

GENERAL GOVERNMENT CABINET
Office of Homeland Security
Kentucky 911 Services Board
(Amendment)

202 KAR 6:090. Permitted uses by PSAPs for CMRS funds.

RELATES TO: KRS 65.7621, 65.7627, 65.7629(3)-(9), (13), 65.7631, 65.7635, 65.7639, 65.7643, 47 C.F.R. 1, 9, 12, 20, 22, 25, 64, 9 U.S.C. 1-16, 47 U.S.C. 153(27), 332(d), FCC Order Docket #94-102, 1996, Kari's Law, and Section 506 of Ray Baum's Act, 2020

STATUTORY AUTHORITY: KRS 65.7633(2)(c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 65.7633(2)(c) requires the Kentucky 911 Services Board to promulgate administrative regulations to establish guidelines to be followed by the board in reviewing, evaluating, and approving or disapproving disbursements from the CMRS fund and requests for disbursements under KRS 65.7631(4) and (5). KRS 65.7631(5) restricts the use of funds disbursed solely for the purposes of answering, routing, and properly disposing of CMRS 911 calls, training PSAP staff, public education, and complying with the wireless E911 service requirements established by the FCC. This administrative regulation establishes requirements to be followed by the board in its review and evaluation of disbursement requests by local 911 centers.

Section 1. Definitions.

- (1) "AVL" means automatic vehicle location systems used to track emergency responder vehicles.
- (2) "CAD" means computer aided dispatch systems used by 911 personnel to allocate and track emergency responder resources during a 911 call.
- (3) "ECC" means an emergency call center.
- (4) ~~[(3)]~~ "EMS" means emergency medical system, which includes paramedics, emergency medical technicians, and other personnel and equipment used to respond to medical emergencies.
- (5) ~~[(4)]~~ "GIS" means Geographic Information Systems used to create, maintain, and manage graphic location data for use by PSAPs or services routing emergency calls to PSAPs.
- (6) ~~[(5)]~~ "LINK/NCIC" means the Law Enforcement Information Network of Kentucky and the National Crime Information Center, two (2) systems commonly used by law enforcement and emergency communications personnel for short messaging between agencies and to request vehicle, driver, and criminal history checks.
- (7) ~~[(6)]~~ "MSAG" means Master Street Address Guide, the database used by 911 centers to determine an emergency call's initial location.
- (8) "Paging" means a hardware/software service that notifies first responders in the field originating in the PSAP. Reflects hardware/software or interface that connects with the CAD to notify first responders in the field,
- (9) "PSAP" means a public safety answering point, certified 911 call center, a facility that has been designated to receive 911 calls and routes them to emergency service personnel,
- (10) "VoIP" means voice over internet protocol.

Section 2. ~~[Allocation of CMRS Funds.]~~

- ~~[(1)] [Wireless only costs. CMRS funds may be expended for costs that are solely for the provision of enhanced 911 service involving calls from wireless consumers.]~~
- ~~[(2)] [Wireline and wireless shared costs. Costs for personnel, equipment, or facilities that are necessarily shared by calls to 911 from wireline and wireless users shall be~~

~~prorated based on the percentage of call traffic attributed to calls from wireless users. CMRS funds may be used only for the wireless prorated portion.]~~

~~[(3)] [Multifunction personnel, equipment, or facility shared costs. Expenses for personnel, equipment, or facilities that serve multiple functions or purposes shall be prorated. Only those costs for the prorated wireless portion directly involved in the delivery of 911 service shall be allowed.]~~

~~[Section 3.]~~ Allowed 911 Center Operational Expenditures.

(1) Personnel costs. Costs for the following employees, to the extent their duties are directly attributable to delivery of 911 service, shall be allowed:

(a) Positions allowed.

1. Director;
2. Supervisor;
3. Dispatcher;
4. Call-taker;
5. Technical staff;
6. Support staff; and
7. Other staff involved in the provision of 911 service.

(b) Costs allowed.

1. Salaries;
2. Fringe benefits;
3. MSAG coordination;
4. Uniforms; and
5. Addressing/database development and management.

