Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted on Monday, July 19, 2021 at 10:00 a.m. in Room 114 (First Floor Conference Room) of the Kansas Local Collection Point Administrator (Mainstream Nonprofit Solutions, Inc.) 217 SE 4th Street, Topeka, Kansas to consider the adoption of proposed rules and regulations of the Kansas 911 Coordinating Council.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments from the public on the proposed regulations. All interested parties may submit written public comments on the proposed regulations prior to the hearing to Scott A. Ekberg, NG911 Administrator, Kansas 911 Coordinating Council, P.O. Box 842, Emporia, KS 66801, or through e-mail at scott.ekberg@kansas911.org. All interested parties will be given a reasonable opportunity to present their views, either orally, in writing, or both, concerning the adoption of the proposed regulations.

In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit oral presentation to five minutes. Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Scott Ekberg at (785) 438-8440. Handicap parking spaces are available on the South side of the building, near the main entrance, which is accessible.

These regulations are proposed for adoption on a permanent basis and copies of the proposed regulations and economic impact statements are available by contacting Scott Ekberg at the address or email listed above or on the website, www.kansas911.org. A summary of the proposed regulations and the economic impact follows:

- **K.A.R.** 132-1-1 Fees. This regulation was created in October, 2016 to increase the 911 fee from \$.53 to \$.60. With passage of HB2084, amending the Kansas 911 Act (K.S.A. 12-5362 et. seq), the legislature increased the fee by statute and this regulation is no longer applicable and is proposed for revocation. Revocation of this regulation will have no economic impact.
- **K.A.R. 132-1-2 Public safety answering point (PSAP).** This new regulation is proposed to define the official action necessary for a new PSAP to be considered an operational PSAP. Since this definition simply clarifies, it will have no economic impact.
- **K.A.R. 132-2-1 LCPA; prerequisites; selection; contract.** The proposed changes to the existing regulation establish prerequisites for the Local Collection Point Administrator (LCPA) and define the selection process and contract period of performance requirements. The proposed changes are intended to bring the regulation into alignment with the Kansas 911 Act (K.S.A. 12-5362 et seq) and no economic impact is anticipated.

K.A.R. 132-3-1 - 911 federal grants; distribution. The proposed amendments to the existing regulation would replace existing language with grant guidance for PSAPs as sub-

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grantees for federal 911 grants. The proposed changes establish the method of procedure for distribution of sub-grants to individual PSAPs and as such will have positive impact on local levels of government who are awarded such sub-grants.

- **K.A.R. 132-4-1 Violation of the act; penalties.** The proposed changes to the existing regulation update the regulation to align the regulation with statutory changes made to the Kansas 911 Act (K.S.A. 12-5362 et seq) during the 2019 legislative session. No economic impact is anticipated with these changes.
- **K.A.R. 132-4-2 Annual report.** This proposed regulation establishes the process for submitting annual reports of 911 fee expenditures by PSAPs pursuant to the Kansas 911 Act (K.S.A. 12-5362 et seq). No economic impact is anticipated from this regulation.
- **K.A.R. 132-4-3 Expenditure preapproval process.** This proposed regulation establishes the process for submitting preapproval requests for the expenditure of 911 fee funds pursuant to the Kansas 911 Act (K.S.A. 12-5362 et seq). No economic impact is anticipated from this regulation.
- K.A.R. 132-5-1 Training standards; technology and operations of the next generation 911 (NG911) hosted solution. The proposed regulation defines training standards and requirements for the technology and operation of the Kansas NG911 hosted system as required by the Kansas 911 Act (K.S.A. 12-5362 et seq). Potential economic impact is the cost to PSAPs for staff to attend the required training. These costs are offset by the availability of 911 fee funds to cover them. Costs for attending the training will vary from PSAP to PSAP as salary rate are widely varied across the state. Total hourly training time expected annually is 8 hours per staff member.
- K.A.R. 132-6-1 Geographic information system (GIS) standard. The proposed regulation establishes GIS data standards, maintenance policies and data reporting requirements for GIS data used in the Kansas NG911 System as required by the Kansas 911 Act (K.S.A. 12-5362 et seq). No altered economic impact is anticipated. PSAPs are currently funding the development and maintenance of the GIS data that is the basis of this regulation and no additional cost element is applicable.

