

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 1020 Session of 2011

INTRODUCED BY PAYTON, B. BOYLE, MILNE, K. BOYLE, CALTAGIRONE,  
GERGELY, PARKER, WATERS AND WILLIAMS, MARCH 14, 2011

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER  
25, 2012

## AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, further providing for powers and  
3 duties of the Pennsylvania Emergency Management Agency AND  
4 FOR DISBURSEMENT OF FUND AMOUNTS BY AGENCY. ←

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 ~~Section 1. Section 5311.2 of Title 35 of the Pennsylvania~~ ←  
8 ~~Consolidated Statutes is amended by adding a subsection to read:~~  
9 ~~§ 5311.2. Powers and duties of agency.~~

10 \* \* \*

11 ~~(c) Consolidation of PSAPs. The agency shall examine the~~  
12 ~~necessity of county public safety answering points and shall~~  
13 ~~consolidate county PSAPs into regional PSAPs as appropriate to~~  
14 ~~reduce costs while maintaining safety standards.~~

15 ~~Section 2. This act shall take effect in 60 days.~~

16 SECTION 1. SECTION 5311.2(A) OF TITLE 35 OF THE PENNSYLVANIA ←  
17 CONSOLIDATED STATUTES IS AMENDED BY ADDING A PARAGRAPH TO READ:  
18 § 5311.2. POWERS AND DUTIES OF AGENCY.

1 (A) ADMINISTRATION.--THE AGENCY SHALL HAVE THE FOLLOWING  
2 POWERS AND DUTIES IN RELATION TO A WIRELESS E-911 SYSTEM:

3 \* \* \*

4 (4) TO PROVIDE COUNTIES WITH SUGGESTED PLANS THAT  
5 CONTAIN COST-SAVING MEASURES THAT PROVIDE JOINT PURCHASING  
6 OPPORTUNITIES AND FACILITATE REGIONALIZATION OF TECHNOLOGY  
7 AND CONSOLIDATION OF PSAPS AND THEIR OPERATIONS. THE AGENCY  
8 MAY PROVIDE SUGGESTED INDUSTRY-ACCEPTABLE AND UNIFORM  
9 STANDARDS FOR LEVELS OF STAFFING AND UNIFORM STANDARDS OF  
10 OPERATION.

11 \* \* \*

12 SECTION 2. SECTION 5311.5(B), (C) AND (D)(3) OF TITLE 35 ARE  
13 AMENDED TO READ:

14 § 5311.5. DISBURSEMENT OF FUND AMOUNTS BY AGENCY.

15 \* \* \*

16 (B) LIMITATIONS ON USE OF FUND AMOUNTS BY PSAPS.--NO PSAP  
17 SHALL RECEIVE A DISBURSEMENT FROM THE FUND FOR ANY COST  
18 NECESSARY TO HOUSE THE WIRELESS E-911 SYSTEM OR FOR THE PURCHASE  
19 OF REAL ESTATE, COSMETIC REMODELING, AMBULANCES, FIRE ENGINES OR  
20 OTHER EMERGENCY VEHICLES, UTILITIES, TAXES AND OTHER EXPENSES AS  
21 DETERMINED BY THE AGENCY. [NO MORE THAN 70% OF THE DISBURSEMENTS  
22 WHICH A PSAP RECEIVES FROM THE FUND DURING THE AGENCY'S FISCAL  
23 YEAR MAY BE UTILIZED TO FUND PERSONNEL TRAINING, SALARY AND  
24 BENEFIT COSTS.] NO PSAP MAY BE FUNDED FOR MORE THAN 70% OF ITS  
25 AGENCY-APPROVED PERSONNEL TRAINING, SALARY AND BENEFIT COSTS  
26 DURING THE AGENCY'S FISCAL YEAR.

