

Department of Legislative Services
 Maryland General Assembly
 2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 714
 Finance

(Senator Kagan, *et al.*)

Health and Government Operations

Public Safety - 9-1-1 Emergency Telephone System - Alterations

This bill makes various changes to the regulatory structure governing the State’s 9-1-1 system related to 9-1-1 service outages, Maryland 9-1-1 Board composition and responsibilities, authorized uses of the 9-1-1 Trust Fund, and multi-line telephone systems. The bill also establishes study and reporting requirements for the University System of Maryland (USM) and the Commission to Advance Next Generation 9-1-1 Across Maryland. **The bill takes effect June 1, 2021.**

Fiscal Summary

State Effect: 9-1-1 Trust Fund expenditures increase by \$6,000 in FY 2021 and by \$72,000 annually thereafter for 9-1-1 specialist recruitment activities; expenditures likely increase further for reimbursements to local governments for recruitment activities and implicit bias training (not reflected below). USM can complete the required study, and the commission can complete the required report using existing resources. Revenues are not affected.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	6,000	72,000	72,000	72,000	72,000
Net Effect	(\$6,000)	(\$72,000)	(\$72,000)	(\$72,000)	(\$72,000)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local government expenditures may increase for 9-1-1 specialist recruitment and training depending on the standards adopted by the Maryland 9-1-1 Board. Any such costs may be offset by reimbursements from the 9-1-1 Trust Fund.

Small Business Effect: None.

Analysis

Bill Summary:

9-1-1 System and Funding Changes

The bill makes the following changes to the regulatory structure governing the State's 9-1-1 system and funding:

- In the event of a 9-1-1 accessible service outage lasting more than 30 minutes and affecting more than 600,000 user minutes, a 9-1-1 service provider, other than a reseller, must (1) notify any affected public safety answering point (PSAP), the Maryland Joint Operations Center, and the Maryland 9-1-1 Board, as specified, and (2) at the next scheduled board meeting, submit to the Maryland 9-1-1 Board a report detailing the service outage. User minutes must be calculated by a 9-1-1 service provider in accordance with the applicable Federal Communications Commission regulations.
- The Maryland 9-1-1 Board and the Maryland Joint Operations Center must adopt procedures and implement safeguards to ensure that sensitive information submitted by a 9-1-1 service provider is maintained confidentially.
- The composition of the Maryland 9-1-1 Board is expanded from 17 to 24 members, and the bill establishes other requirements related to the terms of the board members.
- The Maryland 9-1-1 Board's responsibilities are expanded to include (1) establishing training standards for PSAP personnel related to individual psychological well-being and resilience; (2) establishing onboarding standards for newly hired 9-1-1 specialists; and (3) supporting 9-1-1 specialist recruitment activities consisting of a database that offers information on recruitment guidance, best practices, and strategies; recruitment projects, including projects designed to reach minorities; and a website that contains links to job opportunities throughout the State for 9-1-1 specialists.
- Money from the 9-1-1 Trust *may* be used for costs associated with 9-1-1 specialist recruitment activities and *may not* be used for any purpose associated with the 9-8-8 suicide prevention hotline. The change regarding use of funds for the 9-8-8 suicide prevention hotline applies to spending by the State and counties, as specified.
- In the absence of a county- or municipality-designated enforcement unit, the Office of the State Fire Marshal (OSFM), or specified OSFM employees, must be responsible for enforcing the requirement that each multi-line telephone system function in such a way that when an individual dials 9-1-1, the call connects to a PSAP without requiring the user to dial any other number or set of numbers.

Study and Reporting Requirements

USM must study the State's workers' compensation laws and the effects of job-related audible or visual trauma experienced by 9-1-1 specialists, in consultation with the Maryland 9-1-1 Board and WCC, to determine whether (1) this trauma culminates in impaired mental wellness, emotional awareness, or cognitive function and (2) the State's workers' compensation laws should be amended for the purposes of establishing benefit eligibility for 9-1-1 specialists who have been directly or indirectly exposed to job-related audible or visual trauma. The study must include a survey of the workers' compensation laws of other states and a review of policy recommendations by advocacy groups with relevant subject matter expertise. USM must submit a report of its findings and recommendations to the Governor, the Maryland 9-1-1 Board, the Commission to Advance Next Generation 9-1-1 Across Maryland, and the General Assembly by August 1, 2021.

