

Maryland Next Generation 9-1-1 Commission

Meeting Minutes

Date: May 12, 2022
Time: 09:30 a.m. to 12:07 p.m. EDT
Location: Miller Senate Building, Amoss Room and Live Stream

Attendees:

Commission Members		Support/Interested Parties	
Senator Cheryl Kagan, Commission Chair	■	Abby Snyder, Chief of Staff, Senator Kagan's Office	■
Steve Souder, Commission Vice Chair	■	Jeffrey Pollard, Legislative Aide, Senator Kagan's Office	■
Jack Markey, Chair of the 9-1-1 Board	■	Susan Burket, Legacy Fellow, Senator Kagan's Office	■
Scott Brillman, Chair of Oversight & Accountability, Baltimore City	■	Bill Ferretti, Montgomery County 9-1-1 Center Director (Retired)	■
Randall Cunningham, Chair of Technology & Cybersecurity, Harford County	■	Tenea Reddick, Baltimore City	■
Charlynn Flaherty, Chair of Staffing & Training, Prince George's County	■	Walt Kaplan, Rapid Deploy	■
Russell Strickland, Acting Secretary of MD Dept. of Emergency Management	■	Rob Sterner, MCP	■
Anna Sierra, MD Dept. of Emergency Management	■	Nicki Tidey, MCP	■
Senator Edward Reilly	■	Josh Jack, MCP	■
Delegate Terri Hill	□	Sherri Griffith Powell, MCP	■
Delegate Susan Krebs	□		
Wayne Darrell, Kent County	■		
Tony Rose, Charles County	■		
Cecilia Warner, Maryland Dept. of Disabilities	■		
Kevin Kinnally, Maryland Association of Counties	■		
Bardona Woods, Washington County (retired)	■		
Sue Greentree, 9-1-1 Board Member representing Association of Public-Safety Communications Officials	■		
Tracy German, Frederick County	■		
Julia Fischer, MD Department of Information Technology	■		
Anthony Myers, MD Public Service Commission	■		
Scott Roper, Executive Director of the 9-1-1 Board	■		
Tiffany Harvey, Comcast	□		

Meeting called to order by Chair Senator Cheryl C. Kagan at 09:30 a.m. EDT

History of the Commission

Senator Kagan provided a brief history and overview of the Commission. She told the story of her friend Carl Henn who was struck and killed by lightning in 2010. Tragically, bystanders who tried calling 9-1-1 got persistent busy signals. Over the last four years, the Commission published annual reports summarizing relevant issues and recommendations, many of which were included in legislation. Bills that have been enacted are:

2018 Legislation:

- Convening a Next Generation 9-1-1 Commission of key stakeholders to prepare for the transition to in the Next-Gen 9-1-1; and
- Allowing counties to offer 9-1-1 Specialists tax credits given to other emergency personnel.

2019 Legislation:

- Enhancing Geographic Information Systems (GIS) capacity to ensure that First Responders can locate those in need of help quickly and accurately;

- Updating our technology (including equipment) for receiving texts, photos, and video;
- Stopping hackers with more robust cybersecurity;
- Addressing the staffing crisis. Currently, 13% of our 9-1-1 Specialist positions statewide are vacant. This could lead to a delayed response to an emergency;
- Establishing training programs and professional certification for 9-1-1 Specialists;
- Authorizing counties to increase the local portion of the 9-1-1 fee (up to an additional \$.75) if there are budget shortfalls;
- Addressing the shortfall in revenue for our counties, which receive an average of only 37.5% of their 9-1-1 expenses from fee revenues;
- Closing the loophole in how 9-1-1 fees are assessed to reflect an evolution in how we pay for telephone service;
- Adjusting the State portion of the fee from 25¢ to 50¢ to provide much-needed funds for ongoing capital costs;
- Expanding the authority of the Emergency Number Systems Board (ENSB) to pay for recurring costs to lighten the load on counties;
- Launching a statewide education campaign on the new functions of NG911; and,
- Inserting uncodified “lockbox” language to require that, if the 9-1-1 Trust Fund is raided, it is replenished.

