

July 2009

## STUDY OF 911 SERVICES AND INFRASTRUCTURE

Section 2 of 2009 House Bill No. 1412 (attached as [Appendix A](#)) provides for a Legislative Council study of emergency services communication, including a review of the following areas:

- Equity of the 911 fee structure.
- A review of fees, taxes, and assessments for services.
- Equity of services.
- Payments among residents within service areas.
- Fee collection methods.
- Current and future funding of emergency communications in the state.

This study has been assigned to the Public Safety and Transportation Committee by the Legislative Council. The Legislative Council chairman has directed that the portion of the study relating to fees and taxes be reassigned to the Taxation Committee with the portion of the study relating to services and infrastructure retained by the Public Safety and Transportation Committee.

### STATE RADIO AND LOCAL EMERGENCY COMMUNICATION SERVICES

North Dakota Century Code (NDCC) Chapter 37-17.3 (attached as [Appendix B](#)) provides for the State Radio broadcasting system as managed by the Division of State Radio for the purpose of transmitting state business and information. The Division of State Radio provides voice and data communications to federal, state, local, and tribal public safety entities through a number of different systems, including:

- **The State Radio emergency services communications system** - Provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for law enforcement, fire, medical, or other emergency services.
- **Mobile data terminal services** - Provides law enforcement with mobile communications (primarily laptop computers in vehicles) to access databases and vehicle information.
- **Law enforcement telecommunications system** - Provides information on wanted felons, state-to-state information on crimes, and everyday police activities.

The Division of State Radio operates a public safety answering point, which is a 24-hour-a-day communications center that receives 911 calls from individuals within a 911 service area and, as appropriate, directly dispatches public safety services or extends, transfers, or relays 911 calls to appropriate public safety agencies. State Radio serves as the public safety answering point for 22 small population counties. A 911 call made in one

of these counties is routed to State Radio. State Radio staff is responsible for collecting the necessary information and dispatching appropriate units and personnel. In addition to the public safety answering point operated by State Radio, there are 22 locally operated public safety answering points. The majority of the 22 locally operated public safety answering points are physically located and operated within law enforcement buildings and others are located in courthouses and commercial buildings. The public safety answering point operated by the Division of State Radio is located in the basement of a building at Fraine Barracks. Attached as [Appendix C](#) is a schedule summarizing North Dakota emergency communications coverage.

State Radio serves as the state dispatch center for the Highway Patrol and provides dispatching services for other state entities, such as the Game and Fish Department and the Attorney General's office. State Radio provides dispatching services for various federal entities, such as the National Park Service, the United States Border Patrol, and the United States Marshals Service. In addition, State Radio coordinates road closures, answers the security line for the Governor's residence and office, and answers "report all poachers" calls.

### State Radio Fees for Services Provided

North Dakota Century Code Section 37-17.3-08 provides the requirements relating to the establishment and charging of fees for mobile data terminal and 911 emergency services provided by State Radio. The Division of State Radio may charge fees to the 22 small population (less than 20,000 residents) counties for providing 911 emergency dispatching services. The fee to be paid by the political subdivisions is to be consistent with the actual costs of providing the service per telephone access line and wireless access line for 911 services provided to political subdivisions. As of July 1, 2009, the monthly fee charged to counties was 38 cents per telephone and wireless line.

The fees for providing mobile data terminal services to participating local law enforcement agencies must be based on actual costs incurred by the division in providing the service. The Division of State Radio's fee for mobile data terminals is \$12.32 per month for each user.

North Dakota Century Code Section 37-17.3-08 establishes the fees that the Division of State Radio is to charge for the law enforcement telecommunications system. Counties are responsible for approximately 50 percent of the system's cost based on the following schedule of charges per terminal:

- Counties with a population of less than 5,000 are to pay \$30 per month.

- Counties with a population of 5,000 to 9,999 are to pay \$60 per month.
- Counties with a population of 10,000 to 14,999 are to pay \$90 per month.
- Counties with a population of 15,000 to 24,999 are to pay \$100 per month.
- Counties with a population of 25,000 or more are to pay \$160 per month.

