

TESTIMONY
ECONOMIC IMPACT COMMITTEE – SEPTEMBER 29, 2014
BY JERRY BERGQUIST, CHAIRMAN
EMERGENCY SERVICES COMMUNICATIONS COORDINATING COMMITTEE
(Referred to as ESC3)

Mr. Chairman and members of the Committee, my name is Jerry Bergquist, Stutsman County Emergency Manager and 9-1-1 Coordinator, but I'm here today as the Chairman of your Emergency Services Communications Coordinating Committee (often called the ESC3).

The ESC3 is a statutory body composed of two state and two local government representatives with the specific responsibilities outlined in Appendix A of this report. Members represent the ND 9-1-1 Association, the ND Association of Counties, State Radio Communications and the ND Information Technology Department. Members are not paid for their service. They have other full time jobs, but dedicate time each month to the responsibilities of this committee. Members rely heavily on staff and members of their organizations to accomplish committee goals.

A very important element of ESC3 responsibilities is the charge to deliver to the legislature, through your committee, information about the status of emergency services communications in the State. This is our 7th report since the ESC3 was created in 2001.

As you might expect, our public safety stakeholders are using their emergency communications systems more and more each day. Since our report 2 years ago the number of 9-1-1 calls received into the system has gone up by 32% and since our committee began tracking 9-1-1 call numbers in 2005 emergency 9-1-1 calls have gone up nearly 140%. By comparison, the incoming revenue to support the system increased 5% since our last report and 30% since 2005.

This imbalance in growth has strained our state's public safety answering points (known as PSAP's) and the emergency response agencies responding to 9-1-1

calls. The strain is such that, in one instance, a PSAP in western North Dakota could no longer adequately handle the call volume and decided to transfer 9-1-1 call operations to the State Radio PSAP. Another regional PSAP in the west could no longer carry the load of a neighboring county and asked them to look for an alternate way to provide 9-1-1 service to their communities, resulting in that county's incorporation into State Radio as well. Consequently, the load at State Radio has increased to a point where the decision was made to build a new facility to handle the additional workload.

While western North Dakota may be the extreme case, we are also seeing growth in population and call numbers statewide. This growth is exceeding the 9-1-1 fees revenues to support it. Meaning that, counties, cities, and regional 9-1-1 jurisdictions are actively looking to find more revenue to offset the imbalance.

At the time of our report's publication 13 counties and one city had already approved increasing their 9-1-1 fee from \$1.00 to a maximum of \$1.50 to help offset expenses in support of their emergency communication systems. I can also report that 9 other counties have proposed increasing their 9-1-1 fees that will be voted on this fall. In addition to local action to help offset the increase in services; during the 63rd Assembly the legislature approved a point-of-sale law to capture sales of pre-paid wireless services that were not previously being collected. This law took effect on January 1 of this year and we have begun to see additional revenues from this area. While steps have been taken both at a local and state level to provide additional revenues, it does not seem to be in balance with the increase in activity being experienced across the state.

To be clear, our emergency services communications systems are operating as they should, but it's also clear that there is continued need for improvement and additional planning to prepare the PSAP's for their anticipated future workloads.

Now I want to turn your attention to some of the other items in our report. The first of which is the transition to Next Generation 9-1-1. Next Generation 9-1-1 (aka NG9-1-1) is an effort to upgrade our state's 9-1-1 system to support newer forms of communication like text messaging, video, photos, and vehicle telematics. Deployment of NG9-1-1 began in the spring of this year and I'm happy

to report good progress is being made. I'm also happy to have Jason Horning, our Next Generation 9-1-1 Program Manager, with me today to address any specifics on this initiative as it is a highly technical program.

As the NG9-1-1 system is implemented, we will be positioned to begin receiving 9-1-1 text messages from the public. This service is critical to supporting the needs of the hearing impaired community and also individuals who may find themselves in a position where communicating by voice could jeopardize lives and/or property. With the implementation of NG 9-1-1, we hope to position our states PSAPs to reduce operational expenses over the next decade as it facilitates an environment for them to more easily share technology; which segues into the next topic I'd like to discuss.

