



Guidelines for STATE NG9-1-1 Legislative Language



U.S. Department of Transportation
**National Highway Traffic Safety
Administration**



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Definitions

These definitions are provided as a reference for this document only, and are not intended to be used or included in statutory language.

9-1-1	A three-digit telephone number to facilitate the reporting of an emergency requiring a response by a public safety agent.
9-1-1 “call”	Any form of communication requesting emergency assistance by contacting a Public Safety Answering Point (PSAP); includes non-voice communications as well as transmission of any associated digital data (e.g., photos, video).
9-1-1 fund	The fund established by State statute that is specifically used to fund 9-1-1 activities and/or infrastructure.
9-1-1 service area	The geographic area that has been granted authority by a State or local governmental body to provide 9-1-1 services.
9-1-1 State plan	A document prepared, maintained, implemented, and updated by a State that provides a comprehensive plan for operating a statewide 9-1-1 system that communicates 9-1-1 call information across networks and among PSAPs, addresses all aspects of the statewide 9-1-1 system, and describes the allowable uses of revenue in the 9-1-1 Fund.
9-1-1 system	A coordinated system of technologies used by a collaborative group of people to operate an efficient and effective network for accepting, processing, and delivering emergency information to facilitate an emergency response. A set of network, software applications, databases, CPE components, and operations and management procedures required to provide 9-1-1 service.
Automatic location identifier (ALI)	The automatic display at the PSAP of the caller’s address/location of the telephone and supplementary emergency services information of the location from which a call originates.
Automatic Number Identification (ANI)	The automatic display at the PSAP of the caller’s telephone number associated with the access line from which a call originates.
Basic 9-1-1	An emergency telephone system that automatically connects 9-1-1 callers to a designated answering point. Call routing is determined by the originating telephone central office only. Basic 9-1-1 may or may not support ANI and/or ALI.
Call-taker	An agent of a PSAP who answers and processes emergency calls.

Call-taking	The act of processing a call for emergency assistance up to the point that the call is ready for dispatch, including the use of equipment, call classification, location of a caller, and determination of the appropriate response level for emergency responders.
Carrier	A function provided by a business to a customer base, typically for a fee. Examples of carriers and associated services are: PSTN service by a local exchange carrier, VoIP service by a VoIP provider; e-mail service provided by an Internet service provider.
Commercial mobile radio service (CMRS)	Cellular, personal communications service (PCS), mobile radio, paging, and other wireless services.
CMRS connection	Each mobile handset telephone number assigned to a CMRS subscriber with a place of primary use in-State.
CMRS provider	An entity, whether facilities-based or non-facilities-based, that is licensed by the Federal Communications Commission to provide CMRS or that resells CMRS within a State.
Computer aided dispatch (CAD)	A computer-based system that aids PSAP telecommunicators by automating selected dispatching and record keeping activities.
Continuity of operations	The ability to continue operations during and after a major disaster.
Customer premise equipment (CPE)	Communications or terminal equipment located in the customer's facilities – terminal equipment at a PSAP.
Database	An organized collection of information, typically stored in computer systems, comprised of fields, records (data), and indexes. In 9-1-1, such databases include Master Street Address Guide (MSAG), telephone number/Emergency Service Number (ESN), and telephone customer records.
Data exchange	The process of exchanging 9-1-1 data between service providers and the database management system provider.
Enhanced 9-1-1 (E9-1-1)	A telephone system that includes network switching, data base and PSAP premise elements capable of providing automatic location identification data, selective routing, selective transfer, fixed transfer, and a call-back number. The term also includes any enhanced 9-1-1 service so designated by the Federal Communications Commission in its Report and Order in WC Docket Nos. 04-36 and 05-196, or any successor proceeding.

Emergency Medical Services (EMS)	A system of coordinated response that provides emergency medical care, involving multiple people and agencies.
Emergency services IP network (ESInet)	An IP-based inter-network (network of networks) shared by all agencies that may be involved in any emergency.
End user	The 9-1-1 caller.
Enhanced 9-1-1 Service	A telephone system that includes network switching, database and Public Safety Answering Point (PSAP) premise elements capable of provide ALI data, selective routing, selective transfer, fixed transfer, and a call back number. The term also includes any enhanced 9-1-1 service so designated by the Federal Communications Commission in its Report and Order in WC Docket Nos. 04-36 and 05-196, or any successor proceeding.
Geographic information system (GIS)	A computer software system that enables one to visualize geographic aspects of a body of data. It contains the ability to translate implicit geographic data (such as street address) into an explicit map location. It has the ability query and analyze data in order to receive results in the form of a map. It also can be used to geographically display coordinates on a map, i.e., latitude/longitude from a wireless 9-1-1 call.
Internet protocol (IP)	The method by which digital data is sent from one computer to another on the Internet or other networks.
Interoperability	The capability for disparate communications systems to seamlessly interconnect and work together as a collective system.
Landline	Colloquial term for the public switched telephone network access via an actual copper or fiber optic transmission line that travels underground or on telephone poles. Used to differentiate the “wireless” connectivity of a cellular or Personal Communication System (PCS).
Local exchange carrier	A telecommunications carrier under the State/local Public Utilities Act that provides local exchange telecommunications services. Also known as incumbent local exchange carriers, alternate local exchange carriers, competitive local exchange carriers, competitive access providers, certified local exchange carriers, and local service providers.
Master Street Address Guide (MSAG)	A database of street names and house number ranges within their associated communities defining emergency service zones (ESZs) and their associated emergency service numbers (ESNs) to enable proper routing of 9-1-1 calls.

Next Generation 9-1-1 (NG9-1-1)	NG9-1-1 is an IP-based system comprised of managed IP-based networks (ESInets), functional elements (applications), and databases that replicate traditional E9-1-1 features and functions and provide additional capabilities. NG9-1-1 is designed to provide access to emergency services from all connected communications sources, and provide multimedia data capabilities for PSAPs and other emergency service organization.
Prepaid wireless telephone service	Telephone service authorized by the purchase of CMRS, either exclusively or in conjunction with other services. This service must be paid for in advance and is sold in units or dollars whose number or dollar value declines with use and is known on a continuous basis.
Proprietary information	Subscriber lists, technology descriptions, technical information, or trade secrets that are developed, produced, or received internally by a voice communications service provider or by a voice communications service provider's employees, directors, officers, or agents.
Public safety agency	A functional division of a public agency that provides firefighting, police, medical, or other services to respond to and manage emergency incidents.
Public safety answering point (PSAP)	A set of call-takers authorized by a governing body and operating under common management that receives 9-1-1 calls and asynchronous event notifications for a defined geographic area and processes those calls and events according to a specified operational policy.
Service provider	An entity providing one or more of the following 9-1-1 elements: network, CPE or database service.
Standards development organization (SDO)	An entity whose primary activities are developing, coordinating, promulgating, revising, amending, reissuing, interpreting, or otherwise maintaining standards that address the interests of a wide base of users outside the standards development organization.
Subscriber	A person who purchases a communications service and is able to receive it or use it periodically over time.
Telecommunication	The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information sent and received, regardless of the facilities, equipment or technology used.

Telecommunicator	A person who is trained and employed in public safety telecommunications. The term applies to 9-1-1 call takers, dispatchers, radio operators, data terminal operators, or any combination of such functions in a PSAP.
Voice communications service	The transmission, conveyance, or routing of real-time, two-way voice communications to a point or between or among points by or through any electronic, radio, satellite, cable, optical, microwave, wireline, wireless, or other medium or method, regardless of the protocol used, including interconnected VoIP service.
Voice communications service connection	Each telephone number assigned to a residential or commercial subscriber by a voice communications service provider, without regard to technology deployed.
Voice over Internet protocol (VoIP)	Provides distinct packetized voice information in digital format using the Internet protocol. The IP address assigned to the user's telephone number may be static or dynamic.

Introduction

The 9-1-1 system has successfully provided access to emergency response for over 40 years, but the public's use of advanced communication technologies (i.e., wireless telephones, the adoption of Voice over Internet Protocol (VoIP) telephony and broadband) contribute to greater expectations than the current 9-1-1 system can address. Because text, data, images, and video are increasingly common in personal communications, users expect the 9-1-1 system to accommodate highly mobile, dynamic communications modes. Trends in personal communication technologies have rendered the current 9-1-1 system obsolete. There is no question that 9-1-1 networks and call centers must change from the current analog, circuit-switched, copper landline technology to a digital, Internet protocol-based infrastructure. Generally, service providers, public safety professionals and standards development organizations support the adoption of IP-networks as the future infrastructure for 9-1-1 networks.

