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EMERGENCY MANAGEMENT AGENCY

**Testimony for the Senate Veterans Affairs and Emergency Preparedness
Committee**

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Pennsylvania Emergency Management Agency

Richard D. Flinn, Jr., Director

Chairman Vulakovich, Chairman Costa, and Members of the Committee, I'm Rick Flinn, Director of the Pennsylvania Emergency Management Agency (PEMA). Thank you for the opportunity to appear before this Committee to discuss the re-authorization of the Public Safety Emergency Telephone Act relating to 9-1-1 emergency calls. On behalf of Governor Tom Wolf, I want assure you with the current 9-1-1 law to sunset on June 30, 2015, this re-authorization is one of his top legislative priorities.

Of the myriad of government programs and services that serve the residents of this Commonwealth, none is more fundamental or important than public safety. Developing and maintaining a program that is comprehensive, dependable, predictable as well as accountable, is an on-going challenge involving government at all levels. It demands teamwork with our Fire, Police and Emergency Medical Service (EMS) responders, emergency managers, emergency health care providers and many others. And the key to its success is that it is available with a single phone call. The 9-1-1 center, also known as the Public Safety Answering Point or PSAP, is the nerve center of this complex public safety and emergency response network. Our discussions today focus on the future of those PSAPs and, by extension, the future of our community emergency response capabilities.

As you know, the Legislative Budget and Finance Committee (LBFC) issued a report in May 2012 entitled: "Pennsylvania's 9-1-1 Emergency Telephone System: Funding, Expenditures and Future Challenges and Opportunities for PEMA." The LBFC report rang the alarm bell that we urgently need to fix the current 9-1-1 system. The overarching problem this report brings to light is that the current levels of 9-1-1 operations are on an unsustainable path. Without a major sea

change in how 9-1-1 programs are funded and operated, in the coming years public safety across the Commonwealth is likely to be compromised.

Mr. Chairman, the agency attempted to incorporate many of the recommendations contained in this report in concert with our 25 year experience managing this statewide 9-1-1 program, when we began the process of consolidating the existing 9-1-1 statutes into a comprehensive, legislative initiative. Last week the House passed HB 911. It is now before this chamber for consideration. This legislation grew out of many meetings over a two year period with the County Commissioners Association of Pennsylvania (CCAP) working with the Pennsylvania National Emergency Number Association (NENA) and the Pennsylvania Association of Public Safety Communications Officials (APCO) and a number of the communication providers. I thank NENA, APCO, CCAP, and the communication providers for the hard work they did on this bill. I also want to thank the House Veterans Affairs and Emergency Preparedness Committee, both members and staff, for their commitment and hard work.

HB 911 attempts to address two major challenges facing our 9-1-1 service providers: Program funding and the advances in technology which impact the 9-1-1 systems.

Mr. Chairman, the current 9-1-1 program is funded from several different fee based sources developed over the years as technological advances changed how residents communicate and contact 9-1-1 for help. From the beginning we have been trying to keep pace with these changes in order to maintain a stable fund to support the county 9-1-1 operations. However, during this period, land line usage dropped dramatically, eroding the very foundation of the fund, while new

electronic devices have changed the way we communicate as a society. In reality smart phones, computers, tablets, wrist watches, to name just a few of the marvels of technology, are the Next Generation. This fundamental change directly impacts our 9-1-1 service by reducing the base fund while dramatically driving up costs to connect with and identify the locations of these new mobile devices.

HB 911 proposes to merge the existing funding streams, that include the initial land line fee which has not been revised in 25 years, plus the wireless fees, Voice over Internet Protocol fees and the prepaid telephone assessments, into a uniform monthly fee of \$1.65 that will be applied to devices currently assessed a fee.

From what PEMA has been told by stakeholders, they believe that fee would generate an amount that approaches a major portion of the county 9-1-1 Center operating costs. We are concerned, however, that assigning a fixed fee that will not change for at least four years will be unable to adjust to an ever changing universe.

Mr. Chairman, I don't want to get into line-by-line technical concerns with HB 911 and trust staff can resolve those issues, however one House amendment that does warrant mentioning is a change to the law that redefines large, multi-line Voice over Internet Protocol or VoIP systems that have 24 channels (an industry standard). The House amendment stipulates that these 24 channels shall only incur 12 surcharges. We believe this is arbitrary and would appear to cut the number of VoIP lines that incur charges under current law in half. The current law imposes a charge for every 10 digit VoIP phone number.

We believe a realistic option is to consider a percentage fee assessed on any “service” that is capable of contacting 9-1-1. This would be technology agnostic and the 9-1-1 fund would not be impacted as fads in technology rise or fall. Nor would the 9-1-1 providers be impacted should new methodologies overtake existing devices and technologies.

