

**2019 SENATE POLITICAL SUBDIVISIONS**

**SB 2318**

# 2019 SENATE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Red River Room, State Capitol

SB2318  
1/31/2019  
Job # 31908

- Subcommittee  
 Conference Committee

Committee Clerk Signature: Mary Jo Wocken

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

A Bill for an Act to provide a statement of legislative intent regarding campus broadband services and a report to the legislative management.

### Minutes:

Written attachment #1 Darin King  
Written attachment # 2& 3 Derrick Bulawa

**Chairman Burckhard** opened the hearing for SB2318. All senators present.

**Chairman Holmberg** (1.46-4.43) SB 2318 has evolved over time. The concern about a particular section of state law which apparently forbade the university system from utilizing anything but the Stage Net system for internet service on campuses. We had concern on the part of students that the service was slow and just not up to the standards of what the service should be. So there was a bill to mandate that this be done by the university system. In several meetings with Shawn Riley and Darin King, and other folks in the university system they made it clear that they recognized there was issues that need resolution and felt that within the current statutes they could proceed with making changes to allow better service to be done on the campuses. So, the bill that was originally going to be introduced was changed to say as this does, that we support them moving towards the private sector in providing that service and better service. One of the challenges that the campuses have is how students and other use the internet these days. It's not spending a lot of time on the internet, is not necessarily spent studying but might be spent streaming. That takes a lot of band wide. Question is do we want the private sector to be helpful in providing that service or do we want the state to spend it? I don't know if the RFP has gone out yet, or not? ITD is crafting a RFP to do that. This would give legislators support to what they are doing. So it started as a mandated bill and ended as an essentially statement of legislative intent that they should proceed and see what they can do.

**Senator Anderson:** On the one hand it seems to me with the Governor's initiative, we are hearing that ITD is the best thing and we all ought to be on ITD, and utilize those services. In cases like this, it sounds like it's not working the best. Personally I have never been a big fan of rolling everything in to one ball and have ITD do it. This is an example where we need some times the private sector's help in order to upgrade and do the best job we can for the systems. So I am just wondering how those two things play together?

**Senator Holmberg:** There are anomalies in any area as you know when we deal with government. This is an area I feel and the other sponsors felt was a good direction for working with the private sector. We do it in some areas and in other areas we don't, but I think this is a good direction. I don't have any problem because on one hand we say this and the other hand we say something else.

**Senator Dotzenrod:** On line 10 and 11, where it says, "developing the requirements and selecting the broadband service solution". Is that really the question that we're asking is should this be part of state ITD network or as an alternative should we be employing the services here of some private companies and contractors? Is that sort of what that is getting at? Is it more like if we have private contractors out there which one would be the best?

**Senator Holmberg:** I believe the purpose for our RFP is to see just what kind of services might be provided by companies xyz. In some of our larger communities there are a lot of private sector providers. Even though someone had suggested this was a UND issue, I think each one of those big campuses is slightly different. I think the infrastructure on the campus is a challenge at UND versus at NDSU. But when you go down a street on one side on a dorm you get services that are not what students feel they should have; other side of street, they are connected to a private sector company that provides very good service.

**Senator Judy Lee:** It is an issue in Fargo for NDSU, as well as you just described. But I know we have 12 internet providers in Fargo. Every square inch of ground in this state has the possibility of having that kind of service very quickly from one provider from another. Do we have to limit to just one provider? For committee discussion, why should the state be involved in having to maintain and upgrade and all of that kind of stuff? I am sure somebody is going to tell me why that is insecure. But if a person or student at NDUS wants to contract with Midcontinent instead of Cable one, should it really matter, do you think?

**Senator Holmberg:** I think that might be a question better answered by ITD.

**Senator Diane Larson:** I know that in some communities, Bismarck for one, there looking at having to add more towners for example with Verizon, because there isn't enough band width to serve everybody. I don't know enough about that problem state-wide to see if this is something then that is going to become a problem with these universities having to build more capacity to help with the band width. Would you think that would be a university expense or private? **Senator Holmberg:** Replied, ask ITD.

**Darin King,** (10.26-11.38) Vice-Chancellor of ITD and Chief Information Officer for the university system, spoke in favor of SB2318. **Written attachment #1.**

**Senator Anderson:** Talk to us a little bit about ITD's concern about people accessing the system of the state and the fragility of all these different ones coming in. How do you see ITD's constructing and RFP that says you have these security concerns before you can comply with the RFP and how does that work with university system and ITD as a whole?

**Mr. Darin King:** I am a believer in what is being talked about trying to bring together our security practices across all those entities that work on the state network, from the high level the strategy part of it. I think that when you start to talk about student housing, at our campuses I think that is an area that still needs to be, thought about it from a security

perspective also. These students in the student housing facilities will be accessing part of our networks that they need to access. So, it can't be a complete free for all, it needs to still be managed and monitored which is why I do believe that having ITD involved is an important part of this, regardless of who holds the contracts.

**Senator Judy Lee:** Back to the question about, as Senator Holmberg mentioned, because this is the case where the students in the dorm on the west side of university can't get on after 10pm because everybody is on Netflix; and the people in the apartments across the street can pick up from wherever they want. So I guess what I am looking at, is do we have to have one provider if a,b,c, provider and x,y,z, provider both meet certain criteria for security. I realize this is an IT question but it still applies to you, in the university system. Could there not be more than one option perhaps from a list of providers who in those areas where there are several because I am a big private enterprise person as well. My question really boils down to, do we have just have one if we are looking at an IOC or could we just look at what kinds of applications there might be and whether or not a,b,c, and x,y,z, both meet those criteria could a student access either one? It is a rub. Help us figure out how to solve this problem there?

**Mr. Darin King:** So there is a lot of things that you touched on there. I think the first piece is the dorm experience is very much based on that local infrastructure that the campus is provided in those dormitories. So this falls into deferred maintenance in some ways. If a certain dormitory has not been upgraded and taken care of, it's a like trying to flush a toilet down a straw. All this stuff out there, the people are trying to do, but if they haven't maintained the basic infrastructure in that dormitory, it's not going to matter. Where I would connect your question is I think that the answer to you is absolutely there could be multiple vendors. But it still comes back to how does that vendor get their information into that dorm room. There is still infrastructure that's involved there. But I think the answer to your question is yes, there could be multiples involved but there is some detail there when you talk about the building level infrastructure. Right now it's the campuses so how do we meld that for multiple vendors.

**Senator Judy Lee:** I have a portable mi-fi pack that I used last night for four hours where I live here. It will serve 6 different people with devices. So why should there have to be any rebuilding of a dormitory or rewiring or redoing anything in order to enable somebody to be able to do that. If I can do it here, when I am not the biggest techy, my point is, it's not that hard I don't think. So tell me why it is hard?

