

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2064

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L. Costa Rickford
Operator's Signature

10/15/03
Date

2003 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2064

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2064

Senate Industry, Business and Labor Committee

Conference Committee

Hearing Date 1-15-03

Tape Number	Side A	Side B	Meter #
1	xxx		1138
Committee Clerk Signature			

Minutes: Chairman Mutch opened the hearing on SB 2064. All Senators were present.

SB 2064 relates to state radio communications collection of 911 service fees for wireless access lines; and to declare an emergency.

Testimony in support of SB 2064

The bill was introduced by the Office of Management and Budget. Rick Hessinger testified representing OMB. See attached testimony.

Senator Klein suggests that someone from the counties testify.

Terry Traynor testified that the \$1 fee is being held in reserve for use of improving the system.

Senator Mutch asked if all of the counties were participating in 911 state radio.

He stated that there are currently 22 counties in the 911 zone. Only Rollette county is not.

Senator Heitkamp asked if this money is going to pay for Phase 2 of the project.

Terry Traynor replied that it would be used for Phase 2.

Senator Heitkamp asks that the bill is only applied to 911 services and the phone.

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Senate Industry, Business and Labor Committee
Bill/Resolution Number 2064
Hearing Date 1-15-03

Terry Traynor replied that it is only for that, not internet or anything else.

There is committee discussion on the legislature from the last session that pertained to this.

There is no opposing testimony.

The hearing is closed.

Senator Krebsbach moves a DO PASS. Seconded by Senator Klein.

Roll Call Vote: 7 Yes. 0 No. 0 Absent.

Carrier: Sen. Krebsbach.

It is then decided by the committee not to send it to Appropriations. The bill is processed and later sent back at the request of the Senate Majority Leader, Bob Stenejem. It should be referred to Appropriations. The bill will be further discussed on Tuesday, Jan. 21, 2003.

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2064

Senate Industry, Business and Labor Committee

Conference Committee

Hearing Date 1-21-03

Tape Number	Side A	Side B	Meter #
1	XX		450

Committee Clerk Signature *Lisa VanBerkom*

Minutes: Chairman Mutch called the committee to order. SB 2064 which was passed on 1-15-03 with a 7 Yes. 0 No. 0 Absent. vote was placed on the eleventh order of business. After viewing, Senator Stenjem requested it be sent to Appropriations. The bill was heard again today in order to make a motion to refer it there.

Senator Heitkamp moved to refer the bill. Senator Nething seconded.

Roll Call Vote: 7 Yes. 0 No. 0 Absent.

Carrier: Sena/ or Krebsbach

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FISCAL NOTE
 Requested by Legislative Council
 01/03/2003

Bill/Resolution No.: SB 2064

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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$102,000	\$0	\$105,000
Expenditures	\$0	\$0	\$0	\$102,000	\$0	\$0
Appropriations	\$0	\$0	\$0	\$102,000	\$0	\$0

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$102,000	\$0	\$0	\$105,000	\$0	\$0

2. **Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

This measure directs State Radio Communications to charge at least \$.20 per wireless (cellular) access line to any political subdivision wherein State Radio provides 9-1-1 services and specifies the date the service charge shall be initialized.

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.

The revenue amounts in other funds for 2003/2005 and 2005/2007 biennia relate to projected revenue collections for wireless (cellular) 9-1-1 service to 22 counties at a charge of \$.20 per access line.

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.

The expenditure of \$102,000 is from the operating line item to help fund the development of a 9-1-1 related digital mapping program.

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

The appropriation amount of \$102,000 is in direct correlation to the amount of revenue received for cellular 9-1-1 service and to the amount of projected expenditures for the 9-1-1 digital mapping project.

Name: Rick Hessinger	Agency: State Radio
-----------------------------	----------------------------

Phone Number: 328-8150

Date Prepared: 01/08/2003

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10/15/03
Date

REPORT OF STANDING COMMITTEE (410)
January 15, 2003 1:24 p.m.

Module No: SR-07-0598
Carrier: Krebsbach
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2064: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends
DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2064 was placed
on the Eleventh order on the calendar.

