

CHAPTER 536**(SB 315)**

AN ACT relating to reorganization.

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

Section 1. KRS 61.935 is repealed, reenacted as a new section of KRS Chapter 11, and amended to read as follows.

The General Assembly finds and declares that:

- (1) The establishment of the *position*~~[Office]~~ of the Chief Information Officer as the Commonwealth's single point of contact and spokesperson for all matters related to information technology and resources, including policies, standard setting, deployment, strategic and tactical planning, acquisition, management, and operations is necessary and in keeping with the industry trends of the private and public sectors;
- (2) The appropriate use of information technology by the Commonwealth can improve operational productivity, reduce the cost of government, enhance service to customers, and make government more accessible to the public;
- (3) Government-wide planning, investment, protection, and direction for information resources must be enacted to:
 - (a) Ensure the effective application of information technology on state business operations;
 - (b) Ensure the quality, security, and integrity of state business operations; and
 - (c) Provide privacy to the citizens of the Commonwealth;
- (4) The Commonwealth must provide information technology infrastructure, technical directions, and a proficient organizational management structure to facilitate the productive application of information technology and resources to accomplish programmatic missions and business goals;
- (5) Oversight of large scale and government statewide systems or projects is necessary to protect the Commonwealth's investment and to ensure appropriate integration with existing or planned systems;
- (6) A career development plan and professional development program for information technology staff of the executive branch is needed to provide key competencies and adequate on-going support for the information resources of the Commonwealth and to ensure that the information technology staff will be managed as a Commonwealth resource;
- (7) The Commonwealth is in need of information technology advisory capacities to the Governor and the agencies of the executive cabinet;
- (8) Appropriate public-private partnerships to supplement existing resources must be developed as a strategy for the Commonwealth to comprehensively meet its spectrum of information technology and resource needs;~~[-and]~~
- (9) *Technological and theoretical advances in information use are recent in origin, immense in scope and complexity, and change at a rapid rate, which presents Kentucky with the opportunity to provide higher quality, more timely, and more cost-effective government services to ensure standardization, interoperability, and interconnectivity;*

- (10) *The sharing of information resources and technologies among executive branch state agencies is the most cost-effective method of providing the highest quality and most timely government services that would otherwise be cost-prohibitive;*
- (11) *The ability to identify, develop, and implement changes in a rapidly moving field demands the development of mechanisms to provide for the research and development of technologies that address systems, uses, and applications; and*
- (12) The exercise by the chief information officer of powers and authority conferred by *Sections 1 to 9, 15, 20, 22, 23, and 24 of this Act* ~~[KRS 61.935 to 61.938]~~ shall be deemed and held to be the performance of essential governmental functions.

SECTION 2. A NEW SECTION OF KRS CHAPTER 11 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 9 of this Act, unless the context requires otherwise:

- (1) *"Communications" or "telecommunications" means any transmission, emission, or reception of signs, signals, writings, images, and sounds of intelligence of any nature by wire, radio, optical, or other electromagnetic systems, and includes all facilities and equipment performing these functions;*
- (2) *"Geographic information system" or "GIS" means a computerized database management system for the capture, storage, retrieval, analysis, and display of spatial or locationally defined data;*
- (3) *"Information resources" means the procedures, equipment, and software that are designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information, and associated personnel;*
- (4) *"Information technology" means data processing and telecommunications hardware, software, services, supplies, facilities, maintenance, and training that are used to support information processing and telecommunications systems to include geographic information systems; and*
- (5) *"Project" means a program to provide information technologies support to functions within an executive branch state agency, which should be characterized by well-defined parameters, specific objectives, common benefits, planned activities, expected outcomes and completion dates, and an established budget with a specified source of funding.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 11 IS CREATED TO READ AS FOLLOWS:

- (1) *There is hereby created within the Office of the Governor an agency of state government known as the Governor's Office for Technology.*
- (2) *The Governor's Office for Technology shall be headed by the chief information officer for the Commonwealth established in Section 6 of this Act.*
- (3) *The Governor's Office for Technology shall consist of the following six (6) executive offices, each headed by an executive director:*
 - (a) *Office of Geographic Information;*
 - (b) *Office of Human Resource Management and Development;*
 - (c) *Office of Administrative Services, consisting of the:*

1. *Division of Financial and Business Management; and*
 2. *Division of Asset Management;*
- (d) *Office of Policy and Customer Relations, consisting of the:*
1. *Division of Planning and Architecture;*
 2. *Division of Relationship Management;*
- and 3. Division of Information Technology Training;*
- (e) *Office of Infrastructure Service, consisting of the:*
1. *Division of End User Support;*
 2. *Division of Security Services;*
 3. *Division of Computing Services; and*
 4. *Division of Communication Services; and*
- (f) *Office of Consulting and Project Management, consisting of the:*
1. *Division of Centers of Expertise;*
 2. *Division of Project Office and Integration;*
 3. *Division of Human Services Systems;*
 4. *Division of Financial Systems;*
 5. *Division of Transportation Systems; and*
 6. *Division of Workforce Development and General Government Systems.*

SECTION 4. A NEW SECTION OF KRS CHAPTER 11 IS CREATED TO READ AS FOLLOWS:

- (1) *The roles and duties of the Governor's Office for Technology shall include but not be limited to:*
- (a) *Providing technical support and services to all executive agencies of state government in the application of information technology;*
 - (b) *Assuring compatibility and connectivity of Kentucky's information systems;*
 - (c) *Developing strategies and policies to support and promote the effective applications of information technology within state government as a means of saving money, increasing employee productivity, and improving state services to the public, including electronic public access to information of the Commonwealth;*
 - (d) *Developing, implementing, and managing strategic information technology directions, standards, and enterprise architecture including implementing necessary management processes to assure full compliance with those directions, standards, and architecture. This specifically includes, but is not limited to, directions, standards, and architecture related to the privacy and confidentiality of data collected and stored by state agencies;*

- (e) *Promoting effective and efficient design and operation of all major information resources management processes for executive branch agencies, including improvements to work processes;*
 - (f) *Developing, implementing, and maintaining the technology infrastructure of the Commonwealth;*
 - (g) *Facilitating and fostering applied research in emerging technologies that offer the Commonwealth innovative business solutions;*
 - (h) *Reviewing and overseeing large or complex information technology projects and systems for compliance with statewide strategies, policies, and standards, including alignment with the Commonwealth's business goals, investment, and other risk management policies. The chief information officer is authorized to grant or withhold approval to initiate these projects;*
 - (i) *Integrating information technology resources to provide effective and supportable information technology applications in the Commonwealth;*
 - (j) *Establishing a central statewide geographic information clearinghouse to maintain map inventories, information on current and planned geographic information systems applications, information on grants available for the acquisition or enhancement of geographic information resources, and a directory of geographic information resources available within the state or from the federal government;*
 - (k) *Coordinating multiagency information technology projects, including overseeing the development and maintenance of statewide base maps and geographic information systems;*
 - (l) *Providing access to both consulting and technical assistance, and education and training, on the application and use of information technologies to state and local agencies;*
 - (m) *In cooperation with other agencies, evaluating, participating in pilot studies, and making recommendations on information technology hardware and software;*
 - (n) *Providing staff support and technical assistance to the Geographic Information Advisory Council, the Kentucky Information Technology Advisory Council, and the Commercial Mobile Radio Service Emergency Telecommunications Board of Kentucky; and*
 - (o) *Preparing proposed legislation and funding proposals for the General Assembly that will further solidify coordination and expedite implementation of information technology systems.*
- (2) *The Governor's Office for Technology may:*
- (a) *Provide general consulting services, technical training, and support for generic software applications, upon request from a local government, if the chief information officer finds that the requested services can be rendered within the established terms of the federally approved cost allocation plan;*
 - (b) *Promulgate administrative regulations in accordance with KRS Chapter 13A necessary for the implementation of Sections 1 to 9, 15, 20, 22, 23, and 24 of this Act;*

- (c) *Solicit, receive, and consider proposals from any state agency, federal agency, local government, university, nonprofit organization, private person, or corporation;*
 - (d) *Solicit and accept money by grant, gift, donation, bequest, legislative appropriation, or other conveyance to be held, used, and applied in accordance with Sections 1 to 9, 15, 20, 22, 23, and 24 of this Act;*
 - (e) *Make and enter into memoranda of agreement and contracts necessary or incidental to the performance of duties and execution of its powers, including, but not limited to, agreements or contracts with the United States, other state agencies, and any governmental subdivision of the Commonwealth;*
 - (f) *Accept grants from the United States government and its agencies and instrumentalities, and from any source, other than any person, firm, or corporation, or any director, officer, or agent thereof that manufactures or sells information resources technology equipment, goods, or services. To these ends, the Governor's Office for Technology shall have the power to comply with those conditions and execute those agreements that are necessary, convenient, or desirable;*
 - (g) *Purchase interest in contractual services, rentals of all types, supplies, materials, equipment, and other services to be used in the research and development of beneficial applications of information resources technologies. Competitive bids may not be required for:*
 - 1. *New and emerging technologies as approved by the chief information officer or her or his designee; or*
 - 2. *Related professional, technical, or scientific services, but contracts shall be submitted in accordance with KRS 45A.690 to 45A.725.*
- (3) *Nothing in this section shall be construed to alter or diminish the provisions of KRS 171.410 to 171.740 or the authority conveyed by these statutes to the Archives and Records Commission and the Department for Libraries and Archives.*

SECTION 5. A NEW SECTION OF KRS CHAPTER 11 IS CREATED TO READ AS FOLLOWS:

- (1) *To accomplish the work of the Governor's Office for Technology, all organizational units and administrative bodies, as defined in KRS 12.010, and all members of the state postsecondary education system, as defined in KRS 164.001, shall furnish the Governor's Office for Technology necessary assistance, resources, information, records, and advice as required.*
- (2) *The provisions of Sections 1 to 9, 15, 20, 22, 23, and 24 of this Act shall not be construed to grant any authority over the judicial or legislative branches of state government, or agencies thereof, to the Governor's Office for Technology.*
- (3) *The information, technology, personnel, agency resources and confidential records of Kentucky Retirement Systems and Kentucky Teachers' Retirement Systems are excluded from the provisions of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 15, 20, 22, 23, and 24 of this Act and shall not be under the authority of the Governor's Office for Technology.*

Section 6. KRS 61.936 is repealed, reenacted as a new section of KRS Chapter 11, and amended to read as follows:

- (1) There is hereby established a position of chief information officer for the Commonwealth. This position shall be exempt from the classified service under KRS 18A.115 and from the salary limitations of KRS 64.640, and shall be bonded commensurate with cabinet secretaries under KRS 62.160. The chief information officer shall be appointed by the Governor and serve in the Governor's Executive Cabinet. The chief information officer shall report to the secretary of the Governor's cabinet concerning his or her responsibilities to provide direction, stewardship, leadership, and general oversight of information technology and information resources. ~~For purposes of this section, unless the context requires otherwise, "information technology" and "information resources" shall have the same meaning as in KRS 61.942.~~
- (2)~~(1)~~ The chief information officer shall be the principal adviser to the Governor and the executive cabinet on information technology policy, including policy on the acquisition and management of information technology and resources.
- (3)~~(2)~~ The chief information officer shall carry out functions necessary for the efficient, effective, and economical administration of information technology and resources within the executive branch. Roles and duties of the chief information officer shall include but not be limited to:
- ~~(a)~~ ~~Developing strategies and policies to support and promote the effective applications of information technology within state government as a means of saving money, increasing employee productivity, and improving state services to the public, including electronic public access to information of the Commonwealth;~~
 - ~~(b)~~ Assessing, recommending, and implementing information technology governance and organization design to include effective information technology personnel management practices;
 - ~~(c)~~ ~~Promoting effective and efficient design and operation of all major information resources management processes for executive branch agencies, including improvements to work processes;~~
 - ~~(d)~~ ~~Overseeing and managing strategic information technology directions, standards, and architecture;~~
 - ~~(b)~~~~(e)~~ Integrating information technology and resources plans with agency business plans;
 - ~~(f)~~ ~~Developing, implementing, and maintaining the technology infrastructure of the Commonwealth;~~
 - ~~(c)~~~~(g)~~ ~~Overseeing shared Commonwealth information technology resources and services;~~
 - ~~(d)~~~~(h)~~ Performing as the focal point and representative for the Commonwealth in information technology and related areas with both the public and private sector;
 - ~~(i)~~ ~~Facilitating and fostering applied research in emerging technologies that offer the Commonwealth innovative business solutions;~~
 - ~~(e)~~~~(j)~~ Establishing appropriate partnerships and alliances to support the effective implementation of information technology projects in the Commonwealth;
 - ~~(f)~~~~(k)~~ Identifying information technology applications that should be statewide in scope, and ensuring that these applications are not developed independently or duplicated by individual state agencies of the executive branch;

- (g)~~[(4)]~~—Establishing performance measurement and benchmarking policies and procedures;
- ~~[(m)]~~—Reviewing and overseeing large or complex information technology projects and systems for compliance with statewide strategies, policies, and standards, including alignment with Commonwealth's business goals, investment, and other risk management policies. The chief information officer is authorized to grant or withhold approval to initiate these projects;]
- (h)~~[(n)]~~—Preparing annual reports and plans concerning the status and result of the state's specific information technology plans and submitting these annual reports and plans to the governor and the General Assembly;
- ~~[(o)]~~—Integrating information technology resources to provide effective and supportable information technology applications in the Commonwealth;] and
- (i)~~[(p)]~~—~~—————~~Managing the *Governor's Office for Technology*~~[Office of the Chief Information Officer]~~ and its budget.

SECTION 7. A NEW SECTION OF KRS CHAPTER 11 IS CREATED TO READ AS FOLLOWS:

- (1) *There is hereby created the Kentucky Information Technology Advisory Council to:*
- (a) *Advise the chief information officer for the Commonwealth on approaches to coordinating information technology solutions among libraries, public schools, local governments, universities, and other public entities; and*
 - (b) *Provide a forum for the discussion of emerging technologies that enhance electronic accessibility to various publicly funded sources of information and services.*
- (2) *The Kentucky Information Technology Advisory Council shall consist of:*
- (a) *The state budget director or a designee;*
 - (b) *The state librarian or a designee;*
 - (c) *One (1) representative from the public universities to be appointed by the Governor from a list of three (3) persons submitted by the Council on Postsecondary Education;*
 - (d) *Three (3) citizen members from the private sector with information technology knowledge and experience appointed by the Governor;*
 - (e) *Two (2) representatives of local government appointed by the Governor;*
 - (f) *One (1) representative from the area development districts appointed by the Governor from a list of names submitted by the executive directors of the area development districts;*
 - (g) *One (1) member of the media appointed by the Governor;*
 - (h) *The executive director of the Kentucky Authority for Educational Television;*
 - (i) *The chair of the Public Service Commission or a designee;*
 - (j) *Two (2) members of the Kentucky General Assembly, one (1) from each chamber, selected by the Legislative Research Commission;*
 - (k) *One (1) representative of the Administrative Office of the Courts;*
 - (l) *One (1) representative from the public schools system appointed by the Governor;*

(m) One (1) representative of the Kentucky Chamber of Commerce; and (n) The chief information officer for the Commonwealth.

- (3) Appointed members of the council shall serve for a term of two (2) years. Members who serve by virtue of an office shall serve on the council while they hold the office.*
- (4) Vacancies on the council shall be filled in the same manner as the original appointments. If a nominating organization changes its name, its successor organization having the same responsibilities and purposes shall be the nominating organization.*
- (5) Members shall receive no compensation but shall receive reimbursement for actual and necessary expenses in accordance with travel and subsistence requirements established by the Finance and Administration Cabinet.*

Section 8. KRS 61.958 is repealed, reenacted as a new section of KRS Chapter 11, and amended to read as follows:

- (1) There is hereby established a Geographic Information Advisory Council~~[-, referred to in this section and KRS 61.959 as the "council," to the Kentucky Information Resources Management Commission]~~ to advise the *chief information officer*~~[Governor, the General Assembly, the Judicial Branch, and the Kentucky Information Resources Management Commission]~~ on issues *relating*~~[as they relate]~~ to geographic information and geographic information systems.
- (2) The council shall establish and adopt policies and procedures that assist state and local jurisdictions in developing, deploying, and leveraging geographic information resources and geographic information systems technology for the purpose of improving public administration.
- (3) The council shall closely coordinate with users of geographic information systems to establish policies and procedures that insure the maximum use of geographic information by minimizing the redundancy of geographic information and geographic information resources.
- (4) The Geographic Information Advisory Council shall consist of twenty-six (26) members and one (1) legislative liaison. The members shall be knowledgeable in the use and application of geographic information systems technology and shall have sufficient authority within their organizations to influence the implementation of council recommendations.
 - (a) The council shall consist of:
 1. The secretary of the Transportation Cabinet or his designee;
 2. The secretary of the Cabinet for Health Services and Families and Children or his designee;
 3. The director of the Kentucky Geological Survey or his designee;
 4. The secretary of the Revenue Cabinet or his designee;
 5. The *chief information officer*~~[commissioner of the Department of Information Systems]~~ or *her or* his designee;
 6. The secretary of the Economic Development Cabinet or his designee;
 7. The commissioner of the Department for Local Government or his designee;
 8. The secretary of the Justice Cabinet or his designee;

9. One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Council on Postsecondary Education;
 10. The adjutant general of the Department of Military Affairs or his designee;
 11. The commissioner of the Department of Education or his designee;
 12. The secretary of the Natural Resources and Environmental Protection Cabinet or his designee;
 13. The commissioner of the Department of Agriculture or his designee;
 14. The secretary of the Public Protection and Regulation Cabinet or his designee;
 15. The secretary of the Tourism Development Cabinet or his designee;
 16. Two (2) members appointed by the Governor from a list of six (6) persons submitted by the president of the Kentucky League of Cities;
 17. Two (2) members appointed by the Governor from a list of six (6) persons submitted by the president of the Kentucky Association of Counties;
 18. One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Kentucky Chapter of the American Planning Association;
 19. One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Kentucky Chamber of Commerce;
 20. One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Kentucky Association of Land Surveyors;
 21. One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Kentucky Society of Professional Engineers;
 22. One (1) member appointed by the Governor from a list of three (3) persons submitted by the chairman of the Kentucky Board of Registered Geologists; and
 23. One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Council of Area Development Districts.
- (b) The council shall have one (1) nonvoting legislative liaison, to be appointed by the Legislative Research Commission.
- (5) The council shall select from its membership a chairman and any other officers it considers essential. The council may have committees and subcommittees as determined by the council or an executive committee, if an executive committee exists.
- (6) A member of the council shall not:
- (a) Be an officer, employee, or paid consultant of a business entity that has, or of a trade association for business entities that has, a substantial interest in the geographic information industry and is doing business in the Commonwealth;
 - (b) Own, control, or have directly or indirectly, more than ten percent (10%) interest in a business entity that has a substantial interest in the geographic information industry;

- (c) Be in any manner connected with any contract or bid for furnishing any governmental body of the Commonwealth with geographic information systems, the computers on which they are automated, or a service related to geographic information systems;
 - (d) Be a person required to register as a lobbyist because of activities for compensation on behalf of a business entity that has, or on behalf of a trade association of business entities that have substantial interest in the geographic information industry;
 - (e) Accept or receive money or another thing of value from an individual, firm, or corporation to whom a contract may be awarded, directly or indirectly, by rebate, gift, or otherwise; or
 - (f) Be liable to civil action or any action performed in good faith in the performance of duties as a council member.
- (7) Those council members specified in subsection (4)(a) of this section who serve by virtue of an office shall serve on the council while they hold that office.
 - (8) Appointed members of the council shall serve for a term of four (4) years. Vacancies in the membership of the council shall be filled in the same manner as the original appointments. If a nominating organization changes its name, its successor organization having the same responsibilities and purposes shall be the nominating organization.
 - (9) The council shall have no funds of its own, and council members shall not receive compensation of any kind from the council.
 - (10) A majority of the members shall constitute a quorum for the transaction of business. Members' designees shall have voting privileges at council meetings.

Section 9. KRS 61.959 is repealed, reenacted as a new section of KRS Chapter 11, and amended to read as follows:

- (1) The ***Geographic Information Advisory*** Council's duties shall include the following:
 - (a) Overseeing the development and adoption of policies and procedures related to geographic information and geographic information systems;
 - (b) Overseeing the development of a strategy for the implementation and funding of a statewide base map and geographic information system;
 - (c) Overseeing the development and recommending standards on geographic information and geographic information systems for inclusion in the statewide architecture;
 - (d) Overseeing the development and delivery of a statewide geographic information plan and annually reporting to the Governor, the General Assembly, the Judicial Branch, and the ***chief information officer***~~[Kentucky Information Resources Management Commission]~~;
 - (e) Overseeing the development of the geographic information systems training and education plan;
 - (f) Overseeing the assessment of state agency plans for geographic information systems standards compliance;
 - (g) Overseeing the development of operating policies and procedures for the management of the council and any standing or ad hoc committees and associated advisory groups;

- (h) Promoting collaboration and the sharing of data and data development, as well as other aspects of geographic information systems; and
 - (i) Overseeing the implementation of a pilot project to study the advantages and resources of geographic information system technology.
- (2) The Office of Geographic Information shall provide necessary staff support services to the council. All cabinets, departments, divisions, agencies, and officers of the Commonwealth shall furnish the council necessary assistance, resources, information, records, or advice as it may require to fulfill its duties.