However, the current laws and regulations in most States do not effectively enable the implementation of new technologies, or allow the level of coordination and partnerships among government and public safety stakeholders, service and equipment providers, 9-1-1 public safety answering points, and 9-1-1 authorities that are necessary to implement IP-enabled 9-1-1 systems. The deployment of Next Generation 9-1-1 will require increased coordination and partnerships among these groups. Many existing laws, regulations, and tariffs specifically reference older technologies or system capabilities and may inadvertently inhibit the migration to IP-enabled 9-1-1. Many 9-1-1 State entities have very limited and specific authority to operate or oversee the 9-1-1 system within the State. Legislation in many States may need to be re-examined, and in many cases, modified, to effectively support NG9-1-1 deployment.

“To actually implement an NG9-1-1 system requires effective overall policies, laws, and regulations that facilitate and fully support all aspects of NG9-1-1”
(National Emergency Number Association NG Partner Program, 2010)

Current State 9-1-1 laws vary dramatically across the country. Laws addressing 9-1-1 governance structures do not exist in some States; funding models identified in legislation are often no longer adequate to support service needs. Many State regulatory environments do not address emerging technologies. These deficiencies have a negative impact on existing 9-1-1 service as well as any attempt to transition to NG9-1-1.

To support States in addressing these issues, the National 9-1-1 Program, which is housed within the Office of Emergency Medical Services at the U.S. Department of Transportation's National Highway Traffic Safety Administration, has drafted this guideline document with input from local, regional, State, and Federal public sector stakeholders, as well as private sector industry representatives and advocacy associations.

Each State faces unique challenges as it addresses NG9-1-1 coordination and implementation. This guideline legislation document represents examples of “ideal” yet “generic” legislation language. We anticipate that the ideas in this document will serve as a resource and provide options for consideration as States address issues related to NG9-1-1 implementation. It is

unlikely that every component will be enacted in every State. Some of the ideas in this guideline document may present significant changes and substantial challenges for various local, State, and private sector stakeholders. This document is presented as a guideline with the understanding that its overall purpose is to support the implementation of NG9-1-1, and States will address their individual challenges as legislation is developed and debated.

Background

Guidelines for State NG9-1-1 Legislative Language - Project Assessment Document.

In September 2010, the project began with the development of the *Guidelines for State NG9-1-1 Legislative Language Project: Assessment Document*. The development of this initial document involved an extensive review of existing information regarding current 9-1-1 legislation and regulation, interviews with 9-1-1 subject matter experts to gather general information, an examination of key provisions of State 9-1-1 legislation in all 50 States, and examination of how the overall status of current legislation is likely to affect the deployment of NG9-1-1. The following topics were identified as critical components of Guidelines for State NG9-1-1 Legislative Language to be addressed for successful migration to NG9-1-1:

- Statewide 9-1-1 Governance Structure;
- 9-1-1 Funding and Resources;
- Confidentiality/Privacy/Security;
- Liability; and
- Rulemaking and Regulatory Environment.

For each of these topics, the *Guidelines Assessment Document* provided an overview of the key issues, a brief discussion, and a listing of resources available for a more detailed examination of these issues. The assessment document also included a 9-1-1 State Legislation Summary Table with legislation details and statutory references related to key State 9-1-1 legislative and regulatory provisions. This *Assessment Document* served as a resource as existing legislation was examined and revisions considered.

Guidelines for 9-1-1 State Legislative Language: Stakeholders Forum

Following this initial research, general input was obtained from local, regional, State, and Federal public sector stakeholders, as well as private sector industry representatives and advocacy associations during a stakeholders forum, conducted in Washington, DC, on March 31, 2011. Twenty stakeholders representing 16 national associations of public officials and private industry, as well as subject matter experts, attended the forum (see Appendix C). This group used the *Assessment Document* as a reference and engaged in a full day of thoughtful discussion regarding critical components of guidelines for 9-1-1 State legislative language.

Following this meeting, input was summarized, reviewed, and reported in the *Guidelines for State NG9-1-1 Legislative Language: Stakeholders Forum Proceedings Summary Report* (see Appendix A). Based on discussions and stakeholder input, the National 9-1-1 Program drafted *Guidelines for State NG9-1-1 Legislative Language*. This draft legislation document was

circulated among stakeholders for general input, feedback, and comments in preparation of this document.

Using This Document

There are multiple statutory and regulatory changes necessary to facilitate the implementation of NG9-1-1 and they are complex and multifaceted. This document therefore does not contain an end-to-end “model law” that can be submitted for legislative action. Instead it contains an inventory of issues related to NG9-1-1 deployment, and options for legislative language to address these issues. Readers are encouraged to assess their current overall status, inventory the options in this document and use example language as appropriate. Differences in every State and Territory’s governance and structure will dictate individual legislative actions.

In order to support States in the development and/or amendment of 9-1-1 legislation, this *Guidelines for State NG9-1-1 Legislative Language* document provides background information, examples of legislative language, and guidance for the use of the language, for each key issue identified. This guidance discusses the specific issues or challenges the proposed legislation addresses and explains the intent of the language. It is anticipated that this will provide ideas as States to consider 9-1-1 legislation adoption and foster State progress toward a statutory environment that facilitates the full deployment of NG9-1-1.

Sections I to VI are topics that should be specifically included in a State’s 9-1-1 statute. The topics identified in Section VII are critical to eliminating barriers and facilitating the implementation of NG9-1-1, but may need to be addressed outside of the 9-1-1 statute. To establish a logical connection between the two, States may wish to consider adding references within the 9-1-1 statute to related legislation found elsewhere.

Each section includes two columns of information:

Column 1 contains options/examples for legislative and/or regulatory language.	Column 2 contains guidance/background information for each option/example.
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I. 9-1-1 Governance Structure

State legislation enabling the provision of 9-1-1 services was initially developed with a focus on the technology of the 1960s – wireline communications technologies that provided local 9-1-1 services. With advancements in communications technology, people now expect to exchange information with 9-1-1 in a variety of ways – mobile telephones, through VoIP service providers, using text and video files, through their car or security system, and across localities, States, and countries. Technology has enabled multiple forms of communication, and expands the potential capability of the 9-1-1 system – to “interconnect” with numerous local and regional emergency responder systems, collectively forming a “system of systems,” connected by interoperable communication networks. The adoption of advanced communication devices and interconnected networks are the functional capabilities of NG9-1-1.

The Wireless Communications and Public Safety Act of 1999 stated that

“the rapid, efficient deployment of emergency telecommunications service requires Statewide coordination of the efforts of local public safety, fire service and law enforcement officials, emergency dispatch providers, and transportation officials; the establishment of sources of adequate funding for carrier and public safety, fire service and law enforcement agency technology development and deployment; the coordination and integration of emergency communications with traffic control and management systems....” (P.L. 106-81, 1999).

To effectively address and coordinate these efforts, State 9-1-1 legislation should identify the statewide 9-1-1 governance structure, including State, regional and local roles. NG9-1-1 systems are likely to be regional (perhaps large scale regional), and new interlocal governmental arrangements may be necessary. Statewide coordination of systems and the establishment of standard network functions will be necessary to maximize emergency communication and information sharing. Legislation should address the structure, authority and functions of the State 9-1-1 authority.

I.A. Designate 9-1-1 as an Essential Government Service	
Options/Examples for Statutory/Regulatory Language	Guidance/Background Information
<i>9-1-1 Service is defined as an “essential government service,” consistent with the State constitution and other relevant statutes.</i>	Legislative Guidance: To the extent that a State constitution or statute defines “essential government service” in terms of the safety or security of the public or a segment of the public, 9-1-1 service, as a critical public safety service, should be defined as an “essential government service.”

I.B. State 9-1-1 Office and State 9-1-1 Coordinator

There shall be, within the Department of xxx, a State 9-1-1 office. The Secretary/Director of xxx shall, with the advice of the 9-1-1 Advisory Committee, appoint an executive director of the office. The executive director shall be responsible for administering, directing and managing the affairs and business of the office, and for the appointment and supervision of all personnel at the office. The executive director may appoint such other employees, including experts and consultants, as deemed necessary, subject to appropriation and/or available funds and State employment and procurement laws, to carry out the office's responsibilities. The executive director shall be considered the "State 9-1-1 coordinator" for purposes of relevant State and Federal law and program requirements.

Legislative Guidance: The establishment of a State-level entity with statewide authority to address necessary State level functions and responsibilities, with a clearly defined 9-1-1 program coordination role, is critical to maximizing the capabilities of 9-1-1 systems. State-level 9-1-1 authority that is comprehensive and accommodates all forms of originating telecommunication services will be required for NG9-1-1 implementation. Legislation defining the role of the State 9-1-1 entity should facilitate the coordination of 9-1-1 service networks statewide, and include the authority to support those State-level system operational functions necessary to ensure a statewide 9-1-1 system of systems. While this language anticipates the location of a State 9-1-1 function within an appropriate State agency, said 9-1-1 function could be implemented through an independent State agency or administrative unit. States may have hiring and procurement laws that must be considered.

