

FAVORABLE - SB252
Public Safety - 9-1-1 Trust Fund - Alterations

Maryland Department of Emergency Management
Education, Energy, and the Environment
Hearing Date: 25 JAN 2024

Chairman Brian Feldman
Education, Energy, and the Environment Committee
2 West
Miller Senate Office Building
Annapolis, MD 21401

Chairman Feldman,

The Maryland Department of Emergency Management (MDEM) writes **in support of SB252 - Public Safety - 9-1-1 Trust Fund - Alterations**. MDEM requested the introduction of this bill in order to clarify that the county portion of the 9-1-1 Trust Fund may be used for Public Safety Answering Point (PSAP; a.k.a. 9-1-1 Center) and county personnel costs.

Background

Historically, Maryland counties have used the local portion of the 9-1-1 fee distributed to them by the Comptroller's Office to support all Public Safety Answering Point (PSAP; aka 9-1-1 Center) operations, including to pay PSAP and other direct support personnel. The traditional interpretation of the statute has been that counties may use the county fee portion disseminated to them from the 9-1-1 Trust Fund to offset 9-1-1 personnel costs, but could not apply to use the State's portion of the fund to pay for county personnel.

Prior to this year's session, a Maryland County identified a conflict in the 9-1-1 Trust Fund statute that necessitated clarification in order to reflect both legislative intent and current practice. Specifically, [§1-308](#) of the Public Safety Article defines the 9-1-1 Trust Fund in (c)(3) as consisting of "money from the 9-1-1 fee collected and remitted to the Comptroller" which includes both the State 9-1-1 fee **and** the county 9-1-1 fee. PS [§1-308](#)(b)(3) goes on to prohibit the use of the 9-1-1 Trust Fund (inclusive of both

the State and County portion of the fee) for “the payment of salary of public safety answering point personnel or county personnel” but then specifies, “Money collected from the county 9–1–1 fee may be used by the counties only for the maintenance and operation costs of the 9–1–1 system.” Maintenance and operation costs are later defined in PS §1-312(b) goes on to define maintenance and operation costs to include, “personnel costs” among other things.

The statute conflicts, resulting in concern from at least one Maryland county that it is not clear whether the county portion of the 9-1-1 fee may be used for personnel costs. **The criticality of the county portion of the 9-1-1 fee for PSAP operations cannot be overstated.** Senate Bill 252 will clarify that the limitations on use of 9-1-1 Trust Fund for use on personnel costs will only apply to the State portion of the fund. This clarification is necessary to ensure there is no confusion on the intended eligible use of the county portion of the 9-1-1 fee for personnel costs. MDEM’s bill will make two changes to the current statute in order to ensure clarity and codify current practice and original legislative intent of the 9-1-1 Trust Fund uses. The changes are outlined below.

Change 1: Page 3, lines 13-16 will remove the prohibition on using 9-1-1 Trust Fund dollars (including the county portion) for the use of PSAP and county personnel.

Justification: This is being removed from this section as we were advised that the section refers to the 9-1-1 Trust Fund holistically, inclusive of the county fee portion of the fund, and thus inadvertently bars counties from using even the county fee for personnel costs. With the proposed changes, the new statute will read:

(3) Funding allocated in accordance with paragraph (2) of this subsection may not be used for any purpose associated with the 9-8-8 suicide prevention hotline.

NOTE: The 9-8-8 clause is not being removed as part of this legislative change. The removal of (3)(i) results in only one remaining clause for the section. The bracket at the beginning of line 16 remove the number (ii) associated with the 9-8-8 clause, which in turn moves the language to (3) as it appears above.

Change 2: Page 5, lines 8 - 10 will add language that specifically prohibits using the State fee for salary of PSAP or county personnel.



Wes Moore | Governor
Aruna Miller | Lt. Governor
Russell J. Strickland | Secretary

Justification: The policy intent for the State portion of the 9-1-1 Trust Fund has been that the State portion does not cover county/PSAP personnel costs. The addition of this language, combined with removing the earlier broad prohibition against all 9-1-1 Trust Fund monies being used for personnel costs, will codify current 9-1-1 Trust Fund practice.

In conclusion, MDEM urges a favorable report of SB252 - Public Safety - 9-1-1 Trust Fund - Alterations.

If you have any questions, please contact Anna Sierra, MDEM legislative liaison:
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