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La Costa Rickford 10/15/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
January 21, 2003 11:48 a.m.

Module No: SR-11-0826
Carrier: Krebsbach
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2064: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends
DO PASS and **BE REREFERRED** to the Appropriations Committee (7 YEAS,
0 NAYS, 0 ABSENT AND NOT VOTING). SB 2064 was rereferred to the
Appropriations Committee.

(2) DESK, (3) COMM

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SR-11-0826

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La Costa Rickford

Date

10/15/03

2003 SENATE APPROPRIATIONS

SB 2064

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10/15/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2064

Senate Appropriations Committee

Conference Committee

Hearing Date January 28, 2003

Tape Number	Side A	Side B	Meter #
#1		x	1,898 - 3688
Committee Clerk Signature <i>Jan Hendrickson</i>			

Minutes:

Senator Holmberg, chair, opened the hearing on SB 2064, Wireless access lines. This bill has already been heard in IBL committee. This committee is focusing on the fiscal impact of SB 2064.

Rick Hessinger, interim Director of North Dakota State Radio Communications. (#1949) Written testimony is attached (Exhibit #1). He testified in favor of SB 2064. He gave some history regarding wireless radio dispatch which was in NDCC 54-23.2-09 which included payment from political subdivisions to North Dakota State Radio for 9-1-1 wireless dispatch services, however the amendment did not consider the effect of North Dakota Century Code 57-40.6-05 which encumbered the use of the 9-1-1 wireless revenue collected by political subdivisions. That code provides that the governing body must hold revenues collected from wireless service fees (9-1-1 cellular phone tax) unexpended in a separate fund until the governing body has entered into agreements with wireless service providers for procurement of enhanced 9-1-1 service (Phase I &

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Operator's Signature Date

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Senate Appropriations Committee
Bill/Resolution Number SB 2064
Hearing Date January 28, 2003

II). Phase I service is the location of the cell tower site processing the call and call back number of the cell number of the cell phone making the 9-1-1 call. Phase II service is the call back number of the cell phone making the 9-1-1 and the location (Lat/Long) of the cell phone making the 9-1-1 call. Simply stated these two North Dakota Century Codes conflict with each other, one code directs North Dakota State Radio to charge counties or political subdivision for wireless 9-1-1 dispatch services and the other code prohibits the counties from expending the collected wireless tax revenues until certain service agreements are entered into with wireless telephone companies for enhanced 9-1-1 services. This bill clarifies the date at which political subdivisions shall begin payment to North Dakota State Radio for 9-1-1 wireless dispatch services. The bill specifies the date payments begin must coincide with the date the political subdivisions enter into agreements with wireless service providers for enhanced 9-1-1 wireless services.

Senator Holmberg clarified the bill stating that this was not adding to the tax, just to make what is already in the law workable. Mr. Hessinger replied that, that was correct.

(#2240) Senator Holmberg stopped the meeting to introduce the students from Ellendale.

Questions regarding Wireless Access Lines (#2272)

Senator Bowman: He noticed there is a charge of at least 20 cents per wireless access line, he wondered if that was being collected right now? Mr. Hessinger replied that 20 cents per wire line, standard telephone, stationary phone in rural residence or home. This law would allow State Radio to collect for the wireless, cellular, phone. We will begin to collect 20 cents for cellular phone.

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Senate Appropriations Committee
Bill/Resolution Number SB 2064
Hearing Date January 28, 2003

Terry Traynor, Associate Director of the Association of Counties (#2371) no written testimony was submitted. He stated that his organization supported SB 2064. He stated that they didn't view it as a mandate, just a contract between the counties and State Radio.

