

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 217
Committee Substitute Favorable 4/25/19

Short Title: DIT Changes.-AB

(Public)

Sponsors:

Referred to:

February 28, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE MISCELLANEOUS AND TECHNICAL CHANGES TO THE
3 STATUTES RELATING TO THE DEPARTMENT OF INFORMATION TECHNOLOGY;
4 AMEND VARIOUS STATUTES RELATING TO STATE AGENCY CYBERSECURITY;
5 AND AMEND VARIOUS STATUTES RELATING TO THE EMERGENCY
6 TELEPHONE SERVICE AND THE 911 BOARD.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 143B-1350 reads as rewritten:

9 "**§ 143B-1350. Procurement of information technology.**

10 ...

11 (c) The Department shall, subject to the provisions of this Part, do all of the following
12 with respect to State information technology procurement:

13 ...

14 (3) Establish standardized, consistent processes, specifications, and standards that
15 shall apply to all information technology to be purchased, licensed, or leased
16 by State agencies and relating to information technology personal services
17 contract requirements for State agencies, ~~including, but not limited to,~~
18 ~~requiring convenience contracts to be rebid prior to termination without~~
19 ~~extensions.~~ agencies.

20 ...

21 (5) Establish procedures to permit State agencies and local government entities to
22 use multiple award schedule contracts and other cooperative purchasing
23 agreements.

24 ...

25 (f1) Multiple-Award Schedule Contracts. – The procurement of information technology
26 may be conducted using multiple award schedule contracts. Contracts awarded under this
27 subsection shall be periodically updated as directed by the State CIO to include the addition or
28 deletion of particular vendors, goods, services, or pricing.

29"

30 **SECTION 2.** G.S. 143B-1362 reads as rewritten:

31 "**§ 143B-1362. Personal services contracts subject to Article.**

32 (a) Requirement. – Notwithstanding any other provision of law, information technology
33 personal services contracts for executive branch agencies shall be subject to the same
34 requirements and procedures as information technology service contracts, except as provided in
35 this section.



1 (b) Certain Approvals Required. – Notwithstanding any provision of law to the contrary,
2 no information technology personal services contract, nor any contract that provides personnel
3 to perform information technology functions regardless of the cost of the contract, may be
4 established or renewed without written approval from the Department of Information Technology
5 and the Office of State Budget and Management. To facilitate compliance with this requirement,
6 the Department of Information Technology shall develop and document ~~the following:~~

7 (1) ~~Standards for determining whether it is more appropriate for an agency to hire
8 an employee or use the services of a vendor.~~

9 (2) ~~A process to monitor all State agency information technology personal services
10 contracts, as well as any other State contracts providing personnel to perform information
11 technology functions.~~

12 (3) ~~A functions and a process for obtaining approval of contractor positions.~~

13 (e) ~~Creation of State Positions in Certain Cases. — The Department of Information
14 Technology shall review current information technology personal services contracts on an
15 ongoing basis and determine if each contractor is performing a function that could more
16 appropriately be performed by a State employee. Where the determination is made that a State
17 employee should be performing the function, the Department of Information Technology shall
18 work with the impacted agency and the Office of State Human Resources to identify or create
19 the position.~~

20 (d) ~~Compliance Audits Required. — The Department of Information Technology shall
21 conduct periodic audits of State agencies that are subject to this Article to determine the degree
22 to which those agencies are complying with the rules and procedures that govern information
23 technology personal services contracts.~~

24 (e) Reporting Required. – The Department of Information Technology shall report
25 biennially to the Joint Legislative Oversight Committee on Information Technology and the
26 Fiscal Research Division on ~~all of the following:~~

27 (1) ~~Its progress toward standardizing information technology personal services
28 contracts.~~

29 (2) ~~The the number of information technology service contractors in each State agency,
30 the cost for each, and the comparable cost, including benefits, of a State employee serving in that
31 capacity rather than a contractor.~~

32 (3) ~~The results of the compliance audits conducted pursuant to subsection (d) of
33 this section.~~

34 (f) Information Technology Personal Services Contract Defined. – For purposes of this
35 section, the term "personal services contract" means a contract for services provided by a
36 professional individual as an independent contractor on a temporary or occasional basis.

37 (g) ~~Rules Required. — The Department of Information Technology shall adopt rules
38 consistent with this section."~~

39 **SECTION 3.** G.S. 143-787(d) reads as rewritten:

40 "(d) ~~The Office of the State Chief Information Officer shall ensure that the Section is
41 provided with all necessary access to the Government Data Analytics Center and all other
42 information technology services."~~

43 **SECTION 4.** G.S. 143B-1420(a) reads as rewritten:

44 "(a) Council Established. – The North Carolina Geographic Information Coordinating
45 Council ("Council") is established to develop policies regarding the utilization of geographic
46 information, GIS systems, and other related technologies. The Council shall be responsible for
47 the following:

48 (1) Strategic planning.

49 (2) Resolution of policy and technology issues.

50 (3) Coordination, direction, and oversight of State, local, and private GIS efforts.

- 1 (4) Advising the Governor, the General Assembly, and the State Chief
2 Information Officer as to needed directions, responsibilities, and funding
3 regarding geographic information.

4 The purpose of this statewide geographic information coordination effort shall be to further
5 cooperation among State, federal, and local government agencies; academic institutions; and the
6 private sector to improve the quality, access, cost-effectiveness, and utility of North Carolina's
7 geographic information and to promote geographic information as a strategic resource in the
8 State. The Council shall be located in the ~~Office of the Governor~~ Department of Information
9 Technology for organizational, budgetary, and administrative purposes."

10 **SECTION 5.** G.S. 143B-1353 reads as rewritten:

11 "**§ 143B-1353. Financial interest of officers in sources of supply; acceptance of bribes. Gifts**
12 **and favors regulated.**

13 ~~Neither the State CIO, any deputy State CIO, or any other policy-making or managerially~~
14 ~~exempt personnel shall be financially interested, or have any personal beneficial interest, either~~
15 ~~directly or indirectly, in the purchase of, or contract for, any information technology, nor in any~~
16 ~~firm, corporation, partnership, or association furnishing any information technology to the State~~
17 ~~government or any of its departments, institutions, or agencies, nor shall any of these persons or~~
18 ~~any other Department employee accept or receive, directly or indirectly, from any person, firm,~~
19 ~~or corporation to whom any contract may be awarded, by rebate, gifts, or otherwise, any money~~
20 ~~or anything of value whatsoever, or any promise, obligation, or contract for future reward or~~
21 ~~compensation. Violation of this section is a Class F felony, and any person found guilty of a~~
22 ~~violation of this section shall, upon conviction, be removed from State office or employment.~~
23 The provisions of G.S. 133-32 shall apply to all Department employees."

