

2011 SENATE POLITICAL SUBDIVISIONS

SB 2046

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Political Subdivisions Committee  
Red River Room, State Capitol

SB 2046  
January 13, 2011  
12865

Conference Committee

Committee Clerk Signature

*Mary Jo Wocken*

## Explanation or reason for introduction of bill/resolution:

Relating to fees charged by the department of emergency services to local law enforcement for access to national crime information.

## Minutes:

See Attached Testimony

Senator Andrist opened SB 2046 relating to fees charged by the department of emergency services to local law enforcement for access to national crime information with a fiscal note.

**Brady Larson** for the Public Safety and Transportation Committee, from which this bill came from. As always I am here in a neutral capacity. See attached testimony.

**Senator Andrist:** Is this system primarily for law enforcement and the ambulance system?

**Brady Larson:** Yes, it would be the laptops that you would see in a law enforcement vehicle where a law enforcement officer could check a vehicles registration and check a background or criminal history of a person. What the here is regarding how the information is provided to that laptop from the state or from the national crime information center. Some agencies use state radio towers and infrastructure that to get that information to their laptop, other agencies plug in a cellular air card in to their computer, go through cell phone towers to get to their servers and equipment that they own and maintain and then from their own servers and equipment they access this National Crime Information through the state message switch. Discussion focused around, is it fair that these agencies that are paying all of their own expenses to basically get access to the state message switch is it fair for them to be paying the same fee as the agencies that are utilizing the existing state radio tower infrastructure?

**Senator Olafson:** I have two questions. First, the agencies that are using their own system are they doing that because it is cheaper for them than I would guess that is part of the reason, its' cheaper for them or does it work better or why are they using their own system as compared to using the state system? Second, would be if you could go into a detailed explanation of the fiscal note. Explain the fiscal note because I am having a bit of difficulty reconciling the fiscal note with the dollar amounts in the bill itself.

**Brady Larson:** On your first question, I am not aware of the different reasons for an agency to utilize their own system and air cards or cellular air cards. It could be because of access issues or speed issues and I do believe other people will be providing an overview on that issue. Now going into the fiscal note on this bill, if we look first at the 2011-2013 bienniums, we can see that there is general fund expenditures, revenues and appropriations it would be of \$5,610,302 dollars and that would relate to the two appropriations sections in the bill. Now when it comes to the other funds decrease that is explained down in under 2A Fiscal Impact system, and what State Radio has done in preparing this that they noted that if this bill passes, and it's cheaper for an agency to utilize their own equipment to access the state message switch that more agencies would probably actually switch over and because of the cost savings and then also, that number that is noted for the 2011-2013, it also takes into account the increase in the law enforcement teletype system fees. So, that number there is the net of two different items, one being the increase in law enforcement teletype system fees and the other for expected agencies, or law enforcement agencies that would no longer be paying fees because they would switch their access systems to their own equipment rather than using state radio infrastructure.

**Senator Olafson:** So there is two figures that get us to the \$112,930 figure?

**Brady Larson:** Chairman Andrist and Senator Olafson: I believe that is correct. It appears that down under number 3, on the fiscal note, that it notes that they are anticipating a reduction of \$194,430.00 for those agencies that would switch to their own private access methods. And then the Law Enforcement Telecommunications System (LETS) fee would provide an additional increase of funding \$81,500 to come up with that total of \$112,000.

**Senator Olafson:** I got it.

**Senator Andrist:** It shows revenues and expenditures to the general fund both.

**Brady Larson:** I am not aware regarding the revenues portion; I would assume that it would just be in appropriation and expenditure.

**Senator Andrist:** So it would be, we would have to spend \$5 million to do this?

**Brady Larson:** That is correct. **Senator Andrist:** There is no revenue source for it. That is what I didn't understand where the, why it was plugged in there's revenue to the general fund. **Brady Larson:** And Mr. Chairman there is representatives of state radio that prepared this fiscal note that maybe can provide additional information when I've concluded with my presentation.

**Senator Lee:** I just wondered if it might be possible to get a written copy of Brady's testimony because it basically covers the bill.

**Brady Lee:** I will certainly get some copies of my testimony here for the committee members.

**Representative Porter:** District 34 Mandan. I had the pleasure of serving on the Public Safety Committee this last biennium and also the biennium I chaired the committee. So this

bill we did have; a similar bill last session that we tried to address some of the issues that came up. I am not going to talk very much about the or at all about the fees in Section 1, I think that State Radio is here and the local political subdivisions are here that effects. I want to focus on Section 2 and 3. In Sections 2, the appropriation to cover the short fall and projected revenue for state radio would most definitely be a property tax reduction from those local political subdivisions that are seeing the efficiencies inside of their own systems. There is 22 PSAPs across the state that take 911 calls and dispatch emergency responders so they are the allowed and authorized to have their own systems in place and some of them have very complex computer rated dispatch systems including automatic vehicle location systems in vehicle computers to cut down on voice communication back with their dispatchers, so if they go in route to a scheduled emergency they can just, by pushing a button, show the dispatch center that they are in route to that call. So it's' very technology driven, it's very advanced and it's very user friendly for both the dispatch centers and for the responders out in the field. Those efficiencies allow those centers then to make sure that they are sending the closest available units. Senator Lee has heard that term many times in Senate Human Services, because the EMS agencies across the state want to make sure that geopolitical boundaries don't mean anything when a comes to someone's life. The closest available ambulance service takes that call so that we reduce that response time. So it's very important in emergency services that these technologies relate back to speed and efficiency. That dollar amount is the direct cost to the local political subdivisions for something that they are really aren't using if they choose to go to a different system. Now the air card system, that is out there is faster, more efficient, it allows for more real time messaging between responding units and between the dispatch agency and their responding units. So it really is the next step. The other thing that this represents is the phasing out of this old system; the old analog radio system of relaying this information. It can't just be turned off. We have to phase it out as a state. You're going to hear from State Radio that the \$110,000 was a little bit less than what they are now projecting because of the interest in moving to this more efficient system. So hopefully this is one or two biennium expenditure to basically get rid of this system and move everybody to an air card type system. It will be closer to \$200,000 as it is reflected into the fiscal note as more people will leave. And quite frankly they should, because of the efficiencies that are afforded by switching. Hopefully, it goes fast enough that next biennium that it's off line and turned off and it's a done deal. This new system that we paid for, a new CAD system inside of State Radio that included a record system, mapping system, so as this is being put into place and its going to allow responders who are responding to the scene of an accident in a blizzard to be able to see the location of the snow plow, to see the location of the highway patrol officer, to see the location of the sheriff's department, to see the location of the ambulance responding. They will be able to see that at State Radio, at Bismarck Central, Mandan/Morton LEC, and the responders will be able to see it on their computer screen also. As this technology pushes forward, it really is going to be a state of the art response system for North Dakota, not only in the urban areas where you would really more expect it, but its' also going to be out in the rural areas where you would think there isn't enough responding agencies to have that kind of a system. It is really going to be a seamless across the state system as like it should be. Here is some of the information we got in the Interim, and I am not going to get real technical with this because it falls back into Mr. Links' area of expertise, but I wanted you to see where the problem areas when we talk about section 3, and the towers across the state, where the problems areas exist for mobile communications from our emergency responders. One of the other things, that I want to

