

# SENATE BILL 466

E4, C5, K3

7lr1013

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By: **Senators Kagan and Middleton**

Introduced and read first time: January 30, 2017

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – 9–1–1 Emergency Telephone System – Revisions**  
3 **(Carl Henn’s Law)**

4 FOR the purpose of extending the presumption of compensability under the workers’  
5 compensation law to include, subject to certain conditions, individuals who work at  
6 certain public safety answering points and secondary public safety answering points  
7 and suffer from heart disease or hypertension resulting in partial or total disability  
8 or death; requiring certain individuals to submit certain medical disclosures to a  
9 certain official; providing that, subject to a certain limitation, workers’ compensation  
10 benefits received under this Act are in addition to certain retirement benefits;  
11 specifying that a purpose of the 9–1–1 emergency telephone system is to establish a  
12 certain mechanism for the Emergency Number Systems Board to review certain  
13 data; requiring the Board and the Public Service Commission to review certain data  
14 contained in certain reports; specifying that certain provisions of law do not extend  
15 liability to certain individuals under certain circumstances; establishing the 9–1–1  
16 Advisory Council; providing for the membership, selection of a chair and a vice chair,  
17 reimbursement for travel, and staffing of the Council; specifying certain  
18 responsibilities of the Council; requiring the Council to report to the Governor and  
19 the General Assembly on or before a certain date and to take certain other actions;  
20 requiring the Board to include a general summary of findings from a review of certain  
21 reports in an annual report submitted to certain entities; authorizing the Board to  
22 use the 9–1–1 Trust Fund to pay for certain costs; altering the method for calculating  
23 the 9–1–1 fee and a certain additional fee; requiring a telephone company or a certain  
24 9–1–1 service carrier to provide a certain report to certain entities at certain  
25 intervals; authorizing a county to select a different week within a certain interval to  
26 study the capacity of certain public safety answering points; requiring the  
27 Commission to take certain actions related to certain reports; specifying that certain  
28 reports are not subject to the Public Information Act; specifying that certain entities  
29 may discuss certain information only in certain closed sessions or executive sessions;  
30 requiring the Council to make certain recommendations to the Board; requiring the  
31 Board to consider certain recommendations and take certain actions to implement a

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certificate of good standing requirement; requiring the Board to issue a certificate of  
 2 good standing to a public safety answering point or a secondary public safety  
 3 answering point that meets certain requirements; requiring the Board to adopt  
 4 certain regulations; defining certain terms; providing for the application of this Act;  
 5 and generally relating to 9–1–1 service.

6 BY repealing and reenacting, with amendments,  
 7 Article – Labor and Employment  
 8 Section 9–503(b) and (e)  
 9 Annotated Code of Maryland  
 10 (2016 Replacement Volume)

11 BY repealing and reenacting, with amendments,  
 12 Article – Public Safety  
 13 Section 1–301, 1–302, 1–303, 1–306, 1–307, 1–308, 1–310, and 1–311  
 14 Annotated Code of Maryland  
 15 (2011 Replacement Volume and 2016 Supplement)

16 BY adding to  
 17 Article – Public Safety  
 18 Section 1–304.1, 1–304.2, 1–315, and 1–316  
 19 Annotated Code of Maryland  
 20 (2011 Replacement Volume and 2016 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 22 That the Laws of Maryland read as follows:

23 **Article – Labor and Employment**

24 9–503.

25 (b) (1) A paid police officer employed by an airport authority, a county, the  
 26 Maryland–National Capital Park and Planning Commission, a municipality, or the State,  
 27 a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this subsection, a  
 28 deputy sheriff of Anne Arundel County, AN Anne Arundel County detention officer, A  
 29 deputy sheriff of Baltimore City, A Montgomery County correctional officer, A Prince  
 30 George’s County deputy sheriff, A Prince George’s County correctional officer, [or] A deputy  
 31 sheriff of Allegany County, **OR AN INDIVIDUAL WHO WORKS AT A PUBLIC SAFETY**  
 32 **ANSWERING POINT OR A SECONDARY PUBLIC SAFETY ANSWERING POINT, AS**  
 33 **DEFINED UNDER § 1–301 OF THE PUBLIC SAFETY ARTICLE, IN A POSITION THAT IS**  
 34 **CONTINUOUSLY STAFFED** is presumed to be suffering from an occupational disease that  
 35 was suffered in the line of duty and is compensable under this title if:

36 (i) the police officer, deputy sheriff, [or] correctional officer, **OR**  
 37 **INDIVIDUAL** is suffering from heart disease or hypertension; and

1                   (ii) the heart disease or hypertension results in partial or total  
2 disability or death.

