
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 583 Session of
2013

INTRODUCED BY BARRAR, CALTAGIRONE, COHEN, GILLEN, GROVE, KORTZ,
MILLER, O'NEILL, RAPP, HARKINS, GINGRICH, HESS, S. H. SMITH,
MILNE AND MARSICO, FEBRUARY 8, 2013

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, FEBRUARY 8, 2013

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 plans that contain cost-
14 saving measures that provide joint purchasing opportunities
15 and facilitate regionalization of technology and
16 consolidation of PSAPs and their operations. The agency shall
17 provide suggested industry-acceptable and uniform standards
18 for levels of staffing and uniform standards of operation.

1 * * *

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

4 § 5311.5. Disbursement of fund amounts by agency.

5 * * *

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

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

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

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

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

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

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

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

23 * * *

24 [(3) Any remaining unpaid agency-approved PSAP costs or
25 wireless provider costs shall be carried forward for payment
26 during the next fiscal quarter. The carryforward process
27 shall continue each fiscal quarter until all agency-approved
28 PSAP costs and wireless provider costs have been paid. Pro
29 rata and other payments under this subsection, including, but
30 not limited to, payments of costs which are carried forward

1 for payment in subsequent fiscal quarters, shall also be
2 subject to all provisions and requirements of subsection (c)
3 except for subsection (c)(1).]

4 * * *

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

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

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

11 Section 4. This act shall take effect immediately.