

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 1052
Finance

(Senator Kagan)

9-1-1 Trust Fund - Public Safety Answering Point - Mandatory Reporting

This bill establishes reporting requirements for public safety answering points (PSAPs) that have deployed next generation 9-1-1 (NG 9-1-1) services. The bill (1) specifies the type of data that must be collected and reported; (2) requires the reports to be submitted to specified government entities; (3) prohibits those government entities from discussing sensitive information in the reports, except in closed or executive session; and (4) excludes the reports from disclosure under the Public Information Act (PIA). The director of a PSAP may not request or receive any money from the 9-1-1 Trust Fund unless the reporting requirements are met. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: The bill is not expected to materially affect State operations and finances, as discussed below.

Local Effect: The bill is not expected to materially affect local operations or finances, as discussed below.

Small Business Effect: None.

Analysis

Bill Summary: The NG 9-1-1 reports must analyze data collected from each PSAP on a quarterly basis and determine whether the grade of service level in each time period met a standard of (1) answering incoming calls to each PSAP on a daily average of 10 seconds or less and (2) having not more than one incoming call to each PSAP out of 100 attempts be blocked during the average busy hour.

The reports must be submitted to (1) the governing body of each county serviced by the PSAP; (2) the Emergency Numbers Systems Board (ENSB); and (3) the Public Service Commission (PSC).

Current Law/Background:

9-1-1 Modernization

In February 2018, the Board of Public Works approved a “text to 9-1-1 system” for the State. The system will allow residents to send messages of up to 160 characters to emergency responders, but no photos or videos. The Department of Public Safety and Correctional Services advises that the system will enable individuals with physical handicaps, vision, hearing and speech impairments, as well as able-bodied persons unable to make 911 emergency voice calls to contact first responders in an emergency. The contract to install and enable the technology became effective March 1, 2018.

ENSB further advises that Montgomery County has been approved to deploy its NG 9-1-1 system; it is expected to begin operating in January 2019. Similarly, Calvert, Charles, Frederick, Prince George’s, and St. Mary’s counties are planning to submit NG 9-1-1 plans to ENSB soon and to implement those services within the next 12 months. The remainder of the State is likely 18 to 24 months away from implementation. For more information on the State’s 9-1-1 system and the status of modernizing the system, please see the **Appendix – 9-1-1 Funding and Modernization.**

Public Information Act

PIA establishes that all persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees. 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 PIA manual published by OAG.

A custodian must 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 mandatory for specified records (*e.g.*, adoption and welfare records). Recordings of 9-1-1 calls are generally available for public inspection under PIA, unless a specific exception applies.

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. PIA specifies the types of records that are eligible for discretionary denials, including documents that would not be available through discovery in a lawsuit.

A custodian that denies inspection of a public record on this basis must provide (1) a written statement to the applicant giving the reason for denial; (2) the legal authority on which it is based; (3) a brief description of the undisclosed record (without disclosing the protected information), including an explanation of why redacting information would not address the reason for the denial; and (4) a notice of the statutory remedies available.

State Expenditures: The bill requires the NG 9-1-1 reports to be submitted on a quarterly basis to both ENSB and PSC, resulting in about 96 total reports annually. However, the bill does not require either agency to analyze or take action on the information submitted. This is particularly relevant for PSC, because PSC has no involvement with the State's 9-1-1 system. Therefore, this estimate assumes that PSC simply accepts the NG 9-1-1 reports with existing resources and takes no other related action. (If PSC were required to analyze the reports, then PSC would need to hire an engineer to do so.)

ENSB, however, is directly involved in the regulation of PSAPs and is likely to use the information submitted to inform its decisions and other activities. Even so, because the bill does not require ENSB to take action on or use the information provided in a specific manner, this estimate assumes that ENSB accepts the NG 9-1-1 reports and uses them as appropriate with its existing resources. *For informational purposes only*, ENSB advises that the reports may need to be independently validated to fully determine whether a PSAP is meeting the standards discussed in the reports and, if not, what needs to be remediated so the PSAP improves. Although not required by the bill, doing so would require ENSB to hire additional staff at an approximate cost of \$74,000 annually due to the large quantity of reports submitted each year. This additional staff would likely not be needed until multiple counties have implemented NG 9-1-1 systems and, subsequently, begin to submit the required reports.