Section 10. KRS 12.020 is amended to read as follows:

Departments, program cabinets and their departments, and the respective major administrative bodies that they include are enumerated in this section. It is not intended that this enumeration of administrative bodies be all-inclusive. Every authority, board, bureau, interstate compact, commission, committee, conference, council, office, or any other form of organization shall be included in or attached to the department or program cabinet in which they are included or to which they are attached by statute or statutorily-authorized executive order; except in the case of the Personnel Board and where the attached department or administrative body is headed by a constitutionally elected officer, the attachment shall be solely for the purpose of dissemination of information and coordination of activities and shall not include any authority over the functions, personnel, funds, equipment, facilities, or records of the department or administrative body. I. Cabinet for General Government - Departments headed by elected officers:

1. The Governor.
 2. Lieutenant Governor.
 3. Department of State.
 - (a) Secretary of State.
 - (b) Board of Elections.
 - (c) Registry of Election Finance.
 4. Department of Law.
 - (a) Attorney General.
 5. Department of the Treasury.
 - (a) Treasurer.
 6. Department of Agriculture.
 - (a) Commissioner of Agriculture.
 - (b) Kentucky Council on Agriculture.
 7. Superintendent of Public Instruction.
 8. Auditor of Public Accounts.
 9. Railroad Commission.
- II. Program cabinets headed by appointed officers:
1. Justice Cabinet:

- (a) Department of State Police.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Offices of the Deputy Secretaries.
 - (g) Office of General Counsel.
 - (h) Division of Kentucky State Medical Examiners Office.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Commission on Correction and Community Service.
2. Education, Arts, and Humanities Cabinet:
- (a) Department of Education.
 - (1) Kentucky Board of Education.
 - (2) Education Professional Standards Board.
 - (b) Department for Libraries and Archives.
 - (c) Kentucky Arts Council.
 - (d) Kentucky Educational Television.
 - (e) Kentucky Historical Society.
 - (f) Kentucky Teachers' Retirement System Board of Trustees.
 - (g) Kentucky Center for the Arts.
 - (h) Kentucky Craft Marketing Program.
 - (i) Kentucky Commission on the Deaf and Hard of Hearing.
 - (j) Governor's Scholars Program.
 - (k) Governor's School for the Arts.
 - (l) Operations and Development Office.
 - (m) Kentucky Heritage Council.
 - (n) Kentucky African-American Heritage Commission.
 - (o) Board of Directors for the Center for School Safety.
3. Natural Resources and Environmental Protection Cabinet:
- (a) Environmental Quality Commission.
 - (b) Kentucky Nature Preserves Commission.
 - (c) Department for Environmental Protection.
 - (d) Department for Natural Resources.

- (e) Department for Surface Mining Reclamation and Enforcement.
 - (f) Office of Legal Services.
 - (g) Office of Information Services.
4. Transportation Cabinet:
- (a) Department of Highways.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Administrative Services.
 - (d) Department of Fiscal Management.
 - (e) Department of Rural and Municipal Aid.
 - (f) Office of General Counsel.
 - (g) Office of Public Affairs.
 - (h) Office of Personnel Management.
 - (i) Office of Minority Affairs.
 - (j) Office of Environmental Affairs.
 - (k) Office of Policy and Budget.
5. Cabinet for Economic Development:
- (a) Department of Administration and Support.
 - (b) Department of Job Development.
 - (c) Department of Financial Incentives.
 - (d) Department of Community Development.
 - (e) Tobacco Research Board.
 - (f) Kentucky Economic Development Finance Authority.
6. Public Protection and Regulation Cabinet:
- (a) Public Service Commission.
 - (b) Department of Insurance.
 - (c) Department of Housing, Buildings and Construction.
 - (d) Department of Financial Institutions.
 - (e) Department of Mines and Minerals.
 - (f) Department of Public Advocacy.
 - (g) Department of Alcoholic Beverage Control.
 - (h) Kentucky Racing Commission.
 - (i) Board of Claims.
 - (j) Crime Victims Compensation Board.
 - (k) Kentucky Board of Tax Appeals.

- (l) Backside Improvement Commission.
 - (m) Office of Petroleum Storage Tank Environmental Assurance Fund.
7. Cabinet for Families and Children:
- (a) Department for Social Insurance.
 - (b) Department for Social Services.
 - (c) Public Assistance Appeals Board.
 - (d) Office of the Secretary.
 - (e) Office of the General Counsel.
 - (f) Office of Program Support.
 - (g) Office of Family Resource and Youth Services Centers.
 - (h) Office of Technology Services.
 - (i) Office of the Ombudsman.
 - (j) Office of Aging Services.
8. Cabinet for Health Services.
- (a) Department for Public Health.
 - (b) Department for Medicaid Services.
 - (c) Department for Mental Health and Mental Retardation Services.
 - (d) Kentucky Commission on Children with Special Health Care Needs.
 - (e) Office of Certificate of Need.
 - (f) Office of the Secretary.
 - (g) Office of the General Counsel.
 - (h) Office of Program Support.
 - (i) Office of the Inspector General.
9. Finance and Administration Cabinet:
- (a) Office of Legal and Legislative Services.
 - (b) Office of Management and Budget.
 - (c) Office of Financial Management and Economic Analysis.
 - (d) Office of the Controller.
 - (e) Department for Administration.
 - (f) Department of Facilities Management.
 - (g)~~—Department of Information Systems.~~
 - ~~(h)~~—State Property and Buildings Commission.
 - ~~(h)~~~~(i)~~—Kentucky Pollution Abatement Authority.
 - ~~(i)~~~~(j)~~—Kentucky Savings Bond Authority.

- (j)~~(k)~~ Deferred Compensation Systems.
 - (k)~~(l)~~ Office of Equal Employment Opportunity Contract Compliance.
 - (l)~~(m)~~ Office of Capital Plaza Operations.
 - (m)~~(n)~~ County Officials Compensation Board.
 - (n)~~(o)~~ Kentucky Employees Retirement Systems.
 - (o)~~(p)~~ Commonwealth Credit Union.
 - (p)~~(q)~~ State Investment Commission.
 - (q)~~(r)~~ Kentucky Housing Corporation.
 - (r)~~(s)~~ Governmental Services Center.
 - (s)~~(t)~~ Kentucky Local Correctional Facilities Construction Authority.
 - (t)~~(u)~~ Kentucky Turnpike Authority.
 - (u)~~(v)~~ Historic Properties Advisory Commission.
 - (v)~~(w)~~ Kentucky Kare Health Insurance Authority.
10. Labor Cabinet:
- (a) Department of Workplace Standards.
 - (b) Department of Workers' Claims.
 - (c) Kentucky Labor-Management Advisory Council.
 - (d) Occupational Safety and Health Standards Board.
 - (e) Prevailing Wage Review Board.
 - (f) Workers' Compensation Board.
 - (g) Kentucky Employees Insurance Association.
 - (h) Apprenticeship and Training Council.
 - (i) State Labor Relations Board.
 - (j) Kentucky Occupational Safety and Health Review Commission.
 - (k) Office of Administrative Services.
 - (l) Office of Labor-Management Relations and Mediation.
 - (m) Office of General Counsel.
 - (n) Workers' Compensation Funding Commission.
 - (o) Employers Mutual Insurance Authority.
11. Revenue Cabinet:
- (a) Department of Property Valuation.
 - (b) Department of Tax Administration.
 - (c) Office of Financial and Administrative Services.
 - (d) Department of Law.

- (e) Department of Information Technology.
 - (f) Office of Taxpayer Ombudsman.
12. Tourism Development Cabinet:
- (a) Department of Travel.
 - (b) Department of Parks.
 - (c) Department of Fish and Wildlife Resources.
 - (d) Kentucky Horse Park Commission.
 - (e) State Fair Board.
 - (f) Office of Administrative Services.
 - (g) Office of General Counsel.
13. Cabinet for Workforce Development:
- (a) Department for Adult Education and Literacy.
 - (b) Department for Technical Education.
 - (c) Department of Vocational Rehabilitation.
 - (d) Department for the Blind.
 - (e) Department for Employment Services.
 - (f) State Board for Adult and Technical Education.
 - (g) Governor's Council on Vocational Education.
 - (h) The State Board for Proprietary Education.
 - (i) The Foundation for Adult Education.
 - (j) The Kentucky Job Training Coordinating Council.
 - (k) Office of General Counsel.
 - (l) Office of Communication Services.
 - (m) Office of Development and Industry Relations.
 - (n) Office of Workforce Analysis and Research.
 - (o) Office for Administrative Services.
 - (p) Office for Policy and Budget.
 - (q) Office of Personnel Services.
 - (r) Unemployment Insurance Commission.
14. Personnel Cabinet:
- (a) Office of Administrative and Legal Services.
 - (b) Department for Personnel Administration.
 - (c) Department for Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.

- (e) Kentucky Kare.
- (f) Division of Performance Management.
- (g) Division of Employee Records.
- (h) Division of Staffing Services.
- (i) Division of Classification and Compensation.
- (j) Division of Employee Benefits.
- (k) Division of Communications and Recognition.

III. Other departments headed by appointed officers:

- 1. Department of Military Affairs.
- 2. Council on Postsecondary Education.
 - (a) Kentucky Commission on Community Volunteerism and Service.
- 3. Department for Local Government.
- 4. Kentucky Commission on Human Rights.
- 5. Kentucky Commission on Women.
- 6. Department of Veterans' Affairs.
- 7. Kentucky Commission on Military Affairs.
- 8. ***The Governor's Office for Technology***~~[Office of the Chief Information Officer].~~

Section 11. KRS 12.023 is amended to read as follows:

The following organizational units and administrative bodies shall be attached to the Office of the Governor:

- (1) Council on Postsecondary Education;
- (2) Department of Military Affairs;
- (3) Department for Local Government;
- (4) Kentucky Commission on Human Rights;
- (5) Kentucky Commission on Women;
- (6) Kentucky Commission on Military Affairs;
- (7) Coal Marketing and Export Council;
- (8) Governor's Office of Child Abuse and Domestic Violence Services;
- (9) ***Governor's Office for Technology***~~[Office of the Chief Information Officer];~~~~[and]~~
- (10) Office of Coal Marketing and Export; ***and***
- (11) ***Kentucky Agency for Substance Abuse Policy.***

Section 12. KRS 17.131 is amended to read as follows:

- (1) There is hereby established the Kentucky Unified Criminal Justice Information System, referred to in this chapter as the "system." The system shall be a joint effort of the criminal justice agencies and the courts. Notwithstanding any statutes, administrative regulations, and

policies to the contrary, if standards and technologies other than those set *by the Governor's Office for Technology* ~~[out in KRS 61.940 to 61.953]~~ are required, the Commonwealth's chief information officer shall review, expedite, and grant appropriate exemptions to effectuate the purposes of the unified criminal justice information system. Nothing in this section shall be construed to hamper any public officer or official, agency, or organization of state or local government from furnishing information or data that they are required or requested to furnish and which they are allowed to procure by law, to the General Assembly, the Legislative Research Commission, or a committee of either. For the purposes of this section, "criminal justice agencies" include all departments of the Justice Cabinet, the Unified Prosecutorial System, Commonwealth's attorneys, county attorneys, the Transportation Cabinet, the Cabinet for Health Services, and any agency with the authority to issue a citation or make an arrest.

