

VoIP Enhanced 911 and Enhanced Wireless 911 Service

This Act deals with enhanced wireless 911 services and Voice over Internet Protocol (VoIP). The bill defines terms that are specific to enhanced wireless 911 VoIP services. Second, the bill establishes a new VoIP E-911 Grant Fee of \$0.25 per month as a subscriber charge on each wireless VoIP telephone number in a state. The purpose of the charge is to develop and maintain enhanced wireless 911 VoIP telecommunications systems along with technology upgrades. The monies collected through the subscriber fee are remitted each month to the state Secretary of Administration and the fees credited to a Wireless Enhanced 911 Grant Fund. The fee becomes effective July 1, 2006. The bill also establishes a new \$0.25 per month, per account VoIP E-911 local fee. That money will be used by service providers of wireless 911 VoIP to ensure sufficient equipment and maintenance for customers. The bill also includes a hold harmless clause for payment of damages from the performance of installing, maintaining, and providing an enhanced 911 VoIP service to the customer.

Under the Act, each service provider has the option to list certain user fees separately on a customer's bill. If charges are stated separately, E-911-related fees must be labeled as "E-911 fees." In addition, the service provider must report all uncollected fees and balances from subscribers to the state Secretary of Administration. The local collection administrator may not use more than 2.0 percent of monies collected for administrative costs. The bill requires that the Secretary of Administration conduct a yearly audit. This bill allows VoIP service providers to recover costs from its customers, plus the collection and administration costs.

Submitted as:

Kansas

HB 2590

Status: Enacted into law in 2006.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act is entitled "An Act to Address Enhanced Wireless 911
2 VoIP Telecommunications Systems."

3
4 Section 2. [*Definitions.*] As used in this Act:

5 (a) "Interconnected VoIP Service" means as defined in 47 C.F.R. 9.3 (October 1, 2005).

6 (b) "VoIP" means Voice over Internet Protocol.

7 (c) "VoIP Enhanced 911 Grant Fee" means the fee imposed under section 4 of this Act.

8 (d) "VoIP Enhanced 911 Local Fee" means the fee imposed under section 5 of this Act.

9 (e) "VoIP Enhanced 911 Service" means a communication service by which VoIP
10 providers can provide automatic number identification, pseudo-automatic number identification
11 and VoIP automatic location identification information to a requesting Public Safety Answering
12 Point (PSAP).

13 (f) "VoIP Project" means the development and acquisition of the necessary
14 improvements in order to facilitate the establishment of VoIP Enhanced 911 Service.

15 (g) "VoIP project costs" means all costs or expenses which are necessary or incident to a
16 VoIP project and which are directly attributable thereto.

17 (h) “VoIP provider” means a provider of interconnected VoIP service but does not
18 include any telecommunications carrier or local exchange carrier, as defined in [insert citation]
19 which holds a certificate of public convenience and necessity issued by the [state corporation
20 commission].

21 (i) “VoIP service user” means a subscriber to interconnected VoIP service whose
22 primary service address is in this state.

23
24 Section 3. [*Authority to Administer the VoIP Enhanced 911 Act.*]

25 (a) The [secretary] shall administer the provisions of the VoIP Enhanced 911 Act. The
26 [secretary] is hereby authorized to adopt rules and regulations necessary for effectuation of the
27 provisions of this Act, including, but not limited to, assessing civil penalties.

28 (b) No civil penalty shall be imposed pursuant to this section except upon the written
29 order of the [secretary or the secretary’s duly authorized agent] to a VoIP provider. Such order
30 shall state the violation, the penalty to be imposed and the right of such VoIP provider to appeal
31 to the [secretary]. Any such VoIP provider, within [20] days after notification, may make written
32 request to the [secretary] for a hearing or informal conference hearing in accordance with the
33 provisions of the [state administrative procedure act]. The [secretary] shall affirm, reverse or
34 modify the order and shall specify the reasons therefor.

35 (c) Any VoIP provider aggrieved by an order of the [secretary] made under this section
36 may appeal such order to the [district court] in the manner provided by the Act for judicial review
37 and civil enforcement of agency actions.

