375.

HB 2690 would permit the state's oversight of such expenditures by requiring each county that receives such moneys to account for and annually report such expenditures pursuant to the same accounting and annual reporting requirements that currently apply to PSAPs including the requirement that any unauthorized expenditures be refunded. Additionally, under HB 2690, a county would be authorized to seek preapproval of an expenditure from the 911 coordinating council or state 911 board prior to making such expenditure.

If enacted, these revisions would take effect on July 1, 2024.

Revising the State's 911 Governance Structure

Effective on July 1, 2025, HB 2690 would abolish the current 911 coordinating council and create a new entity, the state 911 board, to manage the state's role in the provision of 911 communication services. The state 911 board would be vested with additional powers and duties beyond those that the council currently possesses and would also be the successor to all the current powers, duties, and functions of the current 911 coordinating council.

On July 1, 2025, new section 1 would establish the state 911 board. The State 911 board would generally consist of the same membership as the current 911 coordinating council except that two additional voting members would be added to the voting membership of the state 911

board – one member recommended by the Kansas association of counties and one member recommended by the Kansas league of municipalities. Currently, such members are included as nonvoting members of the 911 coordinating council. With the addition of the two additional voting members, the state 911 board would consist of 19 voting members and 9 nonvoting members.

Voting members would be appointed to the board in the same manner as the 911 coordinating council which is through an appointment by the governor or legislative leadership. Members would serve for a term of three years and no member could serve for more than two consecutive three-year terms.

HB 2690 would provide that any current member of the 911 coordinating council shall be deemed to be automatically appointed to the state 911 board. The first term of office for a board member will be for a term-length to fulfill the member's current term as provided under the member's 911 coordination council appointment. After a member completes the first term on the board, the position will be subject to the current method of appointment or reappointment. A board member's term is a three-year term ending June 30 of the year in which such member's term ends.

HB 2690 maintains the requirement that no voting member shall serve longer than two successive three-year terms. Additionally, the bill draft maintains the authority for the chairperson to sign any necessary certifications required for federal 911 grants. Members would continue to serve without compensation except for legislative members who receive the compensation provided pursuant K.S.A. 75-3212.

New section 2 would establish the powers, duties, and functions of the state 911 board. The board would be required to do the following:

1. Coordinate E-911 services and next generation 911 services in the state.
2. Implement statewide 911 communications planning.
3. Monitor the delivery of 911 communications services in the state.
4. Develop strategies for future enhancements to the 911 communications system.
5. Administer and oversee grants to PSAPs.
6. Develop technology standards.
7. Establish minimum training requirements for PSAP personnel, GIS technicians and information technology technicians with respect to the statewide NG911 system.
8. Employ an executive director.

9. Make an annual report of all expenditures from the 911 fees to the house of representatives committee on energy, utilities and telecommunications and the senate committee on utilities.

The board would be authorized to do the following:

1. Contract with any person to assist in the performance of the powers, duties, and functions of the board.
2. Reimburse state agencies or independent contractors for expenses incurred in carrying out the powers, duties, and functions of the board.
3. Apply for grants under the federal 911 grant program.
4. Adopt rules and regulations as the board deems necessary for the implementation and administration of this act except that the board shall not establish a mandatory certification program for PSAP operations or PSAP emergency communications personnel.
5. Assess civil penalties upon providers who fail to remit 911 fees and deposit such civil penalties in the 911 state grant fund.

Generally, the powers, duties and functions of the board are the same as those that are vested in the 911 coordinating council except that the bill draft requires the board to employ an executive director, authorizes the executive director to hire additional employees and removes the requirement that the board must contract with an LCPA for services and staffing and instead generally authorizes the board to enter into contractual agreements for the performance of the board's powers, duties and functions.

New section 3 would abolish the current 911 coordinating council and transfer any 911 coordinating council employees to the new state 911 board if such employees are deemed necessary and all property and records of the 911 coordinating council. Any contract of the 911 coordinating council shall be statutorily continued, remain effective and deemed to apply to the board. Additionally, the current rules and regulations promulgated by the 911 coordinating council shall continue to be effective until amended, revoked, or nullified pursuant to law.

