

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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SENATE BILL 797*

Short Title: 911 Board/Back-up PSAP.

(Public)

Sponsors: Senator Brock (Primary Sponsor).

Referred to: Finance.

May 20, 2014

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE DUTIES OF THE 911 BOARD RELATING TO PUBLIC
3 SAFETY ANSWERING POINTS, AS RECOMMENDED BY THE JOINT
4 LEGISLATIVE OVERSIGHT COMMITTEE ON INFORMATION TECHNOLOGY.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 62A-42 is amended by adding a new subsection to read:

7 "(4a) Back-up PSAP. – A facility equipped to operate as part of the 911 System
8 and all other features of its associated primary PSAP. The term includes a
9 back-up PSAP that receives 911 calls only when they are transferred from
10 the primary PSAP or on an alternate routing basis when calls cannot be
11 completed to the primary PSAP."

12 **SECTION 2.** G.S. 62A-42(a) reads as rewritten:

13 "(a) Duties. – The 911 Board has the following powers and duties:

- 14 (1) To develop the 911 State Plan. In developing and updating the plan, the 911
15 Board must monitor trends in voice communications service technology and
16 in enhanced 911 service technology, investigate and incorporate GIS
17 mapping and other resources into the plan, ensure individual PSAP plans
18 incorporate a back-up PSAP, and formulate strategies for the efficient and
19 effective delivery of enhanced 911 service.
- 20 (2) To administer the 911 Fund and the monthly 911 service charge authorized
21 by G.S. 62A-43.
- 22 (3) To distribute revenue in the 911 Fund to CMRS providers and PSAPs in
23 accordance with this Article and advise CMRS providers and PSAPs of the
24 requirements for receiving a distribution from the 911 Fund.
- 25 (4) To establish policies and procedures to fund advisory services and training
26 for PSAPs, to set operating standards for PSAPs, and back-up PSAPs and to
27 provide funds in accordance with these policies, procedures, and standards.
- 28 (5) To investigate the revenues and expenditures associated with the operation
29 of a PSAP to ensure compliance with restrictions on the use of amounts
30 distributed from the 911 Fund.
- 31 (6) To make and enter into contracts and agreements necessary or incidental to
32 the performance of its powers and duties under this Article and to use
33 revenue available to the 911 Board under G.S. 62A-44 for administrative
34 expenses to pay its obligations under the contracts and agreements.
- 35 (6a) To use funds available to the 911 Board under G.S. 62-47 to pay its
36 obligations incurred for statewide 911 projects.



- 1 (7) To accept gifts, grants, or other money for the 911 Fund.
2 (8) To undertake its duties in a manner that is competitively and technologically
3 neutral as to all voice communications service providers.
4 (8a) To design, create, or acquire printed or Web-based public education
5 materials regarding the proper use of 911.
6 (9) To adopt rules to implement this Article. This authority does not include the
7 regulation of any enhanced 911 service, such as the establishment of
8 technical standards for telecommunications service providers to deliver 911
9 voice and data.
10 (10) To take other necessary and proper action to implement the provisions of
11 this Article."

12 **SECTION 3.** G.S. 62A-46 reads as rewritten:

13 **"§ 62A-46. Fund distribution to PSAPs.**

14 (a) Monthly Distribution. – The 911 Board must make monthly distributions to primary
15 PSAPs from the amount allocated to the 911 Fund for PSAPs. A PSAP is not eligible for a
16 distribution under this section unless it complies with the requirements of this Article, provides
17 enhanced 911 ~~service~~ service, and received distributions from the 911 Board in the 2008-2009
18 fiscal year. The Board must comply with all of the following:

