

**SENATE Substitute for HOUSE BILL No. 2582**

By Committee on Utilities

3-18

10 AN ACT concerning emergency communications service; relating to  
11 fees, charges, collection and distribution; amending K.S.A. 2009 Supp.  
12 12-5338, 12-5361, 45-221 and 75-5133 and repealing the existing sec-  
13 tions; also repealing K.S.A. 12-5301, 12-5303, 12-5304, 12-5305, 12-  
14 5306, 12-5307, 12-5308, 12-5309 and K.S.A. 2009 Supp. 12-5302, 12-  
15 5310, 12-5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327,  
16 12-5328, 12-5329, 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-  
17 5335, 12-5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355,  
18 12-5356, 12-5357, 12-5358, 12-5359 and 12-5360.

19

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

21 New Section 1. (a) Sections 1 through 18, and amendments thereto,  
22 shall be known and may be cited as the Kansas 911 act.

23 (b) This section shall take effect on and after January 1, 2011.

24 New Sec. 2. As used in the Kansas 911 act:

25 (1) "Consumer" means a person who purchases prepaid wireless  
26 service in a retail transaction.

27 (2) "Department" means the Kansas department of revenue.

28 (3) "Exchange telecommunications service" means the service that  
29 provides local telecommunications exchange access to a service user.

30 (4) "Local Collection Point Administrator (LCPA)" means, on the  
31 effective date of this act, the statewide association of cities established by  
32 K.S.A. 12-1610e, and amendments thereto, and the statewide association  
33 of counties established by K.S.A. 19-2690, and amendments thereto. After  
34 April 1, 2011, local collection point administrator means local collection  
35 point administrator as designated by the 911 coordinating council.

36 (5) "Next generation 911" means 911 service that enables PSAP's to  
37 receive text, image, video and data information from callers.

38 (6) "Person" means any individual, firm, partnership, copartnership,  
39 joint venture, association, cooperative organization, corporation, municip-  
40 al or private, and whether organized for profit or not, state, county,  
41 political subdivision, state department, commission, board, bureau or fra-  
42 ternal organization, nonprofit organization, estate, trust, business or com-  
43 mon law trust, receiver, assignee for the benefit of creditors, trustee or

1 trustee in bankruptcy or any other legal entity.

2 (7) “Prepaid wireless service” means a wireless telecommunications  
3 service that allows a caller to dial 911 to access the 911 system, which  
4 service must be paid for in advance and is sold in predetermined units or  
5 dollars of which the number declines with use in a known amount.

6 (8) “Place of primary use” has the meaning provided in the mobile  
7 telecommunications act as defined by 4 U.S.C. 116, et seq., as in effect  
8 on the effective date of this act.

9 (9) “Provider” means any person providing exchange telecommuni-  
10 cations service, wireless telecommunications service, VoIP service or  
11 other service capable of contacting a PSAP.

12 (10) “PSAP” means a public safety answering point operated by a city  
13 or county.

14 (11) “Retail transaction” means the purchase of prepaid wireless serv-  
15 ice from a seller for any purposes other than resale, not including the use,  
16 storage or consumption of such services.

17 (12) “Seller” means a person who sells prepaid wireless service to  
18 another person.

19 (13) “Service user” means any person who is provided exchange tel-  
20 ecommunications service, wireless telecommunications service, VoIP  
21 service, prepaid wireless service or any other service capable of contacting  
22 a PSAP.

23 (14) “Statewide 911 coordinator” means the person appointed to be  
24 the liaison between all of the various entities dealing with 911 service  
25 including, but not limited to, the LCPA, the 911 coordinating council,  
26 the adjutant general and the Kansas board of emergency medical services.

27 (15) “Subscriber account” means the 10-digit access number assigned  
28 to a service user regardless of whether more than one such number is  
29 aggregated for the purpose of billing a service user.

30 (16) “Subscriber radio equipment” means mobile and portable radio  
31 equipment installed in vehicles or carried by persons for voice commu-  
32 nication with a radio system.

33 (17) “VoIP service” means voice over internet protocol.

34 (18) “Wireless telecommunications service” means commercial mo-  
35 bile radio service as defined by 47 C.F.R. 20.3 as in effect on the effective  
36 date of this act.

37 New Sec. 3. (a) There is hereby imposed a 911 fee in the amount of  
38 \$.55 per month per subscriber account of any exchange telecommuni-  
39 cations service, wireless telecommunications service, VoIP service or  
40 other service capable of contacting a PSAP. Such fee shall not be imposed  
41 on prepaid wireless service. It shall be the duty of each exchange tele-  
42 communications service provider, wireless telecommunications service  
43 provider, VoIP service provider or other service provider to remit such

1 fees to the local collection point administrator as provided in section 4,  
2 and amendments thereto.

3 (b) (1) Each PSAP shall file with the 911 coordinating council, a uni-  
4 form reporting form, as described in section 8, by March 1 of each sub-  
5 sequent calendar year.

6 (2) The 911 coordinating council may, pursuant to rules and regula-  
7 tions, raise or lower the 911 fee upon a finding, based on information  
8 indicated by such uniform reporting forms, that moneys generated by  
9 such fee are in excess of or are below the cost required to operate, as  
10 used in this act, a PSAP. The 911 coordinating council shall not lower the  
11 911 fee below \$.40 and shall not raise such fee above \$.60.

12 (c) This section shall take effect on and after January 1, 2011.

13 New Sec. 4. (a) Every billed service user shall be liable for the 911  
14 fee until such fees have been paid to the exchange telecommunications  
15 service provider, wireless telecommunications service provider, VoIP  
16 service provider or other service provider.

17 (b) The duty to collect the fees imposed pursuant to this act shall  
18 commence January 1, 2011. Such fees shall be added to and may be stated  
19 separately in billings for the subscriber account. If stated separately in  
20 billings, the fees shall be labeled “KS 911 fees.”

21 (c) The provider shall have no obligation to take any legal action to  
22 enforce the collection of the fees imposed by this act. The provider, other  
23 than a wholesaler of prepaid wireless service, shall provide annually to  
24 the LCPA a list of the amount of uncollected 911 fees along with the  
25 names and addresses of those service users which carry a balance that can  
26 be determined by the provider to be nonpayment of such fees.

27 (d) The fees imposed by this act shall be collected insofar as practi-  
28 cable at the same time as, and along with, the charges for local exchange,  
29 wireless, VoIP or other service in accordance with regular billing practice  
30 of the provider.

31 (e) The 911 fees and the amounts required to be collected therefor  
32 are due monthly. The provider shall remit such fees to the LCPA not  
33 more than 15 days after the close of the calendar month. On or before  
34 the 15th day of each calendar month following, a return for the preceding  
35 month shall be filed with the LCPA. Such return shall be in such form  
36 and shall contain such information as required by the LCPA. The provider  
37 required to file the return shall deliver the return together with a remit-  
38 tance of the amount of fees payable to the LCPA. The provider shall  
39 maintain records of the amount of any such fees remitted in accordance  
40 with this act for a period of three years from the time the fees are  
41 remitted.

