Prepared for the Government Administration Committee
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GOVERNMENT ADMINISTRATION COMMITTEE STUDY SUMMARY - STATEWIDE INTEROPERABLE RADIO NETWORK

STUDY

Section 10 of House Bill No. 1021 (2019) provided 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 assigned the responsibility for this study to the Government Administration Committee.

BACKGROUND

The major state agencies and organizations working on the statewide interoperable radio network (SIRN) include the Division of State Radio in the Department of Emergency Services (DES), the Information Technology Department (ITD), the Statewide Interoperability Executive Committee (SIEC), the Emergency Services Communications Coordinating Committee (ESC3), and the North Dakota Association of Counties (NDACo).

North Dakota Century Code 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 37-17.3-09 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. Chapter 57-40.6 relates to emergency services communications systems and defines a PSAP as a communications facility or combination of facilities that 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 37-17.3-02 provides the chief information officer of ITD is charged with the operation and maintenance of SIRN as directed by SIEC. Section 37-17.3-03 requires each county and city in North Dakota to furnish to its law enforcement personnel, firefighters, and emergency medical personnel the appropriate personal and vehicular radios that can access SIRN. 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. The Legislative Assembly has appropriated a total of $162.4 million to ITD for SIRN since the 2015-17 biennium, as follows:

	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

Of the $132.33 million appropriated to ITD for SIRN for the 2019-21 biennium, ITD must spend $25 million of the $80 million Bank of North Dakota line of credit before the $20 million transfer of Bank profits will occur.

STATEWIDE INTEROPERABILITY EXECUTIVE COMMITTEE

The committee received testimony from SIEC regarding the current SIRN governance, opportunities to improve emergency services communications, future statewide emergency services radio communication coverage as a result of SIRN, SIEC's role related to SIRN, suggestions regarding the consolidation of SIRN governance and public safety communications, and other committee duties not related to SIRN.

Governance

The committee was informed the governance of SIRN consists of the 20-member SIEC, a 12-member SIEC subcommittee, and 4 regional boards.

The Statewide Interoperability Executive Committee includes representatives of state agencies, public safety entities, and legislators. The Statewide Interoperability Executive Committee is responsible for oversight of public safety interoperable communications, is required to prepare recommendations regarding SIRN, and may adopt rules governing the connection or integration of PSAPs to SIRN.

The subcommittee includes four state agency representatives, four local urban representatives, and four local rural representatives. The subcommittee is responsible for management and implementation of public safety interoperable communication policies. Each regional board aligns with emergency management regions and has one representative for each 911 jurisdiction. Each regional board includes a tribal representative and one member from each 911 jurisdiction or county in the region. The regional boards are responsible for addressing local and regional interoperability issues while receiving local input to statewide initiatives.

The committee was informed SIEC has more than 75 volunteers working in 11 workgroups. The workgroups focus on simulcast, public information, fleet mapping, encryption, radio, fire, law enforcement, education and training, security, PSAP users, and emergency medical services and hospitals.

The committee was informed other duties of SIEC not related to SIRN include broadband services, data interoperability, and establishing a statewide communications interoperability plan.

Statewide Interoperable Radio Network

The committee received testimony indicating SIEC, the Statewide Information Technology Advisory Committee (SITAC), ESC3, and DES have roles in North Dakota emergency services communications. According to testimony, while some emergency services communication duties may be similar between each organization, most duties are unique to each organization and do not conflict with the duties of another organization. The role of SITAC for emergency services communications primarily is related to prioritizing large information technology projects, including SIRN, for state government budgeting purposes.

During the 2011-13 biennium, SIEC conducted a limited study regarding emergency services communications systems. During the 2013-15 biennium, SIEC coordinated funding from various public safety entities to conduct a study of North Dakota mission-critical radio communications systems used by public safety responders and public safety entities. The Statewide Interoperability Executive Committee selected Televate, LLC, to assess the 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.

The committee was informed the SIRN project has two phases. Phase 1 includes the SIRN system core infrastructure and PSAPs. Phase 1 consists of two groups, one for execution and one for planning. Phase 1 will consist of select counties, PSAPs, and local jurisdictions. The planned completion date for group 1 of Phase 1 is July 2020 and has an estimated cost of $5.76 million. The planned completion date for group 2 of Phase 1 is October 2020.

