

SENATE BILL 549

Unofficial Copy
E4

2003 Regular Session
(3r1588)

ENROLLED BILL
-- Finance/Health and Government Operations --

Introduced by **Senators Teitelbaum, Astle, Gladden, and Hafer**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Public Safety—9-1-1 Emergency Telephone Service System - Wireless**
3 **Enhanced 911 Service**

4 FOR the purpose of ~~altering the types of services which must be available through a~~
5 ~~9-1-1 system; altering the types of services which may be available through a~~
6 ~~9-1-1 system at a county's discretion; altering the membership of the~~
7 ~~Emergency Number Systems Board; requiring the Board to establish and~~
8 ~~publish a certain plan for the deployment of certain wireless enhanced 9-1-1~~
9 ~~services by a certain date; requiring the Board to review and approve or~~
10 ~~disapprove a certain request from a certain county for a certain exemption;~~
11 ~~authorizing the Board to require a certain audit; authorizing a certain telephone~~
12 ~~company or 9-1-1 service carrier to report certain information confidentially;~~
13 ~~requiring the Board to conduct a certain review; increasing a certain fee for~~
14 ~~9-1-1 telephone service; increasing a certain additional charge a county may~~
15 ~~impose; requiring the Board to establish certain procedures to take effect on or~~
16 ~~after a certain date regarding the use of certain money by certain counties;~~
17 ~~making certain provisions of this Act subject to a certain contingency; requiring~~

1 the Governor to provide a certain plan for repayment to the 911 Trust Fund;
 2 defining a certain term; altering a certain definition; and generally relating to
 3 9-1-1 telephone services requiring the establishment of wireless enhanced 911
 4 service in the State in accordance with certain orders; altering the membership of
 5 the Emergency Number Systems Board; requiring the Board to establish
 6 guidelines for the deployment of wireless enhanced 911 service, and to develop,
 7 with input from counties, an implementation schedule for the deployment of
 8 wireless enhanced 911 service; authorizing the Department of Public Safety and
 9 Correctional Services to provide certain staff support for the Board; authorizing a
 10 member of the Board to receive reimbursement for certain expenses; providing
 11 that certain information is confidential, privileged, and proprietary and may not
 12 be disclosed; altering a certain fee for 9-1-1 telephone service; requiring the
 13 Board to adopt certain procedures for a certain audit; increasing a certain
 14 additional charge a county may impose; extending certain immunity to certain
 15 providers of certain services; altering and adding certain definitions; providing
 16 for the expiration of certain Board member terms; restricting the use of 9-1-1
 17 trust funds by counties to certain purposes; requiring the Board to establish
 18 certain procedures to take effect on or after a certain date regarding the use of
 19 certain money by certain counties; requiring the Department to submit a certain
 20 report; requiring the Board to investigate the availability of certain funds, to
 21 submit a certain report, and to make certain recommendations; requiring the
 22 Governor to provide a certain plan; making certain provisions of this Act subject
 23 to a certain contingency; and generally relating to establishment of wireless
 24 enhanced 911 service in the State.

25 BY repealing and reenacting, with amendments,
 26 Article - Public Safety
 27 Section 1-301, ~~1-304, 1-305(b), 1-305, 1-306, 1-307, and 1-310~~ and 1-308
 28 through 1-312
 29 Annotated Code of Maryland
 30 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
 31 2003)

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

34 **Article - Public Safety**

35 1-301.

36 (a) In this subtitle the following words have the meanings indicated.

37 (b) "Additional charge" means the charge imposed by a county in accordance
 38 with § 1-311 of this subtitle.

39 (c) "Board" means the Emergency Number Systems Board.

1 (d) "COMMERCIAL MOBILE RADIO SERVICE" OR "CMRS" MEANS MOBILE
 2 TELECOMMUNICATIONS SERVICE THAT IS:

3 (1) PROVIDED FOR PROFIT WITH THE INTENT OF RECEIVING
 4 COMPENSATION OR MONETARY GAIN;

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

6 (3) AVAILABLE TO THE PUBLIC.

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

10 (F) "County plan" means a plan for a 9-1-1 system or enhanced 9-1-1 system,
 11 or an amendment to the plan, developed by a county or several counties together
 12 under this subtitle.