By December 31, 2021, the Commission to Advance Next Generation 9-1-1 Across Maryland must report to the General Assembly (1) any available demographic information for 9-1-1 specialists, including race and gender, listed by county and statewide; (2) prerequisites for employment as a 9-1-1 specialist, including certification and education requirements; (3) the salary range and average salary of 9-1-1 specialists in the State; and (4) a plan to provide implicit bias training to 9-1-1 specialists.

Current Law:

Maryland's 9-1-1 System and the Maryland 9-1-1 Board

The State's 9-1-1 system operates primarily through PSAPs. PSAPs are facilities that are generally owned and operated by local governments. 9-1-1 specialists working within PSAPs answer, redirect, and take action on 9-1-1 calls received based on the location of the originating 9-1-1 call. State and local governments are preparing for "next generation" 9-1-1 technology that will allow PSAPs to access not only more accurate information about caller location but also other information that will assist emergency personnel in communicating with callers and responding more efficiently. Legislation has been enacted in recent years to, among other things, increase funding for the State's 9-1-1 system, provide additional training and oversight for 9-1-1 specialists, and make the changes necessary to implement the next generation system.

The Maryland 9-1-1 Board (previously known as the Emergency Number Systems Board (ENSB)) within the Department of Public Safety and Correctional Services is responsible for administering the 9-1-1 Trust Fund and overseeing the State's 9-1-1 system. Its responsibilities include, among other things, (1) dispersing funds to local governments from the 9-1-1 Trust Fund; (2) reviewing and approving or disapproving requests for reimbursement of the costs of enhancing 9-1-1 systems; (3) ensuring the inspection of

PSAPs; (4) auditing counties to ensure that 9-1-1 trust funds are being used for authorized purposes; and (5) establishing training standards for PSAP personnel based on national best practices and related to Next Generation 9-1-1.

9-1-1 Trust Fund – State and Local Fees

The 9-1-1 Trust Fund is funded through a State 9-1-1 fee and county 9-1-1 fee. Telephone companies, wireless carriers, and other 9-1-1 accessible service providers collect and remit the fees monthly to the Comptroller for deposit into the fund. The State 9-1-1 fee is distributed to counties at the discretion of ENSB in response to county 9-1-1 system enhancement requests. The county fee, the prepaid wireless 9-1-1 fee remittances, and any investment earnings of the fund are all distributed quarterly to each county in prorated amounts according to the level of fees collected in each jurisdiction.

Commission to Advance Next Generation 9-1-1 Across Maryland

Chapters 301 and 302 of 2018 established the Commission to Advance Next Generation 9-1-1 Across Maryland to study and make recommendations regarding next generation 9-1-1 emergency communication services. Chapter 506 of 2020 extended the termination date of the commission from June 30, 2020, to June 30, 2022, and requires the commission to submit specified reports to the General Assembly on the progress toward the implementation and evolution of Next Generation 9-1-1 services across the State.

Workers' Compensation

If an employee covered under workers' compensation insurance has suffered an accidental personal injury, compensable hernia, or occupational disease, the employee is entitled to compensation benefits paid by the employer, its insurer, the Subsequent Injury Fund, or the Uninsured Employers' Fund, as appropriate. Workers' compensation benefits include wage replacement, medical treatment, and vocational rehabilitation expenses. Wage replacement benefits are calculated based on the covered employee's average weekly wage while medical benefits are generally fully or partially covered depending on how the treatment is related to the personal injury, hernia, or occupational disease.

