

FISCAL NOTE
Requested by Legislative Council
03/17/2017

Amendment to: SB 2204

- 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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$11,860,000		\$11,860,000
Expenditures			\$100,000	\$50,000		
Appropriations				\$11,860,000		\$11,860,000

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

- 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).*

This bill provides for a surcharge to be assessed for various motor vehicle violations to be deposited in the statewide interoperability radio network fund.

- 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.*

A surcharge is to be imposed in an amount equal to the fine assessed for various criminal and noncriminal motor vehicle violations.

During calendar years 2015 and 2016 there were 21,253 criminal motor vehicle violations. The majority of these cases related to driving under the influence and driving while license was suspended or revoked.

During the same period there were 140,774 noncriminal motor vehicle violations. The vast majority of these cases related to speeding violations.

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.*

Based on total case filings for the previous two years and providing for uncollectible fines and dismissed charges, total revenues to be deposited in the statewide interoperability radio network fund would be approximately \$11,860,000 per biennium.

- 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 amendment would impact the interface with the Tracs system used by law enforcement to write tickets and would require re-programming in order to take separate codes and compile them into a single "fine amount" that is

given to the defendant. The cost of this re-programming is estimated to cost \$100,000.

An appropriation of up to \$50,000 from the statewide interoperability radio network fund is available to the Information Technology Department to provide a report on the implementation plan for the statewide interoperability radio network. The plan should include any opportunities for additional fiscal efficiencies that could be achieved while not sacrificing the core requirements of the network.

- 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.*

The funds in the statewide interoperability radio network fund are appropriated on a continuing basis to the Information Technology Department for the state share of expenses associated with statewide interoperability radio network.

An appropriation would be needed to the Court System budget for the re-programming costs.

Name: Don Wolf

Agency: ND Court System

Telephone: 328-3509

Date Prepared: 03/20/2017

FISCAL NOTE
Requested by Legislative Council
01/12/2017

Revised
 Bill/Resolution No.: SB 2204

- 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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$6,900,000		\$6,900,000
Expenditures						
Appropriations				\$6,900,000		\$6,900,000

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
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Cities			
School Districts			
Townships			

- 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).*

This bill provides for a surcharge to be assessed for various motor vehicle violations to be deposited in the statewide interoperability radio network fund.

- 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.*

A surcharge of \$100 is assessed for various criminal motor vehicle violations and \$40 for various noncriminal motor vehicle violations.

During calendar years 2015 and 2016 there were 21,253 criminal motor vehicle violations. The majority of these cases related to driving under the influence and driving while license was suspended or revoked.

During the same period there were 140,774 noncriminal motor vehicle violations. The vast majority of these cases related to speeding violations.

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.*

Based on total case filings for the previous two years and providing for uncollectible fines and dismissed charges, total revenues to be deposited in the statewide interoperability radio network fund would be approximately \$6.9 million per biennium.

- 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.*

- 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.*

The funds in the statewide interoperability radio network fund are appropriated on a continuing basis to the Information Technology Department for the state share of expenses associated with statewide interoperability radio network.

Name: Don Wolf

Agency: ND Court System

Telephone: 328-3509

Date Prepared: 02/01/2017

FISCAL NOTE
Requested by Legislative Council
01/12/2017

Bill/Resolution No.: SB 2204

- 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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
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This bill provides for a surcharge to be assessed for various motor vehicle violations to be deposited in the statewide interoperability radio network fund.

- 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.*

A surcharge of \$100 is assessed for various moving motor vehicle violations and \$40 for various nonmoving violations.

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.*

There will be additional revenues collected; however because of the large number of fine types that the fee applies to the fiscal impact cannot be determined within the time limits given to prepare the fiscal note.

- 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.*

- 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.*

The funds in the statewide interoperability radio network fund are appropriated on a continuing basis to the Information Technology Department for the state share of expenses associated with statewide interoperability radio network.

Name: Don Wolf

Agency: ND Court System

Telephone: 328-3509

Date Prepared: 01/18/2017

2017 SENATE TRANSPORTATION

SB 2204

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

SB 2204
1/26/2017
27436

- Subcommittee
 Conference Committee

Committee Clerk Signature

Mary Munder

Explanation or reason for introduction of bill/resolution:

Relating to the creation of a statewide interoperability radio network fund and surcharges assessed for certain traffic violations; and to provide a continuing appropriation.

Minutes:

Attachments 1-4

Chairman Laffen: Call hearing on SB 2204 to order. Welcome Senator Gary Lee to introduce SB 2204.

Senator Gary Lee: Good to be back. I just want to quickly go over the bill. See attachment #1. (1:11)

(6:05) Chairman Laffen: Does this bill just set up the funding mechanism or does it authorize buying a new system as well?

Senator Gary Lee: It just sets up the funding and the funding source.

Chairman Laffen: Then just give me some idea of what these two sections are.

Senator Gary Lee: Attachment #1 pg. 2

Chairman Laffen: Questions for Senator Lee.

Senator Clemens: How are the cities and counties going to be tied into this? Is the funding going to be totally state wide?

Senator Gary Lee: There is a partnership and sharing in that. I think Terry Traynor will cover that.

Senator Campbell: The word surcharge where I come from is just another word for a tax increase. I am a firm believer in no new taxes. It seems like an ungodly amount of money for a new radio system. I need to pick your brain a bit so we know what to tell these people that say you just increased my taxes.

Senator Gary Lee: As I said originally it is optional. If you don't buy it, you don't pay it. When you use cash machines there is a fee to get your own money. I don't see that as a tax, it is just a part of doing business. They need to charge their fee to cover their costs and overhead and this is just the same way. We need the money to cover costs of the radio system.

Senator Rust: There are going to be the people that suggest this will make the law enforcement more aggressive in stopping people so they can generate more dollars. Do you see that as an issue?

Senator Gary Lee: I suppose that could happen but these people are very professional. Example is south of Mandan; how professional and patient and restrained they are. I just don't see that happening as they are here to protect the public and they will do that in a very honorable way.

Senator Rust: For the record, I have never been stopped when I didn't deserve it.

Chairman Laffen: Questions for Senator Lee? None. Thank you. Further testimony in favor of SB 2204.

(12:40) Duane Schell, Director of the Network Services Division with the Information Technology Department (ITD) See attachment #2

(20:35) Chairman Laffen: First I want to make sure we are clear on this, committee, we are not approving the budget or the system. This bill only deals with putting a piece of the funding mechanism in place. Duane, do you understand it like that as well?

Duane Schell: Yes, that is my understanding as well. The bill is for traffic citations and because it is directed towards this project we anticipated full well there would be questions and my role is to make sure you understood the project.

Chairman Laffen: You are creating all kinds of questions as we are all sitting here trying to understand how you could spend that much money on a radio system. Let me ask just one question. Does the system take advantage of the private towers out there or do you have to build your own?

Duane Schell: The vast majority of the towers are existing assets that are owned by the various jurisdictions across the state. There are a lot owned and operated at the state level with the DOT and there are even more towers at the county and local level.

Chairman Laffen: The last question in terms of the funding we are looking at here that would raise 6 or 7 million a year for 10 years and that is maybe only a third of the funding that the system will need.

Duane Schell: That is correct.

Senator Campbell: It still just seems like an ungodly amount of money for a radio system. Using the farming system as an example, we had it put in place then had to up-date and then cell phones came into play and now we operate on just cell phones. Question that I am asking

is there not technology that is not too many years away that does away with the old traditional radio system that you are looking at? Did you do bidding and look at the communication systems of the future? Things happen so fast and are we just 2 or 3 years away from some type of an inexpensive system, maybe even a digital system? Have you exhausted all your efforts in looking at the future way of communications before we spend this ungodly money on a radio system? It is hard to comprehend that amount.

Duane Schell: Appreciate your comments, public safety radio is very expensive. A lot of that has to do with the types of systems we build for public safety. All the equipment is built with public safety in mind and is built to stand any natural disasters that could come into play because when these events happen that's when we need public safety the most and that is when we expect these systems to work at their best. In terms of anticipating technology down the road, there are a variety of things in terms of cellular communications and other types of stuff that a number of folks are looking at and exploring them to try and make them work. There is still a gap in between what a cell phone can do and what a land mobile radio can do. Cell phones are one to one communication and often times we need one to many. Radios are designed to be able to talk to one another within proximity of each other without the need of a network in the event the network is unavailable. We have spent a lot of time and effort on this and our belief at this point is that we are a number of years away to see public safety grade capabilities in these alternate technologies.

Senator Campbell: You think in 6 months to 3 years that we will have some advanced technology that we can use, but what happens if we didn't do this and you kept the same for 3-4 years?

Duane Schell: If we do nothing the problems we have today will get larger. The challenges we have today are real. One of the challenges is coverage and we are doing what they call a daisy chain to get the messages back and forth. There are better things these wonderful individuals can be doing other than sitting on a hill top in the daisy chain.

Senator Campbell: Thank you. Good answers.

Senator Clemens: Are any of our bordering states currently on this new system?

Duane Schell: Yes. I believe there are 43 states across the country that are using this system. Minnesota and South Dakota are doing exactly what we are trying to do. Montana is having some issues and are half old and half new.

Chairman Laffen: I think it is important to remember that this bill just deals with funding for a radio system. The type of system will be chosen by someone else.

Senator Nelson: Living in Fargo we have flood problems and we have to communicate with MN and SD. Is your system going to be compatible with both of them?

Duane Schell: Yes.

Chairman Laffen: Questions? None. Thank you. Further testimony in favor of SB 2204?

Chief Jason Olson, Chief of Police in Minot: SB 2204 will develop radio communication that is vital for our emergency responders and our public safety personnel. This is an opportunity to implement a great radio infrastructure that will bring the states' first responders together and it will improve safety in day to day situations. It will also address a situation that in my opinion is long overdue for a change. Our tickets for speeding, running red lights, etc. are way too low and do not call enough attention to the violation. The \$10.00 or \$20.00 ticket I was writing 28 years ago is still the same amount today. Across the state, meeting with the other Chiefs we all have the same problem of too low fines on our violators. I support this SB 2204.

Senator Campbell: Tougher penalties deter crime you say and I have heard from other experts that it doesn't deter crime. Could you elaborate on that?

Chief Jason Olson: I don't have a study before me to quote figures but I have spoken with many who drive different states and if the fines are higher they slow down, set their speed, do not run red lights.

Senator Campbell: I do agree as I am a perfect example for MN.

Chairman Laffen: Questions?

Senator Nelson: So is there even an incentive for the officers to stop anyone if our fines are so low?

Chief Jason Olson: It is almost a moral issue for them to pick someone up. The officers do not think the state is taking it seriously and it is not worth their time.

Chairman Laffen: Questions? None. Thank you. Welcome Bill.

(38:28) Bill Woken: See Attachment #3. In favor.

Senator Clemens: Can you give an estimate maybe in percentage wise between purchase, installation and maintenance?

Bill Woken: I do not have that information but someone here will have it.

Chairman Laffen: Questions?

Senator Nelson: Will all speeding tickets be under this plan, cities, counties, and state, providing this bill passes?

Bill Woken: I understand this bill is universal.

Senator Nelson: Cities have control of speed zones by construction, school zones, etc. Will they still have that control?

Bill Woken: My understanding is that the state's limits on fines are the same as the cities must impose.

Chairman Laffen: Your question was on the speed limit Senator Nelson?

Senator Nelson: Yes.

Bill Woken: Sorry I misunderstood. Speed limits set inside the city are set by the city themselves.

Chairman Laffen: I know the city does have control of the two interstates as they pass through the city. I believe the city can set their own speed limits as long as they are lower than the state limits.

Bill Woken: Mr. Chairman that is my understanding as well.

Senator Rust: Can city set the dollar amount higher than what the state has? If the state charges \$10.00 for driving over the speed limit, can the city go higher or does it have to be the same or lower?

Bill Woken: We have tried to set them higher in the city, but my understanding is they can't be any higher than what the state sets. We had a bill last session but it died in flames on the house floor.

Chairman Laffen: In flames. Questions for Mr. Woken? None. Thank you. Further testimony in favor of SB2204.

(46:15) Terry Traynor, with Association of Counties: I have testimony from one of our 911 coordinators that I am passing out, Becky Ault, Director of the Grand Forks Public Safety Answering Point. See Attachment #4. In support. The Association of Counties is very much in favor of SB 2204. The state has made the decision that we are all moving forward together in this and that sends a good message to our local governments that we are not on our own anymore. The challenges at the DAPL site was bringing in others from all counties where they just could not communicate with each other. All we had was a party line radio and it was impossible to talk.

Chairman Laffen: Again this bill only deals with the funding for the bill. Last session we had a bill sponsored by the Chairman of the Finance and Tax Committee that would have completely taken over 911 as a state agency. Had we passed that would it have included this or is this something else?

Terry Traynor: If I recall that was dealing with the incoming calls from citizens and this bill is talking about dispatching out to the responders.

Chairman Laffen: Questions? None. Thank you. Further testimony in favor of SB 2204.

(50:01) Sheriff Gary Sanders, I am the Sheriff of Emmons County: I have been in law enforcement approximately 28 years. My purpose here today is to seek your approval or support of SB 2204. We have 1950's technology trying to function in 2017. It has not met the needs of law enforcement, fire fighters, EMS, and other first responders. We have only one

frequency through the entire state and if one is talking on it the other has to wait their turn to get on and talk. It is similar to a party line of communication. Currently with the DAPL situation it brings in a higher priority and some have been told to use a different frequency for their local problems. We all use cell phones as Senator Campbell mentioned and many times we have to resort to this because of the radio system doesn't meet our needs. When we have emergency situations it is imperative to get the information out to all of them, and if the communication device doesn't work where someone doesn't get the information then that is when someone gets God forbid gets hurt or killed. I think it is more relevant more than ever down in southern Morton County. One of the reasons we are here is to see that part of the portion of the funding moves forward. If we do nothing, it will cost us just as much if not more just to maintain what we currently have and we have nothing. One of the reasons this is so expensive is we have to follow the federal guidelines. In any one of my fleet of vehicles for my officers there is \$15,000. dollars' worth of equipment in there. Many of these dispatch centers have to upgrade their communications system in the next few years and we all need to be on the same page! The fee structure in North Dakota is very low. To answer Senator Campbell's question concerning, 'does higher fees change someone's behavior', I believe it does. The purpose of a fine is to change the driving habits so everyone is more safe on our highways. Many attempts have been made to raise the fines for traffic violations and each time the attempt has failed. Fines go under the state fund so it must be a fee to help this project.

Chairman Laffen: Questions?

Senator Campbell: Do you know if the \$172.2 million dollars includes all the fire departments and EMTs?

Sheriff Gary Sanders: Yes, that includes all first responders.

