

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1246 Session of
1985

INTRODUCED BY McHALE, HONAMAN, STEWART, BLAUM, BURNS, DURHAM, ACOSTA, FREEMAN, STEIGHNER, FLICK, LAUGHLIN, FOX, RYBAK, BATTISTO, BRANDT, COY, SEMMEL, HASAY, D. W. SNYDER, GRUPPO, McVERRY, WAMBACH, ARGALL, BELFANTI, PUNT, PRESSMANN, LINTON, WOZNIAK, GREENWOOD, LUCYK, EVANS, HERSHEY, AFFLERBACH, CLYMER, HAYES, YANDRISEVITS, COLE, DeWEESE, DEAL, McCALL, KUKOVICH, BLACK, GALLAGHER, STABACK, BORTNER, VAN HORNE, SWEET, RUDY, HAGARTY, JOSEPHS, GLADECK, MURPHY, SHOWERS, BALDWIN, MILLER, A. C. FOSTER, JR., FATTAH, WIGGINS, BOWLEY AND D. R. WRIGHT, MAY 29, 1985

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MAY 29, 1985

AN ACT

1 Providing for a Statewide emergency telephone number "911"
2 system; establishing a telecommunications unit within the
3 Department of General Services; providing for funding of the
4 system, for a referendum and for contributions from telephone
5 subscribers; providing a penalty; making appropriations; and
6 making a repeal.

7 The General Assembly declares it to be in the public interest
8 to provide a toll-free number "911" for any individual within
9 this Commonwealth to gain rapid, direct access to emergency aid.

10 The number shall be provided with the objective of reducing
11 response time to situations requiring law enforcement, fire,
12 medical, rescue or other emergency service. It is the further
13 intent of the General Assembly that authority and responsibility
14 for establishing, operating and maintaining adequate facilities
15 for answering emergency calls and dispatching a proper response
16 to the callers' needs shall be vested in the county government.

1 Each county is encouraged to implement the "911" system and to
2 consider maximum integration of telecommunications facilities
3 and capabilities within their planning, in order to economize
4 the costs, as well as to effect a more rapid response
5 capability.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Public Safety
10 Emergency Telephone Act.

11 Section 2. Definitions.

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

15 "Basic '911' system." A system which permits a person
16 dialing "911" by telephone to be connected to a public safety
17 answering point, via normal telephone facilities, for the
18 reporting of police, fire, medical or other emergency
19 situations.

20 "Commission." The Pennsylvania Public Utility Commission.

21 "County plan." A document submitted by the county to the
22 telecommunications unit, outlining its proposed "911" system.

23 "Department." The Department of General Services of the
24 Commonwealth.

25 "Emergency telephone contribution rate." A fee assessed
26 against a telephone subscriber for the recurring charges for the
27 basic "911" system.

28 "Installation grants." Grants provided to counties from
29 general revenues to reimburse the initial expenses of
30 implementing a "911" telephone system. Expenses eligible for

1 reimbursement shall include telephone terminal equipment, trunk
2 line service installation and any other nonrecurring costs to
3 establish a "911" telephone system.

4 "Public agency." The Commonwealth or a political
5 subdivision, public authority, municipal authority or any
6 organization located in whole or in part within this
7 Commonwealth which provides or has the authority to provide
8 firefighting, law enforcement, ambulance, emergency medical or
9 other emergency services.

10 "Public safety answering point" or "PSAP." The first point
11 at which calls for emergency assistance from individuals are
12 answered.

13 "Telephone subscriber." A person who contracts with a
14 telephone company within this Commonwealth for telephone
15 service, either residential or commercial, in return for which
16 the person is billed on a monthly basis. When the same person,
17 business or organization has several telephone numbers, each
18 listing shall constitute a separate subscription. The term shall
19 include a telephone for which a direct user fee is collected at
20 the time of a call, commonly referred to as a pay telephone.

21 "Unit." The telecommunications unit within the department.
22 Section 3. Telecommunications unit.

23 (a) Establishment.--There is hereby established a
24 telecommunications unit within the department. The unit shall
25 employ telecommunications professionals hired under the act of
26 August 5, 1941 (P.L.752, No.286), known as the Civil Service
27 Act.

