

AN ACT relating to statewide communications interoperability.

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

➔Section 1. KRS 42.734 is repealed, reenacted as a new section of KRS Chapter 39G, and amended to read as follows:

The Kentucky Wireless Interoperability Executive Committee is hereby created to address communications interoperability, a homeland security issue which is critical to the ability of public safety first responders to communicate with each other by radio. The committee shall advise and make recommendations to the executive director of the **Kentucky Office of Homeland Security**~~[Commonwealth Office of Technology]~~ regarding strategic wireless initiatives to achieve public safety voice and data communications interoperability.

➔Section 2. KRS 42.736 is repealed, reenacted as a new section of KRS Chapter 39G, and amended to read as follows:

As used in this section and **Sections 1 and 3 of this Act**~~[KRS 42.734 and 42.738]~~, 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) 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) "Spectrum" means a usable radio frequency in the electromagnetic distribution; and
- (8) "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 3. KRS 42.738 is repealed, reenacted as a new section of KRS Chapter 39G, and amended to read as follows:

- (1) The executive director of the Kentucky Office of Homeland Security shall establish and implement, with the advice and recommendations of the Kentucky

Wireless Interoperability Executive Committee as provided in subsection (2) of this section, a statewide public safety interoperability plan *by October 1, 2016.* This plan shall include: ~~the development 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 executive director shall provide direction, stewardship, leadership, and general oversight of information technology and information resources. The executive director 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.~~

- (a) The creation of a single statewide interoperable public safety radio network that allows participating state and local users to interoperate;*
- (b) A cost-benefit analysis that details any cost savings achieved by moving from the current network of disparate radio systems to a statewide interoperable public safety network; and*
- (c) The development and adoption of required architecture and standards that will ensure that all new or upgraded state and local public safety communications systems will interoperate.*

The executive director of the Kentucky Office of Homeland Security shall report by September 15, 2017, and by every September 15 thereafter, to the Interim Joint Committee on Seniors, Veterans, Military Affairs, and Public Protection and the Interim Joint Committee on State Government on the progress and activity by state and local government agencies to adopt a single statewide interoperable public safety communications platform.

- (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 executive director *of the Kentucky Office of Homeland Security* 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, *and the executive committee shall forward its recommendation to the executive director of the Kentucky Office of Homeland Security for review.*
- (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 executive director *of the Kentucky Office of Homeland Security*, the Governor's Office for Policy and Management, and the General Assembly.
- (4) The executive director *of the Kentucky Office of Homeland Security* shall examine the project plans for primary wireless public safety voice or data communications systems of *local and* 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 *fifteen (15)*~~twenty (20)~~ members as follows:
- (a) A person knowledgeable in the field of wireless communications appointed by the executive director who shall serve as chair;
 - (b) The executive director of the Office of Infrastructure Services,

- Commonwealth Office of Technology;
- ~~(c)~~—The executive director of Kentucky Educational Television, or the executive director's designee;
- ~~(d)~~ The chief information officer of the Transportation Cabinet;
- ~~(d)~~~~(e)~~ The chief information officer of the Justice and Public Safety Cabinet;
- ~~(e)~~~~(f)~~ The chief information officer of the Department of Kentucky State Police;
- ~~(f)~~~~(g)~~ The commissioner of the Department of Fish and Wildlife Resources, or the commissioner's designee;
- ~~(g)~~~~(h)~~—The chief information officer of the Energy and Environment Cabinet;
- ~~(i)~~ The director of the Division of Emergency Management, Department of Military Affairs;
- ~~(h)~~~~(j)~~ The executive director of the Kentucky Office of Homeland Security;
- ~~(i)~~~~(k)~~—The chief information officer, Department for Public Health, Cabinet for Health and Family Services;
- ~~(l)~~—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;
- ~~(m)~~—The executive director of the Center for Rural Development, or the executive director's designee;
- ~~(n)~~ 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;
- ~~(j)~~~~(o)~~ 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;
- ~~(k)~~~~(p)~~ 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;

~~(l)~~~~(q)~~ 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;

~~(m)~~~~(r)~~ 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;

~~(n)~~~~(s)~~ 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

~~(o)~~~~(t)~~ 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) 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) 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) The committee shall be attached to the Kentucky Office of Homeland Security~~Commonwealth Office of Technology~~ for administrative purposes only. Members shall not be paid and shall not be reimbursed for travel expenses.
- (9) 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) The committee may establish additional working groups as determined by the committee.