

1 AN ACT relating to the Kentucky 911 Services Board.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 65.7623 is amended to read as follows:

4 (1) There is hereby created the Kentucky 911 Services Board, the "board," consisting of
5 *seven (7) members as follows:*

6 *(a) The executive director of the Office of Homeland Security;*

7 *(b) The secretary of the Public Protection Cabinet;*

8 *(c) One (1) elected city official of a city government appointed by the Kentucky*
9 *League of Cities;*

10 *(d) One (1) elected county official of a county government appointed by the*
11 *Kentucky Association of Counties;*

12 *(e) One (1) director of a certified PSAP operated by a local government entity*
13 *or a consolidated group of local government entities who previously served*
14 *on the 911 Services Advisory Council and is not an elected official, to be*
15 *appointed by the Governor;*

16 *(f) One (1) member representative of a county or city government appointed by*
17 *the Governor from a list of three (3) names submitted by the Kentucky*
18 *League of Cities or Kentucky Association of Counties. The Kentucky*
19 *League of Cities and the Kentucky Association of Counties shall alternate*
20 *in providing a list of names to the Governor every two (2) years, and the*
21 *selected member representative shall serve for a two (2) year term and may*
22 *be an elected city or county official; and*~~fifteen (15) members, eleven (11) of~~
23 ~~whom shall be voting members appointed by the Governor, two (2) of whom~~
24 ~~shall be voting members who shall serve by virtue of their offices, and two (2)~~
25 ~~shall be nonvoting legislative members, as follows: }~~

26 *(g) One (1) member appointed by the Governor who*~~[Two (2) members]~~ shall be
27 employed by or representative of the interest of CMRS providers. *The*

1 *member representing the interests of CMRS providers shall serve for a two*
2 *(2) year term, and shall alternate between representing a Tier I provider*
3 *and a Tier III provider*~~, of which, one (1) shall be a representative of a Tier~~
4 ~~III CMRS provider; two (2) members serving as city officials, one (1) of~~
5 ~~which shall be an elected city official, from a list of four (4) nominees~~
6 ~~submitted by the Kentucky League of Cities; two (2) members serving as~~
7 ~~county officials, both of which shall be elected county officials, from a list of~~
8 ~~four (4) nominees submitted by the Kentucky Association of Counties; one (1)~~
9 ~~member shall be appointed from a list of local exchange landline telephone~~
10 ~~companies' representatives submitted by the Kentucky Telephone Association;~~
11 ~~one (1) member shall be a director of a certified public safety answering point~~
12 ~~operated by a local governmental entity or a consolidated group of local~~
13 ~~governmental entities appointed from lists of candidates submitted to the~~
14 ~~Governor by the Kentucky Firefighters Association, the State Association of~~
15 ~~Chiefs of Police, the Kentucky Sheriff's Association, and the Kentucky~~
16 ~~Ambulance Providers Association; two (2) members shall be appointed from~~
17 ~~lists of candidates submitted to the Governor by the Kentucky Emergency~~
18 ~~Number Association and the Association of Public Communications Officials;~~
19 ~~one (1) member shall be a director of a certified public safety answering point~~
20 ~~operated by a local government entity or a consolidated group of local~~
21 ~~governmental entities; and two (2) nonvoting legislative members to serve~~
22 ~~solely in advisory capacities for terms of two (2) years, one (1) of whom shall~~
23 ~~be a member of the House of Representatives to be appointed by the Speaker~~
24 ~~of the House of Representatives and one (1) of whom shall be a member of~~
25 ~~the Senate to be appointed by the President of the Senate. The commissioner~~
26 ~~of the Department of Kentucky State Police, or the commissioner's designee,~~
27 ~~and the executive director of the Office of Homeland Security, or the~~

1 executive director's designee, also shall be voting members of the board. Any
2 vacancy on the board shall be filled in the same manner as the original
3 appointment].

