

**FISCAL NOTE**  
**Requested by Legislative Council**  
**03/17/2015**

Amendment to: HB 1107

- 1 A. **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.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

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

HB 1107 allows State Radio to provide 911 services to political subdivisions having a population of fewer than twenty-five thousand. It also allows State Radio to provide services during emergencies and times of need through a mutual aid agreement.

- 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.*

Changing the population criteria for providing 911 services does not have any fiscal effect at this time.

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.*

N/A

- 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.*

N/A

- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

N/A

**Name:** Holly Gaugler

**Agency:** Adjutant General

**Telephone:** 701-333-2079

**Date Prepared:** 03/17/2015

**FISCAL NOTE**  
**Requested by Legislative Council**  
**12/22/2014**

Amendment to: HB 1107

- 1 A. **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.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

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

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
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<b>Cities</b>	\$0	\$0	\$0
<b>School Districts</b>	\$0	\$0	\$0
<b>Townships</b>	\$0	\$0	\$0

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

HB 1107 allows State Radio to provide 911 services to political subdivisions having a population of twenty thousand and greater.

- 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.*

Changing the population criteria for providing 911 services does not have any fiscal effect at this time.

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.*

N/A

- 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.*

N/A

- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

N/A

**Name:** Holly Gaugler

**Agency:** Adjutant General

**Telephone:** 701-333-2079

**Date Prepared:** 12/30/2014

**FISCAL NOTE**  
**Requested by Legislative Council**  
**12/22/2014**

Bill/Resolution No.: HB 1107

- 1 A. **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.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

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

HB 1107 allows State Radio to provide 911 services to political subdivisions having a population of twenty thousand and greater.

- 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.*

Changing the population criteria for providing 911 services does not have any fiscal effect at this time.

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.*

N/A

- 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.*

N/A

- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

N/A

**Name:** Holly Gaugler

**Agency:** Adjutant General

**Telephone:** 701-333-2079

**Date Prepared:** 12/30/2014

**2015 HOUSE POLITICAL SUBDIVISIONS**

**HB 1107**

# 2015 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Prairie Room, State Capitol

HB 1107  
1/8/2015  
21766

- Subcommittee  
 Conference Committee

Committee Clerk Signature *Muscha*

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

Relating to public safety answering point service by the division of state radio.

### Minutes:

Testimony 1: Mink Lynk

**Chairman Klemin:** Called meeting to order

**Mike Lynk:** (See Testimony Number 1)... One other comment I didn't put in the testimony is that I talked to Legislative Council today and we failed to put the emergency clause on this so I understand from Legislative Council that if you so desire in our favor of this bill they will draw the paper work and put it in. I ask for the support and will respond to any other questions.

**Chairman Klemin:** Thank you, any questions for Mr.Lynk?

**Representative Maragos:** Do you remember why they put the 20,000 threshold in to begin with?

**Mike Lynk:** I have done some research. It was a Legislative statute or legislative amendment during the time the current director was for lack of a better current Inga building. So he was trying to recruit other counties to come into state radio for revenue. So the restriction was put on. Happened sometime in the early 90's and that is not the case now.

**Chairman Klemin:** Before we go on I wanted to note that there is a fiscal note and it shows that there is no fiscal effect.

**Representative Strandin:** I know there is no fiscal note on this but do you anticipate that this will add the need for more employee time and could that be found in your budget if needed?

**Mike Lynk:** At this time we do not. Last legislative session was kind enough to give us four more FT's one per shift. We were having trouble filling those staffing needs, but if we were able to get to those numbers I think we will have enough to fulfill the needs and right now we are filling those needs here. We are not adding anything additionally. It's not clear we

believe in the law that we can do particularly the condition three which we are concerned about.

**Representative Beadle:** Do you know what the purpose of the reference to the before or after April 4<sup>th</sup>, 2003 date is within this section of code? Cause it seems to me unnecessary and can be struck when it applies whether it is before or after April 4<sup>th</sup>, 2003. I just don't know what the purpose of that reference is.

**Mike Lynk:** I do not know. I believe it was there when this bill was originally drafted and has never been changed.

**Chairman Klemin:** Would that language, since it has already been passed, would it be appropriate if we have to amend this bill to include an emergency clause to also amend it to delete that language?

**Mike Lynk:** I would agree with that.

**Representative Koppelman:** If we pass this bill the population threshold will be gone from the statute. What do you anticipate as the practical effect long term? Do you expect state radio to grow? Is there a reason for counties as they reach a particular population level to critical mass to want to do this themselves? Or do you see them continuing to depend on state radio no matter how large they are?

**Mike Lynk:** I am not going to go out and solicited business. If other PSAPs are in jeopardy of closing which I have had one contact me, I look at our staffing level and whether we can provide the customer service to those jurisdictions. In the case of Mackenzie County, the county was dispatching for themselves. Prior to last session was growing so much they could not find dispatchers, so if I testified last session that they were doing all of the record checks and all of their police stuff with us which caused a little bit of problems procedurally because we were doing that for them and then we would call their dispatch center that was short staffed. It was a decision of Mackenzie County to move their services to state radio. We receive a request from Ballet County and they are at about 14,000 people and they were being dispatched through Devils Lake. They felt the need to move away from Devils Lake and at that time I did not have the staffing levels and our customer service I felt would deteriorate. They decided to then start their own.

