Next Generation 9-1-1 (NG911) in Montana and Other States

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The Energy and Telecommunications Interim Committee (ETIC), as guided by House Joint Resolution No. 7, began its review of next-generation 9-1-1 (NG911) in September. At that meeting, legislators said they would like stakeholders to work together on NG911 and to provide the ETIC with recommendations on planning for and implementing NG911. Since September, 9-1-1 stakeholders have met monthly to discuss NG911. They, along with an advisory council formed by the Governor, will provide the ETIC with a set of potential recommendations in March.

The National Emergency Numbers Association (NENA) defines NG911 as "an Internet Protocol (IP)-based system comprised of managed Emergency Services IP networks (ESInets), functional elements (applications), and databases that replicate traditional E9-1-1 features and functions and provides additional capabilities. NG911 is designed to provide access to emergency services from all connected communications sources, and provide multimedia data capabilities for Public Safety Answering Points (PSAPs) and other emergency service organizations." NENA, is a nonprofit organization that works with 9-1-1 professionals nationwide, public policy leaders, emergency services and telecommunications industry partners, and other stakeholder groups to develop and carry out initiatives to facilitate the creation of an IP-based NG911 systems.

Montana's stakeholder group, mentioned above, is developing a Montana-specific definition for NG911 to assist the Legislature in planning for NG911. Stakeholders have found that planning and implementing NG911 will likely require coordination and partnerships among government, private entities, and multiple public safety stakeholders. Implementation of NG911 also may require an in-depth review of budgetary considerations, governance structures, and regulations needed to address emerging technologies.

The Council for Emergency Response Technologies reports that most states have not yet started to transition to a new system of 9-1-1 or NG911. However, many states have begun a planning process, which is estimated to take from five to 10 years. Other states have moved planning efforts forward with pilot programs. Both Kansas and Connecticut, for example, are working on pilot programs or pilot studies. The National 9-1-1 program, which is part of the Office of Emergency Medical Services at the U.S. Department of Transportation's National Highway Traffic Safety Administration, offers a set of guidelines, based on input from a wide variety of stakeholders, to assist legislators and others in coordinating and implementing NG911. "There are multiple statutory and regulatory changes necessary to facilitate the implementation of NG911, and they are complex and multifaceted."[1]

[1] "Guidelines for State NG9-1-1 Legislative Language," U.S. Department of Transportation, National Highway Traffic Safety Administration, National 9-1-1 program.

The National 9-1-1 program has identified five critical components to guide policymakers in their discussion of NG911. For successful migration to NG911 they recommend a review of:

- Statewide 9-1-1 governance structure;
- 9-1-1 funding and resources;
- Confidentiality, privacy, and security;
- Liability; and
- Rulemaking and regulatory environment.

North Dakota Example

North Dakota provides an example of planning and implementation processes and the timelines involved in NG911. The state has approached NG911 in two ways – with the state playing a role and the North Dakota Association of Counties playing a role. North Dakota has a "joint powers" contractual arrangement between local 9-1-1 authorities and the state's Association of Counties. The Association provides the statewide coordination and planning involved. In 2008, the joint power entity contracted with L.R. Kimball, a company that provides professional services related to architecture, engineering, and communications technology, to work with stakeholders across the state to develop a NG911 master plan for North Dakota. The plan looked at a six-year deployment effort. A year later the North Dakota Legislature directed an Emergency Services Communications Coordinating Council, created by the Legislature in 2001, to coordinate planning for NG911. In that same year, the council, through the North Dakota Information Technology Department received a federal grant of $912,722 to begin implementing NG911. As those steps were being taken, the North Dakota Legislature also made decisions about how its 9-1-1 fees were collected and used in order to plan for NG911 and also took steps to address overall coverage.

State Radio is established as a division of the Department of Emergency Services under the administration of the Adjutant General in North Dakota, and State Radio provides 911 services to the public through a network of 23 PSAPs. During the 2007-08 interim, State Radio identified coverage gaps in the broadcast system, and the 2009 Legislature provided $500,000 for a study of NG911 ($100,000), establishment of alternatives to constructing new State Radio towers ($75,000), and implementation of a new tower site ($325,000). The 2011 Legislature provided $1.5 million for the construction of new towers to address some of the coverage gaps, and the 2013 Legislature provided $1,175,000 for more radio towers.

In 2014 North Dakota PSAPs announced plans to roll out NG911 technologies. The Association of Counties has an active role with the initiative. The county association has a NG911 program manager position to coordinate with the Emergency Services Communications Coordinating Council. North Dakota will become one of the first states to plan and then implement a statewide NG911 system. North Dakota also expects to spend about $1.2 million on the initial rollout of the technology upgrade.[2] The information provided in this report is limited to implementation planning. It has been noted that text-to-9-1-1, for example, is still not available in North Dakota. This distinction is also important in terms of how a state chooses to define NG9111.

[2] http://www.ndaco.org/programs_and_services/911/

Montana Stakeholders Group and Advisory Council

In its discussion of the potential implementation of NG911, Montana may incorporate a discussion of existing statutes and the process for transition from the existing system, a review of coordination efforts needed to move forward, and an evaluation of the current 911 surcharge assessed on telecommunications devices. In October, the Governor reestablished a 9-1-1 Advisory Council within the Department of Administration (DOA). The council is established pursuant to 10-4-102, MCA, to advise the DOA on 9-1-1 matters. It includes 17 members representing a variety of stakeholders ranging from PSAPs to the Montana Fire Chiefs Association. It is charged with providing input in the development, implementation, and management of Montana's 9-1-1 program. The council is advising the department in developing draft legislation to modernize the 9-1-1 program statutes in Montana to enable and support the deployment of current and future technologies.

