

1 AN ACT relating to certified law enforcement telecommunicators and making an
2 appropriation therefor.

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

4 ➔SECTION 1. A NEW SECTION OF KRS 15.530 TO 15.590 IS CREATED TO
5 READ AS FOLLOWS:

6 *(1) On and after July 1, 2020:*

7 *(a) Full-time CJIS telecommunicators and full-time non-CJIS*
8 *telecommunicators hired after July 15, 2006, who are certified pursuant to*
9 *KRS 15.530 to 15.590;*

10 *(b) Full-time CJIS telecommunicators serving on July 15, 2006, who have*
11 *successfully completed the CJIS-full access course; and*

12 *(c) Full-time non-CJIS telecommunicators serving on July 15, 2006, who have*
13 *successfully completed an approved law enforcement telecommunicator*
14 *basic training program;*

15 *shall be awarded an annual supplement as set out in subsection (1)(a) of Section*
16 *3 of this Act if the employing agency submits a request to participate in the share*
17 *of the fund as set out in subsection (2) of this section.*

18 *(2) (a) If the telecommunicators' employing agency is not a unit of government as*
19 *defined by KRS 15.420, then in order to have that agency's*
20 *telecommunicators receive the annual supplement, the governing body of*
21 *the agency, or executive head of the agency if there is no governing body,*
22 *shall submit a letter to the secretary of the Justice and Public Safety*
23 *Cabinet requesting the secretary to include the qualified telecommunicators*
24 *within the fund's distribution.*

25 *(b) If the telecommunicators' employing agency is a unit of government as*
26 *defined by KRS 15.420, then in order to have that agency's*
27 *telecommunicators receive the annual supplement, the governing body of*

1 the unit of government, or executive head of the unit of government if there
2 is no governing body, shall submit a resolution to the secretary of the
3 Justice and Public Safety Cabinet requesting the secretary to include the
4 qualified telecommunicators within the fund's distribution.

5 (c) If the employing agency is not a unit of government as defined by KRS
6 15.420, but a unit of government has any fiscal responsibilities toward
7 funding the employing agency, then in order to have that agency's
8 telecommunicators receive the annual supplement, the governing body of
9 the employing agency, or executive head if there is no governing body, shall
10 submit a letter and the governing body of the unit of government, or
11 executive head if there is no governing body, shall submit a resolution to the
12 secretary of the Justice and Public Safety Cabinet requesting the secretary
13 to include the qualified telecommunicators within the fund's distribution
14 before participation shall be allowed.

15 (d) An employing agency may suspend participation in the same manner as set
16 out in this subsection for participation.

17 (e) The secretary of the Justice and Public Safety Cabinet shall have the
18 authority to promulgate administrative regulations pursuant to KRS
19 Chapter 13A to effect the provisions of Sections 1 and 2 of this Act.

20 (3) Agencies employing participating CJIS telecommunicators and non-CJIS
21 telecommunicators shall receive an amount equal to the required employer's
22 contribution on the supplement to the retirement plan and duty category to which
23 the telecommunicator belongs as set out in subsection (1)(b) of Section 3 of this
24 Act.

25 (4) If the participating CJIS or Non-CJIS telecommunicator is employed by a unit of
26 government as defined by KRS 15.420, then that unit of government shall receive
27 the administrative expense reimbursement as set out in subsection (1)(c) of

1 **Section 3 of this Act.**

2 **(5) No person who is a certified CJIS or non-CJIS telecommunicator shall receive**
 3 **an additional supplement under the provisions of this section if that person:**

4 **(a) Receives a supplement pursuant to KRS 15.410 to KRS 15.510 because that**
 5 **person is a qualified police officer as defined by KRS 15.420; or**

6 **(b) Receives a supplement pursuant to KRS 95A.200 to 95A.300 because that**
 7 **person is a qualified professional firefighter as defined in KRS 95A.210.**