3                   (2) (i) A deputy sheriff of Anne Arundel County, AN Anne Arundel  
4 County detention officer, A deputy sheriff of Baltimore City, A Montgomery County  
5 correctional officer, A Prince George's County deputy sheriff, [or] A Prince George's County  
6 correctional officer, **OR AN INDIVIDUAL WHO WORKS AT A PUBLIC SAFETY ANSWERING  
7 POINT OR A SECONDARY PUBLIC SAFETY ANSWERING POINT, AS DEFINED UNDER §  
8 1-301 OF THE PUBLIC SAFETY ARTICLE, IN A POSITION THAT IS CONTINUOUSLY  
9 STAFFED** is entitled to the presumption under this subsection only to the extent that the  
10 individual suffers from heart disease or hypertension that is more severe than the  
11 individual's heart disease or hypertension condition existing prior to the individual's  
12 employment as a deputy sheriff of Anne Arundel County, AN Anne Arundel County  
13 detention officer, A deputy sheriff of Baltimore City, A Montgomery County correctional  
14 officer, A Prince George's County deputy sheriff, [or] A Prince George's County correctional  
15 officer, **OR AN INDIVIDUAL WHO WORKS AT A PUBLIC SAFETY ANSWERING POINT OR  
16 A SECONDARY PUBLIC SAFETY ANSWERING POINT, AS DEFINED UNDER § 1-301 OF  
17 THE PUBLIC SAFETY ARTICLE, IN A POSITION THAT IS CONTINUOUSLY STAFFED.**

18                   (ii) To be eligible for the presumption under this subsection, a deputy  
19 sheriff of Anne Arundel County, AN Anne Arundel County detention officer, A deputy  
20 sheriff of Baltimore City, A Montgomery County correctional officer, A Prince George's  
21 County deputy sheriff, [or] A Prince George's County correctional officer, **OR AN  
22 INDIVIDUAL WHO WORKS AT A PUBLIC SAFETY ANSWERING POINT OR A SECONDARY  
23 PUBLIC SAFETY ANSWERING POINT, AS DEFINED UNDER § 1-301 OF THE PUBLIC  
24 SAFETY ARTICLE, IN A POSITION THAT IS CONTINUOUSLY STAFFED**, as a condition of  
25 employment, shall submit to a medical examination to determine any heart disease or  
26 hypertension condition existing prior to the individual's employment as a deputy sheriff of  
27 Anne Arundel County, AN Anne Arundel County detention officer, A deputy sheriff of  
28 Baltimore City, A Montgomery County correctional officer, A Prince George's County  
29 deputy sheriff, [or] A Prince George's County correctional officer, **OR AN INDIVIDUAL WHO  
30 WORKS AT A PUBLIC SAFETY ANSWERING POINT OR A SECONDARY PUBLIC SAFETY  
31 ANSWERING POINT, AS DEFINED UNDER § 1-301 OF THE PUBLIC SAFETY ARTICLE,  
32 IN A POSITION THAT IS CONTINUOUSLY STAFFED.**

33                   (e) (1) Except as provided in paragraph (2) of this subsection, any paid  
34 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire  
35 Marshal, paid police officer, paid law enforcement employee of the Department of Natural  
36 Resources, deputy sheriff of Anne Arundel County, Anne Arundel County detention officer,  
37 park police officer of the Maryland-National Capital Park and Planning Commission,  
38 deputy sheriff of Montgomery County, deputy sheriff of Baltimore City, Montgomery  
39 County correctional officer, deputy sheriff of Prince George's County, [or] Prince George's  
40 County correctional officer, **OR INDIVIDUAL WHO WORKS AT A PUBLIC SAFETY  
41 ANSWERING POINT OR A SECONDARY PUBLIC SAFETY ANSWERING POINT, AS  
42 DEFINED UNDER § 1-301 OF THE PUBLIC SAFETY ARTICLE, IN A POSITION THAT IS**

1 **CONTINUOUSLY STAFFED** who is eligible for benefits under subsection (a), (b), (c), or (d)  
 2 of this section or the dependents of those individuals shall receive the benefits in addition  
 3 to any benefits that the individual or the dependents of the individual are entitled to receive  
 4 under the retirement system in which the individual was a participant at the time of the  
 5 claim.

6 (2) The benefits received under this title shall be adjusted so that the  
 7 weekly total of those benefits and retirement benefits does not exceed the weekly salary  
 8 that was paid to the paid law enforcement employee of the Department of Natural  
 9 Resources, [a] park police officer of the Maryland–National Capital Park and Planning  
 10 Commission, firefighter, fire fighting instructor, sworn member of the Office of the State  
 11 Fire Marshal, police officer, deputy sheriff, Prince George’s County or Montgomery County  
 12 correctional officer, [or] Anne Arundel County detention officer, **OR INDIVIDUAL WHO**  
 13 **WORKS AT A PUBLIC SAFETY ANSWERING POINT OR A SECONDARY PUBLIC SAFETY**  
 14 **ANSWERING POINT, AS DEFINED UNDER § 1–301 OF THE PUBLIC SAFETY ARTICLE,**  
 15 **IN A POSITION THAT IS CONTINUOUSLY STAFFED.**

#### 16 **Article – Public Safety**

17 1–301.

18 (a) In this subtitle the following words have the meanings indicated.

19 (b) “Additional charge” means the charge imposed by a county in accordance with  
 20 § 1–311 of this subtitle.

21 (c) “Board” means the Emergency Number Systems Board.

22 (d) “Commercial mobile radio service” or “CMRS” means mobile  
 23 telecommunications service that is:

24 (1) provided for profit with the intent of receiving compensation or  
 25 monetary gain;

26 (2) an interconnected, two–way voice service; and

27 (3) available to the public.

