

**2015 SENATE POLITICAL SUBDIVISIONS**

**SB 2101**

# 2015 SENATE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Red River Room, State Capitol

SB 2101  
January 8, 2015  
21776

- Subcommittee  
 Conference Committee

Committee Clerk Signature



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

Relating to emergency services communication systems

### Minutes:

Attachment #1

**Chairman Burckhard** opened the hearing on SB 2101. All members were present.

**Senator Oehleke** introduced SB 2101. We are in the world of technology, and basically what this bill does is updates the ability for your 911 system to jump into what they call the next generation. Next generation would enhance the ability for 911 to do some real cool things. Examples shared. It is a lot of good cleanup and getting the right language in the century code. We do have Mr. Horning here from the Association of Counties. The Association of Counties coordinates the 911 money and how it flows, and they started doing that some years ago through their ongoing effort that helps keep everything up to speed.

**Jason Horning** (3:04-6:33) will be giving the testimony for Terry Traynor on his behalf. I work for the North Dakota Association of Counties as the next generation 91 program manager. I basically work with the counties and all stakeholders to upgrade the 91 system we have. Some of the language on this bill is based on old technology, the architecture of the 91 system that we have in place today. See written testimony #1.

**Senator Anderson** Looking at the map on page 2 of the testimony, it says colors denote multicounty dispatching. Does that mean that one's of the same color all use the same dispatch center and what do the lines mean in between the others?

**Jason Horning** replied the colors represent multi jurisdiction psaps. So if you were to take as an example Renville and Bottineau counties in the northern tier there, they have a single psap that serves multiple counties. When we have that occurrence that is why it is colored differently. Examples cited. The blue area is North Dakota State Radio is a PSAP served out of Bismarck here that provides services to 24 counties throughout the state. The lines in between those counties and what those represent are shared technology systems. Most of the PSAPS don't have lines going to them, that means they have their own central equipment. They are all basically doing everything within their own facility to take managed

calls. Where you see the lines that is where PSAPS have started to work together on their technology, to make things more interoperable and more efficient. That's what the lines represent.

**Chairman Burckhard** asked Jason, of the 15 or 16 rural telco's we have in the state, are they all in favor of this as well?

**Jason Horner** replied I don't know where they stand on this particular bill. But there is nothing in here other than language cleanup in terms of us being able to press forward with the next generation 91 and update the statute so that it is more general. In here you see that we don't add next generation 911. We are trying to broaden the scope so as next generation comes, we can do everything we need to do on next generation 911 and then when I am gone there maybe another set of next generation 91 improvements that we need to support. This language we provide here should allow us to press forward into the future without having to come back.

**Chairman Burckhard** This is funded with the \$1.50 fee every month? **Jason replied**, the 9-1 system? This particular bill doesn't have anything tied to it in terms of financial requirements. The 91 system is funded by the \$1.00 and \$1.50 depending on how the local jurisdiction has determined they want to go. It is put to a vote. That money does go to support the local PSAPS in most communities or it goes to support state radio. Typically that money isn't enough to support those PSAPS. They have to reach into their own pocket and provide some support to the PSAP to make it fully operational. The dollar was set back in the 1980's, and things have gotten more expensive since then. It just doesn't go nearly as far as it used to, and that has required us to reach into our back pocket in other areas.

**Senator Dotzenrod** asked on pg. 2, lines 4,5,7,8 you're crossing off these words that have been in the code and just replacing them with a broad label. You put in comprehensive state wide, deleted all the words after that. Public safety services, deleted the rest. Are you doing that because you want a lot of options or choices in the future about how this is used and you don't like the idea that by having these specifically identified in the law, it somehow restricts you to the categories that are identified without allowing what other options and choices you might have to use 911 for public safety? Does this come from a recommendation of a committee that looked at this or do you see if we leave those things in there as they are, it just clutters it and makes it limiting? I am wondering why you got what you got?

**Jason Horner** replied to the point of removing a number of these things you will see it also within the amendment or bill that we've broadened the definition. Example cited. We added terms specifically for 911 system and radio system to be clearer what those systems are. We wanted to make it more specific in terms of the 91 system versus the radio system. To the question of who has presented this? This was a request put forward from the Legislative Committee of the 91 Association, to have us take a look at the language that was in this section. We provided some suggestions to them and they made their own changes within that committee, and that committee reported to the Emergency Services Communications Coordinating Committee who took another look at it, and provided it out to the public and stakeholders to have a look at it.

**Senator Dotzenrod** asked about the reference to State Radio system that somehow becomes an emergency. Is there someone who could say how this bill relates to State Radio?

**Chairman Burckhard** refers to Pg. 3, line 7, paragraph 16, it talks to what a radio system means.

**Senator Dotzenrod** said that he saw that on line 2, and I was curious if that meant State Radio? Is the term radio system meant to include State Radio plus a bunch of other stuff?

