# STATEWIDE INTEROPERABLE RADIO NETWORK - BACKGROUND MEMORANDUM

Section 10 of House Bill No. 1021 (2019) (Appendix A) provides for a study during the 2019-20 interim regarding consolidated emergency and interoperable public safety communications system governance and funding options. The Legislative Management is required to report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the 67th Legislative Assembly. The Legislative Management has assigned the responsibility for this study to the Government Administration Committee.

## STATE AGENCIES AND ENTITIES

### Division of State Radio

North Dakota Century Code Section 37-17.1-02.1 establishes State Radio as a division in the Department of Emergency Services. The Adjutant General is the director of the department. Chapter 37-17.3 relates to the State Radio broadcasting system, which consists of the State Radio network and North Dakota telecommunications system that is used to enhance interoperable communications that promotes officer and citizen safety.

Section 37-17.3-04 provides the director of the Division of State Radio is required to broadcast all dispatches and reports submitted that have a reasonable relation to or connection with the apprehension of criminals, the prevention of crimes, or the maintenance of peace and order in the state, including disaster emergency services.

Section 37-17.3-05 requires every telephone company and company providing communications equipment operating within North Dakota to provide emergency services to all messages or calls directed to any station of the State Radio broadcasting system.

Section 37-17.3-08 requires the director to establish appropriate fees for access to the State Radio system and North Dakota law enforcement telecommunications systems and other similar systems that may be employed that enhance public safety. The director must announce any fee increases a minimum of 1 year before the effective date. The director is required to consult with representatives of state and local units of government before setting fees. The director must deposit all revenue obtained related to the State Radio broadcasting system with the State Treasurer for deposit in the State Radio broadcasting system operating fund, which is available for the operation and maintenance of the system, subject to legislative appropriations.

Section 37-17.3-09 allows the Division of State Radio to provide primary public safety answering point (PSAP) services to a political subdivision that has a population of fewer than 25,000 at the time an agreement is signed for services with the division. The division must charge for the actual costs of providing the primary service per telephone access line and wireless access line. The fee for primary PSAP services must be charged to and paid by the political subdivision receiving services from the division. The division may provide primary PSAP services and other PSAP-related services during emergencies and other times of need as agreed in a mutual aid agreement. Charges for services must be specified in the mutual aid agreement.

Each county and city law enforcement department that access the North Dakota teletype system is required to pay a fee levied on a per terminal basis. Other law enforcement affiliated organizations and federal agencies pay 100 percent of the actual costs incurred by the Division of State Radio for providing the service, levied on a per terminal basis. State general fund agencies that access the system do not incur any fees for the service. City and county law enforcement fees are based on the following monthly schedule of charges per terminal:

| | |
|---|---|
| County population of less than 5,000 | $40 |
| County population of 5,000 or more but less than 10,000 | $80 |
| County population of 10,000 or more but less than 15,000 | $120 |
| County population of 15,000 or more but less than 25,000 | $160 |
| County population of 25,000 or more | $200 |

Section 57-40.6-14 establishes a prepaid wireless emergency 911 fee of 2.5 percent of the gross receipts of sellers from all sales at retail of prepaid wireless services in the state. The fee is collected by the seller from the consumer and must be separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller. The fee may not be included in the base for measuring any other tax, fee, surcharge, or other charge imposed by the state, political subdivisions, or intergovernmental agencies. Section 57-40.6-15 establishes a prepaid wireless emergency 911 fee fund, which consists of all fees, penalties, and other charges collected under Section 57-40.6. The revenue is collected by the Tax Commissioner and must be transmitted to the State Treasurer on a monthly basis to be credited to the fund. The proceeds in the fund must be used for the implementation, maintenance, or operation of the emergency services communication system.

