
By: Chairman, Judiciary Committee (Departmental - Public Safety and Correctional Services)

Introduced and read first time: January 15, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **911 Emergency Telephone System and Emergency Number Systems Board - Transfer to**
3 **Department of State Police**

4 FOR the purpose of transferring the Emergency Number Systems Board from the
5 Department of Public Safety and Correctional Services to the Department of State
6 Police; transferring certain duties and responsibilities pertaining to the
7 administration of the 911 Emergency Telephone System from the Secretary of the
8 Department of Public Safety and Correctional Services to the Secretary of the
9 Department of State Police; providing that the term of office of a member of the
10 Emergency Number Systems Board is not affected by this Act; providing for the
11 transfer of certain property, appropriations, financial assets and liabilities, and
12 other rights and responsibilities under this Act; providing for the continuation of
13 certain laws, regulations, guidelines, and other responsibilities of or pertaining to
14 the Emergency Number Systems Board; providing for the validity of certain
15 contracts, agreements, and other obligations entered into by the Emergency
16 Number Systems Board; requiring the publishers of the Annotated Code of
17 Maryland and the Department of Legislative Reference to propose certain
18 corrections and make certain revisions to the Code under this Act; providing for the
19 transfer of certain employees under certain circumstances; and generally relating to
20 the transfer of the 911 Emergency Telephone System and Emergency Number
21 Systems Board.

22 BY repealing and reenacting, with amendments,
23 Article 41 - Governor - Executive and Administrative Departments
24 Section 18-101(f) and 18-103(a)
25 Annotated Code of Maryland
26 (1993 Replacement Volume and 1996 Supplement)

27 BY repealing and reenacting, without amendments,
28 Article 41 - Governor - Executive and Administrative Departments
29 Section 18-102(a) and (c) and 18-103(h) and the subtitle "Subtitle 1. 911
30 Emergency Telephone System"
31 Annotated Code of Maryland
32 (1993 Replacement Volume and 1996 Supplement)

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

3 **Article 41 - Governor - Executive and Administrative Departments**

4 Subtitle 1. 911 Emergency Telephone System.

5 18-101.

6 (f) In this subtitle, the following words and terms have the meanings indicated:

7 (1) "County" means any of the 23 counties of Maryland and Baltimore City.

8 (2) "Comptroller" means the Comptroller of the State Treasury.

9 (3) "Board" means the Emergency Number Systems Board.

10 (4) "Secretary" means the Secretary of the [State Department of Public
11 Safety and Correctional Services] DEPARTMENT OF STATE POLICE.

12 (5) "911 system" means a telephone service which meets the planning
13 guidelines established pursuant to § 18-103 of this subtitle, and which automatically
14 connects a person dialing the digits 911 to an established public safety answering point.
15 911 system includes equipment for connecting and outswitching 911 calls within a
16 telephone central office, trunking facilities from the central office to a public safety
17 answering point, and equipment to connect 911 calls to the appropriate public safety
18 agency.

19 (6) "Enhanced 911" means a 911 system that provides:

20 (i) Automatic number identification;

21 (ii) Automatic location identification; and

22 (iii) After July 1, 1995, other future technological advancements that
23 the Board may require.

24 (7) "Public safety answering point" means a communications facility
25 operated on a 24 hour basis which first receives 911 calls from persons in a 911 service
26 area and which may, as appropriate, directly dispatch public safety services or extend,
27 transfer, or relay 911 calls to appropriate public safety agencies.

28 (8) "Public safety agency" means a functional division of a public agency
29 which provides fire fighting, police, medical, or other emergency services or a private
30 entity which provides such services on a voluntary basis.

31 (9) "County plan" means a plan for a 911 system or enhanced 911 system or
32 any amendment to the plan developed by a county or several counties together under the
33 provisions of §§ 18-103 and 18-104 of this subtitle.

34 (10) "911 Trust Fund" means the Fund established by § 18-105 of this
35 subtitle.

36 (11) "Multicounty" means two or more counties which are contiguous.

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1 (12) "911 fee" means the fee imposed pursuant to § 18-105(b) of this subtitle.

2 (13) "Additional charge" means the charge imposed by a county pursuant to
3 § 18-105(c) of this subtitle.

4 (14) (i) "Wireless telephone service" means public telephone services
5 provided for two way voice or data communication which is transmitted independent of
6 switched local exchange access telephone service and which may in part be transmitted
7 via cable or wire as part of a larger telephone or cable system.

8 (ii) "Wireless telephone service" includes:

9 1. Cellular telephone service (cellular);

10 2. Personal communication service (PCS); and

11 3. Specialized mobile radio (SMR).

12 (iii) "Wireless telephone service" does not include any service that
13 cannot connect a person dialing the digits 911 to an established public safety answering
14 point under the 911 system.

15 (15) "911-accessible service" means any telephone or other communications
16 service that connects a person dialing the digits 911 to an established public safety
17 answering point under the 911 system.

18 (16) (i) "911 service carrier" means any provider of a wireless telephone
19 service or other 911-accessible service.

20 (ii) "911 service carrier" does not include a telephone company.

21 18-102.