Another issue of concern is the need to encourage and build statewide interconnectivity which is essential to integrating Next Generation technology across the commonwealth. This bill apportions part of the 9-1-1 fund for statewide interconnectivity. However, the language does need to be sharpened to make certain that the state is taking the lead to establish statewide interconnectivity. Otherwise, there is no assurance that everyone will be on the same platform and have the same set of standards across the commonwealth. In addition, if the state does not do statewide interconnectivity, it is almost certain that the county 9-1-1 centers will have different Next Generation solutions and capabilities. The end result is that different levels of public safety will exist across the commonwealth. Moreover, statewide interconnectivity implemented at the state level will reduce county network costs in the short term and long term.

We believe that PEMA must maintain its current authorities in order to properly and effectively manage the 9-1-1 program and provide the appropriate oversight regarding fund uses, and control expenditures. One of the important findings for the long term goal of addressing the changes needed in the 9-1-1 program, it would be a mistake to dilute PEMA’s current authorities in the re-write.

The 9-1-1 law was first passed in 1990 which assessed a fee on wireline phones since that was about the only way to contact 9-1-1 back then. Then technology began to change and cell phones became part of the mainstream. In 2003, the 9-1-1 law was amended to add a wireless fee on cell phones. We have continued to “catch up to technology” and created new funding by adding fees on prepaid devices and Voice over Internet Protocol. Today, there are current technologies that can contact 9-1-1 but are not assessed a fee. When we started the re-write, the goal was to assess a fee on anything that could now – or in the future – contact 9-1-1. This was called being technology “agnostic.” This bill is technology “neutral” because it assesses the same fee on all devices covered by current law; it is not technology agnostic. I raise this point so you know it is inevitable that as technology changes the current funding system -- based on current technologies -- will need to be revisited in the near future. How soon we will need to revisit the method of funding 9-1-1 is anyone’s guess, but HB 911 includes a 4 year sunset. A technology agnostic approach will eliminate the need for a sunset.

Mr. Chairman, the 9-1-1 advisory board in current law has representation from Police, Fire, and EMS. Since they are the first responders that save life and property, I believe they should have input on the 9-1-1 system that dispatches them. In the House passed Bill, Fire and EMS have been eliminated from the board and the Pennsylvania State Police has been relegated to a non-voting member. I would strongly recommend that they be included on the advisory board.

It is my understanding that the Senate is interested in expanding this board membership to include county commissioners and 9-1-1 program managers from each of the nine classes of county governments. While PEMA supports the concept of inclusion as we work together with

those responsible for administering the program, we believe it is sometimes more realistic to limit the numbers and have the statewide associations recommend representation on the board based on county geography and size. The county commissioners and 9-1-1 program managers have had seats on the advisory committee since its inception and the current representation seems to work effectively.

I know that the Senate is exploring other options to fund the statewide 9-1-1 program, one of which is a county-based fee. PEMA does not oppose such an authorization as an option for counties which believe additional funding is required to manage their program. We are, however, concerned that a county-based fund may limit the ability of the agency to ensure that all county 9-1-1 centers, no matter the size, call volume or population base, have the basic capabilities to receive and address requests for assistance, no matter the methodology used to initiate the request. We are also concerned that under this plan, the agency will not have the funding necessary to encourage and implement regionalization and interconnectivity, which in the long run, greatly reduces cost while enhancing efficiency.

PEMA also believes we should reduce unnecessary county administrative burdens. One major concern the counties have raised is that the 9-1-1 wireless funding is administered on the state fiscal year instead of the county calendar year. The HB 911 does not fix that problem. We believe the re-write should align 9-1-1 funding with the county calendar year.

These are the major issues that I want to bring to the Committee's attention. There are additional items in HB 911 that we would like to work on with the Committee staff and stakeholders to

ensure that there are not any unintended consequences of the language that has been developed. But again, I stress that PEMA is committed to working with everyone in a collaborative effort to get a bill signed into law by June 30 that addresses the 9-1-1 funding, expenditures, challenges, and opportunities. It is equally important to look to the future as we work toward solutions to current issues and challenges.

When Governor Wolf offered me the job as PEMA Director, he made it clear that his Administration would make a very strong commitment to public safety for all the citizens of the Commonwealth. He also has charged that in meeting challenges that the Commonwealth faces “we need to think differently and do things differently.” Each year, Pennsylvanians call 9-1-1 about nine million times. Every one of those calls is important and they are the lifeline for the callers since it starts the emergency response for assistance. That is the reason the 9-1-1 re-write is so crucial to public safety across the Commonwealth.

On behalf of Governor Wolf and the 12.7 million Pennsylvanians we serve, I thank you for your continued support of PEMA and our partners in public safety across the state.

I appreciate the opportunity to appear here today and I will try to answer any questions you may have.