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132-1-1. (Authorized by K.S.A. 2014 Supp. 12	-5364; implementing K.S.A. 2014	Supp. 12-5364
and 12-5369; effective Oct. 2, 2015; revoked P-)

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132-2-1. LCPA; prerequisites; selection; contract. (a) Each qualified person entity selected to provide the services of the local collection point administrator (LCPA) pursuant to the Kansas 911 act ("act"), L. 2011, ch. 84, secs. 1 through 19 and sec. 25 K.S.A. 2020 Supp. 12-5362 et seq. and amendments thereto, shall at a minimum meet the following requirements:

- (1) Have the ability to comply with all contract requirements established by the secretary of administration;
- (2) have at least three years of experience in public sector financial administration and accounting;
- (3) secure and manage accounts and services at a federally insured financial institution with a physical presence in Kansas and ensure the required collateralization of 911 funds in bank accounts;
 - (4) establish and maintain a physical office in Kansas; and
- (5) have the ability to provide appropriate staffing to the 911 coordinating council ("council") to meet the council's obligations under the act achieve the purposes of the act.
- (b) Each LCPA shall be selected by the council with the advice and consent approval of the legislative coordinating council through a competitive procurement process administered by the Kansas department of administration. The competitive process shall begin at least six months before the expiration of the contract with the current LCPA, unless both the council and the legislative coordinating council concur before then that the contract with the LCPA should be extended for an additional contract term, as allowed by the act.
- (c)(1) The initial contract with the selected <u>person entity</u> shall be for a two-year period. A yearly performance review of the LCPA shall be conducted by the council. The council's

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findings shall be reported to the legislative coordinating council. The initial contract with each LCPA shall have a single, two-year extension option, which may be used to extend the contract period by affirmative vote of nine of the voting members of the council.

- (2) The term of a contract with the LCPA may be increased to three years by the council if the council determines the following:
- (A) The LCPA has successfully fulfilled its contractual and legal responsibilities for at least 12 months.
- (B) The annual audit of the 911 fee receipts and disbursements by the LCPA demonstrates appropriate recordkeeping and administration of monies.
- (C) The contract extension can control cost increases for services or reduce risks of disruption of essential LCPA services.
- (2) The council shall annually review the performance of the LCPA. If the council determines that the LCPA contract, pursuant to a competitive procurement process administered by the Kansas department of administration, will be awarded to an entity other than the current LCPA, the decision shall be approved by the legislative coordinating council, pursuant to K.S.A. 2020 Supp. 12-5367 and amendments thereto. (Authorized by K.S.A. 2020 Supp. 12-5364 L. 2011, ch. 84, sec. 3; implementing L. 2011, ch. 84, secs. 3 and 6 K.S.A. 2020 Supp. 12-5364 and K.S.A. 2020 Supp. 12-5367; effective March 2, 2012; amended P-

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132-3-1. 911 federal grants; distribution. (a) When federal grant funds are received by the council and the council establishes a subgrant award program, the grant funds shall be distributed by the chair of the 911 coordinating council ("council") to any entity only if all both of the following conditions are met:

- (1) (a) The PSAP obtains the terms and conditions for the grant from the council. A majority of voting members on the council approves the award of any contract or agreement to the entity seeking federal grant funds before execution of the contract or agreement.
- (2) (b) The PSAP application for the grant accepts all terms and conditions and proposes The proposed use of the funds by the subgrant entity that is consistent with the federal grant fund requirements and K.S.A. 12-5365, and amendments thereto all grant guidance terms and conditions.
- (3) The federal grant funds will be used to implement next-generation 911 services at a regional or statewide level.
- (4) The equipment and services to be purchased using federal grant funds meet national technical standards established for next-generation 911 services as adopted by reference in subsection (b), to the greatest extent possible, and are open architectural designs.
- (b) The following portions of the "detailed functional and interface specification for the NENA i3 solution—stage 3," dated June 14, 2011, are hereby adopted by reference as the national technical standards established for next-generation 911 services:
 - (1) Pages 4 through 236; and
 - (2) pages 256 through 280.