Chairman Laffen: Questions? None. Thank you. Further testimony in favor of SB 2204.

(59:00) Captain Lynn Woodall, with the Morton County Sheriffs' department: I serve as the 911 coordinator and also serve with the communications with the DAPL protest. We are here to talk about funds to purchase a new radio system. As first responders, we are not sure what a life is worth. Our problem down at the DAPL is the geography of North Dakota in that area. Some of the communications never make it to where they have to go. When the commanders can't get the communication to the responders, the responders have to act on their own to the best of their ability keeping public safety at the top of the list. Meanwhile the commanders can't hear or see what is going on. What DAPL did for ND has opened our eyes completely. We are not ready for anything even imaginable to be done with the band aid system we had to put together. It has many, many flaws. It is like a party line system and just doesn't work. This new system would fill in all the non-working areas that we need. This is not just a wish list, it needs to be provided, and is a lot of money, and will take a few years to get it paid for, but as a line officer and looking into the eyes of the guys on the front lines, this has to get fixed before we get someone killed because of a communications failure. We do have a set of channels that first responders go to in an emergency situation but inside those channels there are no repeated channels. This may be a once in a lifetime situation but it may now be something more on a regular basis. We appreciate anything you can do to help with this.

Chairman Laffen: Questions/ None. Thank you. Further testimony in favor of SB 2204. Opposed? Neutral? None. **Closed hearing on SB 2204.**

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

SB 2204
1/26/2017
27453

- Subcommittee
 Conference Committee

Committee Clerk Signature

Mary Munder

Explanation or reason for introduction of bill/resolution:

Relating to the creation of a statewide interoperability radio network fund and surcharges assessed for certain traffic violations; and to provide a continuing appropriation.

Minutes:

Senator Laffen; Reopened SB 2204. As we all know we have tried to keep speeding affordable in North Dakota forever and this would be a significant change to that. Is there any discussion?

Senator Casper: My understanding is that if you were speeding 15 miles an hour over the speed limit in Grand Forks, you would get a \$15.00 ticket. Once this passed you would get a \$55.00 ticket. So this would be a 270% increase. You would pay the \$15. ticket plus a \$40. surcharge fee. Is this how everyone understands this?

Chairman Laffen: Senator Casper, that is how I understand it. It is a surcharge cause the money can go directly to the fund to pay for this.

Senator Nelson: What's covered under the 05 and what's covered under the 06 and what is the difference between the \$100.00 and the \$40.00?

Senator Casper: If you look at the testimony on the second page you will see that the \$100.00 surcharge is applied to DUI, reckless aggravated driving, leaving the scene of an accident, driving while license is suspended or revoked, operating an unsafe vehicle, and causing an accident with an authorized emergency vehicle. These are all elevated compared to the \$40.00 violations like speeding, driving without a license, driving without registration, and your typical non-moving violations.

Chairman Laffen: Likely the first group comes with a higher fine already.

Senator Rust: So if I am in my sports car at a stop sign and I punch it to go, and a cop sees me and picks me up, he might give me a ticket for reckless driving. That would be a \$100.00 added on to my already huge fine because I was so stupid to punch that thing when I shouldn't have right?

Chairman Laffen: As I understand this that is correct.

Senator Campbell: I am against this, not the project, just how we are going about it to get it funded. I feel like we are opening a can of worms. Just my opinion.

Chairman Laffen: Senator Campbell, do you have any idea how the state would fund something like this?

Senator Campbell: If I was king for a day, I would just wait as technology will be up there with something. Hang on till the next session as we are short now and with it being \$172.2 million dollars, now is not the time.

Chairman Laffen: Committee, I have a take on this, we are ridiculously low on these fines and I heard from police officers that it is hard on their morale to stop someone for a \$5.00 ticket. The nice way about funding it this way is that it does come from offenders doing something wrong.

Senator Casper: I think this is too big of a change too sudden, I do agree that the non-moving fines are low, and I think as far as using it as a funding source, I respect what the Chairman is saying that the violators are somehow paying for it, but I also think that spreading the cost throughout the state makes more sense than raising something by 300%. In the future that makes more sense than putting out this one fine.

Senator Rust: Looking at the amount of money that will be generated, they estimated between 6 and 7 million dollars for a \$172.2 million dollar project. That's about 4-5% per year.

Chairman Laffen: They estimate it lasting maybe about 10 years so this is a 60-70 million-dollar portion of a \$200 million dollar deal so it is maybe a third. This is kind of what they estimated from this project was a third.

Senator Rust: I think our fines need to be raised. If we raised the fines because we do think it does affect behavioral driving, then those funds go to the trust fund and would not help out this situation. I understand the situation on cell phones too, as they are useless in a disaster as there is no service.

Chairman Laffen: One thing this bill does do is change the philosophy that North Dakota has always had about speeding and traffic violations, is that the fines go to the trust fund and that is to stop the motivation for making money on traffic violations. This would fundamentally change that because now being fined would advantage the fee which would be going toward the Highway Patrol that police the people and who are issuing the tickets.

Senator Rust: If this were to pass there might be speeches given to the officers to get out there and give more tickets as they will generate more money with the fees going to this fund.

Senator Nelson: The police chief did say there was no incentive to stop people for a \$5.00 fine and I agree with him.

Chairman Laffen: First of all, I want to remind you that the fines on the interstate are much higher than \$5.00. I got a ticket in early December for going 7 miles over the speed limit on interstate 29 and it was \$35.00.

Senator Clemens: If the 80 mile an hour speed limit passes we are allowing people to drive faster so we are satisfying that need to go faster without a fine, that would be one positive on my side supporting this.

Senator Nelson: There is a bill in the House to raise speed limits on everything, gravel roads and all.

Senator Campbell: No offense to Senator Nelson, but I have heard that so many times that I don't even buy that. The purpose is to keep a safe speed. The purpose of increasing fines is like raising taxes and I will not support this can of worms. It is going to give the Highway Patrol another incentive, which they don't need, to give out more tickets, fines, and fees. It will bring their quota books back.

Senator Rust: I don't think this is a form of tax as it is not uniformly applied to everyone, but we will hear that it is. This is if you violate the traffic law you get fined plus a fee. It will change the attitude of enforcement.

Senator Campbell: The increasing of tobacco tax to 400% is somewhat similar to this. They were targeting a certain group and so is this.

Chairman Laffen: There is a reason I brought this one up first. I thought it would be good to discuss this bill before the 80 mile an hour one.

Senator Nelson: Just a comment or two. Other states are looking for alternate ways to help pay for things. Some states have toll ways. I don't know how that would work on North Dakota interstate but it's just some thought on how else to raise money. I am going to vote for this bill, I don't see it as a tax either, I think it is a 'hey if you want to break the law, that's fine, but you can pay for it'.

Senator Rust: What happens with some people who just don't pay their fines?

Chairman Laffen: I am sure we have some sort of way to collect them. I think we have a pretty good system behind that.

Senator Rust: If they do take your license some people will drive anyway.

Chairman Laffen: There are repercussions behind all of that and you could end up in jail for it.

Senator Clemens: In my personal opinion, I would probably prefer more time to look at this but if the rest of you want to vote today I am fine with that too.

Chairman Laffen: We can let this one go for a little bit then. Closed on SB 2204

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

SB2204
2/3/2017
27878

- Subcommittee
 Conference Committee

Committee Clerk Signature *Mary Munder*

Explanation or reason for introduction of bill/resolution:

Relating to the creation of a statewide interoperability radio network fund and surcharges assessed for certain traffic violations; and to provide a continuing appropriation.

Minutes:

Chairman Laffen: Opened hearing on SB 2204. What we could do is, if you are interested in keeping this bill alive, there are a couple of issues with it. There are some people out there that believe a radio system doesn't need to cost \$200. million dollars. I have seen some quotes down in the \$26--\$30-million-dollar range, which doesn't have anything to do with us necessarily, except if we are funding a \$200. million-dollar radio system then these fees need to be pretty substantial to even get to a third of it. If it is only a \$20-million-dollar system maybe these fees don't need to be applied here or maybe they can be substantially lower. So one thing we could do is kick this out and get amended as we go along, we could kill this bill, we could change the fee to something substantially lower just so that the bill is still alive and has a number to it; I am open to it all.

Senator Rust: I have an e-mail here with the updated fiscal note.

Chairman Laffen: Yes, the clerk has one in each of your folders.

Senator Campbell: I move that we Do Not Pass.

Senator Casper: Seconded.

Chairman Laffen: Motion by Senator Campbell and Seconded by Senator Casper for a Do Not Pass. I will start the discussion. I am also in favor of a do not pass, not that this isn't a good idea, but there are too many questions yet on the system that we are trying to fund. Discussion?

Senator Nelson: I have difficulty looking at where the money is going rather than what it is for and I happen to think that our fees are too low.

Chairman Laffen: I took the 80 mile per hour bill to Appropriations and heard the same thing from that group, they have no problem with the 80 miles an hour but they have a problem that if you get caught it doesn't mean anything.

Senator Casper: I would rather we didn't do a flat surcharge, and get a more global view of it all, and that's why I am going to oppose this.

Chairman Laffen: Yes, like I said before I think we probably need a new radio system but we don't know enough about what that is yet and I would like to see the full financing plan and how it relates before I start one small part of it. That's just my opinion.

Senator Nelson: Is there any other vehicle out there discussing this or will it be 2 years down the road and then another 2 years down the road until we won't be here and the conversation will have to start all over again.

Chairman Laffen: I don't know that and do agree with you that this session should be the one that we figure that out because I think they are up against it with that system.

Senator Nelson: I am going to vote for the bill just to keep the conversation open.

Chairman Laffen: Discussion?

Roll Call Taken: Yeas- 5, Nays-1, Absent-0. Motion carried.

Senator Laffen will carry the bill.

Chairman Laffen: Adjourned.

**2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. "Enter Bill/Resolution No." 2204**

Senate Transportation Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Campbell Seconded By Casper

Senators	Yes	No	Senators	Yes	No
Chairman Lonnie J. Laffen	✓		Senator Carolyn Nelson		✓
Senator Tom Campbell	✓				
Senator David Rust	✓				
Senator David Clemens	✓				
Vice Chairman Jonathan Casper	✓				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Senator Laffen

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

REPORT OF STANDING COMMITTEE

SB 2204: Transportation Committee (Sen. Laffen, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2204 was placed on the Eleventh order on the calendar.

2017 HOUSE TRANSPORTATION

SB 2204

2017 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

SB 2204
3/2/2017
#28618

- Subcommittee
 Conference Committee

Committee Clerk Signature

Jeanette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to the creation of a statewide interoperability radio network fund and surcharges assessed for certain traffic violations; and to provide a continuing appropriation.

Minutes:

Attachments # 1-6

Chairman Ruby opened the hearing on SB 2204.

Senator G. Lee, District 22, introduced SB 2204 and provided written testimony.

See Attachment # 1.

Page 1 - Testimony (4:30)

Page 2 - List of violation fees with surcharges from other states

Page 3 - SIEC Member ship list

Page 4-5 – Legislative Management Study Report

Page 6 – State Radio Interoperability Network (5:37)

Senator Lee: I have been asked why the citation fees, and why do we want to put a surcharge on those? There is a correlation between who is paying the fees and fines, getting the citations, and who is a substantial user of the network. Another question is: Aren't they going to be writing citations just because they want to pay for their (inaudible word)? This is a very professional group we are working with. I don't see that happening. I would think that they would not want to be stopping you. This is a dangerous business.

Also, citation fines in our state are incredibly low as compared to states surrounding us. The philosophy has been to keep traffic citations affordable. We have done a great job of that. But when you look at the fines in terms of a deterrent, they simply aren't that. I suggest you set your cruise differently as you go from state to state out of North Dakota than you do in North Dakota. There is a substantial difference in fines.

I've been asked: Why the \$100 and \$40 numbers? They are somewhat arbitrary, but they do bring some proximity to some of the citations of the states around us in a meaningful way.

Representative Nelson: Did you run this surcharge past Legislative Council to see if it would stand up to constitutional muster?

Senator Lee: I did not.

Representative Westlind: I see the counties have to sustain 20% of the cost of this project which is \$3.4 million dollars. Would they receive any of the revenues from the added fines?

Senator Lee: Not to my knowledge, they would be run the same way that they are now.

Representative Westlind: Would this result in a tax increase to fund this project?

Senator Lee: What do you mean a tax increase?

Representative Westlind: We (Towner) would have to levy a mill levy to pay for our share of this, I assume. Will the counties have an election as to whether they would participate in the State Radio or not, or is it a statewide mandate?

Senator Lee: I think that IT would be able to respond to that question better. 10:00

10:45

Duane Schell, Director of Network Services Division for Information Technology Department and also representing the CIO on the Statewide Interoperability Executive Committee (SIEC), spoke to support SB 2204 and provided written testimony. See attachment #2.

18:24

Vice Chairman Rick C. Becker: Is Televate part of the solution, or who would be the single vendor if this is to go through?

Duane Schell: Televate is a vendor that does a lot of work nationwide around public safety, radio communication, and consulting. They assisted us in a number of projects, specifically what the right solution would be for North Dakota. At this point they have concluded their deliverables for us beyond any support we may need to wrap up this study. Future engagements by them would be acquired through a complete procurement process, as well as the vendor that would be chosen would have to go through that process. The strategy, design, and solution that we would like is out there, but we have not gone through the procurement process yet to identify which of the vendors would be our partner.

Vice Chairman Rick C. Becker: Is Televate a vendor that would expect to be bidding on this single vendor project?

Duane Schell: It is possible. I can see that Televate might be interested in parts of it, but they are really a consulting and advisory firm. Our next phase will be on detailed engineering design and execution. Exactly what their role and expertise in those areas are, I am not entirely sure. I don't know whether they would be a competitive bidder in that space.

Vice Chairman Rick C. Becker: If they are purely a firm that does consulting and determines the advisability as well as viability of various options, and they have concluded single vendor interoperability, that is one thing. But if they are also a vendor which provides the services that their study concluded is needed, then that is glaring. I don't even

understand how we could suggest that there would potentially be no bias, or that the study's findings are legitimate, if the findings benefit the conducting organization.

Duane Schell: I know we have procurement rules that precludes participation down the road for those types of things. My understanding is since they have been active in the recommendation of a solution, that will limit their ability to participate in the execution of that solution.

Chairman Ruby: What is the difference between mobile and portable coverage?

Duane Schell: The mobile coverage is devices that exist in vehicles. Typically, they are more powerful devices that provide somewhat better coverage. Portable devices are the ones that the individual responders carry with them, the power is a little bit lower.

Chairman Ruby: The fiscal note looks like a lot of money, \$6.9 million, but it is a drop in the bucket compared to the total amount for the project. Where are the other funds going, and how would this be spent?

