

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 749

(Senators Kagan and Reilly)

Judicial Proceedings

Public Safety - 3-1-1 Systems - Nonemergency Information

This bill establishes a statewide 3-1-1 nonemergency telephone system under the Maryland Department of Emergency Management (MDEM). The stated purpose of the bill is to establish 3-1-1 as the primary information and referral telephone number for nonemergency government services, resources, and information. County governments (including Baltimore City) must either join the statewide 3-1-1 system or establish and administer their own systems. The bill establishes the Maryland 3-1-1 Board within MDEM and requirements that statewide and county 3-1-1 systems must meet. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: General fund expenditures increase by \$2.2 million in FY 2023 to establish and staff the Maryland 3-1-1 Board. General fund expenditures increase by \$12.5 million in FY 2024, which includes one-time costs to purchase equipment and establish the statewide 3-1-1 system. General fund expenditures increase by \$6.2 million in FY 2025, which includes staff to operate the statewide 3-1-1 system. Future years are annualized and reflect inflation and ongoing costs. Reimbursable revenues and expenditures increase by \$500,000 annually beginning in FY 2023 for the Department of Information Technology (DoIT) to provide services to MDEM to support the statewide 3-1-1 system.

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
ReimB. Rev.	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
GF Expenditure	\$2,207,000	\$12,458,900	\$6,168,400	\$7,428,000	\$7,489,600
ReimB. Exp.	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
Net Effect	(\$2,207,000)	(\$12,458,900)	(\$6,168,400)	(\$7,428,000)	(\$7,489,600)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local government operations and finances may be affected, as discussed below. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Bill Summary:

Definitions

“Knowledge manager” means an employee of a statewide or county 3-1-1 system that provides support by (1) verifying and processing information for distribution by a 3-1-1 system; (2) establishing channels for the receipt of information from counties to a 3-1-1 system; and (3) identifying information to be used by a 3-1-1 system.

“3-1-1” means the abbreviated dialing code assigned by the Federal Communications Commission (FCC) for consumer access to nonemergency police and other government services.

“3-1-1- nonemergency government answering point” means a communications facility that (1) operates a 3-1-1 system; (2) first receives 3-1-1 requests for information about nonemergency government services, resources, and information; and (3) as appropriate, directly provides nonemergency information about government services, resources, and information; transmits questions and concerns to be resolved by State or local agencies, programs, or departments; or transfers requests for emergency services or transmits incident data to an appropriate entity, as specified.

“3-1-1 specialist” means an employee of a 3-1-1 nonemergency government answering point whose duties and responsibilities include (1) receiving and processing 3-1-1 requests for nonemergency government services, resources, and information; (2) other support functions directly related to 3-1-1 requests for nonemergency services, resources, and information; (3) transmitting questions and concerns to appropriate State or local agencies, programs, or departments; or (4) transferring requests for emergency services or transmitting incident data.

“3-1-1 system” means a telephone system that meets the requirements established under the bill and automatically connects an individual dialing the digits 3-1-1 to an established 3-1-1 nonemergency government answering point.

Maryland 3-1-1 Board – Established

The bill establishes the Maryland 3-1-1 Board within MDEM; the board is structured similarly to the Maryland 9-1-1 Board already established under current law. The bill (1) provides for the board's membership, the term of a member, and how to fill vacancies on the board and (2) establishes specified criteria for making board meetings open and accessible to the public. Board members may not receive compensation but are entitled to reimbursement for expenses, as specified. MDEM must provide staff to the board, including a coordinator who is responsible for the daily operation of the board's office.

