

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL NO. 549

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Public Safety - 9-1-1”; in the same line, strike “Service” and substitute “System - Wireless Enhanced 911 Service”; strike beginning with “altering” in line 3 down through “services” in line 19 and substitute “requiring the establishment of wireless enhanced 911 service in the State in accordance with certain orders; altering the membership of the Emergency Number Systems Board; requiring the Board to establish guidelines for the deployment of wireless enhanced 911 service, and to develop, with input from counties, an implementation schedule for the deployment of wireless enhanced 911 service; authorizing the Department of Public Safety and Correctional Services to provide certain staff support for the Board; authorizing a member of the Board to receive reimbursement for certain expenses; providing that certain information is confidential, privileged, and proprietary and may not be disclosed; altering a certain fee for 9-1-1 telephone service; requiring the Board to adopt certain procedures for a certain audit; increasing a certain additional charge a county may impose; extending certain immunity to certain providers of certain services; altering and adding certain definitions; providing for the expiration of certain Board member terms; restricting the use of 9-1-1 trust funds by counties to certain purposes; requiring the Department to submit a certain report; requiring the Board to investigate the availability of certain funds, to submit a certain report, and to make certain recommendations; requiring the Governor to provide a certain plan; making certain provisions of this Act subject to a certain contingency; and generally relating to establishment of wireless enhanced 911 service in the State”; in line 22, strike “1-304, 1-305(b),” and substitute “1-305,”; and in the same line, strike “1-307, and 1-310” and substitute “and 1-308”.

AMENDMENT NO. 2

On page 2, in line 9, after “(d)” insert ““COMMERCIAL MOBILE RADIO SERVICE” OR “CMRS” MEANS MOBILE TELECOMMUNICATIONS SERVICE THAT IS:

- (1) PROVIDED FOR PROFIT WITH THE INTENT OF RECEIVING

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COMPENSATION OR MONETARY GAIN;

(2) AN INTERCONNECTED, TWO-WAY VOICE SERVICE; AND

(3) AVAILABLE TO THE PUBLIC.

(E) “COMMERCIAL MOBILE RADIO SERVICE PROVIDER” OR “CMRS PROVIDER” MEANS A PERSON AUTHORIZED BY THE FEDERAL COMMUNICATIONS COMMISSION TO PROVIDE CMRS IN THE STATE.

(F)”;

after line 11, insert:

“(G) (1) “CUSTOMER” MEANS:

(I) THE PERSON THAT CONTRACTS WITH A HOME SERVICE PROVIDER FOR CMRS; OR

(II) THE END USER OF THE CMRS IF THE END USER OF THE CMRS IS NOT THE CONTRACTING PARTY.

(2) “CUSTOMER” DOES NOT INCLUDE:

(I) A RESELLER OF CMRS; OR

(II) A SERVING CARRIER UNDER AN ARRANGEMENT TO SERVE THE CUSTOMER OUTSIDE THE HOME SERVICE PROVIDER’S LICENSED SERVICE AREA.”;

in line 12, strike “(e)” and substitute “(H)”; after line 15, insert:

“(I) “FCC ORDER” MEANS AN ORDER ISSUED BY THE FEDERAL COMMUNICATIONS COMMISSION UNDER PROCEEDINGS REGARDING THE COMPATIBILITY OF ENHANCED 9-1-1 SYSTEMS AND DELIVERY OF WIRELESS ENHANCED 9-1-1 SERVICE.

(J) “HOME SERVICE PROVIDER” MEANS THE FACILITIES-BASED CARRIER

OR RESELLER THAT CONTRACTS WITH A CUSTOMER TO PROVIDE CMRS.”;

in line 16, strike “(f)” and substitute “(K)”; in line 19, strike “(g)” and substitute “(L)”; in line 21, strike “(h)” and substitute “(M)”; and in line 24, strike “(i)” and substitute “(N)”.

On page 3, in line 5, strike “(j)” and substitute “(O)”; strike beginning with “(k)” in line 7 down through “(L)” in line 11 and substitute “(P)”; in line 16, strike “(M)” and substitute “(Q)”; in line 22, strike “(N)” and substitute “(R)”; and after line 23, insert:

“(S) “WIRELESS ENHANCED 9-1-1 SERVICE” MEANS ENHANCED 9-1-1 SERVICE UNDER AN FCC ORDER.”.

On pages 3 and 4, strike in their entirety the lines beginning with line 24 on page 3 through line 5 on page 4, inclusive.

AMENDMENT NO. 3

On pages 4 and 5, strike in their entirety the lines beginning with line 6 on page 4 through line 7 on page 5, inclusive.

AMENDMENT NO. 4

On page 5, after line 8, insert:

“(a) There is an Emergency Number Systems Board in the Department of Public Safety and Correctional Services.”;

in lines 9 and 10, in each instance, strike “13” and substitute “15”; in line 27, after “(X)” insert “ONE MEMBER SHALL REPRESENT A COUNTY WITH A POPULATION OF 200,000 OR MORE;

(XI) ONE MEMBER SHALL REPRESENT A COUNTY WITH A POPULATION OF LESS THAN 200,000;

(XII)”;

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in line 29, strike “(XI)” and substitute “(XIII)”; and after line 31, insert:

“(c) (1) The term of a member is 4 years and begins on July 1.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on October 1, 2003.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) If a vacancy occurs after a term has begun, the Governor shall appoint a successor to represent the organization or group in which the vacancy occurs.

