

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 911 Session of
1997

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SEYFERT, ITKIN, PRESTON AND SERAFINI, APRIL 16, 1997

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED,
OCTOBER 21, 1997

AN ACT

1 Amending the act of July 9, 1990 (P.L.340, No.78), entitled "An
2 act providing for a Statewide emergency telephone number 911
3 system; providing for contributions from telephone
4 subscribers; providing a penalty; and making a repeal,"
5 further providing for definitions, for the powers and duties
6 of the Pennsylvania Emergency Management Agency and the
7 Pennsylvania Public Utility Commission, for county plans, for
8 training ~~and~~, for rules and regulations AND FOR EXPENDITURES <—
9 FOR MOBILE COMMUNICATIONS EQUIPMENT; and providing for
10 immunity.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 2 of the act of July 9, 1990 (P.L.340,
14 No.78), known as the Public Safety Emergency Telephone Act,
15 amended December 18, 1992 (P.L.1373, No.170), is amended to
16 read:

17 Section 2. Definitions.

18 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "911 emergency communication system" or "911 system." A
4 system which permits a person dialing 911 by telephone to be
5 connected to a public safety answering point, via normal
6 telephone facilities, for the reporting of police, fire, medical
7 or other emergency situations.

8 "Agency." The Pennsylvania Emergency Management Agency.

9 "Commission." The Pennsylvania Public Utility Commission.

10 "Contribution rate." A fee assessed against a telephone
11 subscriber for the nonrecurring costs, maintenance and operating
12 costs of a 911 system. Counties of the first through second
13 class A may impose a monthly contribution rate in an amount not
14 to exceed \$1 per line on each local exchange access line.

15 Counties of the third through fifth class may impose monthly
16 contribution rates in an amount not to exceed \$1.25 per line on
17 each local exchange access line. Counties of the sixth through
18 eighth class may impose a monthly contribution rate in an amount
19 not to exceed \$1.50 per line on each local exchange access line.

20 The contribution rate may be used by counties for the expenses
21 of implementing, expanding or upgrading a 911 system. Expenses
22 eligible for reimbursement through the contribution rate shall
23 include telephone terminal equipment, trunk line service
24 installation, network changes, building of initial data base and
25 any other nonrecurring costs to establish a 911 system. The
26 contribution rate may also be used to fund recurring costs
27 pursuant to section 8(b). Expenses not eligible for
28 reimbursement through the contribution rate shall include
29 purchase of real estate, cosmetic remodeling, central office
30 upgrades, hiring [and training] of dispatchers, [mobile

<—

1 communications equipment,] ambulances, fire engines or other <—
2 emergency vehicles, utilities, taxes and other expenses as
3 determined by the [Department of Community Affairs] Pennsylvania
4 Emergency Management Agency.

5 "Council." The Pennsylvania Emergency Management Council.

6 "County." The term shall include a city of the first class
7 coterminous with a county.

8 "County plan." A document submitted by the county on a
9 triennial basis to the [department] Pennsylvania Emergency
10 Management Agency, outlining its proposed OR EXISTING 911 <—
11 system, including a contribution rate, for the forthcoming three
12 years.

13 ["Department." The Department of Community Affairs of the
14 Commonwealth.]

15 "Local exchange telephone service." The provision of
16 telephonic message transmission within an exchange, as such is
17 defined and described in tariffs filed with and approved by the
18 commission.

19 "Person." The term includes a corporation, a partnership, an
20 association, the Federal Government, the State government, a
21 political subdivision, a municipal or other local authority, as
22 well as a natural person.

23 "Public agency." The Commonwealth or a political
24 subdivision, public authority, municipal authority or any
25 organization located in whole or in part within this
26 Commonwealth which provides or has the authority to provide
27 firefighting, law enforcement, ambulance, emergency medical or
28 other emergency services.

29 "Public safety answering point" or "PSAP." The first point
30 at which calls for emergency assistance from individuals are

1 answered, operated 24 hours a day.

2 "Telephone subscriber." A person who contracts with a
3 telephone company within this Commonwealth for local exchange
4 telephone service, either residential or commercial. When the
5 same person has several telephone dial tone access lines, each
6 dial tone access line shall constitute a separate subscription.
7 For purposes of the contribution rate, the term shall not
8 include pay stations owned or operated by a regulated public
9 utility.