28 (e) “Commercial mobile radio service provider” or “CMRS provider” means a  
 29 person authorized by the Federal Communications Commission to provide CMRS in the  
 30 State.

31 (f) **“COUNCIL” MEANS THE 9–1–1 ADVISORY COUNCIL.**

1           **(F-1)** “County plan” means a plan for a 9-1-1 system or enhanced 9-1-1 system, or  
2 an amendment to the plan, developed by a county or several counties together under this  
3 subtitle.

4           (g)    (1)    “Customer” means:

5                           (i)    the person that contracts with a home service provider for CMRS;  
6 or

7                           (ii)   the end user of the CMRS if the end user of the CMRS is not the  
8 contracting party.

9           (2)    “Customer” does not include:

10                           (i)    a reseller of CMRS; or

11                           (ii)   a serving carrier under an arrangement to serve the customer  
12 outside the home service provider’s licensed service area.

13           (h)    “Enhanced 9-1-1 system” means a 9-1-1 system that provides:

14                           (1)    automatic number identification;

15                           (2)    automatic location identification; and

16                           (3)    any other technological advancements that the Board requires.

17           (i)    “FCC order” means an order issued by the Federal Communications  
18 Commission under proceedings regarding the compatibility of enhanced 9-1-1 systems and  
19 delivery of wireless enhanced 9-1-1 service.

20           (j)    “Home service provider” means the facilities-based carrier or reseller that  
21 contracts with a customer to provide CMRS.

22           (k)    “Next generation 9-1-1 services” means an Internet Protocol (IP)-based  
23 system, comprised of hardware, software, data, and operational policies and procedures,  
24 that:

25                           (1)    provides standardized interfaces from emergency call and message  
26 services to support emergency communications;

27                           (2)    processes all types of emergency calls, including voice, text, data, and  
28 multimedia information;

29                           (3)    acquires and integrates additional emergency call data useful to call  
30 routing and handling;

1 (4) delivers the emergency calls, messages, and data to the appropriate  
2 public safety answering point and other appropriate emergency entities;

3 (5) supports data or video communications needs for coordinated incident  
4 response and management; and

5 (6) provides broadband service to public safety answering points or other  
6 first responder entities.

7 (l) “9-1-1-accessible service” means telephone service or another  
8 communications service that connects an individual dialing the digits 9-1-1 to an  
9 established public safety answering point.

10 (m) “9-1-1 fee” means the fee imposed in accordance with § 1-310 of this subtitle.

11 (n) (1) “9-1-1 service carrier” means a provider of CMRS or other  
12 9-1-1-accessible service.

13 (2) “9-1-1 service carrier” does not include a telephone company.

14 (o) (1) “9-1-1 system” means telephone service that:

15 (i) meets the planning guidelines established under this subtitle;  
16 and

17 (ii) automatically connects an individual dialing the digits 9-1-1 to  
18 an established public safety answering point.

19 (2) “9-1-1 system” includes:

20 (i) equipment for connecting and outswitching 9-1-1 calls within a  
21 telephone central office;

22 (ii) trunking facilities from a telephone central office to a public  
23 safety answering point; and

24 (iii) equipment to connect 9-1-1 calls to the appropriate public safety  
25 agency.

26 (p) “9-1-1 Trust Fund” means the fund established under § 1-308 of this subtitle.

27 (q) “Prepaid wireless E 9-1-1 fee” means the fee that is required to be collected  
28 by a seller from a consumer in the amount established under § 1-313 of this subtitle.

29 (r) “Prepaid wireless telecommunications service” means a commercial mobile  
30 radio service that:

- 1 (1) allows a consumer to dial 9-1-1 to access the 9-1-1 system;
- 2 (2) must be paid for in advance; and
- 3 (3) is sold in predetermined units that decline with use in a known amount.

4 (s) "Public safety agency" means:

5 (1) a functional division of a public agency that provides fire fighting,  
6 police, medical, or other emergency services; or

7 (2) a private entity that provides fire fighting, police, medical, or other  
8 emergency services on a voluntary basis.

9 (t) "Public safety answering point" means a communications facility that:

10 (1) is operated on a 24-hour basis;

11 (2) first receives 9-1-1 calls in a 9-1-1 service area; [and]

12 (3) as appropriate, dispatches public safety services directly, or transfers  
13 9-1-1 calls to appropriate public safety agencies; AND

14 (4) HAS RECEIVED A CERTIFICATE OF GOOD STANDING UNDER §  
15 1-316 OF THIS SUBTITLE.

16 (U) "SECONDARY PUBLIC SAFETY ANSWERING POINT" MEANS A PUBLIC  
17 SAFETY AGENCY THAT:

18 (1) RECEIVES TRANSFERRED 9-1-1 CALLS FROM A PUBLIC SAFETY  
19 ANSWERING POINT;

20 (2) PERFORMS CALL TRIAGE AND PROCESSING IN ADDITION TO  
21 PROVIDING DISPATCH SERVICES; AND

22 (3) HAS RECEIVED A CERTIFICATE OF GOOD STANDING UNDER §  
23 1-316 OF THIS SUBTITLE.