## Public Safety Answering Points

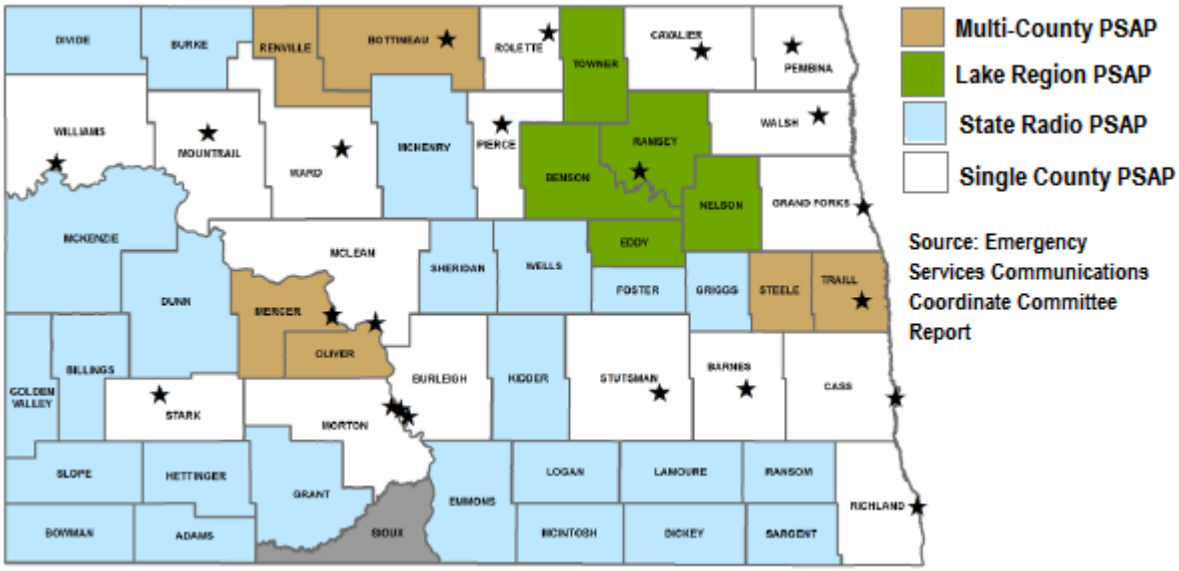
Chapter 57-40.6 relates to emergency services communications systems and defines a public safety answering point as a communications facility or combination of facilities which first receives 911 calls from persons in a 911 service area and which, as appropriate, may directly dispatch public safety services or extend, transfer, or relay 911 calls to appropriate public safety agencies.

Section 57-40.6-10 requires the governing body of local governmental units with jurisdiction over an emergency services communication system to designate a governing committee to operate or contract for the operation of at least one PSAP to manage emergency services communications and to maintain the law enforcement, fire, and emergency medical service response boundaries for the PSAP service area. A PSAP must:

1. Be operational 24 hours a day, 7 days a week or be capable of transferring emergency calls to another PSAP during times of nonoperation.
2. Be staffed continuously with a least one public safety telecommunicator who is on duty at all times of operation and who has primary responsibility for handling the communications of the PSAP.
3. Have the capability to dispatch public safety services to calls for service in the PSAP's service area.
4. Have two-way communication with all public safety services in the PSAP's service area.
5. As authorized by the governing committee, access and dispatch poison control, suicide prevention, emergency management, and other public or private services but may not accept one-way private call-in alarms or devices as 911 calls.
6. Dispatch the emergency medical service that has been determined to be the quickest to arrive to the scene of medical emergencies regardless of city, county, or district boundaries. The State Department of Health must provide PSAPs with the physical locations of the emergency medical services necessary for this requirement.
7. Be capable of providing emergency medical dispatch prearrival instructions on all emergency medical calls. Prearrival instructions must be offered by a public safety telecommunicator who has completed an emergency medical dispatch course approved by the Division of Emergency Health Services. Prearrival medical instructions may be given through a mutual aid agreement.
8. Have security measures in place to prevent direct physical public access to on-duty public safety telecommunicators and to prevent direct physical public access to any room or location where PSAP equipment and systems are located.
9. Have an alternative source of electrical power that is sufficient to ensure at least 6 hours of continued operation of emergency communication equipment in the event of a commercial power failure. A PSAP must have equipment to protect critical equipment and systems from irregular power conditions, such as power spikes, lightning, and brownouts. Documented testing of backup equipment must be performed each quarter under load.
10. Maintain a written policy for computer system security and preservation of data.
11. Have the capability of recording and immediate playback of recorded emergency calls and radio traffic.
12. Employ a mechanism to differentiate emergency calls from other calls.
13. Provide assistance for investigating false or prank calls.
14. Have an alternative method of answering inbound emergency calls at the PSAP when its primary emergency services communication system equipment is inoperable.
15. Have a written policy, appropriate agreements, and the capability to directly answer emergency calls and dispatch responders from a separate, independent location other than the main PSAP or another PSAP within 60 minutes of an event that renders the main PSAP inoperative. This alternative location must have independent access to the PSAP's land line database. The capability of transferring emergency calls to this alternative location must be tested and documented annually.
16. Remain responsible for all emergency calls received, even if a transfer of the call is made to a second PSAP. The initial PSAP may not disconnect from the three-way call unless mutually agreed by the two public safety telecommunicators. Upon this agreement, the secondary PSAP becomes responsible for the call.