28 (b) Powers and duties.--The unit shall have the following
29 powers and duties:

30 (1) To be responsible for the central management of

telecommunications for this Commonwealth.

(2) To provide information regarding State installation grants for implementing "911" systems for eligible counties.

(3) To establish guidelines and application procedures for the dissemination of installation grants.

(4) To provide technical assistance, as requested by the counties, in developing a basic "911" system. Each "911" plan shall be designed to meet the individual circumstances of each community and the public agencies participating in the "911" system.

(5) To promulgate rules and regulations containing minimum standards for all county plans and procedures for submission thereof.

(6) To receive, review and approve or disapprove all basic "911" system county plans, either on an initial application basis, expansion of an approved plan or renewal of an existing plan.

(7) To forward the approved county plan and suggested contribution rate to the commission. If the plan is rejected, it shall be returned to the unit, which shall revise the plan to meet the commission objections.

(8) To provide technical assistance to county governments to publicize the implementation of "911" throughout the area.

Section 4. Counties.

(a) Powers and duties.--The governing body of a county shall have the following powers and duties in relation to a "911" system:

(1) To designate a member of county government as a coordinator who shall serve as a point of contact with the

1 unit to develop a plan for the implementation, operation and
2 maintenance of a "911" system. The county plan shall be
3 adequate to provide service for the entire county at the time
4 it is submitted for approval to the unit.

5 (2) To make arrangements with each telephone company
6 operating within the county's jurisdiction to provide "911"
7 service.

8 (3) To send a copy of the proposed plan to the
9 appropriate telephone company upon submission of the plan to
10 the unit.

11 (4) To cooperate with the unit in preparation and
12 submission of an installation grant.

13 (5) To cooperate with the unit in preparation and
14 submission of the approved plan and contribution rate to the
15 commission for rate approval.

16 (6) To submit the question to the voters of the county
17 for approval of whether or not to establish the approved
18 "911" plan in the county.

19 (7) To execute all contracts, mutual aid agreements,
20 cross-service agreements and all other necessary documents
21 which may be required in the implementation of the county
22 plan.

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

29 Section 5. County plan.

30 (a) Minimum standards.--Upon the agreement of the governing

1 authority to establish a "911" system, a plan shall be drafted
2 meeting the minimum standards promulgated by the unit. The
3 county may obtain technical assistance from the unit in
4 formulating its plan.

5 (b) Completion.--Upon completion of the plan, it shall be
6 forwarded to the unit, with a copy of the plan being sent to
7 those telephone companies affected by the plan.

8 (c) Unit review.--The unit shall have 90 days to review the
9 plan and make suggested revisions of the plan. After the 90-day
10 period, the unit must accept or reject the plan and formulate a
11 rate of contribution to fund the ongoing monthly charges for the
12 system. The contribution rate shall be based on the number of
13 telephone subscribers serviced within the county.

14 (d) Commission review.--The unit shall forward the plan to
15 the commission with the estimated cost of the plan and a
16 requested contribution rate. The commission shall review the
17 plan only in relation to the contribution rate and may reject
18 only those contribution rates which it finds excessive to meet
19 the costs stated in the plan. The rates shall be reviewed and
20 returned by the commission within 30 days of the date of
21 submission. If the plan is rejected, it shall be returned to the
22 unit.

23 (e) Submission to voters.--Once the plan is approved by the
24 unit and reviewed by the commission pursuant to this section, it
25 shall be submitted to the voters pursuant to section 6.

26 (f) Present systems.--Those counties that presently have
27 "911" systems shall be eligible for installation grants for
28 purposes of updating and expanding present systems. Any county
29 that wishes to convert to a telephone contribution rate to cover
30 recurring expenses will be subject to the same approval

1 mechanism as new systems.

2 (g) Regional systems.--Nothing in this act shall be
3 construed to prohibit the formation of multijurisdictional or
4 regional "911" systems, and any system established under this
5 act may include the territory of a county. It shall not be
6 necessary for two counties who have received voter approval to
7 submit the question for a multijurisdictional system.

