

HB 1777-FN - AS INTRODUCED

2026 SESSION

26-2638

04/09

HOUSE BILL ***1777-FN***

AN ACT relative to the enhanced 911 system fund.

SPONSORS: Rep. Hakken-Phillips, Graf. 12

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill restricts the use of Enhanced 911 system funds to expenditures that directly support 911 call delivery and dispatch operations, establishes enforcement mechanisms for unauthorized use, and enhanced financial transparency and oversight.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the enhanced 911 system fund.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Enhanced 911 Fund; Authorized and Prohibited Uses. RSA 106-H:9, II is repealed and
2 reenacted to read as follows:

3 II.(a) Moneys in the enhanced fund system shall be used solely for expenditures that directly
4 support the delivery of 911 voice and data information from the point of origin to the public safety
5 answering point (PSAP), and from the PSAP to dispatch centers and first responders. Allowable
6 uses include, but are not limited to:

7 (1) Operational expenses of PSAPs;

8 (2) Acquisition, maintenance, and operation of land mobile radio systems and any
9 communication systems utilized by the division in connection with 911 operations;

10 (3) Technology and support services necessary for the transmission, routing, and
11 processing of 911 calls; and

12 (4) Personnel costs directly supporting 911 operations, including but not limited to
13 call-taking, dispatch, technical support, and operational coordination.

14 (b) Prohibited uses of the fund shall include, but are not limited to:

15 (1) Subsidization of commercial wireless infrastructure not directly supporting 911
16 services;

17 (2) General public safety expenditures unrelated to 911 operations;

18 (3) Administrative overhead not directly tied to 911 service delivery; and

19 (4) Expenditures for multi-purpose or shared-use systems where the primary or
20 proportional use does not support 911 operations, or where such expenditures would result in a
21 material diversion of funds from core 911 functions.

22 (c) The department of safety shall adopt rules under RSA 541-A to maintain and update
23 a list of allowable and prohibited uses of the enhanced 911 system fund.

24 (d) The department shall maintain a separate accounting of all revenues collected and
25 expenditures made from the enhanced 911 system fund. Such accounting shall be sufficient to allow
26 for independent audit and public reporting of fund activity.

27 2 New Sections; Enhanced 911 System; Prohibition on Unauthorized Use of E911 Funds; Citizen
28 Enforcement. Amend RSA 106-H by inserting after section 9-a the following new sections:

29 106-H:9-b Prohibition on Unauthorized Use of E911 Funds.

30 I. No funds from the enhanced 911 system shall be expended for any purpose not authorized
31 under RSA 106-H:9, II.

1 II. Any agency or department found to have used E911 funds for purposes not authorized
2 under state or federal law shall, upon notification, repay the diverted amount from an appropriate
3 funding source within one year. If repayment is not made within the specified time frame, the
4 agency or department may be subject to monetary penalties or forfeitures, as determined by the
5 department of justice, taking into account the amount diverted, the nature of the violation, and
6 whether it was willful or repeated. No criminal penalties involving incarceration shall apply under
7 this section. Enforcement shall prioritize notice, opportunity to remediate, and proportional
8 financial accountability.

9 III. The department of safety shall adopt rules in consultation with the enhanced 911
10 commission, to:

11 (a) Define and update allowable and prohibited uses;

12 (b) Establish procedures for identifying and remedying unauthorized expenditures; and

13 (c) Provide a 12-month safe harbor period for compliance from the effective date of this
14 section.

15 IV. Pursuant to RSA 106-H:9, I(e), the enhanced 911 system fund shall not lapse, and all
16 unexpended or unencumbered monies shall remain available for future use in accordance with this
17 chapter.

18 106-H:9-c Citizen Enforcement of Unauthorized Use of E911 Funds.

19 I. Any person who has reason to believe that funds from the enhanced 911 system fund have
20 been used for unauthorized purposes may file a written complaint with the enhanced 911
21 commission as established under RSA 106-H:3 or the New Hampshire department of justice.

22 II. The enhanced 911 commission shall review such complaints and may refer substantiated
23 claims to the New Hampshire department of justice for investigation and enforcement under RSA
24 106-H:9-b.

25 III. If the New Hampshire department of justice fails to take action within 90 days of
26 receiving a referral, the complainant may bring a civil action in superior court to compel compliance
27 with this chapter, including repayment of misused funds and imposition of penalties as provided in
28 RSA 106-H:9-b, IV.

29 IV. No action may be brought under this section unless the complainant has first exhausted
30 the administrative remedies provided in paragraphs I and II.

31 V. Nothing in this section shall be construed to authorize the disclosure of 911 call content,
32 call location data, or personally identifiable information unrelated to fund administration.

