

May 12, 2010

**H 1691. USE OF 911 FUNDS.** Filed 5/12/10. *TO AMEND THE STATUTES GOVERNING EMERGENCY TELEPHONE SERVICE AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE USE OF 911 FUNDS.*

Amends GS 62A-41 to limit local governments receiving distribution from a fund under GS 62A-46 and service providers to one representative on the 911 Board. Removes from the 911 Board two representative positions and adds two different members. Changes term duration to three years and limits members to two terms, provided that existing members serve until the expiration of their original terms. Amends GS 62A-42 to authorize the 911 Board to establish and fund operating standards for primary public safety answering points (PSAPs). Amends GS 62A-46 to require that a PSAP comply with Board-adopted rules, policies, procedures, and operating standards, effective July 1, 2011. Amends GS 62A-42 to allow the 911 Board to pay private vendors for provisioning a network that provides 911 service. Expands the PSAP grant account to include statewide 911 projects, and allows the 911 Board to use funds for statewide 911 project expenses, provided specified requirements are met. Makes conforming changes to authorize the Board to provide grants to consolidating PSAPs, including the relocation costs of primary PSAPs. Allows a PSAP to use distributions from the 911 Fund for radio communications equipment for first responders. Amends GS 62A-43 to authorize the Board to adjust, in any year, the 911 service charge if revenue rates are insufficient or excessive (current law requires a reduction when rates produce excess revenue). Amends GS 62A-44 to increase the amount of funds that the Board may retain for administrative expenses from 1% to 2%, if warranted by cost. Modifies the monthly distribution amount to PSAPs in GS 62A-46 by requiring the Board to create a formula that will provide equitable, sustainable distributions to all funded PSAPs for current costs and anticipated increases in expenses. Requires a PSAP to have provided enhanced 911 services and received distributions from the Board in the prior fiscal year in order to be eligible for a distribution. Allows a PSAP to carry forward up to 20% of the total funds disbursed during the fiscal year, without altering the funding formula. Makes the funding formula effective for distributions made in the 2011 fiscal year. Makes other clarifying and conforming changes. Effective July 1, 2010.

**Intro. by Bryant, Faison, Sager, West.**

GS 62A

June 10, 2010

**H 1691. USE OF 911 FUNDS.** Filed 5/12/10. House committee substitute makes the following changes to 2nd edition.

*911 Board.* Amends GS 62A-41, adding the requirement that the 911 Board members representing a municipality and a county must be from a municipality and county, respectively, where a primary PSAP is located. Adds the requirement that the fire chief member, appointed by the Speaker of the House, must have experience operating or supervising a PSAP. Changes a member appointed by the President Pro Tempore of the Senate to a Rescue or Emergency Medical Services Chief with experience operating or supervising a PSAP (was, an emergency management director). Reverts each member's term to the original four years (was, three). Amends GS 62A-42(a), authorizing the 911 Board to design, create, or acquire printed or web-based public education materials regarding the proper use of 911.

*Carry Forward.* Amends proposed subsection (b1) of GS 62A-46 to provide that a PSAP may carry forward distributions for eligible expenditures for capital outlays, improvements, or equipment replacement (previously, PSAPs could carry forward up to 20%). Explains that amounts carried forward to the next fiscal year from Board distributions may not lower the distributions in GS 62A-46(a) unless the amount carried forward is more than 20% of the average yearly amount distributed to the PSAP in the prior two years. Authorizes the 911 Board to allow a PSAP to carry forward a greater amount without affecting that PSAP's distribution. Effective July 1, 2011, and applies to distributions made on or after that date. Makes conforming change to GS 62A-46(a).

Removes *dispatch* from applicable definitions in GS 62A-40.

*Use of Funds.* Removes radio communication equipment from eligible expenses. Adds to the list of eligible expenses dispatch equipment located in a building where a primary PSAP is

located, with exclusions. Adds training specific to managing a primary PSAP or supervising primary PSAP staff to the list of allowable training expenses.

*Emergency Telephone System Fund.* Allows 50% of funds in the Emergency Telephone System Fund, as of the effective date of this act, to be used for public safety needs, including costs that are not eligible expenses under GS 62A-46, provided that the expenditures are made in 2010-11 and 2011-12. States that any local governing entity is not relieved of any prior obligation incurred for uses authorized by GS 62A-46.

Makes technical and organizational changes.

