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2002 Regular Session 2lr1629 CF 2lr2121

By: Delegates McIntosh and Wood

Introduced and read first time: February 6, 2002 Assigned to: Commerce and Government Matters

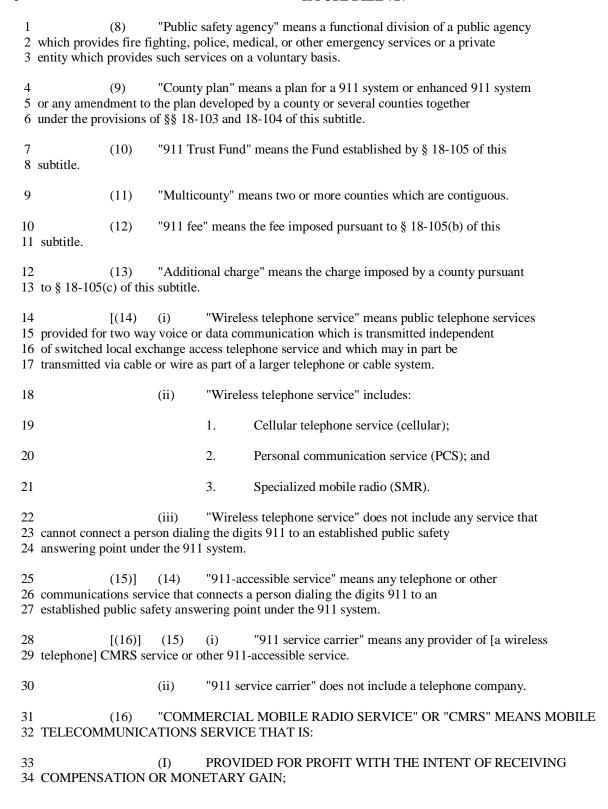
A BILL ENTITLED

1 AN ACT concerning

2 Emergency Telephone System - Wireless Enhanced 911 Service

- 3 FOR the purpose of authorizing the establishment of wireless enhanced 911 service in
- 4 the State in accordance with certain orders; altering the membership of the
- 5 Emergency Number Systems Board; authorizing the Board to authorize certain
- 6 expenditures to commercial mobile radio service (CMRS) providers for certain
- 7 purposes; authorizing the Board to approve, reject, or modify a certain
- 8 implementation schedule for the deployment of wireless enhanced 911 service;
- 9 authorizing the Board to approve, reject, or modify and review an audit of
- 10 certain cost estimates submitted by CMRS providers in a certain manner;
- creating the Committee on Wireless Enhanced 911 Service; providing for
- membership of the Committee; requiring certain CMRS providers to submit
- certain estimates and information to the Committee; requiring the Committee to
- establish guidelines for the deployment of wireless enhanced 911 service, and to
- develop an implementation schedule for the deployment of wireless enhanced
- 16 911 service; requiring the Committee to recommend certain cost estimates
- 17 provided by CMRS providers in a certain manner; requiring the Committee to
- audit certain cost estimates submitted by CMRS providers; authorizing the
- 19 Department of Public Safety and Correctional Services to provide certain staff
- support for the Committee; authorizing a member of the Committee to receive
- 21 reimbursement for certain expenses; providing that certain information is
- 22 confidential, privileged, and proprietary and may not be disclosed; providing for
- 23 the application of a certain fee to subscribers of certain commercial mobile radio
- services, calculated in a certain manner, to cover certain costs; extending certain
- 25 immunity to certain providers of certain services; altering and adding certain
- definitions; providing for the expiration of certain Board member terms; and
- 27 generally relating to establishment of wireless enhanced 911 service in the
- 28 State.
- 29 BY repealing and reenacting, with amendments,
- 30 Article 41 Governor Executive and Administrative Departments
- 31 Section 18-101(f), 18-103, 18-105, and 18-106
- 32 Annotated Code of Maryland
- 33 (1997 Replacement Volume and 2001 Supplement)

