

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 686
Finance

(Senator Kagan)

Public Safety - 9-1-1 Emergency Telephone System - Information Sharing (Carl Henn's Law)

This bill expands the purpose of the 9-1-1 Emergency Telephone System and the responsibilities of the Emergency Number Systems Board (ENSB) to require the board to review data collected from a telephone company or a 9-1-1 service carrier in "P.01 reports." The board's annual report to the Governor, the Secretary of Public Safety and Correctional Services, and the Legislative Policy Committee must include, for each county, a general summary of findings from a review of the P.01 reports submitted quarterly, excluding any sensitive information that may compromise the 9-1-1 system.

The bill takes effect June 1, 2016.

Fiscal Summary

State Effect: The bill's requirements can be handled by the Department of Public Safety and Correctional Services (DPSCS) with existing budgeted resources. It is assumed that the Public Service Commission (PSC) can also implement the bill with existing resources. Revenues are not affected.

Local Effect: Potential increase in county expenditures resulting from the bill's reporting requirements. In addition, to the extent DPSCS identifies the need for additional 9-1-1 lines as a result of the bill, county expenditures may increase for additional staff. Local revenues are not directly affected.

Small Business Effect: None.

Analysis

Bill Summary: A “P.01 report” means a report that a telephone company or a 9-1-1 service carrier generates to (1) analyze data collected from a public safety answering point during specified time periods and (2) determine whether or not the grade of service level in each time period met a standard of having not more than one incoming call to each public safety answering point out of 100 attempts be blocked during the average busy hour.

The board must direct a county to require a telephone company or a 9-1-1 service carrier to compile data from calls placed to each public safety answering point during the weeks starting on January 1, April 1, July 1, and October 1. A county may select a different week within a quarterly reporting period to better reflect the capacity of county public safety answering points.

A telephone company or a 9-1-1 service carrier must provide a copy of a P.01 report to:

- a public safety answering point;
- the Mayor of Baltimore City or a county executive or, for a county that does not have a county executive, the president of the board of county commissioners or county council or other chief executive officer of the county;
- the board; and
- PSC.

A P.01 report is not subject to disclosure under the Public Information Act. The board or PSC may only discuss sensitive information from a P.01 report that may compromise the 9-1-1 system in closed session or executive session.

Current Law:

9-1-1 Emergency Telephone System: The purpose of the 9-1-1 emergency telephone system is to (1) establish the three digit number, 9-1-1, as the primary emergency telephone number for the State and (2) provide for the orderly installation, maintenance, and operation of 9-1-1 systems in the State.

ENSB, within DPSCS, must coordinate the enhancement of county 9-1-1 systems. The board is responsible for:

- establishing planning guidelines for enhanced 9-1-1 system plans and deployment of wireless enhanced 9-1-1 service;

- establishing procedures to review and approve or disapprove county plans and to evaluate requests for variations from the planning guidelines established by the board;
- establishing procedures for the request for reimbursement of the costs of enhancing a 9-1-1 system by a county or counties in which a 9-1-1 system is in operation, and procedures to review and approve or disapprove the request;
- transmitting the established planning guidelines and procedures, and any amendments to them, to the governing body of each county;
- annually submitting to the Secretary of Public Safety and Correctional Services a schedule for implementing the enhancement of county or multicounty 9-1-1 systems, and an estimate of funding requirements based on the approved county plans;
- 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;
- reviewing and approving or disapproving requests for reimbursement of the costs of enhancing 9-1-1 systems, and submitting to the Secretary of Public Safety and Correctional Services each year a schedule for reimbursement and an estimate of funding requirements;
- reviewing the enhancement of 9-1-1 systems;
- providing for an audit of county expenditures for the operation and maintenance of 9-1-1 systems;
- ensuring inspections of public safety answering points;
- reviewing and approving or disapproving requests from counties with operational enhanced 9-1-1 systems to be exempted from specified expenditure limitations;
- authorizing expenditures from the 9-1-1 Trust Fund that (1) are for enhancements of 9-1-1 systems that are required by the board, will be provided to a county by a third-party contractor, and will incur costs that the board has approved before the formation of a contract between the county and the contractor and (2) are approved by the board for payment directly to a third-party contractor from money collected; and
- establishing planning guidelines for next-generation 9-1-1 services system plans and deployment of next-generation 9-1-1 services.

The guidelines established by the board must be based on available technology and equipment and may be based on any other factor that the board determines is appropriate, including population and area served by 9-1-1 systems.

The board must submit an annual report to the Governor, the Secretary, and the Legislative Policy Committee. The report must provide, for each county:

- the type of 9-1-1 system currently operating in the county;
- the total 9-1-1 fee and additional charge charged;
- the funding formula in effect;
- any statutory or regulatory violation by the county and the response of the board;
- any efforts to establish an enhanced 9-1-1 system in the county; and
- suggested changes to State law.