- (2) The program to design, implement, and maintain the system shall be under the supervision of the Uniform Criminal Justice Information System Committee of the Criminal Justice Council. The membership of this committee shall be determined by the council, upon the recommendation of the Governor's chief information officer, who shall chair the committee.
- (3) The committee shall be responsible for recommending standards, policies, and other matters to the secretary of justice for promulgation of administrative regulations in accordance with KRS Chapter 13A to implement the policies, standards, and other matters relating to the system and its operation.
- (4) The committee shall submit recommendations to the Criminal Justice Council and the secretary of justice for administrative regulations to implement the uniform policy required to operate the system. The committee shall implement the uniform policy.
- (5) The uniform policy shall include a system to enable the criminal justice agencies and the courts to share data stored in each other's information systems. Initially, the uniform policy shall maximize the use of existing databases and platforms through the use of a virtual database created by network linking of existing databases and platforms among the various departments. The uniform policy shall also develop plans for the new open system platforms before the existing platforms become obsolete.
- (6) The committee shall be responsible for recommending to the Criminal Justice Council and the secretary of justice any necessary changes in administrative regulations necessary to implement the system. The committee shall also recommend to the Criminal Justice Council, the Chief Justice, and the secretary of justice recommendations for statutory additions or changes necessary to implement and maintain the system. The secretary shall be responsible for reporting approved statutory recommendations to the Governor, the Chief Justice, the Legislative Research Commission, and appropriate committees of the General Assembly.
- (7) The chair of the committee shall report annually to the Criminal Justice Council on the status of the system.
- (8) All criminal justice agencies shall follow the policies established by administrative regulation for the exchange of data and connection to the system.
- (9) The committee shall review how changes to existing criminal justice agency applications impact the new integrated network. Changes to criminal justice agency applications that have

an impact on the integrated network shall be coordinated through and approved by the committee.

- (10) Any future state-funded expenditures by a criminal justice agency for computer platforms in support of criminal justice applications shall be reviewed by the committee.
- (11) Any criminal justice agency or officer that does not participate in the criminal justice information system may be denied access to state and federal grant funds.

Section 13. KRS 42.014 is amended to read as follows:

- (1) There is established within the cabinet the Office of Legal and Legislative Services, the Office of Management and Budget, the Office of Financial Management and Economic Analysis, the Office of Capital Plaza Operations, and the Office of the Controller, each of which offices shall be headed by an executive director, the Department for Administration, **and** the Department for Facilities Management, ~~and the Department of Information Systems~~ each of which shall be headed by a commissioner appointed by the secretary, upon the approval of the Governor, and responsible to the secretary. Each of these departments may have at least one (1) major assistant not in the classified service.
- (2) The secretary shall establish the internal organization and assignment of functions which are not established by statute, and shall divide the cabinet into the offices, bureaus, divisions, or other units the secretary deems necessary to perform the functions, powers, and duties of the cabinet, subject to the provisions of KRS Chapter 12. Section 14. KRS 45.251 is amended to read as follows:
 - (1) Expenditures shall be limited to the amounts and purposes for which appropriations are made. All expenditures shall be reflected in the unified and integrated system of accounts as provided by KRS 45.305.
 - (2) The Finance and Administration Cabinet shall prescribe all information technology standards, system attributes, and components to be used in, or in conjunction with, the unified accounting system. The components must be consistent with Commonwealth standards contained within the information technology architecture, as provided **by the Governor's Office for Technology**~~in KRS 61.950~~.
 - (3) The Governor, the Chief Justice, and the Legislative Research Commission shall designate the officer or employee authorized to approve advices of employment, purchase orders and contracts, and requisitions for reservation of funds, and no advice, order, contract, or requisition shall be honored as a commitment statement unless the designation has been conveyed to the Finance and Administration Cabinet.
 - (4) The Finance and Administration Cabinet may approve for payment any expenditure presented by a budget unit, provided that the Finance and Administration Cabinet is able to determine that the expenditure is to satisfy a liability of the Commonwealth of Kentucky created on behalf of that budget unit in fulfilling the governmental function assigned to that budget unit and that the expenditure is being made from the unexpended balance of a proper allotment.
 - (5) Subsidiary records shall be maintained to report the financial operation and condition of each budget unit. These subsidiary records shall be compatible with the unified accounting system prescribed by subsection (1) of this section and by KRS 45.305, and may be on the accrual basis or cash basis. Expenditures may be by prior encumbrances or by straight disbursements.

The subsidiary records may be maintained by the Finance and Administration Cabinet and by the budget unit involved. When a budget unit is authorized to maintain subsidiary records, the Finance and Administration Cabinet shall have authority

to prescribe the accounting and preauditing procedures. The unified system of accounts shall conform to accepted management and accounting principles.

Section 15. KRS 45.253 is amended to read as follows:

- (1) Revolving accounts may be established by appropriation in a branch budget bill to finance activities which are self-supporting in whole or in part.
- (2) Trust and agency accounts may be established by a branch budget bill to receive and disburse contributions, gifts, donations, devises, and federal appropriations, and, when authorized by law, by depositing all of the fees (which include fees for maintenance in state institutions, incidental fees, tuition fees, fees for board and room, athletics, and student activities), rentals, admittance, sales, licenses collected by law, subventions, and other miscellaneous receipts of budget units.
- (3) The head of the budget unit or other responsible fiscal agent of the unit for which a revolving, trust, or agency account has been established shall deposit with the State Treasury all receipts of the character above described, and the Finance and Administration Cabinet shall credit all receipts to the budget unit and shall keep separate accounting for each account so established.
- (4) The amounts credited to any revolving, trust, or agency account so provided, shall be held available for disbursement for the purpose provided by law and shall not be diverted to any other purpose. Revolving, trust, or agency accounts shall be subject to withdrawal from the State Treasury by the head of each budget unit when actually needed, on requisition to the Finance and Administration Cabinet in the same manner provided by law as other state funds are withdrawn. Funds received from the federal government in the form of grants or otherwise may be expended for the purpose intended even though received in a fiscal year other than that in which the related original encumbrance or expenditure was incurred. Trust and agency funds shall be allotted before an expenditure is made; and the secretary of the Finance and Administration Cabinet may withhold allotment of general fund appropriations to the extent trust and agency funds are available.
- (5) Subject to prior approval by the secretary of the Finance and Administration Cabinet, the Chief Justice, and the Legislative Research Commission for their respective branches, any budget unit which, as an incident to its authorized duties and functions, furnishes requested services or materials to any persons outside state government, where such services or materials are not required by law to be furnished gratuitously, may charge such persons an amount not to exceed the total expense to the budget unit of the services or materials furnished. The receipts from the approved charges shall be credited to the surplus account of the general fund. Payroll deductions for the Kentucky State Police legal fund shall be made without any service fees or charges.
- (6) The *Governor's Office for Technology* ~~{Department of Information Systems}~~ may charge any agency of local government an amount, not to exceed the total expense to the department, for services rendered or materials furnished at the request of the local government agency, unless the services or materials are required by law to be furnished gratuitously. The receipts from the authorized charges shall be deposited in the State Treasury and credited to the trust and

agency fund, *the Governor's Office for Technology's* ~~Department of Information Systems~~ operating account.

- (7) All receipts which accrue as the result of the *Governor's Office for Technology's* ~~Department of Information Systems~~ providing on-line computer access to public records by nongovernment entities shall be deposited in the State Treasury and credited to the trust and agency fund, *the Governor's Office for Technology's* ~~Department of Information Systems~~ operating account.

Section 16. KRS 45.750 is amended to read as follows:

- (1) As used in KRS 45.760 to 45.810:
- (a) "Committee" means the Capital Projects and Bond Oversight Committee.
 - (b) "Capital construction item" means:
 1. The construction, reconstruction, acquisition, and structural maintenance of buildings;
 2. The installation of utility services, including roads and sewers;
 3. The acquisition or improvement of real property;
 4. The purchase and installation initially or during major renovation of equipment, facilities, and furnishings of a permanent nature for buildings;
 5. The acquisition of any building to be occupied by any:
 - a. Subdivision of state government as defined in KRS 12.010 or enumerated in KRS 12.020;
 - b. Municipal corporation which exercises its authority on a statewide basis including, but not limited to, the Kentucky Employees Retirement System, Teachers' Retirement System of the State of Kentucky, Kentucky Higher Education Student Loan Corporation, Kentucky Lottery Corporation, Kentucky Housing Corporation, or any entity with a governing body whose membership is substantially similar to the membership of the governing body of a municipal corporation which exercises its authority on a statewide basis; and
 - c. Institution of higher education.
 - (c) "Lease" means any lease, lease-purchase, or lease with an option to purchase of any real property space occupied by:
 1. Any entity listed in paragraph (b)5. of this subsection;
 2. The legislative branch; or
 3. The judicial branch when leased from a private sector landlord.
 - (d) "Equipment" means:
 1. Any major item of equipment, including aircraft;
 2. Any movable furnishing, appurtenance, or other equipment, necessary to make a building operable; and

3. Equipment purchased or otherwise acquired, or equipment to be purchased or otherwise to be acquired, under a lease or lease-purchase contract or agreement or an arrangement equivalent to a lease or lease-purchase contract or agreement.
- (e) "System" means any computer or telecommunications system, as defined in an administrative regulation which shall be promulgated by the *Governor's Office for Technology* [~~Kentucky Information Resources Management Commission~~].
- (f) "Capital projects" means, regardless of the source of cash or other consideration:
1. Any capital construction item, or any combination of capital construction items necessary to make a building or utility installation complete, estimated to cost four hundred thousand dollars (\$400,000) or more in cash or other consideration;
 2. Any lease of real property space with an annual rental cost exceeding two hundred thousand dollars (\$200,000);
 3. The use allowance paid by the judicial branch for a real property space pursuant to KRS 26A.090(2) and 26A.115 when the use allowance for the space exceeds two hundred thousand dollars (\$200,000) on an annual basis;
 4. Any item of equipment estimated to cost one hundred thousand dollars (\$100,000) or more in cash or other consideration;
 5. Any lease of an item of movable equipment if the annual cost of the lease is one hundred thousand dollars (\$100,000) or more or if the total cost of the leasepurchase or lease with an option to purchase is one hundred thousand dollars (\$100,000) or more; and
 6. Any system estimated to cost four hundred thousand dollars (\$400,000) or more in cash or other consideration.
- (g) "Emergency repair, maintenance, or replacement project" means the maintenance, repair, or reconstruction of a capital construction project or the maintenance, repair, or replacement of a major item of equipment that is:
1. Necessitated by injury or damage resulting from a disaster; or
 2. Necessary to maintain government operations or to prevent or minimize injury or damage that could reasonably be expected to result from an impending disaster; or
 3. Necessitated by an unforeseen mechanical breakdown, electrical breakdown, or structural defect that must be corrected to make a facility or item of equipment usable.
- (h) "Disaster" means a fire, flood, tornado, other natural disaster, riot, enemy attack, sabotage, explosion, power failure, energy shortage, transportation emergency, or other man-caused disaster.
- (i) "Capital construction funds" means any funds used for capital construction, including, but not limited to, appropriated capital construction funds, agency funds, federal funds, private funds, or funds from any source held by an agency for management or investment purposes.

