

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 633

(Senators Kagan and Reilly)

Finance

Health and Government Operations

Public Safety - 9-1-1 Emergency Telephone System - Alterations

This bill makes various changes to the statutory framework that governs the State's 9-1-1 system by, among other things, (1) establishing specified rights for 9-1-1 specialists related to occupational well-being and requiring counties to classify and pay 9-1-1 specialists in a certain manner; (2) modifying the membership and responsibilities of the Maryland 9-1-1 Board; (3) repealing the limit on the maximum charge for the county 9-1-1 fee; (4) expanding the information that must be provided in the Maryland 9-1-1 Board's annual report from 2022 through 2027; and (5) requiring a related analysis.

Fiscal Summary

State Effect: Special fund revenues for the Maryland Department of Emergency Management (MDEM) may increase significantly beginning in FY 2023 due to higher county fees. Special fund expenditures increase correspondingly as the additional revenues are disbursed to counties; special fund expenditures further increase for MDEM to provide training to 9-1-1 specialists and for contractual assistance to prepare the required reports and analysis, as discussed below. State expenditures (all funds) increase, likely minimally, to pay additional 9-1-1 fees. The Comptroller's Office can likely complete the required reports using existing budgeted resources.

Local Effect: County revenues may increase significantly beginning in FY 2023 (especially in Caroline, Carroll, Garrett, and Worcester counties) to the extent additional 9-1-1 fee revenues are collected and disbursed. County expenditures increase, likely minimally, for personnel and data collection/reporting costs.

Small Business Effect: Minimal.

Analysis

Bill Summary: Broadly, the bill:

- establishes a definition of “first responder” for use in the Public Safety Article;
- establishes specified rights for 9-1-1 specialists related to occupational well-being and requires counties to classify and pay 9-1-1 specialists in a certain manner;
- modifies the Maryland 9-1-1 Board’s procedures for filling vacancies on the board and selecting a chair and vice chair;
- expands the Maryland 9-1-1 Board’s responsibilities related to the development of training standards and implementation of cybersecurity standards by public safety answering points (PSAPs);
- establishes new reporting requirements for the Comptroller related to audits of surcharge collection and remittance of 9-1-1 fees by telephone companies and commercial mobile radio service (CMRS) providers;
- repeals the limit on the maximum charge for the county 9-1-1 fee and requires a county that increases the fee to certify the amount to the Maryland 9-1-1 Board and, no later than 60 days before the implementation of the change, the Comptroller;
- requires the Maryland 9-1-1 Board’s annual report to also be submitted to specified committees of the General Assembly;
- requires the annual reports submitted in 2022 through 2027 to include specified information concerning, among other things, the transition to Next Generation 9-1-1 technology and staffing; and
- requires MDEM to summarize and analyze the additional information included in the annual reports from 2022 through 2027.

A more detailed discussions of each of these changes can be found below.

First Responder Definition Established

The bill establishes a definition for “first responder” in the Public Safety Article. “First responder” means an employee of a State or local public safety agency that provides emergency response services. It includes a firefighter, a paramedic, an emergency medical technician, a rescue squad member, a sworn member of the Office of the State Fire Marshal, a member of a volunteer fire or rescue company who is a covered employee under workers’ compensation law, an individual who is licensed or certified by the Emergency Medical Services Board (including emergency medical dispatchers, responders, and technicians), and a 9-1-1 specialist.

9-1-1 Specialist Rights, Classification, and Pay

A 9-1-1 specialist may, as part of occupational well-being standards and practices, seek treatment for job-related audible or visual trauma without informing anyone. Unless otherwise required because the specialist is a witness in a court proceeding, communications between a 9-1-1 specialist and a treatment provider that occur in connection with the treatment of job-related audible or visual trauma must be confidential. Additionally, each jurisdiction employing 9-1-1 specialists must:

- appropriately classify 9-1-1 specialists as first responders, as specified; and
- compensate 9-1-1 specialists in a manner that (1) reflects their membership in the team of public safety personnel answering and responding to requests for emergency assistance and (2) is commensurate with the training, knowledge, and skills they possess.

