

AMENDMENTS TO HOUSE BILL NO. 859

Sponsor: SENATOR DiSANTO

Printer's No. 2086

1 Amend Bill, page 1, line 3, by striking out "~~counties~~
2 DEFINITIONS, FOR"

3 Amend Bill, page 1, lines 4 through 6, by striking out ", FOR
4 COUNTIES, FOR FUND, FOR" in line 4 and all of lines 5 and 6 and
5 inserting
6 and providing for Nonprofit Security Grant Fund.

7 Amend Bill, page 1, lines 9 through 18; pages 2 through 7,
8 lines 1 through 30; page 8, lines 1 through 4; by striking out
9 all of said lines on said pages and inserting

10 Section 1. Section 5303(a) of Title 35 of the Pennsylvania
11 Consolidated Statutes is amended to read:
12 § 5303. Telecommunications management.

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

15 (1) To adopt rules and regulations as necessary to
16 enforce this chapter. Rules and regulations proposed under
17 the authority of this section shall be subject to review by
18 the General Counsel and the Attorney General in the manner
19 provided for the review of proposed rules and regulations
20 pursuant to the act of October 15, 1980 (P.L.950, No.164),
21 known as the Commonwealth Attorneys Act, and the act of June
22 25, 1982 (P.L.633, No.181), known as the Regulatory Review
23 Act.

24 (2) To publish guidelines and application procedures for
25 the collection and distribution of fees collected under this
26 chapter.

27 (3) To receive, review and approve or disapprove all 911
28 system plans in accordance with standards developed in
29 consultation with the board.

30 (4) To establish, in consultation with the board, a
31 Statewide 911 plan that sets forth priorities for 911 systems
32 in this Commonwealth and plans for next generation 911
33 technology.

1 (5) To designate a State 911 coordinator who shall be an
2 employee of the agency.

3 (6) To provide administrative and support staff to the
4 board as necessary.

5 (7) To establish formulas and methods to distribute
6 money in accordance with section 5306.1 (relating to fund) in
7 consultation with the board.

8 (8) To establish and publish annually uniform standards
9 relating to technology, next generation 911 technology,
10 administration and operation of 911 systems in consultation
11 with the board.

12 (9) To cooperate with county and regional 911 systems to
13 develop interconnectivity of 911 systems through the
14 establishment, enhancement, operation and maintenance of an
15 Internet protocol network.

16 (10) To establish and publish annually, in consultation
17 with the board, eligible uses for money received under this
18 chapter, including next generation 911 technology.

19 (11) To request information and require audits or
20 reports relating to program compliance from any entity
21 remitting the surcharge to or receiving disbursements from
22 the fund.

23 (11.1) To subpoena witnesses, administer oaths, examine
24 witnesses, take such testimony and compel the production of
25 such books, records, papers and documents as it may deem
26 necessary or proper in and pertinent to any proceeding,
27 investigation or hearing.

28 (12) To require a biennial performance audit of each 911
29 system's use of money from the fund, including allocations to
30 capital or operating reserves.

31 (13) To prescribe the applications and forms necessary
32 to enforce this chapter.

33 (14) [To] No later than December 1 of each year, to
34 report to the General Assembly [annually] on the revenue and
35 distributions from the fund for the previous fiscal year and
36 the compliance with the Commonwealth's 911 priorities. In
37 addition the report shall include a listing of any 911
38 systems that have merged or consolidated during the previous
39 year.

40 (15) To adopt, in consultation with the board, minimum
41 training, certification and quality assurance standards for
42 emergency dispatchers, call takers and supervisors.

43 (16) To develop, in consultation with the board, a
44 comprehensive plan for the implementation of a Statewide
45 interoperable Internet protocol network using next generation
46 911 technology that coordinates the delivery of Federal,
47 State, regional and local emergency services.

48 (17) To enforce this chapter through injunction,
49 mandamus or other appropriate proceeding.

50 (18) To take other actions necessary to implement and
51 enforce this chapter.

1 * * *

2 Section 2. Title 35 is amended by adding a chapter to read:

3 CHAPTER 56

4 NONPROFIT SECURITY GRANT FUND

5 Sec.

6 5601. Definitions.

7 5602. Nonprofit Security Grant Fund.

8 5603. Administration.

9 5604. Expiration.

10 § 5601. Definitions.

11 The following words and phrases when used in this chapter
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Commission." The Pennsylvania Commission on Crime and
15 Delinquency.

16 "Eligible applicant." A nonprofit organization.

17 "Eligible project." Security enhancements designed to
18 protect the safety and security of the users of a facility
19 located in this Commonwealth that is owned or operated by a
20 nonprofit organization.

21 "Facility." A building or portion of a building owned or
22 operated by a nonprofit organization and used to carry out the
23 organization's mission, including community space, community
24 centers, day care or adult care facilities.

25 "Fund." The Nonprofit Security Grant Fund established under
26 section 5602 (relating to Nonprofit Security Grant Fund).

27 "Nonprofit organization." A corporation or other entity
28 based in this Commonwealth which:

29 (1) is an exempt organization as defined under section
30 501(c)(3) of the Internal Revenue Code of 1986 (Public Law
31 99-514, 26 U.S.C. § 501(c)(3)); and

32 (2) principally serves individuals, groups or
33 institutions that are included within a bias motivation
34 category for single bias hate crime incidents identified by
35 the Federal Bureau of Investigation in its 2017 Hate Crime
36 Statistics publication under the Uniform Crime Reporting
37 Program.