13 (G) (1) "CUSTOMER" MEANS:

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

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

18 (2) "CUSTOMER" DOES NOT INCLUDE:

19 (I) A RESELLER OF CMRS; OR

20 (II) A SERVING CARRIER UNDER AN ARRANGEMENT TO SERVE THE
 21 CUSTOMER OUTSIDE THE HOME SERVICE PROVIDER'S LICENSED SERVICE AREA.

22 (H) "Enhanced 9-1-1 system" means a 9-1-1 system that provides:

23 (1) automatic number identification;

24 (2) automatic location identification; and

25 (3) any other technological advancements that the Board requires.

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

30 (J) "HOME SERVICE PROVIDER" MEANS THE FACILITIES-BASED CARRIER OR
 31 RESELLER THAT CONTRACTS WITH A CUSTOMER TO PROVIDE CMRS.

1 (2) first receives 9-1-1 calls in a 9-1-1 service area; and

2 (3) as appropriate, dispatches public safety services directly, or transfers
3 9-1-1 calls to appropriate public safety agencies.

4 [(m)] ~~(N)~~ (R) "Secretary" means the Secretary of Public Safety and
5 Correctional Services.

6 (S) "WIRELESS ENHANCED 9-1-1 SERVICE" MEANS ENHANCED 9-1-1 SERVICE
7 UNDER AN FCC ORDER.

8 [(n)] ~~(O)~~ (1) "Wireless telephone service" means public telephone service
9 that:

10 (i) is provided for two way voice or data communication;

11 (ii) is transmitted independently of switched local exchange access
12 telephone service; and

13 (iii) may be transmitted partly via cable or wire as part of a larger
14 telephone or cable system.

15 (2) "Wireless telephone service" includes:

16 (i) ~~[cellular telephone service (cellular)] COMMERCIAL MOBILE~~
17 ~~RADIO SERVICE (CMRS);~~

18 (ii) personal communication service (PCS); and

19 (iii) specialized mobile radio (SMR).

20 ~~(3) "Wireless telephone service" does not include service that cannot~~
21 ~~connect an individual dialing the digits 9 1 1 to an established public safety~~
22 ~~answering point.~~

23 ~~1 304.~~

24 (a) Each county shall have in operation an enhanced 9-1-1 system.

25 (b) ~~If implementation is preceded by cooperative planning, the enhanced~~
26 ~~9-1-1 system required under subsection (a) of this section may operate as part of a~~
27 ~~multicounty system.~~

28 (c) ~~(1) Services available through a 9-1-1 system shall include [police, fire~~
29 ~~fighting, and emergency ambulance] LAW ENFORCEMENT, FIRE AND RESCUE, AND~~
30 ~~EMERGENCY MEDICAL services.~~

31 (2) ~~[Other emergency and civil defense] EMERGENCY MANAGEMENT,~~
32 ~~HOMELAND SECURITY, AND OTHER EMERGENCY services may be incorporated into~~
33 ~~the 9-1-1 system at the discretion of the county or counties served by the 9-1-1~~
34 ~~system.~~

1 (d) (1) The digits 9-1-1 are the primary emergency telephone number in the
2 9-1-1 system.

3 (2) A public safety agency whose services are available through the
4 9-1-1 system:

5 (i) may maintain a separate secondary backup telephone number
6 for emergency calls; and

7 (ii) shall maintain a separate telephone number for nonemergency
8 calls.

9 (e) Educational information that relates to emergency services made available
10 by the State or a county:

11 (1) shall designate the number 9-1-1 as the primary emergency
12 telephone number; and

13 (2) may include a separate secondary backup telephone number for
14 emergency calls.

15 (f) (1) Each public safety answering point shall notify the public safety
16 agencies in a county 9-1-1 system of calls for assistance in the county.

17 (2) Written guidelines shall be developed to govern the referral of calls
18 for assistance to the appropriate public safety agency.

19 (3) State, county, and local public safety agencies with concurrent
20 jurisdiction shall have written agreements to ensure a clear understanding of which
21 specific calls for assistance will be referred to which public safety agency.

22 (g) Counties, other units of local government, public safety agencies, and
23 public safety answering points may enter into cooperative agreements for the
24 allocation of maintenance, operational, and capital costs attributable to the 9-1-1
25 system.

26 1-305.

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

29 (b) (1) The Board consists of ~~13~~ 15 members.

