

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 54

Session of
1989

INTRODUCED BY McHALE, E. Z. TAYLOR, TRICH, MANDERINO, RYAN,
HAYES, FOX, RUDY, TIGUE, MARKOSEK, HERSHEY, COWELL, PERZEL,
WASS, FEE, BIRMELIN, GODSHALL, DISTLER, CESSAR, RAYMOND,
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D. R. WRIGHT, GRUPPO, CORRIGAN, WAMBACH, LaGROTTA, STEIGHNER,
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DOMBROWSKI, J. TAYLOR, VROON, LASHINGER, R. C. WRIGHT,
HALUSKA, PETRONE, ROBBINS, COLAFELLA, DIETTERICK, BURD, LEH,
CIVERA, VEON, GEIST, WILLIAMS, JOHNSON, LLOYD, STUBAN,
STABACK, BUNT, HERMAN, JACKSON, S. H. SMITH, MERRY, PHILLIPS,
SERAFINI, ARGALL, MORRIS, REBER, PISTELLA AND ANGSTADT,
JANUARY 18, 1989

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JANUARY 18, 1989

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 this
9 Commonwealth to gain rapid, direct access to emergency aid. The
10 number shall be provided with the objective of reducing response
11 time to situations requiring law enforcement, fire, medical,

1 rescue or other emergency service. It is the further intent of
2 the General Assembly that authority and responsibility for
3 establishing, operating and maintaining adequate facilities for
4 answering emergency calls and dispatching a proper response to
5 the callers' needs shall be vested in the county government.
6 Each county is encouraged to implement a 911 emergency
7 communication system and to consider maximum integration of
8 telecommunications facilities and capabilities within their
9 planning, in order to economize the costs, as well as to effect
10 a more rapid response capability.

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

13 Section 1. Short title.

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

16 Section 2. Definitions.

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

20 "911 emergency communication system" or "911 system." A
21 system which permits a person dialing "911" by telephone to be
22 connected to a public safety answering point, via normal
23 telephone facilities, for the reporting of police, fire, medical
24 or other emergency situations.

25 "Commission." The Pennsylvania Public Utility Commission.

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

28 "Department." The Department of General Services of the
29 Commonwealth.

30 "Emergency telephone contribution rate." A fee assessed

1 against a telephone subscriber for the recurring charges for a
2 911 system.

3 "Installation grants." Grants provided to counties from
4 general revenues to reimburse the initial expenses of
5 implementing a 911 system. Expenses eligible for reimbursement
6 shall include telephone terminal equipment, trunk line service
7 installation, network changes, central office upgrades, building
8 of initial data base and any other nonrecurring costs to
9 establish a 911 system. Expenses not eligible for reimbursement
10 shall include purchase of real estate, cosmetic remodeling,
11 hiring and training of dispatchers, mobile communications,
12 ambulances, fire engines or other emergency vehicles, utilities,
13 taxes and salaries among others as stipulated by the
14 telecommunications unit and the plan.

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

25 "Public safety answering point" or "PSAP." The first point
26 at which calls for emergency assistance from individuals are
27 answered, operated 24 hours a day.

28 "Telephone subscriber." A person who contracts with a
29 telephone company within this Commonwealth for local exchange
30 telephone service, either residential or commercial, in return

1 for which the person is billed on a monthly basis. When the same
2 person, business or organization has several telephone numbers,
3 each number shall constitute a separate subscription. For
4 purposes of the contribution rate, the term shall not include
5 pay stations owned or operated by a regulated public utility.

6 "Unit." The telecommunications unit within the department.
7 Section 3. Telecommunications unit.

8 (a) Establishment.--The department shall establish an
9 operational telecommunications unit within 120 days of the
10 effective date of this act. The unit shall employ
11 telecommunications professionals hired under the act of August
12 5, 1941 (P.L.752, No.286), known as the Civil Service Act.

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

15 (1) To be responsible for the central management of
16 telecommunications for this Commonwealth.

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

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

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

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

29 (6) To receive, review and approve or disapprove all 911
30 system county plans, either on an initial application basis,

1 expansion of an approved plan or renewal of an existing plan.