1 2 3 4 5	Section 18-103.1 Annotated Code of Maryland									
6 7	6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 7 MARYLAND, That the Laws of Maryland read as follows:									
8			Article	41 - Governor - Executive and Administrative Departments						
9	18-101.									
10 11	(f) indicated:	In this subtitle, the following words and terms have the meanings								
12 13	City.	(1)	"County	" means any of the 23 counties of Maryland and Baltimore						
14		(2)	"Compti	coller" means the Comptroller of the State Treasury.						
15		(3)	"Board"	means the Emergency Number Systems Board.						
16 17	Safety and C	(4) Correction		ry" means the Secretary of the State Department of Public ces.						
20 21 22 23	(5) "911 system" means a telephone service which meets the planning guidelines established pursuant to § 18-103 of this subtitle, and which automatically connects a person dialing the digits 911 to an established public safety answering point. 911 system includes equipment for connecting and outswitching 911 calls within a telephone central office, trunking facilities from the central office to a public safety answering point, and equipment to connect 911 calls to the appropriate public safety agency.									
25		(6)	"Enhanc	red 911" means a 911 system that provides:						
26			(i)	Automatic number identification;						
27			(ii)	Automatic location identification; and						
28 29	that the Boa	rd may re	(iii) equire.	After July 1, 1995, other future technological advancements						
32	(7) "Public safety answering point" means a communications facility operated on a 24 hour basis which first receives 911 calls from persons in a 911 service area and which may, as appropriate, directly dispatch public safety services or extend, transfer, or relay 911 calls to appropriate public safety agencies.									



"WIRELESS ENHANCED 911 SERVICE" MEANS ENHANCED 911

There is an Emergency Number Systems Board in the Department of

27 PROVIDER.

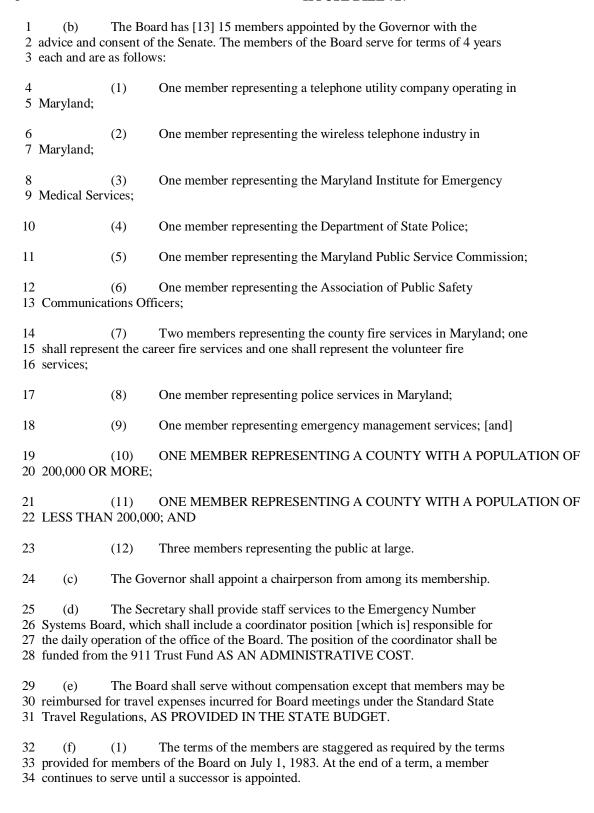
30 18-103.

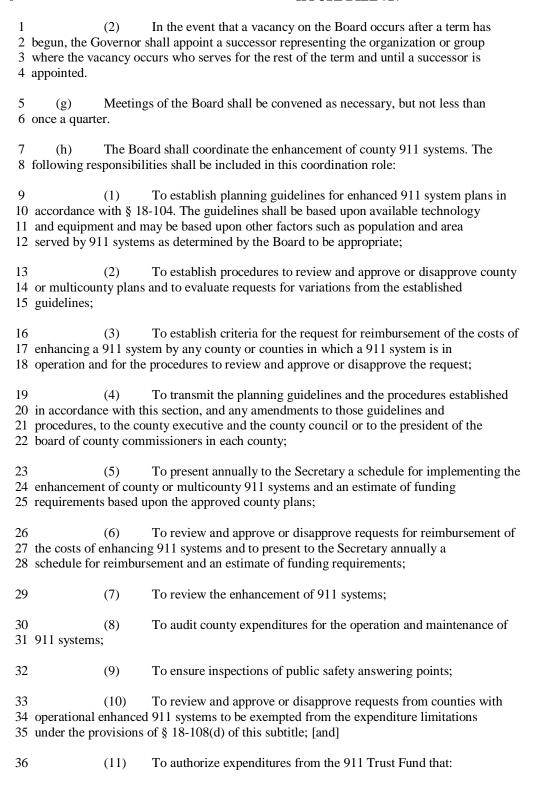
(23)29 SERVICE UNDER AN FCC ORDER.

