

2013 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1202

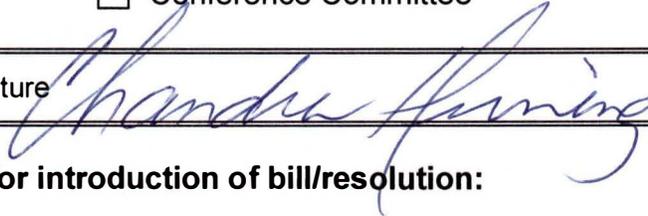
2013 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

HB 1202
February 7, 2013
Job 18560, minute 1:12:09 to 1:45:22
Recording begins with HB 1379

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to use of wide area network services.

Minutes:

Attachments 1-4

1:12:09 **Chairman Jim Kasper** opened the hearing on HB 1202.

1:15:07 **Representative Streyle, District 3:** Introduced HB 1202. Provided background behind current law. Explained significance of HB 1202. There will be an amendment coming to clarify what is meant by term *emergency service communications*.

1:17:26 **Rep. Gail Mooney:** Am I understanding correctly that this would not change the existing situations in counties and cities as far as their communications are concerned?

1:17:44 **Rep. Streyle:** This will not change that. This does not say that one entity or the other has to do it; it simply says that the state could not use that exemption to crowd out the existing contracts and entities.

Rep. Mooney: My original interpretation was the opposition that we were going to be taking over state communications.

Rep. Streyle: No, it doesn't say that the entities that are doing it now will have it forever. It simply says that the state cannot use the interpretation of this law to take it over.

Support:

1:19:02 **Kent Blickensderfer, Director of Legislative and Regulatory Affairs for CenturyLink in North Dakota:** Refer to written testimony, **attachment 1**. Offered proposed amendment, **attachment 2**, to clarify meaning of *emergency service communications* by changing wording to *enhanced 911 and next generation 911 communication services*.

1:22:56 **Chairman Jim Kasper:** What is the problem with the current system, and how does this bill help to solve the problem as you see it?

1:23:05 **Kent Blickensderfer:** I believe the current 911 system does not have any problems. With the advent of next generation 911, which seeks to add the types of services I spoke to in my testimony, it requires the addition of the use of wide area network. The problem comes with the need for an exemption for political subdivisions in order to use wide area networks from someone other than ITD. For us to move forward with next generation 911, we need to change this language to get the exemption out of there with respect just to 911 serves.

1:24:34 **Chairman Jim Kasper:** What you're saying is that in order for your company or other companies like you to be able to compete fairly, you have to have an open market as compared the closed market which we currently have?

1:24:45 **Kent Blickensderfer:** Currently, the state of North Dakota does not provide any 911 services, that I am aware of. The state is not in the 911 business. Because of this exemption language, and if the public safety answer points move to a next generation 911 system, without this it would force the state into the 911 business.

1:25:19 **Chairman Jim Kasper:** Would that then increase tax payer costs?

1:25:28 **Kent Blickensderfer:** I don't know that I can speak to the costs. The state would need to partner with a database company or develop their own database to do the things you need to do to provide next generation 911 services. It would be putting the state into a position they're not in today in terms of taking on the responsibilities and liabilities of providing a 911 system.

1:25:57 **Chairman Jim Kasper:** What are the potential problems if the state decided to develop their own next generation 911 and had some holes in the system?

Kent Blickensderfer: If you have a disaster or a situation that requires 911 and calls were unable to get through the network, the problems would be self-evident. Calls would be delayed or lost. This does not preclude the state from pursuing 911 technology; it just fixes the statute to say what it always should have said.

1:26:52 **Chairman Jim Kasper:** Which allows your company and other companies like yours to compete if they choose to do so.

Kent Blickensderfer: Yes.

1:27:01 **Rep. Steven Zaiser:** I don't believe this does put your company in a monopolistic position in terms of the private sector, but I wanted to ask you to make sure.

Kent Blickensderfer: No, it does not.

Opposition:

1:28:05 **Ron Gronneberg, Chief Information Officer for Fargo:** Elaborated on written testimony, **attachment 3**, in opposition of the bill. Added that the proposed amendment would alleviate some of his concerns about wireless.

1:32:04 **Rep. Ben Koppelman:** Am I understanding that if the proposed amendment was put into the bill, then you wouldn't be opposed to the bill?

Ron Gronneberg: No, that's not true. The bill says that I *shall* do something, and I believe that means that cannot use ITD now and that I shall do something different. In my printed testimony, I had commented on wireless communication because there is no limitation.

Rep. Ben Koppelman: If you're concerned about *shall* part of this language, and let's assume for a minute that we accept the amendment, I think it says that you shall select providers that cost effective. The state might be the provider that is cost effective, if they offer that service, so the only *shall* is saying that you'll pick somebody. You're already picking somebody, and I am assuming you're already picking somebody, so you would continue to have to pick someone in order to offer that service. Do you see that differently?

Ron Gronneberg: As long as it is somewhere codified that ITD is one of my options for selection, that is fine.

1:34:02 **James Anderson, Director of Information Technology, city of West Fargo:** Appeared in opposition to HB 1202 as written. Refer to written testimony, **attachment 4**.

1:35:18 **Rep. Gail Mooney:** I thought that this language would allow subdivisions to be able to choose as they needed to according to their criteria. Does it not?

1:35:40 **James Anderson:** With the recent amendments and clarification, we were stuck on the word *shall* as well. We're looking more towards a *may* to clarify that.

1:35:56 **Rep. Gail Mooney:** With that, it would not require you to have to change your system. Is that your concern?

James Anderson: Correct.

Vice Chair Randy Boehning: Isn't it the job of our government to lower the cost to government and to the people if there is available route to do it ?

James Anderson: Yes. A concern centers on if someone were to submit a proposal that we would feel would be a detriment and would not be a good pick for a 911 provider.

1:36:55 **Vice Chair Randy Boehning:** They have to be demonstrably redundant and reliable. I don't think you'll pick a company that won't be reliable. There are a of companies out there that are reliable, along with ITD. We have to look at the best cost. If ITD can provide it better, that's what will be chosen. It's competition in a free market. If the best option for you is ITD, then you can stick with ITD.

James Anderson: That is correct.

1:37:58 **Rep. Gail Mooney:** Recently our county did some more work and spent more money for E 911 services, so it is a point of issue that it would cost taxpayers money. Every time we end up turning to a different system, it costs us money, which the taxpayers pay for. I can see the concern to make sure that the local entities have the ability to stay with what they have or move, based on cost efficiency. Correct?

James Anderson: Correct.

1:39:00 **Chairman Jim Kasper:** How many options do you have for these services right now?

James Anderson: Probably three in the city of West Fargo.

Chairman Jim Kasper: Who would they be?

James Anderson: They are CenturyLink, Midcontinent, and ITD.

Chairman Jim Kasper: You're carefully selecting the providers that are cost effective right now. So if instead of having three to choose from, you had eight. Would you still carefully select? How would things change from your perspective?

James Anderson: Yes, we would still select carefully. From my perspective, I don't think there would be much change as long as there is no language that forces us to rebid anything. It wouldn't come up again until NG 911 becomes more prevalent.

Chairman Jim Kasper: So your concern is that you might be forced by this legislation to do something that you don't desire. If you wanted to choose Option A, this might make you choose Option B? Is that your concern?

James Anderson: Correct

1:40:21 **Chairman Jim Kasper:** Kent, you heard the concerns from the folks from Fargo and West Fargo. Give us your viewpoint about whether this bill will change their option to do what they'd like to do.