8 ➔SECTION 2. A NEW SECTION OF KRS 15.410 TO 15.510 IS CREATED TO
 9 READ AS FOLLOWS:

10 **Pursuant to Section 1 of this Act, on and after July 1, 2020, full-time CJIS and non-**
 11 **CJIS telecommunicators, as defined by KRS 15.530, who are certified pursuant to KRS**
 12 **15.530 to 15.590 shall be eligible to receive the annual salary supplement as set out in**
 13 **subsection (1)(a) of Section 3 of this Act. The participating telecommunicators' unit of**
 14 **government shall receive the amount equal to the required employer contribution as set**
 15 **out in subsection (1)(b) of Section 3 of this Act and the administrative expense**
 16 **reimbursement as set out in subsection (1)(c) of Section 3 of this Act.**

17 ➔Section 3. KRS 15.460 is amended to read as follows:

18 (1) (a) Except as provided in subsection (4)(a) of this section, an eligible unit of
 19 government shall be entitled to receive an annual supplement of three
 20 thousand dollars (\$3,000) for each qualified police officer it employs. The
 21 supplement amount shall be increased to four thousand dollars (\$4,000)
 22 beginning July 1, 2018.

23 (b) 1. In addition to the supplement, the unit of government shall receive an
 24 amount equal to the required employer's contribution on the supplement
 25 to the retirement plan and duty category to which the officer belongs. In
 26 the case of County Employees Retirement System membership, the
 27 retirement plan contribution on the supplement shall be paid whether the

- 1 officer enters the system under hazardous duty coverage or
2 nonhazardous coverage.
- 3 2. The unit of government shall pay the amount received for retirement
4 plan coverage to the appropriate retirement system to cover the required
5 employer contribution on the pay supplement.
- 6 3. If the foundation program funds are insufficient to pay employer
7 contributions to the system, then the total amount available for
8 retirement plan payments shall be prorated to each eligible government
9 so that each receives the same percentage of required retirement plan
10 costs attributable to the cash salary supplement.
- 11 (c) 1. In addition to the payments received under paragraphs (a) and (b) of this
12 subsection, but only if sufficient funds are available to make all
13 payments required under paragraph (b) of this subsection, each unit of
14 government shall receive an administrative expense reimbursement in an
15 amount equal to seven and sixty-five one-hundredths percent (7.65%) of
16 the total annual supplement received greater than three thousand one
17 hundred dollars (\$3,100) for each qualified police officer that is a local
18 officer as defined in KRS 15.420(2)(a)1. that it employs, subject to the
19 cap established by subparagraph 3. of this paragraph.
- 20 2. The unit of government may use the moneys received under this
21 paragraph in any manner it deems necessary to partially cover the costs
22 of administering the payments received under paragraph (a) of this
23 subsection.
- 24 3. The total amount distributed under this paragraph shall not exceed the
25 total sum of five hundred twenty-five thousand dollars (\$525,000) for
26 each fiscal year **before July 1, 2020, and six hundred twenty-seven**
27 **thousand dollars (\$627,000) for each fiscal year on and after July 1,**

1 2020. If there are insufficient funds to provide for full reimbursement as
2 provided in subparagraph 1. of this paragraph, then the amount shall be
3 distributed pro rata to each eligible unit of government so that each
4 receives the same percentage attributable to its total receipt of the cash
5 salary supplement.

6 (d) In addition to the payments received under paragraphs (a) and (b) of this
7 subsection, each unit of government shall receive the associated fringe
8 benefits costs for the total supplement of four thousand dollars (\$4,000) for
9 each qualified police officer that is a state officer as defined in KRS
10 15.420(2)(a)2. that it employs. Fringe benefits shall be limited to retirement
11 plan contributions and the federal insurance contributions act tax.