- 19 (1) Administration. – The Board must notify PSAPs of the estimated
20 distributions no later than December 31 of each year. The Board must
21 determine actual distributions no later than June 1 of each year. The Board
22 must determine a method for establishing distributions that is equitable and
23 sustainable and that ensures distributions for eligible operating costs and
24 anticipated increases for all funded PSAPs. The Board must establish a
25 formula to determine each PSAP's base amount. The formula must be
26 determined and published to PSAPs in the first quarter of the fiscal year
27 preceding the fiscal year in which the formula is used. The Board may not
28 change the funding formula for the base amount more than once every year.
29 (2) Reports. – The Board must report to the Joint Legislative Commission on
30 Governmental Operations and the Revenue Laws Study Committee within
31 45 days of a change in the funding formula. The report must contain a
32 description of the differences in the old and new formulas and the projected
33 distributions to each PSAP from the new formula.
34 (3) Formula. – The funding formula established by the Board must consider all
35 of the following:
36 a. The population of the area served by a PSAP.
37 b. PSAP reports and budgets, disbursement histories, and historical
38 costs.
39 c. PSAP operations, 911 technologies used by the PSAP, compliance
40 with operating standards of the 911 Board, level of service a PSAP
41 delivers dispatching fire, emergency medical services, law
42 enforcement, and Emergency Medical Dispatch.
43 d. The tier designation of the county in which the PSAP is located as
44 designated in G.S. 143B-437.08.
45 e. Any interlocal government funding agreement between a primary
46 PSAP and a secondary PSAP, if the secondary PSAP was in
47 existence as of June 1, 2010, receives funding under the agreement,
48 and is within the service area of the primary PSAP.
49 f. Any other information the Board considers relevant.
50 (4) Additional distributions. – In the first quarter of the Board's fiscal year, the
51 Board must determine whether payments to PSAPs during the preceding

1 fiscal year exceeded or were less than the eligible costs incurred by each
2 PSAP during the fiscal year. If a PSAP receives less than its eligible costs in
3 any fiscal year, the Board may increase a PSAP's distribution in the
4 following fiscal year above the base amount as determined by the formula to
5 meet the estimated eligible costs of the PSAP as determined by the Board.
6 The Board may not distribute less than the base amount to each PSAP except
7 as provided in subsection (b1) of this section. The Board must provide a
8 procedure for a PSAP to request a reconsideration of its distribution or
9 eligible expenses.

10 The Board may reduce, suspend, or terminate distributions under this subsection if a PSAP
11 does not comply with the requirements of this Article.

12 (b) Percentage Designations. – The 911 Board must determine how revenue that is
13 allocated to the 911 Fund for distribution to primary PSAPs and is not needed to make the base
14 amount distribution required by subdivision (a)(1) of this section is to be used. The 911 Board
15 must designate a percentage of the remaining funds to be distributed to primary PSAPs on a per
16 capita basis and a percentage to be allocated to the PSAP Grant Account established in
17 G.S. 62A-47. If the 911 Board does not designate an amount to be allocated to the PSAP Grant
18 Account, the 911 Board must distribute all of the remaining funds on a per capita basis. The
19 911 Board may not change the percentage designation more than once each fiscal year.

20 (b1) Carryforward. – A PSAP may carry forward distributions for eligible expenditures
21 for capital outlay, capital improvements, or equipment replacement. Amounts carried forward
22 to the next fiscal year from distributions made by the 911 Board may not be used to lower the
23 distributions in subsection (a) of this section unless the amount is greater than twenty percent
24 (20%) of the average yearly amount distributed to the PSAP in the prior two years. The 911
25 Board may allow a PSAP to carry forward a greater amount without changing the PSAP's
26 distribution.

27 (c) Use of Funds. – A PSAP that receives a distribution from the 911 Fund may not use
28 the amount received to pay for the lease or purchase of real estate, cosmetic remodeling of
29 emergency dispatch centers, hiring or compensating telecommunicators, or the purchase of
30 mobile communications vehicles, ambulances, fire engines, or other emergency vehicles.
31 Distributions received by a PSAP may be used only to pay for the following:

- 32 (1) The lease, purchase, or maintenance of:
- 33 a. Emergency telephone equipment, including necessary computer
 - 34 hardware, software, and database provisioning.
 - 35 b. Addressing.
 - 36 c. Telecommunicator furniture.
 - 37 d. Dispatch equipment located exclusively within a building where a
 - 38 PSAP or back-up PSAP is located, excluding the costs of base station
 - 39 transmitters, towers, microwave links, and antennae used to dispatch
 - 40 emergency call information from the ~~PSAP~~ PSAP or back-up PSAP.