Questions: (#2419)

Senator Christmann: He thought they were charging a \$1.00 a line and the counties had to hold that money to use it to develop this, is there any place in the state that Phase II is complete? He thought the counties had to hold the money until this was all done and that was the point why the charging of the \$1.00 a line. Rick Hessinger: This is correct, statues allow counties to collect up to a \$1.00, if they so choose. We have contracted for Phase I and II service. Senator Christmann continued, he wanted to know why there is a fiscal effect on this? It is several years away, I thought the money was to stay with the counties, to get this done, so that there is 9-1-1 available on your cell phone, how come we are sending money to State Radio? Rick Hessinger replied that once the contract is in place and the service has been requested the counties can use that money that is not obligated because of the contract, for running their own dispatch, doing rural signage as well as contracting for dispatch for those small counties that don't have their area. So since we have achieved the contract, and we are on the verge of requesting the service, we feel it is appropriate that those counties that are contracting with State Radio for dispatch have the ability to make the appropriate payment to them for that service. Senator Lindaas (#2728) Are most of the counties on board with this now? Rick Hessinger replied that all 52 counties that have 9-1-1 have signed a joint powers agreement to contract as one unit for implementation. Senator Lindaas continued that he believe that his county had a vote for the 20 cents 9-1-1 line charge, he wanted to know if that will have to be done again (another vote)? Rick Hessinger replied that all

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Senate Appropriations Committee

Bill/Resolution Number SB 2064

Hearing Date January 28, 2003

of the counties have voted to allow up to \$1.00, all this deals with is that some of that \$1.00 can pay for dispatchers, equipment and in the case of 22 small counties they don't run their own, they contract with State Radio, and State Radio currently charges at least 20 cents for that service.

Senator Holmberg, (#2832) stated that one of the reasons there were so many questions was that when you read the Fiscal Note, and then the bill, they don't necessary, to many people, be talking about the same thing. Senator Holmberg wanted to know what would happen if this bill was not passed. Rick Hessinger: If this bill does not pass, he felt that it becomes mute once that letter of request is made, because the contract has been signed. Senator Holmberg continued, going back to his original question, when you read the Fiscal Note, the State Radio will charge at least 20 cents to any political subdivision and it sounds as if as though this is authorizing this tax, you are saying it is already there. That being the case, why is there \$102,000 Fiscal note if the tax is already there? Rick Hessinger stated that he had not seen the Fiscal Note, but he would assume that because that money is sitting in a bank accounts of all of the counties, and although State Radio has a contract with all of these counties, all they are collecting is the line charge (#3003), the traditional phone lines right now, then they would be able to ask those counties for the wireless device in the future. Senator Holmberg asked Alan from LC if he had any comments on the fiscal note? Alan: He agreed with Rick about the reason. Senator Christmann: Did you say that Dunn and one other county are this far along and at 20 cents a piece there would have to be 1/2 million cell phones in those two counties to come up with kind of money. Just because those two counties are ready, does every county have to start paying on this or what? Rick replied that first of all Stark and Dunne counties are not dispatched by State Radio, they are dispatched by Stark county and currently the Cell companies are front ending the cost of upgrading that as a

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Senate Appropriations Committee
Bill/Resolution Number SB 2064
Hearing Date January 28, 2003

pilot project. No payments have been made for their investment or the counties investment to make that happen. The 20 cents is not for implementing wireless 9-1-1, the 20 cents in this bill is to pay State Radio for the service dispatch for the people that actually answer the phone and say "9-1-1, what's your emergency". The rest of the money is dedicated to the implementation of wireless 9-1-1 to this contract that the counties have entered into.

Senator Holmberg stated that this bill came from the IB&L committee, they held the hearing on it and they will carry the bill on the floor. Chair will accept a motion on the bill. Senator Holmberg explained, for the audience knowledge, that this would be the first bill that this committee would pass this session. He added that the Appropriations Committee has to spend a lot of time studying bills before they pass them out. This bill has already had a hearing in another committee and they liked it, and they had to send it to us because it has some financial impact and that was why this committee was struggling to understand.

Motion by Senator Thane for a do pass, seconded by Senator Tallackson. Discussion (#3315)

Senator Christmann: Does anyone understand, yet, what we are exactly paying for? Duhamel & Stark county are the only 2 counties up and running, and they are handling their own calls, are we just paying the State Radio 20 cents per cell phone line just to not answer any phone calls?