Legislation should not prohibit inter-State communications.

I.C. State 9-1-1 Advisory Committee

There shall be, within the Department of xxx, a State 9-1-1 advisory committee to provide strategic oversight and/or guidance to the State 9-1-1 office, and advise the office relative to its annual budget and in all matters regarding 9-1-1 service in the State. The advisory committee shall act in an advisory capacity to the Governor, the secretary/director and the General Assembly/legislature on all matters related to the 9-1-1 system, service, and funding thereof.

The advisory committee shall consist of:

- *the State secretary of public safety;*
- *the State chief information officer;*
- *the State police commissioner/highway patrol;*
- *the State fire marshal;*
- *the police commissioner/chief of police of xx (a large city);*
- *the police commissioner/chief of police or sheriff of a rural county;*
- *the commissioner of public health;*
- *State director of emergency medical services;*
- *a representative of the State emergency medical advisory council or board;*
- *xxxxx members to be appointed by the governor, including representatives of local police departments, fire departments, sheriff's departments, municipal leadership; ambulance service providers; PSAP managers;*
- *xxxxx staff/members of local/regional 9-1-1 authorities providing functional, funding and administrative support to PSAPs;*
- *a representative of the State regulatory commission/public utilities commission;*
- *a representative of commercial 9-1-1 service providers;*
- *consumer representative;*
- *the executive director of the State 9-1-1 office, who shall serve as an ex-officio member of the advisory committee;*
- *Members to be appointed by legislature.*

Legislative Guidance: Recognizing that an effective statewide 9-1-1 system environment will involve State, regional, and local government stakeholders, as well as private sector parties, the 9-1-1 advisory committee should represent critical stakeholders and should serve as a forum for coordination and collaborative decision-making.

States should consider the level of authority vested in the advisory committee. In some cases, States may determine a stronger, policy "board" may be appropriate, with authority to review and approve 9-1-1 office activities.

Regardless of the level of authority vested in the advisory committee or board, membership should include representatives of critical, diverse stakeholder groups.

Responsibility for operational/administrative support of committee should be established.

<p>I.C.1. State 9-1-1 Advisory Committee Protocols</p>	
<p><i>The leadership of the State 9-1-1 Advisory Committee shall be elected by committee members annually.</i></p> <p><i>Members of the State 9-1-1 Advisory Committee shall be appointed by the Governor for terms of 3 years with no limit on the number of terms they may serve. Members shall hold office until a successor is appointed and no member shall serve beyond the time he or she ceases to hold the office or employment that made him or her eligible for appointment.</i></p> <p><i>Members of the State 9-1-1 Advisory Committee shall receive no compensation, but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties.</i></p>	<p>Legislative Guidance: Legislation should clearly identify the State 9-1-1 Advisory Committee protocols and the expectations of appointed members.</p> <p>Alternative to gubernatorial appointment, States may establish membership in statute, or provide authority for appointment to a State agency.</p> <p>States may include operational activities of the committee at various levels of detail, such as minimum meeting frequency, duties and responsibilities.</p> <p>Reimbursement considerations (e.g., per diem) should be consistent with existing State statute.</p>
<p>I.C.2. State 9-1-1 Advisory Committee Role</p>	
<p><i>The State 9-1-1 Advisory Committee shall advise and review all formulas, percentages, guidelines or other mechanisms used to distribute 9-1-1 funds described in section xxx, the 9-1-1 State plan. The committee shall advise the State 9-1-1 office regarding regulations, standards, and requirements, and review all regulations and standards proposed by the office, consistent with existing State statutes and administrative procedures.</i></p> <p><i>The State 9-1-1 Advisory Committee shall advise the State 9-1-1 office on the following subjects:</i></p> <p><i>(a) Policies, practices, and procedures for the State 9-1-1 office.</i></p> <p><i>(b) Proposed projects and studies conducted or funded by the 9-1-1 fund.</i></p> <p><i>(c) Upon request of a local public agency, the State 9-1-1 Advisory Committee shall conduct a hearing on any conflict between a local public agency and the State 9-1-1 office regarding a budget or plan that has not been approved by the office. The</i></p>	<p>Legislative Guidance: Coordination among State, regional, and local level 9-1-1 roles and authorities should be clearly identified. Review and guidance provided by the State 9-1-1 Advisory Committee should ensure that all critical stakeholders are informed of, and involved as appropriate with, 9-1-1 State office activities. In addition, the expertise of committee members should be used by the State 9-1-1 office for planning and implementation purposes. Last, States may want to consider granting the committee mediation or dispute resolution authority with regard to local 9-1-1 planning and oversight disputes.</p>

<p><i>committee shall meet within 30 days following the request, and shall make a recommendation to resolve the conflict to the office within 90 days following the initial hearing by the committee pursuant to the request. Authority for this action must be consistent with existing State statutes and administrative procedures.</i></p>	
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I.C.3. State 9-1-1 Advisory Committee Annual Report

<p><i>The State 9-1-1 Advisory Committee shall file a written report annually with the Governor and the General Assembly regarding State 9-1-1 performance and activities. This report shall, at a minimum, include a summary of the progress on the implementation of a coordinated statewide 9-1-1 system, the capital improvements and expenditures proposed for the upcoming fiscal year, expected 9-1-1 fund revenues in the next fiscal year, and a summary of the 9-1-1 fund revenues and expenses for the prior fiscal year.</i></p>	<p>Legislative Guidance: The annual report of the State 9-1-1 Advisory Committee should be made available to the public.</p>
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I.D. Regional and Local 9-1-1 Authorities

<p><i>Every local jurisdiction shall establish and operate a 9-1-1 system or be part of such a system. The establishment and operation of such systems shall be a coordinated effort among jurisdictions to the extent feasible. Nothing in this article shall be construed to prohibit or discourage in any way the formation of multijurisdictional or regional systems, and any system established pursuant to this article may include more than one public agency or may include a segment of the geographic area served by a public agency.</i></p> <p><i>Every 9-1-1 system shall include police, fire services, and emergency medical services, and may include other emergency services, such as poison control services, suicide prevention services, and emergency preparedness or homeland security services.</i></p> <p><i>A public safety agency that receives a request through the 9-1-1 system for emergency services outside its jurisdictional boundaries shall transmit the request to</i></p>	<p>Legislative Guidance: Legislation should clarify the role and authority of local and regional 9-1-1 authorities, clearly delineating the shared responsibilities for 9-1-1 among State, regional, and local entities. Regional networks of interconnecting systems may develop, involving groups of PSAPs and supporting regional 9-1-1 authorities. PSAPs will likely remain responsible for local operational decisions, including staffing, call-taking, and emergency response. Local and regional entities may provide funding, administrative and functional support to PSAPs.</p> <p>Definition of “9-1-1 system” should be included in legislation.</p>
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the proper public safety answering point or public safety agency. Public agencies within a single system and public agencies in different systems but whose jurisdictional boundaries are contiguous are authorized to enter into joint powers agreements or any other form of written cooperative agreement to implement this requirement.

I.E. Roles of other government entities involved in 9-1-1

The State 9-1-1 office, with the advice and guidance of the 9-1-1 advisory committee, shall coordinate the implementation of State 9-1-1 systems established pursuant to this legislation with other State agencies as needed.

Legislative Guidance: Legislation should identify the authority and responsibility between the State 9-1-1 office and other State agencies that may have a vested interest, e.g., public utilities commissions, information technology departments, emergency management agencies and public safety departments. See Section II.A. For more detailed and discussion regarding coordination with other State entities.

II. Role of State 9-1-1 Office

As States modify existing legislation, State level 9-1-1 authority that is comprehensive and accommodates all forms of originating telecommunication services will be required for the next generation of 9-1-1 implementation. Legislation defining the role of the State 9-1-1 entity should facilitate the coordination of 9-1-1 service networks statewide, and include the authority to support those State-level system operational functions necessary to ensure a statewide 9-1-1 system.