**Mr. Darin King:** To me it has to with density and that provider that works off of your mi-fi or portable access point. It has to be able to handle that level of capacity, so if we take a campus that has 3000-4000 in their student housing and if everyone has their own wireless access point can that tower that serves those handle that much traffic? Or have we just again started to flush a toilet down a straw. It is not impossible, but certainly just whether it is wired or wireless, those are considerations in density that you have to consider.

**Chairman Burckhard:** So, it's not just bringing in the broad band it's the customer appliance equipment that's got to be on the wall in the room. Is that a big deal or a complicated situation?

**Mr. Darin King:** If you think about how you get services from your provider in your home today. It comes in through something that runs to your house probably connects to your co-

axial base deal, the thick wire type of connection and then there is the device, a cable modem of some sort. That would certainly be one possible way that a private entity could provide that service. But again how do you get that traffic from that device that we put into the dorm room out to a network. That is the devil in the detail that has to be wrapped into this process.

**Chairman Burckhard** asked for opposition on the bill SB2318.

**Derrick Bulawa** (20.00-26.53) CEO Bek Communications Cooperative. Spoke in opposition to SB2318. **Written attachment # 2 & 3.**

**Senator Anderson:** Explain to us a little bit whether we need both the broad band and the local area network language or whether the local area network language includes the broad band or why was that term used originally?

**Mr. Derrick Bulawa:** I can't tell you the genesis of the bill. All I can tell you is the word broadband service does not indicate the provision of facilities in the buildings. The broadband service usually ends at the building. There is a place down in the basement where a piece of fiber comes in and we hand it over to ITD over to the university and they take it from there. That is already a fairly arduous competitive process. The part from connecting that one point in the building or two or three points in a building to the rest of the building all eleven floors, that's the part that has not been invested in at least since I've been here.

**Senator Diane Larson:** I don't know if this even a fair question for you. But do you have idea of what kind of a fiscal note it would take to update the university system with the proper kind of wiring to accommodate this?

**Mr. Derrick Bulawa:** Generally, when we go deal with large customers or schools, we make a specification for the school, and bid that out to wiring contractors, to do that bulk of the work. At the end we generally integrate it together, so that would not be something necessarily that we would participate in. It is not uncommon for broad-band providers not to do that portion of the business because there are very different skills. The guy that handles the fiber at 100 kg is a very different employee than the guy that's pulling the cables in a building that got 400 bedrooms in it.

**Senator Dotzenrod:** What your proposing here is that amend this study so that we confine it to looking what's going on inside those buildings. So if we did that, then the proposition that would be offered to the interim study committee would be somewhat restricted and limited at the universe they would be looking at would be a smaller universe of study than the bill that came in. Can we say with certainty that the problem exists inside or is internal to the buildings rather than to the service provider in all cases all the time and that there is never an exception to that? It is always true, that your assertion here is for the building? Might there be a case when, in some circumstances there may be some issue that contributes to the difficulty that exists outside that building?

**Mr. Derrick Bulawa:** In the architecture that we have been contracted to provide to ITD is we provide primary connection points in all of the buildings directly out to our multiple upstream providers either in Chicago, or Minneapolis or Seattle or Denver. So we take it out multiple ways after they have processed it and made sure that there is compatibility and

security. So generally it's not a problem of the capacity at the building. We architect the piece to deliver the capacity it usually goes back to the center core of the distribution network.

**Senator Dotzenrod:** The impression I am getting is what you're telling us is the kind of information that would normally get presented to the interim committee. But is the interim committee given a wide sort inflexible broad assignment and then you would be coming into that interim committee and bring facts and data and information to then or would indicate to them where the issue is whether than us restricting it here and thus preventing sort of a look outside and understanding the whole larger scope of the service from the beginning to the end is what I am thinking. I am not sure it is a good idea to limit it before it gets out of the door.

**Mr. Derrick Bulawa:** I would be caution of the distraction that it would cause. The sexy part is of this would be broad band providers because that is easy. Everybody does it, we compete for their today. The part that is less sexy is the part that is not done. So I would feel that what would dominate that process would be the part that is easy and sexy. The part that's hard and difficult is the part that isn't done. So all you would wind up doing is putting at risk the compatibility and security of Stage Net, and not actually solving the problem. It seems you want to focus on the problem that's at hand, which to me from what I've experienced in operating in the universe that you guys have so allowed me to do so is that over the past 10 years you have mandated us up grading all the external infrastructure to deliver hundred gb, and terabyte services to all of the critical institutions in this state. It seems like multiple providers have done that part. We have now been mandated nor has any been mandated to fix what's wrong in the buildings. I think that is a policy strategy. That would be my fear if I was in your chair that it would get distracted.

**Chairman Burckhard** asked for neutral testimony for SB2318.

**Dwayne Shell:**(33.19) Chief Technology Officer at the Information Technology Department. I know there's been a lot of questions that have been asked that I am pretty confident that I can answer.

**Chairman Burckhard:** So is this a distribution solution, is that what we need here?

**Mr. Dwayne Shell:** We are well aware that we've got a challenge within the campus housing on a couple of campuses, maybe several campuses. We are already working with Darrin King, ND University System, and using UND as the anchor tenant to the conversation and all the campuses have been invited to the conversation to try and work on a solution. So that effort has started already. In fact, this week, to answer some of the questions that you brought, we are performing an actual network assessment of what's really happening in the student housing facilities to understand what is there, how its performing so that as we build the RFP, we make sure we get the requirements correct. During the interim you referenced conversations with the Interim committee. We did announce a contract with a partner vendor, Dakota Carrier Network (DCN) where we will be upgrading and that work has been ongoing for completion yet this summer to insure that the backbone, the internet and all of the things that bring Stage Net together has the capacity to serve the needs of the campuses, of K-12, local government and state government. So, we are confident that we've got the core infrastructure being provided through service providers to be able to access whatever they need across Stage Net and across the internet depending on where ever they need to go.

**Chairman Burckhard:** So it is a distribution solution?

**Mr. Dwayne Shell:** At this point, we are working through the assessment. We believe the challenges reside within the campus housing and we're validating that and we will build the RFP to go out for competitive process to encourage any number of vendors to bid on. Today we work with 35 different vendors that make up as to what we refer to Stage Net. Stage Net is really an accumulation of a number of service providers that come together and our role is to stitch those service providers together to make sure they are interoperable to make sure we've got security which has been talked about and a whole number of other factors in place. We may be bringing a new vendor in, it may be one of the existing vendors that will help augment whatever is required to serve the students in the campus housing.

**Senator Anderson:** Tell us whether the suggested amendments make it better or worse or if we need to include both broad band language and local area network language in the bill, or whether it doesn't make any difference?

