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SENATE BILL NO. 787

Offered January 12, 2011

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A BILL to amend and reenact §§ 2.2-225, 2.2-2031, 56-484.12, 56-484.13, and 56-484.14 of the Code of Virginia, relating to the Wireless E-911 Services Board; continued as E-911 Services Board.

Patron—Watkins

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-225, 2.2-2031, 56-484.12, 56-484.13, and 56-484.14 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-225. Position established; agencies for which responsible; additional powers.

The position of Secretary of Technology (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies, councils, and boards: Information Technology Advisory Council, Innovation and Entrepreneurship Investment Authority, Virginia Information Technologies Agency, Virginia Geographic Information Network Advisory Board, and the Wireless E-911 Services Board. The Governor, by executive order, may assign any other state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

Unless the Governor expressly reserves such power to himself, the Secretary may, with regard to strategy development, planning and budgeting for technology programs in the Commonwealth:

1. Monitor trends and advances in fundamental technologies of interest and importance to the economy of the Commonwealth and direct and approve a stakeholder-driven technology strategy development process that results in a comprehensive and coordinated view of research and development goals for industry, academia and government in the Commonwealth. This strategy shall be updated biennially and submitted to the Governor, the Speaker of the House of Delegates and the President Pro Tempore of the Senate.

2. Work closely with the appropriate federal research and development agencies and program managers to maximize the participation of Commonwealth industries and universities in these programs consistent with agreed strategy goals.

3. Direct the development of plans and programs for strengthening the technology resources of the Commonwealth's high technology industry sectors and for assisting in the strengthening and development of the Commonwealth's Regional Technology Councils.

4. Direct the development of plans and programs for improving access to capital for technology-based entrepreneurs.

5. Assist the Joint Commission on Technology and Science created pursuant to § 30-85 in its efforts to stimulate, encourage, and promote the development of technology in the Commonwealth.

6. Continuously monitor and analyze the technology investments and strategic initiatives of other states to ensure the Commonwealth remains competitive.

7. Strengthen interstate and international partnerships and relationships in the public and private sectors to bolster the Commonwealth's reputation as a global technology center.

8. Develop and implement strategies to accelerate and expand the commercialization of intellectual property created within the Commonwealth.

9. Ensure the Commonwealth remains competitive in cultivating and expanding growth industries, including life sciences, advanced materials and nanotechnology, biotechnology, and aerospace.

10. Monitor the trends in the availability and deployment of and access to broadband communications services, which include, but are not limited to, competitively priced, high-speed data services and Internet access services of general application, throughout the Commonwealth and advancements in communications technology for deployment potential. The Secretary shall report annually by December 1 to the Governor and General Assembly on those trends.

11. Review and approve the procurement or termination of major information technology projects, and contracts or amendments thereto proposed by the Chief Information Officer (CIO) pursuant to § 2.2-2007.

12. Review and approve statewide technical and data standards for information technology and related systems, including the utilization of nationally recognized technical and data standards for health information technology systems or software purchased by a state agency of the Commonwealth, as recommended by the CIO.

13. Develop criteria and requirements defining "major information technology project" for purposes

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59 of § 2.2-2006. Such criteria and requirements shall include, but are not limited to, analysis of each
60 project's risk and complexity.

61 § 2.2-2031. Division of Public Safety Communications established; appointment of Virginia Public
62 Safety Communications Coordinator; duties of Division.

63 A. There is established within VITA, a Division of Public Safety Communications (the Division),
64 which shall be headed by a Virginia Public Safety Communications Coordinator, appointed by the CIO
65 with the advice and consent of the Wireless E-911 Services Board. The Division shall consist of such
66 personnel as the CIO deems necessary. The operating expenses, administrative costs, and salaries of the
67 employees of the Division shall be paid from the Wireless E-911 Fund created pursuant to § 56-484.17.

68 B. The Division shall provide staff support to the Wireless E-911 Services Board and encourage,
69 promote, and assist in the development and deployment of statewide enhanced emergency
70 telecommunications systems.

71 § 56-484.12. Definitions.

72 As used in this article, unless the context requires a different meaning:

73 "Automatic location identification" or "ALI" means a telecommunications network capability that
74 enables the automatic display of information defining the geographical location of the telephone used to
75 place a wireless Enhanced 9-1-1 call.

76 "Automatic number identification" or "ANI" means a telecommunications network capability that
77 enables the automatic display of the telephone number used to place a wireless Enhanced 9-1-1 call.

