

2011 HOUSE POLITICAL SUBDIVISIONS

HB 1045

2011 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee Prairie Room, State Capitol

HB 1045
January 7, 2011
Job #12660

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to definitions and standards and guidelines for emergency services communication systems.

Minutes:

Attachment #1, Testimony 2, 3

Chairman Johnson: Opened the hearing on HB 1045.

Brady Larson, Legislative Council: Explained the bill. Neutral testimony. This bill draft is from the Public Safety and Transportation Committee and based upon the recommendations of the EMS Coordinating Committee. (ES3C) It is established in statues and it contains four members representing the ND 911 Association, The Association of Counties, Chief Information Officer of the state and the Agilent General on behalf of the division of State Radio. The statue provides the ES3C provide a report to the Legislative Management retailing recommendations for an EMS operating standard. This report was assigned to the Public Safety and Transportation Committee by the Legislative management. The Public Safety Committee did receive this report from the ES3C committee and adopted a bill to incorporate the recommended statutory changes as requested by the ES3C Committee. I will let the representatives that are here go into further detail on all of these different issues. If there are any other questions I will be happy to answer them. (Handout of notes on his speech)

Jerry Bergquist, Emergency Services Communications Coordinator: (See attached testimony #2). Read testimony. In support of this bill an urging a do pass.

Rep. Klemin: One part that says the PSAP be continuously staffed with at least one public safety telecommunication person at all times are we talking 24-7? It couldn't be the same individual; it would have to be more than one.

Jerry Bergquist: You are right on that part. We would be talking about a 24 hour operation and currently in those types of situations out there where there is not a 24 hour dedicated person, generally those locations are sharing the duties with the dispatch center and the corrections or the jail. In 911 the person answering the 911 and jail has to deal with the maintenance of the jail and dealing with the prisoners. So there are times when the individual answering 911 has to choose between what is the most important thing dealing

with the situation in the jail or a 911 telephone call. If this was going to be implemented it is a budgetary situation where locally additional staff people would have to be hired. It would be impossible to tell you how many, but you would have to have enough to cover a 24 hour coverage; otherwise you really don't have a 911 answering point.

Rep. Klemin: Some of these probably don't get to many 911 calls. What do they do when they are setting there waiting for calls?

Jerry Bergquist: There is no single answer for how to implement this because every jurisdiction handles their PSAP operation differently. In every situation no one is just sitting there waiting for a 911 call. It actually depends on how many other duties have been assigned to that individual. At Jamestown we do answer 911 calls, but more and more there is 911 calls, radio traffic with law enforcement officers and all of the different services that you are dispatching for. There gets to be a lot of things going on at that point and time. But as the PSAPs become smaller than there are less things for them to do. We feel as a committee that this is a decision that has to be made at a local level. There needs to be a universal concept on the type of 911 services that are provided in the state of ND. The local PSAPs need to choose.

Rep. Klemin: Under the bill the local communicator needs to be there 24-7 doing only this according to this bill.

Jerry Bergquist: That is correct. That is why the committee thought we should put this date in there; the effective date. It is a local budgetary decision that the local county committee and city councils would have to decide how to do this so we are giving them ample time.

Rep. Klemin: I don't see any flexibility in here like you are saying it is local entity would have to make a decision of how to do that. It says a PSAP must; there is no flexibility.

Jerry Bergquist: No according to this bill it will be mandated by July 1, 2013 that there be a dedicated person for 911. The flexibility is whether that entity wants to remain in the 911 business or not. If they chose not to then they can consolidate their services with a neighbor. There are currently 22 answering points in ND for 911 services. There are currently enough other locations for an entity if they chose not to take on the extra expense to send those calls to another location.

Rep. Maragos: Did you say the PSAP operator could only answer 911 calls as part of his responsibility.

Jerry Bergquist: That was not our intent. The intent is to have a person dedicated there to do that. What we are talking about if individuals not only answering 911 calls, but they also take on all the administrative traffic that is coming into the center; they take all the radio traffic coming in from the various law enforcement agencies and fire departments and ambulance services, but they are there for the purpose of dealing with the public safety answering business. The 911 is part of this service. They would be able to do everything related to PSAP answering point. They would not necessary be only one working with corrections and the jail activities.

Chairman Johnson: I noticed on page 9 it talked about having policies for who you can hire; policies for recording and documentation; policies for dispatching procedures. Is there some group that is going to write up policies or does every single PSAP have to go through the process to write all the policy.

Jerry Bergquist: The intent would be that by using the revised standards and guidelines that every individual PSAP would be writing their own internal policies. These standards and guidelines are meant to be the over arching guidelines for the entire state, but it is difficult for this committee to write policies specifically for a particular PSAP because every PSAP has a slightly different make out on how it operates. This is just a uniform overall guideline for everybody to follow.

Rep. Kretschmar: Does your committee review and figure out how many PSAPs should have to cover our state adequately?

Jerry Bergquist: We don't do that. It is very expensive to have a public safety answering point because it is a 24 hour operation, but there is a point in time where a local entity has to decide whether or not it is worth the money for them to continue on with the operation and our prospective is then this should be a local decision. In regards to West Fargo it was a local decision for them to consolidate with Fargo. Because it is a local decision it is a buy in local decision and not mandated by the state level we believe that is the right answer to let it be a local decision.

Chairman Johnson: So if it is a local decision to not become involved with the 911 system and there are several of them in the area that decide not to then who covered that area? Say the Killdeer area does not invest in a PSAP so say Dickinson or Holliday decide they don't want to do it; who then would take the responsibility to make sure that area is covered?

Jerry Bergquist: Before you have a 911 system the law in ND says every jurisdiction has to vote on whether they want 911 services. So in this case Dunn County has voted for 911 services; Dunn County does not have its own answering point, they actually contract with Dickinson, Stark County for that service so there is no where currently in ND that does not have 911 services. It did have to be voted on by the jurisdiction; which is a county, city or township.