In late October, the Montana Association of Counties (MACO) facilitated a meeting of 9-1-1 stakeholders to discuss NG911 in Montana and to begin a discussion with the ETIC. The stakeholders met again in November and discussed the first chapter of planning for NG911 – technology. The stakeholder group met in December and discussed the financial needs of various entities to begin an implementation process. The stakeholder group is tackling questions, including, but not limited to:

- How should NG911 be defined for Montana and what does Montana want to "get" from NG911?
- How does Montana begin the process of establishing an evolving, fully-functional, NG911 system that can be accessed by anyone from any device anywhere at any time?
- How should Montana promote policy to enable NG911 in Montana?
- If implementation planning is conducted, what should be included? Issues requiring analysis could include:
    - A review of all Montana 9-1-1 statutes and regulations to ensure laws can promote NG911
    - Recommendations on new laws and the repeal or update of existing laws
    - A focus on the collection and eligible use of 9-1-1 funds
    - State 9-1-1 program authority and responsibility
    - System definition and technology requirements/limitations
    - Rules concerning which devices/services may connect to 9-1-1
    - Liability and privacy protection laws

The work of the stakeholder's group and DOA's Advisory Council is expected to dovetail. The two groups have some overlapping members and have indicated that the two efforts will come together before the March 2016 ETIC meeting. In January both groups will briefly update the ETIC, and in March a longer discussion, with potential recommendations and perhaps proposed, draft legislation, is expected.

Other State Efforts

The National Conference of State Legislatures (NCSL) keeps a 9-1-1 database. They annually track legislation related to 9-1-1, and they specifically discuss state efforts to promote NG911. The information below was taken directly from the NCSL database. It also shows the various planning stages for NG911 across the country and the role of legislation in that process. Links to the legislation in each state are also provided at the ETIC website.

In 2014, at least three states—California, Kansas and Tennessee—passed legislation related to NG911, allowing users to send text, video, and picture messages in addition to making phone calls to 911. California's legislation requires the development of a plan and timeline for testing, implementing, and operating NG911 throughout the state.

2014		
State	**Link**	**Overview**
California	S 1211	Requires the Office of Emergency Services to develop a plan and timeline of target dates for testing, implementing, and operating a NG911 emergency communication system, including text to 911 services, throughout the state. Requires the office in determining a surcharge rate, to include costs it expects to incur to plan, test, implement, and operate the system and services, including text to 911service. Requires providing the Legislature with rate calculations and posting information on its website.
Kansas	S 284	Amends the Kansas 911 Act, relates to 911 emergency services, the 911 coordinating council and a PSAP, provides that a provider may also be a 911 systems operator, relates to electronic requests for emergency response, by wireline, wireless, VoIP or telecommunications device for the deaf (TDD) technology, text message or any other technology by which a service user initiates an immediate information interchange or conversation with a PSAP.
Tennessee	H 2255	Relates to Emergency Communications Districts, enacts the 911 Funding Modernization and IP Transition Act of 2014, creates a 911 surcharge, provides a surcharge for prepaid services collected at the point of sale, provides that emergency communications districts are immune from suit or liability for civil claims arising from the actions or omission of emergency communications district personnel in processing emergency calls.

2013		
State	**Link**	**Overview**
Nebraska	NE L 595	Provides for a study of NG911, provides for the use of the Enhanced Wireless 9-1-1 Fund, requires the Public Service Commission to use the fund to conduct a study to examine issues surrounding the statewide implementation of NG911 and to contract with an independent third party to assist with the study.
North Dakota	ND H 1202	Relates to use of wide area network services. Provides that for the purposes of enhanced 9-1-1 and NG911 communications services, governmental entities are exempt from department service requirements. Provides that in selecting enhanced 9-1-1 and NG911 communication network providers, governmental entities select providers that are cost-effective, demonstrably reliable, and follow interoperable standards set by the emergency services communications coordinating committee.

2012		
State	**Link**	**Overview**
Delaware	DE S 196	Clarifies that the limitation of liability applies to the provision of NG911 service, provides that the bill does not expand the current scope of the limitation but rather updates the language to account for change in the technology used to deliver 9-1-1 service.
Maryland	MD H 1235	Alters the responsibilities of the Emergency Number Systems Board to include establishing planning guidelines for NG911 service plans and deployment of NG911 services, defines NG911 services.
Ohio	OH H 509	Creates a statewide emergency services internet protocol network steering committee to generally advise the state on the implementation, operation, and maintenance of a statewide emergency services internet protocol network that would support state and local government NG911 and the dispatch of emergency service providers.
2011		
State	**Link**	**Overview**
Kansas	SB 50	Creates the 911 Coordinating Council to monitor the delivery of 911 services, develop strategies for future enhancements to the 911 system, and distribute available grant funds to PSAPs. Provides for grants to municipalities for various purposes, including implementation of enhanced and next generation 911 services; and imposes a fee on certain telecommunications, VoIP, prepaid wireless, and other services.
2010		
State	**Link**	**Overview**
Illinois	HB 4990	Authorizes the Emergency Telephone System Board to participate in a regional pilot project to implement NG911.
Maine	HP 1315	Establishes a legislative finding that the recommendations in a Kimball Report, which addressed NG911 are reasonable and that a plan for implementing those recommendations should be developed.
Minnesota	SF 802	Appropriates money to be spent replacing the current 9-1-1 system with the NG911 network.
New Jersey	SB 2315	Establishes the State Public Safety Interoperable Communications Coordinating Council. Also establishes the Office of Emergency Telecommunications Services. This office is to prepare a plan that includes the establishment of PSAPs which utilize enhanced 9-1-1 network features in accordance with the provisions of the act and in alignment with the NG911 planning by the National 9-1-1 Office within the United States Department of Transportation, National Highway Traffic Safety Administration.

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