(2) Facility costs. Facility costs for the following expenses, to the extent it is directly attributable to delivery of 911 service, shall be allowed:

- (a) Capital improvements for construction, remodeling, or expansion;
- (b) Lease or rental payments;
- (c) Utilities;
- (d) Heating and air conditioning;
- (e) Fire suppression systems;
- (f) Security systems;
- (g) Cleaning and maintenance;
- (h) Emergency power and uninterruptible power equipment;
- (i) Insurance;
- (j) Office supplies;
- (k) Printing and copying services; and
- (l) Furniture.

(3) Training and memberships. Training and memberships in professional associations shall be allowed to the extent they are directly attributable to the enhancement of knowledge, skills, and abilities of 911 personnel in the provision of 911 service, including:

- (a) Vendor provided training;
- (b) Conferences;
- (c) Necessary travel and lodging;
- (d) On-the-job training; and
- (e) Memberships in 911 related associations, such as the Association of Public Communications Officials, or the National Emergency Number Association.

(4) Hardware, software, and peripheral equipment. Costs for the following equipment shall be allowed to the extent their function is directly attributable to the provision of 911 service, whether on the premises or remotely located:

- (a) 911 controllers, telephone equipment, or software;

- (b) 911 trunks or administrative lines for the PSAP;
 - (c) Remote 911 hardware or modems;
 - (d) Automatic call distribution (ACD) systems or other call management facilities and software;
 - (e) Call-time stamping or other clock functions;
 - (f) Computer workstations;
 - (g) Telephone device for the deaf equipment;
 - (h) Voice and data recording systems;
 - (i) Radio systems, including consoles~~[-and infrastructure-]~~;
 - (j) CAD, GIS/mapping software, equipment, and services, paging, ~~paging peripherals,~~ and field communication between first responders allowing connectivity to CAD to provide emergency communication to first responders in the field~~[-, mobile data-], or LINK/NCIC[-, or AVL systems-]~~;
 - (k) Associated databases;
 - (l) Network connectivity;
 - (m) Software licenses; and
 - (n) Maintenance or service agreements for equipment or software listed in paragraphs (a) through (p)~~[-(m)-]~~ of this subsection;~~[-]~~
 - (o) Text and/or video to and from a PSAP/ECC;
 - (p) VoIP.
- (5) Vehicle costs. Vehicle costs for the following, either as reimbursement to an employee for the use of a private vehicle or direct costs for a vehicle assigned to the agency, shall be allowed to the extent their use is directly attributable to the provision of 911 service:
- (a) MSAG and address development and maintenance;
 - (b) GIS verification and testing; and
 - (c) Public education.
- (6) Professional services. Costs for the following professional services shall be allowed to the extent they are directly attributable to the provision of 911 related service:
- (a) Legal;
 - (b) Architectural;
 - (c) Auditing;~~[-and-]~~
 - (d) Consultation; and
 - (e) GIS.
- (7) Public education. Costs for public education regarding the proper use of 911 shall be allowed.

Section 3. ~~Section 4.~~ Not Allowed 911 Center Operational Expenses.

- (1) Personnel costs. Personnel costs for the following personnel shall not be allowed, except if directly functioning as 911 center staff:
- (a) Law enforcement;
 - (b) EMS personnel;
 - (c) Fire personnel;
 - (d) Emergency management staff; and
 - (e) Shared support or technical staff.
- (2) Facility costs. Facility costs for the following purposes and facilities shall not be allowed, except for that portion used for 911 operations.
- (a) Capital and furnishing costs for facilities whose primary purpose is other than 911 operations;
 - (b) Facilities primarily intended for use by police, fire, EMS, or other emergency management personnel; and
 - (c) Facilities providing general offices for county or municipal government operations.
- (3) Training and memberships.