10 Section 2. Sections 3, 4, 5, 8 and 11 of the act are amended
11 to read:

12 Section 3. Telecommunications management.

13 (a) Powers and duties of [department] agency.--The
14 [department] agency shall have the following powers and duties:

15 (1) To adopt rules and regulations pursuant to this act:

16 Provided, That the [department] agency shall have the power
17 and authority to promulgate, adopt, publish and use
18 guidelines for the implementation of this act for a period of
19 one year immediately following the effective date of this
20 section pending adoption of final rules and regulations.

21 Guidelines proposed under the authority of this section shall
22 be subject to review by the General Counsel and the Attorney
23 General in the manner provided for the review of proposed
24 rules and regulations pursuant to the act of October 15, 1980
25 (P.L.950, No.164), known as the Commonwealth Attorneys Act,
26 [but shall not be subject to review pursuant to] and the act
27 of June 25, 1982 (P.L.633, No.181), known as the Regulatory
28 Review Act.

29 (2) To establish guidelines and application procedures
30 for the establishment of contribution rates.

1 (3) To receive, review and approve or disapprove all 911
2 system county plans.

3 (4) To forward a copy of each county plan application to
4 the council and the commission for their review as required
5 by this act.

6 (5) To submit an annual report, not later than [January
7 1] MARCH 1 of each year, to the Governor and the General
8 Assembly and include at least the following:

9 (i) The extent to which 911 systems currently exist
10 in Pennsylvania.

11 (ii) Those counties which completed installation,
12 and costs and expenses for installation.

13 (iii) An anticipated schedule for installing a 911
14 system on a county basis for that year.

15 (6) To establish minimum training AND CERTIFICATION
16 standards for emergency dispatchers and call takers, CALL
17 TAKERS AND SUPERVISORS.

18 (7) To establish technical standards for all county
19 plans.

20 (8) To establish standards for performance review and
21 quality assurance programs for 911 systems to ensure public
22 safety and improve the performance of 911 systems.

23 (9) To establish standards for ACCURACY OF 911 database
24 systems.

25 (10) To establish a program of communication between the
26 agency and county 911 coordinators for the purpose of sharing
27 information between counties and to develop recommendations
28 to improve 911 systems throughout this Commonwealth.

29 (b) Powers and duties of the council.--The council shall
30 have the following powers and duties:

1 [(1) To establish technical standards for all county
2 plans.

3 (2)] (1) To review all county plans, including the
4 initial application forwarded by the [department] agency for
5 conformity to the [technical] minimum standards.

6 [(3)] (2) To review county plans to determine if
7 equipment conforms to the technical standards.

8 [(4)] (3) To recommend approval of plans or indicate
9 deficiencies in plans to the [department] agency.

10 (c) Powers and duties of the commission.--The commission
11 shall have the following powers and duties:

12 (1) Review the contribution rate requested by the county
13 based on the costs of the plan.

14 (2) Approve or modify the contribution rate requested by
15 the county and forward its decision to the [department]
16 agency.

17 Section 4. Counties.

18 (a) Powers and duties.--The board of county commissioners,
19 or, in a home rule county, the appropriate body according to the
20 home rule charter, shall have the following powers and duties in
21 relation to a 911 system:

22 (1) To designate a member of county government as a
23 county 911 coordinator who shall serve as a point of contact
24 with the [department] agency and shall develop a county plan
25 for the implementation, operation and maintenance of a 911
26 system. Where technologically feasible, the county plan shall
27 be adequate to provide service for the entire county.

28 (2) To make arrangements with each telephone company
29 providing local exchange telephone service within the
30 county's jurisdiction to provide 911 service.

1 (3) To send a copy of the proposed county plan to the
2 appropriate telephone company upon submission of the plan to
3 the [department] agency.

4 (4) To cooperate with the [department] agency, the
5 council and the commission in preparation and submission of
6 the county plan and contribution rate.

7 (5) To execute all contracts, mutual aid agreements,
8 cross-service agreements and all other necessary documents
9 which may be required in the implementation of the county
10 plan.

11 (6) To ~~triennially~~ ANNUALLY request from each telephone <—
12 service provider, who shall provide a list of the provider's
13 local telephone exchanges within the county and the addresses
14 of that provider's central offices serving those exchanges.