**Mr. Dwayne Shell:** I think the term broad band can be interpreted a number of different ways. It is a fairly generic term often times it is thought of as the distribution network. That said, it could very well be a limited to a local area network challenge and problem. As we walk through the assessment, we'll know that for sure. We're fairly confident that it is a local area network challenge but until we finish the assessment we can't say that for certain. With the monitoring tools that we have in place on the distribution network, we don't believe that is challenge. We've got plenty of capacity already at the front door of the campuses. With the contract that we've secured this last year and we talked about during the interim, that gives us significantly more capacity so that as the needs of the students of all of our stakeholders that ride on it, we've got plenty of headroom to accommodate for the growth which has been pretty persistent year after year. Over the 20 some odd years that Stage Net has been in existence, we've been averaging 38% capacity growth year after year and that trend has stayed fairly consistent. We expect that to continue and we make sure we've got the contracts in place, the proper vendors that can help us meet those needs to serve our stakeholders.

**Senator Anderson:** So, I think what I am hearing you say that if we put both words in there, that would solve all the problems, is that correct?

**Mr. Dwayne Shell:** I think the word broadband is a bit more encompassing. Local area network is a little bit more focused. In either case we will solve the challenge and we will provide the students with a solution they need, irregardless of the language that's there. We are committed to solving the challenge.

**Senator Diane Larson:** If you're looking at having the buildings themselves be able to provide this more efficiently do you know does this just mean like pulling this cable out and fishing in a new cable or are we looking at some new construction. Do you know what that even does entail because I don't?

**Mr. Dwayne Shell:** The network assessment will tell us that for sure. We need to check on the current capabilities of that infrastructure that is there. Depending on the age of the of it and the condition of it, there is chance that all of that could be reused. If there are age or deficiencies it may mean adding additional fiber and copper in those buildings. In many cases you will try to remove the old stuff and put it new stuff in. Until we step through that

assessment I can't say for certain how much of that will be necessary. Obviously we want to be stewards of the taxpayer dollars, so if that infrastructure is good we will leverage in our existing infrastructure to meet the needs of the students.

**Senator Dotzenrod:** I am trying to envision the work that would go on in the interim. What kind of work product they would have at the end of the interim when they turn their report in? Do you envision that the work they would do would be so specific and so directed to the areas in the housing units on these campuses that you actually end up having sort of building structures, student housing structures, specific identified areas that need to have some work done? Not necessarily you would know the cost in case, bids taken from a contractor to estimate those things. Do you think that when you get done, you know what is the vision of this study? I am guessing that a lot of the problems do exist in internal to some of these student housing buildings that when you got done, would you have a work product that would actually specifically identify on these campuses the particular structures that your deficient in? Are you really going to get granular and get into the specific details?

**Mr. Dwayne Shell:** As I read the bill, the question before us and what's being asked of us is to ensure that we solve the challenges for the student housing. We're 100% committed to doing that. If there are other challenges that are out there we already within the purvey of what we call Stage Net, have quite a number of services that are on our service catalog that can meet whole bunch of different needs. If there are other challenges that need to be solved we're always and always have been 100% committed to meeting those needs above and beyond what's in the campus housing areas. In terms of deliverables, what's being asked of us is number one to solve the problem and we're committed to doing that. The RFP process has started in terms of who's doing the assessment, building the requirements and as I read the bill we're being asked to report back our efforts to provide results of the procurement process and report back on the utilization of those services so we fully intend to do so.

**Senator Dotzenrod:** I think I heard you say, I am not sure.

**Mr. Dwayne Shell:** Until we've got the procurement process complete I can't say exactly what that solution is, but we've started the process of building those requirements, working with the campus leaders to help understand the needs of the students, the needs of the campus. Once that requirement phase is done, we'll step into the procurement process and look for private sector folks that can help us meet that challenge and intend to have that deployed.

**Senator Judy Lee:** The big elephant in the room is cost to do this. We all want to provide the service as it's terribly important to campus housing be attractive to students to live in. Right now it's not, not just for that reason. But until I know what the cost is, I can't get excited about the solution. I have to know there is more than one solution perhaps, because I sit in this room 3 days a week trying to figure out how we're going to do forensic exams on sexually abused children and I need \$600,000 for that. It's a Solomon choice here until I know what the cost is, I can't be a responsible voter on what the solution is either.

**Mr. Dwayne Shell:** I 100% understand and agree. We could work up some estimates once we get a little bit further in the process to understand the requirements. We are not quite to that phase. Our objective is to leverage the state procurement system which is a process which is highly effective to bringing people to the table in a competitive manner in order to

ensure that we're being good stewards of the tax payer dollars. We will have that contract available. ITD generally is not receiving funds from General Funding so forth. As we get that, we will have the procurement mechanism in place for campuses to purchase off of. I presume that would be within their existing budgets and their existing financial situations to be able to buy those services. Our hope, our goal and our desire is to get a solution that meets those needs and is cost effective as we can make it.

**Senator Judy Lee:** I understand that and I realize the gross expenses probably not in your department. But, reworking those dormitories if they are really older, if there not wired for what we're talking about then they're could be some fairly significant improvements that need to be made in the structure because of how they are built. That is something that the campuses just don't have a lot of money lying around either. I am not trying to say that isn't important. It is really important. It's challenging to evaluate how this may move forward until we get the study because of all of those components that plug into this and limited resources too. Do you agree?

**Mr. Dwayne Shell:** I agree wholeheartedly. Depending on what we find will dictate the size and the scope of this effort. It could be large it may not be. We really have to assess that existing infrastructure and see how much of it we can leverage and utilized in and how much more needs to be invested in to get the services that are really need it be the students,

**Chairman Burckhard** closed the hearing on SB2318. He asked the committee for further discussion after our next hearing.

**Chairman Burckhard:** We ran out of time to discuss it. What are our thoughts on 2318?

**Senator Anderson:** I am going to move that we amend 2318, so that where ever it says broad band we include internal local area networks so that we're using both terms.

**Chairman Burckhard:** So every time you see broad band you see internal local area networks.

**Senator Anderson:** Yes, Right. So that would happen on pg.1 line 4, pg. 1 line 6, add that language that the broad band group had in their solution to improve wired and or wireless local area network infrastructure, then again on p1. Line 11, where it says remove broad band service in the amendment we would include that.

**Senator Judy Lee:** 2<sup>nd</sup> it.

**Senator Anderson:** So if I might provide discussion I think the BEK guy came in here with some serious concerns that broad band didn't describe everything we needed and I talked with both the ITD fellow and the university fellow and they didn't see a problem. Of course their commitment is they are going to fix it anyway, so they probably don't need the bill at all. But there's no harm in putting the bill out and including the language so that everybody knows it and hold's their feet to the fire.