1:40:46 **Kent Blickensderfer:** I am confused by their concerns. This bill does not change any of their options. In fact, it gives them an option. The minute next generation 911 becomes a reality, without this bill they would be forced to use ITD. ITD does not provide 911 services today. This bill would allow you to make a change if desired or to stay. Without it, you'd be forced onto the state network, which does not carry 911 or next generation 911 traffic, and they do not provide it, and they do not have any partners with the database that is required to provide 911 services.

Chairman Jim Kasper: What this does is that it opens up competition for the free market, privately owned companies against any competitors, including the current ones, but it does not force people to make changes that they do not wish to make.

Kent Blickensderfer: That's absolutely correct.

Neutral:

Hearing closed.

Chairman Jim Kasper: We have a proposed amendment. What are your wishes on the amendment?

Vice Chair Randy Boehning: **Motion to adopt the amendment** offered by Kent Blickensderfer.

Rep. Ben Koppelman: Second the amendment.

Voice vote on motion to adopt amendment. Motion carries; the amendment is on the bill.

Rep. Karen Rohr: **Move a do pass as amended.**

Rep. Jason Dockter: Seconded.

Rep. Ben Koppelman: I don't believe the *shall* is a problem. The only thing it does is require a system that is redundant and reliable, and that you should look for a cost effective way to provide the service to your citizens.

Rep. Steven Zaiser: I certainly am not a technological person, so I will have to rely on my city officials and what they think is best.

Roll call vote on the motion for a Do Pass as Amended. Motion carries.

Yes = 13

No = 1

Absent = 0

Carrier: Representative Kasper (may be changed)

FISCAL NOTE
Requested by Legislative Council
01/24/2013

Bill/Resolution No.: HB 1202

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

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

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

If governmental entities providing emergency communication services decide to purchase other network connections, the additional circuits will be an extra cost to those entities. It is unknown what amount this would be.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

N/A

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

N/A

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

N/A



Name: Mike J. Ressler

Agency: Information Technology Department

Telephone: 701-328-1001

Date Prepared: 01/31/2013



13.8212.01001
Title.02000

Adopted by the Government and Veterans
Affairs Committee
February 7, 2013

1/12/13
C. S.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1202

Page 1, line 14, replace "emergency service communications" with "enhanced 911 and next generation 911 communications services"

Page 1, line 15, replace "emergency service communication" with "enhanced 911 and next generation 911 communication"

Renumber accordingly

Date: 2-7-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1202

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.8212.01001

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Boehning Seconded By B. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Bill Amerman		
Vice Chairman Randy Boehning			Rep. Gail Mooney		
Rep. Jason Dockter			Rep. Marie Strinden		
Rep. Karen Karls			Rep. Steven Zaiser		
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Gary Paur					
Rep. Karen Rohr					
Rep. Vicky Steiner					

Voice Vote

Total (Yes) _____ No - _____
Absent - _____

Floor Assignment _____

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

Amendment adopted

Date: 2-7-13
 Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1202**

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rohr Seconded By Dockter

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman	X	
Vice Chairman Randy Boehning	X		Rep. Gail Mooney	X	
Rep. Jason Dockter	X		Rep. Marie Strinden	X	
Rep. Karen Karls	X		Rep. Steven Zaiser		X
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Gary Paur	X				
Rep. Karen Rohr	X				
Rep. Vicky Steiner	X				

Total (Yes) 13 No 1

Absent 0

Floor Assignment Kasper

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

REPORT OF STANDING COMMITTEE

HB 1202: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1202 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "emergency service communications" with "enhanced 911 and next generation 911 communications services"

Page 1, line 15, replace "emergency service communication" with "enhanced 911 and next generation 911 communication"

Renumber accordingly

2013 SENATE POLITICAL SUBDIVISIONS

HB 1202

2013 SENATE STANDING COMMITTEE MINUTES

Senate Political Subdivisions Committee
Red River Room, State Capitol

HB 1202
March 8, 2013
19647

Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

Relating to use of wide area network services

Minutes:

You may make reference to "attached testimony."

Vice Chairman Ronald Sorvaag opened the hearing on HB 1202. Chairman Andrist stepped out of the committee. Senators Judy Lee, Howard Anderson, Jim Dotzenrod, John Grabinger were present.

Representative Streyle District 3 Minot introduced HB 1202. It passed the House 85-4. 1202 changes state law with regard to which exemptions are needed for public safety answering points when purchasing 911 services. When this exemption rule was established back in 1999, it was done to establish a cost effective statewide high speed network to serve the daily needs of the state agencies in political subdivisions. We fully support that. But at that time it was never intended to provide an exclusive exemption to the E911 services which are coming down the pipeline. HB 1202 does not prevent the state from pursuing 911 technologies it just ensures that the state through this exemption is not solely responsible for providing the public safety communications, like E911 over stage net. That is what it does. It doesn't say that they can't pursue this in the future, it just simplify clarifies that they can't use this exemption to take over the 911 business which is in the private sector right now. I think it's working fabulously and they did develop the technology so that is all this bill does is simply clarify this cannot be used just to take over this industry.

Vice Chairman Ronald Sorvaag Can you expand a little, what do you mean take over because it is all public entities 911 issues? Or are you talking about the technology end or what?

Rep. Streyle replied it could be since all state agencies and political subdivisions have to use Stage Net. E911 is basically real time video, real time text, which it could be argued that they could be forced to use Stage Net for this because it's a wide area data service, whereas the older technologies is simply a phone line text.

Senator Judy Lee Why would we not want to have the same system used by all of the emergency service providers in order to make a streamlined entity? Where did this come from? Why are we even looking at it?

Rep. Streyle replied this doesn't prevent the state from doing it. It just says they can't use that exemption to take over this and how Stage Net does this is built with a bunch of co-ops obviously so, ITD does not control or manage those networks. They simply rent the capacity. In the business I do, I deal with ITD. But to drop a mission critical I mean you cannot have any downtime whatsoever when there is 911 involved. I think that is why this is needed. It doesn't prevent them, it just says they can't use that exemption to take this services. It is cost effective, redundant, they could still compete for this and I think it gives the political subs actually more flexibility. It will allow them to choose who they think is appropriate for the services.

Senator Judy Lee Why wouldn't it be appropriate for the state to look at having the same service for everybody because then everything is going to be interactive? Frankly I just see a little paranoia here and you tell me why I shouldn't feel that way?

Rep. Streyle replied I guess it doesn't prevent them from doing that. This just clarifies that you can't use that exemption to crowd out private industry. They can certainly if they want to pursue this and they may certainly do it under this bill. It just says that they cannot take it with using this exemption. So, to me it is a competition and the system is working just fine the way it is right now. So I guess I don't find it to be paranoia.

Kent Blickensdefer Director of Legislative and Regulatory Affairs for Century Link, Bismarck; written testimony #2.

Vice Chairman Ronald Sorvaag Kent, several days ago I carried a bill to the Senate floor. It was dealing with the 911, the redundancy, the backup, the broad band; all those issues. Obviously they are trying to get into one system, but you're saying this wouldn't affect the goal of what that was trying to do. We gave them a couple of more years. They didn't get all the map to build in this redundancy, so Fargo, Grand Forks; backup people could know exactly what Fargo did to back them up. This doesn't affect that?

Kent Blickensderer replied no not in any way. This bill is strictly what it is. It is to fix an exemption rule that never was intended to apply to 911 in the first place. What it would do if we left it this way, is you could argue that ITD would not only take over all 911 and Next Generation 911 but they could argue that they have to take it all over and the state's not in the 911 business and never has been.

Ron Gronneberg Chief Information Officer for the City of Fargo, in opposition of HB 1202, written testimony # 3.

