



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.KSAG.ORG

September 4, 2012

Melissa Wangemann, Staff
911 Coordinating Council
300 SW 8th Avenue, Third Floor
Topeka, Kansas 66603

Re: K.A.R. 132-3-1

Dear Ms. Wangemann:

We have reviewed the above-referenced regulation for legality on two occasions. In the first review, we suggested you strike subsection (a) because it was self-directory, add K.S.A. 12-5365 as a statutory reference in (d)(2), adopt by reference the national technical standards established for next-generation 911 services, and define "open architectural designs." In the second review, you made the changes we suggested. We further suggested limiting the adoption of the national standards to the pages that actually set the standard. We suggested you adopt pages 4 through 246 and 256 through 280. We noted for you that pages 281-282 was missing from the copy provided to us for review. If you wished to include those pages, we would have needed those pages to review.

You were notified by phone that the regulation you provided for approval adopts by reference pages 4 through 236 rather than 4 through 246. On September 4, 2012, I received a phone call from you that the Coordinating Council wishes to move forward with this version of the regulation. Please be advised that the ten pages not included for adoption will not carry the force of law if the regulation is finally adopted as submitted.

Finding no issues of legality, I have approved the regulation as submitted to me on August 22, 2012. Please let me know if you have any questions.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
DEREK SCHMIDT


Athena Andaya
Deputy Attorney General

cc: Senator Vicki Schmidt, Chair, Joint Committee on Rules and Regulations
Representative Carl Holmes, Chair, Joint Committee on Rules and Regulations
Representative Janice Pauls, Ranking Minority Member, Joint Committee on
Rules and Regulations
Raney Gilliland, Legislative Research
Ken Wilke, Revisor of Statutes

Article 3: Grant Funds

K.A.R. 132-3-1. 911 federal grants; distribution. (a) Federal grant funds shall be distributed by the chair of the 911 coordinating council ("council") to any entity only if all of the following conditions are met:

(1) 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) The proposed use of the funds is consistent with the federal grant fund requirements and K.S.A. 12-5365, and amendments thereto.

(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.

(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;

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(2) facilitate interoperability and data exchange among different products or services;

and

(3) contain no proprietary constraints. (Authorized by K.S.A. 2011 Supp. 12-5364, as amended by L. 2012, ch. 21, sec. 2; implementing K.S.A. 2011 Supp. 12-5364, as amended by L. 2012, ch. 21, sec. 2, and K.S.A. 2011 Supp. 12-5365; effective P-_____.)

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