

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER
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DESCRIPTION

2067

2001 SENATE FINANCE AND TAXATION

SB 2067

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2067

Senate Finance and Taxation Committee

Conference Committee

Hearing Date 1/24/01

Tape Number	Side A	Side B	Meter #
1	x		8.9-end
		x	0-10.9
Committee Clerk Signature <i>Spelle A. Kraft</i>			

Minutes:

Senator Urlacher: Called the hearing on SB 2067, relating to an excise tax on telephone exchange access service and application of that tax to wireless service for support of wireless enhanced 911 service.

Senator Karen Krebsbach: Co-sponsored the bill, testified in support. Written testimony attached.

Terry Traynor: ND Assoc. of Counties, testified in support. Written testimony attached.

Gary Kostelecky: Stark & Dunn County 911 Coordinator & past President of ND 911 Assoc., testified support. Written testimony attached.

Curtis Pellett: Wells County Sheriff, testified in support. Written testimony attached.

Fred DeBowey: Minot Police Department & Ward County 911 Coordinator, testified in support. Written testimony attached.

Jim Blundell: Director of External Affairs at Western Wireless Corporation, a WA company doing business in ND under the brand name Cellular One, testified in support. Written testimony attached.

Senator Nichols: Regarding federal law, how do you determine how funds are distributed?

Jim Blundell: It sets up a presumption that's standardized across the board.

Senator Nichols: Would that be their address of residence or business?

Jim Blundell: I believe the primary resident address of customer.

Senator Nichols: Would the local districts know what phones would be assigned to them?

Jim Blundell: The county would alert the carrier that the tax is in place. The carrier determines what jurisdiction the customer is in.

Senator Urlacher: If the customer doesn't pay, is the service cut off?

Jim Blundell: There would be a state claim against the customer.

Keith Sorenson: ND EMS Assoc., testified in support. Sighted the reasons given by previous supporters.

Lois Hartman: Executive Director of ND Firefighter's Assoc., testified in support. Written testimony attached.

Other signed their names in support.

Senator Urlacher: Closed the hearing.

Discussion held meter number 44.5-48.9

Terry Traynor reappeared to answer questions.

Senator Kroepelin: Is the phone company responsible for the \$1.00 tax? There's no real teeth in collecting the tax?

Terry Traynor: Once it's in law, it's a state statutory tax. The citizen that has that service is obligated to pay.

Senator Urlacher: If it's not paid after a month or two, the company would notify the state?

Terry Traynor: I would assume so. I'm not sure.

Discussion held later. Meter number 49-end, side A & 0-10.9, side B.

Terry Traynor reappeared to answer questions.

Senator Christmann: If this is passed, there would be a new valid initiative for up to a dollar but it could be less than a dollar and this would just be on the cell phones? And if fails, the tax would continue on the wire phones?

Terry Traynor: No, the intention of this bill is that you would not have to go to a separate vote at this time. The next time it would go to the vote of the people could be 2-8 years from now. The cells phones would be covered by whatever tax exists.

Senator Urlacher: Would it stay in place until they activated it, and then they would vote on it?

Terry Traynor: That's correct. Most of the ballots are written up to a dollar and the city or county commission can go below that.

Senator Christmann: If they chose to they can change it?

Terry Traynor: That's correct.

Senator Wardner: What is the common rate?

Terry Traynor: Most common is a dollar.

Senator Stenehjem: I struggle with this bill last session and I struggle with it now. I could support this if the people could vote on it before it's put on the phones, and the people had the ability to get out of their contracts.

Senator Wardner: If the political sub voted to form a 911 PSAP, do they go for so many years?

Terry Traynor: Yes. Once the governing body goes to the people, the statute requires that permission of the governing body to review that decision in 6 years, and to go to the vote of the people in 12 years.

Senator Kroeplin: If you had two phones on the same contract, would you be paying on the one contract or each phone?

Terry Traynor: If the phones had separate numbers, there would be two charges.

Senator Nichols: What percent of 911 calls come in from cell phones?

Terry Traynor: 35-50%. The percentage is growing.

Senator Wardner, Senator Stenehjem and Senator Urlacher make statements.

COMMITTEE ACTION:

Motion made by Senator Wardner for a DO PASS, Seconded by Senator Kroeplin. Vote was 5 yeas, 1 nay, and 0 absent or not voting. Bill carrier was Senator Nichols.

## FISCAL NOTE

Requested by Legislative Council

04/11/2001

Bill/Resolution No.:

Amendment to: SB 2067

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

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

SB 2067 with House Amendments authorizes counties and cities to impose a fee on wireless service for support of wireless enhanced 911 service. The potential fiscal impact is unknown.

**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.*

**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, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

<b>Name:</b>	Kathryn L. Strombeck	<b>Agency:</b>	Tax Department
<b>Phone Number:</b>	328-3402	<b>Date Prepared:</b>	04/11/2001

**FISCAL NOTE**  
 Requested by Legislative Council  
 12/21/2000

Bill/Resolution No.: SB 2067

Amendment to:

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

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

***SB 2067 enables counties and cities to impose an excise tax on wireless services in support of enhanced 911 services. It is not known how many localities will impose the tax, or how much revenue will potentially be raised.***

**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.*

**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, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

<b>Name:</b>	Kathryn L. Strombeck	<b>Agency:</b>	Tax Dept.
<b>Phone Number:</b>	328-3402	<b>Date Prepared:</b>	01/04/2001

Date: 1/24/01  
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2067

Senate Finance and Taxation Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

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

Action Taken Do Pass

Motion Made By Wardner Seconded By Kroeplin

Senators	Yes	No	Senators	Yes	No
Senator Urlacher-Chairman	✓				
Senator Wardner-Vice Chairman	✓				
Senator Christmann	✓				
Senator Stenehjem		✓			
Senator Kroeplin	✓				
Senator Nichols	✓				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Nichols

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

**REPORT OF STANDING COMMITTEE (410)**  
January 25, 2001 11:46 a.m.

**Module No: SR-13-1600**  
**Carrier: Nichols**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2067: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends DO PASS (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2067 was placed on the Eleventh order on the calendar.**

2001 HOUSE FINANCE AND TAXATION

SB 2067

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2067

House Finance and Taxation Committee

Conference Committee

Hearing Date March 14, 2001

Tape Number	Side A	Side B	Meter #
I	X		45

Committee Clerk Signature *Jamie Stein*

Minutes:

**REP. AL CARLSON, CHAIRMAN** Opened the hearing and read the fiscal note.

**SEN. KAREN KREBSBACH, DIST. 40, MINOT** Introduced the bill as the prime sponsor.

See written testimony.

**REP. CARLSON** Asked for an explanation of the difference between this bill and the one introduced last time.

**SEN. KREBSBACH** Stated she would prefer that the people who worked on it through the process would do that.

**TERRY TRAYNOR, ASSISTANT DIRECTOR, NORTH DAKOTA ASSOCIATION OF COUNTIES** Testified in support of the bill. See written testimony.

**REP. GROSZ** Asked whether it is part of the agreement that they have the proper technology in place, data base and things like that, to run the 9 1 1?

**TERRY TRAYNOR** That is also part of federal law, that in order to request that of a cellular company and enter into an agreement, they have to have the capability to actually receive and use that call back location information.

**REP. GROSZ** Is there a date on that federal requirement, when they have to come into compliance?

**TERRY TRAYNOR** There are dates that affect the wireless providers, I can't quote them exactly. There are no dates that the public safety answering points have to be in place. If they feel they have the revenue and are ready to move ahead, they make the request, then there are some dates that trigger the wireless. Once the request is made, the wireless companies have so long to respond and actually provide it. There are no obligations on the local governing agencies or safety agencies.

**REP. CARLSON** Where in here, does it give a definition of enhanced 9 1 1?

**TERRY TRAYNOR** It really only references the FCC order on page 2. There was discussion in our committee about putting the whole FCC definition there, but at some point, we decided not to. There are really two phases. Phase one of enhanced wireless 9 1 1 is the ability for the wireless company to transmit a home call back number, and which tower that is being broadcast to. Phase two, is in addition to that, they have to be able to give latitude/longitude which tells in so many feet where the call is coming from.

**REP. CARLSON** How many PSAP's are there today?

**TERRY TRAYNOR** I think there are twenty three.

**REP. CARLSON** This bill addresses county wide?

**TERRY TRAYNOR** A city or a county can charge this, if it goes to the vote of the people.

They can't duplicate it. Those are the only two jurisdictions that can, with the exception of rural Williams County. Ward County in Minot have no fee right now, they use their property tax to support it. The city of Fargo is not governed by the Cass County fee, they have a home rule ordinance and they levy fees through their home rule charter, so this wouldn't affect the city itself. West Fargo has a separate fee and the county also has a separate fee.

**REP. DROVDAL** The charge on this, is it per phone or per plan?

**TERRY TRAYNOR** The way we drafted the definition, it would basically be if there is a separate telephone number, there is a dollar.

**REP. CARLSON** Does this also include pagers?

**TERRY TRAYNOR** No, not unless there is an ability to call back, there has to be two-way communication. The federal definition is, can you dial 9 1 1 and get connected?

**REP. SCHMIDT** On that tax that they capped, does that mean if it only costs one percent, do they only charge one percent?

**TERRY TRAYNOR** My understanding is, the negotiations with the companies when they collect the taxes, they estimate and maintain some record of what it costs them and they charge what it costs them. I don't believe they are all at five percent.

**REP. DALE SEVERSON, DIST. 23** Testified in support of the bill. Submitted handouts relating to 9 1 1 calls for help where victims didn't know where they were so, therefore, they died. Also submitted amendments with a sunset to the bill. See attached copies. He stated there are several unknowns, where we are going to go with this. We will be revisiting this in two years

to make sure it is working. This is a public safety issue, it has nothing to do with fairness or equity or any of those things. If we do not pass this bill, we will be way behind.

**REP. HERBEL** Asked whether this amendment will have any affect on the land lines?

**REP. SEVERSON** No, the land lines should stay intact.

**REP. WINRICH** Other than the wireless capability, what might be included in an expansion of the capabilities of a PSAP?

**REP. SEVERSON** I don't know if I can answer that.

**REP. HERBEL** How come we can't find how many cell phones are available?

**REP. SEVERSON** This bill will clear that up, and I think we will find out.

**REP. CARLSON** One estimate I got with a little digging, was about one hundred and fifty thousand cell phones. That is a lot of cell phones.

**TOM KELSCH, LOBBYIST FOR WESTERN WIRELESS CORPORATION.** Testified in support of the bill. See written testimony.

**REP. GROSZ** You testified on HB 1472, that one had an effective date of August, 2002, is there any promise that this bill will go with that database?

**TOM KELSCH** I believe that was the requirement by the Federal Act, that that comes into play at least by that date. This uses the same definition as that legislation. You get into questions as far as is the technology ready for Phase Two, I think the technology is ready for Phase One. The Governor's Task Force had our company have a little model to determine what the costs might be on the cellular side of it. We were a little surprised they were that much, it was about thirty four thousand dollars they were estimating it to be. That would be a one-time cost of getting the system up and running, then there would be an on-going cost of about nine cents per customer

per month. Other companies might have different costs than that. If your question is that we should be waiting to implement this, I think it should be implemented now so the PSAP's can get their contract together.

**LT. FRED DEBOWEY, MINOT POLICE DEPARTMENT WARD COUNTY 9 1 1**

**COORDINATOR** Testified in support of the bill. See attached written testimony. Also submitted an article stemming from a call received from a cell phone and 9 1 1 dispatchers did not know where the victim was located.

**REP. HERBEL** Asked him to explain how the mapping will work.

**FRED DEBOWEY** Gave an explanation of what happens when you dial 9 1 1 and it reaches a dispatcher.

**REP. HERBEL** What kind of technology is it going to take to make the wireless work, we know how it works on the land line, what do we have to do to get this working?

**FRED DEBOWEY** They are going to have to develop some mapping procedures, because, the Phase II portion is going to be latitude/longitude. Ward County had an estimate two years ago of fifty thousand dollars for the mapping technology. There may be some charges for the PSAP's out to the switch. There could be some database expenses.

**GARY KOSTELECKY, 9 1 1 COORDINATOR FOR STARK AND DUNN COUNTIES**

**AND PAST PRESIDENT OF NORTH DAKOTA 9 1 1 ASSOCIATION,** Testified in support of the bill. See written testimony.

**REP. HERBEL** Asked how will the technology find a 9 1 1 call?

**GARY KOSTELECKY** It takes your signal from your cell phone and puts it out to two or three different towers and triangulates back to your position. The other, more favorable to North

Dakota is a GPS location. If you had a GPS chip in your phone, it would give the GPS location of where you are, and we would find you that way.

**REP. HERBEL** Is the intent to have both of those things available?

**GARY KOSTELECKY** There are companies right now, that are choosing one or the other, we are trying to make sure that the equipment we buy today is capable of receiving both types of information. There might be one area of the country that has one type and another that has the other type.

**REP. HERBEL** What we would probably need to do then is change our cell phones to have that chip in them.

**GARY KOSTELECKY** That could be a possibility, the triangulation method right now, would not include you, you could use your present phone out there right now. If we were going to install a GPS chip, we will probably end up changing the battery or the phone so you would have that capability. Today, they figure that cellular phones are a two year turn-around, that technology will be brought into place.

**REP. CARLSON** Are any of the PSAP's set up to triangulate?

**GARY KOSTELECKY** To my knowledge, there are a couple that have the capability, because of the equipment that has been installed, but there is nobody that is doing that today.

**REP. CARLSON** If I am driving back to Fargo, and I am two miles east of Jamestown, and I can never get a signal on my cell phone because there is a dead spot, and I call 9 1 1 and I don't get an answer, what good is the triangulation going to do me at that point in time?

**GARY KOSTELECKY** At that point, first of all, you won't be able to call out because you don't have a signal, we would have no idea where that call is coming from. The intent of the cellular industry, is to saturate and put up more towers. They are doing that on a monthly basis.

**REP. CARLSON** If you are going to go to GPS, every phone would have to have that chip in it, would it not?

**GARY KOSTELECKY** That is correct. The new phones coming out in the future, will probably have that feature in it.

**REP. DROYDAL** Do we have an approximate cost what this chip will cost?

**GARY KOSTELECKY** We have heard all kinds of estimates from forty dollars down to a couple of dollars. Technology, as you know, changes almost daily. Two years ago, we were talking about chips that were considerably more expensive.

**REP. HERBEL** Will this be a one-time charge?

**GARY KOSTELECKY** It will be a one-time charge.

**REP. LLOYD** Could you provide a time table, assuming this bill passes April 10, for the next six months up to two years.

**GARY KOSTELECKY** Some of the PSAP's have already upgraded, using land line telephones, so that they are ready to implement this technology if it is once available. As stated before, October 1, of this year, the cellular companies must provide the telephone number and a cellular tower location to the PSAP's. Phase II brings the actual location of the phone. If we started today, we could. It depends how long some of the other PSAP's in the state are ready, that is what we need to work with.

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House Finance and Taxation Committee

Bill/Resolution Number SB 2067

Hearing Date March 14, 2001

I have a problem with the amendment you have proposed to you. We already have this worded in the bill as the original version, saying that you have to start collecting the money. Then you have to make sure you receive that information if you order, then you only order the information from the cellular companies, then put it into your PSAP's. We are looking from today, out to two to four years before most of the PSAP's will pick up that information.

**REP. CLARK** Would people be mandated to put these chips in their phones.

**GARY KOSTELECKY** No

**REP. CLARK** If we had both of these systems up and running, the triangulation or the GPS, would it be safe to say that, where possible, those people would be covered by a triangulation system, if they did not put chips in their phones?

**GARY KOSTELECKY** If the PSAP were able to receive that information and utilize it, yes, they would be able to do that.

**REP. WINRICH** In order to use the triangulation system, the signal from the cell phone must be received by at least two towers?

**GARY KOSTELECKY** It is much more accurate if you can get two or more towers. Getting the signal from one tower, gives you a general idea, but you have to have two towers to triangulate. The signal from one tower would give you a line of site location that could be up to fifty miles long.

**REP. WINRICH** It would seem then, where we have areas in North Dakota where it is difficult or impossible to even get reception from one tower, that the GPS system would be much more reliable?

**GARY KOSTELECKY** I believe it would be our best choice for rural North Dakota. We are dealing with a cost for the customer again, as far as upgrading their equipment, but I feel that is a much more accurate system. One drawback, if you are inside a building like the Capital, we would have trouble getting the signal to the satellite and back to our PSAP. As you well know, there are dead spots all over.

**REP. WINRICH** Is the satellite transmission significantly more difficult than just the basic transmission to the cell tower.

**GARY KOSTELECKY** Yes, your satellite will have to get your signal from your GPS chip, you have to have a couple of these satellites which will take your signal. For cellular traffic, you could have a tower right outside the building here, you are able to communicate a lot easier.

**REP. WINRICH** The language of this amendment says that maintenance cannot expand the capabilities of the PSAP, what are we prohibiting here? Your testimony included something about a major upgrade of your PSAP, are we prohibiting something like that?

**GARY KOSTELECKY** As I stated, the way the amendment is written, I think we have covered those points in the original bill, and the way it is written right here, the revenue may be used to purchase equipment. Any equipment you update today, will probably have the capability of dealing with wire line and wireless. It wouldn't make any sense to buy old equipment. This makes it very strict.

**REP. DROVDAL** If a cordless phone goes to a tower, and it is the only tower around and you can't do the triangular, and you have up to fifty miles, is that tower able to determine the direction, or is that a radius that you are looking at?

**GARY KOSTELECKY** They can give you a line of site, not a radius. If the battery should go dead, and you lose that signal, then you are out of the picture.

**REP. KROEBER** These PSAP's that you talked about that do have capabilities now, if they can receive the signals, are they doing their mapping with GIS systems?

**GARY KOSTELECKY** That is an issue we are dealing with right now, because, mapping will be critical for any enhanced 9 1 1 system. There are several counties working on their systems, including putting in updated mapping. It is an issue that is costly, a lot of the counties have not been able to pursue it, because they haven't had the funds.

**REP. CARLSON** The question I have had since the last session we voted on this, is the necessity of this high tech equipment that has twenty three different locations that are supplying this information, these are taxpayer dollars, we are talking technology which is a moving target, is there a need for twenty three different locations to have this technology. Burleigh County, Morton County and Mandan, where there are three different centers to serve the same population, but they choose for whatever reason, to combine or not to combine, I am having some trouble with that. I need to be convinced that we need all of these centers doing those same services.

**GARY KOSTELECKY** I agree, we are having difficulty getting four centers operating under one roof. It makes it pretty difficult. The infrastructure is in place, should we use that information, should we get it from the wireless industry. If we would use one center, for example, the call would come in, all we would end up doing, is send it back out to Pembina County, Stark County, or whatever, to get that same information sent out there, that could be done automatically by the tandem. The upgrading, I am talking about, is that some of these PSAP's are pretty old, and they do need to upgrade their system. They will still handle the daily

traffic that you have for law enforcement, local ambulance and local fire department. We really aren't changing anything. The equipment is there, the PSAP's are in place, the information comes from the cellular tower to the tandem, from the tandem to the PSAP and we have a done deal. Putting another center in its place, slows down the process.

**REP. CARLSON** You are extracting 1.6 million dollars to take on one hundred fifty thousand phones from the citizens of North Dakota, and with modern day technology, do we need all of those, and does every center need to be capable of having the GPS capability, or can that be disseminated to them from a central center, that is still the question.

**GARY KOSTELECKY** I think it will also indicate that the revenues coming from land line phones are decreasing every month, because of the advent of the wireless. The wireline dollars are spreading out to maintain the 9 1 1 systems out there. I don't think you are advocating from taking away from the local public, it is their PSAP that does their local dispatching. Each PSAP has to upgrade their equipment, whether it is for cellular purposes or just day-to-day business.

**REP. CARLSON** It will be interesting to see who will pay their bills to who and who will provide the service.

**GARY KOSTELECKY** It will be done by where the bill originates from. If you live in Mandan, that dollar will go to Mandan.

**BARRY COX, BENSON COUNTY COMMISSIONER**, Testified in support of the bill.

Submitted a handout relating to a statement of revenue and expenditures. See attached copy.

**JANELLE PEPPE, 9 1 1 COORDINATOR IN WELLS COUNTY**, Submitted written testimony in support of the bill.

**PHIL ROQUETTE, WEST FARGO 9 1 1 COORDINATOR**, Submitted written testimony in support of the bill.

With no further testimony, the hearing was closed.

**COMMITTEE ACTION 3-19-01, TAPE #2, SIDE A, METER #5100**

Committee members discussed the amendments prepared by Rep. Severson to the bill.

Rep. Herbel voiced his concerns. He understood land line money was under the same chapter.

**REP. CARLSON** Stated they would have the legislative council take a look to make sure that wouldn't happen. He asked everyone to come back the next day with their ideas for amendments to the bill.

**COMMITTEE ACTION 3-20-01, TAPE #1, SIDE B, METER #2047**

**REP. CARLSON** Gave an overview of the bill dealing with PSAP's and 9 1 1

Right now, there is a one dollar charge per month on cell phones, and there is already a one dollar fee on land lines. He read the amendments which were prepared by Rep. Severson.

**REP. GROSZ** Presented data to committee members regarding PSAP's in the state. He gave an explanation of the handouts he presented.

**TERRY TRAYNOR** Appeared before the committee to answer questions and to review the different sections of the bill.

**DAVID CROUTERS** Also appeared before the committee in the event there were questions from the committee.

**MEL KAMBEITZ** Appeared before the committee to answer any questions.

**TOM KELSCH, WESTERN WIRELESS** Explained what their initial costs are toward the PSAP's.

**REP. KROEBER** Asked if anyone knew how many land lines we would be losing, because there are a number of people giving up land lines and only have wireless, therefore, they are not paying that dollar anymore to run the PSAP we have now.

**DAVID CROUTHERS** Answered, stating, it hasn't been as dramatic as people might think, especially in rural North Dakota.

**REP. KROEBER** My reason for bringing that up is, we are basing a lot of figures on the fact that we are already getting this one dollar for all of the land lines, and I think that amount is maxed out, there are a number of people giving up their land line phones.

**MARK JOHNSON, ASSOCIATION OF COUNTIES,** Also gave his comments, he felt the committee was on the right track. He suggested a very strong legislative intent on the bill to combine PSAP's. He liked a two year bill and then come back and revisit it. He stated the fee would work at eighty five cents per month. He also did not think the funds should be co-mingled. There needs to be flexibility to use the funds. It will take two years to implement this.

Considerable discussion went on between committee members and lobbyists.

Committee members voiced their concerns. Rep. Carlson requested that they think about the different ideas and bring back their thoughts for action the next day.