38 (d) Any civil penalty recovered pursuant to this section shall be deposited with the [local
39 collection point administrator] and subsequently routed back to the corresponding PSAP and shall
40 be used solely for those expenses allowed by this Act.

41
42 Section 4. [*VoIP Enhanced 911 Grant Fee.*]

43 (a) Subject to the provisions of [section 10] of this Act, effective [July 1, 2006], there is
44 hereby established a VoIP Enhanced 911 Grant Fee in the amount of [\$.25 per month per VoIP
45 service user]. It shall be the duty of each VoIP provider to collect such fee from the VoIP service
46 user and remit such fee to the [secretary] as provided by [section 6 of this Act], and amendments
47 thereto. Notwithstanding any other provision of this Act, no VoIP service user shall be liable for,
48 nor shall any VoIP provider be required to collect, the VoIP Enhanced 911 Grant Fee on any
49 interconnected VoIP service upon which an emergency telephone tax is paid pursuant to [insert
50 citation], and amendments thereto, or upon which a Wireless Enhanced 911 Grant Fee is paid
51 pursuant to [insert citation], and amendments thereto. In addition, no service user shall be liable
52 for, nor shall any service supplier, telecommunications public utility, telecommunications carrier
53 or wireless carrier be required to collect the emergency telephone tax imposed pursuant to [insert
54 citation] or the Wireless Enhanced 911 Grant Fee established pursuant to this Act for any
55 interconnected VoIP service upon which a VoIP Enhanced 911 Fee is paid pursuant to this Act.

56 (b) The [secretary] shall remit to the [state treasurer], in accordance with the provisions of
57 [insert citation], any fees received pursuant to this section. Upon receipt of the remittance, the
58 [state treasurer] shall deposit the entire amount in the [state treasury] and credit it to the [Wireless
59 Enhanced 911 Grant Fund] established under this Act.

60
61 Section 5. [*VoIP Enhanced 911 Local Fee.*]

62 (a) Effective [July 1, 2006], there is hereby imposed a VoIP Enhanced 911 Local Fee.
63 Subject to the provisions of [section 10 of this Act], the amount of such fee shall be [\$.25 per
64 month per VoIP service user]. Notwithstanding any other provision of this Act, no VoIP service
65 user shall be liable for, nor shall any VoIP provider be required to collect, the VoIP Enhanced 911
66 Local Fee on any interconnected VoIP service upon which an emergency telephone tax is paid

67 pursuant to [insert citation], or upon which a Wireless Enhanced 911 Local Fee is paid pursuant
68 to section 14 of this Act. In addition, no service user shall be liable for, nor shall any service
69 supplier, telecommunications public utility, telecommunications carrier or wireless carrier be
70 required to collect the emergency telephone tax imposed pursuant to [insert citation], and
71 amendments thereto, or the Wireless Enhanced 911 Local Fee established pursuant to section 14
72 of this Act, for any interconnected VoIP service upon which a VoIP Enhanced 911 Fee is paid
73 pursuant to this Act.

74 (b) The proceeds of the VoIP Enhanced 911 Local Fee, and any interest earned on revenue
75 derived from such fee, shall be used only for the purposes provided in section 14 of this Act.

76 (c) Each PSAP shall submit to the [secretary] an annual report accounting for the money
77 received by the PSAP from the Voip Enhanced 911 Local Fee. Such report shall be submitted on
78 a form provided by the [secretary], which shall be consolidated with the report accounting for
79 money received from the Wireless Enhanced 911 Local Fee required pursuant to section 14 of
80 this Act.