**Representative Hatlestad:** Can I assume that the 24 PSAPs that you work for are all under that 20,000 threshold?

**Mike Lynk:** Yes

**Representative Becker:** In the last sentence in number one: The department wants clear language that allows for it to serve on a backup capacity to any PSAP that may have to close and so forth. Could you clarify what is the ravine of the capacity means and what would prevent you serving in that capacity today?

**Mike Lynk:** This is a sticky point because I believe we are in conflict with law. Dispatch is under definition is dispatching units to do something. In a condition three, when that dispatch center cannot do their dispatching they have to move their 911 services to another dispatch. So when their lines are down for 911 they move the lines to another facility. State

radio is a majority of the big population in condition three facilities because a lot of the other PSAPs do not have the man power to handle those extra lines. We have taken three condition three calls from Grand Forks and they are well over the 20,000 mark that is restriction so we have conflict with law then.

**Representative Toman:** Does the fees charge cover the full cost?

**Mike Lynk:** There is not a cut budget of how much fee. We do analysis every year and we post under law. We look at how much it costs us to do dispatching and then we look at the population based and it is an average of what it costs for us based on and we take off what we do for the highway patrol and those users. The counties that left we go through an analysis of our costs and it was 41 cents per phone (landline and cell). It is now moving up to 43 cents per line. That covers our costs to those jurisdictions that we have dispatched for. However what we do for condition 3s is at no charge. We call that a service for the community.

**Opposition:**

**Representative Streyle:** I ask you to either amend or kill the bill. We looked at state radio on the IT Committee, interim IT Committee, and we did have a 911 bill in the last session. My concern is the potential that we could have the state entity taken over some of the PSAPs. I think there are too many PSAPs. A local PSAP is still better than dispatching out of a central location out of Bismarck. Mine is Bismarck is wonderful. Big argument is Mackenzie and we know they definitely have more than they used to. Moving the number to unlimited is inappropriate. You can move it up to have a hard number. The backup issue you could fix by putting a statement in saying you can provide backup services. You do not need to have it be unlimited to provide those services. To me tightening the language up and allowing them to do the backup is ok. You open the door too wide by giving unlimited. Local PSAPs are doing just fine.

**Representative Koppleman:** Do you think in your experience on the IT committees do you conclude that a county of a certain population ought to be on its own? Or is there a model where centralizing is better? Or is it better once you reach a certain point to take it over?

**Representative Streyle:** I do not know what the fine line is but clearly 24 is too many like we have now. They are providing local service and have local knowledge however. Opening the door to unlimited could potentially allow the state to come in and do it all.

**Chairman Klemm:** On the amendment that you were talking about (the language right now is to delete the line 7 and 8 to a population with fewer than 20,000) the concern is what happens in the case of an emergency and they need to provide for the 9/11 service for a political subdivision where the population of more than 20,000.

**Representative Streyle:** In the event where backup is largely needed that the PSAP is temporarily out of service and that solves that problem. You can allow them to be a backup temporarily.

**Representative Hatlestad:** Don't you think the counties that may run into a problem shouldn't have the option to switch to state radio? Rather than be stuck with inadequate service?

**Representative Streyle:** I don't disagree with that they shouldn't have the option, I just think taking the cap off you will always have PSAPs in the larger counties. It is better service, more efficient, local support. No rush for Mackenzie County. Provided that you add an amendment saying that they can provide backup service or just raise it by 5,000.

**Representative Klein:** Is the other reason you're looking at this is to keep the control local where you have the more direct response away from the centralized big system.

**Representative Streyle:** Local is always better. I don't know that you would lose quality service, it depends what their budget is. General funds are probably helping those other counties pay those. Infrastructure isn't cheap. State radio is in need of infrastructure of upgrades across the whole state. They should be focusing on that and not the PSAP business.

**Representative Kelsh:** Is one of your fears that state radio, with an unlimited number, that with this bill they can go in and takeover any PSAP

**Representative Streyle:** It could easily happen with Legislature's help. Let the local counties handle it.

#### **Supporter Returns:**

**Chairman Klemin:** It was suggested that this bill could be further amended to either remove the deletion of the 20,000 cap or to increase the cap or to provide language that would allow state radio to handle the 9/11 calls in an emergency in a backup situation. What is your response to that?

**Mike Lynk:** In the last few sessions I have testified and I believe like Streyle in that local PSAPs know the area and are better fit to do those dispatches, however, with that being said a lot of these local communities doing 911 business is very expensive and to have the funding locally and that is why we have the 23 counties we have. They cannot afford their own services. Those communities should have the ability to go to someone else. They are suggested to go to another county before state radio but they should be allowed the option in the county to do so. It should be a county decision. State radio needs to provide the service they should and taking on other counties to deteriorate that is not where I want to see the department go.

**Representative Hatlestad:** Do we currently have any counties that work together to provide a single 911 service?

**Mike Lynk:** In my testimony there are 6 PSAPs that do multi-county.

**Representative Maragos:** Are the 6 counties considered as a political subdivision for PSAP proposes? Or do we still look at their individual counties as subdivisions?