42 (f) The provider may retain an administrative fee of not more than  
43 2% of moneys collected from such fee. The 911 coordinating council may

1 retain an administrative fee of not more than 2% of moneys collected  
2 from such fee. The 911 coordinating council is authorized to use moneys  
3 retained from such administrative fee for expenses as approved by the  
4 911 coordinating council which may include, but is not limited to, ex-  
5 penses for the statewide 911 coordinator, expenses for the LCPA, ex-  
6 penses for the LCPA state grant fund administrator and any other ex-  
7 penses as deemed necessary by the 911 coordinating council.

8 (g) (1) There is hereby created in the state treasury the prepaid wire-  
9 less 911 fees remittance fund which shall be administered by the  
10 department.

11 (2) All moneys received by the department for prepaid wireless 911  
12 fees collected by sellers shall be remitted to the state treasurer in ac-  
13 cordance with the provisions of K.S.A. 75-4215, and amendments thereto.  
14 Upon receipt of such remittance, the state treasurer shall deposit the  
15 entire amount in the state treasury. That portion of each such remittance  
16 that is authorized to be retained by the department, as provided in section  
17 6, and amendments thereto, shall be certified to the state treasurer by  
18 the department and the amount certified shall be credited to the elec-  
19 tronic database fee fund of the department. The state treasurer shall  
20 credit the balance of each such remittance to the prepaid wireless 911  
21 fees remittance fund.

22 (3) All moneys credited to the prepaid wireless 911 fees remittance  
23 fund shall be paid to the LCPA as provided in section 8, and amendments  
24 thereto, in accordance with this section and the provisions of appropria-  
25 tion acts.

26 (h) The provisions of this section shall not be construed to apply to  
27 prepaid wireless service.

28 (i) This section shall take effect on and after January 1, 2011.

29 New Sec. 5. (a) There is hereby imposed a prepaid wireless 911 fee  
30 of 1.1% per retail transaction or, on and after the effective date, of an  
31 adjusted amount per retail transaction that is established under subsec-  
32 tion (f), such adjusted amount.

33 (b) The prepaid wireless 911 fee shall be collected by the seller from  
34 the consumer with respect to each retail transaction occurring in this  
35 state. The amount of the prepaid wireless 911 fee shall be either sepa-  
36 rately stated on an invoice, receipt or other similar document that is pro-  
37 vided to the consumer by the seller or otherwise disclosed to the  
38 consumer.

39 (c) For purposes of subsection (b), a retail transaction that is effected  
40 in person by a consumer in a business location of the seller shall be treated  
41 as occurring in this state if that business location is in this state, and any  
42 other retail transaction shall be treated as occurring in this state if the  
43 retail transaction is treated as occurring in this state for the purposes of

1 subsection (c)(3) of K.S.A. 79-3673, and amendments thereto.

2 (d) The prepaid wireless 911 fee is the liability of the consumer and  
3 not of the seller or of any provider, except that the seller shall be liable  
4 to remit all prepaid wireless 911 fees that the seller collects from con-  
5 sumers as provided in section 6, and amendments thereto, including all  
6 such fees that the seller is deemed to collect where the amount of the  
7 charge has not been separately stated in an invoice, receipt or other sim-  
8 ilar document provided to the consumer by the seller.

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

15 (f) The prepaid wireless 911 fee shall be proportionately increased or  
16 reduced, as applicable, upon any change to the fee imposed by subsection  
17 (a) of section 3, and amendments thereto. The adjusted amount shall be  
18 determined by dividing the amount of the fee imposed by subsection (a)  
19 of section 3, and amendments thereto by \$50. Such increase or reduction  
20 shall be effective on the effective date of the change to the fee imposed  
21 by subsection (a) of section 3, and amendments thereto, or, if later, the  
22 first day of the calendar quarter to occur at least 60 days after the enact-  
23 ment to the change to the fee imposed by subsection (a) of section 3, and  
24 amendments thereto. The department shall provide not less than 60 days  
25 notice of such increase or decrease on the department's website.

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

36 (h) This section shall take effect on January 1, 2012.

37 New Sec. 6. (a) Prepaid wireless 911 fees collected by sellers shall  
38 be remitted to the department by electronic filing that is consistent with  
39 the provisions of chapter 79, article 36 of the Kansas Statutes Annotated  
40 except sellers with 10 or fewer sales of prepaid wireless per month may  
41 be remitted to the department by paper filing. The department shall  
42 establish registration and payment procedures for the collection of the  
43 prepaid wireless 911 fee.

1 (b) To minimize additional costs to the department, the department  
2 may conduct audits of sellers in conjunction with sales and use tax audits.  
3 The department is authorized to provide the LCPA with information ob-  
4 tained in such audits if such information indicates that a seller may not  
5 be complying with the provisions of this section and section 5, and amend-  
6 ments thereto. The LCPA may request the department to initiate collec-  
7 tion or audit procedures on individual sellers if collection efforts by the  
8 LCPA are unsuccessful.

9 (c) The department shall establish procedures by which a seller may  
10 document that a sale is not a retail sale, which procedures shall substan-  
11 tially coincide with procedures for documenting sale for resale transac-  
12 tions for chapter 79, article 36 of the Kansas Statutes Annotated.

13 (d) The department shall transfer all remitted prepaid wireless 911  
14 fees to the LCPA within 30 days of receipt for distribution as provided  
15 in section 8, and amendments thereto. Prior to such transfer, the de-  
16 partment may retain up to 1% of remitted charges for use in administer-  
17 ing the provisions of this section.

18 (e) In addition to retaining 1% of remitted charges for administrative  
19 uses, the department may retain up to \$70,000 of remitted funds in fiscal  
20 year 2011 only for use in paying for programming and other one-time  
21 costs for establishing a system for collecting the prepaid wireless 911 fee.

22 (f) This section shall take effect on January 1, 2011.

23 New Sec. 7. (a) The prepaid wireless 911 fee imposed in this act shall  
24 be the only 911 funding obligation imposed with respect to prepaid wire-  
25 less service in this state. No tax, fee, surcharge or other charge shall be  
26 imposed by this state, any political subdivision of this state or any inter-  
27 governmental agency for 911 funding purposes upon any prepaid wireless  
28 service provider, seller or consumer with respect to the sale, purchase,  
29 use or provision of prepaid wireless service.

30 (b) This section shall take effect on January 1, 2011.

31 New Sec. 8. (a) ***[The LCPA shall utilize a competitive bidding***  
32 ***process to select a neutral, competent and bonded third party***  
33 ***administrator.***

34 ***[(b)]*** Not later than 30 days after the receipt of moneys from providers  
35 pursuant to sections 3 and 4, and amendments thereto, the LCPA ***[ad-***  
36 ***administrator]*** shall distribute such moneys to PSAPs based upon the fol-  
37 lowing ratio: 82% shall be distributed to PSAPs based upon place of pri-  
38 mary use information provided by the providers and 18% shall be  
39 deposited into the LCPA grant fund for distribution to PSAPs upon ap-  
40 plication pursuant to rules and regulations established by the 911 coord-  
41 inating council. Moneys which cannot be attributed to a specific PSAP  
42 shall be transferred to the LCPA grant fund.