15 (7) To notify the agency and all adjacent counties of
16 all local telephone exchanges which provide telephone service
17 to residents within the county, specifically noting any such
18 exchanges known to provide telephone service to residents of
19 more than one county. Such notice shall be provided at the
20 time the county plan is submitted to the agency, and when
21 local telephone service is newly initiated for local
22 telephone exchange within the county.

23 (b) Persons outside the county.--When an individual
24 physically resides in an adjacent county, but receives local
25 exchange telephone service from a central office in a county
26 which provides 911 service, it shall be the responsibility of
27 the county with the 911 service to notify the appropriate public
28 agency of a request for emergency service from such an
29 individual.

30 (c) Cities of the second class, second class A and third

1 class.--Any city of the second class, second class A or third
2 class that has established a 911 system prior to the effective
3 date of this act may exercise the powers and duties of counties
4 under this act. Any city of the second class, second class A or
5 third class that has not established a 911 system prior to the
6 effective date of this act may exercise the powers and duties of
7 counties under this act only when the county has chosen not to
8 exercise those powers and duties. The powers and duties granted
9 to cities under this section shall be applicable and may be
10 exercised only within the boundaries of the city. No action by a
11 city pursuant to this section shall preempt the powers and
12 duties of a county to establish a 911 system outside the
13 boundaries of the city at any time. The [department] agency may
14 establish regulations governing the exercise of powers and
15 duties granted to cities of the second class, second class A and
16 third class by this section.

17 Section 5. County plan.

18 (a) Minimum standards.--Upon the agreement of the governing
19 authority of a county to establish a 911 system, a plan shall be
20 drafted meeting at least the [minimum technical] standards
21 promulgated by the agency and the [council]. The county may <—
22 obtain technical assistance from the [council] agency in
23 formulating its plan. Each 911 plan shall be designed to meet
24 the individual circumstances of each community and the public
25 agencies participating in the 911 system.

26 (b) Completion.--Upon completion of the plan, it shall be
27 forwarded to the [department] agency, with a copy of the plan
28 being sent to those telephone companies affected by the plan. At
29 such time as the plan is submitted to the agency, the county
30 shall also provide each adjacent county with a list of local

1 telephone exchanges included in the plan, specifically noting
2 any such exchanges known to provide telephone service to
3 residents of more than one county.

4 (c) [Department] Agency review.--The [department shall
5 initially review the] agency shall review each county plan for
6 completeness. The [department] agency shall forward a copy of
7 the county plan and the proposed contribution rate to the
8 council and the commission for review as required by this
9 section. After the county plan has been reviewed by the council
10 and the commission, the [department] agency shall approve or
11 reject a county plan based on the recommendations of the council
12 and the commission. If the county plan is rejected, the
13 [department] agency shall return the county plan and explain the
14 deficiencies that caused the rejection.

15 (d) Council review.--The council shall have [60] 90 days to <—
16 review the plan and make suggested revisions of the plan. The <—
17 ~~council shall submit its findings in writing to the [department]~~
18 ~~agency.~~ [THE COUNCIL SHALL SUBMIT ITS FINDINGS IN WRITING TO THE <—
19 DEPARTMENT.] The [Pennsylvania Emergency Management Agency]
20 agency may act as agent for the council in the administration of
21 the plan approval process.

22 (e) Commission review.-- The commission shall review the
23 county plan only in relation to the contribution rate and may
24 modify only those contribution rates which it finds excessive to
25 meet the costs stated in the plan. The rates shall be reviewed
26 and a decision forwarded to the [department] agency within 60
27 days of the date of submission. If the commission fails to
28 review the contribution rate within [60] 90 days, the <—
29 contribution rate will be deemed approved by the commission.

30 (f) Present systems.--Those counties that presently have 911

1 systems may establish a contribution rate to cover nonrecurring
2 and operating costs of an existing 911 system by using the same
3 contribution rate approval mechanism as a new 911 system for the
4 purposes of this act. A county which does not have a 911 system
5 in operation on the effective date of this act but which awarded
6 a contract for such a system prior to the effective date of this
7 act shall be considered to have a present system.