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- (c) As used in this regulation, "open architectural designs" shall mean architectural designs that meet the following requirements:
 - (1) Are available to the general public and are intended for widespread adoption;
 - (2) facilitate interoperability and data exchange among different products or services; and
- (3) contain no proprietary constraints. (Authorized by K.S.A. 2011 2020 Supp. 12-5364, as amended by L. 2012, ch. 21, sec. 2; implementing K.S.A. 2011 2020 Supp. 12-5364, as amended by L. 2012, ch. 21, sec. 2, and K.S.A. 2011 2020 Supp. 12-5365; effective Jan. 11, 2013; amended P-_______.)

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132-4-1. Delinquent status Violation of the act; penalties. (a)(1) A Each provider, as defined by K.S.A. 2020 Supp. 12-5363 and amendments thereto, shall be deemed to be in delinquent status by the 911 coordinating council or the council's designee under any of the following conditions shall meet the following requirements to comply with K.S.A. 2020 Supp. 12-5364 and K.S.A. 2020 Supp. 12-5370, and amendments thereto:

(A)(1) The provider fails to Complete and submit, or update within 30 days of a change, the provider's contact information, pursuant to L. 2011, ch. 84, sec. 3 (i) K.S.A. 2020 Supp. 12-5364 and amendments thereto, on or before January 1, 2012, on the "telecommunications provider contact information" form provided on the council's web site; in the form and containing the information required by the 911 coordinating council to the 911 coordinating council or the council's designee.

- (B) The provider has not previously provided service in this state and fails to submit the provider's contact information, pursuant to L. 2011, ch. 84, sec. 3 (j) and amendments thereto, within three months of first offering services in this state, in the form and containing the information required by the 911 coordinating council to the 911 coordinating council or the council's designee.
- (C) The provider fails to notify the 911 coordinating council or the council's designee within 30 days of any change in the provider's contact information.
- A provider submit collected 911 fees, pursuant to K.S.A. 2020 Supp. 12-5370 and amendments thereto, to the LCPA shall be deemed to be in delinquent status by the 911 coordinating council or the council's designee if the provider fails to submit 911 fees and the return in the form required by the LCPA, pursuant to L. 2011, ch. 84, sec. 9 and amendments

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thereto, to the LCPA on or before the 30th day of each calendar month following a return for the preceding month.; and

- (3) complete and submit, on or before the 15th day of each calendar month following the remittance of collected 911 fees, the return identifying the amount of 911 fees contained in the remittance attributable to each PSAP's jurisdictional boundary through the council's web portal.
- (b)(1) If the 911 coordinating council or the council's designee determines that a provider is in delinquent status violation of the act, a penalty shall may be assessed against the provider by written order of the 911 coordinating council or the council's designee.

The penalty for failing to comply with the requirement to submit the provider's contact information violation of the act shall be no more than \$500.00 per day or 10 percent of the 911 fees due from the delinquent provider to the LCPA for the corresponding month, whichever is greater. The penalty for failing to submit 911 fees and the return shall be \$500.00 per day or 10 percent of the 911 fees due from the delinquent provider to the LCPA for the corresponding month, whichever is greater.

- (2) <u>A</u> written notification order, specifying of the any penalty assessment, the violation, and the provider's right to appeal to the 911 coordinating council or the council's designee shall be issued to the provider by the 911 coordinating council or the council's designee. Each penalty payment shall be remitted directly to the 911 coordinating council or the council's designee.
- (c) <u>Upon receipt of an order of the council</u>, any provider that is assessed a penalty may, within 15 days, request a hearing, pursuant to <u>L. 2011</u>, ch. 84, sec. 3 (l) <u>K.S.A. 2020 Supp. 12-5364</u> and amendments thereto. The request for hearing shall specify the reason or reasons the provider denies being in violation of the submission requirements, pursuant to <u>L. 2011</u>, ch. 84,

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sec. 3 and amendments thereto. (Authorized by L. 2011, ch. 84, sec. 3 K.S.A. 2020 Supp. 12-5364; implementing L. 2011, ch. 84, sees. 3 and 9 K.S.A. 2020 Supp. 12-5364 and K.S.A. 2020 Supp. 12-5370; effective March 2, 2012; amended P-

