

No. 2019-83

AN ACT

HB 859

Amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in 911 emergency communication services, further providing for telecommunications management; and providing for Nonprofit Security Grant Fund.

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

Section 1. Section 5303(a) of Title 35 of the Pennsylvania Consolidated Statutes, amended June 28, 2019 (P.L.142, No.17), is amended to read:

§ 5303. Telecommunications management.

(a) Powers and duties of agency.—The agency shall have the following powers and duties:

(1) To adopt rules and regulations as necessary to enforce this chapter. Rules and regulations proposed under the authority of this section shall be subject to review by the General Counsel and the Attorney General in the manner provided for the review of proposed rules and regulations pursuant to the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, and the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(2) To publish guidelines and application procedures for the collection and distribution of fees collected under this chapter.

(3) To receive, review and approve or disapprove all 911 system plans in accordance with standards developed in consultation with the board.

(4) To establish, in consultation with the board, a Statewide 911 plan that sets forth priorities for 911 systems in this Commonwealth and plans for next generation 911 technology.

(5) To designate a State 911 coordinator who shall be an employee of the agency.

(6) To provide administrative and support staff to the board as necessary.

(7) To establish formulas and methods to distribute money in accordance with section 5306.1 (relating to fund) in consultation with the board.

(8) To establish and publish annually uniform standards relating to technology, next generation 911 technology, administration and operation of 911 systems in consultation with the board.

(9) To cooperate with county and regional 911 systems to develop interconnectivity of 911 systems through the establishment, enhancement, operation and maintenance of an Internet protocol network.

(10) To establish and publish annually, in consultation with the board, eligible uses for money received under this chapter, including next generation 911 technology.

(11) To request information and require audits or reports relating to program compliance from any entity remitting the surcharge to or receiving disbursements from the fund.

(11.1) To subpoena witnesses, administer oaths, examine witnesses, take such testimony and compel the production of such books, records, papers and documents as it may deem necessary or proper in and pertinent to any proceeding, investigation or hearing.

(12) To require a biennial performance audit of each 911 system's use of money from the fund, including allocations to capital or operating reserves.

(13) To prescribe the applications and forms necessary to enforce this chapter.

(14) [To] *No later than December 1 of each year, to report to the General Assembly [annually] on the revenue and distributions from the fund for the previous fiscal year and the compliance with the Commonwealth's 911 priorities. In addition, the report shall include a listing of any 911 systems that have merged or consolidated during the previous year.*

(15) To adopt, in consultation with the board, minimum training, certification and quality assurance standards for emergency dispatchers, call takers and supervisors.

(16) To develop, in consultation with the board, a comprehensive plan for the implementation of a Statewide interoperable Internet protocol network using next generation 911 technology that coordinates the delivery of Federal, State, regional and local emergency services.

(17) To enforce this chapter through injunction, mandamus or other appropriate proceeding.

(18) To take other actions necessary to implement and enforce this chapter.

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Section 2. Title 35 is amended by adding a chapter to read:

CHAPTER 56
NONPROFIT SECURITY GRANT FUND

Sec.

5601. Definitions.

5602. Nonprofit Security Grant Fund.

5603. Administration.

5604. Expiration.

§ 5601. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Commission." The Pennsylvania Commission on Crime and Delinquency.

"Eligible applicant." A nonprofit organization.

"Eligible project." Security enhancements designed to protect the safety and security of the users of a facility located in this Commonwealth that is owned or operated by a nonprofit organization.

"Facility." A building or portion of a building owned or operated by a nonprofit organization and used to carry out the organization's mission, including community space, community centers, day-care or adult care facilities.

"Fund." The Nonprofit Security Grant Fund established under section 5602 (relating to Nonprofit Security Grant Fund).

"Nonprofit organization." A corporation or other entity based in this Commonwealth which:

(1) is an exempt organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)); and

(2) principally serves individuals, groups or institutions that are included within a bias motivation category for single bias hate crime incidents identified by the Federal Bureau of Investigation in its 2017 Hate Crime Statistics publication under the Uniform Crime Reporting Program.

"Security enhancements." The term includes:

(1) Safety and security planning.

(2) Purchase of safety and security equipment.

(3) Purchase of security-related technology, which may include, but is not limited to:

(i) Metal detectors.

(ii) Protective lighting.

(iii) Surveillance equipment.