II.A. Planning and Coordination	
<p><i>The State 9-1-1 office shall be responsible for statewide coordination of planning and deployment of services, to ensure that coordinated, intrastate 9-1-1 communication networks serve all State residents at a consistent level of service.</i></p>	<p>Legislative Guidance: Legislation should facilitate State level coordination of 9-1-1 service networks statewide. The State 9-1-1 office should have the authority to coordinate 9-1-1 service networks that include local, regional, and statewide systems. The authority to coordinate with tribal, Federal and military systems should also be considered as needed and as it may already exist under State statute.</p>
II.A.1. Statewide 9-1-1 Plan	
<p><i>The State 9-1-1 office shall be responsible for developing, implementing, and maintaining a statewide plan specifying the emergency police, fire and medical service communications systems needed to provide coordinated, 9-1-1 communication networks serving all State residents, including the physically disabled. The plan shall identify State, regional and local roles and shall be reviewed, updated and prioritized on an annual basis.</i></p>	<p>Legislative Guidance: The State 9-1-1 entity should have explicit authority to coordinate and oversee the development and implementation of a State Plan for emergency 9-1-1 communications. Issues to be addressed by a State Plan should include the development of statewide emergency 9-1-1 networks, coordination with neighboring States, and the adoption of industry standards and requirements, and best practices. Coordination with an extended group of stakeholders is necessary, at State, regional, and local levels. A model State 9-1-1 plan was developed by the National Association of State 9-1-1 Administrators as a resource for States (see Appendix A), and may be used as a reference as State legislation is developed.</p>
<p><i>The plan shall include the following activities:</i></p> <ul style="list-style-type: none"> <i>(a) Delivery and proper routing of all 9-1-1 calls.</i> <i>(b) Transfer of 9-1-1 calls between geographically dispersed PSAPs (and from PSAPs to remote public safety dispatch centers), if necessary.</i> <i>(c) Increased aggregation and sharing of data, resources, procedures, standards, and requirements to improve emergency response.</i> <i>(d) Maximized public capital and operating cost savings for 9-1-1 communication services.</i> 	<p>The State plan should clearly address State, regional, and local roles in the control of all aspects of the statewide</p>

<p>(e) <i>Promotion of increased coordination and partnerships within the emergency communication and response community, to include the identification and development of the mutual aid and interlocal agreements necessary to obtain an effective 9-1-1 system.</i></p> <p>(f) <i>Operation of State-level functions and services necessary to support a statewide interconnected 9-1-1 system.</i></p>	<p>9-1-1 system. Liability and jurisdictional demarcations should be clearly identified.</p> <p>The State plan should also include quality of service requirements to specify uniform, minimum levels of 9-1-1 service that should be consistently provided across the State.</p> <p>State-level functions and services may include such items as GIS data sources shared by PSAPs or the operation of a statewide emergency services IP network.</p>
<p>II.A.2. Stakeholder involvement</p>	
<p><i>The State 9-1-1 office shall coordinate and ensure effective stakeholder involvement and input to its official activities.</i></p>	<p>Legislative Guidance: The State 9-1-1 office will benefit from the explicit authority to convene and coordinate 9-1-1 efforts among public partners at the State level, tribal and/or local governments and PSAPs, 9-1-1 authorities, regional stakeholder coalitions, and private sector services providers (wireline, wireless, VoIP, Internet, point-of-sale retailers, etc.). Such coordination may involve planning processes as well as infrastructure development, and resource sharing and management.</p>
<p>II.A.3. Review proposed legislation affecting 9-1-1</p>	
<p><i>The State 9-1-1 office shall review and make recommendations to the State legislative body concerning proposed legislation affecting 9-1-1.</i></p>	<p>Legislative Guidance: The expertise of the State 9-1-1 office should be a valuable resource to State legislators during legislative sessions for any issues related to or affecting 9-1-1 including 9-1-1 system operations, jurisdictional roles and responsibilities and funding needs.</p>
<p>II.A.4. Cooperation with State functions as related to 9-1-1</p>	
<p><i>The State 9-1-1 office shall work in cooperation with State entities/agencies responsible for utility oversight and regulations, public safety, emergency management, and information technology in regard to</i></p>	<p>Legislative Guidance: The State 9-1-1 office should coordinate and collaborate with State and regional public sector entities with functional</p>

<p><i>the development, implementation and maintenance of the 9-1-1 system.</i></p>	<p>responsibilities affecting 9-1-1. This may involve planning, rulemaking, contracting, resource sharing, etc. See Section II.B.2 for more discussion of rulemaking coordination.</p>
<p>II.A.5. Cooperation with vendors and local governments as related to 9-1-1</p>	
<p><i>The State 9-1-1 office shall work in cooperation with communications vendors, emergency service providers, counties and municipal governments offering 9-1-1 service, and any other appropriate agency or committee regarding the development and maintenance of the 9-1-1 system; to include planning, contracting and resource sharing.</i></p>	<p>Legislative Guidance: The State 9-1-1 office should coordinate and collaborate with all entities involved in the implementation and operation of the 9-1-1 system, from local and regional PSAPs, to local governments, to private vendors, to emergency services providers. This will likely involve planning, contracting, resource sharing, etc.</p>
<p>II.B. 9-1-1 Operations</p>	
<p><i>The State 9-1-1 office shall be responsible for the implementation and operation of coordinated, intrastate 9-1-1 communication networks serving all State residents, including the coordination of such delivery in interstate metropolitan and international border areas, as appropriate.</i></p>	<p>Legislative Guidance: As States move into NG9-1-1 implementation, the State 9-1-1 entity will require the explicit authority to coordinate the establishment and operation of intrastate 9-1-1 communication networks, as identified in the State Plan, and coordinate with neighboring States and countries, as appropriate. This authority should support the transition from traditional 9-1-1 services to IP network-based services, and be inclusive of existing and emerging technologies. A mechanism for coordinating, or sharing this authority, with other State and regional public sector agencies will be necessary to most effectively implement these networks.</p>
<p>II.B.1. Implementation of State Plan</p>	
<p><i>The State 9-1-1 office shall have the authority to coordinate and oversee the implementation of the State plan, which may include the following specific activities.</i></p> <p>(a) <i>Identify and adopt operational and technical standards and requirements.</i></p> <p>(b) <i>Adopt regulations.</i></p>	<p>Legislative Guidance: Legislation authorizing the 9-1-1 State office to conduct specific administrative and operational activities will ensure that the office has the necessary State powers to implement the State 9-1-1 plan. These specific activities are more fully described in subsequent sections</p>

<ul style="list-style-type: none"> (c) <i>Enter into contractual relationships.</i> (d) <i>Provide technical assistance.</i> (e) <i>Establish and operate grant programs.</i> (f) <i>Execute financial oversight for funding provided by the State.</i> (g) <i>Collect and distribute data.</i> (h) <i>Conduct general coordination activities.</i> (i) <i>Mediate between jurisdictions.</i> (j) <i>Operate State level functions and services necessary to ensure a statewide, consistent level of interconnected 9-1-1 services.</i> 	<p>of this document. For further guidance on the development of a State 9-1-1 plan, see the <i>NASNA Model State 9-1-1 Plan</i> in Appendix A – General References.</p>
<p>II.B.2. Identify or develop and adopt 9-1-1 related regulations</p>	
<ul style="list-style-type: none"> (a) <i>The State 9-1-1 office, with guidance from the 9-1-1 advisory committee, shall have the authority to develop and adopt rules to implement its coordination and oversight responsibilities, in accordance with existing State rulemaking processes.</i> (b) <i>The State 9-1-1 office shall collaborate with other rulemaking authorities in regard to 9-1-1 related regulations.</i> 	<p>Legislative Guidance: State legislation should grant the State 9-1-1 office the authority to adopt rules to implement its coordination and oversight responsibilities, in accordance with existing State rulemaking processes.</p> <p>In some cases rulemaking authority may rest with other State or regional rulemaking authorities, including Public Utility Commissions and State chief information officers.</p> <p>Rulemaking authority is provided to specific State agencies and delineated according to the specific issue requiring regulation. For example, PUCs typically retain rulemaking authority affecting telecommunications providers; chief Information officers typically oversee rulemaking as it relates to information technology service providers. In addition, other State entities may oversee rulemaking with regard to record retention, employee training, and professional certifications. These entities will be critical stakeholders in 9-1-1 and will likely be involved in rulemaking that affects 9-1-1. The shared rulemaking responsibilities of these State and regional entities with regard to 9-1-1 should be clarified within State processes.</p>

<p><i>(c) The State 9-1-1 office shall have the authority to adopt and apply industry standards and requirements for all 9-1-1 networks, and identify best practices as such are beneficial to the purposes of this statute.</i></p>	<p>Legislative Guidance: 9-1-1 industry standards are developed and promulgated by a variety of standards development organizations, including the National Emergency Number Association, the Association of Public Safety Communications, the Internet Engineering Task Force, and the Alliance for Telecommunications Industry Solutions.¹ As new technologies emerge and best practices are identified, related industry standards will be developed. The State 9-1-1 office should be authorized to require the adoption and application of identified standards relating to 9-1-1 services in order to coordinate statewide networks. These standards address six categories: product, interface, data, testing, performance, and operations. Based upon input from affected stakeholders, the State 9-1-1 entity should have the authority to expect statewide compliance with updated or new standards within timeframes it deems appropriate. When standards are not applicable, or have not yet been developed, the State 9-1-1 office should have the authority to require compliance with specified requirements, if appropriate.</p>
<p>II.B.3. Interlocal and interstate contracts and agreements</p>	
<p><i>The State 9-1-1 office, with approval/advice from the 9-1-1 advisory committee, shall have the authority to enter into interlocal contracts, interstate contracts and Federal contracts for the purposes of implementing the State 9-1-1 plan.</i></p>	<p>Legislative Guidance: The State 9-1-1 office should have the explicit authority to coordinate 9-1-1 efforts with neighboring States, countries, and/or the Federal government. This authority should permit the State 9-1-1 office to enter into Federal, interlocal, and interstate contracts and agreements. For example, the State may apply for</p>