**COMMITTEE ACTION** **3-21-01, TAPE #1, SIDE B, METER #5115**

**DAVID CROUTHERS** Submitted information on Phase I and Phase II of 9 1 1

3-21-01

**REP. GROSZ** Presented amendments to the bill which will change the one dollar charge to seventy five cents per month. These amendments removed Section 6, any tax would go to the vote of the people.

**TERRY TRAYNOR** Appeared to answer questions from the committee members.

**REP. LEMIEUX** Appeared stating that Rolette County does not participate, the county does not pay taxes.

**MARK JOHNSON , ASSOCIATION OF COUNTIES**, Suggested that county commissioners should decide whether there is an election or not, there could be one or two notices of a public hearing wherever there is a PSAP set up.

Most committee members felt the county should make their own decision.

**TOM KELSCH, WESTERN WIRELESS CORPORATION**, Related to Section 6, they support it the way it is. Wireless monies are collected and kept separate from land line monies. Related to Phase I and Phase II. He stated cities are encouraging the sharing of towers.

**REP. GROSZ** Presented another amendment, which would limit the number of PSAP's in the state, it would be eight plus the state radio. In order to qualify to be one of the eight, you need 20,000 population or more. Compliance date would be December 31, 2004.

**REP. KROEBER** Felt those amendments were very restrictive.

**REP. WINRICH** Felt that we need to cover the state, it needs to be done geographically and not by population. He also thought the word "tax" should be changed to the word "fee".

**REP. GROSZ** Submitted another amendment which will change the Public Safety Answering Point, to Public Service Answering Point.

**REP. CARLSON** Stated the bill would be acted on at a later date.

**COMMITTEE ACTION 4-2-01, TAPE #1, SIDE A, METER #420**

**REP. CARLSON** Reviewed the bill with committee members.

**REP. GROSZ** Gave an explanation of amendment #18098.0102.

The amendment changed the word "tax" to "fee". This was done for the reservations.

**REP. CLARK** Made a motion to adopt the amendment #18098.0102 as presented.

**REP. WINRICH** Second the motion. **MOTION CARRIED BY VOICE VOTE.**

**REP. GROSZ** Gave an explanation of the next set of amendments #18098.0104

This amendment will require that any extension of the current tax will have to go to a vote of either the governing body or a vote of the people.

**REP. DROYDAL** Made a motion to adopt the amendment #18098.0104 as presented.

**REP. GROSZ** Second the motion. **MOTION CARRIED BY VOICE VOTE WITH REP. BRANDENBURG VOTING NO.**

**REP. LLOYD** Made another motion to change the word "tax" to "fee" on page 4

**REP. HERBEL** Second the motion. **MOTION CARRIED BY VOICE VOTE.**

**REP. CARLSON** Presented amendment #18098.0109 which changes the fee of one dollar to eighty five cents.

After some questions were raised, Rep. Carlson decided to hold this amendment until other amendments were acted upon to see what the end result would be when the other amendments were acted on.

4-62-01

**REP. CARLSON** Presented amendment #18098.0107 which removes Sec. 6 of the bill.

Gave a brief review of what Sec. 6 does.

After a lengthy discussion regarding GPS versus towers and triangulation, Rep. Carlson read the FCC ruling on this matter.

**REP. BRANDENBURG** Made a motion to adopt Amendment #18098.0107 as presented.

**REP. GROSZ** Second the motion. **MOTION CARRIED WITH 8 yes 6 no 1 absent**

**REP. CARLSON** Presented amendment #18098.0108 which had been presented by Rep. Severson in his testimony, plus it establishes a coordination of public safety answering points coverage, to make sure the whole state is covered by some type of system.

**REP. HERBEL** voiced concerns that only eight PSAP's would not be enough to cover the state, he stated that South Dakota has thirty three.

**REP. DROVDAL** Made a motion to adopt Amendment #18098.0108 as presented.

**REP. GROSZ** Second the motion.

**REP. CARLSON** Suggested that the words "enhanced 9 1 1 equipment" be added to the amendment.

**REP. RENNERFELDT** Made a motion to further amend by adding "enhanced 9 1 1 equipment".

**REP. CLARK** Second the motion. **MOTION CARRIED BY VOICE VOTE.**

4-02-01

**REP. WINRICH** Made a motion to further amend amendment #18098.0108 to change the last sentence to read "in reviewing requests for approval of expenditures for PSAP's, the committee shall encourage consolidation of services and the provision of state-wide coverage".

**REP. HERBEL** Second the motion. **MOTION FAILED 7 YES 7 NO 1 ABSENT**

A roll call vote was taken of Amendment #18098.0108 with further amendments on it.

**MOTION FAILED 7 YES 7 NO 1 ABSENT**

**REP. CARLSON** returned to act on Amendment #18098.0109 which changed the one dollar fee to eighty five cents.

**REP. GROSZ** Made a motion to adopt the amendment as presented.

**REP. WIKENHEISER** Second the motion. **MOTION CARRIED 9 YES 5 NO**

**REP. LLOYD** Made a motion to further amend amendment #18098.0108 which would set a date for PSAP's to be in place.

**REP. BRANDENBURG** Second the motion. **MOTION CARRIED BY VOICE VOTE.**

**REP. GROSZ** Made a motion adopt Amendment #18098.0108 as presented.

**REP. BRANDENBURG** Second the motion. **MOTION CARRIED BY VOICE VOTE**

**WITH TWO NO VOTES.**

**REP. GROSZ** Made a motion for a **DO PASS AS AMENDED (5 TIMES)**

**REP. LLOYD** Second the motion. **MOTION CARRIED**

**14 YES 0 NO 1 ABSENT**

4-02-01

**REP. DROVDAL** Requested a minority report leaving amendment #18098.0108 off.

**REP. WINRICH, REP. LLOYD AND REP. KROEBER** Also wanted to sign on the minority report.

**REP. GROSZ** Was given the floor assignment.

**COMMITTEE ACTION** 4-9-01, TAPE #1, SIDE A, METER # 0

**REP. CARLSON** Reviewed the bill and amendments which had been voted on earlier.

**REP. DROVDAL** Explained some changes he had drafted to Amendment #18098.0108.

The change will require that the twenty three PSAP's will have to report to the required three person committee and that committee will have to report to the Legislative body, so that we know precisely, where we are going when we look at caps and other activities in the future. This says we will build this system from the ground up, instead of the top down.

He stated this amendment will be included with the amendment which is being drafted by John Walstad of the Legislative Council.

**REP. DROVDAL** Made a motion to reconsider the action by which SB 2067 was passed out of committee.

**REP. CLARK** Second the motion. **MOTION CARRIED BY VOICE VOTE, WITH TWO COMMITTEE MEMBERS VOTING NO.**

**JOHN WALSTAD, ATTORNEY FOR THE LEGISLATIVE COUNCIL,** Appeared before the committee to explain the new draft of amendments. He stated the bulk of the amendments was changing the word "tax" to "fee". On page 1, line 1, includes references to a Section 9 being

Page 19

House Finance and Taxation Committee

Bill/Resolution Number SB 2067

Hearing Date ~~March 14, 2001~~

3-9-01

added to the bill. Page 4, line 15 sets when a fee is imposed only if approved by governing body or electors of city or county with a thirty day notice. Page 5, subsection 1 is replaced with new language, subsection 2, changes "excise tax" to "fee" this means they have to be segregated funds, and the monies cannot be spent until the agreement is executed. Subsection 3, the governing body or designees will enter into an agreement directly with each wireless provider, etc., the governing body may not reimburse a wireless service provider for tower construction, or extension of wireless service provider's infrastructure that is not related to providing wireless enhanced 9 1 1 service.

**REP. CARLSON** Asked if the word "directly" could be added?

**JOHN WALSTAD** Didn't think it could hurt.

Mr. Walstad felt that Section 6, which had been amended out of the bill earlier, should again be added in.

Several questions were asked by all committee members regarding the amendments.

**TERRY TRAYNOR, NORTH DAKOTA ASSOCIATION OF COUNTIES** Appeared to answer questions of committee members.

**REP. CARLSON** Mentioned that the guidelines to the 9 1 1 service does tie into federal guidelines.

He read a note from Mel Kambeitz, who talked to someone in Colorado who dealt with this same issue as to costs that are reimburseable and what are not. They said costs were to provide the infrastructure, PSAP equipment to handle the additional line of wireless calls, network to deliver wireless calls, office of the wireless carriers to the selective routers to the PSAP, separate trunks

3-9-01

to PSAP's for wireless. Those kinds of things are very specific to 9 1 1, to make it work. Those are the kinds of reimburseable costs you need to deal with.

**REP. CARLSON** Suggested that the word "directly related" be added on page 5, line 29, he felt it stated what the intent was. He stated that amendments had been adopted earlier reducing the one dollar fee to eighty five cents, these new amendments leave the fee at one dollar.

**REP. DROVDAL** Made a motion to adopt Amendment #18098.0116 as presented plus adding the word "directly"

**REP. RENNER** Second the motion. **MOTION CARRIED WITH 14 YES 1 ABSENT**

**REP. GROSZ** Made a motion to adopt Amendment #18098.0109 which changes the fee from one dollar to eighty five cents.

**REP. LLOYD** Second the motion.

Most committee members felt that the maximum fee is one dollar and if the local governing body thought they had enough to operate, they could reduce that fee locally.

**MOTION TO REDUCE THE FEE FAILED.**

**REP. DROVDAL** Made a motion for a **DO PASS AS AMENDED.**

**REP. CARK** Second the motion. **MOTION CARRIED**

**14 YES      0 NO      1 ABSENT**

**REP. DROVDAL** Was given the floor assignment.

Date: 4-2-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2067

House FINANCE & TAXATION Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

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

Action Taken adopt amend

Motion Made By Rep Seconded By Rep

Representatives	Yes	No	Representatives	Yes	No
CARLSON, AL, CHAIRMAN	✓		NICHOLAS, EUGENE	✓	
DROVDAL, DAVID, V-CHAIR		✓	RENNER, DENNIS	✓	
BRANDENBURG, MICHAEL	✓		RENNERFELDT, EARL	✓	
CLARK, BYRON	✓		SCHMIDT, ARLO		✓
GROSZ, MICHAEL	✓		WIKENHEISER, RAY	✓	
HERBEL, GIL		✓	WINRICH, LONNY		✓
KELSH, SCOT		✓			
KROEBER, JOE		✓			
LLOYD, EDWARD	✓				

Total (Yes) 8 No 6

Absent 1

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

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

Date: 4.2.01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2067

House FINANCE & TAXATION Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

Seconded By

Representatives	Yes	No	Representatives	Yes	No
CARLSON, AL, CHAIRMAN		✓	NICHOLAS, EUGENE	✓	
DROVDAL, DAVID, V-CHAIR		✓	RENNER, DENNIS		✓
BRANDENBURG, MICHAEL		✓	RENNERFELDT, EARL		✓
CLARK, BYRON	✓		SCHMIDT, ARLO	✓	
GROSZ, MICHAEL		✓	WIKENHEISER, RAY		✓
HERBEL, GIL	✓		WINRICH, LONNY	✓	
KELSH, SCOT	✓				
KROEBER, JOE	✓				
LLOYD, EDWARD	✓				

Total (Yes) 7 No 7

Absent 1

Floor Assignment Rep.

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

*180th. J. J. failed*  
*adopt further amendment*

Date: 4-2-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2067

House FINANCE & TAXATION Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee Suited

Legislative Council Amendment Number Amend A 18098-0108

Action Taken adopt

Motion Made By \_\_\_\_\_ Seconded By \_\_\_\_\_

Representatives	Yes	No	Representatives	Yes	No
CARLSON, AL, CHAIRMAN	✓		NICHOLAS, EUGENE	A	
DROVDAL, DAVID, V-CHAIR		✓	RENNER, DENNIS	✓	
BRANDENBURG, MICHAEL	✓		RENNERFELDT, EARL	✓	
CLARK, BYRON	✓		SCHMIDT, ARLO		✓
GROSZ, MICHAEL	✓		WIKENHEISER, RAY	✓	
HERBEL, GIL		✓	WINRICH, LONNY		✓
KELSH, SCOT		✓			
KROEBER, JOE		✓			
LLOYD, EDWARD		✓			

Total (Yes) 7 No 7

Absent 1

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

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

Date: 11-2-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2067

House FINANCE & TAXATION Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number 18098. 2109

Action Taken adopt

Motion Made By Rep Grosz Seconded By Rep Wikenheiser

Representatives	Yes	No	Representatives	Yes	No
CARLSON, AL, CHAIRMAN	✓		NICHOLAS, EUGENE	✓	
DROVDAL, DAVID, V-CHAIR	✓		RENNER, DENNIS	✓	
BRANDENBURG, MICHAEL	✓		RENNERFELDT, EARL	✓	
CLARK, BYRON		✓	SCHMIDT, ARLO		✓
GROSZ, MICHAEL	✓		WIKENHEISER, RAY	✓	
HERBEL, GIL	✓		WINRICH, LONNY		✓
KELSH, SCOT		✓			
KROEBER, JOE		✓			
LLOYD, EDWARD	✓				

Total (Yes) 9 No 5

Absent 1

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

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

3-30-01  
 Date: 4-2-01  
 Roll Call Vote #: 1

**2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2067**

House FINANCE & TAXATION Committee

Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

*Reconsidered*

Legislative Council Amendment Number 5

Action Taken D

Motion Made By Rep Grosz Seconded By Rep Lloyd

Representatives	Yes	No	Representatives	Yes	No
CARLSON, AL, CHAIRMAN	✓		NICHOLAS, EUGENE	A	
DROVDAL, DAVID, V-CHAIR	✓		RENNER, DENNIS	✓	
BRANDENBURG, MICHAEL	✓		RENNERFELDT, EARL	✓	
CLARK, BYRON	✓		SCHMIDT, ARLO	✓	
GROSZ, MICHAEL	✓		WIKENHEISER, RAY	✓	
HERBEL, GIL	✓		WINRICH, LONNY	✓	
KELSH, SCOT	✓				
KROEBER, JOE	✓				
LLOYD, EDWARD	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep. Grosz

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

Date: 4-9-01  
Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2067

House FINANCE & TAXATION Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number 18098.0109

Action Taken a dept amendment

Motion Made By Rep Grosz Seconded By Rep Lloyd

Representatives	Yes	No	Representatives	Yes	No
CARLSON, AL, CHAIRMAN	✓		NICHOLAS, EUGENE		✓
DROVDAL, DAVID, V-CHAIR		✓	RENNER, DENNIS		✓
BRANDENBURG, MICHAEL	A		RENNERFELDT, EARL	✓	
CLARK, BYRON		✓	SCHMIDT, ARLO		✓
GROSZ, MICHAEL	✓		WIKENHEISER, RAY		✓
HERBEL, GIL		✓	WINRICH, LONNY		✓
KELSH, SCOT		✓			
KROEBER, JOE		✓			
LLOYD, EDWARD	✓				

Total (Yes) 4 No 10

Absent \_\_\_\_\_

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

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

Date: 4901  
Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2067

House FINANCE & TAXATION Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number 18098, 0110

Action Taken Adopt Amends

Motion Made By Rep Seconded By Rep

Representatives	Yes	No	Representatives	Yes	No
CARLSON, AL, CHAIRMAN	✓		NICHOLAS, EUGENE	✓	
DROVDAL, DAVID, V-CHAIR	✓		RENNER, DENNIS	✓	
BRANDENBURG, MICHAEL	✓		RENNERFELDT, EARL	✓	
CLARK, BYRON	✓		SCHMIDT, ARLO	✓	
GROSZ, MICHAEL	✓		WIKENHEISER, RAY	✓	
HERBEL, GIL	✓		WINRICH, LONNY	✓	
KELSH, SCOT	✓				
KROEBER, JOE	✓				
LLOYD, EDWARD	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Per

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

Date: 4-9-01  
Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2067

House FINANCE & TAXATION Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number 18098.0117

Action Taken Do Pass as amended

Motion Made By Rep. Drovdal Seconded By Rep. Clark

Representatives	Yes	No	Representatives	Yes	No
CARLSON, AL, CHAIRMAN	✓		NICHOLAS, EUGENE	✓	
DROVDAL, DAVID, V-CHAIR	✓		RENNER, DENNIS	✓	
BRANDENBURG, MICHAEL	A		RENNERFELDT, EARL	✓	
CLARK, BYRON	✓		SCHMIDT, ARLO	✓	
GROSZ, MICHAEL	✓		WIKENHEISER, RAY	✓	
HERBEL, GIL	✓		WINRICH, LONNY	✓	
KELSH, SCOT	✓				
KROEBER, JOE	✓				
LLOYD, EDWARD	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep. Drovdal

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

**REPORT OF STANDING COMMITTEE**

**SB 2067: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2067 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 57-40.6 of the North Dakota Century Code, relating to 'he study of coordination of public safety answering points coverage;"

Page 1, line 3, replace "an excise tax" with "a fee"

Page 1, line 4, replace "tax" with "fee"

Page 3, line 1, overstrike "**excise tax**" and insert immediately thereafter "fee"

Page 3, line 3, overstrike "an excise tax" and insert immediately thereafter "a fee"

Page 3, line 6, overstrike "excise tax" and insert immediately thereafter "fee"

Page 3, line 7, overstrike "tax" and insert immediately thereafter "fee"

Page 3, line 9, overstrike "excise tax" and insert immediately thereafter "fee"

Page 3, line 10, overstrike "excise tax" and insert immediately thereafter "fee"

Page 3, line 11, overstrike the first "tax" and insert immediately thereafter "fee" and overstrike the second "tax" and insert immediately thereafter "fee"

Page 3, line 13, overstrike "excise tax" and insert immediately thereafter "fee"

Page 3, line 15, overstrike "tax" and insert immediately thereafter "fee"

Page 3, line 16, overstrike "excise tax" and insert immediately thereafter "fee"

Page 3, line 19, overstrike "excise tax" and insert immediately thereafter "fee" and overstrike the second "tax" and insert immediately thereafter "fee"

Page 3, line 21, overstrike "tax" and insert immediately thereafter "fee"

Page 3, line 22, overstrike "tax" and insert immediately thereafter "fee"

Page 3, line 24, overstrike "tax" and insert immediately thereafter "fee"

Page 3, line 27, overstrike "tax" and insert immediately thereafter "fee"

Page 3, line 28, overstrike "tax" and insert immediately thereafter "fee"

Page 3, line 30, overstrike "excise tax" and insert immediately thereafter "fee"

Page 4, line 3, overstrike "tax" and insert immediately thereafter "fee"

Page 4, line 7, overstrike "tax" and insert immediately thereafter "fee"

Page 4, line 12, overstrike "tax" and insert immediately thereafter "fee"

Page 4, line 13, overstrike "tax" and insert immediately thereafter "fee"

- Page 4, line 14, overstrike "tax" and insert immediately thereafter "fee"
- Page 4, line 15, replace "Effective August 1, 2001, any excise tax imposed under this section, including a" with "A fee"
- Page 4, line 16, remove "tax", after "imposed" insert "under this section", and replace "applies to all telephone exchange access" with "may be extended"
- Page 4, line 17, remove "service and"
- Page 4, line 18, replace "tax" with "fee" and after "imposed" insert "only if that extension of the fee has been approved by a majority vote of the governing body of the city or county upon at least thirty days' prior notice in the official newspaper of the city or county that the governing body will consider the issue or by majority vote of the electors of the city or county voting on the question upon placement of the question on the ballot by the governing body of the city or county at a regular or special city or county election"
- Page 4, line 21, overstrike "tax" and insert immediately thereafter "fee"
- Page 4, line 22, overstrike "tax" and insert immediately thereafter "fee"
- Page 4, line 24, overstrike "tax" and insert immediately thereafter "fee"
- Page 4, line 26, overstrike "tax" and insert immediately thereafter "fee"
- Page 5, line 3, overstrike "Tax" and insert immediately thereafter "Fee"
- Page 5, line 4, overstrike "tax" and insert immediately thereafter "fee"
- Page 5, line 6, overstrike "tax" and insert immediately thereafter "fee"
- Page 5, line 7, replace "tax" with "fee"
- Page 5, line 8, overstrike "tax" and insert immediately thereafter "fee"
- Page 5, line 12, overstrike "tax" and insert immediately thereafter "fee"
- Page 5, line 13, overstrike "tax" and insert immediately thereafter "fee"
- Page 5, line 16, replace "Revenues from the excise tax on wireless service authorized by section" with "Within twenty-four months after the extension of the fee to wireless access lines under subsection 6 of section 57-40.6-02, the governing body shall request enhanced 911 service from all wireless carriers providing service as of that date within the governing body's jurisdiction."
- Page 5, remove lines 17 through 20
- Page 5, line 21, replace "excise tax" with "fee"
- Page 5, line 27, after "with" insert "each"
- Page 5, line 28, replace "providers" with "provider" and replace "their" with "only that provider's"
- Page 5, line 29, replace "and reimburse the" with ". A governing body may not reimburse a wireless service provider for tower construction or for the extension of a wireless"

service provider's infrastructure which is not directly related to providing wireless enhanced 911 service."

Page 5, remove line 30

Page 6, remove lines 1 through 16

Page 6, line 17, replace "6" with "4"

Page 6, after line 20, insert:

"5. The governing body or its designee shall keep records to show expenditures for wireless service providers separately from expenditures for telephone exchange access service providers."

Page 7, after line 23, insert:

**"SECTION 9.** A new section to chapter 57-40.6 of the North Dakota Century Code is created and enacted as follows:

Reports of coordination of public safety answering points coverage. The governing body of a city or county, which adopted a fee on telephone exchange access service and wireless service under this chapter, shall make an annual report of the income, expenditures, and status of its emergency services communication system. The annual report must be submitted to the state radio division and to the public safety answering points coordinating committee. The committee is composed of three members, one appointed by the North Dakota 911 association, one appointed by the North Dakota association of counties, and one appointed by the office of management and budget to represent the state radio division. The public safety answering points coordinating committee shall file its report with the legislative council by November first of each even-numbered year."

Renumber accordingly

2001 TESTIMONY

SB 2067



Saren K. Krebsbach  
.0  
1767  
D 58702-1767

# NORTH DAKOTA SENATE

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



COMMITTEES:  
Industry, Business  
and Labor  
Government and  
Veterans Affairs,  
Chairman

## TESTIMONY SENATE BILL 2067 (WIRELESS 911) 10:30 AM - Wednesday, January 24, 2001 Senate Finance & Tax

Senate Bill 2067 is a proposal to extend the current surtax for enhanced 911 from traditional wireline phones to wireless communication so that local government can begin the implementation of "call back" and "locate" technologies for wireless phones.