30 (2) Of the ~~13~~ 15 members:

31 (i) one member shall represent a telephone company operating in
32 the State;

33 (ii) one member shall represent the wireless telephone industry in
34 the State;

1 (iii) one member shall represent the Maryland Institute for
2 Emergency Medical Services Systems;

3 (iv) one member shall represent the Department of State Police;

4 (v) one member shall represent the Public Service Commission;

5 (vi) one member shall represent the Association of Public-Safety
6 Communications Officials International, Inc.;

7 (vii) two members shall represent county fire services in the State,
8 with one member representing career fire services and one member representing
9 volunteer fire services;

10 (viii) one member shall represent police services in the State;

11 (ix) one member shall represent emergency management services in
12 the State;

13 (X) ONE MEMBER SHALL REPRESENT A COUNTY WITH A
14 POPULATION OF 200,000 OR MORE;

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

17 (XII) ONE MEMBER SHALL REPRESENT THE MARYLAND CHAPTER OF
18 THE NATIONAL EMERGENCY NUMBERS ASSOCIATION; and

19 [(x)] ~~(XI)~~ (XIII) [three] TWO members shall represent the public.

20 (3) The Governor shall appoint the members with the advice and consent
21 of the Senate.

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

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

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

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

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

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

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

1 (f) A member of the Board:

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

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

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

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

8 (2) STAFF TO HANDLE THE INCREASED DUTIES RELATED TO WIRELESS
9 ENHANCED 9-1-1 SERVICE.

10 1-306.

11 (a) The Board shall coordinate the enhancement of county 9-1-1 systems.

12 (b) The Board's responsibilities include:

13 (1) ~~establishing planning guidelines for enhanced 9-1-1 system plans~~
14 ~~AND DEPLOYMENT OF WIRELESS ENHANCED 9-1-1 SERVICE~~ in accordance with this
15 ~~subtitle} ESTABLISHING, WITH INPUT FROM LOCAL JURISDICTIONS, AND~~
16 ~~PUBLISHING, ON OR BEFORE JULY 1, 2004, AN IMPLEMENTATION PLAN FOR~~
17 ~~DEPLOYMENT OF PHASE II WIRELESS ENHANCED 9-1-1;~~

18 (2) establishing procedures to review and approve or disapprove county
19 plans and to evaluate requests for variations from the planning guidelines
20 established by the Board;

21 (3) establishing procedures for the request for reimbursement of the
22 costs of enhancing a 9-1-1 system by a county or counties in which a 9-1-1 system is
23 in operation, and procedures to review and approve or disapprove the request;

24 (4) transmitting the planning guidelines and procedures established
25 under this section, and any amendments to them, to the governing body of each
26 county;

27 (5) submitting to the Secretary each year a schedule for implementing
28 the enhancement of county or multicounty 9-1-1 systems, and an estimate of funding
29 requirements based on the approved county plans;

30 (6) DEVELOPING, WITH INPUT FROM COUNTIES, AND PUBLISHING ON
31 OR BEFORE JULY 1, 2004, AN IMPLEMENTATION SCHEDULE FOR DEPLOYMENT OF
32 WIRELESS ENHANCED 9-1-1 SERVICE;

33 (7) reviewing and approving or disapproving requests for reimbursement
34 of the costs of enhancing 9-1-1 systems, and submitting to the Secretary each year a
35 schedule for reimbursement and an estimate of funding requirements;