2020 Legislation:

- Requiring that the Comptroller’s Office conduct audits of 9-1-1 fee collection and remittance from all telephone service providers;
- Investing in improved software to locate cell phone callers;
- Coordinating funding for a statewide public education for NG911 implementation, including text-to-9-1-1;
- Ensuring compliance when dialing 9-1-1 without a prefix from any location, including hotels and office buildings (“Kari’s Law”);
- Increasing investment in our “First, First Responders” or 9-1-1 Specialists by providing direct access to health and wellness services for the cumulative impact of chronic exposure to traumatic events;
- Establishing standards for continuing education of 9-1-1 Specialists; and
- Creating a statewide Telecommunicator Emergency Response Team specially trained to assist after disasters or crises.

2021 Legislation:

- Making the Maryland Emergency Management Agency an independent, Cabinet-level department;
- Moving the 9-1-1 Board from the Department of Public Safety and Correctional Services;
- Mandating notification of certain 9-1-1 outages to the general public, as well as 9-1-1 centers and the 9-1-1 Board;
- Establishing psychological well-being training standards for 9-1-1 Specialists;
- Modifying the membership of the 9-1-1 Board to include specified NG911 experts;
- Enforcing the use of standardized geographic data for locating callers;
- Strengthening enforcement of Kari’s Law so that anyone can dial 9-1-1 without a prefix; and
- Improving 9-1-1 Specialist recruitment.

Update from the 9-1-1 Board

Chair, Jack Markey

- Markey stated that all people deserve equal access and services to 9-1-1, regardless of whether you use via telephone or text.
- Markey thanked the GIS professionals for their work and is excited for the carriers to deploy Location Based Routing (LBR). He values the relationship that Maryland PSAPs have with the 9-1-1 vendors and looks forward to their input on a monthly basis as they bring technical expertise. Markey stated that if you look at 9-1-1 as a ‘system of systems,’ you can think of it as a Venn diagram, with many different organizations working to achieve a common goal; at the crux of the Venn diagram are the 9-1-1 Specialists.

- Markey appreciates the leadership of Ross Coates, Chair of the Emergency Communications Committee (ECC). The ECC and the 9-1-1 Board have been able to bring various subcommittees together to work on 9-1-1 issues. While each PSAP is different, there are many similarities. When we take time to listen to each other and respect other's opinions, legislation can be drafted to support every PSAP. Markey is focused on setting the 9-1-1 Board up for success but recognizes that 9-1-1 is a locally delivered service. The Board is stronger when it understands what PSAP Directors need for their communities. Board members look forward to creating a strategic plan based on the new laws so that Maryland can continue to position itself as a national leader in 9-1-1.
- Senator Kagan also thanked Ross Coates and MACo for supporting the ECC and the 9-1-1 Board. She thanked Delegate Terri Hill and Delegate Sue Krebs for their support and work. Additionally, Senator Kagan acknowledged Senator Michael Jackson (former Delegate and NG911 Commission member) for being a friend and ongoing ally on these issues.

Legislative Overview – 2022 Session

SB633/HB1105 – Next Generation 9-1-1 Commission Omnibus Legislation

- Senator Kagan summarized the nine components of the 2022 Omnibus bill:
 - Enhancing Cybersecurity with penalties for non-compliance;
 - Authorizing Counties to modify the local portion of the 9-1-1 Fee;
 - Expanding Comptroller reporting;
 - Establishing New 9-1-1 Board positions;
 - Reclassifying 9-1-1 Specialists;
 - Requiring Implicit Bias training;
 - Providing direct access to occupational wellness for 9-1-1 Specialists;
 - Addressing 9-1-1 Specialist compensation; and
 - Improving 9-1-1 Board operations by changing the membership appointment process.
- This passed with amendments primarily related to reporting requirements and is awaiting the Governor's signature. *[UPDATE: The Governor signed this bill into law on May 16, 2022.]*
- Tony Rose asked a procedural question: when will these changes be included in the public-safety articles?
 - Senator Kagan advised that the law will go into effect on October 1, 2022.

