

INTERIM COMMITTEE TO EVALUATE THE 911 SYSTEM



Missouri House of Representatives

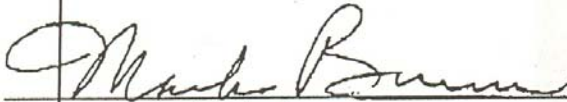
December 2007

November 29, 2007

The Honorable Rod Jetton
Speaker of the House
State Capitol, Room 308
Jefferson City, Missouri 65101

Dear Mister Speaker,

Your Interim Committee to Evaluate the 9-1-1 System, acting pursuant to your request, has met, taken testimony, deliberated, and concluded its study. The undersigned members of the Committee are pleased to submit the attached report.



Representative Mark Bruns
Chair



Representative Kenneth Jones



Representative David Pearce



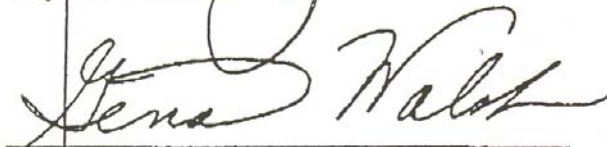
Representative Jeff Roorda



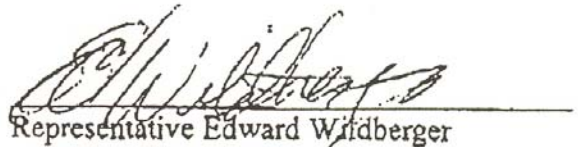
Representative Don Ruzicka



Representative Therese Sander



Representative Regina Walsh



Representative Edward Wildberger

Interim Committee to Evaluate the 9-1-1 System

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INTRODUCTION

The citizens of Missouri have demonstrated long-term concern with regard to the general state of the 9-1-1 system in Missouri and the interoperability of state emergency voice communications systems. In response to this widespread concern, in July, 2007, the Honorable Rod Jetton, Speaker of the Missouri House of Representatives, appointed an interim committee to examine the 9-1-1 system and the statewide interoperability of emergency voice communications systems. The committee was charged with the duty to assess the state's current 9-1-1 capabilities, including evaluating shortfalls within the current system and addressing possible solutions for deficiencies, and to review the status of critical voice communications system's interoperability.

Members of the committee were Representative Mark Bruns, Chair (R-113, Jefferson City), Representative Kenneth Jones (R-117, California), Representative David Pearce (R-121, Warrensburg), Representative Jeff Roorda (D-102, Barnhart), Representative Don Ruzicka (R-132, Mount Vernon), Representative Therese Sander (R-22, Moberly), Representative Regina Walsh (D-69, St. Louis), and Representative Edward Wildberger (D-27, St. Joseph). This report includes an analysis based on information received from citizens, organizations, businesses, and state and federal agencies, and the committee's findings and recommendations.

TESTIMONY AND CRITICAL ISSUES

Interoperability of Emergency Services

Interoperability is the ability for multiple first responders to talk to one another in real-time during an emergency. It is essential to the safety of citizens and first responders that state and local law enforcement personnel, fire and rescue personnel, emergency medical services technicians, Missouri Department of Transportation engineers and employees, public works personnel and volunteers have the ability to communicate with one another not only during an emergency but throughout their day to day operations. In addition, all state government entities need the ability to communicate with one another in the event of a statewide crisis. The Missouri State Highway Patrol is charged with the responsibility of providing state government vital communications in the event of an emergency. Vital to this role is having an infrastructure that is interoperable and up to date.

Challenges faced by the lack of interoperability are serious and numerous: Individual governance, different emergency response disciplines, multiple frequency bands and multiple technologies. At present time, Missouri is not fully interoperable but does have pockets of interoperability. For example, some areas in the state have implemented standards based interoperable systems at a regional level. These regional pockets of interoperability will provide the state with the groundwork necessary to become fully interoperable. Irrespective of this fact, there are still major deficiencies statewide with regard to interoperability and it is unknown whether or not these regionalized pockets will assimilate within a statewide system.