81 (d) If pursuant to section 14 of this Act, a PSAP is required to pay to the [secretary] all
82 money from the Wireless Enhanced 911 Local Fee which has been or is received by such PSAP,
83 such PSAP shall also pay to the [secretary] all money from the VoIP Enhanced 911 Local Fee
84 which have been or are received by such PSAP and the [secretary] shall notify the local collection
85 point administrator that distribution of money from the VoIP Enhanced 911 Local Fee to the
86 PSAP shall be stopped and that such money shall be instead remitted to the [secretary] until the
87 PSAP is again eligible to receive money from the Wireless Enhanced 911 Local Fee. The PSAP
88 thereafter shall not be eligible to receive money from distributions by the local collection point
89 administrator until the PSAP is again eligible to receive money from the Wireless Enhanced 911
90 Local Fee. The [secretary] shall remit any money received from the repayment by the PSAP or
91 from distributions by the local collection point administrator to the [state treasurer] in accordance
92 with [insert citation], and amendments thereto. Upon receipt of the remittance, the [state
93 treasurer] shall deposit the entire amount in the state treasury and credit it to [The Wireless
94 Enhanced 911 Grant Fund].

95
96 Section 6. [*Liability of VoIP Service User to Pay VoIP Enhanced 911 Grant Fee and VoIP*
97 *Enhanced 911 Local Fee.*]

98 (a) Every billed VoIP service user shall be liable for the VoIP Enhanced 911 Grant Fee
99 and the VoIP Enhanced 911 Local Fee until such fees have been paid to the VoIP provider.

100 (b) The duty to collect any such fees imposed pursuant to this Act shall commence [July 1,
101 2006]. Such fees shall be added to and may be stated separately in billings. If stated separately,
102 the fees shall be labeled “[state] E-911 Fees.”

103 (c) The VoIP provider shall have no obligation to take any legal action to enforce the
104 collection of the fees imposed by this Act. The VoIP provider shall provide annually to the
105 [secretary] a list of amounts of uncollected VoIP Enhanced 911 Grant Fees along with the names
106 and addresses of those VoIP service users which carry a balance that can be determined by the
107 VoIP provider to be nonpayment of such fees. The VoIP provider shall provide annually to the
108 local collection point administrator a list of amounts of uncollected VoIP Enhanced 911 Local
109 Fees along with the names and addresses of those VoIP service users which carry a balance that
110 can be determined by the VoIP provider to be nonpayment of such fees.

111 (d) The fees imposed by this Act shall be collected insofar as practicable at the same time
112 as, and along with, the charges for VoIP service in accordance with regular billing practice of the
113 VoIP provider.

114 (e) The VoIP Enhanced 911 Grant Fee and the amounts required to be collected therefor
115 are due monthly. The amount of any such fees collected in one month by the VoIP provider shall
116 be remitted to the [secretary] not more than [15 days] after the close of the calendar month. On or

117 before the [15th day] of each calendar month following, a return for the preceding month shall be
118 filed with the [secretary] in such form as the [secretary] and the VoIP provider shall agree. The
119 VoIP provider required to file the return shall deliver the return together with a remittance of the
120 amount of the fees payable to the [secretary] The VoIP provider shall maintain records of the
121 amount of any such fees collected pursuant to action in accord with this Act. Such records shall
122 be maintained for a period of [three years] from the time the fees are collected.

123 (f) The VoIP Enhanced 911 Local Fee and the amounts required to be collected therefor
124 are due monthly. The amount of any such fees collected in one month by the VoIP provider shall
125 be remitted to the local collection point administrator not more than [15 days] after the close of
126 the calendar month. On or before the [15th day] of each calendar month following, a return for
127 the preceding month shall be filed with the local collection point administrator. Such return shall
128 be in such form and shall contain such information as required by the administrator. The VoIP
129 provider required to file the return shall deliver the return together with a remittance of the
130 amount of the fees payable to the local collection point administrator. The VoIP provider shall
131 maintain records of the amount of any such fees collected pursuant to action in accord with this
132 Act. Such records shall be maintained for a period of [three] years from the time the fees are
133 collected.

134 (g) Except as provided by [subsection (d) of section 5 of this Act], and amendments
135 thereto, not later than [30] days after receipt of money from VoIP providers pursuant to this
136 section, the local collection point administrator shall distribute such money collected from the
137 VoIP Enhanced 911 Local Fee to the PSAP based upon primary residence information provided
138 by VoIP providers. The local collection point administrator may retain an administrative fee of
139 not more than [2%] of money collected from such fee.