41 (1a) The nonrecurring costs of establishing a 911 system.

- 42 (2) Expenditures for in-State training of 911 personnel regarding the
43 maintenance and operation of the 911 system. Allowable training expenses
44 include the cost of transportation, lodging, instructors, certifications,
45 improvement programs, quality assurance training, training associated with
46 call taking, and emergency medical, fire, or law enforcement procedures,
47 and training specific to managing a PSAP or supervising PSAP staff.
48 Training outside the State is not an eligible expenditure unless the training is
49 unavailable in the State or the PSAP documents that the training costs are
50 less if received out-of-state. Training specific to the receipt of 911 calls is
51 allowed only for intake and related call taking quality assurance and

1 improvement. Instructor certification costs and course required prerequisites,
2 including physicals, psychological exams, and drug testing, are not
3 allowable expenditures.

- 4 (3) Charges associated with the service supplier's 911 service and other service
5 supplier recurring charges. The PSAP providing 911 service is responsible to
6 the voice communications service provider for all 911 installation, service,
7 equipment, operation, and maintenance charges owed to the voice
8 communications service provider. A PSAP may contract with a voice
9 communications service provider on terms agreed to by the PSAP and the
10 provider.

11 (d) Local Fund. – The fiscal officer of a PSAP to whom a distribution is made under
12 this section must deposit the funds in a special revenue fund, as defined in G.S. 159-26(b)(2),
13 designated as the Emergency Telephone System Fund. The fiscal officer may invest money in
14 the Fund in the same manner that other money of the local government may be invested.
15 Income earned from the invested money in the Emergency Telephone System Fund must be
16 credited to the Fund. Revenue deposited into the Fund must be used only as permitted in this
17 section.

18 (e) Compliance. – A PSAP, or the governing entity of a PSAP, must comply with all of
19 the following in order to receive a distribution under this section:

- 20 (1) A county or municipality that has one or more PSAPs must submit in writing
21 to the 911 Board information that identifies the PSAPs in the manner
22 required by the FCC Order.
- 23 (2) A participating PSAP must annually submit to the 911 Board a copy of its
24 governing agency's proposed or approved budget detailing the revenues and
25 expenditures associated with the operation of the PSAP. The PSAP budget
26 must identify revenues and expenditures for eligible expense
27 reimbursements as provided in this Article and rules adopted by the 911
28 Board.
- 29 (3) A PSAP must be included in its governing entity's annual audit required
30 under the Local Government Budget and Fiscal Control Act. The Local
31 Government Commission must provide a copy of each audit of a local
32 government entity with a participating PSAP to the 911 Board.
- 33 (4) A PSAP must comply with all requests by the 911 Board for financial
34 information related to the operation of the PSAP.
- 35 (4a) A PSAP must have a plan and means to serve as a back-up PSAP and must
36 maintain the plan and means for 911 call taking in the event 911 calls cannot
37 be received and processed in the primary PSAP.
- 38 (5) A primary PSAP must comply with the rules, policies, procedures, and
39 operating standards for primary PSAPs adopted by the 911 Board.

40 (f) Application to Cherokees. – The Eastern Band of Cherokee Indians is an eligible
41 PSAP. The Tribal Council of the Eastern Band is the local governing entity of the Eastern Band
42 for purposes of this section. The Tribal Council must give the 911 Board information adequate
43 to determine the Eastern Band's base amount. The 911 Board must use the most recent federal
44 census estimate of the population living on the Qualla Boundary to determine the per capita
45 distribution amount."

46 **SECTION 4.** This act is effective when it becomes law.