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132-4-2. Annual report. Each public safety answering point (PSAP) shall complete and submit annually, by March 1, the annual report module on the council's web portal, pursuant to K.S.A. 2020 Supp. 12-5364 and amendments thereto. (Authorized by K.S.A. 2020 Supp. 12-5364; implementing K.S.A. 2020 Supp. 12-5364 and K.S.A. 2020 Supp. 12-5375; effective P-

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132-4-3. Expenditure preapproval process. (a) Each public safety answering point (PSAP) seeking preapproval of an expenditure of 911 fee funds shall follow the process specified in this regulation.

- (b) Each request for preapproval of 911 fee fund expenditures shall be submitted through the preapproval application in the annual report module of the council's web portal.
- (c) If the proposed expenditure is disapproved and the PSAP does not concur with the decision of the expenditure review committee, the PSAP may, within 15 days of service of the written decision disapproving the expenditure, request a hearing before the council's presiding officer, who shall be the chairman of the council. (Authorized by K.S.A. 2020 Supp. 12-5364 and K.S.A. 2020 Supp. 12-5375; implementing K.S.A. 2020 Supp. 12-5375; effective P-

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Article 5. Training Standards

132-5-1. Training standards; technology and operations of the next generation 911 (NG911) hosted solution. Pursuant to K.S.A. 2020 Supp. 12-5364 and amendments thereto, all public safety answering point (PSAP) personnel who operate any equipment or technology provided by the NG911 hosted solution ("solution"), which is the statewide system for handling emergency calls, shall complete approved training that includes the following:

- (a) Obtaining proficiency on all appropriate tools, equipment, and technology provided by the solution that they may be expected to operate within the public safety communications center;
 - (b) creating, accessing, and updating incident data;
- (c) utilizing existing communications tools or available technologies, or both, to meet operational needs in both normal modes and backup modes;
 - (d) operating solution computer systems;
 - (e) operating solution records management systems;
- (f) operating solution telephone systems, including integrated administrative systems,
 TTY/TDD, and other equal-access technologies;
 - (g) maintaining solution equipment functionality within established parameters; and
- (h) using evolving and emerging technologies as these technologies are added to the solution. (Authorized by and implementing K.S.A. 2020 Supp. 12-5364; effective P-

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Article 6. Geographic Information System (GIS) Data Requirements

132-6-1. Geographic information system (GIS) standard. (a) Each public safety answering

point (PSAP), as defined in K.S.A. 2020 Supp. 12-5363 and amendments thereto, shall maintain

NG911 geographic information system (GIS) data to the current standard.

(b) Each PSAP shall identify one individual or vendor as a local data maintainer, who shall perform updates to the GIS data. Each PSAP shall identify the local data maintainer to the

council through the council's web portal.

Each PSAP shall also identify a second individual as local data steward, who shall be responsible for ensuring that GIS data updates are submitted through the council's web portal.

Each PSAP shall identify the local data steward to the council through the council's web portal.

- (c) The local data steward and the local data maintainer shall attend a training class provided by the council's GIS committee and shall create a user account on the council's web portal.
- (d) Data updates shall include all new or changed roads, addresses, and emergency service boundaries for which the required information is available as well as any needed corrections to existing data. Each PSAP shall develop contacts with local government authorities in order to ensure that GIS data relating to geographical changes, name changes, construction additions, subtractions, and modifications and any other information required to ensure the accuracy of GIS data are made known for inclusion in GIS data as soon as possible.
- (e) Each data maintainer shall submit data updates to the web portal in the NG911 template geodatabase format.

Each submission shall pass all validation tests to be considered successful.

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- If there are no changes to the data in a calendar quarter, the local data steward shall (f) submit or ensure that the local data maintainer submits a report of "no changes" through the council's web portal for that calendar quarter.
- Each PSAP shall submit data often enough to keep the 911 routing databases accurate and current. At a minimum, a successful data submission or report of "no changes" shall be made at least once each calendar quarter. Normal calendar quarters, ending March 31, June 30, September 30, and December 31, shall be followed.