Duane Schell: You are correct, there are significant disparities on what this bill generates, and what the needs are for the project. Representative Westlind, asked about other funds. There is HB 1178 that helps generate additional fees around the 911 fee structure, which will help on the local contribution side. The fees on this bill would help with the state contribution. The combined revenues would allow us to get started. It is simple math to know that there will be additional funds needed long term to be able to continue the project to completion.

Chairman Ruby: Have the Senate and House Appropriations approved going through with this plan, and now we are seeking solutions for the funding? Or haven't they really addressed it?

Duane Schell: The IT budget originally had some resources in it. We have presented the report on the Senate side as required by statute. Next week we will be presenting the report to the House. At this point it is my understanding that the Appropriations Committees are awaiting the results of these two bills before determining what to do with the budget bills.

Representative Nelson: Do you have a map where you would have coverage, and where there would be no coverage?

Duane Schell: There are some models of coverage that are included in the final report, and we do have some addendums of some models that are also available. There are some maps available on the website. The SIEC website.

Representative Westlind: Would the State Radio be phased out once this project is totally implemented?

Duane Schell: The vision of the technology solution would be a single merged interoperable solution across all the various jurisdictions. State Radio's role would continue to exist in terms of their role on how to manage and oversee the responsibilities that they have in relation to that network. But the end result would be, instead of despaired systems using

various interfaces hooked together, to try to build a single integrated solution across the state for all jurisdictions.

Representative Westlind: Would the 20% funding be divided equally among the counties throughout the state or how would that be divided on a county basis? And do they have to participate in this system?

Duane Schell: The funding model as suggested by the report uses 80% and 20%. The contribution for splitting it across jurisdictions is an allocation model based on population. The final recommendation will be determined around anything that the legislative body chooses to do. In addition, the report put forth a governance structure that includes participation across every jurisdiction and various teams that report up and through the SIEC. The details of the governance structure exist in the full report and are on our website. Ultimately, that governance structure with local representation statewide would opine in on what these recommendations are to determine what the final allocations would look like. In terms of participation to get value out the participation, I think we need significant participation statewide. There is nothing in the report to suggest that it is mandated.

Chairman Ruby: Have you heard from some that would prefer not to participate based on the what their perceived cost might be?

Duane Schell: As part of the full report we did surveys and got a lot of feedback. One of the most significant inhibitors for enthusiasm was the fiscal side of it. Take the fiscal side off, and there is extremely widespread support for this. The details of the surveys exist in the report where the vast majority of the state is in some degree of "likely to participate". Since the reports weren't complete when the surveys were done, the results may be somewhat apprehensive. The 80/20 is thought of very highly in the community. They like the governance structure very much because it gives everyone a voice. The feedback is that the solution is something that they very much enjoy. If we were to redo the survey today, we would have a lot of people in the "moderately" to "strong likely".

Chairman Ruby: In the first biennium with the \$6.9 million along with other funding sources, do you perceive that you will start the project anytime in the first biennium or would it take a certain dollar amount to initiate the start?

Duane Schell: There is a fair amount of work that will be necessary before we are in the acquisition mode. We know the procurement process will be lengthy. It is my belief that there is a Phase 1 option that would allow us to begin with the resources available to get through the procurement process, to begin to set up the of the core of this, and address some of the aging counsel issues that are pretty critical. Assuming the resources from what is currently being discussed make it, assuming the SEIC agrees and the governance committee, I do see a viable plan to go through the procurement process and make progress and deal with some of the aging infrastructure issues.

Chairman Ruby: This is complicated. How do we try to avoid the kind of delays and losses that we've seen in some of the big projects dealing with IT development?

Duane Schell: In a project of this size we would have to employ the full force of the discipline and process that we use around a large process. One of the things to our advantage around this project is that 43 of the 50 states have done something of similar nature. We have two bordering states that have done projects almost identical to what we are thinking about doing. We have a lot of people that we can leverage for lessons learned to try to avoid making mistakes.

Representative Paur: I am making some assumptions: The Bismarck Police Department pays for their own radios, repeaters, etc., and they would be integrated into this system. Out of this \$172 million, is part of that responsibility going to be the Bismarck Police Department and the West Fargo Fire Dept. etc.? Or is the \$172 million the total state responsibility, or is it going to be picked up by the local units?

Duane Schell: The \$172 million is the total cost of the project for everything around the project, both from a state and local perspective. Most of the expenses for the project follow the 80/20 rule. There are two primary exceptions to the 80/20 rule. The local jurisdictions have requested to fund the Peace App Infrastructure, dispatch infrastructure, i.e. the consoles. It is also the recommendation that the volunteer community from a radio perspective be covered 100% by the state because it is a very physically challenged group of people in the volunteer community. How those resources get divvied up within the local jurisdiction, and how they subdivide the 20% that is theirs, would be up to them to figure out where the money is coming from in terms of fire, police and so on. The report says 80/20, and that is what was felt was the most successful in terms of achieving participation and support. Determination of what is fair is up for debate. 37:42

Chief Jason Olson, Minot Police Department and current president of the North Dakota Chiefs of Police Association, spoke in support of SB 2204.

Chief Olson: Our Association voted unanimously to provide a letter of support of the SIRN 20/20 project. The interoperability is a key to improving the system. If we do not go with interoperable statewide radio system, we will end up with a lot of rebuilt individual radio networks like we have now. We saw in the DAPL situation that they caused a lot of challenges in talking to each other. The system that is being proposed would have seamless interoperability between all public safety at the click of a few buttons. From the standpoint of a crisis response this is a much improved system and solution to what we have right now.

The other prong, that I would like to speak in favor of for this bill, is the traffic fine issue. For the most part traffic fines in North Dakota haven't changed for over 40 years. I get a lot of complaints from citizens about people that are speeding, running through red lights, and running stop signs. In my opinion the deterrent effect of the current fines is not there. Right now, someone could be driving 40 mph in a 25 mph zone on a residential street, which is a high enough speed to be a public safety risk. The fine would be \$15 and no points on their license. There is no deterrent level to that fine. This bill would provide an increased deterrent level for poor driving and public safety issues. People from other states laugh at our officers when stopped because the traffic fines are so low. In my opinion we need to do something to increase the traffic fines to provide a greater deterrent effect for the motoring public to obey the laws.

Vice Chairman Rick C. Becker: The portion that has a \$40 surcharge, most of those fines are \$20 to \$100. There is even a section for a \$5.00 fine. Would the \$40 surcharge be applied to the \$5.00 parking type citations?

Chief Jason Olson: My understanding is that it would, yes.

Chairman Ruby: Have you talked to the city of Minot and Ward County about their participation, and where they would look for their funding, and would they be supportive of that?

Chief Jason Olson: (The 80/20) We are also in favor of the bill 1178 that will provide the local funding with the \$0.50 911 tax. It would generate about \$14 million per biennium, which would more than cover the local share. 42:30

Bill Wocken, North Dakota League of Cities, spoke in support of SB 2204. Written testimony was provided. See attachment # 3.
44:40

Representative Grueneich: On HB 1178 we generate about \$14.2 million for this biennium. Assuming that we would have the same or similar amount of traffic stops in 2017-2019 and supported this bill to do surcharges, that would generate roughly \$7.7 million. If we support this for an additional \$6.9 million, how far is this going to get us? What is going to happen if all this stuff goes, and we have this revenue stream coming in? Then we start the procurement process. Are we getting ahead of ourselves? Is a five-year plan really realistic?

Bill Wocken: I can't answer that question directly. I do know if we don't start on a solution to this plan, at some point we will be trying to answer to the public safety agencies about why they can't communicate, and why some very dire things have occurred. The League of Cities is supporting beginning to work on the system.

Duane Schell: We do have a 5, 7, or 9-year funding plan. There are funding sources being debated in the Legislative Body. There are two different sides of this: the capital and the sustainability. On one hand, what we have right now in front of the Legislative Body would be more than sufficient for ongoing sustainability, but there are some capital challenges. If we look at it from a current two-year perspective, I believe that there is a solution. We need to go through the procurement process to validate this. We can deliver a core for a future state solution. We can resolve a lot of the console issues, the equipment that is in the current Peace Apps, within the current funding structures before us and allow for sustainability. Then we would be having discussions to talk about how we would take it to the next step. I do believe that within this Phase 1 concept, it would be a deliverable, functional and usable and actually improve upon the current state. It would obviously not meet all the goals of the plan, all the goals of the community, but we would have a Phase 1 deliverable that would solve a portion of the problem. It would be functional and be able to improve incrementally upon where we are at today.

Representative Grueneich: How would you determine where to start? Would it be the most populated or the people with the most amount of need?

Duane Schell: The first part is to walk through the procurement process, working with a vendor and a professional on the direction that we want to put forth. Step one is building infrastructure that everyone would benefit from. Then it would be a matter of connecting in some of the legacy systems to be able to take advantage of the new core in connecting up those consoles. We have 22 Peace Apps in the state today, and roughly half of them have consoles that are in the 2018/2020 end of life situation. We would focus our efforts, most likely, in those jurisdictions first.

Representative Jones: Are we maintaining a dinosaur by going the way that we are going? Is it going to be out-of-date as soon as we get it done?

Duane Schell: We looked at all the various options, and all of the potential solutions as it relates to the public safety community. The solution that we are looking to pursue is the solution that is standard across this country. It looks at how we achieve interoperability, not just across North Dakota, but across the nation. It is important that North Dakota continue with that standards body and how it evolves and adopts new technology, so that we can maintain that nationwide interoperable posture. In terms of leveraging the most current technologies, we would have a solution that could leverage cell phone technologies.

Representative Jones: My other concern is that we are creating a tax with the fines, and there is no end to it. If we are going to create this system, and it will generate a large sum of money, it should have an end date. Or are you anticipating that the amount of money that we will generate through this to create the system is going to continue on forever to operate and maintain the system?

Duane Schell: There are operational expenses in terms of getting the system updated and maintained. The original capital expense was \$172 million. I mentioned \$220 million was a five year, which included Op-Ex. It is our belief that the revenues associated with his particular bill and the other funding sources, once the system is fully stood up, would be a great source of ongoing revenue that would support the sustainability of the ongoing operational costs.

Vice Chairman Rick C. Becker: There are some sections on the fiscal note that there are \$100 surcharges which are not criminal. These are infractions. So to be clear, the \$100 is not limited to criminal, some are infractions. The testimony we heard earlier is that we need to increase fines as a means of deterrents. So, if increasing the fines deters people from committing the offenses, then we will have fewer offenses. When we are looking at the vast majority of the non-criminal, the \$40 surcharge being currently a \$20 fine, you are increasing the penalty by 200%, which in theory will cause a significant deterrent. If we accept that increasing the fine by 200% will decrease speeding and other violations in half, it will reduce your expected income by just about \$3 million. My concern is that you will have less income than expected and be coming back to the Legislature to fully fund this new fund because it is not meeting the goals you expected. I would like your comments on this.

Duane Schell: I understand your logic. I asked myself that same thing at one point. I am not sure I am in a position to answer how that was calculated exactly and the impact that it will have.

Chairman Ruby: Most of us understand that this is just an assistance of the funding.

Duane Schell: You are absolutely right. I would suggest that the current funds would allow us to get started, and if no other funds are identified, we would have a deliverable that would be benefitting the community and be leveraged long-term. It may not fulfill all of the wishes of the community, but it would be at least taking a step forward. It would allow this body next session to revisit whether there is a desire to continue.

Representative Schobinger: Is the 80/20 set in stone, or could there be a lot of pressure on the locals to ask their folks to vote to levy the \$1.50 on phone bills to help pay for this system? Could it change to 60 local, and 40 state to help pay for this? I don't see the numbers add up to sufficiently pay for this system.

Duane Schell: The report is final, and it does suggest 80/20, but it is just a report. 1:02:20

Becky Ault, Director of the Grand Forks Public Safety Answering Point, and Co-Chair for the North Dakota 911 Association of Legislative Committee, spoke in support of SB 2204 and provided written testimony. See attachment #4. 1:08:30

Representative Nelson: You brought up fire departments. Are they losing coverage when they are going into buildings, or is there different system they are using?

Becky Ault: Absolutely, they are losing coverage. It depends upon whether you are dealing with a larger department that may have some solutions in place for building coverage. In the more rural areas it is a big challenge for them.

Representative Nelson: It seems as if this system will still have some problems in building coverage with portables. Is there some other alternative coverage out there that wouldn't cause our first responders to lose coverage when they go in buildings? Is this really a solution to our problems, or just kind of a solution to some of our problems?

Duane Schell: In terms of coverage, when public safety enters into structures that alters their coverage capabilities. The hope of the system is to improve the in building coverage statewide by choosing a design that would augment what we have today. In addition, there is a desire to use a separate frequency. Statewide we will use a VHF frequency. Those are used because of their propagation characteristics and ability to travel a long way. They will have a less dense tower footprint. Because of the building penetration issue in the large communities, their plan suggests that we use a 7/800 megahertz spectrum solution to help with the building penetration issues. We did look at a statewide 7/800 megahertz solution for the rural areas, but the price tag was enormous.

Representative Nelson: Some communities get 991 service through statewide radio, but others don't. When we are doing this, are we looking at going to a statewide 911 service through this interoperable system, or are we just going to leave it the way it is?

Duane Shell: The scope of the old structure was never a part of the radio project itself. The vision of the radio project would be to allow whatever structure is in place, from a dispatch perspective, to be a viable solution both now and going forward.

Steve Dirksen, Fire Chief from Fargo Police Department, spoke to support SB 2204.

Steve Dirksen: One of the things that we hear from the Fire Chiefs is finding a viable work force, especially the volunteer departments. We even have trouble hiring in Fargo. Because of the issues with finding people, we are finding that we need to call for mutual aid. The fire service, since needing mutual aid, have standardized hose equipment, air pack equipment and other things to make it easier when we have to come together. The same goes with the radios. If we are depending more and more on neighboring communities to come and help us with our process, we need to be able to communicate with them. We are at the crossroads in several communities with several systems in our state that are running at the end of life. In twenty-two months they will not have a sustainable radio system. We are at the point where something needs to happen. We have a fragmented system. I suggest that at this point we take a look at what the fire service has done to standardize things, so that we are all operating with the same equipment to better help us serve our communities, and better serve the men and women who are working in their communities. They will be better able to do the job safely. When there is an emergency in a community, it is essential that we have strong communication. If we miss something, we are putting the people who we are there to save at risk, as well as our responders. It is a big price tag, but it is the time to act, and we need a solution.

Representative Jones: How threatening is the “end of life” to your system?

Steve Dirksen: We know that the system will continue to work in 22 months from now, but when a repeater goes out, where will we get parts or software upgrades if there is no longer support? It has been suggested that we go to E-Bay.