24 **SECTION 6.(a)** G.S. 143B-1322(c) is amended by adding a new subdivision to read:

25 "(22) Coordinate with the Department of Public Safety to manage statewide
26 response to cybersecurity incidents and significant cybersecurity incidents as
27 defined by G.S. 143B-1320."

28 **SECTION 6.(b)** G.S. 166A-19.12 is amended by adding a new subdivision to read:

29 "(23) Coordination with the State Chief Information Officer and the Adjutant
30 General to manage statewide response to cybersecurity incidents and
31 significant cyber incidents as defined by G.S. 143B-1320. This includes, but
32 is not limited to:

- 33 a. Development and promulgation of necessary policies, plans, and
34 procedures for cybersecurity and critical infrastructure protection; and
35 b. Annual review, update, and testing of cyber incident response plans
36 and procedures."

37 **SECTION 6.(c)** G.S. 143B-1321 is amended by adding a new subsection to read:

38 "(c) Such information technology information protected from public disclosure under
39 G.S. 132-6.1(c), including, but not limited to, security features of critical infrastructure,
40 information technology systems, telecommunications networks, or electronic security systems,
41 including hardware or software security, passwords, or security standards, procedures, processes,
42 configurations, software, and codes, shall be kept confidential."

43 **SECTION 6.(d)** G.S. 143B-1320 reads as rewritten:

44 "**§ 143B-1320. Definitions; scope; exemptions.**

- 45 (a) Definitions. – The following definitions apply in this Article:

46 ...

- 47 (12) ~~Information technology security~~ Cybersecurity incident. – ~~A computer,~~
48 ~~network, or paper-based activity that results directly or indirectly in misuse,~~
49 ~~damage, denial of service, compromise of integrity, or loss of confidentiality~~
50 ~~of a network, computer, application, or data.~~ An occurrence that:

- a. Actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information or an information system; or
- b. Constitutes a violation or imminent threat of violation of law, security policies, privacy policies, security procedures, or acceptable use policies.

...

(15) ~~Security incident. A warning or indication of a threat to or breach of information or computer security. The term also includes threats that have already occurred.~~ Significant cybersecurity incident. – A cybersecurity incident that is likely to result in demonstrable harm to the State's security interests, economy, critical infrastructure, or to the public confidence, civil liberties, or public health and safety of the residents of North Carolina. A significant cybersecurity incident is determined by the following factors:

- a. Incidents that meet thresholds identified by the Department jointly with the Department of Public Safety that involve information:
 - 1. That is not releasable to the public and that is restricted or highly restricted according to Statewide Data Classification and Handling Policy; or
 - 2. That involves the exfiltration, modification, deletion, or unauthorized access, or lack of availability to information or systems within certain parameters to include (i) a specific threshold of number of records or users affected as defined in G.S. 75-65 or (ii) any additional data types with required security controls.
- b. Incidents that involve information that is not recoverable or cannot be recovered within defined time lines required to meet operational commitments defined jointly by the State agency and the Department, or can be recovered only through additional measures, and has a high or medium functional impact to the mission of an agency.

...."

SECTION 6.(e) G.S. 143B-1379 reads as rewritten:

"§ 143B-1379. State agency ~~cooperation; liaisons~~ cooperation and training; liaisons; county and municipal government reporting.

(a) The head of each principal department and Council of State agency shall cooperate with the State CIO in the discharge of the State CIO's duties by providing the following information to the Department:

- (1) The full details of the State agency's information technology and operational requirements and of all the agency's ~~information technology security~~ significant cybersecurity incidents within 24 hours of confirmation.
- (2) Comprehensive information concerning the information technology security employed to protect the agency's ~~information technology data, including~~ documentation and reporting of remedial or corrective action plans to address any deficiencies in the information security policies, procedures, and practices of the State agency.
- (3) A forecast of the parameters of the agency's projected future ~~information technology security~~ cybersecurity and privacy needs and capabilities.
- (4) Designating an agency liaison in the information technology area to coordinate with the State CIO. The liaison shall be subject to a criminal background report from the State Repository of Criminal Histories, which shall be provided by the State Bureau of Investigation upon its receiving

1 fingerprints from the liaison. If the liaison has been a resident of this State for
2 less than five years, the background report shall include a review of criminal
3 information from both the State and National Repositories of Criminal
4 Histories. The criminal background report shall be provided to the State CIO
5 and the head of the agency. In addition, all personnel in the Office of the State
6 Auditor who are responsible for information technology security reviews shall
7 be subject to a criminal background report from the State Repository of
8 Criminal Histories, which shall be provided by the State Bureau of
9 Investigation upon receiving fingerprints from the personnel designated by the
10 State Auditor. For designated personnel who have been residents of this State
11 for less than five years, the background report shall include a review of
12 criminal information from both the State and National Repositories of
13 Criminal Histories. The criminal background reports shall be provided to the
14 State Auditor. Criminal histories provided pursuant to this subdivision are not
15 public records under Chapter 132 of the General Statutes.

16 (5) Completing mandatory annual security awareness training and reporting
17 compliance for all personnel, including contractors and other users of State
18 information technology systems.

19 (b) The information provided by State agencies to the State CIO under this section is
20 protected from public disclosure pursuant to G.S. 132-6.1(c).

21 (c) County and municipal government agencies shall report cybersecurity incidents to the
22 Department. Information shared as part of this process will be protected from public disclosure
23 under G.S. 132-6.1(c). Private sector entities are encouraged to report cybersecurity incidents to
24 the Department."

25 **SECTION 6.(f)** G.S. 143B-1376 reads as rewritten:

26 "**§ 143B-1376. Statewide security and privacy standards.**

27 (a) The State CIO shall be responsible for the security and privacy of all State information
28 technology systems and associated data. The State CIO shall manage all executive branch
29 information technology security and shall establish a statewide standard for information
30 technology security and privacy to maximize the functionality, security, and interoperability of
31 the State's distributed information technology assets, including, but not limited to, data
32 classification and management, communications, and encryption technologies. The State CIO
33 shall review and revise the security standards annually. As part of this function, the State CIO
34 shall review periodically existing security and privacy standards and practices in place among
35 the various State agencies to determine whether those standards and practices meet statewide
36 ~~security~~-security, ~~privacy~~, and encryption requirements. The State CIO shall ensure that State
37 agencies are periodically testing and evaluating information security controls and techniques for
38 effective implementation, and that all agency and contracted personnel are held accountable for
39 complying with the statewide information security program. The State CIO may assume the
40 direct responsibility of providing for the information technology security of any State agency
41 that fails to adhere to security and privacy standards adopted under this Article.