43 ~~***(b)***~~ ***[(c)]*** Moneys collected from the fee on prepaid wireless service

1 pursuant to section 5, and amendments thereto, shall be transferred to  
2 the LCPA grant fund.

3 ~~(c)~~ [(d)] The LCPA shall keep accurate accounts of all receipts and  
4 disbursements of moneys from the 911 fees.

5 ~~(d)~~ [(e)] Information provided by providers to the LCPA or to the  
6 911 coordinating council pursuant to this act will be treated as proprietary  
7 records which will be withheld from the public upon request of the party  
8 submitting such records.

9 ~~(e)~~ [(f)] This section shall take effect on and after January 1, 2011.

10 New Sec. 9. (a) The proceeds of the 911 fees imposed pursuant to  
11 this act, and any interest earned on revenue derived from such fee, shall  
12 be used only for necessary and reasonable costs incurred or to be incurred  
13 by PSAPs for: (1) Procurement and installation of 911 equipment, soft-  
14 ware, computer platforms and upgrades; (2) maintenance and license fees  
15 for 911 equipment, software and computer platforms; (3) internet-pro-  
16 tocol based applications for mapping, voice logging, data logging, data  
17 storage and other internet-protocol based applications that enhance 911  
18 services; (4) training of PSAP personnel or the training of other personnel  
19 directly involved with the use of 911 equipment; (5) recurring charges  
20 for 911 system services billed by a provider or by service suppliers as  
21 approved by the 911 coordinating council; (6) installation, service estab-  
22 lishment and nonrecurring start-up charges billed by the provider; (7)  
23 charges for equipment or other physical enhancements to the 911 system;  
24 and (8) the acquisition and installation of road signs designed to aid in  
25 the delivery of emergency service.

26 (b) Such costs shall not include expenditures to lease, construct, ex-  
27 pand, acquire, remodel, renovate, repair, furnish or make improvements  
28 to buildings or similar facilities. Such costs shall also not include expend-  
29 itures to procure, maintain or upgrade subscriber radio equipment or  
30 salaries for PSAP personnel.

31 (c) This section shall take effect on and after January 1, 2011.

32 New Sec. 10. (a) There is hereby created a statewide 911 coordina-  
33 tor. The statewide 911 coordinator shall be appointed by the governor.  
34 Compensation for the statewide 911 coordinator shall be in an amount  
35 fixed by the governor. The statewide 911 coordinator shall maintain of-  
36 fices with the division of emergency management in the office of the  
37 adjutant general.

38 (b) The statewide 911 coordinator shall advise and cooperate with  
39 the 911 coordinating council, the LCPA and various state agencies and  
40 boards charged with emergency management and shall facilitate com-  
41 munication between such entities and enable the operation of emergency  
42 services in Kansas to function efficiently and effectively.

43 New Sec. 11. (a) (1) There is hereby created a 911 coordinating

1 council which shall monitor the delivery of 911 services, develop strate-  
2 gies for future enhancements to the 911 system and distribute available  
3 grant funds to PSAPs. In as much as possible, the 911 coordinating council  
4 shall include individuals with technical expertise regarding 911 systems,  
5 internet technology and GIS technology.

6 (2) The coordinating council shall consist of 11 members to be ap-  
7 pointed by the governor: Two members representing information tech-  
8 nology personnel from government units; one member representing a law  
9 enforcement officer; one member representing a fire chief; one member  
10 recommended by the adjutant general; one member recommended by  
11 the Kansas emergency medical services board; two members representing  
12 PSAPs located in counties with less than 75,000 in population; two mem-  
13 bers representing PSAPs located in counties with greater than 75,000 in  
14 population; and one member representing PSAPs without regard for size.

15 (3) Other voting members shall include: One member of the Kansas  
16 house of representatives as appointed by the speaker of the house; one  
17 member of the Kansas house of representatives as appointed by the mi-  
18 nority leader of the house; one member of the Kansas senate as appointed  
19 by the senate president; and one member of the Kansas senate as ap-  
20 pointed by the senate minority leader.

21 (4) The coordinating council shall also include non-voting members  
22 to be appointed by the governor: One member representing a local  
23 exchange provider as recommended by the Kansas telecommunications  
24 industry association; one member representing rural telecommunications  
25 companies recommended by the Kansas rural independent telephone  
26 companies; one member representing VoIP providers; one member rec-  
27 ommended by the league of Kansas municipalities; one member recom-  
28 mended by the Kansas association of counties; one member recom-  
29 mended by the Kansas geographic information systems policy board; one  
30 member recommended by KAN-ED; and one member, a Kansas resi-  
31 dent, recommended by the Mid-America regional council.

32 (5) The governor shall designate, from among the voting members,  
33 one such member as chair of the council.

34 (b) After April 1, 2011, the 911 coordinating council shall designate  
35 the local collection point administrator.

36 (c) The terms of office for voting members of the 911 coordinating  
37 council shall commence on the effective date of this act and shall be  
38 subject to reappointment every three years. No voting member shall serve  
39 longer than two three-year terms. A voting member appointed as a re-  
40 placement for another voting member may finish the terms of the pred-  
41 ecessor and may serve two additional three-year terms.

42 (d) The statewide coordinator shall implement statewide 911 plan-  
43 ning and ensure that policies adopted by the coordinating council are

1 carried out.

2 (e) The 911 coordinating council is hereby authorized to adopt rules  
3 and regulations necessary for effectuation of the provisions of this act,  
4 including, but not limited to, creating a uniform reporting form desig-  
5 nating how moneys, including 911 fees, have been spent by the PSAPs,  
6 requiring service providers to notify the 911 coordinating council, setting  
7 standards for coordinating and purchasing equipment and assessing civil  
8 penalties. The 911 coordinating council shall work with the 911 statewide  
9 coordinator to carry out the provisions of this act. Rules and regulations  
10 necessary to begin administration of this act shall be proposed by October  
11 31, 2010.

12 (f) Every provider shall provide the council with contact information  
13 for the provider prior to January 1, 2011. Any provider that has not pre-  
14 viously provided wireless telecommunications service in this state shall  
15 provide the council with contact information for the provider within three  
16 months of first offering wireless telecommunications services in this state.

17 (g) Each PSAP shall file with the 911 coordinating council, by March  
18 1, 2011, a report demonstrating how such PSAP has spent the moneys  
19 earned from the 911 fee. The 911 coordinating council shall designate  
20 the content and form of such report.

21 (h) No civil penalty shall be imposed pursuant to this section except  
22 upon the written order of the 911 coordinating council. Such order shall  
23 state the violation, the penalty to be imposed and the right of such pro-  
24 vider to appeal the penalty in accordance with the provisions of the Kansas  
25 administrative procedure act.