Reports of "no changes" shall be accepted for no more than three consecutive quarters. After three consecutive quarters of reports of "no changes," successful data submission shall be required. (Authorized by and implementing K.S.A. 2020 Supp. 12-5364; effective P-

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Kansas 911 Coordinating Council Agency

Scott A. Ekberg, Administrator Agency Contact 785-438-8440 Contact Phone Number

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K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget
900 SW Jackson, Room 504-N

Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

K.A.R. 132-1-1 was created in October, 2016 to increase the 911 fee from \$.53 to \$.60. With passage of HB2084, amending the Kansas 911 Act (K.S.A. 12-5362 et. seq.), the legislature increased the fee and this regulation is no longer applicable and is proposed for revocation.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

This rule and regulation is not mandated by the federal government.

- III. Agency analysis specifically addressing following:
 - A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

No impact anticipated

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

Negligible economic impact to the Council, other state agencies, small businesses, or individual members of the public is anticipated.

C. Businesses that would be directly affected by the proposed rule and regulation;

N/A

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs:

N/A

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E.	Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;					
	N/A					
F.	An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.					
	<u>\$N/A</u>					
	Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?					
	YES □ NO ☒					
	Give a detailed statement of the data and methodology used in estimating the above cost estimate.					
	N/A					
	Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.					
	YES □ NO ☒					
G.	If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.					
	N/A					
Н.	Describe how the agency consulted and solicited information from business associations, local governments, state agencies, or institutions and members of t public that may be affected by the proposed rule(s) and regulation(s).					
	N/A					
I.	For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).					
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Kansas 911 Coordinating Council Agency

Scott A. Ekberg, Administrator Agency Contact 785-438-8440 Contact Phone Number

132-1-2 K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget

900 SW Jackson, Room 504-N Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

The proposed rule and regulation would establish that a PSAP becomes a PSAP when official action is taken by a City or County governing body to establish and designate the answering point as the governing bodies PSAP.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

This rule and regulation is not mandated by the federal government.

- III. Agency analysis specifically addressing following:
 - A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

No impact anticipated

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

Negligible economic impact to the Council, other state agencies, small businesses, or individual members of the public is anticipated.

C. Businesses that would be directly affected by the proposed rule and regulation;

None

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

Provides the Council with a point certain for the existence of a PSAP established by a City or County government. No cost

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associated with the rule and regulation, though the cost to the local unit of government would be significant in standing up a new PSAP.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

The rule and regulation creates no cost or impact

An estimate, expressed as a total dollar figure, of the total annual implementation and F. compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$None

Do the above total implementation and compliance costs exceed \$3.0 million over any two-vear period?

YES \square

NO 🗵

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

N/A

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES [NO X

If the proposed rule(s) and regulation(s) increases or decreases revenues of cities. G. counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

N/A

H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

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I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

N/A

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Kansas 911 Coordinating Council
Agency

Scott A. Ekberg, Administrator
Agency Contact

785-438-8440 Contact Phone Number

Agency

132-2-1 K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget

900 SW Jackson, Room 504-N

Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

The proposed modifications to the existing K.A.R. 132-2-1, sets the prerequisites for the Local Collection Point Administrator (LCPA) and defines the selection process and contract period of performance requirements for the LCPA. The proposed amendments would:

- Establish a two-year period of performance for the LCPA contract,
- Provide for a single two-year extension of the LCPA contract,
- Remove language requiring approval of the Legislative Coordinating Council (LCC) to exercise the two-year contract extension,
- Require an annual evaluation of the LCPA by the Council,
- Require LCC approval of a Council decision to change the LCPA vendor at contract renewal.

These changes are proposed to bring the regulation into alignment with the Kansas 911 Act statutes.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

This rule and regulation is not mandated by the federal government.

- III. Agency analysis specifically addressing following:
 - A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

No impact anticipated

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В. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

Negligible economic impact to the Council, other state agencies, small businesses, or individual members of the public is anticipated.

Businesses that would be directly affected by the proposed rule and regulation; C.