Vice Chairman Ronald Sorvaag Ron, I understand that you are opposed, why would this hurt what you are doing now? You're saying you're opposed and saying it's in the best interest of the company and it's not the best interest of the public but how would this interfere with you doing your job? Could you be a little more specific?

Ron Gronneberg replied for example if I wanted to take my dispatch center traffic across town, now I would need to contract with somebody or do an RFP to meet the shell requirements, do a competitive bid; compare how I get that from one dispatch to another. If

I had to do a temporary dispatch center in a location in town, while we were remodeling, it would limit my methodologies on how I could carry that traffic across. Right now we are the backup location for and we work with Grand Forks and we back up their equipment, and they back up our equipment. Grand Forks had an outage and they were down for about 6 weeks before they got their equipment fixed, and during that entire time, they ran off the equipment that we have in Fargo. They did that across network provided by ITD and it worked just fine for all 6 weeks. With the current situation there is nothing precluding us and there has never been a time where any of us haven't got an exemption from ITD if we wanted to do something different.

Vice Chairman Ronald Sorvaag Closed Hearing on HB 1202. We will wait until next week to do action on this bill.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Political Subdivisions Committee Red River Room, State Capitol

HB 1202-2
March 19, 2013
19902

Conference Committee

Committee Clerk Signature



Relating to use of wide area network services

Minutes:

You may make reference to "attached testimony."

Chairman Andrist reopened the hearing for HB 1202. All senators were present.

Ron Gronneberg from the city of Fargo was against the bill and Kent Blickensderfer who was for the bill and of which I have their testimony. I am sort of confused by looking at it. It has been suggested by some that we reopen the hearing. I am a little reluctant to do that, as I would like to set a time for discussion on it and have principles that are interested in the bill present and aware of the time we're going to be discussing the bill so I can get your reaction to this. I know that Senator Lee has some concerns. Senator Sorvaag also has some concerns.

Vice Chairman Ronald Sorvaag I think we were all kind of confused that day because it went in a hurry about what they were talking about. I have talked to Kent and to Ron but there has also been contact with some of the county organization people and there is a lot of confusion. What is happening now, what does it mean, and there is disagreement obviously with what Senator Lee passed out from James Anderson. So we did talk of doing a March 21 committee work but the debate or discussion is should we just open the hearing if we're going to ask questions to 4 or 5 people? We were definitely confused when we left there. We need more information. It makes more sense but everybody needs to hear it one way or the other. I think there will be about 6 people showing up for the committee work.

Senator Judy Lee I was approached by the IT person in my community at a legislative Forum on Saturday who very concerned about this. Tim Weidrich from the State Health Department was here who runs the emergency service under the communication stuff. I also think it might be appropriate to ask Greg Wilz who deals with the 911 call dispatch kind of thing too. If we're going to ask those people to come. I would respectfully request that we might continue the hearing. I don't expect any big contentious, huge room full of people, but there are some folks whose expertise is important. It could still be at a time certain that we're going to do. The hearing on 1202 should be continued.

Vice Chairman Ronald Sorvaag I know that it's in the record, but the only people here was Kent and Ron, that said, we closed it. The two individuals that did any testifying would know that and we could contact them easily.

Senator Judy Lee Tim Weidrich from the Health Dept was sitting back here, but I didn't see him over my shoulder. After the meeting I saw he was there, and I asked if he could come back and of course he will. He was here and we didn't give him a chance to respond.

Vice Chairman Ronald Sorvaag He did have a chance. I didn't close, I asked for any more testimony. He did have the opportunity, to stand and speak at the hearing, he chose not to.

Senator Judy Lee I think it would be more accurate to say that as a Department of Health person he was here to respond to questions because there not going to testify for or against. But it would be appropriate to be able to ask him questions because of what his professional role is.

Chairman Andrist let's just reschedule the hearing.

Vice Chairman Ronald Sorvaag Could,I request that we do that next Thursday then at 11:00AM? **Chairman Andrist** replied yes.

Vice Chairman Ronald Sorvaag That is the date that I mentioned to these people we might be doing the bill.

Chairman Andrist We will reopen it on Thursday, March 21st at 11 AM. Hope that gives us sufficient time.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Political Subdivisions Committee Red River Room, State Capitol

HB1202-3
March 21, 2013
20318

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to use of state wide area network services

Minutes:

You may make reference to "attached testimony."

Chairman Andrist reopened the hearing for HB 1202. All senators were present

Kent Blickensderfer Century Link, North Dakota. (1:00-3:50) H.B. 1202 offers public safety answering points a choice. It places decision making authority on wide area networks for 911 service in the capable hands the Public Safety Community through the (ESCC) or Emergency Service Coordinating Committee, the 911 Association, the 911 Association steps committee, the Next Generation 911 program manager, PSAPS and the North Dakota Association of Counties rather than granting that authority to a state agency with no historical background and providing 911 service. Mr. Blickensderfer continued explaining how the 911 network relates to Century Link.

Vice Chairman Ronald Sorvaag Of the 911 service in the state, most of it is on your system now or some of it is on your system? How much is on your century link system?

Kent Blickensderfer It's difficult to answer that question with an exact percentage. With respect to the wireless 911, Century Link holds the master contract with the North Dakota Association of Counties. They do most of the work on 911 and they coordinate with our data base vendors. That runs on our system to the extent that we have facilities where it goes in North Dakota. For the other services, we contract with whoever the local provider is and work directly with them. So the whole system runs seamlessly together. With respect to 911, that runs on land line for the most part, in Century Link territories which is 25 exchanges in North Dakota, it runs on our system. I can't answer how every single county does it with respect to the co-ops but we do also do work with most of them and they use our database. That's about how it works.

Vice Chairman Ronald Sorvaag But there is different systems, and your only part of it. It all works seamlessly, and the intent in the future is not to pick an exclusive provider and to expand and work together.

Kent Blickensderfer replied that is exactly right. This bill if it passes and the PSAPS all want to go with ITD or they want to go with another carrier or two carriers because you have to have coordination with the database provider. This bill won't change that.

Senator Judy Lee When wireless 911 went in, do you remember what year?

Kent Blickensderfer replied I don't remember the exact year.

Senator Judy Lee my point was that didn't happen until there was some prodding as I recall but eventually the 911 became effective for wireless phones as well.

Senator Jim Dotzenrod You listed some bullet points. Was that a letter from you or was that the one that was signed by those three people? **Kent Blickensderfer** replied that's correct. **Senator Jim Dotzenrod** Number four they said was increased interoperability. You're saying that's not really going to be changed by this bill? **Kent Blickensderfer** replied absolutely, my bill doesn't address interoperability in any way shape or form. I could say that I don't know how that increases interoperability but I am not going to address it from the stand point of my network versus somebody else's. I am just saying my bill doesn't change that and even if it did I don't know how it would improve it. **Senator Jim Dotzenrod** replied essentially you've looked at these seven bullet points in this letter, and you feel that really none of the objections they raise are valid. **Kent Blickensderfer** replied that's correct. The bill says exempts out 911 services from needing an exemption from the state CIO.

Senator Howard Anderson the first bullet point says the current law already allows for exemptions. Apparently you feel that is not true you can't get an exemption for what you want to do under current law, explain that to me? **Kent Blickensderfer** replied first of all the exemption wouldn't go to Century Link. The exemption would go to the local political subdivisions, or to the association if there running through their joint powers agreement. But we've spoken with the Governors' office. I don't think it would be a huge challenge on an exemption. I think it was more of an issue of is that good public policy to be running for an exemption all the time when this was never intended to apply to the emergency 911 communication services.

Chairman Andrist convened the committee until 3PM in the Red River Room.

The hearing for HB 1202 continued at 3PM.