24 [(u)] (V) "Secretary" means the Secretary of Public Safety and Correctional  
25 Services.

26 [(v)] (W) "Seller" means a person that sells prepaid wireless telecommunications  
27 service to another person.

1            [(w)] (X)    “Wireless enhanced 9–1–1 service” means enhanced 9–1–1 service  
2 under an FCC order.

3 1–302.

4            (a)    The General Assembly:

5                    (1)    recognizes the paramount importance of the safety and well-being of  
6 the public;

7                    (2)    recognizes that timely and appropriate assistance must be provided  
8 when the lives or property of the public are in imminent danger;

9                    (3)    recognizes that emergency assistance usually is summoned by  
10 telephone, and that a multiplicity of emergency telephone numbers existed throughout the  
11 State and within each county;

12                    (4)    was concerned that avoidable delays in reaching appropriate  
13 emergency assistance were occurring to the jeopardy of life and property;

14                    (5)    acknowledges that the three digit number, 9–1–1, is a nationally  
15 recognized and applied telephone number that may be used to summon emergency  
16 assistance and to eliminate delays caused by lack of familiarity with emergency numbers  
17 and by confusion in circumstances of crisis; and

18                    (6)    recognizes that all end user customers of 9–1–1-accessible services,  
19 including consumers of prepaid wireless telecommunications service, should contribute in  
20 a fair and equitable manner to the 9–1–1 Trust Fund.

21            (b)    The purposes of this subtitle are to:

22                    (1)    establish the three digit number, 9–1–1, as the primary emergency  
23 telephone number for the State; [and]

24                    (2)    provide for the orderly installation, maintenance, and operation of  
25 9–1–1 systems in the State; AND

26                    **(3)    REQUIRE THE BOARD AND THE PUBLIC SERVICE COMMISSION TO**  
27 **REVIEW DATA COLLECTED FROM A TELEPHONE COMPANY OR A 9–1–1 SERVICE**  
28 **CARRIER IN REPORTS SUBMITTED UNDER § 1–315 OF THIS SUBTITLE.**

29 1–303.

30            (a)    (1)    This subtitle does not require a public service company to provide any  
31 equipment or service other than in accordance with tariffs approved by the Public Service  
32 Commission.



1           (2)    The provision of services, the rates, and the extent of liability of a public  
2 service company are governed by the tariffs approved by the Public Service Commission.

3           (b)   (1)    This subtitle does not require a 9-1-1 service carrier to provide any  
4 equipment or service other than the equivalent of the equipment and service required of a  
5 telephone company under subsection (a) of this section.

6           (2)    This subtitle does not extend any liability to a 9-1-1 service carrier or  
7 seller of prepaid wireless telecommunications service.

8           **(C)   THIS SUBTITLE DOES NOT EXTEND ANY LIABILITY TO AN INDIVIDUAL  
9 WHO WORKS AT A PUBLIC SAFETY ANSWERING POINT OR A SECONDARY PUBLIC  
10 SAFETY ANSWERING POINT, AS THOSE TERMS ARE DEFINED IN § 1-301 OF THIS  
11 SUBTITLE, IN A POSITION THAT IS CONTINUOUSLY STAFFED FOR HARM, DAMAGE, OR  
12 DEATH RESULTING FROM MISINFORMATION OR MISCOMMUNICATION ON THE PART  
13 OF THE INDIVIDUAL IF:**

14           **(1)    PROTOCOL IS MET; AND**

15           **(2)    A SPECIAL RELATIONSHIP DOES NOT EXIST BETWEEN THE CALLER  
16 AND THE INDIVIDUAL.**

17           **1-304.1.**

18           **(A)    THERE IS A 9-1-1 ADVISORY COUNCIL IN THE DEPARTMENT OF PUBLIC  
19 SAFETY AND CORRECTIONAL SERVICES.**

20           **(B)    THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:**

21           **(1)    THE DIRECTOR OF EACH PUBLIC SAFETY ANSWERING POINT OR  
22 THE DIRECTOR'S DESIGNEE; AND**

23           **(2)    THE CHAIR OF THE BOARD OR THE CHAIR'S DESIGNEE.**

24           **(C)    THE MEMBERS SHALL SELECT A CHAIR AND VICE CHAIR FROM AMONG  
25 THE MEMBERS.**

26           **(D)    THE COUNCIL SHALL MEET AS NECESSARY, BUT AT LEAST ONCE EACH  
27 QUARTER.**

28           **(E)    A MEMBER OF THE COUNCIL:**

1           **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**  
2 **COUNCIL; BUT**

3           **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**  
4 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

5           **(F) THE SECRETARY SHALL PROVIDE STAFF TO THE COUNCIL, INCLUDING**  
6 **STAFF TO HANDLE THE INCREASED DUTIES RELATED TO NEXT GENERATION 9-1-1**  
7 **SERVICES.**