**Mike Lynk:** From my knowledge, the only restriction on the PSAPs is this bill on state radio.

**Representative Maragos:** It says on line 7 the division may provide services it doesn't have to. If they do then they have to charge. With the population of fewer than 20,000 does that mean any political subdivision over 20,000 you are restricted from providing services?

**Mike Lynk:** I believe that is why we are here. The law currently is that it says may have service. That is why if they are under the 20,000 I have that conversation with them. Are you sure you want to come to us? Is there something closer? Where are you best fit? If that decision is state radio, and we can provide the service without deteriorating the service that we currently provide for everyone else in state radio then we will consider an agreement and every one of the counties that we dispatch for we go under an understanding what services we provide, what services they required to provide from the counties. That's why some of what you see in and what may be interpreted as a cheaper fee is because they still have to provide certain services out of their 911 dollar. We provide dispatching for them. In those other counties that they dispatch for it was their decision that they can't afford in my memory that they cannot to provide the small counties dispatch services so they pool with

**Representative Koppleman:** Why would a PSAP want to operate on its own other than its local benefit? If they can go to state radio and if that would save them money and the presumption of my part maybe it wouldn't. Aren't people thinking no reason to do it locally when they can go to state radio and not worry about it except for the certain requirements?

**Mike Lynk:** I think that they go through what they think is best for the community. State radio has been around since the 1960's and other than in the last session we have not grown at all since 2009. So if that was an option and decision made at the counties, they haven't engaged in that option because we've maintained the services that we do and most of the counties that we service are very small counties that do not have a lot of revenue. They should get 911 services when they call.

**Representative Koppleman:** Hence the reason that I assume, that we have the population threshold and law in the first place because of those economies of scale you just described. With that in mind would you see any problem in raising the population threshold versus removing it all together? The benefit of having something there is that state radios are not going to be doing it for the entire state even the largest counties. Some of these that are border line it could come into play.

**Mike Lynk:** That is fine, however, I think that you are going to see with next generation 911, and also with some of the new radio system that is proposed in this section. Those costs to those counties may drastically increase and I am certain that some of the other dispatch centers will close and then where do they go?

**Representative Koppleman:** I was looking at the current statute and I noticed that this last line after the one we talked about earlier with regard to the 2003 date, says each county currently receiving 911 services from the division shall abide by the standards established by law. What are those standards? The ones were they have to have a 911 coordinator and so on and where in law is that if this is the only statute dealing with it?

**Mike Lynk:** There are PSAPs standards and that is on a bill starting in the Senate side today. It comes from the emergency services communications committee that sets the standards for 911 services. That is a statute and it is SB 2101.

**Representative Koppleman:** Well that's a bill though. This implies that there is current law dealing with that. It must be section of code that it is referencing. Correct?

**Mike Lynk:** There is I just cannot remember the statute right now. It is the statute that is looking to be amended. They are amending some dates and language in that bill.

**Representative Kelsh:** Wasn't there kind of a blow up back in the late 90's maybe about everyone trying to use state radio and it was being watered down so much they couldn't answer the highway patrol calls and all those things? This was put into place so that those counties (below 20,000) would be protected more than to protect from the state government taking over those counties and to make sure those smaller counties got 911 access. The fear that was happening was that you couldn't do anymore. Is that true?

**Mike Lynk:** I haven't gone back that far in history but I do know that the staffing levels have not been where they are currently with state radio and for the committees reference I meet quarterly with all of those responding counties to see what problem/needs that they have to be sure we are providing the best service that we can. I am very in-tune with the customer service that we provide those counties. We deal with issues to the best of our ability. I believe that we are providing the best service that we can and I do see your point. We do address all those local counties to make sure that everyone is getting the services that they need.

**Representative Klein:** Some time ago last summer, there was a problem in the north central part of the state where ambulance crews were directed but not the closest one. Was that a backup problem or was that a problem with the PSAP in that area? Do you recall the issue?

**Mike Lynk:** You're talking about emergency services boundaries. Those are set up for ambulances by the health department. All of the PSAPs use the same maps as far as where those boundaries are. It is based on in law I believe it's quickest. I think it used to be closest but it is currently in law as quickest. Whatever ambulance is quickest, they draw a line on a map, if they need an ambulance then that one gets dispatched. If there was some confusion in that then it was confusion of understanding or the map was not updated at that PSAP.

**Chairman Klemin:** The issue rose by Representative Streyle that this might be alright in the case of an emergency situation where you need to provide backup services to a local PSAP. What happens in that situation with the political subdivision reimbursing state radio for the cost of providing that emergency service? It doesn't seem to be covered by the language in this bill about the fee. Is that an issue?

**Mike Lynk:** Generally those are at a short period of time. They are emergency situations unanticipated and state radio does not send out those PSAPs a bill.

**Representative Kelsh:** Do you feel you are outside the law when you provide services in those emergency situations?

**Mike Lynk:** We do and that is why we are here.

**Representative Zubke:** Would you be comfortable then if this read with a population of 30,000 and temporarily in the case of an emergency?

**Mike Lynk:** I would be comfortable with the population however with growing populations it could still be a concern. Like it was also said before, we would be coming to the legislature if we were going to be taking over more counties. Before we would take over any of those I don't know that we need a population restriction unless you feel that it were needed. However, I think that the 911 service itself is pretty manageable and we work as a team and we are going to do the best we can for the citizens and if that is under a conjunction of a whole bunch of PSAPs closing or a major one has to close because of cost money or anything else, a restriction at that time could be prohibited.