Rep. Kilichowski: Out of the 22 answering points how many are not manned 24-7?

Jerry Bergquist: All the answering points are manned 24 hours a day, but in about 2-3 there are no more than three that we know of that are smaller PSAPs that have that 24 hour person there, but that person is not just doing public safety answering point work. They are also responsible for the jail so that is where the decision making has to come in play with those small PSAPs. That is where they have to choose what is more important.

Rep. Koppelman: You talked earlier that there is nowhere in ND that does not have 911 services. If we mandate from the state level that they have to meet these requirements and a smaller PSAP in a remote rural area has no one nearby that is willing to consulate with is

there something in law that would prohibit them from withdrawing from 911 service and not offering it in their area and if so how does your committee feel about that.

Jerry Bergquist: There is nothing in the law that would prevent them from doing that. Every 12 years they have to re opt in. The county commission has to decide but I don't think they would have a job at the next election because I think we are showing right now with the 12 year re votes; there is a high percentage of people voting for the 911 service. They are actually voting to be taxed.

Rep. Klemin: If you have to vote on it every 12 years; you are voting on having a 911 services at a specific fee; the \$1/month charge. But by 2013 were looking at least tripling the cost of having 3 people on 24-7 doing 911 work. Is there any provision whereby you can go back to another vote if you want to increase that fee or how does that work. I don't see that they would have enough money to fund this service.

Jerry Bergquist: There are other bills in process here that our committee is not a part of and I don't know where they all stand. In the current 911 law there is a section that was put into law in the last session that said that if you are a 911 county and you don't have an answering point; you get services from somewhere else, you could in that case raise your fees up to \$1.50 so there are approximately five counties that did do that this year. There is a sunset clause on that \$1.50. It will cease to exist June 30, 2012 so there is a move in another bill to try and get that sunset clause removed because by having that there are potentially counties that might have to walk away from the 911 service because they are not getting enough money. They don't have enough population to pay the bills. If you want to know more about that I would recommend Greg Wills from the department talk about the issue.

Rep. Klemin: I am concerned that we are requiring in this bill this position be staffed 24-7 which will take at least three people. I am not sure we are providing the ability to provide the ability to generate the funds to pay for it.

Jerry Bergquist: This was the most controversial part of our review when we were putting this together. We meet with every one of those counties that had this as a concern and they understood the prospective that the committee was coming from. They also understand that they need to do something to improve their services. We did not force this on them. We were coming from a liability prospective. We were concerned that the PSAP officer had to choose and there comes a lawsuit because that individual had to choose. Then the additional expense that would be incurred for that individual that has to be hired is pretty cheap.

Rep. Klemin: We are still not giving them the ability to pay for it.

Jerry Bergquist: I have been working with 911 for 22 years, but in the early days of 911 there was never an intent for this fee that we are talking about to pay all the bills. It was meant to help subsidize the cost of having the 911 service. So in my particular case where I have a PSAP these fees pay for about fifty percent of the overall operation of 911. The rest comes from the general fund and from corrections. I actually rely on people that are in jail to help pay for the dispatch center. Every funding method for the PSAPs is going to be

different. There is only one I know of that relies only on these fees for their services and that is Fargo because they have enough population to get enough fees in to pay all the bills.

Rep. Koppelman: Is there anything in current law or in this proposal that requires a PSAP to accept consolidation with another one.

Jerry Bergquist: There is nothing that would force them to do that. The other alternative is State Radio. Technology is allowing us to do allot of things that we could not have done 22 years ago. Because of technology the expense of having 911 systems is getting more expensive. In the future there will be less answering points in ND. It is a matter of cost.

Rep. Hatlestad: Is there any flexibility in this proposal that would allow for a smaller PSAP to say we will cover this time and then we would want to consolidate and cooperate with this neighboring PSAP and let them cover midnight to 8AM.

Jerry Bergquist: What you are talking about now is part of Next Generation 911 that will allow we could do part of the PSAP locally and contract out whatever times we needed to somewhere in ND. If you are going to do that you can't just switch the 911 calls to a different location. The other location has to have the ability to dispatch to 911 responders and in ND we have a lot of different radio frequencies that we deal with. They have to give excess to the other answering point to be able to use their different radio frequencies to pay the different PSAPs. I do see that other counties would merge with other regional PSAPs. Probably significant number of counties will go to State Radio. I don't know how this would work.

Rep. Hatlestad: Do you have a printout of how many 911 calls each PSAP handles in a given year?

Jerry Bergquist: That is part of a report our committee does biannually so we can get you a copy of it.

Terry Traynor, Assoc. of Counties: County government is in support of this bill. The process of putting the bill together was very good. They had many public hearings and public comment with everyone. Page 7 the 24 hours a day 7 days a week requirement on line 5; or be capable of transferring emergency calls to another public safety requirement point during times of non operation. We expect that another PSAP will be able to take part time control of an area, but the technology is moving quickly and we don't know when that is going to be for sure so that is why we put the 2013 date on the bill. We originally modeled the draft guidelines in this area off the South Dakota guidelines and they actually require two staff on duty at all times and every PSAP dedicated to 911. They brought the people out of the woodwork for the first public hearing. They are struggling in SD because that has been put in place down there. We think this was a reasonable compromise and it certainly will be looked at as we move into the future. As we move into the Next Generation 911 there is going to have to be more consistency among jurisdictions within the state as well as across the state lines. All states are dealing with these same issues. We looked at guidelines throughout the states and we think we found something local governments would buy into. There are National associations and groups that have model

policies and things like that to follow. Most of the policies are already in place. I am in support of this.

Rep. Zaiser: Do you have the number of 911 calls made last year?

Terry Traynor: I do have it and will get it later.

Rep. Zaiser: Do you have a consolidation plan using the Next Generation in 2013?