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

7 (8) To provide technical assistance to county
8 governments to publicize the implementation of a 911 system
9 throughout the area.

10 (9) To audit annually county expenditures for the
11 operation and maintenance of 911 systems.

12 (10) To submit an annual report, not later than January
13 1 of each year, to the Governor, the secretary of the
14 department and the General Assembly and include at least the
15 following:

16 (i) The extent to which 911 systems currently exist
17 in Pennsylvania.

18 (ii) Those counties which completed installation,
19 and costs and expenses for installation.

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

22 (iv) The estimated cost of installing the 911
23 system.

24 (v) Any suggested changes to this act.

25 Section 4. Counties.

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

29 (1) To designate a member of county government as a
30 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. Where technologically feasible,
3 the county plan shall be adequate to provide service for the
4 entire county at the time it is submitted for approval to the
5 unit.

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

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

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

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

17 (6) To submit the question to the voters of the county
18 for approval of whether or not to establish the approved 911
19 plan in the county or, as to a previously established 911
20 system, to submit the question to the voters of the county
21 for approval of whether or not to impose the contribution
22 allowed by this act.

23 (7) To execute all contracts, mutual aid agreements,
24 cross-service agreements and all other necessary documents
25 which may be required in the implementation of the county
26 plan.

27 (b) Persons outside county.--When an individual physically
28 resides in an adjacent county, but receives local exchange
29 telephone service from a central office in a county which
30 provides 911 service, it shall be the responsibility of the

1 county with the 911 service to notify the appropriate public
2 agency of a request for emergency service from such an
3 individual.

4 (c) Cities of the third class.--Any city of the third class
5 may exercise the powers and duties of counties under this act.

6 Section 5. County plan.

7 (a) Minimum standards.--Upon the agreement of the governing
8 authority to establish a 911 system, a plan shall be drafted
9 meeting at least the minimum standards promulgated by the unit.
10 The county may obtain technical assistance from the unit in
11 formulating its plan.

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

15 (c) Unit review.--The unit shall have 90 days to review the
16 plan and make suggested revisions of the plan. After the 90-day
17 period, the unit must accept or reject the plan and formulate a
18 rate of contribution to fund the ongoing monthly charges for the
19 system. The contribution rate shall be based on the number of
20 telephone subscribers serviced within the proposed 911 system.

21 (d) Commission review.--The unit shall forward the plan to
22 the commission with the estimated cost of the plan and a
23 requested contribution rate. The commission shall review the
24 plan only in relation to the contribution rate and may reject
25 only those contribution rates which it finds excessive to meet
26 the costs stated in the plan. The rates shall be reviewed and
27 returned by the commission within 60 days of the date of
28 submission. If the plan is rejected, it shall be returned to the
29 unit.

30 (e) Submission to voters.--Once the plan is approved by the

1 unit and reviewed by the commission pursuant to this section, it
2 shall be submitted to the voters pursuant to section 6.

3 (f) Present systems.--Those counties that presently have
4 911 systems shall be eligible for installation grants for
5 purposes of updating and expanding present systems. Any county
6 that wishes to convert to a telephone contribution rate to cover
7 recurring expenses will be subject to the same approval
8 mechanism as new systems.

9 (g) Regional systems.--Nothing in this act shall be
10 construed to prohibit the formation of multijurisdictional or
11 regional 911 systems, and any system established under this act
12 may include the territory of a county. It shall not be necessary
13 for two counties who have received voter approval to submit the
14 question for a multijurisdictional system.

15 (h) Contribution rate fixed.--Once a plan and contribution
16 rate have been approved by the voters and established, the
17 contribution rate shall remain fixed for a period of four years.
18 Updating and expanding the present system shall require an
19 amended plan to be filed with the unit. Requests for
20 contribution rate increases shall be submitted on a four-year
21 basis to the unit and the commission but shall not require voter
22 approval.

23 (i) Assessment.--The moneys collected from the telephone
24 contribution rate shall be utilized only to pay for the
25 operation of a 911 system and may be assessed after the
26 execution of a contract but no earlier than 90 days prior to the
27 operation of 911 service.