Members of this Committee will likely remember that after considerable compromise and amendment last Session, a bill to address this issue was passed. Governor Schafer felt it was not the right vehicle to accomplish wireless E-911, and he vetoed the bill.

Recognizing the need however, Governor Schafer convened a study committee to re-examine the issue from all sides with a goal of reaching a compromise that his office could support. Senate Bill 2067 is the product of that Committee.

The Governor's Committee included members from the wireline and cellular industries, counties and cities, public safety agencies, law enforcement, and emergency service providers. These broad interests were brought together around this critical public safety issue and have achieved success by bringing forth a bill the ultimately all could support.

Others will explain the bill in further detail as well as give some examples of the vital need that exists for North Dakota to implement this lifesaving technology. The rural nature of our state makes moving ahead with enhanced wireless 911 most critical.

I urge your support for Senate Bill 2067 so we may start the process.

**TESTIMONY TO THE  
SENATE FINANCE & TAXATION COMMITTEE**

**Prepared January 24, 2001 by the  
North Dakota Association of Counties  
Terry Traynor, NDACo Assistant Director**

**Concerning Senate Bill No. 2067**

Chairman Urlacher and members of the Committee I am here today to express strong support for SB2067 as the representative of the Association of Counties and as a member of the Governor's Committee that prepared this bill for your consideration.

It is my role today to provide a brief explanation of the bill itself, but before that I would like to note a couple of its key elements that I hope will be noticed as we go through it. These are:

- The bill "piggy-backs" the wireless fee for implementing enhanced wireless 911 onto the current local voter-option fee on landlines. Therefore it;
  - keeps the fee level locally-driven but capped by the Legislature,
  - maintains equity between landline & wireless phone service, and
  - keeps the revenues local, eliminating state administrative efforts.
- Additional restrictions on the use of the new wireless funds for local government were written into the bill, and then these restrictions were duplicated for the landline funding, again to maintain equity.
- The liability protection provided to the landline companies was also extended to the wireless providers.

Briefly, a section-by-section description:

1. Significant amendments to the definitions are proposed Section 1 to clearly delineate when we are talking about landline phone service and when we are talking about wireless. The wireless definitions have been written to conform to federal law and the Federal Communication Commission's language that governs the delivery of enhanced wireless 911. This is important to the wireless industry so that they know that State expectations are in line with what is required nationally. Of particular importance is #4 that defines where the fee is paid for a particular wireless device. This issue

has been addressed by federal law and is key in a locally collected fee situation.

2. This section is essentially the heart of the bill, in that it makes locally adopted fees under this Chapter applicable to both landline and wireless service. Subsection 6 imposes the same fee on all wireless devices in an area that already has a landline fee in place, as of August 1, 2001. Notably, on page 2, line 11 & 12, the statutory maximum of \$1 per line is maintained, however a jurisdiction can impose a lower fee. Also, no amendments are proposed regarding the 6-year review period and 12-year election requirement. Therefore, if a city or county imposed a fee four years ago, they would still be required to take commission action in 2 years and go back to the voters in 8 years.
3. This makes it clear that wireless companies, like the landline carriers are to collect the fee on their bill, and they are to state the amount separately.
4. This section addresses data base services that only landline companies provide, and the only change is to remain consistent with the new definitions.
5. Section 5 allows both landline and wireless companies operating within a city or county imposing a fee to keep a small portion of the revenue for their costs of billing, collecting, and remitting the funds. The bill adds a five percent cap that was not in current law.
6. Significant amendments have been proposed in Section 6, governing the use of the funds collected.
  - Subsection 1 requires that revenues from the wireless service be used first to meet contractual requirements with the carriers and specific local PSAP wireless expenses before general 911 operating costs are funded.
  - Subsection 2 requires that the new wireless revenue be held "unexpended in a separate fund" until the governing body is ready to implement wireless E-911 as evidenced in one of two ways.
  - Subsection 3 directs the local governing body or its designee to enter into agreements with the wireless provider for the specific services necessary to implement wireless E-911, and to reimburse the providers on a monthly basis for those services. The addition of "designee" anticipates the possibility of a joint-powers agreement for a number of cities and counties to do this together either through a governmental group or a service integrator.

- Subsection 4 mirrors the subsection 3 agreement requirements, it simply references the landline companies instead of the wireless.
  - Subsection 5 holds the governing body to the agreements made with the communications companies in the event that the fee generates insufficient revenue in a particular month.
  - Subsection 6 allows the governing body to use revenues in excess of those obligated under agreements with the communications companies for "implementing, maintaining, or operating the emergency services communication system." These are the same general restrictions on all of these funds under current law.
7. Section 7 of the bill switches the text to the newly defined term for a land line compar and deletes obsolete language referring to the state committee that was repealed several Sessions ago.
  8. The liability protection currently provided to the landline companies is extended in Section 8 to the wireless companies.
  9. The final section makes the bill effective on the same date as the start date for the extension of the existing fees to the wireless service.

That concludes my description of the bill. I would like to identify the government and industry people that served on the Governor's committee. Attached to my testimony is a listing. As you can imagine, this effort was challenging, at times confrontational, but ultimately rewarding -- as the Governor stated in his letter (attached) to our Chairman supporting our final bill draft; "An improved 911 system and the extension of that to the cell phone system is important to the public safety of all North Dakota citizens."

Several city and county officials would now like to express their support, and briefly describe why this legislation is so important to public safety. I will however, attempt to answer any questions you may have, but I would like to end my testimony by stating that county government would greatly appreciate your support of Senate Bill 2067.

## Public Safety Answering Points in North Dakota

City	County	Cities	Additional Support / Notes
<b>State Radio: Bismarck</b>	<b>Service Area:</b> Adams, Billings, Bowman, Burke, Dickey, Divide, Emmons, Foster, Golden Valley, Grant, Griggs, Hettinger, Kidder, Lamoure, Logan, McHenry, McIntosh, Ransom, Sargent, Sheridan, Slope, and Wells Counties and the cities therein.		
Bismarck	Burleigh	Cities therein	A portion of McLean County (Wilton area)
Bottineau	<ul style="list-style-type: none"> <li>• Bottineau</li> <li>• Renville</li> </ul>	<ul style="list-style-type: none"> <li>• Cities therein</li> <li>• Cities therein</li> </ul>	Portions of McHenry, Pierce, and Rollette Counties
Cavalier	Pembina	Cities therein	
Devils Lake	<ul style="list-style-type: none"> <li>• Ramsay</li> <li>• Towner</li> <li>• Benson</li> <li>• Eddy</li> <li>• Nelson</li> </ul>	<ul style="list-style-type: none"> <li>• Cities therein</li> </ul>	
Dickinson	<ul style="list-style-type: none"> <li>• Stark</li> <li>• Dunn</li> </ul>	<ul style="list-style-type: none"> <li>• Cities therein</li> <li>• Cities therein</li> </ul>	
Fargo	Cass	Cities therein	Excludes West Fargo
Grafton	Walsh	Cities therein	
Grand Forks	Grand Forks	Cities therein	
Hillsboro	<ul style="list-style-type: none"> <li>• Traill</li> <li>• Steele</li> </ul>	<ul style="list-style-type: none"> <li>• Cities therein</li> <li>• Cities therein</li> </ul>	
Jamestown	Stutsman	Cities therein	
Langdon	Cavalier	Cities therein	
Mandan	Morton	Cities therein	Fringe areas of Stark, Dunn, Mercer, Oliver and Grant Counties
Minot	Ward	Cities therein	
Rugby	Pierce	Cities therein	Small portion of Rollette County
Stanley	Mountrail	Cities therein	
Stanton	<ul style="list-style-type: none"> <li>• Mercer</li> <li>• Oliver</li> </ul>	<ul style="list-style-type: none"> <li>• Cities therein</li> <li>• Cities therein</li> </ul>	
Valley City	Barnes	Cities therein	
Wahpeton	Richland	Cities therein	<ul style="list-style-type: none"> <li>• Small portions of Sargent and Ransom in ND</li> <li>• Wilken and Roberts County in SD</li> </ul>
Washburn	McLean	Cities therein	
Watford City	McKenzie	Cities therein	Still being set up
West Fargo		City of West Fargo	
Williston		City of Williston	

**ENHANCED 911 ADVISORY COMMITTEE**

Mr. Warren DeKrey (Chairman)  
(Citizen)

Lt. Fred Debowey  
Minot Police Department  
(911 Association -- Large Agency)

Ms. Becky Ault  
Pembina County Emergency Manager/911 Coordinator  
(911 Association -- Small Agency)

Sheriff Fred Marquardt  
Burke County  
(911 Association -- State Radio User)

Mr. Jim Blundell, Director of External Affairs  
Western Wireless and VoiceStream Wireless  
(Wireless Representative)

Mr. David Crothers  
Executive Vice President and General Manager  
North Dakota Association of Telephone Cooperatives  
(Wireline Representative)

Sgt. Gary Bitz  
North Dakota Highway Patrol  
(President, North Dakota Peace Officers Association)

Mr. Derrick Hanson  
(President, North Dakota Emergency Medical Services Association)

Mr. W. Bryce Hill  
Bismarck City Commission  
(North Dakota League of Cities)

Terry Traynor  
Assistant Director  
(North Dakota Association of Counties)



**STATE OF NORTH DAKOTA**

OFFICE OF THE GOVERNOR

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(701) 328-2206 TDD (701) 328-2887

E-MAIL: governor@state.nd.us

EDWARD T. SCHAFER  
GOVERNOR

December 5, 2000

Mr. Warren DeKrey  
130 Redstone Drive  
Bismarck, ND 58501

Dear Warren,

Thank you for your letter describing the success of the E911 committee. I appreciate your efforts and the hard work of all committee members. An improved 911 system and the extension of that to the cell phone system is important to the public safety of all North Dakota citizens.

The committee has successfully addressed the concerns that I had with the bill during the 1999 Legislative Session. You have my support to forward this bill to the 2001 Legislative Session.

I will ask my staff to work with members of your committee to make sure this legislation is introduced in the upcoming session. And, I will make sure the next administration is aware of your hard work and my support for the bill.

Thanks to you and the members of the committee for their time, wisdom and hard work.

*Great work  
Warren!  
Thanks -  
E*

Sincerely,

Edward T. Schafer  
Governor

13:30:33

cc: ✓ E911 Committee Members

TESTIMONY

TO: THE SENATE FINANCE & TAXATION COMMITTEE

DATE: JANUARY 24, 2001

FROM: Gary R. Kostelecky, Stark & Dunn County 9-1-1 Coordinator  
and Past President, ND 9-1-1 Association

Concerning Senate Bill 2067

Thank You Chairman Urlacher and members of the Committee. My name is Gary Kostelecky. I am the 9-1-1 Coordinator for Stark and Dunn Counties and the immediate Past-President of the ND 9-1-1 Association. My purpose here today is to express support for Senate Bill 2067.

When the original 9-1-1 tax law was first written in 1985, no thought was given to the enormous surge in the overall use of cellular or "wireless" technology. Today, the use of cellular phones is almost a standard for everyone and the industry predicts that in 2003, the wireless revenues will surpass the wireline industry. That is a great concern for 9-1-1 Public Safety Answering Point's (PSAP) and dispatchers across North Dakota and the nation. As you all know, dispatchers have to query every cellular call extensively because they do not get any telephone number or location information as they do when an individual makes a call from their landline telephone. Although the FCC has mandated that cellular companies must provide Phase I telephone number and tower location information to the PSAP's by October 01, 2001 and Phase II phone location within 125 meters by October 01, 2002, the ruling also stipulates that there must be a cost recovery program in place to enable the PSAP's to upgrade their 9-1-1 equipment and be able to request and purchase the cellular location information from the wireless industry. All wireless traffic would be routed to the present centers via the three (3) telephone company tandems in

North Dakota just as they are for wireline calls today. Some of the counties have already upgraded their 9-1-1 equipment due to Y2K and other concerns and would be able to receive location information once it was provided and negotiated for, and some of the counties still need to upgrade equipment and software to provide the 9-1-1 service we take so much for granted today.

As the wireline services are being replaced with wireless capabilities, the revenues received by the counties and PSAP's continue to be reduced and could conceivably jeopardize our ability in the future to provide emergency responders in a timely manner. In September, 1997, I had 10,911 telephone lines and in September, 2000, I was down to 8,328 lines in Stark County alone. In 1999, we spent over \$220,000.00 rebuilding and equipping our Dispatch Center, partially due again to Y2K concerns but mainly to replace old worn-out equipment. Implementing new systems such as electronic mapping and updating equipment to try and stay close to today's ever-changing technology is and will continue to be a challenge. We can only anticipate and plan ahead.

There has also been discussion concerning consolidation of PSAP's for wireless traffic but we are not building a new system, we are simply trying to bring our current centers up to date. We want to be able to order, purchase and pay for the new technology by collecting the user fee (cellular tax) from our wireless users just as we do from the regular telephone customers. 9-1-1 service is being provided "free" to wireless users today that are able to dial 9-1-1 from a cellular phone but not having call-back or location information or the

equipment to utilize it is of little use to persons that cannot communicate with or respond to a dispatcher. Today, 35 % to 50 % (in some areas) of the 9-1-1 calls received are originated by cellular phones and that number continues to rise monthly. We must prepare ourselves and with your legislative support, we will be able to meet the safety demand that should be a concern to all of us.

I hope that I was able to shed a bit more light on a subject that we as Public Safety Officials are extremely concerned about and I would be happy to answer any questions that you may have today or at any time. **I would greatly appreciate your support of Senate Bill 2067!**

# NEWS

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Internet: <http://www.fcc.gov>  
<ftp.fcc.gov>

 Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D. C. 20554

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See *MCI v. FCC*, 819 F.2d 383 (D.C. Cir. 1974).

FOR IMMEDIATE RELEASE  
SEPTEMBER 15, 1999

NEWS MEDIA CONTACT:  
Meribeth McCarrick at (202) 418-0654

## FCC ACTS TO PROMOTE COMPETITION AND PUBLIC SAFETY IN ENHANCED WIRELESS 911 SERVICES

Washington, D.C. ---The Federal Communications Commission (FCC) has revised its rules aimed at providing consumers with enhanced 911 emergency services when using wireless phones. The new requirements promote public safety, competition among wireless 911 equipment manufacturers and the continued improvement in the quality of 911 services.

Specifically, the new rules will enable handset-based methods of providing location information for 911 calls to compete in a reasonable way with network-based solutions in meeting the FCC's Enhanced 911 (E911) Phase II requirements. The FCC also modified implementation requirements for carriers and revised the accuracy/reliability rules applicable to all Automatic Location Identification (ALI) technologies. These new rules will benefit both callers and public safety entities by providing accurate and efficient automatic location information in emergencies.

### Background on E911:

The FCC's wireless 911 rules seek both to improve the reliability of wireless 911 services and to provide the enhanced features generally available for wireline calls. To further these goals, the agency has required wireless carriers to implement E911 service, subject to certain conditions and schedules, including a request from a Public Safety Answering Point (PSAP). Phase I of the FCC's E911 rules requires that a dialable number accompany each 911 call, which allows the PSAP dispatcher to call back if the call is disconnected or to obtain additional information. It also gives the dispatcher the location at the cell site that received the call as a rough indication of the caller's location. Phase II of the FCC's wireless 911 rules allows the dispatcher to know more precisely where the caller is located, a capability called Automatic Location Identification or ALI.

The current FCC E911 rules were adopted in 1996, and reflected then current expectations about technological development. At that time, it was anticipated that only network-based approaches would be employed to provide ALI. Since then advances in technologies that employ new or upgraded handsets have demonstrated significant progress. However, as a practical matter, current FCC rules only permit network-based solutions to meet the Phase II requirements in the short term because they require that ALI be provided for all 911 calls in a PSAP's area as of a fixed date (October 1, 2001). As a result, the current rule effectively precludes use of a handset-based approach, which requires the gradual replacement or upgrade of

current handsets. Today the FCC revised its rules to permit the phase-in of new or upgraded handsets in order for handset-based solutions to be a viable competitor for initial ALI deployment under Phase II, while making other revisions aimed at promoting wireless E911 and improving public safety.

Specifics of Today's Action:

The FCC adopted the following revisions to its wireless E911 rules:

- Wireless carriers who employ a Phase II location technology that requires new, modified or upgraded handsets (such as GPS-based technologies) may phase-in deployment of Phase II subject to the following requirements:

- Without respect to any PSAP request for Phase II deployment, the carrier shall:

1. Begin selling and activating ALI-capable handsets no later than March 1, 2001;
2. Ensure that at least 50 percent of all new handsets activated are ALI-capable no later than October 1, 2001; and
3. Ensure that at least 95 percent of all new digital handsets activated are ALI-capable no later than October 1, 2002.

- Once a PSAP request is received, the carrier shall, in the area served by the PSAP:

Within six months or by October 1, 2001, whichever is later:

1. Ensure that 100 percent of all new handsets activated are ALI-capable;
2. Implement any network upgrades or other steps necessary to locate handsets; and
3. Begin delivering to the PSAP location information that satisfies Phase II requirements.

Within two years or by December 31, 2004, whichever is later, undertake reasonable efforts to achieve 100 percent penetration of ALI-capable handsets in its total subscriber base.

- For roamers and other callers without ALI-capable handsets, carriers shall support Phase I ALI and other available best practice methods of providing the location of the handset to the PSAP.
- To be allowable under the FCC rules, an ALI technology that requires new, modified, or upgraded handsets shall conform to general standards and be interoperable, allowing roaming among different carriers employing handset-based location technologies.
- For carriers employing network-based location technologies, the FCC replaces its current plan, which requires that implementation be fully accomplished within 6 months of a PSAP request, with a revised rule requiring the carrier to deploy Phase II to 50 percent of

callers within 6 months of a PSAP request and to 100 percent of callers within 18 months of such a request.

- The FCC adopts the following revised standards for Phase II location accuracy and reliability:
  - For network-based solutions: 100 meters for 67 percent of calls, 300 meters for 95 percent of calls;
  - For handset-based solutions: 50 meters for 67 percent of calls, 150 meters for 95 percent of calls.
- The FCC directs wireless carriers to report their plans for implementing E911 Phase II, including the technology they plan to use to provide caller location, by October 1, 2000. This report shall provide information to permit planning for Phase II implementation by public safety organizations, equipment manufacturers, local exchange carriers, and the FCC, in order to support Phase II deployment by October 1, 2001.
- The FCC directs that the Office of Engineering and Technology and the Wireless Telecommunications Bureau, working with interested parties, proceed expeditiously to address issues of verifying compliance with the Phase II accuracy and reliability standards.

Action by the Commission September 15, 1999, by Third Report and Order (FCC 99-245). Chairman Kennard, Commissioners Ness, Furchtgott-Roth, Powell and Tristani with Commissioner Tristani issuing a separate statement.

News Media Contact: Meribeth McCarrick at (202) 418-0654; TTY at (202) 418-7233; or e-mail at [mmccarri@fcc.gov](mailto:mmccarri@fcc.gov)

Wireless Bureau contacts: Dan Grosh at (202) 418-1310, e-mail [dgrosh@fcc.gov](mailto:dgrosh@fcc.gov)  
Mindy Littell (202) 418-1310, e-mail [mlittell@fcc.gov](mailto:mlittell@fcc.gov) or TTY at (202) 418-7233.

WT Report No. 99-27

CC Docket No. 94-102

- FCC

**TESTIMONY IN SUPPORT OF SB 2067**  
**JANUARY 24, 2001**  
**SENATE FINANCE AND TAXATION COMMITTEE**  
**PREPARED BY CURTIS PELLETT, SHERIFF OF WELLS COUNTY**

Good Morning Mr. Chairman and members of this committee.

I would like to thank you for the opportunity to testify before you today in support of Senate Bill 2067. My name is Curtis Pellett, and I am the Sheriff of Wells County. I have been the sheriff for 25 years and I know first hand the importance of funding cellular location information technology for the Public Safety Answering Points that handle those calls. On November 29, 2000, my department was dispatched by ND State Radio for a cellular call that had come in at 6:08 p.m. on their emergency line. North Dakota State Radio is the Public Safety Answering Point for Wells County. The caller told the dispatcher that he was an injured snowmobile rider lost near a canal North of Manfred in Wells County. Our department immediately requested our ambulance be dispatched as well. We were notified again by State Radio that they had received a second call at 6:19 p.m. Again, the caller stated he had been riding his snowmobile, had an accident, was injured, and he was wondering where the ambulance was. When the dispatcher attempted to get more specific information from the caller, the caller hung up, saying he was going to pass out. A third call was made to State Radio at 6:26 p.m. Again, the dispatcher attempted to get a name of the individual and more specific location information. The caller was begging for help and again hung up the phone. I organized a search team involving the Wells County Sheriff's Department, the Fessenden Police Department, the Fessenden Ambulance Service, the Fessenden Fire and Rescue Squad, and the local snowmobile club.

**TESTIMONY IN SUPPORT OF SE 2067**  
**JANUARY 24, 2001**  
**SENATE FINANCE AND TAXATION COMMITTEE**  
**PREPARED BY CURTIS PELLETT, SHERIFF OF WELLS COUNTY**  
**PAGE 2**

We were also joined by the Harvey Fire and Rescue Squad, the ND Highway Patrol, and the North Dakota Game and Fish Department. We searched from 6:30 p.m. until 12:30 a.m. Constant communication was maintained between our department, State Radio, and the searchers. It was already dark when we started the search and when the decision was made to call off the search until daylight, I was confident that we did not have an injured snowmobiler lost in that area. At daylight, my entire department again went out to continue the search. We had not received any reports of a missing snowmobiler during the night, nor had we received any more emergency calls from the snowmobiler. That morning, our 9-1-1 coordinator contacted State Radio to begin the process of tracing the calls. By the end of the day, after jumping through lots of legal hoops, the trace was completed. The caller was identified and all three calls were confirmed to be false reports. The individual has been criminally charged and a court date is pending. We have estimated the total cost for the search at just over \$3,800.00. This does not include any costs incurred by State Radio, the Highway Patrol, or the Game and Fish.

Had location technology been available through the cellular industry, and had ND State Radio been able to receive and process this information, we would have known the caller was driving around the county in his pick-up, and not laying injured outside. I realize this process will not happen overnight, but the use of cellular phones to report emergencies continues to increase and it is imperative to begin now. I urge your support of this proposed legislation and I will be happy to answer any questions you may have.

January 24, 2001

To: Chairman Herbert Urlacher and Senators  
Finance & Taxation

From: Lt. Fred Debowey  
Minot Police Department/Ward County 911 Coordinator

Re: SB 2067

Good morning Chairman Urlacher and fellow Senators. My name is Fred Debowey and I am the 911 Coordinator for Ward County. I am also a member of Governor Schafer's Wireless 911 Committee and a past president of the North Dakota 911 Association.