78 "Board" means the Wireless E-911 Services Board created pursuant to this article.

79 "Chief Information Officer" or "CIO" means the Chief Information Officer appointed pursuant to
80 § 2.2-2005.

81 "Coordinator" means the Virginia Public Safety Communications Systems Coordinator employed by
82 the Division.

83 "CMRS" means mobile telecommunications service as defined in the federal Mobile
84 Telecommunications Sourcing Act, 4 U.S.C. § 124, as amended.

85 "CMRS provider" means an entity authorized by the Federal Communications Commission to provide
86 CMRS within the Commonwealth of Virginia.

87 "Division" means the Division of Public Safety Communications created in § 2.2-2031.

88 "Enhanced 9-1-1 service" or "E-911" means a service consisting of telephone network features and
89 PSAPs provided for users of telephone systems enabling such users to reach a PSAP by dialing the
90 digits "9-1-1." Such service automatically directs 9-1-1 emergency telephone calls to the appropriate
91 PSAPs by selective routing based on the geographical location from which the emergency call originated
92 and provides the capability for ANI and ALI features.

93 "FCC order" means Federal Communications Commission Order 94-102 (61 Federal Register 40348)
94 and any other FCC order that affects the provision of E-911 service to CMRS customers.

95 "Local exchange carrier" means any public service company granted a certificate to furnish public
96 utility service for the provision of local exchange telephone service pursuant to Chapter 10.1 (§ 56-265.1
97 et seq.) of Title 56.

98 "Place of primary use" has the meaning as defined in the federal Mobile Telecommunications
99 Sourcing Act, 4 U.S.C. § 124, as amended.

100 "Postpaid CMRS" means CMRS that is not prepaid CMRS, as defined in § 56-484.17:1.

101 "Public safety answering point" or "PSAP" means a facility (i) equipped and staffed on a 24-hour
102 basis to receive and process E-911 calls or (ii) that intends to receive and process E-911 calls and has
103 notified CMRS providers in its jurisdiction of its intention to receive and process such calls.

104 "VoIP service" means interconnected voice over Internet protocol service as defined in the Code of
105 Federal Regulations, Title 47, Part 9, section 9.3, as amended.

106 "Wireless E-911 CMRS costs" means all reasonable, direct recurring and nonrecurring capital costs
107 and operating expenses incurred by CMRS providers in designing, upgrading, leasing, purchasing,
108 programming, installing, testing, administering, delivering, or maintaining all necessary data, hardware,
109 software and local exchange telephone service required to provide wireless E-911 service, which have
110 been sworn to by an authorized agent of a CMRS provider.

111 "Wireless E-911 Fund" means a dedicated fund consisting of all moneys collected pursuant to the
112 wireless E-911 surcharge, all prepaid wireless E-911 charges collected pursuant to § 56-484.17:1, and
113 any additional funds otherwise allocated or donated to the Wireless E-911 Fund.

114 "Wireless E-911 service" means the E-911 service required to be provided by CMRS providers
115 pursuant to the FCC order.

116 "Wireless E-911 surcharge" means a monthly fee of \$0.75 billed with respect to postpaid CMRS by
117 each CMRS provider and CMRS reseller on each CMRS number of a customer with a place of primary
118 use in Virginia.

119 § 56-484.13. E-911 Services Board; membership; terms; compensation.

120 A. The Wireless E-911 Services Board is hereby ~~created~~ *continued as the E-911 Services Board*. The

121 Board shall plan, promote and offer assistance:

122 1. In the statewide development, deployment, and maintenance of enhanced wireless emergency
123 telecommunications services and technologies; and

124 2. In the development and deployment of enhanced wireline emergency telecommunications services
125 and technologies only in specific local jurisdictions that were not wireline E-911 capable by July 1,
126 2000.

127 The Board shall exercise the powers and duties conferred in this article.

128 B. The ~~Wireless~~ E-911 Services Board may promote and offer planning assistance:

129 1. In the statewide development, deployment, and maintenance of VoIP E-911 and any other future
130 communications technologies accessing E-911 for emergency purposes;

131 2. To the Virginia Information Technologies Agency (VITA), and other stakeholder agencies, in the
132 development and deployment of a statewide public safety network that will support future E-911 and
133 other public safety applications; and

134 3. However, the Board shall seek funding from sources other than CMRS providers or customers of
135 CMRS to support efforts that exceed the scope of wireless E-911 service.