June 17, 2010

**H 1691. USE OF 911 FUNDS.** Filed 5/12/10. House committee substitute makes the following changes to 3rd edition. Amends GS 62A-46(a) to require the 911 Board (Board) to report on changes in the funding formula, within 45 days of the change, to the Joint Legislative Commission on Governmental Operations, the Revenue Laws Study Committee, and the Joint Legislative Utility Review Committee. Adds to the issues that must be considered by the Board's funding formula to also include consideration of any inter-local government funding agreement between a primary PSAP and a secondary PSAP, provided that the secondary PSAP, (1) was in existence as of June 1, 2010, (2) receives funding under the agreement, and (3) is within the service area of the primary PSAP. Makes organizational changes to the statute. Adds a new section requiring the House Select Committee on the Use of 911 Funds to study the funding of secondary PSAPs and whether secondary PSAPs should be eligible to receive distributions from the 911 Board.

July 1, 2010

**H 1691. USE OF 911 FUNDS.** Filed 5/12/10. Senate committee substitute makes the following changes to 4th edition.

Amends GS 62A-41 regarding the membership of the 911 Board to clarify that one member is to be a fire chief appointed upon the recommendation of the North Carolina Fireman's Association, and one member is to be a Rescue or Emergency Medical Services Chief appointed upon the recommendation of the North Carolina Association of Rescue and Emergency Medical Services.

Amends GS 62A-42 to add to the powers and duties of the 911 Board the authority to use funds available to the 911 Board under GS 62-47 to pay its obligations that are incurred for statewide 911 projects.

Amends GS 62A-43(d) to clarify that the adjustment in the rate amount becomes effective annually on July 1. Also clarifies that if the revenue generated by the service charge exceeds or is less than the amount needed, the 911 Board may adjust the rate.

Amends GS 62A-44(b) to provide that unless the 911 Board sets the percentage at a different amount, the default amount that the 911 Board may deduct and retain for its administrative expenses is 1%. Also provides that the percentage may not be more than 2%. Requires the 911 Board to set the rate at an amount that enables it to meet its commitment to provide technical assistance to primary Public Safety Answering Points (PSAPs).

Amends GS 62A-46(a) to provide that a PSAP is not eligible for a monthly distribution from the 911 Fund for PSAPs unless the PSAP provides enhanced 911 service and received distributions from the 911 Board in the 2008-09 fiscal year (was, received distributions in the prior fiscal year).

Makes clarifying changes regarding the following effective dates. Amendments to GS 62A-46(a) (regarding monthly distributions) become effective July 1, 2010, and apply to distributions by the 911 Board in fiscal years beginning in 2011. Amendments to GS 62A-46 new subsection (b1) (regarding carryforward of distributions) become effective July 1, 2011, and apply to distributions made on or after that date. Amendments to GS 62A-46(e) (regarding use of distribution funds) become effective July 1, 2011.

Amends GS 62A-47 to direct the 911 Board to publish one or more notices each fiscal year that advertises the availability of grants from the PSAP Grant and Statewide 911 Projects Account (was, PSAP Grant Account).

Clarifies that 50% of the funds in the Emergency Telephone System Fund on the effective date of this act may be used by the local government entity to provide for public safety needs.

Repeals GS 66-359 (PEG channel grants).

Amends GS 105-164.441(b) (supplemental PEG [public, educational, or governmental access channel] channel support) to provide that each quarterly distribution of supplemental PEG channel support is to include one-fourth of the share of each qualifying PEG channel (was, one-fourth of \$25,000) certified by the city or county under GS 105-164.44J. Provides that the share of each certified PEG channel is \$4 million and the amount of any funds returned to the Secretary of State (Secretary) in the prior fiscal year under GS 105-164.44J(d) divided by the number of PEG channels certified under GS 105-164.44J. Deletes restriction that the amount distributed under subsection (b) cannot be more than \$2 million in a fiscal year, plus the amount of any funds returned to the Secretary in the prior fiscal year. Effective July 1, 2011, and applies to distributions made on or after July 1, 2011, for quarters beginning on or after April 1, 2011.

Amends GS 105-164.44J(b) to provide that a county or city may not certify for more than three qualifying PEG channels.

Deletes amendment to GS 62A-42(a)(6) that authorized the 911 Board to use funds available under GS 62A-47 to pay its obligations incurred for statewide 911 Projects (but see amendment to GS 62A-42 above).

Makes additional organizational and technical changes. Makes technical changes and a conforming change to the title.

Except as otherwise indicated, this act becomes effective July 1, 2010.

July 28, 2010

**SL 2010-158 (H 1691). USE OF 911 FUNDS. AN ACT TO AMEND THE STATUTES GOVERNING EMERGENCY TELEPHONE SERVICE, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE USE OF 911 FUNDS, AND TO INCREASE FUNDS FOR SUPPLEMENTAL PEG CHANNEL SUPPORT.** Summarized in *Daily Bulletin* 5/12/10, 6/10/10, 6/17/10, and 7/1/10. Enacted July 23, 2010. Effective July 1, 2010, except as provided otherwise.