42"

43 **SECTION 6.(g)** G.S. 143B-1378 reads as rewritten:

44 "**§ 143B-1378. Assessment of agency compliance with ~~security~~-cybersecurity standards.**

45 At a minimum, the State CIO shall annually assess the ability of each State agency, and each
46 agency's contracted vendors, to comply with the current ~~security~~-cybersecurity enterprise-wide
47 set of standards established pursuant to this section. The assessment shall include, at a minimum,
48 the rate of compliance with the enterprise-wide security standards and an assessment of security
49 organization, security practices, security information standards, network security architecture,
50 and current expenditures of State funds for information technology security. The assessment of
51 a State agency shall also estimate the initial cost to implement the security measures needed for

1 agencies to fully comply with the ~~standards~~ standards as well as the costs over the lifecycle of
2 the State agency information system. Each State agency shall submit information required by the
3 State CIO for purposes of this assessment. The State CIO shall include the information obtained
4 from the assessment in the State Information Technology Plan."

5 SECTION 7.(a) G.S. 143B-1400 reads as rewritten:

6 **"§ 143B-1400. Definitions.**

7 The following definitions apply in this Part.

8 (1) 911 Board. – The 911 Board established in G.S. 143B-1401.

9 (2) 911 Fund. – The North Carolina 911 Fund established in G.S. 143B-1403.

10 (3) 911 State Plan. – A document prepared, maintained, and updated by the 911
11 Board that provides a comprehensive plan for communicating 911 call
12 information across networks and among PSAPs, addresses all aspects of the
13 State's 911 system, and describes the allowable uses of ~~revenue in the 911~~
14 ~~Fund.~~ Fund, including, but not limited to, transfer of 911 calls between
15 geographically dispersed PSAPs, increased aggregation and sharing of data,
16 resources, procedures, standards, and requirements to improve emergency
17 response and implementation of a NG911 network.

18 (4) 911 system. – An emergency communications system using any available
19 technology that does all of the following:

20 a. Enables the user of a communications service connection to reach a
21 PSAP by dialing the digits 911.

22 b. Provides enhanced 911 service.

23 c. Delivers 911 calls to the State ESInet as provided by
24 G.S. 143B-1406(e1) or a Next Generation 911 Network.

25 (5) 911 system provider. – An entity that provides ~~a~~ an Enhanced 911 or NG911
26 system to a PSAP.

27 (5a) Agent. – An agent is an authorized person, including an employee, contractor,
28 or volunteer, who has one or more roles in a PSAP. An agent can also be an
29 automaton in some circumstances.

30 (6) Back-up PSAP. – The capability to operate as part of the 911 System and all
31 other features of its associated primary PSAP. The term includes a back-up
32 PSAP that receives 911 calls only when they are transferred from the primary
33 PSAP or on an alternate routing basis when calls cannot be completed to the
34 primary PSAP.

35 (7) Call taking. – The act of processing a 911 call for emergency assistance by a
36 primary PSAP, including the use of 911 system equipment, call classification,
37 location of a caller, determination of the appropriate response level for
38 emergency responders, and dispatching 911 call information to the
39 appropriate responder.

40 (8) Commercial Mobile Radio Service (CMRS). – Defined in 47 C.F.R. § 20.3.

41 (9) Communications service. – Any of the following:

42 a. The transmission, conveyance, or routing of real-time
43 communications to a point or between or among points by or through
44 any electronic, radio, satellite, cable, optical, microwave, wireline,
45 wireless, Internet protocol, or other medium or method, regardless of
46 the protocol used.

47 b. The ability to receive and terminate voice calls, text-to-911, short
48 message service (SMS) or other messages, videos, data, or other forms
49 of communication to, from, and between the public switched
50 telephone network, wireless networks, IP-enabled networks, or any
51 other communications network.

- 1 c. Interconnected VoIP service.
- 2 (10) Communications service connection. – Each telephone number or trunk
3 assigned to a residential or commercial subscriber by a communications
4 service provider, without regard to technology deployed.
- 5 (11) Communications service provider. – An entity that provides communications
6 service to a subscriber.
- 7 (12) CMRS connection. – Each mobile handset telephone number assigned to a
8 CMRS subscriber with a place of primary use in North Carolina.
- 9 (13) CMRS provider. – ~~An entity,~~ A service provider, whether facilities-based or
10 nonfacilities-based, that is licensed by the Federal Communications
11 Commission to provide CMRS or that resells CMRS within North Carolina.
- 12 (13a) Emergency medical dispatch. – The management of requests for emergency
13 medical assistance by utilizing a system of:
- 14 a. A tiered response or priority dispatching of emergency medical
15 resources based on the level of medical assistance appropriate for the
16 victim; and
- 17 b. Pre-arrival first aid or other medical instructions given by trained
18 telecommunicators responsible for receiving 911 calls and dispatching
19 emergency response services.
- 20 (14) Enhanced 911 service. – Directing a 911 call to an appropriate PSAP by
21 selective routing or other means based on the geographical location from
22 which the call originated and providing information defining the approximate
23 geographic location and the telephone number of a 911 caller, in accordance
24 with the FCC Order.
- 25 (15) Exchange access facility. – The access from a subscriber's premises to the
26 telephone system of a service supplier. The term includes service supplier
27 provided access lines, private branch exchange trunks, and centrex network
28 access registers, as defined by applicable tariffs approved by the North
29 Carolina Utilities Commission. The term does not include service supplier
30 owned and operated telephone pay station lines, Wide Area
31 Telecommunications Service (WATS), Foreign Exchange (FX), or incoming
32 only lines.
- 33 (16) FCC Order. – ~~The Order of the FCC order means all orders or final rules issued~~
34 by the Federal Communications Commission FCC Commission, pursuant to
35 the proceeding entitled "Revision of the Commission's Rules to Ensure
36 Compatibility with Enhanced 911 Emergency Calling Systems" (FCC Docket
37 No. 94-102, adopted on December 1, 1997, and any consent decrees, rules,
38 and regulations adopted by the Federal Communications Commission
39 pursuant to the Order.94-102) codified at 47 C.F.R § 20.18, "Wireless E-911
40 Location Accuracy Requirements" codified at 47 C.F.R Part 20, relating to
41 commercial mobile services, and any successor proceeding.
- 42 (17) ~~GIS mapping.~~ GIS. – Computerized geographical information that can be used
43 to assist in locating a person who calls emergency assistance, including
44 mapping elements such as street centerlines, ortho photography, and oblique
45 imaging or other imaging, and geospatial call routing to deliver 911 calls to
46 an appropriate PSAP.
- 47 (18) Interconnected VoIP service. – Defined in 47 C.F.R. § 9.3.
- 48 (19) Local exchange carrier. – An entity that is authorized to provide telephone
49 exchange service or exchange access in North Carolina.
- 50 (19a) Next generation 911 network. – Managed Internet Protocol based networks,
51 gateways, functional elements, and databases that augment E-911 features and

1 functions enabling the public to transmit digital information to public safety
 2 answering points replacing Enhanced 911, that maintains P.01 for Basic 911
 3 or Enhanced 911 services or NENA i3 Solution standard for NG911 services,
 4 and that includes Emergency Service IP Network (ESInet), GIS,
 5 cybersecurity, and other system components.