**Jason Horning** replied that Mike Lynk is here from State Radio. A radio system as we define it is a generic system that can provide communications to responders and vice versa from the responders to the psap. We don't define in here that we're talking specifically about state radio, like we don't define in here specifically about Burleigh counties radio system. A radio system is just a generic term used to represent the communications network that we used to reach our responders. That's the skinny on the radio system definition.

**Senator Judy Lee** I am wondering within that definition on pg. 2, that begins on line 3 where it talks about the comprehensive state wide or county wide system which includes the 911 system that it might not cover what you're asking about. Maybe you don't feel comfortable with that inclusion.

**Senator Dotzenrod** continued that he is a little bit confused about how does state radio fit in here? If there is no reference in the law to State Radio, is there a role for state radio in this system?

**Chariman Burckhard** asked who could tell who it is and who can answer that question?

**Mike Lynk** Director of State Radio.(16:26) I am the vice-chair of this ESE committee. What the committee does is they look at the 911 and response system as a whole. So all of the PSAPS no matter what they are or where they are at fall under these guides. So State Radio like Fargo dispatch, or all the other dispatch centers that Jason referred to on that map, follow the same system. This is the rules that guide all of those PSAPS in how they do their dispatching and provide 911 services to the communities.

**Senator Dotzenrod** asked Mike Lynk does the state radio get involved in these PSAPS? Is state radio participating when their doing their work and an emergency call comes out. A part of this is just educating me, because I don't know enough about how the system works. I am trying to figure it out. You have these local PSAPS that are identified on the map, they look like they are just local so the counties that are identified there, but I suspect that is probably not true. There probably is a state radio involvement in these systems.

**Mike Lynk** replied if you make a reference to the map, the color codes, you will see that state radio has the 24 counties that are in blue. You have all the other PSAPS. The ones that are in white have their own individual PSAP. PSAP is Public Safety Answering Point or 911 center for definition. All of those, although they are individual and work as their own, follow this set of rules that is in this bill. So, for those counties that state radio provides

service for we follow these rules. There needs to be a standard within the state and within the nation where as citizen's call 911, their expected to get certain services. That is these rules do; they provide for specific services that each PSAP has to strive for and give our citizens in North Dakota.

**Senator Dotzenrod** shared an example. **Mr. Lynk** replied if you're in any of the other counties, those phone lines also come to their respective PSAP. So, that is done within the system. If you dial a hard line phone, all those hard line phones within that community, it is going to go that communities dispatch center. Now if I have a cell phone, then the tower that services that area, if I dial 911, is going to send it to a PSAP. So, sometimes the 911 calls may go to a different PSAP but the PSAPs all because we're under the same rules, coordinate. Example cited. (20:13 All the systems under these rules).

**Senator Judy Lee** shared some information (20:38) One they talked about the fact there is going to be some significant expense required in order to zip up here to the new generation 911 and there is no appropriation in here, but perhaps you would be interested in sharing a moment with that. They discussed the fact, that State Radio and there is a connection everywhere, but there is a redundancy that is really positive about that if something happens to one system somewhere, that the ability for underlying connected PSAPS to pick it up so nobody loses the connection was there. If I am incorrect me, otherwise it might be something the committee would be interesting in knowing better than what I just described it.

**Mike Lynk** as I explained how the system works as a system in the House side this morning I testified on a bill that state radio has a population restriction in the bill and you're going to see that on the Senate side. What we're concerned about is a condition 3 which is when one PSAP takes over when they close, were all integrated. Our backup for State Radio if we go down is Bismarck/Burleigh. We support them with going down with help. All the PSAPS are interconnected for help. They all work together and they all take care of each other, some are big, some small, some can't take of other ones, but the system works together to get the services done. As we move to next generation, the first thing that has to happen is that we have to have policy. We need to have guidelines as we move to that. That is what we believe from the committee the SE3 Committee that this change in the law does. What that will enable us to do is the next generation brings a lot more information that the citizens can give us automatically, or through the system. Yes it is very costly. We have part of our appropriation bill has the cost for upgrading our system to the Next Generation, however, I think there is huge benefits. You can be able to text to 911. What we are worried about today is this is the preface for all of this happening is the rules and guidelines that are set up to get us there. After these are done, then we can move forward with the technology.

**Senator Dotzenrod** replied that it looks like most of the work on the system in getting it to operational on the same rules has already been done. We really are not creating in this bill any new sections; we're basically amending current law. It looks like mostly what we're accomplishing in this bill is just refining definitions, clarifying what might be confusing. I don't see anything in here that represents what I would call a new initiative. It looks like we're taking the system that was laid out and designed earlier, and just trying to make it clearer.

