North Dakota Legislative Council
Prepared for the Information Technology Committee
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STUDY OF INTEROPERABLE PUBLIC SAFETY COMMUNICATIONS SYSTEM GOVERNANCE - BACKGROUND MEMORANDUM

Section 5 of House Bill No. 1242 (2023) (Appendix A) provides for a study during the 2023-24 interim regarding emergency and interoperable public safety communications system governance needs and options. The study must:

1. Include an analysis of options to manage and operate state and local emergency and interoperable public safety systems, including the statewide interoperable radio network (SIRN);
2. Evaluate the current and most appropriate governance roles for each state and local emergency and interoperable public safety government entity;
3. Determine the most appropriate state or local emergency and interoperable public safety government entity to have responsibility for the ongoing administrative and operational maintenance cost of SIRN; and
4. Consider input from the Information Technology Department (ITD), Department of Emergency Services (DES) Division of State Radio, Statewide Interoperability Executive Committee (SIEC), Emergency Services Communications Coordinating Committee (ESC3), North Dakota Association of Counties (NDACo), and local public safety entities.

The Legislative Management has assigned the responsibility for this study to the Information Technology Committee.

BACKGROUND

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.

Information Technology Department

North Dakota Century Code Section 37-17.3-02 provides the Chief Information Officer (CIO) of ITD is charged with the operation and maintenance of SIRN as directed by SIEC and allows the CIO to purchase the necessary apparatus and equipment to construct or establish SIRN within North Dakota to enable 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 public safety answering point (PSAP) unless these items are intended for use by a state agency or state department.

Section 37-17.3-03 provides, subject to the rules of SIEC, a political subdivision of the state or a nongovernmental emergency services provider operating within the state may furnish to its personnel the appropriate personal and vehicular radios that can access SIRN. Each radio programmed to access SIRN must be approved by SIEC. The Chief Information Officer is required to establish a process to register and audit users of SIRN. The 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, interest earned on money in the fund, payments to the fund, and other fund earnings. The Chief Information Officer 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.

Division of State Radio

Section 37-17.1-02.1 establishes State Radio as a division of DES. The Adjutant General is the Director of DES. 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 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.

Statewide Interoperability Executive Committee

Membership

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 Management Association;
8. A representative of the North Dakota Fire Chief's Association;
9. A representative of the North Dakota Emergency Medical Services Association;
10. A representative of the North Dakota Chiefs of Police Association;
11. A representative of the North Dakota Peace Officers Association;
12. A representative of the North Dakota 911 Association;
13. A representative of NDACo;
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. The governance of SIEC and SIRN includes the 20-member SIEC, a 12-member SIEC subcommittee, and 4 regional boards.

Duties and Responsibilities

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 Statewide Interoperability Executive Committee includes workgroups comprised of volunteers who focus on simulcast, public information, fleet mapping, encryption, radio, fire, law enforcement, education and training, security, PSAP users, and emergency medical services and hospitals.

Other duties of SIEC not related to SIRN include broadband services, data interoperability, and establishing a statewide communications interoperability plan.

Emergency Services Communications Coordinating Committee

Membership

Section 57-40.6-12 establishes ESC3. The governing body of a city or county which adopted a fee on assessed communication services is required to submit a report of income, expenditures, and the status of its emergency services communication system to ESC3. The members of ESC3 include four members appointed by the:

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

Duties and Responsibilities

The Emergency Services Communications Coordinating Committee provides Next Generation 9-1-1 services to North Dakota, which is a nationwide initiative to improve 911 services between the public and PSAPs. 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. Biennially, 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 1 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. This function is performed by NDACo through a joint powers agreement.

Governance

The Emergency Services Communications Coordinating Committee is responsible for implementing new Next Generation 9-1-1 services to 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 Emergency Services Communications Coordinating Committee and SIEC work together as new technologies are implemented.

During the 2019-20 interim, ESC3 provided testimony to the Government Administration Committee indicating ESC3 would not support a merger with SIEC at that time because ESC3 focuses on the development of Next Generation 9-1-1 services while ITD and SIEC focus on the SIRN project. The Emergency Services Communications Coordinating Committee provided testimony indicating SIEC should focus on the completion of the SIRN project 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.

Emergency Services Funding and Public Safety Answering Points

The primary 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 September 2022, 40 county and city jurisdictions charge the maximum $2.00 fee on assessed communication services while 14 jurisdictions charge a $1.50 fee, which includes the $0.50 fee on assessed communication services deposited in the SIRN fund.

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.