New section 4 would consolidate provisions that are established in current law relating to the authority and obligations of telecommunication providers and PSAPs. The primary reason for this appearing as a new section of law is due to the repeal K.S.A. 12-5364 which is where most of

the provisions are currently located. Additionally, K.S.A. 12-5378 and 12-5379 are also consolidated into this section for organizational purposes.

If enacted, the revisions relating to the establishment of the state 911 board and abolishment of the 911 coordinating council would take effect on July 1, 2025. Effective immediately, new section 9 would authorize the 911 coordinating council to take any actions necessary to prepare for the transition of the powers, duties and functions to the state 911 board including, but not limited to, employing persons to assist with the transition, employing a person who will assume the role of executive director of the state 911 board and budgeting in a manner that reflects such transition.

Requiring All Moneys Collected from 911 Fees and Prepaid Wireless 911 Fees to be Transferred to the State Treasury

On January 1, 2026, HB 2690 would require the local collection point administrator (LCPA) to remit and transfer all moneys currently held outside of the state treasury to new funds that HB 2690 would establish within the state treasury.

Current statute requires the LCPA to establish and maintain three funds outside of the state treasury – the 911 state fund, the 911 operations fund, and the 911 state grant fund. Current statute also sets requirements for how certain amounts of 911 fee moneys and prepaid wireless 911 fee moneys are to be deposited into the funds.

New sections 5 through 7 of HB 2690 would establish three new corresponding funds within the state treasury – the state 911 operations fund, the state 911 grant fund and the state 911 fund.

New Section 5 would establish the state 911 operations fund in the state treasury and abolish the LCPA’s 911 operations fund outside the state treasury. The state 911 operations fund would be managed by the board and expended pursuant to vouchers approved by the chairperson of the board or the chairperson’s designee. HB 2690 would remove the current limitation that not more than 2% of moneys in the operations fund may be used for administrative expenses. The moneys in the state 911 operations fund could only be used for the following purposes:

1. Administrative and operational expenses of the board including salaries of persons employed by the board.
2. Contractual payments and expenses.
3. Payments to state agencies or independent contractors.

4. Development, deployment, implementation, and maintenance of the statewide next generation 911 system.

New Section 6 would establish the state 911 grant fund in the state treasury and abolish the LCPA's 911 state grant fund outside the state treasury. The state 911 grant fund would be managed by the board and expended pursuant to vouchers approved by the chairperson of the board or the chairperson's designee. The moneys in the state 911 grant fund could only be used for the following purposes:

1. Providing state grants for development and implementation of NG911 services.
2. Grants to PSAPs based on need.
3. Costs associated with PSAP consolidation or cost-sharing projects.

New Section 7 would establish the state 911 fund in the state treasury and abolish the LCPA's 911 state fund outside the state treasury. The state 911 fund would be managed by the board and expended pursuant to vouchers approved by the chairperson of the board or the chairperson's designee. The bill draft establishes that the moneys in the state 911 fund shall only be used to make direct distributions to PSAPs and counties pursuant to K.S.A. 12-5374.

All such funds in the state treasury would earn interest earnings based on the state's interest earnings rate for savings and investments.

If enacted, the revisions relating to the establishment of the new funds within the state treasury and abolishment of the current funds outside of the state treasury would take effect on January 1, 2026. All such moneys would have to be transferred to the new funds on such date.

In preparation for such transfers into the state treasury, commencing July 1, 2025, and ending on January 1, 2026, new section 8 would require the state 911 board and the LCPA to provide to the secretary of administration and the director of legislative research monthly reports that provide details of all transactions that occur with respect to each fund. On or before the first day of the legislative session in 2026, the state 911 board would be required to provide a summary report of such transactions to the legislature and provide confirmation that all moneys have been transferred in accordance with HB 2690.