Maryland 9-1-1 Board – Membership and Responsibilities

The Maryland 9-1-1 Board must consult with MDEM to develop and establish procedures to fill a board vacancy as soon as practicable after the vacancy occurs and ensure candidates have appropriate expertise and a commitment to improving 9-1-1 services in the State. Instead of the Governor appointing a chairperson from among the board members, the board must elect a chair and vice chair from among its members.

The board must develop criteria and approve the initial and ongoing training curriculum linked to the training standards it is responsible for developing for PSAP personnel. Additionally, the board must include implicit bias training in those standards; the implicit bias training must be provided on a recurring basis with updates as determined by the board, but at least once every four years. Personnel hired by a PSAP on or before October 1, 2022, must receive the initial implicit bias training by October 1, 2024, and personnel hired by a PSAP after October 1, 2022, must receive the initial training at the time of hire.

If the board determines that the personnel employed by a PSAP have not satisfied the board's training standards and requirements, the board and PSAP must jointly develop a remediation plan and implementation timeline; the board may impose sanctions (which are not specified) on a PSAP if it fails to comply with the plan or timelines.

If a PSAP fails to meet the cybersecurity standards established by the Maryland 9-1-1 Board, the board must work with the PSAP to develop an aggressive, consensus remediation plan and implementation timeline. If the PSAP fails to comply with the plan, the board may refuse to authorize money from the 9-1-1 Trust Fund to be paid to a county serviced by the PSAP for any new, noncybersecurity purpose.

Comptroller Audit Reports

Between December 31, 2022, and January 1, 2025, in addition to the annual report that the Comptroller must submit to the Maryland 9-1-1 Board concerning 9-1-1 fee collection and remittance audits, the Comptroller must (1) submit to the board quarterly updates detailing the audits conducted in the immediately preceding quarter and (2) immediately notify the board of any deficiencies detected by an audit. Beginning January 1, 2025, on request of the board, the Comptroller must provide quarterly updates detailing the audits conducted since the last update was provided.

County 9-1-1 Fee

The limit on the additional charge that may be imposed by a county when the revenues attributable to its 9-1-1 fee for a fiscal year do not provide the revenues necessary to cover the operational costs for the 9-1-1 system for that fiscal year is effectively repealed. Specifically, instead of being limited to charging an additional \$0.75 per month (meaning the maximum charge is \$1.50, under current law), the bill authorizes a county to impose an additional fee that is *sufficient to cover the county's projected operational costs for the 9-1-1 system for the fiscal year* (meaning there is no maximum charge under the bill).

After imposing, repealing, or modifying a county 9-1-1 fee, the county must certify the amount of the county 9-1-1 fee to the Maryland 9-1-1 Board and, no later than 60 days before the implementation of the change, the Comptroller.

Maryland 9-1-1 Board Annual Reports

The annual reports submitted in 2022 through 2027 must include:

- an update on the progress of each county in transitioning to Next Generation 9-1-1 technology, as specified;
- specified personnel information for each PSAP;
- an update on audits conducted by the Comptroller's Office, as specified;
- annual incidents of unnecessary requests for emergency services made to 9-1-1 for the purpose of dispatching an unneeded emergency response and any resulting bodily harm or death;
- incidence and interval data relating to 9-1-1 outages or the absence of 9-1-1 specialists to receive requests for emergency services; and
- an update on the integration of the 9-1-1 system with 9-8-8 and 2-1-1 and the impact on 9-1-1 operations and capacity.

MDEM must summarize and analyze the information provided and submit to specified committees of the General Assembly (1) the summary and analysis; (2) any associated recommendations to address issues raised by the analysis; and (3) a description of any measures implemented by MDEM to address issues raised by the analysis.