Phase 2 will focus on radio frequency network construction, has an estimated cost of $50 million, and will be split into four groups. Group 1 will consist of working on 40 Department of Transportation (DOT) towers and is expected to be completed in June 2022. Group 2 will consist of 5 DOT towers, 16 leased towers, and simulcast towers in Grand Forks, Minot, Williston, Bismarck, and Mandan. Group 2 is expected to be completed in May 2021. Groups 3 and 4 do not have estimated completion dates but will consist of 78 towers.

The committee was informed SIRN will provide for 95 percent mobile coverage with 95 percent reliability and 85 percent portable coverage with 95 percent reliability. Major highways, the 127 largest North Dakota cities, all county seats, and communities with law enforcement, fire, and emergency medical services will experience increased public safety communications.

EMERGENCY SERVICES COMMUNICATIONS COORDINATING COMMITTEE

The committee received testimony from ESC3 regarding ESC3's role related to SIRN, other ESC3 duties not related to SIRN, suggestions for consolidating PSAPs, and any concerns or challenges related to SIRN and the consolidation of public safety communications.

Duties and Responsibilities

The Emergency Services Communications Coordinating Committee is a statutory committee consisting of four members from the North Dakota 911 Association, NDACo, State Radio, and ITD. The responsibilities of ESC3 include:

- Bringing Next Generation 9-1-1 services to North Dakota. Next Generation 9-1-1 is a nationwide initiative to improve 911 services between the public and PSAPs.
- Providing recommendations to the Legislative Management regarding changes to the operating standards for emergency services communications.
- Recommending to the Legislative Assembly the appropriate maximum emergency services communications service fee and develop expenditures guidelines regarding the allowable uses of the fee revenue.
- Initiating and administering statewide agreements among local government units to coordinate the procurement of emergency services communications equipment and services. This function is performed by NDACo through a joint powers agreement.

Emergency Services Funding and Public Safety Answering Points

The committee was informed the main source of funding to provide emergency services communications system services is through the fee levied on telecommunication services. All 53 counties and 1 city impose the fee. As of July 2019, 33 of these jurisdictions charged the maximum fee of $1.50 per assessed communication service while 20 jurisdictions charged $1.00. The $.50 fee on assessed communication services deposited in the SIRN fund is in addition to the $1.00 or $1.50 fee.

Of the $1.00 or $1.50 per month fee on assessed communication services, 5 cents is retained by telecommunication carriers as an administrative fee, 10 cents is paid to NDACo for statewide contracts, and if the county is in the State Radio jurisdiction, a portion of the fee is remitted to State Radio. After these costs are paid, the remaining revenue collected from the assessed communication service fee is used by the local jurisdiction for operational costs of the PSAP. No state or federal funds have been used for the operations of the 20 local PSAPs.

The three basic features of every PSAP are:

1. The PSAP must have a phone system that will receive 911 calls;
2. Dispatchers must be available to answer the 911 calls; and
3. It must have the ability to dispatch the appropriate public safety agencies, generally using public safety radio systems.

Governance

The committee was informed ESC3 focuses on implementing new Next Generation 9-1-1 services that will efficiently and cost-effectively deliver 911 calls to a PSAP while SIEC is responsible for developing a statewide integrated public safety radio system like SIRN that PSAPs and all emergency response agencies will utilize for public safety communications. Next Generation 9-1-1 services receive incoming 911 calls and routes the calls to PSAPs. Next Generation 9-1-1 services and SIRN provide information to PSAP dispatchers to relay emergency messages to dispatch responders. The committee was informed ESC3 and SIEC work together as new technologies are implemented.

According to testimony, ESC3 does not support a merger of ESC3 and SIEC at this time. The Emergency Services Communications Coordinating Committee has been developing Next Generation 9-1-1 services since 2001 while ITD and SIEC received the majority of the funding necessary for the SIRN project for the 2019-21 biennium. The Emergency Services Communications Coordinating Committee believes SIEC should focus on SIRN before considering a potential merger with ESC3.

The testimony suggested ESC3 believes any proposal to merge ESC3 and SIEC must be done at the appropriate time, will require changes in governance structure and responsibilities, must not harm the work already achieved by the organizations, and must consider how the newly formed organization will be funded.

OTHER PUBLIC SAFETY COMMUNICATIONS INFORMATION RECEIVED

Information Technology Department

The committee received testimony from ITD regarding SIRN governance, plans for use of the funding provided for the 2019-21 biennium, and concerns or challenges related to SIRN and the consolidation of public safety communications.

The committee was informed the Legislative Assembly approved House Bill No. 1178 (2017) which established a $.50 fee on assessed communication services. The revenue generated from this fee is collected by the State Treasurer for deposit in the SIRN fund. Funds available in the SIRN fund will be used for the SIRN system core, network, and State Radio costs, as well as the $1,500 state cost-share for personal and vehicular radios.