27 (C) MANNER OF PAYMENT.--EACH PSAP AND WIRELESS PROVIDER  
28 SHALL SUBMIT TO THE AGENCY EACH YEAR, NOT LATER THAN 120 DAYS  
29 BEFORE THE FIRST DAY OF THE AGENCY'S FISCAL YEAR, THE ELIGIBLE  
30 COSTS IT EXPECTS TO INCUR FOR WIRELESS E-911 SERVICE DURING THE

1 NEXT FISCAL YEAR OF THE AGENCY. THE SUBMISSION MAY INCLUDE  
2 ELIGIBLE COSTS THAT THE PSAP OR WIRELESS PROVIDER HAS ALREADY  
3 INCURRED FOR WIRELESS E-911 SERVICE AT THE TIME OF THE  
4 SUBMISSION. THE AGENCY SHALL REVIEW THE SUBMISSION, ENSURE THAT  
5 THE COSTS ARE ELIGIBLE FOR PAYMENT FROM THE FUND AND NOTIFY THE  
6 SUBMITTING PSAP OR WIRELESS PROVIDER, NOT LATER THAN 30 DAYS  
7 BEFORE THE FIRST DAY OF THE AGENCY'S FISCAL YEAR, OF THE  
8 ELIGIBLE COSTS. [THE AGENCY SHALL PAY TO EACH PSAP AND WIRELESS  
9 PROVIDER, FROM THE FUND, THE AMOUNT OF THE SUBMITTED COSTS THE  
10 AGENCY DETERMINED TO BE ELIGIBLE, WHETHER OR NOT THE COSTS HAVE  
11 BEEN INCURRED AT OR BEFORE THE TIME OF PAYMENT AND WHETHER OR  
12 NOT THE COSTS, IF ALREADY INCURRED, WERE INCURRED PRIOR TO MARCH  
13 29, 2004.] THE AGENCY SHALL DISBURSE FUNDS TO EACH PSAP AND  
14 WIRELESS PROVIDER FOR COSTS THE AGENCY DETERMINES TO BE ELIGIBLE  
15 ONLY UP TO THE AMOUNT OF FUND REVENUE AVAILABLE FOR DISTRIBUTION  
16 DURING THE AGENCY'S FISCAL YEAR. NO COSTS MAY BE CARRIED FORWARD  
17 FOR PAYMENT BY THE AGENCY IN SUBSEQUENT FISCAL YEARS, EXCEPT  
18 THAT THE AGENCY SHALL FUND ALL APPROVED AND UNFUNDED COSTS  
19 SUBMITTED IN WIRELESS FISCAL YEAR 2012-2013 THAT ARE APPLIED FOR  
20 IN WIRELESS FISCAL YEAR 2013-2014. PAYMENT SHALL BE MADE IN FOUR  
21 EQUAL PAYMENTS DURING THE FIRST MONTH OF EACH QUARTER OF THE  
22 AGENCY'S FISCAL YEAR AS FOLLOWS:

23 (1) THE AGENCY SHALL FIRST PAY THE COSTS APPROVED FOR  
24 EACH PSAP THAT ARE PAYABLE IN THE QUARTER.

25 (2) FOLLOWING THE PAYMENT OF APPROVED COSTS TO A PSAP  
26 FOR PHASE I DEPLOYMENT OF WIRELESS E-911 SERVICE AS SET FORTH  
27 IN THE FCC E-911 ORDER, BUT ONLY AFTER THE PSAP HAS ISSUED  
28 ITS REQUEST TO WIRELESS PROVIDERS TO FURNISH PHASE I WIRELESS  
29 E-911 SERVICE PURSUANT TO THE FCC E-911 ORDER, THE AGENCY  
30 SHALL PAY THE APPROVED COSTS OF WIRELESS PROVIDERS THAT ARE

1 PAYABLE IN THE QUARTER TO PROVIDE THE REQUESTED WIRELESS  
2 E-911 SERVICE TO THAT PSAP.

3 (3) FOLLOWING THE PAYMENT OF APPROVED COSTS TO A PSAP  
4 FOR PHASE II DEPLOYMENT OF WIRELESS E-911 SERVICE AS SET  
5 FORTH IN THE FCC E-911 ORDER, BUT ONLY AFTER THE PSAP HAS  
6 ISSUED ITS REQUEST TO WIRELESS PROVIDERS TO FURNISH PHASE II  
7 WIRELESS E-911 SERVICE PURSUANT TO THE FCC E-911 ORDER, THE  
8 AGENCY SHALL PAY THE APPROVED COSTS OF WIRELESS PROVIDERS  
9 THAT ARE PAYABLE IN THE QUARTER TO PROVIDE THE REQUESTED  
10 WIRELESS E-911 SERVICE TO THAT PSAP.