26 (i) Any civil penalty recovered pursuant to this section shall be de-  
27 posited with the LCPA grant fund.

28 (j) So long as the provider is working in good faith to comply with  
29 the provisions of this act, no civil penalty shall be imposed prior to January  
30 1, 2012.

31 (k) Members of the 911 coordinating council may receive reimburse-  
32 ment for meals and travel expenses, but shall serve without other com-  
33 pensation with the exception of legislative members. All expenses related  
34 to the 911 coordinating council shall be paid from the LCPA grant fund.  
35 The statewide coordinator shall attend meetings and assist the 911 co-  
36 ordinating council.

37 (l) The 911 coordinating council shall make an annual report to the  
38 house committee on energy and utilities and the senate committee on  
39 utilities.

40 (m) The 911 coordinating council is authorized to approve expendi-  
41 tures by PSAPs located in counties with less than 10,000 in population  
42 for basic operating expenses which are not otherwise authorized in this  
43 act.

1 New Sec. 12. (a) Except as provided by the Kansas tort claims act,  
2 and except for failure to use ordinary care, or for intentional acts, the  
3 LCPA and each provider, and their employees and agents, and each seller,  
4 and their employees and agents, shall not be liable for the payment of  
5 damages resulting directly or indirectly from the total or partial failure of  
6 any transmission to an emergency communication service or for damages  
7 resulting from the performance of installing, maintaining or providing 911  
8 service.

9 (b) This section shall take effect on and after January 1, 2011.

10 New Sec. 13. (a) The receipts and disbursements of the LCPA shall  
11 be audited yearly by a licensed municipal accountant or certified public  
12 accountant.

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

16 (c) On or before December 31, 2012, and at least once every three  
17 years thereafter, the division of post audit shall conduct an audit of the  
18 911 system to determine: (1) Whether the moneys received by PSAPs  
19 pursuant to this act are being used appropriately; (2) whether the amount  
20 of moneys collected pursuant to this act is adequate; and (3) the status of  
21 911 service implementation. The auditor to conduct such audit shall be  
22 specified in accordance with K.S.A. 46-1122, and amendments thereto.  
23 The post auditor shall compute the reasonably anticipated cost of provid-  
24 ing audits pursuant to this subsection, subject to review and approval by  
25 the contract audit committee established by K.S.A. 46-1120, and amend-  
26 ments thereto. Upon such approval, the LCPA grant fund shall reimburse  
27 the division of post audit for the amount approved by the contract audit  
28 committee. The audit report shall be submitted to the 911 coordinating  
29 council, the LCPA, the house committee on energy and utilities and the  
30 senate committee on utilities.

31 (d) The legislature shall review this act at the regular 2015 legislative  
32 session and at the regular legislative session every five years thereafter.

33 (e) This section shall take effect on and after January 1, 2011.

34 New Sec. 14. (a) Nothing in this act shall be construed to limit the  
35 ability of a provider from recovering directly from the provider's custom-  
36 ers its costs associated with designing, developing, deploying and main-  
37 taining 911 service and its cost of collection and administration of the  
38 fees imposed by this act, whether such costs are itemized on the cus-  
39 tomer's bill as a surcharge or by any other lawful method.

40 (b) This section shall take effect on and after January 1, 2011.

41 New Sec. 15. (a) (1) On or after the effective date of this act, after  
42 the establishment of the 911 coordinating council, such council shall es-  
43 tablish the LCPA state grant fund. The LCPA state grant fund shall not

1 be part of the state treasury. The 911 coordinating council shall utilize a  
2 competitive bidding process to select a neutral, competent and bonded  
3 third party to administer the LCPA state grant fund.

4 (2) The administrator shall be responsible for ensuring that the LCPA  
5 state grant fund and any interest earned on money credited to the fund  
6 is only expended for the following purposes: (A) Projects involving the  
7 development and implementation of next generation 911 services; (B)  
8 costs associated with PSAP consolidation or cost-sharing projects; (C)  
9 expenses related to the 911 coordinating council; (D) costs of audits con-  
10 ducted pursuant to subsections (b) and (c) of section 9, on its effective  
11 date and amendments thereto; and (E) other costs pursuant to section 6,  
12 on its effective date and amendments thereto.

13 (b) The 911 coordinating council shall develop criteria for eligible  
14 purchases and for grant applicants and make the final determination as  
15 to the distribution of grant funds. Such criteria shall promote the pro-  
16 curement of equipment that meets open architecture and national tech-  
17 nical standards.

18 (c) Distribution of grant funds shall not include expenditures to pro-  
19 cure, maintain or upgrade subscriber radio equipment.

20 New Sec. 16. (a) Administration of the next generation 911 federal  
21 grant is hereby transferred from the Kansas governor's grants program of  
22 the governor's department to the division of emergency management in  
23 the office of the adjutant general. The statewide 911 coordinator shall be  
24 authorized to administer the next generation 911 federal grant.

25 (b) There is hereby established the next generation 911 federal grant  
26 fund in the state treasury. Moneys received under the next generation  
27 911 federal grant fund shall be remitted to the state treasurer in accord-  
28 ance with the provisions of K.S.A. 75-4215, and amendments thereto.  
29 Upon receipt of each such remittance, the state treasurer shall deposit  
30 the entire amount in the state treasury to the credit of the next generation  
31 911 federal grant fund which shall be administered by the statewide 911  
32 coordinator.

33 (c) All expenditures from the next generation 911 federal grant fund  
34 shall be made in accordance with appropriation acts upon warrants of the  
35 director of accounts and reports issued pursuant to vouchers approved  
36 by the statewide 911 coordinator.

37 (d) The adjutant general is hereby authorized to adopt rules and reg-  
38 ulations necessary to enable the statewide 911 coordinator to administer  
39 the provisions of the next generation 911 federal grant fund including  
40 hiring a consultant, in accordance with 49 C.F.R. 18, to enable Kansas to  
41 establish regional interfaced ESInets and an internet protocol enabled  
42 emergency network. The consultant shall work with the 911 coordinating  
43 council to coordinate the implementation of the next generation 911 sys-

1 tem with adjacent states, federal authorities and emergency service  
2 functions.

3 New Sec. 17. On or after the effective date of this act, all unobligated  
4 funds remaining in the wireless enhanced 911 grant fund established pur-  
5 suant to K.S.A. 12-5323, and amendments thereto, shall be transferred  
6 to the LCPA. Any funds received on or after the effective date of this act  
7 and prior to January 1, 2011, shall be transferred to the LCPA at least  
8 monthly. The LCPA shall deposit such amount in the LCPA state grant  
9 fund to be distributed as provided in section 15, and amendments thereto.

10 New Sec. 18. The provisions of this act are declared to be severable  
11 and if any provision, word, phrase or clause of the act or the application  
12 thereof to any person shall be held invalid, such invalidity shall not effect  
13 the validity of the remaining portions of this act.