Chairman Andrist I found a lot of the committee had questions about it that we wanted to revisit and see if we could get a better grasp of exactly what it does. We are re-opening the continuation of HB 1202.

James Anderson, IT Director of the city of West Fargo; spoke in opposition to HB 1202 (11:47-14:47). The bill states that we "shall" take the lowest qualified bidder...etc. Written testimony #3.

Chairman Andrist The version we have doesn't require a low bidder. The language in it that I have is shall select from buyers that are cost effective and are demonstrably

redundant and reliable. **James Anderson** replied you're correct, that is what I meant by qualified.

Chairman Andrist We would like to understand what it is about the bill that is a threat to you? **James Anderson** replied my testimony will give you an explanation regarding your question.

Chairman Andrist James, were trying hard to lock in exactly what it is that you see as a threat here. We have multiple platforms now, around the state, isn't that right? **James Anderson** replied the state utilizes the Stage Net and for public safety vendors yes there are different vendors. Century Link is the primary vendor for most of them. **Chairman Andrist** Has that caused a problem for you or do you perceive it, will be a problem when we move to the enhanced 911? **James Anderson** replied we don't perceive it as a problem. I think the biggest thing right now is there is a comfort level that the state is involved and the state is providing some sort of oversight. At some point in time, the state may see fit that something needs to happen across the board and affects all of the public safety and that is why we worry that this may inadvertently take away by doing that.

Vice Chairman Ronald Sorvaag you're definitely more technical than I, but I carried a bill, earlier and it's not with this but it was with state wide radio. Because the systems are evolving and we're trying but our concern there, we wanted everybody to work with a platform to work towards, but we were assured that it wouldn't be vendor specific. But what I am getting from your testimony you think it should evolve and you think it should just be what one vendor provides? **James Anderson** replied I guess a vendor wouldn't be the appropriate word. It should be a standard in technology. In technology we have standards that we follow and they all mean the same thing. It is really the way the Internet works, everyone follows the same standard and that standard allows communication across the world. So, I think maybe vendor would be the inappropriate word, but through the help of the state, a standard could be created.

Chairman Andrist But you don't think it should be necessarily brand specific? **James Anderson** replied that's correct.

Vice Chairman Ronald Sorvaag There is nothing in here that says its' branded. It just says cost effective, redundant and reliable. As long as the platforms work there is nothing saying that they are going out to buy bad products because somebody else under bid. There is a standard in here, and that is why I am trying to get where the real objection is? **James Anderson** replied I would agree with you there, maybe that is part of the problem. Maybe it is too generic, because when I read through the law I don't really see a standard, all I see is the city of West Fargo can go out and do whatever they want.

Senator Jim Dotzenrod Is part of our problem in really trying to figure out the right thing to do here that there is a distinction between the normal IT services that are provided that is communications, and transferring data and just the normal day to day information to have a good system. That system as separate and distinct from 911, is there something about 911 that makes it not fit very well with the way we do things right now? 911 needs to be accepted out and have sort of an enhanced capability that we can't get as well as we would like to get with the current system as it is with IT provided as it is today? **James Anderson**

replied in reality no. All that Century Link is providing is an internet connection. So, the reliability in that comes built in and that's what makes it special for 911 is that it is more reliable. But that is how the technology works, it's the same thing.

Ron Gronneberg CIO for the City of Fargo. (20:05-22:45) A number of concerns, first with 'shall' shouldn't be a concern. My basis for my concern about that is pg. 91 2013 drafting manual (ND) it defines shall as ' when your imposing as a duty on a person or a body that is subject in a sentence, you shall in a mandatory or imperative sense,, but to me when I read that I believe that's a definition I believe the definition of shall that I am going to have to use a year from now, and that does sound like a mandate to me. He continued with his opposition testimony.

Chairman Andrist If you don't mind, I don't mean to interrupt your testimony per say, but for instance you're using the work 'shall' select providers that are cost effective, would you want one that wasn't cost effective or demonstrably redundant, would you want one that is not demonstrably redundant? Or reliable, would you want one that is not reliable? What is it, shall is like you say, it's a demand. But it seems to me the qualifying things that what you shall do, aren't that harmful. Help me to understand that if you can?

Ron Gronneberg replied (23:35-28:24) long explanation given. Yes, will be redundant, reliable and cost effective.

Jason Horning, NG 91 Program Manager at the North Dakota, Association of Counties. I can't speak to exactly (29:00- 30:46) what Mark or what Terry would say on this issue but I can talk about the technical details of networks and NG 91 moving forward.

Chairman Andrist Does the language in the bill impede you in any way? **Jason Horning** replied I don't believe it does. It just gives us more options. We have no less than 3 groups already watching 911 emergency communications. We have a statutory liaison assigned emergency coordinating committee that is responsible for coordinating 911; we have 911 associations steps committee who is in charge of overseeing contracts that the ND Association of Counties would sign on behalf of the counties and 911 agencies; so I believe there is sufficient oversight already of the contracting process. **Chairman Andrist** So you think and you don't see a problem with the language and you think it might even help you in some ways? **Jason Horning** replied I don't see a problem with the language one bit. I think it would actually be helpful and encourage more competition. That's my take on it.

Senator Jim Dotzenrod part of my problem is not being technical enough to make a decision on how to understand how the pieces fit together. We heard earlier it was just an internet connection and that's all we're talking about. Does that seem like it's too simple but you get the impression I think at first reading of the bill that were introducing something that is going to have a standard developed that everyone is using? All the counties are on it, all the cities are on it; and then we introduce some provision like this, that says they can go outside of what has been the practice and start looking for completion and bringing in other providers that there seems to be just intuitively some sort of risk that you're going to have instead of the standardization that you would assume would be there throughout the system. If the possibility exists now for some new standards or something that isn't going to

match up and be introduced and that evidently is not a concern, that is not the right way to look at it.

Jason Horning replied none what-so-ever. My position as the NG 91 program manager is to insure that standards are followed. In fact, I sit on numerous committees with the National Emergency Number Association and have had a hand in the development of those standards. It is in my best interest, and the best interest of the PSAPS served to follow those standards. My job is to make sure that occurs. It is the EES3 Committees recommendations on guiding the development the NG 911. They provide direction to me and I provide recommendations to them. Ultimately the 911 Association Steps Committee will have a hand in the contract as far as oversight and making sure it is appropriate for the PSAPS. The standards they choose is not an issue. The E911 system that exists today is not a wide area network. It is built on 1970-1980's technology and is no way carried over IP out to the PSAPs CPE. What we're talking about with Next Generation 911 us the development of our secure wide area network that does not expose ourselves to the internet at this point. It is a new network and that's why we're having this discussion.

Senator Howard Anderson you just spoke about what the future is. Is it a secure wide area network that does not expose itself to the Internet? So explain to me then how somebody can call in on their cell phone which you have that exposure at least from their cell phone to your wide area network, how can you can that's not exposed to the outside?

Jason Horning replied currently the carrier (34:15-35:07) drive the communications for 911. So, any conversation an individual has with a 911 center runs through a carrier. Those carriers have dedicated circuits and dedicated connections into the network. I can't initiate a 911 call without riding on a carrier and that's the difference. Now, someday, we are going to be hooking the system into the internet but there is a lot of standards development that still needs to be done. A lot of coordination to make sure the input information is in a consistent format and secure and authorized. We are a long ways from that.

Senator Howard Anderson So you're saying now I can't use my computer to do a voiceover internet call to 911? **Jason Horner** replied what did you mean? **Senator Howard Anderson** So you're saying that I could now or couldn't in the future use my voice over internet connection to make a call to 911 because that wouldn't be in the possibilities or what? **Jason Horning** replied if you were to use a voice over platform such as Vonage you would be able to make a voiceover IP call, but we have dedicated circuits or trunks from Vonage so we know who is coming into the system. Skype is another example of a voice over. If a connection has not be authenticated it cannot be used because we don't know where the call is coming from.