SB57/HB437 – Penalties for Swatting

- This bill did not pass; however, SB881 was enacted that creates a *Swatting Task Force* to study the current laws. Sen. Kagan expects to be among those appointed to serve.
- Randy Cunningham provided an overview of Swatting-- the false use of 9-1-1 to report an incident that would require law enforcement, fire, or emergency medical services (EMS) response. A false report is considered a criminal act.
- Scott Roper noted that the Swatting Task Force did not include anyone from the 9-1-1 community. Obviously, it is 9-1-1 Specialists who take swatting calls. Roper hopes that the Task Force will include 9-1-1 experts in the discussion. Senator Kagan strongly agreed with this sentiment.
 - Steve Souder also echoed Roper's remarks that there is no 9-1-1 Specialist on the committee. Souder advised that 9-1-1 needs to be brought to the table so that the Task Force can understand the impacts Swatting has on 9-1-1.
 - MDEM Secretary Russ Strickland recommended that 9-1-1 representation come directly from the 9 1 1 community. Kinnally recommended that a member of the ECC should represent 9 1 1 on the Swatting Task Force.
- Walt Kaplan asked why this legislation did not pass.
 - Kevin Kinnally responded that while there was no opposition during the hearings, there may have been some reluctance by Committee members due to the penalties.
 - Senator Kagan echoed Kinnally's comments and believes that creating this Task Force is a "win" and will create more buy-in and support for the issue.

- Markey commented that the Federal Communications Commission (FCC) has been working with the 9-1-1 community on Swatting. SB57 focused more on the penalties rather than technology. PSAPs should consider using technology to inhibit swatting.
- Senator Edward Reilly expressed concern about innocent citizens being terrorized by false reports and agreed that this is an extremely important issue. He hopes that this bill will move forward next year.

Kinnally made a motion for the Commission to support and endorse the Swatting Task Force and recommended that at least one member of the ECC be invited to participate in the work group. The motion passed unanimously.

SB83 Criminal Law – Interference with a PSAP (TDoS/DDoS)

- This bill was amended in the Senate and passed unanimously, but it did not move in the House.
- Cunningham defined the serious nature of a Telephony Denial of Service/Distributed Denial of Service (TDoS/DDoS) attack.
- Markey recommended that the bill be put forward in its entirety again without the Senate committee amendments.
- Kaplan noted that the amended version of the bill seemed irrelevant. Was it feasible/possible to include the TDoS/DDoS attacks along with the Swatting Task Force work?
 - Kinnally agreed with Kaplan and suggested that this bill be passed onto the Swatting Task Force.
 - Senator Kagan advised to keep these two separate bills; however, she agreed that TDoS/DDoS be sent to the Swatting Task Force for their consideration.
 - Ferretti agreed with sending this issue to the Swatting Task Force and recommends a new version of this bill.
- Senator Reilly was concerned with the language "aggregate amount of the loss is \$10,000" in the Senate committee amendment. How can one quantify the cost of a life lost because of PSAP inaccessibility?
 - Tony Rose explained that "costs" could also theoretically include any fees associated with emergency personnel dispatched to the scene and cybersecurity professionals brought in to assist after the attack.
- Senator Reilly recommended that the bill be pre-filed and cross-filed in both chambers.
- Cunningham explained that the bill as originally drafted was not intended to focus on the financial impact but the actual **attack** on a 9-1-1 Center.
- Background information on TDoS/DDoS attacks in Maryland should be included for the Swatting Task Force's review.
- Wayne Darrell stated that this should be considered a felony, not a misdemeanor.
- Markey noted that the FCC requires that carriers must forward **all 9-1-1 calls** to the PSAP. Maryland is trying to address the issue but also needs the FCC to apply pressure to address these issues.
- Kagan's CoS Abby Snyder cautioned that it would be hard to put a price tag on the cost of TDoS/DDoS attacks; a new version of the bill may be more feasible.
 - Souder echoed Snyder's comments and agreed background language should be included with this bill to provide some context.
- Scott Brillman noted that there is equipment that can Robo-dial 9-1-1 and asked what happens if there is an unintentional TDoS/DDoS attack?
 - Senator Kagan believes that the bill included "malicious" attacks, and it is not intended for accidental pocket dials or unintentional calls.