A letter was provided from **Greg Fetsch, Sheriff's Department from Cavalier County**, to support SB 2204. See attachment #5.

Bruce Burkett, North Dakota Police Officers, spoke to support SB 2204. Written testimony was provided. See attachment #6.

Mike Lynk, Director of North Dakota State Radio, spoke to support SB 2204. This bill is not about the technology is about the funding to get **started**. We know the funding is not enough to sustain the system. This funding is to get **started** and work through the procreant process. Through the legislative process you have oversighted large projects. This will go before your large IT project for oversight. We will need your body and the legislative support to move forward on this project into the future. This is a start, and we need to start building some money as soon as possible. We are going to reach the end of life for a lot of the local jurisdiction equipment. Our goal is that rather than having despairant systems that we have now, we will have one system that everyone is a part of, and everyone can communicate through.

There was no further support for SB 2204.

There was no opposition to SB 2204.

The hearing was closed on SB 2204.

Chairman Ruby: There are two aspects to the bill, the surcharges on the fines, and the system itself that they are striving for. We will wait to act on the bill.

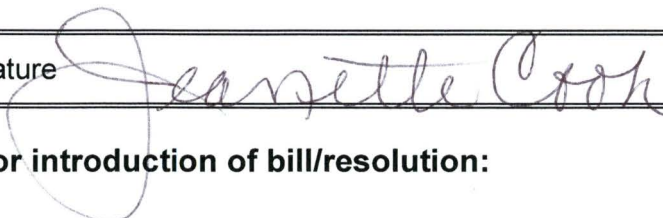
2017 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

SB 2204
3/16/2017
#29302

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A bill relating to the creation of a statewide interoperability radio network fund and surcharges assessed for certain traffic violations; and to provide a continuing appropriation.

Minutes:

Attachments #1-5

Chairman Ruby brought SB 2204 back before the committee.

Representative Owens provided a proposed amendment. (17.0590.02002). See attachment #1. The amendment will replace the \$100 and \$40 surcharge and make the amount equal to the fine imposed. It will be 100% of the fine.

Representative Owens moved the amendment (17.0590.02002). (See attachment #1)
Vice Chairman Rick C. Becker seconded the motion.

A voice vote was taken. The motion carried.

Representative Schobinger: Do we know what the updated fiscal note would be?

Chairman Ruby: No, we would have to request that.

Representative Owens: I did take this to the fiscal analyst at the court system. The way I had it worded originally, suggested it would be the fine, plus any court costs, plus any fees associated with it. This language is from the courts which would make it an amount **equal to the fine imposed**.

Representative Paur provided information to the committee about what is done with statewide radio in Minnesota and South Dakota. See attachment #2-3.

Representative Owens provided an additional amendment. "The Statewide Interoperability Executive Committee must provide...." See attachment #4.

Chairman Ruby: I talked to Appropriations, and they didn't really have any hope for it. This would be the only funding source for state funds. The one that passed the House earlier,

that is the tax for the counties. It will take two years before they see the level of funding that they estimated.

Representative Schobinger: We did the local part of it, which is majority share, in Finance and Tax. This is the small part of it. Currently, they can levy up to \$1.50 on your telecommunications bill with a vote of the people. The way the bill came to Finance and Tax, it would have removed the vote of the people, and allowed the levy to be up to \$2.00 to fund this. It came out of Finance and Tax saying that the first \$1.50 will have to go to a vote of the people, but they can levy the \$0.50 right away with the passage of the bill to help pay for this system. If that bill did not pass, what would happen to the surcharge money collected in this bill? Maybe we should tie these two bills together, because if the other bill didn't pass in the Senate and this one did pass, we would still have the increased fines with no real way to pay for the system at all.

Representative Owens: Remember that one bill is state funding and the other is county funding.

Representative Schobinger: It is my understanding is that these are tied together. The \$0.50 is dedicated to this system.

Chairman Ruby: What was the fiscal note on that?

Representative Owens: It was about \$14million. They do all tie together because they are coming together to create the entire system.

Chairman Ruby: If that raises what is projected (\$14 million), they could raise \$7 million in the first year. That could be the seed money that this would raise within two years.

Representative Schobinger: \$28,100,000 is what the combination revenue would have been the way the bills were originally written.

Statewide Interoperability Executive Committee provided a resolution on SIRN funding to the committee. See attachment #5.

Representative Owens moved an amendment #4
Vice Chairman Rick C. Becker seconded the motion.

A voice vote was taken. The motion carried.

Vice Chairman Rick C. Becker moved a DO NOT PASS as amended on SB 2204.
Representative Jones seconded the motion.

Vice Chairman Rick C. Becker: I feel strongly about this bill. I think we need to separate the question of whether the interoperability of the radio network is a good thing, from the question of how we fund it. I am totally in favor of what the goal is here, but I am 100% adamantly opposed to how it will be funded. We are doubling the fines on the people. That is no different in my mind than taxing. We don't have the money, so we are going to double everyone's fines. If the legislature desires to fund this thing, then we have to have to say

that. Then there will be less money for other things. We have to prioritize. Maybe we think it is desirable, but just can't fund it. I think this is the wrong way to go, and I will adamantly oppose it.

Representative Westlind: I concur with Vice Chairman Rick C. Becker on this. I feel it is a new tax, and I will oppose it also.

Representative Jones: Me too.

Representative Paur: I have heard more complaints about our traffic citations being too low. The legislature has always resisted raising them. To me this is a nice way of increasing some of the fines, which probably are too low, and still having the money to use for a good cause.

Chairman Ruby: I did sign on to the bill, and I have supported raising certain fines, that I feel need more deterrents, but I will support the motion. There are people that I have talked to outside of this committee that are also adamantly opposed to this type of funding source for this purpose. It may be the wrong way to do this. It could be changed at some time, but the intent is for it to be used for sustaining the system.

Representative Weisz: I am wondering how we would even implement this. There would be a cost for any political subdivision that would have to assess it.

Representative Owens: To ensure the committee has all the information, there will also be an interchange fee for anyone who pays with a credit card.

**A roll call vote was taken on SB 2204: Aye 9 Nay 5 Absent 0
The motion carried.**

Vice Chairman Rick C. Becker will carry SB 2004.

17.0590.02002
Title.

Prepared by the Legislative Council staff for
Representative Owens
March 9, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2204

Page 2, line 7, replace "of one hundred dollars which" with "in an amount equal to the fine imposed. The surcharge"

Page 2, line 10, replace "of forty dollars which" with "in an amount equal to the fine imposed. The surcharge"

Renumber accordingly

The Statewide Interoperability Executive Committee must provide to the interim information technology committee a report regarding the implementation plan for a statewide interoperable radio network prior the initiation of the 66th legislative assembly. The statewide interoperability executive committee must engage appropriate stakeholders and include in the report any realized fiscal efficiencies as well as any reasonably foreseeable potential opportunities for additional fiscal efficiencies that could be achieved while not sacrificing the core requirements of the statewide interoperable radio network. An amount, not to exceed fifty thousand dollars, from the fund defined in subsection 1 of this section are available to fulfill requirements of this item.

March 16, 2017

3/16/17 DJ

PROPOSED AMENDMENTS TO SENATE BILL NO. 2204

Page 1, line 3, remove the second "and"

Page 1, line 4, after "appropriation" insert "; and to provide for a report"

Page 2, line 7, replace "of one hundred dollars which" with "in an amount equal to the fine imposed. The surcharge"

Page 2, line 10, replace "of forty dollars which" with "in an amount equal to the fine imposed. The surcharge"

Page 2, after line 13, insert:

"SECTION 3. INFORMATION TECHNOLOGY COMMITTEE - REPORT. Before September 1, 2018, the statewide interoperability executive committee shall provide to the information technology committee a report regarding the implementation plan for a statewide interoperable radio network. The statewide interoperability executive committee shall engage appropriate stakeholders and include in the report any realized fiscal efficiencies as well as any reasonably foreseeable potential opportunities for additional fiscal efficiencies that could be achieved while not sacrificing the core requirements of the statewide interoperable radio network. An amount, not to exceed fifty thousand dollars, from the statewide interoperability radio network fund, is available to the chief information officer of the information technology department to fulfill these reporting requirements for the biennium beginning July 1, 2017, and ending June 30, 2019."

Renumber accordingly

Date: 3-16-17
 Roll Call Vote #: 1

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2004**

House Transportation Committee

Subcommittee

Amendment LC# or Description: 17.0590.02002

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Owens Seconded By Becker

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby			Rep. Gretchen Dobervich		
Vice Chair. Rick C. Becker			Rep. Marvin Nelson		
Rep. Bert Anderson					
Rep. Jim Grueneich					
Rep. Terry Jones					
Rep. Emily O'Brien					
Rep. Mark Owens					
Rep. Gary Paur					
Rep. Randy Schobinger					
Rep. Gary Sukut					
Rep. Robin Weisz					
Rep. Greg Westlind					

*Voice Vote
 Motion Carried*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Attachment #1 (17.0590.02002)

Date: 3-16-17
 Roll Call Vote #: 2

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2204**

House Transportation Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Dwens Seconded By Becker

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby			Rep. Gretchen Dobervich		
Vice Chair. Rick C. Becker			Rep. Marvin Nelson		
Rep. Bert Anderson					
Rep. Jim Grueneich					
Rep. Terry Jones					
Rep. Emily O'Brien					
Rep. Mark Owens					
Rep. Gary Paur					
Rep. Randy Schobinger					
Rep. Gary Sukut					
Rep. Robin Weisz					
Rep. Greg Westlind					

*Voice Vote
 Motion
 Carried*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*"The statewide interoperability ..."
 #4*

Date: 3-16-17
 Roll Call Vote #: 3

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB2204**

House Transportation Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Becker Seconded By Jones

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Gretchen Dobervich	✓	
Vice Chair. Rick C. Becker	✓		Rep. Marvin Nelson	✓	
Rep. Bert Anderson	✓				
Rep. Jim Grueneich		✓			
Rep. Terry Jones	✓				
Rep. Emily O'Brien		✓			
Rep. Mark Owens		✓			
Rep. Gary Paur		✓			
Rep. Randy Schobinger		✓			
Rep. Gary Sukut	✓				
Rep. Robin Weisz	✓				
Rep. Greg Westlind	✓				

Total (Yes) 9 No 5

Absent 0

Floor Assignment Becker

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

REPORT OF STANDING COMMITTEE

SB 2204: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2204 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the second "and"

Page 1, line 4, after "appropriation" insert "; and to provide for a report"

Page 2, line 7, replace "of one hundred dollars which" with "in an amount equal to the fine imposed. The surcharge"

Page 2, line 10, replace "of forty dollars which" with "in an amount equal to the fine imposed. The surcharge"

Page 2, after line 13, insert:

"SECTION 3. INFORMATION TECHNOLOGY COMMITTEE - REPORT.

Before September 1, 2018, the statewide interoperability executive committee shall provide to the information technology committee a report regarding the implementation plan for a statewide interoperable radio network. The statewide interoperability executive committee shall engage appropriate stakeholders and include in the report any realized fiscal efficiencies as well as any reasonably foreseeable potential opportunities for additional fiscal efficiencies that could be achieved while not sacrificing the core requirements of the statewide interoperable radio network. An amount, not to exceed fifty thousand dollars, from the statewide interoperability radio network fund, is available to the chief information officer of the information technology department to fulfill these reporting requirements for the biennium beginning July 1, 2017, and ending June 30, 2019."

Renumber accordingly

2017 TESTIMONY

SB 2204

SB 2204 Introduction – Interoperability Radio Fund
January 26, 2017

Senator Gary A. Lee, District 22

Chairman Laffen and Members of the Senate Transportation Committee, for your records
I'm Gary A. Lee, Senator from District 22.

SB 2204 establishes a fund and funding source to support purchase, installation, operation and maintenance of a state wide interoperability radio system. A traffic citation surcharge would provide an income source.

The statewide interoperability radio network fund would be maintained in the State treasury, requiring executive committee(SIEC) approval for expending the States share of expenses for operation and maintenance of the radio network.

The Chief Information Officer of the State IT Department may accept grants and gifts. The funds would be appropriated on a continuing basis and available to the CIO only for purchases that provide for the needs of the radio network.

A \$100 surcharge fee, over and above the cost of the citation would be assessed for violations of century code section 39-06.1-05. Surcharge fees would be directed to the radio network fund, with citation fees continuing to be funneled to the common schools trust fund.

A \$40 surcharge would be assessed to noncriminal citations violating code sections 39-06.1-06. Fees would be deposited in the same manner.

The current statewide interoperability radio system does not meet the necessary communication needs of law enforcement and emergency responders that serve and protect our citizens.

A significant portion of the existing communication network will need to be replaced in 2018 due to required upgrades. Cost to upgrade and replace the current system is estimated at \$185 million dollars. State funding sources are expected to provide 80% of the capital and operational costs, while local funding sources would provide the remaining 20%.

Emergency response equipment in past years has had good financial support from Federal home land security dollars. That is no longer the case. State resources have become more scarce. New, creative and less traditional methods of raising funds are necessary. \$6 - \$9 million is the estimated annual review stream from the surcharge.

This equipment, is critical infrastructure for those who keep our communities and people safe and secure. People expect life safety responses to be professional and quick. Without these communication tools it won't happen.

I ask for your support of SB 2204.

Attachments:

- *States placing surcharge
- *List of violations for code sections
- *SIEC Exec Members
- *IT Interim final meeting minutes

Attachment #1, Pg 2
1-26-17 SB 2204

Good evening Senator Lee,

I am resending the previous email (below) with a few of the offenses from NDCC 39-06.1-06 that would be subject to the forty dollar surcharge imposed by SB 2204. In totality, there are between thirty to fifty non-criminal offenses subject to the forty dollar surcharge. I hope this is what you were looking for. Have a great weekend Senator Lee!

This email is in response to your inquiry regarding SB 2204 and which other states have a similar statute or process. Section 2 of SB 2204 adds an additional one-hundred dollar surcharge (which must be deposited in the statewide interoperability radio network fund) on all violations listed in NDCC 39-06.1-05 (DUI/APC, reckless/aggravated driving, leaving the scene of an accident, driving while license is suspended or revoked, operating an unsafe vehicle, and causing an accident with an authorized emergency vehicle). Section 2 of SB 2204 also adds an additional forty dollar surcharge (which must be deposited in the statewide interoperability radio network fund) on all noncriminal offenses listed under section 39-06.1-06 (speeding, driving without a license, driving without registration, permitting an unauthorized individual to drive, violating the size, width, or weight restrictions, littering on the highway, and using a wireless communication device while driving) of the NDCC.

Here are a few states that have a similar procedure or process for surcharges.