bring up as you look at that map, you see a lot of it out in western North Dakota, and along with the very problems that the responders are having talked to people out there that that have tried to get on a cell tower and make a phone call, and find out how difficult it is to get access because those towers. The more the requests come in to a tower, and this is just on a cell phone service, not on our public emergency service, but the more requests they have, they have too basically queue them in so they get answered as people call. There is nobody that has a single priority to get in, not even emergency responders into the cell phone system. As that happens, as those requests are out there, those towers are smart and they start turning down their signal so that the closer you are to a tower, the more likely you are going to get the service. The further away from the tower, the less likely you are to get the service for a cell phone call. As we developed this bill knowing full good and well the public safety problems that existed, we also recognized the fact that there is going to be some huge needs from cellular providers during some of this infrastructure billed out. So, on page 3, we also included the language to make sure that as we, as the taxpayers of North Dakota billed out this public system for our EMS responders that there is room on those towers if a private company such as a cell phone company wanted to lease space to improve their service in the same area. When you see that language on there the "Department of Emergency Services, shall enter into partnership to use existing towers and infrastructure when feasible" and we just wanted to make sure that as we built a tower, that we didn't end up just building it for ourselves, we have to trench in all of the cables, all of the t-1 computer information, we have to put a shack there to house the base station, we have to put heat and air conditioning in it because of the delicate electronics that if there is room on those, that they could be leased out to a cell phone communications company that wouldn't otherwise want to invest in the structure but may want to lease from the state. In Burleigh County, we've entered into lease into agreements with companies like Great River Energy, BEK communications because they had towers that had existing space so rather than Bismarck/Burleigh paying the money to build a tower, we just went out and found sites and leased them. As we were going through the interim, it was very clear to us in the last two interims that there are huge gaps in our public safety network that is out there to protect and allow communications for our emergency responders. That is what this bill really addresses.

**Senator Andrist:** Section 3, which is the cost required, I understand Representative Porter, that that is an issue a little bit apart from the rest of the bill? That's to make the system better. I understand that. **Representative Porter:** That is correct. There is just for the committee's information, and Mr. Link can embellish on this also, there is about \$ 2 million dollars in the budget for the hardware to put into six (6) tower sites. The state would have to go out find six (6) existing towers to piggyback onto in order to put that hardware in. So there is that money available, but, the \$5.5 would be for, and I believe it was up to eight (8) brand new towers and the equipment to go in them. So those numbers. **Senator Andrist:** I guess the reason I was asking the question, if the Appropriations Committee has heartburn over the five and half million, there still would be value on the rest of the bill? **Representative Porter:** Mr. Chairman, absolutely! **Senator Andrist:** That was what I was... **Representative Porter:** Yes, and there is again, and I am not sure where their budget is starting, but there is \$2 million dollars in their budget for some of the equipment necessary to do some sites without building an actual tower. **Senator Andrist:** But there is apart from the \$5.5. **Representative Porter:** That is apart from the \$5.5 million. **Senator Andrist:** Was this part of the Governors budget? **Representative Porter:** The \$2, **Senator**

**Andrist:** The five and a half? **Representative Porter:** No, that came out of the Interim Committee. **Senator Andrist:** Okay.

**Senator Laffen:** Representative Porter, on the first part where we're providing for an appropriation to make up the short fall, would it be possible to have instead of the appropriation, to just have the current users who remain on the system pick up that tab thereby, instead of forcing them to hurry up and move to the more efficient system? Would that be possible at all? **Representative Porter:** It, there are still paying a fee. It's not a free service to those remaining users. And I think that in the testimony to follow, just because of the projections of State Radio has, that they feel that way more agencies are going to leave. I think that will accelerate that process and allow us then to turn that system off.

**Senator Laffen:** So my question is, if we had the remaining users on the system pay the entire tab, there fees then generally go way up. It pushes them to leave the system and be able to take it out sooner and we don't have the appropriations. **Representative Porter:** I think that would be kind of unfair. It would be unfair because you would be really focusing on rural smaller systems. It would be unfair because not everybody has the capabilities yet for the high speed air cards because of the billed-outs because its bought as a private product from the cell phone providers and so I think that although, I like the concept of speeding it up, I think that a little bit of it has to do with the availability of the products out there. And that some of this has to just happen over time.

**Senator Andrist:** Who else would like to appear in support of this bill?

**Keith Witt:** Chief of the Bismarck Police Department. I don't have any prepared comments. I just want to quickly respond to a couple of questions that came up from the committee members. Mr. Chairman, Senator Olafson, I think that you had asked a question, "why would law enforcement agencies switch or go away from the state infrastructure"? Primarily, there is a big benefit, our department is one of the ones that has switched. For a number of years we've used a state infrastructure systems, so that basically our officer in the squad car, if they needed to run a drivers license check, on a car or individual to find out if someone is wanted, that so to speak, the computer in that car needed to speak to a computer at state radio. In order to do that, we had to use the state infrastructure to get that message from the car to the state radio computer. The problem with that system, and I am not a technical expert by any means, so forgive me if I don't get this exactly right, but basically it uses the radio signals which lack of a better word that's a pretty small pipe, somewhat maybe like if you compare it to a garden hose, you can only get so much through that garden hose. When we switched to these air cards which is basically like the computer is kind of using a telephone cellular telephone signal to send information now, its' like much bigger pipe than a garden hose, so we can get much more information through a lot quicker, we can send photos and everything that we couldn't do before. So basically now our squad cars talk indirectly to a computer at the police department that in turn is talking to state radio computers, so we are no longer using that whole infrastructure, so from my perspective then before, currently even yet we are paying the Mobile Data Computer (MDC) fees to the state, ballpark our department is paying about \$10,000 a year in addition to that now we're paying the cost of these cellular air cards which is about \$600 a year and I know that I've had some discussions with Director Link in the past, it's like its' really not fair for us now to be paying these fees to the state because we are no longer using all this infrastructure. We're paying our own way, so to speak, to get to that computer

at State Radio. Hopefully, that is a short answer to that. Mr. Chairman, Senator Leffen, you had asked about increasing the fees to the other agencies that are left on the state system so to speak. I think it is a good question, but I agree with Representative Porter, that it probably wouldn't be fair plus if you look at the statute, if there is going to be a fee increase your going to have a year lag time, so you're still have a revenue deficit because State Radio, if they are going to increase the fees they have to give everybody a years' notice so to speak so that they can budget for it.

**Senator Olafson:** Mr. Chairman and Keith, this maybe a question to ask Representative Porter, but since your using a system that goes through the cell tower system and not State Radio, but of course the qualifier would be if we could be guaranteed 100% coverage on cell towers from border to border in the state of North Dakota, we probably wouldn't need Section 3 in this bill. Would that be a fair assessment? **Keith Witt:** Mr. Chairman, Senator Olafson, I think that would be a fair assessment. I think most law enforcement agencies understand the benefits of going to the cell card system and they would do that, but exactly right there is some limitations on the coverage out there. So they have an officer in a squad car that basically couldn't talk to anybody then... **Senator Olafson:** Right. I have an office in the basement in my home and I have to go upstairs to talk on it. So, I can relate to that.