I am before you this morning in support of SB 2067.

I am presenting each of you examples of what a typical 911-call screen would look like.

Page 1 is an actual 911 call from a wire line phone system. The 911 screen shows the calling phone number, the name, in this case of a business, the physical address or location of the call and the three agencies tasked with the emergency response. This is the enhanced 911 system. If the calling party were unable to speak the dispatcher would still dispatch the emergency responders because the location of the emergency is readily available. There is also a call back number in the event the phone is disconnected.

Page 2 is an example of a private party calling 911 for assistance. I have deleted any information that would identify the actual person. All of the information on page 1 is here along with the apartment number. Again giving the actual physical location and a call back number to the 911 call.

Page 3 is an actual 911 call from a wireless device, cellular phone. The dispatcher will not receive any of the information as on pages one and two. The dispatcher must ask the calling party for a telephone number, name and their current location. If the calling party cannot speak the dispatcher will have an open line with no knowledge of where to dispatch the proper emergency service. The requirements of the FCC order when implemented will change what is lacking on page three to something similar to pages one and two.

After Governor Schafer vetoed the last 911 legislation he delegated a committee to draft a bill which you have before you. Each of the respective members on this committee has worked to draft this bill. Each has agreed that this bill will work to secure the necessary funding to provide the technology of wireless 911 location and a call back number.

Thank you very much. I will attempt to answer any questions you may have of me.

=====  
Program: e9aliprt Process ID: 1343  
=====

23-JAN-01 14:42:17

Ph #: (701) 857-5074 CS: RT Exch: Pilot: 857-5000  
Name: TRINITY HEALTH Loc: P-SET BY COUNCIL 2  
Addr: 1 BURDICK EXPY W  
City: MINOT ND ID: 12 13934 F LSP: ON Y  
ESN:0000 0001 MINOT POLICE DEPT MINOT FIRE DEPT COMMUNITY AMBULANCE  
Date: 01/23/01 13:07 AAI: WD 58701 MI SDN: 105

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Program: e9alprt Process ID: 1343 28-JAN-01 14:47:10  
=====

Ph #: (701) 852- CS: RT Exch: Minot Tel SRT Pilot: 852-  
Name: ROSE C Loc: APT  
Addr: 8TH ST NW  
City: MINOT ND ID: 14 14130 LSP: RE E  
ESN:0000 0001\*MINOT POLICE DEPT MINOT FIRE DEPT COMMUNITY AMBULANCE  
Date: 01/28/01 14:18 AAI: WD 5870: MI SDR: 101

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Program: e9aliprt Process ID: 1343 20-JAN-01 14:40:41  
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Ph #: OS: Exch: Pilot:  
Name: Lec:  
Addr: Invalid ANI received ID: 00 13317  
City:  
ESN:  
Date: 01/23/01 13:04 AA1: SDN: 101

TESTIMONY BEFORE THE FINANCE AND TAXATION  
COMMITTEE OF THE  
NORTH DAKOTA SENATE

January 24, 2001

Senate Bill 2067— Wireless E911 Service and Fee

Chairman Urlacher and Members of the Senate Finance and Taxation  
Committee:

My name is Jim Blundell and I am Director of External Affairs at  
Western Wireless Corporation, a Bellevue, Washington company doing  
business in North Dakota under the brand name CellularOne®.

Western Wireless is a wireless telecommunications carrier  
specializing in providing high-quality, affordable, and reliable cellular  
services to subscribers in rural areas. Western Wireless currently provides  
service to more than 1,000,000 subscribers under licenses in North Dakota  
and 18 other states, covering over 25 percent of the continental United  
States.

Western Wireless supports Senate Bill 2067. This bill is the by-  
product of the Governor's Task Force on Wireless Enhanced 911. I was  
proud to have served on that Task Force with many dedicated North  
Dakotans, all of whom worked in good faith to reach consensus on a

solution to the need for wireless E911 service. Governor Schaefer directed us to find a solution to allow the implementation of wireless E911 in a manner that would ensure that any surcharge on wireless customers would truly be used for implementation of wireless E911. This bill will accomplish that.

Western Wireless is eager to provide enhanced wireless 911 service to its customers in North Dakota, and I'm sure the counties and emergency telecommunications providers here today are eager to receive it. But providing E911 service is not a simple or inexpensive proposition. It requires compliance with FCC orders, the negotiation of agreements with public safety answering points (PSAPs), the provisioning of dedicated trunks, database maintenance, call testing, software upgrades, call routing decisions, and many other functions and costs. We found that there are no easy answers and that any solution would raise objections from one group or another. We settled on a solution that raised the fewest objections. It is not perfect, but it achieves the basic objective of implementing E911 in the most economical and efficient manner possible.

Senate Bill 2067 recognizes the existing wireline E911 system and gives counties the additional authority to impose a similar tax on wireless

customers to build a wireless E911 system. It is important to note that this bill does not simply add wireless customers to the pool of customers paying the existing wireline tax. This is important because the bill successfully creates a distinct wireless E911 tax on customers that will be used to fund a distinct wireless E911 system. By doing so, we were able to add assurances that the wireless funds would be spent on wireless E911 implementation and that they would only be spent when a PSAP is ready to receive wireless E911 data. Had we simply imposed the existing wireline tax on wireless customers, we would not have been able to add these assurances that seemed critical to Governor Schaefer.

The bill ensures that funds collected from wireless customers will build a wireless E911 system. The language of the bill requires that these wireless E911 funds "must be used for implementation, maintenance, and operation of enhanced 911 wireless service under this section . . . ." The wireline E911 system has already been built and, although it requires constant maintenance, it does not require continued capital expenditure. The wireless E911 system will require substantial capital investment by both the PSAPs and wireless carriers and this bill ensures that the funds are targeted to the stated purpose of the bill.

Senates Bill 2067 will hold wireless E911 revenues in a separate fund until several pre-conditions are met. First, as required by FCC order, the PSAP must be capable of receiving the E911 data from the carrier. Second, the PSAP must formally request the service from the carrier, certifying that it is so capable. And third, there must be an agreement in place between the PSAP and the carrier for the provision of the service and the reimbursement of the carrier's costs. Once these pre-conditions have been satisfied, then the county that has collected the funds can make expenditures on wireless E911.

The third pre-condition, requiring agreements between the PSAPs and the carriers, could be an administrative difficulty, given that each carrier will have to negotiate with each county and/or PSAP around the state. Many states have created a process of establishing a statewide agreement. There was some discussion of that among the PSAPs during the Task Force meetings. The wireless industry would strongly support that effort. A single, statewide agreement would remove the burden of negotiating with multiple counties. We encourage the 911 Association to continue its work toward developing a process for negotiation of a statewide agreement.

Finally, the bill imposes a reasonable method for determining the location of each wireless customer for purposes of collecting the tax. In last year's session, Congress passed the Uniform Sourcing Act, which establishes standardized methods for determining the location of wireless customers for purposes of paying local and state taxes. The industry and local governments recognize these methods, as the accepted methods for determining customer location. Senate Bill 2067 recognizes the Uniform Sourcing Act and incorporates its location methods by reference.

Chairman Urlacher and Members of the Senate Finance and Tax Committee, thank you for your time this morning on this important subject. Western Wireless has concluded that the time for a wireless E911 solution has come. Western Wireless believes that Senate Bill 2067 is that solution and recommends its adoption. Western Wireless would be delighted to work with the committee on this and other issues. On behalf of Western Wireless I urge a DO PASS vote on Senate Bill 2067. I am available for any questions you might have.

Thank you.

**Senate Finance and Taxation Committee**  
**Senate Bill No. 2067**  
**Excise Tax on Wireless Service**

Mr. Chairman and members of the Senate Finance and Taxation Committee, my name is Lois Hartman. I am the Executive Director of the North Dakota Firefighter's Association. I appear before you today in support of SB 2067.

Mr. Chairman, I really don't have much to add to testimony already given, I just wanted to say that cell phones have proven themselves as an important emergency tool. The number of calls coming into the 911 centers is increasing, thus it would seem logical that the cell phone users should also help fund the 911 centers. I do not have the statistics for the percentages of cell phone calls to each of the 388 fire departments or districts in the state. But I can tell you that any of these fire departments can be dispatched due to the call from a cell phone user calling 911 for help.

Mr. Chairman and members of the committee, I would request your support for this bill. Thank you.



# NORTH DAKOTA SENATE

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



Director Karen K. Krebsbach  
District 40  
P.O. Box 1767  
Minot, ND 58702-1767

COMMITTEES:  
Industry, Business  
and Labor  
Government and  
Veterans Affairs,  
Chairman

## TESTIMONY

SENATE BILL 2067 (WIRELESS 911)  
9:00 AM - Wednesday, March 14, 2001  
House Finance & Tax  
Representative Al Carlson, Chairman

Senate Bill 2067 is a proposal to extend the current surtax for enhanced 911 from traditional wireline phones to wireless communication so that local government can begin the implementation of "call back" and "locate" technologies for wireless phones.

Members of this Committee will likely remember that after considerable compromise and amendment last session, a bill to address this issue was passed. Governor Schafer felt it was not the right vehicle to accomplish wireless E-911, and he vetoed the bill.

Recognizing the need however, Governor Schafer convened a study committee to re-examine the issue from all sides with a goal of reaching a compromise that his office could support. Senate Bill 2067 is the product of that Committee.

The Governor's Committee included members from the wireline and cellular industries, counties and cities, public safety agencies, law enforcement and emergency service providers. These broad interests were brought together around this critical public safety issue and have achieved success by bringing forth a bill that ultimately all could support.

Others will explain the bill in further detail as well as give some examples of the vital need that exists for North Dakota

to implement this lifesaving technology. The rural nature of our state makes moving ahead with enhanced 911 most critical.

As I understand, there will be an amendment proposed by Representative Severson that I as sponsor of the bill concur with. Other proponents of the bill will be addressing the amendment as well.

I urge your support for Senate Bill 2067 so we may start the process.

Rep SEWELSON  
SB 2067

# Death blamed on bee's sting

6-29-99

■ Searchers unable to find  
Mandan woman after call

KEN ROGERS, *Bismarck Tribune*

Unable to trace the source of a 911 call made on a cell phone, searchers could not find a 63-year-old Mandan woman Thursday who said she was allergic to bee stings and had been stung.

A motorist spotted Patricia Knudson's car in a field almost two miles south of Memorial Highway, 4½ hours after her call for help. She was dead.

The Morton County Sheriff's Department has requested an autopsy, although Knudson's condition was consistent with anaphylactic shock, said Deputy James Folley.

The 911 switchboard in Bismarck received Knudson's call at 1:20 p.m.

"The female caller stated she had been either out walking or jogging and had been stung by a bee, that she was driving a white Honda. The caller also stated she was on the highway near Lonesome Dove," according to a Morton County incident report.

A Metro Area ambulance was dispatched and several Mandan Police Department units searched the area around the Lonesome Dove, which is in the city limits, going as far south as South Bay Drive Southeast.

The searcher could not find a white Honda. As it turned out, the car was about a half mile south of the search area, and nearly two miles from the Lonesome Dove, outside the city limits.

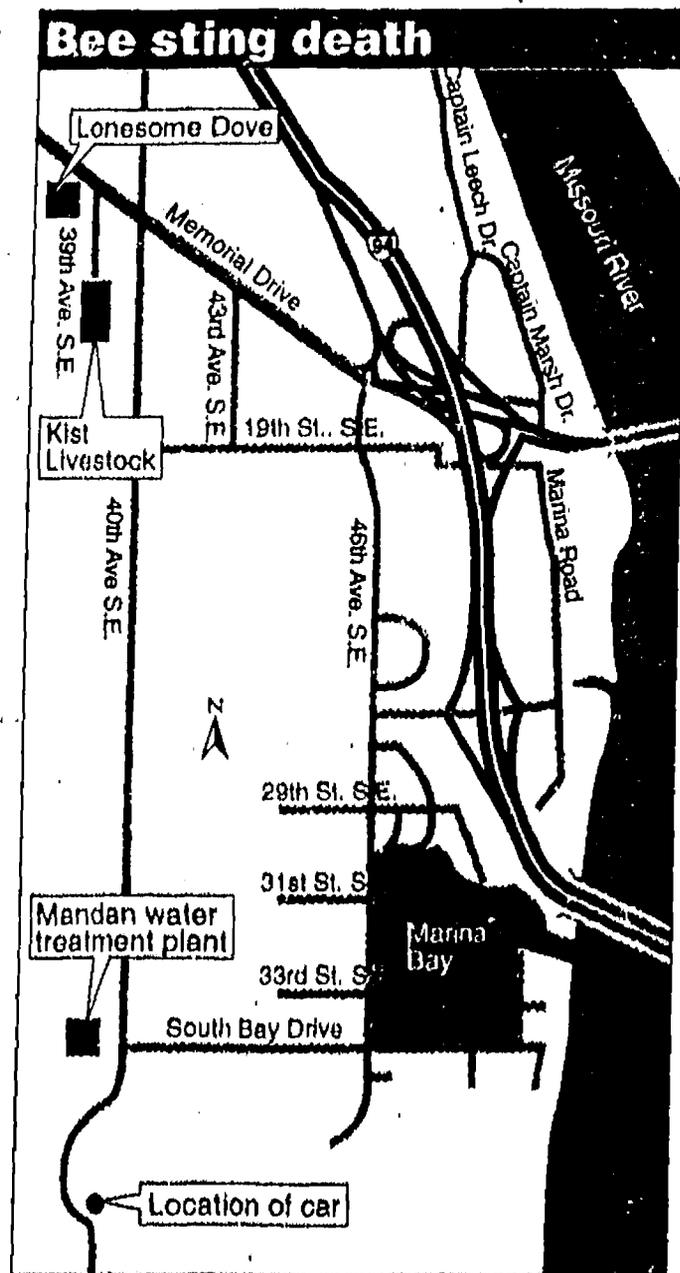
"There wasn't an organized search," said Mandan Police Chief Dennis Rohr, who wasn't sure how long the officers spent looking for Kundson.

Unlike 911 calls from home phones, dispatchers can't tell the location of a cell phone caller. However, the development of global positioning technologies makes it possible to identify the location of cell phone callers, and the Federal Communication Commission has taken the first steps to link addresses to cell phone location for 911 cell phone calls.

A bill to develop a locating system for 911 calls in North Dakota passed both houses of the state Legislature earlier this year, but was vetoed by Gov. Ed Schafer.

At 5:24 p.m., Morton County dispatchers received a second 911 call. This time, the call came from Cassey Sammons, who used Knudson's cell phone to call in what he assumed was an accident — her car had left the gravel road, knocked down a three-strand barbed wire fence and was sitting in a field. He attempted CPR, however, the condition of the body indicated she had been dead for some time.

Paramedics on the scene told officers about the ear-



By JASON LUEDER of the Tribune

Her 911, making the connection to the search and the 911 call about the bee sting.

Corner Dr. H.A. Wheeler asked for an autopsy.

Kundson's son, Jonathan Helb of Minot, later told Deputy Lynn Woodall that his mother was allergic to bee stings and had medication for emergencies, according to the report.

(More on BEE, Page 12A)

# Bee: Sting reaction explained

FROM PAGE 1A

Knudson lived at 4300 Jetty Beach.

Most people stung by a bee will have a reaction, and with each succeeding sting may have stronger reactions. And people who are allergic to bee stings usually are aware of the seriousness of their allergy because of the building strength of past reactions.

When a bee stings a person, the body sees it as invasion by a for-

eign substance and will create antibodies to fight it. Those antibodies can cause other reactions — anaphylactic reactions — which can mean swelling as the body of a sensitized individual tries to protect itself.

"It can cause a drop in blood pressure, shock can happen," said Dr. Dave Field, a family physician at Q & R Medcenter One — Mandan East. "Management of the airway is first priority."

Medication, by prescription, is available — adrenaline or epinephrine.

Putting ice on a bee sting helps most people; however, if the swelling is rapid and is accompanied by a shortness of breath, the person should be taken to an emergency room. The person should not drive.

"We see reactions to bee stings and also reactions to medication, too," Field said. People can also have dramatic allergic reactions to certain foods.

# Death puts legislation back in the spotlight

6-29-99

KEN ROGERS  
Bismarck Tribune

A bill that would have allowed emergency responders to pinpoint the location of 911 cell phone calls passed both houses of the North Dakota Legislature this spring but was vetoed by Gov. Ed Schafer.

Signing the bill would not have saved the life of a Mandan woman who called 911 Thursday and could not be found. But her death, the result of a bee sting, illustrates why proponents of enhanced 911 want to see locations linked to emergency cell phone calls.

If the service had been in operation, searchers could have told within five meters where Patricia Knudson's cell phone was located. The ambulance might have reached her in time to save her life, despite her inability to tell them where she was.

"It is not a position of the governor that we don't want to advance this technology," said Schafer's Chief of Staff William Goetz. "We need to move in that direction: We need it in all seasons of the year, as well as the example of the case that occurred yesterday."

In his April 20 veto message, Schafer said the bill would have:

- Created a \$2 million tax by levying a 40 cents per month charge on all cell phone.

- Created a planning committee that doesn't include taxpayers, emergency medical service representatives or law enforcement personnel.

- Created a tax on cell phone users, when they are already paying a tax on their land-lines.

- Funded some existing 911 service without moving it to an enhanced level.

In addition, the cost of enhanced 911 isn't known.

"From day one after the veto, we spent considerable time discussing the ramifications of that veto," Goetz said, "and also what the governor saw for the future ... an individual on staff has been given responsibility to continue to work on this with the people who were strong advocates of advancing this technology."

The North Dakota bill was, in part, in response to a Federal Communications Commission requirement on enhancing 911, said Rick Hessinger, 911 coordinator for State Radio.

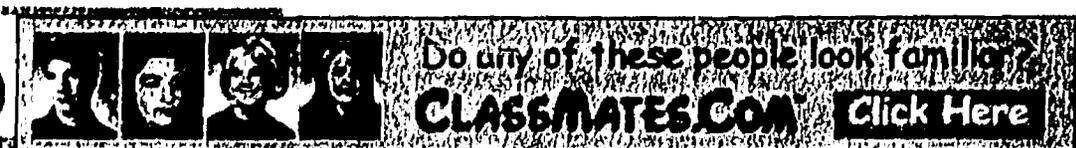
The FCC required that by November 1997 all cellular or wireless companies take 911 calls, whether the caller was a subscriber or not. No matter where you call from, a 911 call will be taken.

A second phase of the FCC program, required by April 1, 1998, asks the cellular company to provide 911 dispatchers with the area or sector a 911 call came from.

In many areas, the sectors or foot prints are well defined and narrow, so knowing what sector a call comes from can help emergency response. Unfortunately, in North Dakota most sectors are very wide, so that knowledge isn't necessarily useful.

Finally, by Oct. 1, 2001, location must be linked to caller by latitude and longitude, if there's a way to pay the cellular company, plus a formal request is made by the 911 center and the 911 center is able to use it.

Considering the incident in Mandan Thursday, Hessinger said, "The purpose of global position is exactly like that scenario. If a person has a bee sting or heart attack and are unable to talk to us, we can go to that address," said Hessinger.



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DATELINE NBC

# Getting out of your car alive

## How can you escape your vehicle if it is submerged in water?

By Len Cannon  
NBC NEWS

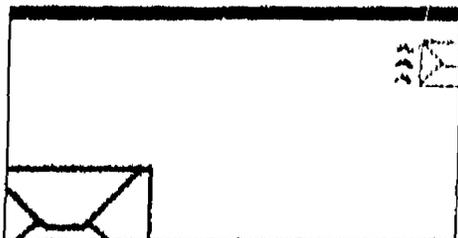
Feb. 27 — Hopefully, it will never happen to you — your car, veering off the road, plunges into water. Every second counts, as we found out a few years ago when we tried to show you what to do to get out alive. Just recently a chilling 911 call was made public. A woman in Florida, her car sinking, was begging for help. It's a reminder to us all how vital it is to be prepared for an emergency, no matter how unlikely it seems. Dateline's Len Cannon reports.

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### A FRANTIC CALL FOR HELP

**911 Operator:** "Miami-Dade County police and fire — where is the emergency?"

**Karla Gutierrez:** "Hi. I just got into an accident. I'm sinking in the water."

On Friday, Feb. 16, at 5:09 a.m. Karla Gutierrez's

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**Len Cannon**  
NBC CORRESPONDENT

car has just careened off a Florida freeway. No one knows where she is. Trapped inside, the 32-year-old grabs her cell phone and makes a desperate call to 911.

**911 Operator:** "Are you out of your vehicle?"

**Gutierrez:** "No, not yet."

**911 Operator:** "Where are you at?"

**Gutierrez:** "I think I can't get out..."

**911 Operator:** "OK, where are you?"

All 911 operators are trained, first and foremost, to get the location of the caller.

**Gutierrez:** "I'm not sure, I'm not sure where I am."

**911 Operator:** OK, honey, you have to tell me. I can't help you if you don't tell me where you are at."

Getting a location is the only way to get help to the person in danger.

**Gutierrez:** "Oh my God, my car is sinking!"

The other priority is to keep the caller from panicking.

**911 Operator:** "Relax, honey, relax. Do you see anything around you? A landmark?"

**Gutierrez:** "No I don't."

Which the operator tries again and again.

**911 Operator:** "We are getting help out, OK, just stay on the line with me Karla."

While the 911 operator is still not clear where Karla is...

**911 Operator:** "Ma'am are you sure you're on the turnpike?"

She encourages her to find a way out...

**911 Operator:** "Can you get out of the vehicle?"

**Gutierrez:** "No I can't. If I do all the water is going to come in."

All the while, the clock is ticking and Karla's car is going down.

**Gutierrez:** "My car is sinking!!"

Only later would it become clear where Karla's car was. For now, all the 911 operator knew was that the car was sinking.

It was a rare type of call for 911, a sinking car, a small window of time, maybe three minutes for rescue teams to get there. Could Karla find a way to get out of the car?

There are things you can do to help yourself in this kind of situation as we found out in a "Dateline" story that we did in 1996.

### EMERGENCY ADVICE

For advice on how to get out alive we sought out Captain Ed Brown, the person in charge of Miami-Dade fire rescue teams, the same units called on to save Karla



Gutierrez's life.

**Len Cannon:** "Captain, God forbid it ever happens, but if it does and you end up in your car in the water, what do you do to get out?"

**Captain Brown:** "I like to tell people, remember the word 'pogo' — p-o-g-o. Pretty easy to remember."

The "p" part is pop the seat belt. The "o" part is open the window. The last part — the "g-o" is go! get out.

