

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1020 Session of  
2011INTRODUCED BY PAYTON, B. BOYLE, MILNE, K. BOYLE, CALTAGIRONE,  
GERGELY, PARKER, WATERS AND WILLIAMS, MARCH 14, 2011AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
OCTOBER 3, 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(a) of Title 35 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a paragraph to read:

9 § 5311.2. Powers and duties of agency.

10 (a) Administration.--The agency shall have the following  
11 powers and duties in relation to a wireless E-911 system:

12 \* \* \*

13 (4) To provide counties with ~~suggested~~ plans that ←  
14 contain cost-saving measures that provide joint purchasing  
15 opportunities and facilitate regionalization of technology  
16 and consolidation of PSAPs and their operations. The agency  
17 may SHALL provide suggested industry-acceptable and uniform ←  
18 standards for levels of staffing and uniform standards of

1     operation.

2     \* \* \*

3     Section 2. Section 5311.5(b), (c) and (d)(3) of Title 35 are  
4 amended to read:

5     § 5311.5. Disbursement of fund amounts by agency.

6     \* \* \*

7     (b) Limitations on use of fund amounts by PSAPs.--No PSAP  
8 shall receive a disbursement from the fund for any cost  
9 necessary to house the wireless E-911 system or for the purchase  
10 of real estate, cosmetic remodeling, ambulances, fire engines or  
11 other emergency vehicles, utilities, taxes and other expenses as  
12 determined by the agency. [No more than 70% of the disbursements  
13 which a PSAP receives from the fund during the agency's fiscal  
14 year may be utilized to fund personnel training, salary and  
15 benefit costs.] No PSAP may be funded for more than 70% of its  
16 agency-approved personnel training, salary and benefit costs  
17 during the agency's fiscal year.

18     (c) Manner of payment.--Each PSAP and wireless provider  
19 shall submit to the agency each year, not later than 120 days  
20 before the first day of the agency's fiscal year, the eligible  
21 costs it expects to incur for wireless E-911 service during the  
22 next fiscal year of the agency. The submission may include  
23 eligible costs that the PSAP or wireless provider has already  
24 incurred for wireless E-911 service at the time of the  
25 submission. The agency shall review the submission, ensure that  
26 the costs are eligible for payment from the fund and notify the  
27 submitting PSAP or wireless provider, not later than 30 days  
28 before the first day of the agency's fiscal year, of the  
29 eligible costs. [The agency shall pay to each PSAP and wireless  
30 provider, from the fund, the amount of the submitted costs the

1 agency determined to be eligible, whether or not the costs have  
2 been incurred at or before the time of payment and whether or  
3 not the costs, if already incurred, were incurred prior to March  
4 29, 2004.] The agency shall disburse funds to each PSAP and  
5 wireless provider for costs the agency determines to be eligible  
6 only up to the amount of fund revenue available for distribution  
7 during the agency's fiscal year. No costs may be carried forward  
8 for payment by the agency in subsequent fiscal years, except  
9 that the agency shall fund all approved and unfunded costs  
10 submitted in wireless fiscal year 2012-2013 that are applied for  
11 in wireless fiscal year 2013-2014. Payment shall be made in four  
12 equal payments during the first month of each quarter of the  
13 agency's fiscal year as follows:

14 (1) The agency shall first pay the costs approved for  
15 each PSAP that are payable in the quarter.

16 (2) Following the payment of approved costs to a PSAP  
17 for Phase I deployment of wireless E-911 service as set forth  
18 in the FCC E-911 Order, but only after the PSAP has issued  
19 its request to wireless providers to furnish Phase I wireless  
20 E-911 service pursuant to the FCC E-911 Order, the agency  
21 shall pay the approved costs of wireless providers that are  
22 payable in the quarter to provide the requested wireless  
23 E-911 service to that PSAP.

24 (3) Following the payment of approved costs to a PSAP  
25 for Phase II deployment of wireless E-911 service as set  
26 forth in the FCC E-911 Order, but only after the PSAP has  
27 issued its request to wireless providers to furnish Phase II  
28 wireless E-911 service pursuant to the FCC E-911 Order, the  
29 agency shall pay the approved costs of wireless providers  
30 that are payable in the quarter to provide the requested

1 wireless E-911 service to that PSAP.

2 (4) In any quarter of the agency's fiscal year, all  
3 costs specified in section 5311.4(a)(1) that are approved by  
4 the agency for payment to PSAPs or wireless providers shall  
5 be paid before any other costs payable under this chapter are  
6 paid to any PSAP or wireless provider. In the first quarter  
7 of the agency's fiscal year, the agency shall determine  
8 whether payments to PSAPs and wireless providers during the  
9 preceding fiscal year exceeded or were less than the eligible  
10 costs incurred by each PSAP and wireless provider submitting  
11 costs during the fiscal year. Each PSAP and wireless provider  
12 shall provide verification of the costs as required by the  
13 agency. Any overpayment shall be refunded to the agency or,  
14 with the agency's approval, may be used to pay agency-  
15 approved costs the PSAP or wireless provider submitted for  
16 the current fiscal year of the agency. [The amount of any  
17 underpayment will be paid to the PSAP or wireless provider in  
18 accordance with this subsection and subsection (d) within the  
19 current fiscal year.] The agency shall reconsider a  
20 determination of eligible costs under this subsection upon  
21 request by a submitting PSAP or wireless provider and shall  
22 provide a procedure for the reconsideration.

23 (d) Pro rata sharing of fund amounts.--

24 \* \* \*

25 [(3) Any remaining unpaid agency-approved PSAP costs or  
26 wireless provider costs shall be carried forward for payment  
27 during the next fiscal quarter. The carryforward process  
28 shall continue each fiscal quarter until all agency-approved  
29 PSAP costs and wireless provider costs have been paid. Pro  
30 rata and other payments under this subsection, including, but

not limited to, payments of costs which are carried forward for payment in subsequent fiscal quarters, shall also be subject to all provisions and requirements of subsection (c) except for subsection (c)(1).]

\* \* \*

Section 3. The Pennsylvania Emergency Management Agency shall, within 120 days of the effective date of this section, promulgate updated program guidance to incorporate the following provisions:

(1) The addition of 35 Pa.C.S. § 5311.2(a)(4).

(2) The amendment of 35 Pa.C.S. § 5311.5(b) and (c).

Section 4. This act shall take effect immediately.