Current Law:

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 counties (including Baltimore City). 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 the Department of Public Safety and Correctional Services 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 counties 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; (5) establishing training standards for PSAP personnel based on national best practices and related to Next Generation 9-1-1; and (6) consulting with the Maryland Cybersecurity Council to establish cybersecurity standards for PSAPs.

The Maryland 9-1-1 Board is required to submit an annual report to the Governor, the Secretary of Emergency Management, and the Legislative Policy Committee. The report must contain specified information generally relating to county 9-1-1 systems and related funding.

9-1-1 Trust Fund – State and Local Fees

The 9-1-1 Trust Fund is funded through a State 9-1-1 fee and county 9-1-1 fee. Telephone companies, wireless carriers, and other 9-1-1 accessible service providers collect and remit the fees monthly to the Comptroller for deposit into the fund. The State 9-1-1 fee is distributed to counties at the discretion of the Maryland 9-1-1 Board in response to county 9-1-1 system enhancement requests. The county fee, the prepaid wireless 9-1-1 fee remittances, and any investment earnings of the fund are all distributed quarterly to each county in prorated amounts according to the level of fees collected in each jurisdiction.

The fees were last increased by Chapters 301 and 302 of 2019. Additionally, Chapters 301 and 302 altered the application of the fees such that they apply to each separate outbound call voice channel capacity, regardless of the technology used for the voice channel (*i.e.*, phone lines, Voice over Internet Protocol, *etc.*). This means that the fees may be applied multiple times each month to a single account holder depending on the voice channel capacity of the account.

The State fee is \$0.50 per month, and the local fee that each county is authorized to assess is generally capped at \$0.75 per month. However, if a county's local 9-1-1 fee revenues do not cover the county's operational costs for its 9-1-1 system in a fiscal year, then the county may impose an additional charge of up to \$0.75 per month for the following fiscal year. When combined with the existing local 9-1-1 fee of \$0.75 per month, the local government may charge a maximum of \$1.50 per month under these circumstances.

Comptroller Audits of Public Safety Answering Points

Chapters 604 and 605 of 2020 require the Comptroller, in consultation with the Maryland 9-1-1 Board, to adopt procedures for auditing fee collection and remittance by both telephone companies and CMRS providers. The audit procedures adopted by the Comptroller must be consistent with the audit and appeal procedures established for the sales and use tax. The Comptroller (1) may issue an administrative subpoena to compel compliance with an audit and (2) must develop and distribute related informational materials to telephone companies and CMRS providers, as specified. By December 1 each year, the Comptroller must submit an annual report to the Maryland 9-1-1 Board detailing the audits conducted in that year, including the outcome of each audit.

State Fiscal Effect:

County 9-1-1 Fee Revenues

County 9-1-1 fee revenues are remitted to the 9-1-1 Trust Fund and disbursed to the counties (including Baltimore City) based on the amount attributable to each local

government. Therefore, special fund revenues and expenditures for MDEM increase significantly as counties begin to increase their county 9-1-1 fees under the bill to cover total 9-1-1 costs.

The Maryland 9-1-1 Board advises that in fiscal 2020, 9-1-1 fee revenues did not cover 9-1-1 expenses for Baltimore City or any county. On average, fee revenues only cover 41.7% of costs; statewide, county fee revenues totaled \$58.4 million, and 9-1-1 costs totaled \$140.2 million, resulting in a deficit of \$81.8 million. However, the Comptroller's Office advises that only four counties (Caroline, Carroll, Garrett, and Worcester) currently assess the maximum \$1.50 county fee, so the bill likely affects only those counties. Nevertheless, the Maryland 9-1-1 Board anticipates, and the Department of Legislative Service (DLS) concurs, that the four affected counties will raise their fees to account for the deficit. Current fee revenues in the four counties total \$2.9 million; *for illustrative purposes only*, doubling the fee in those counties results in special fund revenues and expenditures increasing by that amount. To the extent that fee increases are more or less, revenues and expenditures also increase by more or less. Also, to the extent that other counties elect to raise their fees beyond the current cap, special fund revenues (and expenditures) are greater.