Answer: (Rick) Let me back up, the 22 counties that the State Radio provides dispatch service, we are right now charging them 20 cents on the wire line side, we are presently doing cellular dispatch for them also, although it takes more work because we don't have the location information. Now with the advent of the passage of legislation last year that allowed for counties to collect for cellular phones, the intent was that State Radio would then start charging to the 22 counties that we are already providing cellular dispatch service for, but there was a bill that said

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Senate Appropriations Committee

Bill/Resolution Number SB 2064

Hearing Date January 28, 2003

the Counties could not access that money until they had entered into negotiated agreements with the cellular carriers, or Phase I service. Now that, that is happening we need to be able to start collecting money, so this bill clarifies that, just to the 22 counties that we provide dispatch service for, not to any of the other counties in the state, that we do not provide dispatch service for. Senator Mathern: You aren't going to change what you are doing, now you are not subsidizing those 22 counties. Rick replied that that was correct, we were not charging for the cellular dispatch service previously.

Roll call vote on a do pass for SB 2064 was taken. (Attached is roll call vote results). 13 yes, 0 no and 1 absent. The motion carried, the committee recommendations will go back to the floor but it will be carried by IBL.

The hearing was closed on SB 2064 (#3688).

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LaCosta Rickford

10/15/03

Date

Date: 1/28/03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2064

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken do Pass

Motion Made By Senator Thane Seconded By Senator Tallackson

Senators	Yes	No	Senators	Yes	No
Senator Holmberg, Chairman	✓				
Senator Bowman, Vice Chair	✓				
Senator Grindberg, Vice Chair	✓				
Senator Andrist	✓				
Senator Christmann	✓				
Senator Kilzer	✓				
Senator Krauter					
Senator Kringstad	✓				
Senator Lindaas	✓				
Senator Mathern	✓				
Senator Robinson	✓				
Senator Schobinger	✓				
Senator Tallackson	✓				
Senator Thane	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment IBL - Kochubash

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

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Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
January 28, 2003 11:08 a.m.

Module No: SR-16-1175
Carrier: Krebsbach
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2064: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS**
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2064 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-16-1175

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10/15/03
Date

2003 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2064

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10/15/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2064

House Industry, Business and Labor Committee

Conference Committee

Hearing Date March 3, 2003

Tape Number	Side A	Side B	Meter #
2	X		1752-2140

Committee Clerk Signature *Elizabeth R. Klein*

Minutes: **Chair Keiser:** Opened hearing on SB 2064.

Rick Hessinger (Interim Dir., ND State Radio Communications): Supports with written testimony.

Chair Keiser: Closed hearing on SB 2064

Rep. Severson moved DP. Seconded by Klein.

Vote: 13 Yes 0 No 1 Absent and not voting

Carrier: Froseth

Date: 3/03/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 20064

House INDUSTRY BUSINESS & LABOR Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP

Motion Made By Severson Seconded By Klein

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	✓		Boe	✓	
Vice-Chair Severson	✓		Ekstrom	✓	
Dosch	✓		Thorpe	✓	
Froseth	✓		Zaiser	✓	
Johnson	✓				
Kasper	Absent				
Klein	✓				
Nottestad	✓				
Ruby	✓				
Tieman	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Froseth

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

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Zalosta Rickford 10/15/03
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REPORT OF STANDING COMMITTEE (410)
March 3, 2003 10:43 a.m.

Module No: HR-37-3715
Carrier: Froseth
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2064: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2064 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-37-3715

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10/15/03
Date

2003 HOUSE APPROPRIATIONS

SB 2064

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La Costa Rickford 10/15/03
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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2064

House Appropriations Committee
Government Operations Division

Conference Committee

Hearing Date March 11, 2003

Tape Number	Side A	Side B	Meter #
1	xx		

Committee Clerk Signature *Kelly Schmidt*

Minutes:

Rick Hessinger, Interim Director, ND State Radio Shared written testimony in support of SB 2064. He shared with the committee the FCC has issued a timeline mandate. It is his opinion, the cellular industry has shown some resistance due to a lack in their marketing strategy, lack of vision. The vision has improved with cellular. Technology was needed for these changes and they were unsure if they could recoup their investment. Rolette County is the only county that does not have 911, Williams county has recently added 911.

Rep. Thoreson asked what the anticipated time line is and will Phase II be a "flash" implementation.