- (a) Costs for training for staff not directly involved in the delivery of 911 services or courses whose content is not intended to increase of the knowledge, skills, and abilities of 911 personnel in regard to delivery of 911 service shall not be allowed.
- (b) Costs for memberships in organizations or associations whose primary purpose is other than public safety communications or 911 issues shall not be allowed.
- (4) Hardware, software, and peripheral equipment. The following hardware, software, or peripheral equipment costs, unless directly attributable to the delivery of 911 service shall not be allowed:
 - (a) Law enforcement, fire, EMS, or jail record management systems;
 - (b) Word processing, databases, and other general computer applications;
 - (c) GIS applications providing data layers not needed for the location of emergency calls, or other general mapping and location services for government operations;
 - (d) Court information systems;
 - (e) Field equipment used outside of the 911 center by emergency responders or other government personnel for radio, paging, mobile data, LINK/NCIC, CAD, or AVL systems;
 - (f) Connectivity for an application listed in paragraphs (a) to (e) of this subsection;
 - (g) A maintenance or service agreement for an application listed in paragraphs (a) to (e) of this subsection; and
 - (h) Software license for an application listed in paragraphs (a) to (e) of this subsection.
- (5) Vehicle costs. The cost of an emergency response or other government vehicle not directly attributable to the delivery of 911 service shall not be allowed.
- (6) Professional services. Costs for professional services not directly attributable to the delivery of 911 service shall not be allowed.
- (7) Public education. Costs for public education not directly attributable to the delivery of 911 service shall not be allowed.
- (8) Radio infrastructure.

MIKE SUNSERI, Deputy Executive Director

APPROVED BY AGENCY: March 8, 2024

FILED WITH LRC: March 8, 2024 at 2:10 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 22, 2024, at 4:00 p.m. EST, at the Office of Homeland Security, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through May 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Mike Sunseri, Deputy Executive Director, 200 Mero Street, Frankfort, Kentucky 40622, phone 502-892-3396, fax 502-564-7764; email mike.sunseri@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Mike Sunseri

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation gives guidance for what is an allowable expenditure of CMRS funds by PSAPs and further defines what is not an allowable expenditure.

(b) The necessity of this administrative regulation:

To ensure CMRS funds are used in accordance with federal and state laws.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This regulation references the federal laws and state statutes that relate to appropriate expenditures of 911 fees collected.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This regulation is updated to reflect addition of federal laws adopted and FCC regulations and guidance. This regulation removes the necessity of proration of funds for cellular vs. local fee collection.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

N/A

(b) The necessity of the amendment to this administrative regulation:

The regulation change adheres to existing statute but updates to current technology standards.

(c) How the amendment conforms to the content of the authorizing statutes:

Regulation update conforms with FCC laws and guidelines. 2022 HB 229 eliminated the requirement that CMRS funds only be used for wireless 911 calls.

(d) How the amendment will assist in the effective administration of the statutes:

Allow 911 Services Board to provide better guidance for allowable expenditures.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

Certified PSAPs and ECCs in Kentucky.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

review the updated allowable and non-allowable expenses.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

\$0

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Ensure compliance with FCC rules.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

\$0

(b) On a continuing basis:

\$0

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

CMRS Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

N/A

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

No.

(9) TIERING: Is tiering applied?

No tiering is applied. Allowable expenditures for CMRS Funds apply to all certified PSAPs in the state.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.

9 U.S.C. 1-16, 47 U.S.C. 153(27), 332(d), FCC Order Docket #94-102, 1996, Kari's Law, and Section 506 of Ray Baum's Act.

(2) State compliance standards.

N/A

(3) Minimum or uniform standards contained in the federal mandate.

N/A

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

No

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

N/A

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

All PSAPs in the state and city or county governments that oversee them.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 65.7621, 65.7627, 65.7629(3)-(9), (13), 65.7631, 65.7635, 65.7639, 65.7643, 9 U.S.C. 1-16, 47 U.S.C. 153(27), 332(d), FCC Order Docket #94-102, 1996, Kari's Law, and Section 506 of Ray Baum's Act.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

Undeterminable.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

N/A

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

None

(c) How much will it cost to administer this program for the first year?

N/A

(d) How much will it cost to administer this program for subsequent years?

N/A

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

No fiscal impact.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

None

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

\$0

(c) How much will it cost the regulated entities for the first year?

\$0

(d) How much will it cost the regulated entities for subsequent years?

\$0

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

No fiscal impact.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] There will be no economic impact by the revision of this regulation.