

Testimony to the  
**Interim Economic Impact Committee**

Prepared September 14, 2016

by Terry Traynor, Secretary to the

Emergency Services Communications Coordinating Committee

**Regarding: Emergency Services Communications**

Thank you Chair Triplett and Committee Members for the invitation to deliver the biennial report of the Emergency Services Communications Coordinating Committee or ESC3 as it is often called. The ESC3 is a statutory body composed of two state and two local government representatives with the specific responsibilities outlined in the section of law that we included as Appendix A of this report. 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 8th report such report since the ESC3 was created in 2001.

As stated on page 1 of the report, emergency services communication is a complex and multi-faceted system of telecommunication devices, computers, digital mapping, towers and radios that connects every citizen of the State to the nearly 700 law enforcement, fire, and emergency medical responding agencies through 21 public safety answering points (PSAPs) in North Dakota and 1 in South Dakota. While this network may be viewed as 22 separate systems; it is, now more than ever before, a single system with 22 points of contact. To adequately characterize this system for this report, information is gathered through two on-going surveys focused on finances and operations.

As the Legislature is aware, emergency services communications has a dedicated funding source in the fee levied on telecommunication services. State law allows up to \$1.50 to be added to a phone bill for this purpose. Discussed on page 3 of the report; of the 53 counties and single city levying this fee, 37 are levying \$1.00 and 17 were levying \$1.50. The chart on page six shows that, totally, this fee generated \$11.7 million in 2015, or about 60% of the almost \$20 million needed to support emergency communications statewide, with the rest coming primarily from property taxes.

As the report indicates in the charts on page 7, slightly more than half of the costs are for dispatch staff, with smaller, but significant, amounts dedicated to network costs and the maintenance and replacement of equipment. Appendix C in the report breaks this down by jurisdiction.

The operational survey is summarized on page 8 of the report, with the details in Appendix D. While total call volume is down from the historic high in our last report (mostly in Western counties), the 22 public safety answering points (PSAPs) still handled about 1.1 million calls in

2015. The average PSAP dispatches 32 responding agencies (many times simultaneously); managing from 4 to 29 separate radio frequencies – while at the same time responding to FBI (NCIC) requests, logging and confirming warrants, activating sirens and emergency cable interrupts, dispatching public works during emergencies, and other emergency functions.

In addition to the basic data collected, this report also addresses current and emerging issues in emergency communications. The first of which is the transition to Next Generation 9-1-1. NG9-1-1 is a nation-wide initiative with the goal of improving access to, and interoperability of, 911 service between the public and the nation's public safety answering points (PSAPs). North Dakota's efforts in pursuit of NG9-1-1 began in 2014 with installation of an Emergency Services IP network (ESInet) backbone. The ESInet is an entirely new, secure, IP network with more available bandwidth for PSAPs to receive new media types (pictures, video, data, etc.) that will be delivered from the public to the PSAP. When the report was written in July, 19 PSAPs had been transitioned to this new network, and since that time the remaining North Dakota PSAPs have been converted. North Dakota is one of a very few states that have achieved this milestone on a statewide basis.

With a new IP network in place, the 911 system is now positioned to accept new forms of communication from the public. The first of these new communication types will be the short message service (SMS), otherwise known as "text messaging". Testing of this service is currently underway and the ND 9-1-1 Association's Strategic Technology and Planning Subcommittee is preparing public service announcement materials for statewide release when the service is made available later this fall. Again, North Dakota will be one of the few states nationally to have statewide text-to-911 available statewide for all carriers in the state.

Another significant accomplishment facilitated by the ESInet has been an integration of the 9-1-1 networks between North Dakota and Minnesota. In 2015 North Dakota, South Dakota, Minnesota and Iowa were asked to participate in a program sponsored by the National 9-1-1 Program Office called the NG9-1-1 Interstate Playbook. The purpose of the initiative is to identify the technologies, procedures and policies required to transfer 9-1-1 calls across state boundaries without any loss of data or degradation of service. North Dakota and Minnesota were the first of the four states involved in this project to connect their 911 networks and, as of May of this year, PSAPs in ND are able to transfer and receive 9-1-1 calls with location information from MN. While this sounds somewhat simple, it was a profound achievement that required addressing significant technological, legal, and political hurdles, involving the two states, the federal government, multiple equipment vendors, numerous telecom providers, and local staff.