Tony Rose made a motion to resubmit the bill as originally drafted and urge the Swatting Task Force to include TDoS/DDoS in its agenda. They should also be asked to identify costs associated with TDoS/DDoS attacks on critical public safety infrastructure. The motion passed unanimously.

SB21/HB308 Comptroller – Online Payment Processing Portal

- Senator Kagan reported that this bill (cross-filed with Del. Brooke Lierman) was withdrawn after the Comptroller finally developed a rudimentary payment portal. Rose supported withdrawing this bill and looked forward to this issue moving forward. There was consensus among the Commissioners.

SB374/HB439 Workers' Comp – Occupational Disease Presumptions – 9-1-1 Specialists

- Staffing Subcommittee Chair Char Flaherty provided an overview of the bill.
- Senator Kagan thanked all those who had testified in Annapolis.
- Longtime 9-1-1 Specialist Sue Greentree was disappointed that it did not pass. The testimony was compelling-- recognizing that many 9-1-1 calls have a profound impact on your life.
- Senator Reilly asked if this type of bill was in place for EMS.
 - Kinnally explained that there is no presumption for any public safety personnel in Maryland living with job-related Post-Traumatic Stress Disorder (PTSD).
 - Senator Reilly suggested that including other emergency personnel (police, fire, and EMS) who also suffer from PTSD could gather more support for this bill, as they also face mental hardship.
 - Senator Kagan explained that narrowly crafting the bill to only address 9-1-1 Specialists was strategic. Many stakeholders feared a slippery slope that could be costly for our counties. Because 9-1-1 Specialists rarely get closure on an emergency (while other public safety personnel can observe and influence the outcome), incidence of PTSD among our First Responders is more common and should be recognized.
- Souder stated that the Commissioners realize that 9-1-1 Centers are severely understaffed. Too often, 9-1-1 Specialists are forced to work mandatory overtime. Souder recommended that we aggregate data so as to educate legislators and other stakeholders on the importance of this bill.

Senator Reilly moved that SB374/HB439 Workers' Comp – Occupational Disease Presumptions – 9-1-1 Specialists be reintroduced in 2023. The motion passed, with Scott Roper abstaining.

SB749/HB1003 Public Safety – 3-1-1 Systems – Non-emergency Information

- Senator Kagan thanked Secretary Strickland, 2-1-1 CEO Quinton Askew, Montgomery County 3-1-1 Director Brian Roberts, Retired Montgomery County PSAP Director (and NG911 Commissioner) Bill Ferretti, cross-file bill sponsor Delegate Ken Kerr, and others for their support of this bill.
- Sec. Strickland provided an overview and history of how this bill was developed.
- Senator Kagan predicted that this bill will pass next year. Senator recognized Congressman David Trone and his staff—who have worked to secure federal funds for this first-in-the-nation program.

Senator Reilly moved that SB749/HB1003 Public Safety – 3-1-1 Systems – Nonemergency Information be reintroduced in 2023. The motion approved unanimously.

Next Steps...

- Vice Chair Steve Souder emphasized that 9-1-1 issues will never go away. He suggested that a 9-1-1 Caucus be created to continue the Commission's work and be advocates in the Senate and House.
 - Senators Kagan and Reilly supported this idea and stated that other caucuses exist, and this opportunity could be explored.

The final Commission meeting adjourned at 12:07 p.m. EDT. Following lunch, Senator Kagan brought Commissioners to the Senate Chamber for a tour, photographs, and remarks of gratitude by the Senate President and his Chief of Staff.

The livestream of this meeting can be found here:

https://mgaleg.maryland.gov/mgaweb/Committees/Media/false?cmte=ngm&clip=NGM5_12_2022_meeting_2&ys=2022rs