We decided to test Captain Brown's advice. "Dateline" got a car, hooked it up to a crane, and with me inside, dropped it into a South Miami canal. Most cars will float for two to three minutes before they sink, enough time to get out if you act quickly.

Remember "P.O.G.O."

- P: Pop your seatbelt
- O: Open the window
- GO: Go! Get out as soon as you can

The mistake most people make is that they panic — understandably so. The water's starting to rush into the car, coming up through the floorboard, now

Captain Ed Brown, Miami-Dade fire rescue

hitting my ankles. What you have to remember is what Captain Brown told us — "P-O-G-O." What do you do? First, pop that seat belt; secondly, open the window; and third, get out.

The mistake most people make is that they panic — understandably so.

It seems deceptively easy, but that's if you can keep a clear head. One caution: The window of our junkyard car wasn't working, so I had to push it down by hand. In your car, of course, you'd simply roll the window down or try your electric window. We'll explain what you can do if it's not working.

But don't panic, because panic can make you forget even the simplest things.

**Len Cannon:** "Where have you seen evidence of people panicking to the point where it cost them their lives, where they could have gotten out?"

**Captain Brown:** "We've had a lot of situations where the window was open, the door may have been open, and they were trapped in the car. And they were only held in by a seat belt. They completely forget the fact they're strapped in and they go into eternity still strapped in the seat belt."

But what can you do if you're still inside when your car sinks? Captain Brown says you should still try the "POGO" method. Will it work?

To find out, I stayed strapped in as my car went under. Despite being trained as a scuba diver and having an emergency tank of air in the back seat, as the water rushes in, there is panic on my face.

I immediately reached for the window, then

realized I'd forgotten to pop my seatbelt first. It seemed to take an eternity, but I managed to escape in just a few seconds.

**Captain Brown:** "You should still try the windows, yes. If it's wind-down windows and you're lucky to be driving one of those old timers, crank it down and get out."

But if you have electric windows, like in most cars, you've got a big problem. Chances are the water will have shorted-out the electric system and your windows simply won't work. Now you'll have to consider your next option.

And then there's the belief that you can survive by breathing trapped air. Don't count on it.

Your first thought when the car first hits the water may be to try and open the door, but that's next to impossible because of the outside water pressure on the door. Actually, you should wait until the car is totally submerged, and even then, it can be a struggle to open the door, but you can still do so. Here's how:

Sitting and waiting as your car fills with water and sinks will be terrifying, but if the door is your only way out, you don't have any other choice. The door will only open when it's covered with water both inside and out and the pressure on both sides is equal. And there are a few other things to keep in mind: There's a good chance your car may flip upside-down as it sinks, so keep hold of something — the steering wheel, a door handle — so you can orient yourself when the car settles.

And then there's the belief that you can survive by breathing trapped air. Don't count on it.

**Captain Brown:** "In general, the air pocket, if one does exist, is very small. It may not be easily accessed. It may be only, you know, a couple of quarts of air trapped close to the roof, and it may be highly contaminated with gasoline and other things that make it very unpleasant to breathe."

Now let's assume the worst has happened. The car is now under water. The doors and windows are locked, and you can't get out. What do you do? Well if you've planned ahead, there is a device called a "center punch," which is available at just about any hardware store. With it you can literally shatter the window. Simply place the point firmly against the window and push.

[I]f you've planned ahead, there is a device called a "center punch," which is

**Captain Brown:** "Yeah, I really believe in these little items. It's great for breaking side windows of cars, and for extrication. I keep one in every vehicle I have in the family. I keep it on the dash board, either on a lanyard or attached to the dashboard in a way that it's easily available for the driver right from the driver's

available at just about any hardware store.

seat and is reachable.”

So, back into the water, this time with a spring-loaded center punch, I held it at a 90-degree angle against the lower part of the window and pushed. Be sure your center punch is sharp. A dull one probably won't work. Attach it securely within easy reach, and if you don't have a center punch, you can try any sharp object — a screwdriver or a pocketknife. But be aware, not every window will break easily.

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**INTERACTIVES** [More information on rescues from Lifesaving.com](http://www.lifesaving.com)

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**Captain Brown:** “You won't be able to break the windshield because it's tempered safety-glass. You won't be able to break the back window because it's tempered safety-glass. But the side windows are breakable.”

**Len Cannon:** “Forget about trying to break the front or back windows? Go for the side windows?”

**Captain Brown:** “That's correct.”

No one knows exactly what happened to Karla Gutierrez that February morning, but it seems she was overcome by panic.

#### A VICTIM OF PANIC?

**911 Operator:** “Karla, you can't open the window or get out?”

**Gutierrez:** “No, I can't. I can't. My car is sinking!”

And before 911 was able to pin down her location...

**Gutierrez:** “Oh my god!”

It was too late.

**Gutierrez:** “Oh, my God, oh, my God!”

Karla's death immediately raised questions about 911 procedure, prompting news organizations — ours included — to take another look at the way 911 operators are trained, whether location should always be the main priority.

Karla's fiancé thought the operators could have done more.

“We're highly disturbed at the poor training that this 911 operator had which meant she was not able to help my fiancée save her life,” he said.

Miami officials maintain their dispatcher followed correct procedure.

**Bill Kinch:** “I think she did an excellent job with what she had.”

Bill Kinch works with the National Academy of the

Turns out, most 911 dispatchers have not been trained on how to talk people out of a submerged vehicle, because it is such a rare type of 911 call.

Emergency Medical Dispatch. He is part of a team that sets national and international standards for 911 operators, including those in Miami-Dade County.

**Len Cannon:** "If I am in a sinking car and call from a cell phone, should I expect the operator to know what to do?"

**Bill Kinch:** "Historically, what's happened is people have been told they will get help."

**Cannon:** "So you are telling me that most of the time the dispatcher won't know what to tell the person in that situation?"

**Bill Kinch:** "The dispatcher will have to figure it out off the top of their head what they will need to do."

**Cannon:** "The young lady's family insisted if they had instructed her on how to get out, that perhaps may have saved her life, instead of concentrating on where she was."

**Bill Kinch:** "Understood — you have to have a location so you can send help to those people that are involved. That is critically important. The other thing is that had she been given specific instructions, [would] she have gotten out? Again I think that is speculative, I am not certain."

Turns out, most 911 dispatchers have not been trained on how to talk people out of a submerged vehicle, because it is such a rare type of 911 call.

And cell phones have caused a crisis within the 911 community. That's because cell phone calls cannot be automatically traced and the caller's location identified, and cell phones can be used by people anytime, anywhere, increasingly in emergency situations.

That is why this past September the national emergency dispatchers group established and offered for free new step-by-step instructions and training to guide 911 operators through emergency calls via cell phones — calls made from a burning building, or from people who've been swept up in a flash flood, who've fallen through ice, or are in a sinking vehicle.

**Len Cannon:** "Do you know how many centers out there are actually trained to handle this type of emergency?"

**Bill Kinch:** "The number of centers that have actually purchased the product since September is only six."

Ironically, Miami officials had inquired about the new procedures a few weeks ago.

**Bill Kinch:** "They are interested and we're still moving forward. It just so happens this event occurred in the negotiation process."

Karla Gutierrez was found in the back seat of her BMW with the windows rolled down and no seatbelt

on. Toxicologists say her blood alcohol level was slightly above the legal limit. In a struggle for her life, was she doomed by panic or could "pop, open, and go" have saved her life?

**Captain Brown:** "Pop the seat belt, open the window, and get out of the car. You should be able to be a survivor."

Bill Kinch says the death of Karla Gutierrez was not in vain. Last week, prompted by her case, the National Academy of Medical Dispatch updated its official procedure for this scenario to better reflect the exact instructions she would have needed to get out alive.

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March 14, 2001

To: Chairman Al Carlson & Committee Members  
Finance & Taxation

From: Lt. Fred Debowey  
Minot Police Department/Ward County 9-1-1 Coordinator

Re: SB 2067

Good morning Chairman Carlson and fellow Representatives. My name is Fred Debowey and I am the 9-1-1 Coordinator for Ward County. I am also a member of Governor Schafer's Wireless 9-1-1 Committee and a past president of the North Dakota 9-1-1 Association.

I am before you this morning in support of SB 2067.

I am presenting each of you examples of what a typical 9-1-1 call screen would look like. This is not necessarily the same as other cities but all follow a similar format.

Page 3 is an actual 9-1-1 call from a wire line phone system. The 9-1-1 screen shows the calling phone number, the name, in this case a pay phone, the physical address or location of the call and the three agencies tasked with the emergency response. This is the enhanced 9-1-1 system. If the calling party were unable to speak the dispatcher would still dispatch the emergency responders because the location of the emergency is readily available. There is also a call back number in the event the phone is disconnected.

Page 4 is an actual 9-1-1 call from my wireless device, a cellular phone. The dispatcher will not receive any of the information as on page three. The dispatcher must ask the calling party for a telephone number, name and their current location. If the calling party cannot speak the dispatcher will have an open line with no knowledge of where to dispatch the proper emergency service(s). The requirements of the FCC order when implemented will change what is lacking on page four to something similar to page three.

After Governor Schafer vetoed the last 9-1-1 legislation he delegated a committee to draft a bill, which you have before you. Each of the respective members on this committee has worked to draft this bill. Each has agreed that this bill will work to secure the necessary funding to provide the technology of wireless 9-1-1 location and a call back number.

The important issue today is the safety of our public, not individual agendas. We can all find reasons not to like or want such a law, yet other states have already adopted the necessary legislation to ensure their public will have the knowledge that those entrusted with their safety will respond quickly and accurately when the emergency arises. If North Dakota would have initiated the last legislation we would have been in the forefront of the technology. If this bill does not pass we will be in the rear. At this time the public actually believes if they call 9-1-1 from a wireless device the appropriate agency will always respond. This is not so! An article in the Bismarck Tribune dated June 26, 1999 of a person dying from a bee sting demonstrates this issue. It is possible this person may not have been rescued in time to save a life, but it would not have taken four hours to find the location if wireless location technology had been implemented. I have enclosed a copy of the Bismarck Tribune article, pages 5 and 6. Until a funding mechanism is in place to purchase the necessary equipment, software and mapping programs the emergency services will have to continue as we do now, hoping the caller gives accurate information to the 9-1-1 dispatcher.

Thank you very much. I will attempt to answer any questions you may have of me.

# Death blamed on bee's sting

■ Searchers unable to find Mandan woman after call

KEN ROGERS, *Bismarck Tribune*

Unable to trace the source of a 911 call made on a cell phone, searchers could not find a 63-year-old Mandan woman Thursday who said she was allergic to bee stings and had been stung.

A motorist spotted Patricia Knudson's car in a field almost two miles south of Memorial Highway, 4½ hours after her call for help. She was dead.

The Morton County Sheriff's Department has requested an autopsy, although Knudson's condition was consistent with anaphylactic shock, said Deputy James Folley.

The 911 switchboard in Bismarck received Knudson's call at 1:20 p.m.

"The female caller stated she had been either out walking or jogging and had been stung by a bee, that she was driving a white Honda. The caller also stated she was on the highway near Lonesome Dove," according to a Morton County incident report.

A Metro Area ambulance was dispatched and several Mandan Police Department units searched the area around the Lonesome Dove, which is in the city limits, going as far south as South Bay Drive Southeast.

The searcher could not find a white Honda. As it turned out, the car was about a half mile south of the search area, and nearly two miles from the Lonesome Dove, outside the city limits.

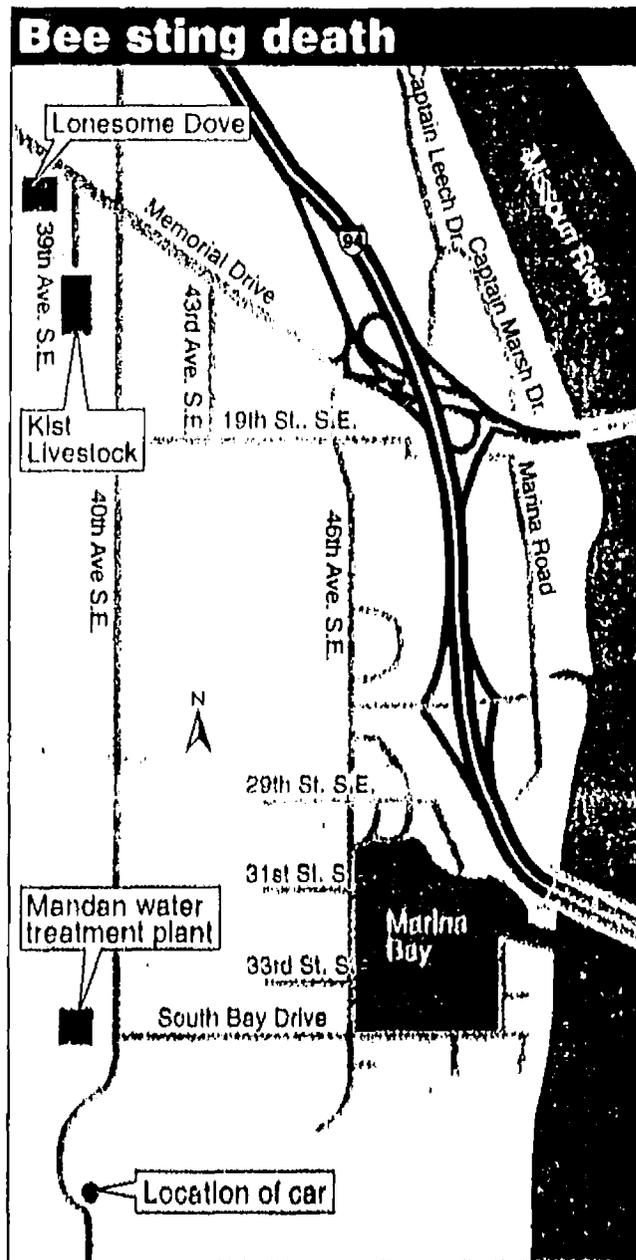
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Unlike 911 calls from home phones, dispatchers can't tell the location of a cell phone caller. However, the development of global positioning technologies makes it possible to identify the location of cell phone callers, and the Federal Communication Commission has taken the first steps to link addresses to cell phone location for 911 cell phone calls.

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By JASON LUEDER of the Tribune

lier 911, making the connection to the search and the 911 call about the bee sting.

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(More on BEE, Page 12A)

Bismarck TRIBUNE - JUNE 26, 1999

# Death puts legislation back in the spotlight

KEN ROGERS  
Bismarck Tribune

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Signing the bill would not have saved the life of a Mandan woman who called 911 Thursday and could not be found. But her death, the result of a bee sting, illustrates why proponents of enhanced 911 want to see locations linked to emergency cell phone calls.

If the service had been in operation, searchers could have told within five meters where Patricia Knudson's cell phone was located. The ambulance might have reached her in time to save her life, despite her inability to tell them where she was.

"It is not a position of the governor that we don't want to advance this technology," said Schafer's Chief of Staff William Goetz. "We need to move in that direction. We need it in all seasons of the year, as well as the example of the case that occurred yesterday."

## Bee: Sting reaction explained

FROM PAGE 1A  
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- Funded some existing 911 service without moving it to an enhanced level.

In addition, the cost of enhanced 911 isn't known.

"From day one after the veto, we spent considerable time discussing the ramifications of that veto," Goetz said, "and also what the governor saw for the future ... an individual on staff has been given responsibility to continue to work on this with the people who were strong advocates of advancing this technology."

The North Dakota bill was, in part, in response to a Federal Communications Commission requirement on enhancing 911, said Rick Hessinger, 911 coordinator for State Radio.

eign substance and will create antibodies to fight it. Those antibodies can cause other reactions — anaphylactic reactions — which can mean swelling as the body of a sensitized individual tries to protect itself.

"It can cause a drop in blood pressure, shock can happen," said Dr. Dave Field, a family physician at Q & R Medcenter One — Mandan East. "Management of the airway is first priority."

The FCC required that by November 1997 all cellular or wireless companies take 911 calls, whether the caller was a subscriber or not. No matter where you call from, a 911 call will be taken.

A second phase of the FCC program, required by April 1, 1998, asks the cellular company to provide 911 dispatchers with the area or sector a 911 call came from.

In many areas, the sectors or foot prints are well defined and narrow, so knowing what sector a call comes from can help emergency response. Unfortunately, in North Dakota most sectors are very wide, so that knowledge isn't necessarily useful.

Finally, by Oct. 1, 2001, location must be linked to caller by latitude and longitude, if there's a way to pay the cellular company, plus a formal request is made by the 911 center and the 911 center is able to use it.

Considering the incident in Mandan Thursday, Hessinger said, "The purpose of global position is exactly like that scenario. If a person has a bee sting or heart attack and are unable to talk to us, we can go to that address," said Hessinger.

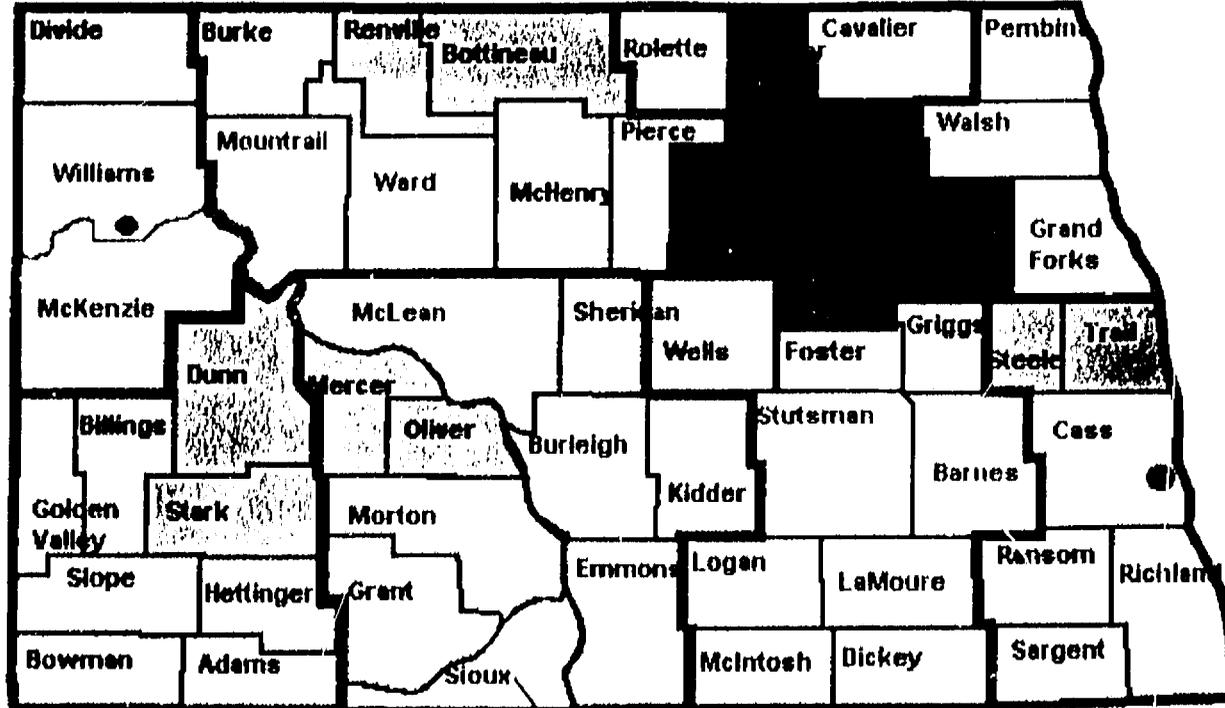
Medication, by prescription, is available — adrenaline or epinephrine.

Putting ice on a bee sting helps most people; however, if the swelling is rapid and is accompanied by a shortness of breath, the person should be taken to an emergency room. The person should not drive.

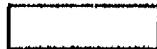
"We see reactions to bee stings and also reactions to medications, too," Field said. People can also have dramatic allergic reactions to certain foods.

Terry Trayner -  
Mark Johnson  
SB 2067

## State Planning Regions – Public Safety Answering Points



(Sioux dispatched out of SD)

-  Governor's Planning Region Boundary  
- Established by NDCC 54-40.1-02 and Executive Order
-  State Radio Counties
-  5-County Lake Region PSAP
-  2-County PSAP Combinations
-  Single County PSAPs  
(Except Rural Williams which does not participate)
-  City-only PSAPs

Dave Croubets  
Submitted during  
Action of Bill

**SB 2067**

**RE: FEDERAL E 911 REQUIREMENTS**

**PHASE I:**

As of April 1, 1998, or within six months of a request by the designated Public Safety Answering Point (PSAP), whichever is later, wireless carriers are required to provide to the PSAP the telephone number of the originator of a 911 call and the location of the cell site receiving a 911 call.

This information assists in providing timely emergency responses by giving some information about the general location from which the call is being received and by permitting emergency call-takers to re-establish a connection with the caller if the call is disconnected.

**PHASE II:**

Wireless carriers are required to provide Automatic Location Identification (ALI) as part of Phase II E 911 implementation beginning October 1, 2001.

The E 911 Phase II requirements are:

**A-Network-Based ALI Technology (Western Wireless' choice)**

a-As of October 1, 2001, or within six months of a PSAP request, wireless carriers employing network-based location technologies must provide Phase II information for at least 50 percent of the PSAP's coverage area or population.

1-Within 18 months of a PSAP request, wireless carriers must provide Phase II information for 100 percent of the PSAP's coverage area or population.

**B-ALI Accuracy Standards**

a-For network-based solutions the system must be accurate within 100 meters for 67 percent of calls and 300 meters for 95 percent of the calls.

### C-Handset-based ALI Technology (GPS)

a-Wireless carriers who employ a Phase II location technology that requires new, modified or upgraded handsets (Such as GPS) may phase in deployment of Phase II subject to the following requirements:

- 1-Begin selling and activating ALI--capable handsets no later than October 1, 2001
- 2-Ensure that at least 25 percent of all new handsets activated are ALI-capable no later than December 31, 2001
- 3-Ensure that at least 50 percent of all new handsets activated are ALI-capable no later than June 30, 2002
- 4-Ensure that 100 percent of all new digital handsets activated are ALI-capable no later than December 31, 2002
- 5-By December 31, 2005, achieve 95 percent penetration of ALI-capable handsets among its subscribers.

D-Once a PSAP request is received by the wireless carrier, the carrier shall, in the area served by the PSAP, within six months or October 1, 2001, whichever is later:

- 1-Install any hardware and/or software in the wireless network and other fixed infrastructure, as needed to provide Phase II E 911 service
- 2-Begin delivering Phase II service to the PSAP

## FACT SHEET

## FCC WIRELESS 911 REQUIREMENTS

In a series of orders since 1996, the Federal Communications Commission (FCC) has taken action to improve the quality and reliability of 911 emergency services for wireless phone users, by adopting rules to govern the availability of basic 911 service and the implementation of enhanced 911 (E911) for wireless services.