22 (a) On or before July 1, 1995 all counties shall have in operation an enhanced 911
23 system.

24 (c) Service available through a 911 system shall include police, fire fighting, and
25 emergency ambulance services. Other emergency and civil defense services may be
26 incorporated into the 911 system at the discretion of the county or counties being served
27 by the system.

28 18-103.

29 (a) There is an Emergency Number Systems Board in the [Department of Public
30 Safety and Correctional Services] DEPARTMENT OF STATE POLICE.

31 (h) The Board shall coordinate the enhancement of county 911 systems. The
32 following responsibilities shall be included in this coordination role:

33 (1) To establish planning guidelines for enhanced 911 system plans in
34 accordance with § 18-104. The guidelines shall be based upon available technology and
35 equipment and may be based upon other factors such as population and area served by
36 911 systems as determined by the Board to be appropriate;

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1 (2) To establish procedures to review and approve or disapprove county or
2 multicounty plans and to evaluate requests for variations from the established guidelines;

3 (3) To establish criteria for the request for reimbursement of the costs of
4 enhancing a 911 system by any county or counties in which a 911 system is in operation
5 and for the procedures to review and approve or disapprove the request;

6 (4) To transmit the planning guidelines and the procedures established in
7 accordance with this section, and any amendments to those guidelines and procedures, to
8 the county executive and the county council or to the president of the board of county
9 commissioners in each county;

10 (5) To present annually to the Secretary a schedule for implementing the
11 enhancement of county or multicounty 911 systems and an estimate of funding
12 requirements based upon the approved county plans;

13 (6) To review and approve or disapprove requests for reimbursement of the
14 costs of enhancing 911 systems and to present to the Secretary annually a schedule for
15 reimbursement and an estimate of funding requirements;

16 (7) To review the enhancement of 911 systems;

17 (8) To audit county expenditures for the operation and maintenance of 911
18 systems;

19 (9) To ensure inspections of public safety answering points;

20 (10) To review and approve or disapprove requests from counties with
21 operational enhanced 911 systems to be exempted from the expenditure limitations under
22 the provisions of § 18-108(d) of this subtitle; and

23 (11) To authorize expenditures from the 911 Trust Fund that:

24 (i) Involve enhancements that:

25 1. Are required by the Board;

26 2. Will be provided to a county by a third party contractor; and

27 3. Will incur costs that the Board has approved prior to the
28 formation of a contract between the county and the contractor; and

29 (ii) Are approved by the Board for payment:

30 1. From proceeds collected in accordance with the provisions of
31 § 18-105(b) of this subtitle; and

32 2. Directly to a third party contractor on behalf of a county.

33 SECTION 2. AND BE IT FURTHER ENACTED, That all employees of the
34 Emergency Number Systems Board who are transferred to the Department of State
35 Police from the Department of Public Safety and Correctional Services subject to the
36 implementation of this Act shall be so transferred without diminution of their rights,
37 benefits, or employment and retirement status.

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1 SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act
2 affects the term of office of a member of the Emergency Number Systems Board. A
3 person who is a member of the Board on the effective date of this Act shall remain a
4 member for the balance of the term to which appointed, unless the member sooner dies,
5 resigns, or is removed under provisions of laws.

6 SECTION 4. AND BE IT FURTHER ENACTED, That, except as otherwise
7 provided by law, all property, including all real and personal property, records, fixtures,
8 appropriations, credits, assets, liabilities, obligations, rights, and privileges, held by the
9 Emergency Number Systems Board of the Department of Public Safety and Correctional
10 Services, on June 30, 1997, shall be transferred to the Department of State Police.

11 SECTION 5. AND BE IT FURTHER ENACTED, That, except as otherwise
12 provided by law, all existing laws, rules and regulations, proposed rules and regulations,
13 standards and guidelines, policies, orders and other directives, forms, plans,
14 memberships, contracts, property, and administrative responsibilities associated with, and
15 all matters pending before the Emergency Number Systems Board, as of June 30, 1997,
16 shall continue in effect under the Department of State Police, until completed,
17 withdrawn, canceled, modified, or otherwise changed pursuant to law.

18 SECTION 6. AND BE IT FURTHER ENACTED, That all contracts,
19 agreements, grants, or other obligations entered into by the Emergency Number Systems
20 Board, prior to July 1, 1997, are hereby declared to be valid, legal, and binding obligations
21 of the Department of State Police, enforceable in accordance with their terms.

22 SECTION 7. AND BE IT FURTHER ENACTED, That:

23 (a) The publishers of the Annotated Code of Maryland, subject to the approval of
24 the Maryland Department of Legislative Reference, shall propose the correction of any
25 agency names and titles throughout the Annotated Code that are rendered incorrect by
26 this Act.

27 (b) The Department of Legislative Reference, in conjunction with the publishers
28 of the Annotated Code of Maryland, shall revise the Code to conform it to the transfer of
29 the Emergency Number Systems Board of the Department of Public Safety and
30 Correctional Services to the Department of State Police under this Act, and this statutory
31 revision shall be ratified by passage of the Annual Corrective Bill of 1998.

32 SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 1997.