14 Sec. 19. K.S.A. 2009 Supp. 12-5338 is hereby amended to read as  
15 follows: 12-5338. ~~(a) On July 1, 2010:~~

16 ~~—(1) On January 1, 2011, the wireless enhanced 911 grant fee and the~~  
17 ~~wireless enhanced 911 local fee shall be discontinued, the advisory board~~  
18 ~~shall be abolished, any unobligated balance of the wireless enhanced 911~~  
19 ~~grant fund shall be paid to the local collection point administrator for~~  
20 ~~distribution to PSAP's based on the population of the municipality or~~  
21 ~~municipalities served by the respective PSAP and the fund shall be abol-~~  
22 ~~ished deposit in the LCPA grant fund and the wireless enhanced 911 grant~~  
23 ~~fund shall be abolished.~~

24 ~~(2) Within any county which has a population of 125,000 or more,~~  
25 ~~the amount of the tax imposed pursuant to K.S.A. 12-5302, and amend-~~  
26 ~~ments thereto, shall not exceed \$.25 per month per access line or its~~  
27 ~~equivalent and the amount of the wireless enhanced 911 local fee within~~  
28 ~~such jurisdiction shall be an equal amount per month per wireless sub-~~  
29 ~~scriber account.~~

30 ~~—(3) Within any county which has a population of less than 125,000~~  
31 ~~the amount of the tax imposed to K.S.A. 12-5302, and amendments~~  
32 ~~thereto, shall not exceed \$.50 per month per access line or its equivalent~~  
33 ~~and the amount of the wireless enhanced 911 local fee shall be an equal~~  
34 ~~amount per month per wireless subscriber account.~~

35 ~~—(4) The provisions of K.S.A. 2009 Supp. 12-5323 through 12-5329,~~  
36 ~~and amendments thereto, shall expire.~~

37 ~~—(b) On and after July 1, 2010, the proceeds of the wireless enhanced~~  
38 ~~911 local fee shall be used only to pay for costs of emergency telephone~~  
39 ~~service described in K.S.A. 12-5304, and amendments thereto, and ex-~~  
40 ~~penditures authorized by K.S.A. 2009 Supp. 12-5330, and amendments~~  
41 ~~thereto.~~

42 Sec. 20. K.S.A. 2009 Supp. 12-5361 is hereby amended to read as  
43 follows: 12-5361. ~~(a) On July 1, 2010:~~

1 —~~(1) On January 1, 2011, the VoIP enhanced 911 grant fee and the VoIP~~  
2 ~~enhanced 911 local fee shall be discontinued.~~

3 ~~(2) The amount of the tax per access line or its equivalent imposed~~  
4 ~~within a jurisdiction pursuant to K.S.A. 12-5302, and amendments~~  
5 ~~thereto, and the amount of the VoIP enhanced 911 local fee per VoIP~~  
6 ~~subscriber whose primary residence is within such jurisdiction shall be an~~  
7 ~~equal amount per month.~~

8 ~~(3) The provisions of K.S.A. 2009 Supp. 12-5354 and 12-5355, and~~  
9 ~~amendments thereto, shall expire.~~

10 ~~(b) On and after July 1, 2010, the proceeds of the VoIP local fee shall~~  
11 ~~be used only to pay for costs of emergency telephone service described~~  
12 ~~in K.S.A. 12-5304, and amendments thereto, and expenditures authorized~~  
13 ~~by K.S.A. 2009 Supp. 12-5330, and amendments thereto.~~

14 Sec. 21. K.S.A. 2009 Supp. 45-221 is hereby amended to read as  
15 follows: 45-221. (a) Except to the extent disclosure is otherwise required  
16 by law, a public agency shall not be required to disclose:

17 (1) Records the disclosure of which is specifically prohibited or re-  
18 stricted by federal law, state statute or rule of the Kansas supreme court  
19 or rule of the senate committee on confirmation oversight relating to  
20 information submitted to the committee pursuant to K.S.A. 2009 Supp.  
21 75-4315d, and amendments thereto, or the disclosure of which is prohib-  
22 ited or restricted pursuant to specific authorization of federal law, state  
23 statute or rule of the Kansas supreme court or rule of the senate com-  
24 mittee on confirmation oversight relating to information submitted to the  
25 committee pursuant to K.S.A. 2009 Supp. 75-4315d, and amendments  
26 thereto, to restrict or prohibit disclosure.

27 (2) Records which are privileged under the rules of evidence, unless  
28 the holder of the privilege consents to the disclosure.

29 (3) Medical, psychiatric, psychological or alcoholism or drug depend-  
30 ency treatment records which pertain to identifiable patients.

31 (4) Personnel records, performance ratings or individually identifi-  
32 able records pertaining to employees or applicants for employment, except  
33 that this exemption shall not apply to the names, positions, salaries or  
34 actual compensation employment contracts or employment-related con-  
35 tracts or agreements and lengths of service of officers and employees of  
36 public agencies once they are employed as such.

37 (5) Information which would reveal the identity of any undercover  
38 agent or any informant reporting a specific violation of law.

39 (6) Letters of reference or recommendation pertaining to the char-  
40 acter or qualifications of an identifiable individual, except documents re-  
41 lating to the appointment of persons to fill a vacancy in an elected office.

42 (7) Library, archive and museum materials contributed by private  
43 persons, to the extent of any limitations imposed as conditions of the

1 contribution.

2 (8) Information which would reveal the identity of an individual who  
3 lawfully makes a donation to a public agency, if anonymity of the donor  
4 is a condition of the donation, except if the donation is intended for or  
5 restricted to providing remuneration or personal tangible benefit to a  
6 named public officer or employee.

7 (9) Testing and examination materials, before the test or examination  
8 is given or if it is to be given again, or records of individual test or ex-  
9 amination scores, other than records which show only passage or failure  
10 and not specific scores.

11 (10) Criminal investigation records, except as provided herein. The  
12 district court, in an action brought pursuant to K.S.A. 45-222, and amend-  
13 ments thereto, may order disclosure of such records, subject to such con-  
14 ditions as the court may impose, if the court finds that disclosure:

15 (A) Is in the public interest;

16 (B) would not interfere with any prospective law enforcement action,  
17 criminal investigation or prosecution;

18 (C) would not reveal the identity of any confidential source or un-  
19 dercover agent;

20 (D) would not reveal confidential investigative techniques or proce-  
21 dures not known to the general public;

22 (E) would not endanger the life or physical safety of any person; and

23 (F) would not reveal the name, address, phone number or any other  
24 information which specifically and individually identifies the victim of any  
25 sexual offense in article 35 of chapter 21 of the Kansas Statutes Anno-  
26 tated, and amendments thereto.

27 If a public record is discretionarily closed by a public agency pursuant  
28 to this subsection, the record custodian, upon request, shall provide a  
29 written citation to the specific provisions of paragraphs (A) through (F)  
30 that necessitate closure of that public record.