Terry Traynor: No we do not. At this time 911 is a local decision on whether you are going to have it or not. We are looking at all the concerns and options that we previously discussed on consolidation.

Rep. Zaiser: Why would any small local jurisdiction want to be a PSAP?

Terry Traynor: When it is local they know their county and respond accordingly. When West Fargo moved into Cass County it took a whole year just get to deal with those communication issues from West Fargo to Cass County because of all the different frequencies and the different procedures and things like that. Each jurisdiction has their own guidelines and policies on how they are being dispatched so it is a challenge.

Rep. Zaiser: Do you see the state being more and more involved with PSAPs given the financial situation that is occurring in the rural counties?

Terry Traynor: State Radios role will grow. They have been an excellent partner particularly to smaller counties who do not have the capacity. They are the backup PSAP for a lot of the PSAPs. It is a very close working relationship. I don't see the state ever assuming responsibility for everything.

Rep. Beadle: Has any analysis been done to currently staffing levels at PSAPs in order to facilitate all the emergency communications that have been coming in versus what the staffing would have to be if this bill in the meantime to be sure something is fully staffed for people working 40 hrs a week.

Terry Traynor: We have that report, but we don't see that as our role. We provide that information back to the PSAPs. They can look at this and refer to the volume of calls and they can make that decision.

Rep. Koppelman: I suspect that the July 1, 2013 effective date is not an accident. From the county prospective are you comfortable that the Next Generation technology will be there by that time or do you suspect you might be back next time asking for that date to be moved back some.

Terry Traynor: That is one of our considerations is that we may not be ready and there may be a push to move that off. I don't think we are talking about a huge change for some of these jurisdictions. They have people there all the time. Now the expectation is that for the evening shifts, that that person is also running back into the jail. Maybe they need a policy that the patrol officer that is in the facility if that guy leaves the desk. It certainly is

going to cost more and it will be a change. It is the direction we are going nationally and it is an expectation that we feel is reasonable.

Rep. Koppelman: Is it typical that you might have 40 counties that say we will go with this and the rest won't. If so, how will you deal with it?

Terry Traynor: It is not typical, but it does happen. When we had a requirement for two full time dedicated staff that was an issue. There are PSAPs that think that should be the way and they are operating that way now. This was a negotiated compromise.

Rep. Kilichowski: When New Generation 911 comes in I know the original 911 was expensive; are all of these smaller 911 counties going to be able to afford the New Generation 911?

Terry Traynor: I think the jury is still out on that. We have 20 pieces of equipment out there to handle those 911 calls now. The belief is that in the future we won't need that many regardless of how many actually locations we dispatch from. The prediction is the costs won't be that much.

Mike Lynk, Director of State Radio: We are in support of this bill. I set on the ES3C committee we have wrestled with a lot of these issues. We have had a lot of public hearings and discussed issues and about the one person dedicated. I have 27 years of law enforcement. There are several other duties that these people do. They do not just sit there and wait for the 911 calls. We are looking for a dedication to 911 so when that phone rings they quite everything and answer that phone. We heard in some of the counties (one county) that person is the jailor. I made a comment during a hearing that I would feel uncomfortable as an administrator if my staff was back in the jail and someone was trying to commit suicide in the jail and that 911 phone was ringing. What does that person do? That is the issue. In the jail if the phone is ringing you have to pick that phone up on the third ring. That situation is unacceptable to me. We are just trying to make this a duty dedicated.

Rep. Koppelman: How does State Radio interface with the PSAPs? Are there any areas that are now covered solely by State Radio?

Mike Lynk: State Radio is the primary dispatch for 22 of the 52 counties. They reimburse us for the services to answer the 911 calls and to dispatch their emergency services. The other 31 PSAPs. We are primary backup for most of them. Sometimes when we get those calls routed through Bismarck we are not prepared and don't have the right equipment to do that and Legislature have helped us out allot in this last session. We are trying to write guidelines so all the state operates the same. When the flood of 2009 happened Valley City PSAP was in jeopardy; they may have closed. We had paper maps to try to dispatch off. I want to emphasize that there are a lot of other things those PSAPs do locally and the question before was do you see them consolidating and coming to State Radio. In statue we can only take over PSAPs with jurisdiction of less than 10,000 or 15,000 so we can't take over all the PSAPs nor would I want to. State Radio is a support organization and local knowledge is hard to beat.

Rep. Koppelman: Is technology going to change all that?

Mike Lynk: Currently if you are calling from that residence we get at the PSAP exactly where that location is. It might be a neighbor calling in so we would get the neighbor. With the cell phones we try to get directions from the person calling.

Rep. Koppelman: If by passing this bill we are forcing consolidation and you have an area of 10,000 or less yet sees difficulty meeting these requirement, but doesn't have a good alternative and State Radio says we can't take you because your under 10,000; what happens then?

Mike Lynk: We are bound by statue. We would talk to the governor's office but right now we are bound by statue. We look at that as the jurisdiction. State Radio's goal is to try and provide the needed services and we will do what we can to help out.

Rep. Koppelman: I have had the unhappy experience in ND of seeing accidents with cars in the ditch and calling in to 911. I noticed when that happens that in some occasions I have gotten State Radio, I think and they have routed me somewhere else. How does all that work and will technology change all of that?

Mike Lynk: Cell phones go through local PSAPs. State Radio dispatches for the highway patrol so if you get a local PSAP and you say you are on I 94 generally you be routed to State Radio and those provisions are in this standardized document on how that is supposed to happen. We also do broadcast in case there local peace officers available. We will broadcast the call, but it goes to that local jurisdiction. In the 22 counties and you call 911 you are going to get State Radio. In the other counties you should get the local jurisdiction.