**Senator Judy Lee:** Specifically, it would be on pg. 1, line 4; pg. 1 line, 6, p.1, line 11. Also include word service.

**Senator Anderson:** Leave broad band service and then include internal local area network service as well,

**Chairman Burckhard:** You had that discussion with the gentlemen from BEK communications as well

**Senator Anderson:** No he left before I had a chance to talk with him, so I am sure if we include his amendment he is going to be happy with that.

**Chairman Burckhard:** But in addition to his amendment we are going to include wherever there is 'broadband' we're going to leave that in there. Then we're going to include local area network as well.

**Senator Anderson:** He thought it would cover everything in his estimation. So this is just including more specific language that the BEK guy thought was important. I think in the description of the bill the testimony that we heard from everybody certainly the problem was the local area networks that are in the building. How they come up with the solution we don't know yet. But it seems like from Senator Lee and their testimony it was the problem once it got inside the building.

**Chairman Burckhard:** To be specific, I think we need to go over lines again. You said

Line 4, after broadband, correct. Tell the lines as well. Senator Anderson will proceed.

**Senator Anderson:** pg1. Line 4 "campus housing broad band and internal local area network services"; pg. 1 line 6 "to provide broadband and internal local carrier network capabilities".

**Senator Diane Larson:** If you look at proposed amendment, it says on line 6, there idea was a solution to improve wire and or wireless infrastructure is that what you meant to say?

**Senator Anderson:** Broadband capabilities and a solution to improve wired and or wireless LA infrastructure; line 11 where it suggests broad band services, we would say "broad band and internal local area network service solution"; line 12, "broad band and local area networks"; line 1, we can include it there it too, no doubts.

**Senator Dotzenrod:** I have 6 locations that I can see where we have broadband.

**Chairman Burckhard:** We have a motion and a second to pass this as amended and we've discussed the amendment in detail.

**Alexandra:** our law clerk asked the committee p.1 line 6 do you want to say IT department enters a contract to provide broad band "and" internal or local area networks, or do you want to say "or" but you may not necessarily want to mix them.

**Chairman Burckhard:** I think it's an and. **Alexandra:** I feel it should be an "or". **Senator Anderson:** It might be both so. **Chairman Burckhard:** I think it's an "and". Broad band is a very broad term by the way. Local area network is very specific. **Senator Anderson:** I think "and" is good. **Senator Anderson:** You can put and or if they let you do that.

**Chairman Burckhard:** Any other discussion on this topic, there is a motion to amend 2318.

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**Roll call vote: 6 Yea, 0 No, 0 absent**

**Senator Anderson: I move do pass as amended**

**2<sup>nd</sup> Senator Dotzenrod**

**Roll call vote: 6Yes, 0 no, 0 absent**

**Motion passes**

**Carrier: Senator Kannianen**

# 2019 SENATE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Red River Room, State Capitol

SB2318  
2/1/2019  
Job # 31985

- Subcommittee  
 Conference Committee

Committee Clerk Signature: Mary Jo Wocken

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

A Bill for an Act to provide a statement of legislative intent regarding campus broadband services and a report to the legislative management.

### Minutes:

**Chairman Burckhard** asked for Committee work on SB2318. It was one that we had yesterday and we had Senator Holmberg, introduce it. Darin King spoke to it and Derrick Bulawa spoke to it and also Dwayne Shell spoke to it in a neutral fashion. What I hoped yesterday but it didn't happen was David Crothers was not available all day long on other topics and he wanted a chance to talk to this committee on the subject with as well.

**Mr. David Crothers** with the Broadband Association of North Dakota. (.44-) it's my understanding that the amendment that you adopted yesterday and I think it was offered by Mr. Bulawa. It was in fact adopted that language however, it did not remove the broadband prior to that. Without discussing.

**Chairman Burckhard:** Tell us why that is important? Why is that part important?

**Mr. David Crothers:** The broad band capabilities that the bill originally referred to, the problem that exists today that the legislation addresses is the user experience inside of the campus housing from the wall to the user. I would argue that none of that is needed because the universities, the state has the ability to address that to date. You don't need legislation to do that. A bill has been introduced, you've chosen to pursue that. However, when you say broad band capabilities then its not defined, nor do we say its from the wall, to the user. What is broad band capabilities, how far does that go? So this more narrowly this language is tailored to address that specific problem the user experience inside the walls. That's why.

**Chairman Burckhard:** Is that the "D" mark point then, is that what you're talking about?

**Mr. David Crothers:** That's pretty fair. Yes. Actually because in many cases its university infrastructure getting it into the housing facility itself, they've chosen to build on there. There's delivery of the broad band to the capacity but you're shooting for as you say the " D" mark line in and that amendment addresses it specifically. The broad band capability, there is no

definition of that. That can go back as far as the source, so that's why it was recommended. That's why Mr. Bulawa testified that removing broadband would be clearer number one, number two it would address the problem that you seeking to fix.

**Senator Judy Lee:** So, we shouldn't have both, we should only have broad band in there as was originally proposed?

**Mr. David Crothers:** The opposite. Broad band should be out; the amendment should be it.

**Senator Judy Lee:** You just assume we said do not pass because we don't need it anyway?

**Mr. David Crothers:** It's not needed. I don't want to tell or answer your question of should it not pass.

**Senator Judy Lee:** If we don't need both those in the bill that we don't need, so what I am hearing you say if we amend so that we make just that one change then what we could do was what was done yesterday on the floor. Make the amendment to the bill is better in case it passes. But there isn't any need for it. We don't really need to pass it either, right?

**Mr. David Crothers:** It's my belief I would ask you to check with ITD in the room. It's my belief that everything that this bill seeks to do today the university system can do right now without any authorization from anyone.

**Senator Anderson:** What we did of course included both language. We included the local area network language and the broadband language just to make sure that if there were some resident houses that did not yet have an outside connection to the building that one could be included. Knowing that there a few of those if there are any, and do both things. Of course the sponsor of the bill felt like somebody needed a push to get this done. He felt like the bill pushed them to get things done. Now we've heard assurances from both the sponsor and ITD and the university system that they're going to this anyway and of course there RFP's are due to come in February so that will be before the session is over. There are other alternatives if that doesn't get done. Whether we pass the bill or not I think the intent is the same thing will be accomplished.

**Chairman Burckhard:** That was really a question it was kind of a summary of what we tried to do yesterday.

**Senator Diane Larson:** I move to reconsider the action by which we passed this yesterday.

**2<sup>nd</sup> Senator Judy Lee**

**Chairman Burckhard:** So before we vote on this can I have Mr. Shell step up and answer the obvious question. You don't necessarily perceive the need of this bill either? Is that true?