**Chairman Klemin:** Getting back to the emergency section of the law this section of the law doesn't provide for that at all. Is there some other section of the law that does cover that?

**Mike Lynk:** We do not believe so and now we have knowledge that we may be in violation so we ran into a problem.

**Chairman Klemin:** What you're proposing here does not seem to handle the backup emergency situation either.

**Mike Lynk:** If the population is off then we are not restricted to do any of the backup because we can provide dispatch to anybody then with the restriction of the population. If we restrict to the 25,000 or 30,000 then if we go to do the backup for Fargo without other language in there giving us the emergency some we would need that language in there to be able to do those condition threes.

**Chairman Klemin:** If we were take out the language that is in here now with the 20,000 cap and state radio would start taking over PSAPs wouldn't you need additional funding in order to handle that compared to what you have now?

**Mike Lynk:** I would believe so. The legislature is my funding tool. I would not take over a bunch of PSAPs and then come ask you guys for more money.

**Chairman Klemin:** So you can't do it unless you have the staff in place already to handle it?

**Mike Lynk:** I won't do it without the staff in place.

**Chairman Klemin:** You can't do it without the staff can you?

**Mike Lynk:** We could, there is no restriction in law. It would be a matter of trust between the department and the legislature. You could come to us, we could take over an area if it was a desire then they would have to come to you for staffing and if you denied the staffing they wouldn't be able to provide that service.

**Representative Maragos:** How many times do you think you violated the law?

**Mike Lynk:** Depends on when my answer comes, as to if you're actually going to charge me criminally.

**Representative Maragos:** Is there a penalty to you or your department for violating the law?

**Mike Lynk:** I don't know there's a law other than what penalty would be involved with this law. I know that there are some blanket criminal code violations that carry certain penalties. I don't know where this fits. I would rather clear up this issue than be in violation to the law. I am a little concerned knowing that, and we get the condition threes a lot, we may be in conflict between now and when the session ends especially if you're willing to put on the emergency clause before the bill gets signed. I would believe that the way the pace is going we are going to be doing a lot of condition threes that we may violate and be in conflict of law before this bill is passed.

**Representative Hatlestad:** Do you seriously believe that if you took over somebodys PSAP on an emergency basis that somebody is going to complain?

**Mike Lynk:** I would hope not. In knowledge of the law, where I see a conflict would be that if indeed it is found that we are in violation and somebody happens to pass away because of the incident, we may have a civil action against us because we should not have been dispatching.

**Representative Maragos:** The legal opinion on the interpretation of this language that if you provided a service to a population over 20,000 you would be in violation of the law. Who rendered that opinion?

**Mike Lynk:** I consulted with our legal staff at the department of emergency services, which is also the legal staff for the agent general.

**Representative Maragos:** Would it be appropriate to ask for an attorney general's opinion on that? So he could look at all other law in that regard?

**Mike Lynk:** I had thought about that but then I thought if we could find a remedy with this bill that I wouldn't need to go there. I believe we are in conflict but once the attorney general rules then I know we are in conflict.

**Representative Maragos:** If you don't rule in the Chairman's way what would be the consequence of that?

**Mike Lynk:** I am going to have to do that if this bill does not pass. I am going to have to find out where I stand.

**Representative Oversen:** Since our overall goal is removing that fear of legal liability, as my concern with Representative Steyle's proposed amendment and adding another section that tries to define what an emergency is. You referenced condition three. Is that a policy specific to your division? Is that an administrative rule (condition three)? Can you explain what that is?

**Mike Lynk:** It is a well-known term within the 911 communities. Everybody has policy and procedure and there is a standard policy and procedure for condition three and it is called amongst all the PSAPs in North Dakota. It is pretty common amongst the nation that that is the terminology.

**Chairman Klemin:** Close the Committee Hearing

**Representative Maragos:** motioned as amended with emergency clause

**Representative Klein:** seconded the motion

**A Voice vote was taken:** all members voted yea

Emergency Clause Added

**Representative Koppleman:** motioned to adopt amendment

**Representative Beadle:** seconded the motion

**A Voice vote was taken:** all members voted yea

Amendment was adopted

**Representative Kelsh:** motioned to pass as amended

**Representative Strinden:** seconded the motion

**A Roll Call vote was taken:** Yea 14 , No 0 , Absent 0

Passed as amended

Representative Maragos will carry the bill.