Assuming that local governments submit the reports in the manner required by the bill, special fund expenditures from the 9-1-1 Trust Fund are unaffected.

Local Fiscal Effect: Assuming that local governments submit the reports in the manner required by the bill, local revenues from the 9-1-1 Trust Fund are unaffected. Available information suggests the standards discussed in the report are common metrics for PSAPs and, therefore, this estimate assumes that PSAPs can submit the required reports using existing resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services; Public Service Commission; Harford, Montgomery, and Wicomico counties; Department of Legislative Services

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Appendix – 9-1-1 Funding and Modernization

Maryland's 9-1-1 System

A statewide 9-1-1 system and the Emergency Number Systems Board (ENSB) to oversee the new system were established by Chapter 730 of 1979. The legacy 9-1-1 model, which is based on a landline phone system, consists of local public safety access points (PSAPs) connected to an analog wireline phone network to deliver emergency calls via a circuit-switched architecture. However, 70% of 9-1-1 calls are now made from cell phones, and an increasing number are made via Voice over Internet Protocol (VoIP) networks, presenting a challenge as to how to process and obtain accurate caller location and phone number information.

The 9-1-1 system is funded through the 9-1-1 Trust Fund. The fund is administered by the Department of Public Safety and Correctional Services (DPSCS) and includes revenue from the following three funding sources (as well as investment earnings):

- the State 9-1-1 fee, which is set at \$0.25 per subscriber per month;
- the county additional charge, at an amount determined by each county through local ordinances, up to a maximum of \$0.75 per bill per month (All counties and Baltimore City have passed local ordinances establishing the additional charge at the maximum level of \$0.75 per bill per month.); and
- the fee added to the sales of prepaid wireless service (\$0.60 per transaction), collected at the point of sale.

Telephone companies, wireless carriers, and other 9-1-1 accessible service providers collect and remit monthly the State 9-1-1 fee and the county additional charge to the Comptroller for deposit into the fund. The State 9-1-1 fee is distributed to counties at the discretion of ENSB in response to county 9-1-1 system enhancement requests. The county additional charge, 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 State 9-1-1 fee and 25% of all collected prepaid wireless 9-1-1 fees may be used to reimburse counties for the cost of enhancing the 9-1-1 system. The county additional charge and the remaining 75% of all collected prepaid wireless 9-1-1 fees may be spent on maintenance and operating costs of 9-1-1 systems.

Next Generation 9-1-1 Modernization

As analog landline communication is phased out completely, state and local governments are preparing for “next generation” technology that will allow 9-1-1 centers 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. This Next Generation 9-1-1 (NG 9-1-1) technology will allow PSAPs to receive text, chat, video, location, and various other types of data from a single 9-1-1 call. However, local governments face challenges both in maintaining existing 9-1-1 systems and in transitioning to NG 9-1-1 systems, primarily due to a lack of funding.

