

Proposed Amendments to HB911, P.N. 1331

1. Amend page 2, line 30, as follows (matter added in **Bold**):

communication throughout a defined geographic area.

Processing a 911 communication includes the function of dispatching a first responder to the location about which the 911 communication relates. The term

2. Amend page 3 by inserting between lines 1 and 2 the following:

The term shall include a backup system to support an existing 911 system in the event of a disaster or emergency that renders all or part of the primary 911 system inoperable or ineffective.

3. Amend page 12, lines 14 and 15, as follows (matter added in **Bold**):

"Regional." A geographic area that includes more than one county, **except that a city of the first class contiguous with a county of the first class shall be considered a region.**

4. Amend page 12 by inserting between lines 15 and 16 the following:

"Regional or Statewide Interconnectivity." Shall include a backup system to support an existing 911 system in the event of a disaster or emergency that renders all or part of the 911 system inoperable or ineffective.

5. Amend page 20, by inserting between lines 28 and 29:

(viii) The mayor of a city of the first class or the mayor's designee.

6. Amend Page 35, line 14, through Page 38, line 10, as follows (matter added in **bold**; matter deleted in ~~strikethrough~~):

(d) Distribution.--Within 30 days after the end of each quarter, the agency shall determine the amount available from the fund for distribution and make disbursements in accordance with the Statewide 911 plan and this chapter and in accordance with the following:

(1) Not less than 75% of the amount in the fund shall be disbursed to a 911 system through ~~a mathematical~~ **the** formula established by the agency in consultation with the board **in subsection (e)**.

(2) Twelve percent of the amount in the fund shall be disbursed at the agency's discretion, in consultation with the board, to 911 systems for initiatives that the agency reasonably believes will improve 911 systems in this Commonwealth.

(3) Up to 6% of the amount in the fund shall be used to establish, enhance, operate or maintain Statewide interconnectivity of 911 systems, including, but not limited to, the use or obligations of money for debt service related to regional or Statewide interconnectivity.

(4) Five percent of the amount available shall be disbursed equally to the PSAPs of this Commonwealth.

Consolidation of PSAPs after the effective date of this paragraph shall not reduce an allocation under this paragraph.

(5) Not greater than 2% of the amount in the fund may be retained by the agency to pay for agency expenses directly related to administering the provisions of this chapter. Any excess shall be added to the amounts available for distribution under paragraph (1).

(e) Distribution formula considerations.--

(1) The distribution formula established by the agency under subsection (d) shall fairly and proportionately reflect 911 system needs.

(2) The initial distribution formula shall be established and implemented by the agency, in consultation with the board, no later than 18 months following the effective date of this section.

(3) The distribution formula shall be reviewed every two years and may be adjusted annually.

(4) In developing and evaluating the distribution formula, the agency, in consultation with the board, shall consider and may include the following factors that permit the formula to reflect 911 system needs:

(i) Base level costs common to all 911 systems.

(ii) Population, including high or low population density.

(iii) Call volume, including definition of what constitutes a call as published by the agency.

(iv) Extenuating factors such as topography, concentrated exposure such as transit or industrial facilities, or cyclical

exposures such as high-attendance public events.

~~(5) In development of the distribution formula, the agency, in consultation with the board, shall consider the 911 system's average reported allowable 911 system costs for the five years immediately preceding the effective date of this section.~~

(1) The amount distributed under subsection (d)(1) shall be distributed to counties pro rata whereby 50% of the amount is distributed based on the relative population of the county and 50% is distributed based on the relative call volume received by the county system, using a definition of a call established by the agency.

~~(6)~~ **(2)** Notwithstanding the provisions of paragraph ~~(5)~~, **the (1) the** total annual disbursement from the fund to any one 911 system may not exceed the actual annual costs to enhance, operate or maintain that 911 system in accordance with the Statewide 911 system plan. Actual costs may include amortization or depreciation of allowable capital costs as determined using generally accepted accounting principles and approved plan allocations to capital and operating reserves.