None

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

Brings K.A.R. 132-2-1 into alignment with the Kansas 911 Act statutes as amended by HB2084. No additional cost associated with the amendments.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas. local government, and individuals;

N/A

An estimate, expressed as a total dollar figure, of the total annual implementation and F. compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$None

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES \square NO 🖾

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

N/A

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES NO 🛛

If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the

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League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

N/A

H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

N/A

I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

N/A

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JUN 0 2 2020

Kansas 911 Coordinating Council
Agency

Scott A. Ekberg, Administrator Agency Contact 785-438-8440 Contact Phone Number

132-3-1 K.A.R. Number(s)

K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget

900 SW Jackson, Room 504-N

900 SW Jackson, Room 504-N Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

The proposed amendment to the existing rule and regulation would replace existing language with rules and regulations compliant with grant guidance for the 2019 federal 911 grant from NHTSA.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

While not mandated by the federal government, the proposed rules and regulations ensure compliance with federal grant guidance issued by NHTSA for subgrant of federal funds to PSAPs.

- III. Agency analysis specifically addressing following:
 - A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

Provides opportunity for local government controlled PSAPs to acquire updated 911 equipment with 60% federal funding.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

Positive impact of \$1,800,000 in federal funds.

C. Businesses that would be directly affected by the proposed rule and regulation;

Kansas PSAPs

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

No direct cost associated with the rules and regulations. PSAPs provided the opportunity to replace necessary 911 equipment at a reduced total cost to the PSAP.

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E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

N/A

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$N/A

Do the above total implementation and compliance costs exceed \$3.0 million over any two-vear period?

YES 🗆

NO 🛛

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

N/A

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES NO X

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

No mandatory increase or decrease in revenue is occasioned by the adoption of this rule and regulation.

H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

N/A

I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be DOB APPROVAL STAMP affected by the failure to adopt the rule(s) and regulation(s).

N/A

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<u>Kansas 911 Coordinating Council</u> Agency Scott A. Ekberg, Administrator Agency Contact

785-438-8440 Contact Phone Number

132-4-1 K.A.R. Number(s)

K.M.K. Nutriber(S)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget
900 SW Jackson, Room 504-N

Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

The proposed amendments to K.A.R. 132-4-1, update Kansas session law citations to statutory citations and removes an outdated date reference. The amendments also provide information to providers as to where the forms referenced in the existing K.A.R. can be located.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

This rule and regulation is not mandated by the federal government.

- III. Agency analysis specifically addressing following:
 - A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

N/A – Updating existing K.A.R.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

None created by amendments

- C. Businesses that would be directly affected by the proposed rule and regulation;

 N/A
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

Brings K.A.R. 132-4-1 into alignment with Kansas Statute.

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E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

N/A

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$N/A

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO 🛛

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

N/A

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES 🗆 NO 🖾

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

N/A

H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

N/A

I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

N/A

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Kansas 911 Coordinating Council
Agency

Scott A. Ekberg, Administrator Agency Contact 785-438-8440 Contact Phone Number

132-4-2 K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget
900 SW Jackson, Room 504-N

900 SW Jackson, Room 504-N Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

This proposed rule and regulation defines the annual 911 fee expenditure report form as required by statute. The proposed regulation establishes the content of the form.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

This rule and regulation is not mandated by the federal government.

- III. Agency analysis specifically addressing following:
 - A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

No change created by the rule and regulation, only establishes the reporting requirements as required by statute.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

No additional economic impact is anticipated.

- C. Businesses that would be directly affected by the proposed rule and regulation;
 PSAPs
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

Brings the annual 911 expenditure reporting form and content into alignment with Kansas 911 Act statutes.

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E.	Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas,	•
	local government, and individuals;	,
	N/A	

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$None

Do the above total implementation	and	comp	liance	costs	exceed	\$3.0	million	over any
two-year period?								

YES □ NO ☒

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

N/A

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES □ NO ☒

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

N/A

H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

N/A

I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

N/A

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Kansas 911 Coordinating Council

Scott A. Ekberg, Administrator Agency Contact 785-438-8440 Contact Phone Number

Agency

132-4-3 K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget

900 SW Jackson, Room 504-N

Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

This proposed rule and regulation defines a pre-approval process for PSAPs to seek pre-approval of the expenditure of 911 fee funds.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

This rule and regulation is not mandated by the federal government.