12 (e) Notwithstanding paragraphs (a) to (d) of this subsection, a Kentucky
13 Department of Fish and Wildlife Resources conservation officer appointed
14 pursuant to KRS 150.090(1) and listed in KRS 15.420(2)(a)2.n. shall be a
15 participant in the Kentucky Law Enforcement Foundation Program fund, but
16 shall not receive an annual supplement from that fund. A conservation officer
17 shall receive an annual training stipend commensurate to the annual
18 supplement paid to the police officer as defined in KRS 15.420. The annual
19 training stipend disbursed to a conservation officer shall be paid from the
20 game and fish fund pursuant to KRS 150.150.

21 (f) Any peace officer sanctioned by the Tourism, Arts and Heritage Cabinet shall
22 be deemed a police officer solely for the purpose of inclusion in the Law
23 Enforcement Foundation Program fund.

24 (2) The supplement provided in subsection (1) of this section shall be paid by the unit
25 of government to each police officer whose qualifications resulted in receipt of a
26 supplemental payment. The payment shall be in addition to the police officer's
27 regular salary and, except as provided in subsection (4)(b) of this section, shall

- 1 continue to be paid to a police officer who is a member of:
- 2 (a) The Kentucky National Guard during any period of activation under Title 10
3 or 32 of the United States Code or KRS 38.030; or
- 4 (b) Any reserve component of the United States Armed Forces during any period
5 of activation with the United States Armed Forces.
- 6 (3) (a) A qualified sheriff who receives the maximum salary allowed by Section 246
7 of the Kentucky Constitution and KRS 64.527 shall not receive a supplement.
- 8 (b) A qualified sheriff who does not receive the maximum salary allowed by
9 Section 246 of the Kentucky Constitution and KRS 64.527, excluding the
10 expense allowance provided by KRS 70.170, shall upon annual settlement
11 with the fiscal court under KRS 134.192, receive that portion of the
12 supplement that will not cause his or her compensation to exceed the
13 maximum salary.
- 14 (c) A qualified sheriff who seeks to participate in the fund shall forward a copy of
15 the annual settlement prepared under KRS 134.192 to the fund. The sheriff
16 shall reimburse the fund if an audit of the annual settlement conducted
17 pursuant to KRS 134.192 reflects that the sheriff received all or a portion of
18 the supplement in violation of this section. A sheriff who fails to provide a
19 copy of the annual settlement to the fund or to reimburse the fund after
20 correction by audit, if required, shall not be qualified to participate in the fund
21 for a period of two (2) years.
- 22 (d) A qualified deputy sheriff shall receive the supplement from the sheriff if the
23 sheriff administers his or her own budget or from the county treasurer if the
24 sheriff pools his or her fees. The failure of a sheriff to comply with the
25 provisions of this section shall not affect the qualification of his or her
26 deputies to participate in the fund.
- 27 (4) (a) Eligible units of government shall receive the salary supplement, excluding

1 funds applicable to the employer's retirement plan contribution, provided in
2 subsection (1) of this section for distribution to a police officer who is eligible
3 under subsection (2) of this section.

4 (b) A qualified police officer receiving a salary supplement during any period of
5 military activation, as provided in subsection (2) of this section, shall not be
6 entitled to receive the employer's retirement plan contribution, and the salary
7 supplement shall not be subjected to an employee's contribution to a
8 retirement plan. The salary supplement shall otherwise be taxable for all
9 purposes.

10 (5) A unit of government receiving disbursements under this section shall follow all
11 laws applicable to it that may govern due process disciplinary procedures for its
12 officers, but this subsection shall not be interpreted to:

13 (a) Authorize the department, the cabinet, or the council to investigate, judge, or
14 exercise any control or jurisdiction regarding the compliance of a unit of
15 government with laws that may govern due process disciplinary procedures
16 for its officers, except as otherwise provided by laws;

17 (b) Create a private right of action for any police officer regarding an agency's
18 participation in this section;

19 (c) Authorize a termination of an agency's participation as a result of a judgment
20 that the unit of government failed to follow its procedures in any independent
21 cause of action brought by the police officer against the unit of government; or

22 (d) Prevent the adoption, amendment, or repeal of any laws that may govern the
23 due process disciplinary procedures of a unit of government's police officers.