State Fiscal Effect:

Maryland 9-1-1 Board Responsibilities

The Maryland 9-1-1 Board anticipates new costs of approximately \$6,000 in fiscal 2021 (due to the bill's June 1, 2021 effective date) and \$72,000 (\$3,000 per county) annually thereafter to implement its own 9-1-1 specialist recruitment project for the State. Expenditures may further increase to the extent that the fund is used to reimburse counties

for (1) training costs under the wellness standards adopted by the board pursuant to the bill; (2) other 9-1-1 specialist recruitment activities undertaken by a county; and (3) implicit bias training implemented by counties pursuant to the plan developed by the Commission to Advance Next Generation 9-1-1 Across Maryland. However, any such impact depends on future local recruiting plans, the commission's implicit bias training plan, and whether the board approves a reimbursement and, therefore, cannot be reliably estimated.

For context, the Maryland 9-1-1 Board estimates the total cost of providing implicit bias training to the State's 1,509 9-1-1 specialists from an outside source to be \$154,000 and advises that these costs are reimbursable by the 9-1-1 Trust Fund. Costs could be spread out over multiple years or significantly reduced depending on the timing of the training laid out in the commission's plan and whether the plan allows a county to develop and implement its own training. Additionally, any 9-1-1 specialist hired in the future is likely to be required to receive training, increasing costs minimally in future fiscal years.

The bill's other requirements can likely be met with minimal, if any, additional costs because:

- reimbursement for new board members is assumed to be minimal and absorbable with existing budgeted resources;
- the Maryland 9-1-1 Board advises it can implement and maintain a database to include information on recruitment guidance, best practices, and strategies at little to no additional cost;
- the Maryland Department of Labor currently maintains a Workforce Exchange website that can likely be modified with minimal costs and with assistance from the board to include and/or highlight 9-1-1 specialist job opportunities;
- the board is already in the process of developing training standards for the onboarding of and continued education for 9-1-1 specialists; and
- the prohibition on 9-1-1 funds being used to support the 9-8-8 suicide prevention hotline is codifying federal requirements; specifically, the board advises that the Federal Communications Commission recently indicated that any use of 9-1-1 funds for 9-8-8 would be considered a fee diversion and subject the State to penalties.

Workers' Compensation Study

USM advises that it can complete the required study using existing budgeted resources.

Commission to Advance Next Generation 9-1-1 Across Maryland Report

The commission can complete the required report using existing budgeted resources.

OSFM can implement the bill using existing budgeted resources.

Local Expenditures: Local government expenditures may increase for costs related to 9-1-1 specialist recruitment and training depending on the standards adopted by the Maryland 9-1-1 Board. Some counties can likely perform recruitment and training activities using existing budgeted resources, while others may incur additional costs to do so. For example, Montgomery County advises it can likely implement the bill with few additional costs, while Prince George's County advises that additional staff are likely needed to oversee new recruitment and training efforts under the bill. Because the 9-1-1 Trust Fund may be used for training and recruitment activities under the bill, some of each county's costs may be offset by reimbursements from the 9-1-1 Trust Fund.

Additionally, the Maryland 9-1-1 Board advises that some local governments may incur costs to provide implicit bias training to 9-1-1 specialists. While the direct costs of training are reimbursable, some local governments may need to pay overtime to 9-1-1 specialists to cover additional shifts and/or to attend the training. Any such costs depend on the implicit bias training plan adopted by the commission and cannot be reliably estimated at this time.

As noted above, the prohibition on using 9-1-1 funds to support 9-8-8 is codifying federal requirements and, therefore, any potential impact on a county using 9-1-1 funds for this purpose is due to the federal requirements and not the bill.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 989 (Delegate Krebs) - Health and Government Operations.

Information Source(s): Maryland Department of Health; Department of Public Safety and Correctional Services; University System of Maryland; Department of State Police; Military Department; Workers' Compensation Commission; Chesapeake Employers' Insurance Company; Montgomery and Prince George's counties; Maryland Municipal League; City of Bowie; Department of Legislative Services

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