- 4 (2) The~~[commissioner of the Department of Kentucky State Police and the]~~ executive
5 director of the Office of Homeland Security **and secretary of the Public Protection**
6 **Cabinet** shall serve by virtue of their offices. The~~[other]~~ **members appointed under**
7 **subsection (1)(c) to (e) of this section shall be appointed**~~[nonlegislative members~~
8 ~~shall be appointed by the Governor]~~ for a term of four (4) years and until their
9 successors are appointed and qualified~~[, except that of the first appointments, one~~
10 ~~(1) shall be for a term of one (1) year, one (1) shall be for a term of two (2) years,~~
11 ~~one (1) for a term of three (3) years, and two (2) shall be for a term of four (4) years.~~
12 Any member missing three (3) consecutive meetings may be removed by a majority
13 vote of the remaining voting members]. **Members appointed under subsection**
14 **(1)(f) and (g) of this section shall serve for a term of two (2) years. Members**
15 **appointed under subsection (1)(c) to (g) of this section may only serve as long as**
16 **the appointee holds the office or position he or she held at the time of his or her**
17 **appointment. Any vacancy on the board shall be filled in the same manner as the**
18 **original appointment and shall be for the remainder of the unexpired term.**
- 19 (3) **No member of the board shall be held to be a public officer by reason of**
20 **membership on the board. The elected city and county officials appointed under**
21 **subsection (1) of this section shall each serve on the board in an ex officio voting**
22 **capacity by virtue of their respective elected offices as long as they continue to**
23 **occupy their local elected positions during their term as a board member. Their**
24 **duties as members of the board shall be an extension of their duties as local**
25 **elected officials and their service on the board shall not constitute the holding of**
26 **a separate and distinct public office apart from their respective local elected**
27 **positions.**

1 **(4)** The **executive director of the Office of Homeland Security shall serve as chair**
2 **and**~~board shall elect a chair from among its voting members to~~ preside over
3 meetings of the board, which shall be conducted at least four (4) times each year. **In**
4 **the absence of the executive director of the Office of Homeland Security, the**
5 **board may be chaired by any other member of the board selected by the**
6 **remaining members.** The board shall be subject to the provisions of the Kentucky
7 Open Meetings Act, KRS 61.805 to 61.850. The board shall establish a regular
8 meeting schedule for each calendar year. The board shall hold at least two (2)
9 meetings per calendar year in congressional districts other than the one in which
10 Frankfort is located, and shall rotate its traveling meeting locations among the
11 congressional districts before holding another traveling meeting in the same
12 congressional district. A majority of the~~voting~~ members appointed to the board
13 shall constitute a quorum.

14 **(5)**~~(4)~~ In addition to the administrator appointed by the **executive director of the**
15 **Office of Homeland Security**~~board~~ under KRS 65.7625, the~~Kentucky~~ Office of
16 Homeland Security shall provide staff services, **office space, and other resources**
17 **necessary to conduct its affairs**~~and carry out administrative duties and functions~~
18 ~~as directed by the board~~. The board shall be attached to the~~Kentucky~~ Office of
19 Homeland Security for administrative purposes **but**~~only and~~ shall operate as an
20 independent entity within state government.

21 **(6)**~~(5)~~ The board members shall serve without compensation but shall be reimbursed
22 in accordance with KRS 45.101 for expenses incurred in connection with their
23 official duties as members of the board.

24 **(7)**~~(6)~~ All administrative costs and expenses incurred in the operation of the board,
25 including payments under **subsections (5) and (6)**~~subsection (5)~~ of this section
26 **and Section 2 of this Act**, shall be paid **as reimbursement to the Office of**
27 **Homeland Security** from that portion of the CMRS fund that is authorized under

1 KRS 65.7631(2) to be used by the board for administrative purposes. Expenses for
2 personnel, equipment, or facilities that serve multiple functions or purposes shall
3 be prorated. Only those costs for services directly involved in the coordination
4 and administration of duties related to the CMRS emergency telecommunications
5 function shall be eligible for payment using the funds provided in KRS
6 65.7631(2).

7 (8) Prior to June 1 of each year, the Office of Homeland Security shall submit a
8 budget detailing all projected administrative and operational expenses for the
9 subsequent fiscal year to be used by the board in establishing the board's budget
10 for the upcoming fiscal year.

11 (9) The board shall be advised by a permanent advisory council with members
12 appointed by the executive director of the Office of Homeland Security. The
13 members of the advisory council shall represent the interests of the 911
14 community and shall, at a minimum, include a representative from each of the
15 following organizations:

16 (a) The Department of Kentucky State Police;

17 (b) The Kentucky Sheriff's Association;

18 (c) The Kentucky Association of Chiefs of Police;

19 (d) The Kentucky Fire Chiefs Association;

20 (e) The Kentucky Ambulance Providers Association;

21 (f) The Kentucky League of Cities;

22 (g) The Kentucky Association of Counties;

23 (h) Kentucky Association of Public Communications Officials;

24 (i) Kentucky Emergency Numbers Association;

25 (j) Department of Criminal Justice Training;

26 (k) Kentucky Board of Emergency Medical Services; and

27 (l) Any other members selected by the executive director who are familiar with

1 PSAPs, public finances, shared governmental services, emergency
 2 management, community crisis response preparation, or the interests of 911
 3 services stakeholders.