17. Employ the necessary telecommunications network and electronic equipment consistent with the minimum technical standards recommended by the National Emergency Number Association to securely receive and respond to emergency communications.
18. Maintain current, up-to-date mapping of its service area and have the ability to use longitude and latitude to direct responders.
19. Secure two sets of fingerprints from a law enforcement agency or any other agency authorized to take fingerprints and all other information necessary to obtain state criminal history record information and a nationwide background check under federal law for all public safety telecommunicators.
20. Have policies to ensure that all public safety telecommunicators:
    a. Do not have a felony conviction, at a minimum consistent with the National Crime Information Center standards;
    b. Complete pre-employment screening for illegal substance use and hearing;
    c. Meet and maintain the minimum qualifications and required certifications as established by the Emergency Services Communications Coordinating Committee (ESCCC);
    d. Can prioritize appropriately all calls for service; and
    e. Can determine the appropriate resources to be used in response to all calls for public safety services.
21. Have written policies establishing procedures for recording and documenting relevant information of every request for service, including:
    a. Date and time of request for service;
    b. Name and address of requester, if available;
    c. Type of incident reported;
    d. Location of incident reported;
    e. Description of resources assigned, if any;
    f. Time of dispatch;
    g. Time of resource arrival; and
    h. Time of incident conclusion.
22. Have written policies establishing dispatch procedures and provide initial and periodic training of public safety telecommunicators on those procedures, including procedures for:
    a. Standardized call taking and dispatch procedures;
    b. The prompt handling and appropriate routing of misdirected emergency calls;
    c. The handling of hang-up emergency calls;
    d. The handling of calls from non-English speaking callers; and
    e. The handling of calls from callers with hearing or speech impairments.

The statewide wireless communications systems include a land mobile radio system containing over 130 law enforcement agencies, 175 public and private emergency medical system departments, and nearly 400 fire departments comprising a total of more than 20,000 users and devices throughout all 53 counties, tribal nations, and the state. There are approximately 220 radio-leased and government-owned towers and 120 water towers, grain elevators, and silos in the state used in the system. There are currently 22 North Dakota PSAPs, including the State Radio PSAP, available to serve as dispatch for this network, as shown below:




## Information Technology Department

Section 37-17.3-02 allows the chief information officer (CIO) of the Information Technology Department (ITD) to purchase the necessary apparatus and equipment to construct or establish a statewide interoperable radio network (SIRN) for North Dakota that enables seamless interoperable communications from local, state, and federal levels. However, the CIO may not use state funds including resources from the SIRN fund for dispatch consoles, connectivity, and associated necessary software, equipment, or services to support a PSAP unless these items are intended for use by a state agency or state department. The CIO is charged with the operation and maintenance of SIRN as directed by the Statewide Interoperability Executive Committee (SIEC).

Section 37-17.3-03 requires each county and organization city in North Dakota to furnish to its law enforcement, firefighters, and emergency medical personnel the appropriate personal and vehicular radios that can access SIRN. Each radio that is programmed to access SIRN must be approved by SIEC. The CIO is required to establish a process to register and audit users of SIRN. The Information Technology Department may provide a cost-share for each radio purchased. The state cost-share for each radio is $1,500 unless the cost of the radio is less than $1,500, in which case the state cost-share is the cost of the radio.

Section 37-17.3-12 establishes the SIRN fund in the state treasury, which, subject to legislative approval and SIEC approval, must be used for providing the required state share of funding for expenses associated with the purchase, installation, operation, and maintenance of SIRN. The fund consists of money transferred into the fund, interested earned on money in the fund, payments to the fund, and other fund earnings. The CIO may apply for and accept funds, grants, gifts, or services made available for SIRN by an agency or department of the federal government or any other person. Any funds, grants, or gifts, or money received from services received related to SIRN must be deposited in the SIRN fund.