- (j) "Entity head" means the Chief Justice of the Supreme Court, the President of the Senate and the Speaker of the House of Representatives, the secretary of the Finance and Administration Cabinet, the president of any university which complies with KRS 164A.585, 164A.595, and 164A.600, the board of trustees of the Kentucky Employees Retirement System, the board of trustees of the Teachers' Retirement System of the State of Kentucky, the board of directors of the Kentucky Higher Education Student Loan Corporation, the board of directors of the Kentucky Lottery Corporation, or the board of directors of the Kentucky Housing Corporation.
- (2) Except as provided in subsection (3) of this section, KRS 45.760 to 45.810 shall apply to capital projects and bonds for use by:
- (a) The state government;
 - (b) One of its departments or agencies, as defined in KRS 12.010 or enumerated in KRS 12.020;
 - (c) A municipal corporation which exercises its authority on a statewide basis including, but not limited to, the Kentucky Employees Retirement System, Teachers' Retirement System of the State of Kentucky, Kentucky Higher Education Student Loan Corporation, Kentucky Lottery Corporation, and Kentucky Housing Corporation; and
 - (d) Institutions of higher education.
- (3) KRS 45.760 to 45.810 shall not apply to:
- (a) Capital projects or bonds used directly in or for the construction or maintenance of roads, including, but not limited to, bulldozers, graders, earth movers, and real estate purchased for rights-of-way; and
 - (b) Political subdivisions, except for those defined in KRS 12.010, enumerated in KRS 12.020, or created as a municipal corporation which exercises its authority on a statewide basis including, but not limited to, the Kentucky Employees Retirement System, Teachers' Retirement System of the State of Kentucky, Kentucky Higher Education Student Loan Corporation, Kentucky Lottery Corporation, Kentucky Housing Corporation, or any entity with a governing body whose membership is substantially similar to the membership of the governing body of a municipal corporation which exercises its authority on a statewide basis. However, the provisions of KRS 45.750 to 45.810 shall not apply to acquisition or maintenance of any building or land which is purchased as a legal investment by any of the state retirement systems, which is not to be occupied by the retirement system, and which is financed solely with those assets of the retirement system used for investment purposes.

Section 17. KRS 61.8715 is amended to read as follows:

The General Assembly finds an essential relationship between the intent of this chapter and that of KRS 171.410 to 171.740, dealing with the management of public records, and of *Sections 1 to 9, 15, 20, 22, 23, and 24 of this Act* [KRS 61.940 to 61.957], dealing with the coordination of strategic planning for computerized information systems in state government; and that to ensure the efficient administration of government and to provide accountability of government activities, public agencies are required to manage and maintain their records according to the requirements of these statutes. The General Assembly further recognizes that while all government agency records are

public records for the purpose of their management, not all these records are required to be open to public access, as defined in this chapter, some being exempt under KRS 61.878.

Section 18. KRS 65.7623 is amended to read as follows:

- (1) There is hereby created the Commercial Mobile Radio Service Emergency Telecommunications Board of Kentucky, the "CMRS Board," consisting of eight (8) members, appointed by the Governor as follows: three (3) members shall be employed by or representative of the interest of CMRS providers; one (1) member shall be a mayor of a city of the first or second class or urban-county government or their designee containing a public safety answering point; one (1) nonvoting member shall be appointed from a list of local exchange landline telephone companies' representatives submitted by the Kentucky Telephone Association; and one (1) member shall be appointed from lists of candidates submitted to the Governor by the Kentucky Emergency Number Association and the Association of Public Communications Officials. The commissioner of the State Police, or the commissioner's designee, and the CMRS emergency telecommunications administrator also shall be members of the board. Any vacancy on the board shall be filled in the same manner as the original appointment.
- (2) The commissioner and administrator shall serve by virtue of their office. The other members shall be appointed no later than August 15, 1998, for a term of four (4) years and until their successors are appointed and qualified, except that of the first appointments, one (1) shall be for a term of one (1) year, one (1) shall be for a term of two (2) years, one (1) for a term of three (3) years, and two (2) shall be for a term of four (4) years.
- (3) In addition to the administrator, appointed by the Governor under KRS 65.7625, and other staff authorized under KRS 65.7629, the Finance and Administration Cabinet shall provide staff services and carry out administrative duties and functions as directed by the board. The board shall be attached to the ***Governor's Office for Technology***~~Finance and Administration Cabinet~~ for administrative purposes only and shall operate as an independent entity within state government.
- (4) The board members shall serve without compensation but shall be reimbursed in accordance with KRS 45.101 for expenses incurred in connection with their official duties as members of the board.
- (5) All administrative costs and expenses incurred in the operation of the board, including payments under subsection (4) of this section, shall be paid from that portion of the CMRS fund that is authorized under KRS 65.7631 to be used by the board for administrative purposes.

Section 19. KRS 156.666 is amended to read as follows:

- (1) There is established the Council for Education Technology which shall be an advisory group attached to the Kentucky Board of Education. The council shall develop a master plan for education technology.
- (2) The council shall consist of the ***chief information officer***~~Commissioner of the Department of Information Systems~~, the Secretary of the Education, Arts, and Humanities Cabinet, and the president of the Council on Postsecondary Education who shall serve as ex officio voting members and eight (8) voting members appointed by the Governor within thirty (30) days

after April 3, 1992. The members shall be as follows: (a) One (1) member of the Kentucky Board of Education;

(b) One (1) member of the House of Representatives;

(c) One (1) member of the Senate; and

(d) Five (5) citizens of the Commonwealth.

A majority of the membership present at any meeting shall constitute a quorum for the official conduct of business.

- (3) Members shall be appointed for four (4) year terms and may be reappointed. The initial members of the board shall be appointed as follows: two (2) members shall be appointed for terms of two (2) years; two (2) members shall be appointed for terms of three (3) years; and four (4) members shall be appointed for terms of four (4) years. Members shall receive no compensation but may be reimbursed for actual and necessary expenses in accordance with state laws and regulations.
- (4) Terms of members serving pursuant to KRS 156.665 shall terminate on April 3, 1992.
- (5) Immediately upon receiving notice of the appointment of all members, the chief state school officer shall call an organizational meeting. At this meeting the chief state school officer shall preside as temporary chairman, and the council shall elect from among the members a chairman and any other officers it deems necessary, and define the duties of the officers.
- (6) Meetings shall be held at least two (2) times per year at a time and place designated by the chairman. The Department of Education shall provide staff support for the council.
- (7) The duties and responsibilities of the council shall include, but not be limited to, the following:
 - (a) Developing a long-range master plan for the efficient and equitable use of technology at all levels from primary school through higher education, including vocational and adult education. The plan shall focus on the technology requirements of classroom instruction, literacy laboratories, student record management, financial and administrative management, distance learning, and communications as they relate to the Commonwealth's outcome goals for students as described in KRS 158.6451;
 - (b) Creating, overseeing, and monitoring a well-planned and efficient statewide network of technology services designed to meet the educational and informational needs of the schools;
 - (c) Working with private enterprise to encourage the development of technology products specifically designed to answer Kentucky's educational needs;
 - (d) Encouraging an environment receptive to technological progress in education throughout the Commonwealth;
 - (e) Recommending a policy governing the granting of right of ways for the laying of fiber optic cable in a manner to insure that all of Kentucky's citizens are served equitably, that the fiber optic system is available for educational technology purposes, and that the private and public sectors are partners in the venture; and
 - (f) Receiving, holding, investing, and administering all funds received by the council for the purpose of carrying out its duties and responsibilities, as set out in this section. These

funds shall be spent with the aim of achieving equality of education throughout the Commonwealth.

Section 20. KRS 171.420 is amended to read as follows:

The State Archives and Records Commission, is hereby created and shall be a seventeen (17) member body constituted as follows: The state librarian or his designee, who shall be the chairman of the commission, secretary of the Education, Arts, and Humanities Cabinet or his designee, the Auditor of Public Accounts or his designee, the Chief Justice of the Supreme Court or his designee, the director of the Legislative Research Commission or his designee, the Attorney General or his designee, the director of the Office for Policy and Management or his designee, the **chief information officer**~~[commissioner of the Department of Information Systems]~~ or **her or** his designee, one (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the University of Kentucky, one (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Kentucky Historical Society, one (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Kentucky Library Association, one (1) member appointed by the Governor from a list of seven (7) persons with one (1) name submitted by each of the presidents of the state universities and colleges, four (4) citizens-at-large, and one (1) member appointed by the Governor from a list of three (3) persons, with one (1) name submitted by each of the presidents of the Kentucky League of Cities, the Kentucky Association of Counties, and the Kentucky Association of School Administrators. Vacancies shall be filled by the Governor in the same manner as initial appointments are made. All members shall serve for a term of four (4) years, provided that one (1) of the initial appointments shall be for a term of four (4) years, one (1) for three (3) years, one (1) for two (2) years, and one (1) for one (1) year. The commission shall advise the Department for Libraries and Archives on matters relating to archives and records management. The commission shall have the authority to review and approve schedules for retention and destruction of records submitted by state and local agencies. In all cases, the commission shall determine questions which relate to destruction of public records, and their decision shall be binding on the parties concerned and final, except that the commission may reconsider or modify its actions upon the agreement of a simple majority of the membership present and voting.