8 **1-304.2.**

9           **(A) (1) THE COUNCIL SHALL COLLABORATE WITH THE BOARD TO**  
10 **IDENTIFY, PLAN FOR, COORDINATE, AND MAKE RECOMMENDATIONS REGARDING**  
11 **THE CALL-TAKING OF PUBLIC SAFETY ANSWERING POINTS IN THE STATE.**

12           **(2) THE COUNCIL SHALL IDENTIFY, PLAN FOR, COORDINATE, AND**  
13 **MAKE RECOMMENDATIONS REGARDING THE DISPATCH OPERATIONS OF PUBLIC**  
14 **SAFETY ANSWERING POINTS IN THE STATE.**

15           **(3) THE COUNCIL MAY COLLABORATE WITH REGIONAL PEER**  
16 **ORGANIZATIONS TO IDENTIFY, PLAN FOR, COORDINATE, AND MAKE**  
17 **RECOMMENDATIONS REGARDING INTERSTATE CALL-TAKING AND DISPATCH**  
18 **OPERATIONS OF PUBLIC SAFETY ANSWERING POINTS.**

19           **(B) THE COUNCIL'S RESPONSIBILITIES INCLUDE:**

20           **(1) RECOMMENDING TO THE BOARD A STANDARD FOR SERVICE**  
21 **DELIVERY THAT MEASURES AND REPORTS ON A PUBLIC SAFETY ANSWERING POINT'S**  
22 **ABILITY TO RECEIVE AND PROCESS 9-1-1 CALLS;**

23           **(2) REVIEWING PLANNING GUIDELINES DEVELOPED BY THE BOARD**  
24 **FOR NEXT GENERATION 9-1-1 SERVICES SYSTEM PLANS AND DEPLOYMENT OF NEXT**  
25 **GENERATION 9-1-1 SERVICES IN ACCORDANCE WITH THIS SUBTITLE TO**  
26 **RECOMMEND ANY NECESSARY CHANGES TO THOSE PLANNING GUIDELINES; AND**

27           **(3) SUBMITTING A REPORT ON OR BEFORE DECEMBER 1 EACH YEAR**  
28 **TO THE GOVERNOR AND THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1246**  
29 **OF THE STATE GOVERNMENT ARTICLE THAT:**

30           **(I) SUMMARIZES OPERATIONAL CHALLENGES AND UPDATES,**  
31 **INCLUDING INFORMATION RELATED TO STAFFING, PLANNING, IMPLEMENTATION,**  
32 **AND FUNDING; AND**

1 (II) REFERENCES ANY RECOMMENDATIONS MADE TO THE  
2 BOARD.

3 1-306.

4 (a) The Board shall coordinate the enhancement of county 9-1-1 systems.

5 (b) The Board's responsibilities include:

6 (1) establishing planning guidelines for enhanced 9-1-1 system plans and  
7 deployment of wireless enhanced 9-1-1 service in accordance with this subtitle;

8 (2) establishing procedures to review and approve or disapprove county  
9 plans and to evaluate requests for variations from the planning guidelines established by  
10 the Board;

11 (3) establishing procedures for the request for reimbursement of the costs  
12 of enhancing a 9-1-1 system by a county or counties in which a 9-1-1 system is in  
13 operation, and procedures to review and approve or disapprove the request;

14 (4) transmitting the planning guidelines and procedures established under  
15 this section, and any amendments to them, to the governing body of each county;

16 (5) submitting to the Secretary each year a schedule for implementing the  
17 enhancement of county or multicounty 9-1-1 systems, and an estimate of funding  
18 requirements based on the approved county plans;

19 (6) developing, with input from counties, and publishing on or before July  
20 1, 2004, an implementation schedule for deployment of wireless enhanced 9-1-1 service;

21 (7) reviewing and approving or disapproving requests for reimbursement  
22 of the costs of enhancing 9-1-1 systems, and submitting to the Secretary each year a  
23 schedule for reimbursement and an estimate of funding requirements;

24 (8) reviewing the enhancement of 9-1-1 systems;

25 (9) providing for an audit of county expenditures for the operation and  
26 maintenance of 9-1-1 systems;

27 (10) ensuring inspections of public safety answering points;

28 (11) reviewing and approving or disapproving requests from counties with  
29 operational enhanced 9-1-1 systems to be exempted from the expenditure limitations  
30 under § 1-312 of this subtitle;

31 (12) authorizing expenditures from the 9-1-1 Trust Fund that:

- 1 (i) are for enhancements of 9-1-1 systems that:
- 2 1. are required by the Board;
- 3 2. will be provided to a county by a third party contractor;
- 4 and
- 5 3. will incur costs that the Board has approved before the
- 6 formation of a contract between the county and the contractor; and

- 7 (ii) are approved by the Board for payment:
- 8 1. from money collected under § 1-310 of this subtitle; and
- 9 2. directly to a third party contractor on behalf of a county;
- 10 [and]

11 (13) establishing planning guidelines for next generation 9-1-1 services

12 system plans and deployment of next generation 9-1-1 services in accordance with this

13 subtitle; AND

14 **(14) REVIEWING DATA CONTAINED IN REPORTS SUBMITTED UNDER §**

15 **1-315 OF THIS SUBTITLE.**

16 (c) The guidelines established by the Board under subsection (b)(1) and (13) of

17 this section:

- 18 (1) shall be based on available technology and equipment; and
- 19 (2) may be based on any other factor that the Board determines is
- 20 appropriate, including population and area served by 9-1-1 systems.