**Senator Andrist:** It must have been a huge expansion and in coverage in our area, you know, it's a far, far, fewer dead spots so that gives rise to this question. Well then as cell tower coverage improves, will these towers that we spend \$5.5 million dollars to add to this system, will they become redundant and unnecessary? **Keith Witt:** Probably will defer that question to Mr. Link from State Radio. I think we're kind of, my understanding were talking somewhat about two different things. Cell towers and then State Radio communication towers are dealing more with radio frequency yet for voice communication, but I think Director Link can probably answer that somewhat. **Senator Andrist:** Okay.

**Senator Lee:** Mr. Witt does Bismarck, Mandan, Morton, and both Burleigh have a joint dispatch center? **Keith Witt:** Yes we do a combined dispatch for basically all public safety. Let me clarify that. Bismarck and Burleigh were together. **Senator Lee:** Not Mandan? **Keith Witt:** No, they have their own combined on the other side of the river.

**Steve Bay** Sheriff of Grant County, it's a county with about 1600 square miles and we're about 70 miles SSW of Bismarck. We are in dire need of this bill in our area. We're talking about cell phone coverage in a lot of areas in my county. It doesn't even pay to carry a cell phone, so that's kind of a mute base until they decide to do something with the towers. The importance of the State Radio towers is we do use State Radio for dispatch. We rely heavily on them. He shared an example with the committee. These towers, Mr. Link can explain farther, but , these towers, if and the fear I have is if it goes with the 6 where the appropriations is there, does that mean that my county, Grant County is going to have to wait until the next biennium? So then I am going to tell the people that no were just not going to have a tower yet for awhile. That is kind of it in a nutshell. We need those towers out there to communicate, to keep my people safe, to get the ambulance there and get them safe, and also the same with any emergency situation. Whether it is snow removal or whatever the situation may be. I thank you for your time.

**Senator Andrist:** Any questions, thank you for testifying. Anybody else in support of the bill? If not, is there anybody opposed to the bill? And if not is there anybody neutral?

**Mike Link:** Director of State Radio. I am here to answer any of your questions that relate to this bill. We have in the Executive budget some of these addressed, so I am just here to answer questions. We are in support of the Executive budget.

**Senator Andrist:** Mike, help, at least some of us understand the issues. I am looking because I've served on Appropriations Committee and I know \$5.5 million, when you get those extra 3 zeros on, they look a little more closely at it. Is this \$5.5 million essential long term or is this something we're going to do because we have to do it get it up to date while were waiting for cell towers and something else?

**Mike Link:** I hope to educate you a little bit. The papers that you have in front of you, the math, in the last biennium State Radio was provided funding to do a study of alternatives to state radio gaps. I was able to find the Federal government did a study for us for free. That is just a few pages. If you notice the bottom there, they don't necessarily coincide with the order that 62-63, this is a very long study. I've pointed out in here the and copied for you the pertinent areas. The first page, yellow page, is where the State Radios exist currently. We have 36 towers, we share the infrastructure with Department of Transportation (DOT), and DOT North Dakota manages these towers for State Radio. The areas that are in dotted red are identified in the study as the gap areas; so those areas are the gaps. Now, if you remember, the last legislative session was very good to us and gave us the Wales tower. So you will on there the Wales tower is identified in this map with a gap area, in the upper NE side of state. That tower has been completed so when this study was done, it did not reflect the new height of the Wales tower that has been changed so if you take the Wales off that study, and you look at the other one next to it, I think it on page 3<sup>rd</sup> page on the back in the document. That is just the gap areas with the towers that were identified in here that we could share infrastructure on. Representative Porter said and it was loud and clear from the legislature last biennium that the prices that we came in with to build a new tower they wanted us to look at alternative towers and alternative infrastructure to put our State Radio infrastructure to share space. In this study they identified some local towers, some local infrastructure that is out there generally locally owned which is on the data base sheet that is attached to this study. This sheet identifies those alternative towers that we could possibly share space on. Most of those towers are owned by local government, I have contacted some of those just exploratory to see if a possibility of us sharing space with them. We would build a separate shed, we would put our antenna on that infrastructure, and we may have to go into lease agreement or whatever happens to be to get to the rights to be on those infrastructures which could be a little tricky. The ones that I did contact we are filling a gap for them. In the State Radio infrastructure so they are more than happy to give us long term lease at little cost. The couple that I talked too, however, there could be some challenges there with some of the other ones. Plan is in the Executive Budget to do six (6) towers this year or this biennium, and then a possibility the next biennium, to cover the twelve (12) identified gaps; towers that we need to go to. Mr. Chairman, this bill identifies all 12 that we would fulfill which would give us 95% coverage throughout the state of North Dakota. Hopefully.



**Senator Andrist:** So are you saying that you have a plan to fill these gaps, but you had planned to take longer time to it? Will the \$5.5 million be spent or will you find, or if we waited for you to do it, would we find more tower sharing or something that would lessen the cost of it?

**Mike Link:** There is a lot of things that come into account. The \$5.5 million is a projected cost of this bill in this committee. We have in the Executive budget the 6 for this biennium, I can't tell you what the cost will be in the future, I can't tell you that we could necessarily put up the 12 in this biennium, we've talked about that but weather conditions may play a factor, a lot of things may play a factor. The plan from the Executive, from the Governor's office and from the agency and our budget is that we have a plan to do 6 and 6 but we ultimately need 12 to fill the gaps.

**Senator Laffen:** Director, if we don't appropriate this money, what happens? I am so confused on what your plan is; you already had a plan in place? **Mike Link:** We have a plan in the Executive budget and it is in the Governor's budget and the Governor was addressed that in the budget committee and the State of the State he talked about the 6 towers to build out the infrastructure. That is in the executive budget. This bill differs in the fact that it includes all 12 towers that are needed. We have a plan to do 6 this biennium. This is what the sheriff was talking about, if we have to wait. Then maybe 4 years because of the executive plan is 6 and 6. **Senator Laffen:** And that plan, your other plan, 6 and 6, is there any appropriations yet for that or is it just in the proposed budget? **Mike Link:** It is in the proposed budget. **Senator Laffen:** What is that number for the next biennium, do you know? **Mike Link:** \$2.2 and that's for the 6, now the other thing that is in this bill is also in the Executive budget which is called the Central Electronic Bank (CEB), the computer bank. What that is the interaction between the towers and the dispatch center. That is \$1.1 million as our estimates, that is part of the \$5.5, its' also in the Executive budget. We found out when we were doing this study we looked at our infrastructure at State Radio and the infrastructure at State Radio, the current system we use to connect the tower to the dispatch center can only hold two more towers. So we need to upgrade that before we can do any of the, to move forward.

**Senator Laffen:** Do you think you can get all 12 towers built in the biennium? **Mike Link:** It depends on a lot of conditions. Can we get the memorandum of understanding (MOU) or the lease agreements in place, is the weather going to cooperate? We expect that if we do all 12, we would need to have at least two crews. We have the buildings, the shelters prebuilt. Can that company get those done for us, there is a lot of factors. I am not saying that we wouldn't need to have carryover if this bill passed, but it is a possibility, we've talked about it is a possibility, we've talked about it. It is a possibility if the stars line up right that we possibly could get the 12 done.