Maryland 3-1-1 Board – Responsibilities

The board must coordinate the establishment and enhancement of statewide and county 3-1-1 systems with MDEM. The board's responsibilities include:

- establishing requirements, procedures, and standards for the statewide 3-1-1 system and county 3-1-1 systems;
- establishing procedures to review statewide and county 3-1-1 systems;
- transmitting the requirements and procedures established under the bill (and any amendments) to each county 3-1-1 system;
- transferring any necessary components of a county 3-1-1 system to the statewide 3-1-1 system if the governing body of a county elects to receive statewide 3-1-1 services;
- submitting to the Secretary of Emergency Management each year a schedule for implementing the bill's provisions and an estimate of funding requirements for the statewide 3-1-1 system;
- establishing, with input from county 3-1-1 systems, guidelines to make necessary improvements to the statewide and county 3-1-1 systems;
- providing for the audit of State and county expenditures for the operation and maintenance of statewide and county 3-1-1 systems;
- inspecting statewide and county 3-1-1 nonemergency government answering points;
- adopting procedures and safeguards to ensure that sensitive information submitted by an individual dialing the digits 3-1-1 to a statewide or county 3-1-1 nonemergency government answering point is maintained confidentially;
- establishing minimum standards for records retention for 3-1-1 audio, pictures, video, text messages, and data in statewide and county 3-1-1 systems;
- establishing training standards for personnel at statewide and county 3-1-1 nonemergency government answering points, as specified;
- establishing minimum standards for cybersecurity and cybersecurity training for statewide and county 3-1-1 systems, in consultation with DoIT;

- establishing minimum standards for oversight and accountability for statewide and county 3-1-1 systems; and
- supporting specified statewide 3-1-1 specialist recruitment activities.

Maryland 3-1-1 Board – Requirements and Standards

The requirements established by the board must be based on available technology and equipment. The standards established by the board must include procedures for (1) the security of records; (2) the establishment and revision of record retention and disposal schedules to ensure the prompt and orderly disposition of records, including electronic records, that are no longer needed for operation; and (3) the maintenance of inventories of records series that are accurate and complete.

The standards established by the board must include onboarding standards for newly hired 3-1-1 specialists and minimum continuing education standards for 3-1-1 specialists. At least once each year, the board must provide for an audit of each statewide and county 3-1-1 nonemergency government answering point in order to ensure that 3-1-1 specialists and other personnel have satisfied specified training requirements. The audit may be conducted concurrently with an inspection of the 3-1-1 nonemergency government answering point.

The board must establish standards governing the processing of 3-1-1 requests for assistance that (1) minimize the transfer of those requests from the 3-1-1 nonemergency government answering point that received the request to other State or local agencies, programs, or departments within or outside the State and (2) follow best practices for transferring requests to ensure the optimal response.

By July 1, 2023, the board must (1) establish a website that provides information about the statewide and county 3-1-1 systems and a portal for submitting questions about the 3-1-1 system; (2) designate a county liaison to coordinate with all counties to ensure the statewide 3-1-1 system is operating effectively; (3) institute proper hiring and training standards for 3-1-1 specialists and knowledge managers in the statewide 3-1-1 system; and (4) communicate with the State’s representatives in the U.S. Congress to request federal funding to support the statewide 3-1-1 system.

By July 1, 2024, the board must:

- obtain the technology infrastructure necessary to support the statewide 3-1-1 system;

- establish the digits 3-1-1 as the primary telephone number that can be dialed by an individual to access a statewide or county 3-1-1 system based on the location of the individual;
- develop operating procedures for the statewide 3-1-1 system to coordinate calls among the 2-1-1, 9-1-1, and 9-8-8 abbreviated dialing codes;
- develop written agreements to ensure a clear understanding of which specific requests for 3-1-1 nonemergency government information will be referred to each entity;
- in consultation with the Maryland Cybersecurity Council (MCC), establish and maintain cybersecurity standards for the statewide 3-1-1 system based on national industry best practices;
- establish a system for gathering and maintaining current information to be provided to the public by the statewide 3-1-1 system; and
- conduct a statewide marking campaign to educate the public about the (1) statewide 3-1-1 system and (2) differences among the 2-1-1, 3-1-1, 9-1-1, and 9-8-8 abbreviated dialing codes.