Public Safety Answering Points

Chapter 57-40.6 relates to emergency services communications systems and defines a PSAP 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. 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, when available, the quickest emergency medical service to arrive to the scene as predetermined by the emergency services communications system coordinator, with the approval of the Department of

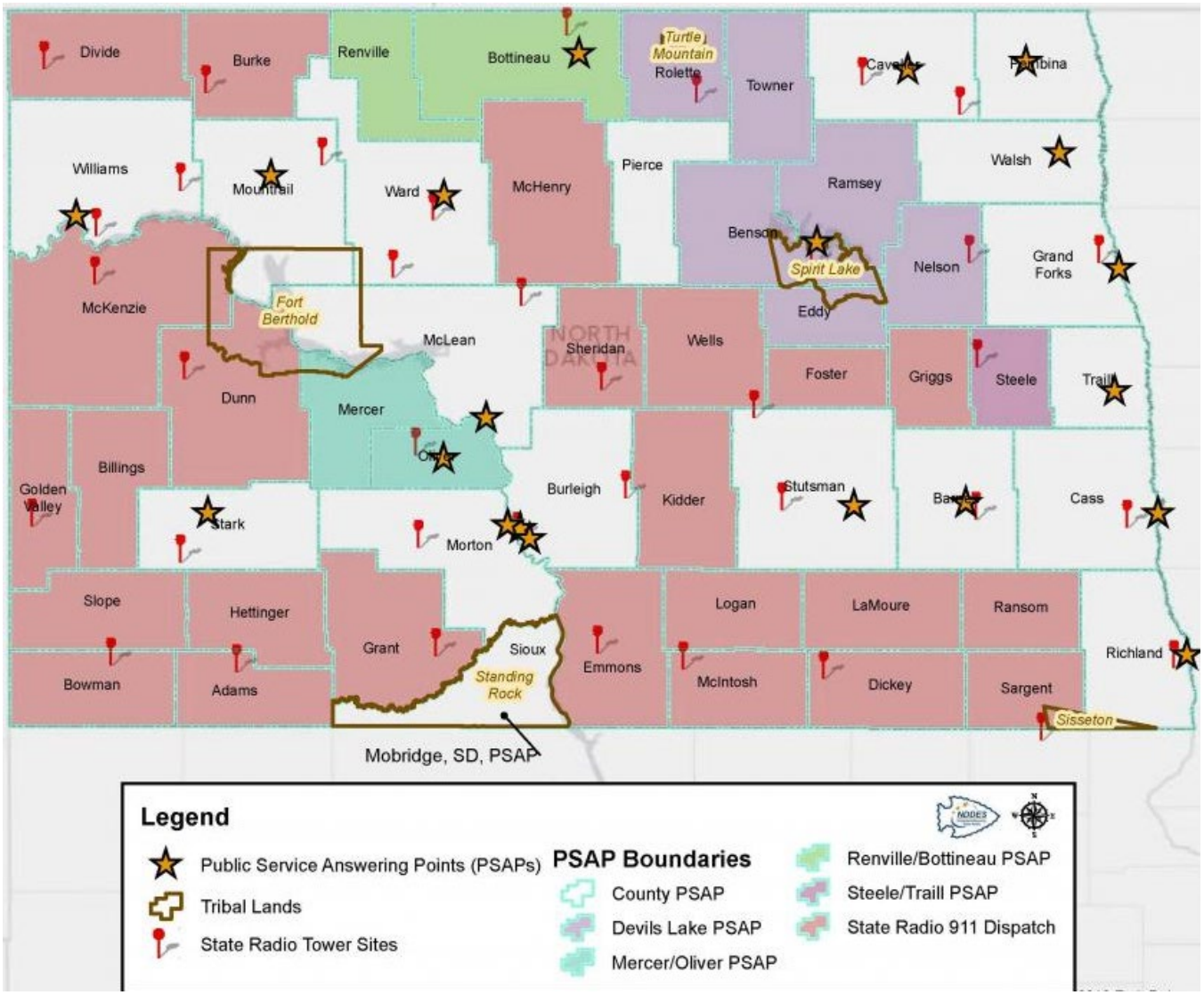
Health and Human Services. If the predetermined emergency medical service is not available, the PSAP is required to dispatch a secondary emergency medical service based on the best available information at the time. The Department of Health and Human Services is required to provide PSAPs with the physical locations of the emergency medical services necessary for the implementation of this subdivision.

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 911 system 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 during the initial transfer of a 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 ESC3;
    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;
    e. The handling of calls from callers with hearing or speech impairments; and
    f. The handling of text-initiated communications.