¹ A variety of SDOs contribute to or impact such standards development. Some are specific to emergency services, while others support higher level originating telecommunication services (e.g., 3GPP).

	loans from the U.S. Department of Agriculture’s Rural Utilities Program, for the purpose of building a new facility to co-locate with transportation management.
II.B.4. Contracting authority	
<i>The State 9-1-1 office may enter into contracts with experts, agents, employees, vendors, or consultants to carry out the purposes of this statute, and in accordance with existing State contracting practices.</i>	Legislative Guidance: The State 9-1-1 office will require explicit authority to procure services and contract with public and private entities to support coordinated State Plan implementation, in accordance with existing State procurement processes.
II.B.5. Technical assistance to PSAPs, 9-1-1 authorities and other public safety entities	
<i>The State 9-1-1 office shall coordinate with and provide technical assistance to PSAPs, supporting 9-1-1 organizations and authorities, and other public safety and emergency medical service entities regarding 9-1-1 State plan implementation, as appropriate and necessary.</i>	Legislative Guidance: As part of its statutory responsibility, the State 9-1-1 office should be required to coordinate its activities with 9-1-1 and public safety entities. Within that context, the office should have the responsibility and authority to provide technical assistance to such organizations for the sake of effective Statewide 9-1-1 operations.
II.B.6. Grant making authority	
<i>The State 9-1-1 office shall have the authority to develop and administer grant programs to assist PSAPs and regional emergency 9-1-1 communication centers in providing coordinated 9-1-1 services, and to foster the development of regional PSAPs, regional secondary PSAPs and regional emergency 9-1-1 communication centers.</i>	Legislative Guidance: The State 9-1-1 office should have the authority to develop, implement and oversee a State 9-1-1 grant program to provide 9-1-1 grants to local and regional entities to implement NG9-1-1, as appropriate, within the State’s funding environment. Such a grant program could be used to address equity issues among PSAPs.
II.B.7. Accepting grants and gifts	
<i>The State 9-1-1 office may apply for and accept gifts, grants, contributions and bequests of funds from any department, agency or subdivision of Federal, State, county, or municipal government and any individual, foundation, corporation, association, or public authority for the purpose of providing or receiving services, facilities or staff assistance in connection with its work. Such funds will be deposited in the 9-1-1 Fund.</i>	Legislative Guidance: State legislation should enable the State 9-1-1 office to pursue, accept, implement, and/or manage Federal and private grant funds and financial gifts, within the parameters of the 9-1-1 State plan, in accordance with existing State law, constitutional authority and State policies.

II.B.8. Data collection and distribution	
<i>The State 9-1-1 office shall have the authority to collect and distribute data from and to PSAPs, service providers and emergency services providers regarding the status and operation of the components of the statewide 9-1-1 system. The State 9-1-1 office shall have the authority to require, coordinate, oversee, and limit data collection and data distribution, and to ensure that data collection and distribution meets legal privacy and confidentiality requirements. These data shall be protected in accordance with existing State statutes.</i>	Legislative Guidance: Data from all stages of a 9-1-1 response will be collected and maintained, from the initiation of a 9-1-1 call to incident resolution. The availability of this information provides an opportunity to identify the strengths and weaknesses of points within the 9-1-1 response system, and improve overall 9-1-1 service provision. In order to monitor and analyze local, regional, and State 9-1-1 response trends and issues, the State 9-1-1 office should have the authority to collect, analyze, share, and disseminate aggregate data from PSAPs and service providers, and to collect and aggregate 9-1-1 response related data for the purposes of improving and maintaining the quality of 9-1-1 service. These data should be protected in accordance with existing State statutes.
II.B.9. Public Safety and interstate coordination	
<i>The State 9-1-1 office staff may represent the State 9-1-1 office and have the authority to participate in activities to implement and operate interconnecting NG9-1-1 systems with neighboring States, countries, and/or the Federal Government.</i>	Legislative Guidance: Implementation and operation of an NG-1-1 system will require coordination, communication and information sharing among 9-1-1 authorities as well as public safety and homeland security agencies. Legislation granting the State 9-1-1 office authority to participate in and coordinate efforts with other public safety groups and agencies will facilitate the effective information sharing processes and the pursuit of common solutions for issues related to implementation and operation.
II.C. 9-1-1 Operational and Technical Standards and Requirements	
II.C.1. Statewide 9-1-1 System	
<i>The State 9-1-1 office shall have the authority to coordinate, adopt, and communicate, all necessary technical and operational standards and requirements to ensure an effective statewide</i>	Legislative Guidance: Legislation should ensure that the State 9-1-1 office has the authority to define and require specific outcomes and levels of service,

<p><i>interconnected 9-1-1 system, including the following:</i></p> <p><i>(a) State-level network design specifications;</i></p> <p><i>(b) Emergency call processing standards and requirements;</i></p> <p><i>(c) Minimum PSAP requirements, including minimum mandatory staff training and certification requirements for 9-1-1 call answering and dispatching;</i></p> <p><i>(d) Identification of PSAP staff training resources and programs;</i></p> <p><i>(e) 9-1-1 service provider certification and accreditation;</i></p> <p><i>(f) Appropriate technology for system networks, PSAP equipment and database requirements;</i></p> <p><i>(g) Performance measures for data services necessary for the purposes of this statute; and</i></p> <p><i>(h) Procedures for cooperation and coordination with service providers and municipalities for 9-1-1 system implementation and maintenance. The State 9-1-1 office shall have the authority to impose sanctions and/or penalties in the event that technical, operational standards are not met, in accordance with existing State statute/regulation.</i></p>	<p>such as call response times, data sharing capabilities, etc.</p> <p>(a) Network design standards and requirements need to ensure that local and regional 9-1-1 networks can communicate with each other and share information seamlessly.</p> <p>(b) Standards and requirements should address emergency medical dispatch (EMD) in coordination with the State office of Emergency Medical Services and State EMS Medical Director. Standards and requirements should also address PSAP staffing.</p> <p>(c) State legislation should identify the State 9-1-1 office as the entity responsible for 9-1-1 service provider certification, and authorize rulemaking authority. This entity must coordinate with other relevant State agencies during this process to ensure stakeholder requirements are considered. Certification requirements should be performance based and task outcome focused.</p> <p>(d) The State may develop and operate, or identify appropriate resources as available.</p> <p>(e) Service provider certification and accreditation (which statutorily may be the responsibility of another State entity like a State utility regulatory commission) ensures that originating service providers support appropriate and necessary 9-1-1 call delivery in accordance with State policies and standards.</p> <p>(f) There will likely be a variety of technologies supporting 9-1-1; these technologies may be provided by a variety of vendors, but should meet specific performance standards and requirements.</p>
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	<p>(g) See (f).</p> <p>(h) Coordination between originating service providers and regional and local 9-1-1 entities is critical to consistent and standard 9-1-1 service delivery. The State 9-1-1 office can facilitate that process by providing a standard process within which the coordination occurs.</p>
<p>II.C.2. Confidentiality and recordkeeping</p>	
<p><i>The State 9-1-1 office shall identify standards, requirements, and procedures to establish the confidentiality of reports and records including database confidentiality and security, manage the dissemination and retention of reports and records handled by public safety answering points</i></p>	<p>Legislative Guidance: See section IV.</p>
<p>II.C.3. Performance-based regulations (technology neutral)</p>	
<p><i>The State 9-1-1 office shall implement activities necessary to carry out the powers granted in this section in a manner that is competitively and technologically neutral as to all communications services providers.</i></p>	<p>Legislative Guidance: State legislation should require that 9-1-1 related regulatory language be performance-based and technology neutral. Performance-based language is language that focuses on the functionality and/or outcome of a service or tool, rather than the service or the tool itself, which is simply used to achieve an outcome. Consideration should include but not be limited to emerging technology and its related potential cost savings, while taking into account the embedded costs of current systems.</p> <p>Much of the existing State regulatory language relating to 9-1-1 is specific to telecommunications service providers, and is often promulgated by the State Public Utilities Commission. This specific language is directly related to the fact that telecommunications service providers were at one time the exclusive providers of access to 9-1-1 services. In addition, regulatory language may refer to specific types of equipment or technology components that, while applicable to some services</p>