**Mr. Dwayne Shell:** Chief Technology Officer of the Information Technology Department. I think that would echo similar comments that Senator Anderson had made. I do believe we've got within our existing powers and duties to solve this challenge. I think the intent of this bill

is to make sure that we in fact solve the challenge. As we spoke yesterday, we've started the process in developing your fee and as soon as we get through all the requirements analysis and design of it we will be letting that RFP out to the street and hopes in finding a vendor that will help us solve this challenge in the student housing on the various campuses.

**Chairman Burckhard:** Following up from yesterday, Senator Lee suggested could we have several vendors or is just going to be one?

**Mr. Dwayne Shell:** When we let an RFP we often times put in language allowing for a multiple award. We follow the process and let the process run its course. As we mentioned yesterday we have already got roughly 35 different carriers that we work with that is made up called Stage Net, it's really an accumulation of a whole bunch of vendors that make this thing possible. So, how many more vendors we will have added to the list at the end of the procurement is yet to be determined.

**Senator Dotzenrod:** We just had a previous bill on cybersecurity. In the way that these systems operate in those dormitories, is that sort of a kind of activity that operates in a separate universe and cybersecurity as far as the state is concerned isn't really an issue?

**Mr. Dwayne Shell:** We design and architect the network in collaboration with our carriers in a way that allows people access to the things they need to get to yet apply the cybersecurity strategies at the network layer that make the most sense to protect all the stakeholders on that network. So, there are different approaches that we use for different stakeholders and varying levels of sensitive information that might be associated with those stakeholders.

**Senator Dotzenrod:** The reason I asked that question is there is no reference in this bill 2318 to cybersecurity and yet it appears that if you did this work that would really not be part of what you're undertaking. You've got a separate sort of on-going activity that provides for that.

**Mr. Dwayne Shell:** You are correct. This bill doesn't address that but the bill we just previously talked about does.

**Chairman Burckhard:** Senator Larson will you repeat your motion?

**Senator Larson:** Well I think we passed this yesterday? **Chairman Burckhard:** We did.

**Senator Larson:** My motion was to reconsider the action from which we passed this out yesterday so that we could have the bill in front of us again for different action if we wanted to.

**Chairman Burckhard:** Senator Lee you seconded it? **Senator Lee** replied yes.

**Chairman Burckhard:** Any discussion on that to reconsider?

**Roll call vote: 4Yea 2 No, 0 absent**

**Chairman Burckhard: Motion passes 4 to 2.**

**Senator Judy Lee:** I know that the reason which moves me to the idea of reconsidering, is to adjust that amendment. It's not whether or not we do a do not pass on the bill, and I think if that allays any fears about where this is going because Mr. Crothers isn't the only one who has said that, that we should not have a combination of both broad band and internal local area network. So that's the motivation for my seconding Senator Larson's.

**Chairman Burckhard:** I thought yesterday we didn't not need broad band in their either and then when I saw the text from Mr. Crothers I thought maybe we need to have that discussion today. So are we ready to do something?

**Senator Larson:** I think that we also need to reconsider our action by which we passed the amendment and so I move to reconsider the action on the amendment from yesterday.

**Senator Anderson:** A point of order. I think that once we have a reconsideration of this bill, the whole thing is on the table. So if we want a different amendment we should just move the different amendment.

**Chairman Burckhard:** I agree, if you think that is correct.

**Senator Larson:** I was told differently in my other committee.

**Senator Judy Lee:** I will need some help in doing this now because that I am not confused it's just not on the top of my head. I would suggest that we would delete the internal local area network, no we would delete broadband from the bill.

**Chairman Burckhard:** and leave the local area network. Is there a 2<sup>nd</sup> to that motion?

**Senator Diane Larson:** I wonder if what we half to do is just to say to put the amendment that was proposed in its original language.

**Chairman Burckhard:** From Derrick Bulawa, is that what your suggesting? **Senator Diane Larson:** right.

**Senator Judy Lee:** We have one from Mr. David Crothers?

**Senator Diane Larson:** Yes, that is the one that he introduced though.

**Chairman Burckhard:** Asked Mr. Crothers to step to the podium for more questions. I want to be sure that we do this right. Basically we're going to remove broad band in this amendment is that correct? Is that similar to the one that Mr. Bulawa posed yesterday which I think you have your name on it.

**Mr. David Crothers:** Exactly, identical to the one Mr. Bulawa proposed yesterday.

**Chairman Burckhard:** So we are removing broad band.

**Senator Judy Lee:** **Shall I restate my motion? I will restate my motion so that it says that I move to adopt the amendments which were proposed by Mr. Crothers, Broad band Association of ND and considered in our meeting yesterday.**

**2<sup>nd</sup> Senator Diane Larson**

Committee Discussion:

**Senator Larson:** I appreciate that we have people here that are so familiar with this field that they understand what we are doing. I walked into my Judiciary room the other day and had inadvertently turned the flashlight on my cell phone and I had to have my intern figure out how to turn it off for me. So it's difficult for me so it's nice to have people we can rely on that know the business that they are talking about.

**Senator Dotzenrod:** I take the point that the amendment offers Mr. Crothers and the others that this is primarily about what's going on inside those buildings. But I am wondering by adopting these amendments and sort of excluding broad band, is there some part of the discussion when they get into talking about what's going on inside those buildings and getting that service to them, are we essentially sort of forbidding them to tread into anything that goes outside that building by amending this in this way? Is there a chance that in the course of their discussion they find that they've got some part of a service somewhere that they think maybe is deficient in one with a contract with a lot of different parties and would that be when they get this started and get this review going, is it possible probably not very likely but they get into this question of some aspect of that service that is being provided that they would like to see corrected or added to, augmented more than from the capacity standpoint. It might be other things. I am not knowledgeable enough about the subject to say I understand what's all out there on the playing field but it does seem what we are doing is telling the people that are going to do this work, that there is places you can't go.

**Chairman Burckhard:** I don't know if I can answer that better than David Crothers. Would touch on that? We have to really simplify this concept because I think broad band is a very big concept.

**Mr. David Crothers:** Broad band is delivered to campus. The campus chooses how to distribute it after that. To your point Senator Dotzenrod whatever, this addresses inside the walls because the bill address inside the walls of campus housing. Outside those walls within the campus itself wherever they want to take it, the university ITD have the option to do it exactly like they want to today without. This does not restrict them from doing that. It does not create a new power. This is very narrowly drawn, the amendments are, because the build was. But the university system, the universities individually, the colleges, they do whatever they want. They are solely in charge of that.