21 1-307.

22 (a) The Board shall submit an annual report to the Governor, the Secretary, and,

23 subject to § 2-1246 of the State Government Article, the Legislative Policy Committee.

24 (b) The report shall provide the following information for each county:

- 25 (1) the type of 9-1-1 system currently operating in the county;
- 26 (2) the total 9-1-1 fee and additional charge charged;
- 27 (3) the funding formula in effect;

1 (4) any statutory or regulatory violation by the county and the response of  
2 the Board;

3 (5) any efforts to establish an enhanced 9-1-1 system in the county; [and]

4 **(6) A GENERAL SUMMARY OF FINDINGS FROM A REVIEW OF REPORTS**  
5 **SUBMITTED QUARTERLY UNDER § 1-315 OF THIS SUBTITLE, EXCLUDING ANY**  
6 **SENSITIVE INFORMATION THAT MAY COMPROMISE THE 9-1-1 SYSTEM; AND**

7 ~~[(6)] (7)~~ any suggested changes to this subtitle.

8 1-308.

9 (a) There is a 9-1-1 Trust Fund.

10 (b) The purposes of the 9-1-1 Trust Fund are to:

11 (1) reimburse counties for the cost of enhancing a 9-1-1 system;

12 **(2) FUND CAPITAL AND OPERATING COSTS OF PLANNING FOR AN**  
13 **ENHANCED 9-1-1 SYSTEM, INCLUDING NEXT GENERATION 9-1-1 SERVICES;**

14 ~~[(2)] (3)~~ pay contractors in accordance with § 1-306(b)(12) of this subtitle;  
15 and

16 ~~[(3)] (4)~~ fund the coordinator position and staff to handle the increased  
17 duties related to wireless enhanced 9-1-1 service under § 1-305 of this subtitle, as an  
18 administrative cost.

19 (c) The 9-1-1 Trust Fund consists of:

20 (1) money from the 9-1-1 fee collected and remitted to the Comptroller  
21 under § 1-310 of this subtitle;

22 (2) money from the additional charge collected and remitted to the  
23 Comptroller under § 1-311 of this subtitle;

24 (3) money from the prepaid wireless E 9-1-1 fee collected and remitted to  
25 the Comptroller under § 1-313 of this subtitle; and

26 (4) investment earnings of the 9-1-1 Trust Fund.

27 (d) Money in the 9-1-1 Trust Fund shall be held in the State Treasury.

1 (e) The Secretary shall administer the 9-1-1 Trust Fund, subject to the  
2 guidelines for financial management and budgeting established by the Department of  
3 Budget and Management.

4 (f) The Secretary shall direct the Comptroller to establish separate accounts in  
5 the 9-1-1 Trust Fund for the payment of administrative expenses and for each county.

6 (g) (1) Any investment earnings shall be credited to the 9-1-1 Trust Fund.

7 (2) The Comptroller shall allocate the investment income among the  
8 accounts in the 9-1-1 Trust Fund, prorated on the basis of the total fees collected in each  
9 county.

10 1-310.

11 (a) This section does not apply to prepaid wireless telecommunications service.

12 (b) Each subscriber to switch local exchange access service or CMRS or other  
13 9-1-1-accessible service shall pay a 9-1-1 fee.

14 (c) The 9-1-1 fee is 25 cents per month **PER LINE**, payable when the bill for the  
15 telephone service or CMRS or other 9-1-1-accessible service is due.

16 (d) (1) The Public Service Commission shall direct each telephone company to  
17 add the 9-1-1 fee to all current bills rendered for switched local exchange access service in  
18 the State.

19 (2) Each telephone company:

20 (i) shall act as a collection agent for the 9-1-1 Trust Fund with  
21 respect to the 9-1-1 fees;

22 (ii) shall remit all money collected to the Comptroller on a monthly  
23 basis; and

24 (iii) is entitled to credit, against the money from the 9-1-1 fees to be  
25 remitted to the Comptroller, an amount equal to 0.75% of the 9-1-1 fees to cover the  
26 expenses of billing, collecting, and remitting the 9-1-1 fees and any additional charges.

27 (3) The Comptroller shall deposit the money remitted in the 9-1-1 Trust  
28 Fund.

29 (e) (1) Each 9-1-1 service carrier shall add the 9-1-1 fee to all current bills  
30 rendered for CMRS or other 9-1-1-accessible service in the State.

31 (2) Each 9-1-1 service carrier:

1 (i) shall act as a collection agent for the 9-1-1 Trust Fund with  
2 respect to the 9-1-1 fees;

3 (ii) shall remit all money collected to the Comptroller on a monthly  
4 basis; and

5 (iii) is entitled to credit, against the money from the 9-1-1 fees to be  
6 remitted to the Comptroller, an amount equal to 0.75% of the 9-1-1 fees to cover the  
7 expenses of billing, collecting, and remitting the 9-1-1 fees and any additional charges.