## BACKGROUND ON WIRELESS 911

The FCC's wireless 911 rules seek to improve the reliability of wireless 911 services and to provide emergency services personnel with location information that enable them to locate and provide assistance to wireless 911 callers much more quickly. To further these goals, the agency has required wireless carriers to implement E911 service, subject to certain conditions and schedules. The wireless 911 rules apply to cellular licensees, broadband Personal Communications Service (PCS) licensees, and certain Specialized Mobile Radio (SMR) licensees.

## BASIC WIRELESS 911 SERVICES

The basic 911 rules require wireless carriers to transmit all 911 calls to a Safety Answering Point (PSAP) without regard to validation procedures intended to identify and intercept calls from non-subscribers. Under the rules, therefore, both subscribers and non-subscribers can dial 911 and reach emergency assistance providers without having to prove their subscription status.

Many wireless 911 calls are made by "Good Samaritans" reporting traffic accidents, crimes, or other emergencies. Prompt delivery of these and other wireless calls to public safety organizations benefits the public at large by promoting safety and property.

## 911 CALL PROCESSING PROCEDURES

In May 1999, the FCC adopted requirements to improve the ability of cellular phone users to complete wireless 911 calls. The 911 call completion rules are intended to improve the security and safety of analog cellular users, especially in rural and suburban areas.

Under the rules, all mobile phones manufactured for sale in the United States after February 13, 2000, that are capable of operating in an analog mode, including dual-mode and multi-mode handsets, must include a special method for processing 911 calls. When a 911 call is made, the handset must override any programming that determines the handling of ordinary calls and must permit the call to be handled by any available carrier regardless of whether the carrier is the customer's preferred service provider. Handsets capable of operating in analog mode must incorporate any one or more of the 911 call system selection processes endorsed or approved by the Commission.

## PHASE I E911 REQUIREMENTS

As of April 1, 1998, or within six months of a request by the designated Public Safety Answering Point (PSAP), whichever is later, covered carriers are required to provide to the PSAP the telephone number of the originator of a 911 call and the location of the cell site or base station receiving a 911 call. This information assists in

provision of timely emergency responses both by providing some information about the general location from which the call is being received and by permitting emergency takers to re-establish a connection with the caller if the call is disconnected.

#### PHASE II E911 REQUIREMENTS

Wireless carriers are required to provide Automatic Location Identification as part of Phase II E911 implementation beginning October 1, 2001, as detailed below. Originally, the FCC's rules envisioned that carriers would need to deploy network-based technologies to provide ALI. In the past several years, there have been significant advances in location technologies that employ new or upgraded handsets. In September 1999, the FCC revised its rules to better enable carriers to use handset-based location technologies to meet the Phase II requirements. In particular, the FCC established separate accuracy requirements and deployment schedules for network-based and handset-based technologies. In August 2000, the FCC made minor adjustments to the deployment schedule for handset-based technologies. The E911 Phase II requirements are as follows:

? **Handset-Based ALI Technology:** Wireless carriers who employ a Phase II location technology that requires new, modified or upgraded handsets (such as GPS-based technology) may phase-in deployment of Phase II subject to the following requirements:

? Without respect to any PSAP request for Phase II deployment, the carrier shall:

1. Begin selling and activating ALI-capable handsets no later than October 1, 2001;
2. Ensure that at least 25 percent of all new handsets activated are ALI-capable no later than December 31, 2001;
3. Ensure that at least 50 percent of all new handsets activated are ALI-capable no later than June 30, 2002; and
4. Ensure that 100 percent of all new digital handset activated are ALI-capable no later than December 31, 2002 and thereafter.
5. By December 31, 2005, achieve 95 percent penetration of ALI-capable handsets among its subscribers.

? Once a PSAP request is received, the carrier shall, in the area served by the PSAP within 6 months or by October 1, 2001, whichever is later:

1. Install any hardware and/or software in the CMRS network and/or other fixed infrastructure, as needed, to enable the provision of Phase II E911 service; and
2. Begin delivering Phase II E911 service to the PSAP.

? **Network-Based ALI Technology:** As of October 1, 2001, within 6 months of a PSAP request, carriers employing network-based location technologies must provide Phase II information for at least 50 percent of the PSAP's coverage area or population. Within 18 months of a PSAP request, carriers must provide Phase II information for 100 percent of the PSAP's coverage area or population.

? **ALI Accuracy Standards:** The FCC adopted the following revised standards for Phase II location accuracy and reliability:

? For handset-based solutions: 50 meters for 67 percent of calls, 150 meters for 95 percent of calls;

? For network-based solutions: 100 meters for 67 percent of calls, 300 meters for 95 percent of calls.

? ALI Implementation Plan Report: The FCC required wireless carriers to report their plans for implementing 911 Phase II, including the technology they plan to use to provide caller location, by November 9, 2000. This report was aimed at providing information to permit planning for Phase II implementation by public safety organizations, equipment manufacturers, local exchange carriers, and the FCC, in order to support Phase II deployment by October 1, 2001.

#### CONDITIONS FOR ENHANCED 911 SERVICES

The E911 Phase I requirements, as well as certain of the Phase II requirements are applicable to wireless carriers only if the administrator of the designated PSAP requested the service and is capable of receiving and utilizing information provided November 1999, the FCC revised its E911 rules to remove the prerequisite that a cost recovery mechanism for wireless carriers be in place before carriers are obligated to provide E911 service in response to a PSAP request. The PSAP must have the means of covering its costs of receiving and utilizing the E911 information, however, in order to make a valid request for E911 service. The FCC's rules do not mandate any specific state action nor specify any particular mechanism for funding the technology and services capabilities necessary to enable the PSAP to make a valid service request.

#### IMPLEMENTATION OF 911 ACT

In August 2000, the FCC adopted an Order to implement the Wireless Communications and Public Safety Act of 1999 (911 Act), enacted on October 26, 1999. The purpose of the 911 Act is to enhance public safety by encouraging and facilitating the prompt deployment of a nationwide, seamless communications infrastructure for emergency services that includes wireless communications. The FCC initiated the implementation proceeding to address the provisions of the 911 Act and to fulfill the Congressional mandates set forth therein. Specifically, in the Order adopted in August 2000, the FCC took the following initiatives:

- ? designated 911 as the universal emergency telephone number within the United States for reporting an emergency to appropriate authorities and requesting assistance, effective upon August 29, 2000;
- ? sought comment on appropriate transition periods for areas in which 911 is not currently in use as an emergency number, as well as on service area-specific circumstances and capabilities that must be addressed before carriers can deploy 911 as the uniform emergency number; and
- ? sought comment on how the FCC should facilitate states' efforts to deploy comprehensive emergency communications systems - for example, through guidelines, meetings, or other information-sharing measures - in a manner that does not impose obligations or costs on any person.

The 911 Act also added provisions dealing specifically with wireless location information to 47 U.S.C. 222, the section of the Communications Act that governs treatment of customer proprietary network information (CPNI) and subscriber list information (SLI). The Commission expects to initiate a proceeding to interpret and clarify these provisions in early 2001.

WTB/Policy  
December 2000

4

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WTB/Policy  
January 2001

5 B 2001

Before the  
Federal Communications Commission  
Washington, D.C.

In the Matter of )  
 )  
Revision of the Commission's Rules ) CC Docket No. 94-102  
To Ensure Compatibility with )  
Enhanced 911 Emergency Calling Systems )

Enhanced 9-1-1 Phase II Technology Report of  
Western Wireless Corporation

I. Introduction

Western Wireless Corporation ("Western Wireless") hereby submits this Report on its implementation plans for Enhanced 9-1-1 ("E911") Phase II technology, pursuant to the Commission's *Fourth Memorandum Opinion and Order*.<sup>1</sup> In its *Fourth Memorandum Opinion and Order*, the Commission requested that carriers report on November 9, 2000 their choice of technology, handset-based or network-based, and their schedule for deployment to achieve compliance with the Phase II location accuracy standards.

Western intends to select a network-based E911 technology to meet the Commission's Phase II accuracy standards, which will allow the Company to implement an approach that addresses the unique issues presented in providing Phase II service in rural markets and in more populated urban markets.

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<sup>1</sup> In the Matter of Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Fourth Memorandum Opinion and Order*, CC Docket No. 94-102, FCC 00-326 (released September 8, 2000 (*Fourth Memorandum Opinion and Order*)).

## II. Background/Contact Information

### A. Western Wireless Markets

Western Wireless operates cellular systems in 19 western states under the Cellular One® brand name, serving over 900,000 subscribers in 18 Metropolitan Service Areas ("MSA") and 83 Rural Service Areas ("RSA") cellular markets. Within its licensed area, Western Wireless serves a population of approximately nine million people and 25% of the geography of continental United States. A map of the markets served by Western Wireless is shown below.

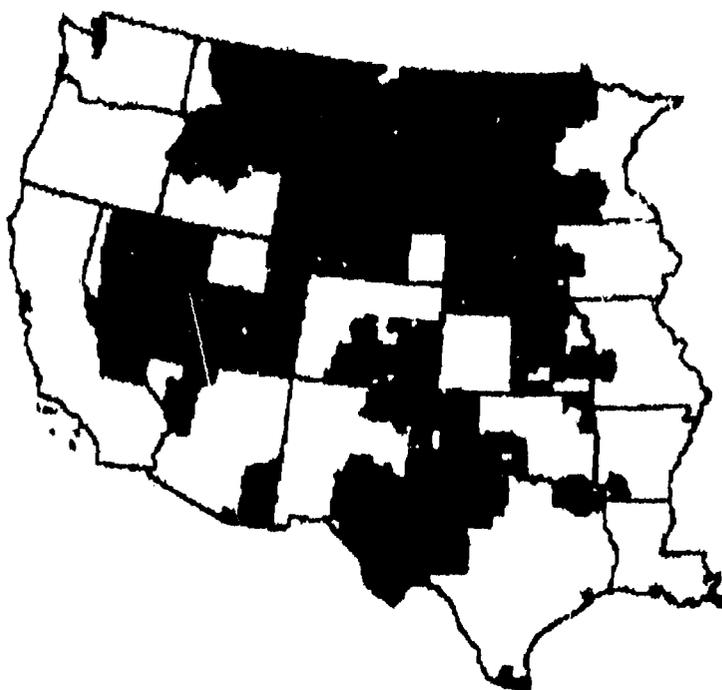


Figure 1. Cellular Markets Served by Western Wireless (as of 11/9/00).

### B. Characteristics of Western Wireless' Service Area

Western Wireless' service area is very rural with an average population density of 10 people per square mile. Western Wireless does serve some communities with a population that exceeds 100,000 and a population density of 200 per square mile. However, the vast majority of Western Wireless' service area has a population density of less than 2.9 people per square mile. Looking further at the population distribution within its service area, 50% of the total population within Western Wireless' service area is distributed over 3.1% of its coverage area or approximately 30,000 square miles. Most

major metropolitan areas do not equal a coverage area of 30,000 square miles. Figure 2, below, illustrates the distribution of population in Western Wireless' markets.

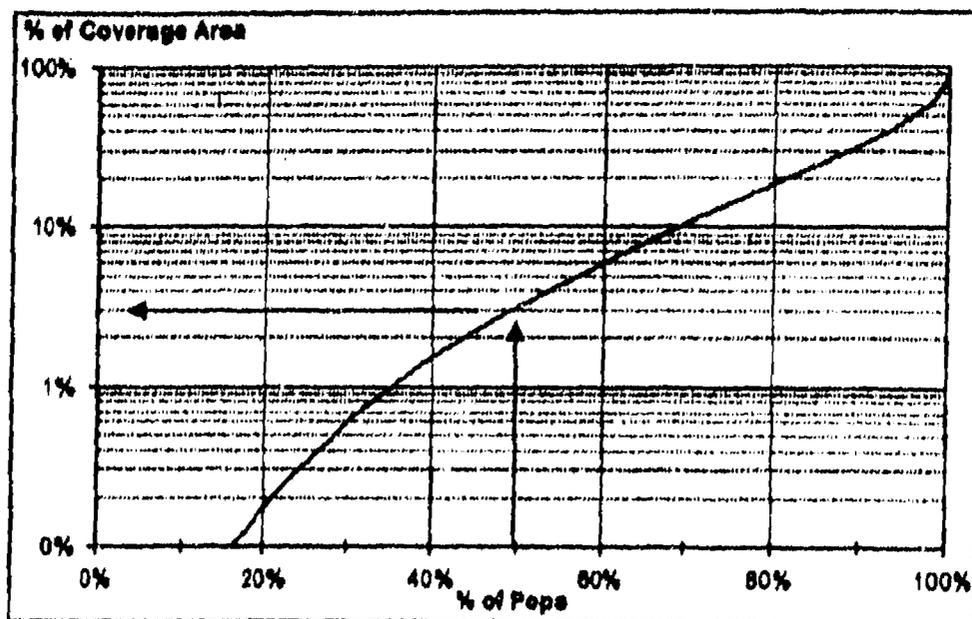


Figure 2. Western Wireless' Coverage area and Population

### C. Carrier Identifying Information

Holding Company Name: Western Wireless Corporation

Carrier Names and TRS Numbers:

Billings Cellular Corporation:	808814
Cellular Corporation of Sioux Falls:	806019
Minnesota Cellular Corporation:	817876
WWC Holding Co., Inc.:	808809
WWC License Corporation:	805958
WWC Midland License Corporation:	806010
WWC Odessa Limited Partnership:	817874
WWC Texas RSA, L.P.:	817878

### D. Contact Information

Name:	Nathan Glazier
Title:	Regulatory Specialist
Address:	3850 131 <sup>st</sup> Ave. SE, Suite 400 Bellevue, WA 98006
Telephone:	(425) 586-8432
Fax Number:	(425) 586-8118
E-mail Address:	<a href="mailto:nathan.glazier@wwireless.com">nathan.glazier@wwireless.com</a>

### E. Western Wireless' Experience With Phase II E911 Service

Western Wireless has proactively sought out solutions to the Commission's E911 mandates and has worked with local emergency providers to implement E911 Phase I service. Western Wireless has evaluated various E911 Phase II solutions potentially capable of meeting the Commission's accuracy standards. The Company has participated in a technical trial of a Phase II service and has analyzed experimental location concepts not yet in full commercial development.

In 1997, Western Wireless entered into an agreement to provide access, space, facilities, and information to US Wireless Corp. ("US Wireless") for the development and trial of location services in Billings, Montana. This trial included the coordination and participation of the State of Montana, US West Communications, Inc. (now Qwest), Nortel Networks, XYPoint Corporation, Williams Communications Solutions, Comblx 9-1-1 Specialists, ISD Information Services Division, US Wireless, Western Wireless, and the Billings 9-1-1 Center. The first alpha trial of US Wireless' location technology in Billings took place in late 1998. Western Wireless' network infrastructure and participation was an integral part of the technology demonstration. In May 2000, the final report on the Phase II location technology trial was issued by the State of Montana.

As an initial step toward Phase II deployment, Western entered into a contract with SCC Communications Corp. to provide Phase I E911 services in markets where the emergency service provider is capable of receiving the Phase I location information. Western Wireless has deployed Phase I E911 service in several of its markets. As of November 9, 2000 Western has received official requests for Phase I service from five states: Texas, Colorado, Montana, Nebraska and South Dakota. Western Wireless is currently providing Phase I service in Texas and is in the process of deploying service in areas of the remaining states. Throughout many rural markets the majority of PSAPs do not have the upgraded infrastructure necessary to receive and utilize the ANI and p-ALI Phase I information. Western is committed to working with counties to deploy both Phase I and Phase II service, and will likewise comply with phase II deployment requirements.

### III. E911 Phase II Location Technology Information

#### A. Technology Selection:

In its *Fourth Memorandum Opinion and Order*, the Commission required that all carriers declare the technological solution that will be deployed in their network to meet the revised Phase II location identification accuracy standards. Broadly speaking, there are only two Phase II technology solutions: handset-based and network-based. Each solution has unique strengths and weaknesses that vary based upon the wireless technology that is used and the service area in which it is used. These solutions are summarized below from the perspective of a rural cellular service provider.

#### B. Handset

The handset-based solution involves equipping a mobile phone handset with a Global Positioning Satellite ("GPS") component capable of communicating with orbiting satellites to determine location identification. To accomplish this each handset must be equipped with both a GPS chip and a GPS antenna. Subscribers must replace or upgrade their phones at a significant cost relative to a non-GPS phone. Phones enhanced with GPS functionality are physically larger, will consume more power, causing battery life to be shorter, and will cost more than non-GPS equipment.

In Western Wireless' service area, approximately 30% of its customers reside in very rural areas where the use of 3-watt Advanced Mobile Phone Service ("AMPS") (analog) equipment is either preferred or required. At this time no handset manufacturer or vendor has indicated the availability of 3-watt GPS enabled equipment. Without the appropriate GPS equipment, a handset-based solution for Phase II E911 that meets the Commission's accuracy standards would be difficult, if not impossible, to achieve.

Another factor in deciding whether to deploy a handset or network based solution is how best to support roaming customers with Phase II service. This is a particularly difficult problem with a handset solution in that there is no guarantee that roaming customers will have a GPS enabled phone. In a handset-based environment,

Western would be unable to transmit the ANI and ALI information for a person roaming without a GPS-enabled phone onto Western's network.

### C. Network

Network-based solutions do not require handset upgrades or modification. Instead, the network-based solution requires that additional equipment be added to the infrastructure of the network. This solution works with the existing handset equipment that all customers already own and allows for the convenient retention of legacy customer equipment, and also supports every roaming customer who comes onto the network.

In urban density populated areas, where there are many overlapping cell sites, a more precise determination of the location of a mobile user can be realized. However, in more rural areas, such as 98% of the Western Wireless coverage area, there is typically no overlapping coverage and therefore it is more difficult to determine the precise location of mobile customers.<sup>2</sup>

## IV. E911 Phase II Trial Information

### A. Handset-Based Solution

Western Wireless did not participate in any technical trial of a handset-based solution, but did review and analyze publicly available data on handset-based trials.

### B. Network-Based Solution

Western Wireless has conducted extensive phase II E911 testing with US Wireless utilizing the "Radio Camera" product.

#### 1. Test environments

The coverage area selected for the Montana Wireless E9-1-1 Trial encompassed approximately 25 square miles including downtown Billings, MT and the surrounding residential, industrial and suburban/rural regions. Within this coverage area, a total of

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<sup>2</sup> Some network-based technologies substitute overlapping coverage with extensive drive testing and calibration of the coverage area. The calibration creates a type of technological "fingerprint" for the potentially multiple paths of radio frequency signals. For Western Wireless' rural network, this solution would require detailed drive testing of roughly 97,000,000 square miles of terrain.

22 fixed test points and 9 mobile test routes were selected for the performance evaluation. These test points and routes were chosen to uniformly sample the test area and to provide a balanced cross section of the types of environments found in that region. The selected test points and mobile routes are shown in figure 1 and figure 2 respectively. For purposes of evaluation and comparison, subsets of the test points and routes were combined to form four representative operating environments. These operating environments are defined as (1) Light Urban, (2) Industrial, (3) Residential, and (4) Suburban/Rural.

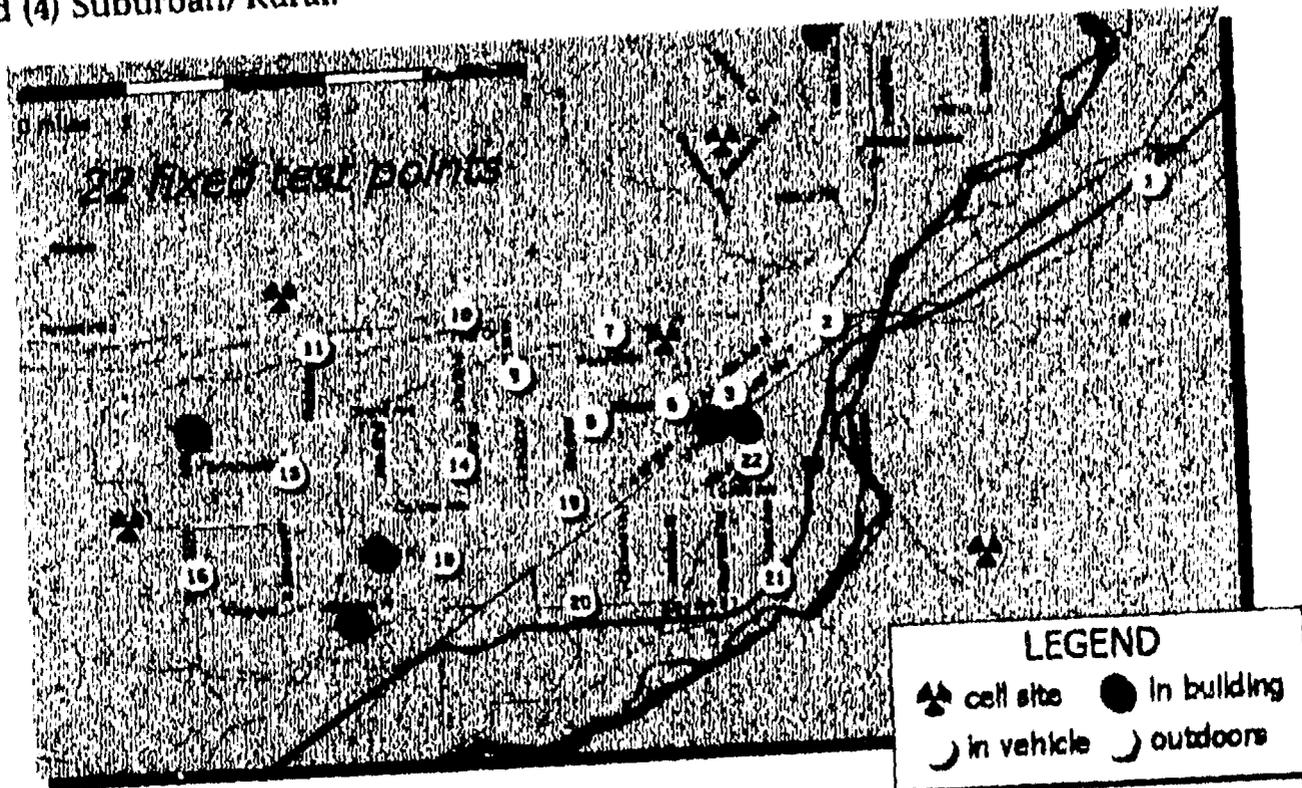


Figure 3. Fixed test points.



Figure 4. Mobile test routes.