140 (h) The local collection point administrator shall keep accurate accounts of all receipts and
141 disbursements of money from the VoIP Enhanced 911 Local Fee. The receipts and disbursements
142 shall be audited yearly by a licensed municipal accountant or certified public accountant and the
143 audit report shall be submitted to the [secretary].

144
145 Section 7. [*Audits of VoIP Providers Concerning Collecting and Remitting Fees Pursuant*
146 *to this Act.*] In [2008], the [secretary] shall require, and thereafter may require, an audit of any
147 VoIP provider's books and records concerning the collection and remittance of fees pursuant to
148 this Act. Any such audit shall be conducted at the expense of the [secretary]. Information
149 provided by VoIP providers to the [secretary or the advisory board] pursuant to this Act or the
150 Wireless Enhanced 911 Act will be treated as proprietary records which will be withheld from the
151 public upon request of the party submitting such records.

152
153 Section 8. [*Exemptions from Liability to Pay Damages Resulting from the Performance of*
154 *Installing, Maintaining or Providing VoIP Enhanced 911 Service.*] As permitted by regulations of
155 the Federal Communications Commission, the VoIP Enhanced 911 service described in this Act
156 is within the governmental power and authority of the [secretary], local collection point
157 administrator, governing bodies and public agencies. Except as provided by the [state tort claims
158 Act], in contracting for such service and in providing such service, and except for failure to use
159 ordinary care, or for intentional acts, the [secretary], local collection point administrator, each
160 governing body, each public agency, each VoIP provider, and their employees and agents, shall
161 not be liable for the payment of damages resulting from the performance of installing,
162 maintaining or providing VoIP enhanced 911 service. In addition, a VoIP provider, and its
163 officers, directors, employees, vendors and agents, shall have the same immunity and other
164 protection from liability in this state as that provided to wireless carriers under 47 U.S.C. 615a
165 (October 26, 1999).

166

167 Section 9. [*Recovering Costs Associated with Installing and Operating VoIP Enhanced*
168 *911 Service.*] Nothing in the VoIP Enhanced 911 Act shall be construed to limit the ability of a
169 VoIP provider from recovering directly from the provider's customers its costs associated with
170 designing, developing, deploying and maintaining VoIP Enhanced 911 service and its costs of
171 collection and administration of the fees imposed by this act, whether such costs are itemized on
172 the customer's bill as a surcharge or by any other lawful method.

173
174 Section 10. [*Enhanced 911 Grant Fee Discontinued.*]

175 (a) On [July 1, 2010]:

176 (1) the VoIP Enhanced 911 Grant Fee shall be discontinued.

177 (2) the amount of the tax per access line or its equivalent imposed within a
178 jurisdiction pursuant to [insert citation], and amendments thereto, and the amount of the VoIP
179 Enhanced 911 Local Fee per VoIP subscriber whose primary residence is within such jurisdiction
180 shall be an equal amount per month.

181 (3) the provisions of sections 3 and 4 of this Act shall expire.

182 (b) On and after [July 1, 2010], the proceeds of the VoIP Local Fee shall be used only to
183 pay for costs of emergency telephone service described in [insert citation], and expenditures
184 authorized by section 14 of this Act.

185
186 Section 11. [*Wireless Enhanced 911 Grant Fund.*]

187 (a) There is hereby established in the [state treasury] a Wireless Enhanced 911 Grant
188 Fund.

189 (b) Money from the following sources shall be credited to the [Fund]:

190 (1) amounts received by the state from the federal government for the purposes of
191 the [Fund];

192 (2) amounts appropriated or otherwise made available by the legislature for the
193 purposes of the [Fund];

194 (3) amounts received from fees under this Act or from repayments or fees remitted
195 under [insert citation], sections 5, 13, and 14 of this Act;

196 (4) interest attributable to investment of money in the [Fund]; and

197 (5) amounts received from any public or private entity for the purposes of the
198 [Fund].