Section 57-40.6-02 provides a governing body of a county or city may impose a fee on all assessed communications services, provided the fee does not exceed $1.50 per month per communication connection. The fee must be applied equally upon all assessed communication services and does not apply to prepaid wireless services. Political subdivisions are required to add an additional fee of $0.50 to the original fee assessed on communication services and remit the additional $0.50 to the State Treasurer for deposit in the SIRN fund for the implementation of SIRN.

Section 54-59-05 states ITD may not enter an agreement to finance the purchase of software, equipment, or implementation services that exceeds a period of 5 years, with the exception of agreements entered related to SIRN. The department may not finance the purchase of software, equipment, or implementation services if the purchase amount exceeds 7.5 percent of the amount appropriated to ITD for that biennium, with the exception of financing related to SIRN.

## Statewide Interoperability Executive Committee

Pursuant to Section 37-17.3-02.2, SIEC consists of the following individuals or their designee:

1. The director of the Division of State Radio;

2. The director of the Division of Homeland Security;
3. The superintendent of the Highway Patrol;
4. The Adjutant General;
5. The director of the Department of Transportation;
6. A representative of the North Dakota Sheriff's and Deputies Association;
7. A representative of the North Dakota Emergency Managers Association;
8. A representative of the North Dakota Fire Chiefs Association;
9. A representative of the North Dakota Emergency Medical Services Association;
10. A representative of the North Dakota Police Chiefs Association;
11. A representative of the North Dakota Peace Officers Association;
12. A representative of the North Dakota 911 Association;
13. A representative of the North Dakota Association of Counties;
14. A representative of the North Dakota League of Cities;
15. The CIO of ITD;
16. The executive director of the Indian Affairs Commission;
17. One member of the House of Representatives and one member of the Senate appointed by the Legislative Management;
18. The director of the Game and Fish Department or a designee; and
19. The state health officer.

The Statewide Interoperability Executive Committee must elect a chairman and vice chairman for terms of 2 years, prepare recommendations regarding SIRN, and may adopt rules governing the connection or integration of PSAPs to SIRN.

## Emergency Services Communications Coordinating Committee

Section 57-40.6-12 establishes ESCCC. The governing body of a city or county which adopted a fee on assessed communication services is required to submit an annual report of income, expenditures, and the status of its emergency services communication system to ESCCC. The members of ESCCC include four members appointed by the:

1. North Dakota 911 Association;
2. North Dakota Association of Counties;
3. CIO of ITD; and
4. Adjutant General.

The Emergency Services Communications Coordinating Committee is required to:

1. Recommend to the Legislative Management changes to the operating standards for emergency services communications, including training or certification standards for dispatchers;
2. Develop guidelines regarding the allowable uses of fee revenue related to emergency services communications;
3. Request, receive, and compile reports from each governing body on the use of the proceeds of emergency services communications fees, analyze the reports with respect to the guidelines, file its report with the Legislative Council by November 1st of each even-numbered year regarding the use of the fee revenue, and recommend to the Legislative Assembly the appropriate maximum fee allowed by Section 57-40.6-02;
4. Periodically evaluate Chapter 57-40.6 related to emergency services communication services and recommend changes to the Legislative Management; and
5. Serve as the governmental body to coordinate plans for implementing emergency 911 services and Internet protocol-enabled emergency applications for 911.

The Emergency Services Communications Coordinating Committee may initiate and administer statewide agreements among the governing bodies of the local governmental units with jurisdiction over an emergency 911 telephone system to coordinate the procurement of equipment and services, fund the research, administration, and activities of the committee, and contract for the necessary staff support for committee activities.

### State Information Technology Advisory Committee

Section 54-59-07 establishes the State Information Technology Advisory Committee (SITAC) as a committee that advises ITD regarding statewide information technology planning and budgeting, services of ITD, and statewide information technology initiatives and policy. Membership of SITAC includes the CIO, the commissioner of higher education, the Attorney General, the Secretary of State, the Tax Commissioner, the Chief Justice of the Supreme Court, two members of the Legislative Assembly appointed by the Legislative Management, a minimum of eight members representing state agencies appointed by the Governor, and two members with technology management expertise representing private industry appointed by the Governor. The Governor designates the chairman of SITAC.

