

CHAPTER 48**(HB 226)**

AN ACT relating to wireless communications.

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

Section 1. KRS 11.5162 is amended to read as follows:

As used in KRS 11.5161 to 11.5163, unless the context requires otherwise:

- (1) "Architecture" means the design principles, physical structure, and functional organization of a land mobile radio system;
- (2) "Frequency" means for a periodic function, the number of cycles or events per unit time ***that comprises the frequency spectrum used by or assigned to a wireless public safety voice or data communications system;***
- (3) "Interoperability" means:
 - (a) ***The ability of public safety agencies to be able to communicate with one another; to exchange voice or data with one another in real time;***
 - (b) The ability of systems, units, or forces to provide services to and accept services from other systems, units, or forces and to use the services so exchanged to enable them to operate effectively together; and
 - (c)~~(b)~~ The condition achieved among communications-electronics systems or items of communications-electronic equipment when information or services can be exchanged directly and satisfactorily between them and their users;
- (4) ***"Primary wireless public safety voice or data communications systems" means a regular interacting group of base, mobile, and associated control and fixed relay stations intended to provide land mobile radio voice or data communications service over a single area of operation for public safety agencies. This definition shall not include "911" telephone systems;***
- (5) ***"Public safety shared infrastructure" means any component that by the nature of its function or physical characteristics can be used by multiple agencies to implement or support primary wireless public safety voice or data communications systems. This shall include but not be limited to towers, equipment shelters, radios, and other electronic equipment, backbone communications networks, and communications related software;***
- (6) "Public safety working group" means a working group whose mission is to design and develop a seamless coordinated plan for the use of the public safety frequency spectrum as regulated by the Federal Communications Commission;
- ~~(7)(5)~~ "Spectrum" means a usable radio frequency in the electromagnetic distribution; and
- ~~(8)(6)~~ "Standards" means:
 - (a) Engineering and technical requirements that are necessary to be employed in the design of systems, units, or forces and to use the services so exchanged to enable them to operate effectively together, ***including but not limited to operating frequencies, over-the-air protocols, and bandwidth;*** and
 - (b) Established protocol that provides a common interface.

Section 2. KRS 11.5163 is amended to read as follows:

- (1) The chief information officer shall establish and implement a statewide public safety interoperability plan. This plan shall include the development ~~and recommendation~~of ***required*** architecture and standards that will insure that new or upgraded Commonwealth public safety communications systems will interoperate. ***The Kentucky Wireless Interoperability Executive Committee shall be responsible for the evaluation and recommendation of all wireless communications architecture, standards, and strategies.*** The chief information officer shall provide direction, stewardship, leadership, and general oversight of information technology and information resources. The chief information officer shall report by September 15 annually to the Interim Joint Committee on Seniors, Veterans, Military Affairs, and Public Protection and the Interim Joint Committee on State Government on progress and activity by agencies of the Commonwealth to comply with standards to achieve public safety communications interoperability.
- (2) The Kentucky Wireless Interoperability Executive Committee shall serve as the advisory body for all wireless communications strategies presented by agencies of the Commonwealth ***and local governments. All state agencies in the Commonwealth shall present all project plans for primary wireless public safety voice or data communications systems for review and recommendation by the committee, and the committee shall forward the plans to the chief information officer for final approval. Local government entities shall present project plans for primary wireless public safety voice or data communications systems for review and recommendation by the Kentucky Wireless Interoperability Executive Committee***~~. The committee shall be responsible for the evaluation and recommendation of all wireless communications architecture, standards, and strategies presented by state agencies, and shall forward these to the chief information officer for final approval.~~
- (3) ***The committee shall develop funding and support plans that provide for the maintenance of and technological upgrades to the public safety shared infrastructure, and shall make recommendations to the chief information officer, the Governor's Office for Policy and Management, and the General Assembly.***
- (4) ***The chief information officer shall examine the project plans for primary wireless public safety voice or data communications systems of state agencies as required by subsection (2) of this section, and shall determine whether they meet the required architecture and standards for primary wireless public safety voice or data communications systems.***
- (5) The Kentucky Wireless Interoperability Executive Committee shall consist of twenty-one (21) members as follows:
 - (a) A person knowledgeable in the field of wireless communications appointed by the chief information officer who shall serve as chair;
 - (b) The executive director of the Office for Infrastructure Services, Governor's Office for Technology;
 - (c) The administrator of the Commercial Mobile Radio Service Emergency Telecommunications Board;
 - (d) The executive director of Kentucky Educational Television, or the executive director's designee;
 - (e) The chief information officer of the Transportation Cabinet;

- (f) The chief information officer of the Justice Cabinet;
 - (g) The chief information officer of the Kentucky State Police;
 - (h) The commissioner of the Department of Fish and Wildlife Resources, Tourism Development Cabinet, or the commissioner's designee;
 - (i) The chief information officer of the National Resources and Environmental Protection Cabinet;
 - (j) The director of the Department of Emergency Management, Department of Military Affairs;
 - (k) The executive director of the Office for Security Coordination, Department of Military Affairs;
 - (l) The chief information officer, Department for Public Health, Cabinet for Health Services;
 - (m) A representative from an institution of postsecondary education appointed by the Governor from a list of three (3) names submitted by the president of the Council on Postsecondary Education;
 - (n) The executive director of the Center for Rural Development, or the executive director's designee;
 - (o) A representative from a municipal government to be appointed by the Governor from a list of three (3) names submitted by the Kentucky League of Cities;
 - (p) A representative from a county government to be appointed by the Governor from a list of three (3) names submitted by the Kentucky Association of Counties;
 - (q) A representative from a municipal police department to be appointed by the Governor from a list of three (3) names submitted by the Kentucky Association of Chiefs of Police;
 - (r) A representative from a local fire department to be appointed by the Governor from a list of three (3) names submitted by the Kentucky Association of Fire Chiefs;
 - (s) A representative from a county sheriff's department to be appointed by the Governor from a list of three (3) names submitted by the Kentucky Sheriffs' Association;
 - (t) A representative from a local Emergency Medical Services agency to be appointed by the Governor from a list of three (3) names submitted by the Kentucky Board of Emergency Medical Services; and
 - (u) A representative from a local 911 dispatch center to be appointed by the Governor from a list of three (3) names submitted by the Kentucky Chapter of the National Emergency Number Association/Association of Public Safety Communications Officials.
- (6)~~(4)~~ Appointed members of the committee shall serve for a two (2) year term. Members who serve by virtue of an office shall serve on the committee while they hold that office.
- (7)~~(5)~~ The committee shall meet quarterly, or as often as necessary for the conduct of its business. A majority of the members shall constitute a quorum for the transaction of business. Members' designees shall have voting privileges at committee meetings.

- (8)~~(6)~~ The committee shall be attached to the Governor's Office for Technology for administrative purposes only. Members shall not be paid, and shall not be reimbursed for travel expenses.
- (9)~~(7)~~ The Public Safety Working Group is hereby created for the primary purpose of fostering cooperation, planning, and development of the public safety frequency spectrum as regulated by the Federal Communications Commission, including the 700 MHz public safety band. The group shall endeavor to bring about a seamless, coordinated, and integrated public safety communications network for the safe, effective, and efficient protection of life and property. The Public Safety Working Group membership and other working group memberships deemed necessary shall be appointed by the chair of the Kentucky Wireless Interoperability Executive Committee.
- (10)~~(8)~~ The committee may establish additional working groups as determined by the committee.

Approved April 2, 2004