Statewide 3-1-1 System – Established

By July 1, 2025, the statewide 3-1-1 system must be fully operational.

The statewide 3-1-1 system must comply with all applicable requirements, standards, and procedures established by the board. MDEM must provide all technology, equipment, and facilities for the statewide 3-1-1 system. DoIT must provide technical assistance to MDEM to aid in compliance with the bill, and the board and MDEM must coordinate with all counties to effectively carry out the duties specified by the bill.

There is a statewide 3-1-1 nonemergency government answering point at the Maryland Joint Operations Center (MJOC). A statewide 3-1-1 nonemergency government answering point may be located at a public safety answering point (PSAP).

MDEM is responsible for all costs and expenses associated with establishing, maintaining, and operating the statewide 3-1-1 system. The Secretary of Emergency Management may apply for, receive, and spend State and federal funds to carry out the powers and duties specified by the bill. MDEM is also responsible for any fees associated with an individual dialing the digits 3-1-1 to an established 3-1-1 nonemergency government answering point.

County 3-1-1 Systems

By July 1, 2023, the governing body of each county must (1) enter into an agreement with MDEM to join the statewide 3-1-1 system or (2) notify MDEM that the county will be

establishing and administering a county 3-1-1 system, as specified. A county that elects to establish and administer a county 3-1-1 system as an alternative to the statewide 3-1-1 system must have the county 3-1-1 system fully operational by July 1, 2025.

The governing body of a county may establish a county 3-1-1 system. A county 3-1-1 system must comply with all applicable requirements, standards, and procedures established by the board, as specified under the bill. If a county 3-1-1 system violates this requirement, MDEM may (1) issue a warning and (2) if after a warning has been issued and the same violation occurs or the identified violation has not been corrected within a timely manner, assume control of the county 3-1-1 system and integrate the county 3-1-1 system into the statewide 3-1-1 system.

A county that establishes and administers a fully operational county 3-1-1 system in accordance with the bill is responsible for (1) the proper training and hiring of 3-1-1 specialists and staff for the county 3-1-1 system; (2) providing the proper technology, equipment, and facilities for the county 3-1-1 system; and (3) all costs and expenses associated with establishing, maintaining, and operating a county 3-1-1 system. A county may establish a knowledge manager position to provide support for the county 3-1-1 system. A knowledge manager for a county 3-1-1 system must comply with applicable requirements, procedures, and standards established by the board.

The bill's provisions regarding county 3-1-1 systems do not preclude a county from establishing more stringent requirements for a county 3-1-1 system than those established by the board. A governing body of a county may elect to join the statewide 3-1-1 system at any time, and a governing body of a county that elects to join the statewide 3-1-1 system must discontinue the county 3-1-1 system.

The board may remove a county from the statewide 3-1-1 system if the governing body of a county requests to leave, as specified. If a county is removed from the statewide 3-1-1 system, the governing body of the county must establish a county 3-1-1 system.

Protocols and Services

Statewide and county 3-1-1 systems must use standards-based protocols for (1) the processing of 3-1-1 requests for nonemergency government services, resources, and information and (2) immediately transferring emergency requests for assistance to a PSAP. MDEM must ensure that State and local 3-1-1 specialists have proper training related to 3-1-1 requests for assistance for which the 3-1-1 specialist is responsible for receiving and processing.

MDEM may establish a telecommunicator response team to respond to, relieve, assist, or augment a statewide 3-1-1 nonemergency government answering point when a statewide

3-1-1 nonemergency government answering point is affected by natural or human-made disasters.

MDEM must provide opportunities for (1) 3-1-1 specialists to receive training and experience to become 9-1-1 specialists and (2) 9-1-1 specialists with extensive experience to provide training and mentoring to 3-1-1 specialists.

Services available through the statewide and county 3-1-1 systems must include (1) information about nonemergency government services, resources, and information; (2) immediate transferring of emergency calls to a PSAP under the 9-1-1 emergency telephone system; and (3) information about public health emergencies, animal control services, trash and recycling services, access for individuals with hearing or speech disabilities, and any other information or resources determined by the board and MDEM.