## 2. Location Accuracy Performance Results

Location accuracy is reported as a function of latency. As with most location systems, accuracy can be substantially improved if longer observation periods are permitted. By using a quality (confidence) measure, the system can determine which of the fixes measured during a given observation period is best, and report only that location.

In this analysis, the observation period is permitted to range from 1 fix period (approximately 3 seconds) up to 15 fix periods (approximately 45 seconds). This analysis was performed for each of the four test environments (light urban, industrial, residential, suburban/rural), as well as the combined environments. In each case, two figures are used to present the results:

Left figure - location accuracy: 67th percentile accuracy vs. latency performance

Right figure - location accuracy as the percentage of fixes within 100m of the actual location

White curve - performance achieved by the location fix with the highest quality factor

Dark gray curve - optimal performance achieved by choosing the best location estimate in the observation interval, regardless of the confidence factor. This curve represents the type of performance that might be achieved if the quality factor estimation was completely optimized.

Figures 5, 6, and 7, below, show the results of various test environments.

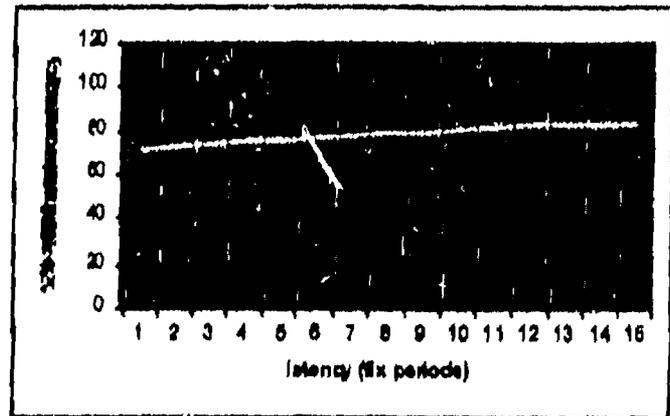
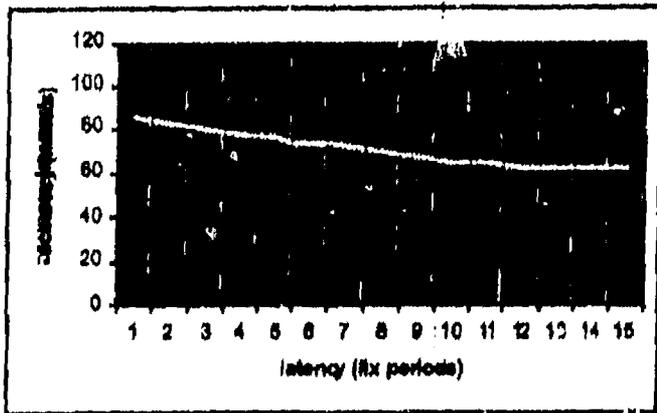


Figure 5. Combined environments, Stage III.

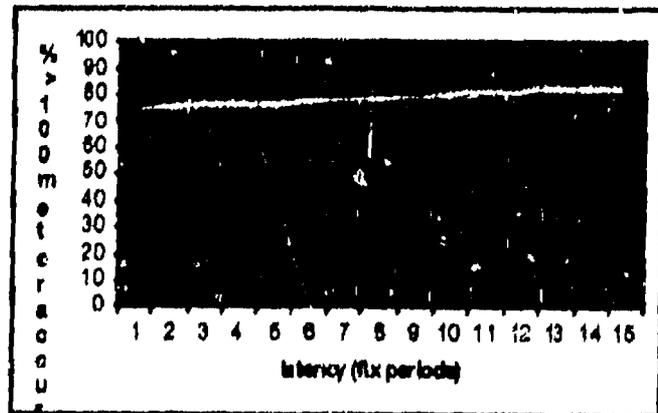
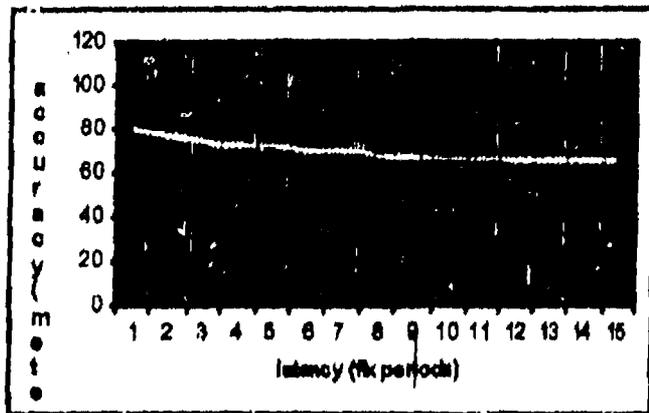


Figure 6. Residential environment, Stage III.

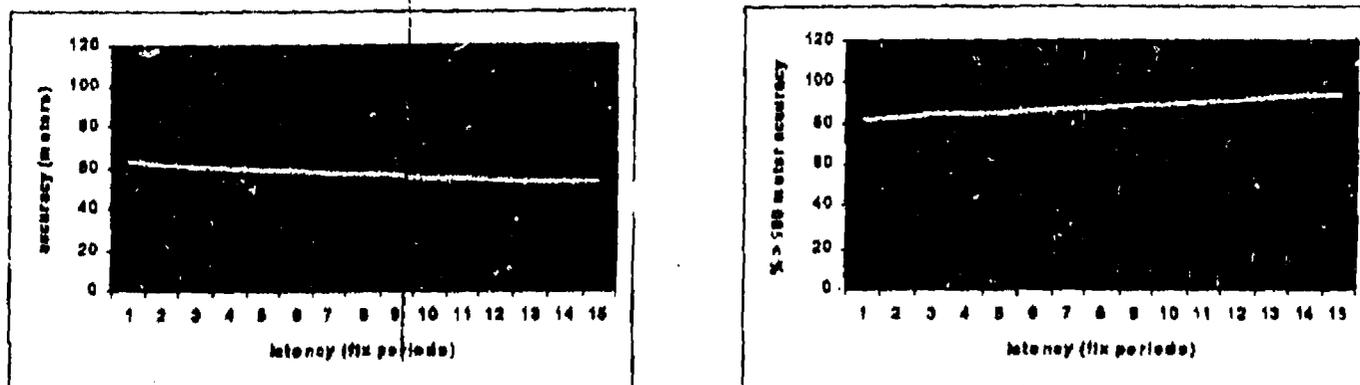


Figure 7. Suburban / Rural environment, Stage III.

### C. Current Location Trial Summary

All of the trials conducted in the public domain were conducted in urban areas with a high cell site density and close cell site spacing. In this environment, there are nearly always multiple cell sites that cover the same area. This improves the accuracy of all network based location technologies. Based on these trials, it appears that a more precise location determination can be achieved in urban areas.

### V. E911 Phase II in Rural Areas

In the Western Wireless Billings trial, testing was conducted to estimate the performance of the US Wireless system under extreme rural conditions (low-population density) that represent roughly 98.7% of the Western Wireless coverage area. Approximately 98.7% of Western's coverage area can be classified as extremely rural with a population density of less than 7.7 people per square mile. This area, nearly 950,000 square miles, is characterized by very large individual cell coverage areas with little overlapping coverage and a very dispersed population. The average coverage area per site is 830 square miles. In the urbanized 1.3% of Western's service area, the average coverage per cell is 87 square miles. These factors make any type of accurate location solution very difficult. Large cell coverage areas make location calibration nearly impossible due to the need to calibrate vast areas of land that have no paved roads. Additionally, minimal overlapping coverage makes triangulation solutions problematic since any valid location calculation requires coverage from at least three sites.

Several off grid (uncalibrated) rural performance tests were conducted in the Billings trial. In, figure 8, typical static off grid performance is shown as 1800 meters. In, figure 9, typical mobile off grid performance is shown as 2400 meters. In both cases, the error could range anywhere from 0 meters to the indicated error based on the location of other cell sites, terrain, travel speed and propagation conditions.

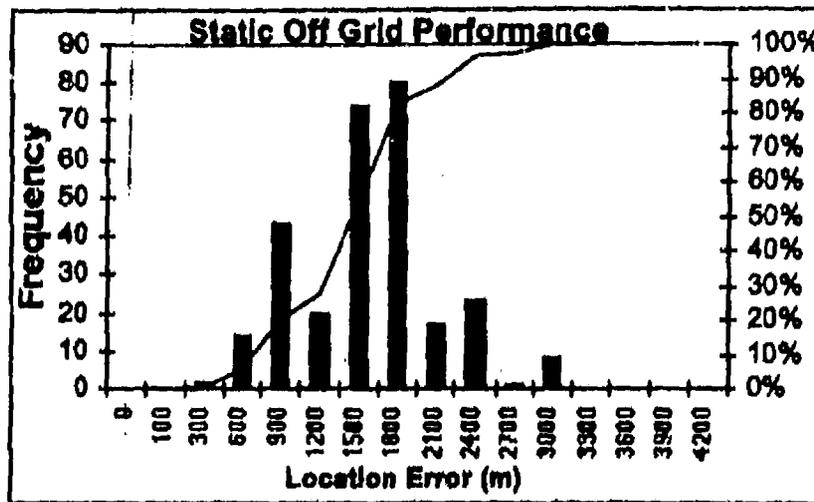


Figure 8. Typical static off grid performance.

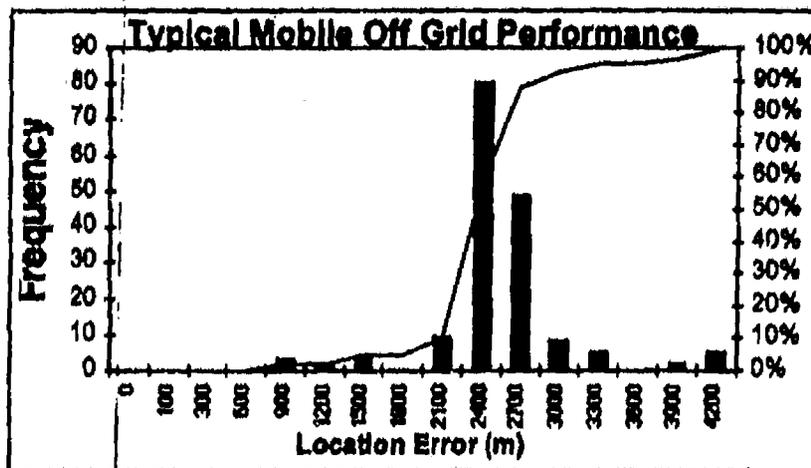


Figure 9. Typical mobile off grid performance.

This reduction in location accuracy is common to all network based location systems in sparse deployment and large cell site conditions. For calibration-based systems, the error increases as one moves further away from the calibrated area. For angle of arrival-based systems, the error increases as one moves further away from the site and the angular error becomes a larger position error. For time difference of arrival

based systems, the error increases as geometry of widely dispersed sites makes triangulation more difficult. Typical error performance, for calibration-based systems, is shown above.

**VI. Location Technology Declaration and Implementation Schedule**

Western Wireless intends to utilize a network based location system in order to be able to serve our rural customer base, our roaming customer base and our large deployed base of AMPS 3-watt subscriber equipment.

Western Wireless will continue its process of deploying E911 Phase II systems by issuing an RFP before December 20, 2000. A contract is expected to be in place by March 1, 2001 with deployment in areas with valid E911 Phase II requests by October 1, 2001.

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## Public Safety Answering Points in North Dakota

### Sorted by Population

<u>PSAP Location</u>	<u>Counties Served</u>	<u>Service Area Notes *</u>	<u>1990 Census*</u>
State Radio Bismarck	Adams, Billings, Bowman, Burke, Dickey, Divide, Emmons, Foster, Golden Valley, Grant, Griggs, Hettinger, Kidder, LaMoure, Logan, McHenry, McIntosh, Ransom, Sargent, Sheridan, Slope, and Wells Counties		82,604
Fargo	Cass	Excludes City of West Fargo	92,775
Grand Forks	Grand Forks		70,683
Bismarck	Burleigh	Includes portion of McLean Co. (Wilton Area)	60,131
Minot	Ward		57,921
Devils Lake	Ramsey Towner Benson Eddy Nelson		30,867
Dickinson	Stark Dunn		26,837
Mandan	Morton	Includes fringe areas of Stark, Dunn, Mercer, Oliver & Grant Counties	23,700
Jamestown	Stutsman		22,241
Wahpeton	Richland	Includes portions of Sargent & Ransom Co. ND & Wilken & Roberts Co. SD	18,148
Grafton	Walsh		13,810
Williston		City only	13,336
Valley City	Barnes		12,545
Stanton	Mercer Oliver		12,189
Bottineau	Bottineau Renville	Includes portions of McHenry, Pierce, and Rolette Counties	12,171
Hillsboro	Trall Steele		11,172
Washburn	McLean		10,457
West Fargo		City only	10,099
Cavaller	Pembina		9,238
Stanley	Mountrail		7,021
Watford City	McKenzie	Still being established	6,383
Langdon	Cavaller		6,064
Rugby	Pierce	Includes small portion of Rolette County	5,052

Census figures do not include small portions of adjoining counties

# Public Safety Answering Points in North Dakota

## Alphabetically by PSAP Location

PSAP Location	Counties Served	Service Area Notes *	1990 Census*
State Radio Bismarck		Service Area: Adams, Billings, Bowman, Burke, Dickey, Divide, Emmons, Foster, Golden Valley, Grant, Griggs, Hettinger, Kidder, LaMoure, Logan, McHenry, McIntosh, Ransom, Sargent, Sheridan, Slope, and Wells Counties	82,604
Bismarck	Burleigh	Includes portion of McLean Co. (Wilton Area)	60,131
Bottineau	Bottineau Renville	Includes portions of McHenry, Pierce, and Rolette Counties	12,171
Cavalier	Pembina		9,238
Devils Lake	Ramsey Towner Benson Eddy Nelson		30,867
Dickinson	Stark Dunn		26,837
Fargo	Cass	Excludes City of West Fargo	92,775
Grafton	Walsh		13,810
Grand Forks	Grand		70,683
Hillsboro	Traill Steele		11,172
Jamestown	Stutsman		22,241
Langdon	Cavaller		6,064
Mandan	Morton	Includes fringe areas of Stark, Dunn, Mercer, Oliver & Grant Counties	23,700
Minot	Ward		57,921
Rugby	Pierce	Incudes small portion of Rolette County	5,052
Stanley	Mountrail		7,021
Stanton	Mercer Oliver		12,189
Valley City	Barnes		12,545
Wahpeton	Richland	Includes portions of Sargent & Ransom Co. ND & Wilken & Roberts Co. SD	18,148
Washburn	McLean		10,457
Watford City	McKenzie	Still being established	6,383
West Fargo		City only	10,099
Williston		City only	13,336

\* Census figures do not include small portions of adjoining counties

ND 9-1-1 - INFORMATION  
 PSAP SURVEY RESULTS  
 (SB 2067 - WIRELESS TAX BILL)  
 3-20-01

Mark Johnson  
 Terry Traynor  
 SB 2067

PSAP NAME	Bismarck/Burleigh Combined CC	Dickinson (Stark/Dunn)	Minot Central Dispatch	Morton County/ City of Mandan	Pierce County E911	Stutsman County Communications
Taxing Authorities Served by the PSAP	Burleigh Co./part of McLean Co.	Stark and Dunn Counties	Ward County *	Morton County	Pierce County	Stutsman County
Tax Per Line that could be Collected Per Taxing Authority	\$1	\$1	*No 911 fee is in-place in the city or county.	\$1	\$1	\$1
Current Tax Being Collected Per Taxing Authority	\$1	\$1	* See Above	\$.50	\$1	\$1
Number of Landlines PSAP Collected 911 Taxes for By Year	1998 - 39,585 1999 - 41,357 2000 - 42,000 2001 - 43,750 est.	1998 - 13,306 1999 - 12,266 2000 - 11,753 2001 - Unknown	1998 - 1999 - 2000 - 2001 -	1998 - 1999 - 2000 - 2001 -	1998 - 2,500 1999 - 2,600 2000 - 2,650 2001 - 2,680	1998 - 12,406 1999 - 12,324 2000 - 11,330 2001 - N/A
Number of Dispatchers Employed	1998 - 14 FT/0 PT 2001 - 14 FT/0 PT	1998 - 7 FT/ 0 PT 2001 - 9 FT/ 1 PT	1998 -12 FT/0 PT 2001 -12 FT/0 PT	1998 - 8 FT/0 PT 2001 - 10 FT/0 PT	1998 - 4 FT/2 PT 2001- 4 FT/4-5 PT	1998 - 3 FT/4 PT 2001 - 3 FT/6 PT
Number of Dispatchers on Duty - Quietest Shift	2	1+	2	2	1	1
Number of Dispatchers on Duty - Busiest Shift	3	2+	4	4	1	2
2001 Total PSAP Budget	\$848,500	\$247,500	\$519,993	\$193,552	Unknown - Split Between Depts.	\$284,099
Projected Landline Revenues Current Budget Year	\$525,000	\$120,000	\$0 (No Landline fee in- place)	Unknown - Auditor unavailable	\$32,160	\$124,412
If 911 Fees Insufficient, Balance Comes From:	General Fund	County/City Bud- get: General Fund	Total Funding by Property Tax	Co. General Fund	Property Taxes	Property Tax & Inmate Revenues
Number of Agencies PSAP Dispatches For	FD - 7 EMS - 4 LAW ENF - 4 OTHER - 1	FD - 9 EMS - 5 LAW ENF - 5 OTHER - 8	FD - 16 EMS - 8 LAW ENF - 5 OTHER -	FD - 7 EMS - 6 LAW ENF - 2 OTHER - 1	FD - 9 EMS - 6 LAW ENF - 5 OTHER - 3	FD - 14 EMS - 4 LAW ENF - 3 OTHER - 15
Number of Agencies Utilizing These Frequencies:	State Radio: 0 Local Radio: all	State Radio: 1 Local Radio: 23	State Radio: Local Radio:	State Radio: 16 Local Radio: 16	State Radio: 2 Local Radio: Most	State Radio: 1 Local Radio: 27

PSAP NAME	Cass County	Walsh County Communications	Williston Police Department	Pembina County 911
Taxing Authorities Served by the PSAP	Cass County	Walsh County	City of Williston	Pembina County
Tax Per Line that could be Collected Per Taxing Authority	\$1	\$1	\$1	\$1
Current Tax Being Collected Per Taxing Authority	\$1	\$1	\$1	\$1
Number of Landlines PSAP Collected 911 Taxes for Py Year	1998 - 1999 - 2000 - 2001 -	1998 - 8,908 1999 - 7,469 2000 - 6,637 2001 - 6,751	1998 - 7,800 1999 - 8,089 2000 - 8,150 2001 - 8,212	1998 - 5,222 1999 - 5,291 2000 - 5,297 2001 - 5,236
Number of Dispatchers Employed	Cass County contracts with Fargo	1998 - 5 FT/1 PT 2001 - 5 FT/1 PT	1998 - 6 FT 2001 - 6 FT	1998 - 6 FT/3 PT 2001 - 6 FT/3 PT
Number of Dispatchers on Duty - Quietest Shift	N/A	1	1	1
Number of Dispatchers on Duty - Busiest Shift	N/A	2	1 - 2	2
2001 Total PSAP Budget	\$125,000	\$338,369	\$189,500	\$60,492
Amt. Of 2001 Budget Funded By 911 Tax Revenues	\$125,000	\$ 81,012	\$ 98,544	\$59,690
If 911 Fees Insufficient, Balance Comes From:		Co. General Fund, Cities of Grafton & Park River	City General Fund	Property Tax
Number of Agencies PSAP Dispatches For	FD - 17 EMS - 4 LAW ENF - 3 OTHER -	FD - 17 EMS - 15 LAW ENF - 4 OTHER - 6	FD - 2 EMS - 1 LAW ENF - 3 OTHER - 1	FD - 11 EMS - 4 LAW ENF - 4 OTHER - 8
Number of Agencies Utilizing These Frequencies:	State Radio: 1 Local Radio: Rest	State Radio: 3 Local Radio: 4C	State Radio: 3 Local Radio: 3	State Radio: all Local Radio: all

TESTIMONY BEFORE THE FINANCE AND TAXATION  
COMMITTEE OF THE  
NORTH DAKOTA HOUSE of REPRESENTATIVES

March 14, 2001

Senate Bill 2067 – Wireless E911 Service and Fee

Chairman Carlson and Members of the House Finance and Taxation  
Committee:

My name is Tom D. Kelsch and I am a lobbyist for Western Wireless Corporation, a Bellevue, Washington company doing business in North Dakota under the brand name CellularOne®.

Western Wireless is a wireless telecommunications carrier specializing in providing high-quality, affordable, and reliable cellular services to subscribers in rural areas. Western Wireless currently provides service to more than 1,000,000 subscribers under licenses in North Dakota and 18 other states, covering over 25 percent of the continental United States.

Western Wireless supports Senate Bill 2067. This bill is the by-product of the Governor's Task Force on Wireless Enhanced 911. Jim Blundell the Director of External Affairs at Western Wireless served on that Task Force with many dedicated North Dakotans, all of whom worked in

good faith to reach consensus on a solution to the need for wireless E911 service. Governor Schaefer directed us to find a solution to allow the implementation of wireless E911 in a manner that would ensure that any surcharge on wireless customers would truly be used for implementation of wireless E911. This bill will accomplish that.

Western Wireless is eager to provide enhanced wireless 911 service to its customers in North Dakota, and I'm sure the counties and emergency telecommunications providers here today are eager to receive it. But providing E911 service is not a simple or inexpensive proposition. It requires compliance with FCC orders, the negotiation of agreements with public safety answering points (PSAPs), the provisioning of dedicated trunks, database maintenance, call testing, software upgrades, call routing decisions, and many other functions and costs. We found that there are no easy answers and that any solution would raise objections from one group or another. We settled on a solution that raised the fewest objections. It is not perfect, but it achieves the basic objective of implementing E911 in the most economical and efficient manner possible.

Senate Bill 2067 recognizes the existing wireline E911 system and gives counties the additional authority to impose a similar tax on wireless

customers to build a wireless E911 system. It is important to note that this bill does not simply add wireless customers to the pool of customers paying the existing wireline tax. This is important because the bill successfully creates a distinct wireless E911 tax on customers that will be used to fund a distinct wireless E911 system. By doing so, we were able to add assurances that the wireless funds would be spent on wireless E911 implementation and that they would only be spent when a PSAP is ready to receive wireless E911 data. Had we simply imposed the existing wireline tax on wireless customers, we would not have been able to add these assurances that seemed critical to Governor Schaefer.