	<p>and providers, may not be applicable to all, or may not be the most effective in the NG9-1-1 environment. This technology-specific language limits the ability of States to maximize the potential of advancing technology and may force the continued operation of obsolete technology. Rather than use language that specifies the type of service provided, or type of technology component to be used, States may consider regulations that use performance-based language, focusing on the outcome to be provided by the service or technology. In this manner, future technology advances may be more smoothly incorporated into the regulatory environment without requiring further modifications.</p> <p>In addition to limiting the State’s ability to use advancing technology to implement NG9-1-1 and other emerging technologies, outdated, technology-specific regulations unintentionally limit competition, disallowing other types of service providers, or technology solutions, to compete in the 9-1-1 services marketplace. As States move to NG9-1-1 and other emerging technologies, where 9-1-1 service provision will occur through emergency services networks, using a variety of software and database technologies, regulations should be performance-based.</p>
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<p>II.C.4. Compliance with legal requirements</p>	
<p><i>The State 9-1-1 office shall have the authority to ensure that the State 9-1-1 system is compliant with relevant Federal legislation and regulations, and relevant State legislation, regulations, and other legal requirements.</i></p>	<p>Legislative Guidance: The State 9-1-1 office should have the authority to address and ensure compliance with relevant Federal data sharing requirements, such as the American with Disabilities Act and the Health Insurance Portability and</p>

	Accountability Act, and other similar legal issues affecting 9-1-1.
II.C.5. 9-1-1 Database and System Security	
<p><i>The State 9-1-1 office shall coordinate or collaborate with appropriate State, interstate and local agencies as well as private companies, for the purpose of ensuring the establishment and enforcement of standards for 9-1-1 system security and continuity of operations, including, but not limited to: system access controls (border control functions), user access and identity, data and hardware protection, and disaster management and recovery.</i></p>	<p>Legislative Guidance: NG9-1-1 systems will involve IP network infrastructure and critical supporting database functions. Security of those functions will be a paramount priority. A State entity will have rulemaking authority regarding 9-1-1 database and system security. The State 9-1-1 office should coordinate with that entity in the identification, adoption and application of industry standards and requirements regarding database and system security. These standards and requirements shall address local, regional, and State emergency network security issues, system capabilities related to role-based access controls and data rights management and emergency network system security testing protocols, as well as other relevant information security issues.</p>
II.D. Quality Assurance	
<p><i>The State 9-1-1 office shall develop and implement a quality assurance program internally, and shall monitor local and regional 9-1-1 call center compliance with technical and operational standards, requirements, and practices.</i></p> <p><i>The State 9-1-1 office shall establish and implement Statewide 9-1-1 network performance and security testing protocols, in coordination with the State (office of Information Technology).</i></p>	<p>Legislative Guidance: The State 9-1-1 entity should be subject to the same quality assurance and improvement processes as other executive branch entities, and should implement internal quality assurance policies and processes. Such processes may involve the development and implementation of performance-based benchmarks, measured and reported at regular intervals. For example, the State 9-1-1 entity may measure and report the percentage of time the wireline ALI (automatic location identification) system is operational on a monthly basis. Any quality assurance and improvement processes should be conducted with similar legal protections as compared with other executive branch quality assurance and improvement processes.</p>

	<p>Similarly, the State 9-1-1 entity should encourage and support similar efforts at regional and local levels. For example, local PSAPs may be encouraged, or required, to set performance-based benchmarks related to call handling.</p> <p>In addition, the State should be responsible for the establishment and implementation of 9-1-1 network performance testing protocols, to ensure that 9-1-1 and NG9-1-1 networks function as intended, with appropriate security protections. The State entity with such authority must coordinate with the State 9-1-1 entity.</p>
<p>II.E. 9-1-1 Related Public Education</p>	
<p><i>The State 9-1-1 office should conduct and promote education of the public regarding the appropriate use of 9-1-1.</i></p>	<p>Legislative Guidance: As changes to 9-1-1 capabilities are implemented, the State 9-1-1 office may be best-positioned to coordinate, encourage and support 9-1-1 public education efforts.</p>

III. 9-1-1 Funding

As localities, States, and the Federal Government prepare to transition to NG9-1-1, significant 9-1-1 funding barriers remain unresolved. Many existing State funding structures do not address newer communication technologies; dedicated 9-1-1 funds are often used for non-9-1-1 activities; current funding structures may not simultaneously support both traditional 9-1-1 services and upgrades required for NG9-1-1 during transition periods. State 9-1-1 legislation must address the unique funding issues faced in each State on implementation of a comprehensive 9-1-1 program including NG 9-1-1, and emerging technologies.

In March 2011, the Federal Communications Commission’s Communications Security, Reliability and Interoperability Council released a report, *Transition to Next Generation 9-1-1*. Section 4.4 of that report is dedicated to a detailed discussion of the funding challenges currently facing the Nation as it begins transitioning to NG9-1-1. Given the variety of complex issues facing States and localities, the numerous existing and emerging technologies that will interact with 9-1-1, and the variation in current 9-1-1 funding models, specific NG9-1-1 funding methodology was not identified or recommended. The CSRIC report recommends further research and Federal involvement in identifying funding solutions for NG9-1-1 implementation.

States’ funding challenges are addressed by Sections III.A. (Funding Source and Revenue Collection) and III.B. (Fund Distribution). These sections provide a brief discussion of the issues and include references to relevant resources to inform State decision-making. Sections III.C. and III.D. provide options for legislative language.

III.A. Funding Sources and Revenue Collection – Dedicated 9-1-1 Funding

Numerous issues confront States as they consider funding options and revenue collection. Given the significant variations in existing State 9-1-1 funding methods and the importance of State-specific NG9-1-1 funding solutions, this document does not prescribe a uniform funding solution. Such mechanisms have traditionally involved fees assessed against customers of telecommunication services. However, that practice is becoming more difficult to execute as the nature of telecommunication service evolves. Ultimately, the funding mechanism should be clearly identified in statute, and may include capital bonding authority, the use of interest earned on dedicated revenues, and capital replacement funding, as appropriate.

States should consider the financial implications of transitioning from traditional 9-1-1 to NG9-1-1. During this transition there will be non-recurring NG9-1-1 infrastructure investment costs, as well as recurring traditional and NG9-1-1 costs. Recurring traditional 9-1-1 costs must be funded until NG9-1-1 is fully operational; during this transition funds will need to support both traditional and NG9-1-1 costs simultaneously. Please see Appendix B for a list of resources addressing 9-1-1 Revenue and Fund Distribution issues.

III.B. Fund Distribution

Given the variations in Statewide 9-1-1 service structures, it is unlikely that one 9-1-1 revenue distribution approach will be applicable to all States; these guidelines for NG9-1-1 legislation will not prescribe a uniform funding solution. Please see Appendix B for a list of resources addressing 9-1-1 Revenue and Fund Distribution issues.

III.C. Eligible Use of 9-1-1 Funding

- (a) Dedicated 9-1-1 revenues may be used to support 9-1-1 activities and equipment/software that comply with nationally accepted technical and/or training standards.*
- (b) Administrative costs related to the operation of State, regional and local 9-1-1 authorities and any related governing or advising commissions or boards are permitted at a maximum rate of xx% of 9-1-1 revenue distribution.*
- (c) Recovery of any unexpended 9-1-1 funds from local and State 9-1-1 authorities shall be permitted and recovered funds used for future allowable expenditures.*
- (d) 9-1-1 Funds may be used by State, regional, and local 9-1-1 authorities and allowable uses of these funds should be clearly delineated.*

Legislative Guidance: Dedicated 9-1-1 revenue may be used to support 9-1-1 activities and equipment/software that comply with established technical and/or training standards and requirements. Expenses should have a demonstrated applicability to the direct provisions of delivering 9-1-1 and emergency call-taking services. States should consider allowing funds to be used exclusively for recovery by wireless providers and by counties for costs associated with developing, maintaining and upgrading 9-1-1 systems and networks in a manner that is competitively and technologically neutral to all types of communications services providers. States may consider using general language in the statute (as identified in the guidelines) and requiring the State 9-1-1 office develop detailed guidance regarding allowable costs, with input from the advisory committee.

As States consider eligible uses of funding, note that currently many States specifically prohibit the use of 9-1-1 funds to support the lease or purchase of real estate, building remodeling, telecommunicator staff salaries, and the purchase of mobile communications vehicles, ambulances, fire engines, and other emergency vehicles.