Section 21. KRS 186A.025 is amended to read as follows:

- (1) (a) The Finance and Administration Cabinet shall have full responsibility and authority for day-to-day administration of the automated system described by this chapter; and
 - (b) May request the assistance of any cabinet or department of state government in carrying out its responsibilities under this chapter.
- (2) The **Governor's Office for Technology**~~[Department of Information Systems]~~ shall assure, to the extent feasible, twenty-four (24) hour, year-round information support to the Department of State Police, and to other law enforcement agencies state and nationwide, regarding vehicles registered and, when required, titled in this state. Section 22. KRS 186A.040 is amended to read as follows:
 - (1) The Department of Vehicle Regulation shall provide and receive information on the insurance status of vehicles registered in the Commonwealth of Kentucky. The department shall provide appropriate insurance information to the **Governor's Office for Technology**~~[Department of Information Systems]~~ for inclusion in the AVIS database.

- (2) Upon notification to the Department of Vehicle Regulation from an insurance company of cancellation or nonrenewal of a policy pursuant to KRS 304.39-085, the department shall immediately notify the insured. Notification to the insured shall state that the insured's policy is no longer valid and that the insured shall have thirty (30) days to show proof of insurance to the department or the county clerk. The department shall further inform the insured that if evidence of insurance is not received within thirty (30) days the department shall revoke the registration of the motor vehicle until:
- (a) The person presents proof of insurance to the department or county clerk and pays the reinstatement fee required by KRS 186.180;
 - (b) The person presents proof in the form of an affidavit stating, under penalty of perjury as set forth in KRS 523.030, that the failure to maintain motor vehicle insurance on the vehicle specified in the department's notification is the result of the inoperable condition of the motor vehicle;
 - (c) The person presents proof in the form of an affidavit stating, under penalty of perjury as set forth in KRS 523.030, that the failure to maintain motor vehicle insurance on the vehicle specified in the department's notification is the result of the seasonal nature of the vehicle. The affidavit shall explain that when the vehicle is out of dormancy and when the seasonal use of the vehicle is resumed, the proper security will be obtained; or
 - (d) The person presents proof in the form of an affidavit stating, under penalty of perjury as set forth in KRS 523.030, that he or she requires a registered motor vehicle in order to carry out his or her employment and that the motor vehicle that he or she drives during the course of his or her employment meets the security requirement of subtitle 39 of KRS Chapter 304. The person shall also declare in the affidavit that he or she will operate a motor vehicle only in the course of his or her employment. If a person has his or her motor vehicle registration revoked in accordance with this subsection three (3) times within any twelve (12) month period, the revocations shall constitute a violation of KRS 304.39-080. The department shall notify the county attorney to begin prosecution for violation of subtitle 39 of KRS Chapter 304.
- (3) The Department of Vehicle Regulation shall be responsible for notification to the appropriate county attorney that a motor vehicle is not properly insured, if the insured does not respond to notification set out by subsection (2) of this section. The notice that the department gives to the county attorney in accordance with subsection (2) of this section shall include a certified copy of the person's driving record which shall include:
- (a) The notice that the department received from an insurance company that a person's motor vehicle insurance policy has been canceled or has not been renewed; and
 - (b) A dated notice that the department sent to the person requiring the person to present proof of insurance to the department or the county clerk.

Upon notification by the department, a county attorney shall immediately begin prosecution of the person who had his or her motor vehicle registration revoked three (3) times within any twelve (12) month period in accordance with subsection (2) of this section.

- (4) The certified copies sent by the department described in subsection (3) of this section, shall be prima facie evidence of a violation of KRS 304.39-080.

- (5) If the insured provides proof of insurance to the department or the clerk within the thirty (30) day notification period, the department shall ensure action is taken to denote a valid insurance policy is in force.

Section 23. KRS 186A.285 is amended to read as follows:

- (1) No person shall, without prior specific written approval of the commissioner of the Department of Vehicle Regulation and the **chief information officer**~~[commissioner of the Department of Information Systems]~~, connect with the automated vehicle registration and titling system, directly or indirectly, by wire, electronic, electromagnetic induction, systemic, or any other means, any device, system or apparatus capable of putting information or electronic signals into, or receiving information or electronic signals from, or blocking, diverting, or altering transmission of data or signals within, the automated vehicle registration and titling system, its components, and its communications network.
- (2) This section does not apply to or prohibit connection of devices or systems to the automated vehicle registration and titling system by persons who are acting in accordance with a contract or agreement with the Commonwealth of Kentucky, which in addition to any other required approval, has been approved in writing by the commissioner of the Department of Vehicle Regulation and the **chief information officer**~~[commissioner of the Department of Information Systems]~~.

Section 24. KRS 194B.102 is amended to read as follows:

- (1) There is hereby created the "Statewide Strategic Planning Committee for Children in Placement" which is administratively attached to the Department for Social Services. The committee shall be composed of the following:
 - (a) Members who shall serve by virtue of their positions: the commissioner of the Department for Social Services, the commissioner of the Department for Public Health, the commissioner of the Department for Mental Health and Mental Retardation Services, the commissioner for the Department for Medicaid Services, the commissioner of the Department for Social Insurance, the commissioner of the Department of Juvenile Justice, the commissioner of the Department of Education, the executive director of the Administrative Office of the Courts, or their designees; and
 - (b) One (1) foster parent selected by the statewide organization for foster parents, one (1) District Judge selected by the Chief Justice of the Kentucky Supreme Court, one (1) parent of a child in placement at the time of appointment to be selected by the secretary of the Cabinet for Families and Children, one (1) youth in placement at the time of the appointment to be selected by the secretary of the Cabinet for Families and Children, and one (1) private child care provider selected by the statewide organization for private child care providers. These members shall serve a term of two (2) years, and may be reappointed.
- (2) The Statewide Strategic Planning Committee for Children in Placement shall, by July 1, 1999, develop a statewide strategic plan for the coordination and delivery of care and services to children in placement and their families. The plan shall be submitted to the Governor, the Chief Justice of the Supreme Court, and the Legislative Research Commission on or before July 1, 1999, and each July 1 thereafter.
- (3) The strategic plan shall, at a minimum, include:

- (a) A mission statement;
 - (b) Measurable goals;
 - (c) Principles;
 - (d) Strategies and objectives; and (e) Benchmarks.
- (4) The planning horizon shall be three (3) years. The plan shall be updated on an annual basis. Strategic plan updates shall include data and statistical information comparing plan benchmarks to actual services and care provided.
- (5) The Statewide Strategic Planning Committee for Children in Placement shall, in consultation with the commissioner and the statewide placement coordinator as provided for in KRS 199.801, establish a statewide facilities and services plan that identifies the location of existing facilities and services for children in placement, identifies unmet needs, and develops strategies to meet the needs. The planning horizon shall be five (5) years. The plan shall be updated on an annual basis. The plan shall be used to guide, direct, and, if necessary, restrict the development of new facilities and services, the expansion of existing facilities and services, and the geographic location of placement alternatives.
- (6) The Statewide Strategic Planning Committee for Children in Placement may, through the promulgation of administrative regulations, establish a process that results in the review and approval or denial of the development of new facilities and services, the expansion of existing facilities and services, and the geographic location of any facilities and services for children in placement in accordance with the statewide facilities and services plan. Any process established shall include adequate due process rights for individuals and entities seeking to develop new services, construct new facilities, or expand existing facilities, and shall require the involvement of local communities and other resource providers in those communities.
- (7) As a part of the statewide strategic plan, and in consultation with the *Governor's Office for Technology*~~[Kentucky Information Resources Management Commission]~~, the Statewide Strategic Planning Committee for Children in Placement shall plan for the development or integration of information systems that will allow information to be shared across agencies and entities, so that relevant data will follow a child through the system regardless of the entity or agency that is responsible for the child. The data produced shall be used to establish and monitor the benchmarks required by subsection (3) of this section. The data system shall, at a minimum, produce the following information on a monthly basis:
- (a) Number of placements per child;
 - (b) Reasons for placement disruptions;
 - (c) Length of time between removal and establishment of permanency;
 - (d) Reabuse or reoffense rates;
 - (e) Fatality rates;
 - (f) Injury and hospitalization rates;
 - (g) Health care provision rates;
 - (h) Educational achievement rates;
 - (i) Multiple placement rates;

- (j) Sibling placement rates;
 - (k) Ethnicity matching rates;
 - (l) Family maintenance and preservation rate; and (m) Adoption disruption rates.
- (8) The Statewide Strategic Planning Committee for Children in Placement shall publish an annual report no later than December 1 of each year that includes, but is not limited to, the information outlined in subsection (7) of this section.

SECTION 25. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in Sections 25 to 27 of this Act, "KY-ASAP" means the Kentucky Agency for Substance Abuse Policy.*
- (2) *The Kentucky Agency for Substance Abuse Policy is created and attached for administrative purposes to the Office of the Governor. KY-ASAP shall be headed by an executive director with experience in overseeing programs involving tobacco and substance abuse and shall have other staff as necessary to conduct its affairs.*
- (3) *KY-ASAP shall administer an endowment from interest generated through funds appropriated or gifts, donations, or funds received from any source. KY-ASAP may expend endowment principal, if necessary in its discretion, to carry out the purposes of Sections 25 to 27 of this Act. These expenditures from the endowment principal are hereby appropriated for this purpose.*
- (4) (a) *The eighteen (18) member KY-ASAP Board is created to oversee the activities of KY-ASAP. Membership of the board shall be appointed by the Governor and shall consist of the following:*
 - 1. *One (1) member representing the Kentucky Family Resource Youth Services Coalition, or a designee;*
 - 2. *One (1) member representing the Kentucky Health Department Association, or a designee;*
 - 3. *The secretary of the Cabinet for Health Services, or designee;*
 - 4. *The secretary of the Justice Cabinet, or a designee;*
 - 5. *The secretary of the Cabinet for Families and Children, or a designee;*
 - 6. *One (1) member representing the Division of Substance Abuse within the Department for Mental Health and Mental Retardation Services, Cabinet for Health Services, or a designee;*
 - 7. *The commissioner of the Department for Public Health, Cabinet for Health Services, or a designee;*
 - 8. *The commissioner of the Department of Alcoholic Beverage Control, or a designee;*
 - 9. *The commissioner of the Department of Education;*
 - 10. *The director of the Administrative Office of the Courts, or a designee;*
 - 11. *One (1) member representing the Kentucky Association of Regional Programs, or a designee;*