199 (c) Subject to the conditions and in accordance with requirements of this Act, money
200 credited to the [Fund] shall be used only:

201 (1) to pay costs of administering the [Fund], including actual and necessary
202 expenses incurred by members of the [Fund Advisory Board] while performing duties required by
203 the Wireless Enhanced 911 Act and costs of any audit performed under [insert citation], but the
204 aggregate amount of all such costs shall not exceed 5% of the money credited to the [Fund]; and

205 (2) to provide grants to eligible municipalities only for necessary and reasonable
206 costs incurred or to be incurred by a PSAP for:

207 (A) implementation of Wireless Enhanced 911 Service and VoIP 911
208 service, as defined in [section 2 of this Act], and amendments thereto;

209 (B) purchase of equipment and upgrades and modification to equipment
210 used solely to process the data elements of Wireless Enhanced 911 service and VoIP 911 service,
211 as defined in [section 2 of this Act]; and

212 (C) maintenance and license fees for such equipment and training of
213 personnel to operate such equipment, including costs of training PSAP personnel to provide
214 effective service to all users of the emergency telephone system who have communications
215 disabilities. Such costs shall not include expenditures to lease, construct, expand, acquire,

216 remodel, renovate, repair, furnish or make improvements to buildings or similar facilities or for
217 other capital outlay or equipment not expressly authorized by this Act.

218 (d) On or before the [10th] of each month, the director of accounts and reports shall
219 transfer from the [state general fund] to the [Fund] interest earnings based on:

220 (1) the average daily balance of money in the wireless Enhanced 911 Grant Fund
221 for the preceding month; and

222 (2) the net earnings rate of the pooled money investment portfolio for the
223 preceding month.

224 (e) All payments and disbursements from the [Fund] shall be made in accordance with
225 appropriation acts upon warrants of the director of accounts and reports issued pursuant to
226 vouchers approved by the [secretary] or by a person or persons designated by the [secretary].
227

228 Section 12. [*Administering Wireless Enhanced 911 Act.*]

229 (a) The [secretary] shall administer the provisions of the Wireless Enhanced 911 Act and
230 shall be responsible for administration and management of the [Fund]. The [secretary] is hereby
231 authorized to:

232 (1) enter into binding commitments for the provision of grants in accordance with
233 the provisions of this Act;

234 (2) review applications of eligible municipalities for grants and select the projects
235 for which grants will be made available; and

236 (3) adopt rules and regulations necessary for effectuation of the provisions of this
237 Act, including, but not limited to, assessing civil penalties.

238 (b) No civil penalty shall be imposed pursuant to this section except upon the written
239 order of the [secretary] or the [secretary's duly authorized agent to a wireless carrier]. Such order
240 shall state the violation, the penalty to be imposed and the right of such wireless carrier to appeal
241 to the [secretary]. Any such wireless carrier, within [20] days after notification, may make written
242 request to the [secretary] for a hearing or informal conference hearing in accordance with the
243 provisions of the state administrative procedure act. The secretary shall affirm, reverse or modify
244 the order and shall specify the reasons therefor.

245 (c) Any wireless carrier aggrieved by an order of the [secretary] made under this section
246 may appeal such order to the district court in the manner provided by the Act for judicial review
247 and civil enforcement of agency actions.

248 (d) Any civil penalty recovered pursuant to this section shall be deposited with the local
249 collection point administrator and subsequently routed back to the corresponding PSAP and shall
250 be used solely for those expenses allowed by this Act.
251

252 Section 13. [*Grants under the Wireless Enhanced 911 Act.*]

253 (a) Eligible municipalities wishing to receive a grant under the Wireless Enhanced 911
254 Act shall submit an application therefore to the [secretary]. Applications shall be in such form and
255 shall include such information as the [secretary] shall require including, but not limited to, the
256 request for proposals submitted to initiate the deployment process, and shall be submitted in a
257 manner and at a time to be determined by the secretary.