Rick Hessinger Phase I is projected to be completed by the end of 2003, Phase II will be completed by the end of 2004, with the implementation phased in over a couple months. Phase II

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Government Operations Division

Bill/Resolution Number SB 2064

Hearing Date March 11, 2003

will utilize the satellite process. Federal mandates also drive the development of the necessary components in the phone itself. There has been no opposition from the Senate side on this bill.

Rep. Carlson commented the Association of Counties are behind the coordinating effort and there is currently a \$1/month charge per cellular phone. He asked what the current balance of the collected amount is at this time.

Rick Hessinger he will respond in writing.

A Do Pass motion was made by **Rep. Carlson**, second by **Rep. Kroeber**,

ROLL CALL VOTE

8 YEAH 0 NAY 1 ABSENT (SKARPHOL)

The hearing was closed.

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Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2064

House Appropriations Committee
Government Operations Division

Conference Committee

Hearing Date March 17, 2003

Tape Number	Side A	Side B	Meter #
I	XX		

Committee Clerk Signature *Kelly Schmidt*

Minutes: **Committee Work**

Rep. Koppelman brought up the issue of privacy, he is drafting an amendment to include and "on/off" switch, the consumer has a right to decide if they want to be "tracked", LC is checking into it.

Rep. Carlson I don't believe the technology is at that level.

Rep. Skarphol If the technology isn't there the fee shouldn't collected.

Rep. Kroeber The money isn't being spent, the reason this is on hold is until the details are ironed out. And this is able to be done correctly. We could get an update, if more than needed is being collected than we shouldn't continue collecting. Funds have ceased in some area's at citizens request. This is a local issue.

Rep. Warner There are nuisance issues and the cost would be to the cell phone owner. Their phone would be charged.

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10/15/03
Date

Page 2

Government Operations Division

Bill/Resolution Number SB 2064

Hearing Date March 17, 2003

Rep. Skarphol the law is ambiguous, it's pretty open ended. We have to ensure there being a directive.

Rep. Carlson I will get in touch with Mark Johnson, Association of Counties to address the money issue, they are the coordinator of the funds for the counties.

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Date:03-11-03

Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2064

House Appropriations: Government Operations Division Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Carlson Seconded By Rep. Kroeber

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle	x				
Vice Chairman Carlson	x				
Rep. Koppelman	x				
Rep. Skarphol					
Rep. Thoreson	x				
Rep. Timm	x				
Rep. Glassheim	x				
Rep. Kroeber	x				
Rep. Warner	x				

Total (Yes) 8 No 0

Absent 1

Floor Assignment Rep. Kroeber

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

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NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Fifty-eighth Legislative Assembly urges Congress to appropriate sufficient funds to reimburse property owners for land inundated by Devils Lake, reimburse the city of Devils Lake for municipal water lines inundated by Devils Lake, and to provide funding for a state outlet from Devils Lake; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to each member of the North Dakota Congressional Delegation."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2026, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends DO NOT PASS (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2026 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2045: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2045 was placed on the Sixth order on the calendar.

Page 2, line 9, after "days" insert ", exclusive of weekends and holidays."

Page 2, line 14, after "days" insert ", exclusive of weekends and holidays."

Page 2, line 21, after "days" insert ", exclusive of weekends and holidays."

Page 3, line 19, after "days" insert ", exclusive of weekends and holidays."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2060, as engrossed: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends DO PASS (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2060 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2064: Appropriations Committee (Rep. Svedjan, Chairman) recommends DO PASS (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2064 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2085, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends DO PASS (19 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed SB 2085 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2086, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (19 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Reengrossed SB 2086 was placed on the Sixth order on the calendar.

In addition to the amendments adopted by the House as printed on page 1025 of the House Journal, Reengrossed Senate Bill No. 2086 is further amended as follows:

Page 1, line 7, remove "to provide an appropriation;"

Page 4, remove lines 23 through 29

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes the \$21,000 general fund appropriation and \$21,000 special funds appropriation provided to the Department of Human Services for hiring a facilitator and a

2003 TESTIMONY

SB 2064

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**Testimony on SB 2064
By Rick Hessinger, Interim Director
North Dakota State Radio Communications
January 15, 2003**

*Same
testimony to
House*

Good Morning Mr. Chairman and members of the Industry, Business and Labor Committee. My name is Rick Hessinger and I am Interim Director of North Dakota State Radio Communications. I am here today to testify in favor of Senate Bill 2064.