The fee for other law enforcement agencies to participate in the law enforcement telecommunications system is to be based on the actual cost of providing this service. During 2008 the cost of providing the service was \$298.48 per terminal per month.

## **PREVIOUS RELATED STUDIES AND REPORTS**

### **2007-08 Public Safety Committee**

Section 8 of 2007 Senate Bill No. 2016 provided for a study of the Department of Emergency Services, including the Division of Homeland Security and the Division of State Radio, including a review of the allocation of federal homeland security funding, the operation of State Radio, and potential changes to the 911 fee structure to continue salary equity funding provided in the 2007-09 biennium.

The committee learned the Division of State Radio may charge fees to the 22 counties for which the division is providing 911 emergency dispatching services. The fee to be paid by the political subdivisions is to be at least 20 cents per telephone and wireless access line for 911 dispatching services provided to political subdivisions. The 2007-08 rate charged by the Division of State Radio is 20 cents per telephone and wireless access line.

The committee reviewed the requirements relating to the authority of cities and counties to impose 911 fees on the users of telephone and wireless access lines. A governing body of a city or county may provide by resolution, subject to the vote of the electors, for the imposition of a fee of up to \$1 per month per communication connection for providing an emergency services communication system and in the case of wireless, an enhanced 911 service. The 911 fees are collected by telephone providers who submit the fees, less an administration cost, to respective political subdivisions. The 911 fees received by political subdivisions are to be used for implementing, maintaining, or operating the emergency services communication system.

The committee learned in order to implement wireless 911 within the state, all political subdivisions receiving 911 fees contracted with the North Dakota Association of Counties to coordinate the implementation of the networking, nonpremise equipment upgrades, testing, and ongoing services necessary for wireless 911. The North Dakota Association of Counties entered a contract with telephone service providers for the wireless 911 project. The project began in September 2001, and at that time, the counties submitted 50 percent of

the amount received from wireless carriers for the wireless project. After several years, the project's governing board determined that 50 percent of the wireless fee was generating more revenue than necessary; therefore, in August 2005 the board lowered the remittance percentage to 40 percent of the amount received from wireless carriers. During 2007-08, the remittance percentage of 40 percent is generating significantly less than the monthly project costs; therefore, the fund balance is decreasing. The project's governing board has approved a 20-month extension on the original five-year master contract and has negotiated reductions in per unit costs to moderate the continuing decrease in the fund balance.

The committee received information from representatives of the North Dakota Association of Counties and Qwest regarding Next Generation 911. The committee learned a fundamental and significant change in the communications industry is driving the need for public safety solutions that accommodate the many new ways that emergency services can be requested and the response provided. In the future, public safety will need to be able to receive voice, data, and video messages from automatic crash notification systems, hand-held computers, and satellite telephones. The state will need to convert from an analog system to an Internet protocol system while maintaining the ability to serve legacy communication services. The federal Department of Transportation has been assigned responsibility to guide the Next Generation 911 effort nationally and the North Dakota 911 Association has begun its planning efforts.

The committee recommended the following bills related to emergency communications:

1. House Bill No. 1050 (2007), which failed to pass, would have provided a \$7.2 million general fund appropriation to the Adjutant General for purchasing or leasing infrastructure and equipment for up to eight additional radio towers to expand coverage of the State Radio system during the 2009-11 biennium.
2. House Bill No. 1051 (2007), which failed to pass, would have provided a \$750,000 general fund appropriation to the Adjutant General for upgrading the Department of Emergency Services' mobile data system to high-speed broadband access during the 2009-11 biennium.
3. House Bill No. 1052 (2007), which failed to pass, would have provided a \$2 million general fund appropriation to the Adjutant General for completing Phase 2 of the Department of Emergency Services' computer-aided dispatch system, including implementation of an automatic vehicle locator system, during the 2009-11 biennium.
4. House Bill No. 1054 (2007), which failed to pass, would have provided that the Adjutant

General study the effects of Next Generation 911 on the public safety answering points in the state during the 2009-10 interim. The study was to address the technology needs relating to Next Generation 911; the most efficient method of implementing Next Generation 911, including the use of shared technology; and any necessary changes to the 911 funding model. The bill provided a \$100,000 general fund appropriation to the Adjutant General for the 2009-11 biennium for conducting the study.