8 (3) The Comptroller shall deposit the money remitted in the 9-1-1 Trust  
9 Fund.

10 (4) The Board shall adopt procedures for auditing surcharge collection and  
11 remittance by CMRS providers.

12 (5) On request of a CMRS provider, and except as otherwise required by  
13 law, the information that the CMRS provider reports to the Board shall be confidential,  
14 privileged, and proprietary and may not be disclosed to any person other than the CMRS  
15 provider.

16 (f) Notwithstanding any other provision of this subtitle, the 9-1-1 fee does not  
17 apply to an intermediate service line used exclusively to connect a CMRS or other  
18 9-1-1-accessible service, other than a switched local access service, to another telephone  
19 system or switching device.

20 (g) A CMRS provider that pays or collects 9-1-1 fees under this section has the  
21 same immunity from liability for transmission failures as that approved by the Public  
22 Service Commission for local exchange telephone companies that are subject to regulation  
23 by the Commission under the Public Utilities Article.

24 1-311.

25 (a) This section does not apply to prepaid wireless telecommunications service.

26 (b) In addition to the 9-1-1 fee, the governing body of each county, by ordinance  
27 or resolution enacted or adopted after a public hearing, may impose an additional charge  
28 to be added to all current bills rendered for switched local exchange access service or CMRS  
29 or other 9-1-1-accessible service in the county.

30 (c) (1) The additional charge imposed by a county may not exceed 75 cents per  
31 month per [bill] LINE.

32 (2) The amount of the additional charges may not exceed a level necessary  
33 to cover the total eligible maintenance and operation costs of the county.

1 (d) The additional charge continues in effect until repealed or modified by a  
2 subsequent county ordinance or resolution.

3 (e) After imposing, repealing, or modifying an additional charge, the county shall  
4 certify the amount of the additional charge to the Public Service Commission.

5 (f) The Public Service Commission shall direct each telephone company that  
6 provides service in a county that imposed an additional charge to add, within 60 days, the  
7 full amount of the additional charge to all current bills rendered for switched local exchange  
8 access service in the county.

9 (g) Within 60 days after a county enacts or adopts an ordinance or resolution that  
10 imposes, repeals, or modifies an additional charge, each 9-1-1 service carrier that provides  
11 service in the county shall add the full amount of the additional charge to all current bills  
12 rendered for CMRS or other 9-1-1-accessible service in the county.

13 (h) (1) Each telephone company and each 9-1-1 service carrier shall:

14 (i) act as a collection agent for the 9-1-1 Trust Fund with respect  
15 to the additional charge imposed by each county;

16 (ii) collect the money from the additional charge on a county basis;  
17 and

18 (iii) remit all money collected to the Comptroller on a monthly basis.

19 (2) The Comptroller shall deposit the money remitted in the 9-1-1 Trust  
20 Fund account maintained for the county that imposed the additional charge.

21 **1-315.**

22 (A) IN THIS SECTION, "P.01 REPORT" MEANS A REPORT THAT A TELEPHONE  
23 COMPANY OR A 9-1-1 SERVICE CARRIER GENERATES TO:

24 (1) ANALYZE DATA COLLECTED FROM A PUBLIC SAFETY ANSWERING  
25 POINT DURING THE TIME PERIODS LISTED IN SUBSECTION (B) OF THIS SECTION;  
26 AND

27 (2) DETERMINE WHETHER THE GRADE OF SERVICE LEVEL IN EACH  
28 TIME PERIOD MET A STANDARD OF HAVING NOT MORE THAN ONE INCOMING CALL  
29 TO EACH PUBLIC SAFETY ANSWERING POINT OUT OF 100 ATTEMPTS BE BLOCKED  
30 DURING THE AVERAGE BUSY HOUR.

31 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
32 THE BOARD SHALL DIRECT A COUNTY TO REQUIRE A TELEPHONE COMPANY OR A



1 **9-1-1 SERVICE CARRIER TO COMPILE DATA FROM CALLS PLACED TO EACH PUBLIC**  
2 **SAFETY ANSWERING POINT DURING THE WEEKS STARTING:**

3 (I) **JANUARY 1;**

4 (II) **APRIL 1;**

5 (III) **JULY 1; AND**

6 (IV) **OCTOBER 1.**

7 (2) **A COUNTY MAY SELECT A DIFFERENT WEEK WITHIN A QUARTERLY**  
8 **REPORTING PERIOD TO BETTER REFLECT THE CAPACITY OF PUBLIC SAFETY**  
9 **ANSWERING POINTS IN THE COUNTY.**

10 (3) **A TELEPHONE COMPANY OR A 9-1-1 SERVICE CARRIER SHALL**  
11 **PROVIDE A COPY OF A P.01 REPORT TO:**

12 (I) **A PUBLIC SAFETY ANSWERING POINT;**

13 (II) **THE BOARD; AND**

14 (III) **THE PUBLIC SERVICE COMMISSION.**

15 (4) **THE PUBLIC SERVICE COMMISSION SHALL:**

16 (I) **PERIODICALLY REVIEW THE DATA CONTAINED IN REPORTS**  
17 **SUBMITTED UNDER THIS SECTION; AND**

18 (II) **CONTINUE TO PROVIDE OVERSIGHT OF THE 9-1-1 SYSTEM**  
19 **AND SERVE AS A RESOURCE TO THE BOARD AFTER THE TRANSITION TO NEXT**  
20 **GENERATION 9-1-1 SERVICES.**