24 ➔Section 4. KRS 65.760 is amended to read as follows:

25 (1) Any local government may establish 911 emergency service upon approval of the
26 governing body of the city, county, or urban-county government and may adopt
27 regulations concerning the provision of this service by ordinance.

- 1 (2) Any local government, or any combination thereof, may with the approval of their
2 governing bodies enter into an interlocal cooperation agreement creating a joint 911
3 emergency service.
- 4 (3) (a) The funds required by a local government to establish and operate 911
5 emergency service, or to participate in joint service with other local
6 governments, may be obtained through the levy of any special tax, license, or
7 fee not in conflict with the Constitution and statutes of this state. The special
8 tax, license, or fee may include a subscriber charge for 911 emergency service
9 that shall be levied on an individual exchange-line basis, limited to a
10 maximum of twenty-five (25) exchange lines per account per government
11 entity.
- 12 (b) Any private commercial telephone service or owner of a dispersed private
13 telephone system (DPTS) that provides local and 911 emergency service to
14 subscribers for compensation shall collect and remit the subscriber charge to
15 the local government on the same basis as the primary local exchange carrier,
16 except that this requirement shall not apply to a state agency that currently
17 maintains an independent 911 system with its own public safety answering
18 point.
- 19 (c) Any provider of interconnected VoIP local and 911 emergency services to
20 subscribers for compensation shall collect and remit any special tax, license,
21 or fee levied under paragraph (a) of this subsection to the local government,
22 except that the special tax, license, or fee levied under paragraph (a) of this
23 subsection shall not apply to a commercial mobile radio service subject to a
24 fee imposed under KRS 65.7629 or 65.7634.
- 25 (4) All revenues raised from any special tax, license, or fee levied under subsection (3)
26 of this section shall be expended only as provided in this subsection and only to the
27 extent that the expenditure is directly attributable to the establishment, operation, or

1 maintenance of a PSAP, the delivery of 911 emergency services, or the provision of
2 wireless enhanced 911 services, as follows:

3 (a) The hiring of personnel;

4 (b) The following costs for employees:

5 1. Salaries;

6 2. Fringe benefits;

7 3. MSAG coordination;

8 4. Uniforms; ~~and~~

9 5. Addressing and database development and management; and

10 6. Any administrative expenses attributable to the receipt of a
11 supplement as set out in Section 1 of this Act by a CJIS
12 telecommunicator or a non-CJIS telecommunicator;

13 (c) Facility costs for the following expenses:

14 1. Capital improvements for construction, remodeling, or expansion;

15 2. Lease or rental payments;

16 3. Utilities;

17 4. Heating and air conditioning;

18 5. Fire suppression systems;

19 6. Security systems;

20 7. Cleaning and maintenance;

21 8. Emergency power and uninterruptable power equipment;

22 9. Insurance;

23 10. Office supplies;

24 11. Printing and copying services; and

25 12. Furniture;

26 (d) Training and memberships in professional associations, including:

27 1. Vendor-provided training;