6 (20) ~~Next generation 911 system. – An IP-enabled–Internet Protocol-enabled~~
 7 ~~emergency communications system using Internet Protocol, or any other~~
 8 ~~available technology, to enable enabling the user–public or subscriber of a~~
 9 ~~communications service to reach an appropriate PSAP by sending the digits~~
 10 ~~911 via dialing, text, or short message service (SMS), or any other~~
 11 ~~technological means.~~

12 (21) Next generation 911 system provider. – An entity that provides a next
 13 generation or IP-enabled 911 system to a PSAP.

14 (22) Prepaid wireless telecommunications service. – A wireless
 15 telecommunications service that allows a caller to dial 911 to access the 911
 16 system, which service must be paid for in advance and is sold in
 17 predetermined units or dollars of which the number declines with use in a
 18 known amount.

19 (23) Primary PSAP. – The first point of reception of a 911 call by a public safety
 20 answering point.

21 (24) Proprietary information. – Subscriber lists, technology descriptions, technical
 22 information, or trade secrets that are developed, produced, or received
 23 internally by a communications service provider or by a communications
 24 service provider's employees, directors, officers, or agents.

25 (25) Public safety answering point (PSAP). – The public safety agency that
 26 receives an incoming 911 call and dispatches appropriate public safety
 27 agencies to respond to the call.

28 (25a) Regional PSAP. – A primary PSAP operated by or on behalf of two or more
 29 counties and any number of municipalities, approved by the Board, for 911
 30 call taking.

31 (26) Retail transaction. – The sale of prepaid wireless telecommunications service
 32 for any purpose other than resale.

33 (27) Service supplier. – An entity that provides exchange telephone service or
 34 communications service to the public or a telephone-subscriber.

35 (27a) State Emergency Services IP Network (ESInet) Network. – A NG911 network
 36 contracted by the 911 Board to one or more communications service providers
 37 for the purpose of securely receiving 911 calls, transferring 911 calls and all
 38 associated data, providing centralized network management and security
 39 monitoring, and enabling GIS call routing.

40 (28) Subscriber. – A person who purchases a communications service and is able
 41 to receive it or use it periodically over time.

42 (28a) Telecommunicator. – A person qualified to provide 911 call taking employed
 43 by a PSAP. The term applies to 911 call takers, dispatchers, radio operators,
 44 data terminal operators, or any combination of such call taking functions in a
 45 PSAP.

46"

47 **SECTION 7.(b)** G.S. 143B-1402 reads as rewritten:

48 **"§ 143B-1402. Powers and duties of the 911 Board.**

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

50 (1) To develop the 911 State Plan. In developing and updating the plan, the 911
 51 Board must monitor trends in communications service technology utilized for

- 1 the 911 system and in enhanced 911 service technology, investigate and
2 incorporate GIS ~~mapping and other~~ resources into the plan, ensure individual
3 PSAP plans incorporate a back-up ~~PSAP, PSAP and 911 call routing in an~~
4 emergency, coordination with State emergency operations including
5 Telecommunicator Emergency Response Taskforce (TERT), and formulate
6 strategies for the efficient and effective delivery of enhanced 911 service.
- 7 (2) To administer the 911 Fund and the monthly 911 service charge authorized by
8 G.S. 143B-1403. To execute the powers and duties provided in this Part, the
9 Board shall determine its policies, procedures, and rules by majority vote of
10 the members of the Board, a quorum having been established. Once a policy
11 or procedure is determined or a rule is adopted, the Board shall communicate
12 it to the Executive Director, who shall have the authority to execute the policy,
13 procedure, or rule of the Board. No individual member of the Board shall have
14 the responsibility or authority to give operational directives to any employee
15 of the Board other than the Executive Director.
- 16 (3) To distribute revenue in the 911 Fund to ~~CMRS providers and PSAPs~~ in
17 accordance with this Part and advise CMRS providers and PSAPs of the
18 requirements for receiving a distribution from the 911 Fund.
- 19 (4) To establish cooperative purchasing agreements or other contracts for the
20 procurement of goods and services, to establish policies and procedures to
21 fund advisory services and training programs including, but not limited to,
22 Emergency Medical Dispatch and quality assurance of Emergency Medical
23 Dispatch programs for PSAPs, to set operating standards for PSAPs and
24 back-up PSAPs, PSAPs, including minimum staffing, mandatory
25 telecommunicator training and certification requirements for 911 call taking,
26 and to provide funds in accordance with these policies, procedures, and
27 standards, standards subject to the limitations of G.S. 143B-1406(d).
- 28 (5) To investigate the revenues and expenditures associated with the operation of
29 a PSAP to ensure compliance with restrictions on the use of amounts
30 distributed from the 911 Fund.
- 31 (6) To make and enter into contracts and agreements necessary or incidental to
32 the performance of its powers and duties under this Part and to use revenue
33 available to the 911 Board under G.S. 143B-1404 for administrative expenses
34 to pay its obligations under the contracts and agreements.
- 35 (7) To use funds available to the 911 Board under ~~G.S. 62-47 [143B-1407]~~
36 G.S. 143B-1407 to pay its obligations incurred for statewide 911 projects.
- 37 (8) To accept gifts, grants, or other money for the 911 Fund.
- 38 (9) To undertake its duties in a manner that is competitively and technologically
39 neutral as to all communications service providers.
- 40 (10) To design, create, or acquire printed or Web-based public education materials
41 regarding the proper use of 911.
- 42 (11) To adopt rules to implement this Part. This authority does not include the
43 regulation of any ~~enhanced 911 communications~~ service, such as the
44 establishment of technical standards for ~~telecommunications~~ communications
45 service providers to deliver-process 911 voice and data.
- 46 (12) To take other necessary and proper action to implement the provisions of this
47 Part.
- 48 (13) To collect and distribute data from and to PSAPs and communications service
49 providers, provided that distribution of such data shall be subject to the
50 limitations of the G.S. 132-1 et seq., and applicable federal privacy laws or
51 regulations.

1 (14) To coordinate, adopt, and communicate all necessary technical and
 2 operational standards and requirements to ensure an effective statewide
 3 interconnected NG911 network, the State ESInet, including the following:

4 a. NG911 network design specifications;

5 b. 911 call processing standards and requirements including system
 6 networks, PSAP equipment, GIS caller location routing, and database
 7 requirements;

8 c. Performance measures for data services necessary for the purposes of
 9 this Part.