1. South Carolina - imposes a \$100 surcharge on all convictions obtained in district court, and imposes a \$25 surcharge on convictions obtained in magistrates and municipal courts. The surcharge funds must be paid to the city or county treasurer who must deposit the funds into South Carolina's crime victims fund.
2. Mississippi - imposes a \$10 surcharge on all traffic citations (excluding parking and registration citations). The surcharge goes the funding Mississippi's Pearl River Valley Water Supply District Patrol participation in the wireless radio communications program by funding public safety wireless communications systems and related computer and communications equipment.
3. Massachusetts - imposes a 10% administrative surcharge on all registration, title, and permit fees collected by the division of law enforcement. This surcharge is deposited into the Massachusetts Environmental Police Trust Fund. Massachusetts also imposes a 20% surcharge on fines assessed against a person convicted or found responsible for violating a motorboat, vessel, or recreational vehicle regulation. This surcharge also is deposited into the Massachusetts Environmental Police Trust Fund.
4. Missouri - imposes a \$2 surcharge on all court proceedings involving criminal or traffic violations. The surcharge is deposited into the Missouri's Inmate Prisoner Detainee Security Fund.
5. Colorado - imposes a surcharge of \$163 for felonies, \$78 for misdemeanors, and between \$33-46 for traffic offenses resulting in a conviction. The surcharge is deposited into Colorado's crime victim compensation fund.

I hope this was the information you were looking for Senator Lee. If you need any additional information or have any questions, please do not hesitate to contact me!

Sincerely,

Christopher S. Joseph
Legal Counsel
North Dakota Legislative Council
600 East Boulevard Ave
Bismarck, ND 58505
(701) 328-2916
cjoseph@nd.gov



SIEC Membership

- State Radio
- Division of Homeland Security
- Highway Patrol
- Adjutant General
- Dept. of Transportation
- State Chief Information Officer
- ND Sheriffs and Deputies Association
- ND Emergency Managers Association
- ND Fire Chiefs Association
- ND Emergency Medical Services Association
- ND Police Chiefs Association
- ND Peace Officers Association
- ND 911 Association

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

INFORMATION TECHNOLOGY COMMITTEE

Wednesday, August 31, 2016
Harvest Room, State Capitol
Bismarck, North Dakota

Attachment # 1 pg 4
1-26-17
SB-2204

Representative Mark S. Owens, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Mark S. Owens, Blair Thoreson, Nathan Toman, Robin Weisz; Senators Kyle R. Davison, Larry J. Robinson, David S. Rust, Donald Schaible; Citizen Member Mike Ressler

Members absent: Representatives Ben Koppelman and Christopher D. Olson; Senator Richard Marcellais

Others present: See [Appendix A](#)

It was moved by Senator Robinson, seconded by Representative Thoreson, and carried on a voice vote that the minutes of the June 21, 2016, meeting be approved as distributed.

REPORT FROM THE CHIEF INFORMATION OFFICER Information Technology Department Updates

Mr. Mike Ressler, Chief Information Officer, Information Technology Department, presented information ([Appendix B](#)) regarding cybersecurity task force updates, the department's annual report, the department's plan to meet general fund budget reductions, and the status of a report on the recommendations for prioritizing large projects for the 2017-19 biennium. He said the cybersecurity task force is in the process of completing a report for the Governor's consideration related to recommendations for cybersecurity enhancements. He said the annual report provides information on the department's annual customer satisfaction survey, highlights of the department's activities, billing rates, and the department's financial statements. He said the department's 2015-17 biennium general fund budget decreased by \$1,827,842, or 6.55 percent, pursuant to Senate Bill No. 2379 as approved during the August 2016 special legislative session. He said the State Information Technology Advisory Committee's prioritization of large projects for the 2017-19 biennium will be emailed to the Information Technology Committee in October 2016 because state agencies have not yet completed their 2017-19 biennium budget requests.

In response to a question from Senator Davison, Mr. Ressler said the department added a broker fee to the billing rates relating to the department's cost of conducting vendor evaluations when state agencies procure cloud-based software applications from vendors.

In response to a question from Senator Rust, Mr. Ressler said the department's 2017-19 biennium total budget is not subject to the 10 percent reduction included in the Governor's budget guidelines because a large portion of the department's budget includes special funds. He said anticipated increases in staff and vendor costs limited the department's options to submit a reduced budget.

In response to a question from Senator Davison, Mr. Ressler said the Center for Distance Education is increasing user fees charged to schools to partially offset the general fund reductions for the program due to the allotment process.

Statewide Interoperable Radio Network Report

Mr. Duane Schell, Director, Network Services, Information Technology Department, presented information ([Appendix C](#)) regarding a statewide interoperable radio network study report. He said the results of the study included an inventory of the current system along with a comparison of various options to implement a new interoperable network. He said the study identified a hybrid VHF portable network as the most cost-effective solution to meet the needs of public safety personnel. He said the estimated cost to implement the hybrid VHF portable network is \$172.2 million with ongoing annual operating costs of approximately \$12.9 million. He said the study recommended implementing the interoperable network in phases over a 5-year period with approximately \$64 million of the \$172.2 million project costs anticipated in the 2017-19 biennium. He said the estimated cost to upgrade and replace the equipment of the current network is \$185 million.

In response to a question from Senator Schaible, Mr. Schell said approximately 50 percent of the equipment at the public safety answering points, 35 percent of the tower units, and 40 percent of the handheld radio units will need to be replaced in 2018 due to required upgrades.

In response to a question from Senator Robinson, Mr. Schell said the vendor, Televate, researched radio networks in other states as a part of the study but did not identify a model for North Dakota because of the unique nature of networks in each state.

In response to a question from Senator Schaible, Mr. Schell said the study recommended state funding sources provide 80 percent of the capital and operational costs while local funding sources provide the remaining 20 percent of the capital and operational costs.

Statewide Longitudinal Data System Committee Report

Mr. Tracy Korsmo, Program Manager, Enterprise Services Division, Information Technology Department, presented information (Appendix D) regarding the statewide longitudinal data system. He said the department continues to provide instructional support and security enhancements for the system. He said the education portal of the system now includes the ability to apply for scholarships and track scholarship eligibility. He said the Statewide Longitudinal Data System Committee recommended a bill draft to the interim Higher Education Committee to require schools to use approved course codes and to use eTranscripts for scholarship applications. He said future enhancements to the system include additional reporting capabilities for higher education and the ability to measure workforce program outcomes.

EDUCATION-RELATED INFORMATION TECHNOLOGY UPDATES

Higher Education

Mr. Darin King, Chief Information Officer, North Dakota University System, presented information (Appendix E) regarding higher education information technology activities. He said the University System is in the process of developing a plan to implement functional consolidation for certain information technology administration services and database management services. He said consolidating the email systems from each campus into a single system has been completed for all of the campuses except North Dakota State University and Valley City State University. He said the University System is planning a learning management system consolidation project. He said the University System anticipates renegotiating an existing contract with Blackboard to replace a variety learning management systems. He said the consolidation of learning management software is anticipated to result in cost savings and improved student and faculty user experiences.

In response to a question from Senator Davison, Mr. King said not all K-12 schools are currently using the same learning management software. He said consolidating the learning management software for K-12 schools could result in cost savings and improve the dual-credit process.

Elementary and Secondary Education

Ms. Jody French, Director, Educational Technology Council, Information Technology Department, presented information (Appendix F) regarding elementary and secondary education information technology activities. She said EduTech continues to manage PowerSchool application upgrades and to assist faculty and staff with the implementation of Microsoft Office 365 in schools. She said North Dakota enrollments in distance education for 2016 totaled 4,940. She said preliminary data for enrollments in 2017 indicate a slight increase compared to 2016.

LARGE INFORMATION TECHNOLOGY PROJECT REPORTING

Information Technology Department Updates

Mr. Justin Data, Program Manager, Enterprise Services Division, Information Technology Department, presented information (Appendix G) regarding the most recent quarterly summary status report on large information technology projects. He said all five of the information technology projects with budgets over \$5 million remained within the budget and schedule variances, which was the same status as the previous quarter.

Bank of North Dakota Project Updates

Mr. Joe Herslip, Chief Technology and Operations Officer, Bank of North Dakota, presented information (Appendix H) regarding schedule adjustments for the managed file transfer project. He said the workflow requirements of transferring financial data files securely are significantly more complex than initially anticipated. He said the project schedule is in the process of being revised, which may also impact the project budget. He said an estimated completion date has not yet been determined.

The committee received information from the Information Technology Council, which is created by Section 34-39-11, regarding information technology initiatives for elementary and secondary education. The council provides governance for EduTech and the Center for Distance Education. The council's initiatives include classroom transformation and new technology grants and approving schools' technology plans.

1-26-17 SB 2204 Attachment #1 pg. 6

The committee learned EduTech provides information technology services and professional development to North Dakota elementary and secondary schools. EduTech continues to manage PowerSchool application upgrades and to assist faculty and staff with the implementation of Microsoft Office 365 in schools.

The committee learned the Center for Distance Education continues to provide North Dakota's online distance education. The center is in the process of eliminating all printed course materials in a planned conversion to digital content. North Dakota enrollments in distance education increased from 511 in 2008 to 4,940 in 2016. The course completion rate in 2016 was 96.5 percent, compared to a national benchmark of 90 percent.

Political Subdivisions

The committee learned the coordination of information technology services between ITD and political subdivisions is essential to the efficient delivery of services. The Information Technology Department through the statewide information technology network provides the network connectivity, Internet access, firewall security, videoconferencing, and secure wireless access that supports the delivery of services. Information Technology Department personnel meet regularly with the technology resources group of the North Dakota Association of Counties to discuss issues and strategize about future improvements and enhancements. Information Technology Department personnel also have provided training to city representatives regarding the state's comprehensive records management program, which provides information on records retention and methods of records disposal for all city departments. During the 2015-16 interim, ITD coordinated with emergency services personnel and political subdivisions while studying the State Radio network and the feasibility and desirability of implementing a statewide radio interoperability network.

OTHER INFORMATION

State Radio Interoperability Network

The committee received information regarding the State Radio interoperability network initiative. The 2015 Legislative Assembly appropriated \$1.5 million to ITD in Senate Bill No. 2016 to determine the feasibility and desirability of developing a statewide radio interoperability network. The Information Technology Department contracted with Televate LLC to conduct a study of a technical and feasible plan to deploy an integrated public safety network. Representatives of the Statewide Interoperability Executive Committee, selected state agencies, and public safety personnel provided comments to the committee regarding some concerns about the existing radio network and support for the study. In August 2016 the committee received the final report of the study conducted by Televate, LLC. The results of the study included an inventory of the current system along with a comparison of various options to implement a new interoperable network. The study identified a hybrid very high frequency (VHF) portable network as the most cost effective solution to meet the needs of public safety personnel. The estimated cost to implement the hybrid VHF portable network is \$172.2 million with ongoing annual operating costs of approximately \$12.9 million. The study recommended implementing the interoperable network in phases over a 5-year period with approximately \$65 million of the \$172.2 million project costs anticipated in the 2017-19 biennium.

In addition, ITD used \$1.1 million from a federal grant to map critical service areas related to the FirstNet initiative. The FirstNet initiative will provide a dedicated wireless network for public safety data communication, but will not replace radio communication systems.

Desktop Support Services

The committee received information from ITD regarding the implementation of required desktop support services pursuant to Section 7 of 2015 House Bill No. 1021. Based on the provisions of the bill, 19 state agencies were required to receive desktop support services from ITD. The Information Technology Department deployed desktop support services for 18 of the 19 state agencies over the course of the first fiscal year of the 2015-17 biennium. Although required to receive desktop support services, the Department of Career and Technical Education anticipates delaying the implementation of desktop support services until the 2017-19 biennium due to budget reductions in the 2015-17 biennium. The results of a customer satisfaction survey conducted by ITD in June 2016 indicated that the users were very satisfied with the quality of service provided by ITD.

2015-17 Biennium Budget Changes

The committee learned the budget for the criminal justice information sharing system was transferred by the 2015 Legislative Assembly from ITD to the Attorney General's office, including 3 FTE positions and \$3.1 million of funding. The committee learned the original general fund appropriation for ITD was \$27,905,987 for the 2015-17 biennium. The

SB 2204 TESTIMONY
SENATE TRANSPORTATION COMMITTEE
BY: DUANE SCHELL, DIRECTOR OF NETWORK SERVICES DIVISION
INFORMATION TECHNOLOGY DEPARTMENT (ITD)
JANUARY 26, 2017

Mr. Chairman, members of the committee. My name is Duane Schell, I am the Director of the Network Services Division with the Information Technology Department (ITD). In addition, I represent the CIO on the Statewide Interoperability Executive Committee (SIEC) and am currently serving as the chair of that committee. The purpose of my testimony is to provide you with a high level overview of the statewide integrated radio network (SIRN) project since this bill as written will benefit that effort.

The SIEC is a 13 member committee defined in NDCC (37-17.3-02.2) charged with oversight for interoperable communications for the public safety community across the State. The membership includes six state agencies that have a role in public safety radio communications as well seven members from local jurisdictions representing the various associations of all the disciplines within public safety including law enforcement, fire, and emergency response.

The SIEC has been focused on the SIRN project for over 3 years. During the 64th legislative assembly, ITD was appropriated funds to work in partnership with the SIEC to thoroughly study the desirability and feasibility of a statewide integrated radio network solution. The results of that study are complete and the full report with supporting documentation is published on the SIEC website (<http://siec.nd.gov>).

This effort originated in a mounting voice from the public safety community that the current land mobile radio networks limit the ability for first responders to consistently work together in providing timely response for day to day, mutual aid, and task force operations due to technology and coverage limitations. As we look at the current state of land mobile radio communications in ND, we see a solution that is based on technology, designs, and principles that date back to the 1970s. We all know that technology, business needs, and user expectations evolve and while the existing solution has served the state well for many years, the inherent limitations of the solution are no longer acceptable to the community depending

1-26-17

upon it. As we look at the challenges of the existing solution, they can be summarized into three broad categories.

The first challenge is in regards to interoperability. A key success factor for public safety officials is interoperable communications that allows them to communicate with each other, across the various disciplines within public safety, and across jurisdictional boundaries. The current solution which is comprised of dozens of individual networks independently owned and operated by the various jurisdictions across the state, inherently has limitations that precludes seamless, interoperable, statewide communication. One mechanism, presently in place to aid in interoperability is a feature referred to as mutual aid channels provided by State Radio. These are shared radio channels which are available to all of public safety across the state with the purpose of improving interoperability. For those of you that have heard of or remember the party line concept within the legacy phone systems, this solution is very similar. As such, when multiple events are occurring across the state at the same time you have several conversations taking place concurrently with public safety officials talking over each other, competing for air time, while attempting to respond appropriately to an event. This is just one of many challenges that exist in regards to interoperability.