Bruce Strinden, Morton County Commissioner representative: We are not in opposition of this bill, but I was asked get a clarification of the dedication of our dispatchers in our PSAP. We operate a PSAP that covers about 2,000 sq. miles. We have 12 full time dispatchers and 2 supervisors and last year we just upgraded our equipment in the dispatch center so we now operate 3 state of the art councils in the dispatch center complete with a full set of video monitors on each one. If this bill is passed in its current form, right now our dispatchers perform two functions other than EMS. One is they provide the excess through the video monitors and electronic locks for deputies bringing prisoners into the jail. All they do is monitor the system and determine who is there, and then they push a button and they are granted electronic excess. They maintain our files regarding wants and warrants; all dispatch does when an officer calls in is check that for them. Will this bill prevent them from doing these duties? If it does we would have to add some additional staff.

Rep. Klemin: That is my question too. Looks like it would have to be a dedicated person. Maybe the word needs to be changed to who's primary duty is to do this. Some of the other speakers seemed to say that is what is happening now and will continue in the future.

Rep. Beadle: Should we change it from dedicated to responsible for so it falls under the job description duties, but does not get interrupted that this is your only duty. Would that ease your concerns?

Bruce Strinden: That would probably work.

Christine Hogan, a lawyer with The Protection & Advocacy Project: (See attached testimony #3). Want to provide a written amendment to change the wording for persons with disabilities.

Rep. Klemin: We are on page 10, line 6 (5) of this bill. You are saying this should say the handling of calls from hearing impaired callers and persons with speech impairments.

Christine Hogan: Said need to put the person first, is the rule of thumb.

Rep. Koppelman: I am concerned about the use of the term person in the state law. It can mean all types of things; it can mean a corporation or all kinds of things. We use the term individual when we are talking about individuals in law. Secondly, the term talks about callers. Would it be acceptable to use, from callers with hearing impairment.

Rep. Mock: I noticed on page 10 line 6 when I read the word mute I understand that concern and I certainly appreciate that. The other interpretation of mute is when there is no one on the line. Maybe you would be willing to work with the committee and be sure that this is proposed correctly.

Rep. Zaiser: I understand there is financial and staffing restraints and your prospective is to be a backup. Do you have the equipment capable of handling 90% of the state?

Mike Lynk: I would not want to take over this job in the state. State Radio is a partnership and there needs to be some local connection. State Radio cannot be the only one since we need a backup. In the interim there were a lot of committees looking at this. This is a local issue and they should do that. Went over the technology and workings of the PSAP now.

Rep. Zaiser: Local PSAPs might decide not to staff them; they need to be covered. If you were to be the primary to significant parts of the rural state, could then the Fargo Moorhead or Lake Region dispatch center be a back up for you?

Mike Lynk: It is a possibility. Right now there is magnesium in to formulate regional PSAPs. We now have five in the state. Those are efficiencies within the program and more affordable. I believe the public deserves personal contact with that PSAP so they are getting the service they require.

Rep. Beadle: We are already seeing the use of technology around the state like with McDonalds where your order is taken by someone in SD whether you are in Arizona or wherever. Is there any consideration in the long term working to make sure the local has more centralized consolidation? Are there steps being taken to make for sure that can be taken to make sure that can happen?

Mike Lynk: Yes, there is and that is Next Generation.

Jerry Bergquist: This is in regard to the dedicated individual. Page 7, Line 8 no later than July 1, 2013 be staffed continuously by at least one telecommunicator on staff at all times in operation and who is dedicated to handle it. The intent was that we want someone to be there to answer that phone all the time. We were looking at two or three of those counties who use one individual together with the correction officer and dispatcher. I don't think a county like Morton County would have this issue since they have more than one person on duty at all times. Our intent was that if there is an emergency in the jail you would have to be able to take care of that emergency and handle a 911 call at the same time. We did not intend it necessarily to be the same person. We have concerns about taking away that word dedicated because it opens the door for watering down so we have a specific person to do this 911 job. If local government doesn't want to step up and provide the service, then we can do that. Consolidation is one of those choices and if we water this down we probably will have less PSAPs and we do not want the public to be the loser.

Rep. Koppelman: Was mute intended on the bill.

Jerry Bergquist: Our committee did not have that level of knowledge. We made these hearings available to everybody. Today was the first time we heard this was a concern. If you look at page 10, line 4, what it is a hand up call and I think if a call is made or for some reason that person got hung up, the handling of hang up emergency calls. The 911 call came into the dispatch, but there was no one there. Most of those calls are on domestic disturbances or it could have been a person having a heart attack. It is possible the person was speech impaired.

Rep. Koppelman: The intent of mute was nothing on the other end. So if we crafted the language of a caller with a speech impairment that would be acceptable.

Opposition: None

Hearing closed.

2011 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee
Prairie Room, State Capitol

HB 1045
January 13, 2011
Job # 12871

☐ Conference Committee

Committee Clerk Signature



Minutes:

Chairman Johnson: Opened the hearing on HB 1045.

Rep. Mock: In working with the Protection and Advocacy Council I did have an amendment drafted for page 10, line 6 replacing hearing- impaired or mute callers with the phrase individuals with hearing or speech impairments.

Motion Made by Rep. Mock to amend that line as proposed

Rep. Koppelman: I would just recommend inserting callers instead of individuals.

Rep. Mock: I withdraw my amendment and make it callers with speech and hearing impairments as a friendly amendment to my motion.

Rep. Shirley Meyer: Is there a difference between a hang up and a mute call.

Rep. Mock: When I read the word mute, like many of us, we did not think it was speech impairment; we assumed that there was simply no one on the line. That is why I don't think anyone flagged it as a concern or an improper term. A hang up emergency call as written is considered any type of phone call brought into a PSAP when anyone is on the other line; being a child accidentally dialing 911 and hanging up the phone call or a call being dropped or merely a call where there is no one on the other line. He used a situation where a person calls and the phone is either knocked out of somebody's hands or is dropped.

Chairman Johnson: You now have copies of the proposed amendment in front of you. On page 10, line 6; except with the exception of the word individuals would be replaced with callers.