**Mike Lynk** replied this would be confusing. Maybe for clarity in the instances in the bill where you see 911 services and it's changed to Next Generation 911 services, those are to clarify the definitions and what we're really talking about. This really is a clean up to get it to the current terminology. It is not so much of changing of the system other than we're changing technology to make it better for the citizens.

**Senator Dotzenrod** asked Mr. Lynk about digital radios range versus the analog system. Mr. Lynk responded with information for Senator Dotzenrod (25:10-26:54)

**Chairman Burchkard** closed the hearing on SB 2101.

Senator Anderson moved Do Pass

Senator John Grabinger 2<sup>nd</sup>

Roll Call Vote

6 Yea, 0 No, 0 Absent

Carrier: Senator Anderson



**REPORT OF STANDING COMMITTEE**

**SB 2101: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2101 was placed on the Eleventh order on the calendar.

**2015 HOUSE POLITICAL SUBDIVISIONS**

**SB 2101**

# 2015 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Prairie Room, State Capitol

SB 2101  
3/6/2015  
24448

- Subcommittee  
 Conference Committee

*Amanda Muscha*

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

Relating to emergency services communications systems

### Minutes:

Testimony 1

Chairman Klemin: Opened hearing on SB 2101

Senator Oehlke: This bill is an effort to accommodate 911 fees for all of the new and different things coming out in the world. I think we all have to agree that technology has become a big part of our lives. I used to think my mom say it all from the early 1900's to 1997. Someone told me there were new jobs coming out that we don't have names for. Technology has changed and so has the 911 system. Page one of the bill gives a description of the 911 system. On page two really gives a definition of emergency systems. On the top of the next page there is a definition of public safety services. It is important because that phrase comes up a lot. Also on page 2 it is not new to this bill but it mentions PSAPs (Public Safety Answering Points). On page 4 it talks about counties or services areas being able to share 911 services. On page 5 it goes through what a PSAP must do. The service is not only available through your phones but also through cars. 911 would like to provide the services but also collect on the fees.

Chairman Klemin: What is the reason for the E911 becoming 911?

Senator Oehlke: 911 is E911.

Representative Zubke: I am confused about what we are trying to accomplish? What is the intent?

Senator Oehlke: It is to clean up language and provide definitions. It is an effort to stream line this bill and be able to accommodate all those various technologies. It is to provide income for the 911 services from those entities that are getting it for nothing otherwise.

Terry Traynor: Testimony 1

Chairman Klemin: This bill has an update of the terminology?

Terry Traynor: Yes it does.

Chairman Klemin: Senator Oehlke mentioned fees and I don't see that hear?

Terry Traynor: We did have a bill last session that mentioned it but I don't know what he was referring to.

Representative Klein: Update me a little. We still pay a dollar per cell phone and what about the normal phones and what is the total budget you are operating under?

Terry Traynor: State law requires that all devices be treated equally. The legislature has allowed the locals to vote on an increase up to \$1.50 per device. It does take a vote though. One of our other responsibilities is to make a report on those questions and I should have brought it. We survey all the costs and revenues, all the number of calls for the PSAPs, and I recall state wide for the 21 PSAPs it is about a 13 million dollar operation largely staff. There are equipment costs, payments to the telecommunication companies for the transport of these calls to the PSAP, but the biggest cost is the dispatchers that sit there.

Representative Klein: The blue area is still under the state system on your map? They are not through the PSAP but they run through the state radio system?

Terry Traynor: Correct. They are part of the system but their PSAP is state radio. They use their fees to contract with state radio.

Representative Klein: We have had some problems up understanding who should go. Has that been all mapped out so each area knows how to get there and who should get their first?

Terry Traynor: It will never be perfect but it is improving. Years ago it was changed to whoever can get there quickest. It can be a judgment call depending on staffing levels and what they can provide to the situation. In many cases they may call out two.

Representative Kelsh: You mentioned the same fee for phones. Is there a way to get money out of track phones?

Terry Traynor: Yes. Last year there was legislation that passed a point of sale bill that said if they aren't paying a monthly bill that can be assessed that dollar fee, the company that sells the phone will have to collect 2% on the sale price on that service. We are not getting it all completely but we are getting 95-99% probably.

Representative Hatlestad: I move a do pass

Representative Zubke: Second

A Roll Call Vote Was Taken: Yes 13, No 0, Absent 1 (Oversen)

Motion Carries

Representative Hatlestad will carry the bill

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2101**

House Political Subdivisions Committee

- Subcommittee                       Conference Committee

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

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

Motion Made By Hatlestad                      Seconded By Zubke

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

Total (Yes) 13                      No 0

Absent 1 (Oversen)

Floor Assignment Hatlestad

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

motion carries

**REPORT OF STANDING COMMITTEE**

**SB 2101: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2101 was placed on the Fourteenth order on the calendar.**

**2015 TESTIMONY**

**SB 2101**

Testimony to the

## **Senate Political Subdivisions Committee**

By the Emergency Services Communications Coordinating Committee

January 8, 2015

### **RE: SB2101 – 9-1-1 Standards and Guidelines**

Mr. Chairman and members of the committee, I am Terry Traynor, assistant executive director of the North Dakota Association of Counties, but today I am before you as a member of, and Secretary to, your Emergency Services Communications Coordinating Committee (often called the ESC3).