January 8, 2015

1881  
2/8-15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1107

Page 1, line 2, after "radio" insert "; and to declare an emergency"

Page 1, line 13, overstrike ", whether the date of that agreement is before or after April 4, 2003"

Page 1, after line 15, insert:

**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency  
measure."

Renumber accordingly

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1107**

House Political Subdivisions Committee

- Subcommittee  Conference Committee

Amendment LC# or Description: \_\_\_\_\_

- Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Maragos Seconded By Klein

Representative	Yes	No	Representative	Yes	No
Chairman Lawrence R. Klemin			Rep. Pamela Anderson		
Vice Chair Patrick R. Hatlestad			Rep. Jerry Kelsh		
Rep. Thomas Beadle			Rep. Kylie Oversen		
Rep. Rich S. Becker			Rep. Marie Strinden		
Rep. Matthew M. Klein					
Rep. Kim Koppelman					
Rep. William E. Kretschmar					
Rep. Andrew G. Maragos					
Rep. Nathan Toman					
Rep. Denton Zubke					
	Voice			Voice	

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Emergency Clause

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO.**

House Political Subdivisions Committee

- Subcommittee  Conference Committee

Amendment LC# or Description: 15.8033.01001

- Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Koppleman Seconded By Beadle

Representative	Yes	No	Representative	Yes	No
Chairman Lawrence R. Klemin			Rep. Pamela Anderson		
Vice Chair Patrick R. Hatlestad			Rep. Jerry Kelsh		
Rep. Thomas Beadle			Rep. Kylie Oversen		
Rep. Rich S. Becker			Rep. Marie Strinden		
Rep. Matthew M. Klein					
Rep. Kim Koppleman					
Rep. William E. Kretschmar					
Rep. Andrew G. Maragos					
Rep. Nathan Toman					
Rep. Denton Zubke					
	Voice			Voice	

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO.**

House Political Subdivisions Committee

- Subcommittee  Conference Committee

Amendment LC# or Description: \_\_\_\_\_

- Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Kelsh Seconded By Strinden

Representative	Yes	No	Representative	Yes	No
Chairman Lawrence R. Klemin	X		Rep. Pamela Anderson	X	
Vice Chair Patrick R. Hatlestad	X		Rep. Jerry Kelsh	X	
Rep. Thomas Beadle	X		Rep. Kylie Oversen	X	
Rep. Rich S. Becker	X		Rep. Marie Strinden	X	
Rep. Matthew M. Klein	X				
Rep. Kim Koppelman	X				
Rep. William E. Kretschmar	X				
Rep. Andrew G. Maragos	X				
Rep. Nathan Toman	X				
Rep. Denton Zubke	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Maragos

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

**REPORT OF STANDING COMMITTEE**

**HB 1107: Political Subdivisions Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1107 was placed on the Sixth order on the calendar.

Page 1, line 2, after "radio" insert "; and to declare an emergency"

Page 1, line 13, overstrike ", whether the date of that agreement is before or after April 4, 2003"

Page 1, after line 15, insert:

**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**2015 SENATE POLITICAL SUBDIVISIONS**

**HB 1107**

# 2015 SENATE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Red River Room, State Capitol

HB 1107  
3/12/2015  
Job Number 24711

- Subcommittee  
 Conference Committee

Committee Clerk Signature



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

Relating to public safety answering point service by the division of state radio

### Minutes:

Written testimony # 1 Mike Lynk

**Chairman Burckhard** opened the hearing on HB 1107. All senators were present.

**Mike Lynk** Director State Radio. (:16-4:37) Written testimony # 1a,b,c.

**Chairman Burckhard** So, currently you provide this service for 24 of the 53 counties. Mike Lynk Yes that is correct. Chairman Burckhard Is that because of the population restrictions or why don't you provide it for all 53?

**Mike Lynk** We contract for those services, so we don't go and seek those counties to come to state radio. Those counties ask us or we go into a conversation about whether they can support those own service. It is generally in my history we have taken on Dunn County and McKenzie County under my administration. It is because they could not provide the services to their community. Dickinson was dispatching for Dunn County. We were doing a lot of the services for law enforcement, record checks, their traffic stops, because Dickinson cannot handle that. Prior to last legislative session, I went before those commissions and asked them we need to do something, I can't continue this without extra help and letting the legislature know that we're doing this and I needed extra bodies in my dispatch center. So, it was an agreement of the Dunn County Commission, that they would come to us after a request from Dickinson saying they can't provide the services anymore.

**Chairman Burckhard** You know counties like Fargo, Grand Forks, and Bismarck and Minot, you don't provide it for them. They provide their own is that true?

**Mike Lynk** That is absolutely true. In fact the other 21 PSAPS do those services for their communities.

**Senator Bekkedahl** On your amended version, is where you make the changes of 25,000 at the time and agreement is signed for services with the division. My question is how long are those agreement terms? What is the length of term on the agreement?

**Mike Lynk** The understanding that we have in the agreement that we have is that if they have signed before they were under 25, 000 they could continue that service over 25,000 as long as we had a contract with them. So once they then decided to do their dispatch, which if they wanted to do that we let them go. So once they did that then, and they were over 25,000 under the current law they would not be able to come back.

**Senator Anderson** Why is this written so it's totally enabling so that the subdivisions can sign up for it if they want too. If they don't want to they can do something else.

**Mike Lynk** That was the arrangement that we made with the other PSAPS. I believe there should some local control when they can do that. So, in my mind I think that some of the counties think they get a better deal if they come to state radio so it may be an economic thing. But State Radio can't do all the counties. We can't provide the service for all the counties that are currently out there. We would need to grow our staff, do a different center, because we could not do those counties. I think that even on the House side limiting, it still is a decision and agreement that I make with those counties because my service at the center is not going to jeopardize because we're taking on to many counties. I won't let that happen. So if counties come on, and I can't provide the service, it still is an agreement a contract with those counties and I don't want to sacrifice a service because were taking on too many duties.