Seconded by Rep. Shirley Meyer.

Voice Voted Carried.

Rep. Klemin: I have a concern about the word dedicated person. I would like to move to amend the bill on page 7, lines 9 and 10. That would be to remove the words is dedicated to handling and insert the words to have primary responsibility for handling. That amendment would say they would have to have some person on duty at all times who has primary responsibility for handling the communications of the PSAP. I term dedicated seemed to imply that they have somebody there at all times whose only thing they were to do was answer these 911 calls. The testimony was no that was not the intent.

Chairman Johnson: Your amendment would delete is dedicated to have primary responsibility for.

Seconded by Rep. Hatelstad

Rep. Koppelman: I think the whole point of what this organization is trying to move toward is having someone who is dedicated to this task. The question Rep. Klemin is raising is whether they can do something else. Maybe there is a way to define that but I am not sure this is it. I think if you say has primary responsibility for; I am not sure that is any different than what we are doing now. I think if we adopt this amendment now we probably don't need the bill.

Rep. Klemin: I respectfully disagree with Rep. Koppelman. I think there is a problem here in that because this is a 24-7 operation where if that is the intent they have somebody there doing that 24-7; only that, I think as Rep. Beadle pointed out; it might take 4.2 positions or something like this, we are talking about a tremendous increase in the cost of this over what they currently do; which I think as the testimony showed we are going to end up with a lot of these PSAPs closing; and I don't think that is in the best interest of the public either. I don't think this guts the bill. There is a lot of stuff in this bill other than this one word so I would urge the committee to consider adopting the amendment I proposed.

Rep. Zaiser: I talked to Terry Traynor yesterday about a grant program that could be provided by lack of EMS and on the surface it seems like a good idea, but then he shared with me really isn't there a long term plan for great consolidation? Really he said that is where they are really going; that they see a lot less original PSAP because they can't afford it. So he didn't want to prolong the PSAPs that couldn't afford it. I just thought that was an interesting piece of information.

Rep. Koppelman: I would respectfully disagree with Rep. Klemin. I have the same concerns about the cost and burden on local PSAPs and local counties and whoever might be involved. On page 7 right above the section we are talking about item a; it says be operational 24 hrs a day 7 days a week or be capability of transferring emergency calls to another public service answering point. That was key to the discussion. With technology today if they had an 8 hour a day person they can and do transfer call to State Radio. I have no problem with amending the word dedicated, but I think we should define the word dedicated or maybe define the primary responsibility. I don't disagree if someone is setting that that telephone they could have other duties. My fear is the term that has been proposed I am sure every PSAP now has a person primary responsibility is to answer calls so unless we define what we mean by either dedicated or primary responsibility I am not sure we are getting at what we want to achieve.

Rep. Kilichowski: There are 22 call centers and there are only 3 that are probably lax on manning it 24-7. My understanding was two of them were transferring it at that time already.

Rep. Beadle: I know that State Radio does not want to take on the additional duties transferred at all since they are not staffed it and don't think they can handle it. They wanted local control since they thought people from the area would know how to get to an emergency better than someone in Fargo etc.

Rep. Koppelman: My notes indicate there are 22 PSAPs in ND now and that State Radio is the PSAP for 22 counties.

Chairman Johnson: As I look at the word dedicated or primary responsibility, I think in legislative intent we are talking the same thing. It means that it is the individual; so if a call comes in there is someone that will answer that call. This means if someone is hanging in the jail it is this person's primary responsibility is to take that 911 call. I think the concern was that dedicated said you could only do that and I think by saying primary responsibility it does say this is your first duty to answer the PSAP call. Your other duties are secondary responsibilities. People that use this will also have that information.

Roll call Vote: 8 Yes 6 No 0 Absent Carried.

Do Pass As Amended Motion Made By Rep. Koppelman: Seconded By Rep. Beadle.

Roll call Vote: 14 Yes 0 No 0 Absent Carried

Carrier: Rep. Maragos

Hearing closed.

PROPOSED AMENDMENT TO HOUSE BILL NO. 1045

Page 10, line 6, replace "hearing impaired or mute callers" with "individuals with hearing or speech impairments"

January 13, 2011

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PROPOSED AMENDMENTS TO HOUSE BILL NO. 1045

Page 7, line 9, replace "is dedicated to" with "has primary responsibility for"

Page 10, line 6, remove "hearing-impaired and mute"

Page 10, line 6, after "callers" insert "with hearing or speech impairments"

Renumber accordingly

Date: 1-13-11
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1045

House 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 Rep Mock Seconded By Rep. Meyer

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson			Rep. Kilichowski		
Vice Chairman Hatelstad			Rep. Shirley Meyer		
Rep. Beadle			Rep. Mock		
Rep. Devlin			Rep. Zaiser		
Rep. Heilman					
Rep. Klemin					
Rep. Koppelman					
Rep. Kretschmar					
Rep. Maragos					
Rep. Pietsch					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*Vote
Carried*

Date: 1-13-11
Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1045

House 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 Rep. Klemin Seconded By Rep. Hatelstad

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson	✓		Rep. Kilichowski		✓
Vice Chairman Hatelstad	✓		Rep. Shirley Meyer	✓	
Rep. Beadle	✓		Rep. Mock		✓
Rep. Devlin		✓	Rep. Zaiser		✓
Rep. Heilman	✓				
Rep. Klemin	✓				
Rep. Koppelman		✓			
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Pietsch		✓			

Total (Yes) 8 No 6

Absent 0

Floor Assignment _____

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

Date: 1-13-11
Roll Call Vote #: 3

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1045

House 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 KK Seconded By Beadle

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson	✓		Rep. Kilichowski	✓	
Vice Chairman Hatelstad	✓		Rep. Shirley Meyer	✓	
Rep. Beadle	✓		Rep. Mock	✓	
Rep. Devlin	✓		Rep. Zaiser	✓	
Rep. Heilman	✓				
Rep. Klemin	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Pietsch	✓				

Total (Yes) 17 No 0

Absent 0

Floor Assignment Rep. Maragos

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

REPORT OF STANDING COMMITTEE

HB 1045: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1045 was placed on the Sixth order on the calendar.