32 Public Safety and Correctional Services.

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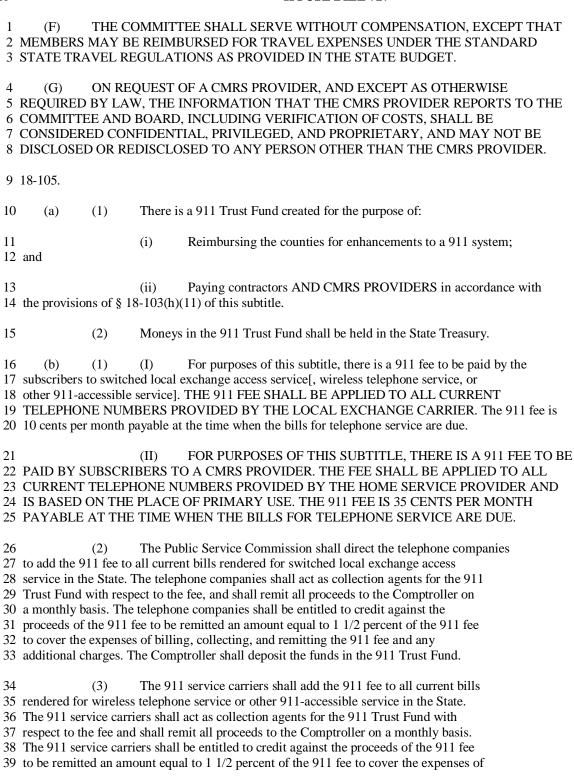




1	(i)	Involve	enhancements that:
2		1.	Are required by the Board;
3 4	and	2.	Will be provided to a county by a third party contractor;
5 6	formation of a contract between	3. on the cou	Will incur costs that the Board has approved prior to the inty and the contractor; and
7	(ii)	Are app	roved by the Board for payment:
8 9	of § 18-105(b) of this subtitle;	1. [and]	From proceeds collected in accordance with the provisions
10 11	AND	2.	Directly to a third party contractor on behalf of a county;
	NONRECURRING COSTS I OF WIRELESS ENHANCEI		DIRECTLY TO A CMRS PROVIDER FOR RECURRING AND LY RELATED TO THE DEPLOYMENT AND OPERATION RVICE;
15 16	(12) (I) APPROVE, REJECT, OR MO		CORDANCE WITH § 18-103.1 OF THIS SUBTITLE, TO
17 18	ENHANCED 911 SERVICE	1. AND	THE IMPLEMENTATION SCHEDULE FOR WIRELESS
19 20	ENHANCED 911 SERVICE	2.	A CMRS PROVIDER'S COST ESTIMATE FOR WIRELESS
	(II) TO DETERMINE WHETHE THE TRUST FUND TO THE	R AN OV	VIEW THE AUDIT OF A CMRS PROVIDER COST ESTIMATE VERPAYMENT OR UNDERPAYMENT WAS MADE FROM PROVIDER; AND
			SUBJECT TO PARAGRAPH (II) OF THIS SUBSECTION, TO QUENT COST ESTIMATE APPROVED FOR PAYMENT CASE OF AN UNDERPAYMENT; OR
27 28	TRUST FUND IN THE CAS	2. E OF AN	REQUIRE A REFUND BY THE CMRS PROVIDER TO THE OVERPAYMENT; AND
	APPROVED UNDER PARA	GRAPH	ICE WITH THE IMPLEMENTATION SCHEDULE (12) OF THIS SUBSECTION AND UNDER FCC ORDER, ESS ENHANCED 911 SERVICE TO A CMRS PROVIDER.
32 33	(i) (1) The Bo to a county for 911 system ex		nstruct the Comptroller to withhold funds provided as for any violation of:
34	(i)	The pro	visions of this subtitle; or