~~(f) Interim distribution formula.—Commencing on the effective date of this subsection, until the board develops and the agency implements a distribution formula under subsection (e), the money available under subsection (d) shall be distributed to each 911 system as follows:~~

~~(1) A share equivalent to 106% times the respective 911 system's average of local exchange telephone carriers~~

~~surcharge collections under section 5305 (relating to 911 system plan) for the five years immediately preceding the effective date of this section.~~

~~(2) A share equivalent to 106% times the respective 911 system's average of VoIP provider's surcharge collections under section 5307 (relating to payment, collection and remittance of surcharge by providers of 911 communications services) for the five years immediately preceding the effective date of this section.~~

~~(3) The remaining amount distributed to each 911 system shall be based on the ratio that its average reported allowable 911 system costs for the five years immediately preceding the effective date of this paragraph bear to the average reported allowable 911 system costs for all 911 systems for the five years immediately preceding the effective date of this paragraph.~~

7. Amend page 39 of the bill, line 1, as follows (matter added in **Bold**):

administered by the Commonwealth, **but in no event less than once every three years.**

8. Amend page 39 of the bill by inserting between lines 7 and 8 the following:

(3) The agency shall require a biennial audit of each service provider's remittances to the State Treasurer. The

cost of such audits shall be paid from the fund.

9. Amend page 41 of the bill by inserting at the end of line 13:

At the time of each quarterly forwarding of the collection, the provider shall provide the agency with a certification of compliance with the surcharge requirements of this Chapter in such form as determined by the agency.

10. Amend page 41 of the bill by amending subsection (b) to read as follows (matter added in **bold**; matter deleted in ~~strike~~through):

(b) [Subscribers' contribution for multiple line] Multiline telephone systems.--In the case of Centrex, **Hybrid, Key, PBX, VoIP, or any successor multiline technology** or similar [multiple line] multiline telephone system subscribers, except ~~PBX subscribers,~~ the following multipliers shall be applied to determine the [contribution] rate of the surcharge for each subscriber:

(1) For the first 25 lines, each line shall be [billed at] assessed the [approved contribution rate] surcharge.

(2) For lines 26 through 100, each line shall be [billed at] assessed 75% of the [approved contribution rate]surcharge.

(3) For lines 101 through 250, each line shall be [billed at] assessed 50% of the [approved contribution rate]surcharge.

(4) For lines 251 through 500, each line shall be [billed at] assessed 20% of the [approved contribution rate]surcharge.

(5) For lines 501 or more, each line shall be [billed at]

assessed 17.2% of the [approved contribution rate]surcharge.

(6) As of July 1, 2015, for each digital transmission link, including primary rate interface service or Digital Signal-1 (DS-1) level service, or equivalent, that can be channelized and split into 23 or 24 voice-grade or data-grade channels for voice communications, that when the digits 9-1-1 are dialed provides the subscriber access to a PSAP through permissible interconnection to the dedicated 911 system, a subscriber shall be assessed ~~surcharges~~ **as provided for in section 5307(b)** .

11. Amend page 44 of the bill by inserting the following between lines 26 and 27 and renumbering “(c)” on line 27 to “(d)”:

(c) Information provided to counties. -- At the time a provider forwards its quarterly collection to the State Treasurer pursuant to paragraph (a), it shall provide each county in its service area with the following:

(1) the amount of its remittance attributable to access lines located in, or with a billing address in, such county;

(2) the total number of access lines to which such remittance corresponds;

(3) documentation explaining its calculation of actual uncollectibles and refusals to pay the surcharge required by this Chapter in connection with such access lines;

(4) a list of all multiline telephone system subscribers in the county with documentation regarding

surcharges collected from such subscribers;

(5) a list of all exempt subscribers; and

(6) a copy of the certification provided pursuant to
paragraph (a).

12. Amend page 88, line 25 of the bill, as follows:

This Chapter shall expire [June 30, 2015] June 30, 2019

2020.