Page 7, line 9, replace "is dedicated to" with "has primary responsibility for"

Page 10, line 6, remove "hearing-impaired and mute"

Page 10, line 6, after "callers" insert "with hearing or speech impairments"

Renumber accordingly

2011 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1045

2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee
Missouri River Room, State Capitol

HB 1045
March 10, 2011
15233

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to definitions and standards and guidelines for emergency services communication systems.

Minutes:

Testimony Attached

Terry Traynor: Attached testimony from Jerry Bergquist. See attachment #1.

Senator Cook: Does this combined PSAP

Terry Traynor: Yes

Senator Cook: Are they considered state employee?

Terry Traynor: No.

Senator Cook: The one protocol that we are removing, PSAP receives a 911 call and they would have to stay on the line until someone from the jurisdiction takes the call.

Chairman Dever: If we are moving to an internet based protocol does that jeopardize this?

Terry Traynor: It will not be using the internet that is used for regular communications. In the future there will be dedicated broadband connections. We are hoping to have greater redundancy than we have now. Every PSAP now has multiple lines coming in.

Senator Marcellais: Could you explain what the backup system is?

Terry Traynor: We don't know totally yet but they are doing a presentation in Grand Forks this month that will talk about the connection. They can back each other up over the 2. A consultant did a for the PSAP's a few years ago. They would be able to back each other up if one failed.

Senator Marcellais: We are having problems with the 911 in my area district 9.

Terry Traynor: Roulette County was the last county to get 911 and addressing has been a problem. As we move to 911 we are moving to dispatching.

Mike Link: Director of State Radio. I and the department are in support of this bill. I think that they are workable; we are in support and would answer any questions. There is money that was allocated in the last biennium. That study has not been started yet

Senator Marcellais: Do you get federal subsidizing?

Mike Link: There are some dispatchers that do because they work with homeland security.

Senator Marcellais: I understand that there are budget things coming down the pike.

Mike Link: When those cuts come down my staff gets general fund dollars.

Senator Cook: All the changes in protocol, is there anything that a constituent might see different.

Mike Link: There was and it was addressed in the House. Page 7 line 8, subsection b, the House made amendments to that section. In some counties the dispatcher is also the jailer. What we were looking for was that we wanted that person sitting there having a dedicated job so when that call rings they are there to answer. As an administrator I would not want to get into that situation that a call comes in and they are trying to attend to the duties of being the jailer.

Senator Cook: That intent was not very clear.

Chairman Dever: How many PSAPs are there?

Mike Link: 22

Senator Cook: How many PSAPs would it take to provide top notch service in the state?

Mike Link: The perception that a dispatcher answers 911 calls is not their total job. If it was just the 911 calls you could get by with 2 but there are other things. They are dispatching trucks for road construction, those PSAP need the ability to make the decision for themselves.

Senator Berry: Initially it was dedicated so they would only have the responsibility of answering the 911 calls?

Mike Link: The primary responsibility is that does it apply to work. We had a conversation in open hearing that discussed the cost. The liability is also a factor. I don't know of any instance that it has happened.

Senator Marcellais: What determines the PSAPs is it the traffic?

Mike Link: It was the local area wanted to have their PSAPs and there has been a combination into the same PSAP. There are options that they can combine if they like.

Senator Nelson: I am just wondering at one point there was discussion that the protocol wasn't the same. Have those things been adjusted, have the same answers to the person in Moorhead?

Mike Link: I am not sure. They have a board of things to be concerned with. They all have standard operating procedures because each one is different. I have not reviewed the MN standards.

Chairman Dever: any areas of the state that are not involved in PSAP go to state radio?

Mike Link: When you dial 911 anywhere in the state it goes to a PSAP, even if you call from a cell phone.

Chairman Dever: How do they know if you are in Mandan or Bismarck?

Mike Link: On a cell phone they can get the GPS.

The SD card then ran out of memory, the clerk had to remove the SD card from the Bosch system and delete some of the previous recordings losing the remainder of the hearing.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee
Missouri River Room, State Capitol

HB 1045
March 17, 2011
15588

☐ Conference Committee

Committee Clerk Signature

Katie Oliver

Explanation or reason for introduction of bill/resolution:

Relating to definitions and standards and guidelines for emergency services communication systems

Minutes:

No testimony attached

A motion to adopt the amendment provided to the committee by Jerry Berquist was made by Vice Chairman Sorvaag with a second by Senator Nelson, there was no further discussion and the motion passed 7-0. Another motion was made for a do pass as amended by Senator Schaible with a second by Senator Berry, there was no further discussion, roll was taken and the motion passed 7-0 with Senator Cook carrying the bill to the floor.

* * * * *

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL No. 1045

Page 2, line 23, replace "employee of this state or of a political" with "individual"

Page 2, line 24, remove "subdivision of this state"

Renumber accordingly.

Date: 3/17/11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1045

Senate 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 Sorvaag Seconded By W. Nelson

Senators	Yes	No	Senators	Yes	No
Chairman Dever	X		Senator Marcellais	X	
Vice Chairman Sorvaag	X		Senator Nelson	X	
Senator Barry	X				
Senator Cook	X				
Senator Schaible	X				

Total (Yes) 7 No 0

Absent _____

Floor Assignment _____

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

Date: 3/17/11
Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1045

Senate 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 Schaible Seconded By Berry

Senators	Yes	No	Senators	Yes	No
Chairman Dever	X		Senator Marcellais	X	
Vice Chairman Sorvaag	X		Senator Nelson	X	
Senator Barry	X				
Senator Cook	X				
Senator Schaible	X				

Total (Yes) 7 No 0

Absent _____

Floor Assignment Senator Cook

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

REPORT OF STANDING COMMITTEE

HB 1045, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1045 was placed on the Sixth order on the calendar.