38 "Security enhancements." The term includes:

39 (1) Safety and security planning.

40 (2) Purchase of safety and security equipment.

41 (3) Purchase of security-related technology, which may
42 include, but is not limited to:

43 (i) Metal detectors.

44 (ii) Protective lighting.

45 (iii) Surveillance equipment.

46 (iv) Special emergency communications equipment.

47 (v) Electronic locksets.

48 (vi) Deadbolts.

49 (vii) Trauma kits.

50 (viii) Theft control devices.

51 (4) Safety and security training.

- 1 (5) Threat awareness and response training.
2 (6) Upgrades to existing structures that enhance safety
3 and security.
4 (7) Vulnerability and threat assessments.
5 (8) Specialty-trained canines.
6 (9) Any other safety or security-related project that
7 enhances safety or security of the nonprofit organization.

8 § 5602. Nonprofit Security Grant Fund.

9 (a) Establishment.--The Nonprofit Security Grant Fund is
10 established as a special fund in the State Treasury.

11 (b) Appropriation.--All money deposited in the fund under
12 subsection (d) and the interest the money accrues shall be
13 appropriated to the commission on a continuing basis to award
14 grants under this chapter.

15 (c) Transfers from General Fund.--Money available to the
16 fund shall include transfers from the General Fund as provided
17 under subsection (d).

18 (d) Transfer by Secretary of the Budget.--No later than 30
19 days after the effective date of this section, the Secretary of
20 the Budget shall transfer to the fund \$5,000,000 of the
21 unexpended, unencumbered prior year funds that were originally
22 appropriated from the General Fund to any executive branch
23 agency which is subject to the policy, supervision and control
24 of the Governor. The Secretary of the Budget may only make the
25 transfer of funds if the transfer will not result in a deficit
26 in any appropriation from which the funds are transferred. No
27 less than 10 days prior to the transfer, the Secretary of the
28 Budget shall send notification of the transfer in writing to the
29 chairperson and the minority chairperson of the Appropriation
30 committee of the Senate and the chairperson and the minority
31 chairperson of the Appropriations Committee of the House of
32 Representatives.

33 (e) Appropriation by General Assembly.--Beginning with the
34 2020-2021 fiscal year, the General Assembly may appropriate
35 money to the fund.

36 (f) Lapse of funds.--All unexpended and unencumbered funds
37 remaining in the fund as of July 1, 2024, shall lapse and be
38 transferred to the General Fund.

39 § 5603. Administration.

40 (a) Applications.--An application for a grant under this
41 chapter shall be submitted by an eligible applicant in the form
42 and manner prescribed by the commission.

43 (b) Initial application period.--No later than March 1,
44 2020, the commission shall begin to accept applications from
45 eligible applicants for grant money available during the fiscal
46 year. The commission shall provide notice of the application
47 period on the commission's publicly accessible Internet website

48 (c) Additional application period.--If money is available in
49 the fund, no later than October 1, 2020, and each October 1
50 thereafter, the commission shall accept applications from
51 eligible applicants during the fiscal year. The commission shall

1 provide notice of a new application period on the commission's
2 publicly accessible Internet website.

3 (d) Review process.--The commission shall review
4 applications and make awards subject to subsection (e) on a
5 rolling basis. No later than 90 days after a completed
6 application is received from an eligible applicant, the
7 commission, in consultation with the Governor's Office of
8 Homeland Security and the Pennsylvania State Police, shall
9 review and approve or deny the application. An eligible
10 applicant may revise and resubmit a denied application to the
11 commission.

12 (e) Allocation.--An eligible applicant may not receive more
13 than the following amounts in any fiscal year:

14 (1) Subject to paragraphs (2), (3) and (4):

15 (i) The minimum grant amount awarded shall be no
16 less than \$5,000.

17 (ii) The maximum grant amount awarded may not be
18 more than \$150,000.

19 (2) The commission may not require non-State financial
20 participation from an eligible applicant for a grant request
21 that is \$25,000 or less.

22 (3) The commission may award a grant between \$25,001 and
23 \$75,000 if the eligible applicant provides non-State
24 financial participation equal to 33% of the requested grant
25 amount.

26 (4) The commission may award a grant between \$75,001 and
27 \$150,000 if the eligible applicant provides non-State
28 financial participation equal to 50% of the requested grant
29 amount.

30 (f) Limitations.--The following shall apply to grant
31 applications:

32 (1) The commission may not provide grants in excess of
33 the amount in the fund.

34 (2) The commission may prorate the grant amount to an
35 eligible applicant.

36 (g) Eligible projects.--The commission may only award grants
37 through the fund for eligible projects. Eligible applicants may
38 only expend grant money received through the fund on eligible
39 projects.

40 (h) Eligibility for redevelopment assistance capital
41 project.--An eligible project which receives a grant under this
42 chapter may be the subject of an award for a redevelopment
43 assistance capital project under Chapter 3 of the act of
44 February 9, 1999 (P.L.1, No.1), known as the Capital Facilities
45 Debt Enabling Act. Nothing in this subsection shall be construed
46 to modify the eligibility requirements for redevelopment
47 assistance capital projects under the Capital Facilities Debt
48 Enabling Act.

49 § 5604. Expiration.

50 This chapter shall expire July 1, 2024.

1 Amend Bill, page 8, line 5, by striking out "5" and inserting
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