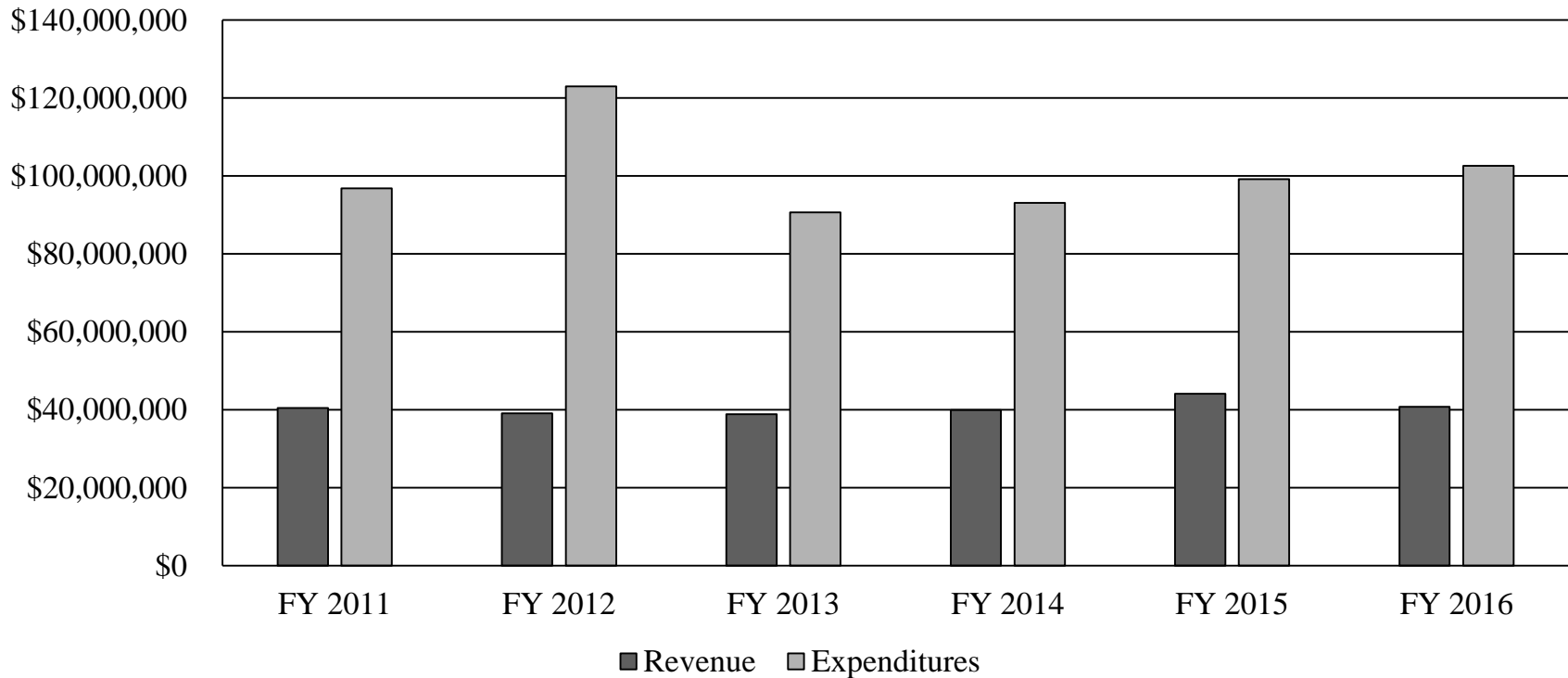
Funding Challenges

County expenditures for 9-1-1 systems consistently exceed available fee revenues. **Exhibit 1** shows the total 9-1-1 fee revenues collected and total 9-1-1 operating expenditures per fiscal year from fiscal 2011 to 2016 (the most recent publicly available data). Across all counties, in fiscal 2016, fee revenues covered 39.7% of operating costs. However, the percentage of costs offset by revenues varied significantly by county in that year. For example, only 7.8% of Talbot County’s costs were offset by fee revenues, while in Montgomery County, 63.3% of costs were offset. **Exhibit 2** shows fiscal 2016 fee revenues and operating expenditures by county.

Status of Next Generation 9-1-1 Implementation

ENSB has contracted with a consultant to (1) recommend a procurement strategy for NG 9-1-1; (2) analyze county geographic systems data for readiness; (3) assess county customer premise equipment for next generation readiness; and (4) provide grant writing assistance. After a procurement strategy is finalized, ENSB is expected to submit a request for proposals to implement a statewide NG 9-1-1 system. DPSCS is required, pursuant to the 2017 *Joint Chairmen’s Report*, to submit an update to the Senate Budget and Taxation Committee and the House Appropriations Committee on the status of the contractor, progress made, associated costs, timelines, and funding sources and options by June 30, 2018.