Page 2, line 23, remove "employee of this state or of a political"

Page 2, line 24, replace "subdivision of this state" with "individual"

Renumber accordingly

2011 TESTIMONY

HB 1045

EMERGENCY COMMUNICATIONS OPERATING STANDARDS

#1

Bill draft is from the Public Safety and Transportation (PST) Committee

- Based on the recommendations of the Emergency Services Communications Coordinating Committee (ESC3)
- ESC3 Committee is established in statute and contains four members representing:
 - North Dakota 911 Association
 - North Dakota Association of Counties
 - Chief Information Officer of the state
 - Adjutant General on behalf of the Division of State Radio
- Statute requires the ESC3 committee to submit a report to Legislative Management to recommend changes to emergency communications operating standards
 - Report was assigned to PST Committee
- PST committee reviewed recommendations from ESC3 Committee and adopted a bill draft containing the changes as proposed by the ESC3 Committee

Grady Lamm
L/C

TESTIMONY – HB 1045
HOUSE POLITICAL SUBDIVISIONS COMMITTEE -- JANUARY 7, 2011
BY JERRY BERGQUIST
CHAIRMAN, EMERGENCY SERVICES COMMUNICATIONS COORDINATING
COMMITTEE (referred to as ESC3)

Madame Chairman and members of the Committee, my name is Jerry Bergquist. I am the Chairman of the Emergency Services Communications Coordinating Committee (ESC3), a committee organized pursuant to NDCCC 57-40.6-12. I am also the 9-1-1 Coordinator for Stutsman County. As a member of the ESC3, I represent the ND 9-1-1 Association. The three other members of the Committee are Terry Traynor representing the ND Association of Counties, Mike Lynk representing State Radio Communications, and Mike Ressler representing the ND Information Technology Department.

Part of the ESC3's mandated responsibilities are to recommend to the legislative management changes to the operating standards and guidelines for emergency services communication systems. HB 1045 contains the changes to the standards and guidelines that are being recommended by our Committee.

The current statutory standards and guidelines were enacted as state law in 2001 with the repeal of the Governors Emergency Services Communications System Advisory Committee (1996) that had originally been tasked with maintaining them. The standards have been largely unchanged since that time and have become seriously outdated.

In order to revise the operating standards and guidelines, the ESC3 held a series of meetings with formal meeting notifications made through the Secretary of States office. The ESC3 examined operating standards recently enacted in other states, and developed an extensive draft proposal to restructure and expand North Dakota's standards.

The draft was distributed to state and local officials and telecommunication company representatives for comment. A written comment period was allowed and a public hearing was held, resulting in a second draft. This process was repeated, and following the second public hearing, a final draft was prepared and circulated to all interested parties. The ESC3 adopted the third draft for formal recommendation to the Interim Public Safety and Transportation Committee and is the basis for HB 1045.

HB 1045 addresses a number of ESC3 objectives:

- Standard and Guidelines were reorganized to make them more user friendly and easier to read.
- Information that was no longer pertinent or dated was removed or revised.
- Emphasis was placed on revising those portions of the law that would be affected as North Dakota transitions to Next Generation 9-1-1 (NG 9-1-1) technology – (a broadband internet protocol based network that will gradually replace the existing voice-only network).
- Additional emphasis was placed on making Public Safety Answering Point (PSAP) operations more unified state-wide.
- Three of the new or revised standards were written to go into effect "no later than July 1, 2013". Two of these standards (page 8, line 17 and page 9, line 5) relate to both the transition to NG 9-1-1 and local budgeting issues. The ESC3 believes these standards need to be included now to show local government the direction that will need to be taken statewide as we move toward NG-9-1-1 technology.
- The third standard (page 7, line 8) relates to local government budgeting issues. For some smaller PSAP's, budgeting decisions will need to be made to fund "at least one public safety telecommunicator who is on duty at all times of operation".
- The ESC3 feels the extended operational date for these three standards is necessary to allow local jurisdictions sufficient time to either adjust their budget expenditures in order to continue their Public Safety Answering Point

(PSAP) operations or to consider consolidating PSAP operations with another neighboring PSAP.

The ESC3 or Emergency Services Communications Coordinating Committee has reviewed this bill and we are urging Committee members to pass HB 1045.

Thank you, I will try to answer any questions you may have.

TESTIMONY – PROTECTION AND ADVOCACY PROJECT

BILL 1045 (2011)

HOUSE **Political Subdivisions** COMMITTEE

Honorable Nancy Johnson, Chair

January 7, 2011

Chair Johnson, and members of the House Political Subdivisions Committee, I am Christine Hogan, a lawyer with the North Dakota Protection and Advocacy Project (P&A). The Protection & Advocacy Project is an independent state agency that acts to protect persons with disabilities from abuse, neglect, and exploitation, and advocates for the disability-related rights of persons with disabilities.

P&A is here today to offer a friendly amendment to HB 1045. We offer a small language change to the bill in furtherance of one of P&A's missions: to promote positive attitudes through use of positive language when referring to people with disabilities. We support the "People First" philosophy in language and in legislation by educating on the use of *positive* words, and by eliminating slurs and offensive words.

Words have power. The language we use can shape our attitudes and perceptions.

*People with disabilities are **people** first*

Our words have power to educate, uplift, and convey respect, as well as the power to hurt, demean, and oppress. People with disabilities are *people* first. The rule of thumb is: when referring to a person with a disability, in writing and in speech, just put the word *people* or person before the word describing the person's condition or *disability*. (E.g., "person with a hearing impairment," rather than "deaf person.") Over time, people first will become a habit, a natural, and an automatic way of thinking and speaking.