31 (11) Records of agencies involved in administrative adjudication or  
32 civil litigation, compiled in the process of detecting or investigating vio-  
33 lations of civil law or administrative rules and regulations, if disclosure  
34 would interfere with a prospective administrative adjudication or civil  
35 litigation or reveal the identity of a confidential source or undercover  
36 agent.

37 (12) Records of emergency or security information or procedures of  
38 a public agency, or plans, drawings, specifications or related information  
39 for any building or facility which is used for purposes requiring security  
40 measures in or around the building or facility or which is used for the  
41 generation or transmission of power, water, fuels or communications, if  
42 disclosure would jeopardize security of the public agency, building or  
43 facility.

- 1 (13) The contents of appraisals or engineering or feasibility estimates  
2 or evaluations made by or for a public agency relative to the acquisition  
3 of property, prior to the award of formal contracts therefor.
- 4 (14) Correspondence between a public agency and a private individ-  
5 ual, other than correspondence which is intended to give notice of an  
6 action, policy or determination relating to any regulatory, supervisory or  
7 enforcement responsibility of the public agency or which is widely dis-  
8 tributed to the public by a public agency and is not specifically in response  
9 to communications from such a private individual.
- 10 (15) Records pertaining to employer-employee negotiations, if dis-  
11 closure would reveal information discussed in a lawful executive session  
12 under K.S.A. 75-4319, and amendments thereto.
- 13 (16) Software programs for electronic data processing and documen-  
14 tation thereof, but each public agency shall maintain a register, open to  
15 the public, that describes:
- 16 (A) The information which the agency maintains on computer facil-  
17 ities; and
- 18 (B) the form in which the information can be made available using  
19 existing computer programs.
- 20 (17) Applications, financial statements and other information sub-  
21 mitted in connection with applications for student financial assistance  
22 where financial need is a consideration for the award.
- 23 (18) Plans, designs, drawings or specifications which are prepared by  
24 a person other than an employee of a public agency or records which are  
25 the property of a private person.
- 26 (19) Well samples, logs or surveys which the state corporation com-  
27 mission requires to be filed by persons who have drilled or caused to be  
28 drilled, or are drilling or causing to be drilled, holes for the purpose of  
29 discovery or production of oil or gas, to the extent that disclosure is limited  
30 by rules and regulations of the state corporation commission.
- 31 (20) Notes, preliminary drafts, research data in the process of anal-  
32 ysis, unfunded grant proposals, memoranda, recommendations or other  
33 records in which opinions are expressed or policies or actions are pro-  
34 posed, except that this exemption shall not apply when such records are  
35 publicly cited or identified in an open meeting or in an agenda of an open  
36 meeting.
- 37 (21) Records of a public agency having legislative powers, which re-  
38 cords pertain to proposed legislation or amendments to proposed legis-  
39 lation, except that this exemption shall not apply when such records are:
- 40 (A) Publicly cited or identified in an open meeting or in an agenda  
41 of an open meeting; or
- 42 (B) distributed to a majority of a quorum of any body which has au-  
43 thority to take action or make recommendations to the public agency with

- 1 regard to the matters to which such records pertain.
- 2 (22) Records of a public agency having legislative powers, which re-  
3 cords pertain to research prepared for one or more members of such  
4 agency, except that this exemption shall not apply when such records are:
- 5 (A) Publicly cited or identified in an open meeting or in an agenda  
6 of an open meeting; or
- 7 (B) distributed to a majority of a quorum of any body which has au-  
8 thority to take action or make recommendations to the public agency with  
9 regard to the matters to which such records pertain.
- 10 (23) Library patron and circulation records which pertain to identi-  
11 fiable individuals.
- 12 (24) Records which are compiled for census or research purposes and  
13 which pertain to identifiable individuals.
- 14 (25) Records which represent and constitute the work product of an  
15 attorney.
- 16 (26) Records of a utility or other public service pertaining to individ-  
17 ually identifiable residential customers of the utility or service, except that  
18 information concerning billings for specific individual customers named  
19 by the requester shall be subject to disclosure as provided by this act.
- 20 (27) Specifications for competitive bidding, until the specifications  
21 are officially approved by the public agency.
- 22 (28) Sealed bids and related documents, until a bid is accepted or all  
23 bids rejected.
- 24 (29) Correctional records pertaining to an identifiable inmate or re-  
25 lease, except that:
- 26 (A) The name; photograph and other identifying information; sen-  
27 tence data; parole eligibility date; custody or supervision level; disciplinary  
28 record; supervision violations; conditions of supervision, excluding  
29 requirements pertaining to mental health or substance abuse counseling;  
30 location of facility where incarcerated or location of parole office main-  
31 taining supervision and address of a releasee whose crime was committed  
32 after the effective date of this act shall be subject to disclosure to any  
33 person other than another inmate or releasee, except that the disclosure  
34 of the location of an inmate transferred to another state pursuant to the  
35 interstate corrections compact shall be at the discretion of the secretary  
36 of corrections;
- 37 (B) the ombudsman of corrections, the attorney general, law enforce-  
38 ment agencies, counsel for the inmate to whom the record pertains and  
39 any county or district attorney shall have access to correctional records to  
40 the extent otherwise permitted by law;
- 41 (C) the information provided to the law enforcement agency pursu-  
42 ant to the sex offender registration act, K.S.A. 22-4901 et seq., and  
43 amendments thereto, shall be subject to disclosure to any person, except

- 1 that the name, address, telephone number or any other information which  
2 specifically and individually identifies the victim of any offender required  
3 to register as provided by the Kansas offender registration act, K.S.A. 22-  
4 4901 et seq. and amendments thereto, shall not be disclosed; and
- 5 (D) records of the department of corrections regarding the financial  
6 assets of an offender in the custody of the secretary of corrections shall  
7 be subject to disclosure to the victim, or such victim's family, of the crime  
8 for which the inmate is in custody as set forth in an order of restitution  
9 by the sentencing court.
- 10 (30) Public records containing information of a personal nature  
11 where the public disclosure thereof would constitute a clearly unwar-  
12 ranted invasion of personal privacy.
- 13 (31) Public records pertaining to prospective location of a business  
14 or industry where no previous public disclosure has been made of the  
15 business' or industry's interest in locating in, relocating within or expand-  
16 ing within the state. This exception shall not include those records per-  
17 taining to application of agencies for permits or licenses necessary to do  
18 business or to expand business operations within this state, except as  
19 otherwise provided by law.
- 20 (32) Engineering and architectural estimates made by or for any pub-  
21 lic agency relative to public improvements.
- 22 (33) Financial information submitted by contractors in qualification  
23 statements to any public agency.
- 24 (34) Records involved in the obtaining and processing of intellectual  
25 property rights that are expected to be, wholly or partially vested in or  
26 owned by a state educational institution, as defined in K.S.A. 76-711, and  
27 amendments thereto, or an assignee of the institution organized and ex-  
28 isting for the benefit of the institution.
- 29 (35) Any report or record which is made pursuant to K.S.A. 65-4922,  
30 65-4923 or 65-4924, and amendments thereto, and which is privileged  
31 pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.
- 32 (36) Information which would reveal the precise location of an ar-  
33 cheological site.
- 34 (37) Any financial data or traffic information from a railroad company,  
35 to a public agency, concerning the sale, lease or rehabilitation of the  
36 railroad's property in Kansas.
- 37 (38) Risk-based capital reports, risk-based capital plans and corrective  
38 orders including the working papers and the results of any analysis filed  
39 with the commissioner of insurance in accordance with K.S.A. 40-2c20  
40 and 40-2d20, and amendments thereto.
- 41 (39) Memoranda and related materials required to be used to support  
42 the annual actuarial opinions submitted pursuant to subsection (b) of  
43 K.S.A. 40-409, and amendments thereto.