The second challenge is the age of the current infrastructure. Presently, across the state, the study revealed that over 40% of the entire infrastructure will be at its end of life date between 2018 and 2020. End of life means that the equipment will no longer be supported by the various vendors and if not addressed will put the continued usage and reliability of the system at risk.

The last challenge is coverage. Public safety is expected to respond to events anywhere across the state and despite a long-term effort on behalf of the entire community, coverage continues to fall short of expectations.

After extensive effort gathering information, obtaining feedback from the community, and evaluating numerous solutions and approaches, Televate (the vendor with expertise in public safety communications acquired to conduct the study), concluded that a statewide interoperable radio network was both desirable as well as feasible in ND. As such, it is the desire of the SIEC with strong and widespread support from the public safety community to pursue this strategy.

By choosing a single, integrated, statewide solution, using modern standards based technology, the current interoperability challenges can be minimized and potentially eliminated. The limitations from dozens of independent systems are removed and seamless statewide roaming is achieved. The need for public safety officials to talk over one another and compete for air time is eliminated and is replaced by individualized talk groups designed to meet the needs of every jurisdiction, discipline, team, or event. With this solution the coverage challenges can also be improved through more efficient use of existing tower assets and efficient deployment of valuable frequencies. The coverage goals of the project would be to provide 95% mobile coverage and 85% portable coverage statewide. Finally, with a direction and strategy established, the resources available to the community can be directed in a manner to begin the work of replacing the aging infrastructure with a solution that can be supported by the manufacturer and vendor community.

My final comments will be about the fiscal realities of public safety radio networks which are not insignificant. As part of the study, the committee evaluated the cost of several choices, including the cost to continue with the current approach. If we maintain the current approach, and only attempt to solve the aging infrastructure, ignoring the issues of interoperability and coverage, the estimated capital expenditure totals \$185 million dollars. The capital expenditure of pursuing a single integrated approach that improves interoperability and coverage as well as replace aging infrastructure is slightly lower at \$172 million dollars for capital expenditures. Both solutions would have comparable ongoing operational costs. The team has explored multiple implementation strategies. The original report recommends a 5-year implementation which would result in a combined capital and operating estimated budget of \$220 million dollars. We also have plans for a 7-year and 9-year implementation to provide options based on resource availability.

That concludes my prepared remarks. I would be happy to answer any questions.

Duane Schell
Director, Network Services Division
Information Technology Dept.
701.328.4369
dschell@nd.gov

Testimony in Support of Senate Bill 2204
January 26, 2017
Senate Transportation Committee
Bill Wocken on behalf of North Dakota League of Cities

Good Morning Mr. Chairman and members of the Senate Transportation Committee.

For the record, my name is Bill Wocken, appearing on behalf of the North Dakota League of Cities in support of Senate Bill 2204.

Senate Bill 2204 seeks to establish a state interoperability radio network fund for the state's share of expenses incurred for the purchase, installation operation and maintenance of this system. Section 2 of the bill sets up a surcharge on certain violations of law that would be deposited into the interoperability radio network fund.

At present state public safety agencies suffer from an inability to talk with each other and they experience some serious gaps in communication coverage. Radio systems for emergency responders are diverse and aging resulting in adverse conditions for both public safety personnel and the public who are dealing with safety issues. Much discussion has taken place about this situation and the need for coordination and direction.

With the aging network in place there is an opportunity for a new radio standard that can be employed for the future. It would establish the ability for all radio operations and all public safety officers to talk to each other on a secure and universal basis. If this opportunity is missed individual radio systems will be purchased and the interoperability issue will continue to exist. The problem needs to be tackled now.

Financing of the state share is a concern in these rough budget times. That is the reason for the surcharge on fines being proposed in section 2 of the bill. Perhaps there are other financial options possible but none have come to light at this point. The alternative in the bill for the surcharge will allow the system to progress and the North Dakota League of Cities supports it. We ask for a DO PASS recommendation on Senate Bill 2204.

SB 2204 # 4
1-26-17 pg 1

January 26, 2017
Senate Transportation Committee
Honorable Chairman Lonnie Laffen

SB 2204
Support

Chairman Laffen and members of the Senate Transportation Committee, for the record my name is Becky Ault, Director of the Grand Forks Public Safety Answering Point, and Co-Chair of the ND 911 Association Legislative Committee. I urge support of SB2204, which provides a funding mechanism through certain traffic violations surcharges dedicated toward implementing and maintaining a much needed **statewide interoperable radio network**.

I have been the director in Grand Forks for six years. Prior to that, I worked as a regional coordinator in northeast ND in the Homeland Security Division at the Department of Emergency Services for 2 years (this area encompassed 14 counties and 2 Indian Reservations), and prior to that I was the Pembina County Emergency Manager and 911 Director for 14 years. I give you that background to show that over the years, I have worked with both large paid departments, as well as small rural departments, and all disciplines, encompassing law enforcement, fire personnel, emergency medical services, public works, and schools, to name a few. I have worked with local responders, state responders, and federal response personnel. I can tell you that with all the disasters and emergencies I have worked, almost all of them, when we complete an after action analogy of what went well and what to improve – listed communications as an area that needed improvement. Granted, sometimes this was due to operator error. However, many times that is not the case. Larger communities, many times due to access to grants or additional resources, have upgraded their radio systems so that many of the operational gaps have been greatly reduced – we have come a long way towards addressing those areas, but still have problems with in-building coverage for example. In the more rural areas, we have gaps in coverage. In fact, in Grand Forks County, we have a small community that straddles Traill and Grand Forks County called Reynolds. The Reynolds Fire Department struggles with good coverage for both paging and communications because they are on the fringe of both counties, and tower location for repeaters are also in a fringe location. Frankly we could keep placing towers to close those gaps, but towers are expensive.

Last session, the 64th Legislative Assembly granted dollars for a study defining the best solution to our communication challenges. There have been a number of studies over the last several biennium's. The most recent study, overseen by the Statewide Interoperable Executive

Committee (SIEC), defined a solution we call SIRN (Statewide Interoperable Radio Network). The solution identified in the Televate study will improve both our larger community in-building coverage challenges, as well as our small community rural gaps across the state, by utilizing existing resources at a local and state level, and tying them together. Further we will close gaps with additional resources, in a collaborative interoperable investment.

The Grand Forks Public Safety Answering Point supports legislative action to fund and implement a new, statewide integrated public safety land mobile radio system. This bill is a good step towards finding funding for a well-defined problem. The Statewide Interoperable Executive committee, with their cross-discipline representation, is a solid venue to ensure the system is implemented in a manner that will meet public safety needs.

With the significant number of dispatch centers across the state nearing end of life for consoles, and infrastructure out in the field that is nearing end of life needing replacement, now is the time to be on the same platform working collaboratively and effectively utilizing economies of scale – and truly leverage our resources – together. Technology is opening up new worlds in communication that could vastly improve service delivery for our citizens and improve the information flow to our responding entities, both large and small, volunteer and full time.

We all realize that the budget revenue has changed with the change in the price of oil and agricultural commodities. We recognize you have a very tough job to do as we all plan on how we will address challenges due to growth as well as technology changes, and public expectations. We feel that by identifying other revenue streams, that perhaps we can help find answers to this challenge, yet meet the need for improvement to public safety communications. This bill, while it will not meet all of the budgetary needs for a full system upgrade, will certainly help with a portion of those communication upgrade needs as we move forward. We thank you for your service and for your consideration of this challenge and opportunity.

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SB 2204 Introduction – Interoperability Radio Fund
March 2, 2017

Senator Gary A. Lee
District 22

Chairman Ruby and Members of the House Transportation Committee, for your records I'm Gary A. Lee, Senator from District 22.

SB 2204 establishes a fund and funding source to support purchase, installation, operation and maintenance of a state wide interoperability radio system. A traffic citation surcharge would provide an income source.

The statewide interoperability radio network fund would be maintained in the State treasury, requiring executive committee(SIEC) approval for expending the State's share of expenses for operation and maintenance of the radio network.

The Chief Information Officer of the State IT Department may accept grants and gifts. The funds would be appropriated on a continuing basis and available to the CIO only for purchases that provide for the needs of the radio network.

A \$100 surcharge fee, over and above the cost of the citation would be assessed for violations of century code section 39-06.1-05. Surcharge fees would be directed to the radio network fund, with citation fees continuing to be funneled to the common schools trust fund.

A \$40 surcharge would be assessed to noncriminal citations violating code sections 39-06.1-06. Fees would be deposited in the same manner.

The current statewide interoperability radio system does not meet the necessary communication needs of law enforcement and emergency responders that serve and protect our citizens.

A significant portion of the existing communication network will need to be replaced in 2018 due to required upgrades. Cost to upgrade and replace the current system is estimated at \$172.2 million dollars. State funding sources are expected to provide 80% of the capital and operational costs, while local funding sources would provide the remaining 20%.

Emergency response equipment in past years has had good financial support from Federal home land security dollars. That is no longer the case. State resources have become more scarce. New, creative and less traditional methods of raising funds are necessary. \$6.9 million is the estimated annual revenue stream from the surcharge.

This equipment, is critical infrastructure for those who keep our communities and people safe and secure. People expect life safety responses to be professional and quick. Without these communication tools it won't happen.

I ask for your support of SB 2204.

Attachments:

- *States placing surcharge
- *List of violations for code sections
- *SIEC Exec Members
- *IT Interim final meeting minutes

Good evening Senator Lee,

I am resending the previous email (below) with a few of the offenses from NDCC 39-06.1-06 that would be subject to the forty dollar surcharge imposed by SB 2204. In totality, there are between thirty to fifty non-criminal offenses subject to the forty dollar surcharge. I hope this is what you were looking for. Have a great weekend Senator Lee!

This email is in response to your inquiry regarding SB 2204 and which other states have a similar statute or process. Section 2 of SB 2204 adds an additional one-hundred dollar surcharge (which must be deposited in the statewide interoperability radio network fund) on all violations listed in NDCC 39-06.1-05 (DUI/APC, reckless/aggravated driving, leaving the scene of an accident, driving while license is suspended or revoked, operating an unsafe vehicle, and causing an accident with an authorized emergency vehicle). Section 2 of SB 2204 also adds an additional forty dollar surcharge (which must be deposited in the statewide interoperability radio network fund) on all noncriminal offenses listed under section 39-06.1-06 (speeding, driving without a license, driving without registration, permitting an unauthorized individual to drive, violating the size, width, or weight restrictions, littering on the highway, and using a wireless communication device while driving) of the NDCC.

Here are a few states that have a similar procedure or process for surcharges.

1. South Carolina - imposes a \$100 surcharge on all convictions obtained in district court, and imposes a \$25 surcharge on convictions obtained in magistrates and municipal courts. The surcharge funds must be paid to the city or county treasurer who must deposit the funds into South Carolina's crime victims fund.
2. Mississippi - imposes a \$10 surcharge on all traffic citations (excluding parking and registration citations). The surcharge goes the funding Mississippi's Pearl River Valley Water Supply District Patrol participation in the wireless radio communications program by funding public safety wireless communications systems and related computer and communications equipment.
3. Massachusetts - imposes a 10% administrative surcharge on all registration, title, and permit fees collected by the division of law enforcement. This surcharge is deposited into the Massachusetts Environmental Police Trust Fund. Massachusetts also imposes a 20% surcharge on fines assessed against a person convicted or found responsible for violating a motorboat, vessel, or recreational vehicle regulation. This surcharge also is deposited into the Massachusetts Environmental Police Trust Fund.
4. Missouri - imposes a \$2 surcharge on all court proceedings involving criminal or traffic violations. The surcharge is deposited into the Missouri's Inmate Prisoner Detainee Security Fund.
5. Colorado - imposes a surcharge of \$163 for felonies, \$78 for misdemeanors, and between \$33-46 for traffic offenses resulting in a conviction. The surcharge is deposited into Colorado's crime victim compensation fund.

I hope this was the information you were looking for Senator Lee. If you need any additional information or have any questions, please do not hesitate to contact me!

Sincerely,

Christopher S. Joseph
Legal Counsel
North Dakota Legislative Council
600 East Boulevard Ave
Bismarck, ND 58505
(701) 328-2916
cjoseph@nd.gov



SIEC Membership

- State Radio
- Division of Homeland Security
- Highway Patrol
- Adjutant General
- Dept. of Transportation
- State Chief Information Officer
- ND Sheriffs and Deputies Association
- ND Emergency Managers Association
- ND Fire Chiefs Association
- ND Emergency Medical Services Association
- ND Police Chiefs Association
- ND Peace Officers Association
- ND 911 Association

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

INFORMATION TECHNOLOGY COMMITTEE

Wednesday, August 31, 2016
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Mark S. Owens, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Mark S. Owens, Blair Thoreson, Nathan Toman, Robin Weisz; Senators Kyle R. Davison, Larry J. Robinson, David S. Rust, Donald Schaible; Citizen Member Mike Ressler

Members absent: Representatives Ben Koppelman and Christopher D. Olson; Senator Richard Marcellais

Others present: See [Appendix A](#)

It was moved by Senator Robinson, seconded by Representative Thoreson, and carried on a voice vote that the minutes of the June 21, 2016, meeting be approved as distributed.

REPORT FROM THE CHIEF INFORMATION OFFICER Information Technology Department Updates

Mr. Mike Ressler, Chief Information Officer, Information Technology Department, presented information ([Appendix B](#)) regarding cybersecurity task force updates, the department's annual report, the department's plan to meet general fund budget reductions, and the status of a report on the recommendations for prioritizing large projects for the 2017-19 biennium. He said the cybersecurity task force is in the process of completing a report for the Governor's consideration related to recommendations for cybersecurity enhancements. He said the annual report provides information on the department's annual customer satisfaction survey, highlights of the department's activities, billing rates, and the department's financial statements. He said the department's 2015-17 biennium general fund budget decreased by \$1,827,842, or 6.55 percent, pursuant to Senate Bill No. 2379 as approved during the August 2016 special legislative session. He said the State Information Technology Advisory Committee's prioritization of large projects for the 2017-19 biennium will be emailed to the Information Technology Committee in October 2016 because state agencies have not yet completed their 2017-19 biennium budget requests.

In response to a question from Senator Davison, Mr. Ressler said the department added a broker fee to the billing rates relating to the department's cost of conducting vendor evaluations when state agencies procure cloud-based software applications from vendors.

In response to a question from Senator Rust, Mr. Ressler said the department's 2017-19 biennium total budget is not subject to the 10 percent reduction included in the Governor's budget guidelines because a large portion of the department's budget includes special funds. He said anticipated increases in staff and vendor costs limited the department's options to submit a reduced budget.