There are currently 31 states nationwide that have implemented interoperable emergency network systems or are in the process of doing so. Missouri is not one of these 31 states. It is estimated to cost \$150-\$160 million over a three year period for a core network necessary for a statewide fully interoperable system to be implemented and functional in all state agencies. The state does not have to shoulder these costs alone, however; the Department of Homeland Security has grants available to assist with the funding necessary to make Missouri's system interoperable. At this time the amount of costs the state will bear is unknown. The Department of Public Safety along with the Office of Administration has requested that an independent research study be conducted to determine the approximate cost to the state.

Over the past several years, Missouri has made small gains in the area of first responder interoperability but has done little to update the communications infrastructure. Regionalized pockets of interoperability have provided local law enforcement, fire and rescue personnel and other first responders with the ability to communicate to one another; however, the state's central law enforcement agency still has no way to effectively communicate with such personnel. The Missouri State Highway Patrol is relying on out of date equipment to communicate between troopers, county law enforcement, first responders, municipal police and fire departments. In addition, transmitters currently used are no longer being manufactured; parts must be purchased from salvage dealers out of state. In fact, Missouri is the only state to use these transmitters. Within a short time, it will be impossible to obtain replacement parts and the entire Missouri State Highway Patrol communications system will fail. The Federal Communications Commission (FCC) no longer licenses such transmitters. These facts have created issues most

recently with regard to the safety of officers patrolling streets and responding to emergencies and reported crimes. In the future, the lack of interoperability could cause disastrous problems during a state emergency. In addition, interoperability is critical to the effective functionality of the state's 9-1-1 systems.

9-1-1

Missouri faces two major issues concerning the current state of our 9-1-1 system: operational 9-1-1 centers throughout the state are in dire need of restructuring in order to avoid bankruptcy while several counties in the state do not have any operating 9-1-1 systems.

Issues arising in areas with operational 9-1-1 Centers

In 1976 the first 9-1-1 systems in the state became operational in Kansas City and the city of St. Louis. Today there are 171 primary 9-1-1 Public Safety Answering Points (PSAPs) located in the 114 counties (115 if St. Louis city is included) in this state. Initially, only the callers' wire line telephone number was available to operators answering 9-1-1 calls. 1979 witnessed the first enhanced deployment of 9-1-1 services; the address of the caller was now available to 9-1-1 operators. In 1994, the FCC established new rules with which to govern 9-1-1 systems and required emergency services to be available by dialing 9-1-1 from any wireless telephone. Currently, there are 2 phases of wireless 9-1-1 service. Phase 1 requires calls to have a call back number and tower location and phase 2 requires calls to be located by latitude and longitude coordinates. At this time, only about one quarter of the state's 171 emergency 9-1-1 PSAPs are phase 2 compliant.

The onset of the use of wireless telephones to call emergency responders has created many problems for 9-1-1 systems across the nation. Call volume is increasing exponentially due to the fact that almost every person traveling through Missouri has a wireless telephone or access to one. PSAPs are now receiving multiple calls reporting the same traffic accident and must answer each call they receive. Furthermore, phase 1 compliant PSAPs receive wireless call locations indicating the tower that the call originated. Oftentimes, this isn't the tower that is closest to the location of the call. Sometimes the closest tower to the location of the caller is busy or is not active and will therefore reroute the call to another tower further away. This creates many problems for dispatchers trying to assist individuals in need of emergency assistance and extends the time it takes for first responders to find and assist those individuals.

In addition to the increase in call volume, the popularization of wireless telephone use has created funding problems for 9-1-1 throughout the state. At the present time, there are three funding mechanisms available to pay for wireline 9-1-1 services: Basic dial tone rate tariffs, up to a 1% sales tax and the use of funds from general revenue. The number of wired lines has been decreasing by an amount equal to four or five percent each year while approximately 50% of all 9-1-1 calls originate from wireless telephones. Funding revenues from the wired line tariff tax are therefore decreasing and creating a deficit in most county and municipal budgets from which 9-1-1 centers are funded. Therefore, funds are not available to 9-1-1 systems for upgrades in order to become phase 1 or phase 2 enhanced. Without equipment upgrades, every 9-1-1 center in the state will have outdated technology within 24 months. Furthermore, many 9-1-1 centers around the state have operating expenditures that total more than their revenues. These 9-1-1 centers are receiving money from general revenue funds to keep themselves operational. Eventually this will not be a feasible option and the 9-1-1 centers will be required to establish a new funding source, consolidate or close completely.