12. *One (1) member representing the Kentucky Heart Association, or a designee;*
 13. *One (1) member representing the Kentucky Lung Association, or a designee;*
 14. *One (1) member representing the Kentucky Cancer Society, or a designee;*
 15. *Two (2) members representing local tobacco addiction and substance abuse advisory and coordination boards; and*
 16. *Two (2) members representing private community-based organizations, whether for-profit or nonprofit, with experience in programs involving smoking cessation or prevention or alcohol or substance abuse prevention and treatment.*
- (b) *Members shall serve for a term of four (4) years, may be reappointed, and may serve no more than two (2) consecutive terms. Members shall not be compensated but shall receive reimbursement for expenses incurred while performing board business.*
- (c) *The board shall meet at least quarterly. A quorum of ten (10) members shall be required for the transaction of business. Meetings shall be held at the call of the chair, or upon the written request of two (2) members to the chair.*
- (d) *The board shall:*
1. *Oversee deposits and expenditures from the endowment;*
 2. *Request, in its discretion, an audit relating to the expenditure of endowment funds;*
 3. *Receive quarterly reports from the executive director regarding KY-ASAP's activities;*
 4. *Progress toward development and implementation of the strategic plan;*
 5. *Recommend to KY-ASAP the most efficient means for using public funds to coordinate, supplement, and support high quality and ongoing programs of all public agencies and private service providers related to smoking cessation and prevention and alcohol and substance abuse prevention and treatment;*
 6. *Recommend matters for review and analysis by KY-ASAP; and*
 7. *Perform other duties as necessary for the oversight of KY-ASAP.*
- (5) *KY-ASAP shall promote the implementation of research-based strategies that target Kentucky's youth and adult populations.*
- (6) *KY-ASAP shall vigorously pursue the philosophy that tobacco in the hands of Kentucky's youth is a drug abuse problem because of the addictive qualities of nicotine, and because tobacco is the most prevalent gateway drug that leads to later and escalated drug and alcohol abuse.*

SECTION 26. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO READ AS FOLLOWS:

KY-ASAP shall:

- (1) *Develop a strategic plan to reduce the prevalence of smoking and drug and alcohol abuse among both the youth and adult populations in Kentucky;*

- (2) *Monitor the data and issues related to youth alcohol and tobacco access, smoking cessation and prevention, and substance abuse policies, their impact on state and local programs, and their flexibility to adapt to the needs of local communities and service providers;*
- (3) *Make policy recommendations to be followed to the extent permitted by budgetary restrictions and federal law, by executive branch agencies that work with smoking cessation and prevention and alcohol and substance abuse issues to ensure the greatest efficiency in agencies and to ensure that a consistency in philosophy will be applied to all efforts undertaken by the administration in initiatives related to smoking cessation and prevention and alcohol and substance abuse;*
- (4) *Identify existing resources in each community that advocate or implement programs for smoking cessation or prevention, or drug and alcohol abuse prevention, education, or treatment;*
- (5) *Encourage coordination among public and private, state and local, agencies, organizations, and service providers, and monitor related programs;*
- (6) *Act as the referral source of information, utilizing existing information clearinghouse resources within the Department for Public Health and CHAMPIONS for a Drug Free Kentucky Office, relating to youth tobacco access, smoking cessation and prevention, and substance abuse prevention, cessation, and treatment programs. KY-ASAP shall identify gaps in information referral sources;*
- (7) *Search for grant opportunities for existing programs within the Commonwealth;*
- (8) *Make recommendations to state and local agencies and local tobacco addiction and substance abuse advisory and coordination boards;*
- (9) *Observe programs from other states;*
- (10) *Coordinate services among local and state agencies, including, but not limited to, the Justice Cabinet, the Cabinet for Health Services, the Cabinet for Families and Children, the Department of Agriculture, the Public Protection and Regulation Cabinet, the Administrative Office of the Courts, and the Education, Arts, and Humanities Cabinet;*
- (11) *Assure the availability of training, technical assistance, and consultation to local service providers for programs funded by the Commonwealth that provide services related to tobacco addiction, smoking cessation or prevention, or alcohol or substance abuse;*
- (12) *Review existing research on programs related to smoking cessation and prevention and substance abuse prevention and treatment;*
- (13) *Comply with any federal mandate regarding smoking cessation and prevention and substance abuse, to the extent authorized by state statute;*
- (14) *Establish a mechanism to coordinate the distribution of funds to support any local prevention, treatment, and education program based on the strategic plan developed in subsection (1) of this section that could encourage smoking cessation and prevention through efficient, effective, and research-based strategies;*
- (15) *Oversee a school-based initiative that links schools with community-based agencies and health departments to implement School Programs to Prevent Tobacco Use, based upon the model recommended by the Centers for Disease Control and Prevention. To the extent permitted by resources, the initiative shall involve input by and services from each of the*

family resource and youth services centers, regional prevention centers, and existing school-based antidrug programs;

- (16) Work with community-based organizations to encourage them to work together to establish comprehensive tobacco addiction and substance abuse prevention education programs and carry out the strategic plan developed in this section. These organizations shall be encouraged to partner with district and local health departments and community mental health centers to plan and implement interventions to reach youths before tobacco addiction and substance abuse become a problem in their lives;*
- (17) Coordinate media campaigns designed to demonstrate the negative impact of smoking and the increased risk of tobacco addiction, substance abuse, and the development of other disease in children, young people, and adults. To accomplish this objective, KYASAP shall work with local media to reach all segments of the community quickly and efficiently;*
- (18) Certify to the Governor and the General Assembly during the budget request process established under KRS Chapter 48 the extent to which each entity receiving state funds has cooperated with KY-ASAP, coordinated with community resources, and vigorously pursued the philosophy of KY-ASAP;*
- (19) Promulgate any administrative regulations necessary to implement Sections 25 to 27 of this Act; and*
- (20) Report to the Legislative Research Commission and Governor by October 1, 2000, regarding the proper organization of state government agencies that will provide the greatest coordination of services, and report semi annually to the Legislative Research Commission and Governor on the proper organization structure, devising and implementing an accountability system to be designed to ensure efficiency and efficacy of services and grants, and on other matters as requested by the Legislative Research Commission and Governor.*

SECTION 27. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO READ AS FOLLOWS:

- (1) KY-ASAP shall establish in each county a local tobacco addiction and alcohol and substance abuse advisory and coordination board to assist in planning, overseeing, and coordinating the implementation of local programs related to smoking cessation and prevention and alcohol and substance abuse prevention, cessation, and treatment, although a single board may be established for multiple counties to ensure a comprehensive range of services. The board shall assist with the coordination of programs provided by public and private entities. If the existing programs of private service providers are of high quality, KY-ASAP shall concentrate on providing missing elements and support for those providers. The Cabinet for Health Services shall support the communities' efforts.*
- (2) KY-ASAP shall consult with community leaders to solicit the names of residents from the community to serve on each advisory and coordination board. KY-ASAP shall request from each board the submission of reasonable reports on the effectiveness, efficiency, and efforts of each local program, including recommendations for increased or decreased funding, and KY-ASAP shall supply information as necessary to the advisory and coordination board to enable it to carry out its functions.*
- (3) KY-ASAP shall provide incentives to encourage multicounty advisory and coordination board requests and shall establish a single board to represent all counties making the*

request. Priority in establishing a board shall be given to existing regional prevention centers or coalitions, community organizations, or local Kentucky Incentives for Prevention (KIP) project coalitions. Membership shall consist of residents from each of the counties.

- (4) *Each advisory and coordination board shall develop a long-term community strategy that is designed to reduce the incidence of youth and young adult smoking and tobacco addiction, promote resistance to smoking, reduce the incidence of substance abuse, and promote effective treatment of substance abuse. All county resources, both private and public, for-profit and nonprofit, shall be considered in developing this strategy.*
- (a) *Employers, local leaders, schools, family resource and youth services centers, health care providers and institutions, economic developers, and other relevant local and regional entities shall be consulted in the development of the strategy.*
- (b) *An assessment of needs and available services shall be included in the strategy.*

Section 28. KRS 222.021 is amended to read as follows:

- (1) There is hereby created within the Cabinet for Health Services a Substance Abuse, Pregnancy, and Women of Childbearing Age Work Group. The work group shall carry out the planning and coordinating activities of the Commonwealth with regard to ***smoking cessation and prevention and*** substance dependency and abuse among pregnant women and other women of childbearing age.
- (2) The work group shall be appointed by the secretary for health services and be composed of, but not restricted to, a representative of the ***Kentucky Agency for Substance Abuse Policy***; Cabinet for Health Services, Department for Public Health, Division of Maternal and Child Health Services; Department for Social Services; Department for Social Insurance; Department for Mental Health and Mental Retardation Services, Division of Substance Abuse and Division of Mental Health; Department for Medicaid Services; Justice Cabinet, Department of State Police, Drug Enforcement, Special Investigations Unit; Department of Education, Division of Program Resources; Office of the Attorney General; Office for a Drug Free Kentucky; Kentucky Commission on Women; Regional Community Mental Health and Mental Retardation System; University of Kentucky Institute on Women and Substance Abuse; University of Louisville, School of Medicine, Department of Pediatrics; University of Kentucky Medical Center, Department of Obstetrics and Gynecology; local or district health department; Kentucky Psychological Association; Kentucky Pharmacists Association; Kentucky Hospital Association; Kentucky Nurses Association; and the Kentucky Medical Association; Kentucky Chapter of the National Association of Social Workers; Kentucky Association of Addiction Professionals; Kentucky Prevention Network; Coalition for Women's Substance Abuse Services; Kentucky Women's Advocates; Kentucky Youth Advocates; Kentucky Chapter of the March of Dimes; Foster Parent Association; and the Homeless Coalition.
- (3) The Substance Abuse, Pregnancy, and Women of Childbearing Age Work Group shall be chaired jointly by the Director of the Division of Substance Abuse and another member of the work group who has been elected by the membership of the work group. The work group shall meet at least quarterly and shall periodically assess the extent of ***smoking abuse and*** alcohol and other substance dependency and abuse among Kentucky women who are pregnant and other women of childbearing age; identify, develop, and coordinate resources available

and needed within the Commonwealth for any woman who is pregnant or of childbearing age and at risk of *smoking abuse and* alcohol and substance dependency or abuse; and identify, develop, and coordinate resources available and needed for infants and children exposed to alcohol, *smoking*, or drugs in utero or through alcohol, *smoking*, or drug abuse in the home.

- (4) The work group shall make a biennial report, no later than January 1 of each odd-numbered year, of its activities and any recommendations to the Secretary of the Cabinet for Health Services and the Legislative Research Commission.
- (5) The provisions of subsections (1) to (4) of this section, creating a Substance Abuse, Pregnancy, and Women of Childbearing Age Work Group shall expire on July 15, 2002. As of that date, the Substance Abuse, Pregnancy, and Women of Childbearing Age Work Group shall cease to exist.

