

SENATE BILL 549

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2003 Regular Session
3r1588
CF 3r1557

By: **Senators Teitelbaum, Astle, Gladden, and Hafer**
Introduced and read first time: January 31, 2003
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted with floor amendments
Read second time: March 14, 2003

CHAPTER _____

1 AN ACT concerning

2 **Public Safety - 9-1-1 Emergency Telephone Service**

3 FOR the purpose of altering the types of services which must be available through a
4 9-1-1 system; altering the types of services which may be available through a
5 9-1-1 system at a county's discretion; altering the membership of the
6 Emergency Number Systems Board; requiring the Board to establish and
7 publish a certain plan for the deployment of certain wireless enhanced 9-1-1
8 services by a certain date; requiring the Board to review and approve or
9 disapprove a certain request from a certain county for a certain exemption;
10 authorizing the Board to require a certain audit; authorizing a certain telephone
11 company or 9-1-1 service carrier to report certain information confidentially;
12 requiring the Board to conduct a certain review; increasing a certain fee for
13 9-1-1 telephone service; increasing a certain additional charge a county may
14 impose; requiring the Board to establish certain procedures to take effect on or
15 after a certain date regarding the use of certain money by certain counties;
16 making certain provisions of this Act subject to a certain contingency; requiring
17 the Governor to provide a certain plan for repayment to the 911 Trust Fund;
18 defining a certain term; altering a certain definition; and generally relating to
19 9-1-1 telephone services.

20 BY repealing and reenacting, with amendments,
21 Article - Public Safety
22 Section 1-301, 1-304, 1-305(b), 1-306, 1-307, and 1-310 through 1-312
23 Annotated Code of Maryland
24 (As enacted by Chapter _____(S.B. 1) of the Acts of the General Assembly of
25 2003)

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

3 **Article - Public Safety**

4 1-301.

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

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

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

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

12 (e) "Enhanced 9-1-1 system" means a 9-1-1 system that provides:

13 (1) automatic number identification;

14 (2) automatic location identification; and

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

16 (f) "9-1-1-accessible service" means telephone service or another
17 communications service that connects an individual dialing the digits 9-1-1 to an
18 established public safety answering point.

19 (g) "9-1-1 fee" means the fee imposed in accordance with § 1-310 of this
20 subtitle.

21 (h) (1) "9-1-1 service carrier" means a provider of wireless telephone service
22 or other 9-1-1-accessible service.

23 (2) "9-1-1 service carrier" does not include a telephone company.

24 (i) (1) "9-1-1 system" means telephone service that:

25 (i) meets the planning guidelines established under this subtitle;
26 and

27 (ii) automatically connects an individual dialing the digits 9-1-1 to
28 an established public safety answering point.

29 (2) "9-1-1 system" includes:

30 (i) equipment for connecting and outswitching 9-1-1 calls within a
31 telephone central office;

1 (ii) trunking facilities from a telephone central office to a public
2 safety answering point; and

3 (iii) equipment to connect 9-1-1 calls to the appropriate public
4 safety agency.

5 (j) "9-1-1 Trust Fund" means the Fund established under § 1-308 of this
6 subtitle.

7 (k) "PHASE II WIRELESS ENHANCED 9-1-1" MEANS A SYSTEM IN WHICH
8 AUTOMATIC NUMBER AND LOCATION INFORMATION IS DELIVERED AUTOMATICALLY
9 TO THE PUBLIC SAFETY ANSWERING POINT WORKSTATION FOR A TELEPHONE CALL
10 PLACED USING A WIRELESS SERVICE.

11 (L) "Public safety agency" means:

12 (1) a functional division of a public agency that provides fire fighting,
13 police, medical, or other emergency services; or

14 (2) a private entity that provides fire fighting, police, medical, or other
15 emergency services on a voluntary basis.