Missouri is the only state in the nation that has not authorized a wireless telephone recovery fee to fund 9-1-1 services in the state. This issue has been placed on statewide ballot on two separate occasions but both attempts have been unsuccessful. A majority of the testimony received by the committee advocated passing a surcharge on wireless phones, Voice over Internet Protocol devices, and any other device that can access a PSAP to address the funding deficit issue. However, many individuals believe that they are already paying such a fee due to the fact that wireless providers are permitted to charge customers a bundled fee that assists those providers with paying for 9-1-1 services equipment. As a result, a massive statewide education program to raise awareness is necessary for such a measure to pass on an initiative ballot.

Another reality is that irrespective of the availability of new funding sources, the fiscally responsible action for some counties to take is to consolidate current PSAPs' resources and equipment. Currently, one county has 23 PSAPs while other county PSAPs must wage turf battles between themselves and municipal PSAPs. Local governments must place political issues aside and concentrate on the most cost effective delivery of emergency services to their citizens.

Issues arising in areas with no operational 9-1-1 call centers

While many areas of the state are faced with finding creative funding mechanisms to keep local 9-1-1 centers with updated technology and wireless phase 2 compliance, there are 18 counties in Missouri that have no 9-1-1 services. Many counties in Missouri, especially in the southeastern region of the state, are revenue starved, rural counties that cannot generate the revenue necessary to have a PSAP within the borders of each county. Due to federal regulations, 9-1-1 may be dialed from any wireline or wireless device and will go to an answering point somewhere. However, in those counties without a local PSAP, calls could be default routed to PSAPs hundreds of miles away. It is not realistic for first responders to be able to quickly find an individual in dire need of assistance. As a result, lives are lost due to the fact that some areas of the state do not have 9-1-1 services.

Furthermore, the lack of 9-1-1 services in certain areas of the state is not a local problem but rather a statewide problem. As determined in the Report of Current Public Safety Answering Point and 9-1-1 Infrastructure submitted to the state of Missouri by L. Robert Kimball & Associates there is a need to achieve a uniform level of 9-1-1 services statewide. All citizens should have the same level of service regardless of where they are located within the state or what device they use to make a 9-1-1 request for service. Many people travel to the southeastern portion of the state, for example, for recreation and vacation. Those people expect the same level of 9-1-1 services they are used to receiving from their own homes and neighborhoods. However, the tragedy is that they do not and will not without state assistance and changes to current funding mechanisms. To assist in solving this issue, many counties without 9-1-1 services are willing to share a regional PSAP but will need state assistance to help with the cost of initiating a regional PSAP organization. Several counties throughout that state have instituted 9-1-1 services by way of a regionalized PSAP and have had great success with doing so.

FINDINGS AND PROPOSALS

The committee recognizes the complexity of many 9-1-1 issues discussed during our hearings and expresses its gratitude to all the citizens, organizations, businesses, and state agencies that provided vital information and assistance. The committee applauds the efforts of 9-1-1 dispatchers and directors, county commissioners, municipal governments and others who have directed their time and resources toward improving the effectiveness and quality of 9-1-1 services throughout the state. The committee recognizes that this work is not complete, that creating a new funding source is critical in addressing the current issues with the demise of 9-1-1 services across the state and recommends the following actions as options to enhance ongoing efforts:

1. Recognizing interoperability as a legitimate need

The committee recognizes that critical voice communications interoperability is a legitimate need that the state should address further. The committee also recognizes that there is a study already underway to determine the statewide needs and financial limitations of the state. The committee recommends that the state should follow the recommendations of the Department of Public Safety and the Office of Administration as defined by that study.

2. Generate an on-going source of revenue by way of ballot measure

Current funding mechanisms will continue to provide inadequate sources of revenue; therefore, a newly created funding source must be an on-going source. Other states have extinguished 9-1-1 funding issues by creating a recovery fee on wired lines, wireless telephones, Voice over Internet Protocol and any other device that may contact a PSAP. Missouri is the only state that does not authorize such a recovery fee. There are concerns that the state Constitution requires such a source to be voted on by the citizens of the state. Therefore, the committee proposes as an option, by way of ballot measure, an on-going funding source should be generated by placing a recovery fee on wireless devices. By doing so, the committee also recognizes that similar ballot measures have failed in Missouri on two separate occasions. Citizens of the state are unaware of the disastrous condition of 9-1-1 centers across the state and believe that they are currently paying a similar fee on wireless telephone bills. Therefore, a massive statewide education program is necessary for the success of such a ballot measure. Critical to this education effort is having the support of local communities. The committee also recommends that all state statutes that affect 9-1-1 services shall be update to reflect technological advances made within the last 25 years.