Section 29. KRS 222.037 is amended to read as follows:

- (1) The Cabinet for Health Services may establish four (4) or more pilot projects within the Commonwealth to demonstrate the effectiveness of different methods of providing community services to prevent *smoking and* alcohol and substance abuse by pregnant females; improving agency coordination to better identify the pregnant *smoker and* substance abuser and other females who have *smoking and* substance abuse problems; linking with community services and treatment for the chemically dependent woman, her children, and other family members; and gaining access to early intervention services for infants in need.
- (2) The cabinet may use any state appropriation and any gifts, grants, or federal funds that become available for the purposes of implementing the provisions of this section.

Section 30. KRS 222.211 is amended to read as follows:

- (1) The cabinet shall, *in conjunction with KY-ASAP and in furtherance of the strategic plan developed in Section 26 of this Act*, coordinate matters affecting *tobacco addiction and* alcohol and other drug abuse in the Commonwealth and shall assure that there is the provision of prevention, intervention, and treatment services for both juveniles and adults to address the problems of *tobacco addiction and* alcohol and other drug abuse within individuals, families, and communities; that the coordination of these matters shall be done in cooperation with public and private agencies, business, and industry; and that technical assistance, training, and consultation services shall be provided within budgetary limitations when required. The cabinet may promulgate administrative regulations under KRS Chapter 13A to carry out its powers and duties under this chapter. The cabinet shall utilize community mental health centers and existing facilities and services within the private sector when possible. The cabinet shall be responsible for assuring that the following services are available:

- (a)~~(1)~~ Primary prevention services directed to the general population and identified target groups for the purposes of avoiding the onset of *tobacco addiction and* alcohol and other drug abuse related problems and enhancing the general level of health of the target groups. The purpose of the services shall be to provide individuals with the information and skills necessary to make healthy decisions regarding the use or nonuse of *tobacco*, alcohol, and other drugs as well as to influence environmental factors, such as social policies and norms which will support healthy lifestyle;
- (b)~~(2)~~ Intervention services for the purpose of identifying, motivating, and referring individuals in need of *tobacco addiction and* alcohol and other drug abuse education or

treatment services. Services may be provided in settings such as industry and business, schools, health, and social service agencies;

- (c)~~[(3)]~~ Detoxification services on a twenty-four (24) hour basis in or near population centers which meet the immediate medical and physical needs of persons intoxicated from the use of alcohol or drugs, or both, including necessary diagnostic and referral services. The services shall be provided in either a hospital or a licensed alcohol and other drug abuse program;
- (d)~~[(4)]~~ Rehabilitation services offered on an inpatient or outpatient basis for the purposes of treating an individual's alcohol and other drug abuse problem. The services shall be provided in a licensed alcohol and other drug abuse program;
- (e)~~[(5)]~~ Therapeutic services to family members of alcohol and other drug abusers for the purpose of reducing or eliminating dysfunctional behavior that may occur within individuals who are emotionally, socially, and sometimes physically dependent on an alcohol or other drug abuser. The services shall be offered primarily on a outpatient basis;
- (f)~~[(6)]~~ Inpatient psychiatric services for those alcohol and other drug abusers whose diagnosis reflects both serious mental health disturbances as well as alcohol and other drug abuse disorders;
- (g)~~[(7)]~~ Training programs for personnel working in the field of prevention, intervention, and treatment of *tobacco addiction and* alcohol and other drug abuse problems; and
- (h)~~[(8)]~~ Driving under the influence services to include assessment, education, and treatment for persons convicted of operating a motor vehicle, while under the influence of alcohol or other substance which may impair driving ability, pursuant to KRS Chapter 189A.

- (2) *The cabinet shall comply with all policy recommendations of KY-ASAP, and shall honor requests for information from the Kentucky Agency for Substance Abuse Policy created under Section 25 of this Act.*

Section 31. To the extent possible and as necessary to implement the provisions of this Act, the Governor shall utilize the existing infrastructure of the CHAMPIONS for a Drug Free Kentucky Office.

SECTION 32. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

As used in Sections 32 to 36 of this Act:

- (1) *"Access" means the ability to receive, use, and manipulate data and operate controls included in information technology to be in compliance with nationally accepted accessibility and usability standards such as those established by Section 255 of the Federal Telecommunications Act of 1996 and Section 508 of the Federal Workforce Investment Act of 1998;*
- (2) *"Individual with a disability" means an individual who is considered to have a disability for the purpose of any federal or state law, and who is or would be able by information access assistive technology to maintain a level of functioning or to achieve a greater level of functioning in any major life activity;*
- (3) *"Blind or visually impaired individual" means an individual who:*

- (a) *Has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision so that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees;*
 - (b) *Has a medically indicated expectation of visual deterioration; or*
 - (c) *Has a medically diagnosed limitation in visual functioning that restricts the individual's ability to read and write standard print at levels expected of individuals of comparable ability;*
- (4) *"Covered entity" means the state or any state-assisted organization;*
 - (5) *"Deaf" or "hard of hearing" means persons who have hearing disorders and includes people who cannot hear and understand speech clearly through the ear alone, with or without hearing aids;*
 - (6) *"Information technology" means all electronic information processing hardware and software, including but not limited to telecommunications and any electronic information equipment or interconnected system that is used in the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of audio, video, graphics, and text;*
 - (7) *"Assistive technology" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, customized, fabricated, or is otherwise an alternative means that is used to increase, maintain, or improve functional capabilities of individuals with disabilities;*
 - (8) *"Nonvisual" means output methods not requiring sight, including but not limited to synthesized speech and Braille;*
 - (9) *"State" means the Commonwealth of Kentucky or any of its departments, agencies, public bodies, or other instrumentalities;*
 - (10) *"State-assisted organization" means a college, university, nonprofit organization, person, political subdivision, school system, or other entity supported in whole or in part by state funds;*
 - (11) *"Telecommunications" means the transmission of information, images, pictures, voice, or data by radio, video, or other electronic or impulse means; and*
 - (12) *"Undue burden" means significant difficulty or expense, including but not limited to a difficulty or expense associated with technical feasibility.*

SECTION 33. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

The head of each covered entity shall ensure that information technology equipment and software used by the entity's employees, program participants, and the general public:

- (1) *Provide individuals with disabilities, including blind or visually impaired, or deaf or hard of hearing, with access, including but not limited to interactive use of equipment and services, that is equivalent to the access provided individuals who are not disabled, blind or visually impaired, or deaf or hard of hearing;*
- (2) *Are designed to present information, including but not limited to prompts used for interactive communication, in formats intended for both visual and nonvisual use; and*

- (3) *Have been purchased under a contract that includes the technology access clause required by Section 34 of this Act.*

SECTION 34. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

The Finance and Administration Cabinet shall develop a technology access clause which shall be in compliance with Section 255 of the Federal Telecommunication Act of 1996 and with Section 508 of the Federal Workforce Investment Act of 1998 and shall establish alternative, including nonvisual, access standards for use in the procurement of information technology by covered entities in accordance with the following requirements:

- (1) *The technology access clause shall require compliance with the standards established under this section. Except as otherwise provided in Section 35 of this Act, the technology access clause shall be included in all contracts entered into after the effective date of this Act for the procurement of information technology by, or for the use of, covered entities.*
- (2) *The alternative and nonvisual access standards shall include the specifications necessary to meet the requirements of Section 33 of this Act. The standards shall include the following minimum specifications:*
 - (a) *Effective, interactive control and use of technology, including the operating system, applications programs, and format of the data presented shall be readily achievable by alternative and nonvisual means;*
 - (b) *The technology equipped for alternative and nonvisual access shall be compatible with information technology used by other individuals with whom the person with a disability, including the blind or visually impaired individual, must interact;*
 - (c) *Alternative and nonvisual access technology shall be integrated into networks used to share communications among employees, program participants, and the public; and*
 - (d) *The technology for alternative or nonvisual access shall have the capability of providing equivalent access by nonvisual or other alternative means to telecommunications or other interconnected network services used by persons who are not disabled.*

SECTION 35. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

- (1) *For the purpose of procurement, the head of any covered entity may, with respect to access software or peripheral devices and other assistive technology pertinent to individuals with disabilities access to information technology obtained following the effective date of this Act, approve the exclusion of the technology access clause if the cost of the software or peripheral devices or other assistive technology for the covered entity presents an undue burden.*
- (2) *The head of any covered entity shall not approve the exclusion of the technology access clause from any contract with respect to:*
 - (a) *The compatibility of standard operating systems and software with nonvisual access or other assistive software, peripheral devices, or any assistive technology; or*
 - (b) *The initial design, development, and installation of information systems, including the design and procurement of interactive equipment and software.*

- (3) *Nothing in this section shall require the installation of software or peripheral devices for nonvisual or alternative access if the information technology is being used by individuals who are not blind, visually impaired, or otherwise disabled. However, the applications programs and underlying operating system, including the format of the data, used for the manipulation and presentation of information shall permit the installation and effective use of nonvisual access software and peripheral devices.*
- (4) *Information technology purchased prior to the effective date of this Act shall be brought into compliance with Sections 32 to 36 of this Act when the covered entity upgrades or replaces the existing equipment or software. Nothing in Sections 32 to 36 of this Act shall be construed or interpreted to require the replacement or upgrade of existing equipment or software.*

SECTION 36. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

Any person injured by a violation of Sections 32 to 36 of this Act may bring an action for injunctive relief in the Circuit Court of the county in which the person resides or in which the covered entity is located. An action for injunctive relief shall be commenced within four (4) years after the cause of action accrues. A cause of action for a continuing violation of Sections 32 to 36 of this Act shall accrue at the time of the latest occurrence of the violation.

Section 37. The following KRS sections are repealed:

- 42.029 Department of Information Systems -- Commissioner and other personnel -- Divisions - Duties -- Delegation of authority.
- 42.640 Definitions for KRS 42.650.
- 61.937 Authority to enter into memoranda of agreement and contracts.
- 61.938 Office of the Chief Information Officer -- Duties -- Authority for administrativeregulations.
- 61.940 Legislative declarations.
- 61.942 Definitions for KRS 61.940 to 61.953.
- 61.945 Kentucky Information Resources Management Commission.
- 61.948 Powers of commission.
- 61.950 Meetings -- Roles and duties -- Administrative Regulations.
- 61.951 Office for the Kentucky Information Resources Management Commission -- Executivedirector.
- 61.953 Contents of five-year statewide information resources management plan.
- 61.954 Construction of KRS 61.940 to 61.953 with respect to judicial and legislative branches.
- 61.955 Communications Advisory Council.

Section 38. The General Assembly confirms Executive Order 99-1359, dated October 6, 1999, and Executive Order 99-1465, dated November 1, 1999, to the extent they are not otherwise confirmed or superseded by this Act; and Executive Order 99-1360, dated October 6, 1999, which transfers twenty-seven (27) positions and all records, files, and equipment directly associated with

these positions, from the Office of Technology Services within the Cabinet for Families and Children to the Governor's Office for Technology.

Approved April 26, 2000