10 (15) To establish and operate a network management center for the State ESInet
 11 staffed by the Board. The center shall monitor PSAP and communications
 12 service provider compliance with technical and operational standards,
 13 requirements, and practices. The center shall monitor the State ESInet
 14 performance and security testing protocols in coordination with the
 15 Department of Information Technology.

16 (b) Prohibition. – In no event shall the 911 Board or any other State agency construct,
 17 operate, or own a communications network for the purpose of providing 911 service. The 911
 18 Board may pay private sector vendors for provisioning a communications network for the
 19 purpose of providing citizens access to 911 services and completing call-taking processes
 20 through one or more PSAPs.

21 (c) The Secretary of the Department of Information Technology shall, with the advice of
 22 the 911 Board, select an Executive Director of the 911 Board. The Executive Director shall be
 23 the Board's chief administrative officer. The Executive Director shall have appropriate training
 24 and experience to assist the Board in the performance of its duties. The executive director shall
 25 be considered the State 911 coordinator for purposes of relevant State and federal law and
 26 program requirements.

27 The Executive Director shall be responsible for managing the work of the Board including,
 28 but not limited to:

29 (1) Preparing and submitting reports of the Board to the NC General Assembly,
 30 Governor, and Federal Communications Commission;

31 (2) Drafting suggested legislation incorporating the Board's findings for
 32 submission to the General Assembly;

33 (3) Administering, directing, and managing the affairs and business of the 911
 34 Board, and for the supervision of all personnel serving the Board;

35 (4) Contracting with such other persons, including subject matter experts and
 36 consultants, as deemed necessary; and

37 (5) Executing the Board's policies, powers, and duties subject to appropriations,
 38 available funds, and State employment and procurement laws.

39 (d) The Board may meet in the offices of the Department of Information Technology or
 40 in facilities satisfactory for the Board's needs and Public Meeting laws. The Department of
 41 Information Technology shall provide office space for the Board's staff."

42 **SECTION 7.(c)** G.S. 143B-1403 reads as rewritten:

43 **"§ 143B-1403. Service charge for 911 service.**

44 (a) Charge Imposed. – A monthly 911 service charge is imposed on each active
 45 communications service connection that provides access to the 911 system through a ~~voice~~
 46 ~~communications service provider.~~ The service charge for service other than prepaid wireless
 47 telecommunications service is seventy cents (70¢) or a lower amount set by the 911 Board under
 48 subsection (d) of this section. The service charge is payable by the subscriber to the service
 49 provider of the ~~voice~~-communications service. The provider may list the service charge separately
 50 from other charges on the bill. Partial payments made by a subscriber are applied first to the
 51 amount the subscriber owes the provider for the ~~voice~~-communications service. If a subscriber is

1 capable of making more than one simultaneous outbound 911 call though its communications
2 service connections, then the total number of 911 service charges billed to the subscriber shall
3 be (i) for CMRS providers, an amount equal to the number of CMRS connections and (ii) for all
4 other communications service providers, an amount equal to the total number of simultaneous
5 outbound 911 calls the subscriber can make using the North Carolina telephone numbers or
6 trunks billed to their account.

7 (a1) For any services for which a bill is or has been rendered at any time prior to 180 days
8 following the effective date of this section, whether under G.S. 143B-1403 or its predecessors as
9 previously codified, no subscriber or communications service provider shall be liable to any
10 person or entity for billing or remitting a different number of 911 service charges than is required
11 by Part 10 of Article 15 of Chapter 143B of the General Statutes, as clarified by subsection (a)
12 of this section. Subsection (a) of this section is intended as a clarification of existing law.

13 (b) Prepaid Wireless. – A 911 service charge is imposed on each retail purchase of
14 prepaid wireless telecommunications service occurring in this State of seventy cents (70¢) for
15 each retail transaction of prepaid wireless telecommunications service or a lower amount set as
16 provided by subsection (d) of this section. The service charge is collected and remitted as
17 provided in G.S. 143B-1414.

18 (c) Remittance to 911 Board. – A communications service provider must remit the
19 service charges collected by it under subsection (a) of this section to the 911 Board. The provider
20 must remit the collected service charges by the end of the calendar month following the month
21 the provider received the charges from its subscribers. A provider may deduct and retain from
22 the service charges it receives from its subscribers and remits to the 911 Board an administrative
23 allowance equal to the greater of one percent (1%) of the amount of service charges remitted or
24 fifty dollars (\$50.00) a month.

25 (d) Adjustment of Charge. – The 911 Board must monitor the revenues generated by the
26 service charges imposed by this section. If the 911 Board determines that the ~~rates produce charge~~
27 imposed produces revenue that exceeds or is less than the amount needed, the 911 Board may
28 adjust the ~~rates-service charge~~. The ~~rates-charge imposed~~ must ensure full cost recovery for
29 communications service providers ~~and over a reasonable period of time, for monthly distributions~~
30 ~~to primary PSAPs over a reasonable period of time. PSAPs, and for the State ESInet.~~ The 911
31 Board must set the service charge for prepaid wireless telecommunications service at the same
32 rate as the monthly service charge for nonprepaid service. A change in the ~~rate-service charge~~
33 becomes effective only on July 1. The 911 Board must notify providers of a change in the ~~rates~~
34 service charge at least 90 days before the change becomes effective. The 911 Board must notify
35 the Department of Revenue of a change in the ~~rate-service charge~~ for prepaid wireless
36 telecommunications service at least 90 days before the change becomes effective. The
37 Department of Revenue must provide notice of a change in the ~~rate-service charge~~ for prepaid
38 wireless telecommunications service at least 45 days before the change becomes effective only
39 on the Department's Web site.

40"

41 **SECTION 7.(d)** G.S. 143B-1404 reads as rewritten:

42 "**§ 143B-1404. 911 Fund.**

43 (a) Fund. – The 911 Fund is created as an interest-bearing special revenue fund within
44 the State treasury. The 911 Board administers the Fund. The 911 Board must credit to the 911
45 Fund all revenues remitted to it from the service charge imposed by ~~G.S. 143B-1403 on~~
46 ~~communications service connections in the State. G.S. 143B-1403.~~ Revenue in the Fund may
47 only be used as provided in this Part.