The ESC3 is a statutory body composed of two state, and two local, government representatives with specific responsibilities regarding the statewide emergency services communications system. Jerry Bergquist, the Stutsman County 9-1-1 Coordinator, is the Chair of the ESC3 and the other two members are Mike Lynk representing State Radio, and Duane Schell representing IDT.

A very important element of the committee's responsibilities is the delivery of recommendations to the Legislature regarding the statutory standards and guidelines for operating an emergency services communications system.

Originally the standards and guidelines were managed as administrative rules by a Governor's Committee, but they became codified as state law in 2001. Until 2011, the standards remained mostly unchanged. The ESC3 completed, in 2010, a rather extensive review and series of public hearings on proposed changes and updates to those standards. The resulting recommendations were largely adopted by the Legislature in 2011.

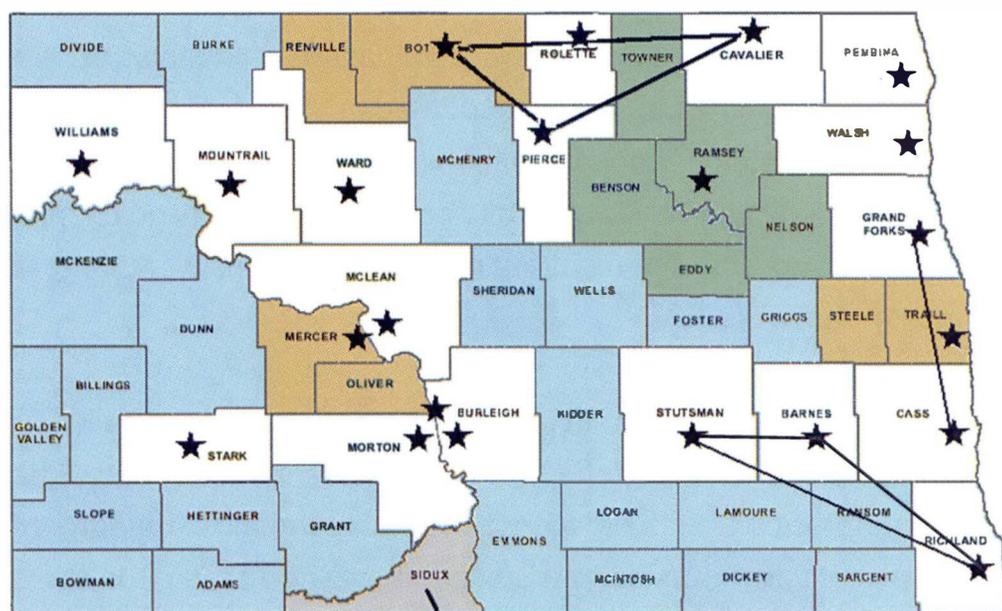
This past summer, the ESC3 again reviewed the standards, specifically focusing on making sure the standards were reflective of our state's transition to what is termed "next generation 9-1-1" or NG911. NG911 is the most fundamental change to emergency communications since the creation of 9-1-1 in the 1960's.

In the broadest sense, it involves the gradual replacement of the analog, copper-wire communication backbone with a faster, more redundant, digital, Internet Protocol (IP) network. This new backbone, besides introducing greater reliability and flexibility, will also allow such things as text-to-911 to become a reality.

The changes proposed in SB2101 broaden the language describing the Emergency Services Communications System, moving away from Enhanced 9-1-1 (E911) and also broadening the definition of emergency services, as we have seen the strong role that agencies such as local public works and the National Guard have played in responding to disasters.

As with the first revision, the ESC3 relied heavily on recommendations from stakeholders – particularly the North Dakota 9-1-1 Association. These recommendations were discussed, refined, and then circulated for comments and presented at a public hearing. Following the public hearing, the ESC3 adopted the recommendations you see before you as SB2101 and reported them as part of the group’s biennial report to the Legislative Management Committee.

Mr. Chairman and committee members, your ESC3 urges a Do Pass recommendation on SB2101.



Public Safety Answering Points (PSAPs) ★

Colors denote multi-county dispatching

Testimony to the

## **House Political Subdivisions Committee**

By the Emergency Services Communications Coordinating Committee

March 6, 2015

### **RE: SB2101 – 9-1-1 Standards and Guidelines**

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