(5) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(d) The Governor shall appoint a chairperson from among the Board members.

(e) The Board shall meet as necessary, but at least once each quarter.

(f) A member of the Board:

(1) may not receive compensation as a member of the Board; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) The Secretary shall provide staff to the Board, including:

(1) a coordinator who is responsible for the daily operation of the office of the Board; AND

(2) STAFF TO HANDLE THE INCREASED DUTIES RELATED TO

WIRELESS ENHANCED 9-1-1 SERVICE.”.

AMENDMENT NO. 5

On page 6, in lines 2 and 3, in each instance, strike the bracket; in line 2, after “plans” insert “AND DEPLOYMENT OF WIRELESS ENHANCED 9-1-1 SERVICE”; strike beginning with “ESTABLISHING” in line 3 down through “9-1-1” in line 6; in line 19, after “(6)” insert “DEVELOPING, WITH INPUT FROM COUNTIES, AND PUBLISHING ON OR BEFORE JULY 1, 2004, AN IMPLEMENTATION SCHEDULE FOR DEPLOYMENT OF WIRELESS ENHANCED 9-1-1 SERVICE;

(7)”;

in lines 22, 23, 25, 26, and 29, strike “(7)”, “(8)”, “(9)”, “(10)”, and “(11)”, respectively, and substitute “(8)”, “(9)”, “(10)”, “(11)”, and “(12)”, respectively; and in line 28, strike the brackets.

On page 7, strike beginning with the semicolon in line 3 down through “SUBTITLE” in line 7; and strike in their entirety lines 13 through 25, inclusive.

AMENDMENT NO. 6

On pages 7 and 8, strike in their entirety the lines beginning with line 26 on page 7 through line 5 on page 8, inclusive, and substitute:

“1-308.

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

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

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

(2) pay contractors in accordance with [~~§ 1-306(b)(11)] § 1-306(B)(12) of this subtitle; and~~

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(3) fund the coordinator position AND STAFF TO HANDLE THE INCREASED DUTIES RELATED TO WIRELESS ENHANCED 9-1-1 SERVICE under § 1-305 of this subtitle, AS AN ADMINISTRATIVE COST.

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

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

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

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

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

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

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

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

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

1-309.

(a) On recommendation of the Board, each year the Secretary shall request an appropriation from the 9-1-1 Trust Fund in an amount sufficient to:

(1) carry out the purposes of this subtitle;

- (2) pay the administrative costs chargeable to the 9-1-1 Trust Fund; and
- (3) reimburse counties for the cost of enhancing a 9-1-1 system.

(b) (1) Subject to the limitations under subsection (e) of this section, the Comptroller shall disburse the money in the 9-1-1 Trust Fund as provided in this subsection.

(2) Each July 1, the Comptroller shall allocate sufficient money from the 9-1-1 fee to pay the costs of administering the 9-1-1 Trust Fund.

(3) As directed by the Secretary and in accordance with the State budget, the Comptroller, from the appropriate account, shall:

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

(ii) pay contractors in accordance with [§ 1-306(b)(11)] § 1-306(B)(12) of this subtitle.

(4) (i) The Comptroller shall pay to each county from its account the money requested by the county to pay the maintenance and operation costs of the county's 9-1-1 system in accordance with the State budget.

(ii) The Comptroller shall pay the money for maintenance and operation costs on September 30, December 31, March 31, and June 30 of each year.

(c) (1) Money accruing to the 9-1-1 Trust Fund may be used as provided in this subsection.

(2) Money collected from the 9-1-1 fee may be used to:

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

(ii) pay contractors in accordance with [§ 1-306(b)(11)] § 1-306(B)(12) of this subtitle.

(3) Money collected from the additional charge may be used by the counties for the maintenance and operation costs of the 9-1-1 system.

(d) (1) Reimbursement may be made only to the extent that county money was used to enhance the 9-1-1 system.

(2) Reimbursement for the enhancement of 9-1-1 systems shall include the installation of equipment for automatic number identification, automatic location identification, and other technological advancements that the Board requires.

(3) Reimbursement from money collected from the 9-1-1 fee may be used only for 9-1-1 system enhancements approved by the Board.

(e) (1) The Board may direct the Comptroller to withhold from a county money for 9-1-1 system expenditures if the county violates this subtitle or a regulation of the Board.

(2) (i) The Board shall state publicly in writing its reason for withholding money from a county and shall record its reason in the minutes of the Board.

(ii) On reaching its decision to withhold money, the Board shall notify the county.

(iii) The county has 30 days after the date of notification to respond in writing to the Board.

(3) (i) On notification by the Board, the Comptroller shall hold money for the county in the county's account in the 9-1-1 Trust Fund.