The idea of shared technology is already being implemented by a number of PSAPs throughout the State. Shared technology basically means that equipment is installed in one PSAP location and simultaneously utilized at additional PSAP locations. This strategy is intended to provide better interoperability, redundancy and financial efficiency. A number of specific examples relating to shared technology are included in our report.

I would now turn your attention to some of our specific reporting obligations to the legislature. The ESC3 has compiled reports from each of the governing bodies levying a 9-1-1 fee and those specifics can be found within the Appendices. The committee has evaluated each PSAP's operations with respect to the standards and guidelines imposed under NDCC 57-40.6-10 and have provided an overall evaluation summary in Appendix D. Our state's PSAPs are largely in compliance with the standards and guidelines but as you will see, there are a few areas where work remains. The ESC3 intends to work with PSAPs over the next year to remind them of the requirements and bring them into full compliance.

As to the allowable use of 9-1-1 fee revenue by the governing bodies levying such a fee, we have found that their fee revenue is being expended in compliance with expenditure guidelines. An overview of these expenditures can be found on page 7 of the report with detailed expenditures compiled on page 17.

Finally, on the topic of our recommendations to legislative management with respect to chapter 57-40.6 of NDCC, the ESC3 received input from the ND 9-1-1 Association on changes they believed were necessary in the context of the transition to NG9-1-1. Additionally, the ND 9-1-1 Association believed that some clarification was needed to more clearly identify the scope of the Emergency Services Communication System as a two-part system that is implemented and maintained for the purposes of public safety. The ESC3 has conducted an extensive review of the ND 9-1-1 Association's recommendations, held public hearings, and is recommending that the Economic Impact Committee support the changes.

If I could turn your attention to Appendix F (page 27) I'd like to go over these legislative recommendations with you.

Within 57-40.6-10 you'll see modifications to the "Emergency Services Communication System" definition to include the "911 System" and "Radio System." This helps provide more clarity that an Emergency Services Communication System is composed of two systems with the common goal of providing "Public Safety Services."

With the modifications made to the "Emergency Services Communications" definition, we felt it appropriate to provide clear definitions on a "911 System", "Radio System" and "Public Safety Services". You'll find those additions to the list of definitions. Within the definitions you'll also notice a change to "Public Safety Answering Point" or "PSAP" to strike the text "operated on a twenty-four hour basis." While that may initially create some concern we'd like to point out that section 57-40.6-10 Subsection 4.a requires that a PSAP MUST: "Be operational twenty-four hours a day seven days a week or be capable of transferring emergency calls to another public safety answering point meeting the requirements of this section during times of nonoperation." As we move to NG9-1-1 we may find that it is more cost effective to operate some of our PSAPs on a part-time basis, provided that their backup PSAP is capable of providing the same level of service during times of "nonoperation". We feel this gives the ESC3 and the PSAPs some flexibility to explore these potential efficiencies.

Within 57-40.6-02 and 57-40.6-03.1 you'll notice a change to strike the terms "E911" and "Enhanced 911." These terms describe the existing, and what will become the legacy 9-1-1 system. We believe it is appropriate to refer to the 9-1-1 system more broadly so that the ESC3 has the flexibility to coordinate the implementation of NG9-1-1 and future related services without having to continually modify the statute to support those specific initiatives.

Lastly, with respect to 57-40.6-10 you'll notice some changes to subsection 4.c with the removal of specific types of responders and replacement with a broader term of "public safety services." This change addresses the reality that there may be a number of additional emergency services necessary to respond to 9-1-1 calls. This change is paired with the new definition of "public safety services" that we have recommended within the definitions of 57-40.6-10.

This concludes our report. On behalf of your Emergency Services Communications Coordinating Committee I urge your recommendation of the proposed legislation (in Appendix F of the report) for introduction.

Either I or Jason Horning (NG 9-1-1 Program Manager) will answer any questions you may have.