3. Establish a recovery fee by way of legislation

The committee recognizes that an on-going source of revenue is imperative to the modernization of the state's 9-1-1 systems and statutes affecting 9-1-1 services in the state have not been updated in over 25 years. The committee recommends as an option the establishment of a recovery fee by way of legislation. By doing so, the committee also recommends that all state statutes that affect 9-1-1 services shall be updated to reflect technological advances made within the last 25 years.

4. Give the Public Services Commission limited oversight so that they may establish a recovery fee

The committee recognizes that there have been discussions that wireless telephones and Voice over Internet Protocol devices are viewed as utilities. The committee also recognizes that other states have given central utility regulation organizations oversight to regulate such utilities from a 9-1-1 perspective. The committee proposes as an option that the Public Service Commission be given statutory limited oversight to regulate the wireless telephone and Voice over Internet Protocol service providers and therefore establish a recovery fee on those service providers to assist the modernization of 9-1-1 services in the state.

5. Appropriate funds from general revenue

The committee recognizes the critical importance in having statewide wireless phase 2 9-1-1. The committee proposes the appropriation of funds from general revenue to accomplish this goal. Appropriating funds from general revenue is an arduous process due the fact that such funds are highly coveted. The committee encourages the full cooperation of the general assembly to expedite the appropriation of funds for the use by the state Department of Public Safety to initiate seamless 9-1-1 services across the state.

SUMMARY OF HEARINGS

1. August 6, 2007

State Capitol, Jefferson City

Witnesses:

Mark James, Missouri Department of Public Safety
Greg White, Cole County Sheriff
Douglas Keeney, Jefferson City Police Department
R.D. Porter, State 9-1-1 Coordinator, State of Missouri Office of Administration
Charles Heiss, Johnson County Sheriff
David Kennedy, Jefferson County 9-1-1
Rick Bias, Morgan County 9-1-1
Steven Bruce, Polk County Sheriff's Office
Marlene Nagel, Mid America Regional Council
Alan Wells, St. Francois County
Stephen Gleghorn, Howell County E-9-1-1
Betty Knight, Platte County Commissioner
Donald Kritzer, Callaway County Commissioner, Missouri Association of
Counties, County Commissioners Association of Missouri
Richard Wolfe, St. Joseph Police Department
Becky Leake, Ralls County 9-1-1 Director, Region B Homeland Security
Oversight Committee
Chris Hardin, Audrain County 9-1-1
Claude Brandon
Tom McCormack, St Louis County Police 9-1-1 Coordinator
Art Armbruster, Ste. Genevieve County 9-1-1-Emergency Management
Albert Fulks, Ste. Genevieve County Commission

2. August 7, 2007

State Capitol, Jefferson City

Witnesses:

Mark Allen, Lafayette County 9-1-1 Director
James Strodman, Lafayette County Presiding Commissioner
Gil Rector, Lafayette County Commissioner
Elizabeth Pierson, Carroll County Commissioner
Michael Kindle, Macon County Enhanced 9-1-1
Gabe Craighead, Callaway County Commissioner
April Tarrant, Johnson County Central Dispatch
DC Rogers, Clay County Sheriff's Department
Col. James Keathley, Missouri State Highway Patrol
Roger Strobe, Missouri State Highway Patrol
David Kennedy, Jefferson County 9-1-1
Debra Napier, Clay County Sheriff's Department
Michael Hall, Marion County 9-1-1, Missouri NENA

3. August 15, 2007

City Hall, Moberly

Witnesses:

Dennis Cupp, Chief of Police, Moberly Police Department
Joan Joseph, Randolph County E-9-1-1
Susan Carter, Randolph County Presiding Commissioner
Donald Simpson, Monroe County Presiding Commissioner
Donald Crosby, Adair County E-9-1-1 Joint Services Board
Clay Joiner, Superintendant, Randolph County Ambulance District
Phil Merry
Sam Curd, Monroe County 9-1-1 Coordinator
Bud Coy, Grundy County Commissioner