136 C. The Board shall consist of 15 members as follows: the Director of the Virginia Department of
137 Emergency Management, who shall serve as chairman of the Board; the Comptroller, who shall serve as
138 the treasurer of the Board; the Chief Information Officer; and the following 12 members to be appointed
139 by the Governor: one member representing the Virginia State Police, one member representing a local
140 exchange carrier providing E-911 service in Virginia, two members representing wireless service
141 providers authorized to do business in Virginia, three county, city or town PSAP directors or managers
142 representing diverse regions of Virginia, one Virginia sheriff, one chief of police, one fire chief, one
143 emergency medical services manager, and one finance officer of a county, city, or town.

144 D. All members appointed by the Governor shall serve five-year terms. The CIO and the Comptroller
145 shall serve terms coincident with their terms of office. No gubernatorial appointee shall serve more than
146 two consecutive terms.

147 E. A majority of the Board shall constitute a quorum. The Board shall meet at least quarterly or at
148 the call of its chairman.

149 F. Members of the Board shall serve without compensation; however, members of the Board shall be
150 reimbursed for expenses as provided in §§ 2.2-2813 through 2.2-2826.

151 G. The Division shall provide staff support to the Board. The Geographic Information Network
152 Division created in § 2.2-2026 and the Virginia Department of Transportation shall provide such
153 technical advice as the Board requires.

154 § 56-484.14. Powers and duties of E-911 Services Board.

155 The *E-911 Services* Board shall have the power and duty to:

156 1. Make and enter into all contracts and agreements necessary or incidental to the performance of its
157 duties and the execution of its powers, including purchase agreements payable from (i) the Wireless
158 E-911 Fund and (ii) other moneys appropriated for the provision of enhanced 9-1-1 services.

159 2. Pursue all legal remedies to enforce any provision of this article, or any contract entered into
160 pursuant to this article.

161 3. Develop a comprehensive, statewide enhanced 9-1-1 plan for wireless E-911, VoIP E-911, and any
162 other future communications technologies accessing E-911 for emergency purposes. In constructing and
163 periodically updating this plan as appropriate, the Board shall monitor trends and advances in enhanced
164 wireless, VoIP, and other emergency telecommunications technologies, plan and forecast future needs for
165 these enhanced technologies, and formulate strategies for the efficient and effective delivery of enhanced
166 9-1-1 services in the future with the exclusion of traditional circuit-switched wireline 9-1-1 service.

167 4. Grant such extensions of time for compliance with the provisions of § 56-484.16 as the Board
168 deems appropriate.

169 5. Take all steps necessary to inform the public of the use of the digits "9-1-1" as the designated
170 emergency telephone number and the use of the digits "#-7-7" as a designated non-emergency telephone
171 number.

172 6. Report annually to the Governor, the Senate Committee on Finance and the House Committee on
173 Appropriations, and the Virginia State Crime Commission on (i) the state of enhanced 9-1-1 services in
174 the Commonwealth, (ii) the impact of, or need for, legislation affecting enhanced 9-1-1 services in the
175 Commonwealth, and (iii) the need for changes in the E-911 funding mechanism provided to the Board,
176 as appropriate.

177 7. Provide advisory technical assistance to PSAPs and state and local law enforcement, and fire and
178 emergency medical service agencies, upon request.

179 8. Collect, distribute, and withhold moneys from the Wireless E-911 Fund as provided in this article.

180 9. Develop a comprehensive single, statewide electronic addressing database to support geographic
181 data and statewide base map data programs pursuant to § 2.2-2027.

- 182 10. Receive such funds as may be appropriated for purposes consistent with this article and such
183 gifts, donations, grants, bequests, or other funds as may be received from, applied for or offered by
184 either public or private sources.
- 185 11. Manage other moneys appropriated for the provision of enhanced emergency telecommunications
186 services.
- 187 12. Perform all acts necessary, convenient or desirable to carrying out the purposes of this article.
- 188 13. Drawing from the work of E-911 professional organizations, in its sole discretion, publish best
189 practices for PSAPs. These best practices shall be voluntary and recommended by a subcommittee
190 composed of PSAP representatives.
- 191 14. Monitor developments in enhanced 9-1-1 service and multiline telephone systems and the impact
192 of such technologies upon the implementation of Article 8 (§ 56-484.19 et seq.) of Chapter 15 of Title
193 56. The Board shall include its assessment of such impact in the annual report filed pursuant to
194 subdivision 6.