**Senator Andrist:** So, I want to understand your relationship with the Emergency services? You have a plan to do what they propose to do, through an appropriation through the Department of Emergency Services. Do you work with them or collaborate with them on this or is this a totally separate approach to solving a problem? **Mike Link:** The division of State Radio is a division of Emergency Services. The structure is the Adjutant Generals office has the National Guard and the emergency services. The Emergency Services is divided up into two divisions, State Radio and the Division of Homeland Security. So, in the

Executive budget comes from the Department of Emergency Services. That is our division's proposal; State Radio is a division of Emergency Services. **Senator Andrist:** My final question just to make sure I understand is if we remove this \$5.5 million dollar appropriation for these 12 new towers; or if the Appropriations Committee did it we'd still get half of the work done through your regular budgeted appropriations. **Mike Link:** That is correct, if it passes through the budget. **Senator Andrist:** Yes, **Mike Link:** Yes.

**Senator Dotzenrod:** At looking at the bill, essentially what appears in general there are the three sections? The first section sets up a fee schedule, the second covers an appropriation to cover operating costs, and the third is capital expense to bill out the system. That is generally the way this bill looks. Does Section 2 that covers the operating cost, that number that is in there \$110,000, is that intended to cover the fee schedule that is set out in Section 1? You've got a fee schedule that's \$40 per month for certain counties, \$80 month per terminal basis. So if you follow, or did someone go through and figure out what or how many divisions, how many counties are using it and take a look at the number of terminals and then figure out what it would cost and that's how we came up with \$110,000? Is that the relationship between Section 1 and Section 2? **Mike Link:** The department sets up. We have the states message switch and you heard Rep. Porter talk about it, also Brady from State Radio. The message switch is the connectivity between local law enforcement and state law enforcement, to the federal government, the FBI and also to National Law Enforcement Telecommunications (NLETS) which is the states' infrastructure for record checks and state warrants and information like that. That is called the Law Enforcement terminal; that is the fees that's in the bill for the law enforcement terminal. **Senator Dotzenrod:** So the fees proctor in section 1 is for the LETS? **Mike Link:** That is correct. **Senator Dotzenrod:** Okay. **Mike Link:** Those are terminal based; they are computers that sit on desks. They are terminal that sit and generally the users of those are law enforcement agencies, all the sheriff's offices have one, also several police departments, states' attorney's offices has them other law enforcement entities would have the LETS terminals at the desk. The MDT or the MDC the mobile data terminal or mobile data computer are generally laptops that are in the patrol units. That is the connectivity or too those same messages switch at State Radio, though the units in the car. So they can draw down, wants, warrants, check to see if somebody's wanted, see if criminal history on a person, lots of information by that connectivity also to the federal government and to the state infrastructure. That is a separate fee. We bill for and this as was talked about earlier, we give notice under the law one (1) year in advance of the fees going into effect. So we take a snapshot in time on the even numbered years, so in 2010 in July, we sent out a letter to the agencies saying this is what we project the cost to be to have a zero revenue to balance out. The services are provided, we have to bill back. Its 50% on the LETS as explained in the bill, full cost on the MDT's. The MDT's this biennium, when we sent out the letter we looked at as Chief Witt said the connectivity's though the tower infrastructure and the connectivity of the units. The connectivity of the units we didn't feel was fair because generally we would take all the expenses and divide them our and by the users we would come up with a fee. After the last biennium analysis we better defined where those cost centers come from. So we were able this time to divide off those that use the State Radio infrastructure, the radio infrastructure, and those that do not. In the letter that was sent out, it is a \$10.21 fee per unit for those who do not use the state radio infrastructure proposed by the agency. It is a \$22.47 per month cost to those who use the state radio infrastructure so the additional \$12 is the cost of using the infrastructure. It was correct in what was

testified to already, the current infrastructure at State Radio is slow. We're trying to get people to move off that system because my fear is that is reaching the end of life. Probably will by the beginning of next biennium, so we're trying to come up with a solution that is most equitable for both the department and the individual units. So the pricing is there that way, this \$110,000 takes care of the cost of the four hundred twenty users (420) that currently connect from the air cards. **Senator Dotzenrod:** Do the air cards represent the terminals? I mean can you make that equivalency that for every air card there is a terminal? Or can't you make that? **Mike Link:** Not necessarily, because we bill by the user, so there might be several less computers, but there is more users. We bill by the user that uses the system and how that is separated off is by unique number that the FBI recognizes called the Originating Agency Identifiers (OAI) number and that's the way that we bill. **Senator Dotzenrod:** So it looks like and I am trying to get caught up on how the system works here. It is not quite as straight-forward and simple as it might seem. It looks like there is two sets of users, those MDT terminals and the NLETS terminals and they are not necessarily the same group of people, sometimes they are the same but in a lot of times they are not. Is that right? **Mike Link:** That would be correct. **Senator Dotzenrod:** And does the fee schedule in Section 1 deal with both types of users, those NLETS users and MDT users, are they both covered in Section 1 that fee schedule or does this only apply to that first groups of LETS terminals? **Mike Link:** Section 1 only applies to the LETS users; that fee structure is only for the NLETS which are those terminals at the offices. **Senator Dotzenrod:** When Rep. Porter was in here he spoke about Section 2 in the appropriation is sort of being a reduction or lessening of the load on property taxes, and so I assume that Section 2 that \$110,000 is really current locally generated by mostly subdivisions that are taxing themselves to come up with that money. To come up with the \$110,000 by and by having an appropriation he's feeling that if the state is going to provide that \$110,000 there should be lessening of the load back in the subdivision for that cost. **Mike Link:** I believe that is the analogy. **Senator Dotzenrod:** Yes.

**Senator Andrist:** This is not an easy search for us, because it get complex. Since you're testifying neutral; is there any part of this bill that you see a significant value to State Radio? **Mike Link:** There are benefits in to not having to do the billing from a personal stand point. So most of the issues that I have are on the billing side because when you're billing somebody you have, nobody wants to pay bills, so the appropriation is there also to help those units. It benefits us in moving away from the infrastructure that we are going to be, that we're either going to have to build up or turn off. The faster we can move those people on the air cards or connectivity; the state will not have to pay to upgrade that service or have those people cut off from connection. That will be a huge benefit. **Senator Andrist:** Do you see air card will becoming the universal system? **Mike Link:** Not necessarily air cards, they probably will be in the car. However as agencies like agencies as Chief Witt said, as agencies move to CADS the computer aided dispatch, there connectivity to that infrastructure of the CAD can also do the same connectivity. Again like Chief Witt said, at the local cost, so they don't need that connectivity cost to get that. They are passing through their CAD to the message switch to get the information they are requesting in the car. On the current State Radio system, the highway patrol was on our state radio system, they had to go to an air card, because with the current CAD the state put in to effect, thanks to the legislature the last biennium, they could not operate that CAD under the current state radio system, it was too slow. So they all moved to air cards also.

**Senator Laffen:** I already asked this question once, if we just asked, instead of the appropriations of \$110,000 to make up the difference, if we don't do that, the users have to pick up the extra fee. But lets the Bismarck's and the bigger cities who are not using systems fall off and not pay their fee, but what if we rolled the extra \$110,000 just added it on to what those users on that system who are still using it, they would pay more, would it not force them to find a better solution quicker to help eliminate that? And I am a little confused if the state appropriates the \$110,000 we're still making all of these communities who aren't using the system, the citizens are still paying for it through an appropriation now instead of through fees. **Mike Link:** I am not sure I understand the whole part of the question. Yes, we will offset the local cost share of the system to the state users because the state would be paying the fees. It does benefit local governments because as you spread that out, it is less for every taxpayer than it would be under jurisdiction. Some of the discussion through the Interim Committee was that also State Radio the only place they can go in the state for this service. There is no other spot or place they can go, so we set the fees for basically a monopoly throughout the state on these fees. **Senator Laffen:** But couldn't these agencies, some of them have already left the system, the problem is that we have some of them left, couldn't the ones who are left move off the system now onto the air cards or some other fashion of their own. Do they have that ability? **Mike Link:** Yes they could. The cost for the air cards is about \$50, with security package and fee is done through the air cards. So the bill from my understanding and the testimony during the community was to offset that cost and urge them to spend that extra \$50.00 to move off by getting the service of the MDT for free.