1 (40) Disclosure reports filed with the commissioner of insurance un-  
2 der subsection (a) of K.S.A. 40-2,156, and amendments thereto.

3 (41) All financial analysis ratios and examination synopses concerning  
4 insurance companies that are submitted to the commissioner by the na-  
5 tional association of insurance commissioners' insurance regulatory infor-  
6 mation system.

7 (42) Any records the disclosure of which is restricted or prohibited  
8 by a tribal-state gaming compact.

9 (43) Market research, market plans, business plans and the terms and  
10 conditions of managed care or other third party contracts, developed or  
11 entered into by the university of Kansas medical center in the operation  
12 and management of the university hospital which the chancellor of the  
13 university of Kansas or the chancellor's designee determines would give  
14 an unfair advantage to competitors of the university of Kansas medical  
15 center.

16 (44) The amount of franchise tax paid to the secretary of revenue or  
17 the secretary of state by domestic corporations, foreign corporations, do-  
18 mestic limited liability companies, foreign limited liability companies, do-  
19 mestic limited partnership, foreign limited partnership, domestic limited  
20 liability partnerships and foreign limited liability partnerships.

21 (45) Records, other than criminal investigation records, the disclo-  
22 sure of which would pose a substantial likelihood of revealing security  
23 measures that protect: (A) Systems, facilities or equipment used in the  
24 production, transmission or distribution of energy, water or communi-  
25 cations services; (B) transportation and sewer or wastewater treatment  
26 systems, facilities or equipment; or (C) private property or persons, if the  
27 records are submitted to the agency. For purposes of this paragraph,  
28 security means measures that protect against criminal acts intended to  
29 intimidate or coerce the civilian population, influence government policy  
30 by intimidation or coercion or to affect the operation of government by  
31 disruption of public services, mass destruction, assassination or kidnap-  
32 ping. Security measures include, but are not limited to, intelligence in-  
33 formation, tactical plans, resource deployment and vulnerability  
34 assessments.

35 (46) Any information or material received by the register of deeds of  
36 a county from military discharge papers (DD Form 214). Such papers  
37 shall be disclosed: To the military dischargee; to such dischargee's im-  
38 mediate family members and lineal descendants; to such dischargee's  
39 heirs, agents or assigns; to the licensed funeral director who has custody  
40 of the body of the deceased dischargee; when required by a department  
41 or agency of the federal or state government or a political subdivision  
42 thereof; when the form is required to perfect the claim of military service  
43 or honorable discharge or a claim of a dependent of the dischargee; and

1 upon the written approval of the commissioner of veterans affairs, to a  
2 person conducting research.

3 (47) Information that would reveal the location of a shelter or a sa-  
4 fehouse or similar place where persons are provided protection from  
5 abuse or the name, address, location or other contact information of al-  
6 leged victims of stalking, domestic violence or sexual assault.

7 (48) Policy information provided by an insurance carrier in accord-  
8 ance with subsection (h)(1) of K.S.A. 44-532, and amendments thereto.  
9 This exemption shall not be construed to preclude access to an individual  
10 employer's record for the purpose of verification of insurance coverage  
11 or to the department of labor for their business purposes.

12 (49) *Information provided by providers to the local collection point*  
13 *administrator or to the 911 coordinating council pursuant to the Kansas*  
14 *911 act, and amendments thereto, upon request of the party submitting*  
15 *such records.*

16 (b) Except to the extent disclosure is otherwise required by law or as  
17 appropriate during the course of an administrative proceeding or on ap-  
18 peal from agency action, a public agency or officer shall not disclose fi-  
19 nancial information of a taxpayer which may be required or requested by  
20 a county appraiser or the director of property valuation to assist in the  
21 determination of the value of the taxpayer's property for ad valorem tax-  
22 ation purposes; or any financial information of a personal nature required  
23 or requested by a public agency or officer, including a name, job descrip-  
24 tion or title revealing the salary or other compensation of officers, em-  
25 ployees or applicants for employment with a firm, corporation or agency,  
26 except a public agency. Nothing contained herein shall be construed to  
27 prohibit the publication of statistics, so classified as to prevent identifi-  
28 cation of particular reports or returns and the items thereof.

29 (c) As used in this section, the term "cited or identified" shall not  
30 include a request to an employee of a public agency that a document be  
31 prepared.

32 (d) If a public record contains material which is not subject to dis-  
33 closure pursuant to this act, the public agency shall separate or delete  
34 such material and make available to the requester that material in the  
35 public record which is subject to disclosure pursuant to this act. If a public  
36 record is not subject to disclosure because it pertains to an identifiable  
37 individual, the public agency shall delete the identifying portions of the  
38 record and make available to the requester any remaining portions which  
39 are subject to disclosure pursuant to this act, unless the request is for a  
40 record pertaining to a specific individual or to such a limited group of  
41 individuals that the individuals' identities are reasonably ascertainable, the  
42 public agency shall not be required to disclose those portions of the record  
43 which pertain to such individual or individuals.

- 1 (e) The provisions of this section shall not be construed to exempt  
2 from public disclosure statistical information not descriptive of any iden-  
3 tifiable person.
- 4 (f) Notwithstanding the provisions of subsection (a), any public rec-  
5 ord which has been in existence more than 70 years shall be open for  
6 inspection by any person unless disclosure of the record is specifically  
7 prohibited or restricted by federal law, state statute or rule of the Kansas  
8 supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and  
9 amendments thereto.
- 10 (g) Any confidential records or information relating to security meas-  
11 ures provided or received under the provisions of subsection (a)(45) shall  
12 not be subject to subpoena, discovery or other demand in any adminis-  
13 trative, criminal or civil action.
- 14 Sec. 22. K.S.A. 2009 Supp. 75-5133 is hereby amended to read as  
15 follows: 75-5133. (a) Except as otherwise more specifically provided by  
16 law, all information received by the secretary of revenue, the director of  
17 taxation or the director of alcoholic beverage control from returns, re-  
18 ports, license applications or registration documents made or filed under  
19 the provisions of any law imposing any sales, use or other excise tax ad-  
20 ministered by the secretary of revenue, the director of taxation, or the  
21 director of alcoholic beverage control, or from any investigation con-  
22 ducted under such provisions, shall be confidential, and it shall be unlaw-  
23 ful for any officer or employee of the department of revenue to divulge  
24 any such information except in accordance with other provisions of law  
25 respecting the enforcement and collection of such tax, in accordance with  
26 proper judicial order or as provided in K.S.A. 74-2424, and amendments  
27 thereto.
- 28 (b) The secretary of revenue or the secretary's designee may:
- 29 (1) Publish statistics, so classified as to prevent identification of par-  
30 ticular reports or returns and the items thereof;
- 31 (2) allow the inspection of returns by the attorney general or the  
32 attorney general's designee;
- 33 (3) provide the post auditor access to all such excise tax reports or  
34 returns in accordance with and subject to the provisions of subsection (g)  
35 of K.S.A. 46-1106, and amendments thereto;
- 36 (4) disclose taxpayer information from excise tax returns to persons  
37 or entities contracting with the secretary of revenue where the secretary  
38 has determined disclosure of such information is essential for completion  
39 of the contract and has taken appropriate steps to preserve confidentiality;
- 40 (5) provide information from returns and reports filed under article  
41 42 of chapter 79 of the Kansas Statutes Annotated to county appraisers  
42 as is necessary to insure proper valuations of property. Information from  
43 such returns and reports may also be exchanged with any other state