Expenses that States may consider permitting include the lease, purchase, or maintenance of emergency telephone equipment, including necessary computer hardware, software, and database provisioning, addressing technologies, and GIS and spatial data technologies; telecommunicator furniture and dispatch equipment

	<p>located exclusively within a building where a PSAP is located; nonrecurring costs of establishing a 9-1-1 system; 9-1-1 personnel training; charges associated with the service supplier's 9-1-1 service and other service supplier recurring charges.</p>
<p>III.D. 9-1-1 Fund Management and Oversight</p>	
<p><i>The State is responsible for 9-1-1 fund management and oversight.</i></p>	<p>Legislative Guidance: As a matter of fiscal responsibility, it is important that funds collected and appropriated for the specific purpose of providing 9-1-1 services, are, in fact, only used for those purposes. 9-1-1 fund management and oversight responsibilities may be shared across State agencies. As discussed below, in many States, the responsibility for overseeing the collection (and auditing) of dedicated 9-1-1 revenue from service providers assessing the customer-based fees may fall under the general responsibility of the State’s comptroller or fiscal officer. Compliance with 9-1-1 eligible expenses and State Plan activities will be monitored in most cases by the 9-1-1 office. States may consider identifying a neutral third party to administer the dedicated 9-1-1 revenue collection and distribution. A third-party fund administrator provides transparency to interested parties and the public, and uses standardized procedures determined without a vested interest in a particular outcome. In many States this may fall under the State comptroller’s authority.</p>
<p>III.D.1 9-1-1 State Fund Oversight</p>	
<p><i>The State 9-1-1 office shall have the authority to oversee the distribution and expenditure of 9-1-1 funds consistent with existing statutes and regulations.</i></p>	<p>Legislative Guidance: The State 9-1-1 office should be responsible for ensuring that those funded entities providing 9-1-1 services, appropriately and correctly expend the funds in accordance with statutory, program policy and regulation.</p>

III.D.2. 9-1-1 Local, Regional, and Commercial Fund Administration	
<p>(a) <i>Any agency responsible for the receipt and/or usation of 9-1-1 Funds must maintain within its accounting system a separate special revenue fund to be identified as the 9-1-1 Fund.</i></p> <p>(b) <i>The financial balances and activities of the 9-1-1 Fund must be accounted for and reported in accordance with generally accepted accounting principles or other comprehensive basis of accounting on an annual basis.</i></p>	<p>Legislative Guidance: Any governing body receiving 9-1-1 emergency surcharge funds should deposit all such funds, including all interest earned on fund investment, in the 9-1-1 Fund. The governing body should keep records identifying critical remittance information.</p>
III.D.3. Protection from Raiding	
<p><i>The revenues in the 9-1-1 Fund may not be reduced, withheld, or allocated for purposes other than those described in Section III.C.</i></p>	<p>Legislative Guidance: Although most States currently have legislation identifying allowable uses of dedicated 9-1-1 funding, there are many cases of States “raiding” or “diverting” dedicated 9-1-1 funds for non- 9-1-1 expenditures, such as law enforcement purchases or transfers of funds to offset State general fund deficits.</p> <p>States may consider including legislation that makes it more challenging to use 9-1-1 funds for other purposes such as requiring a super-majority to approve the use of 9-1-1 funding for non-9-1-1 purposes.</p>
III.D.4. Budgeting	
<p><i>All entities responsible for the expenditure of revenues distributed from the 9-1-1 fund shall adopt an annual budget for the expenditure of such funds and submit such budget to the State 9-1-1 office for review and approval. The recipient shall identify revenues and expenditures for eligible expense reimbursements as provided in this legislation and policies adopted by the State 9-1-1 office.</i></p>	<p>Legislative guidance: Any entity using 9-1-1 funds should adopt an annual budget and submit it to the State 9-1-1 office for review and approval in order to insure that proposed expenditures are consistent with the State 9-1-1 plan and allowable uses. The budget should include all projected revenues, the source of those revenues, along with proposed expenditures by major program activities.</p>

III.D.5. Financial Reporting	
<i>Recipients of 9-1-1 Fund distributions shall comply with all reporting requirements established by the State 9-1-1 office, State 9-1-1 Advisory Committee, Governor, and Legislature for financial information related to the operation of 9-1-1 systems.</i>	Legislative guidance: States may consider monthly, quarterly or semi-annual reporting schedules.
III.D.6. Annual 9-1-1 Fund Audits	
<i>Recipients of 9-1-1 Fund distributions shall complete an annual audit of 9-1-1 fund revenues and expenditures, in accordance to local government practices or standard accounting procedures, and submit a copy of each audit to the State 9-1-1 office. The State 9-1-1 office shall be audited according to xxx legislation by the xxx department of xxx in accordance with standard State auditing processes and requirements.</i>	Legislative guidance: In order to ensure that identified revenue collection and distribution methods are implemented, legislation should require the use of appropriate accounting principles by PSAPs, 9-1-1 service providers and commercial parties, the State 9-1-1 entity, and any other recipients of 9-1-1 funding. Auditing and financial oversight authority should be specified; this authority will likely rest with a specific agency, defined by existing auditing and financial oversight structures. Coordination with the State 9-1-1 office in the performance of financial audits should be allowed.

IV. Records Confidentiality / V. Privacy

As it becomes possible for callers and service providers to share more data and information with PSAPs through updated 9-1-1 systems, and as technology facilitates the sharing of these data with first responders and the broader public safety community, issues of confidentiality, privacy, and system security must be appropriately addressed. States should enable the sharing of essential information while protecting data confidentiality and addressing privacy issues.

While some State legislation addresses privacy and security issues, it is frequently in reference to specific forms of technology. As statutes are amended, the utilization of technology neutral terms will better ensure that the intent to maintain privacy and security endures as technology advances.

IV.A. 9-1-1 Confidentiality	
<i>Communications service provider connection information collected by PSAP personnel during an emergency response is for public safety use only and is not public information under xxx. No person may disclose or use information contained in the 9-1-1 database unless explicitly required or permitted to do so.</i>	<p>Legislative Guidance: Any record, recording, or information, or portions thereof, obtained by a public agency for the purpose of providing services in an emergency and that reveals the name, address, telephone number, or personal information about, or information that may identify any person requesting emergency service or reporting an emergency by accessing an emergency communications 9-1-1 system is confidential, except that such a record or information may be disclosed to a public safety agency. The exemption applies only to the name, address, telephone number or personal information about, or information that may identify any person requesting emergency services or reporting an emergency while such information is in the custody of the public agency or public safety agency providing emergency services.</p> <p>Confidentiality of 9-1-1 may be affected or limited by other, broader statutes related to the public's access to information, including access by the media. As States implement NG9-1-1, States should be mindful of the implications of making non-voice data such as photographs and video publicly</p>

	accessible. States may choose to address media access to 9-1-1 information more specifically.
IV.B. Service Provider Confidentiality	
<p><i>All proprietary information submitted to the 9-1-1 advisory committee, State 9-1-1 office, or the State auditor is confidential. Proprietary information submitted pursuant to this article is not subject to disclosure under xxx and it may not be released to any person other than to the submitting communications service provider, the 9-1-1 advisory committee, the State 9-1-1 office, and the State auditor without the express permission of the submitting communications service provider. Proprietary information is considered a trade secret under xxx. General information collected by the State 9-1-1 office may be released or published only in aggregate amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual communications service provider.</i></p>	<p>Legislative Guidance: Identifying information of provider subscribers, provider-specific revenues and expenses, trade secrets, commercial information and other such information shall be treated as confidential and, notwithstanding other provisions of law, shall not be subject to public disclosure by the State or its representatives. The information made available to the State, its representatives or providers of emergency services shall be used solely for purposes of delivering or assisting in the delivery of 9-1-1 emergency services or services that notify the public of an emergency.</p>
IV.C. Records Retention	
<p><i>The State shall develop and adopt records retention policies and procedures in regards to data and information stored in local and non-local databases and networks. The 9-1-1 State office or the most appropriate State agency shall also ensure that local 9-1-1 call records are maintained according to legislative requirements.</i></p> <p><i>(a) 9-1-1 call centers shall develop and maintain a system for recording 9-1-1 calls received at the public safety answering point.</i></p> <p><i>(b) 9-1-1 call records shall be retained for a period of at least xxx days from the date of the call and shall include the following information:</i></p> <p><i>(1) Date and time the call was received;</i></p> <p><i>(2) The nature of the problem; and</i></p> <p><i>(3) The actions taken by the 9-1-1 public safety communication center personnel.</i></p>	<p>Legislative guidance: Legislation should identify the State entity with authority to develop, monitor and enforce 9-1-1 record and data retention policies applicable to PSAPs, regional and State networks, and service providers. Typically this entity is responsible for this activity with regards to all State data and records.</p> <p>The State 9-1-1 entity should coordinate with that entity in regard to 9-1-1 specific issues, including:</p> <ol style="list-style-type: none"> 1. Storage of 9-1-1 data and information in non-local shared databases and networks; 2. Storage of 9-1-1 data and information in local databases and networks; and 3. Maintenance of 9-1-1 call records for a specified timeframe. <p>In some cases legislation prescribes specific timetables for records retention; in other instances this level</p>

	<p>of detail is outlined in State policy.</p> <p>In addition to using data to facilitate emergency response, data may be used for quality assurance efforts, planning and research purposes, and criminal justice implementation. States should consider the implications of data retention policies on these efforts.</p>
V. Information Sharing	
<p><i>Data and information that contribute to more effective 9-1-1 services and emergency response may be accessed and shared among 9-1-1 and emergency response functions specifically for the purposes of effective emergency response, while ensuring the overall privacy/confidentiality of the data involved.</i></p>	<p>Legislative guidance: As discussed above, State legislation should apply exceptions to State privacy/confidentiality laws to permit information sharing within the public safety and public health communities.</p> <p>Legislation should facilitate the sharing of anonymous or aggregate data when sufficient to address broader public safety and public health emergencies or concerns. Using access control and data rights management technology, information required to facilitate seamless emergency responses can be provided to authorized entities.</p> <p>State regulations should allow information sharing among system service providers to ensure 9-1-1 service transitions between service providers are smooth, and to ensure that providers of different, but complimentary services in the NG9-1-1 environment can interconnect.</p>

VI. Liability

As the number and types of service providers accessing 9-1-1 increase, and information is shared among the broader public safety community, State legislation must ensure that liability coverage is consistently applicable to all public and private entities involved in the provision of emergency 9-1-1 communication systems and services.

