

## No. 2013-9

## AN ACT

HB 583

Amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of the Pennsylvania Emergency Management Agency and for disbursement of fund amounts by agency.

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

Section 1. Section 5311.2(a) of Title 35 of the Pennsylvania Consolidated Statutes is amended by adding a paragraph to read:

§ 5311.2. Powers and duties of agency.

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

\* \* \*

*(4) To provide counties with plans that contain cost-saving measures that provide joint purchasing opportunities and facilitate regionalization of technology and consolidation of PSAPs and their operations. The agency shall provide suggested industry-acceptable and uniform standards for levels of staffing and uniform standards of operation.*

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

§ 5311.5. Disbursement of fund amounts by agency.

\* \* \*

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

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

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

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

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

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

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

(d) Pro rata sharing of fund amounts.—

\* \* \*

**[(3) Any remaining unpaid agency-approved PSAP costs or wireless provider costs shall be carried forward for payment during**

**the next fiscal quarter. The carryforward process shall continue each fiscal quarter until all agency-approved PSAP costs and wireless provider costs have been paid. Pro 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.

APPROVED—The 21st day of May, A.D. 2013

TOM CORBETT