An executive, legislative, or judicial branch agency, except for institutions under the control of the State Board of Higher Education, must report to SITAC regarding the plan for and status of any information technology project that is estimated to cost more than $500,000. The Information Technology Department is required to submit information regarding proposed major information technology projects for executive branch state agencies, departments, and institutions, excluding institutions under the control of the State Board of Higher Education, to SITAC. The advisory committee must review the projects and rank those projects that receive the committee's recommendation. The CIO is required to submit the prioritization recommendations to the Information Technology Committee, the Office of Management and Budget, and the Appropriations Committees of the Legislative Assembly.

For the 2017-19 biennium, the SIRN project was prioritized as SITAC's second most important general fund information technology project at a cost of $65.35 million, of which $56.55 million would be from the general fund. For the 2019-21 biennium, the SIRN project was prioritized as SITAC's most important general fund information technology project at a cost of $53 million from the general fund.

## STATEWIDE RADIO SYSTEMS ASSESSMENT AND EVOLUTION STUDY

During the 2013-14 interim, SIEC coordinated funding from various public safety entities to conduct a study of North Dakota mission-critical radio communication systems used by public safety responders and public safety entities. The Statewide Interoperability Executive Committee selected Televate, LLC, to assess the current status of mission-critical land mobile radio networks statewide and to develop a strategic plan to combine communications into an expansive network that enhances public safety response statewide.

In January 2015, Televate released a report (Appendix B) regarding the study of mission-critical radio communication systems and provided the following recommendations:

- **Evolve fragmented legacy radio technologies** - Streamline communications among the more than 300 state and local radio towers and facilities to improve communication coverage throughout the state.
- **Improve radio system coverage and capacity** - Various areas within the state experience significant coverage limitations when using handheld radios. Use of legacy technology and outdated network configuration causes systems to interfere with themselves, limiting system performance, reliability, and coverage. Oversubscribed and simultaneous use of a limited number of State Radio channels result in "bleed over," or having to listen to interfering conversations, from distant communications, nuisance transmissions, or missed communications. Radio systems must be improved to support reliable mobile and portable coverage statewide and to provide agencies and group calls with sufficient capacity.
- **Enhance state and local interoperability** - There are notable gaps with neighboring state, federal, and Canadian systems. Seamless interoperability is a critical operational requirement for mission-critical systems and under current operational capabilities, has to be enhanced throughout the state to achieve the desired baseline performance.
- **Conduct effective training and exercises** - Effective and recurring training, conducted at the state, county, and agency levels, is necessary for successful operation of public safety networks.
- **Improve funding allocation** - The ability to evolve radio systems has been a major challenge, particularly for large rural counties with small tax bases. Funding limitations have impacted public safety entities ability to train and retain qualified dispatch and other first responder personnel while private sector wages increase.

- **Engage local stakeholders in the development of state initiatives** - Increase local input in state-led initiatives to foster dialogue and refine technology initiatives.
- **Centralize state systems while providing local autonomy** - Establish a centralized, trunked radio solution with each jurisdiction contributing their share of towers, radio frequencies, and transport facilities to provide suitable governance and sufficient local autonomy while having a state-funded network and radios.

## STATEWIDE INTEROPERABLE RADIO NETWORK LEGISLATION, FUNDING, AND STATUS

### 2015-17 Biennium

In Section 4 of Senate Bill No. 2016 (2015), the Legislative Assembly provided a one-time general fund appropriation of $1,500,000 to ITD for the purpose of planning and coordinating the implementation of the SIRN project, also known as the SIRN 20/20 project. Due to a revenue shortfall, this funding was reduced to $1,401,750 during the August 2016 special legislative session.

Section 5 of Senate Bill No. 2016 provided legislative intent that ITD, under the direction of SIEC, determine the feasibility and desirability of implementing SIRN. The department was required to consult with representatives of political subdivisions and private entities affected by the implementation of the network to determine participation in the project. If ITD determined the project is feasible, ITD was allowed to enter into agreements, including joint power agreements, with affected entities to delineate the roles and responsibilities of each entity to implement the project. Any agreements were to detail estimated future project costs to be paid by each entity. The department was required to report to the Appropriations Committees of the 65th Legislative Assembly regarding ITD's evaluation of the project, participation by affected entities, and recommendations for proceeding with the project or discontinuing future participation. The 64th Legislative Assembly provided legislative intent that future legislative appropriations be provided for the state's share of the core project if ITD determines it is feasible and desirable to proceed with the project.