**Senator Dotzenrod:** What is the downside here of including the broad band?

**Mr. David Crothers:** Number one its not defined. When I originally started speaking I said it can go all the way back to its source. The university, the state of North Dakota ITD have a contract with the many vendors with many contracts. For the university systems they have a vendor and that comes up from bid every periodically. So that's already part of somebody else's contract. It is Dakota Carrier Network. Is it exclusively to the universities or are there others that do that as well?

**Mr. Dwayne Shell:** Dakota Carrier Network is the wiring and provider for all the campuses today.

**Mr. David Crothers:** But others provide. Aren't them some smaller ones as well?

**Mr. Dwayne Shell:** Dakota Carrier Network is the primary provider for all of the campuses, we have 35 different providers that encompass all the state stakeholders across the campuses.

**Mr. David Crothers:** I just didn't want to say anything wrong here, but when you get back into broad band services you're getting back into all those contracts. This bill is for the housing. The first question was well can the university do other things on campus besides

housing. The answer is yes. This takes care of the housing part. Just don't make it broadband services is what our argument is and take it beyond the campus back.

**Senator Dotzenrod:** I would like to hear from Mr. Shell because I am operating here from a position of not having enough understanding of how this works. I understand they do contracting, is there some part when they discover and get into this that they are going to find that maybe part of what they have contracted for is something they need to correct. I don't know, maybe I am missing the point here.

**Mr. Dwayne Shell:** It's my impression that this bill is a recognition of some challenges that exist within the student housing facilities on one or more of the higher education campuses and a statement by the sponsors of the bill that they would like to see this addressed. Within the powers and duties that we already defined, within 54:59 we have full authority to solve this challenge today. So, I don't see this language in any way, shape or form being restrictive in how we would solve the challenge for the student campuses, the housing situation.

**Senator Judy Lee:** Could we ask that you say at the mic what you just said when Mr. Crother was at the microphone about the vendors and responded to the Dakota Carrier Network please.

**Mr. Dwayne Shell:** Today we have a contract with 35 different carriers. Dakota Carrier Network is our largest in terms of volume on how we build and services via Stage Net. Today Dakota Carrier Network is the primary broad band for wider area network provider for all of the 11 campuses across the state.

**Chairman Burckhard:** I think we are trying to make this more complicated than it actually is. Broad band is lot of things and getting it to the demarcation point of the housing or any building is the wall. From inside from that D-mark to inside that's the part that is local area network and so I think that is what we are addressing here. That's why we don't need broadband in the amendments and that's my take on it from a layman's perspective.

**Senator Anderson:** It is interesting that the impetus to take Broad band out is made by the broad band association of North Dakota. So they must feel like they are all in that business, but anyway I think that the sponsor of the bill felt like he needed to kick-start somebody to get this into those campus housing facilities. The bill was drafted to do that. Now, as a result of that, Mr. Shell and his department is taking action or whether they were doing it anyway, the comment from the bill sponsor was the contracts don't come out like they appear to be able to solve the problem why an amendment on the OMB bill might made to make sure that we do that. But somebody wasn't doing what the sponsor felt should be done and that's why the bill was introduced in the first place. Now whether they are going to do that now I think that's' the point. I guess my personal opinion is if we decide they are going do it anyway, much like when we were doing the study with the auditor previously why maybe we don't need the thing at all and just let it go with their intentions. Forget about one more bill.

**Chairman Burckhard:** We have a motion to move the amendment that was crafted by David Crothers, and we have a 2<sup>nd</sup> to that motion. Any more discussion on that motion?

**Roll call vote: Motion passes 5 Yea, 1 No 0 Absent**

**Chairman Burckhard:** Now I need a motion to do something as amended? Either do pass as amended or do not pass as amended?

**Senator Judy Lee:** I move do not pass as amended  
2<sup>nd</sup> no second

**Chairman Burckhard:** Then we need the other motion

**Senator Dotzenrod:** I move a do pass on 2318 as amended

2<sup>nd</sup> Senator Kannianen

**Roll call vote: 4 Yea, 2 No, 0 Absent**

**Carrier: Senator Burckhard**

February 1, 2019

SL  
(20)

PROPOSED AMENDMENTS TO SENATE BILL NO. 2318

Page 1, line 1, replace "broadband" with "internal local area network"

Page 1, line 2, after "services" insert a semicolon

Page 1, line 2, after "and" insert "to provide for"

Page 1, line 4, replace "**BROADBAND**" with "**INTERNAL LOCAL AREA NETWORK**"

Page 1, line 6, remove "broadband"

Page 1, line 7, replace "capabilities" with "a solution to improve wired or wireless internal local area network service infrastructure"

Page 1, line 11, replace "broadband" with "internal local area network"

Page 1, line 12, replace "broadband" with "internal local area network"

Renumber accordingly

**2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2318**

Senate Political Subdivisions Committee

Subcommittee

Amendment LC# or Description: so that wherever it says road land we include "internal local area network"  
*p.1 line 1, p.1 line 4, pg.1 line 6, pg.1 line 11, pg.1 line 12*

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

Motion Made By Sen. Anderson    Seconded By Sen. J. Lee

Senators	Yes	No	Senators	Yes	No
Chair Randy Burkhard	X		Sen. Jim Dotzenrod	X	
Vice chair Howard Anderson	X				
Sen. Diane Larson	X				
Sen. Judy Lee	X				
Sen. Jordan Kannianen	X				

Total (Yes) 6 No 0

Absent 0

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

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

**2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2318**

Senate Political Subdivisions Committee

Subcommittee

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

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

Motion Made By Sen. Anderson    Seconded By Sen. Dotzenrod

Senators	Yes	No	Senators	Yes	No
Chair Randy Burckhard	x		Sen. Jim Dotzenrod	x	
Vice-chair Howard Anderson	x				
Sen. Diane Larson	x				
Sen. Judy Lee	x				
Sen. Jordan Kannianen	x				

Total    (Yes) 6    No 0

Absent 0

Floor Assignment Senator Kannianen

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

**2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2318**

Senate Political Subdivisions Committee

Subcommittee

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

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

Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Sen. Larson Seconded By Sen. Lee

Senators	Yes	No	Senators	Yes	No
Chair Randy Burckhard	x		Sen. Jim Dotzenrod		x
Vice-chair Howard Anderson		x			
Sen. Diane Larson	x				
Sen. Judy Lee	x				
Sen. Jordan Kannianen	x				

Total (Yes) 4 No 2

Absent 0

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

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

**2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2318**

Senate Political Subdivisions Committee

Subcommittee

Amendment LC# or Description: delete broad band from bill and leave local area network  
David Crother's amendment

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

Motion Made By Sen. Judy Lee    Seconded By Sen. Alleani Larson

Senators	Yes	No	Senators	Yes	No
Chair Randy Burkhard	x		Sen. Jim Dotzenrod	x	
Vice chair Howard Anderson		x			
Sen. Diane Larson	x				
Sen. Judy Lee	x				
Sen. Jordan Kannianen	x				