28 Section 6. Referendum.

29 (a) Question.--Before any county may establish a 911 system
30 and impose an emergency telephone contribution under this act,

1 it shall submit the proposal to the electors of the county for
2 their approval at the next municipal or general election for
3 which the advertising requirements of the act of June 3, 1937
4 (P.L.1333, No.320), known as the Pennsylvania Election Code, can
5 be met. The question shall be:

6 Shall the county of establish a 911
7 emergency communication system and impose a current
8 contribution rate of each month upon all telephone
9 subscribers to finance such service?

10 (b) Acceptance or rejection.--If a majority of the votes
11 cast on the proposal by the qualified electors voting thereon
12 are in favor of the proposal, the county shall establish the
13 service and impose the contribution allowed by this act. If a
14 majority of the votes cast on the proposal are opposed to the
15 proposal, the county submitting the proposal shall not implement
16 this act. The question may be put before the electors at any
17 subsequent election, pursuant to this section.

18 (c) Previously established systems.--Before a county with a
19 previously established 911 system may impose an emergency
20 telephone contribution under this act, it shall submit the
21 proposal to the electors of the county in the same manner as
22 provided in subsection (a), except that the question shall be
23 limited to imposition of the stated current contribution rate,
24 and the provisions of subsection (b) shall apply as to
25 acceptance or rejection of imposition of the contribution.

26 (d) Conduct of referendum.--The referendum under this
27 section shall be held in accordance with the Pennsylvania
28 Election Code.

29 Section 7. Collection and disbursement of contribution.

30 (a) Subscribers' contribution; general rule.--Each service

1 supplier providing local exchange telephone service within the
2 county shall collect the contribution from each subscriber and
3 forward the collection quarterly to the county treasurer. The
4 amount of the subscribers' contribution shall be stated
5 separately in the telephone subscribers' billing. Each service
6 supplier shall retain 2% of the gross receipts collected to
7 cover administrative costs.

8 (b) Subscribers' contribution; multiple line systems.--In
9 the case of Centrex or similar multiple line system subscribers,
10 one of the following multipliers shall be applied to determine
11 the contribution of each such subscriber. If the system
12 contains:

13 (1) 25 lines or less, each line shall be billed at the
14 approved contribution rate;

15 (2) 26 lines to 100 lines, each line shall be billed at
16 0.75 of the approved contribution rate;

17 (3) 101 lines to 250 lines, each line shall be billed at
18 0.50 of the approved contribution rate;

19 (4) 251 lines to 500 lines, each line shall be billed at
20 0.20 of the approved contribution rate; or

21 (5) 501 lines or more, each line shall be billed at
22 0.172 of the approved contribution rate.

23 (c) Restricted account.--The county treasurer shall deposit
24 the moneys received in an interest-bearing restricted account
25 used solely for the purpose of monthly recurring charges billed
26 for the 911 system and for the purpose of making payments under
27 subsection (c). The governing body of the county shall make an
28 annual appropriation from such account for the 911 system,
29 subject to the provisions of subsection (c), and shall retain 1%
30 of the gross receipts collected to cover administrative costs.

1 (d) Disbursement to municipalities.--The county treasurer
2 shall, on a quarterly basis, pay from funds of the restricted
3 account to a municipality which operates a 911 system
4 established prior to the effective date of this act, a sum of
5 money not less than that contributed by the telephone
6 subscribers of that municipality to the county 911 system
7 through the telephone contribution rate.

8 (e) Collection enforcement.--Nothing in this act shall
9 impose any obligation upon a telephone company to take legal
10 action to enforce collection of the contribution imposed by this
11 section. Upon request by the county, the telephone company shall
12 provide the county with a list of amounts uncollected along with
13 the names and addresses of the telephone subscribers who have
14 not paid the 911 contribution.

15 Section 8. Source of funds.

16 (a) General rule.--Funds for installation grants shall be
17 provided from the General Fund.