Tim Wiedrich Section Chief of the Emergency Preapance Response Section with the North Dakota Health Department: neutral testimony. (36:56-38:29) My role here is to answer whatever questions of the committee. As I am understanding the circumstances, we are not on the front line, we're the consumers in terms of sending ambulance services and doing emergency response work. The proponents of the legislation are basing indicating that if individual governmental entities can pursue these opportunities individually that there might be cost effective leveraging that can occur, perhaps better rates on an individual basis by each of those entities. On the other side, the proponents the existing

law, is that by pursuing those individual opportunities that we end up with multiple carriers providing those services throughout the entire system and the system doesn't aggregate as a whole like it currently does where there is a one stop shopping when you contact ITD.

Senator Judy Lee I understand the neutral nature of your department but do you see any challenges to having multiple stops with the current system? **Tim Wiedrich** replied so the challenge in terms of not having a one stop shop is that what I heard? **Senator Judy Lee** replied yes, do you see any potential problems that might develop because of having more than one streamlined system which apparently we have now? What are the challenges that we might see because of any roadblocks that are unintended consequences or unaware consequences for us that we need to think about here?

Tim Wiedrich replied I guess as I would see that, it would depend if there is an acceptable surrogate under the current system. ITD is basically riding that currently and is controlling that to the extent that it is to make sure that those are uniform. If there is a different process for each individual entity, then there would need to be at least for my assumption, a coming of the minds together in adequate control to make sure that those are in fact in alignment as various services providers are in fact providing service to various entities. Otherwise that could have a negative impact as we were hearing the type of transferring that was occurring between two different communities if each one is dealing with a different carrier and they haven't come together with on a common platform. That could set up obstacles.

Vice Chairman Ronald Sorvaag The term demonstratively, redundant and reliable, wouldn't that terminology says it has been taken care of. You're expected it make sure it can work with everything else or do you see it differently? **Tim Wiedrich** replied I don't think I have enough technical knowledge to come back and answer that.

Lisa Feldner Chief Information Officer, Department Head for the Information Technology Department. (41:58)

Chairman Andrist do you have concerns for this bill? **Lisa Feldner** replied we don't have a position on this bill. But I do want to clarify a couple of things and I think that may be our misconceptions about ITD. We don't provide 911 services and we don't want too. We also don't actually own the state network. ITD procures that from the private sector. For purposes of this, I think the confusion lies in that all of these 911 services as Mr. Horning alluded too; are converging and changing. Everything is going to an IPB structure rather than analog telephones. The whole area is in its infancy really and starting to mature, so I think people are trying to predict what the future is going to hold and I know that anyone knows that yet. There is a lot of studies and planning going on. We have just applied for the First Net grant which will be in the future the nationwide public safety network which to a certain extent will take care of some of this. But that is 10 years down the road. We'll get the planning grant sometime in July and we can start to look into some of these things.

Senator Howard Anderson To the consumer out there, 911 seems pretty simple. It is more complicated than that and its getting more complicated as time goes by. Can you explain that or are we really talking about what happens after the person's phone call comes in and the dispatch system and so forth which the consumer is not so concerned about it as long as it works?

Lisa Feldner replied it is getting much more complicated now. Before, we just had land lines, we didn't have cell phones. Now cell phones and other mobile devices that we have to try and figure out ultimately they'll interface with your GIS map coordinates, your location so you're not the same as your address point that is in the phone book. It's a lot more complicated now as we move into all the devices than it was before.

Chairman Andrist some of the committee are troubled with the terminology they shall select providers that are cost effective. If we said shall have authority to select providers that are cost effective, and demonstratively redundant, and reliable, it seems to me we would be saying the same thing but we kind of turn the English language a little bit to make it sound more plausible. I am still trying to find a problem with it that I for some reason I can't see the boogeyman.

Senator Judy Lee I wanted to know what kind of potential for problems might exist with this, for example what kind of challenges would we have if I call in on my cell phone and, the GPS coordinates provided by Century Link and the address is incorrect and the ambulance come to the wrong place. That happened when Tom Fischer had his heart attack.

Lisa Feldner replied that is the problem with all of this new stuff. Its evolving and you have to get the right addresses in the right data bases, and it's a very scary thing. Before when people just had land lines, we knew where the addresses were, now with cell phones that don't have the proper GPS locaters in them and things like that, not so much. We're in that transition period before we really get to NG 911. I don't know how we solve it, or this bill will address it. It is just the maturing of the industry.

Vice Chairman Ronald Sorvaag Even if we say everything of ours has to be from the same company, the same platform, same everything, if you're going to talk about cell phones, it still is going to be coming from different company cell phone, different service providers, so you're never going to have a system. You still have pieces of multiple vendors, multiple technology, multiple customers out there, no matter if we forced everybody to buy the exact same thing at the 911. Am I missing something in here?

Lisa Feldner replied no I believe that's true. I think that there is convergence of some of these technologies so everybody won't need to have this gadget in their PSAP and there might be sharing of the PSAP equipment. But, no there is not going to be one ultimate provider for everything, no I don't believe that.

Senator Judy Lee It is just an additional piece of information. When an address was given in the example that I shared previously, the coordinates which were being provided through the phone company told the 911 dispatcher that 1524 Sundance Drive did not exist when they were living in it. My point is that there are errors even in systems that were currently there. It is far from perfect right now.

Senator Howard Anderson We talked about the people from Fargo and West Fargo were telling us you are the provider where at least you contract with somebody to provide this and then they get it from you. Is that my understanding?

Lisa Feldner replied I believe they don't get the 911 service from contracting with ITD. It is the back hall on the network so the redundant circuit, I believe from Fargo to Grand Forks is on Stage Net; right, but not the 911 stuff.

Senator Howard Anderson So what this is saying is that backbone could be provided by somebody else if we pass this, is that your understanding then instead of having to go to the Stage Net to get it? Is that what you're seeing with this?

Lisa Feldner replied correct. I think before it allowed me to give an exemption for this reason which I don't have a problem doing it and never have a problem of giving people an exemption. This is saying it takes us out of the loop completely and we don't have any way to give an exemption or just exempt automatically. That is what I read it to say.

Chairman Andrist closed the hearing on HB 1202.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Political Subdivisions Committee Red River Room, State Capitol

HB 1202-4
March 22, 2013
20371

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to use of state wide area network services

Minutes:

You may make reference to "attached testimony."

Chairman Andrist called the committee to revisit HB 1202. All senators were present.

Vice Chairman Ronald Sorvaag There has been a lot of discussion and confusion over the last sentence. That seems to be where everything has kind of been hung up. We've had a lot of talk with different agencies that have worked on this and we talked to different people and it's probably not a perfect what everybody wants but it seems to be something that is pretty acceptable to all parties. The amendment that has been handed out, that would be replacing the last sentence on the line 15, starts in selecting... What we've basically done is took the word redundant out and that was an issue in some different quarters because they felt there was some vagueness that this was a concern. That sentence their replaces the last sentence of the bill.

Chairman Andrist It seems to me in removing the word redundant we've just defined what redundancy is when we talk about the interoperable standards set by the Emergency Services Communication Coordinating Committee.