The implementation of the ESInet, has also allowed PSAPs to leverage this connectivity in a way that has not been possible before. By centralizing and sharing call-answering equipment, dispatching can physically take place locally where radio communication is possible, while the

actual call-answering function is completed remotely. This reduces the equipment necessary and provides increased options for back-up and redundancy. The linkage of the PSAPS in Stutsman, Richland and Barnes Counties was the first sharing of this type over the ESInet. The Red River Regional Dispatch Center in Fargo and the Grand Forks PSAP were next to bring their equipment together and form a virtual PSAP from the technological perspective. Testing showed that one site could “go down” completely, and the other would automatically, and without interruption, assume that jurisdiction's calls.

With those successes, a concept was developed for a matched set of call-answering equipment to be purchased by the state's Information Technology Department (ITD), and installed at their major network nodes in Fargo and Bismarck for lease by all interested jurisdictions. Bismarck/Burleigh's CenCom facility was the first to utilize this equipment, but the counties of Stark and Ward were quickly added, followed by Bottineau/Renville, Rolette, Cavalier, and Pierce. Plans are in-place for additional consolidations into this joint effort, including the State Radio PSAP and the five-county Lake Region PSAP. So while 21 physical answering points exist, technologically, there are now only nine PSAPs statewide and we expect that to drop to six in the next several years.

The final issue I wish to highlight is land mobile radio (LMR). As discussed during the last Legislative session, LMR in the State of North Dakota is comprised of a patchwork of dozens of aging and disparate systems that have not kept pace with the public safety community's evolving needs for increased reliability, performance, and interoperability. Many of these systems - primarily anchored on 1970s technology, and implemented individually by state, local, and municipal entities over the past three decades - will soon reach the end of their functional lifecycle and, as the vendors begin to sunset old technologies which will no longer be supported by their manufacturers. In response to these issues, the 64th State Legislature charged “the [North Dakota] Information Technology Department (ITD), under the direction of the Statewide Interoperability Executive Committee, [to] determine the feasibility and desirability of implementing” of a Statewide Interoperable Radio Network (SIRN 20/20). The SIRN 20/20 plan is to address the demand from population and emergency incident growth, enhance statewide interoperability and other prevailing first-responder safety expectations, and prevent technology obsolescence, all in a cost-effective and timely manner, and under a sustainable and well-governed framework. The focus of this report is not the SIRN 20/20 project, however it is an integral part of overall emergency communications and to be successful, it must be an adequate and affordable replacement for local networks, begin deployment in a timely manner to ensure broad participation, and employ sustainable funding.

In closing, the ESC3 is directed by statute to review and recommend to the Legislature, necessary changes to chapter 57-40.6. Our report as well as proposed bill draft 17.2015.01 contains our recommendations for this interim. The ESC3 asked the North Dakota 911 Association, a membership organization of state, local and private industry representatives to

provide input. The input was reviewed and proposed statutory changes were drafted. The ESC3 distributed the proposal and held a public hearing, after which the (essentially four) recommendations before you were officially adopted.

Looking at the bill draft, the Section 1 change is reflective only of the fact that the term “dialing” is an outdated term that has been phased out nationally when referring to 9-1-1.

If I could then jump to Section 3 of the bill, where the only changes appear on pages four and five. The first of these is to make telecommunicator background checks consistent with the requirements established by the FBI for criminal database access. The second is more substantive in that it disconnects the training qualifications from one particular vendor, giving the ESC3 more responsibility for vetting the various training options available, and (page 5) makes it clear that both initial and ongoing training is expected.

The final change is really the combination of Section 2 and the repeal in Section 4. Section 2 and the repealed language are reproduced below for discussion. This may be the most substantive change, as it makes it clear that a telecom company’s “actual costs” for collecting the fee on behalf of local government AND for providing updated customer records are limited to “five percent of the first one dollar collected.” While most of the telecom companies do not, the vague language of the repealed section has prompted a few to charge customer connect and disconnect fees to the emergency communication system (sometimes several times each month). For some jurisdictions this has greatly eroded the funding necessary for maintaining this critical service.

Thank you for the opportunity to present this report and these recommendations. It would be the request of the Emergency Services Communications Coordinating Committee that your committee recommend introduction of bill draft 17.0215.01 in the next Legislative Session. I will gladly attempt to answer any questions you may have.

**~~57-40.6-03.1. 911 database management charges. (REPEAL)~~**

~~Any telephone exchange access service provider charges for 911 database management must be on a per telephone exchange access service basis.~~

**57-40.6-04. Fee collection procedure.**

An assessed communications service provider may retain the actual costs of administration in collection of the fee and any telephone exchange access service provider charges for 911 database management, not to exceed five percent of the first one dollar fee collected. The fee proceeds must be paid by the assessed communications service provider within thirty days after it is collected from the subscriber or customer unless the provider has fewer than ten subscribers or customers in a jurisdiction, in which case the provider may pay the proceeds quarterly.