258 (b) The [secretary] may enter into agreements with any eligible municipality for the
259 provision of a grant thereto for payment of all or a part of project costs and, including VoIP
260 project costs, as defined in section 2 of this Act, and amendments thereto, if recommended by the
261 [Advisory Board]. Any eligible municipality may enter into such an agreement and may accept
262 such grant when so authorized by the municipal governing body. The purposes of the grant to be
263 provided, a time frame for implementation, and the amount thereof, which may vary among
264 municipalities, shall be included in the agreements. All such agreements shall include provisions

265 for repayment of the grant if implementation is not completed in accordance with the terms of the
266 agreement.

267 (c) If a municipality to which a grant is made available under the Wireless Enhanced 911
268 Act fails to enter into an agreement with the secretary for the provision of such grant in
269 accordance with the requirements of this Act, the [secretary] may make the amount of the grant
270 available for one or more other projects on the priority list or VoIP projects, as defined in section
271 2 of this Act, and amendments thereto, if recommended by the advisory board.

272 (d) The [secretary] shall provide any eligible municipality, upon request, with technical
273 advice and assistance regarding a project, including VoIP projects, or an application for a grant
274 for the payment of all or part of project costs or VoIP project costs.

275 (e) (1) Subject to the provisions of subsection (e)(3), each PSAP shall submit to
276 wireless carriers a valid request for Wireless Enhanced 911 service by [July 1, 2007].

277 (2) Subject to the provisions of subsection (e)(3), if a PSAP has not submitted to
278 wireless carriers a valid request for Wireless Enhanced 911 service by [July 1, 2007], such PSAP
279 shall pay to the [secretary] all money paid from the [Fund] to such PSAP. The [secretary] shall
280 remit such money to the state treasurer in accordance with [insert citation], and amendments
281 thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the
282 [state treasury] and credit it to the Wireless Enhanced 911 Grant Fund. Thereafter, such PSAP
283 shall not be eligible to receive money from the [Fund] until the PSAP has submitted to the
284 [secretary] evidence satisfactory to the secretary that the PSAP has submitted to wireless carriers
285 a valid request for Wireless Enhanced 911 service.

286 (3) If a PSAP is unable to make a valid request by [July 1, 2007], the [advisory
287 board] may approve not to exceed [two] [one-year] extensions of such date to not later than [July
288 1, 2008], if the [advisory board] determines that:

289 (A) equipment necessary to receive and utilize the data elements associated
290 with the Wireless Enhanced 911 service has been ordered by the PSAP but is unavailable; or

291 (B) there is other just cause to extend the date.

292

293 Section 14. [*Wireless Enhanced 911 Local Fee.*]

294 (a) Effective [July 1, 2004], there is hereby imposed a Wireless Enhanced 911 Local Fee.
295 Subject to the provisions of [insert citation], the amount of such fee shall be \$.25 per month per
296 wireless subscriber with primary place of use in this state. Such fee shall not be imposed on
297 prepaid wireless service.

298 (b) Subject to the provisions of [insert citation] the proceeds of the Wireless Enhanced
299 911 Local Fee, and any interest earned on revenue derived from such fee, shall be used only for
300 necessary and reasonable costs incurred or to be incurred by PSAP's for:

301 (1) implementation of Wireless Enhanced 911 service and VoIP Enhanced 911
302 service;

303 (2) purchase of equipment and upgrades and modification to equipment used
304 solely to process the data elements of wireless enhanced 911 service and VoIP enhanced 911
305 service; and

306 (3) maintenance and license fees for such equipment and training of personnel to
307 operate such equipment, including costs of training PSAP personnel to provide effective service
308 to all users of the emergency telephone system who have communications disabilities. Such costs
309 shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair,
310 furnish or make improvements to buildings or similar facilities or for other capital outlay or
311 equipment not expressly authorized by this Act.

312 (c) Each PSAP shall submit to the secretary an annual report accounting for the money
313 received by the PSAP from the Wireless Enhanced 911 Local Fee. Such report shall be submitted
314 on a form provided by the [secretary].

315 (d) (1) Subject to the provisions of subsection (d)(3), each PSAP shall submit to
316 wireless carriers a valid request for Wireless Enhanced 911 service by [July 1, 2007].

