

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing accompanies this form.

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Oregon Military Department, Office of Emergency Management
Agency and Division

104
Administrative Rules Chapter Number

Implements HB 2426 (2015) for continued operation of the 9-1-1 emergency communications system.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Implements HB 2426 (2015) for continued operation of the emergency communications system.

Statutory Authority:

ORS 403.120; House Bill (HB) 2426 (2015)

Other Authority:

Statutes Implemented:

403.100, 403.105, 403.110, 403.115, 403.120, 403.130, 403.135, 403.137, 403.140, 403.145, 403.150, 403.155, 403.156, 403.160, 403.165, 403.200, 403.205, 403.210, 403.215, 403.220, 403.225, 403.230, 403.235, 403.240, 403.245, 403.250; HB 2426 (2015)

Need for the Rule(s):

ORS chapter 403 provides for 9-1-1 services and the operation of the emergency communications system in the State of Oregon. House Bill (HB) 2426 (2015), amended ORS chapter 403 to authorize the Office of Emergency Management (OEM) to adopt standards for the emergency communications system by rule. Previously the statutes set forth the standards for the basic 9-1-1 and enhanced 9-1-1 system. OEM proposes to amend, or repeal and adopt, its rules to set out standards for the emergency communications system. OEM is also proposing to amend its rules to reflect the change in statute now authorizing OEM to pay for certain emergency communications services on behalf of a 9-1-1 jurisdiction in addition to reimbursement to a 9-1-1 jurisdiction.

OEM proposed rules also reorganize OAR 104, division 080.

OEM is amending OAR 104-080-0000 to clarify the purpose statement with the statutory requirements for support of statewide 9-1-1 service.

OEM is proposing to repeal 104-080-0010, 104-080-0020, 104-080-0021, 104-080-0022, 104-080-0023, 104-080-0024, 104-080-0025, 104-080-0026, 104-080-0027, 104-080-0028, 104-080-0030, 104-080-0040, 104-080-0050, 104-080-0060, 104-080-0070 due to the number of proposed amendments to those rules. OEM is proposing to adopt new rules with new numbers to address the subject matter of those rules.

OEM proposes to repeal and adopt new rules for the emergency communications systems to reorganize OAR 104, division 080, and clarify the substantive content. Specifically, OEM proposed changes relate to the following:

- OEM's requirements for collecting and maintaining contact information for 9-1-1 jurisdictions and public safety answering points (PSAPs).
- Requirements for a 9-1-1 jurisdiction's operation of a primary PSAP.
- Procedures for obtaining Automatic Number Identification (ANI) and Automatic Location Identification (ALI) information and performing reverse lookups.
- Processes for official reports and use of non-published ANI and ALI information.
- Requirements for utilities and providers.
- Requirements for a 9-1-1 jurisdiction plan, including disaster plan, and the submission and review processes.
- Standards for the emergency communications system.
- Requirements for provision of services for the deaf or hard of hearing and speech impaired communities including Telephone Typewriter (TTY) services and text-to-9-1-1 services.
- Database requirements.
- Customer premises equipment.
- Funding the emergency communications system, including authorized expenditures from the Emergency Communications Account and the 9-1-1 Subaccount.
- Variance from the OAR 104, division 080, rules.

These proposed new rules would allow for a primary PSAP to provide text-to-9-1-1. All primary PSAPs must have a TTY in order to communicate with individuals with hearing or speech impairments. However, other devices for receiving these emergency calls are now available. Text-to-9-1-1 is defined as a way to communicate with individuals with hearing and speech impairments and is clarified within these proposed rules.

These proposed new rules would define and clarify the requirements for a secure IP network required for the transport of ANI and ALI, Primary PSAP mapping data, management information systems, and netclock synchronization for all primary PSAPs in the state of Oregon.

These proposed new rules would also define the use of Geographic Information Systems (GIS), along with the ALI database and the Master Street Address Guide (MSAG) database, in the primary PSAP mapping platform to assist with identifying the location of the emergency caller.

Documents Relied Upon, and where they are available:

HB 2426 (2015) available at: <https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/HB2426/Enrolled>.