Senator Judy Lee I don't think interoperable and redundant are interchangeable. I mean reliable and interoperable are two things and redundant is another. My concern about this is that currently the state office of the IT office provides waivers regularly for a provider who is doing these things, cost effective, redundant and reliable. But if we pass this bill there isn't anybody to prevent a PSAP from choosing an entity that wasn't and the PSAP might not even realize they have been making a mistake about it because there isn't anybody that is going to whom it has to be reported so to speak. That is a concern of mine. There are some pricing issues that they can certainly see and whoever has the most reasonably priced one is certainly going to be considered, but I am much more concerned about the fact there would no longer be that connection with the state. I don't have any paranoia about the state, doing something internal with this. That is not their goal. I don't think any legislator, wants them to be running the business here. But I think there is a real benefit to having the state oversight. The waivers are regularly granted. Any vendor can provide opportunities for these services to be purchased as they move into the next generation

services being developed. I just have some concerns about some of those systems that are out there are way not perfect and there are hazards with some of them. I am concerned about that.

Chairman Andrist Does the proposed amendment enhance your concern? **Senator Judy Lee** replied I just don't like the bill. But the amendments, by leaving redundant out there, has some way to deal with the fact that there is a backup and interoperable and reliable are not the same as redundant. So I don't know that we fixed that actually.

Vice Chairman Ronald Sorvaag interoperable isn't replacing redundant. The national standards set by the Emergency Services Communication Coordinating committee is the part that is replacing redundant. There standards can build redundant into their standards and this reason I am getting it out and it came from other people too. There was a vagueness and concern that it wasn't definable the way it was. But my understanding is its being replaced because the emergency service committee can build all the redundancy they want or rules into that, so that was the intent. Not to be replacing it that way.

Senator Judy Lee Can you tell what the benefit of this is when already any private enterprise can make their services available to everybody? I just don't see that there is a huge benefit to just pulling it out from underneath the umbrella of the IT Department when they still have the right to do any kind of bidding, any kind of offering of services currently and so I just don't see an upside that we haven't already got.

Chairman Andrist Lets address the amendment first. Then we will talk about the bill. **Vice Chairman Ronald Sorvaag** My understanding is the IT really isn't running the 911 services, if I am correct on that. So that is part of the reason we're doing it.

Vice Chairman Ronald Sorvaag moved the amendment as it has been passed out
2nd Senator John Grabinger

Committee Discussion on the amendment

Senator John Grabinger under the standards set are there standards already set by the Emergency Service Communication Coordinating committee or is something that they are going to do?

Vice Chairman Ronald Sorvaag My understanding is yes, there are standards.

Mike Link Director State Radio, replied, there is a national standard and we're refining the state's standards. There is a national standard and it is the National Emergency Number Association (NENA) standard the ESC3 committee right now or as we call it the Emergency Services Coordinating Communication Committee is setting the state's standard. Generally what happens is the federal standard is the minimum standard and then we will address it from that committee that is empowered by the Legislature to set standards for Next Generation 911, the phone system. **Senator John Grabinger** But at this time you haven't done that? **Mike Link** replied no it is not complete at this time.

Senator Judy Lee Could you answer this question? What's the state's involvement in 911 systems currently, because my understanding is that there would be bidding out for Next Generation 911, which tells me that 911 some state involvement in that? Could you tell what it is please?

Mike Link replied right now there is selective router that is in the state managed by Century Link. That is the phone system currently that the 911 centers use. However, Next Generation 911 will be IP, Internet Protocol. That changes then from regular phone system into internet transmission of those lines and everybody nationally needs to be connected together. That is why the national NENA standards are there. Then the state will set standards that will match or also generate the NENA standards, so we are moving from a regular line into Internet, which right now ITD governs.

Senator Judy Lee So there currently is at least an oversight or some involvement by ITD in 911 or is that not correct? Is that what I hear you say, because I understand about the moving on? **Mike Link** replied for the phone system I am not totally sure if ITD has any. We deal with Century Link when we have a problem from State Radio. **Senator Judy Lee** so with the idea that there would have to be redundancy because obviously that is important if that is now covered under the criteria, would there be risk if there would have to be duplicate lines laid parallel to current lines in order to accomplish that, depending on what kinds of programs vendors made available? **Mike Link** replied in the scope of when you're talking Next Generation, we're talking about a whole switch in system from regular line system into an IP system. There will be redundancy in the IP system. (ex. cited 10:32-11:05) **Senator Judy Lee** So, what I am hearing you say is that there are lots of private entities that are currently involved whether its Century Link or a local telephone cooperative; so they must've submitted proposals, so there is currently some opportunity for any private entity to become a part of this system now and it will continue in the future?

Mike Link replied under the current phone system I know we deal with Century Link, but I don't know if they contract with the local telephone communications or not. They do. Local telephone cooperatives for ITD's; on the Internet side the local tel-co's own their systems and then ITD coordinates those systems and bids those systems.

Senator Jim Dotzenrod if we don't pass this bill, and then we go into this Next Generation, the enhanced 911, are we going to have a system that is going to be able to manage all that? Part of what's motivating this bill is that there is a sense that we may have to do something like this just to accommodate what is coming towards us, now with us going on to the internet and having to manage all of it. If we don't pass this, are we going to have some difficulty making the transition with the system we currently have?

Mike Link replied I look at the Next Generation standard and we've had a lot of talking from the ESC3 about how we're going to go on the standard. As long as there is a standard that everybody that has participation has to meet, it will be fine. The standards that are set is clear. What I always look at, all of this is especially with electronics, as long as you have a standard and you have an enforcement mechanism to the standard so that somebody can say, you're not abiding by the standard and you need to change; generally you're fine.

Senator Judy Lee so, really what this bill does is it says there is no oversight umbrella with ITD anymore. It just means there will kind of a consortium of different opportunities for PSAPs to contract. So what is the bad thing about having a place where the buck stops?

Mike Link replied I think I am fine if the bill doesn't pass the way that it is. My concern was that if the bill as of yesterday was passed there would be no authority to enforce a standard. This with the amendment the standard would be enforced by the standards set by the ESC3 committee so you're looking at a committee versus a state agency director doing the standard. I can tell you that on the State Radio land mobile radio side, just because I am committed to that; is that in law the Legislature has passed that the Director of State Radio is responsible for all that connectivity. So that lies on my shoulders.

Chairman Andrist speaking to the amendment relative to the amendment? No one replied.

Role call vote on the amendment 6 Yea, 0 No, 0 Absent

Chairman Andrist What does the bill really accomplish? Is there some questions of that in your mind?

Senator Howard Anderson I am still wondering why the bill is here?

Kent Blickensderfer replied our concern was from the very beginning if you look at my testimony that I first gave the committee, when you move from a 911 system like we have today which uses regular centralized automatic message accounting (CAMA) trunks and not a wide area network, there is no concern. When you move to a Next Generation 911 network, you're going to require the use of wide area networks which no one refers to as wide area networks anymore but you're talking about high speed data links. The law as it reads was intended for the state to build a state wide network, would automatically put that next generation traffic on to the state least virtual private network without any question unless you could get an exemption. It is not oversight. It would put all that traffic on there. ITD doesn't have any oversight today over 911; the emergency services coordinating committee does a lot of work with it and they are kind of the go to committee from the Governor and everyone else to make decisions about Next Generation 911 but ITD doesn't have oversight over 911. They never have, they've never provided 911; they have never run 911 traffic over there lease network; that's the reason for this bill. Because without this bill, the minute you go to the Next Generation 911 you're going to migrate all that traffic on to a state network that has never carried it.

Senator Judy Lee how may exemptions have you been denied by the current process?

Kent Blickensderfer replied Century Link wouldn't be the one to get an exemption. We've never asked for one.