**Senator Judy Lee** When you have these contracts, I am not asking for details of the budget here, but investment is going to be. I would assume that there is some compensation for State Radio if you're taking over Dunn County. So, what portion of the cost is in round numbers might be if you got it in your head coming from the local area which is being served and how much comes from other sources and what sources? Is that General Fund primarily?

**Mike Lynk** Every year we analyze what the costs are to State Radio to provide service. We go through all of those costs for State Radio. We go over what costs are for dispatching for the state agencies and we take that cost off; the remaining cost gets divided by the phone systems because everybody pays a \$1.00 or \$1.50 or whatever happens to be for those phones; so we use that number of the phones to provide the service and then what we do is we figure out our costs and divide by those phones. Then is the cost that we charge those counties for dispatch service. So, right now its \$.41 per phone and in July it will go to \$.43 and we let the counties know a year in advance what those costs are going to be.

**Senator Judy Lee** Does that cover the entire cost of providing the services to that area?

**Mike Lynk** Yes, it does because we do their dispatch for them. But they also at the county level have to provide a 911 coordinator and they have to provide their own 911 services. They still need to do the street addressing, they still need to do all those things locally, all we're contracting for is their dispatch services.

**Senator Dotzenrod** After 1107 passed the House concerns about the new unlimited population language were raised by some in the 911 community. So, when the bill left the House all the population references were gone so it would apply to everybody and so you're proposing that in this amendment that you would like to have us adopt that we put another limit back in of 25,000. So I guess, maybe you said this in your testimony what these concerns are, is there a sense of unfair competition or are there private contractors that want or private businesses that want this business and they feel the state when they get into a population density area that the state is competing with the private company. I don't understand and I would like you to explain to me, what are these concerns about that require us to put that 25,000 back in there?

**Mike Lynk** We do have some people here from the other 911 community. What I have heard and what we discussed was a level, because we charge \$.41 because it is an element of scale, that we are cheaper than some of the other jurisdictions in services; because locally they pay more to do their own dispatch than they would if they contracted services for State Radio. I think there is an essence and I hope they will come up and correct me if I am wrong, locally will shut down their dispatch services and come to state radio. So I think that is some of the concern and that is why we had this compromise. I agree with this compromise.

**Senator Grabinger** So you say you agree with compromise and this amendment. But if it wasn't adopted do you have a problem with the way it came from the House yourself and State Radio?

**Mike Lynk** I do not except that in the House we needed to adjust some of the cost. After the hearing in the House the provision that in the end of the last sentence of this bill, that starts with the "division may provide primary dispatch services" I am worried about that and we put in there "mutual aid agreement", because some of the services we provide for the other jurisdictions we don't charge for. Like if they are going to be down for 12 hours, I don't charge them and in the original bill said I must charge. So, the original statute said that I must charge for those services and I don't feel right charging for helping somebody for just 12 hours. I don't want to have to go through the billing and the accounting and all that stuff. So, we needed to address that and that is why that last portion is in there about going into the MOA's because then I can define what services we'll provide, what costs will be associated with those services and all of that stuff can go into a mutual aid with those jurisdictions.

**Chairman Burckhard** So are all land line users and wireless users paying their monthly fee for this service?

**Mike Lynk** Yes they pay the service to the counties. Then the counties contract with us for the service for dispatch.

**Chairman Burckhard** Both wireless and wire lines, land line users are paying into this.

**Mike Lynk** That is correct.

**Senator Grabinger** On this 25,000 when we put in a number like that, I am concerned that we have to revisit this again in two years because of that or 4 years. That is the only thing I

struggle with is that number. Is there some research or anything that shows that is appropriate that number? That we're not going to have to do this everyday.

**Mike Lynk** The only PSAP store, the only jurisdictions that would be over the 25,000 that currently are PSAPS are the big 8. So its Bismarck, Dickinson may not be, Williston is close I am not sure that they are there, but they are the only ones that it would affect and I really don't see them wanting them to come to state radio unless they were mandated for some reason. But I don't see them closing their PSAPS to come to State Radio.

**Senator Bekkedahl** What population statistic number do you use in the determination of 25,000, the last dicentennial census population number, or is that the number of phone users in this system or is it temporary population and permanent population. Is this off the dicentennial census then that be the 25,000?

**Mike Lynk** Generally what I have done in the past I go by the latest census. If its an upgraded census that's fine; I don't necessarily go with the estimated census. But I use the census data because that is the most accurate. When we are talking about these numbers I want the most accurate numbers

**Senator Judy Lee** I just wondered if we might have Mr. Johnson from the Association of Counties if he had any comments from any of the folks that he represents about this population deal.

**Mr. Johnson**, The most I will add here is that there were concerns after the bill was passed on the House side that it opened everything up to far. When I say we, I heard from counties that they were concerned. Then there was that fear that what is State Radio up too? Are they trying to build something here. We met with the General and with Mike Lynk shortly after the hearing and we delayed the bill in the House side so that we could have time to get together with them. We did. We went through 3 or 4 versions of amended language and all I can say is that we've got the bill in the best shape that I think it needs to be and I think it also addresses concerns that State Radio could grow quite a bit in the future and also you would be faced with a fairly large appropriations through State Radio and growing that sided of the equation for 911 rather than allowing the counties to continue to operate the way they do. We have some very good PSAPS, 911 centers out in the counties. Particularly in the 8 largest areas they are very professional and I think the system is better served by having local control in those areas. I do believe that the smaller counties have benefited from State Radio and will continue to benefit. There are two sides to the coin here. Senator Lee and Senator Dotzenrod remember the fights we had years ago in just creating a 911 system. State Radio really was the birth of the idea from the industry and Rep. Dorsal years ago. It had been operating pretty well ever since. It was a compromise then, compromise worked and so that is what I feel like I can share with the committee.