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 North Dakota PSAPs are shown below:



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 2017 Legislative Assembly regarding ITD's evaluation of the project, participation by effected entities, and recommendations for proceeding with the project or discontinuing future participation. The 2015 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, 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

Legislation

Pursuant to Section 5 of Senate Bill No. 2016 (2015), ITD reported to the Appropriations Committees of the 2017 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 ITD'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.

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.

Contract

In November 2017, ITD issued a request for proposal for the SIRN project. In January 2019, ITD awarded the contract to Motorola Solutions to provide a single, statewide solution for North Dakota public safety systems. The total estimated project cost was $207.1 million and was expected to be a 5-year project. Of the $207.1 million estimated project total, $8.5 million was for the SIRN system core and PSAP costs, $97 million was for the SIRN network such as towers and software, $100 million was for subscriber devices and radios, and $1.1 million was for network construction. The estimated operating cost of SIRN was $5 million to $10 million annually.

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 NDACo, 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 required 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 required 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 (SIIF) 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 (2019) 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 included 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 $13.70 million. Including the $120 million authorized for SIRN in House Bill No. 1435 (2019), funding for SIRN for the 2019-21 biennium totaled

$132.33 million, of which $80 million was from a Bank of North Dakota line of credit, $20 million was from Bank profits, $20 million was from SIIF, and $12.33 million was from the SIRN fund.

- Section 11 amended Section 37-17.3-02.2 to add additional members to SIEC, including a representative of the NDACo, 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 amended 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.

2021-23 Biennium

The 2021 Legislative Assembly transferred $1,858,240 from the general fund from the DES Division of State Radio to ITD for SIRN tower maintenance operating expenses, resulting in total SIRN funding of $14,193,796.

In Section 9 of Senate Bill No. 2021 (2021), the Legislative Assembly provided an exemption to allow ITD to continue $20 million appropriated from SIIF for the SIRN project for the 2019-21 biennium into the 2021-23 biennium. The department spent the full appropriation by the end of the 2019-21 biennium.

In House Bill No. 1146 (2021), the Legislative Assembly amended Section 37-17.3-03 to allow nongovernmental emergency service providers, such as volunteer fire departments, to be eligible for the state cost-share program for SIRN radios.

2023-25 Biennium

In House Bill No. 1242 (2023), the Legislative Assembly appropriated $100 million of one-time funding for the SIRN project, of which $20 million is transferred from Bank of North Dakota profits to the SIRN fund to repay funding utilized by ITD from the Bank line of credit authorized by the 2019 Legislative Assembly and $80 million is from the federal State Fiscal Recovery Fund.

Section 1 of the bill amended Subsection 2 of Section 57-40.6-02 to provide the $0.50 fee on assessed communication services that is deposited in the SIRN fund is for ongoing administrative and operational maintenance costs of SIRN.

Section 6 of the bill repealed Section 6 of Chapter 293 of the 2019 Session Laws, which authorized ITD to access the $80 million Bank line of credit for 20 years beginning in the 2019-21 biennium.

The Legislative Assembly has appropriated a total of $295 million to ITD for SIRN since the 2015-17 biennium, as follows:

	2015-17 Biennium	2017-19 Biennium	2019-21 Biennium	2021-23 Biennium[1]	2023-25 Biennium[1]	Total
General fund	$1,401,750			$1,858,240	$1,858,240	$5,118,230
SIRN fund[2]		$13,700,000	$12,330,000	12,335,556	16,543,229	54,908,785
SIIF			20,000,000			20,000,000
Bank of North Dakota loan[3]		15,000,000				15,000,000
Bank of North Dakota profits[4,5]			20,000,000		20,000,000	40,000,000
Bank of North Dakota line of credit[4,5]			80,000,000			80,000,000
State Fiscal Recovery Fund[5]					80,000,000	80,000,000
Total	$1,401,750	$28,700,000	$132,330,000	$14,193,796	$118,401,469	$295,027,015

[1]Funding from the general fund for SIRN during the 2021-23 and 2023-25 bienniums is for tower maintenance operating expenses, which was transferred by the 2021 Legislative Assembly from the DES Division of State Radio to ITD.

[2]Funding deposited in the SIRN fund is derived from a $0.50 fee on assessed communication services. Actual revenues deposited in the SIRN fund is approximately $9 million per biennium. Additional appropriation has been provided in the event additional revenue is generated from the $0.50 fee.

[3]The Information Technology Department did not borrow funding from the Bank of North Dakota for SIRN during the 2017-19 biennium.