Access to Public Records: Each governmental unit that maintains public records must identify a representative who a member of the public may contact to request a public record. The Office of the Attorney General (OAG) must post all such contact information on its website and in any Public Information Act manual published by OAG.

A custodian of a public record must designate types of public records that are to be made available to any applicant immediately on request and must maintain a current list of the types of public records that have been so designated.

Generally, a custodian of a public record must permit inspection of the record at a reasonable time.

A custodian has to deny inspection of a public record or any part of a public record if (1) the public record is privileged or confidential by law or (2) the inspection would be contrary to a State statute, a federal statute or regulation, the Maryland Rules, or an order of a court of record. Denial of inspection is also mandatory for public records relating to adoption, welfare records, letters of reference, specified information about an individual maintained by a library, retirement records, certain police records, criminal charging documents, arrest warrants, personnel records, certain hospital and school records, records of certain State agencies, certain recorded and surveillance images, and captured plate data collected by automatic license plate reader systems. Denial of inspection is required for information in a public record relating to certain medical, psychological, sociological, and financial information; trade secrets; certain personal information about public employees; information about the security of an information system; and licensing records.

Unless otherwise specified, if a custodian believes that inspection of a part of a public record by an applicant would be contrary to the public interest, the custodian may deny inspection to the applicant of that part of the record. Permissible denials include information relating to documents that would not be available through discovery in a lawsuit, certain information about publicly administered tests, research projects conducted by an institution of the State or a political subdivision, real estate appraisals of property to

be acquired by the State prior to its acquisition, certain information on inventions owned by State public higher educational institutions, and trade secrets or confidential information owned by the Maryland Technology Development Corporation.

The Office of the Public Access Ombudsman reviews and resolves disputes between applicants and custodians over requests for public records, including disputes over (1) the custodian's application of an exemption; (2) redactions of information in the public record; (3) the custodian's failure to timely produce a public record or to disclose all records relevant to the request; (4) overly broad requests for public records; (5) the amount of time a custodian needs, given available staff and resources, to produce public records; (6) requests for or denials of fee waivers; and (7) repetitive or redundant applicant requests.

Background: DPSCS reports that Maryland has 24 Public Safety Answer Points (PSAPs) and that Verizon is the current provider of 9-1-1 service to all State PSAPs.

P.01 Grade of Service is defined in the National Emergency Number Association's *Standard 03-506: E9-1-1 Voice Circuit Requirements, Providing a P.01 Grade of Service Technical Information Document* as how many voice circuits are required to ensure that no more than one 9-1-1 call out of 100 attempts made during the average busy hour will exceed the capacity of the trunk group and result in blockage (busy signal). In Maryland, this is measured from the Verizon Selective Router to the PSAP.

By regulation, each PSAP must have a sufficient number of call takers and equipment to consistently answer incoming 9-1-1 calls on a daily average of 10 seconds or less.

Carl Henn was a Rockville resident who was struck by lightning at King Farm Park in 2010. Witnesses were unable to reach 9-1-1 due to busy signals.

Local Fiscal Effect: County expenditures may increase as a result of the bill's reporting requirements. Verizon currently performs P.01 Grade of Service studies on an annual basis. The bill requires Verizon to increase the number of studies from 24 to 96 per year. Any increase in costs to Verizon may result in a tariff filing to PSC to increase the monthly cost to each county for 9-1-1 service.

In addition, the information provided under the bill could lead to additional requirements for county 9-1-1 operations, although this is an indirect impact. DPSCS advises that if a P.01 Grade of Service study suggests that a county needs to add 9-1-1 trunks (telephone voice circuits) to meet the P.01 standard, it results in more callers being able to reach the PSAP. Counties may wish to "choke" calls from the selective router to the PSAP to provide parity for 9-1-1 calls coming from various sources (wireline, wireless/cell phone, and Voice over Internet Protocol) so that no one incident, such as a major vehicle accident, overwhelms a PSAP and allows callers for other emergencies to reach the PSAP. Adding

additional 9-1-1 trunks may negate the ability to choke calls and push a county PSAP above a 10-second call answering average, but it requires additional PSAP staffing to answer 9-1-1 calls. County expenditures may increase to the extent increased staffing is necessary.

If the board finds that a county is in need of additional 9-1-1 trunks, and a county does not comply, the board (by majority vote of the members present at a public ENSB meeting) must withhold 9-1-1 funds from the county until the county complies.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City, Harford and Montgomery counties, Maryland Association of Counties, Maryland Emergency Medical Services Systems, Department of Public Safety and Correctional Services, Department of Legislative Services

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