Section 5 of House Bill No. 1011 (2015) provided legislative intent that ITD be responsible for the oversight of the installation of any radio communications equipment by an executive branch state agency and to develop a process to implement the recommendations of the North Dakota statewide radio system assessment and evolution study.

Pursuant to Senate Bill No. 2016 (2015), ITD contracted with Televate to conduct a study of a technical and feasible plan to deploy an integrated public safety network. In August 2016, ITD and Televate presented a report (Appendix C) of the study. The results of the study included an inventory of the current system along with a comparison of various options to implement a new interoperable network. The study identified a hybrid very high frequency (VHF) portable network as the most cost-effective solution to meet the needs of public safety personnel. The estimated cost to implement the hybrid VHF portable network was reported at $172.2 million with ongoing annual operating costs of approximately $12.9 million. The study recommended implementing the interoperable network in phases over a 5-year period with approximately $65 million of the $172.2 million project costs anticipated in the 2017-19 biennium.

### 2017-19 Biennium

Pursuant to Section 5 of Senate Bill No. 2016 (2015), ITD reported to the Appropriations Committees of the 65th Legislative Assembly regarding the feasibility and desirability of proceeding with the SIRN project. The 2017 Legislative Assembly approved House Bill No. 1178 (2017), providing for the following:

- Section 1 established the SIRN fund now codified in Section 37-17.3-02.
- Section 3 amended Section 54-59-05(4) to allow ITD to enter into agreements to finance the purchase of software, equipment, or implementation services exceeding 5 years for SIRN and to spend more than 7.5 percent of the department's appropriation in a biennium to finance the purchase of software, equipment, or implementation services relating to SIRN.
- Section 4 amended Section 57-40.6-02 to require political subdivisions to add a fee of $0.50 to the fee imposed on assessed communication services. The additional $0.50 per communication connection must be remitted to the State Treasurer for deposit in the SIRN fund established in Section 1 of the bill.
- Section 6 required ITD to begin implementation of SIRN during the 2017-18 interim based on findings in the North Dakota statewide interoperable network feasibility study and its recommendations by SIEC. Current and future appropriations and local government contributions for improvement or expansion of state or local public safety land mobile radio systems must be expended in a manner consistent with the recommendations of SIEC.

- Section 7 authorized a loan of $15 million from the Bank of North Dakota and appropriated the funds to ITD for SIRN. The term of the loan was not to exceed 6 years and was to be repaid from funds available in the SIRN fund established in Section 1 of the bill. The department did not borrow funds from the Bank during the 2017-19 biennium.
- Section 8 provided legislative intent that by September 30, 2018, all North Dakota entities operating a PSAP relinquish legal rights to any radio frequency required for the SIRN trunk system, allowing these frequencies to be utilized by the state for use of the network.
- Section 9 provided legislative intent that during the 2017-18 interim, ITD and SIEC make efforts to consolidate certain functions with SIRN.
- Section 10 provided an expiration date of July 31, 2023, related to the provisions of the bill.

The additional $0.50 imposed on assessed communication services was estimated to generate an additional $9.6 million during the 2017-19 biennium. Senate Bill No. 2021 (2017), the ITD budget, included spending authority of up to $13.7 million during the 2017-19 biennium, should actual revenues exceed the $9.6 million estimate. Including the $15 million loan from the Bank of North Dakota, ITD's total appropriation for SIRN during the 2017-19 biennium was $28.7 million, of which $24.6 million was the amount the department anticipates being available during the biennium.

Actual revenues deposited in the SIRN fund during the 2017-19 biennium totaled $10,047,801, of which $8,138,196 was from assessed communications services fees related to SIRN, $1,897,241 was from equipment usage charges and other 911 service revenue paid by PSAPs, and $12,364 was from interest earned on the fund.

In November 2017, ITD issued a request for proposal for the SIRN project. In January 2019, ITD awarded the contract to Motorola Solutions. As of May 2019, 41 counties have signed the SIRN memorandum of understanding (MOU) and 4 counties have signed letters of intent to participate in the network and to relinquish legal rights to any radio frequency required for the SIRN trunk system pursuant to House Bill No. 1178 (2017). Five counties have either disagreed or partially disagreed with the MOU, two counties have not presented SIRN information to the county commissioners, and one county has not responded to SIRN communication requests. The Information Technology Department has received 19 signed MOUs from cities, police departments, and fire departments.