- 1 ~~(7)~~ (8) reviewing the enhancement of 9-1-1 systems;
- 2 ~~(8)~~ (9) providing for an audit of county expenditures for the operation
3 and maintenance of 9-1-1 systems;
- 4 ~~(9)~~ (10) ensuring inspections of public safety answering points;
- 5 ~~(10)~~ (11) reviewing and approving or disapproving requests from
6 counties with operational enhanced 9-1-1 systems to be exempted from the
7 expenditure limitations under § 1-312 of this subtitle; ~~and~~
- 8 ~~(11)~~ (12) authorizing expenditures from the 9-1-1 Trust Fund that:
- 9 (i) are for enhancements of 9-1-1 systems that:
- 10 1. are required by the Board;
- 11 2. will be provided to a county by a third party contractor;
12 and
- 13 3. will incur costs that the Board has approved before the
14 formation of a contract between the county and the contractor; and
- 15 (ii) are approved by the Board for payment:
- 16 1. from money collected under § 1-310 of this subtitle; and
- 17 2. directly to a third party contractor on behalf of a county;
18 ~~AND~~
- 19 ~~(12) REVIEWING AND APPROVING OR DISAPPROVING A REQUEST FROM A~~
20 ~~COUNTY, WITH AN OPERATIONAL PHASE II WIRELESS ENHANCED 9-1-1 SYSTEM, TO~~
21 ~~BE EXEMPT FROM EXPENDITURE LIMITS UNDER § 1-312(D) OF THIS SUBTITLE.~~
- 22 (c) The guidelines established by the Board under subsection (b)(1) of this
23 section:
- 24 (1) shall be based on available technology and equipment; and
- 25 (2) may be based on any other factor that the Board determines is
26 appropriate, including population and area served by 9-1-1 systems.
- 27 ~~(D) (1) ANNUALLY, THE BOARD MAY REQUIRE AN INDEPENDENT AUDIT OF~~
28 ~~THE REPORTED COLLECTIONS AND REMISSIONS OF FEES COLLECTED BY A~~
29 ~~TELEPHONE COMPANY OR 9-1-1 SERVICE CARRIER UNDER THIS SUBTITLE.~~
- 30 ~~(2) A TELEPHONE COMPANY OR 9-1-1 SERVICE CARRIER MAY:~~
- 31 ~~(A) REPORT AN AUDIT CONFIDENTIALLY TO THE BOARD; AND~~

1 (H) ATTEST TO THE ACCURACY OF REMISSIONS TO THE
2 ~~COMPTROLLER.~~

3 (3) IF A TELEPHONE COMPANY OR 9-1-1 SERVICE CARRIER REPORTS AN
4 AUDIT CONFIDENTIALLY TO THE BOARD, THE BOARD SHALL MAINTAIN THE
5 CONFIDENTIALITY OF THE AUDIT.

6 (E) BY DECEMBER 31, 2006, THE BOARD SHALL REVIEW THE DEPLOYMENT OF
7 PHASE II WIRELESS ENHANCED 9-1-1, INCLUDING THE COST OF DEPLOYMENT, TO
8 REEVALUATE THE 9-1-1 FEE STRUCTURE.

9 ~~1-307.~~

10 (a) The Board shall submit an annual report to the Governor, the Secretary,
11 and, subject to § 2-1246 of the State Government Article, the Legislative Policy
12 Committee.

13 (b) The report shall provide the following information for each county:

14 (1) the type of 9-1-1 system currently operating in the county;

15 (2) the total 9-1-1 fee and additional charge charged;

16 (3) the funding formula in effect;

17 (4) any statutory or regulatory violation by the county and the response
18 of the Board;

19 (5) any efforts to [establish an enhanced 9-1-1 system] IMPROVE
20 DELIVERY OF 9-1-1 SYSTEM SERVICES in the county; and

21 (6) any suggested changes to this subtitle.

22 1-308.

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

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

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

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

28 (3) fund the coordinator position AND STAFF TO HANDLE THE
29 INCREASED DUTIES RELATED TO WIRELESS ENHANCED 9-1-1 SERVICE under §
30 1-305 of this subtitle, AS AN ADMINISTRATIVE COST.

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

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

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

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

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

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

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

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

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

16 1-309.

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

19 (1) carry out the purposes of this subtitle;

20 (2) pay the administrative costs chargeable to the 9-1-1 Trust Fund; and

21 (3) reimburse counties for the cost of enhancing a 9-1-1 system.

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

25 (2) Each July 1, the Comptroller shall allocate sufficient money from the
26 9-1-1 fee to pay the costs of administering the 9-1-1 Trust Fund.

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

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

30 (ii) pay contractors in accordance with [§ 1-306(b)(11)] §
31 1-306(B)(12) of this subtitle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (f) (1) The Legislative Auditor shall conduct fiscal/compliance audits of the
6 9-1-1 Trust Fund and of the appropriations and disbursements made for purposes of
7 this subtitle.

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

10 1-310.

11 (a) Each subscriber to switched local exchange access service, ~~wireless~~
12 ~~telephone service, or other 9-1-1 accessible service~~ OR CMRS OR OTHER 9-1-1
13 ACCESSIBLE SERVICE shall pay a 9-1-1 fee.

14 (b) The 9-1-1 fee is [10] 25 cents per month, payable when the bill for THE
15 telephone SERVICE OR CMRS OR OTHER 9-1-1 ACCESSIBLE service is due.