- 1 2. Conferences;
- 2 3. Necessary travel and lodging;
- 3 4. On-the-job training; and
- 4 5. Memberships in 911-related associations;
- 5 (e) Costs for the following equipment shall be allowed to the extent its function is
- 6 directly attributable to the provision of 911 emergency services, whether on
- 7 the premises or remotely located:
- 8 1. 911 controllers, equipment, or software;
- 9 2. 911 trunks or administrative lines for the 911 center;
- 10 3. Remote 911 hardware or modems;
- 11 4. ACD systems or other call management facilities and software;
- 12 5. Call-time stamping or other clock functions;
- 13 6. Computer workstations;
- 14 7. Telephone and related services to support the receipt of 911 contact
- 15 from the deaf and hard of hearing community;
- 16 8. Voice and data recording systems;
- 17 9. Radio systems, including consoles and any fixed radio asset that is not
- 18 mobile or portable and that is used for 911 and emergency response;
- 19 10. CAD, GIS mapping, paging, mobile data, LINK/NCIC, or AVL systems
- 20 and associated databases;
- 21 11. Network connectivity;
- 22 12. Software licenses; and
- 23 13. Maintenance or service agreements for equipment or software listed in
- 24 this subsection;
- 25 (f) Vehicle costs for the following, either as reimbursement to an employee for
- 26 the use of a private vehicle or direct costs for a vehicle assigned to the agency:
- 27 1. MSAG development and maintenance;

- 1 2. GIS data development, verification, and testing; and
- 2 3. Public education;
- 3 (g) Costs for the following professional services:
- 4 1. Legal;
- 5 2. Architectural;
- 6 3. Auditing; and
- 7 4. Consultation; and
- 8 (h) Costs for public education regarding the proper use of 911 emergency
- 9 services.
- 10 (5) A local government shall not use revenues from any special tax, license, or fee
- 11 levied under subsection (3) of this section for personnel costs, facility costs, training
- 12 and membership costs, equipment costs, vehicle costs, professional services costs,
- 13 public education costs, nor any of the following costs, unless the expense is directly
- 14 attributable to the delivery of 911 emergency services:
- 15 (a) Personnel costs for the following personnel, unless directly functioning as
- 16 PSAP staff:
- 17 1. Law enforcement;
- 18 2. Emergency medical services personnel;
- 19 3. Fire protection personnel;
- 20 4. Emergency management staff; and
- 21 5. Shared support or technical staff;
- 22 (b) Facility costs for the following purposes and facilities, except for that portion
- 23 used for the delivery of 911 emergency services:
- 24 1. Capital and furnishing costs for facilities whose primary purpose is not
- 25 the delivery of 911 emergency services;
- 26 2. Facilities primarily intended for use by police, fire, emergency medical
- 27 services, or other emergency management personnel; and

- 1 3. Facilities providing general offices for local government operations;
- 2 (c) Training and membership costs for the following purposes:
- 3 1. Costs for training for staff not directly involved in the delivery of 911
- 4 emergency services or courses whose content is not intended to increase
- 5 the knowledge, skills, and abilities of 911 personnel with regard to
- 6 delivery of 911 emergency services; and
- 7 2. Costs for memberships in organizations or associations whose primary
- 8 purpose is not public safety communications or the delivery of 911
- 9 emergency services;
- 10 (d) The following hardware, software, or peripheral costs:
- 11 1. Law enforcement, fire protection, emergency medical services, or jail
- 12 record management systems;
- 13 2. Word processing and other general computer applications;
- 14 3. GIS applications providing data layers not needed for the location of
- 15 emergency calls or other general mapping and locations services for
- 16 government operations;
- 17 4. Court information systems;
- 18 5. Field equipment used outside of the PSAP by emergency responders or
- 19 other government personnel for radio, paging, mobile data, LINK/NCIC,
- 20 ACD, or AVL systems;
- 21 6. Internet connectivity for an application listed in this subsection;
- 22 7. A maintenance or service agreement for an application listed in this
- 23 subsection; and
- 24 8. A software license for an application listed in this subsection;
- 25 (e) The cost of an emergency response or other government vehicle;
- 26 (f) Costs for professional services; and
- 27 (g) Costs for public education.

1 (6) The governing body may apply for and accept federal moneys and may accept
2 contributions and donations from any source for the purpose of funding 911
3 emergency service.

4 (7) Nothing in this section shall preclude other means of establishing or funding a 911
5 emergency service within any local area or exchange, nor require the operation of
6 such service by any local government.