### 2019-21 Biennium

The Legislative Assembly approved House Bill No. 1435 (2019) related to SIRN, providing for the following:

- Section 1 amended Section 37-17.3-02 to allow the CIO to purchase equipment for SIRN and be responsible for the operation and maintenance of SIRN rather than the director of the Division of State Radio in the Adjutant General's office. The CIO may not use state funds, including resources from the SIRN fund, for dispatch consoles, connectivity, and associated necessary software, equipment, or services to support a PSAP unless these items are intended for use by a state agency or state department.
- Section 2 amended Section 37-17.3-02.2 to add additional members to SIEC, including a representative of the North Dakota Association of Counties, a representative of the North Dakota League of Cities, the executive director of the Indian Affairs Commission, and one member from each chamber of the Legislative Assembly.
- Section 3 amended Section 37-17.3-03 to require the CIO to establish a process to register and audit users of SIRN and to allow ITD to provide a $1,500 state cost-share for each SIRN radio.
- Section 4 amended Section 10 of Chapter 247 of the 2017 Session Laws related to House Bill No. 1178 (2017) to remove the July 31, 2023, expiration date for the SIRN fund, for changes to SIEC membership, and for the authorization for political subdivisions to charge $0.50 on assessed communication services and a 0.5 percent increase on prepaid wireless emergency 911 fees.
- Section 6 requires the Bank of North Dakota to extend a line of credit not to exceed $80 million to ITD for SIRN. The department is required to repay the line of credit from funds available in the SIRN fund or other funds over a period not to exceed 20 years from the date of issuance of the line of credit, as appropriated by the Legislative Assembly. Section 9 included an emergency clause related to the line of credit.
- Section 7 requires the Industrial Commission to transfer $20 million from the current Bank of North Dakota earnings and accumulated undivided profits to the SIRN fund for the 2019-21 biennium. Section 9 included an emergency clause related to the transfer.

- Section 8 appropriated the $80 million line of credit, the $20 million of Bank of North Dakota profits, and $20 million from the strategic investment and improvements fund to ITD for SIRN for the 2019-21 biennium. Section 9 provided an emergency clause for the funding. House Bill No. 1014 (2019) and Senate Bill No. 2015 (2019) amended Section 8 of House Bill No. 1435 to delay the transfer of Bank profits until after $25 million of the line of credit is used.

In House Bill No. 1021 (2019), the Legislative Assembly provided for the following related to SIRN:

- Section 1 includes an appropriation of $12.33 million in the SIRN line item from the SIRN fund, a decrease of $1.37 million from the 2017-19 biennium authorized level of $13.7 million. Including the $120 million authorized for SIRN in House Bill No. 1435, funding for SIRN for the 2019-21 biennium totals $132.33 million, of which $80 million is from a Bank of North Dakota line of credit, $20 million is from Bank profits, $20 million is from the strategic investment and improvements fund, and $12.33 million is from the SIRN fund.
- Section 11 amended Section 37-17.3-02.2 to add additional members to SIEC, including a representative of the North Dakota Association of Counties, a representative of the North Dakota League of Cities, and the executive director of the Indian Affairs Commission, the director of the Game and Fish Department, and the state health officer.
- Section 12 amends Section 37-17.3-03 similar to the amendments in Section 3 of House Bill No. 1435 but specifies that SIRN radios furnished by counties and cities to law enforcement are personal and vehicular radios.

### Funding

The following is a summary of funding appropriated to ITD for SIRN.

| | 2015-17 Biennium | 2017-19 Biennium | 2019-21 Biennium | Total |
|---|---|---|---|---|
| General fund | $1,401,750 | | | $1,401,750 |
| SIRN fund | | $13,700,000 | $12,330,000 | 26,030,000 |
| Strategic investment and improvements fund | | | 20,000,000 | 20,000,000 |
| Bank of North Dakota loan | | 15,000,000 | | 15,000,000 |
| Bank of North Dakota profits | | | 20,000,000 | 20,000,000 |
| Bank of North Dakota line of credit | | | 80,000,000 | 80,000,000 |
| Total | $1,401,750 | $28,700,000 | $132,330,000 | $162,431,750 |

The 2013 Legislative Assembly provided a one-time appropriation of $1,175,000 to the Adjutant General for State Radio tower projects for the 2013-15 biennium. The Adjutant General was provided exemptions to continue the funding into the 2015-17 and 2017-19 bienniums. The 2019 Legislative Assembly provided an exemption to allow the Adjutant General to continue the funding into the 2019-21 biennium to be used for State Radio towers projects or for technology upgrade costs required to implement SIRN during the 2019-21 biennium. During the 2019 legislative session, the Adjutant General estimated $800,000 would be continued into the 2019-21 biennium.