4 ➔Section 2. KRS 65.7625 is amended to read as follows:

- 5 (1) The executive director of the Office of Homeland Security~~[Kentucky 911 Services~~
 6 ~~Board]~~ shall appoint a state administrator of commercial mobile radio service
 7 emergency telecommunications. The executive director of the Office of Homeland
 8 Security~~[board]~~ shall set the administrator's compensation, the cost of which may
 9 be shared by the Office of Homeland Security and the Kentucky 911 Services
 10 Board. The board shall be responsible for any portion of the administrator's
 11 salary that is not to be paid by the Office of Homeland Security, with the board's
 12 portion of the salary to~~[which shall]~~ be paid from that portion of the CMRS fund
 13 that is authorized under KRS 65.7631(2) to be used by the board for administrative
 14 purposes.
- 15 (2) The administrator of CMRS emergency telecommunications shall serve as the
 16 coordinator and administrator on behalf of the board, and shall conduct the day-to-
 17 day operations of the board.
- 18 (3) The administrator shall, with the advice of the board, coordinate and direct a
 19 statewide effort to expand and improve enhanced emergency telecommunications
 20 capabilities and responses throughout the state, including but not limited to the
 21 implementation of wireless E911 service requirements of the FCC order and rules
 22 and regulations adopted in carrying out that order. In this regard, the administrator
 23 shall:
- 24 (a) Obtain, maintain, and disseminate information relating to emergency
 25 telecommunications technology, advances, capabilities, and techniques;
- 26 (b) Coordinate and assist in the implementation of advancements and new
 27 technology in the operation of emergency telecommunications in the state,

1 including the development and implementation of next generation 911
2 service;

3 (c) Implement compliance throughout the state with the wireless E911 service
4 requirements established by the FCC order and any rules or regulations which
5 are or may be adopted by the Federal Communications Commission in
6 carrying out the FCC order; and

7 (d) Perform all functions and duties assigned by the board in carrying out the
8 purposes of KRS 65.7621 to 65.7643, including but not limited to making a
9 full report to the board at each meeting of the activities in which the
10 administrator has engaged in the discharge of his or her duties since the
11 previous meeting.

12 ➔Section 3. KRS 65.7631 is amended to read as follows:

13 (1) The moneys in the CMRS fund shall be apportioned among the approved uses of
14 the fund as specified in this section. The board shall make individual disbursements
15 from the fund upon such terms and conditions necessary in view of the amount of
16 revenues on deposit at the time each request for disbursement is reviewed and
17 approved.

18 (2) Not more than two and one-half percent (2.5%) of the total monthly revenues
19 deposited into the CMRS fund shall be disbursed or reserved for disbursement by
20 the board to pay the administrative costs and expenses incurred in the operation of
21 the board in carrying out the functions and duties set forth in KRS 65.7621 to
22 65.7643.

23 (3) (a) Two and one-half percent (2.5%) of the total monthly revenues deposited into
24 the CMRS fund shall be used solely for the purpose of reimbursing the actual
25 expenses incurred by tier III CMRS providers from June 30, 2011, to January
26 1, 2016, for complying with requirements established by the FCC order.
27 Reimbursement under this subsection is only available to tier III CMRS

1 providers that:

2 1. Have a cost recovery plan that was approved by the CMRS Board,
3 predecessor in name to the Kentucky 911 Services Board, prior to June
4 30, 2011; and

5 2. Had received approval for reimbursement from the CMRS Board,
6 predecessor in name to the Kentucky 911 Services Board, prior to the
7 effective date of this section.

8 (b) When all reimbursements approved under this subsection have been paid, the
9 two and one-half percent (2.5%) apportioned under this subsection shall be
10 used solely for the purposes specified in subsection (5) of this section.

11 (4) Ten percent (10%) of the total monthly revenues deposited into the CMRS fund
12 shall be disbursed or reserved for disbursement to provide direct grants, matching
13 money, or funds to PSAPs as determined by the Kentucky 911 Services Board:

14 (a) For the establishment and improvement of 911 services in the
15 Commonwealth, including the implementation of next generation 911
16 capacity;

17 (b) For incentives to create more efficient delivery of 911 services by local
18 governments receiving funding under subsection (5) of this section;

19 (c) For improvement of 911 infrastructure by Tier III wireless providers receiving
20 funding under this section; and

21 (d) For consolidation reimbursement of two hundred thousand dollars (\$200,000)
22 per PSAP, not to exceed four hundred thousand dollars (\$400,000) per county,
23 to any PSAP that consolidates with a CMRS-certified PSAP, or creates a
24 newly consolidated Phase II compliant PSAP. Funds shall be applied toward
25 the cost of consolidating. If a PSAP consolidates and receives reimbursement,
26 the Kentucky 911 Services Board shall not certify a new PSAP within the
27 same county for a period of ten (10) years.