18 (b) Deficiency appropriation.--If, in any fiscal year,
19 appropriations are insufficient to cover the costs of grants to
20 those counties which make timely requests, the department shall
21 report the fact to the General Assembly and request a deficiency
22 appropriation of funds to provide these grants. If a deficiency
23 appropriation is not enacted, any county not receiving a grant
24 shall receive first priority for any appropriation made for the
25 next fiscal year.

26 (c) Limit on funding.--No county shall, in any year, be
27 granted more than 20% of the total annual appropriation made for
28 installation grants, unless there are insufficient applicants to
29 consume the entire amount of the appropriation.

30 Section 9. Expenditures for maintenance and operation of 911

1 systems.

2 (a) Expenditures authorized.--During each county's fiscal
3 year, the county may expend the amounts distributed to it from
4 the 911 telephone contribution rate for the maintenance and
5 operation of a county 911 system.

6 (b) Items included in maintenance and operation costs.--
7 Maintenance and operation costs may include telephone company
8 charges, equipment costs or equipment lease charges, repairs,
9 utilities, data base maintenance costs, personnel costs and
10 appropriate carryover costs from previous years.

11 (c) Limitations on expenditures.--The unit shall adopt
12 procedures to assure that the total amount collected from the
13 911 contribution shall be expended only for the maintenance and
14 operation of a county 911 system.

15 (d) Annual audit.--The unit shall provide for an audit of
16 each county's expenditures for the maintenance and operation of
17 911 systems.

18 Section 10. Pay telephone access.

19 The commission shall promulgate regulations requiring free
20 access to 911 service from pay telephones.

21 Section 11. Telephone records.

22 (a) Access.--Each telephone service supplier shall provide
23 customer telephone numbers, names and service addresses to 911
24 systems when required. Although customer numbers, names and
25 service addresses shall be available to 911 systems, such
26 information shall remain the property of the disclosing service
27 supplier. The total cost of the system shall include expenses to
28 provide and maintain 911 information. This information shall be
29 used only in providing emergency response services to a 911
30 call. A person who uses or discloses data base information for

1 purposes other than handling a 911 call commits a misdemeanor of
2 the third degree.

3 (b) Privacy waived.--Private listing service customers in a
4 911 service district shall waive the privacy afforded by
5 nonlisted and nonpublished numbers when using the 911 emergency
6 service.

7 (c) Immunity.--No telephone company, or agents, or employees
8 of a telephone company shall be liable to any person who uses
9 the 911 emergency service established under this act, for
10 release to a public safety answering point of information
11 specified in this section that is not already part of the public
12 record, including nonpublished telephone numbers.

13 Section 12. Penalty.

14 Any person who intentionally calls the 911 emergency number
15 for other than emergency purposes commits a misdemeanor of the
16 third degree.

17 Section 13. Appropriations.

18 (a) Installation grants.--The sum of \$5,000,000, or as much
19 thereof as may be necessary, is hereby appropriated to the
20 Department of General Services for the fiscal year July 1, 1989,
21 to June 30, 1990, for installation grants, including grants for
22 installations made or installation costs incurred subsequent to
23 January 1, 1985, provided that the installation involved is
24 pursuant to a plan ultimately approved by the telecommunications
25 unit created under this act.

26 (b) Administration.--The sum of \$250,000, or as much thereof
27 as may be necessary, is hereby appropriated to the Department of
28 General Services for the fiscal year July 1, 1989, to June 30,
29 1990, for operation of the telecommunications unit.

30 (c) Distribution of grants.--Grants under this section shall

1 be distributed as follows:

2 (1) For systems or improvements costing \$500,000 or
3 less, an installation grant shall be provided in the amount
4 of \$250,000 or the full cost of the system or improvements,
5 whichever is less.

6 (2) For systems or improvements costing more than
7 \$500,000, an installation grant in the amount of one-half of
8 the cost of the system or improvements shall be provided.

9 Section 14. Repeals.

10 The act of April 28, 1978 (P.L.90, No.42), known as the
11 Emergency Telephone Act, is repealed.

12 Section 15. Effective date.

13 This act shall take effect July 1, 1989, or immediately,
14 whichever is later.