- III. Agency analysis specifically addressing following:
 - A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

Provides a formal process for PSAPs to request pre-approval of the expenditure of 911 funds to ensure that the expenditure complies with the statutory restrictions on the use of such funds as required by the Kansas 911 Act statutes.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

Negligible economic impact is anticipated.

- C. Businesses that would be directly affected by the proposed rule and regulation; PSAPs
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

Provides a formal process for PSAPs to request pre-approval of the expenditure of 911 funds to ensure that the expenditure complies with the statutory restrictions on the use of such funds as required by Kansas 911 Act statutes. DOB APPROVAL STAMP

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E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

N/A

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$None

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES

NO 🛛

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

N/A

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES □ NO ☒

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

N/A

H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

N/A

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I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

N/A

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Kansas 911 Coordinating Council
Agency

Scott A. Ekberg, Administrator Agency Contact

Topeka, KS 66612

785-438-8440 Contact Phone Number

<u>132-5-1</u>

K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget
900 SW Jackson, Room 504-N

I. Brief description of the proposed rule(s) and regulation(s).

This proposed regulation defines training standards for the technology and operation of the Kansas NG911 hosted system as required by Kansas 911 Act statutes.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

This rule and regulation is not mandated by the federal government.

- III. Agency analysis specifically addressing following:
 - A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

No impact anticipated

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

All required training will be provided at no cost to the PSAP. The potential costs to the PSAP are salaries and travel expense. These costs will vary from PSAP to PSAP as salary rates are widely varied across the state. The total hourly training time expected annually is 8 hours per person.

- C. Businesses that would be directly affected by the proposed rule and regulation;
 PSAPs
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

Assures that all PSAP personnel operating the technology provided by the Kansas NG911 system have received appropriate training in its use and function at low cost to the PSAP.

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E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

Ensuring that to the extent possible, required training is available in a web-based format that allows for completion of the training to be achieved during regular, on-duty time, if a PSAP elects to complete the training in this manner.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$320 per employee.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES □ NO ☒

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The above cost estimate is based on a salary rate of \$15 per hour and an overnight stay being required to complete the training. This number is effected by the individual Telecommunicator's hourly salary rate and the distance involved in travel and will vary from PSAP to PSAP.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES □ NO ☒

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

As a part of the preparation for the submission of HB2084, which statutorily created the requirement for mandatory training on the technology and operation of the Kansas NG911 system, the matter was discussed with all Council members, who represent the various

associations and entities affected. There was also a public comment period that solicited input on the proposed changes made by HB2084. A public hearing to review the comments received and to address any additional comments from the floor was conducted. The mandatory training requirements were not raised as an issue during either proceeding.

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H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

See answer to G above

I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

N/A

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Kansas 911 Coordinating Council
Agency

Scott A. Ekberg, Administrator Agency Contact 785-438-8440 Contact Phone Number

132-6-1 K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget

900 SW Jackson, Room 504-N Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

This proposed rule and regulation establishes GIS data standards, maintenance policies and data reporting requirements for GIS data used in the Kansas NG911 System as required by Kansas 911 Act statutes as amended by HB2084.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

This rule and regulation is not mandated by the federal government.

- III. Agency analysis specifically addressing following:
 - A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

This rule and regulation ensures that GIS data is developed, maintained and submitted to the NG911 call routing system in a manner that ensures that the data is usable, accurate and authoritative. This ensures that 911 calls are properly routed to the appropriate PSAP.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

No altered economic impact is anticipated. PSAPs are currently funding the development and maintenance of the GIS data that is the basis of this rule and regulation and no additional cost element is applicable.

C. Businesses that would be directly affected by the proposed rule and regulation;

None

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D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

Ensures that GIS data is maintained and submitted in accordance with standard and GIS policy. No additional cost created by the rule and regulation.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

N/A

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$No additional cost

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES 🗆

NO 🗵

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

N/A

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES 🗆

NO 🖾

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

N/A

H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

N/A

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I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

N/A

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