[4]Of the $132.33 million appropriated to ITD for SIRN for the 2019-21 biennium, ITD was required to spend $25 million of the $80 million Bank of North Dakota line of credit before the $20 million transfer of Bank profits could occur. The department did not spend funding from the line of credit during the 2019-21 biennium, resulting in no transfer of Bank profits for the SIRN project during the 2019-21 biennium.

[5]In House Bill No. 1242 (2023), the Legislative Assembly appropriated $100 million of one-time funding for the SIRN project, of which $20 million is transferred from Bank of North Dakota profits to the SIRN fund to repay funding utilized by ITD from the Bank line of credit authorized by the 2019 Legislative Assembly and $80 million is from the State Fiscal Recovery Fund.

PREVIOUS STUDIES AND INTERIM COMMITTEE WORK

2007-08 Public Safety Committee

The 2007-08 interim Public Safety Committee conducted a study of DES, including the Division of State Radio. The committee recommended several bill drafts, including a bill draft to provide 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. 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 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 ESC3. 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 DES 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 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 (IT) 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.

2019-20 Government Administration Committee

Pursuant to Section 10 of House Bill No. 1021 (2019), the 2019-20 interim Government Administration Committee studied consolidated emergency and interoperable public safety communications system governance and funding options. The committee received testimony from the Division of State Radio, ITD, SIEC, ESC3, and NDACo regarding the current SIRN governance, opportunities to improve emergency services communications, future statewide emergency services radio communication coverage as a result of SIRN, each organization's role related to SIRN, suggestions regarding the consolidation of SIRN governance and public safety communications, suggestions for consolidating PSAPs, any concerns or challenges related to SIRN and the consolidation of public safety communications, and other organizational duties not related to SIRN.

The committee received testimony stating 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 359 fire agencies. It was estimated SIRN will include 21 PSAPs, 139 towers, and 20,000 radios. The estimated total number of mobile radios needed is 10,647, of which 9,589 are for local agencies and 1,058 are for state agencies. The estimated total number of portable radios needed is 9,290, of which 8,870 is for local agencies and 420 is for state agencies.

The committee was informed local PSAP partners have concerns that PSAPs will be forced to consolidate. State Radio and local partners stated 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 testimony suggested 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. Local agencies recommended delaying any governance changes until SIRN is complete and is operating statewide.

The committee recommended emergency and interoperable public safety communications system governance not be modified from the current governance model until the SIRN project is complete and providing statewide interoperability for public safety communications, at which time additional analysis of governance consolidation may be necessary.

2021-22 Information Technology Committee

The 2021-22 interim Information Technology Committee received testimony from ITD regarding the SIRN project, which consists of three phases. Phase 1 relates to the SIRN core, console replacements, and PSAPs, and is separated into four groups based on PSAP geographic location. Phase 2 relates to the SIRN network, towers, radio frequency, and mobile radio coverage, and includes two groups--one for state towers and radio frequency for mobile radios and one for leased towers and radio frequency for portable radios. Phase 3 relates to SIRN devices and radios.

The department was appropriated $132.3 million for the SIRN project for the 2019-21 biennium, of which $12.3 million was ongoing funding from the SIRN fund, $20 million was from SIIF, $80 million was from a Bank of North Dakota line of credit, and $20 million was from Bank profits. The Bank profits transfer could not be made until ITD spent $25 million of the line of credit. The line of credit was authorized for 6 years, but the transfer of Bank profits only could be completed during the 2019-21 biennium.

Funding

The testimony indicated:

- ITD was unaware the Bank profits transfer was limited to the 2019-21 biennium and did not spend funding from the line of credit during the 2019-21 biennium.
- Due to the COVID-19 pandemic and supply chain issues, ITD anticipates the SIRN project will be over budget and delayed, resulting in an estimated completion date of 2026.

Network, Towers, and Radios

The testimony indicated:

- The majority of PSAPs have converted to new Motorola consoles compatible with SIRN, with the remaining individual and multicounty PSAPs scheduled to convert by the end of 2022 and the State Radio PSAP scheduled to convert in 2024.
- Group 1 of Phase 2 consists of 82 tower sites. The group 1 towers are expected to provide 95 percent radio coverage with 95 percent reliability.
- Between 135 and 138 towers will be included in SIRN, of which the state owns 45 towers. The state incurs lease expenses for the privately owned towers.
- Through April 2022, 4,856 of an estimated 20,000 radios had been purchased by local public safety agencies and $7.25 million of an estimated $30 million of reimbursement requests have been submitted by these agencies for the state's $1,500 cost-share responsibility for each radio.
- ITD anticipates most local public safety agencies will purchase radios in 2023 and 2024.