In response to a question from Senator Davison, Mr. Ressler said the Center for Distance Education is increasing user fees charged to schools to partially offset the general fund reductions for the program due to the allotment process.

Statewide Interoperable Radio Network Report

Mr. Duane Schell, Director, Network Services, Information Technology Department, presented information ([Appendix C](#)) regarding a statewide interoperable radio network study report. He said the results of the study included an inventory of the current system along with a comparison of various options to implement a new interoperable network. He said the study identified a hybrid VHF portable network as the most cost-effective solution to meet the needs of public safety personnel. He said the estimated cost to implement the hybrid VHF portable network is \$172.2 million with ongoing annual operating costs of approximately \$12.9 million. He said the study recommended implementing the interoperable network in phases over a 5-year period with approximately \$64 million of the \$172.2 million project costs anticipated in the 2017-19 biennium. He said the estimated cost to upgrade and replace the equipment of the current network is \$185 million.

In response to a question from Senator Schaible, Mr. Schell said approximately 50 percent of the equipment at the public safety answering points, 35 percent of the tower units, and 40 percent of the handheld radio units will need to be replaced in 2018 due to required upgrades.

In response to a question from Senator Robinson, Mr. Schell said the vendor, Televate, researched radio networks in other states as a part of the study but did not identify a model for North Dakota because of the unique nature of networks in each state.

In response to a question from Senator Schaible, Mr. Schell said the study recommended state funding sources provide 80 percent of the capital and operational costs while local funding sources provide the remaining 20 percent of the capital and operational costs.

Statewide Longitudinal Data System Committee Report

Mr. Tracy Korsmo, Program Manager, Enterprise Services Division, Information Technology Department, presented information ([Appendix D](#)) regarding the statewide longitudinal data system. He said the department continues to provide instructional support and security enhancements for the system. He said the education portal of the system now includes the ability to apply for scholarships and track scholarship eligibility. He said the Statewide Longitudinal Data System Committee recommended a bill draft to the interim Higher Education Committee to require schools to use approved course codes and to use eTranscripts for scholarship applications. He said future enhancements to the system include additional reporting capabilities for higher education and the ability to measure workforce program outcomes.

EDUCATION-RELATED INFORMATION TECHNOLOGY UPDATES

Higher Education

Mr. Darin King, Chief Information Officer, North Dakota University System, presented information ([Appendix E](#)) regarding higher education information technology activities. He said the University System is in the process of developing a plan to implement functional consolidation for certain information technology administration services and database management services. He said consolidating the email systems from each campus into a single system has been completed for all of the campuses except North Dakota State University and Valley City State University. He said the University System is planning a learning management system consolidation project. He said the University System anticipates renegotiating an existing contract with Blackboard to replace a variety learning management systems. He said the consolidation of learning management software is anticipated to result in cost savings and improved student and faculty user experiences.

In response to a question from Senator Davison, Mr. King said not all K-12 schools are currently using the same learning management software. He said consolidating the learning management software for K-12 schools could result in cost savings and improve the dual-credit process.

Elementary and Secondary Education

Ms. Jody French, Director, Educational Technology Council, Information Technology Department, presented information ([Appendix F](#)) regarding elementary and secondary education information technology activities. She said EduTech continues to manage PowerSchool application upgrades and to assist faculty and staff with the implementation of Microsoft Office 365 in schools. She said North Dakota enrollments in distance education for 2016 totaled 4,940. She said preliminary data for enrollments in 2017 indicate a slight increase compared to 2016.

LARGE INFORMATION TECHNOLOGY PROJECT REPORTING

Information Technology Department Updates

Mr. Justin Data, Program Manager, Enterprise Services Division, Information Technology Department, presented information ([Appendix G](#)) regarding the most recent quarterly summary status report on large information technology projects. He said all five of the information technology projects with budgets over \$5 million remained within the budget and schedule variances, which was the same status as the previous quarter.

Bank of North Dakota Project Updates

Mr. Joe Herslip, Chief Technology and Operations Officer, Bank of North Dakota, presented information ([Appendix H](#)) regarding schedule adjustments for the managed file transfer project. He said the workflow requirements of transferring financial data files securely are significantly more complex than initially anticipated. He said the project schedule is in the process of being revised, which may also impact the project budget. He said an estimated completion date has not yet been determined.

The committee received information from the Educational Technology Council, which is created by Section 34-59-17, regarding information technology initiatives for elementary and secondary education. The council provides governance for EduTech and the Center for Distance Education. The council's initiatives include classroom transformation and new technology grants and approving schools' technology plans.

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The committee learned EduTech provides information technology services and professional development to North Dakota elementary and secondary schools. EduTech continues to manage PowerSchool application upgrades and to assist faculty and staff with the implementation of Microsoft Office 365 in schools.

The committee learned the Center for Distance Education continues to provide North Dakota's online distance education. The center is in the process of eliminating all printed course materials in a planned conversion to digital content. North Dakota enrollments in distance education increased from 511 in 2008 to 4,940 in 2016. The course completion rate in 2016 was 96.5 percent, compared to a national benchmark of 90 percent.

Political Subdivisions

The committee learned the coordination of information technology services between ITD and political subdivisions is essential to the efficient delivery of services. The Information Technology Department through the statewide information technology network provides the network connectivity, Internet access, firewall security, videoconferencing, and secure wireless access that supports the delivery of services. Information Technology Department personnel meet regularly with the technology resources group of the North Dakota Association of Counties to discuss issues and strategize about future improvements and enhancements. Information Technology Department personnel also have provided training to city representatives regarding the state's comprehensive records management program, which provides information on records retention and methods of records disposal for all city departments. During the 2015-16 interim, ITD coordinated with emergency services personnel and political subdivisions while studying the State Radio network and the feasibility and desirability of implementing a statewide radio interoperability network.

OTHER INFORMATION

State Radio Interoperability Network

The committee received information regarding the State Radio interoperability network initiative. The 2015 Legislative Assembly appropriated \$1.5 million to ITD in Senate Bill No. 2016 to determine the feasibility and desirability of developing a statewide radio interoperability network. The Information Technology Department contracted with Televate LLC to conduct a study of a technical and feasible plan to deploy an integrated public safety network. Representatives of the Statewide Interoperability Executive Committee, selected state agencies, and public safety personnel provided comments to the committee regarding some concerns about the existing radio network and support for the study. In August 2016 the committee received the final report of the study conducted by Televate, LLC. The results of the study included an inventory of the current system along with a comparison of various options to implement a new interoperable network. The study identified a hybrid very high frequency (VHF) portable network as the most cost effective solution to meet the needs of public safety personnel. The estimated cost to implement the hybrid VHF portable network is \$172.2 million with ongoing annual operating costs of approximately \$12.9 million. The study recommended implementing the interoperable network in phases over a 5-year period with approximately \$65 million of the \$172.2 million project costs anticipated in the 2017-19 biennium.

In addition, ITD used \$1.1 million from a federal grant to map critical service areas related to the FirstNet initiative. The FirstNet initiative will provide a dedicated wireless network for public safety data communication, but will not replace radio communication systems.

Desktop Support Services

The committee received information from ITD regarding the implementation of required desktop support services pursuant to Section 7 of 2015 House Bill No. 1021. Based on the provisions of the bill, 19 state agencies were required to receive desktop support services from ITD. The Information Technology Department deployed desktop support services for 18 of the 19 state agencies over the course of the first fiscal year of the 2015-17 biennium. Although required to receive desktop support services, the Department of Career and Technical Education anticipates delaying the implementation of desktop support services until the 2017-19 biennium due to budget reductions in the 2015-17 biennium. The results of a customer satisfaction survey conducted by ITD in June 2016 indicated that the users were very satisfied with the quality of service provided by ITD.

2015-17 Biennium Budget Changes

The committee learned the budget for the criminal justice information sharing system was transferred by the 2015 Legislative Assembly from ITD to the Attorney General's office, including 3 FTE positions and \$3.1 million of funding. The committee learned the original general fund appropriation for ITD was \$27,905,987 for the 2015-17 biennium. The

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SB 2204 TESTIMONY
HOUSE TRANSPORTATION COMMITTEE
BY: DUANE SCHELL, DIRECTOR OF NETWORK SERVICES DIVISION
INFORMATION TECHNOLOGY DEPARTMENT (ITD)
MARCH 2, 2017

Mr. Chairman, members of the committee. My name is Duane Schell, I am the Director of the Network Services Division with the Information Technology Department (ITD). In addition, I represent the CIO on the Statewide Interoperability Executive Committee (SIEC) and am currently serving as the chair of that committee. The purpose of my testimony is to provide you with a high level overview of the statewide integrated radio network (SIRN) project since this bill as written will benefit that effort.

The SIEC is a 13 member committee defined in NDCC (37-17.3-02.2) charged with oversight of interoperable communications for the public safety community across the State. The membership includes six state agencies that have a role in public safety radio communications as well seven members from local jurisdictions representing the various associations of all the disciplines within public safety including law enforcement, fire, and emergency response.

The SIEC has been focused on the SIRN project for over 3 years. During the 64th legislative assembly, ITD was appropriated funds to work in partnership with the SIEC to thoroughly study the desirability and feasibility of a statewide integrated radio network solution. The results of that study are complete and the full report with supporting documentation is published on the SIEC website (<http://siec.nd.gov/sirn>).

This effort originated in a mounting voice from the public safety community that the current land mobile radio networks limit the ability for first responders to consistently work together in providing timely response for day to day, mutual aid, and task force operations due to technology and coverage limitations. As we look at the current state of land mobile radio communications in ND, we see a solution that is based on technology, designs, and principles that date back to the 1970s. We all know that technology, business needs, and user expectations evolve and while the existing solution has served the state well for many years, the inherent limitations of the solution are no longer acceptable to the community depending

upon it. As we look at the challenges of the existing solution, they can be summarized into three broad categories.

The first challenge is in regards to interoperability. A key success factor for public safety officials is interoperable communications that allows them to communicate with each other, across the various disciplines within public safety, and across jurisdictional boundaries. The current solution which is comprised of dozens of individual networks independently owned and operated by the various jurisdictions across the state, inherently has limitations that precludes seamless, interoperable, statewide communication. One mechanism, presently in place to aid in interoperability is a feature referred to as mutual aid channels provided by State Radio. These are shared radio channels which are available to all of public safety across the state with the purpose of improving interoperability. For those of you that have heard of or remember the party line concept within the legacy phone systems, this solution is very similar. As such, when multiple events are occurring across the state at the same time you have several conversations taking place concurrently with public safety officials talking over each other, competing for air time, while attempting to respond appropriately to an event. This is just one of many challenges that exist in regards to interoperability.

The second challenge is the age of the current infrastructure. Presently, across the state, the study revealed that over 40% of the entire infrastructure will be at its end of life date between 2018 and 2020. End of life means that the equipment will no longer be supported by the various vendors and if not addressed will put the continued usage and reliability of the system at risk.

The last challenge is coverage. Public safety is expected to respond to events anywhere across the state and despite a long-term effort on behalf of the entire community, coverage continues to fall short of expectations.

After extensive effort gathering information, obtaining feedback from the community, and evaluating numerous solutions and approaches, Televate (the vendor with expertise in public safety communications acquired to conduct the study), concluded that a statewide interoperable radio network was both desirable as well as feasible in ND. As such, it is the desire of the SIEC with strong and widespread support from the public safety community to pursue this strategy.

By choosing a single, integrated, statewide solution, using modern standards based technology, the current interoperability challenges can be minimized and potentially eliminated. The limitations from dozens of independent systems are removed and seamless statewide roaming is achieved. The need for public safety officials to talk over one another and compete for air time is eliminated and is replaced by individualized talk groups designed to meet the needs of every jurisdiction, discipline, team, or event. With this solution the coverage challenges can also be improved through more efficient use of existing tower assets and efficient deployment of valuable frequencies. The coverage goals of the project would be to provide 95% mobile coverage and 85% portable coverage statewide. Finally, with a direction and strategy established, the resources available to the community can be directed in a manner to begin the work of replacing the aging infrastructure with a solution that can be supported by the manufacturer and vendor community.

My final comments will be about the fiscal realities of public safety radio networks which are not insignificant. As part of the study, the committee evaluated the cost of several choices, including the cost to continue with the current approach. If we maintain the current approach, and only attempt to solve the aging infrastructure, ignoring the issues of interoperability and coverage, the estimated capital expenditure totals \$185 million dollars. The capital expenditure of pursuing a single integrated approach that improves interoperability and coverage as well as replace aging infrastructure is slightly lower at \$172 million dollars for capital expenditures. Both solutions would have comparable ongoing operational costs. The team has explored multiple implementation strategies. The original report recommends a 5-year implementation which would result in a combined capital and operating estimated budget of \$220 million dollars. We also have plans for a 7-year and 9-year implementation to provide options based on resource availability.

That concludes my prepared remarks. I would be happy to answer any questions.

Duane Schell
Director, Network Services Division
Information Technology Dept.
701.328.4360
dschell@nd.gov

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Testimony in Support of Senate Bill 2204
March 2, 2017
House Transportation Committee
Bill Wocken on behalf of North Dakota League of Cities

Good Morning Mr. Chairman and members of the House Transportation Committee. For the record, my name is Bill Wocken, appearing on behalf of the North Dakota League of Cities in support of Senate Bill 2204.

Senate Bill 2204 seeks to establish a state interoperability radio network fund for the state's share of expenses incurred for the purchase, installation operation and maintenance of this system. Section 2 of the bill sets up a surcharge on certain violations of law that would be deposited into the interoperability radio network fund.

At present state public safety agencies suffer from an inability to talk with each other and they experience some serious gaps in communication coverage. Radio systems for emergency responders are diverse and aging resulting in adverse conditions for both public safety personnel and the public who are dealing with safety issues. Much discussion has taken place about this situation and the need for coordination and direction.

With the aging network in place there is an opportunity for a new radio standard that can be employed for the future. It would establish the ability for all radio operations and all public safety officers to talk to each other on a secure and universal basis. If this opportunity is missed individual radio systems will be purchased and the interoperability issue will continue to exist. The problem needs to be tackled now.

Financing of the state share is a concern in these rough budget times. That is the reason for the surcharge on fines being proposed in section 2 of the bill. This bill will allow the system to progress and the North Dakota League of Cities supports it. We ask for a DO PASS recommendation on Senate Bill 2204.

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SB 2204
Support

March 2, 2017
House Transportation Committee
Honorable Chairman Dan Ruby

Chairman Ruby and members of the House Transportation Committee, for the record my name is Becky Ault, Director of the Grand Forks Public Safety Answering Point, and Co-Chair of the ND 911 Association Legislative Committee. I urge support of SB2204, which provides a funding mechanism through certain traffic violations surcharges dedicated toward implementing and maintaining a much needed **statewide interoperable radio network**.