**Senator Judy Lee** You think the majority of your membership approves of the A) having the population number in statute B) amendments as their being presented to us today.

**Mr. Johnson** yes, we were at the table putting the compromise together or the amendments together and so I think we have the bill in the best shape we can get it. There will still be comments out there, but I think we can answer most of those.

Chairman Burckhard closed the hearing on HB 1107.

Committee Discussion

**Senator John Grabinger** I will make a motion to approve the amendments.  
2<sup>nd</sup> Senator **Senator Judy Lee**

Roll call vote 6 Yea, 0 No, 0 Absent

V. Chairman Anderson replied that the motion carried for the amendment

**V. Chairman Anderson**

**Senator Grabinger** motions a do pass as amended on HB1107  
**Senator Bekkedahl** 2<sup>nd</sup>

Committee Discussion

**Senator Grabinger** I have some concerns with the number.

**V. Chairman Anderson** You just don't want to spend that \$6,000 every two years, right!  
Senator Grabinger and Senator Judy Lee both replied, exactly. I am with you there.

Roll Call vote 5 Yea, 0 No, 1 Absent

**Chairman Anderson** replied that we have a 5-0-1 right now and will hold it open for  
Chairman Burckhard.

**V. Chairman Anderson** the motion carries do pass as amended on HB1107  
Carrier: Senator Bekkedahl

Minutes

Roll call vote:

5-0-1

**Chairman Burckhard** returned to the committee after testifying on another bill.

**Chairman Burckhard** later votes "yea" on a "do pass as amended" on HB 1107 motion,  
changing the roll call vote to 6-0-0. This vote was taken on Monday, March, 16, 2015 on Job  
Number 24916

March 12, 2015

3/12/15  
80

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1107

Page 1, line 1, replace "sections" with "section"

Page 1, line 8, overstrike "911" and insert immediately thereafter "primary public safety answering point"

Page 1, line 8, after "with" insert "that has"

Page 1, line 8, remove the overstrike over "~~a population of fewer~~"

Page 1, line 9, remove the overstrike over "~~than~~"

Page 1, line 9, overstrike "and" and insert immediately thereafter "twenty-five thousand at the time an agreement is signed for services with the division. The division"

Page 1, line 10, after "the" insert "primary"

Page 1, line 10, overstrike "for 911 services"

Page 1, line 11, overstrike "provided to political subdivisions"

Page 1, line 11, overstrike "911 wireless" and insert immediately thereafter "primary public safety answering point"

Page 1, line 14, after "2003" insert ". The division may provide primary public safety answering point services and other public safety answering point related services during emergencies and other times of need as agreed in a mutual aid agreement. Charges for services must be specified in the mutual aid agreement"

Page 1, line 14, overstrike "county" and insert immediately thereafter "political subdivision"

Page 1, line 15, overstrike "911" and insert immediately thereafter "primary public safety answering point"

Renumber accordingly





REPORT OF STANDING COMMITTEE

HB 1107, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1107 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section"

Page 1, line 8, overstrike "911" and insert immediately thereafter "primary public safety answering point"

Page 1, line 8, after "~~with~~" insert "that has"

Page 1, line 8, remove the overstrike over "~~a population of fewer~~"

Page 1, line 9, remove the overstrike over "~~than~~"

Page 1, line 9, overstrike "and" and insert immediately thereafter "twenty-five thousand at the time an agreement is signed for services with the division. The division"

Page 1, line 10, after "the" insert "primary"

Page 1, line 10, overstrike "for 911 services"

Page 1, line 11, overstrike "provided to political subdivisions"

Page 1, line 11, overstrike "911 wireless" and insert immediately thereafter "primary public safety answering point"

Page 1, line 14, after "2003" insert ". The division may provide primary public safety answering point services and other public safety answering point related services during emergencies and other times of need as agreed in a mutual aid agreement. Charges for services must be specified in the mutual aid agreement"

Page 1, line 14, overstrike "county" and insert immediately thereafter "political subdivision"

Page 1, line 15, overstrike "911" and insert immediately thereafter "primary public safety answering point"

Re-number accordingly

**2015 TESTIMONY**

**HB 1107**

HB 1107  
1/8/2015  
#1

TESTIMONY – HB 1107  
HOUSE COMMITTEE – POLITICAL SUBDIVISIONS  
JANUARY 8, 2015  
BY MIKE LYNK  
DIRECTOR, DIVISION OF STATE RADIO

Mr. Chairman and members of the committee, my name is Mike Lynk. I am the Director of the Division of State Radio of the North Dakota Department of Emergency Services.

The Department's Division of State Radio serves as a public safety answering point (PSAP) and provides 911 services for 24 of the state's 53 counties. The State of North Dakota currently has 22 PSAPs, six of which serve a multi county purpose.