Last Session North Dakota Century Code 54-23.2-09 was amended to include payment from political subdivisions to North Dakota State Radio for 9-1-1 wireless dispatch services. However, the amendment did not consider the effect of North Dakota Century Code 57-40.6-05 which encumbered the use of the 9-1-1 wireless revenue collected by political subdivisions. North Dakota Century Code 57-40.6-05 provides the governing body must hold revenues collected from wireless service fees (9-1-1 cellular phone tax) unexpended in a separate fund until the governing body has entered into agreements with wireless service providers for procurement of enhanced 9-1-1 services (Phase I & II). Phase I service is the location of the cell tower site processing the call and the call back number of the cell phone making the 9-1-1 call. Phase II service is the call back number of the cell phone and the location (Lat/Long) of the cell phone making the 9-1-1 call.

Simply stated these two (2) North Dakota Century Codes conflict with each other. One Code directs North Dakota State Radio to charge counties or political subdivisions for wireless 9-1-1 dispatch services and the other Code prohibits the

counties from expending the collected wireless tax revenues until certain service agreements are entered into with wireless telephone companies for enhanced 9-1-1 services.

This bill clarifies the date at which political subdivisions shall begin payment to North Dakota State Radio for 9-1-1 wireless dispatch services. The bill specifies the date payments begin must coincide with the date the political subdivisions enter into agreements with wireless service providers for enhanced 9-1-1 wireless services.

The bill simply serves to clarify a time line issue. This concludes my prepared testimony and I would attempt to answer any questions you might have.

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54-23.2-09. Mobile data terminal and 911 service fees. State radio communications shall establish and charge fees to provide mobile data terminal service to interested local law enforcement agencies. The fees must be based on actual costs incurred by state radio communications for providing the service.

State radio communications may provide 911 services to a political subdivision with a population of fewer than twenty thousand and shall charge at least twenty cents per telephone access line and wireless access line for 911 services provided to political subdivisions. Each county currently receiving 911 services from state radio communications shall abide by the standards established by law.

Source: S.L. 1999, ch. 37, § 33; 2001, ch. 15, § 27.

section 27 of chapter 15, S.L. 2001 became effective July 1, 2001.

Effective Date.

The 2001 amendment to this section by

This section became effective July 1, 1999.

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57-40.6-05. Restriction on use of fee proceeds. The governing body may not use the proceeds of the fee imposed under section 57-40.6-02 for any purpose other than as provided in this section.

1. Within twenty-four months after the extension of the fee to wireless access lines under subsection 6 of section 57-40.6-02, the governing body shall request enhanced 911 service from all wireless carriers providing service as of that date within the governing body's jurisdiction.
2. The governing body shall hold the portion of the revenues from the fee on wireless service unexpended in a separate fund until such time as the governing body makes a request for wireless enhanced 911 service or adopts a statement certifying that it is capable of receiving and utilizing wireless enhanced 911 service, whichever is earlier, provided that those revenues may not be expended until the agreements required under subsection 3 have been executed.
3. The governing body or its designee shall enter into agreements directly with each wireless service provider for only that provider's services necessary to implement, maintain, and operate wireless enhanced 911 service as provided by law. A governing body may not reimburse a wireless service provider for tower construction or for the extension of a wireless service provider's infrastructure which is not directly related to providing wireless enhanced 911 service.
4. Revenues in excess of the obligations incurred under the agreements specified by this section, as determined on a monthly basis, may only be used for implementing, maintaining, or operating the emergency services communication system.
5. The governing body or its designee shall keep records to show expenditures for wireless service providers separately from expenditures for telephone exchange access service providers.

Source: S.L. 1985, ch. 645, § 5; 1987, ch. 720, § 2; 1991, ch. 646, § 6; 1993, ch. 570, § 1; 2001, ch. 545, § 6

Effective Date.