11 (4) IN ANY QUARTER OF THE AGENCY'S FISCAL YEAR, ALL  
12 COSTS SPECIFIED IN SECTION 5311.4(A) (1) THAT ARE APPROVED BY  
13 THE AGENCY FOR PAYMENT TO PSAPS OR WIRELESS PROVIDERS SHALL  
14 BE PAID BEFORE ANY OTHER COSTS PAYABLE UNDER THIS CHAPTER ARE  
15 PAID TO ANY PSAP OR WIRELESS PROVIDER. IN THE FIRST QUARTER  
16 OF THE AGENCY'S FISCAL YEAR, THE AGENCY SHALL DETERMINE  
17 WHETHER PAYMENTS TO PSAPS AND WIRELESS PROVIDERS DURING THE  
18 PRECEDING FISCAL YEAR EXCEEDED OR WERE LESS THAN THE ELIGIBLE  
19 COSTS INCURRED BY EACH PSAP AND WIRELESS PROVIDER SUBMITTING  
20 COSTS DURING THE FISCAL YEAR. EACH PSAP AND WIRELESS PROVIDER  
21 SHALL PROVIDE VERIFICATION OF THE COSTS AS REQUIRED BY THE  
22 AGENCY. ANY OVERPAYMENT SHALL BE REFUNDED TO THE AGENCY OR,  
23 WITH THE AGENCY'S APPROVAL, MAY BE USED TO PAY AGENCY-  
24 APPROVED COSTS THE PSAP OR WIRELESS PROVIDER SUBMITTED FOR  
25 THE CURRENT FISCAL YEAR OF THE AGENCY. [THE AMOUNT OF ANY  
26 UNDERPAYMENT WILL BE PAID TO THE PSAP OR WIRELESS PROVIDER IN  
27 ACCORDANCE WITH THIS SUBSECTION AND SUBSECTION (D) WITHIN THE  
28 CURRENT FISCAL YEAR.] THE AGENCY SHALL RECONSIDER A  
29 DETERMINATION OF ELIGIBLE COSTS UNDER THIS SUBSECTION UPON  
30 REQUEST BY A SUBMITTING PSAP OR WIRELESS PROVIDER AND SHALL

1 PROVIDE A PROCEDURE FOR THE RECONSIDERATION.

2 (D) PRO RATA SHARING OF FUND AMOUNTS.--

3 \* \* \*

4 [(3) ANY REMAINING UNPAID AGENCY-APPROVED PSAP COSTS OR  
5 WIRELESS PROVIDER COSTS SHALL BE CARRIED FORWARD FOR PAYMENT  
6 DURING THE NEXT FISCAL QUARTER. THE CARRYFORWARD PROCESS  
7 SHALL CONTINUE EACH FISCAL QUARTER UNTIL ALL AGENCY-APPROVED  
8 PSAP COSTS AND WIRELESS PROVIDER COSTS HAVE BEEN PAID. PRO  
9 RATA AND OTHER PAYMENTS UNDER THIS SUBSECTION, INCLUDING, BUT  
10 NOT LIMITED TO, PAYMENTS OF COSTS WHICH ARE CARRIED FORWARD  
11 FOR PAYMENT IN SUBSEQUENT FISCAL QUARTERS, SHALL ALSO BE  
12 SUBJECT TO ALL PROVISIONS AND REQUIREMENTS OF SUBSECTION (C)  
13 EXCEPT FOR SUBSECTION (C) (1).]

14 \* \* \*

15 SECTION 3. THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY  
16 SHALL, WITHIN 120 DAYS OF THE EFFECTIVE DATE OF THIS SECTION,  
17 PROMULGATE UPDATED PROGRAM GUIDANCE TO INCORPORATE THE FOLLOWING  
18 PROVISIONS:

19 (1) THE ADDITION OF 35 PA.C.S. § 5311.2(A)(4).

20 (2) THE AMENDMENT OF 35 PA.C.S. § 5311.5(B) AND (C).

21 SECTION 4. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.