We have "mute" buttons on our office telephones and TV remotes. Some of us in this room have Blackberries that allow us to push a button to mute an incoming ringer. But it is no longer acceptable to use the word "mute" in referring to a *person* who is unable to speak.

The word "mute" is outdated, and not appropriate in formal English writing or speech. The word is now pejorative, like "retard," or "moron." We recommend amending HB 1045 to eliminate this word and replacing it with "*(person) with a speech impairment.*"

Eventually, everyone will think and speak in people-first language. But the time is already upon us to us to use people-first concepts in drafting all new legislation—just as, for example, we now avoid using masculine pronouns in all new code revisions. It took some of us a while to understand the need for that change. But now it seems obvious. Obviously, it's the right thing to do.

TESTIMONY – ENGROSSED HOUSE BILL No. 1045
SENATE GOVERNMENT & VETERANS AFFAIRS COMMITTEE – MARCH 10, 2011
BY JERRY BERGQUIST
CHAIRMAN, EMERGENCY SERVICES COMMUNICATIONS COORDINATING
COMMITTEE (referred to as ESC3)

Chairman Dever and members of the Committee, my name is Jerry Bergquist. I am the Chairman of the Emergency Services Communications Coordinating Committee (ESC3), a committee organized pursuant to NDCCC 57-40.6-12. I am also the 9-1-1 Coordinator for Stutsman County. As a member of the ESC3, I represent the ND 9-1-1 Association. The three other members of the Committee are Terry Traynor representing the ND Association of Counties, Mike Lynk representing State Radio Communications, and Mike Ressler representing the ND Information Technology Department.

Part of the ESC3's mandated responsibilities are to recommend to the legislative management changes to the operating standards and guidelines for emergency services communication systems. HB 1045 contains the changes to the standards and guidelines that are being recommended by our Committee.

The current statutory standards and guidelines were enacted as state law in 2001 with the repeal of the Governors Emergency Services Communications System Advisory Committee (1996) that had originally been tasked with maintaining them. The standards have been largely unchanged since that time and have become seriously outdated.

In order to revise the operating standards and guidelines, the ESC3 held a series of meetings with formal meeting notifications made through the Secretary of States office. The ESC3 examined operating standards recently enacted in other states, and developed an extensive draft proposal to restructure and expand North Dakota's standards.

TESTIMONY – ENGROSSED HOUSE BILL No. 1045
SENATE GOVERNMENT & VETERANS AFFAIRS COMMITTEE – MARCH 10, 2011
BY JERRY BERGQUIST
CHAIRMAN, EMERGENCY SERVICES COMMUNICATIONS COORDINATING
COMMITTEE (referred to as ESC3)

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Part of the ESC3's mandated responsibilities are to recommend to the legislative management changes to the operating standards and guidelines for emergency services communication systems. HB 1045 contains the changes to the standards and guidelines that are being recommended by our Committee.

The current statutory standards and guidelines were enacted as state law in 2001 with the repeal of the Governors Emergency Services Communications System Advisory Committee (1996) that had originally been tasked with maintaining them. The standards have been largely unchanged since that time and have become seriously outdated.

In order to revise the operating standards and guidelines, the ESC3 held a series of meetings with formal meeting notifications made through the Secretary of States office. The ESC3 examined operating standards recently enacted in other states, and developed an extensive draft proposal to restructure and expand North Dakota's standards.

The draft was distributed to state and local officials and telecommunication company representatives for comment. A written comment period was allowed and a public hearing was held, resulting in a second draft. This process was repeated, and following the second public hearing, a final draft was prepared and circulated to all interested parties. The ESC3 adopted the third draft for formal recommendation to the Interim Public Safety and Transportation Committee which also took testimony on them during the interim. They ultimately recommended HB1045 as introduced.

It was the intent of the ESC3 to propose standards that met the following objectives:

- Standard and Guidelines were reorganized to make them more user-friendly and easier to read.
- Information that was no longer pertinent or dated was removed or revised.
- Emphasis was placed on revising those portions of the law that would be affected as North Dakota transitions to Next Generation 9-1-1 (NG 9-1-1) technology – (a broadband internet protocol-based network that will gradually replace the existing voice-only network).
- Additional emphasis was placed on making Public Safety Answering Point (PSAP) operations more unified state-wide.
- Three of the new or revised standards were written to go into effect "no later than July 1, 2013". Two of these standards (page 8, line 17 and page 9, line 5) relate to both the transition to NG 9-1-1 and local budgeting issues. The ESC3 believes these standards need to be included now to show local government the direction that will need to be taken statewide as we move toward NG-9-1-1 technology.
- The third standard (page 7, line 8) was included because the original bill had a potential impact on local government budgeting for staffing at smaller PSAP locations. The engrossed bill replaced "is dedicated to" with "has primary responsibility for" and will likely result in no required staffing changes.
- The ESC3 felt the extended operational date for these three standards necessary to allow local jurisdictions sufficient time to either adjust their budget expenditures in order to continue their Public Safety Answering Point (PSAP) operations or to consider consolidating PSAP operations with another neighboring PSAP.

Since the House hearing, a concern has been raised by our largest PSAP, which is operated somewhat differently than the others. The Red River Regional Dispatch Center in Fargo, is operated as a joint powers entity of Cass County, Clay County, Minnesota and the Cities of Fargo, West Fargo and Moorhead.

The definition of Public safety telecommunicator" on page 2, beginning at line 23, references employment by the state or a political subdivision. We believe an amendment is in order to make it crystal clear that these standards apply to all individuals serving in this role, regardless of employment. A suggested amendment to address this issue is included at the end of this testimony.

The ESC3 or Emergency Services Communications Coordinating Committee urges your favorable consideration of the amendment and requests a Do Pass recommendation. Thank you.

* * * * *

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL No. 1045

Page 2, line 23, replace "employee of this state or of a political" with "individual"

Page 2, line 24, remove "subdivision of this state"

Renumber accordingly.