16 [(l)] (M) "Public safety answering point" means a communications facility
17 that:

18 (1) is operated on a 24-hour basis;

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

20 (3) as appropriate, dispatches public safety services directly, or transfers
21 9-1-1 calls to appropriate public safety agencies.

22 [(m)] (N) "Secretary" means the Secretary of Public Safety and Correctional
23 Services.

24 [(n)] (O) (1) "Wireless telephone service" means public telephone service
25 that:

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

27 (ii) is transmitted independently of switched local exchange access
28 telephone service; and

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

31 (2) "Wireless telephone service" includes:

32 (i) [cellular telephone service (cellular)] COMMERCIAL MOBILE
33 RADIO SERVICE (CMRS);

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

2 (iii) specialized mobile radio (SMR).

3 (3) "Wireless telephone service" does not include service that cannot
4 connect an individual dialing the digits 9-1-1 to an established public safety
5 answering point.

6 1-304.

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

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

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

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

18 (d) (1) The digits 9-1-1 are the primary emergency telephone number in the
19 9-1-1 system.

20 (2) A public safety agency whose services are available through the
21 9-1-1 system:

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

24 (ii) shall maintain a separate telephone number for nonemergency
25 calls.

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

28 (1) shall designate the number 9-1-1 as the primary emergency
29 telephone number; and

30 (2) may include a separate secondary backup telephone number for
31 emergency calls.

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

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

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

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

8 1-305.

9 (b) (1) The Board consists of 13 members.

10 (2) Of the 13 members:

11 (i) one member shall represent a telephone company operating in
12 the State;

13 (ii) one member shall represent the wireless telephone industry in
14 the State;

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

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

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

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

21 (vii) two members shall represent county fire services in the State,
22 with one member representing career fire services and one member representing
23 volunteer fire services;

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

25 (ix) one member shall represent emergency management services in
26 the State;

27 (X) ONE MEMBER SHALL REPRESENT THE MARYLAND CHAPTER OF
28 THE NATIONAL EMERGENCY NUMBERS ASSOCIATION; and

29 [(x)] (XI) [three] TWO members shall represent the public.

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

32 1-306.

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

1 (b) The Board's responsibilities include:

2 (1) [establishing planning guidelines for enhanced 9-1-1 system plans
3 in accordance with this subtitle] ESTABLISHING, WITH INPUT FROM LOCAL
4 JURISDICTIONS, AND PUBLISHING, ON OR BEFORE JULY 1, 2004, AN
5 IMPLEMENTATION PLAN FOR DEPLOYMENT OF PHASE II WIRELESS ENHANCED
6 9-1-1;

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

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

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

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

19 (6) reviewing and approving or disapproving requests for reimbursement
20 of the costs of enhancing 9-1-1 systems, and submitting to the Secretary each year a
21 schedule for reimbursement and an estimate of funding requirements;

22 (7) reviewing the enhancement of 9-1-1 systems;

23 (8) providing for an audit of county expenditures for the operation and
24 maintenance of 9-1-1 systems;

25 (9) ensuring inspections of public safety answering points;

26 (10) reviewing and approving or disapproving requests from counties with
27 operational enhanced 9-1-1 systems to be exempted from the expenditure limitations
28 under § 1-312 of this subtitle; [and]

29 (11) authorizing expenditures from the 9-1-1 Trust Fund that:

30 (i) are for enhancements of 9-1-1 systems that:

31 1. are required by the Board;

32 2. will be provided to a county by a third party contractor;

33 and

34 3. will incur costs that the Board has approved before the
35 formation of a contract between the county and the contractor; and

- 1 (ii) are approved by the Board for payment:
- 2 1. from money collected under § 1-310 of this subtitle; and
- 3 2. directly to a third party contractor on behalf of a county;
- 4 AND

5 (12) REVIEWING AND APPROVING OR DISAPPROVING A REQUEST FROM A
6 COUNTY, WITH AN OPERATIONAL PHASE II WIRELESS ENHANCED 9-1-1 SYSTEM, TO
7 BE EXEMPT FROM EXPENDITURE LIMITS UNDER § 1-312(D) OF THIS SUBTITLE.