I have been the director in Grand Forks for six years. Prior to that, I worked as a regional coordinator in northeast ND in the Homeland Security Division at the Department of Emergency Services for 2 years (this area encompassed 14 counties and 2 Indian Reservations), and prior to that I was the Pembina County Emergency Manager and 911 Director for 14 years. I give you that background to show that over the years, I have worked with both large paid departments, as well as small rural departments, and all disciplines, encompassing law enforcement, fire personnel, emergency medical services, public works, and schools, to name a few. I have worked with local responders, state responders, and federal response personnel. I can tell you that with all the disasters and emergencies I have worked, almost all of them, when we complete an after action analogy of what went well and what to improve – listed communications as an area that needed improvement. Granted, sometimes this was due to operator error. However, many times that is not the case. Larger communities, many times due to access to grants or additional resources, have upgraded their radio systems so that many of the operational gaps have been greatly reduced – we have come a long way towards addressing those areas, but still have problems with in-building coverage for example. In the more rural areas, we have gaps in coverage. In fact, in Grand Forks County, we have a small community that straddles Traill and Grand Forks County called Reynolds. The Reynolds Fire Department struggles with good coverage for both paging and communications because they are on the fringe of both counties, and tower location for repeaters are also in a fringe location. Frankly we could keep placing towers to close those gaps, but towers are expensive.

Last session, the 64th Legislative Assembly granted dollars for a study defining the best solution to our communication challenges. There have been a number of studies over the last several biennium's. The most recent study, overseen by the Statewide Interoperable Executive

Committee (SIEC), defined a solution we call SIRN (Statewide Interoperable Radio Network). The solution identified in the Televate study will improve both our larger community in-building coverage challenges, as well as our small community rural gaps across the state, by utilizing existing resources at a local and state level, and tying them together. Further we will close gaps with additional resources, in a collaborative interoperable investment.

The Grand Forks Public Safety Answering Point supports legislative action to fund and implement a new, statewide integrated public safety land mobile radio system. This bill is a good step towards finding funding for a well-defined problem. The Statewide Interoperable Executive committee, with their cross-discipline representation, is a solid venue to ensure the system is implemented in a manner that will meet public safety needs.

With the significant number of dispatch centers across the state nearing end of life for consoles, and infrastructure out in the field that is nearing end of life needing replacement, now is the time to be on the same platform working collaboratively and effectively utilizing economies of scale – and truly leverage our resources – together. Technology is opening up new worlds in communication that could vastly improve service delivery for our citizens and improve the information flow to our responding entities, both large and small, volunteer and full time.

We all realize that the budget revenue has changed with the change in the price of oil and agricultural commodities. We recognize you have a very tough job to do as we all plan on how we will address challenges due to growth as well as technology changes, and public expectations. We feel that by identifying other revenue streams, that perhaps we can help find answers to this challenge, yet meet the need for improvement to public safety communications. This bill, while it will not meet all of the budgetary needs for a full system upgrade, will certainly help with a portion of those communication upgrade needs as we move forward. We thank you for your service and for your consideration of this challenge and opportunity.

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Cavalier County Sheriff's Department

Sheriff, Greg Fetsch

Law Enforcement Center
(701) 256-2555

901 Third Street Suite 4
Langdon, ND 58249



February 28, 2017
House Transportation Committee
Honorable Chairman Dan Ruby

SB 2204
Support


Chairman Ruby and members of the House Transportation Committee, for the record my name is Greg Fetsch. I urge support of SB 2204, which provides a funding mechanism through certain traffic violation surcharges dedicated toward implementing and maintaining a much-needed statewide interoperable radio network.

The Cavalier County Sheriff's Office have employed me, since 1985. I was Chief Deputy since 1991 until September of 2016 when I took over as Sheriff. I have operated radios for 32 years and seen many changes. We share a border with Canada and have had many issues with them in the past. We also share county lines with Walsh, Ramsey, and Towner Counties. There have been many issues in trying to talk with them with the radio system that we now use. In all our training the most common issue that comes up after a training issue, whether it is an active shooter incident, a severe storm incident, or any incident which requires numerous emergency entities, communication is always the most common shortfall in the incident. It is even so bad at times that once in an active shooter incident we could see each other in a long hallway but could not communicate because of the radio system we have now.

Our current radio system is no longer going to be repaired as of January 2018, and it is time to upgrade. The most recent study done has been called SIRN or the Statewide Interoperable Radio Network. I have attended meetings on this system and with all the neighboring states already using this type of system it seems like the best move to switch to this system. It will improve our issues with the system that we are now using which would give our officers and emergency personnel a safer environment to work in.

I feel that the state needs to pass this bill and that the bill will also help with lowering our crash rate on our roads with the added price on the tickets. An additional charge will definitely slow people down I believe.

Thank You for your time, and consideration on this bill.


Greg Fetsch, Sheriff

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SB 2204

Chairman Ruby and members of the House Transportation Committee;

My name is Bruce Burkett representing the North Dakota Peace Officers Association. NDPOA represents all the different law enforcement jurisdictions throughout North Dakota, each being serviced with different systems of communications. The environment where each discipline works requires different technical needs to dependably communicate. All law enforcement and ems responders need to have dependable radio communications to perform the responsibilities of their missions. Development of a system of communications that provides interoperability between existing systems will need funding from more than one source. The provisions of this bill are a start of a long term commitment.

Section 2 of this bill provides a funding source paid by users of the system instead of tax dollars. I have been in law enforcement since 1971. The state radio system at that time was a low band system. Technology changes over time have given us options that can be melded to complete a reliable system that will meet the needs of public safety communications into the future.

With limitations on the different systems of communications throughout the State, being able to provide interoperability on a major issue or crisis will provide security not only to those responders but the public that required the emergency response.

Bruce Burkett

NDPOA Lobbyist 283

17.0590.02002
Title.

Prepared by the Legislative Council staff for
Representative Owens
March 9, 2017

8B2204
3-16-17
#1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2204

Page 2, line 7, replace "of one hundred dollars which" with "in an amount equal to the fine imposed. The surcharge"

Page 2, line 10, replace "of forty dollars which" with "in an amount equal to the fine imposed. The surcharge"

Renumber accordingly

SB2204
3-16-17

Paur, Gary A.

From: Muscha, Thomas
Sent: Tuesday, March 14, 2017 5:26 PM
To: Paur, Gary A.
Cc: Aull, Kylah E.
Subject: Statewide Radio System Request
Attachments: MnDOT Office of Statewide Radio Communications Dec 2014.ppt

#2
Page 1

Representative Paur,

We have received the information that you requested from Minnesota and South Dakota in regard to their statewide radio systems. The information can be found below.

Jackie Mines, Minnesota Emergency Communication Networks:

For Minnesota's start-up costs, Minnesota purchased bonds to build the backbone to 95% mobile coverage. The total amount bonded was \$233,088,829.

Minnesota covers the operation for the system. Some counties have added towers or local infrastructure at their own expense; however, they received grants to cover about 50% of that cost and in the metro they did not have to pay taxes on those purchases. They have no monthly subscriber costs to be on the system. The federal agencies are allowed on the system as interoperability users and therefore it is only the cost of their radios that they incur and their participation is limited as requested by local government agencies. They do not have any infrastructure costs of their own.

Jeff Pierce, South Dakota Bureau of Information and Telecommunications:

South Dakota had multiple grant sources for the initial build-out, have had a mix of state and local grants, state and local general funds, tribal and federal funds. South Dakota estimates approximately a \$65M, investment buy the state, and another \$20M by local, tribal, and federal sources.

South Dakota has a system that is generally funded with an annual budget of \$3,058,060. South Dakota is responsible for operation and support of all infrastructure, including centralized recording. The Connected PSAP's and dispatch centers are supported technically by the state along with some material support, but non-state dispatch centers typically have a separate support agreement with vendor as well. All the agency radios, state, local, tribal, and federal are responsible for their own radios, purchase and support. State radios are supported by State Radio. South Dakota does have a few sites constructed with grant funds through local agencies. State maintains this equipment, but in some cases is still on agency inventory, so there is some insurance costs there. South Dakota does have two sites constructed with BIA/tribal funds. State maintains, but BIA/tribal maintains inventory of equipment, and funds the \$600/month per site cost of telecommunications connectivity.

Additional Information from Jackie Mines (Minnesota):

The 9-1-1 fee is used to pay the debt service on the bonds. Interest rates right now are about 1%. We pay annual maintenance to both MNDOT and for Software Upgrade Agreement with Motorola of about \$9.6 Million a year. That amount could go down if we entered into a cheaper SUA agreement with Motorola. We have the premium package this year but may go with a lesser package in the future. (Also see above attachment)

Additional Information from Jeff Pierce (South Dakota):

(1. Start-up costs; 2. Extent of the Current Network Capacity; 3. Breakdown of Operation Costs)

Often with the tribal and federal involvement the procurement process had to run through a different vendor division. We built our system utilizing every source we could outside of general funds and best utilized every state and local tower we could leverage. The downside to this is that we do not have an established amortization fund for upgrades and improvements through user fees, or any kind of a revolving fund, so we have to do the money dance every time we need changes.

South Dakota has maintained a statewide digital trunked radio system since 2001. We currently have 57 towers that cover approximately 98% of the geography of our state. The system has approximately 25,000 users on the system, broken out by (state 21%), (federal/tribal 18%), and local 60%. The State Bureau of Information & Telecommunications maintains the network, and agencies are responsible for their radios.

Breakdown of Operation Costs

- Personal Services - \$764,472
- Travel - \$97,750
- Contractual Services - \$1,160,000 (delivery to sites is through contracted lines)
- Supplies/Materials - \$74,950
- Capital Assets - \$635,888
- Other - \$325,000

Thomas Muscha

Legislative Library Intern
North Dakota Legislative Council
Bismarck, ND 58505
(701) 328-4241
tmuscha@nd.gov

The Legislative Council is providing this information in response to your inquiry. The Legislative Council does not provide legal advice or legal services to members of the public and bears no responsibility for the accuracy, legality, or content of this information. For legal advice or assistance, please contact an attorney in private practice.

SB2204
3-16-17
#3

Paur, Gary A.

From: Muscha, Thomas
Sent: Wednesday, March 15, 2017 5:06 PM
To: Paur, Gary A.
Cc: Aull, Kylah E.
Subject: Radio Systems Request

Representative Paur,

The information that you requested this morning can be found in the description below.

Jackie Mines, Minnesota Emergency Communication Networks:

This project was conceived in stages. It was not planned as a statewide system for rural law, fire and ambulance initially. The project was funded and completed in phases based upon intent by local users to use the 800 Mhz statewide system. The intent was to have 6 phases. Phase 1-3 were for the Twin Cities metro area, extended metro area and the state agencies. Towers had to be built throughout the state for the state agencies to use it. By 2009, the majority of counties in rural MN indicated that they were interested if there was going to be a commitment by the legislature to fund Phases 4,5 and 6. The necessary money to complete build-out across the state was approved in 2009 and by 2010 approximately 60% of the counties had signed up. The majority of the system outside the metro area was built between 2010 and 2012 with a few towers in hard to reach places coming along later. Towers take about 2-3 years to plan out, award an RFP, acquire land and build.

I would think that if the state of ND is planning to do this statewide and fund it in one legislative session, that from the time the bill is passed to the time you build your towers would be 3-4 years out. It could be quicker depending on if you are building brand new towers and how many you need. MN topology is vastly different than ND. You may be able to get by with far fewer towers and therefore increase the time the system is completed. The longest thing for us was finding the land, purchasing it, going out to RFP for tower builders and then we have to stop building about 3-4 months out of the year due to weather.

Jeff Pierce, South Dakota Bureau of Information and Telecommunications:

We started the process in 2000, took a year to select our vendor, took another year for design and spectrum acquisition, and around 16 months to build the original system as designed.

Thomas Muscha
Legislative Library Intern
North Dakota Legislative Council
Bismarck, ND 58505
(701) 328-4241
tmuscha@nd.gov

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SB2204
3-16-17
#4

The Statewide Interoperability Executive Committee must provide to the interim information technology committee a report regarding the implementation plan for a statewide interoperable radio network prior the initiation of the 66th legislative assembly. The statewide interoperability executive committee must engage appropriate stakeholders and include in the report any realized fiscal efficiencies as well as any reasonably foreseeable potential opportunities for additional fiscal efficiencies that could be achieved while not sacrificing the core requirements of the statewide interoperable radio network. An amount, not to exceed fifty thousand dollars, from the fund defined in subsection 1 of this section are available to fulfill requirements of this item.

SB 2204
3-16-17
#5



**NORTH DAKOTA
STATEWIDE
interoperability executive
COMMITTEE**

Statewide Interoperability Executive Committee Resolution on SIRN Funding

2017 Legislative Session

WHEREAS, Our current public safety communications system is based on 1970s technology and continues to put the public and first responders at risk;

WHEREAS, For years, the state of ND has been investigating how to appropriately integrate public safety communications to make North Dakotan's safer;


WHEREAS, By directive of executive order from the governor, and through an exhaustive study funded by the 2015 Legislative Assembly, SIEC has been working diligently to assess and develop a feasible approach to designing, funding, governing, and operating a Statewide Interoperable Radio Network;

WHEREAS, the 2017 Legislature is considering two pieces of legislation to fund SIRN: HB 1178, relating to 911 fees, which is estimated to generate \$13.7M a biennium, and SB 2204, relating to traffic surcharges, which is estimated to generate an estimated \$6.9M a biennium;

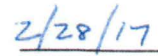
WHEREAS, the combined estimated fiscal impact of the two bills is \$20.6M per biennium to fund SIRN;

NOW, THEREFORE, the SIEC hereby resolves:

1. The time for funding the state and local shares of SIRN is now because the everyday safety of North Dakotans is at stake.
2. The funding streams generated by HB 1178 and SB 2204 generate sufficient revenue to fund SIRN at a level that would, for the time being, allow for investment in critical equipment and programming, including the beginning of a trunked radio system.
3. The Legislature is urged to fund SIRN this session as a commitment to the safety of all North Dakotans and the law enforcement and public safety professionals that put themselves in harm's way every day.



Chair



Date

SIEC membership includes:

ND 911 Assoc.
ND Adjutant General
ND Dep't of Emergency Serv., State Radio
ND Dep't of Emergency Serv., Homeland
Security
ND Dep't of Transportation
ND Emergency Management Assoc.

ND Emergency Medical Services Assoc.
ND Chiefs Assoc.
ND Highway Patrol
ND Information Technology Dep't
ND Police Chiefs Assoc.
ND Peace Officers Assoc.
ND Sheriff's and Deputies Assoc.