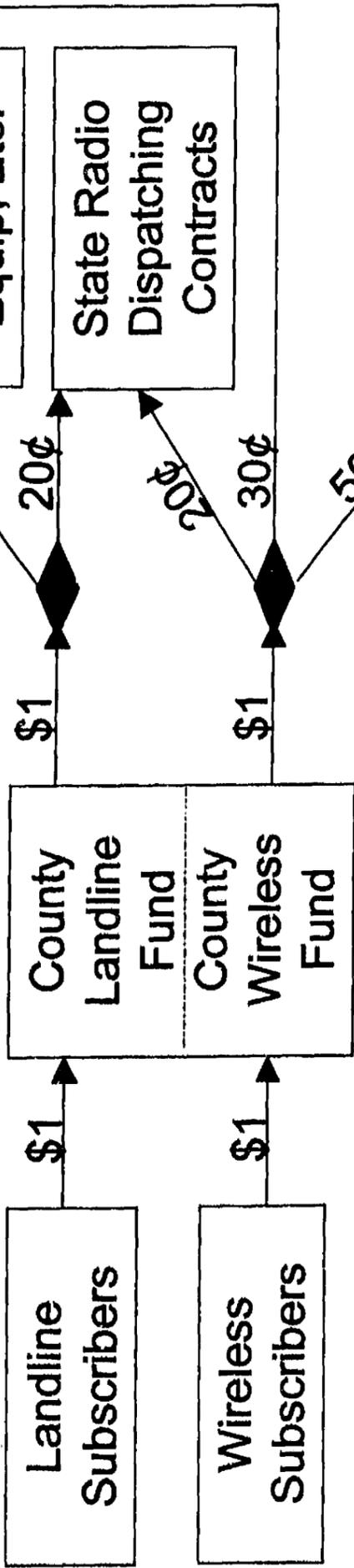
The 2001 amendment of this section by section 6 of chapter 545, S.L. 2001 became effective August 1, 2001

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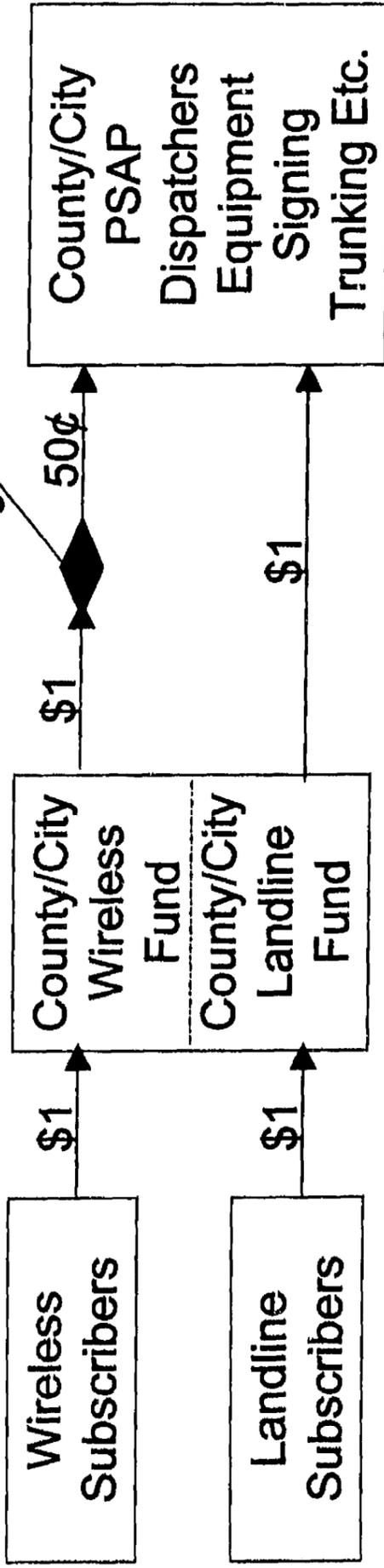
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State Radio Dispatched Counties



Locally Dispatched Counties/Cities



Prepared as background information for SB2064

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