**Senator Andrist:** I thought I understood this better fifteen minutes ago, I wonder quite honestly if there's been adequate communication between the Public Safety and Transportation Committee and State Radio. Am I right in presuming, these is nobody else here from Emergency Management (EM)? **Mike Link:** I am the representative.

**Senator Andrist:** You're representing them; it seems to me strange to have an agency which is sort of ambivalent to \$5.5 million dollar appropriation. But we'll sort this out.

**Senator Lee:** Comment, I think the department is obligated to support the Executive budget. The Executive budget does not include this additional appropriation; so, you would be acting in appropriately in my opinion, if you came in and were support of even though you may adore this bill because you are obligated to support the governors' budget. **Mike Link:** You are correct Senator Lee. **Senator Lee:** So I think that we would be placing him in an awkward position by asking him, by pushing him to do something that we ought to be able to figure out I maybe. But I would wonder if I might ask Sheriff Bay, to tell us maybe why he has not, because I understand Senator Laffens' question, but I also understood that there were some for whom this is just not possible until we get all the towers in place and everything. So in order to make sure I get it, perhaps Sheriff Bay will you be willing to tell us why you might not run right away with the air card.

**Sheriff Bay:** It is strictly, we don't even have computers in our cars, because it would just be take up space that we can put something else in that works. We just don't have in our area; we do not have the coverage whether it be for cell phones or the computers, the air cards and that type of thing. I have ridden with the state highway patrol when they first got into the air cards system and we drove around the entire county. There we many places

where he couldn't get on line and without being able to do that additional cell phone towers or something like that it just, we just have no use for it. **Senator Lee:** So my impression, original impression that even if you would want to, you can't do it until we have these towers. **Sheriff Bay:** For Grant County. **Senator Lee:** Frankly I have no phone zones between here and Fargo on I-94 and I won't even tell you how I know. My original impression after all the conversation we've here is that you might just really like to have that system but it can't work for you yet. So until we do the towers, as is reviewed in this bill, you don't have the option of going to an air card, you don't need a negative incentive, or a positive incentive, we could give you the world but until we have the better tower system in place so you don't have the dead zones. Is that correct? **Sheriff Bay:** You're absolutely correct. I mean we could order the air card and put the computers into the vehicles and it would make no difference to Grant County. **Senator Lee:** It would be a paperweight. **Sheriff Bay:** It would be a paperweight. There are other counties west of me, but I am not the only one in that situation. Others are not here to testify; but for Grant County, who I represent, its' a mute point right now.

**Senator Olafson:** I think what the confusion here exists between what we need to recognize is we're talking about two different things. The mobile data transmission, that put the laptops in the car, the computers talking to computers, that's one system; then the other system which is what you need in your county, is voice communication between your mobile units and your dispatch center. That is what you're lacking now. The mobile data transmission system has to go through a cell tower; it isn't going to work over the state radio towers anyway. Am I, have I got that correct? We're talking about two different needs, mobile data transmission and voice communication? **Sheriff Bay:** You hit it right on the head. We have two different things here. It just turns out that in our area we lack both. We lack the ability to talk to state radio in many places and we lack the ability to talk on a cell phone in many places. We are due to circumstances beyond my control, we're in a dilemma. For my department, these towers and being able to talk to State Radio who we dispatch with we're a four person department and were not going to have our own dispatch system. State radio works great for us. But only on the hill, we can talk to them with. We need the towers to be able to talk to State Radio, the ambulance service, fire, whatever may be.

**Senator Dotzenrod:** The map that we have here that shows the locations of the towers, it's my understanding that cell phone towers, have or can reach out about 12 miles roughly. These look like they have a greater range, so is there, is this the kind of towers for this system is going to be state wide to fewer towers total than you need do to a good cell phone system over the whole state. What is the range on these?

**Mike Link:** It varies a little bit. The height of the tower is the difference in the range and also the terrain. Also in the full report, and he will provide the full report to the committee, in the full report, the ones out west have more gaps is due to the Badlands. As that tower looks out in and it hits a hill, that transmission does not go past there. Also the height of the tower and its line of sight, for the most part, you get a larger line of sight as the towers are higher. State radio towers generally much taller than cell phone towers. Our range is about 30-50 miles on our state radio towers. That's why you see the different spaces.

**Senator Dotzenrod:** We're seeing more cell towers being built all the time and I anticipate they will be a day in the future especially with the development in western No. Dakota the demand for more and more cell towers, but that by itself doesn't necessarily solve the problem that we've got here even if you could locate your equipment on a cell tower it may not solve the problem because the cell towers are not as tall and it looks like these have a bigger range for a most part, the way it appears, a longer range. No reception near a tower in Valley City, why is that? **Mike Link:** There is something in the terrain wise; that cancels the signal through that area. Senator Dotzenrod, if we did reach a point in a few years from now where the state was fully covered with cell phone coverage, that we still are going to probably build some more towers to accomplish what's needed to fulfill the needs of all the users of the state radio system; even if we had all the cell phone coverage. **Mike Link:** When you're talking cellular service, and you got some information from Representative Porter, you're talking about non-priority public safety system. The public safety official, the ambulance, the fire, the law enforcement when they pick up their cell phone it does not priority on that system. So if there are a whole bunch of people and, in an emergency it plugs up the line and the public system does not have a priority on that system. In the radio at State Radio, and the State Radio infrastructure public safety is the only ones on that system. 2-way radio all the time. The cell phone system will not put us on as a priority on that system.

**Senator Lee:** Could we ask Terry Traynor, from broader perspective of all of the counties in the state, how he would use the bill? **Senator Andrist:** Yes, I would be willing to help anybody to help clear the fog.

**Terry Traynor with the Association of Counties:** I hesitate to get up because I will probably make it foggier. Counties statewide are in support of what is direction this is going. You heard from large jurisdiction and a small jurisdiction for different reasons they support this bill. It's to relieve the large jurisdictions that have gone to the air cards; that have ubiquitous cellular service or almost ubiquitous cellular service for that mobile data function of a cost that they don't feel that they should pay. It provides an appropriation to subsidize state radio for the revenue they are going to lose, but it isn't going to increase the small jurisdictions costs too much. As Mr. Link pointed out, they gave them new rates, they told them what the rates were going to be, and those rates will be significant, but as it was pointed out, some of the rural jurisdictions like Sheriff Bay, they can't pay them anyway because they don't get the service no matter what direction they go. Some of them use the radio frequency mobile data service, the garden hose pipe yet, not because they want to but because that's the only option or the only good option they have. To raise their costs significantly isn't going to force them on to a new technology because they don't the coverage that they need. So we felt was a good compromise solution. I also look at the \$5.5 million appropriation and as I understood the testimony, and as I read this bill, that's the full cost for building out 12 towers as well. We need for the State Radio two way radio communication; the radio communication. We need that as Sheriff Bay pointed out. We would like to see all 12 towers right away. They have budgeted for 6, my understanding this is for 12. I think the \$5.5 is to high, I think if the committees direction is yes we need 12, I think that can still be lowered because they've already got some of the money budgeted assuming that passes. Sometimes you don't want to put all of your eggs in two baskets. I hoped it helped.