16 (c) (1) The Public Service Commission shall direct each telephone company
17 to add the 9-1-1 fee to all current bills rendered for switched local exchange access
18 service in the State.

19 (2) Each telephone company:

20 (i) shall act as a collection agent for the 9-1-1 Trust Fund with
21 respect to the 9-1-1 fees;

22 (ii) shall remit all money collected to the Comptroller on a monthly
23 basis; and

24 (iii) is entitled to credit, against the money from the 9-1-1 fees to be
25 remitted to the Comptroller, an amount equal to 0.75% of the 9-1-1 fees to cover the
26 expenses of billing, collecting, and remitting the 9-1-1 fees and any additional
27 charges.

28 (3) The Comptroller shall deposit the money remitted in the 9-1-1 Trust
29 Fund.

30 (d) (1) Each 9-1-1 service carrier shall add the 9-1-1 fee to all current bills
31 rendered for ~~wireless telephone service~~ CMRS or other 9-1-1-accessible service in the
32 State.

33 (2) Each 9-1-1 service carrier:

34 (i) shall act as a collection agent for the 9-1-1 Trust Fund with
35 respect to the 9-1-1 fees;

1 (ii) shall remit all money collected to the Comptroller on a monthly
2 basis; and

3 (iii) is entitled to credit, against the money from the 9-1-1 fees to be
4 remitted to the Comptroller, an amount equal to 0.75% of the 9-1-1 fees to cover the
5 expenses of billing, collecting, and remitting the 9-1-1 fees and any additional
6 charges.

7 (3) The Comptroller shall deposit the money remitted in the 9-1-1 Trust
8 Fund.

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

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

15 (e) Notwithstanding any other provision of this subtitle, the 9-1-1 fee does
16 not apply to an intermediate service line used exclusively to connect a ~~wireless~~
17 ~~telephone service or other 9-1-1 accessible service~~ CMRS OR OTHER 9-1-1
18 ACCESSIBLE SERVICE, other than a switched local access service, to another
19 telephone system or switching device.

20 (f) ~~A cellular telephone company or personal communication company 9-1-1~~
21 ~~SERVICE CARRIER~~ CMRS PROVIDER that pays or collects 9-1-1 fees under this section
22 has the same immunity from liability for transmission failures as that approved by
23 the Public Service Commission for local exchange telephone companies that are
24 subject to regulation by the Commission under the Public Utility Companies Article.

25 1-311.

26 (a) In addition to the 9-1-1 fee, the governing body of each county, by
27 ordinance or resolution enacted or adopted after a public hearing, may impose an
28 additional charge to be added to all current bills rendered for switched local exchange
29 access service, ~~wireless telephone service, or other 9-1-1 accessible service~~ OR CMRS
30 OR OTHER 9-1-1 ACCESSIBLE SERVICE in the county.

31 (b) (1) The additional charge imposed by a county may not exceed [50] 75
32 cents per month per bill.

33 (2) The amount of the additional charges may not exceed a level
34 necessary to cover the total eligible maintenance and operation costs of the county.

35 (c) The additional charge continues in effect until repealed or modified by a
36 subsequent county ordinance or resolution.

37 (d) After imposing, repealing, or modifying an additional charge, the county
38 shall certify the amount of the additional charge to the Public Service Commission.

1 (e) The Public Service Commission shall direct each telephone company that
 2 provides service in a county that imposed an additional charge to add, within 60 days,
 3 the full amount of the additional charge to all current bills rendered for switched local
 4 exchange access service in the county.

5 (f) Within 60 days after a county enacts or adopts an ordinance or resolution
 6 that imposes, repeals, or modifies an additional charge, each 9-1-1 service carrier
 7 that provides service in the county shall add the full amount of the additional charge
 8 to all current bills rendered for ~~wireless telephone service or other 9-1-1 accessible~~
 9 ~~service~~ CMRS OR OTHER 9-1-1 ACCESSIBLE SERVICE in the county.

10 (g) (1) Each telephone company and each 9-1-1 service carrier shall:

11 (i) act as a collection agent for the 9-1-1 Trust Fund with respect
 12 to the additional charge imposed by each county;

13 (ii) collect the money from the additional charge on a county basis;
 14 and

15 (iii) remit all money collected to the Comptroller on a monthly basis.