Statewide and county 3-1-1 nonemergency government answering points must notify the appropriate State or local agencies, programs, or departments of a request for services, resources, or other information. Written guidelines must be developed by the board to govern the referral of requests for nonemergency services, resources, and information to the appropriate State or local agencies, programs, or departments. State or local agencies, programs, and departments with concurrent jurisdiction must have written agreements to ensure a clear understanding of which specific requests for nonemergency services, resources, or other information will be referred to which agency, program, or department.

Reporting Requirements

By July 1, 2023, and annually thereafter, MDEM must submit a report on the implementation of the statewide 3-1-1 system to the Governor, the Senate Budget and Taxation Committee, and the House Appropriations Committee. The report must include (1) an analysis of the effectiveness of the statewide and county 3-1-1 systems; (2) an analysis of any challenges to the implementation of the bill and any recommended solutions; (3) any suggested statutory changes; and (4) any other information considered necessary by MDEM.

Current Law: According to FCC, the telephone number 3-1-1 is assigned nationwide for nonemergency police and other government services.

Maryland Department of Emergency Management

Chapters 287 and 288 of 2021 established MDEM as a principal department of the Executive Branch of State government and as the successor to the Maryland Emergency Management Agency. MDEM is responsible for coordinating the State response in any major emergency or disaster. This includes supporting local governments as needed or

requested and coordinating assistance with the Federal Emergency Management Agency and other federal partners. MDEM manages many of the federal grants that fund a broad range of initiatives leading to enhanced protection from and responses to the full range of natural and man-made disasters that could threaten the State's citizens. Chapters 287 and 288 of 2021 also transferred the Maryland 9-1-1 Board to MDEM from the Department of Public Safety and Correctional Services (DPSCS).

Maryland's 9-1-1 System and the Maryland 9-1-1 Board

The State's 9-1-1 system operates primarily through PSAPs, which are generally owned and operated by local governments. 9-1-1 specialists working within PSAPs answer, redirect, and take action on 9-1-1 calls received based on the location of the originating 9-1-1 call. State and local governments are preparing for "next generation" 9-1-1 technology that will allow PSAPs to access not only more accurate information about caller location but also other information that will assist emergency personnel in communicating with callers and responding more efficiently. Legislation has been enacted in recent years to, among other things:

- transfer the Maryland 9-1-1 Board that is responsible for administering the 9-1-1 Trust Fund and overseeing the State's 9-1-1 system from DPSCS to MDEM;
- expand the uses of the 9-1-1 Trust Fund to include providing funding for 9-1-1 specialist training activities; and
- increase funding for the State's 9-1-1 system.

The Maryland 9-1-1 Board's other responsibilities include (1) dispersing funds to local governments from the 9-1-1 Trust Fund for authorized costs; (2) reviewing and approving or disapproving requests for reimbursement of the costs of enhancing 9-1-1 systems; (3) ensuring the inspection of PSAPs; (4) auditing counties to ensure that 9-1-1 trust funds are being used for authorized purposes; and (5) establishing training standards for PSAP personnel based on national best practices and related to Next Generation 9-1-1.

County Authorization to Establish a 3-1-1 System

State regulations authorize a county or multicounty system in the State to establish a 3-1-1 system to reduce congestion on the 9-1-1 system. At a minimum, a 3-1-1 system must include the following: (1) switching or programming to direct a 3-1-1 call to a nonemergency answering position; (2) a 3-1-1 answering position that must be capable of immediately transferring an emergency call to a 9-1-1 answering position or an adjoining PSAP, transferring a nonemergency call to an adjoining jurisdiction or appropriate agency, and providing an individual with a speech or hearing disability access to TTY services or who does not speak or understand the English language access to alternative

communication services; and (3) a 3-1-1 call taker trained to handle nonemergency calls and to transfer emergency calls to a 9-1-1 call taker.