The Information Technology Department awarded the SIRN contract and project to Motorola to provide a single, statewide solution for North Dakota public safety systems. The total estimated project cost is $207.1 million and is expected to be a 5-year project. Of the $207.1 million project total, $8.5 million is for the SIRN system core and PSAP costs, $97 million is for the SIRN network such as towers and software, $100 million is for subscriber devices and radios, and $1.1 million is for network construction. The estimated operating cost of SIRN is $5 million to $10 million annually.

The committee was informed ITD and other agencies and organizations have considered SIRN governance and the consensus is the current governance model is the best model to proceed with the project.

State Radio

The committee received testimony from State Radio regarding SIRN and PSAPs, including the number of PSAPs, suggestions for consolidating PSAPs, and any concerns or challenges related to SIRN and the consolidation of public safety communications.

The committee was informed there are 21 North Dakota PSAPs, including State Radio, which dispatches and answers 911 calls for 25 of the 53 North Dakota counties and several state agencies, including the Highway Patrol, Game and Fish Department, the Attorney General's Bureau of Criminal Investigation, and the Department of Corrections and Rehabilitation's Division of Parole and Probation, as well as various federal agencies. The majority of PSAPs provide public safety communication services for the county in which the PSAP is located. However, the Red River Regional Dispatch Center in Fargo serves Fargo, West Fargo, and Cass County as well as Moorhead and Clay County, Minnesota. The Lake Region Law Enforcement Center PSAP serves five counties and the PSAPs located in Bottineau, Stanton, and Hillsboro each serve two counties.

The committee was informed local PSAP partners have concerns that PSAPs will be forced to consolidate. According to testimony, State Radio and local partners believe PSAP consolidation should occur only if PSAP operations and emergency communications would benefit from the consolidation, rather than mandating the dissolution of PSAPs. Other than State Radio, all PSAPs are funded from local sources. The committee was informed as the new radio frequency trunking system is implemented as part of the SIRN project and there are fewer geographic location issues, consolidation of PSAPs may occur at the local level due to cost-savings and available resources.

North Dakota Association of Counties

The committee received testimony from NDACo regarding concerns or challenges related to SIRN, state and local training needs regarding SIRN, how the $1,500 state cost-share will affect the number of radios purchased by political subdivisions, and suggestions regarding the consolidation of SIRN and public safety communications governance.

The committee was informed public safety communications in North Dakota consist of more than 900 public safety organizations, including 114 law enforcement agencies, 175 emergency medical service departments, and 316 fire agencies. The statewide interoperable radio network will include 21 PSAPs, 139 towers, and 20,000 radios.

While the state has contributed substantial funding for the local cost of the SIRN project, local agencies will have significant costs related to SIRN. Funding provided for SIRN includes:

- $90 million from the state for core infrastructure and radio frequency network;
- $30 million from the state for local public safety radio devices;
- $8.5 million from local agencies for PSAP equipment and training; and
- $25 million to $35 million from local agencies for local public safety radio devices.

The committee was informed ITD is developing a survey for local agencies to complete to determine how many radios are being used by each local agency, the number of radios each agency will replace, and when each agency will purchase equipment. Local agencies may purchase radios between April 2019 and January 2024, but most agencies likely will purchase radios during the 2022-23 biennium. Local agencies must purchase the radios and submit receipts to the state for reimbursement.

The committee was informed the estimated total number of mobile radios needed is 10,647, of which 9,589 are for local agencies and 1,058 for state agencies. The estimated total number of portable radios needed is 9,290, of which 8,870 is for local agencies and 420 for state agencies. Mobile radios cost between $2,000 and $5,400 while portable radios cost between $1,700 and $5,400.

The committee was informed local agencies are comfortable with SIRN and public safety communications governance structure. Local agencies recommend delaying any governance changes until SIRN is complete and is operating statewide.

POTENTIAL STUDY RECOMMENDATIONS

Based on the information the committee has received to date, potential recommendations for the committee to consider related to the study of SIRN include:

- Consolidate SIEC and ESC3 to provide for one governance committee responsible for North Dakota public safety communication;
- Repeal SIEC and ESC3 and create a new committee to be charged with governance of North Dakota public safety communication;
- Recommend emergency and interoperable public safety communications system governance not be modified from the current governance model until the SIRN project is completed and is providing statewide interoperability for public safety communications, at which time additional analysis of governance consolidation may be necessary; or
- No recommendation.