The Department is requesting that the population restriction be removed from N.D.C.C. 37-17.3-09 for two (2) principal reasons:

1. If an emergency dictates a PSAP evacuation, a procedure termed "Condition 3" establishes the backup link in which the 911 provider reroutes calls to a designated backup or alternative PSAP. State Radio is the designated Condition 3 site for a majority of the other 21 PSAP's. Several of these PSAPs have a population that exceeds the population restriction currently in N.D.C.C. 37-17.3-09 of twenty thousand (20,000). The Department believes it is in conflict with the limiting population language currently in code. The Department wants clear language that allows for it to serve in a backup capacity to any PSAP that may have to close for emergency purposes regardless of size or time.
2. Currently State Radio dispatches for many of the western counties. These counties are growing at a rapid rate and may reach this population restriction within the next two years. As an example: according to the US Census Bureau McKenzie County's estimated population was 9,314 (July 1, 2013), up 46.4% since April 2010. When these counties reach the population restriction, are they to be left on their own to provide 911 services they are currently receiving from State Radio?

Your support of this amendment will allow State Radio to continue the support it provides to the communities and other PSAPs in their time of need.

I ask for committee support of HB 1107 and will respond to questions.

*H.B. 1107*  
*3.12.15*  
*1a*

TESTIMONY – HB 1107  
SENATE COMMITTEE – POLITICAL SUBDIVISIONS  
MARCH 12, 2015  
BY MIKE LYNK  
DIRECTOR, DIVISION OF STATE RADIO

Mr. Chairman and members of the committee, my name is Mike Lynk. I am the Director of the Division of State Radio of the North Dakota Department of Emergency Services.

The Department's Division of State Radio serves as a public safety answering point (PSAP) and provides 911 services for 24 of the state's 53 counties. The State of North Dakota currently has 22 PSAPs, six of which serve a multi county purpose.

The Department requested the legislature to make changes to N.D.C.C. 37-17.3-09 for two (2) principal reasons:

1. Currently State Radio dispatches for many of the western counties. Some of these counties are growing at a rapid rate and may reach the current population restriction of 20,000 within the next two years. When these counties reach the population restriction the future of their service is uncertain.
2. If an emergency dictates a PSAP evacuation, a procedure termed "Condition 3" establishes the backup link in which the 911 provider reroutes calls to a designated backup or alternative PSAP. State Radio is the designated Condition 3 site for a majority of the other 21 PSAP's, most of which exceed the current population restriction.

The engrossed House version of HB1107 addressed these two issues by removing the population restriction.

After the passage of HB1107 the House, concerns about the new unlimited population language were raised by some in the 911 community. A series of meetings were held to address the mutual concerns. Before you is the amended version developed during these meetings. It addresses a population limit of 25,000 and the ability to operate under Condition 3.

Your support of this amendment and passage of HB1107 will allow State Radio to continue the support it provides to the communities and other PSAPs in their time of need.

I ask for committee support of HB 1107 and will respond to questions.

## PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1107

Page 1, line 8, overstrike "911" and insert immediately thereafter "primary public safety answering point"

Page 1, line 8, remove overstrike over "~~with a population of fewer~~"

Page 1, line 9, remove overstrike over "~~than~~"

Page 1, line 9, after "~~twenty~~" insert "twenty-five"

Page 1, line 9, remove overstrike over "~~thousand~~" and insert immediately thereafter "at the time an agreement is signed for services with the division."

Page 1, line 9, overstrike "and" and insert immediately thereafter "The division"

Page 1, line 10, after "the" insert "primary"

Page 1, line 10, overstrike the second "line" insert immediately thereafter "line." and overstrike "for 911 services"

Page 1, line 11, overstrike "Provided to political subdivisions."

Page 1, line 11, overstrike "911 wireless" and insert immediately thereafter "primary answering point"

Page 1, line 14, overstrike the "57-40.6-05," and insert immediately thereafter "57-40.6-05. The division may provide primary public safety answering point services and other public safety answering point related services during emergencies and other times of need as agreed upon in a mutual aid agreement. Charges for services must be specified in the mutual aid agreement."

Page 1, line 14, overstrike "county" and insert immediately thereafter "political subdivision"

Page 1, line 15, overstrike "911"

Renumber accordingly

With Proposed Changes: March 12, 2015

A BILL for an Act to amend and reenact sections 37-17.3-09 of the North Dakota Century Code, relating to public safety answering point service by the division of state radio; and to declare an emergency.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 37-17.3-09 of the North Dakota Century Code is amended and reenacted as follows:

**37-17.3-09. Public safety answering point service and fees.**

The division may provide primary public safety answering point services to a political subdivision with a population of fewer than twenty-five thousand at the time an agreement is signed for services with the division. The division shall charge the apportioned amount consistent with the actual costs of providing the primary service per telephone access line and wireless access line. The fee for services must be charged to and paid by the political subdivision receiving services from the division under this section from and after the date of the agreement entered into by the political subdivision or its designee under section 57-40.6-05. The division may provide primary public safety answer point services and other public safety answering point related services during emergencies and other times of need as agreed upon in a mutual aid agreement. Charges for services must be specified in the mutual aid agreement. Each political subdivision currently receiving services from the division shall abide by the standards established by law.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.