8 (g) Regional systems.--Nothing in this act shall be
9 construed to prohibit the formation of multijurisdictional or
10 regional 911 systems, and any REGIONAL system established under <—
11 this act [may include the territory of a county] SHALL INCLUDE <—
12 THE TERRITORY OF TWO OR MORE COUNTIES.

13 (h) Contribution rate changes.--Once a plan and contribution
14 rate has been established, the contribution rate shall remain
15 fixed for a period of at least three years. Updating and
16 expanding the present system shall require an amended plan to be
17 filed with the [department] agency. The contribution rate shall
18 remain fixed for three years even if the present system is
19 updated and expanded. Requests for contribution rate changes
20 shall be submitted to the [department] agency to be forwarded to
21 the commission for approval as provided by subsection (e).
22 Contribution rate increases shall not be permitted more often
23 than every three years and shall not take effect unless approved
24 by the commission.

25 (i) Assessment.--The moneys collected from the telephone
26 contribution rate shall be utilized for payments of nonrecurring
27 and recurring costs of a 911 system. The contribution rate may
28 be imposed at any time subsequent to the execution of a contract
29 with the provider of a 911 service at the discretion of the
30 governing body and pursuant to approval of the county plan and

1 contribution rate under the provisions of this section. The
2 money collected from the contribution rate is a county fee
3 collected by the telephone company; the money is not subject to
4 taxes or charges levied on or by the telephone company. The
5 money collected from the contribution rate shall not be
6 considered revenue of the telephone company for any purpose.

7 Section 8. Expenditures for nonrecurring costs, training,
8 MOBILE COMMUNICATIONS EQUIPMENT, maintenance and <—
9 operation of 911 systems.

10 (a) Expenditures authorized.--During each county's fiscal
11 year, the county may expend the amounts distributed to it from
12 the contribution rate for the nonrecurring costs, training,
13 COSTS FOR MOBILE COMMUNICATIONS EQUIPMENT, maintenance and <—
14 operation of a county 911 system.

15 (b) Items included in nonrecurring costs, training, MOBILE <—
16 COMMUNICATIONS EQUIPMENT, maintenance and operation costs.--
17 Maintenance and operation costs may include telephone company
18 charges, equipment costs or equipment lease charges, repairs,
19 utilities, development and maintenance of a Master Street
20 Address Guide, data base maintenance costs, personnel training,
21 salary and benefit costs which are directly related to the
22 provision of 911 services AND COSTS FOR MOBILE COMMUNICATIONS <—
23 EQUIPMENT, audit costs and appropriate carryover costs from
24 previous years. Maintenance and operation costs shall not
25 include any cost necessary to house the 911 system. No more than
26 [60%] 70% of the contribution rate collected during each
27 county's fiscal year may be utilized to fund personnel training,
28 salary and benefit costs.

29 (c) Limitations on expenditures.--The [department] agency
30 shall adopt procedures to assure that the total amount collected

1 from the 911 contribution rate shall be expended only for the
2 nonrecurring costs, COSTS FOR MOBILE COMMUNICATIONS EQUIPMENT, <—
3 maintenance and operation of a county 911 system. Nonrecurring
4 costs shall be amortized over a minimum of three years.

5 (d) Triennial financial audit.--The [department shall
6 require] ~~Office of Auditor General shall conduct~~ AGENCY SHALL <—
7 REQUIRE a triennial audit of each county's collection and
8 disbursement of contribution rate funds and expenditures for the
9 nonrecurring costs, training, COSTS FOR MOBILE COMMUNICATIONS <—
10 EQUIPMENT, maintenance and operation of 911 systems. The
11 triennial audit cost shall be paid by the respective county from
12 contribution rate revenues. THE AUDIT SHALL BE CONSISTENT WITH <—
13 GUIDELINES ESTABLISHED BY THE AGENCY.

14 Section 11. Rules and regulations.

15 The [department] agency, in cooperation with the council and
16 the commission, may prescribe such application forms and
17 promulgate such guidelines, rules and regulations as may be
18 necessary to carry out the provisions of this act.

19 Section 3. The act is amended by adding a section to read:
20 Section 11.1. Immunity.

21 All 911 systems run by county and local governments shall be
22 local agencies who shall enjoy local governmental immunity as
23 provided under 42 Pa.C.S. (relating to judiciary and judicial
24 procedure).

25 Section 4. This act shall take effect in 60 days.