Total (Yes) 5 No 1

Absent 0

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

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

Date: 2.1.2019  
 Roll Call Vote #: 3

**2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2318**

Senate Political Subdivisions \_\_\_\_\_ Committee

Subcommittee

Amendment LC# or Description: 19-8091.03002

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

Motion Made By Senator Dotzenrod Seconded By Senator Kannianen

Senators	Yes	No	Senators	Yes	No
Chair Randy Burkhard	X		Sen. Jim Dotzenrod	X	
Vice chair Howard Anderson		X			
Sen. Diane Larson	X				
Sen. Judy Lee		X			
Sen. Jordan Kannianen	X				

Total (Yes) 4 No 2

Absent 0

Floor Assignment Senator Burkhard

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

**REPORT OF STANDING COMMITTEE**

**SB 2318: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2318 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "broadband" with "internal local area network"

Page 1, line 2, after "services" insert a semicolon

Page 1, line 2, after "and" insert "to provide for"

Page 1, line 4, replace "**BROADBAND**" with "**INTERNAL LOCAL AREA NETWORK**"

Page 1, line 6, remove "broadband"

Page 1, line 7, replace "capabilities" with "a solution to improve wired or wireless internal local area network service infrastructure"

Page 1, line 11, replace "broadband" with "internal local area network"

Page 1, line 12, replace "broadband" with "internal local area network"

Renumber accordingly

**2019 HOUSE EDUCATION**

**SB 2318**

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau A Room, State Capitol

SB 2318  
3/13/2019  
33613

- Subcommittee  
 Conference Committee

Committee Clerk: Bev Monroe
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## Explanation or reason for introduction of bill/resolution:

A bill relating to providing a statement of legislative intent regarding campus internal local area network services; and to provide for a report to the legislative management

## Minutes:

**Chairman Owens:** Opened the hearing on SB 2318.

**Sen. Holmberg:** This bill was put in on behalf of the students, particularly at NDSU, who had grave concerns about their access to the internet while they were living in campus housing versus their friends who lived across the street who were getting their internet access through the private sector. Our original bill did some mandating. Working with ITD and NDUS, there is another route. The original bill would have exempted the university system from a particular requirement in law that they could not have private sector involvement on the campus; it all had to be done through the system. There were some exemptions that ITD could utilize. The bill was changed in the Senate from a mandate to a report to the Legislature and you will hear about the RFP which would allow private sector participation in the providing of this service on the campuses and campus housing. We decided to keep the heat on the university system and on ITD and see how things develop and when we come back in two years will there be this partnership? Those are things we hope to find out.

**Chairman Owens:** Are there any questions from the committee?

**Rep. Ron Guggisberg:** What complaints were there from campus students? Was it speed, restrictions from the government internet, or cost?

**Sen. Holmberg:** Their concern was internet speed. During the evening, the system is taxed by students who stream (services like Netflix, YouTube, etc.). The state system should really be for research and doing things like that, but we also know reality. We would like to get the private sector involved to provide that service. Part of the problem is that on some campuses they have a much better network within the dorm system.

**Chairman Owens:** Any other questions from the committee?

**Duane Schell, Chief Technology Officer, Information Technology Department (ITD):**

We are working with the university system and all of the campuses. In particular, NDSU has taken a strong lead in the development of an RFP to help solve the challenges in the student housing facilities on some of the campuses. Demands from the students are exceeding the capabilities of the infrastructure in some of the campus housing. We have put an RFP together with them to procure services to solve that challenge. That RFP was released a few weeks ago. The due date for the RFP is April 17 and our intent would be that by the end of May we would have a contract and one of the requests in our procurement is that the solution be deployed before the start of school next fall. It's our hope that we can be successful and that we can find a partner that can solve both the wired and wireless infrastructure challenges with the campus housing.

**Chairman Owens:** Any questions from the committee?

**Representative Denton Zubke:** I assume you might have a guess as to what this RFP would come back with as a price tag? Do you have the money for it? Also, do you actually believe we still need this bill to complete this process?

**Duane Schell:** The budgetary estimates for this solution will vary depending on how many of the housing units are deployed. We would be able to come up with some rough estimates per site but it is incumbent on the campuses themselves to make that decision. Specifically, the campus budget scenario – I wouldn't speak to that. The way ITD works we typically don't receive direct appropriations from the legislature. Our funding is almost exclusively special funds where we buy the service from some provider and get the economy's to scale benefit and pass that cost onto the consumer.

**Vice Chairman Cynthia Schreiber-Beck:** Will this eliminate some of our issues concerning that number of students on our in-house state system? Would that solve some of the issues that we're not having to monitor, letting someone in that shouldn't be on, etc.?

**Duane Schell:** The challenge before us is some aging infrastructure and some capacity concerns in these housing units so that they have the through put. In terms to the challenges as it relates to protecting the integrity of the network, protecting the security of the network, this really doesn't change that. It's a capacity issue.

**Chairman Owens:** Any other questions?

**Rep. Pat D. Heinert:** Does the RFP identify all campuses for the solution? Is it just NDSU?

**Duane Schell:** The way that we have written the RFP is in a manner that all campuses are eligible to procure services off of that requirement, or off of the RFP. No one is mandated to do so. It is an offering of a service; those campuses that have the aging infrastructure and deem this as a viable solution can buy this solution. Those campuses that already have a robust solution in their campus housing would not be required to do so.

**Rep. Pat D. Heinert:** Doe the RFP require one company to service all the campuses? Is there availability for more than one company to be a part of the solution?

**Duane Schell:** The RFP is written in a manner that it could be a multiple award.

**Chairman Owens:** Any further questions?

**Rep. Andrew Marschall:** I understand the need for students in housing to be provided for studying, researching, learning use, etc. What I am struggling with is when people bring up the reason for the slow internet speed is because of NETFLIX. Is there a way to block streaming of NETFLIX and other streaming services to not slow down the system?

**Duane Schell:** Within the RFP, we are asking for the respondent to provide a base level of service. Also adding language in there or it does exist in there so that whatever the campus defines as a base level of service, the student would have the option to add value, add type capabilities. In terms of the technical capabilities to be able to filter content and specifically allow or disallow sites, that is very much a capability we have on the network. We do have some base policies that we have that are global, but we defer to our stakeholders, our customers and the policies that they have and what aligns to their business needs and what their business objectives are in terms of usage of the network.