1			(ii)	A regulation of the Board.				
	(2) (i) The Board shall state publicly in writing its reason for withholding the funds of a county and enter its reason in the minutes book of the Board.							
5			(ii)	Upon reaching its decision, the Board shall notify the county.				
6 7	respond in w	riting to t	(iii) the Board	The county shall have 30 days from the date of notification to				
8 9	county funds	(3) for a cou	(i) anty in tha	Upon notification by the Board, the Comptroller shall hold at county's account within the 911 Trust Fund.				
10 11	subparagrapl	h (i) of th	(ii) iis paragr	1. Funds held by the Comptroller under the provisions of aph shall not accrue interest for a county.				
12 13	2. Interest income earned on funds held by the Comptroller shall accrue to the 911 Trust Fund.							
14 15	(4) County funds withheld by the Comptroller shall be held until the Board directs the Comptroller to release the funds.							
	(j) The Board shall submit an annual report to the Governor, the Secretary, and, subject to § 2-1246 of the State Government Article, the Legislative Policy Committee. The report shall set forth the following information for each county:							
19		(1)	The type	of 911 system currently operating;				
20		(2)	The total	State and county fee charged;				
21		(3)	The fund	ling formula in effect;				
22 23	the Board;	(4)	Any stat	utory or regulatory violation by a county and the response of				
24		(5)	Efforts to	o establish an enhanced 911 system; and				
25		(6)	Any sug	gested changes to this subtitle.				
26	18-103.1.							
27 28	(A) SUBTITLE,	IN ADD THE BO	OITION T DARD SH	O THE RESPONSIBILITIES UNDER § 18-103 OF THIS IALL ESTABLISH A WIRELESS ENHANCED 911 COMMITTEE.				
29 30	(B) BOARD:	THE CO	OMMITT	EE CONSISTS OF THE FOLLOWING 5 MEMBERS OF THE				
31 32	COMMITTE	(1) EE;	THE CH	IAIRMAN, WHO SHALL SERVE AS CHAIRMAN OF THE				

- 1 (2) THE MEMBER REPRESENTING THE DEPARTMENT OF STATE POLICE;
- 2 (3) THE MEMBER REPRESENTING THE MARYLAND INSTITUTE FOR 3 EMERGENCY MEDICAL SERVICES SYSTEMS;
- 4 (4) THE MEMBER REPRESENTING A COUNTY WITH A POPULATION OF 5 200,000 OR MORE; AND
- 6 (5) THE MEMBER REPRESENTING A COUNTY WITH A POPULATION OF 7 LESS THAN 200.000.
- 8 (C) ON AN ANNUAL BASIS, A DETERMINED BY THE COMMITTEE, A CMRS 9 PROVIDER SHALL SUBMIT TO THE COMMITTEE:
- 10 (1) AN ESTIMATE OF ITS COST OF DEPLOYING WIRELESS ENHANCED 911
- 11 SERVICE CALCULATED BASED ON THE THEN-CURRENT DEPLOYMENT OF WIRELESS
- 12 ENHANCED 911 SERVICE IN ALL AREAS OF THE STATE IN WHICH THE CMRS
- 13 PROVIDER PROVIDES WIRELESS SERVICE; AND
- 14 (2) VERIFICATION OF THE ESTIMATED AND ACTUAL COST OF WIRELESS 15 ENHANCED 911 SERVICE.
- 16 (D) THE COMMITTEE SHALL:
- 17 (1) ESTABLISH PLANNING GUIDELINES FOR THE DEPLOYMENT OF 18 WIRELESS ENHANCED 911 SERVICE;
- 19 (2) DEVELOP AN IMPLEMENTATION SCHEDULE FOR DEPLOYMENT OF 20 WIRELESS ENHANCED 911 SERVICE IN THE STATE;
- 21 (3) (I) RECOMMEND TO THE BOARD WHETHER TO APPROVE, REJECT,
- 22 OR MODIFY THE ESTIMATED COSTS THAT A CMRS PROVIDER SUBMITS UNDER
- 23 SUBSECTION (C)(1) OF THIS SECTION WITHIN 90 DAYS AFTER RECEIVING THE
- 24 ESTIMATED COST FROM THE CMRS PROVIDER; AND
- 25 (II) IF THE COMMITTEE RECOMMENDS THAT THE ESTIMATED COST
- 26 SHOULD BE REJECTED OR MODIFIED, THE COMMITTEE SHALL STATE ITS REASONS
- 27 FOR THE REJECTION OR SUGGESTED MODIFICATION IN WRITING TO THE CMRS
- 28 PROVIDER; AND
- 29 (4) CONDUCT AN ANNUAL AUDIT OF AN APPROVED COST ESTIMATE OF A
- 30 CMRS PROVIDER TO DETERMINE WHETHER THE COST ESTIMATE SUBMITTED
- 31 DURING THE PRECEDING YEAR WAS MORE OR LESS THAN THE ACTUAL COST OF THE
- 32 WIRELESS ENHANCED 911 SERVICE.
- 33 (E) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
- 34 SHALL PROVIDE STAFF SUPPORT FOR THE WIRELESS ENHANCED 911 COMMITTEE,
- 35 INCLUDING A COORDINATOR POSITION RESPONSIBLE FOR THE DAILY OPERATION OF
- 36 THE COMMITTEE. THE POSITION OF THE COORDINATOR SHALL BE FUNDED FROM
- 37 THE 911 TRUST FUND AS AN ADMINISTRATIVE COST.