Senator Judy Lee Then how many of which your aware are because we have been told that exemptions are not denied it's just that it is reported in? My point is it doesn't mean that everything's automatically going to something that the state has determined. The exemption process is already in place and would allow anybody to ask for an exemption or be a part of a request for an exemption that would allow you to move forward with this process.

Kent Blickensderfer I addressed this yesterday. We had spoken with the Governor's office about this and I am certain that they would grant an exemption in this particular case. This governor would grant this exemption. But, it was discussed whether or not that was good public policy considering the exemption process was never meant to address 911. It was meant to address internet, phone and data links.

Vice Chairman Ronald Sorvaag move do pass as amended
2nd Senator Dotzenrod
Role call vote 4 Yea, 2 Nay, 0 Absent
Carrier Senator Sorvaag

FISCAL NOTE
Requested by Legislative Council
01/24/2013

Amendment to: HB 1202

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

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

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

If governmental entities providing emergency communication services decide to purchase other network connections, the additional circuits will be an extra cost to those entities. It is unknown what amount this would be.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

N/A

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

N/A

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

N/A

Name: Mike J. Ressler
Agency: Information Technology Department
Telephone: 701-328-1001
Date Prepared: 01/31/2013

FISCAL NOTE
Requested by Legislative Council
01/24/2013

Bill/Resolution No.: HB 1202

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

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
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Expenditures						
Appropriations						

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	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
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N/A

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- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

N/A

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

N/A

Name: Mike J. Ressler

Agency: Information Technology Department

Telephone: 701-328-1001

Date Prepared: 01/31/2013

13.8212.02001
Title.03000

Adopted by the Human Services Committee

March 22, 2013



Handwritten signature and date: 3/22/13

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1202

Page 1, line 17, replace "and are" with an underscored comma

Page 1, line 17, remove "redundant and"

Page 1, line 17, after "reliable" insert ", and which follow interoperable standards set by the emergency services communications coordinating committee"

Renumber accordingly

Date: 3/22/2013
 Roll Call Vote #: 1

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1202**

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt
 Amendment

Rerefer to Appropriations Reconsider _____

Motion Made By Senator Sorvaag Seconded By Senator Grabinger

Senators	Yes	No	Senator	Yes	No
Chairman John Andrist	✓		Senator Jim Dotzenrod	✓	
Vice- Chairman Ronald Sorvaag	✓		Senator John Grabinger	✓	
Senator Judy Lee	✓				
Senator Howard Anderson, Jr.	✓				

Total (Yes) 6 No 0

Absent _____

Floor Assignment _____

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

Date: 3/22/13
 Roll Call Vote #: 2

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1202**

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt
 Amendment
 Rerefer to Appropriations Reconsider

Motion Made By _____ Seconded By _____

Senators	Yes	No	Senator	Yes	No
Chairman John Andrist	✓		Senator Jim Dotzenrod	✓	
Vice- Chairman Ronald Sorvaag	✓		Senator John Grabinger		✓
Senator Judy Lee		✓			
Senator Howard Anderson, Jr.	✓				

Total (Yes) 4 No 2

Absent 0

Floor Assignment Senator Ron Sorvaag

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

REPORT OF STANDING COMMITTEE

HB 1202, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1202 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "and are" with an underscored comma

Page 1, line 17, remove "redundant and"

Page 1, line 17, after "reliable" insert ", and which follow interoperable standards set by the emergency services communications coordinating committee"

Renumber accordingly

2013 TESTIMONY

HB 1202

House Bill 1202
Testimony of Kent Blickensderfer
Presented to Chairman Jim Kasper,
House Government and Veterans Affairs
February 7, 2013

Chairman Kasper and committee members my name is Kent Blickensderfer. I am the Director of Legislative and Regulatory Affairs for CenturyLink in North Dakota. CenturyLink is the successor company to the former Qwest Communications and US West Communications. As the third largest of what are known as the “baby bell” companies, Century Link has a network spanning worldwide with local telecom operations in 37 US states.

House Bill 1202 seeks to change state law with regard to what exemptions are needed for political subdivisions when procuring 911 communications services. For clarification, we will offer an amendment today to change “emergency communications services” to “enhanced 911 and next generation 911 communications services.” This is being done to ensure that only these types of telecommunications services are affected and not other services utilized by other agencies which could possibly be deemed as emergency communications services.

NDCC Section 54-59-08 states that ITD shall be used for wide area network (WAN) services that provide for the transmission of voice, data or video. Exemptions to this rule may be provided by the state’s CIO if counties and cities can prove that their current WAN services are more cost-effective or appropriate for the specific needs of the county or city.

HB 1202 removes the requirement for counties and cities to receive an exemption from ITD to establish a WAN for emergency service communications or if amended, E-911 and Next Generation 911 communications services. When this rule was established back in 1999, it

was done with a very specific purpose: the establishment of a statewide high-speed network to serve the needs of agencies, schools, political subdivisions and public entities within them. This rule, has for the most part, served the state well. It allowed for a cost effective network to be built and maintained by a private company with the state and public sector serving as anchor tenants. CenturyLink's predecessor company, US West, bid on that network and did not win the contract. Even so, we do conduct considerable business with the state of North Dakota and appreciate the opportunities we have with the state. However, from the time this rule and the state network were contemplated, no one considered that emergency communications services like 911 should be served off of a virtual private network like that of StageNet today.

Like many areas of the NDCC, changing times and technology create the need for clarification in the statutes. Next Generation 911 or NG911 requires the use of WAN services to reliably carry the vast amounts of new information that will be available to police, firefighters, hospitals, dispatchers and first responders. This information can include access to audio, video, real time text messaging and geographic information systems. HB1202 does not preclude the state's ITD from pursuing 911 opportunities. It simply makes clear what we believe was always the intention of the legislature; and that is to ensure North Dakotans can continue to count on the safety and reliability of the emergency communications systems that have served them so well since the invention of the original 911 emergency dialing.

Please give House Bill 1202 your thoughtful consideration and a "Do-Pass" recommendation for the full House of Representatives. Questions?

PROPOSED AMENDMENTS TO HOUSE BILL NO 1202

Page 1, line 14, replace "emergency service communications" with "enhanced 911 and next generation 911 communications services"

Page 1, line 15, replace "emergency service communication" with "enhanced 911 and next generation 911 communication"

HOUSE BILL 1202
House Government and Veterans Affairs Committee
February 7, 2013

Chairman Kasper, Vice Chairman Boehning, members of the committee. My name is Ron Gronneberg and I am the Chief Information Officer for Fargo, ND. I am here, representing Fargo, in opposition to HB 1202, as written.

Below are the reasons why the current regulations providing for a common network services platform are preferable to the changes proposed in HB 1202.

- 1) Current law already allows for exemptions.
- 2) Greater buying power, which decreases individual agency costs.
- 3) Greater security in the communications. (e.g. not having to cross the Internet or other networks during transmission between entities).
- 4) Increase interoperability. (Similar services and service levels are available at all Public Safety Answering Points).
- 5) Enhanced ability to provide backup functionality across agencies. (e.g. Grand Forks PSAP is a backup location for Red River Regional Dispatch [Fargo]. And, vice-versa).
- 6) Responsiveness during an emergency. (Common services and equipment means that equipment can be reconfigured and redeployed on the fly to meet unexpected needs).
- 7) Problem resolution. (Having a single source for interoperable communications ensures less finger pointing during an outage. And, therefore, faster resolution to the problems).

The changes this bill makes could also have several unintended consequence relating to wireless communications usage in emergency operations.

House Bill 1202, as written, would require us to go to RFP for network services that we currently procure from the State.