48 (b) Allocation of Revenues. – The 911 Board may deduct and retain for its administrative
49 expenses a percentage of the total service charges remitted to it under G.S. 143B-1403 for deposit
50 in the 911 Fund. The percentage may not exceed ~~two-three and one-half percent (2%)-(3.5%).~~
51 The percentage is one percent (1%) unless the 911 Board sets the percentage at a different

1 amount. The 911 Board must monitor the amount of funds required to meet its ~~financial~~
 2 ~~commitment to provide technical assistance to primary PSAPs~~ duties under this Part and set the
 3 ~~rate service charge~~ at an amount that enables the 911 Board to meet this commitment. The 911
 4 Board must allocate ~~ten percent (10%)~~ a minimum of fifteen percent (15%) of the total service
 5 charges to the Next Generation 911 Reserve Fund to be administered as provided in
 6 G.S. 143B-1407. The 911 Board must allocate a minimum of five percent (5%) of the total
 7 service charges to the PSAP Grant and Statewide Projects Account to be administered as
 8 provided in G.S. 143B-1407. The remaining revenues remitted to the 911 Board for deposit in
 9 the 911 Fund are allocated ~~as follows:~~ for distribution to the primary PSAPs, CMRS providers,
 10 or the Accounts established in G.S. 143B-1407.

- 11 (1) ~~A percentage of the funds remitted by CMRS providers, other than the funds~~
 12 ~~remitted by the Department of Revenue from prepaid wireless~~
 13 ~~telecommunications service, to the 911 Fund are allocated for reimbursements~~
 14 ~~to CMRS providers pursuant to G.S. 143B-1405.~~
- 15 (2) ~~A percentage of the funds remitted by CMRS providers, all funds remitted by~~
 16 ~~the Department of Revenue from prepaid wireless telecommunications~~
 17 ~~service, and all funds remitted by all other communications service providers~~
 18 ~~are allocated for monthly distributions to primary PSAPs pursuant to~~
 19 ~~G.S. 143B-1406 and grants to PSAPs pursuant to G.S. 143B-1407.~~
- 20 (3) ~~The percentage of the funds remitted by CMRS providers allocated to CMRS~~
 21 ~~providers and PSAPs shall be set by the 911 Board and may be adjusted by~~
 22 ~~the 911 Board as necessary to ensure full cost recovery for CMRS providers~~
 23 ~~and, to the extent there are excess funds, for distributions to primary PSAPs.~~

24"

25 SECTION 7.(e) G.S. 143B-1405 reads as rewritten:

26 "§ 143B-1405. Fund distribution to CMRS providers.

27 (a) Distribution. – CMRS providers are eligible for reimbursement from the 911 Fund
 28 for the actual costs incurred by the CMRS providers in complying with the requirements of
 29 ~~enhanced 911 service. this Part.~~ Costs of complying may include costs incurred for designing,
 30 upgrading, purchasing, leasing, programming, installing, testing, or maintaining all necessary
 31 data, hardware, and software required to provide 911 communications service as well as the
 32 recurring and nonrecurring costs of providing the such service. To obtain reimbursement, a
 33 CMRS provider must comply with all of the following:

- 34 (1) Invoices must be sworn.
 35 (2) All costs and expenses must be commercially reasonable.
 36 (3) All invoices for reimbursement must be related to compliance with the
 37 requirements of ~~enhanced 911 service.~~ service in this Part.
 38 (4) Prior approval must be obtained from the 911 Board for all invoices for
 39 payment of costs that exceed the lesser of:
 40 a. One hundred percent (100%) of the eligible costs allowed under this
 41 section.
 42 b. One hundred twenty-five percent (125%) of the service charges
 43 remitted to the 911 Board by the CMRS provider.
 44 (5) A CMRS provider may request reimbursement by presenting a request to the
 45 Board not later than six months prior to the end of the Board's fiscal year and
 46 identifying the provider's anticipated qualified expenses for reimbursement
 47 during the Board's next fiscal year.

48 (b) Payment Carryforward. – If the total amount of invoices submitted to the 911 Board
 49 and approved for payment in a month exceeds the amount available from the 911 Fund for
 50 reimbursements to CMRS providers, the amount payable to each CMRS provider is reduced
 51 proportionately so that the amount paid does not exceed the amount available for payment. The

1 balance of the payment is deferred to the following month. ~~A deferred payment accrues interest~~
 2 ~~at a rate equal to the rate earned by the 911 Fund until it is paid.~~

3 (c) PSAP Grant and Statewide Project Reallocation. – If the amount of reimbursements
 4 to CMRS providers ~~approved budgeted~~ by the 911 Board for a fiscal year is ~~less than~~ exceeds the
 5 amount of funds ~~allocated disbursed~~ for reimbursements to CMRS providers for that fiscal year,
 6 the 911 Board may reallocate ~~part of~~ the excess amount to the ~~PSAP Grant and Statewide 911~~
 7 ~~Projects Account Accounts~~ established under G.S. 143B-1407. The 911 Board may reallocate
 8 funds under this subsection only once each calendar year and may do so only within the
 9 three-month period that follows the end of the fiscal year. ~~If the 911 Board reallocates more than~~
 10 ~~a total of three million dollars (\$3,000,000) to the PSAP Grant and Statewide 911 Projects~~
 11 ~~Account in a calendar year, it must consider reducing the amount of the service charge in~~
 12 ~~G.S. 143B-1404 to reflect more accurately the underlying costs of providing 911 system services.~~

13 The 911 Board must make the following findings before it reallocates funds to the PSAP
 14 ~~Grant and Statewide 911 Projects Account Accounts~~ established under G.S. 143B-1407:

- 15 (1) There is a critical need for additional funding for PSAPs in rural or high-cost
 16 areas ~~to~~ and ensure that ~~enhanced 911 NG911~~ service is deployed throughout
 17 the State.
- 18 (2) The reallocation will not impair cost recovery by CMRS providers.
- 19 (3) The reallocation will not result in the insolvency of the 911 Fund."

20 **SECTION 7.(f)** G.S. 143B-1406 reads as rewritten:

21 "**§ 143B-1406. Fund distribution to PSAPs.**

22 (a) Monthly Distribution. – The 911 Board must make monthly distributions to primary
 23 PSAPs from the ~~amount allocated to the 911 Fund for PSAPs. Fund.~~ A PSAP is not eligible for
 24 a distribution under this section unless it complies with the requirements of this Part, provides
 25 enhanced 911 service, and received distributions from the 911 Board in the 2008-2009 fiscal
 26 year. The Board may reduce, suspend, or terminate distributions under this subsection if a PSAP
 27 does not comply with the requirements of this Part. The Board must comply with all of the
 28 following:

- 29 ...
- 30 (3) Formula. – The funding formula established by the Board must consider all of
 31 the following:
 - 32 a. The population of the area served by a PSAP.
 - 33 b. PSAP reports and budgets, disbursement histories, and historical costs.
 - 34 c. PSAP operations, 911 technologies used by the PSAP, compliance
 35 with operating standards of the 911 Board, level of service a PSAP
 36 delivers dispatching fire, emergency medical services, law
 37 enforcement, and Emergency Medical Dispatch.
 - 38 d. The tier designation of the county in which the PSAP is located as
 39 designated in G.S. 143B-437.08.
 - 40 e. Any interlocal government funding agreement to operate a Regional
 41 PSAP, or between a primary PSAP and a secondary PSAP, if the
 42 secondary PSAP was in existence as of June 1, 2010, receives funding
 43 under the agreement, and is within the service area of the primary
 44 PSAP.
 - 45 e1. Any expenditure authorized by the 911 Board for statewide 911
 46 projects or the next generation 911 system.
 - 47 f. Any other information the Board considers relevant.