- 1 billing, collecting, and remitting the 911 fee and any additional charges. The
- 2 Comptroller shall deposit the funds in the 911 Trust Fund.
- 3 (4) Notwithstanding the provisions of paragraph (3) of this subsection,
- 4 for calendar years 1996, 1997, and 1998 only, a 911 service carrier other than a
- 5 telephone company shall be entitled to credit against the proceeds of the 911 fee to be
- 6 remitted an amount equal to 2 1/2 percent of the 911 fee to cover the expenses of
- 7 billing, collecting, and remitting the 911 fee and any additional charges.
- 8 (c) (1) In addition to the 911 fee imposed by subsection (b) of this section,
- 9 the governing body of each county may by ordinance or resolution after public hearing
- 10 enact or adopt an additional charge not to exceed 50 cents per month to be applied to
- 11 all current [bills rendered] SUBSCRIBER TELEPHONE NUMBERS for switched local
- 12 exchange access service[, wireless telephone service, or other 911-accessible service]
- $13\,$ OR CMRS within that county. The amount of the additional charge may not exceed a
- 14 level necessary to cover the total amount of eligible operation and maintenance costs
- 15 of the county.
- 16 (2) The additional charge shall continue in effect until repealed or 17 modified by a subsequent ordinance or resolution.
- 18 (3) (i) Upon adopting, repealing, or modifying an additional charge,
- 19 the county shall certify the amount of the additional charge to the Public Service
- 20 Commission which on 60 days' notice shall direct the telephone companies to add the
- 21 full amount of the additional charge to all current bills rendered for switched local
- 22 exchange access service in each county which imposed that additional charge.
- 23 (ii) Within 60 days of the enactment of a county ordinance or
- 24 resolution that adopts, repeals, or modifies an additional charge, all 911 service
- 25 carriers providing service within that county shall add the full amount of the
- 26 additional charge to all current bills rendered for [wireless telephone service or other
- 27 911-accessible service] CMRS in each county that imposed that additional charge.
- 28 (4) The telephone companies and 911 service carriers shall act as
- 29 collection agents for the 911 Trust Fund with respect to the additional charges
- 30 imposed by each county. Revenues from the additional charge shall be collected by the
- 31 telephone companies and 911 service carriers on a county basis and remitted monthly
- 32 to the Comptroller for deposit to the 911 Trust Fund account maintained for the
- 33 county which imposed the additional charge.
- 34 (d) Notwithstanding any other provision of this subtitle, the 911 fee
- 35 authorized under this subtitle does not apply to an intermediate service line used
- 36 exclusively to connect a [wireless telephone service or other 911-accessible service]
- 37 CMRS other than a switched local access service to another telephone system or
- 38 switching device.
- 39 (e) The Secretary shall administer the 911 Trust Fund subject to the
- 40 provisions for financial management and budgeting established by the Department of
- 41 Budget and Management. The Secretary shall cause the Comptroller to establish
- 42 separate accounts for the payment of administrative expenses and for each county