The bill ensures that funds collected from wireless customers will build a wireless E911 system. The language of the bill requires that these wireless E911 funds "must be used for implementation, maintenance, and operation of enhanced 911 wireless service under this section . . . ." The wireline E911 system has already been built and, although it requires constant maintenance, it does not require continued capital expenditure. The wireless E911 system will require substantial capital investment by both the PSAPs and wireless carriers and this bill ensures that the funds are targeted to the stated purpose of the bill.

Senates Bill 2067 will hold wireless E911 revenues in a separate fund until several pre-conditions are met. First, as required by FCC order, the PSAP must be capable of receiving the E911 data from the carrier. Second, the PSAP must formally request the service from the carrier, certifying that it is so capable. And third, there must be an agreement in place between the PSAP and the carrier for the provision of the service and the reimbursement of the carrier's costs. Once these pre-conditions have been satisfied, then the county that has collected the funds can make expenditures on wireless E911.

The third pre-condition, requiring agreements between the PSAPs and the carriers, could be an administrative difficulty, given that each carrier will have to negotiate with each county and/or PSAP around the state. Many states have created a process of establishing a statewide agreement. There was some discussion of that among the PSAPs during the Task Force meetings. The wireless industry would strongly support that effort. A single, statewide agreement would remove the burden of negotiating with multiple counties. We encourage the 911 Association to continue its work toward developing a process for negotiation of a statewide agreement.

Finally, the bill imposes a reasonable method for determining the location of each wireless customer for purposes of collecting the tax. In last year's session, Congress passed the Uniform Sourcing Act, which establishes standardized methods for determining the location of wireless customers for purposes of paying local and state taxes. The industry and local governments recognize these methods, as the accepted methods for determining customer location. Senate Bill 2067 recognizes the Uniform Sourcing Act and incorporates its location methods by reference.

Chairman Carlson and Members of the House Finance and Tax Committee, thank you for your time this morning on this important subject. Western Wireless has concluded that the time for a wireless E911 solution has come. Western Wireless believes that Senate Bill 2067 is that solution and recommends its adoption. Western Wireless would be delighted to work with the committee on this and other issues. On behalf of Western Wireless I urge a DO PASS vote on Senate Bill 2067. I am available for any questions you might have.

Thank you.

TESTIMONY

TO: THE HOUSE OF REPRESENTATIVES FINANCE & TAXATION COMMITTEE

DATE: MARCH 14, 2001

FROM: Gary R. Kostelecky, Stark & Dunn County 9-1-1 Coordinator  
and Past President, ND 9-1-1 Association

Concerning Senate Bill 2067

Thank You Chairman Carlson and members of the Committee. My name is Gary Kostelecky. I am the 9-1-1 Coordinator for Stark and Dunn Counties and the immediate Past-President of the ND 9-1-1 Association. My purpose here today is to express support for Senate Bill 2067.

When the original 9-1-1 tax law was first written in 1985, no thought was given to the enormous surge in the overall use of cellular or "wireless" technology. Today, the use of cellular phones is almost a standard for everyone and the industry predicts that in 2003, the wireless revenues will surpass the wireline industry. That is a great concern for 9-1-1 Public Safety Answering Point's (PSAP's) and dispatchers across North Dakota and the nation. As you all know, dispatchers have to query every cellular call extensively because they do not get any telephone number or location information as they do when an individual makes a call from their landline telephone. Although the FCC has mandated that cellular companies must provide **Phase I** telephone number and tower location information to the PSAP's by October 01, 2001 and **Phase II** cell phone location within 125 meters by October 01, 2002, the ruling also stipulates that there must be a cost recovery program in place to enable the PSAP's to upgrade their 9-1-1 equipment and be able to request and purchase the cellular location information from the wireless industry. All wireless traffic would be routed to the present centers via the three (3) telephone company tandems in

North Dakota just as they are for wireline calls today. Some of the counties have already upgraded their 9-1-1 equipment due to Y2K and other concerns and would be able to receive location information once it was provided and negotiated for, and some of the counties still need to upgrade equipment and software to provide the 9-1-1 service we take so much for granted today.

As the wireline services are being replaced with wireless capabilities, the revenues received by the counties and PSAP's continue to be reduced and could conceivably jeopardize our ability in the future to provide emergency responders in a timely manner. In 1999, Stark County spent over \$220,000.00 of excise revenue collected from wireline customers to rebuild and equip our Dispatch Center, partially due to Y2K concerns but mainly to replace old worn-out equipment. Implementing new systems such as electronic mapping and updating equipment to try and stay even with today's ever-changing technology is and will continue to be a challenge. We can only anticipate and plan ahead.

There has also been discussion concerning consolidation of PSAP's for wireless traffic but we do not need to build a new system, we are simply trying to bring our current centers up to date. We want to be able to order, purchase and pay for the new technology by collecting the user fee (cellular tax) from our wireless users just as we do from the regular telephone customers. 9-1-1 service is being provided "free" to wireless users today that are able to dial 9-1-1 from a cellular phone but not having call-back or location information or the equipment to utilize it is of little use to persons that cannot communicate with or respond to a dispatcher. Today, 35 % to 50 % (in some areas) of the 9-1-1 calls received

are originated by cellular phones and that number continues to rise monthly. We must prepare ourselves and with your legislative support, we will be able to meet the safety demand that should be a concern to all of us.

I hope that I was able to shed a bit more light on a subject that we as Public Safety Officials are extremely concerned about and I would be happy to answer any questions that you may have today or at any time. **I would greatly appreciate your support of Senate Bill 2067!**

Darry Cox  
Benson Co.

STATEMENT OF REVENUE AND EXPENDITURES  
E-911 ACCOUNT  
DECEMBER 31, 2000

	CURRENT	YTD	BUDGET	BUDGET BALANCE	PERCENT EXPENDED
<b>REVENUE</b>					
BENSON COUNTY	3,033.21	35,155.54	34,250.00	(905.54)	102.64%
EDDY COUNTY	1,328.68	16,078.71	16,350.00	271.29	98.34%
NELSON COUNTY	2,108.05	25,403.27	25,400.00	(3.27)	100.01%
RAMSEY COUNTY	6,847.03	82,030.04	81,150.00	(880.04)	101.08%
TOWNER COUNTY	981.51	16,882.64	18,700.00	1,817.36	90.28%
LEC SUBSIDY	2,000.00	22,003.00	24,000.00	1,997.00	91.68%
MISC. INCOMES	3.00	0.00	150.00	150.00	0.00%
TRANSFERS IN	0.00	0.00	0.00	0.00	0.00%
<b>TOTAL INCOME</b>	<b>16,299.48</b>	<b>197,553.20</b>	<b>200,000.00</b>	<b>2,446.80</b>	<b>98.78%</b>
<b>TOTAL INCOME + TRANSFERS IN</b>	<b>16,299.48</b>	<b>197,553.20</b>	<b>200,000.00</b>	<b>2,446.80</b>	<b>98.78%</b>
<b>EXPENSES</b>					
PAYROLL-SALARIES	9,647.62	105,503.14	117,850.00	12,346.86	89.52%
PAYROLL-TAXES	785.31	8,680.61	8,350.00	(330.61)	103.96%
RETIREMENT	158.27	4,470.02	3,150.00	(1,320.02)	141.91%
HEALTH INSURANCE	2,284.26	23,845.19	19,300.00	(4,345.19)	122.51%
RECURRING ANI/SR FEES	755.85	8,593.43	9,100.00	506.57	94.43%
RENT	279.08	3,103.08	3,350.00	246.92	92.63%
PHONE CHARGES	33.20	504.31	750.00	245.69	67.24%
MILEAGE/MEALS/LODGING	0.00	912.89	1,000.00	87.11	91.29%
PHOTOCOPIES	0.00	384.79	500.00	115.21	76.96%
OVERTIME/HOLIDAY PAY	0.00	0.00	0.00	0.00	0.00%
HOLIDAY PAY	0.00	0.00	0.00	0.00	0.00%
MISC EXPENSES	0.00	0.00	200.00	200.00	0.00%
OFFICE SUPPLIES	0.00	0.00	200.00	200.00	0.00%
POSTAGE/FREIGHT	0.00	2,142.10	500.00	(1,642.10)	428.42%
CIRCUIT CHARGES	1,792.52	19,383.28	24,000.00	4,616.72	80.76%
911 SEMINAR	0.00	1,540.76	2,000.00	459.24	77.04%
911 EQUIPMENT	0.00	0.00	0.00	0.00	0.00%
EQUIP DEP. (RESERVE)	0.00	0.00	0.00	0.00	0.00%
TRANSFER OUT	0.00	0.00	0.00	0.00	0.00%
<b>TOTAL EXPENSES</b>	<b>15,736.11</b>	<b>178,863.60</b>	<b>190,250.00</b>	<b>11,386.40</b>	<b>94.02%</b>
<b>TOTAL EXPENSES + TRANSFERS OUT</b>	<b>15,736.11</b>	<b>178,863.60</b>	<b>190,250.00</b>	<b>11,386.40</b>	<b>94.02%</b>
<b>REVENUE OVER (UNDER) EXPENSES</b>	<b>563.37</b>	<b>18,689.60</b>	<b>9,750.00</b>	<b>(8,939.60)</b>	
<b>CARRY OVER FROM 1999</b>		<b>4,188.66</b>			
<b>CURRENT BALANCE</b>		<b>22,878.26</b>			

**TESTIMONY IN SUPPORT OF SB 2067**  
**MARCH 14, 2001**  
**HOUSE FINANCE AND TAXATION COMMITTEE**  
**PREPARED BY JANELLE PEPPE, WELLS COUNTY 911 COORDINATOR**

Good Morning Mr. Chairman and members of this committee.

My name is Janelle Pepple and I am the 911 coordinator in Wells County. I also work for the Sheriff's Department and I am a volunteer EMT with the Fessenden Ambulance Service. I would like to thank you for the opportunity to testify before you today in support of Senate Bill 2067. I know first hand the importance of funding cellular location information technology for the Public Safety Answering Points that handle those calls. On November 29, 2000, our sheriff's department, and ambulance service, was dispatched by ND State Radio for a cellular call that had come in at 6:08 p.m. on their emergency line. North Dakota State Radio is the Public Safety Answering Point for Wells County. The caller told the dispatcher that he was an injured snowmobiler lost near a canal North of Manfred in Wells County. The dispatcher had no other information to rely on, except for what the caller could or would say. Landline calls receive specific information including a call back number, location of the caller, and responder information. The dispatcher in this case tried to get more specific information from the caller, but was unsuccessful. We immediately began a search going by the information reported. State Radio notified us again that they had received a second call at 6:19 p.m. Again, the caller stated he had been riding his snowmobile, had an accident, was injured, and he desperately wondered where the ambulance was. The dispatcher relayed to the caller that the ambulance and sheriff's department were searching for him. The dispatcher again attempted to get more specific information from the caller, but the caller hung up, saying he was going to pass out.

**TESTIMONY IN SUPPORT OF SB 2067**

**MARCH 14, 2001**

**HOUSE FINANCE AND TAXATION COMMITTEE**

**PREPARED BY JANELLE PEPPE, WELLS COUNTY 911 COORDINATOR**

**PAGE 2**

A third and final call was made to State Radio at 6:26 p.m. Again, the dispatcher attempted to get a name of the individual and more specific location information. The caller was begging for help and again hung up the phone.

We subsequently expanded our search team involving the Wells County Sheriff's Department, the Fessenden Police Department, the Fessenden Ambulance Service, the Fessenden Fire and Rescue Squad, and the local snowmobile club. The Harvey Fire Department and Rescue Squad, the ND Highway Patrol, and the North Dakota Game and Fish Department also joined us. We searched from 6:30 p.m. until 12:30 a.m. Constant communication was maintained between our department, State Radio, and the assisting searchers. It was already dark when we started the search and when the decision was made to call off the search until daylight, all responders were confident that we did not have an injured snowmobiler lost in that area. At daylight, the entire sheriff's department again went out to continue the search. We had not received any reports of a missing snowmobiler during the night, nor had we received any more emergency calls from the snowmobiler. That same morning, I, as 9-1-1 coordinator, contacted State Radio to begin the process of attempting to trace the calls. By the end of the day, after jumping through lots of legal hoops, the trace was completed. The caller was identified and all three calls were confirmed to be false reports. The individual was criminally charged and pleaded guilty. We estimate the total cost for the search at just over \$3,800.00.

**TESTIMONY IN SUPPORT OF SB 2067**

**MARCH 14, 2001**

**HOUSE FINANCE AND TAXATION COMMITTEE**

**PREPARED BY JANELLE PEPPE, WELLS COUNTY 911 COORDINATOR**

**PAGE 3**

This does not include any costs incurred by State Radio, the Highway Patrol, or the Game and Fish.

Had location technology been available through the cellular industry, and had ND State Radio been able to receive and process this information, we would have known the caller was driving around the county in his pick-up, and not laying injured outside. I realize this process will not happen overnight, but the use of cellular phones to report emergencies continues to increase and it is imperative to begin now. We actually got lucky, our call was a fake, but it could just as easily been the other way and the outcome could have been tragic. I urge your support of this proposed legislation and I will be happy to answer any questions you may have.

March 14th 2001

Testimony in support of SB 2067

To: Finance and Taxation Committee:

From: Phil Roquette West Fargo 911 Coordinator:

Good Morning Mr, Chairman and Members of the Committee. My name is Phil Roquette IM am the 911 Coordinator for the city of West Fargo. I am also the Chief Communication Officer of the West Fargo Police Dept., I have been a Dispatcher for 34 yr. with the City. I am also a member of the North Dakota 911 Association,

I am before you this morning in support of SB 2067.

I would like to thank you for the opportunity to testify before you today in support of bill SB 2067, I know first hand the importance of funding for ANI automatic call back number ALI automatic location information technology for Public Safety Answering Points that handle these calls.

On September 26th 2000, at 10:47 p.m. A call was received by the West Fargo Police Dept., From a man that was in a very confused state of mind it was found at that time that the caller was diabetic and was having a diabetic reaction. and was lost and unable to give his precise location He was able to give the approximate address from which he left in West Fargo, and the destination that he was headed for to when he left. Law Enforcement checked along his possible routes of travel and were unable to locate him It was originally thought that he was somewhere in the West Fargo or Fargo area.

Through further interrogation by the dispatchers the gentleman was able to describe the things he saw. His pickup was pointed down a slope into a ditch directly in front of him was a field that had been combined. He was also able to see the glow of city lights off to his right front, But was unable to see any structures. To his rear he could see Three towers with flashing lights.

And the moon that was directly in front of him . During this time he said he felt that he was going

to pass out at that we lost contact with him.

Several Law Enforcement agencies participated in the search for this gentleman. These included Fargo Police Dept., West Fargo Police Dept., Cass County Sheriffs Dept., North Dakota Highway Patrol, after about 20 minutes the gentleman called back at that time we were able to get his cell phone number and he was asked if he had his phone plugged in he said no asked if he had his plug in cord said yes asked him to plug it in asked him if he had his lights on said he did but the head lights were in the mud. From the information we had the search concentrated to where there was towers with flashing red lights also including such areas as the county drains, Sheyenne River Diversion and waste water treatment lagoons, The gentleman and his vehicle were still not located.

Several audio searches were also conducted by means of law enforcement turning on there sirens on from time to time and there top lights to see if the gentleman could hear or see the lights this was also turned out to be unsuccessful..

Eventually the gentleman was able to treat his diabetic reaction with some pop that he had in a cooler in the back of his pickup. with the treatment of pop he became more coherent, but was still unable to provide his location, The search went on till approximately 3:30 am at which time he said he was tired and wanted to rest.

several hours later the Gentleman called us again said that he was home that a farmer had came by and gave him a ride. Was found later in the morning when He and his Wife came to the Police Dept to thank every one for there help, That he was 1 mile North and 3 miles West of Gardner. Had location technology been available through the cellular companys. Public Service Answering Points like ourselves would have been able to locate this gentleman. With more people using

cellular phones to report emergencies and other types of incidents continues to increase and it is imperative that we begin now. I urge your support of this bill.

I will be happy to try and answer any questions you may have.

Rep. 60032  
5/6/2007

### 911 DISPATCH CENTER CALLS BY PSAP

PSAP	1990 Census	Avg. Calls/Month	Avg. Call Calls/Month	% Cell Phone	% Calls/ Census
State Padlo	82,604				0.00%
Fargo	92,776				0.00%
Grand Forks	70,683	4,000	2,000	50%	5.66%
Bismarck	60,131	1,629	797	49%	2.71%
Minot	57,921	1,289	396	31%	2.23%
Devils Lake	30,867				0.00%
Dickinson	26,837	389	171	44%	1.45%
Mandan	23,700	100	50	50%	0.42%
Jamestown	22,241				0.00%
Wahpeton	18,148	118		0%	0.65%
Grafton	13,810	150	50	33%	1.09%
Williston	13,336	191	53	28%	1.43%
Valley City	12,545	67	17	25%	0.53%
Stanton	12,189	170	37	22%	1.39%
Bottineau	12,171	108	21	19%	0.89%
Hillsboro	11,172				0.00%
Washburn	10,457	100	25	25%	0.96%
West Fargo	10,099	120	36	30%	1.19%
Cavaller	9,238	90	27	30%	0.97%
Stanley	7,021	114	Couldn't appoximate		1.62%
Watford City	6,383	Only in operation for 4 months.			
Langdon	6,064	48	19	40%	0.78%
Rugby	5,052				0.00%
<b>TOTAL</b>	<b>615,444</b>	<b>8,681</b>	<b>3,699</b>	<b>43%</b>	<b>1.41%</b>

SB 2067  
Rep Grosz

-----Original Message-----

From: Gallagher, Lyle V.

Sent: Tuesday, March 20, 2001 11:26 AM

To: 'mpgrosz@stte.nd.us'

Subject: FW: Handset solution

Representative Grosz, The Dates below are FCC Mandates for Wireless Carriers to provide location capability or technology to the 911 call centers in America. If you have any more questions please call me at 328-8150.

-----Original Message-----

From: Woody Glover [mailto:gloverw@apco911.org]

Sent: Tuesday, March 20, 2001 10:59 AM

To: Lyle Gallagher (E-mail)

Subject: FW: Handset solution

Lyle, the following letter lists the current deadlines for implementation of phase II, location technology, and the percent of accuracy required. This is excerpted from the P38 Business Plan which the Board approved last week.

Is this the information that you need? Let me know if you need additional info.

Thanks ~ Woody ~

Carriers choosing a handset-based solution must begin selling and activating ALI-capable handsets by Oct. 31, 2001. By Dec. 31, 2001, 25 percent of new handsets activated must be ALI-capable. Fifty percent of new handsets must be ALI-capable by June 30, 2002, and 100 percent of all new digital handsets must be ALI-capable by Dec. 31, 2002.

Additionally, by Dec. 31, 2005, 95 percent of all handsets in a carrier's total subscriber base must be ALI-capable.

For carriers using cellular tower alternatives, the activation system is triggered by a request from PSAPs.

Within six months of receiving an activation request, but no sooner than Oct. 1, 2001, carriers must provide automatic location information for at least 50 percent of a PSAP's coverage area.

Within 18 months of the request, carriers must provide automatic location information for 100 percent of a PSAP's coverage area. Required accuracy standards are within 100 meters for 67 percent of calls and 300 meters for 95 percent of calls.

**Proposed Amendment to SB 2067**

Excise Tax Amount

Prepared by Michael Grosz

March 21, 2001

Page 3, line 11, overstrike "one," and insert "seventy-five cents"

Page 3, line 12, overstrike "dollar"

Page 4, line 15, remove "Effective August 1, 2001, any excise tax imposed under this section, including a"

Page 4, remove lines 16 through 18.

Page 4, line 15, after "6." insert "Effective August 1, 2001, any existing excise tax must comply with subsection 1. Any additional excise taxes that were not in existence prior to August 1, 2001 must be approved in accordance with this section."

**Proposed Amendment to SB 2067**

Number of PSAP's

Prepared by Michael Grosz

March 21, 2001

Page 7, line 24, after "Section 9." insert:

"A new section to 57-40.6 is created and enacted as follows:

57-40.6-10. Restrictions on number of Public Safety Answering Points.

No more than eight public safety answering points in addition to the State Radio may be in operation in this state. Each public safety answering point must serve at least 20,000 people as determined by the last official census." If a public safety answering point does not serve at least 20,000 people as determined by the last official census, the public safety answering point has two years to become compliant, or consolidate with another public safety answering point. The public safety answering points that do not comply with this section as of December 31, 2000 have until December 31, 2004 to become compliant."

**Proposed Amendment to SB 2067**  
**Public Safety Answering Point**  
**Prepared by Michael Grosz**  
**March 21, 2001**

Page 6, line 27, overstrike "service" and insert "safety"

Page 6, line 31, after "18 U.S.C. 2703 (C)(1)(B)(iii)." Insert,  
"Section 8. Amendment. Section 57-40.6-07 of the North Dakota Century Code is amended and  
reenacted as follows:

57-40.6-07. Use of the furnished information.

Names, addresses, and telephone numbers provided to a 911 public ~~service~~ safety answering  
point under section 57-40.6-06 are private data and may be used only for verifying the location  
or identity, or both, for response purposes only, of a person calling a 911 answering point for  
emergency help. The information furnished may not be used or disclosed by the public ~~service~~  
safety answering point or its agents or employees for any other purpose except under a court  
order."

Page 7, line 1, overstrike "Section 8.", and insert "Section 9."

SB 2067  
Rep Hubel

Number of PSAP's by State:

<u>State</u>	<u>Number of PSAP's</u>
1. Texas	485
2. California	336
3. Ohio	270
4. Illinois	252
5. New Jersey	208
6. Michigan	182
7. North Carolina	161
8. New York	151
9. Indiana	139
10. Tennessee	112
11. Minnesota	111
12. Kentucky	111
13. Alabama	110
14. Connecticut	103
15. Missouri	95
16. Mississippi	87
17. Iowa	84
18. Kansas	83
19. Florida	77
20. Colorado	75
21. Georgia	73
22. Virginia	70
23. Arizona	69
24. Pennsylvania	67
25. Wisconsin	67
26. Washington	64
27. Louisiana	63
28. Oklahoma	60
29. Montana	57
30. Idaho	55
31. Oregon	54
32. New Mexico	52
33. West Virginia	37
34. Utah	36
35. Maine	35
36. Wyoming	34

⊕ 7 County area in Minnesota has 25 PSAP's

⊕ Volunteers

37. South Dakota	33
38. Nebraska	28
39. Massachusetts	27
40. South Carolina	26
41. Nevada	25
42. Maryland	24
43. North Dakota	23
44. Arizona	22
45. Delaware	9
46. Vermont	8
47. Alaska	8
48. Hawaii	5
49. District of Columbia	1
50. New Hampshire	1
51. Rhode Island	1