Closed hearing on SB 2046.  
Committee discussion followed.

**Senator Olafson:** Mr.Chairman, are you ready to entertain a motion? **Senator Andrist:** Yes I am. I was wondering if anybody wanted to know which of the 6 they plan to do right now. **Senator Lee:** That doesn't matter.

Senator Olafson, moved to Do Pass on bill as presented  
Senator Lee, 2<sup>nd</sup>  
4 Yeas, 1 No

Committee discussion followed

**Senator Olafson- Correct motion Do pass and re-refer to Appropriations  
Committee passed the bill and re-refer to appropriations. Senator Olafson, I would  
amend my motion to that effect Mr. Chairman, Senator Lee 2<sup>nd</sup> the motion.**

# FISCAL NOTE

Requested by Legislative Council  
01/04/2011

Bill/Resolution No.: SB 2046

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$5,610,302	(\$112,930)	\$0	(\$112,930)
Expenditures	\$0	\$0	\$5,610,302	(\$112,930)	\$0	(\$112,930)
Appropriations	\$0	\$0	\$5,610,302	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$27,490	\$116,818	\$0	\$27,490	\$116,818	\$0

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill provides an appropriation for the costs of the State Radio Mobile Data Terminal(MDT)system and addresses fees for MDT and the ND Law Enforcement Telecommunications System(LETS). It also provides an appropriation for 12 additional State Radio towers and the Central Electronics Bank(CEB).

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1. (2) allows local law enforcement agencies using private commercial access to the state message switch an exemption from paying MDT fees. We have identified a loss of revenue of \$110,302 and anticipate additional users that will be exempted at an additional loss of revenue at \$84,128. Section 1. (3) provides an increase in LETS fees for a projected revenue increase of \$81,500. Section 2. appropriates \$110,302 general funds for costs of providing MDT services. Section 3. appropriates \$4.4M for 12 additional State Radio towers and \$1.1M for the State Radio CEB.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

General Fund revenues - Section 2. provides \$110,302 for costs of providing MDT services. Section 3. provides \$4.4M for twelve additional State Radio towers and \$1.1M for the CEB. The net general revenue is \$5,610,302.

Other Fund revenues - Section 1.(2) reduces the State Radio fund by an estimated \$110,302 by exempting local law enforcement agencies from paying MDT fees if they are using private commercial access to the state message switch. This is based on known users of private commercial access. We are also projecting another \$84,128 in reduced revenue for users that will most likely switch to private commercial access. The total projected reduction for this section is \$194,430. Section 3. increases the State Radio fund by an estimated \$81,500 for increased LETS fees. The net State Radio fund revenue is \$112,930.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*



General fund expenditures will be increased by \$5.5M as costs are incurred for State Radio Towers and the CEB. Approximately \$200,000 will be expended from the Operating line for the new towers and the remainder, \$5,300,000, from the Radio Communications line (\$4.2 for towers and \$1.1 for CEB). An additional \$110,302 will also be spent from the operations line for costs of MDT services. This is an offset to lost revenue in the State Radio fund.

State Radio fund expenditures in the operations line are reduced by the net reduction of \$112,930 as explained above in "Revenues" due to a loss of revenue in MDT of \$194,430 and an increase in this fund for LETS fees of \$81,500.

These changes do not affect FTE positions.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Section 2. provides \$110,302 in general fund appropriations for operational costs of the MDT system to offset lost revenues from Section 1. This appropriation is not in the executive budget.

Section 3. provides \$4.4M in general fund appropriations for twelve additional State Radio towers which includes \$200,000 in operational costs for the new towers. The executive budget has \$2,280,000 for the addition of six State Radio Towers which includes \$180,000 in operational costs for six new towers. Section 3. also includes \$1.1M in general fund appropriations for the CEB. The executive budget also has \$1.1M for the CEB.

Both of these appropriations are projected as expenditures within the same biennium (11-13).

<b>Name:</b>	Holly Gaugler	<b>Agency:</b>	Adjutant General
<b>Phone Number:</b>	333-2079	<b>Date Prepared:</b>	01/07/2011

Date: 1-13-2001  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2046

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Sen. Olafson Seconded By Sen. Lee

Senators	Yes	No	Senators	Yes	No
Senator John Andrist		✓			
Senator Lonnie Laffen	✓				
Senator Judy Lee	✓				
Senator Curtis Olafson	✓				
Senator Jim Dotzenrod	✓				

Total (Yes) 4 No 1

Absent \_\_\_\_\_

Floor Assignment Senator Olafson

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2046: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (4 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2046 was rereferred to the Appropriations Committee.**

2011 SENATE APPROPRIATIONS

SB 2046

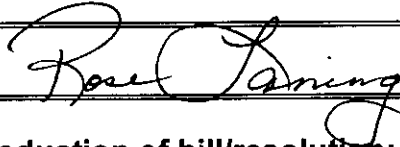
# 2011 SENATE STANDING COMMITTEE MINUTES

## Senate Appropriations Committee Harvest Room, State Capitol

SB 2046  
January 21, 2011  
13226

Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A bill relating to fees charged by the department of emergency services to local law enforcement for access to national crime information.

### Minutes:

See attached testimony - # 1

**Chairman Holmberg** called the committee hearing to order on SB 2046.

Brady Larson - Legislative Council; Tammy R. Dolan - OMB

### **Brady Larson – Legislative Council**

Neutral testimony. Testimony attached - # 1 (Brady's notes)

Explained the bill – it addresses three separate issues. The first issue is regarding mobile data terminal services fees charged by state radio. A mobile data terminal system is provided to law enforcement officers, generally by using a laptop in a patrol vehicle. The first issue is how the law enforcement accesses the state message switch that provides access to national crime and vehicle information. The access point is at the department of emergency services and the local law enforcement agency has two different ways that they can get access to that data base. The first is by going through State Radio towers and their infrastructure, and the second way is by having a cellular air card in the computer that basically transmits the information through cellular towers to the local law enforcement agencies own servers and then that connects to the state radio message switch. What the issue was here is that fees are being charged the same to all law enforcement agencies regardless of how they access the state message switch. The committee reviewed this issue and decided to recommend that a change be made that provides if a law enforcement agency uses their own equipment to gain access to the state message switch, that they should not be charged the same fees as every other agency. On page 1, starting on Line 23, it states that law enforcement agencies that use private commercial access to get to that state message switch that they are exempt from the mobile data terminal system fees charged by state radio. When we exempt these agencies, from being charged a fee, that means that State Radio somehow has to get additional funding to maintain their current funding level. On page 2, Section 2, there is an appropriation provided from the general fund of about \$110,000 that covers the cost of the fees that are being exempted.