- 1 within the 911 Trust Fund. The income derived from investment of money in the
- 2 Fund shall accrue to the Fund and the Comptroller shall allocate investment income
- 3 among the accounts in the Fund prorated on the basis of the total fees collected in
- 4 each county.
- 5 (f) The Comptroller shall disburse the moneys in the 911 Trust Fund as 6 provided in this subsection, subject to the limitations under § 18-103(i) of this
- 7 subtitle.
- 8 (1) Each July 1, the Comptroller shall allocate sufficient revenues from 9 the 911 fee to pay the costs of administering the 911 Trust Fund as provided by law.
- 10 (2) As directed by the Secretary and as provided in the State budget, the
- 11 Comptroller shall pay from the appropriate account the costs of:
- 12 (i) Reimbursing the costs of enhancing a 911 system by a county or
- 13 several counties: and
- 14 (ii) Paying contractors AND CMRS PROVIDERS in accordance with
- 15 the provisions of § 18-103(h)(11) of this subtitle.
- 16 (3) If a 911 system is in operation in a county, the Comptroller shall pay
- 17 to that county from the account of that county the amount of moneys requested by the
- 18 county and as provided in the State budget to pay for the costs of maintaining and
- 19 operating the 911 system. The Comptroller shall pay the moneys for maintaining and
- 20 operating 911 systems on September 30, December 31, March 31, and June 30 of each
- 21 year.
- 22 (g) The Legislative Auditor shall conduct postaudits of a fiscal and compliance
- 23 nature of the 911 Trust Fund and of the appropriations and expenditures made for
- 24 purposes of this subtitle. The cost of the fiscal portion of the postaudit examination
- 25 shall be paid from the 911 Trust Fund as an administrative cost.
- 26 18-106.
- 27 (a) Nothing in this subtitle requires a public service company to provide any
- 28 equipment or service other than pursuant to tariffs approved by the Maryland Public
- 29 Service Commission. Furthermore, the furnishing of services, the rates, and the
- 30 extent of any liabilities of a public service company shall be governed by those tariffs
- 31 approved by the Maryland Public Service Commission.
- 32 (b) Nothing in this subtitle requires a 911 service carrier to provide any
- 33 equipment or service other than the equivalent of that required of telephone
- 34 companies under subsection (a) of this section. Furthermore, nothing in this subtitle
- 35 shall be interpreted to extend any liability to a 911 carrier.
- 36 (c) A [cellular telephone company or personal communication company]
- 37 CMRS PROVIDER that pays or collects 911 fees under § 18-105 of this subtitle shall
- 38 have the same immunity from liability for transmission failures as that approved by
- 39 the Public Service Commission for local exchange telephone companies that are

- 1 subject to the regulation of the Commission under the Public Utility Companies
- 2 Article.
- 3 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Public
- 4 Safety and Correctional Services shall report to the General Assembly on or before
- 5 December 1, 2006, in accordance with § 2-1246 of the State Government Article, on
- 6 the status of wireless enhanced 911 deployment and whether the 911 fee paid by
- 7 subscribers to a commercial mobile radio service provider under § 18-105(b)(1)(II) of
- 8 Article 41 of the Code, as enacted by this Act, should be adjusted based on future
- 9 estimated costs directly relating to the deployment and operation of the wireless
- 10 enhanced 911 system.
- 11 SECTION 3. AND BE IT FURTHER ENACTED, That the term of the member
- 12 of the Emergency Number Systems Board representing a county with a population of
- 13 200,000 or more and the term of the member of the Emergency Number Systems
- 14 Board representing a county with a population of less than 200,000 shall expire in
- 15 2006.
- 16 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect 17 July 1, 2002.