- 1 agency administering and collecting conservation or other taxes and fees  
2 imposed on or measured by mineral production;
- 3 (6) provide, upon request by a city or county clerk or treasurer or  
4 finance officer of any city or county receiving distributions from a local  
5 excise tax, monthly reports identifying each retailer doing business in such  
6 city or county or making taxable sales sourced to such city or county,  
7 setting forth the tax liability and the amount of such tax remitted by each  
8 retailer during the preceding month, and identifying each business loca-  
9 tion maintained by the retailer and such retailer's sales or use tax regis-  
10 tration or account number;
- 11 (7) provide information from returns and applications for registration  
12 filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-  
13 3601, and amendments thereto, to a city or county treasurer or clerk or  
14 finance officer to explain the basis of statistics contained in reports pro-  
15 vided by subsection (b)(6);
- 16 (8) disclose the following oil and gas production statistics received by  
17 the department of revenue in accordance with K.S.A. 79-4216 et seq. and  
18 amendments thereto: Volumes of production by well name, well number,  
19 operator's name and identification number assigned by the state corpo-  
20 ration commission, lease name, leasehold property description, county of  
21 production or zone of production, name of purchaser and purchaser's tax  
22 identification number assigned by the department of revenue, name of  
23 transporter, field code number or lease code, tax period, exempt produc-  
24 tion volumes by well name or lease, or any combination of this  
25 information;
- 26 (9) release or publish liquor brand registration information provided  
27 by suppliers, farm wineries and microbreweries in accordance with the  
28 liquor control act. The information to be released is limited to: Item  
29 number, universal numeric code, type status, product description, alcohol  
30 percentage, selling units, unit size, unit of measurement, supplier num-  
31 ber, supplier name, distributor number and distributor name;
- 32 (10) release or publish liquor license information provided by liquor  
33 licensees, distributors, suppliers, farm wineries and microbreweries in  
34 accordance with the liquor control act. The information to be released is  
35 limited to: County name, owner, business name, address, license type,  
36 license number, license expiration date and the process agent contact  
37 information;
- 38 (11) release or publish cigarette and tobacco license information ob-  
39 tained from cigarette and tobacco licensees in accordance with the Kansas  
40 cigarette and tobacco products act. The information to be released is  
41 limited to: County name, owner, business name, address, license type and  
42 license number;
- 43 (12) provide environmental surcharge or solvent fee, or both, infor-

1 mation from returns and applications for registration filed pursuant to  
2 K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secre-  
3 tary of health and environment or the secretary's designee for the sole  
4 purpose of ensuring that retailers collect the environmental surcharge tax  
5 or solvent fee, or both;

6 (13) provide water protection fee information from returns and ap-  
7 plications for registration filed pursuant to K.S.A. 82a-954, and amend-  
8 ments thereto, to the secretary of the state board of agriculture or the  
9 secretary's designee and the secretary of the Kansas water office or the  
10 secretary's designee for the sole purpose of verifying revenues deposited  
11 to the state water plan fund;

12 (14) provide to the secretary of commerce copies of applications for  
13 project exemption certificates sought by any taxpayer under the enter-  
14 prise zone sales tax exemption pursuant to subsection (cc) of K.S.A. 79-  
15 3606, and amendments thereto;

16 (15) disclose information received pursuant to the Kansas cigarette  
17 and tobacco act and subject to the confidentiality provisions of this act to  
18 any criminal justice agency, as defined in subsection (c) of K.S.A. 22-  
19 4701, and amendments thereto, or to any law enforcement officer, as  
20 defined in subsection (c)(10) of K.S.A. 21-3110, and amendments thereto,  
21 on behalf of a criminal justice agency, when requested in writing in con-  
22 junction with a pending investigation; ~~and~~

23 (16) provide to retailers tax exemption information for the sole pur-  
24 pose of verifying the authenticity of tax exemption numbers issued by the  
25 department; *and*

26 (17) *provide information concerning remittance by sellers of prepaid*  
27 *wireless 911 fees from returns to the LCPA, as defined in section 2, and*  
28 *amendments thereto, for purposes of verifying seller compliance with col-*  
29 *lection and remittance of such fees.*

30 (c) Any person receiving any information under the provisions of sub-  
31 section (b) shall be subject to the confidentiality provisions of subsection  
32 (a) and to the penalty provisions of subsection (d).

33 (d) Any violation of this section shall be a class A, nonperson mis-  
34 demeanor, and if the offender is an officer or employee of this state, such  
35 officer or employee shall be dismissed from office. Reports of violations  
36 of this paragraph shall be investigated by the attorney general. The district  
37 attorney or county attorney and the attorney general shall have authority  
38 to prosecute any violation of this section if the offender is a city or county  
39 clerk or treasurer or finance officer of a city or county.

40 Sec. 23. K.S.A. 2009 Supp. 12-5338, 12-5361, 45-221 and 75-5133  
41 are hereby repealed.

42 Sec. 24. On and after January 1, 2011, K.S.A. 12-5301, 12-5303, 12-  
43 5304 12-5305, 12-5306, 12-5307, 12-5308 and 12-5309 and K.S.A. 2009

1 Supp. 12-5302, 12-5310, 12-5321, 12-5322, 12-5323, 12-5324, 12-5325,  
2 12-5326, 12-5327, 12-5328, 12-5329, 12-5330, 12-5331, 12-5332, 12-  
3 5333, 12-5334, 12-5335, 12-5336, 12-5337, 12-5351, 12-5352, 12-5353,  
4 12-5354, 12-5355, 12-5356, 12-5357, 12-5358, 12-5359 and 12-5360 are  
5 hereby repealed.

6 Sec. 25. This act shall take effect and be in force from and after its  
7 publication in the Kansas register.