Rules Advisory Committee Minutes and written comments on file with the Office of Emergency Management, available at:

The Office of Emergency Management

3225 State St., Rm. 115, Salem, OR, 97301.

Fiscal and Economic Impact:

Annual review of the 9-1-1 jurisdiction plan will add to the workload of OEM staff. The amount of the additional workload is unknown because this is a new process and it depends on the quantity and quality of the information provided by the 9-1-1 jurisdictions. These proposed rules change operations from the way business is done today through the addition of requirements and standards. These additions lead to a fiscal impact that is not quantifiable at this time, but is expected to be minimal.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

This statement takes into account the fiscal impact on: (a) OEM and other state agencies; (b) local government, including 9-1-1 jurisdictions and PSAPs; (c) providers and utilities; and (d) the public.

(a) OEM: OEM anticipates a possible fiscal impact for this category because the proposed rules require OEM to review the updated 9-1-1 jurisdiction plans annually which will require staff time. This is a new process and the workload placed on OEM staff is unknown. OEM anticipates the fiscal impact to be minimal because the 9-1-1 jurisdictions had previously been required by statute to send updates to OEM. There may also be a fiscal impact associated with the addition of text-to-9-1-1 but is undeterminable since this is a new means of making an emergency call in Oregon. OEM anticipates no fiscal impact on other state agencies because the provisions of this rule do not apply to outside state agencies.

(b) Local government, including 9-1-1 jurisdictions and PSAPs: OEM anticipates a possible fiscal impact for this category because the proposed rules require 9-1-1 jurisdictions to review their 9-1-1 jurisdiction plans annually and provide updated plans to OEM for review. OEM anticipates the fiscal impact to be minimal because the 9-1-1 jurisdictions had previously been required by statute to send updates to OEM.

If a 9-1-1 jurisdiction chooses to implement text-to-9-1-1, there will likely be a fiscal impact on the 9-1-1 jurisdiction. OEM is not able to estimate the cost of implementing text-to-9-1-1 because it is a new technology used for making an emergency call in Oregon. OEM anticipates the fiscal impact to be minimal because implementing text-to-9-1-1 will be a collaboration between the primary PSAPs, the 9-1-1 jurisdictions, and OEM.

(c) Providers and utilities: the term provider, in addition to utilities, is new to these rules but is a statutory fiscal impact and is added to these rules to align with ORS 403. The requirement of providing ALI by providers and utilities is not changing from statute.

(d) The public: OEM anticipates no fiscal impact on the public from the proposed amendments or new rules because the provisions of this rule do not apply to members of the public.

OEM anticipates no costs to comply with the proposed amendments and new rules for outside state agencies. OEM is unable to estimate the potential costs to units of local government, including 9-1-1 jurisdictions and PSAPs because the effort to review a 9-1-1 jurisdiction plan may depend on the scope of the plan. If a 9-1-1 jurisdiction chooses to implement text to 9-1-1, the potential costs associated with the implementation is not known and may depend on the size of the 9-1-1 jurisdiction, the type of technology used to implement, and the type of service required.

OEM anticipates no cost of compliance for the public.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

A small business may be a "private safety agency" under ORS chapter 403. A private safety agency is not subject to OEM's rules unless it is also a 9-1-1 jurisdiction. A private safety agency may become a 9-1-1 jurisdiction upon OEM's approval. Currently, no private safety agency meets both the definition of "small business" and is a 9-1-1 jurisdiction.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

See above

c. Equipment, supplies, labor and increased administration required for compliance:

See above

How were small businesses involved in the development of this rule?

OEM presumes that the majority of persons interested in these rules are units of local government, communications providers and utilities. Representatives of primary PSAPs, the Oregon chapter of APCO and NENA, local exchange carriers, and the Oregon Telecommunications Association were involved with the Rules Advisory Committee for rule review and fiscal impact analysis. Small businesses, as well as other interested entities, will have an opportunity to comment on the proposed amendments and new rules at the public hearing to be held October 22, 2015.

Administrative Rule Advisory Committee consulted?: Yes

If not, why?:

11-06-2015 4:00 p.m.	Genevieve Ziebell	genevieve.ziebell@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address