8 (h) Contribution rate fixed.--Once a plan has been approved
9 by the voters and established, the contribution rate shall
10 remain fixed for a period of four years. Substantial expansion
11 or change of the system shall require an amended plan to be
12 filed with the unit. Requests for contribution rate increases
13 shall be submitted on a four-year basis to the unit and the
14 commission but shall not require voter approval.

15 (i) Assessment.--The moneys collected from the telephone
16 contribution rate shall be utilized only to pay for the
17 operation of a basic "911" system and may be assessed after the
18 execution of a contract but no earlier than 90 days prior to the
19 operation of "911" service.

20 Section 6. Referendum.

21 (a) Question.--Before any county may establish a "911"
22 system and impose an emergency telephone contribution under this
23 act, it shall submit the proposal to the electors of the county
24 for their approval at the next municipal or general election for
25 which the advertising requirements of the act of June 3, 1937
26 (P.L.1333, No.320), known as the Pennsylvania Election Code, can
27 be met. The question shall be:

28 Shall the county of establish an emergency
29 "911" telephone service system and impose a contribution
30 upon individuals to finance such service?

1 (b) Acceptance or rejection.--If a majority of the votes
2 cast on the proposal by the qualified electors voting thereon
3 are in favor of the proposal, the county shall establish the
4 service and impose the contribution allowed by this act. If a
5 majority of the votes cast on the proposal are opposed to the
6 proposal, the county submitting the proposal shall not implement
7 this act. The question may be put before the electors at any
8 subsequent election, pursuant to this section.

9 (c) Conduct of referendum.--The referendum under this
10 section shall be held in accordance with the Pennsylvania
11 Election Code.

12 Section 7. Collection of contribution.

13 (a) Subscribers' contribution.--The telephone company
14 operating within the county shall collect the contribution from
15 each subscriber and forward the collection quarterly to the
16 county treasurer. The amount of the subscribers' contribution
17 shall be stated separately in the telephone subscribers'
18 billing. The telephone company shall retain 1% of the gross
19 receipts collected to cover administrative costs.

20 (b) Restricted account.--The county treasurer shall deposit
21 the moneys received in a restricted account used for the sole
22 purpose of monthly recurring charges billed for the basic "911"
23 system. The governing body of the county shall make an annual
24 appropriation from such account for the "911" system and shall
25 retain 1% of the gross receipts collected to cover
26 administrative costs.

27 (c) Collection enforcement.--Nothing in this act shall
28 impose any obligation upon a telephone company to take legal
29 action to enforce collection of the contribution imposed by this
30 section. The telephone company shall provide the county with a

1 list of amounts uncollected along with the names and addresses
2 of the telephone subscribers who have not paid the contribution.

3 Section 8. Source of funds.

4 Funds for installation grants shall be provided from the
5 General Fund. If, in any fiscal year, appropriations are
6 insufficient to cover the costs of grants to those counties
7 which make timely requests, the department shall report the fact
8 to the General Assembly and request a deficiency appropriation
9 of funds to provide these grants. If a deficiency appropriation
10 is not enacted, any county not receiving a grant shall receive
11 first priority for any appropriation made for the next fiscal
12 year.

13 Section 9. Pay telephone access.

14 The commission shall promulgate regulations requiring free
15 access to "911" service from pay telephones.

16 Section 10. Penalty.

17 Any person who intentionally calls the "911" emergency number
18 for other than emergency purposes commits a misdemeanor of the
19 third degree.

20 Section 11. Appropriations.

21 (a) Installation grants.--The sum of \$500,000, or as much
22 thereof as may be necessary, is hereby appropriated to the
23 Department of General Services for the fiscal year July 1, 1985,
24 to June 30, 1986, for installation grants.

25 (b) Administration.--The sum of \$250,000, or as much thereof
26 as may be necessary, is hereby appropriated to the Department of
27 General Services for the fiscal year July 1, 1985, to June 30,
28 1986, for operation of the telecommunications unit.

29 Section 12. Repeals.

30 The act of April 28, 1978 (P.L.90, No.42), known as the

1 Emergency Telephone Act, is repealed.

2 Section 13. Effective date.

3 This act shall take effect July 1, 1985, or immediately,
4 whichever is later.