## PREVIOUS STUDIES

### 2007-08 Interim Public Safety Committee

The 2007-08 interim Public Safety Committee conducted a study of the Department of Emergency Services, including the Division of State Radio. The committee recommended several bill drafts, including a bill draft to provide a $7,200,000 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. The 2009 Legislative Assembly did not approve the bill, but House Bill No. 1016 (2009) included a general fund appropriation of $500,000 to study the effects of Next Generation 9-1-1 ($100,000), alternatives to constructing new State Radio towers ($75,000), and implementing a new State Radio tower site near Wales ($325,000).

### 2009-10 Interim Public Safety and Transportation Committee

Pursuant to Section 2 of House Bill No. 1412 (2009), the 2009-10 interim Public Safety and Transportation Committee studied emergency services communication, including 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, and current and future funding of emergency communications in the state. The committee recommended House Bill No. 1045 (2011) to provide for changes in emergency communications operating standards as recommended by ESCCC. The bill passed. The committee also recommended Senate Bill No. 2046 (2011) to provide $110,302 of funding for the operational costs of providing access to the state message switch for entities that utilize wireless access for mobile data systems and to increase fees charged for the use of the law enforcement teletype system. The bill also included a $5.5 million general fund appropriation to the Department of

Emergency Services for the construction of up to 12 new State Radio towers and related equipment needed at State Radio headquarters with an emphasis placed on forming partnerships to use existing towers and infrastructure when feasible for the new tower sites. The bill failed; however, in Senate Bill No. 2016 (2011), the Legislative Assembly appropriated $1.5 million from the general fund for a State Radio tower package and provided legislative intent that the Adjutant General work with public and private sector entities to maximize the number of State Radio tower enhancements or additions that may be implemented within the funding provided.

### 2013-14 Interim Information Technology Committee

Pursuant to Section 3 of Senate Bill No. 2353 (2013), the 2013-14 interim Information Technology Committee studied issues related to the State Radio communication plan, which included considering input from city, county, and state public safety entities and SIEC. The committee learned the federal Middle Class Relief and Job Creation Act of 2012 created the First Responder Network Authority (FirstNet) as an independent authority within the United States Department of Commerce's National Telecommunications and Information Administration to provide emergency responders with the first high-speed, nationwide network dedicated to public safety. The committee conducted a tour of the Grand Forks PSAP and observed the information technology hardware used at the PSAP. The committee did not make a recommendation regarding the study because SIEC was in the process of receiving funding commitments from state agencies and other emergency services provider organizations for what became the statewide radio system assessment and evolution study conducted by Televate.

## STUDY PLAN

The following is a proposed study plan for the committee's consideration in its study of SIRN and consolidated emergency and interoperable public safety communications system governance and funding options:

1. Receive and review information from representatives of ITD, State Radio, SIEC, ESCCC, SITAC, PSAPs, and local governmental entities regarding:
   a. The current SIRN governance, including challenges with the network and equipment and opportunities to improve emergency services communications;
   b. The status of the SIRN trunk systems, the MOU process, and local participation in SIRN;
   c. How the $1,500 state cost-share will affect state and local emergency personnel;
   d. State and local training needs regarding SIRN;
   e. Plans for use of funding provided for the 2019-21 biennium;
   f. Anticipated future state and local costs of SIRN;
   g. Suggestions for consolidating PSAPs; and
   h. Concerns or challenges related to SIRN and the consolidation of public safety communications.
2. Receive and review information from interested persons regarding the committee's study of SIRN and consolidated emergency and interoperable public safety communications system governance and funding options.
3. Develop recommendations and any bill drafts necessary to implement the recommendations.
4. Prepare a final report for submission to the Legislative Management.

ATTACH:3