Operating and Maintenance Costs, Future Network Governance, and Revenue

The testimony indicated:

- ITD anticipates the ongoing biennial maintenance cost of SIRN will be $20 million after completion of the project, excluding radio maintenance and local PSAP maintenance costs. The estimated system and network maintenance cost for the 2023-25 biennium is $17.5 million.
- ITD anticipates utilizing funding available in the SIRN fund, which collects approximately $4.5 million annually from a $0.50 fee imposed on assessed communication services, to pay a portion of the maintenance costs and line of credit repayments.
- The estimated operating expenses for the network are approximately $6.4 million to $9.3 million during fiscal years 2023, 2024, and 2025, as follows:

Operating Expenses	Fiscal Year 2023	Fiscal Year 2024	Fiscal Year 2025	Total
Network connectivity	$1,300,000	$1,370,000	$1,550,000	$4,220,000
Tower leasing costs	3,200,000	4,520,000	4,900,000	12,620,000
Labor costs	1,100,000	1,320,000	1,380,000	3,800,000
Vendor maintenance	840,000	1,010,000	1,470,000	3,320,000
Total estimated expenses	$6,440,000	$8,220,000	$9,300,000	$23,960,000

- As of September 2022, the estimated amount available in the SIRN fund from previous bienniums through the end of the 2023-25 biennium for ongoing maintenance costs is approximately $32 million. Estimated expenditures through the 2023-25 biennium total approximately $36.3 million, of which $6.5 million is for ongoing maintenance costs through the remainder of the 2021-23 biennium, $17.5 million of ongoing maintenance costs for the 2023-25 biennium, and $12.3 million of principal and interest payments and risk costs through the 2023-25 biennium.
- A summary of estimated ongoing SIRN operating revenue and expenses, as reported to the committee, is as follows:

Revenue or Expense Description	Estimated Revenues or Expenses
Available funding in the SIRN fund as of September 2022	$18,500,000
Estimated additional 911 fee revenue during fiscal years 2023, 2024, and 2025	13,500,000
Total estimated revenue through the 2023-25 biennium available for operating expenses	$32,000,000
Estimated operating expenses during fiscal years 2023, 2024, and 2025	($23,960,000)
Estimated fiscal year 2023 loan interest repayment based on a 4 percent interest rate	(2,200,000)
Estimated fiscal year 2024 loan interest repayment based on a 4 percent interest rate	(3,200,000)
Estimated fiscal year 2025 loan interest repayment based on a 4 percent interest rate	(5,900,000)
Risk contingency for additional operating expenses that may be incurred	(1,000,000)
Total estimated expenses	($36,260,000)
Estimated expenses exceeding estimated revenues[1]	($4,260,000)

[1]In House Bill No. 1021 (2023), the Legislative Assembly appropriated an additional $4,200,000 from the SIRN fund to ITD for the SIRN project for the 2023-25 biennium, including $500,000 for IT equipment, $2,700,000 for tower lease agreements, and $1,000,000 for network connectivity and IT data processing costs, to provide a total of $18,401,469 in the SIRN line item, of which $16,543,229 is from the SIRN fund and $1,858,240 is from the general fund

PROPOSED STUDY PLAN

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

1. Receive and review information from representatives of ITD, State Radio, SIEC, ESC3, PSAPs, NDACo, and local public safety entities regarding:
   a. The current SIRN governance, including the most appropriate governance roles for each state and local emergency and interoperable public safety government entity, challenges with the network and equipment, and opportunities to improve emergency services communications;
   b. The status of the SIRN trunk systems, the memorandum of understanding process, and local participation in SIRN;
   c. State and local training needs regarding SIRN;
   d. An update of how many radios have been purchased by local public safety entities, including the total amount requested for reimbursement;
   e. Plans for use of funding provided for the 2023-25 biennium;
   f. Estimated completion date of the SIRN project;
   g. Anticipated future state and local costs of SIRN; 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 emergency and interoperable public safety communications system governance needs and options.

3. Determine the most appropriate state or local emergency and interoperable public safety government entity to have responsibility for the ongoing administrative and operational maintenance cost of SIRN and consider the need for additional sources of revenue for the ongoing costs of SIRN.
4. Develop recommendations and any bill drafts necessary to implement the recommendations.
5. Prepare a final report for submission to the Legislative Management.

ATTACH:3