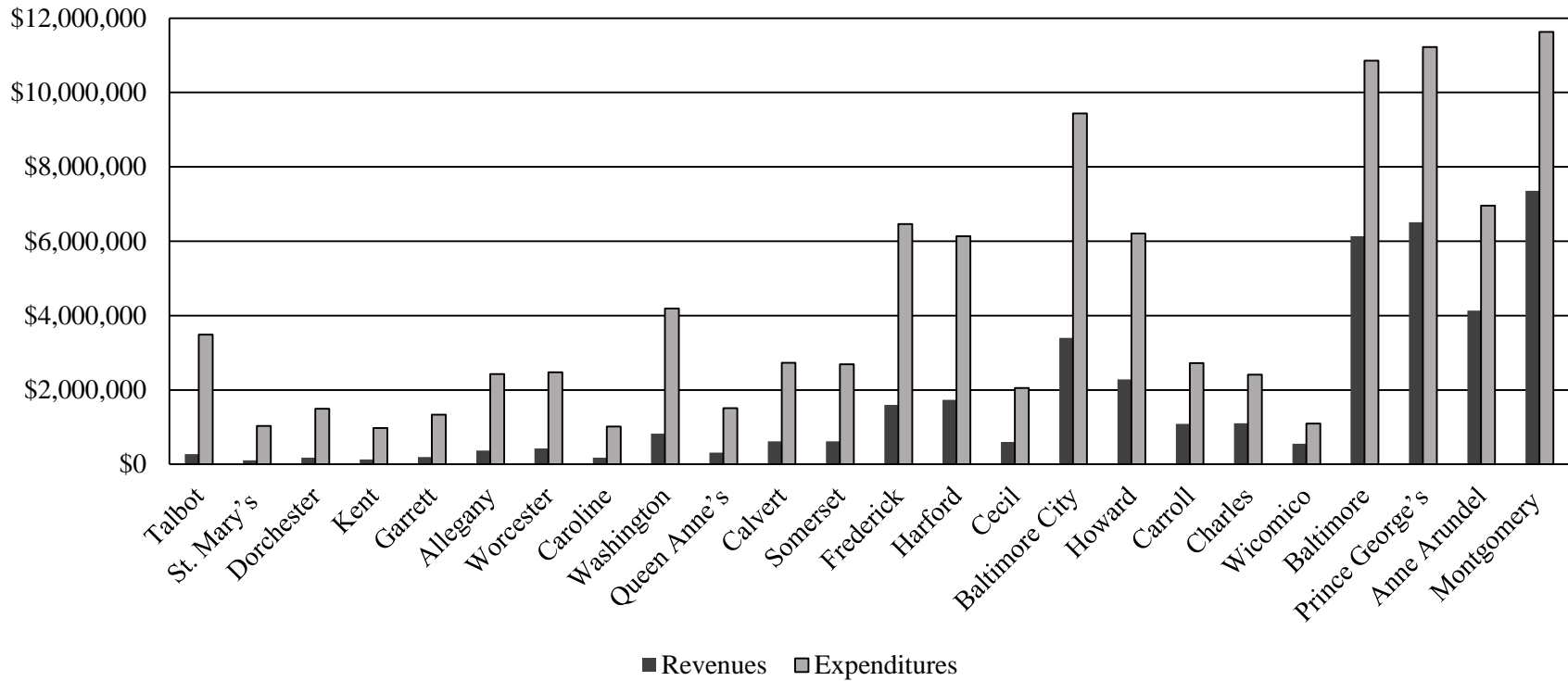
Exhibit 1
Total County 9-1-1 Fee Revenue and Operational Expenditures
Fiscal 2011-2016



Note: Prepaid wireless 9-1-1 fee revenues were first collected in fiscal 2014. County operating expenditures are costs as reported by county-selected independent auditors and typically include 9-1-1-related personnel salaries and benefits, recurring maintenance and service fees, mapping maintenance and updates, network associated fees, and capital expenditures not covered by the Emergency Number Systems Board.

Source: Emergency Number Systems Board annual reports (FY 2011-2016)

Exhibit 2
9-1-1 Fee Revenues and Operating Expenditures by County
Fiscal 2016



Source: Emergency Number Systems Board, 2016 annual report