21 (5) (I) **A P.01 REPORT IS NOT SUBJECT TO DISCLOSURE UNDER**  
22 **THE PUBLIC INFORMATION ACT.**

23 (II) **THE BOARD OR THE PUBLIC SERVICE COMMISSION MAY**  
24 **DISCUSS SENSITIVE INFORMATION FROM A P.01 REPORT THAT MAY COMPROMISE**  
25 **THE 9-1-1 SYSTEM ONLY IN CLOSED SESSION OR EXECUTIVE SESSION.**

26 **1-316.**

1           **(A) THE COUNCIL SHALL MAKE RECOMMENDATIONS TO THE BOARD**  
2 **REGARDING:**

3                   **(1) STANDARDS FOR IMPLEMENTING A CERTIFICATE OF GOOD**  
4 **STANDING REQUIREMENT FOR PUBLIC SAFETY ANSWERING POINTS AND**  
5 **SECONDARY PUBLIC SAFETY ANSWERING POINTS THAT ARE BASED ON STANDARDS**  
6 **ISSUED BY:**

7                           **(I) THE NATIONAL FIRE PROTECTION AGENCY; AND**

8                           **(II) THE NATIONAL EMERGENCY NUMBER ASSOCIATION;**

9                   **(2) APPEAL PROCESSES AND REMEDIATION MEASURES THAT A**  
10 **PUBLIC SAFETY ANSWERING POINT OR A SECONDARY PUBLIC SAFETY ANSWERING**  
11 **POINT MAY TAKE IF THE FACILITY DOES NOT MEET THE STANDARDS REQUIRED TO**  
12 **OBTAIN A CERTIFICATE OF GOOD STANDING; AND**

13                   **(3) POTENTIAL PENALTIES, INCLUDING THE WITHHOLDING OF**  
14 **FUNDING FROM THE STATE, TO IMPOSE AGAINST A PUBLIC SAFETY ANSWERING**  
15 **POINT OR A SECONDARY PUBLIC SAFETY ANSWERING POINT THAT DOES NOT MEET**  
16 **THE STANDARDS REQUIRED TO OBTAIN A CERTIFICATE OF GOOD STANDING.**

17           **(B) THE BOARD SHALL CONSIDER RECOMMENDATIONS MADE UNDER**  
18 **SUBSECTION (A) OF THIS SECTION TO DEVELOP STANDARDS, PENALTIES,**  
19 **REMEDATION MEASURES, AND APPEAL PROCESSES TO IMPLEMENT A CERTIFICATE**  
20 **OF GOOD STANDING REQUIREMENT FOR PUBLIC SAFETY ANSWERING POINTS AND**  
21 **SECONDARY PUBLIC SAFETY ANSWERING POINTS.**

22           **(C) THE BOARD SHALL ISSUE A CERTIFICATE OF GOOD STANDING EACH**  
23 **YEAR TO A PUBLIC SAFETY ANSWERING POINT OR A SECONDARY PUBLIC SAFETY**  
24 **ANSWERING POINT IF THE FACILITY MEETS OR EXCEEDS STANDARDS THAT THE**  
25 **BOARD HAS ESTABLISHED.**

26           **(D) THE BOARD SHALL ADOPT REGULATIONS THAT SET, IN ACCORDANCE**  
27 **WITH THIS SECTION, STANDARDS AS A CONDITION TO THE ISSUANCE AND RENEWAL**  
28 **OF A CERTIFICATE OF GOOD STANDING AS A PUBLIC SAFETY ANSWERING POINT OR**  
29 **A SECONDARY PUBLIC SAFETY ANSWERING POINT.**

30           SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the  
31 provisions of § 9–503(b)(2) of the Labor and Employment Article, as enacted by Section 1 of  
32 this Act, an individual who works at a public safety answering point or a secondary public  
33 safety answering point in a position that is continuously staffed and is employed on or  
34 before June 30, 2017:

1           (1) as a condition of continued employment shall provide, on or before  
2 December 31, 2017, to a designee of the public safety answering point or secondary public  
3 safety answering point, a copy of a medical report disclosing and describing any existing  
4 heart disease or hypertension from which the individual may be suffering; and

5           (2) is entitled to the presumption under § 9-503(b) of the Labor and  
6 Employment Article, as enacted by Section 1 of this Act, only to the extent that the  
7 individual suffers from heart disease or hypertension that is more severe than the  
8 individual's heart disease or hypertension condition existing as of the date of the medical  
9 report provided under item (1) of this section.

10           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
11 apply only prospectively and may not be applied or interpreted to have:

12           (1) an effect on a claim for workers' compensation benefits filed before the  
13 effective date of this Act; or

14           (2) an application to any planning costs for enhanced 9-1-1 system plans  
15 incurred before the effective date of this Act.

16           SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
17 1, 2017.