**Chairman Owens:** Any further questions? Anyone else in support for SB 2318?

**Darin King, Vice Chancellor for IT, North Dakota University System:** What has been mentioned already is what some campuses may have experienced. They may have an aging set of infrastructure in their campus housing and be faced with a large capital investment to bring that up to what students today expect to have access to. This may give them a way to operationalize that cost. They may be able to get away with an annual fee for that service. Students already pay something for that service. Most campuses have a student tech fee that would go toward internet service through their housing fee; that is part of the package. It is not being provided free; the costs are being recovered by our campuses in a variety of different ways through the existing costing structure.

**Chairman Owens:** Any further questions?

**Rep. Longmuir:** Is this bill needed?

**Darin King:** I think it is good to have it in intent. It does hold our feet to the fire. We may come up with something that nobody wants or we may come up with something everybody wants.

**Chairman Owens:** Any further comments?

**Rep. Pat D. Heinert:** Do you think that any of the campuses would feel like they have to provide an additional service to the students beyond what is already provided if this bill stays intact?

**Darin King:** I don't believe they feel they will have to provide it. These are local campus decisions.

**Chairman Owens:** Any further questions? There is the tech fee. There is a portion of it that goes towards internal networking?

**Darin King:** It does vary by campus, because that tech fee is constructed at every campus level. It's very focused on tech and would be spent on things like classroom labs, student housing and non-student housing, network infrastructure.

**Chairman Owens:** Tech fees are paid for all students regardless of whether they are residing in student housing or not.

**Darin King:** You are correct.

**Chairman Owens:** Anyone else in support of the SB 2318?

**Duane Schell:** I'd like to answer the question I failed to answer previously regarding the necessity of the bill. My role is to provide services to all of our stakeholders including higher education and when we became aware of the challenge, we started to work on finding a solution. We will find a solution to this problem and help the campuses solve the challenge regardless of the bill. I respect the sponsors of the bill's wishes to provide some extra certainty that we do our job.

**Chairman Owens:** Any further questions? Further support? Opposition to SB 2318? Neutral testimony? We will close the hearing on SB 2318.

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau A Room, State Capitol

SB 2318  
3/13/2019  
33620

- Subcommittee  
 Conference Committee

Committee Clerk: Bev Monroe

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

A bill relating to providing a statement of legislative intent regarding campus internal local area network services; and to provide for a report to the legislative management

## Minutes:

**Rep. Mary Johnson:** I make a **motion** on a **Do Pass** on SB 2318.

**Representative Denton Zubke: Seconded.**

**Chairman Owens:** On SB 2318, we have a motion for a **Do Pass** from Rep. M. Johnson, seconded by Rep. Zubke. Is there any discussion?

A **Roll Call Vote** was Taken: **Yes 11, No 2, Absent 1**. A **Do Pass** motion carries. **Rep. M. Johnson** will carry SB 2318.

Date: 3-13-19  
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2318**

House Education \_\_\_\_\_ Committee

Subcommittee

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

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

Motion Made By Rep. M. Johnson Seconded By Rep. D. Zubke

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens	✓		Rep. Guggisberg	A	
V. Chair. Schreiber-Beck	✓		Rep. Hager	✓	
Rep. Heinert	✓				
Rep. Hoverson		✓			
Rep. D. Johnson	✓				
Rep. M. Johnson	✓				
Rep. Johnston	✓				
Rep. Longmuir	✓				
Rep. Marschall		✓			
Rep. Pyle	✓				
Rep. Strinden	✓				
Rep. Zubke	✓				

Total (Yes) 11 No 2

Absent 1

Floor Assignment Rep. M. Johnson

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

**REPORT OF STANDING COMMITTEE**

**SB 2318, as engrossed: Education Committee (Rep. Owens, Chairman)** recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2318 was placed on the Fourteenth order on the calendar.

**2019 TESTIMONY**

**SB 2318**

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**SB2318**

Senate Political Subdivisions

January 30, 2019

Darin King, NDUS Vice Chancellor of IT/CIO

Chairman Burckhard and Committee Members: My name is Darin King and I am the Vice Chancellor of Information Technology, and Chief Information Officer, for the North Dakota University System. I am here today to offer testimony in support of SB 2318, because it would provide opportunity to NDUS institutions by replacing or improving student housing broadband services.

Our 11 public colleges and universities provide a variety of broadband services throughout student housing, which is currently implemented and supported at the campus level. By leveraging the potential buying power of contracts awarded by the Information Technology Department, some of our institutions might be able to use these contract to drive down operational costs. This would also improve the broadband services provided to the residents in student housing.

Thank you. I would be happy to answer any questions the committee may have for me.

SB 2318  
1.31.2019  
Written attachment #2  
p.1

SENATE BILL 2318

SENATE POLITICAL SUBDIVISIONS COMMITTEE

JANUARY 31, 2019

DERRICK BULAWA  
CEO  
BEK COMMUNICATIONS COOPERATIVE

Senate Bill 2318 is not needed because North Dakota's public colleges and universities currently have the capability to improve the wireless and wired device user experience in on-campus housing facilities.

The intent of this bill to provide broadband capabilities within student housing facilities, but the broadband internet service isn't the problem. The problem is the user experience for students and visitors of our state's public colleges and universities who are trying to access the internet from their wireless devices. This bill lacks the key component that needs to be addressed to ensure the customer experience is, in fact, improved. The fundamental problem is not the broadband capabilities; it is an issue specifically related to the Local Area Network (LAN) infrastructure on the college campuses. To support the desired user experience, universities need to invest in new network cabling and increase the number of electronics used to support local Wi-Fi throughout each on-campus housing facility.

DCN (Dakota Carrier Network) currently delivers connectivity to the state's public college and universities over its 100 Gigabit fiber optic backbone. Today, this backbone delivers up to 100 Gbps connectivity into on-campus housing facilities.

The service DCN delivers to these on-campus housing facilities is a dedicated connection - **not a shared connection** - which means the up to 100 Gbps connection is available per facility.

*SB 2318  
1.31.2019  
Written testimony #2  
p. 2*

Understanding that our public colleges and universities are currently equipped with a dedicated connection that provides ample bandwidth is key to understanding our suggested amendments to S.B. 2318.

As stated earlier, it all comes back to infrastructure within the on-campus buildings. The broadband internet is already being delivered to these buildings, and arguably, at speeds greater than anywhere in North Dakota. However, the distribution of the internet needs to be improved by upgrading cabling and wireless access points - in the form of Wi-Fi equipment - on each campus facility.

*SB2318  
1.31.2019  
Written att #2*

**PROPOSED AMENDMENT TO SENATE BILL 2318**

Page 1, line 4, remove "broadband"

Page 1, line 4, replace with "internal LAN (Local Area Network)"

Page 1, line 6, remove "broadband"

Page 1, line 6, replace with "a solution to improve wired and/or wireless LAN infrastructure"

Page 1, line 11, remove "broadband service"

Page 1, line 11, replace with "network"

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