16 (2) The Comptroller shall deposit the money remitted in the 9-1-1 Trust
 17 Fund account maintained for the county that imposed the additional charge.

18 1-312.

19 (a) During each county's fiscal year, the county may spend the amounts
 20 distributed to it from 9-1-1 fee collections for the installation, enhancement,
 21 maintenance, and operation of a county or multicounty 9-1-1 system.

22 (b) ~~Maintenance~~ SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS
 23 SECTION, MAINTENANCE and operation costs may include telephone company
 24 charges, equipment costs, equipment lease charges, repairs, utilities, personnel costs,
 25 and appropriate carryover costs from previous years.

26 (c) A DURING A YEAR IN WHICH A COUNTY RAISES ITS LOCAL ADDITIONAL
 27 CHARGE UNDER § 1-311 OF THIS SUBTITLE, THE COUNTY:

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

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

32 (D) The Board shall provide for an audit of each county's expenditures for the
 33 maintenance and operation of the county's 9-1-1 system.

34 (E) (1) FOR A COUNTY WITHOUT AN OPERATIONAL PHASE II WIRELESS
 35 ENHANCED 9-1-1 SYSTEM WITHIN THE TIME FRAMES ESTABLISHED BY THE BOARD

1 UNDER § 1-306(B)(6) OF THIS SUBTITLE, THE BOARD SHALL ADOPT PROCEDURES, TO
 2 TAKE EFFECT ON OR AFTER JANUARY 1, 2006, TO ASSURE THAT:

3 (I) THE MONEY COLLECTED FROM THE ADDITIONAL CHARGE AND
 4 DISTRIBUTED TO THE COUNTY ARE EXPENDED DURING THE COUNTY'S FISCAL YEAR
 5 AS FOLLOWS:

6 1. FOR A 9-1-1 SYSTEM IN A COUNTY OR A MULTICOUNTY
 7 AREA WITH A POPULATION OF 100,000 INDIVIDUALS OR LESS, A MAXIMUM OF 85%
 8 MAY BE SPENT FOR PERSONNEL COSTS; AND

9 2. FOR A 9-1-1 SYSTEM IN A COUNTY OR MULTICOUNTY
 10 AREA WITH A POPULATION OF OVER 100,000 INDIVIDUALS, A MAXIMUM OF 70% MAY
 11 BE SPENT FOR PERSONNEL COSTS; AND

12 (II) THE TOTAL AMOUNT COLLECTED FROM THE 9-1-1 FEE AND
 13 THE ADDITIONAL CHARGE SHALL BE EXPENDED ONLY FOR THE INSTALLATION,
 14 ENHANCEMENT, MAINTENANCE, AND OPERATION OF A COUNTY OR MULTICOUNTY
 15 SYSTEM.

16 (2) THE BOARD MAY GRANT AN EXCEPTION TO THE PROVISIONS OF
 17 PARAGRAPH (1) OF THIS SUBSECTION IN EXTENUATING CIRCUMSTANCES.

18 (3) A COUNTY WITH AN OPERATIONAL PHASE II WIRELESS ENHANCED
 19 9-1-1 SYSTEM IS EXEMPT FROM THE PROVISIONS OF PARAGRAPH (1) OF THIS
 20 SUBSECTION.

21 ~~(D) (1) FOR A COUNTY WITHOUT AN OPERATIONAL PHASE II WIRELESS~~
 22 ~~ENHANCED 9-1-1 SYSTEM WITHIN THE TIME FRAMES ESTABLISHED BY THE BOARD~~
 23 ~~UNDER § 1-306(B)(12) OF THIS SUBTITLE, THE BOARD SHALL ADOPT PROCEDURES, TO~~
 24 ~~TAKE EFFECT ON OR AFTER JANUARY 1, 2006, TO ASSURE THAT:~~

25 ~~(I) THE MONEY COLLECTED FROM THE ADDITIONAL CHARGE AND~~
 26 ~~DISTRIBUTED TO THE COUNTY ARE EXPENDED DURING THE COUNTY'S FISCAL YEAR~~
 27 ~~AS FOLLOWS:~~

28 ~~1. FOR A 9-1-1 SYSTEM IN A COUNTY OR A MULTICOUNTY~~
 29 ~~AREA WITH A POPULATION OF 100,000 INDIVIDUALS OR LESS, A MAXIMUM OF 85%~~
 30 ~~MAY BE SPENT FOR PERSONNEL COSTS; AND~~