4. August 21, 2007 State Capitol, Jefferson City

Witnesses:

Debra Poleos Stenger, CenturyTel
Arthur Martinez, CenturyTel
Susan Sherwood, Verizon Wireless
Lawrence Krajci, Alltel Communications, Inc.
Terrance McDermont, AT&T
R.D. Porter, State 9-1-1 Coordinator, State of Missouri Office of Administration
William Voight, Public Service Commission
Brian Jamison, Department of Public Safety
Roger Strope, Missouri State Highway Patrol
Scott Swain, Verizon Wireless, CenturyTel

5. September 13, 2007 City Hall, St. Joseph

Witnesses:

Christopher Connelly, St. Joseph Police Department
Mary Berry, ACCD 9-1-1
Richard Anderson, Platte County Sheriff
Richard Lehmann, Missouri Association of Fire Chiefs, Fire Service Alliance
George Fischer, ACCD 9-1-1
James Person, Chief of Police, Beltan Police Department, Missouri Police Chiefs Association, Cass County 9-1-1 Board
Vicki Groce, Missouri Ambulance Association, Missouri State Advisory Council, Andrew County Ambulance District
Jason White, Metropolitan Ambulance Services Trust
Eva Dannes, Livingston County Presiding Commissioner, Missouri Association of Counties Executive Board, County Commissioners Association Legislative Committee
Doreen Draper, Cass County 9-1-1, Missouri Chapter Association of Public Safety Communication Officials
Michael Curry, Jackson County Director of Emergency Preparedness
Alexa Barton

Keith Faddis
Yucel Ors

6. September 14, 2007 Community Building, Nixa

Witnesses:

Representative Jay Wasson
Brian Binace, City of Nixa
Billy Dryer, Polk County Commissioner
Bonnie Witt-Schulte, City of Monett 9-1-1
Donna Robertson, Executive Director of Wri-Tex E-9-1-1
Leon Pendergrass, Wri-Tex E-9-1-1
Steve Thompson, Greene County 9-1-1
Jeff Reinold, Greene County Budget Office
Sean Barnwell, Taney County 9-1-1
Deb Cook, Stone County 9-1-1
Richard Roark, Director Polk County 9-1-1
Pat Leichter, Barry County 9-1-1
Danny Clinton, Christian County 9-1-1
James Bacon, Nixa Police Department E-9-1-1
Ron Peckman, Vernon County Sheriff
George Major, Webster County 9-1-1, Missouri Chapter of Association of Public-Safety Communication Officials
R.D. Porter, State 9-1-1 Coordinator, State of Missouri Office of Administration

7. October 18, 2007 St. Louis Community College at Florissant Valley, St. Louis

Witnesses:

Scott Schoepol, Motorola
Larry Boyle, Missouri Fire Service Alliance, Fenton Fire Protection District
Steven Makky, Sr., St. Charles County Sheriff's Department, St. Charles County E-9-1-1
Paul Anderson
Tom Moonier, Ferguson Police Department
Elizabeth Huffmon, North Central County Fire Alarm
Randall Davis, Missouri State Advisory Council on EMS
Martin Limpert, St. Charles County Ambulance District
Lt. Daniel Howard, St. Louis Metropolitan Police Department
Edward Kemp, Jefferson County 9-1-1, Jefferson County Commission
Robert Dopp, EMA 9-1-1 Director

8. October 19, 2007 City Hall, Advance

Witnesses:

Gene Oakley, Carter County Presiding Commissioner

Brian Polk, Wayne County Presiding Commissioner
Wayne Johnson
Terry Nichols, Iron County Commissioner
Ron McCormick, Scott County Commissioner
Carol Moreland, Administrator, Stoddard County 9-1-1 Services
Mark Allen, Lafayette County 9-1-1
Alan Wells, St. Francois County E-9-1-1
Cheryl Stoffregen
Scott Welton, Standard Democrat Newspaper
Lindell Joe Burton, Scott County 9-1-1
Dee Griffin, Stoddard County E-9-1-1