2-1-1 Maryland

The three-digit number 2-1-1 is the primary information and referral telephone number for health and human services in the State. 2-1-1 Maryland is a private, nonprofit organization that maintains an information and referral service network that is available to Maryland residents via telephone and Internet. 2-1-1 Maryland offers 24/7 guidance in accessing health, crisis, and social services. The Health and Human Services Referral Board within the Maryland Department of Health provides oversight and guidance to the 2-1-1 Maryland system.

Federal Action on 9-8-8

On July 16, 2020, FCC issued a final order designating 9-8-8 as the new National Suicide Prevention Lifeline (NSPL) and National Veterans Crisis Line. The rule requires telecommunication providers to make every land line, cell phone, and voice-over Internet device in the United States capable of using the 9-8-8 number to reach the existing NSPL structure by July 16, 2022. On October 17, 2020, the National Suicide Hotline Designation Act of 2020 was enacted to designate 9-8-8 as the universal telephone number for the purpose of the national suicide prevention and mental health crisis hotline system.

State Expenditures: The bill requires MDEM to establish and staff the Maryland 3-1-1 Board, develop technical standards and guidelines that the statewide and county 3-1-1 systems must meet, and operate the statewide 3-1-1 system. MDEM needs significantly more staff to meet these requirements. Therefore, general fund expenditures increase by (1) \$2.2 million in fiscal 2023 to establish and staff the Maryland 3-1-1 Board; (2) \$12.5 million in fiscal 2024, which includes costs for MDEM to procure and install the equipment for the statewide 3-1-1 system; (3) \$6.2 million in fiscal 2025, which includes costs for MDEM to hire staff for the statewide 3-1-1 system; and (4) approximately \$7.4 million annually thereafter. A more detailed description of this estimate is described below. The assumptions used to develop this estimate include:

- MDEM hires 10 positions in fiscal 2023 to staff the 3-1-1 board and begin developing policies, procedures, and guidelines for the 3-1-1 system;
- MDEM purchases information technology (IT) equipment in fiscal 2024, at a cost of \$10.0 million, to develop the IT infrastructure for the 3-1-1 system;
- MDEM hires 40 staff on January 1, 2025 (including knowledge managers, supervisors, and 3-1-1 specialists) to train them to operate the statewide 3-1-1 system so that it can be operational on July 1, 2025; and

- ongoing IT maintenance of the 3-1-1 system costs \$2.0 million annually (MDEM estimates \$5.0 million, but the Department of Legislative Services disagrees based on estimates for comparable systems).

Additional details on these estimates are provided below.

Staffing and Consultant Service Expenditures

General fund expenditures related to staffing increase by approximately \$2.2 million in fiscal 2023, which accounts for a 90-day start-up delay from the bill's July 1, 2022 effective date for the employees staffing the Maryland 3-1-1 Board, and by \$4.2 million in fiscal 2025, which includes ongoing costs for the employees hired in fiscal 2023 and accounts for a January 1, 2025 start date for the employees staffing the statewide 3-1-1 system. This estimate reflects the cost of hiring (1) 10 staff for the Maryland 3-1-1 Board (an Executive Director, an administrative assistant, a Chief Integration Officer, a policy director, two training officers, an outreach specialist, a procurement officer, a human resources officer, and an Assistant Attorney General) and (2) 40 staff for the statewide 3-1-1 system (a center manager, eight supervisors, three knowledge managers, and 28 center specialists). It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. It also includes rent for 3-1-1 system staff, ongoing consulting services (for standards and training development, technical design support, and to assist the board in meeting the bill's reporting requirements), fee-for-service expenses to DoIT (for cybersecurity, professional services, website development, video archive space, and help desk support), and a public outreach campaign to begin one year before the launch of the statewide 3-1-1 system. MDEM assumes that the statewide 3-1-1 system must be operational and available from 7 a.m. to 7 p.m. daily. In addition, though the bill states that a 3-1-1 nongovernment answering point must be located at MJOC, MDEM advises that additional space is needed, resulting in additional rent costs.