Implicit Bias Training

The Maryland 9-1-1 Board advises that it plans to provide implicit bias training for 9-1-1 specialists in the State at an estimated cost of \$398 per trainee, increasing special fund expenditures for MDEM. Since there are approximately 1,300 9-1-1 specialists in the State, the total cost to train all affected personnel would be \$514,400; however, initial training costs are likely less because the board advises that several counties have already provided this training to their staff. Additionally, because the initial training must be completed by October 1, 2024 (for those personnel hired on or before October 1, 2022), the costs may be incurred in fiscal 2023, 2024, or 2025. The timing of both the initial and ongoing trainings also depends on the availability and class offerings of the board's training vendor.

While there are minimal ongoing annual training costs for newly hired staff, the bulk of the costs in future years are assumed to occur every four years (but may be more frequent depending on how the board implements the training requirements).

Payment of 9-1-1 Fees by State Agencies

State expenditures (all funds) increase based on the county fee amounts established by Baltimore City and counties under the bill; however, any such impact is anticipated to be minimal.

Comptroller Audit Reports

Under the assumption that the bill requires it to conduct more frequent audits, the Comptroller advises that it requires five additional positions to carry out the bill. DLS disagrees and believes that the bill requires only that the Comptroller report more frequently (quarterly) on completed audits required under current law. Therefore, the Comptroller's Office can comply with the bill's reporting requirements with existing resources.

Maryland 9-1-1 Board Annual Reports and Related Analysis

The bill requires substantial additional information to be provided by the Maryland 9-1-1 Board as part of the board's annual reports from 2022 through 2027. The bill further requires MDEM to summarize and analyze that information and submit it to specified legislative committees. The board and MDEM anticipate engaging contractual assistance to assist with the data receipt, organization, and analysis, at an estimated cost of \$15,000 annually; however, the board advises that sufficient information for each of the criteria may not be available for the 2022 report.

MDEM and the board advise that the requirement to report on and analyze "annual incidents of unnecessary requests for emergency services made to 9-1-1 for the purpose of dispatching an unneeded emergency response and any resulting bodily harm or death" may be difficult or burdensome to meet. Specifically, such incidents are often subject to interpretation, and an objective analysis of requests for emergency services that meet these criteria are likely expensive.

Local Fiscal Effect: As discussed above, the bill's repeal of the maximum charge for the county 9-1-1 fee is anticipated to significantly increase county 9-1-1 fee revenues, particularly in Caroline, Carroll, Garrett, and Worcester counties, which are the only counties that currently assess the maximum fee. The distribution of the increase varies significantly. To the extent that other counties elect to raise their fees beyond the current cap, their revenues also increase.

The bill creates two additional costs for 9-1-1 systems. First, the bill requires the Maryland 9-1-1 Board to establish training standards for 9-1-1 specialists related to implicit bias training. While the board plans to provide this training to staff using State 9-1-1 funding, counties must incur any related personnel costs to send those staff to the training (*i.e.*, overtime, travel, *etc.*). As noted above, several counties have already provided this training to their existing 9-1-1 staff and, therefore, are not anticipated to incur substantial additional costs for the initial training. Second, the bill requires the Maryland 9-1-1 Board to submit substantial additional information in the board's annual report from 2022 through 2027, and the board advises that it needs to receive most of the underlying data directly

from PSAPs. The board estimates that PSAPs are likely to experience minimal costs (an estimated \$40,000 across all PSAPs) in order to record, aggregate, and report the necessary data to the board.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 1105 (Delegate Hill) - Health and Government Operations.

Information Source(s): Maryland Department of Emergency Management; Maryland Department of Labor; Public Service Commission; University System of Maryland; Maryland Commission on Civil Rights; Baltimore, Charles, and Somerset counties; Department of Legislative Services

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