33 3 New Subparagraph; Enhanced 911 System; Information Not Subject to Right-to-Know Law;
34 Disclosure for Audit. Amend RSA 106-H:14, II by inserting after subparagraph (d) the following new
35 subparagraph:

36 (e) Notwithstanding paragraph I, the department of safety shall disclose financial
37 records, accounting data, and other fund administration information related to the enhanced 911

1 system fund. Disclosures shall be limited to the minimum information necessary to fulfill the audit
2 or oversight function and shall remain confidential except as required for public reporting of audit
3 findings or as otherwise provided in this subparagraph. Nothing in this subparagraph shall be
4 construed to authorize the disclosure of 911 call content, call location data, or personally identifiable
5 information unrelated to fund administration. The department of safety shall prepare and publish
6 an annual report summarizing all expenditures from the enhanced 911 system fund, including the
7 purpose of each expenditure and whether it is considered an eligible or ineligible use under this
8 chapter. This report shall be made available on the department's public website. The disclosures
9 shall also be made to:

10 (1) The office of legislative budget assistant, the department of administrative
11 services, or any other independent auditing body authorized by law, for the purpose of conducting
12 audits or financial reviews of the fund;

13 (2) The enhanced 911 commission, for the purpose of reviewing fund expenditures
14 and compliance with this chapter; and

15 (3) The appropriate legislative oversight committees, for the purpose of evaluating
16 the use and solvency of the fund.

17 4 New Paragraph; Enhanced 911 Commission; Powers and Duties. Amend RSA 106-H:3 by
18 inserting after paragraph IV the following new paragraph:

19 V. Members shall have the following powers and duties:

20 (a) To review the results of independent audits of the enhanced 911 system fund and
21 evaluate compliance with this chapter;

22 (b) To issue recommendations or corrective action plans to any agency, department or
23 subdivision thereof found to have used monies for unauthorized purposes;

24 (c) To refer to the New Hampshire department of justice any instance of willful or
25 repeated unauthorized use of fund monies that has not been remedied within the time period
26 established under RSA 106-H:9-b;

27 (d) To advise the department of safety on the adoption and revision of rules under RSA
28 541-A related to allowable and prohibited uses of the fund;

29 (e) To provide input on the development and implementation of statewide 911 system
30 standards, funding priorities, and emerging technologies; and

31 (f) To report annually to the appropriate legislative oversight committees on the status
32 of fund expenditures, audit findings, and any enforcement actions taken under this chapter.

33 5 New Paragraphs; Enhanced 911 System; Powers and Duties. Amend RSA 106-H:5 by
34 inserting after paragraph II the following new paragraphs:

35 III. The commissioner of the department of safety shall not interfere with, suppress, or
36 otherwise influence disclosures, audits, or oversight activities related to the enhanced 911 system
37 fund. The division of emergency services and communications shall maintain administrative

HB 1777-FN - AS INTRODUCED

- Page 4 -

1 independence in all matters concerning the use, management, and reporting of the enhanced 911
2 system fund. This independence shall include the authority to initiate and respond to audits,
3 publish reports, and disclose findings without prior approval from the commissioner.

4 6 Effective Date. This act shall take effect 60 days after its passage.

HB 1777-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the enhanced 911 system fund.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable		
<i>Funding Source(s)</i>	General Fund and E-911 Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	Indeterminable		
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable		

METHODOLOGY:

This bill restricts the Enhanced 911 System Fund to expenditures that exclusively and directly support the transmission, routing, processing, and dispatching of 911 calls. Under current law and practice, the Department of Safety states the Division of Emergency Services and Communications (DESC) uses the fund to support a broad set of systems, infrastructure, personnel, and shared-service platforms that are necessary for statewide 911 operations, but are also used by other public-safety agencies. These shared systems include enterprise radio networks, IT infrastructure, cybersecurity protections, GIS platforms, and technical support services that provide mission-critical capabilities to 911 while also supporting municipal, county, law enforcement, and fire-rescue partners. The Department states the new restrictions would eliminate DESC’s ability to use 911 funds for any system or function that has multipurpose value or that provides benefits beyond direct call-taking and dispatch. As a result, all costs associated with maintaining, upgrading, securing, and staffing these shared systems must be

reassigned to an alternative funding source or otherwise not be funded. This includes partial shares of systems that are used by 911 but not exclusively by 911. Because these platforms are integrated, DESC cannot discontinue maintenance or support of the non-911 portions without degrading the reliability and functionality of 911 operations themselves. The Department has provided the following summary of expenditures currently eligible under existing law and would be made ineligible by this bill:

Description	FY 2027	FY 2028	FY 2029
Radio System Maintenance and Resources	\$4,971,357	\$5,120,498	\$5,274,113
DESC Leadership and Administrative Staff	\$682,698	\$703,179	\$742,274
DESC Special Projects Unit (Mapping and Data Management)	\$608,008	\$626,248	\$645,036
Broadband Microwave Backhaul for Data Transmission	\$270,876	\$279,002	\$287,372
Statewide Interoperability Coordinator	\$184,554	\$194,210	\$200,037
DESC General Project Management	\$181,587	\$187,035	\$192,646
Statewide Poison Control Contract	\$25,000	\$25,000	\$25,000
Total	\$6,924,080	\$7,135,172	\$7,366,478

The Department states the impact on county and local governments is currently unknown. However, it anticipates there may be some effect, as several counties and municipalities are connected to DESC's radio communications network.

This bill provides the Department of Justice with authority to investigate complaints about alleged misuse of E-911 funds. The fiscal impact to the Department would be proportional to the amount of complaints filed with the Department, however it is not known at this time how many complaints could be filed. The Department states the potential fiscal impact is indeterminable, but could be between \$0 and \$500,000, depending on what resources are needed.

AGENCIES CONTACTED:

Department of Safety and Department of Justice