48 ...

49 (b) Percentage Designations. – The 911 Board must determine how revenue that is
 50 allocated to the 911 Fund for distribution to primary PSAPs and is not needed to make the base
 51 amount distribution required by subdivision (a)(1) of this section is to be used. The 911 Board

1 must designate a percentage of the remaining funds to be distributed to primary PSAPs on a per
2 capita basis and a percentage to be allocated to the ~~PSAP Grant Account Accounts~~ established in
3 G.S. 143B-1407. If the 911 Board does not designate an amount to be allocated to ~~the PSAP~~
4 ~~Grant Account, such Accounts,~~ the 911 Board must distribute all of the remaining funds to
5 regional or primary PSAPs on a per capita basis. The 911 Board may not change the percentage
6 designation more than once each fiscal year.

7 (c) Carryforward. – A PSAP may carry forward distributions for eligible expenditures
8 for capital outlay, capital improvements, or equipment ~~replacement. Amounts carried forward to~~
9 ~~the next fiscal year from distributions made by the 911 Board may not be used to lower the~~
10 ~~distributions in subsection (a) of this section unless the amount is greater than twenty percent~~
11 ~~(20%) of the average yearly amount distributed to the PSAP in the prior two years. replacement~~
12 if shown pursuant to subsection (f) of this section. The 911 Board may allow a PSAP to carry
13 forward a greater amount without changing the PSAP's distribution. Amounts carried forward to
14 the next fiscal year from distributions made by the 911 Board may not be used to lower the
15 distributions in subsection (a) of this section unless:

- 16 (1) The amount is greater than twenty percent (20%) of the average yearly amount
17 distributed to the PSAP in the prior two years; or
- 18 (2) The amount in subsection (a) is modified based upon the Board's expenditures
19 for statewide 911 projects or the PSAP's migration to a next generation 911
20 network.

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

- 26 (1) The lease, purchase, or maintenance of:
 - 27 a. Emergency telephone equipment, including necessary computer
28 hardware, software, and database provisioning.
 - 29 b. ~~Addressing. Addressing, provided that addressing shall not be paid~~
30 following the earlier of July 1, 2021, or compliance with
31 G.S. 143B-1406(e1).
 - 32 c. Telecommunicator furniture.
 - 33 d. Dispatch equipment located exclusively within a building where a
34 PSAP or back-up PSAP is located, excluding the costs of base station
35 transmitters, towers, microwave links, and antennae used to dispatch
36 emergency call information from the PSAP or back-up PSAP.
 - 37 e. Emergency medical, fire, and law enforcement pre-arrival instruction
38 software.
- 39 (2) ~~The nonrecurring costs of establishing a 911 system.~~
- 40 (3) Expenditures for in-State training of 911 personnel regarding the maintenance
41 and operation of the 911 system. Allowable training expenses include the cost
42 of transportation, lodging, instructors, certifications, improvement programs,
43 quality assurance training, training associated with call taking, and emergency
44 medical, fire, or law enforcement procedures, and training specific to
45 managing a PSAP or supervising PSAP staff. Training outside the State is not
46 an eligible expenditure unless the training is unavailable in the State or the
47 PSAP documents that the training costs are less if received out-of-state.
48 Training specific to the receipt of 911 calls is allowed only for intake and
49 related call taking quality assurance and improvement. Instructor certification
50 costs and course required prerequisites, including physicals, psychological
51 exams, and drug testing, are not allowable expenditures.

- 1 (4) Charges associated with the service supplier's 911 service and other service
2 supplier recurring charges. The PSAP providing 911 service is responsible to
3 the communications service provider for all 911 installation, service,
4 equipment, operation, and maintenance charges owed to the communications
5 service provider. A PSAP may contract with a communications service
6 provider on terms agreed to by the PSAP and the provider. Service supplier
7 911 service and other recurring charges supplanted by the State ESInet costs
8 paid by the Board shall not be paid from distributions to PSAPs following the
9 earlier of July 1, 2021, or compliance with G.S. 143B-1406(e1).
- 10 (e) Local Fund. – The fiscal officer of a PSAP to whom a distribution is made under this
11 section must deposit the funds in a special revenue fund, as defined in G.S. 159-26(b)(2),
12 designated as the Emergency Telephone System Fund. The fiscal officer may invest money in
13 the Fund in the same manner that other money of the local government may be invested. Income
14 earned from the invested money in the Emergency Telephone System Fund must be credited to
15 the Fund. Revenue deposited into the Fund must be used only as permitted in this section.
- 16 (e1) State NG911 Emergency Service IP Network (ESInet). –
- 17 (1) No later than July 1, 2021, the Board and local governments operating primary
18 PSAPs shall develop and fully implement NG911 transition plans to migrate
19 PSAPs to the State ESInet. To the extent practicable, the migration of PSAPs
20 will be implemented on a sequential region-by-region basis for those PSAPs
21 served by each legacy 911 selective router. The Board may extend the
22 implementation date for a primary PSAP for good cause. For purposes of this
23 section, "good cause" means an event or events reasonably beyond the ability
24 of the Board to anticipate or control.
- 25 (2) All communications service providers required to provide access to 911
26 service shall route the 911 calls of their subscribers to ESInet points of
27 interconnection designated by the Board. The Board shall identify points of
28 interconnection no later than July 1, 2019. The Board shall establish ESInet
29 points of interconnection in a manner that minimizes cost to the
30 communications service providers to the extent practicable while still
31 achieving necessary 911 service and ESInet objectives.
- 32 (3) The State ESInet service provider shall receive the 911 calls delivered by the
33 communications service provider at the designated ESInet points of
34 interconnection and deliver the calls to the appropriate PSAP. The State
35 ESInet service provider shall not charge a communication service provider to
36 connect to the State ESInet point of interconnection nor for the delivery of the
37 911 calls to the PSAP.
- 38 (f) Compliance. – A PSAP, or the governing entity of a PSAP, must comply with all of
39 the following in order to receive a distribution under this section:
- 40 ...
- 41 (4a) On or before July 1, 2019, each primary PSAP dispatching emergency medical
42 services shall develop policies and procedures for implementing an
43 Emergency Medical Dispatch program approved by the Office of Emergency
44 Medical Services. Emergency Medical Dispatch instructions must be offered
45 by a telecommunicator who has completed an emergency medical dispatch
46 course approved by the Office of Emergency Medical Services.
- 47 (5) ~~By July 1, 2016, a~~ A primary PSAP must have a plan and means for 911
48 call-taking in the event 911 calls cannot be received and processed in the
49 primary PSAP. If a PSAP has made substantial progress toward
50 implementation of the plan and means, the 911 Board may grant the PSAP an
51 extension until July 1, 2017, to complete implementation of the plan and

means. ~~The plan must identify the alternative capability of taking the redirected 911 calls.~~ This subdivision does not require a PSAP to construct an alternative facility to serve as a back-up PSAP.