8 (c) The guidelines established by the Board under subsection (b)(1) of this
9 section:

10 (1) shall be based on available technology and equipment; and

11 (2) may be based on any other factor that the Board determines is
12 appropriate, including population and area served by 9-1-1 systems.

13 (D) (1) ANNUALLY, THE BOARD MAY REQUIRE AN INDEPENDENT AUDIT OF
14 THE REPORTED COLLECTIONS AND REMISSIONS OF FEES COLLECTED BY A
15 TELEPHONE COMPANY OR 9-1-1 SERVICE CARRIER UNDER THIS SUBTITLE.

16 (2) A TELEPHONE COMPANY OR 9-1-1 SERVICE CARRIER MAY:

17 (I) REPORT AN AUDIT CONFIDENTIALLY TO THE BOARD; AND

18 (II) ATTEST TO THE ACCURACY OF REMISSIONS TO THE
19 COMPTROLLER.

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

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

26 1-307.

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

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

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

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

33 (3) the funding formula in effect;

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

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

5 (6) any suggested changes to this subtitle.

6 1-310.

7 (a) Each subscriber to switched local exchange access service, wireless
8 telephone service, or other 9-1-1-accessible service shall pay a 9-1-1 fee.

9 (b) The 9-1-1 fee is [10] 25 cents per month, payable when the bill for
10 telephone service is due.

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

14 (2) Each telephone company:

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

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

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

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

25 (d) (1) Each 9-1-1 service carrier shall add the 9-1-1 fee to all current bills
26 rendered for wireless telephone service or other 9-1-1-accessible service in the State.

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

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

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

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

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

3 (e) Notwithstanding any other provision of this subtitle, the 9-1-1 fee does
4 not apply to an intermediate service line used exclusively to connect a wireless
5 telephone service or other 9-1-1-accessible service, other than a switched local access
6 service, to another telephone system or switching device.

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

12 1-311.

13 (a) In addition to the 9-1-1 fee, the governing body of each county, by
14 ordinance or resolution enacted or adopted after a public hearing, may impose an
15 additional charge to be added to all current bills rendered for switched local exchange
16 access service, wireless telephone service, or other 9-1-1-accessible service in the
17 county.

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

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

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

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

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

30 (f) Within 60 days after a county enacts or adopts an ordinance or resolution
31 that imposes, repeals, or modifies an additional charge, each 9-1-1 service carrier
32 that provides service in the county shall add the full amount of the additional charge
33 to all current bills rendered for wireless telephone service or other 9-1-1-accessible
34 service in the county.

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

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

1 (ii) collect the money from the additional charge on a county basis;
2 and

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

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

6 1-312.

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

10 (b) Maintenance and operation costs may include telephone company charges,
11 equipment costs, equipment lease charges, repairs, utilities, personnel costs, and
12 appropriate carryover costs from previous years.

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

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

19 (I) THE MONEY COLLECTED FROM THE ADDITIONAL CHARGE AND
20 DISTRIBUTED TO THE COUNTY ARE EXPENDED DURING THE COUNTY'S FISCAL YEAR
21 AS FOLLOWS:

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

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

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

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

34 (3) A COUNTY WITH AN OPERATIONAL PHASE II WIRELESS ENHANCED
35 9-1-1 SYSTEM IS EXEMPT FROM THE PROVISIONS OF PARAGRAPH (1) OF THIS
36 SUBSECTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That if Chapter ____ (S.B.
2 657/H.B. 935 "The Budget Reconciliation and Financing Act of 2003") of the Acts of
3 the General Assembly of 2003 transfers monies from the 911 Trust Fund established
4 under Article 41, § 18-105 of the Annotated Code of Maryland, the changes made to §
5 1-310 of this Act are null and void without the necessity of further action by the
6 General Assembly.

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

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