2<sup>nd</sup> issue is the law enforcement teletype system. This system is designed to allow law enforcement agencies to communicate with each other and also it provides access to the state message switch. Law Enforcement to communicate. – page 2; in current statute, line 4, the local law enforcement agencies that access the teletype system, shall pay fee to access. Now as costs increase, as inflation continues the amount of funding needed to maintain the basic services for the law enforcement teletype system those fees need to be increased to meet inflationary costs. Page 2, line 12-2, the fees are adjusted accordingly to reflect actual expenses being incurred by state radio for offering the law enforcement teletype service.

3<sup>rd</sup> issue – Section 3. Provides \$5.5 M for purchasing or leasing equipment for 12 additional state radio towers. Page 3 – appropriation section. The Department of Emergency Services can use existing towers when feasible.

**Senator Grindberg** The \$5.5 could be for leasing, their obligations.

**Brady Larson** Not sure of ongoing costs to maintain equipment

**Senator Grindberg** It doesn't provide for purchase lock stock and barrel. Does this cover the entire project?

**Brady Larson** The committee discussed and leasing does seem to be ongoing costs. I don't know what they would be.

**Rep. Todd Porter, District 34, Mandan**  
Public Safety Committee, served on committee

1<sup>st</sup> section has improvements in technology. They are able to access in-car computer systems rather than antiquated system. The new system is much faster and more efficient. This system is being phased out. This is a shore-up of dollars. State radio can't automatically turn it off to allow everyone to upgrade their equipment. That system will be able to be switched off.

The teletype – no change, but fees go up. The dollar amounts and century code really equal.

The tower – department's budget – show problem areas of communication. Referred to map, can't make any calls in oil patch. At two o'clock in morning, you get better signal because there's not as much demand on the tower. The goal of the last two biennium where a 5 watt portable radio could talk to another 5 watt portable radio. It's high priority to get the network up to 100% coverage.

Because of areas in western ND where there are problems. If state puts up tower and can still lease to another 1 or 2 private companies. If there's a local government tower out there, the state may lease from that local government unit also or from a private entity. The infrastructure costs to put the stuff out there I believe is around \$300,000 to \$400,000. If there is existing tower it, would be cheaper. It's not 1M to build.

The ongoing lease – the oil patch- no providers willing to put up infrastructure. The big expense is cabling of tower. It will enhance oil patch and all emergency agencies.

**Senator Grindberg** If we put up tower and Quest puts in infrastructure to expand with the cell phone coverage, as one possibility.

**Rep. Porter** – We'd have our infrastructure for our radio and then Quest could lease from the state. If there's a tower of Quest, we can maybe share and partner.

**Senator Grindberg** Last session, they gave \$5-6 M to enhance coverage and wondering where the money has gone. Where are the improvements being made?

**Rep. Porter** – Go back to **Senator Wardner** and there's been no low population incentives high use areas. There is still a risk investment for those companies. The towers shut down with the more hits there getting and the closer you are, then the better coverage you get for making the call. With the traffic and coverage, limits person's ability to call 911. There is an emergency response component to this.

**Steve Bay, Sheriff, Grant County**

Testified in favor of SB 2046. No written testimony

Grant County and 21 other counties use state radio for dispatch. His biggest concern is the towers. He can't call his department and he doesn't even figure that the radio may not work. In an accident, he could only talk to state radio while sitting on a hill. It took an ambulance 6 hours instead of 1 to get there. This bill would fund 12 towers.

**Terry Traynor, ND Association of Counties**

Testified in favor of SB 2046. No written testimony

Supports the bill – the urban and more populated areas shouldn't be incurring more costs when they are taking care of theirs. Hopes the committee will appropriate the money. The tower issue – there is no adequate coverage for their radios and they really need that.

**Senator Kilzer** – Does the state radio have a budget that they will be receiving?

**Chairman Holmberg** It's in the Adjutant Generals budget.

**Senator Kilzer**- Are these items in or out of that budget?

**Senator Holmberg**- This would be an addition to it.

**Brady Larson, Legislative Council** - This bill would be in addition to their current budget. There is some funding included in their budget for 2011-2013 for state radio in there.

**Senator Wardner** Do we have protocols in place to divvy up responsibilities should a tower go down or be damaged by wind or ice or something if were sharing it with a

private enterprise? Are we exposing the state self insurance fund to paying for some costs occurred on private, for the private parts of the tower project?

**Brady Larson**- How we generally address that is we go in as a Memorandum of Understanding or Agreement, we run those by Risk Management, so Risk Management addresses those issues within the contract to make sure that the state is covered.

**Mike Lynk, Director, State Radio**

Neutral position. No written testimony.

**Senator Warner** Liability side – Are there protocols in place of the tower goes down? Especially when leasing a private tower.

**Mike Lynk** – A memorandum – Risk Management makes sure the state is covered.

**Senator Bowman** - was a radio operator in Army and could reach all over the US. Now can't reach Bowman. If you're going to put up radio towers, it should be available to all. When you put in radios, don't you think of covering the whole state. There doesn't seem to be a plan that is inclusive to everyone. Those people are just as important. The radio doesn't work like it should.

**Mike Lynk** – We took opportunity to do study. One of the areas that is underserved is in Bowman. WE are where we are is because they haven't had funding to put up the towers.

Six towers this biennium and six more the next biennium . Once we have the gaps filled then we'll have 100% coverage.

Frequencies where state can't talk to cities and vice-versa. All are mutual aid multi disciplined radios. Will start in February. Ambulance, fire, law, buses - all will have bank and will be able to communicate.

**Chairman Holmberg** closed the hearing on SB 2046.



# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee  
Harvest Room, State Capitol

SB 2046  
February 18, 2011  
Job # 14729 (Meter starting at 32:53)

Conference Committee

Committee Clerk Signature

*Ron Lanning*

## Explanation or reason for introduction of bill/resolution:

A committee vote on SB 2046 on fees charged by the department of emergency services to local law enforcement for access to national crime information.

## Minutes:

You may make reference to "attached testimony."

**Chairman Holmberg** opened the hearing on SB 2046.

**Senator Grindberg** said they had amendments that needed tweaking in SB 2016 – the Adjutant General and emergency services budget. The sections 1 & 2 of SB 2046 will be in SB 2016. Therefore, this bill will not be required. Section 3 in this bill provides an additional \$5.5M for six more towers. The Executive recommendation has the funding in for the towers so we will still move forward with the executive recommendation on tower infrastructure.

**Senator Grindberg moved Do Not Pass on SB 2046.**

**Senator Warner seconded.**

**A Roll Call vote was taken. Yea: 12 Nay: 1 Absent: 0**

**Senator Grindberg will carry the bill**

Date: 2-18-11  
 Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2046

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Grindberg Seconded By Warner

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Warner	✓	
Senator Bowman	✓		Senator O'Connell		✓
Senator Grindberg	✓		Senator Robinson	✓	
Senator Christmann	✓				
Senator Wardner	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Krebsbach	✓				
Senator Erbele	✓				
Senator Wanzek	✓				

Total (Yes) 12 No 1

Absent 0

Floor Assignment Grindberg

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2046: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO NOT PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2046 was placed on the Eleventh order on the calendar.