(5a) On or before July 1, 2020, each PSAP shall deploy equipment, products, and services necessary or appropriate to enable the PSAP to receive and process calls for emergency assistance sent via text messages in a manner consistent with FCC Order 14-118 and any other FCC order that affects the deployment of text-to-911. Every local government shall participate in a 911 system. The establishment and operation of Regional PSAPs shall be a coordinated effort among local governments and the Board. Nothing in this article shall be construed to prohibit or discourage in any way the formation of Regional PSAPs.

(5b) Persons employed as telecommunicators shall successfully complete:
 a. A minimum of 40 hours in a nationally recognized training course for 911 telecommunicators or a basic telecommunicator course offered by the North Carolina Sheriffs' Standards Commission within one year of the date of their employment for any person beginning employment after July 1, 2019, or a substantially similar minimum training acceptable to the telecommunicator's employer; and
 b. A nationally recognized emergency medical dispatch course or an emergency medical dispatch course approved by the Office of Emergency Medical Services not later than July 1, 2020, or if employed subsequent to July 1, 2020, within six months of the date of employment.

(6) A primary PSAP must comply with the rules, policies, procedures, and operating standards for primary PSAPs adopted by the 911 Board.

...."

SECTION 7.(g) G.S. 143B-1407 reads as rewritten:

"§ 143B-1407. PSAP Grant and Statewide 911 Projects Account; Next Generation 911 Reserve Fund.

...

(d) Statewide 911 Projects. – The 911 Board may use funds from the PSAP Grant and Statewide 911 Projects Account and funds from the Next Generation 911 Reserve Fund for a statewide project if the Board determines the project meets all of the following requirements:

- (1) The project is consistent with the 911 plan.
- (2) The project is cost-effective and efficient when compared to the aggregated costs incurred by primary PSAPs for implementing individual projects.
- (3) The project is an eligible expense under ~~G.S. 143B-1406(e).~~G.S. 143B-1406(d).
- (4) The project will have statewide benefit for 911 service.

(e) Next Generation 911 Fund. – The 911 Board may use funds from the Next Generation 911 Fund to fund the implementation of next generation 911 systems. Notwithstanding Article 8 of Chapter 143C of the General Statutes, the 911 Board may expend funds from the Next Generation 911 Fund to provide for a single data network to serve PSAPs. The 911 Board may provide funds directly to primary PSAPs to implement next generation 911 systems. By October 1 of each year, the 911 Board must report to the Joint Legislative Commission on Governmental Operations on the expenditures from the Next Generation 911 Fund for the prior fiscal year and on the planned expenditures from the Fund for the current fiscal year.

...."

SECTION 7.(h) G.S. 143B-1408 reads as rewritten:

"§ 143B-1408. Recovery of unauthorized use of funds.

1 The 911 Board must give written notice of violation to any communications service provider
2 or PSAP found by the 911 Board to be using monies from the 911 Fund for purposes not
3 authorized by this Part. Upon receipt of notice, the communications service provider or PSAP
4 must cease making any unauthorized expenditures. The communications service provider or
5 PSAP may petition the 911 Board for a hearing on the question of whether the expenditures were
6 unauthorized, and the 911 Board must grant the request within a reasonable period of time. If,
7 after the hearing, the 911 Board concludes the expenditures were in fact unauthorized, the 911
8 Board may require the communications service provider or PSAP to refund the monies
9 improperly spent within 90 days. Money received under this ~~section-Part~~ must be credited to the
10 911 Fund. If a communications service provider or PSAP does not cease making unauthorized
11 expenditures or refuses to refund improperly spent money, the 911 Board must suspend funding
12 to the provider or PSAP until corrective action is taken."

13 **SECTION 7.(i)** G.S. 143B-1409 reads as rewritten:

14 "**§ 143B-1409. Conditions for providing enhanced 911 service.**

15 In accordance with the FCC Order, no CMRS provider is required to provide enhanced 911
16 service until all of the following conditions are met:

- 17 (1) The CMRS provider receives a request for the service from the administrator
18 of a PSAP that is capable of receiving and utilizing the data elements
19 associated with the service.
- 20 (2) Funds for reimbursement of the CMRS provider's costs are available pursuant
21 to G.S. 143B-1405.
- 22 (3) The local exchange carrier is able to support the requirements of ~~enhanced~~
23 911 service-this Part."

24 **SECTION 7.(j)** G.S. 143B-1413 reads as rewritten:

25 "**§ 143B-1413. Limitation of liability.**

26 (a) Except in cases of wanton or willful misconduct, a communications service provider,
27 and a 911 system provider or next generation 911 system provider, and their employees,
28 directors, officers, vendors, and agents are not liable for any damages in a civil action resulting
29 from death or injury to any person or from damage to property incurred by any person in
30 connection with developing, adopting, implementing, maintaining, or operating the 911 system
31 or in complying with emergency-related information requests from State or local government
32 officials. This section does not apply to actions arising out of the operation or ownership of a
33 motor vehicle. The acts and omissions described in this section include, but are not limited to,
34 the following:

- 35 (1) The release of subscriber information related to emergency calls or emergency
36 services.
- 37 (2) The use or provision of 911 service, E911 service, or next generation 911
38 service.
- 39 (3) Other matters related to 911 service, E911 service, or next generation 911
40 service.
- 41 (4) Text-to-911 service.

42 (b) In any civil action by a user of 911 services or next generation 911 services arising
43 from an act or an omission by a PSAP, and the officers, directors, employees, vendors, agents,
44 and authorizing government entity of the PSAP, in the performance of any lawful and prescribed
45 actions pertaining to their assigned job duties as a ~~911 or public safety telecommunicator or~~
46 ~~dispatcher at a PSAP or at any public safety agency to which 911 calls are transferred from a~~
47 ~~primary PSAP for dispatch of appropriate public safety agencies, the telecommunicator.~~ The
48 plaintiff's burden of proof shall be by clear and convincing evidence."

49 **SECTION 8.** This act is effective when it becomes law.