1 When the balance of money collected under this subsection and not yet obligated
2 for permitted uses exceeds ~~three~~^{two} million dollars ~~(\$3,000,000)~~^(\$2,000,000) in
3 any fiscal year, the excess amount shall be allocated under subsection (5) of this
4 section.

5 (5) The balance of the total monthly revenues deposited into the CMRS fund after the
6 amounts disbursed or reserved for disbursement under subsections (2), (3), and (4)
7 of this section have been subtracted shall be distributed to PSAPs eligible to receive
8 disbursement from the CMRS fund under subsection (6) of this section who actually
9 request disbursement, as follows:

10 (a) Fifty percent (50%) of the remaining balance to be allocated under this
11 subsection shall be distributed according to the "PSAP pro rata formula,"
12 whereby each receives a percentage determined by dividing one (1) by the
13 total number of PSAPs eligible to request and actually requesting
14 disbursements under subsection (6) of this section. Any PSAPs certified
15 before January 1, 2004, or for more than three (3) years, that choose to
16 consolidate their operations shall continue to receive pro-rata shares as if they
17 remained separate and distinct entities. The consolidated entity must be
18 certified to receive funds under subsection (6) of this section; and

19 (b) Fifty percent (50%) of the remaining balance to be allocated under this
20 subsection shall be distributed according to a method chosen by the board and
21 based on the wireless workload of the PSAP. Methods to be considered may
22 be based on the number of wireless 911 calls answered by each PSAP, the
23 number of wireless phone users served by each PSAP, or any other method
24 deemed by the board to be reasonable and equitable. The method chosen by
25 the board shall be promulgated as a regulation under KRS 65.7633.

26 All amounts distributed to PSAPs under this subsection shall be used by the PSAPs
27 solely for the purposes of answering, routing, and properly disposing of CMRS 911

1 calls, training PSAP staff, and public education concerning appropriate use of 911,
2 in accordance with KRS 65.760(4) and (5). Additionally, amounts distributed to
3 PSAPs under this subsection may be used for the purposes of complying with the
4 wireless E911 service requirements established by the FCC order and any rules and
5 regulations which are or may be adopted by the Federal Communications
6 Commission pursuant to the FCC order, including the payment of costs and
7 expenses incurred in designing, upgrading, purchasing, leasing, programming,
8 testing, installing, or maintaining all necessary data, hardware, and software
9 required in order to provide wireless E911 service.

10 (6) (a) Notwithstanding any other provision of the law, no PSAP shall be eligible to
11 request or receive a disbursement from the CMRS fund under subsection
12 (4)(a) or (b) or (5) of this section unless and until the PSAP:

- 13 1. Is expressly certified as a PSAP by the Kentucky 911 Services Board,
14 upon written application to the board;
- 15 2. Demonstrates that the PSAP is providing E911 services to a local
16 government that has adopted an ordinance either imposing a special tax,
17 license, or fee as authorized by KRS 65.760(3) or has established other
18 means of funding wireline 911 emergency service;
- 19 3. Demonstrates that the administrator of the PSAP sent a request for
20 wireless, E911 service to a CMRS provider, and that the infrastructure
21 of the local exchange carrier will support wireless E911 service;
- 22 4. Provides an accounting of the number of wireless E911 calls received by
23 the PSAP during the prior calendar year if requested by the board; and
- 24 5. Demonstrates that the PSAP has made the investment which is necessary
25 to allow the PSAP to receive and utilize the data elements associated
26 with wireless E911 service.

27 (b) In addition to the requirements of paragraph (a) of this subsection and in order

1 to encourage the additional consolidation of PSAPs by local governments and
2 state government agencies, after January 1, 2017, a PSAP shall receive
3 priority consideration for distributions of funds from subsection (4)(a) and (b)
4 of this section as follows:

- 5 1. A PSAP that is not a state police dispatch center and that covers all local
6 governments within two (2) or more counties shall receive first priority
7 in the distribution of the funds by the board;
- 8 2. A PSAP, including any state police dispatch center, that covers all the
9 local governments within a single county shall receive second priority in
10 the distribution of the funds by the board; and
- 11 3. A PSAP that does not cover all of the local governments within a single
12 county shall receive the last priority for the distribution of the funds
13 listed in this subsection by the board.