VI. Liability	
<p><i>No person involved in the provision of 9-1-1 service who in good faith receives, develops, collects or processes information for the 9-1-1 databases, relays, transfers, operates, maintains or provides 9-1-1 services or system capabilities, or provides emergency 9-1-1 communications or services for ambulance, police and fire departments, or other public safety entities, shall be liable for damages in any civil action for any act or omission that results in death, injury or loss to person or property unless such action or inaction constitutes gross negligence or an intentional tort.</i></p>	<p>Legislative Guidance: Liability legislation should not use language that specifies the type of service provider providing access to 9-1-1. Liability should be equally applicable to all service providers involved in the provision of 9-1-1 services. In addition, liability legislation should not be limited to specific forms of communication (i.e., “voice”). Liability should be technology neutral and equally applicable to video, text, telematics, and other developing communications technologies. As 9-1-1 information is shared and used with the broader public safety community, State legislation should ensure that liability protection is consistent across the public safety community, including PSAP staff, emergency service providers, and law enforcement.</p> <p>Section 6506 of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96) includes language providing parity of protection for the provision or use of NG9-1-1 services that may serve as a useful reference. See the references included in Appendix A to access this language.</p>

VII. Non – 9-1-1 Statutes

The activities conducted by 9-1-1 Authorities are sometimes affected by existing statutes in other non-9-1-1 sections of State code. As States move forward with NG9-1-1, it is critical that these non-9-1-1 statutes facilitate a smooth transition to NG9-1-1, and do not create barriers to implementation. Several essential issues, their related statutes and their relevance to 9-1-1 are provided in this section.

Mediation, arbitration, and contested matters

The State should provide dispute resolution and mediation services on technical or operational matters involving the State 9-1-1 office and regional or local entities, and other State entities. Depending on existing State structures, legal authorities, and contracts, the State 9-1-1 office may have a role in vendor contract mediation or arbitration proceedings, and/or may initiate actions on contested matters before applicable Federal and/or State regulatory authorities and courts. In other cases, existing State agencies may have the authority to mediate, arbitrate, and settle State 9-1-1 office disputed actions.

Emergency medical dispatch

The State should support and promote the provision of pre-arrival instructions (also referred to as emergency medical dispatch or EMD) by 9-1-1 call takers to initiate emergency treatment before the arrival of Emergency Medical Services. Examples of model legislation specific to the adoption of EMD are included in General References - Appendix A. See *Model EMD Legislation* references in Appendix A for further details regarding emergency medical dispatch standards and requirements.

Resource sharing

As a system of systems, NG9-1-1 will connect 9-1-1 centers across the State and ultimately facilitate communication among 9-1-1, first responders, and the broader public safety community, within the State and nationwide. State legislation or regulation that specifically restricts access to services or information to certain communication providers or public agencies, limits 9-1-1 funding sources to certain technology specific service providers, or that prohibits the use of other public funding sources for 9-1-1 services, may ultimately create barriers to the seamless provision of emergency services. State legislation should facilitate resource sharing among public safety communities and facilitate intergovernmental cooperation. Regulations that limit resource sharing, information sharing, and services access should be updated.

Additionally, States may consider a process for addressing and funding the infrastructure needs of localities or regions with low 9-1-1 funding levels (often rural/remote/tribal areas). To realize the full benefits of NG9-1-1, all PSAPs must provide comparable services across the State.

Appendix A: General References

Federal Communications Commission, Communications Security, Reliability and Interoperability Council, Working Group 4B. (2011, March). *Transition to Next Generation 9-1-1 Final Report*. <http://transition.fcc.gov/pshs/docs/csric/CSRIC-WG4B-Final-Report.pdf>

National Academies of Emergency Dispatch. (2001). *Model EMD Legislation*. www.emergencydispatch.org/sites/default/files/downloads/EMDStatute.pdf

National Association of State 9-1-1 Administrators. (2008, July). *Model State 9-1-1 Plan*. Vienna, VA: LR Kimball and Associates and the National Association of State 9-1-1 Administrators. <https://www.911resourcecenter.org/code/ContentDetail.aspx?ContentID=333>

National Emergency Numbers Association NG Partner Program. (2010, March). *Next Generation 9-1-1 Transition Policy Implementation Handbook*. Arlington, VA: National Emergency Number Association. <http://www.nena.org/?NGPPPPolicyTransHndbk>

NENA NG Partner Program. (2007, March) *Funding 9-1-1 Into the Next Generation: An Overview of NG9-1-1 Funding Model Options for Consideration*. Arlington, VA: National Emergency Number Association. http://www.nena.org/?NGPP_911FundingRpt

Public Law No. 106-81, Wireless Communications and Public Safety Act. October 26, 1999. www.govtrack.us/congress/billtext.xpd?bill=h106-438

Public Law No. 110-283, New and Emerging Technologies (NET) 911 Improvement Act of 2008. July 23, 2008. www.govtrack.us/congress/billtext.xpd?bill=h110-3403

Public Law No. 112-96, Middle Class Tax Relief and Job Creation Act of 2012. February 22, 2012. www.gpo.gov/fdsys/pkg/PLAW-112publ96/pdf/PLAW-112publ96.pdf

9-1-1 Office (2009, February). *NG9-1-1 Transition Plan*. Washington, DC: Department of Transportation. http://www.its.dot.gov/ng911/pdf/NG911_Transition_PlanFinal.pdf

Weiser, P., Hatfield, D., & Bernthal, B. (2008). The Future of 9-1-1: New Technologies and the Need for Reform. *Journal of Telecommunications and High Technology Law*. Vol. 6, No 2, pp. 213-292. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1146803

Appendix B: 9-1-1 Revenue and Fund Distribution Resources

Federal Communications Commission, Communications Security, Reliability and Interoperability Council, Working Group 4B. (2011, March). *Transition to Next Generation 9-1-1 Final Report*. Washington, DC: Author. <http://transition.fcc.gov/pshs/docs/csric/CSRIC-WG4B-Final-Report.pdf>

NENA NG Partner Program. (2010, March). *Next Generation 9-1-1 Transition Policy Implementation Handbook*. Arlington, VA: National Emergency Number Association. <http://www.nena.org/?NGPPPPolicyTransHndbk>

NENA NG Partner Program. (2007, March). *Funding 9-1-1 Into the Next Generation: An Overview of NG9-1-1 Funding Model Options for Consideration*. Arlington, VA: National Emergency Number Association. http://www.nena.org/?NGPP_911FundingRpt

9-1-1 Office. (2009, February). *NG9-1-1 Transition Plan*. Washington, DC: Department of Transportation. http://www.its.dot.gov/ng911/pdf/NG911_Transition_PlanFinal.pdf

Weiser, P., Hatfield, D., & Bernthal, B. (2008). "The Future of 9-1-1: New Technologies and the Need for Reform" *Journal of Telecommunications and High Technology Law*. Vol. 6, No 2, pp. 213-292. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1146803

**Appendix C: Guidelines for State NG9-1-1 Legislative Language:
Stakeholders Forum Was Attended by Representatives of the
Following Organizations:**

- 9-1-1 Industry Alliance
- Association of Public Safety Communications Officials International
- Bexar Metro 911 Network District
- Booz Allen Hamilton
- CTIA – The Wireless Association
- E9-1-1 Institute
- Federal Communications Commission
- Intrado Inc.
- L. Robert Kimball & Associates (now called L. R. Kimball)
- National 9-1-1 Program, NHTSA
- National Association of State 9-1-1 Administrators
- National Association of State Chief Information Officers
- National Conference of State Legislatures
- National Emergency Number Association
- National States Geographic Information Council
- Texas 9-1-1 Alliance