2011 TESTIMONY

SB 2046

## **SB 2046 EMERGENCY COMMUNICATIONS**

### Mobile data terminal systems

- Provides a law enforcement officer with mobile communications, generally by using a laptop in a patrol vehicle, to access databases that contain vehicle and criminal information
- Information accessed through the State Message Switch which is under the control of the Department of Emergency Services
- A law enforcement agency can access the states message switch through State Radio towers and equipment or by using a cellular air card to connect to the local law enforcement agency's own server which then connects to the state message switch
- Based on current statute, fees are charged to all local law enforcement agencies for mobile data terminal systems regardless of the way they access to the state message switch
- SB 2046 provides statutory changes to exempt law enforcement agencies from being charged the fee if they use a cellular air card
- A appropriation is provided to State Radio to cover the cost of exempting these fees

### Law Enforcement Teletype System

- Allows law enforcement agencies to communicate with each other and also provides access to the state message switch
- Existing statute provides that local law enforcement agencies utilizing the teletype system are to pay a fee based on fifty percent (50%) of the actual costs incurred in providing the teletype service
- As the cost of providing the service increases, the amount of fees charged for using the system also needs to be increased. SB 2046 changes the fees for the teletype system according to estimated expenses

### State Radio Towers

- SB 2046 provides an appropriation of \$5.5 million from the general fund for up to 12 additional state radio towers and related equipment upgrades
- The additional towers would be used to fill in gaps that exist in the state radio tower system

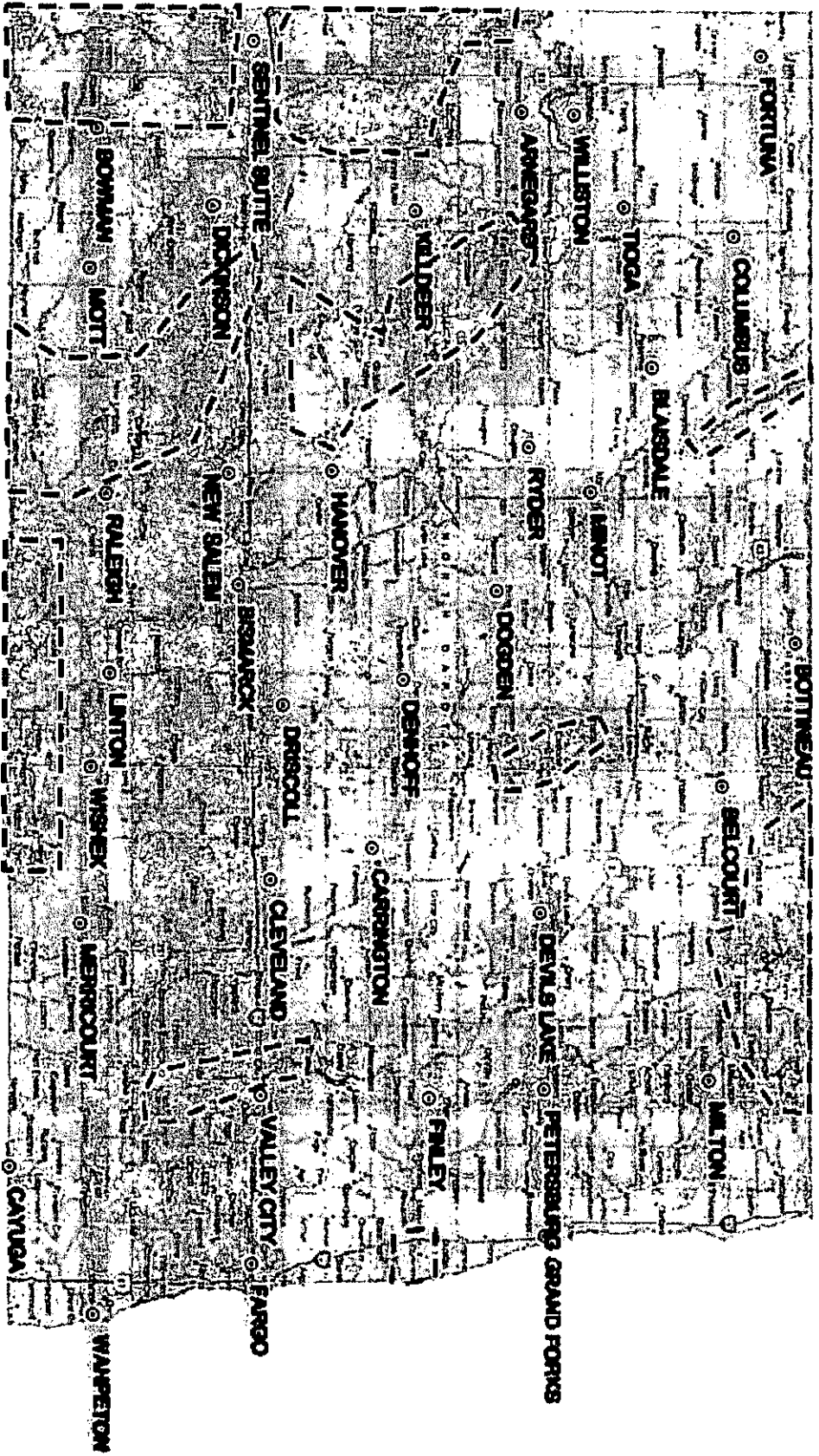
- Emphasis was placed on having the Department of Emergency Services enter into agreements to use existing towers rather than construct new towers

# New Sites' Mobile Coverage



Homeland  
Security

# Possible Communications Problem Areas



Homeland  
Security



# Possible New Site Locations – Mobile Coverage

Site Name	Latitude Decimal Degrees	Longitude Decimal Degrees	County, State	Antenna Azimuth (Degrees)	Effective Radiated Power (ERP)	Antenn a Height
HANNAFORD	47:19:40.0:N	98:12:35.3:W	GRIGGS, ND	OMNI	100	60
MAYVILLE	47:29:1.9:N	97:19:28.3:W	TRAILL, ND	OMNI	100	26
PEER CREEK	47:31:51.1:N	103:51:31.7:W	MCKENZIE, ND	OMNI	100	21
WALES	48:53:50.0:N	98:36:9.4:W	CAVALIER, ND	OMNI	100	25
KDR780	46:02:21.1:N	98:54:37.2:W		OMNI	100	55.9
KDU569	48:56:12:N	99:56:42.5:W		OMNI	100	80
WPEC581	46:26:13.9:N	97:40:02.4:W		OMNI	100	50
WPFK637	48:45:55.1:N	101:41:46.6:W	RENVILLE, ND	OMNI	100	102
WPKC870	46:16:52.0:N	103:57:43.0:W	SLOPE, ND	OMNI	100	24.4
WPKW702	46:01:06:N	99:28:00.5:W		OMNI	100	56
WPNV674	48:54:53:N	97:55:33.3:W		OMNI	100	19
WQEB919	47:40:9.0:N	102:25:25.0:W	MOUNTRAIL, ND	OMNI	100	50
WQGJ209	46:24:12.0:N	101:50:57.0:W	GRANT, ND	OMNI	100	10
WQIR328	44:05:58.7:N	100:38:07.2:W		OMNI	100	25.5

**Note: Fixed site ERP is provided for future reference  
all coverage depicted is talk back with a 50 watt  
mobile radio**



**Homeland  
Security**





## SB 2046 - EMERGENCY COMMUNICATIONS

*Brady  
Note*

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### State Radio Towers

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- The additional towers would be used to fill in gaps that exist in the current state radio tower system.
- Emphasis was placed on having the Department of Emergency Services enter into agreements to use existing towers rather than construct new towers.