

TESTIMONY
PUBLIC SAFETY AND TRANSPORTATION COMMITTEE
AUGUST 4, 2010
BY GREG WILZ
DEPUTY DIRECTOR, DEPARTMENT OF EMERGENCY SERVICES

Mr. Chairman and members of the committee, my name is Greg Wilz. I am the Deputy Director of the Department of Emergency Services (DES) and Director of the Homeland Security Division.

Upon review of the draft bill to modify NDCC 37-17.3-08, the following comments pertain to recommended changes.

First, the Department has no issue providing services to MDT users who access the system by commercial air cards. However, the loss in revenues will lead to an increasing cost structure as more users migrate to air cards. As a result, we request that an appropriate fiscal note be attached to the bill.

Secondly, in order for the Department to be in compliance with NDCC 37-17.3-08, consideration needs to be given to adjusting the fees charged for use of the Law Enforcement Teletype System (LETS). By law the fees are required to make up fifty percent (50%) of the actual costs of providing service to county and city users. The actual cost of providing the LETS service is \$400 per terminal. In order to comply with the law, the following changes would have to be made:

23. Each county and city law enforcement department that accesses the North Dakota teletype system shall pay a fee based upon fifty percent of the actual costs incurred by the division for providing the service. Fees will be levied on a per terminal basis. Other law enforcement affiliated organizations and federal agencies will pay one hundred percent of the actual costs incurred by the division for providing the service. Fees will be levied on a per terminal basis. State general fund agencies that access the system will not incur any fees for the service. City and county law enforcement fees will be based on the following schedule of charges per terminal:

- a. County population of less than five thousand shall pay ~~thirty~~ forty dollars per month.
- b. County population of five thousand or more but less than ten thousand shall pay ~~sixty~~ eighty dollars per month.
- c. County population of ten thousand or more but less than fifteen thousand shall pay ~~ninety~~ one hundred and twenty dollars per month.
- d. County population of fifteen thousand or more but less than twenty-five thousand shall pay ~~one hundred twenty~~ one hundred sixty dollars per month.
- e. County population of twenty-five thousand or more shall pay ~~one hundred sixty~~ two hundred dollars per month.

Cost and Revenue Breakdown for New Fee Schedule.

Price per Terminal	Number	Total Cost
\$40	27	\$1,080
\$80	12	\$960
\$120	8	\$960
\$160	17	\$2,720
\$200	42	\$8,400
\$400	35	\$14,000
Total	141	\$28,120

Per Month Revenue	\$28,120
Revenue Per Year	\$337,440

50% Revenue Target	\$339,221
Revenue Shortfall	\$1,781

Lastly, I have attached a copy of the letter that provided notice to counties and cities of fee increases effective July 1, 2011.

Thank you for the opportunity to comment about the draft bill and I will try to answer any questions the committee may have.



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"Ensuring a safe and secure homeland for all North Dakotans"

July 1, 2010

Dear County Commission Chairman:

Under North Dakota Century Code, the Department re-evaluates the State Radio fee structure for 911, Mobile Data Terminal (MDT), and Law Enforcement Teletype System (LETS) services to federal, tribal, and local jurisdictions keeping within the state biennial budget cycle to deliver predictability and stability for local decision makers.

As a result of this year's fee evaluation process, we will be instituting a one penny increase for 911 services. We also addressed changing technology within the MDT fees, and identified an increase needed in LETS fees. New technologies adopted by certain users have changed the method by which mobile data terminals access information from the message switch. Therefore, State Radio's fee structure will be differentiated for units accessing the message switch using the State Radio wireless infrastructure and those accessing the message switch through alternative methods. The increase in the LETS fee is due to better analysis of accounts that apply to the terminals.

It is important to note that any increases will take effect July 1, 2011; this date was selected in order to allow local governments time to adjust the budgeting process.

Fee Structure (911 fees may not be applicable to your county)

- The new per line 911 fee for the 22 State Radio PSAP Counties will be raised from 38 to 39 cents.
- The new MDT fee will be billed in two different categories. The fee for access using the state radio infrastructure will be \$22.47 per month per user. For agencies that access the message switch through an alternative method, the fee will be \$10.21 per month per user.
- The newly proposed LETS fee is \$200.49 per terminal per month. The actual cost is \$400.97 but 50 percent of LETS fees for local law enforcement will continue to be subsidized by the state of North Dakota. Any special connection costs paid by the Department for agencies that access the system outside the state network will continue to be billed for the connection cost in addition to the base fee. Current teletype terminal fees are set in Century Code and prorated based upon county population.

Although increased costs are never popular, we have endeavored to lessen the impact to local jurisdictions and will mitigate, to the best of our ability, any future increases.

I encourage you to contact the 911 Coordinator in your county if you have questions and as always, you may call me at 333-2002 or Mike Lynk, Director of State Radio, at 328-8100.

Sincerely,

David A. Sprynczynatyk
Major General, NDARNG
The Adjutant General

cc:

County Auditors
County Sheriffs

John Hoeven
Governor

Major General David Sprynczynatyk
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