31 ~~2. FOR A 9-1-1 SYSTEM IN A COUNTY OR MULTICOUNTY~~
 32 ~~AREA WITH A POPULATION OF OVER 100,000 INDIVIDUALS, A MAXIMUM OF 70% MAY~~
 33 ~~BE SPENT FOR PERSONNEL COSTS; AND~~

34 ~~(II) THE TOTAL AMOUNT COLLECTED FROM THE 9-1-1 FEE AND~~
 35 ~~THE ADDITIONAL CHARGE SHALL BE EXPENDED ONLY FOR THE INSTALLATION,~~
 36 ~~ENHANCEMENT, MAINTENANCE, AND OPERATION OF A COUNTY OR MULTICOUNTY~~
 37 ~~SYSTEM.~~

1 (2) ~~THE BOARD MAY GRANT AN EXCEPTION TO THE PROVISIONS OF~~
2 ~~PARAGRAPH (1) OF THIS SUBSECTION IN EXTENUATING CIRCUMSTANCES.~~

3 (3) ~~A COUNTY WITH AN OPERATIONAL PHASE II WIRELESS ENHANCED~~
4 ~~9-1-1 SYSTEM IS EXEMPT FROM THE PROVISIONS OF PARAGRAPH (1) OF THIS~~
5 ~~SUBSECTION.~~

6 ~~SECTION 2. AND BE IT FURTHER ENACTED, That if Chapter _____ (S.B.~~
7 ~~657/H.B. 935 "The Budget Reconciliation and Financing Act of 2003") of the Acts of~~
8 ~~the General Assembly of 2003 transfers monies from the 911 Trust Fund established~~
9 ~~under Article 41, § 18-105 of the Annotated Code of Maryland, the changes made to §~~
10 ~~1-310 of this Act are null and void without the necessity of further action by the~~
11 ~~General Assembly.~~

12 ~~SECTION 3. AND BE IT FURTHER ENACTED, That, for State operating~~
13 ~~budgets beginning with fiscal 2005, the Governor shall provide a plan for repayment~~
14 ~~to the 911 Trust Fund of any monies transferred from the 911 Trust Fund under~~
15 ~~budget reconciliation and financing legislation or by other means that would result in~~
16 ~~the use of the monies for a purpose other than the original intended use.~~

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

25 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the Emergency Number~~
26 ~~Systems Board shall investigate the availability of federal funds under Homeland~~
27 ~~Security measures and shall report to the General Assembly on or before December 1,~~
28 ~~2003, in accordance with § 2-1246 of the State Government Article, on the availability~~
29 ~~of such funds and on the procedures adopted to ensure proper and accurate collections~~
30 ~~and accounting of the 9-1-1 fees and additional charges authorized under State law.~~
31 ~~The report shall detail measures in place to address variances in remittances by~~
32 ~~telephone companies and CMRS providers, the effects of audit capabilities provided~~
33 ~~under this Act, and shall make recommendations with regard to the fair and effective~~
34 ~~administration of the 9-1-1 fees and charges authorized under State law.~~

35 ~~SECTION 4. AND BE IT FURTHER ENACTED, That, if Chapter _____ (S.B.~~
36 ~~657/H.B. 935 the "Budget Reconciliation and Financing Act of 2003") of the Acts of the~~
37 ~~General Assembly of 2003 transfers monies from the 9-1-1 Trust Fund originally~~
38 ~~established under Article 41, § 18-105 of the Annotated Code of Maryland, the changes~~
39 ~~made to § 1-310 of the Public Safety Article, as amended by Section 1 of this Act, are~~
40 ~~null and void without the necessity of further action by the General Assembly.~~

41 ~~SECTION 5. AND BE IT FURTHER ENACTED, That, for State operating~~
42 ~~budgets beginning with fiscal 2005, the Governor shall provide a plan for repayment to~~

1 the 9-1-1 Trust Fund any monies transferred from the 9-1-1 Trust Fund under
2 budget reconciliation and financing legislation or by other means that would result in
3 the use of the monies for a purpose other than the original intended use.

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

9 SECTION ~~2.~~ 4. ~~7.~~ AND BE IT FURTHER ENACTED, That this Act shall take
10 effect October 1, 2003.