	<u>FY 2023</u>	<u>FY 2025</u>
Positions (New)	10.0	40.0
Salaries/Fringe Benefits (Total)	\$844,536	\$2,519,812
Rent	287,500	252,606
Consulting Services	500,000	500,000
DoIT Fee-For-Service Expenses	500,000	500,000
Outreach Campaign	—	100,000
Other Operating Expenses	<u>74,930</u>	<u>296,058</u>
MDEM Staff/Consulting Exp.	\$2,206,966	\$4,168,376

Future year administrative expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

Depending on the call volume MDEM experiences under the bill, significantly more staff for the statewide 3-1-1 system may be needed to effectively operate the system in the manner required by the bill.

MDEM advises that the department is unaware of any federal funding that may be available to support the statewide 3-1-1 system, as contemplated under the bill. To the extent such funding is available, federal fund revenues increase accordingly and general fund expenditures decrease.

It is assumed that MCC can coordinate and support MDEM and the statewide 3-1-1 system with existing resources.

Technology and Equipment-related Expenditures

The bill includes technical specifications that must be used in implementing the statewide 3-1-1 system; the specifications are similar to those used by the State's 9-1-1 system. MDEM advises the costs to acquire technology and equipment to meet the bill's requirement that the system be operational by July 1, 2025, are estimated to total approximately \$10.0 million in fiscal 2024, which includes one-time system costs to integrate the State and county 3-1-1 systems, in addition to integrating the 3-1-1, 9-1-1, and 9-8-8 systems. MDEM further advises that ongoing costs to maintain the statewide 3-1-1 system are estimated to total \$5.0 million annually beginning in fiscal 2025. However, as noted above, DLS disagrees and believes that annual IT maintenance costs are \$2.0 million annually beginning in fiscal 2025.

Local Fiscal Effect: Six counties in the State have already established a 3-1-1 system in their respective jurisdictions: Baltimore City and Anne Arundel, Baltimore, Montgomery, Prince George's, and St. Mary's counties. Once the statewide 3-1-1 system is implemented, it is unclear if these counties will maintain their existing 3-1-1 systems. If a county chooses to maintain its own system, then the county must ensure that the existing 3-1-1 system meets technical specifications established by the Maryland 3-1-1 Board and MDEM. To the extent that a county 3-1-1 system already meets or surpasses these requirements, then presumably, the bill has no material fiscal effect on the county. However, if a county 3-1-1 system must be upgraded, local government expenditures increase by an indeterminate amount to meet those requirements.

Should a county choose to eliminate or reduce the services provided by its own 3-1-1 system as a result of the bill, or a system is absorbed by the statewide system as allowed by the bill, local expenditures decrease accordingly.

Additional Comments: The establishment of a statewide 3-1-1 system could reduce call volume to the existing 9-1-1 system; it is unclear what, if any, effect this might have on State and local finances related to the existing 9-1-1 system.

This analysis also assumes that any referrals from the 3-1-1 system to State or local agencies, programs, or departments for services, resources, or other information do not materially affect the finances of affected State and local agencies. Any increase in the demand for such services cannot be estimated without actual experience once the system is operational.

Additional Information

Prior Introductions: SB 631 of 2021, a similar bill, passed the Senate with amendments and received a hearing in the House Health and Government Operations Committee, but no further action was taken.

Designated Cross File: HB 1003 (Delegate Kerr, *et al.*) - Health and Government Operations.

Information Source(s): Charles and Montgomery counties; Department of Human Services; Maryland Department of Disabilities; Maryland Department of Health; Maryland Department of Emergency Management; Maryland Department of Aging; Maryland Department of Transportation; University System of Maryland; Federal Communications Commission; Department of Legislative Services

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Analysis by: Thomas S. Elder

Direct Inquiries to:
(410) 946-5510
(301) 970-5510