### **2003-04 Emergency Services Committee**

During the 2003-04 interim, the Legislative Council's Emergency Services Committee studied the state's emergency management system, the impact of federal emergency reorganization on the state's emergency operations plan, and the emergency management preparedness of state agencies and local governments. In addition, the committee received a report from State Radio on the operation of and recommended changes in the emergency 911 telephone system standards and guidelines.

The committee received testimony regarding the organization, structure, responsibilities, and operation of the Department of Emergency Services. Since the terrorist attacks in September 2001, the Department of Emergency Services changed the focus of the emergency management infrastructure to enhanced homeland security efforts. The Department of Emergency Services has worked to form partnerships with state agencies, political subdivisions, and private entities to raise security awareness and improve the ability to mitigate and to respond to emergencies.

The committee received testimony from representatives of various political subdivisions and other first responders regarding the use of homeland security funds at the local level. The testimony indicated that a great deal of the local funding was dedicated to purchases of personal protection equipment, decontamination equipment, and radio communications equipment to provide interoperability among fire, police, and other first responders.

Representatives of entities, such as hospitals, ambulance services, and other emergency medical services in some areas of the state, testified that they were not provided the opportunity to participate in the decisions regarding allocations of the homeland security funding and that those entities did not receive funding necessary to ensure that those entities will be prepared to respond to a large-scale emergency or disaster.

After the September 2001 terrorist attacks, Congress passed the Homeland Security Act, which consolidated 22 federal domestic agencies under the Department of Homeland Security. The first priority of the department is to protect the nation against further terrorist attacks. In addition to providing a better-coordinated defense of the homeland, the department is responsible for protecting the rights of American

citizens and enhancing public services, such as natural disaster assistance and citizenship services, by dedicating offices to those missions.

The committee received a report regarding city and county fees on telephone exchange access service and wireless service. The 57<sup>th</sup> Legislative Assembly (2001) authorized the extension of 911 service to wireless telephones. Extension of 911 service to wireless telephones is being done through a two-phased process. The first phase provides a callback number and the cellular site information. During the second phase, latitude and longitude information will be provided. The project was scheduled to be completed in 2005 with a total cost of approximately \$6.8 million.

The Emergency Services Committee made no recommendation regarding the study of the state's emergency management system, the impact of federal emergency reorganization on the state's emergency operations plan, and the emergency preparedness of state agencies and local governments.

## **RELATED LEGISLATION**

### **House Bill No. 1016 (2009)**

This bill provides \$500,000 from the general fund for improving State Radio communications coverage in the state and is to be used for conducting a study of the effects of Next Generation 911 (\$100,000), for alternatives to constructing new State Radio towers (\$75,000), and for a new State Radio tower site near Wales (\$325,000).

### **House Bill No. 1135 (2009)**

This bill changes the membership of the Emergency Services Communications Coordinating Committee to include a member appointed by the Chief Information Officer of the state. Existing committee members are appointed by the North Dakota 911 Association, North Dakota Association of Counties, and by the Adjutant General to represent the Division of State Radio.

### **Senate Bill No. 2163 (2009)**

This bill moves the placement of laws relating to the State Radio broadcasting system from NDCC Chapter 54-23.2 to 37-17.3.

## **PROPOSED STUDY PLAN**

The following is a study plan the committee may wish to consider in its study of 911 services and infrastructure.

1. Receive and review information regarding the current emergency communications services and infrastructure in the state, including coverage areas.
2. Receive testimony from the Department of Emergency Services regarding potential changes to the 911 system in the state,

- including implementation of enhanced 911 services.
3. Receive testimony from other interested organizations and individuals regarding the committee's study of 911 services and infrastructure.
  4. Develop committee recommendations and any related bill drafts.
  5. Prepare a final report for submission to the Legislative Council.

ATTACH:3