(ii) Money held by the Comptroller under subparagraph (i) of this paragraph does not accrue interest for the county.

(iii) Interest income earned on money held by the Comptroller under subparagraph (i) of this paragraph accrues to the 9-1-1 Trust Fund.



(4) County money withheld by the Comptroller shall be withheld until the Board directs the Comptroller to release the money.

(f) (1) The Legislative Auditor shall conduct fiscal/compliance audits of the 9-1-1 Trust Fund and of the appropriations and disbursements made for purposes of this subtitle.

(2) The cost of the fiscal portion of the audits shall be paid from the 9-1-1 Trust Fund as an administrative cost.”.

AMENDMENT NO. 7

On page 8, strike beginning with the comma in line 7 down through the second “service” in line 8 and substitute “OR CMRS”; in line 9, after “for” insert “THE”; and in line 10, after “telephone” insert “OR CMRS”.

On page 9, after line 2, insert:

“(4) THE BOARD SHALL ADOPT PROCEDURES FOR AUDITING SURCHARGE COLLECTION AND REMITTANCE BY CMRS PROVIDERS.

(5) ON REQUEST OF A CMRS PROVIDER, AND EXCEPT AS OTHERWISE REQUIRED BY LAW, THE INFORMATION THAT THE CMRS PROVIDER REPORTS TO THE BOARD SHALL BE CONFIDENTIAL, PRIVILEGED, AND PROPRIETARY AND MAY NOT BE DISCLOSED TO ANY PERSON OTHER THAN THE CMRS PROVIDER.”;

strike beginning with “wireless” in line 4 down through the second “service” in line 5 and substitute “CMRS”; and strike beginning with “9-1-1” in line 7 down through “CARRIER” in line 8 and substitute “CMRS PROVIDER”.

AMENDMENT NO. 8

On page 9, in line 16, strike beginning with the first comma through the third “service” and substitute “OR CMRS”; and strike beginning with “wireless” in line 33 down through “service” in line 34 and substitute “CMRS”.

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AMENDMENT NO. 9

On page 10, in line 10, strike “Maintenance” and substitute “SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION, MAINTENANCE”; in line 13, after “(c)” insert: “A COUNTY:

(1) MAY USE 9-1-1 TRUST FUNDS ONLY TO SUPPLEMENT LEVELS OF SPENDING BY THE COUNTY FOR 9-1-1 MAINTENANCE OR OPERATIONS; AND

(2) MAY NOT USE 9-1-1 TRUST FUNDS TO SUPPLANT SPENDING BY THE COUNTY FOR 9-1-1 MAINTENANCE OR OPERATIONS.

(D)”;

and strike in their entirety lines 15 through 36, inclusive.

AMENDMENT NO. 10

On page 11, strike in their entirety lines 1 through 11, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Public Safety and Correctional Services shall report to the General Assembly on or before December 1, 2007, in accordance with § 2-1246 of the State Government Article, on the status of wireless enhanced 911 deployment and whether the 911 fee paid by subscribers to a commercial mobile radio service provider under § 1-310(a) of the Public Safety Article, as enacted by this Act, should be adjusted based on future estimated costs directly relating to the deployment and operation of the wireless enhanced 911 system.

SECTION 3. AND BE IT FURTHER ENACTED, That the Emergency Number Systems Board shall investigate the availability of federal funds under Homeland Security measures and shall report to the General Assembly on or before December 1, 2003, in accordance with § 2-1246 of the State Government Article, on the availability of such funds and on the procedures adopted to ensure proper and accurate collections and accounting of the 9-1-1 fees and additional charges authorized under State law. The report shall detail measures in place to address variances in remittances by

telephone companies and CMRS providers, the effects of audit capabilities provided under this Act, and shall make recommendations with regard to the fair and effective administration of the 9-1-1 fees and charges authorized under State law.

SECTION 4. AND BE IT FURTHER ENACTED, That, if Chapter \_\_\_\_ (S.B. 657/H.B. 935 the “Budget Reconciliation and Financing Act of 2003”) of the Acts of the General Assembly of 2003 transfers monies from the 9-1-1 Trust Fund originally established under Article 41, § 18-105 of the Annotated Code of Maryland, the changes made to § 1-310 of the Public Safety Article, as amended by Section 1 of this Act, are null and void without the necessity of further action by the General Assembly.

SECTION 5. AND BE IT FURTHER ENACTED, That, for State operating budgets beginning with fiscal 2005, the Governor shall provide a plan for repayment to the 9-1-1 Trust Fund any monies transferred from the 9-1-1 Trust Fund under budget reconciliation and financing legislation or by other means that would result in the use of the monies for a purpose other than the original intended use.

SECTION 6. AND BE IT FURTHER ENACTED, That the term of the initial member of the Emergency Number Systems Board representing a county with a population of 200,000 or more and the term of the initial member of the Emergency Number Systems Board representing a county with a population of less than 200,000 shall expire in 2007.”;

and in line 12, strike “4.” and substitute “7.”.