Thank you for your time and consideration,



Ron Gronneberg, CIO
City of Fargo
200 N 3rd St.
Fargo, ND 58102
701-241-1312
rgronneberg@cityoffargo.com

HOUSE BILL 1202

House Government and Veterans Affairs Committee
February 7, 2013

Chairman Kasper and members of the committee, my name is James Anderson and I am the Director of Information Technology for West Fargo, ND. I am here, representing West Fargo, in opposition to House Bill 1202, as written.

I am in opposition to House Bill 1202, because as it is written, it would require the City of West Fargo to send out request for proposals for network services that we currently procure from the state.

At this time, the benefits of having a common network service platform from the state are as follows.

- 1) Through the state we receive the benefit of competitive pricing.
- 2) Improved security in communications through a single vendor.
- 3) Similar operating procedures and equipment for emergency services on the state's network.
- 4) Having a single point of contact during an emergency outage provides efficiency in problem resolution.
- 5) Existing law already allows for exemptions.

In conclusion, I believe that the benefits of having a common network service platform from the state are clearly defined. Current state law already allows for exemptions. For these reasons I oppose House Bill 1202.

Thank you for your time and consideration.

James Anderson,
Directory of Information Technology
City of West Fargo
800 4th Ave East Suite 1
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701-433-5353
James.Anderson@westfargond.gov

House Bill 1202
Testimony of Kent Blickensderfer
Presented to Chairman John Andrist
Senate Political Subdivisions Committee
March 8, 2013

Chairman Andrist and committee members my name is Kent Blickensderfer. I am the Director of Legislative and Regulatory Affairs for CenturyLink in North Dakota. CenturyLink is the successor company to the former Qwest Communications and US West Communications. As the third largest of what are known as the “baby bell” companies, Century Link has a network spanning worldwide with local telecom operations in 37 US states.

House Bill 1202 seeks to change state law with regard to what exemptions are needed for political subdivisions when procuring 911 communications services. NDCC Section 54-59-08 states that North Dakota’s Information Technology Department (ITD) shall be used for wide area network (WAN) services that provide for the transmission of voice, data or video. Exemptions to this rule may be provided by the state’s CIO if counties and cities can prove that their current WAN services are more cost-effective or appropriate for the specific needs of the county or city. HB 1202 removes the requirement for counties and cities to receive an exemption from ITD to establish a wide area network for E-911 and Next Generation 911 emergency communications services.

When this rule was established back in 1999, it was done with a very specific purpose: the establishment of a statewide high-speed network to serve the needs of agencies, schools, political subdivisions and public entities within them. This rule, has for the most part, served the state well. It allowed for a cost effective network to be built and maintained by a private company with the state and public sector serving as anchor tenants.

CenturyLink's predecessor company, US West, bid on that network and did not win the contract. Even so, we do conduct considerable business with the state of North Dakota and appreciate the opportunities we have with the state. However, from the time this rule and the state network were contemplated, no one considered that emergency communications services like 911 should be served exclusively off of a virtual private network like that of StageNet today.

Like many areas of the NDCC, changing times and technology create the need for clarification in the statutes. Next Generation 911 or NG911 requires the use of wide area network services to reliably carry the vast amounts of new information that will be available to police, firefighters, hospitals, dispatchers and first responders. This information can include access to audio, video, real time text messaging and geographic information systems. HB1202 does not preclude the state's ITD from pursuing 911 opportunities. It simply makes clear what we believe was always the intention of the legislature; and that is to ensure North Dakotans can continue to count on the safety and reliability of the emergency communications systems that have served them so well since the invention of the original three-digit 911 emergency dialing.

Please give House Bill 1202 your thoughtful consideration and a "Do-Pass" recommendation for the full Senate. Questions?



www.westfargond.gov

March 11, 2013

Political Subdivisions Committee
Senator Judy Lee
600 E Boulevard Avenue
Bismarck, ND 58505

Dear Senator Lee,

I am contacting you in regards to my opposition to House Bill 1202. This bill states that we "shall" take lowest bidder for E911 and NG911 services. This is detrimental for two reasons. The first reason is that current law already allows for exemptions. The second reason is the possibility that this may have future unknown consequences on a common platform for E911 and NG911 for all of North Dakota.

The state's Information Technology Department (ITD) oversees the current exemption process. In the five years I have spent with the City of West Fargo, I have never had a problem receiving an exemption. I believe that it is important for ITD to maintain this exemption list, should the state ever develop a public safety common network platform.

There are many benefits to having a common network platform. Through the state we receive the benefit of competitive pricing. There is improved security in communications through a single vendor. There are similar operating procedures and equipment for emergency services on the state's network. Also, having a single point of contact during an emergency outage provides efficiency in problem resolution. Most importantly, public safety has always been a united effort across cities, counties, and in our case, states. I believe that the next step in E911 and NG911 is a common resilient public safety network platform.

Sincerely,

James Anderson
Director of Information Technology
City of West Fargo



www.westfargond.gov

March 21, 2013

Chairman Andrist,

I am here in regards to my opposition to House Bill 1202. This bill states that we "shall" take lowest qualified bidder for E911 and NG911 services. This is detrimental for two reasons. The first reason is that current law already allows for exemptions. The second reason is the possibility that this may have future unknown consequences on a public safety common network platform for E911 and NG911 for all of North Dakota.

The state's Information Technology Department (ITD) oversees the current exemption process. In the five years I have spent with the City of West Fargo, I have never had a problem receiving an exemption. I believe that it is important for ITD to maintain this exemption list, should the state ever develop a public safety common network platform.

There are many benefits to having a common network platform. Through the state we receive the benefit of competitive pricing. There is improved security in communications through a single vendor. There are similar operating procedures and equipment for emergency services on the state's network. Also, having a single point of contact during an emergency outage provides efficiency in problem resolution. Most importantly, public safety has always been a united effort across cities, counties, and in our case, states. I believe that the next step in E911 and NG911 is a common public safety network platform.

I wonder if this current bill is amended to say "may" instead of "shall" what detriment would there be to current network providers?

Thank you for your time and consideration on this matter.

Sincerely,

A handwritten signature in black ink that reads "James Anderson".

James Anderson

Director of Information Technology

City of West Fargo

HOUSE BILL 1202
House Government and Veterans Affairs Committee
February 7, 2013

Chairman Andrist, Vice Chairman Sorvaag, members of the committee. My name is Ron Gronneberg and I am the Chief Information Officer for the City of Fargo. I am representing an informal group of Information Technology Directors for local governments in North Dakota. We are in opposition to HB 1202.

Below are the reasons why the current regulations providing for a common network services platform are preferable to the additional regulations proposed in HB 1202.

- 1) Current law already allows for exemptions.
- 2) Greater buying power, which decreases individual agency costs.
- 3) Greater security in the communications. (e.g. not having to cross the Internet or other networks during transmission between entities).
- 4) Increase interoperability. (Similar services and service levels are available at all Public Safety Answering Points).
- 5) Enhanced ability to provide backup functionality across agencies. (e.g. Grand Forks PSAP is a backup location for Red River Regional Dispatch [Fargo]. And, vice-versa).
- 6) Responsiveness during an emergency. (Common services and equipment means that equipment can be reconfigured and redeployed on the fly to meet unexpected needs).
- 7) Problem resolution. (Having a single source for interoperable communications ensures less finger pointing during an outage. And, therefore, faster resolution to the problems).

House Bill 1202 does not help us provide services to our local public safety agencies.

Thank you for your time and consideration,



Ron Gronneberg
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3-25-
Ron Lowry
Amendment



Proposed Amendment to HB 1202

In selecting enhanced 911 and next generation 911 communication network providers, governmental entities shall select providers that are cost-effective, demonstrably reliable, and follow interoperable standards set by the Emergency Services Communication Coordinating Committee.