317 (2) Subject to the provisions of subsection (d)(3), if a PSAP has not submitted to
318 wireless carriers a valid request for Wireless Enhanced 911 service by [July 1, 2007]:

319 (A) Such PSAP shall pay to the [secretary] all money from the Wireless
320 Enhanced 911 Local Fee which have been or are received by such PSAP;

321 (B) The [secretary] shall notify the local collection point administrator that
322 the PSAP has not made a valid request when required and that distributions of money from the
323 Wireless Enhanced 911 Local Fee to the PSAP shall be stopped and that such money shall be
324 instead remitted to the secretary until the [secretary] notifies the local collection point
325 administrator that the PSAP has made a valid request;

326 (C) The PSAP thereafter shall not be eligible to receive money from the
327 fund or from distributions by the local collection point administrator until the PSAP has
328 submitted to the [secretary] evidence satisfactory to the [secretary] that the PSAP has submitted
329 to wireless carriers a valid request for Wireless Enhanced 911 service. The [secretary] shall remit
330 any money received from the repayment by the PSAP or from distributions by the local collection
331 point administrator to the [state treasurer] in accordance with [insert citation], and amendments
332 thereto. Upon receipt of the remittance, the [state treasurer] shall deposit the entire amount in the
333 [state treasury] and credit it to the Wireless Enhanced 911 Grant Fund.

334 (3) If a PSAP is unable to make a valid request by [July 1, 2007], the [advisory
335 board] may approve not to exceed [two] [one-year] extensions of such date to not later than [July
336 1, 2008], if the [advisory board] determines that:

337 (A) equipment necessary to receive and utilize the data elements associated
338 with wireless enhanced 911 service has been ordered by the PSAP but is unavailable; or

339 (B) there is other just cause to extend the date.

340

341 Section 15. [*Wireless 911 Enhanced Service System and VoIP Enhanced 911 Service*
342 *System Audit.*]

343 (a) During calendar year [2006], the [division of post audit] shall conduct an audit of the
344 Wireless Enhanced 911 Service System to determine:

345 (1) whether money received by municipalities pursuant to the [Wireless Enhanced
346 911 Act] are being used appropriately;

347 (2) the amount of money collected pursuant to this Act is adequate;

348 (3) the status of Wireless Enhanced 911 implementation; and

349 (4) the need and level of continued funding of the Wireless Enhanced 911 Service
350 System. The audit shall be in accordance with a scope statement authorized and approved by the
351 [legislative post audit committee] and shall be conducted in accordance with [insert citation].

352 (b) During the calendar year [2008], the [division of post audit] shall conduct an audit of
353 the state Wireless Enhanced 911 Service System and the VoIP Enhanced 911 Service System, as
354 defined in section 2 of this Act, and the Landline Emergency Telephone Service System to
355 determine:

356 (1) whether money received by municipalities pursuant to the state Wireless
357 Enhanced 911 Act and The VoIP Enhanced 911 Act are being used appropriately;

358 (2) the amount of money collected pursuant to this Act and the VoIP Enhanced
359 911 Act is adequate;

360 (3) the status of Wireless Enhanced 911 and VoIP Enhanced 911 implementation;
361 and

362 (4) the need and level of continued funding of the Wireless Enhanced 911 Service
363 System, the VoIP Enhanced 911 Service System and the Landline Emergency Telephone Service
364 System. The audit shall be in accordance with a scope statement authorized and approved by the

365 [legislative post audit committee] and shall be conducted in accordance with [insert citation]. The
366 audit report shall be submitted to the [legislature] at the commencement of the [regular session of
367 the legislature] in [2009].

368

369 Section 16. [*County Governments.*] Counties may not exempt from or effect changes in
370 the Wireless Enhanced 911 Act, the VoIP Enhanced 911 Act, or in the provisions of [insert
371 citation].

372

373 Section 17. [*Severability.*] [Insert severability clause.]

374

375 Section 18. [*Repealer.*] [Insert repealer clause.]

376

377 Section 19. [*Effective Date.*] [Insert effective date.]