

1 AN ACT relating to 911 services.

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

3 ➔Section 1. KRS 65.7631 is amended to read as follows:

- 4 (1) The moneys in the CMRS fund shall be apportioned among the approved uses of
5 the fund as specified in this section. The board shall make individual disbursements
6 from the fund upon such terms and conditions necessary in view of the amount of
7 revenues on deposit at the time each request for disbursement is reviewed and
8 approved.
- 9 (2) Not more than two and one-half percent (2.5%) of the total monthly revenues
10 deposited into the CMRS fund shall be disbursed or reserved for disbursement by
11 the board to pay the administrative costs and expenses incurred in the operation of
12 the board in carrying out the functions and duties set forth in KRS 65.7621 to
13 65.7643.
- 14 (3) (a) Prior to August 1, 2022, two and one-half percent (2.5%) of the total monthly
15 revenues deposited into the CMRS fund shall be used solely for the purpose
16 of establishing or maintaining statewide 911 initiatives to assist with the
17 adoption and operation of next generation 911 services and applications. Fund
18 disbursements shall be limited to equipment, hardware, software, or
19 contracted services used in the preparation for, or delivery of, next generation
20 911 systems and services.
- 21 (b) On and after August 1, 2022, and before July 1, 2025[2024], the rate shall be
22 five percent (5%).
- 23 (c) On and after July 1, 2025[2024], the rate shall be two and one-half percent
24 (2.5%).
- 25 (4) (a) Prior to August 1, 2022, ten percent (10%) of the total monthly revenues
26 deposited into the CMRS fund shall be disbursed or reserved for disbursement
27 to provide direct grants, matching money, or funds to PSAPs as determined by

1 the Kentucky 911 Services Board:

- 2 1. For the establishment and improvement of 911 services in the
3 Commonwealth, including the implementation of next generation 911
4 capacity;
- 5 2. For incentives to create more efficient delivery of 911 services by local
6 governments receiving funding under subsection (5) of this section; and
- 7 3. For consolidation reimbursement of two hundred thousand dollars
8 (\$200,000) per PSAP, not to exceed four hundred thousand dollars
9 (\$400,000) per county, to any PSAP that consolidates with a CMRS-
10 certified PSAP, or creates a newly consolidated Phase II compliant
11 PSAP. Funds shall be applied toward the cost of consolidating. If a
12 PSAP consolidates and receives reimbursement, the Kentucky 911
13 Services Board shall not certify a new PSAP within the same county for
14 a period of ten (10) years.

15 (b) On and after August 1, 2022, and before July 1, ~~2025~~[2024], the rate shall be
16 seven and one-half percent (7.5%).

17 (c) On and after July 1, ~~2025~~[2024], the rate shall be ten percent (10%).

18 When the balance of money collected under this subsection and not yet obligated
19 for permitted uses exceeds ***three million dollars (\$3,000,000)***~~[two million five~~
20 ~~hundred thousand dollars (\$2,500,000)]~~ in any fiscal year, the excess amount shall
21 be allocated under subsection (5) of this section.

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

27 (a) Fifty percent (50%) of the remaining balance to be allocated under this

1 subsection shall be distributed according to the "PSAP pro rata formula,"
2 whereby each state police dispatch center that previously qualified for PSAP
3 pro rata formula funding under subsection (6)(a)2.a. of this section but
4 subsequently qualifies under subsection (6)(a)2.b. of this section receives a
5 percentage determined by dividing one-half (1/2) by the total number of
6 PSAPs eligible to request and actually requesting disbursements under
7 subsection (6) of this section. The remaining balance to be allocated under
8 this subsection shall be distributed to all remaining qualifying PSAPs equally.
9 Any PSAPs certified before January 1, 2004, or for more than three (3) years,
10 that choose to consolidate their operations shall continue to receive pro-rata
11 shares as if they remained separate and distinct entities. The consolidated
12 entity must be certified to receive funds under subsection (6) of this section;
13 and

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

21 All amounts distributed to PSAPs under this subsection shall be used by the PSAPs
22 solely for the purposes of answering, routing, and properly disposing of 911 calls,
23 training PSAP staff, and public education concerning appropriate use of 911, in
24 accordance with KRS 65.760(4) and (5). Additionally, amounts distributed to
25 PSAPs under this subsection may be used for the purposes of complying with the
26 wireless E911 service requirements established by the FCC order and any rules and
27 regulations which are or may be adopted by the Federal Communications

1 Commission pursuant to the FCC order, including the payment of costs and
2 expenses incurred in designing, upgrading, purchasing, leasing, programming,
3 testing, installing, or maintaining all necessary data, hardware, and software
4 required in order to provide wireless E911 service.

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

- 8 1. Is expressly certified as a PSAP by the Kentucky 911 Services Board,
9 upon written application to the board;
- 10 2. Demonstrates that the PSAP is:
 - 11 a. Providing E911 services to a local government that has adopted an
12 ordinance either imposing a special tax, license, or fee as
13 authorized by KRS 65.760(3) or has established other means of
14 funding wireline 911 emergency service; or
 - 15 b. A state police dispatch center that actively serves as an alternate or
16 backup PSAP for one (1) or more nonstate police PSAPs;
- 17 3. Demonstrates that the administrator of the PSAP sent a request for
18 wireless, E911 service to a CMRS provider, and that the infrastructure
19 of the local exchange carrier will support wireless E911 service;
- 20 4. Provides an accounting of the number of wireless E911 calls received by
21 the PSAP during the prior calendar year if requested by the board;
- 22 5. Demonstrates that the PSAP has made the investment which is
23 necessary to allow the PSAP to receive and utilize the data elements
24 associated with wireless E911 service; and
- 25 6. Adopts and participates in, or provides a compatible service to, board-
26 funded statewide next generation 911 projects, programs, and initiatives
27 required to meet federal directives, and supports or implements next

1 generation 911 emergency services Internet protocol networks, core
2 services, and geographic information services components.

3 (b) In addition to the requirements of paragraph (a) of this subsection and in order
4 to encourage the additional consolidation of PSAPs by local governments and
5 state government agencies, ~~[after January 1, 2017,]~~a PSAP shall receive
6 priority consideration for distributions of funds from subsection (4)(a) and (b)
7 of this section as follows:

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