(iv) Special emergency communications equipment.

(v) Electronic locksets.

(vi) Deadbolts.

(vii) Trauma kits.

(viii) Theft control devices.

(4) Safety and security training.

(5) Threat awareness and response training.

(6) Upgrades to existing structures that enhance safety and security.

(7) Vulnerability and threat assessments.

(8) Specialty trained canines.

(9) Any other safety- or security-related project that enhances safety or security of the nonprofit organization.

§ 5602. Nonprofit Security Grant Fund.

(a) Establishment.—The Nonprofit Security Grant Fund is established as a special fund in the State Treasury.

(b) Appropriation.—All money deposited in the fund under subsection (d) and the interest the money accrues shall be appropriated to the commission on a continuing basis to award grants under this chapter.

(c) Transfers from General Fund.—Money available to the fund shall include transfers from the General Fund as provided under subsection (d).

(d) Transfer by Secretary of the Budget.—No later than 30 days after the effective date of this section, the Secretary of the Budget shall transfer to the fund \$5,000,000 of the unexpended, unencumbered prior year funds that were originally appropriated from the General Fund to any executive

branch agency which is subject to the policy, supervision and control of the Governor. The Secretary of the Budget may only make the transfer of funds if the transfer will not result in a deficit in any appropriation from which the funds are transferred. No less than 10 days prior to the transfer, the Secretary of the Budget shall send notification of the transfer in writing to the chairperson and the minority chairperson of the Appropriations Committee of the Senate and the chairperson and the minority chairperson of the Appropriations Committee of the House of Representatives.

(e) Appropriation by General Assembly.—Beginning with the 2020-2021 fiscal year, the General Assembly may appropriate money to the fund.

(f) Lapse of funds.—All unexpended and unencumbered funds remaining in the fund as of July 1, 2024, shall lapse and be transferred to the General Fund.

§ 5603. Administration.

(a) Applications.—An application for a grant under this chapter shall be submitted by an eligible applicant in the form and manner prescribed by the commission.

(b) Initial application period.—No later than March 1, 2020, the commission shall begin to accept applications from eligible applicants for grant money available during the fiscal year. The commission shall provide notice of the application period on the commission's publicly accessible Internet website.

(c) Additional application period.—If money is available in the fund, no later than October 1, 2020, and each October 1 thereafter, the commission shall accept applications from eligible applicants during the fiscal year. The commission shall provide notice of a new application period on the commission's publicly accessible Internet website.

(d) Review process.—The commission shall review applications and make awards subject to subsection (e) on a rolling basis. No later than 90 days after a completed application is received from an eligible applicant, the commission, in consultation with the Governor's Office of Homeland Security and the Pennsylvania State Police, shall review and approve or deny the application. An eligible applicant may revise and resubmit a denied application to the commission.

(e) Allocation.—An eligible applicant may not receive more than the following amounts in any fiscal year:

(1) Subject to paragraphs (2), (3) and (4):

(i) The minimum grant amount awarded shall be no less than \$5,000.

(ii) The maximum grant amount awarded may not be more than \$150,000.

(2) The commission may not require non-State financial participation from an eligible applicant for a grant request that is \$25,000 or less.

(3) The commission may award a grant between \$25,001 and \$75,000 if the eligible applicant provides non-State financial participation equal to 33% of the requested grant amount.

(4) The commission may award a grant between \$75,001 and \$150,000 if the eligible applicant provides non-State financial participation equal to 50% of the requested grant amount.

(f) Limitations.—The following shall apply to grant applications:

(1) The commission may not provide grants in excess of the amount in the fund.

(2) The commission may prorate the grant amount to an eligible applicant.

(g) Eligible projects.—The commission may only award grants through the fund for eligible projects. Eligible applicants may only expend grant money received through the fund on eligible projects.

(h) Eligibility for redevelopment assistance capital project.—An eligible project which receives a grant under this chapter may be the subject of an award for a redevelopment assistance capital project under Chapter 3 of the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act. Nothing in this subsection shall be construed to modify the eligibility requirements for redevelopment assistance capital projects under the Capital Facilities Debt Enabling Act.

§ 5604. Expiration.

This chapter shall expire July 1, 2024.

Section 3. This act shall take effect immediately.

APPROVED—The 7th day of November, A.D. 2019

TOM WOLF